SSOAR

Open Access Repository
www.ssoar.info

India's citizenship struggle: the Modi government pushes its nationalist agenda

Wagner, Christian; Arora, Richa

Veröffentlichungsversion / Published Version
Stellungnahme / comment

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:
Stiftung Wissenschaft und Politik (SWP)

Empfohlene Zitierung / Suggested Citation:
Wagner, C., & Arora, R. (2020). *India's citizenship struggle: the Modi government pushes its nationalist agenda.* (SWP Comment, 3/2020). Berlin: Stiftung Wissenschaft und Politik -SWP- Deutsches Institut für Internationale Politik und Sicherheit. https://doi.org/10.18449/2020C03

Nutzungsbedingungen:
Dieser Text wird unter einer Deposit-Lizenz (Keine Weiterverbreitung - keine Bearbeitung) zur Verfügung gestellt. Gewährt wird ein nicht exklusives, nicht übertragbares, persönliches und beschränktes Recht auf Nutzung dieses Dokuments. Dieses Dokument ist ausschließlich für den persönlichen, nicht-kommerziellen Gebrauch bestimmt. Auf sämtlichen Kopien dieses Dokuments müssen alle Urheberrechtshinweise und sonstigen Hinweise auf gesetzlichen Schutz beibehalten werden. Sie dürfen dieses Dokument nicht in irgendeiner Weise abändern, noch dürfen Sie dieses Dokument für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, aufführen, vertreiben oder anderweitig nutzen.
Mit der Verwendung dieses Dokuments erkennen Sie die Nutzungsbedingungen an.

Terms of use:
This document is made available under Deposit Licence (No Redistribution - no modifications). We grant a non-exclusive, non-transferable, individual and limited right to using this document. This document is solely intended for your personal, non-commercial use. All of the copies of this documents must retain all copyright information and other information regarding legal protection. You are not allowed to alter this document in any way, to copy it for public or commercial purposes, to exhibit the document in public, to perform, distribute or otherwise use the document in public.
By using this particular document, you accept the above-stated conditions of use.

gesis Leibniz-Institut für Sozialwissenschaften

Mitglied der Leibniz-Gemeinschaft

Diese Version ist zitierbar unter / This version is citable under:
https://nbn-resolving.org/urn:nbn:de:0168-ssoar-67208-7

SWP

SWP Comment

NO. 3 FEBRUARY 2020

India's Citizenship Struggle

The Modi Government Pushes Its Nationalist Agenda

Christian Wagner and Richa Arora

With the recent reform of India's citizenship law, the ruling Bharatiya Janata Party (BJP) of Prime Minister Narendra Modi is pushing its Hindu-nationalist agenda. The reform became necessary to fix the shortcomings of the National Register of Citizens (NRC) in the state of Assam and to pave the way for a national citizens' register. Critics are accusing the government of outright discrimination, against Muslims in particular, because the plan could deprive a large number of people of their right to citizenship and undermine fundamental values of the constitution. The measures have also met with much criticism internationally, including from the United States and the United Nations. India's foreign minister, Subrahmanyam Jaishankar, has defended the reform plans and referred to China's handling of domestic political problems. If India were to embark on such a path in the long term, this could possibly spark a discussion on whether, and to what extent, an increasingly Hindu-nationalistic India can still be considered a partner that shares values with the West.

The controversy over the Citizenship (Amendment) Act and the creation of a national citizens' register have triggered a great wave of protests against the Modi government in India. In many cities, there have been demonstrations and sometimes violent clashes with the police. In Hyderabad, for example, more than 100,000 people protested in January 2020; in Mangaluru it was about 200,000. The magnitude of the protests stems from the fact that a huge number of people living in India at the moment might not be able to claim Indian citizenship as a result of the two projects.

The Ideological Basis

Based on its absolute majority in parliament, the Modi government has been pushing its Hindu-nationalist "Hindutva" agenda (Hinduness) in its second term of office since May 2019. This is primarily directed against the Muslim minority. According to the 2011 census, Muslims are the largest minority in India, with more than 170 million people, comprising 14.2 per cent of the population. The most important milestones of recent months have been the division of the Muslim-majority state of Jammu and Kashmir into two centrally administered union territories and the publication of the NRC in Assam. The

Stiftung Wissenschaft und Politik
German Institute for International and Security Affairs

Supreme Court's ruling in favour of the construction of a Hindu temple on the site of a mosque in the northern Indian city of Ayodhya has provided further impetus to the Hindu nationalist agenda.

