

Partha Chatterjee

The State of Exception Goes Viral

When, in May 2019, Narendra Modi was elected to a second term as prime minister, his government signaled a change of course. His first term had begun in 2014 with a promise of economic reforms to satisfy the expectations of big business and the upper middle class. But the global slump left little room for the government to drastically change tax and labor laws or cut down social expenditure. Instead, faced with growing unrest from farmers and other regional lobbies, Modi had been forced to fall back on time-tested methods of populist distribution of benefits to large, electorally mobilized groups. Returned to power, however, with Amit Shah, president of the Bharatiya Janata Party (BJP) and acknowledged master of political dirty tricks, by his side as the new minister of home affairs, he took little time to announce that his government would now take a series of steps to realize the party's ideological dream of instituting a Hindu nation-state.

The March toward a Hindu Nation-state

The first major move was to revoke the special constitutional status of the Muslim-majority state of Jammu and Kashmir. This status, embodied in Article 370 of the Indian constitution, was part of a series of negotiated agreements by which nearly six hundred princely states, ruled by Indian rulers with whom the British had made treaties, were integrated into the Indian union after independence in 1947. There were other states that also had special status, as indeed do some even now. But Article 370 was always regarded by Hindu nationalists as an eyesore because it seemed like a bribe to the Muslims of Kashmir to induce them to stay with India, especially in view of

The South Atlantic Quarterly 120:1, January 2021

DOI 10.1215/00382876-8795842 © 2021 Duke University Press

the bitter rivalry over the territory with Pakistan. The BJP had often demanded that Jammu and Kashmir be treated like any other state of India, with no special protection for domiciles of the state. It was alleged by some that the BJP plan was to allow people from other states to settle in large numbers in Kashmir and thus change its demographic character. In August 2019, not only was Article 370 rendered irrelevant but the Buddhist-majority district of Ladakh was separated and both parts of the erstwhile state were reduced to the status of union territories, governed directly from New Delhi. There was a complete lockdown enforced by hundreds of thousands of armed troops and the entire political leadership of Kashmir was put behind bars. Although a few leaders have been conditionally released, the situation remains largely unchanged today, ten months later.

The sudden decision against Jammu and Kashmir was met with widespread jubilation in cities across northern India where large sections, still enthused by the memory of the near-war with Pakistan a few months earlier that boosted Modi's popularity before the elections, saw this move as a slap in the face of Pakistan and its supporters in Kashmir. For a long time now, the public in India, even those who were otherwise critical of the BJP, had come to regard Kashmir as a piece of real estate that legitimately belongs to India and the people of Kashmir as perpetual troublemakers. Still stunned by the unexpected scale of the BJP's election victory, the opposition was largely muted in its response. The Modi–Shah duo then went on to apply to individuals the laws against organizations allegedly engaged in unlawful activities, making it easier to put inconvenient critics in prison without trial. (The law has been recently applied to several journalists and rights activists.) An added boost was the judgment of the Supreme Court in November to allow the construction of a Hindu temple on the site where a four-hundred-year-old mosque had been destroyed by Hindu nationalists in 1992. Modi's government immediately announced plans to facilitate the building of the temple.

In the meantime, a festering problem in the northeastern state of Assam reached a crisis. Following a prolonged agitation there against the incursion into the state of non-Assamese people, most alleged to be illegal migrants from Bangladesh, an agreement had been reached in 1985 to verify the antecedents of each person living in Assam and compile a register of citizens. The exercise was hobbled by numerous legal and bureaucratic difficulties. Since there was no such thing as a national identity card and birth certificates were rare until very recently, various documents such as ration cards, voter identity cards or titles to property came to be accepted in this state with international borders as proofs of domicile amounting to naturalization into

citizenship. In 2003, an earlier BJP-led government in New Delhi amended the citizenship act to prevent the conferring of citizenship on any illegal migrant who had entered into or was living in India without a valid visa. After repeated prodding by the Supreme Court, the exercise of compiling the National Register of Citizens was completed in Assam and the lists were released in September 2019.

The results came as a shock. Of the 1.9 million who were declared illegal migrants, 1.2 million were Hindus and 700,000 Muslims. This put the BJP in a fix since it could not now detain or deport such a large Hindu population, mainly from Bangladesh, since it had always claimed they were refugees who had fled from religious persecution. This was the immediate impetus for pushing the Citizenship Amendment Act (CAA) through parliament in early December 2019. The amendment laid down that non-Muslims coming to India from Afghanistan, Pakistan, and Bangladesh will not be regarded as illegal migrants and could be given citizenship through an expedited process. Amit Shah explained in parliament that the new citizenship law would be followed by the compiling of a National Register of Citizens throughout the country.

