

# LEGALFOXES LAW TIMES

## IMPLICATIONS OF COMMUNAL RIOTS

- SHUBHI BHATNAGAR

Protests play a vital part in the civil, political, economic, social and cultural life of all societies. Historically, protests have often stimulated positive social change and improved protection of human rights, and they continue to help define and protect civic space in all parts of the world but at the same time sometimes economic and political tensions go beyond the boiling point and lead to full-scale riots. Violence has always been a stain on India's history since partition in 1947, when Pakistan was formed as a separate Muslim state and up to two million people died as a consequence and aftermath. Riots have persisted to erupt along non-secular traces in a country where around 14% of the population are Muslim, with an 80% Hindu majority. Currently, the violence raged across the north-east of India's capital as mosques were set alight, Muslims were burned alive in their homes or dragged out into the streets and lynched. Muslim businesses and property were also set alight. In streets where Hindus and Muslims had lived peacefully side by side, bodies lay bloodied alongside, discarded and burned-out cars, bikes, shattered glass and smouldering shopfronts. The police have been accused of enabling, encouraging or even joining in with Hindu mobs. This violence was ignited when a Hindu mob violently removed a group of Muslims who were blocking a road in protest against CAA. The law in question is proclaimed to be biased against Muslims and undermining of India's secular Constitution. National Human Rights Commission (NHRC) has also been asked to spot enquiries into violation of human rights during the violence. The present article examines the violation of human rights during the riots and the research also concerns the implications of the same.

---

\*B.B.A. LL.B. (Hons.), Semester VI, Amity Law School, Amity University Rajasthan.

## INTRODUCTION

---

A riot is a civil flare-up wherein a bunch of individuals brutally lash out in open. This rogue faction regularly vandalizes and damages public property, eventually causing unsettling affects against property and authority. The individuals who take an interest in a riot are driven towards one common objective, which they accomplish by complying with violence. A riot breaks out as a result of some grievance or contradiction. Over a long period of time, riots have occurred due to destitute living or working conditions, abuse, tax assessment, clashes between two bunches of the society, disappointment with respect to a rule/law and so on.

In the recent turn of events, the violence in India's capital had left more than 40 dead and hundreds injured after a Hindunationalist rampage, stoked by the rhetoric of Narendra Modi's populist government. <sup>1</sup>

The violence seethed over the north-east of India's capital for four days as mosques were set alight, Muslims were burned lively in their homes or dragged out into the roads and lynched. Muslim businesses and property were moreover set alight. In boulevards where Hindus and Muslims had lived gently side by side, bodies lay bloodied adjacent to burned-out cars, bicycles, smashed glass and seething shopfronts. The police have been blamed of empowering andencouragingeven joining in with Hindu mobs.

There has been brutality on both sides, but it was the Muslim community of Delhi who were overwhelmingly targeted by Hindu mobs in their tens of thousands. In Chand Bagh, one of the worst hit areas, only the Muslim businesses – hairdressers, ice-cream shops, butchers – lay in ruins. On one corner, the charred husks of hundreds of oranges, bananas and watermelons spilled out of the front of a Muslim fruit stall, filling the air with the putrid smell of burnt fruit. <sup>2</sup>

Violence has been a stain on India's history since separation in 1947, when Pakistan was formed as a partitioned Muslim state and up to two million individuals died within the battling and its aftermath. Riots have proceeded to eject along devout lines in a nation where around 14% of the populace are Muslim, with an 80% Hindu larger part.

The relations between the parties started disintegratedwithin the 1960s and 1970s, but a flashpoint took place in 1992, when a conservative Hindu crowd of thousands, which included a

---

<sup>1</sup>Soutik Biswas, *Delhi riots: How Muslims' homes were targeted and burnt*, BBC NEWS (4<sup>th</sup> March 2020), <https://www.bbc.com/news/world-asia-india-51719204>.

<sup>2</sup> Hannah Ellis-Petersen, *Inside Delhi: beaten, lynched and burnt alive*, THE GUARDIAN (1<sup>st</sup> March 2020), <https://www.theguardian.com/world/2020/mar/01/india-delhi-after-hindu-mob-riot-religious-hatred-nationalists>.

few individuals of the, presently administering Hindu patriot Bharatiya Janata party (BJP), tore down the Babri mosque in Ayodhya. When the BJP was elected as the government in 2014, driven by prime minister Narendra Modi, divisions broadened. The BJP is the political wing of the Rashtriya Swayamsevak Sangh (RSS), an activist Hindu patriot paramilitary association that has been charged more than once of coordinating assaults on Muslims.