The foundations of the Hindutva ideology were formulated in the 1920s and 1930s by V. D. Savarkar and M. S. Golwalkar. For Golwalkar, the Hindu nation comprises the unity of geography, race, religion, culture, and language. The decline of the once glorious Hindu nation began, in his eyes, with the conquest of India by the Muslims, and later the British. These ideas continue today in a modernised form in parts of the BJP and its affiliated groups, such as the National Volunteer Organisation (Rashtriya Swayamsevak Sangh, RSS). Prime Minister Modi and Interior Minister Amit Shah started their political careers in the RSS. Golwalkar is considered to have been one of Modi's mentors.

The idea of Hindutva aims to restore the unity and greatness of India as a Hindu nation. This goes hand in hand with the idea of the predominance of the Hindu majority and a reduction in privileges for minorities. Hindutva is thus less of a religious project than a version of ethnic nationalism.

The National Register of Citizens

The dispute over a national citizens' register is another central aspect of the debate on the reform of citizenship law.

The current starting point is the conflict in the north-eastern state of Assam. There, a conflict has been smouldering for decades because of the question of illegal immigration from neighbouring Bangladesh. As part of the settlement of this conflict, the Congress government agreed with Assamese parties in 1985 to update the NRC in Assam in order to deter illegal immigrants from Bangladesh. This process took on a new dynamic when the Supreme Court demanded an update of the NRC in 2013. In the 2019 election campaign, Interior Minister Shah compared the illegal immigrants from Bangladesh to "termites" and demanded their expulsion. For Assam, the NRC, which came into effect at the end of August 2019, declared about 1.9 million people stateless. Shah reiterated that other states also had the possibility to set up their own registers and repeatedly spoke out in favour of a national citizens' register.

The BJP had already decided in 2003 to create a National Register of Indian Citizens. The data required for this is collected via a National Population Register. Inter alia, this includes information on the birth dates and birthplaces of parents. The background to this lies in the modifications to the law on citizenship that gradually replaced the birthplace principle (*ius soli*) with the principle of descent *(ius sanguinis)*.

The explosive political power of a national citizens' register lies in the fact that many people will probably not be able to provide complete data. For instance, official IDs, such as the existing Aadhar card, have an average error rate of 8.8 per cent. If this error rate were to be applied to a national citizens' register, this would affect around 120 million people out of a population of approximately 1.35 billion. Even with an error rate of only 1 per cent, this would still account for 13.5 million people. For example, the collection of personal data such as birth dates is often incomplete, and many local administrations are considered to be inefficient and susceptible to corruption and patronage. Hence, this would particularly affect lower caste and tribal groups in rural areas.

A national citizens' register would also be an administrative and financial tour de force. Estimates say that about 40 per cent of all public servants would be involved in the creation of a national citizens' register. The costs of the undertaking could amount to €50 billion.

The Reform of the Citizenship Law

The political thrust of the NRC in Assam was aimed primarily at illegal immigrants

from Bangladesh. Among the 1.9 million who have since been regarded as stateless persons, however, there are also many Hindus. In order to exempt them from the negative consequences of the NRC, the Indian Parliament passed a reform of the Citizenship (Amendment) Act in December 2019. This act provides for the simplified naturalisation of religiously persecuted Hindus, Sikhs, Christians, Buddhists, Parsis, and Jains who came to India from the Muslim states of Afghanistan, Bangladesh, and Pakistan before 31 December 2014. Interior Minister Shah himself has made clear the connection between the reform, the NRC, and the national citizens' register.

The reform is discriminatory at multiple levels: on the one hand, against Muslim minorities such as the Ahmadiyya and the Shiites, who are repeatedly the targets of attacks in Pakistan, for example; on the other hand, Hindu Tamils from Sri Lanka are also left out of the legislation. BJP ministers have defended this apparent discrimination by saying that Muslims have other countries where they could apply for citizenship in the event of persecution.

