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# Indian Muslims and the Anti-CAA Protests: From Marginalization Towards Exclusion

Ali Khan Mahmudabad

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- 1 On the 30<sup>th</sup> of November 2006, the Congress led UPA government released a 400-page document called the “Sachar Commission Report.”<sup>1</sup> More than a year earlier in March 2005, Prime Minister Manmohan Singh had commissioned a retired Chief Justice of the Supreme Court to conduct an inquiry into the social, economic and educational status of Indian Muslims. The report’s findings highlighted the “relative deprivation” of Muslims compared to other communities and made suggestions aimed at alleviating their condition across the country. Over the next decade, the report attained near totemic power amongst Muslims as empirical proof of their “backwardness” and an official acknowledgment of their marginalization.
- 2 The Sachar Report was widely covered by the media and much discussed by academics, intellectuals and politicians. It also became a reference point within the community to the key changes that were needed: an equal opportunity commission, nomination procedure to increase participation in the various civil, police and military services, delimitation in constituencies that were reserved for SC candidates despite a high minority population, increased educational opportunities and the linking and acceptance of madrasa degrees in institutes of higher learning and in the public and private job sectors. In a sense, the Sachar Committee Report became synonymous with the demands of Muslims for equal treatment and for their rights. I can recall a number of community meetings in which the Sachar Committee would be waved in the air as if to say, “look even the government recognizes our backwardness.”
- 3 Ten years later in 2016 Muslims continued to lag behind on most indicators and a large number of the recommendations of the Sachar Report remained unimplemented (Shaikh 2016). Towards the end of the NDA’s first term (2018) the report was targeted by BJP national spokesperson on Economic Affairs, Gopal Krishan Agarwal, who wrote,

The UPA during 2004 to 2014 tried to create divisions in the Indian society to reap electoral gains. It made attempts to pass “Communal Violence Bill” that was against the Hindus, the Right to Education (RTE) Act exempted only the minority educational institutions from its ambit, creating an incentive for various sub-sects to dissociate from Hinduism. The UPA government had constituted Sachar Committee for Muslims and was trying to make changes, which were extra-unconstitutional. A fabricated narrative in the name of “Saffron Terror” was developed by Congress government in order to consolidate Muslim votes (Agarwal 2018).

Agarwal’s statement clearly dismisses the Sachar Committee Report as nothing more than a Congress sop. In other words, Agarwal deems the act of even acknowledging Muslim backwardness as a form of appeasement. This is of course in continuance with the BJP’s policy of characterizing the time between 1947 and 2014 as one in which Hindus were discriminated against and Muslims were unfairly the recipients of the state’s largess.

- 4 By December 2019, in Lucknow, a group of citizens from various professions, backgrounds and affiliations had gathered to discuss how to articulate and plan protests against the controversial Citizenship Amendment Act (CAA).<sup>2</sup> One of the speakers stood up and began with the customary nod to the Sachar Committee Report but before he could finish, another participant interrupted and said “*Arre Sahib, Sachar bhuliye ab Samvidhān ki bāt kijiye*” or “but Sir, forget about the Sachar Report and talk about the Constitution.” This seemingly offhand and almost obvious comment contains within it the key to understanding the manner in which Muslims have experienced a shift from marginalization to exclusion. The Sachar Committee Report had underscored various kinds of marginalization, but the threat posed by the CAA was fundamentally linked to exclusion from that most basic recognition and right granted by a state: citizenship.
- 5 At various protests against the CAA all over India, pride of place was given to the “father” of the constitution, B. R. Ambedkar, whose pictures outnumbered those of M. K. Gandhi. Protestors organized mass readings of the preamble, and placards and memes derived from articles of the constitution were raised in public and on social media posts. Most importantly the anti-CAA movement was styled as a protest to protect the constitution. “*Samvidhān Bachāo*” or “Save the Constitution” was perhaps the slogan that I heard most often, whether in Delhi, Aligarh, Lucknow or elsewhere. While talking to a number of protestors at various protest sites about why they were opposing a bill that was aimed at granting citizenship to “persecuted religious minorities and ‘only’ excluded Muslims from Afghanistan, Pakistan, and Bangladesh,” a recurrent answer was about how they saw this as the short end of the wedge. “*Hamari bāri āye gi*” or “Our turn will come,” “*yeh to bas shuru’āt hai*” or “this is merely the beginning,” “*ab vujūd ki ladā’i hai*” or “now it’s a fight for survival” were just some of the phrases that came up again and again. The fear that the CAA was the beginning of the eventual disenfranchisement of the Muslims was compounded by deliberate obfuscation on the part of the BJP as to whether they would begin a nationwide register of citizens (NRC). An India wide NRC was a part of the BJP’s election manifesto in the 2019 national elections. The CAA protests then, marked a moment of resistance against what may very well prove to be India’s Nuremberg moment.<sup>3</sup>
- 6 The shift from marginalization towards exclusion was not just political but indeed was accompanied by similar shifts in the economic, social, cultural and indeed legal and

institutional status of Muslims. However, before illustrating the manner in which these shifts took place it is important to briefly highlight how the BJP's politics have not only gone through a transformation but also how this has impacted the wider political landscape.

