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Asia in 2022: The impact of the Russia-Ukraine war on local crises

Edited by
Michelguglielmo Torri
Filippo Boni
Diego Maiorano

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A large, intricate mandala pattern in a light orange color, located in the bottom right corner of the page. It features complex, symmetrical geometric and organic shapes, resembling a stylized flower or a traditional Indian mandala.

CENTRO STUDI PER I POPOLI EXTRA-EUROPEI “CESARE BONACOSSA” - UNIVERSITÀ DI PAVIA

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THE ROLE OF CITIZENSHIP IN THE COMING OF HINDU RASHTRA

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Anupama Roy, *Citizenship Regimes, Law, and Belonging: the CAA and NRC*, Oxford: Oxford University Press, 2022, 270 pp. (ISBN: 978-0-19-285908-2)

Since the Indian People's Party (Bharatiya Janata Party, BJP) gained national power in New Delhi for the first time in 1998, Hindu nationalist organisations have started to transform the Indian republic in mainly two ways: alter the way Indians imagine their society, its historical origins, and its collective identity away from a secular, multi-religious entity towards Hindu hegemony; and change the character of the state and its relationship with society by relying on state-like institutional and organisational networks largely beyond the effective control of the state. Both of these processes have severe consequences for India's democracy, which in the long run they in fact undermine. As such, they are best understood as a systematic, coherent, and gradual effort designed along a masterplan to turn India into a Hindu Rashtra, a reign of the Hindus, in which a Hindu mainstream in culture, politics, and society forces everybody and all communities not part of this mainstream into a subordinate or even illegitimate position. The premiership of Narendra Modi, which began in 2014, has accelerated and deepened these changes and brought the vision of Hindu Rashtra as close to a reality as never before. Anupama Roy's book is an important contribution to understand how this vision became manifest in alterations of the Indian republic's citizenship regime and how these changes are vital to alter the political-legal character of the Indian state as a whole.

The book focuses primarily on the regulations and impact of the National Register of Citizens (NRC) and the Citizenship Amendment Act (CAA), two recent (2019) pieces of legislation that simplified the access to Indian citizenship for Hindu, Sikh, Christian, Buddhist, Jain and Parsi migrants who fled from India's neighbouring societies while at the same time discriminating against Muslims in Assam and elsewhere in their efforts to acquire such citizenship. In the BJP's official rhetoric around these regulations, there is an explicit link to Partition, i.e., the separation of British-India into India and Pakistan in the summer of 1947. The Sangh Parivar, i.e., the family of Hindu nationalist organisations, has always perceived Partition as a historical wrong to be corrected as quickly and comprehensively as possible. By extension, Pakistan and Pakistani citizenship are essentially illegitimate. The NRC and CAA should be seen within this historical pre-supposition.

The main chapters of the book provide detailed studies of how these two legal instruments unfold their repressive character at the local level. The rich methodology through which Roy approaches his subject is a combination of government reports, case law, constituent assembly debates, archival material, and personal interviews the author conducted over the previous years in Assam and other parts of India. Particularly the interviews make the legalistic and at times quite abstract subject matter much more accessible for the generally interested reader while at the same time providing some concrete illustrations of how legal discrimination and exclusion from citizenship work out in real life for communities, families, and individuals.

Roy characterises this mosaic of different research methods as a «legal-anthropological account of citizenship in contemporary India» (32) that envisions the changes in law and judicial interventions as manifestations of much larger alterations of how the state relates to its people. In that light, the book provides the reader not only with a detailed study of these two particular pieces of legislation but also with an analysis of the most recent and most far-reaching transformation of India's citizenship «regime» (4). By that, Roy means the whole apparatus of legal-administrative operations that constitute citizenship including their ideological and political embeddedness. The question of citizenship thus turns into a symptom of both dimensions of India's reconstruction towards a Hindu Rashtra, the re-imagination of India and the transformation of statehood. It is a concrete manifestation of who belongs to Indian society, under what conditions, and equipped with what kind of legal-political status. Because of its inbuilt patterns of discrimination between Muslims and the rest, Roy understandably interprets this contemporary citizenship regime as a violation of the Indian constitution.

Throughout the chapters Roy deploys a number of different notions of citizenship. For the reader less familiar with citizenship as a research subject it is not always easy to maintain a clear overview on how many notions there are and how they are distinct from each other. But these notions do illustrate the historical evolution of citizenship primarily since the Constituent Assembly debates around Independence in 1947 and the different layers that constitute today's citizenship regime in the Indian republic. Let me highlight three of them. «Hyphenated» citizenship describes the competence and even obligation the Indian state has given itself to establish and regularly update a national register of citizens and issue identity cards to document their rightful belonging to Indian society. This citizenship dynamic became particularly relevant in Assam in India's Northeast, a region with a long history of migration and contested notions of belonging and religious-national identity. The case of Assam is not only relevant to understand how notions of citizenship have been established and challenged in post-Partition India. Assam was also a central political battleground when the NRC was fleshed out after the Citizenship Amendment Act of 2013 had entered into force. The hyphenated character of this notion of citizenship

refers to the intermingling of formal citizenship as a legal status with questions of collective identity, religion, and descent. In contrast to the earlier days of the republic, this new notion of citizenship attaches the legal status to cultural and thus strongly contested criteria of belonging and in this way opens up various opportunities for outright legal discrimination and political marginalisation.

