

Applicants are invited to submit an essay of between 2,500 and 3,500 words (excluding references and footnotes). The essay. The 2021 essay will be on the topic, “Compare and contrast the rights to protest in England & Wales with such rights in India”. The successful entry will demonstrate that they have carefully considered the objectives of the Guru Nanak Social Mobility Scholarships. For example, stronger candidates will consider Sikh jurisprudence and how it may assist with the analysis of the question.

The essay must be typed; in double-spacing; include the title; state the word count; and the author. It must accompany the application form for the Scholarship.

Title: Rights to protest in India: A comparison with similar rights in UK

Word Count: 2,718 words

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----- *Essay begins* -----

The right to protest is imperative to defend the democratic values of a country. When the government tends to abuse its power or passes laws that are likely to cause more damage than good, the people of the country tend to register their protest by taking to the streets to get their voices heard. In this essay, we list out key protests carried out in India including anti-corruption movement of 2011, farmers protest of 2017 in Mandsaur, and of 2020-21 in Delhi. We also take a look at the important protests led by Sikhs, including the ongoing farmers’ protest. Importantly, we examine the sharp reaction of government to these protests, including the surveillance via technology, banning of internet or social media. Later, we contrast all these with the protests of similar scale in the UK such as by the university students in 2010-11 when they damaged the property at Conservatives Head office in London.

Then we highlight the differences between the reactions of police and the government to these protests in India and UK to draw key inferences.

Protests in India

In the first week of June, 2017, five protesting farmers were killed in police firing in Mandsaur, Madhya Pradesh, India (BBC, 2017). The farmers were only demanding loan waivers and better price for their produce. Similarly, Delhi Police cracked down upon protesters in the middle of night while they were sleeping at Ramlila Grounds in Delhi in June 2011. At the protest site,

Yoga guru Ramdev was leading an anti-corruption campaign against the government (Yardley, et al. 2011). On this, the Gandhian activist Anna Hazare stated that the police act of beating up protesters at night was strangulation of democracy (DNA, 2011). This crackdown was slammed all across the country and led to further protests (BBC, 2011).

Likewise, there are scores of protests in India where protestors are beaten with sticks, forced to face tear-gas and water cannons, and even killed in police firing like in Mandsaur incident of 2017. Not only this, there is a law of preventive detention (J&K Public Safety Act, 1978) that allows the state to arrest anyone even before one can protest against a government policy to prevent the person from indulging into a violence. What was meant to be a law against terrorists is, at times, used to quell political dissenters. For instance, in August 2019, a Member of Parliament (MP) and former chief minister Farooq Abdullah was detained and put under house arrest under this law when the state of Kashmir was carved into two Union territories and was also brought under the Indian laws after revocation of Article 370 that, hitherto, gave special status to this hill state. Abdullah was eventually released after being in detention for seven months (HT, 2020).

Muffling dissent through technology in India

In this section, we will discuss – what other tactics does the Government of India adopt to break up the protests. Before this, we will understand the significance of social media in mobilizing the protesters while the mainstream media looks the other way. Later, we will also examine if those actions of clampdown via technology actually work in curbing the protests or not.

Siwach (et al., 2021) argues that the social media, particularly Twitter played a significant role in mobilizing people and amplifying the message of protestors during farmers' protest in Delhi in 2020-21. The research hints at not-so overwhelming response by the mainstream media demonstrates that Twitter helped make up for it, at least to some extent.

To muffle the voices of protesters, the government often orders blocking of social media and/ or internet. The Government in India, to curb the protests, resorts to a variety of tactics which are unbecoming of a democratic country (Kusuma, 2018). For instance, the government – through its agencies – snoops on online activities of the activists, tracks their accounts and phones using latest technology such as GPS (global positioning system). The government has even been increasing the investments in installing and maintaining different ways of surveillance of public at large (ibid). This has gone so far that surveillance has become a parameter of good and safe governance. Now, governments can even make sure to get the comments blocked, web pages killed in a bid to stop the flow of communication. The government employees live under the fear of losing jobs upon commenting against the government (ibid).

Some studies have been conducted in past to examine the impact of such clampdown. And the results show that such tactics do not deter the protesters. A research by Rydzak (2019) argues that violent movements seem to grow during blackouts and internet ban. The research also cast a doubt on the effectiveness of shutdowns on the quelling of protests. This means that the government's clampdown on internet has no impact on collective action as mass mobilization can happen even without them (Rydzak, 2019).

There is a strong connection between Facebook and non-violent protests and non-existent link between Facebook and violent protests. The protests are not driven by either social networks or by formal institutions which use these movements to prop up their image. Instead they are mobilized by micro-level information dissemination among citizens with robust private ties (Lohmann 1994, McAdam 1986, Passy & Monsch 2014).