## Muslims and the BJP

- 7 Faisal Devji argued that the Muslim had entered Indian history in 1947 as the “symbol of national frustration and insecurity” and thus in effect represented “the anxiety of nationalism” (Devji 1992). It is precisely these emotions that can be located in the writings of the ideological progenitors of Hindutva. They portray Muslims and Islam as a threat to Indian civilization which is understood as fundamentally Hindu (Sarkar 2019). V. D. Savarkar, whose portrait now graces the walls of India's parliament, wrote of the humiliations foisted upon Hindus by treacherous foreigners, especially Muslims (Savarkar 2009). M. S. Golwalkar, the second *sarsanghchak* or head of the *Rāshtriya Swāyamsēvak Sangh* (RSS), an organization that provides ideological direction to the Bhārtiya Jantā Party, wrote about Indian Christians and Muslims that “they are born in this land, no doubt. But are they true to its salt? ...No.” He goes on to say:

They have also developed a feeling of identification with the enemies of this land. They look to some foreign lands as their holy places. They call themselves Sheikhs or Syeds...They still think they have come here to conquer and establish their kingdoms. So we can see that it is not merely a case of change of faith, but a change even in national identity. What else is it if not treason, to join the camp of the enemy leaving behind the mother nation in the lurch? (Golwalkar 1993)

- 8 It is not surprising therefore that the trope of Muslim as “foreigner” and in particular as “a traitor” who threatens the very existence of India is still part of BJP's politics today. Indeed one of the slogans propagated by BJP members of parliament,<sup>4</sup> politicians<sup>5</sup> as well as other functionaries and supporters<sup>6</sup> during the anti-CAA protests was “*desh ke ghaddāron ko, goli māro sālon ko*” or “Traitors to the country, shoot the bastards.” *The Organiser*, a mouthpiece for the RSS, sought to argue that the anti-CAA protests were part of a “Jihadi-Communist alliance” and were unusual in that they took place in areas with a large Muslim population, which are simultaneously “believed to be centers of Bangladeshi migrants” (Ketkar 2019).
- 9 Whereas the RSS was explicit in declaring that Muslims were part of a conspiracy to destabilize India, members of the BJP were less direct, but by no means less ambiguous, in drawing equivalence between anti-CAA protestors and Muslims. During an election rally in Dumka (Jharkhand) Prime Minister Modi went so far as to declare that those who spread violence were “recognisable through their clothes” (Kumar 2019). This was a reference to the *niqābs* and *hijābs* worn by the Muslim women who had taken a lead in organizing anti-CAA protests across the country but perhaps most famously in Shaheen Bagh, a primarily Muslim neighborhood in Delhi. Of course, Muslim men with their beards and *topis* or skullcaps were also conspicuous during many of these protests.
- 10 This kind of dog-whistle politics has become increasingly common with no overt references to Muslims as the “traitorous other” but rather the association being left to the minds of supporters. A number of analysts have highlighted how the PM and other high-ranking members of the BJP have avoided openly divisive language, while other

sections of the BJP have continuously propagated the language of hate ever since the 2014 election victory. I have argued elsewhere that this “politics of ventriloquism” has allowed PM Modi to try and cultivate a more acceptable image that hinges on “distance and deniability” while avoiding any neglect of the BJP’s core agenda of Hindutva and the promotion of ethno-religious nationalism (Mahmudabad 2019). For example, PM Modi made references to Shamshān (cremation), Qabristān (Muslim cemeteries), Diwali and Ramzan during election rallies in 2017 (Naqvi 2017). The Chief Minister of Uttar Pradesh, Yogi Adityanath echoed these words in 2019 while also using more explicit references by speaking of Muslims as “the sons of Babur” and by comparing the election to a contest between Ali and Bajrang Bali. The former is a reference to Ali ibn Abi Talib, the Prophet’s cousin and son-in-law, while the latter is a reference to Hanuman (Rai 2020). Meanwhile, during the same elections, local BJP politicians in Barabanki (UP) openly said that the PM had broken the morale of Muslims for five years and now people should vote for him if they want to “destroy the breed of Muslims” (2019). The 2019 election in some ways marked a departure from the BJP’s policies during its first term in office, when it had initially made some abortive attempts to make inroads into the Muslim community.

- 11 PM Modi had initially sought to try to paint some Muslims as more acceptable and in particular focused the BJP’s efforts in making inroads amongst Shi’as and Sufis by arguing that they were more “Indian” in their practices (Mahmudabad 2018). To this end, the *Muslim Rashtriya Manch*, an unofficial outreach wing of the RSS headed by RSS member Indresh Kumar, has tried to cultivate goodwill between Shias and Sufis but these efforts have largely remained marginal and ineffective (Pal 2020). The BJP government even patronized a “World Sufi Conference” in 2016 and an Islamic Heritage Conference (Agha 2020) in 2018 in order to try to argue that Indian Muslims represent “true” Islam and could therefore be seen as a bulwark against radicalism and terrorism. Of course despite these overtures, the fact remains that politically the BJP was committed to propagating the threat of Love Jihad (Muslim men deliberately targeting non-Muslim women in order to convert them to Islam through marriage), the importance of *Ghar Wapsi* (reconversion back to Hinduism), reforming Muslims by abolishing *Shari’ah* and in particular uplifting Muslims women. In theory, this externally imposed law might make the position of Muslim women better but importantly it also criminalizes Muslim men who use Triple Talaq as a form of divorce.
- 12 It is of note that although Triple Talaq is only practiced by a small majority of Sunnis, Muslims from other schools of thought who are jurisprudentially against the practice, including scholars from Deoband and the Shi’a, argued against the law. Senior leaders like Zafaryab Jilani, member of the All India Muslim Personal Law Board and convener of the Babri Masjid Action committee, had welcomed the original Supreme Court decision to ban Triple Talaq. Jilani stated that “when the SC rendered the practice of instant triple talaq or talaq-e-biddat invalid, we felt it will help us, as we wanted the practice to go away too. But criminalizing the breach of a civil contract is against our fundamental rights. A monetary compensation would have been better for the woman (Venugopal 2019).” In other words the BJP actually lost the support of Muslims on the issue because the act was seen as a precedent in criminalizing a civil matter as far as Muslim men are concerned and a possible indication of the eventual imposition of a Uniform Civil Code. In essence, the Triple Talaq law was seen as yet another instance of the weaponization of the law. As I have argued elsewhere, “triple talaq has become an

issue that is clothed in the language of women's empowerment but is essentially a political stick with which to beat the Muslim community" (Mahmudabad 2018).