The nationwide protests that have erupted in India in response to the law are therefore supported by a broad spectrum of the population. The Muslims are demonstrating against the threat of discrimination, which, even if it does not render them stateless, would make them second-class citizens in an increasingly Hindu-nationalistic India. The lower caste and tribal groups are protesting against the threat of discrimination if they are not able to present the relevant birth certificates of their parents. In solidarity with Muslims and lower castes, liberal representatives of India are standing strong against the new legislation because the reform violates the unalterable basic structure of the constitution by including religion as a criterion for citizenship and the discrimination associated with it. Last but not least, there are all of those who are protesting against the increasing restrictions on freedom of expression and freedom of the press, since India was the country with the highest number of Internet disconnections in 2018 and 2019. A number of states have already announced their opposition to the reform and the related legislation.

The International Dimension

The domestic political reforms of recent months, especially the restrictions on human rights in Kashmir, have already drawn a lot of international criticism. The American government has expressed concern about the situation in Kashmir on several occasions. During German Chancellor Angela Merkel's visit to New Delhi in November 2019, she also criticised India's Kashmir policy. The European Union is calling for unrestricted access to the region in order to be able to see the situation on the ground for itself.

However, the consequences of the national citizens' register and the new citizenship law are not limited to India. In the regional context, relations with Bangladesh, where the greatest progress has been made in recent years, are particularly strained. The government in Dhaka has already made it clear that it is only willing to take back persons whose Bangladeshi citizenship has been clearly established. In response to the critical remarks of Malaysian Prime Minister Mahathir Mohamad on the issue of Kashmir and the plans for citizenship, India stopped its imports of Malaysian palm oil.

Due to the ongoing protests, the government had to cancel a high-level meeting in Assam with Japanese Prime Minister Shinzo Abe. In addition to that, India has also received much criticism from international organisations. The International Commission of Jurists criticised the NRC in Assam. The United Nations Office for Human Rights condemned the new citizenship law as discriminatory, as did the United States Commission on International Religious Freedom.

A national citizens' register poses a threat to India's international image at large. Even if the number of people denied the right to citizenship at the end of the process is on the same scale as in Assam, the political

and humanitarian question arises as to how India intends to deal with this population group in the long term. The people who are not granted Indian citizenship will most likely not be able to claim it for another country. The state government in Assam has already set up camps for people who have been declared stateless. In addition to the criticism from the Western states for the way they treat these people, a number of states from the Middle East will probably criticise India's policy towards its Muslims more strongly than they have done towards China, for example, for its treatment of the Uighurs.

Outlook

The forced implementation of Hindu-nationalist projects is taking place in a time of economic downturn in India. Economic growth slipped to below 5 per cent at the end of 2019. One may see BJP policy as an attempt to divert attention from economic problems by means of a nationalist agenda. But it should not be overlooked that the BJP is primarily implementing its election manifesto.

In the wake of mass protests, Prime Minister Modi declared that there are currently no plans for a national citizens' register. Even BJP ministers have admitted that they would not be able to provide complete information for such a citizens' register.

Discussions on the citizens' register and citizenship rights are building blocks on the way to transforming India into a Hindu nation. Interior Minister Shah wants to open up the bureaucracy for lateral entrants, paving the way not only for experts but also for party political nominations. He also wants to promote the use of Hindi in India and expand the Western concept of human rights to include traditional elements.

India's domestic political developments will also draw the attention of German and European politics, at the latest when talks on a trade agreement are resumed. Foreign Minister Jaishankar himself has defended the reform plans by referring to China's handling of its domestic problems. If India really does see China's approach as a model for its future development and its dealings with minorities, this will potentially trigger a debate on whether, and to what extent, an increasingly Hindu-nationalistic India is still a partner of common values with the West.

Dr Christian Wagner is Senior Fellow in the Asia Division.
Richa Arora is Alexander von Humboldt Fellow in the Asia Division.

© Stiftung Wissenschaft und Politik, 2020
All rights reserved

This Comment reflects the authors' views.

The online version of this publication contains functioning links to other SWP texts and other relevant sources.

SWP Comments are subject to internal peer review, fact-checking and copy-editing. For further information on our quality control procedures, please visit the SWP website: https://www.swp-berlin.org/en/about-swp/quality-management-for-swp-publications/

SWP
Stiftung Wissenschaft und Politik
German Institute for International and Security Affairs

Ludwigkirchplatz 3—4
10719 Berlin
Telephone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

ISSN 1861-1761
doi: 10.18449/2020C03

(English version of SWP-Aktuell 2/2020)