

Protesting is a right, violence carries consequences

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Those in charge of India's governance, both at the Centre and in the States, need to understand the 21st century politics are at cross-purposes with those in the 20th century.

The ongoing violent protest against the Citizenship (Amendment) Act, 2019, enacted by Parliament and turned into law on 12 December 2019 is one more in the short history of the first year of Prime Minister Narendra Modi's second term. They follow protests against the Muslim Women (Protection of Rights on Marriage) Act, 2019, enacted on 31 July 2019 by Parliament; the abrogation of Article 370 through the Constitution (Application to Jammu and Kashmir) Order, 2019, C.O. 272, enacted on 6 August 2019 by Parliament; and the Ram Mandir judgement pronounced on 9 November 2019 by the Supreme Court. All four have been lingering issues. All four were needed. All four have been debated in all forums. And all four have invited protests.

Irrespective of the narrative or the spin you want to give these changes, they have been enacted or turned into law democratically, through democratic institutions. In the case of the citizenship law, the Muslim women law, and the Jammu and Kashmir order, the institutional structure has been Parliament. In the case of Ram Mandir, it has been the Supreme Court. Further, even after their enactment, the laws on citizenship as well as the changes made in Article 370, will be tested for their Constitutionality in the Supreme Court. Only if they pass muster, will they remain on the statute books. That's how a democracy functions the world over. And that's how it is in India.

The currency of protests has been to deface properties, damage them. And like in every democracy the world over, not all constituents will agree, there will be some that will protest. All democracies, not merely 'including' India but 'notably' India, provide spaces for protests. But for a long time, the grammar of protests in India has been attempting to destroy India's institutional Parliament-Executive-Judiciary grid, delegitimise it using political violence. It is political in the sense of a perceived collective action; it is violent in the degree of using physical force; it is political violence in the way that it uses violence to impose political goals. From

students of Jawaharlal Nehru University to those in Jamia Millia Islamia, the currency of protests has been to deface properties, damage them.

Outside these haloed institutions of education, as the 'movement' gathers momentum, and non-students join the orgy of violence, public property has been destroyed. New Delhi's Seelampur became the hub of violence, with 21 people, including 12 policemen and six civilians injured. While none of the 10 arrested are Jamia students, police is not ruling out their arrests if investigations reveal their participation; 80 students are undergoing treatment in a hospital. Above all, more than 30 police personnel — whose hands are tied; damned if they enforce law and order, damned if they don't — have been injured. Gone is the assumption that this violence is merely a 15-second video on social media and doesn't affect us directly: apart from a bus with passengers sitting in it, the protestors attacked a school bus carrying children — the police had to intervene and help children de-board so they could be escorted to safety. To wreak damage on government property such as buses or buildings, to attack the police who they know will not retaliate when criminals hide behind women, to inflict harm on citizens who are simply going about their work, smacks of an approach steeped in the depths of dictatorships and anarchies, and to use a word favoured by these protestors against their opponents, fascism. Not democracy. Let's explore these definitions. Dictatorship is the rule — not governance but rule — of a single person, a single ideology or a single government. Fascism is a single-party dictatorship. Both stand opposed to democracy. Both eschew the rule of law. Both these definitions fit countries like China a glove. Anarchy is a state when there is no authority. Hong Kong is teetering on the edge of anarchy and China maybe seeking a forceful response, while parts of Haiti are descending into it. Neither dictatorship nor anarchy nor fascism is happening in India. These are simply words that have been weaponised.