- 13 This contradictory approach can perhaps best be explained by viewing the outreach to Muslims as an effort directed towards offsetting the image that the BJP is fundamentally anti-Muslim. Indeed, as was argued earlier, this deliberate use of multiple registers also allowed the BJP to obfuscate its supremacist agenda by pointing to instances in which it has tried to work for the benefit of the Muslim community. Additionally, the efforts to gain the sympathy if not the support of certain sub-sections of the Muslim community—Shi'as, Sufis, women—were completely negated by the promulgation and eventual ratification of the CAA. Indeed, the primarily women-led anti-CAA protests not only undid the BJP's efforts to try and appear somewhat more accommodative of Muslims but the CAA also acted as a force that served to consolidate "Muslim" identity over more particular sectarian identities such as Shi'a, Sufi, Deobandi, Bareilvi and Salafi amongst others. The caste and class diversity amongst Indian Muslims are well known but, for the time being, the CAA became a shared symbol of future fears and anxieties amongst the community. This consolidation of Indian Muslims has also been accompanied by a change in the wider topography of India's political terrain.

## A Shift in Centre

- 14 One of the important shifts that has taken place with the recent ascent of the BJP is a shift of the center of Indian politics further to the right. This shift has also meant that the many secular opposition parties have also had to accommodate this change in their own political positions vis-à-vis Muslims. This, in turn, is therefore another factor that remains important in understanding the shift from marginalization towards exclusion. In 2019 the BJP only got 16.8 percent of the vote of the total population. This translates to 25.1 percent of the total voting population and 37.4 percent of total votes polled (2020). In other words, the BJP came close to the kind of margins obtained by the Congress in the 1980s. Of course, a substantial percentage of people did not vote for the BJP, but it would be an erroneous to assume that non-BJP voters were voting against it based on ideological disagreement. Indeed, by November 2019, the BJP had begun to lose important state elections and its vote share fell by 22 percentage points, but its ideological project remained focused and many issues remained unopposed by opposition parties (Gupta 2020).
- 15 In explaining the causes of a BJP victory in UP despite an increasingly stagnant economy and a lackluster performance by CM Adityanath, Gilles Verniers highlighted a number of reasons including PM Modi's continuing popularity, caste-based mobilization and the weakness of the "Mahagathbandan" alliance of the Samajwadi Party and the Bahujan Samaj Party and the flawed assumption that there would be a unification of the Jatav, Yadav and Muslim vote. Vernier adds another reason and argues that

the rise of the BJP in UP has been accompanied by a vast expansion of Sangh Parivar-related organisations and by the spread of ideas nurtured by the Sangh Parivar at the ground level, including in rural constituencies. There is no denying that the BJP's performance across the Hindi belt also has a strong cultural dimension, in the sense that the core ideology that animates the BJP

and its parent organisation finds more acceptability. Sakshi Maharaj, the BJP's saffron mascot from Unnao, won with 56 percent of the vote share (Verniers 2019).

- 16 Verniers qualifies this argument by saying that it can only be verified after specific data is collected. Interestingly, data from an unpublished survey of under-35 youth voting patterns in four states—Gujarat, Madhya Pradesh, Rajasthan and Uttar Pradesh—before the 2019 elections illustrates that the BJP had issue-based support from non-voters for its “Hindutva” agenda (Bhupathiraju 2020). For example, 84.7 percent voters intending to vote for the BJP supported the introduction of the Uniform Civil Code, while 74.29 percent of voters who did not intend to vote for the BJP supported it on this specific issue. According to the survey, a significant number of youth who were not planning on voting for the BJP nonetheless gave it issue-based support on issues like the Ram Mandir (55.48 percent), the abrogation of Article 370 (70.24 percent), the CAA (40 percent), Triple Talaq (62 percent) and Cow protection (71.88 percent). With the exception of support for the CAA, it is clear that the BJP's cultural and ethno-nationalist agenda has found substantial resonance beyond just its own voters. Prashant Waikar's analysis also supports the thesis that a Hindutva driven Islamophobia has crept into the Hindu mainstream (Waikar 2018).
- 17 It is noteworthy that during the Delhi violence in February 2020, “centrist” Arvind Kejriwal of the Aam Aadmi Party (AAP) was conspicuous by his silence. Indeed, his continued refusal to take any position on the violence was made all the more stark because of the fact that his own party's MLA, Amanatullah Khan and councilor Tahir Husain were targeted as instigators of the Delhi violence by the BJP. Senior journalist Ashutosh saw Kejriwal's political quietism as proof of the fact that AAP had transformed from a movement to a political party, which did not want to play on the BJP's pitch (Ashutosh 2020). The idea that silence on Muslims issues was acceptable for the sake of the larger goal of defeating the BJP is partly illustrative of the argument that India's political center has shifted to the right.
- 18 Indeed, even the Congress Party, which opposed the CAA, was forced to shift its policy in Assam with former Congress Chief Minister Gogoi even claiming credit for the Congress being the original proponent of the NRC (Mahaprashastra 2018). The manner in which the Congress adopted a kind of “soft Hindutva,” made most famous by Rahul Gandhi's temple-hopping in the 2014 national elections, and then in the 2017 Gujarat and UP state elections, betrayed an anxiety that it wanted to shed its pro-minority image (Virk 2017). This perception that the Congress party, and indeed other secular parties, had worked for the interests only of Muslims was part of the BJP's narrative in seeking to delegitimize those parties. Inevitably this meant that the Congress as well as other secular opposition parties became cautious in reacting to and highlighting any issues that were seen to be overtly “Muslim” issues.
- 19 For instance, in Uttar Pradesh, following the Muzaffarnagar Riots in 2013, the Samajwadi Party was blamed for not doing enough to protect Muslims. The party's “Muslim” face, Azam Khan, famously did not show up to a national executive meeting of the party because he thought the government had not done enough to contain the violence (Gupta 2013). Subsequently, the Chief Minister, Akhilesh Yadav gave an interview alleging that there was a BJP conspiracy to tarnish the SP's “secular and socialist” credentials and also said it is “difficult to be secular” (Jaiswal 2014). No doubt this formulation also contained within it an indication that the BJP had been successful

