



*Democracy Champions
Interview: Aruna Roy*

Dissecting India's Democratic Challenges

Photo: Facebook

The Asia Democracy Network calls for 2020 to be the year of resistance against democratic regression. In pursuit of this goal, ADN interviews scholars and activists who have been leading these struggles across Asia.

In this article, we reached out to Aruna Roy, one of India's most noted democracy activists and a cofounder of the Mazdoor Kisan Shakti Sangathan (MKSS) and the School for Democracy (SfD). Both organizations played a pivotal role in the passing of several rights based legislation in the Indian Parliament and shaped a new generation of democracy advocates. At this key juncture of India's journey as a democratic nation, we assess the trajectory of India's democracy, from her point of view.

Q: Good morning ma'am. We come to you today in the aftermath of the worst riots that Delhi has witnessed in the last five decades. Journalists and scholars from around the world have categorised these riots as symptoms of a much deeper malaise that has beset India democracy. Would you agree with such an observation or do you believe this is an exaggeration?

A: The violence in Delhi follows a non-violent mass movement of citizens deeply insecure about the violation of a Constitutional right through a passage of a law that discriminates primarily against the Muslim community on the basis of religion. It challenges their citizenship rights and therefore, their basic existence. By implication, the attitude of the govt. is a warning to all protesters - challenging their fundamental rights.

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The resulting protests across the country were non-violent, democratic, constitutional, inclusive, and exemplary. All the symbols evoked have been a tribute to the secular and inclusive nature of the Indian Republic. Therefore, the deliberate attack on these areas of protest must be seen not just as an attack on a community, but as an organised ruling party supported initiative, to stifle freedom of expression (Article 19 of the Indian Constitution) for narrow political gains. In my lifetime, I have witnessed unacceptable state-sanctioned targeted violence against members of minority communities. The Partition caused long-term ruptures not only between two territories, but also in the national imagination of both communities. Politically motivated forces have since tried to leverage this insecurity, by pitting communities against each other. In the last month, Muslim habitations and protest sites against CAA/NRC/NPR in North East Delhi were deliberately targeted by that same divisive ideology seen in action. Communities that have lived relatively peacefully next to each other for generations have now got caught in this vortex of “communal violence”. There are reports of the involvement of public figures, of members of the ruling party, who have been responsible for inciting the violence. The complicity and even cruelty of the police has been laid bare. There has been no action taken against hate speech and instigation of violence despite the speeches being available in the form of video recordings. As citizens, it is our duty to pressure the government and those around us for truth and peace. We also have to hold power accountable so that we can end communal violence; to restrain the political intent to normalise such behaviour. These vicious attacks are fuelled by what the state calls “nationalism” or “patriotism”, and ordinary Hindus should want nothing to do with it. Solidarity cutting across religions needs to be visible. The message we need to repeat and in many different ways is that we will not be spurred into spreading hatred and violence, based on their discourse. Instead of rekindling historic communal tensions, India should return to nation-building.

Q: During the events that unfolded through the riots, journalists and citizens have recorded instances where the state police machinery has not simply abdicated their responsibility, but instead seem to have actively participated in the rioting. This is characteristic of the behaviour of state machinery in past riots that India has witnessed in Gujarat and in the anti-Sikh pogrom of 1984. As an individual who has deep knowledge of the state machinery (once being a part of it yourself), are you of the opinion that this particular incident presents a new challenge to India, or is this trait endemic to Indian state machinery?

A: These dark events were unacceptable at many levels: as a citizen who wanted justice, as a social, democratic, civil rights activist, as an ethical human being, and as an erstwhile member of the civil service, who knew what rules lie behind the controlling of communal violence. Nowhere in the existing structure is it possible to target the minorities with impunity. The state machinery ignored the situation for more than 3 days and let violence prevail and spread.