It is important to note that the conception of citizenship embraced by political leaders in the early years after independence was *jus soli*—citizenship by birth on the country's soil. The constitution declared in 1950 that everyone living in India who was not a citizen of another country was a citizen of India. The citizenship law of 1955 gave citizenship to everyone born in India. From the 1980s, however, the consensus seemed to shift towards the recognition of *jus sanguinis*—the ethnicity of one's parents—as the more powerful claim. The 2003 amendment laid down that those born after 1987 could only become citizens if at least one parent was an Indian; for those born after 2003, either both parents had to be Indian, or one Indian and the other not an illegal migrant. At the same time, the 2003 amendment conferred on people of Indian origin who were citizens of other countries (except Pakistan and Bangladesh, of course) the status of Overseas Citizens of India, which gave them most rights enjoyed by Indian citizens except the right to vote in Indian elections. This created a large pool of affluent diasporic converts to the cause of Hindu nationalism.

The Anti-CAA Protests

It was patently obvious that these moves of the BJP government were biased against Muslims. They fitted with its ideological position voiced from before independence. V. D. Savarkar, one of the BJP's nationalist heroes, writing in

1923, defined Indian nationalism as *Hindutva* or Hindu-ness and argued that only those who regarded India as their fatherland as well as holy land could belong to the nation. This definition excluded Muslims and Christians who, he declared, regarded other places as their holy land. M. S. Golwalkar, another ideological icon, wrote in 1939 that those who were not culturally Hindu could only live in the Hindu nation-state as domiciles without rights of citizenship. Following the partition of the country, Hindu nationalists often argued that all Hindus should be brought from Pakistan and settled in India and all Muslims sent from India to Pakistan. In recent years, they have referred to the presence of Muslims in India as the unfinished business of partition. Even though Narendra Modi was carefully kept out of such blatant anti-Muslim propaganda, other BJP leaders seldom shied away from spreading hatred against Muslims, leading to numerous murderous attacks on Muslims by BJP vigilante groups.

The passing of the Citizenship Amendment Act (CAA) in December 2019 was thus a particular cause of alarm among Muslims all over India. The fact that the granting of citizenship was being defined in terms of religion and the warning that it would be followed by a National Register of Citizens (NRC), in addition to the experience of Assam where millions of residents had been declared illegal migrants because, in the opinion of state officials, they did not have adequate documents, led to widespread panic that Muslims would now be targeted. Curiously, the panic was not restricted only to Muslims. Border states, like West Bengal, for instance, where many Hindus had moved from erstwhile East Pakistan and later Bangladesh several decades ago and were, as far as they knew, fully naturalized into Indian citizenship, were thrown into confusion, and the example of Assam was far from reassuring. No matter how hard BJP leaders tried to argue that the CAA was intended to grant citizenship, not to take it away from genuine citizens, the doubts would not go away. If there was a countrywide NRC, everyone's citizenship would be put to the test.

The protests against the CAA began sporadically in different states from the middle of December 2019. In northern India, they began from certain Muslim neighborhoods in Delhi and Uttar Pradesh. In the latter, the BJP state government cracked down viciously on the protesters. The reporting was muzzled to such an extent that the true scale of police violence is still unknown. Student protesters were also beaten up by the police on at least three major university campuses. These scenes of police brutality were widely circulated, galvanizing opinion against the CAA in cities and towns across the country.

The mobilization that took place over the next ten weeks or so was unique in many ways. It was mostly organized and peopled by those who had never participated in political rallies before; many claimed to be uninterested in and uninformed about politics. Particularly noticeable was the large presence of Muslim women of all ages who occupied street corners and parks for weeks to declare their refusal to produce documents to prove their citizenship. But they were not alone. They were supported by people of all ethnic identities, especially the young, who repeated the opening sentences of the constitution that declared that the people of India, regardless of language, religion or caste, had given themselves the republic. The fact that these protests were peaceful and involved people without any obvious political affiliation made the BJP government wary of using force.

It was striking that the opposition parties, which were initially clueless on how to respond to the CAA, slowly joined in support of this largely spontaneous agitation. But they could not agree on what to do next. A few states ruled by regional parties announced that they would not assist in the NRC exercise in their states. But they had other electoral calculations to make and seemed reluctant to be characterized as partisans in a cause in which Muslims were such a visible presence. During the latter half of January 2020, there was a high-pitched campaign in Delhi for elections to the state assembly. The ruling Aam Aadmi Party (AAP), tipped to win, trod carefully around the issue while the BJP accused it of inciting the large anti-CAA protests in the capital. AAP swept the elections in early February.