Some protests over time gain symbolic significance such as the one in Shaheen Bagh against CAA (citizenship Amendment Act) in 2020. This protest in Muslim neighbourhood in Delhi showed that it possible to trigger united resistance against oppressive government while clinging to one's identity constructed by victimhood (Roy, 2021).

Protests by Sikhs

Historically, Sikhs have made profound sacrifices while protesting for their rights, dignity, ethos and religious sanctity. The *Komagata Maru* incident on May 23, 1914 is a stark reminder of the fortitude of Sikhs and their never-say-die spirit. On that fateful day, the British police fired upon the Sikhs in Calcutta who were protesting against the Canada's refusal to let them migrate. During that time, Canada's laws excluded immigrants from Asian origin. Out of a total of 376 passengers who were aboard a ship named *Komagata Maru*, only 24 managed to enter Canada while the remaining 352 were not even allowed to disembark the ship that was eventually sent back to Calcutta. It was here that the Sikhs protested against the indignities they endured, leading to the deaths of 20 brave hearts.

What started in 1914 continues till today. The protests by Sikhs to protect their religion and to maintain the respect and dignity of their faith have happened time and again. An attack on Sri Harmandir Sahib (also known as Golden Temple) in June 1984 led to protests by the members of Sikh community in India. It was followed by the violence against Sikhs across India in November 1984 after the killing of Indira Gandhi, the then Indian Prime Minister by her Sikh bodyguards. Despite the appointment of ten commissions and committees to investigate and inquire into the events of November 1984, Sikh community worldwide strongly believes the justice was not done and protests are held across the UK to remember those who lost their lives during the genocide of November 1984 (Singh, 2018).

Even in 2021, when Indian farmers in Punjab believe that the Central government gave them a raw deal by passing agriculture reforms bills in the Parliament against their will and consent, they sat on an indefinite protest outside the Delhi borders (BBC, 2021). The protest was started by over 300,000 farmers, primarily from Punjab (Ellis-Peterson, 2020). Even after a dozen round of talks between the government representatives and the farmers' unions, there is no solution in sight (BBC, 2021). Still the Punjab Sikh farmers-led protest has continued for over eight months now. This clearly epitomizes their will to fight and aligns with their uncompromising pursuit of justice via non-violent means of protest.

Key protests in the UK

In 2010-11, university students led massive protests across the UK after the government lifted the cap on the university fees (Ibrahim, 2014). The students occupied 40 university campuses across over the UK. The protests that took place on November 10, 2010 were extraordinary and drew sharp reactions after hundreds of students stormed the Conservative Party headquarters at Milbank, London, and smashed windows and caused damage to the property. In his essay, 'The Moral Economy of the UK Student Protest Movement', Ibrahim (2014) argues that the protests of 2010-11 were similar to the ones carried out by mobs of the 18th Century when the rioters resorted to violence against immortality. That time, the mobs smashed mills and machines in protest against the rising price of bread. The idea of moral economy was first floated by Thompson (1971) in 'The Moral Economy of the English Crowd in the Eighteenth Century'.

Since the 2010-11 protestors — students — have no political representation or power to challenge the government policy, the only way to get their voices heard is through protests, which can turn violent. And this is what is likely to happen when a group of people lack institutionalized power and they tend to attack the very places which are symbolic.

The non-violent protests by Sikhs in Britain have been taking place for a long time, particularly to protect the religious ethos of Sikhism (Singh, 2018). In June 2010, for instance, the Satkaar (respect) campaign in response to the Grays gurdwara in Essex allowing alcohol, meat and cigarettes in a hall owned by the gurdwara (ibid). When a protest took place on October 16 the same year prior to a party that was scheduled to take place in the hall, the committee barred the consumption of these prohibited items in acknowledgement of protests (ibid). The Satkaar campaign, in fact, had taken shape when a series of demonstrations took place in 2005 to protest against taking the holy book Guru Granth Sahib to party halls or hotels during functions and weddings. Even in October 2015, the Sikhs ran a movement called #SikhLivesMatter following the desecrations of the Guru Granth Sahib. A protest took place on the BBC 'Sunday' programme in October 2015 and also outside the Indian High Commission in London (ibid).

Comparing police action in India and UK

Another vital study was done by Gorringer (2014) to compare the fallout of police action on protesters in India and UK. In India, the police atrocities, even leading to the deaths of protesters didn't lead to any sacking or prosecution of cops. In contrast, a similar crackdown called for sacking and inquiries that eventually led to the reforms in police force.