Why did the government not step in immediately to quell the violence? During the N.E Delhi riots, evidence points to a systematic and planned pogrom-like strategy by right-wing Hindutva forces against Muslims. This was not simply a “communal clash between two communities” – the state and those whom it emboldens have been actively complicit in encouraging attacks against minorities. The primary obligation of any government is to guarantee life and liberty. Both were threatened with impunity and the state remained a spectator. (Continued on next page)



ANUSHREE FADNAVIS / REUTERS

The Delhi violence was reminiscent of the 1984 Sikh riots, the 1992 Bombay riots, the Gujarat genocide in 2002, many in other parts of India, which we have pushed back to the hinterland of our memories. The phony rhetoric of the state and mainstream media's biased narratives are much too common to need an argument to prove. Violence is the act of a coward and is often used in political governance to distract attention from major failures, promises of development and economics of progress. Even before the Delhi riots began, the brutality being unleashed on peaceful protestors raised many fundamental questions. Is it not a state crime to use violence to quell dissent? Violence has its own logic and the chain of action and reaction lead to a breakdown of civil governance. It is only a weak state that resorts to violence to resolve a conflict. Unconstitutional laws, Acts and policies, including the abrogation of Article 370 and bringing Jammu and Kashmir under direct central government control, have all been planned and implemented in a most insensitive, discriminatory manner, polarising the polity, and planting seeds of alienation and hatred. The constitutional base on which we have built this country, and the peace with which we have tried to cultivate and the harmony of different cultures we have worked so hard to nurture, are all being deliberately trashed.

Q: Speaking of the state machinery, one of the most progressive pieces of legislation passed in the last 2 decades has been the Right to Information passed in 2005. This legislation, legally mandated a degree of transparency by the government and enabled a new variant of participatory democracy where citizens could claim this right to delve into governance practices at all levels of government. Of late however, you and several others have warned that this particular piece of legislation is being diluted. How has this taken place and where do you find long lasting remedies can come from?

A: Before I answer the question about the amendments and the attempt to reduce the power of the RTI through its mechanics, I would like to make a comment about the failure of its users to understand its political strength. Have we wondered why the RTI was chosen as the first legislation to be tampered with in the first meeting of the Lok Sabha after the elections in 2019? The strategy was a clever one. By reducing the power of the RTI Commission, the ruling establishment made sure that the following draconian changes to the Constitution would remain as obtuse as possible, and that no RTIs would be filed to reveal details. We did protest, but a very insignificant number considering the numbers we are. Even 1 to 5 percent of the 6 to 8 million users used were not raised in unified protest. (Continued on next page)

Why is there unseemly haste and determination to amend the law? Some feel that it is because the RTI helped with the cross-verification of the affidavits of powerful electoral candidates with official documents and certain Information Commissioners having ruled in favour of disclosure. It is unlikely to be a set of instances but more the fact that the RTI is a constant challenge to the misuse of power. In a country where the rule of law hangs by a slender thread and corruption and the arbitrary use of power is a daily norm, the RTI has resulted in a fundamental shift — empowering a citizen's access to power and decision-making. It has been a lifeline for many of the 40 to 60 lakh ordinary users, many of them for survival. It has also been a threat to arbitrariness, privilege, and corrupt governance. More than 80 RTI users have been murdered because their courage and determination using the RTI was a challenge to unaccountable power.

The proposed amendments tabled in Parliament on July 19, 2019 have been in the offing for some time now. In the form of the Right to Information (Amendment) Bill, 2019, they seek to amend Sections 13, 16, and 27 of the RTI Act which carefully links, and thereby equates, the status of the Central Information Commissioners (CICs) with the Election Commissioners and the State Information Commissioners with the Chief Secretary in the States, so that they can function in an independent and effective manner. The deliberate dismantling of this architecture empowers the Central government to unilaterally decide the tenure, salary, allowances and other terms of service of Information Commissioners, both at the Centre and the States. Introducing the Bill in the Lok Sabha, the Minister of State for Personnel, Public Grievances and Pensions, Jitendra Singh, asserted that this was a benevolent and minor mechanism of rule-making rather than a basic amendment to the RTI law.

The reason is not far to seek. If the amendments are discussed by citizens and RTI activists in the public domain, it would be apparent that these amendments fundamentally weaken an important part of the RTI architecture. They violate the constitutional principles of federalism, undermine the independence of Information Commissions, and thereby significantly dilute the widely used framework for transparency in India.

The RTI community is worried. However, questions are threats to unaccountable power. The RTI has unshackled millions of users who will continue to use this democratic right creatively and to dismantle exclusive power. The RTI has been and will be used to withstand attacks on itself and strengthen the movement for transparency and accountability in India. Eventually, the Narendra Modi government will realise that while it might be able to amend a law, it cannot stop a movement.