in setting electoral narratives that made it “difficult” to be secular. This narrative was promoted by the Congress party, which implied that the BJP and SP were in cahoots like “Tweedledum and Tweedledee in order to absolve each other” (2016). The result of this entire game of finger pointing was that the BJP was able to consolidate its supporters while doubts were raised in the minds of Muslims vis-à-vis secular parties.

- 20 The shift of the BJP and consequently the shift of secular opposition parties to the right has also created a space for a Muslim leaders such as Asaddudin Owaisi, MP from Hyderabad and leader of the All India Majlis Ittehadul Muslimeen (AIMIM). Owaisi has created the perception of being a leader who is unapologetically vocal about Muslim and Dalit issues. He has also raised doubts about the manner in which secular parties view Muslim issues (Singh 2019). Thus, the BJP’s clarity about not wanting Muslim votes<sup>7</sup> combined with a reality wherein its cultural agenda finds resonance even outside its voters and supporters has resulted in a diminished space for secularism in the political sphere. In Delhi, which has a sizeable Muslim population, neither the Congress nor AAP nor the BJP fielded a Muslim candidate in the 2019 Lok Sabha elections. In fact, since the early 1990s the Congress has never fielded more than 7 percent Muslim candidates despite the allegations that it has unjustly favored Muslims (2020). It is, therefore, no surprise that this shift of center to the right in Indian politics has in part contributed to a parallel shift in the space occupied by Muslims in national politics. This shift is partly symbolized, as was argued earlier, by the change in the grammar and vocabulary of Muslims from demanding the fulfillment of the recommendations of the Sachar Commission Report to demanding protection for India’s constitutional principles. In other words the shift of the political center further to the right is also constitutive of the shift of Indian Muslims from marginalization towards exclusion while paradoxically also creating a space for Muslims to propose an explicitly community-oriented politics.<sup>8</sup> Sharjeel Imam, a student leader and activist, who was arrested under the UAPA laws, is perhaps one example of the manner in which younger Muslims, disillusioned by both the BJP and the opposition, have sought to unapologetically articulate a distinctly Muslim-centric politics.

## From Marginalization towards Exclusion

- 21 Over the course of five years of the BJP government, the lynching of Muslim cattle farmers, the closure of abattoirs, the difficulty in finding accommodation in urban areas, accusations of love jihad, the rewriting of text books and constant calls to be accountable for 1000 years of real and imagined crimes by Muslim rulers as well as the constant charge of being fifth columnists sponsored by Pakistan has made Muslims feel politically and socially excluded and humiliated. The lack of a political leadership combined with the shift in the politics of secular parties and the lack of trust in the judicial and institutional apparatus of the state has ensured that Muslims feel increasingly despondent and as some commentators have said “abandoned” (Biswas 2020). Even before the 2019 elections, I participated in a number of closed-door meetings in which academics, journalists, religious scholars, imams of mosques, professionals and students voiced concern for the uncertain future that they faced.
- 22 Overall, four distinct views emerged from these various discussions. The first encouraged quietism and indeed even complete withdrawal from active politics while encouraging a focus on promoting education and business. This group was of the



opinion that proponents of Hindutva and secular Hindus need to fight it out and Muslim active involvement was nothing more than a red rag to a bull. The second group was of the view that Muslims should support secular parties despite being conscious of the fact that these parties also faced a challenge in articulating and standing up for the rights of Muslims. A third view was characterized by an insistence that Muslims should organize politically and fight for their own rights: this model often put forth Asaduddin Owaisi as an ideal role model. This view was particularly popular amongst the younger generations. The fourth model suggested that Muslims had brought hardship upon themselves by straying from the “true” path of Islam and therefore the only way out of the hardships that they faced was by becoming more authentically Muslim. Needless to say, parts of the arguments of all four groups overlapped. However, on the whole class, caste and sectarian differences, as well as the degree of religious orthodoxy, all meant that there was no unified or indeed common thread that bound these groups together apart from their opposition to the BJP. Needless to say, these conversations had little impact on the course of the 2019 elections.