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Violence has accompanied protests since India's Independence. Broadly, in various permutations and combinations, India has seen three kinds of violence — communal, electoral and entitlements. The early expressions of violence were of a communal nature — Hatia Ranchi saw 183 dead in 1967, Ahmedabad witnessed 512 deaths in 1969, Jalgaon lost 100 lives in 1970. The worst communal riots occurred in 1984, when 2,733 Sikhs were killed; Nellie saw 1,819 die a year earlier, Moradabad 1,500 in 1980; and Gujarat 1,267 in 2002. Electoral violence was common mostly during the 1970s, to a lesser extent in the 1980s, and is gradually diminishing across India, the case of West Bengal and Kerala, notwithstanding. The 18 February 1983 violence in

Nellie had electoral moorings, and the issue then was the same as is being protested today — illegal immigrants. Violence as an instrument of protest has been sanctified, fanned and legitimised by yesterday's politics to push for other issues as well. The agitation against the Mandal Commission in August 1990, was one such. Roads and rails were blocked, public property destroyed, markets looted. Violence its currency, the movement also saw the rise and fall of self-inflicted violence in the form of self-immolation.

The legitimacy of violence has its roots in politics. There seems to be an unwritten contract between political parties that allow the venting off of steam by allowing government properties such as buses or rails to be destroyed. If personal properties are destroyed there could be a greater implication, further protests, and a sign that the government cannot deliver the first component of governance — law and order — to citizens. On the other hand, the cost destroying government property is invisible. But in a resource starved nation like India, every such destruction has a direct bearing on the way economic resources have to be remobilised through taxes. With most of India not paying direct taxes, the economic implication of such a destruction seems like an entitlement.

This entitlement has been and still is being taken to preposterous levels. Take the preposterous idea that the police cannot enter universities. According to legal experts, there is no law that prevents the police from entering any campus if they need to. But we don't need a Supreme Court lawyer to tell us that. Under law, it is the job of the police to ensure peace and university campuses are not exempt. They may be noisy, create ruckus, resort to violence, deface and destroy their campus. But they do not have immunity from law. At best, it is a privilege and a courtesy — not a right. It can be withdrawn.

The same discourse exists on roads, in parks, on tracks. The first job of any government is to establish the rule of law. This should preferably be done peacefully. But when required, the police should not be held back from exercising force. We saw the success of giving freedom to the armed forces at the Balakot attack. We need to give the same freedom — and the accompanying responsibility — to the police today. If an adult is old enough to throw a stone, s/he is old enough to be arrested and brought before the law. In the course of that arrest, if force is to be used, the police must use it. We cannot expect the police to start pulling out reference manuals of standard operating procedures, get two levels of checks from seniors, and only then use force. It has to be used in the moment. Training helps, but it is not infallible.

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Because the State has a monopoly on violence (as it does on the creation of money) and the police is the arm deploying it within borders, there are checks and balances of restraint on its use. Force by the police should be the instrument of last resort. But for too long, the 'last resort' has been manipulated and devalued beyond recognition, to the point of punishing police personnel for following and executing the law. This narrative has come into force using the power of an ecosystem that looks at violent protestors as victims and law enforcers as assaulters. With new tools such as cameras on phones and on city streets, it is difficult to hide wrongdoings. If as a changing society and an economic powerhouse, we seek zero tolerance for violence in a rising India, irrespective of who the perpetrators are — criminals, students or any other citizen including political leaders — they should be given no quarter. We tie down our police force if we hold them back or punish them for doing their job.

Chief Justice of India S.A. Bobde has made a start by demanding the end of violence at Jamia Milia Islamia. Parliament and the government (the police in particular), need to come up to task. Home Minister Amit Shah is on course. "When a protest becomes violent then it is the duty of the police to contain the violence, and they did so," he said. As India heads into the next decade, all democratic institutions need to work together and ensure a zero-violence political atmosphere. On the other side, as in every democracy from the US and the UK to France and Italy, protests will continue. But protests are a democratic right, violence a crime.

Those in charge of India's governance, both at the Centre and in the States, need to understand the 21st century politics are at cross-purposes with those in the 20th century. If political leaders and their parties continue to use violence as mediums of protest, they will be left behind and voted out. The new politics of India must understand the new governance demands of silent citizens — the time of pandering to the noisiest is over; the time for using gender, class, caste, status, religion to gloss over crimes is behind us; the time for using violence as a tool to bend the will of the State has gone. As India steps into the next decade, let us do so with this dictum for protestors: violence has consequences.

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