The NCPRI now runs a campaign called, "File RTI, Save RTI". Please use it more, not less, and persist. We should also have a way in which a million RTIs are filed on the same issue simultaneously, of the local, district, State and Central Governments. This will demonstrate the links in governance and therefore our infinite capacity to impact mis-governance.

"The new emergence of totalitarian capitalist structures, and the discourse of post truth, post ideology must be countered, and a new rational discourse built. It's critical and requires all our attention. Platforms for communication and exchange of ideas need to be fostered and protected, guaranteeing their continuity. We need to see ourselves as a community that matters and potentially strong."

-Aruna Roy

Q: If the Right to Information was a piece of legislation that turned the spotlight onto the government, you have argued that the Unique ID (better known in India as AADHAR) has turned the spotlight back onto the citizenry making it easier to monitor them for surveillance purposes. You have gone on to say that while this variant of digitization has taken place in pursuit of good governance and better targeting of welfare schemes, the impact on ground has proved to be quite the opposite. What impact do you see privacy having on the future of Indian democracy?

A: If we want democracy and the vote, and yet exercise absolute control, the tools of oppression have to change. In a superb and important political novel called 1984, George Orwell spoke against a totalitarian and centralised system of power. In today's world, the phenomena of the elected dictator has drawn lessons from many historic events, including the third Reich. But more insidious and absolute is information which is collected, collated and controlled by an authority without. Information is power, it is also the most important challenge to power. Therefore it follows that if the RTI was a democratic movement to disseminate information to challenge impunity and absolute power, then UID, is a critical tool for just the opposite.

Increased state surveillance on citizens sets a dangerous precedent at a time when citizenship status of people itself is being questioned. It has the potential to lead to societal breakdown. Two weeks ago, the UIDAI in Hyderabad sent notices to 127 people, casting aspersions on the legality of their immigration status and the way they obtained their Aadhaar numbers. Out of these, due to an anonymous complaint/allegation, 3 Muslims were summoned by the authority to essentially prove that they were Indian.

Under the Aadhaar Act, 2016, Aadhaar numbers are not linked to citizenship at all but to just residency status. All residents of India, including foreign nationals, are eligible for Aadhaar if they have been residing in India for more than 182 days. Aadhaar can be misused when linked to social welfare entitlements. The governments tend to be defensive when Aadhaar has failed to deliver services. When targeting minorities however, the Aadhaar becomes a tool which offers conclusive proof. Aadhaar is a tool which therefore lends itself to biases and points of view, disproving its claim for factual accuracy.

The Aadhaar project, of the UIDAI, has multiple and discordant facets. Its numerous issues make it hard to develop a simple and concise critique. The SC hearing against Aadhaar was one of the longest in its history, illustrating its complexity as well as the controversial positions on the use of this tool. When we (MKSS) petitioned the Supreme Court, our main plea was that Aadhaar leads to exclusions in the various social welfare schemes run by the government. The constitutionality of the Aadhaar Act was murky from its inception; it was introduced as a money bill, and hastily passed without being referred to the Standing Committee, overriding all regular parliamentary discussions and procedures.



In the midst of the various other arguments challenging its constitutionality, the suffering human being at the centre of the Aadhar exclusions in welfare programmes, was lost in the din of claim and counterclaim. Lakhs were denied food rations due to lack of Aadhaar-linking, or because of technological issues in the biometric system. Usha Ramanathan writing in 2018 highlighted the Rajasthan exclusion -- close to 36% in the PDS system -- because of fingerprint failure. Jharkhand witnessed many starvation deaths because the poorest had difficulty linking their UID number with their ration card. There are innumerable such stories of people suffering enormously because of failed Aadhaar linkages. These find little mention in the scale of importance when the government measures the “success” of such a project. The source of the ridiculously low figure of around 0.25% for exclusions quoted in the final majority judgment in the case before the Supreme Court continues to baffle me.