- 23 After the 2019 Lok Sabha election victory the BJP passed a whole raft of legislation that was perceived by the community as anti-Muslim. This included the Triple Talaq Bill,<sup>9</sup> the Unlawful Activities Prevention Act (UAPA) and the revocation and abrogation of article 370. By November the Supreme Court had decreed that the land on which the Babri Masjid had stood was indeed the birthplace of Lord Ram and would therefore be handed over to a trust which in turn would oversee the building of a temple. Each of these issues drew criticism from community leaders as well as lay Muslims but there was no overwhelming reaction. While there was much speculation about how Muslims would respond to the Ayodhya judgment, reactions were on the whole muted.
- 24 The day after the judgment, a closed-door meeting was held at the residence of National Security Advisor, Ajit Doval with leaders of the Hindu and Muslim communities. Amongst others, the meeting was attended by Muhammad Salim Engineer, vice-president of the Jamāt-e Islami Hind, Navaid Hamid, President of the All India Muslim Majlis-e Mushāwarat, Maulana Kalbe Jawad, a Shi’a community leader and general secretary of the Majlis-e Ulamā-e Hind, Ahmad Khan Daryabadi of the All India ‘Ulama Council and Professor Akhtarul Wasey, an academic and president of the Maulana Azad University in Jodhpur. The meeting drew criticism from various segments of Muslim society and in particular from young members of the community and student leaders who were vociferous about the betrayal by these men (Faraz 2019). The anniversary of the destruction of the Babri Masjid on December 6, 2019 came and went without much ado but the clearance, two days earlier, of the Citizenship Amendment Bill (CAB) by the union cabinet had already caused a stir. Between the December 9 when the bill was tabled in parliament and the December 12 when the President gave his assent, the anti-CAA movement had already begun to get up steam.
- 25 As anti-CAA protests multiplied, the BJP resorted to the use of violence and strict anti-terror laws to try and stifle dissent. Police either used brutal violence, as was the case in Jamia Millia, Aligarh and JNU, or used anti-terror sedition laws to stifle protests (Ahmad 2019). Where the police were unable to do anything, groups affiliated to the BJP attacked protestors and sought to browbeat them into withdrawal. According to a Human Rights Watch report more than 30 people died in December alone because the police used excessive and lethal force in BJP ruled states (Bajoria 2020). However, this

only added momentum to the anti-CAA protests. The iconic Shaheen Bagh protest was started on the December 15 and by January 2020 the protests had spread all over India and notably the template of a sit-in in a public area, led mostly by Muslim women, was followed across the country. Meanwhile the BJP's IT cell had been busy using the protests in order to consolidate anti-Muslim sentiment. A popular WhatsApp forward laid out how the Muslims would be controlled in 4 steps: 1) CAB = No Entry 2) NRC = Check & Throw 3) Population Control = No pig breeding and 4) UCC = Keep under control (2019). The last two points to do with population control and the imposition of a Uniform Civil Code were already being seen by Muslims as very real possibilities. In part, this crude, yet cunningly formulated four-step program contains within it the goal of legal, institutional, socio-cultural and political marginalization and eventual exclusion of Muslims.

- 26 Perhaps the most potent and symbolically powerful illustration of this shift from marginalization to complete exclusion was the death of a young man in Delhi in February. During the violence in North-East Delhi, a video emerged of a group of men being forced to sing the national anthem as the police beat them. One of the victims, Faizan, eventually succumbed to his injuries and even some days after his death the hospital authorities refused to hand over his body to his family (2020). The very fact that singing the national anthem did not stop the beating is illustrative of the fact that even overt declarations of patriotism by Muslims are perhaps no longer enough even to save their lives. The anti-CAA protests and the ensuing violent clampdown were perhaps the starkest illustrations of the manner in which Muslims had become legally and institutionally vulnerable, socially and culturally ostracized and politically and economically isolated.

## Conclusion: Alienation and Exclusion as Precursors to Violence

- 27 Despite the BJP's arguments that Muslims have historically been "appeased" by secular parties, the fact remains that the previous systematic marginalization of Indian Muslims is now transforming into outright exclusion. Indeed, this lethal combination of social, cultural, economic, institutional, legal and political exclusion promises to sow the seeds of conflict for years to come. Almost 50 percent of Indian Muslims are under 19 with experience and historical memory stretching back twenty years at the most. Perhaps the most defining global moment of the past twenty years was 9/11. Muslims across the world faced an altogether new level of scrutiny as the "War on Terror" was used by states across the world to justify the curtailment and even suspension of civil liberties. In India the BJP was able to capitalize on this "foreign threat" to consolidate its vote but also to semantically collapse the specter of Muslim invaders of the past 1000 years, Kashmiri separatists, illegal migrants, and international terrorists. This created a seamless narrative in which Hindu civilization was and continues to be perpetually under threat from Muslims and Islam. Indeed, a mere 3 days after 9/11, Narendra Modi, then general secretary of the BJP, appeared on Star TV's "Big Fight." After the usual disclaimers that there are some good aspects to Islam, he said that Islam has been "seeking to put its flag on the whole world and the situation today [2001] is a result of that" (Elliott 2015). A few months later he termed Godhra (Mitta 2017) a "preplanned inhuman collective violent act of terrorism." The subsequent communal

violence was termed as the “natural reaction” and as Parwis Ghassem-Fachandi argues, the “equation of communal violence with terrorism allowed for a pogrom to emerge, laden with sacrificial terminology and unifying Hindus in new ways” (Ghassem 2012). Indeed, in subsequent years the 26/11 attacks in Mumbai (spoken of by commentators as India’s own 9/11), the Ahmadabad bombings in 2008 and the Pulwama bombings in 2019 came to play a pivotal role in the BJP narrative as well as determining the course of India’s politics.