A second notion is «bounded» citizenship, which refers to the legal regime of the CAA. This layer of the Indian citizenship regime introduced strict and unnegotiable distinctions between citizens and non-citizens and associates the former with national territory and the imagination of a religious-majoritarian national community. Together, hyphenated and bounded citizenship constitute the essence of a legal-political apparatus that the state created to cartograph what it considers its legitimate population while in return marginalising or even cutting out what it labels illegitimate.

While these two manifestations of citizenship became induced by the state, a third one evolves in opposition to the state. What Roy calls «dissident» citizenship is an umbrella term for efforts initiated by societal actors, local communities, and political-institutional opponents of the government to undermine Hindu nationalism's discriminatory citizenship regime and fight its internal logics on the ground. In what I consider the best part in the book, chapter 4 reconstructs numerous efforts launched from within India's society and institutional landscape to challenge the first two notions of citizenship and push the political-legal practice again back towards more respect for the Indian constitution and equality as the indispensable foundation of a democratic order. Local parliaments, the judiciary, civil society initiatives, artists, civil servants, and national opposition critical of the BJP's citizenship regime made various attempts, partly successful, to challenge this regime and weaken its implementation among communities at least gradually removed from New Delhi's executive powers. The chapter also contains some otherwise rare references beyond India.

As the author emphasises in various parts of the book, the embeddedness of the CAA and NRC in the broader ideological-political context is key to understand their evolution and function within India's contemporary political course. In light of the BJP's regular publications and election manifestos of the 1980s and early 1990s, both the CAA and NRC appear as the consistent implementation of Hindutva's core ideas formulated and made visible already at that time to everyone paying attention.¹ The general conjuncture Roy observes in the development of the citizenship regime towards the core criteria of blood and descent is a reflection of the Sangh Parivar's belief in what defines India as a nation of Hindus. These principles

1. An illuminating rereading in this context is the BJP election manifestos from 1984 and 1989 as well as the BJP White Paper on Ayodhya from April 1993 (all accessible at bjp.org). These three documents sketch out what India's future meant for this party in terms of concrete political change.

of belonging go back to the 1920s when V.D. Savarkar formulated the key ideological features of Hindutva, namely the common descent of all Hindus and their devotion to India as their holy land.²

At the same time, Roy's approach indicates another historical pattern frequently overlooked in today's discussions on the rise of the BJP and its affiliated Hindu nationalist organisations: the ways in which the Congress party facilitated this rise. While there is no doubt that the rule of the BJP in New Delhi under Atal Bihari Vajpayee (1998-2004) and especially Narendra Modi (since 2014) constitute a qualitative change towards an actual Hindu Rashtra in India, the continuities particularly since the Emergency regime (1975-1977) and Indira Gandhi's fourth term in the first half of the 1980s are underacknowledged in the discussion.³ The transformations of national and local Indian politics that occurred since the second half of the 1970s are essential to understand how the BJP managed since the second half of the 1980s to re-position itself from the margins of Indian politics into its centre stage. Roy's thoughtful and detailed analysis of how the Congress pushed India's citizenship regime gradually but steadily towards a more exclusive and thus discriminatory regime ultimately becoming based on blood and descent is a vital contribution to such a historically more adequate understanding of India's contemporary transformation. Rather than focusing exclusively on the (no doubt disastrous) policies of the Modi administration leading to national disintegration and inter-communal hostility, a historically more extended interpretation of the harbingers of Hindu Rashtra under the leadership of the Congress party is a much-needed complementary element in this analysis.

Finally, Roy's book illustrates another element discussions on citizenship share in many contemporary societies far beyond India. The revision of citizenship regulations is frequently grounded in and legitimised by a comprehensive notion of crisis.⁴ As the argument goes, because society and state are in a crisis, existing citizenship regimes need to be revised and tightened towards (a particular kind of) outsiders in order to combat this crisis. In the Indian case, this logic contains mainly two notions of crisis. One is

2. V.D. Savarkar, *Hindutva: Who is a Hindu?* 6th ed, New Delhi, Bharti Sahitya Sadan, 1989.

3. This essential aspect of the Congress party's history is missing in large parts of the historiography. See, for example, the otherwise illuminating books by Zoya Hasan, *Congress After Indira: Policy, Power, Political Change (1984-2009)*, New Delhi, Oxford University Press, 2015; and Zoya Hasan (ed.), *Ideology and Organization in Indian Politics: Polarization and the Growing Crisis of the Congress Party (2009-19)*, New Delhi, Oxford University Press, 2022.

4. The term populism, coming from the debates on crisis and politics in contemporary United States and Europe, is also increasingly used for the Indian context. See, for example, Christophe Jaffrelot, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*, Princeton, Princeton University Press, 2021; and Mihir Bose, *Narendra Modi: The Yogi of Populism*, Goring, Bite-Sized Books, 2021.

a long-term state of emergency. A religious-ethnic «majority», since centuries besieged by hostile «minorities», needs to break out of its passivity and flawed notion of tolerance to emancipate itself and re-establish true historical order. The other notion of crisis is more short-term and refers to imminent forms of conflict the crisis-beaters usually produce themselves. The saffronisation of India's citizenship regime illustrates both notions of crisis that function as a vital context to both de-legitimise the established citizenship regime as historically inadequate and advance open discrimination as the order of the day.

In conclusion, then, Roy's book deserves a broad readership for the creative ways through which it combines a rich methodology with the analysis of a timely subject that illuminates many relevant facets of the ongoing endeavour to turn the secular Republic of India into a Hindu Rashtra.