The BJP, which believes that India should be a Hindu, not a secular, nation, has fostered an environment of hate in India. Lynching of Muslims began and they have been gradually relegated to second-class citizens in their own country.<sup>3</sup>

But these riots were not neighbors turning against neighbors. Recently, false rumours of a Muslim rebellion spread over conservative Hindu social media, affirming that certain mosques in Delhi had conveyed over amplifiers that they would toss all Hindus out of Delhi, thereby the police had captured 32 imams. It incited numerous people to comment that they would come out to “teach our Muslim brothers a lesson”.

“I have not the slightest doubt that this was not a chance, spontaneous riot,” said Harsh Mander, an author and activist who is director of the Centre for Equity Studies, a Delhi research organisation. “It was certainly orchestrated and built up as part of the politics of the ruling party. I think the BJP were unnerved by the scale of the protest against the citizenship amendment law and, more specifically, that it was Hindus and Muslims coming out together in the resistance.”<sup>4</sup>

## **WHAT IS INDIA’S CONTROVERSIAL CITIZENSHIP LAW ABOUT?**

The Citizenship Revision Act (CAA) was passed in December last year, inciting shock and challenges over India. The law offers citizenship to non-Muslims escaping devout mistreatment from three adjacent countries. The modern citizenship law gives a way to citizenship for devout minorities who have moved into India from Pakistan, Bangladesh and Afghanistan some

---

<sup>3</sup>Soutik Biswas, *Delhi riots: How Muslims' homes were targeted and burnt*, BBC NEWS (4<sup>th</sup> March 2020), <https://www.bbc.com/news/world-asia-india-51719204>.

<sup>4</sup>Hannah Ellis-Petersen, *Inside Delhi: beaten, lynched and burnt alive*, THE GUARDIAN (1<sup>st</sup> March 2020), <https://www.theguardian.com/world/2020/mar/01/india-delhi-after-hindu-mob-riot-religious-hatred-nationalists>.

time around 31<sup>st</sup> December 2014.

It unequivocally records Hindus, Sikhs, Buddhists, Jains, Parsis and Christians as being able to require advantage of the unused arrangements, barring Muslims. Besides stirring concern among Muslims, the proposed changes have moreover driven to challenges by inhabitants troubled convergence of Hindus from Bangladesh, who want to gain citizenship.

A few petitions contend that the law is illicit, claiming that it awards citizenship on the premise of religion - which goes against the country's common values cherished in its structure. Those challenging this new law incorporate political parties, gracious society and Muslim groups.

### **CITIZENSHIP AMENDMENT ACT**

The Act offers amnesty to non-Muslim illegal foreigners from three nations - Pakistan, Bangladesh and Afghanistan. It revises India's 64-year-old citizenship law, which as of now forbids illicit transients from getting to be Indian citizens.

It also assists the way to Indian citizenship for individuals of six devout minority communities - Hindu, Sikh, Buddhist, Jain, Parsi and Christian - in case they can demonstrate that they are from Muslim-majority Pakistan, Afghanistan or Bangladesh. They will presently be allowed if they have been living or working in India for the past six years rather than 11 years, as it were prior to this for one to be qualified to apply for citizenship.

The government says this will allow haven to individuals escaping devout mistreatment, but critics contend that it'll underestimate India's Muslim minority.

### **IMPLICATIONS OF RIOTS**

Historians and specialists contend that these sorts of riots aren't exclusively arbitrary acts of viciousness or individuals taking advantage of critical circumstances to take and annihilate property. They are, instead, a genuine endeavor at driving a change after a long time of disregard by lawmakers, media, and the common public.

BJP leader Kapil Mishra's inflammatory speech was the trigger. Media channels that invariably act as BJP's apologists and cheerleaders created false equivalence by repeatedly citing Waris Pathan's speech. This was crass obfuscation since Pathan had spoken in distant Hyderabad

many days back, while Kapil Mishra incited local people just a day earlier.<sup>5</sup>

For two days, Delhi police observed inactively whereas rampaging swarms murdered and burnt without exemption. Its unabashed predisposition reflected the Jamia, JNU and Gargi College acts, but here it indeed affects the agitators. The riots uncannily resembled the 1984 and 2002 slaughters in fierceness, inhumanity, police complicity, unresponsiveness and political patronage.