- 28 The past twenty years have also been the time during which Narendra Modi has risen from Gujarat state politics to the national stage. His ascent and the rise of the BJP has exacerbated feelings of alienation and exclusion amongst young Indian Muslims as they confront India’s new and hard political realities. Although many of these young Muslims will not carry the burden of partition, it is by no means evident that this burden will not be foisted upon them. In the run up to the Delhi elections CM Adityanath (2020) declared that “Muslims had done no favours to India by staying here” after partition.
- 29 For young Indian Muslims, the memory of these twenty years inevitably begins with Godhra in 2002, continues through Muzaffarnagar in 2013, and most recently culminates in the deadly violence in Delhi in 2020. The violence came in the aftermath of the AAP’s victory in the Delhi elections and the increasing momentum of the anti-CAA protests. As it abated in late February and as the anti-CAA protests were gradually called off for health reasons, the COVID 19 pandemic brought with it new forms of social ostracization. Members of the Tablighi Jamaat were targeted for allegedly deliberately spreading the corona virus because of an international meeting that they had held in Delhi in March. Of course, the fact that members of other religious communities held similar religious meetings in March was conveniently ignored. At a time when secular nationalism was most necessary in order to stave off the threat of the virus, hashtags of #QuranVirus and #IslamicVirus trended on Twitter while mainstream media began promoting conspiracy theories of “Corona Jihad.” This misinformation eventually resulted in calls for a social and economic boycott of Muslims.<sup>10</sup> A BJP legislator, Suresh Tiwari (2020) from Deoria in UP, asked people to not buy vegetables from “*miyans*.” Meanwhile as the anti-Muslim sentiment grew, the Organisation of Islamic Cooperation called for an end to Islamophobia in India. In keeping with the aforementioned “politics of ventriloquism,” PM Modi tweeted a generic message the next day about how Covid 19 does not discriminate on the basis of race and religion.<sup>11</sup>
- 30 The BJP’s attempt to promote its religious and nationalist agenda did not stop despite the havoc the pandemic was wreaking across India. Over the course of the summer the BJP continued its witch-hunt of anti-CAA protestors (2020). Delhi police arrested and jailed Safoora Zargar, a student leader from Jamia who was pregnant. Previously Dr. Kafeel Khan had been booked under the stringent NSA laws for making an anti-CAA speech in January.<sup>12</sup> Umar Khalid, co-founder of activist group United against Hate and a former student leader in JNU, was arrested along with several other students and activists under the UAPA laws for allegedly instigating the Delhi violence. The message was crystal clear: no dissent will be tolerated.
- 31 Amidst the pandemic, on the August 5, PM Modi and the BJP chose to hold the foundation-laying ceremony for the Ram Temple in Ayodhya. The news was met with muted silence within the Muslim community. Just over a month and half later all those

who had been accused of demolishing the Babri Masjid were acquitted for “lack of evidence” and the judge decreed that there was no premeditated plan. A video made by CBI officers of Atal Bihari Vajpaee’s speech in Lucknow on the December 5, 1992 calling for “sharp stones needing to be leveled” was not deemed legally admissible evidence. The acquittal did, of course, entrench earlier views that Muslims could not even expect justice from the courts, but it did not lead to any confrontation or protest. Meanwhile, Sudarshan TV channel alleged that Muslims were waging “UPSC-Jihad” in order to try and “infiltrate” the civil services.<sup>13</sup> The continuation of the Hindutva agenda, and consequently the increasing lack of trust in institutions amongst Muslims, can perhaps partly be understood by the fact that the RSS is no longer just a cultural organization. In fact, as Pralay Kanungo argues, its members hold prominent positions in the bureaucracy, judiciary and in politics. Furthermore, “the BJP has no more pretensions about being autonomous from the RSS” (Kunango 2019).

- 32 It is noteworthy that Muslims have remained largely quiet in response to the continuous provocations and attacks by the BJP. The anti-CAA protests represented both a moment of desperation as well as of hope because there was a realization that the BJP wanted to transform citizenship from a right into a privilege. William F. Meinecke, Jr., a historian at the United States Holocaust Memorial Museum, writes, “today denial of citizenship has become a weapon...[and] laws restricting certain groups from citizenship or government services can be a warning sign of more extreme measures to come” (Meinecke 2015). It is this fear of what lies ahead that sparked the anti-CAA protests across India.
- 33 In the coming months and years, the BJP will likely continue its project of vilifying Indian Muslims in order to further its political project of Hindutva and creating a Hindu Rashtra. As Gyan Prakash has argued the two choices that emerge following the elevation of Hindutva are that either Muslims and Christians are “violently assimilated into the nation or excised as foreign elements” (Prakash 2007). A glimpse of how to resist this legal and epistemic violence was provided by the anti-CAA protests. The protests represented the beginnings of a new vocabulary and grammar of politics. As Asim Ali argues, this emerged from the Muslim protestors who seamlessly combined their religious identity with their national identity. “The protesters would chant ‘*la ilaha illallah*’ and ‘*samvidhan zindabad, jai bhim*’ in the same breath. That perpetual question which greets every Muslim— ‘are you a Muslim first or an Indian first?’—was dissolved into irrelevance” (Ali 2020). Of course, the Muslims were supported by members of other religious communities and secular citizens, but the core of the protests remained resolutely Muslim. It was almost as if they had managed to gain political ground and were unwilling to cede it. The famous Dadis or Nanis (grandmothers) of Shaheen Bagh became the most enduring and indeed endearing figures of the protests. Their simple yet clear politics was far removed from the vocabulary of traditional Muslim leaders. While Ali optimistically, indeed laudably, argues that secular Hindus must carry the CAA protests into the next phase by taking the message of Shaheen Bagh to their own spaces, it remains to be seen how and if this will happen. In the meantime, however, a larger danger lurks as the BJP resorts to the open use of both legal and physical violence in stifling dissent.
- 34 It is not coincidental that ISIS launched a ten-page magazine aimed at awakening Indian Muslims immediately in the aftermath of the Delhi violence. While terming nationalism a disease, an article berated Muslims for having strayed from the path of

