This position paper is a part of working group papers written for We20- A Peoples’ Summit, organised in Delhi in the run-up to the G20 Leaders’ Summit. The topics for the position papers are agriculture, climate crisis, just energy transition, global economic governance, international trade and development, banking and finance, labour and employment, shrinking democratic spaces (institutions, press freedom, dissent), digitalisation and surveillance: privacy, data rights and accessibility, rising inequality, social protection and welfare, privatisation of public services, gender, health, youth, education, disability rights, debt, inclusive growth, public transport.
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SHRINKING DEMOCRATIC SPACES

India has witnessed a steady decline in the situation of democratic rights and civil liberties over the past decade and much of this has to directly do with the ascendancy of the Modi Govt to power, since 2014. This scenario also has a correlation with the meteoric rise in the incomes of some of the large corporate houses in the country, their proximity with the current regime, the willingness of the State to tweak a range of laws for corporate interests and unleash repression on people’s movements questioning the same, on the ground.

While different governments, across political parties in power, have been authoritarian towards people’s movements, the BJP Govt. at the center and in states where it has been ruling has the worst track record in terms of upholding the democratic freedoms and civil liberties. On numerous occasions, the Government has violated the fundamental rights to freedom of peaceful assembly, association, expression and freedom of movement as guaranteed by the Indian Constitution. A key hallmark of this regime has been the relentless attacks on all dissenting voices – be they from marginalized sections such as dalits, minorities, women or other progressive sections including pro-people journalists, students, academics, activists, advocates etc.

It has been 5 years since some well-known lawyers, activists, trade unions were arbitrarily incarcerated in the infamous ‘Bhima Koregaon’ case under the draconian UAPA law. With the exception of very few who have received bails on strict conditions, many are still languishing in jails. An 80-year-old adivisi rights activist Fr. Stan Swamy, a co-accused in the same case died during institutional incarceration. Many of the other prisoners are also elderly and have been imprisoned throughout covid, till date.

Two years later, in the wake of the pandemic, and anti-muslim violence in Delhi, the Government unleashed another major wave of repression on the equal citizenship protests, majorly led by women and students. Yet again, cases under sedition and UAPA were slapped against dozens of young activists and a grand ‘conspiracy’ narrative was spun to shut down some of the most vocal, pro-democracy voices in the country. Many of those arrested are yet to receive bails. Democratic and civil liberties movements and groups across the country have been relentlessly campaigning for the repeal of draconian laws like UAPA and sedition, upholding the right to bail and freedom of all political prisoners.

The historic farmers resistance against the three pro-corporate farm laws forced the Government to relent and withdraw the laws, after an entire year of protests, but only after a heavy cost of the ‘deaths’ of 750 + farmers and intense repression on and vilification of the farmers movement. More recently, internationally renowned women wrestlers hit the streets seeking action against a ruling party MP, Mr. Brij Bhushan Singh, accused of sexual harassment and rape. However, the Govt. refused to arrest him and let loose brutal police violence on the protesting women.
The shrinking democratic space within educational campuses, clampdown on academic freedoms, terrorizing of students organizing for legitimate causes, introduction of right-wing and anti-science-oriented curricula have come to define the university spaces, in the last decade. Braving all repression, young students continue to fight back, only to be faced with violence, arbitrary notices, roadblocks in pursuing education, false cases and even arrests.

The near capture of most mainstream media by the Govt and its favored corporations, turning it into a pro-establishment institution has had a debilitating impact on the freedom of the press. On the other hand, independent media houses (such as News Click, The Wire), freelance journalists face the brunt for reporting truth to power. While a few cases of jailed journalists like Siddique Kappan, Asif Sultan, Rupesh have occasionally been reported, the iron rod of the state in the media makes it hard for ground-level reporters to disseminate news freely and without fear of repercussions.

The en masse gagging of the media in Kashmir, post abrogation of Article 370 has been one of the most shameful episodes of the last decade. Multiple instances of internet shut down over prolonged periods in places like Kashmir, Uttar Pradesh, Assam has also impacted free flow of credible news, while the pro-govt media and its toxic digital ecosystem is given a free hand to spread misinformation and hate.

Another key feature of the regime has been the systematic ways in which statutory institutions have been debilitated, compromised and even weaponized against those seeking accountability. On the one hand, key posts in numerous important commissions such as NHRC, NCW, NCPCR have been filled in by those whose ideology aligns with the Hindutva right-wing government. On the other, central agencies such as the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED) are selectively pressed into service to hunt down political opponents. The manner in which the Government has tried to interfere with judicial opponents has eroded the important tenet of separation of powers.

Both inside the Parliament and outside, the voice of the Opposition is sought to be muted and muzzled. The specter of cases and raids keeps many in the ‘Opposition stables’ in check. This regime has infact even resorted to toppling down democratically elected state governments through unfair means (Ex Maharashtra). Legislations like the Prevention of Money Laundering Act have been used recklessly to stifle some of the most democratic voices; a recent case in point being the persecution of academic and activist Dr. Navsharan Singh.

The regime has also vindictively gone after those who exposed the role of the Prime Minister (the then Chief Minister), during the Gujarat pogrom of 2022, in which large numbers of muslims were butchered. The arrest of activist – journalist Teesta Setalvad (who later received bail) as well as the arrest of Sanjeev Bhatt, a high-ranking police official who brought to light the PM’s complicity (in another 30-year-old case), are indeed instances of vendetta.
A very large number of NGOs that rely on FCRA for institutional funding to work with different marginalized sections have been starved of funds, because their FCRA renewals have either been cancelled or withheld indefinitely! This has severely impacted the work of numerous organizations whose interventions have been helpful for communities in distress or facing neglect of the state.

The trend of even persecuting lawyers who stand with oppressed people and communities defending their lands, forests and minerals from ‘extractive development’ is deeply worrying. The most recent in this saga is the case foisted against Adv. Ritwick Dutta, who has received global recognition for his work on ecological justice. Adv Shoaibh, another 80-year-old widely-respected civil liberties lawyer was detained last month arbitrarily by the UP police. If even such well-known lawyers are not spared, this does have a chilling effect on lawyers at the district and lower levels, who fight at greater risks.

Democratic spaces have shrunk quite literally, over the years. Even in the capital, places like Jantar Mantar which were once relatively more vibrant spaces of protest have now been heavily militarized. Restrictions on the numbers of people who can protest, ultra-bureaucratic methods of seeking (read denying) permission, constant surveillance are all ways to frustrate people’s resistance. A case in point is the massive hardships created for some of the most marginalized landless workers who came to Delhi from different states during Feb-March 23 to protest budgetary cuts in NREGA, delayed payments and centralized digitalization. The 100-day protest had to be cut short to 60 days because of the difficulties in ‘seeking permissions’! Likewise, permissions for socio-political events in meeting halls, press clubs, university rooms are routinely denied / canceled in whimsical ways.

As India marks 48 years of the ‘Emergency’, we are indeed going through a dark phase of undeclared yet everyday emergency, dismantling the constitutional and democratic rights frameworks. In such a situation of intense repression, where people’s rights are being bulldozed by a police state, it is indeed criminal for the Modi regime to put up a show that ‘all is well’ before the G-20 nations and the world-at-large.

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