It isn't difficult to assume that revolting specifically harms property, principles and financial movement. When individuals crush windows, steal things, or set buildings and property on fire, all that has financial repercussions. Additionally, in the event that individuals are protesting they are not working, and indeed those who are not included within the unsettling influences are affected - they cannot get to work, shop or something else carry on with trade as usual.

Riots moreover create a clear deterrent for business owners to find their operations in riot-prone ranges. Who in their right intellect would build a manufacturing plant someplace where they fear there's a reasonable risk that it will be burnt to the ground? Riots are bad for property, as individuals refrain from living in those regions and many property owners are reluctant to rebuild or repair within the aftermath. Riots too show up to be terrible for work - businesses are not willing to put important capital at hazard like that, so they will locate their operations in more secure places.

## **CONCLUDING VIEW**

---

Our founding fathers achieved secularism due to India's endless devout, lingual and social differing qualities, which the RSS detests. Thus, India's steady popular government not simply survived, not at all like numerous nations, it thrived and brought fast improvement. Political insecurity of late-1980s, be that as it may, permitted RSS and BJP to revive their Hindutva agenda.

---

<sup>5</sup> Deepak Sethi, *The Ideological Strategy behind Delhi Riots*, The Wire (7<sup>th</sup> March 2020), <https://thewire.in/communalism/delhi-riots-strategy-bjp-rss>.

Unlike the pre-1989 communal riots, which were for the most part separated, limited clashes; riots taking place after the Rath Yatra, Babri Masjid annihilation, Mumbai impacts and Gujarat carnage were obviously strategy-driven, distant more broad and virulent.

RSS and BJP realize that most Indians being secular, they would not support Hindu Rashtra. Despite its best ever tally in the 2019 polls; BJP's vote share was only 37.4%. They reckon that with several States lost, and recession, unemployment and agrarian distress worsening, only increased polarization can increase Hindu votes to help attain their objective.<sup>6</sup>

BJP, in this manner, is into overdrive to surge laws and assist court judgments, which go against Muslims. Open articulations by its pioneers are presently progressively hostile, and Hindutva radicals more aggressive and rough. Point is to scare and mortify Muslims to incite violence. Each protest extends the communal separate and doubt replaces age-old bonds. Since all communities endure collateral harm and disturbance, each protest chips absent at the structure of mainstream Indians and persuades numerous to mount the Hindutva temporary fad.

With 177 million Muslims, India cannot manage Islamophobia. In spite of having world's moment biggest Muslim populace, India is free of Worldwide Jihad even though it is mainstream. Any change in that would be lamentable for India's astuteness and destabilizing for the whole locale.

Shaheen Bagh sort dissents are coalescing into a wide fusion of Muslims, lower castes, and ordinary Indians. This might develop bigger on the off chance that the unemployed and agriculturists moreover connect. Definitely, RSS-BJP would certainly disturb these challenges by coordinating viciousness and utilizing brutal forces, sure that an obliging law would shield them, given the foreboding flag of posting out a hard-headed judge overnight.

India is hence at a basic crossroad. The remarkable thought of an equitable, mainstream and fair India, as cherished in our structure, is at stake. Do we hold its perfect character that has stood us well, and brought us to show state of financial improvement and military control? Or, do we permit change by administrative control or a thought up de facto Hindu Rashtra?

The former will guarantee proceeded development in a peaceful and agreeable environment, with financial and social equity. The latter would provide a Hindu Rashtra with upper caste

---

<sup>6</sup>Deepak Sethi, *The Ideological Strategy behind Delhi Riots*, THE WIRE (7<sup>th</sup> March 2020), <https://thewire.in/communalis.m/delhi-riots-strategy-bjp-rss>.

mastery, patriarchy, sexual orientation and caste imbalance, and age-old conventionality that's contradictory to all modern freedoms, at the side incessant devout and social conflict.

Violent challenges are not an alternative since individuals would relinquish the ethical high ground of Gandhian protests. Other than that, they would incite counter-violence by Hindutva factions and deliver the government a reason to pulverize them mercilessly. Tragically, recent developments forecast more alarming times ahead.