How morally correct is it for a government to have such detailed surveillance of its people? What occurs when an anti-poor, anti-minority and divisive government holds personal information? In 2017, the government of Andhra Pradesh disclosed the identities of 50 lakh people, invading their privacy and to geo-locate them by religion or caste. Creating public, digital profiles of minorities makes them potential targets of attack.

Q: In the face of limited political support, India seems to have triggered a fresh wave of civic protest over the Citizenship Amendment Bill. This citizen led protest has been marked by its female leadership and its ability to galvanize a large section of India's youth. Within India's existing political milieu do you think that this variant of protest will find much success? What lessons do you take away from these protests?

A: The recent ‘Shaheen Baghs’ that have arisen in defiance of a series of laws and policies that impinge on the notion of an Indian ‘citizen’ are a testament to the leadership and courage displayed by women and young people (young Muslim women in particular) in the face of systematic attacks on democracy.

Communalism and violence are symbiotically linked. The National Population Register (NPR) and National Register of Citizens (NRC), coupled with the intention to pass the patently discriminatory Citizenship Amendment Bill, now Citizenship Amendment Act (CAA), has struck a fundamentally destructive blow to the foundational principle of freedom and equality of religions upheld by Article 14 in the Indian Constitution. But in the immediate response to the current crisis silver linings are also visible.

It is clear to the 200 million strong Muslim community, that this means official sanction for harassment and discrimination. A community that had displayed extraordinary restraint over five years, in the hope that something would change for the better, have clearly seen that they are now left with no choice but to take to the streets to protest against this idea of India. Even here, Muslim women have come out in large numbers. Today, the whole country must appreciate the leadership and courage displayed by women during these protests, and Muslim women in particular.

The examples of Jamia's young women, and the protesters at Shaheen Bagh, are only symptomatic of a phenomena taking place across the cities of Nagpur, Varanasi, Moradabad, Lucknow, Bangalore, and Trivandrum amongst many others. It is a poetic irony that Modi and Shaha's autocratic steps have produced in reaction the biggest awakening of Muslim women. The women's movement has done a lot, but must do much more to harness this great leap forward in resistance and change.

What also became clear soon after the passage of the Amendment Bill, was that Muslims are not alone in their determined opposition to the CAA and NRC. The emergence of a loose coalition of citizens led by students, has emerged to spontaneously and energetically take to the streets with a determination to do all they can to "save the Constitution"; and ensure the withdrawal of these two legal measures. In many states the arms of the government – local police, special police squads etc – have responded with brutal assault, leading to a number of deaths of protestors. But even these killings have not been able to stem these uprisings.

As the BJP has sought to label the protests as violent and even anti-national, and suppress them with the use of draconian laws, the police, and the use of force; people have taken to more innovative forms of protest. The students have led from the front, with people from all walks of life joining them in voicing their dissent. Certainly not since the emergency, but perhaps never in independent India, have so many protests broken out, spreading spontaneously to most urban centres, universities and many rural areas. And never in the history of independent India have students mobilised in this manner on an issue that affects us all.

Q: *Finally, as someone who has been a committed democracy activist in the national and international arena, what role do you feel international human rights organisations must play in supporting pro-democracy movements in Asia?*

A: Human Rights has to see itself as central to democracy, the oft repeated but critical trio of Liberty, Equality and Fraternity. The odds we fight against- international financial institutions, at best immoral; international Human Rights institutions with correct positions on integrity and morality but lacking the ability to influence national governments; the rising diabolical narratives on nationalism, where the marginalised - economically or culturally- are made the targets for failure of national economies; facile arguments promoted by a compromised media further complicates the problem. The new emergence of totalitarian capitalist structures, and the discourse of post truth, post ideology must be countered, and a new rational discourse built. It's critical and requires all our attention. Platforms for communication and exchange of ideas need to be fostered and protected, guaranteeing their continuity. We need to see ourselves as a community that matters and potentially strong.

**INTERVIEW BY:
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SOURCES:

The article was a direct interview with Ms. Aruna Roy. Some of her answers were also quoted in the following sources.

1. Excerpts taken from It is poetic irony that govt's autocratic steps to quell dissent has produced the biggest awakening in recent history
2. Excerpts taken from The tremor of unwelcome amendments to the RTI Act
3. 'A Note for the Aadhaar Tribunal 2020'
4. NFIW Congress Presidential address 2020