true Islam and identified this as the main cause of their humiliations. The desire to see the lack of personal piety as the cause for political decline is something that has been a recurring trope in the writings of Indian Muslim scholars going back all the way to the 18<sup>th</sup> century. Naturally the article damned the BJP but also labeled Maulana Arshad Madani<sup>14</sup> and his nephew Mahmood Madani as “the wicked scholars of Islam.” Both men have been the target of criticism by young Muslims for their alleged détente with the RSS and BJP. The article carried photos of Asaduddin Owaisi and Kanhaiya Kumar<sup>15</sup> as examples of those who “mislead” Muslim youth and it ended with an exhortation to “fight in the name of Allah...for the pen has been lifted and the scrolls have dried.”<sup>16</sup>

- 35 Of course, there are hardly any takers for this narrative and most of India’s ISIS volunteers have come from relatively affluent areas of Kerala (Taneja 2019). However, as Abdul Rasheed Abdullah, a preacher of ISIS ideology in Kerala has said, the rise of the BJP is a “blessing in disguise” (Taneja 2019). For the moment young Muslims have tried to use democratic means to register their opinions and have often paid dearly for articulating their opposition. The true danger will arise when no spaces of dissent exist anymore. The Supreme Court has already ruled that Shaheen Bagh and similar spaces may no longer be used as sites for “indefinite” protests. The court further ruled that protests would have to be held in specially designated areas (Pritam 2020). As space for public and indeed private dissent narrows, it will only take a handful of disenchanting angry young men and women to take up arms in order to assert themselves. Of course, this will only perpetuate the stereotype already propagated by the BJP that all Muslims are *crypto-jihadis*.
- 36 This will be further amplified by frustration amongst young non-Muslims due to the political and social destabilization brought about by the economic recession. The BJP will seek to use this anger and direct it towards Muslims in order to depict them as the main culprits of the country’s woes. For the past six years, the BJP has used the specter of the “anti-national Muslim” in order to justify everything from demonetization to the NRC. It used precisely this logic in justifying the lockdown in Kashmir thus demonstrating the extent to which the BJP will go in order to fulfill its agenda. So far Kashmiri militancy has been mostly confined to the state, but as the BJP manufactures its own Israel-Palestine conflict, it is unclear what direction Indian politics will take. Historically, people have turned to violence when they feel that they no longer have a stake in society. As I have argued, the continual humiliation and alienation of Muslims combined with a shift from marginalization to exclusion does not bode well for India’s democratic future. The anti-CAA protests stared at this moral and political abyss and refused to give up democratic means of protest. However, if a cycle of violence begins there is no predicting where it will take India.

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## NOTES

1. I am grateful to Baji for helping me refine various aspects of this paper. I would also like to thank Zainab Firdausi and Meher Manga for helping with copy-editing.

2. Given the hostile response by the BJP government following the CAA protests, I have decided not to name the organizations and people involved in order to protect their identities.

3. On September 15, 1935 the Nazis announced the promulgation of laws that gave legal sanction to the racist and anti-Semitic theories found in Nazi ideology. The laws excluded German Jews from Reich citizenship and forbade them from marrying or having extra-martial relations with anyone of "German or related blood." Other related and ancillary ordinances to these laws disenfranchised Jews and deprived them of a majority of their political rights. This kind of moral and social policing is not new in India either.

The Allahabad High court gave an order on the September 23, 2020 in which it observed that voluntary conversion by an adult for the purposes of marriage is not valid. This observation was subsequently cited by Yogi Adityanath at an election rally in Jaunpur (Uttar Pradesh) in order to propose a law for stopping "love jihad." In a veiled threat he said men who hide their identities and play with the honor of "our" sisters and daughters should prepare for their funerals. He invoked the phrase "Ram Nām Satya Hai" or "Ram's name is truth," which is recited at funerals.



Ironically the case before the Allahabad High Court was not about “love jihad” but rather about a Muslim woman converting to Hinduism to marry a Hindu man.

4. See this Video of Anurag Thakur, BJP member of parliament using this slogan: The Logical Indian, *Desh Ke Ghaddaron Ko....BJP Leader Anurag Thakur Leads Supporters in Delhi*. [video] Retrieved September 12, 2020 ([https://www.youtube.com/watch?v=w8B\\_eVwtve0](https://www.youtube.com/watch?v=w8B_eVwtve0)).

5. See Kapil Mishra, BJP MLA candidate in Delhi in 2020 elections, using this slogan during a pro-CAA rally in December 2019: In Khabar, *Kapil Mishra on Target of CAA protestors, Tiranga Rally*. Retrieved September 12, 2020 (<https://www.youtube.com/watch?v=snR54Xvjaz8>).

