India’s highest court greenlights repression of protests against discriminatory citizenship law

Keith Jones
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India’s Supreme Court has refused to order a probe into brutal police assaults on students protesting against the discriminatory Citizenship Amendment Act, 2019 or CAA.

Yesterday, India’s highest court curtly dismissed a petition brought by lawyers acting on behalf of students at Delhi’s Jamia Millia Islamic University and Aligarh Muslim University in Aligarh, Utter Pradesh, and lent support to the attempts of India’s Hindu supremacist Bharatiya Janata Party (BJP) government to paint the opposition to the CAA as violent.

The court’s ruling represents a veritable green light for the police and the Narendra Modi-led BJP government to continue and intensify their repression of the protests against the CAA that have convulsed India since last Friday.

Those protests continued Tuesday in Delhi, India’s capital and the seat of the Supreme Court, and in cities and towns across India.

Rammed into law last week just four days after being introduced for parliamentary debate, the CAA makes religion, for the first time ever in the history of independent India, a criterion for determining and awarding citizenship. It effectively grants citizenship to all non-Muslim migrants who entered or whose ancestors entered India from Afghanistan, Pakistan, and Bangladesh prior to 2015.

Passage of the CAA makes abundantly clear the sinister, communalist designs behind the BJP’s plan to establish a National Register of Citizens (NRC), under which all of India’s 1.3 billion residents will be forced to provide documents “proving” their citizenship, with the ostensible aim of ferreting out “illegal immigrants.” Only Muslims will now face the threat of being declared stateless and subject to internment and expulsion. Moreover, as has been demonstrated by the experience in Assam, the only state thus far subjected to the NRC, it will be used by bigoted Hindu communalist-minded officials to intimidate and victimize poor people. (See: “India adopts Hindu supremacist citizenship law”)

The CAA is rightly recognized by masses of Indians throughout the country and across ethnic, sectarian, and caste lines as a major step towards the BJP, and its ideological mentors in the fascistic Rashtriya Swayamsevak Sangh (RSS), realizing their goal of transforming India into a Hindu *rashtra* or state.

It is the latest in a long series of Modi government actions aimed at demonstrating that India is first and foremost a Hindu nation, in which Muslims live in sufferance. In August, the Modi government illegally modified the constitution, stripping the country’s lone Muslim-majority state, Jammu and Kashmir, of its semi-autonomous status, then reduced it to two Union territories, thereby placing the region under permanent central government control.

Bowing to the demands of the Modi government and the RSS, the Supreme Court ruled last month that a Hindu temple be built where the Babri Masjid stood in Ayodhya, until Hindu fanatics demolished it in 1992. They did so at the instigation of the BJP leadership, and in direct defiance of orders from India’s highest court.

The police’s violent attacks targeting Jamia Millia Islamic University (JMI) and Aligarh Muslim University (AMU) students have sparked outrage and solidarity protest by students across India.

On Sunday, police illegally stormed the JMI campus, in an attempt to terrorize its student body, which has been in the forefront of the anti-CAA protests in India’s capital. Police assaulted students with tear gas, rubber bullets, and *lathis* (truncheons). In a particularly gruesome episode, police invaded the university library, savagely beating students, male and female, who had been quietly studying. More than fifty students had to be hospitalized, many with broken bones and other severe injuries.

At a press conference yesterday, JMI students spoke out against the police’s brutal actions. Mohammad Mustafa, an MBA student, said he had been “beaten mercilessly” and “fell unconscious.” He was subsequently seized by the police and taken to a police station. “They made us sit on the cold floor,” added Mustafa. “I was not given any treatment although I felt like I was going to die.”

Students from AMU, which police invaded later Sunday, again without the requisite permission, also spoke at a press conference. In Aligarh the police were if anything even more

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violent, attacking students with water cannon. More than 80 students had to be hospitalized due to injuries. One, a PhD student, had to have his hand amputated because it became infected after being hit by part of an exploding teargas shell.