Ian Tomlison died during police action on protestors in 2009 near the site of G20 summit in London (Gorringer, 2014). Following the incident, the Her Majesty's Chief Inspector of Constabulary called for an overhaul of policing of protest. Even the officer responsible for Tomlison's death PC Harwood, though acquitted of manslaughter, was sacked from the Metropolitan Police service (Walker, 2012). Several reviews and studies were conducted afterwards, including Chief Inspector of Constabulary's review (HMIC, 2009) of public order policing that criticised the existing ways of policing the protests and suggested a new model of crowd control (Gorringer, 2014). The review suggested two areas of academic research: One called for the need to have a dialogue and engagement with protestors as a means of enhancing

mutual sympathy and understanding. The second underscored how certain forms of iron fisted approach of police can lead to an escalation of conflict and consolidate crowd opposition (ibid).

The official inquiry after Tomlison's death urged the police to embrace more tolerant methods of handling political protest in order to facilitate, rather than subjugate, the 'right' to protest. Also, it was highlighted that crowd order tactics must be implemented in such a way to facilitate the protest and sufficiently differentiate between the innocent and the guilty (Waddington, 2017).

It can be argued that lessons were learnt from a traumatic experience and new methods of conflict resolution were introduced. But not always. There were certain aberrations such as police action on student demonstrators in 2010 showed that there was a departure from the HMIC reports (Stott, Gorringer and Rosie, 2010). However, Gorringer (2014) argues that at least, there were learnings and accountability of police in the UK after one bad experience unlike in India where there was no semblance of accountability after the police firing in Paramakudi in Tamil Nadu. Gorringer carried out research both in India and UK and he found the contrast between two countries stark (ibid).

In Paramakudi, police firing and beatings killed seven people. After this, Justice Sampath Commission reviewed the police action that stated that the cops acted in self defence, but it also called the police action 'disgraceful'. The police officers who fired at the crowd were exonerated by the chief minister and the state government rejected the commission's "disparaging" remarks (Gorringer, 2014).

Gorringer (2014) further argues that the failure to hold the cops accountable for the deaths of seven protestors in Tamil Nadu serves to "erode the trust and legitimacy upon which democratic policing depends".

Meanwhile, Gorringer's inference does not apply everywhere. Sometimes, the police in UK also tried hard to quell the protests – though not as violently as in India.

One study takes examples of two international summits in UK (G20 in London in 2009 and NATO in Wales in 2014) and examined police's response to the protestors (Christmann, 2019). The study concluded that the state and the police make conscious efforts to suppress protest. The study shows that the police leaves no space for the protestors and establishes 'no protest zones'.

To quell the protest, the police resorts to non-lethal weapons against unarmed protestors to incapacitate them, and tends to use legal tools such as banning orders, permits and mass arrests. The study also suggests that it is vital to offer spaces where citizens can register their protest to their government. It is far from reality, at the moment, in Western democracies (ibid). To make it happen, it is imperative to roll our fundamental reforms so that there is truly democratic and accountable system of policing (ibid).

In fact, UK's new policing Bill – Police, Crime, Sentencing and Courts Bill, meanwhile, is believed to be a threat to democracy. Walker (2021) argues in her article that with the introduction of the new policing law, the UK government is attempting to undermine the key ethos of democracy i.e. to protest. Even Labour MP David Lammy spoke in the Parliament

against the Bill saying that “by giving police the power some time, the new law takes away our freedom all of the time.”.

Conclusion: It is an age-old maxim that protest is vital for democracy and quelling a dissent is equated with muzzling the democracy. The proper and improper protests should be separated and the rules be formulated because when the government intends to muffle a popular opinion, even for genuine reasons, it ends up in suppression of all forms of dissent – an unhealthy practice in democracy (Bayley, 1962). Indiscriminate suppression of all forms of illegal and violent protest is harmful to the long-term prospects of democracy (ibid).

As we saw that the protests are part of the social fabric of both the nations, and in many cases such rightfully and democratically organized protests were spearheaded by members of Sikh faith. The government in India often sends cops to crackdown on the protesters, and even takes the help of technology to dissipate the protests. Beating by sticks (*lathis*), water cannons and tear gas are very common by the police in India in its bid to quell the protests, thus striking at the heart of India’s democracy. In some cases, protestors have even died at the hands of police such as in Mandsaur, Madhya Pradesh in 2017. On the other hand, the situation in the UK is relatively better with less use of force and barely any killings in its aftermath. And when one man died in 2009 in London during police crackdown, it led to a complete overhaul of the way riots and demonstrations are dealt with in the UK.

However, the proposed policing Bill in the UK might tip the balance away from liberal ideals of democracy, giving more powers to the cops to contain the protests. So, we hope that the citizens of UK, just as in India, do not have to *protest* to defend their ‘right to protest’.

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