6. See this Mojo Story, *In the heart of Delhi, Desh ke gaddaron ko, goli maro saalon ko. What's the Delhi police doing?* [video] Retrieved September 12, 2020, (<https://www.youtube.com/watch?v=zM09nY1qd8k>).

7. In 2014, 19 Muslim members of parliament were elected and in 2019, 23 Muslim members of parliament were elected. The BJP did not field any Muslim candidates in the national elections although it has on occasion fielded Muslim candidates in Municipal and State elections.

8. I use the word “toward” rather than “to” in order to indicate that this is a continuously dynamic process that has not yet reached a point of absolute exclusion.

9. The Triple Talaq bill abolished the practice of Muslim men divorcing their wives by uttering divorce three times. The bill criminalized this practice and so, far from being seen as a move to uplift women, it was seen as an attempt to weaponize the law against Muslim men.

The UAPA laws of 1967 were amended so that individuals could be indicted for terrorism. Earlier only organizations were designated as “terrorist organization” but following the 2019 amendments individuals could also be deemed terrorists. Individuals charged under the UAPA act can be kept in custody for 180 days without bail pending filing of the charge sheet. Furthermore, bail can be refused by courts if the judge believes there are reasonable grounds for believing that the accusations against the person are prima facie true. A number of anti-CAA protestors have been charged under the UAPA laws. These include, Akhil Gogoi, Meeran Haider, Safoora Zargar, Sharjeel Imam and Umar Khalid amongst others. Poets, civil rights activists, journalists and intellectuals have also been victims of the UAPA laws. These include Binayak Sen, Varavara Rao, Sudha Bhardwaj, Anant Teltumbde, Devangana Kalita, Stan Swamy and many others.

The abrogation of article 370 removed the special status of Kashmir which enabled it to have its own constitution, freedom to make its own laws and its own flag. Foreign affairs, defense matters, and communication remained under the purview of the Indian government. The limited autonomy allowed Kashmir to decide who was legally a permanent resident, who could buy property and other fundamental laws. The abrogation of 370 was seen as a means of paving the way to alter Kashmir’s demography so that the valley would not\ longer have a Muslim majority population.

10. I personally received a number of messages and telephone calls from well-meaning and ostensibly “educated” friends who wondered why the *Tablighi Jamaat* was trying to spread the virus intentionally. Ideological differences with the Tablighis aside, it was shocking to see the manner in which the BJP’s propaganda had made its way into the homes, or perhaps one should say phones, of even its opponents.

11. Tweet retrieved September 15, 2020 (<https://twitter.com/PMOIndia/status/1251839308085915649?s=20>).

12. In August 2017 over 60 children died due to a lack of oxygen in Gorakhpur’s BRD Medical College. The hospital had faced a shortage of oxygen and so one of the resident doctors, Kafeel Khan, had bought cylinders with his own money. The newly elected BJP government headed by CM Yogi Adityanath immediately blamed Dr. Kafeel Khan for the deaths, suspended his medical license and put him in prison. Subsequently, even though a medical commission found him to be not guilty the government did not restore his license. Dr. Khan was released on the April 25,

2018. Later that year his brother was shot by unknown assailants whom Dr. Khan claimed had acted on the behest of the BJP. In 2019 he was acquitted of all charges related to the Gorakhpur tragedy. In December 2019 he was arrested under the NSA for giving an anti-CAA speech in Aligarh. In March 2020 the suspension of the other three medical doctors, all of whom are incidentally non-Muslim, was revoked by CM Adityanath's government. Dr. Kafeel was released in June 2020 but still does not have his medical license despite the fact that he was absolved of medical negligence by a government appointed enquiry in August 2019. For many Indian Muslims, Dr. Khan's case became symbolic of the relentless manner in which the BJP has sought to scapegoat even those Muslims who discharge their duties professionally. Dr. Khan had initially been feted by the media for having bought oxygen cylinders for the children in the hospital with his own money.

13. Subsequently the courts banned the airing of the program but by that point the issue of "UPSC *Jihad*" had been already highlighted by media news cycles and on social media.

14. NB: Arshad Madani is an influential scholar and leader from the Deoband school. He is President of a pan-India association of religious scholars called *Jamiat Ulama-e Hind*. His nephew, Mahmood Madani is general secretary of the *Jamiat Ulama-e Hind* and was nominated to the upper house of parliament in India as a member of the *Rashtriya Lok Dal*. In 2019 there were signs of a détente between uncle and nephew, but both also faced huge backlash from the Muslim community for praising PM Modi and the RSS. Both Madanis are relatives of the former principal of the Deoband seminary, Husain Ahmad Madani.

15. Kanhaiya Kumar is a student leader and former president of the Jawaharlal Nehru University student's union. He unsuccessfully contested the Lok Sabha elections in 2019 on the Communist Party of India ticket.

16. *Voice of Hind*, vol. 1, Al Qitaal Media Centre, February 24, 2020.

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## ABSTRACTS

Since the victory of the BJP in 2014 there has been much speculation about the fate of Muslims and their place in Indian politics. This paper seeks to argue that the recent rise of the BJP has caused the center of politics to move further to the right which in turn has precipitated a change in the politics of the opposition parties as well wherein Muslims have become political "untouchables." I argue that this change also marks a shift of Indian Muslims from a position of marginalization towards one of exclusion. The Citizenship Amendment Act, India's Nuremberg moment, was a significant marker of this fundamental shift in the political, economic, legal, institutional, cultural and social status of Indian Muslims.

## INDEX

**Keywords:** India, Muslims, Citizenship, Sachar, Ayodhya, Modi, Hindutva, ISIS

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