Throughout the election campaign in Delhi, BJP leaders had spewed venom at the protesters, and the so-called anti-nationals and urban militants who allegedly mobilized them, often calling upon BJP supporters to “shoot the bastards.” After the BJP defeat, they demanded that the police immediately disperse the protest gatherings; otherwise, they would do so themselves. On February 24, 2020, when Donald Trump was being feted by Modi and Shah at a mammoth rally in Gujarat, the attacks began in Delhi on Muslim neighborhoods. For the first day or two, there was something of a fight between the two sides, armed with bricks, stones, and homemade firearms. In subsequent days, it was a pogrom against Muslims. Houses and shops were set on fire and people were slashed, stoned, or burnt to death, as the police literally stood by and watched. The official death toll was fifty-three, thirty-six of them Muslim.

The Delhi violence made abundantly clear the dangerous course that the BJP had adopted. It had brazened out the anti-CAA protests, not conceding an inch to calls to rethink the citizenship issue. Even as it suffered a string

of electoral defeats in the states, it tightened its grip on the federal administrative machinery and redoubled its propaganda efforts through a variety of media. In mid-March, Amit Shah engineered defections from the ruling Congress Party to bring down the government in Madhya Pradesh and install a BJP chief minister. The coup must have required considerable time and effort because it delayed the official response to the COVID-19 pandemic.

Political Consequences of the Pandemic

The first COVID-19 cases were reported in late February among travelers from Europe. Within a week, cases began to be noticed in several parts of the country: most seem to have originated from those who had arrived from Europe and the Middle East. But it took until March 23 for the prime minister to appear on television to announce a countrywide lockdown. The administrative confusion that followed showed every sign of unpreparedness. The idea seemed primarily to protect the urban middle classes, both physically and economically, from the consequences of shutting down the economy. Since a significant number of middle-class people were employed, either directly or indirectly, by the government, their incomes were protected even when they were unable to report for work. Large private employers were coaxed to join the national effort by not firing their employees. Much office work shifted to various forms of “working from home.” The blow was felt most severely by the huge mass of so-called informal workers, most of whom are self-employed with little or no savings, and many temporary migrants in locations that were hundreds of miles away from their homes. Since supply chains were thoroughly disrupted, those in small trade and agriculture were in dire straits. And with the winter crop ready to be harvested, there was panic in the countryside because there were not enough laborers and no assurance that the crop could be marketed.

For some time now, a massive fault line has opened up in India between the formally organized economy following the usual logic of capitalist accumulation and the informal economy based largely on subsistence through market exchange. The latter, however, is not the traditional economy, which has practically disappeared, but a creation of what Marx called the primitive accumulation of capital. The millions in the informal sector are not a necessary part of the formal economy dominated by corporate capital and are only tenuously connected to it. They survive because, by participating in organized electoral politics, they are able to secure some protection for their livelihoods from government that provides them with cheap food

and other necessities and tolerates minor violations of regulations on labor, pollution, public health, or taxes. The competitive populism that characterizes Indian electoral politics is what sustains this massive population.

The unprecedented and exceptional nature of the response of the government in New Delhi to the health emergency has ripped off its populist facade. Hundreds of thousands of migrant workers left without work or housing decided to walk hundreds of miles to go home: no one knows how many died on the way. At the same time, special flights were arranged to bring back students and tourists stuck in China and Europe. The prime minister appeared on television from time to time to invite people to stand on their balconies and applaud the health workers or light lamps to scare away the monster virus: those who have balconies to their houses—the urban middle class, that is—excitedly followed their leader.

To be fair, the COVID-19 epidemic is so unprecedented that governments everywhere are fumbling in their response. What is particularly hazardous for India in the near future is the political response to the inevitable economic collapse that is looming. All politics is suspended as Modi speaks of a war on the new enemy. The attempt is to create a centralized structure of command that would conduct the war in every state, every district, and every neighborhood. As a police officer in Uttar Pradesh said in a public order, later withdrawn: “This is not the time to exercise your judgment or intelligence. This is the time to follow orders.” The wheels of government are being oiled and tuned to function as though it was a state of emergency in which normal rules are suspended.

But the strains are showing as the government tries to balance the demands of health management with the dire projections of an imminent economic collapse. The visible desperation of migrant laborers finally forced the authorities to arrange for trains to send them home. But in the meantime, the pandemic, contained for a while, had begun to spread exponentially. State governments, which bear the primary responsibility of caring for the lives of people, suddenly began to police their borders and prioritize the needs of their own populations. Yet it is the central government that controls the purse strings. Modi’s government seems bent on tightening executive control through the central bureaucracy while passing on to the states the responsibility of dealing with the grievances of the people. In the absence of normal politics, the state of emergency is being formalized. The Hindu nation-state might soon be realized without the paraphernalia of electoral democracy.