On Monday, the head of the Supreme Court had declared that the court would not deign to hear the charges of police brutality until the "violence" stopped. Chief Justice Shared A. Bobde thus trumpeted the police-government claims that the anti-CAA protests in Delhi were violent, while cavalierly disregarding the significance of state forces run amok.

Anti-CAA protestors, it should be noted, have provided evidence that suggests police provocateurs initiated what incidents of vandalism there were Sunday.

Yesterday, a bench of the Supreme Court headed by Bobde acted in the same vein. The Chief Justice refused to order a fact-finding committee, saying that to investigate charges of police violence in "various" states was beyond the court's means. He also rejected an appeal for the court to instruct the police to stop initiating criminal cases against hundreds of students pending an independent inquiry into what happened. "You may be innocent or guilty," said Chief Justice Bobde. "But what if the police think you are guilty, (then) a FIR (First Information Report) is filed."

Yesterday's ruling is entirely in keeping with the role of the Supreme Court. Under the current BJP government, as under the Congress-led government that preceded it, the court has repeatedly sanctioned attacks on democratic and worker rights. This includes issuing a ruling supporting the frame-up murder conviction of the 13 Maruti Suzuki workers jailed for life for the "crime" of fighting the cheap-labour regime and sweatshop conditions at India's largest car manufacturer.

Since August, India's highest court has issued a series of rulings sanctioning the state of siege the BJP government has imposed on Kashmir to enforce its constitutional coup. This includes the "preventive" arrests of thousands and a months-long suspension of internet and cell phone service.

Yesterday, thousands of anti-CAA demonstrators clashed with police in Seelampur, a predominantly Muslim neighbourhood in northeast Delhi. Eyewitnesses said the demonstrators chanted slogans denouncing the CAA, the NRC, and the Delhi Police. Police shut down five subway stations as part of an assault that involved *lathi* charges and the firing of teargas volleys. Protesters responded by throwing stones.

Protests also continued Tuesday in West Bengal, Uttar Pradesh, Tamil Nadu, Maharashtra, Kerala and other states. Police entered the campus of Madras University in Chennai and seized several protesters. In Pune, Maharashtra police barred thousands of Fergusson College students from demonstrating beyond the campus grounds.

Some of the protests are being called by opposition parties, including the Trinamool Congress in West Bengal, the DMK in Tamil Nadu, and the Congress Party and their Stalinist Communist Party of India (Marxist) and Communist Party of India allies nationally.

The opposition parties are both seeking to exploit the popular outrage, and to contain and divert it within the reactionary framework of Indian establishment politics.

In this, the Stalinists play a particularly reprehensible role, boosting illusions that the Supreme Court and the Congress Party, which is notorious for capitulating to and conniving with the Hindu right, can serve as secular bulwarks in opposing the BJP government.

In a bid to thwart anti-government protests, Indian authorities have cut off internet access in parts of West Bengal, Uttar Pradesh, and the northeast. According to a *New York Times* report, when those subject to the continuing internet ban in Kashmir are added, Indian authorities are currently denying internet access to some 60 million people.

Facing a rapidly deteriorating economic situation and growing social opposition, above all from the working class, the BJP is aggressively implementing its Hindu supremacist agenda with the aim of mobilizing its fascistic base and intimidating and splitting India's workers and toilers.

Yesterday, Modi's chief henchman, Home Minister Amit Shah, vowed the government would never backtrack on its CAA. "You can protest all you want," he declared, "but the BJP's Narendra Modi government is firm."

Modi accused "urban Naxals" and the Congress Party of fomenting unrest. A reference to Maoist insurgents in the remote jungles of highland India, "urban Naxals" is a term the BJP now regularly uses to smear opponents as violent and treasonous. In an ominous development, Shah last month called on the government's principal counterinsurgency force, the paramilitary Central Reserve Police Force, to take "action … against urban Naxals and their facilitators."

The author also recommends:

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[17 December 2019]

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[13 December 2019]

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