

**THE NATION AND ITS ALIENS: CONTENTIONS OF
CITIZENSHIP UNDER A HINDU NATIONALIST
REGIME**

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Abstract

This research aims to connect the linkages of the current citizenship crisis associated with the massive bureaucratic exercises of the National Register of Citizens (NRC), the National Population Register (NPR) and the Citizenship Amendment Act (CAA) with the Hindu nationalist (Hindutva) discourse. The evolution of Hindu nationalism bears a direct relationship to the trajectory of the Indian state which now chooses a stringent approach to identify “illegal immigration” on the one hand and simultaneously create a chunk of stateless people by offering selective citizenship. The evolution of Hindu nationalism is multifarious and hence poses a challenge to place all aspects under the rubric of MA research. The intention here is to investigate the texts of Hindutva produced by ideologues like V.D. Savarkar and M.S. Golwalkar and explore major tenets that argue about residency, citizenship, “true inhabitants”, Muslim counterparts and so on. The objective is not to look at the citizenship crisis as an isolated event; rather its relevance lies in the blueprint of Hindu nationalism which has already given a clarion call for transforming India into a Hindu *Rashtra* (Nation).

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List of Abbreviations

AASU – All Assam Students’ Union

AAGSP – All Assam Gana Sangram Parishad

ABVP – Akhil Bharatiya Vidyarthi Parishad

BJP – Bharatiya Janata Party

BPL – Below Poverty Line

CAA – Citizenship (Amendment) Act

CAB – Citizenship Amendment Bill

CEDAW – Convention on the Elimination of Discrimination against Women

CIVICUS – World Alliance for Citizen Participation

COVID -19 – Corona Virus Disease 2019

CRC – Convention on the Rights of the Child

HRW – Human Rights Watch

ICCPR – International Covenant on Civil and Political Rights

ICERD – International Covenant on Elimination of Racial Discrimination

ICESCR – International Covenant on Economic, Social and Cultural Rights

ISHR – International Service for Human Rights

JPC – Joint Parliamentary Committee

NDA – National Democratic Alliance

NGO – Non-governmental Organisation

NPR – National Population Register

NRC – National Register of Citizens

NRIC – National Register of Indian Citizens

OHCHR – Office of the High Commissioner for Human Rights

OMCT – World Organisation against Torture

RSS – Rashtriya Swayamsevak Sangh

UN – United Nations

VHP – Vishwa Hindu Parishad

Introduction

The Narendra Modi led *Bharatiya Janata Party* government came to power with a massive landslide victory in 2014 and retained its position with an even greater mandate in 2019.¹ During the last six years, India witnessed rapid socio-political and economic changes that were perfectly unimaginable in any form before. The idea of India as a nation that prompted its people to mobilise against colonialism has also undergone a massive transformation. The nation, which was founded on the liberal principles of multi-cultural, multi-linguistic and multi-ethnic values, has transmuted into a polarising nation. The reasons of this transmutation find their roots in the pre-Independence period, something I shall be focussing upon later. This rise of BJP was not an abrupt development but traced its head-start to the 1990s when, for the first time, it garnered enormous support with the call for demolishing the centuries-old *Babri Masjid*.² This was a watershed moment in which a political party of national stature established its footing on religious fundamentalism, otherization, propaganda, false narrative, xenophobia etc. and redefined Indian society and politics for the days to come. Since then, the BJP has been able to form three central governments, once in coalition (1999) and later, achieving absolute majorities in the parliament (2014 & 2019). In the two successive regimes of the BJP government, one could witness huge policy-level changes that produced a failing “report card” of the country.³ The economic reforms of the government, through policies like Demonetisation, overburdening

¹ The Bharatiya Janata Party is one of the two most popular national parties in India. The party bagged massive landslide victories in the India general elections of 2014 and 2019. Visit www.bjp.org [accessed 20th April 2020]

² The Babri Masjid (Mosque) was built by a general of the Mughal empire to honor emperor Babur. The Mosque became a site for constant communal polarization and violence based on the Hindu nationalist narrative that it was built over the birthplace of a Hindu god, Ram. It was demolished by Hindu nationalist on 1992 resulting in mass genocide across the country. See Christophe Jaffrelot, ed, *Hindu nationalism: A reader*, Princeton University Press, 2009, 279-298

³ See “Modi’s 5 years: A report card” <https://www.deccanherald.com/specials/sunday-spotlight/modi-s-5-years-a-report-card-726064.html> [accessed 20th April 2020]

taxation, rapid disinvestment, privatisation and so on, have not only taken a toll on the financial health of the country but have also increased the rich-poor disparity by leaps and bounds with the help of crony capitalism.⁴ Moreover, in the social dimension, there has been brisk escalation towards an overarching intolerance against minorities which has manifested itself in forms of hate crimes, mob lynching, communal riots and religious zealotry. Such developments shattered the perceived notion of India as a multi-diverse democratic nation and a growing economic power. While the list of BJPs' "development" towards the nation is nonending, the primary agenda of my paper is not to dissect and diagnose the role of this national party in creating milestone disparities. I shall be analysing a key contention of citizenship crisis orchestrated by the government, rocking the country to its very foundation.

Amongst the many "promises" that bolstered the BJP's current standing in the central government, one of the narratives was built around a promise of making India free from illegal immigrants. This narrative of India being a hub of illegal immigration has been a long-standing propaganda narrative initiated by successive Congress governments with a substantial chunk of their constituents and finally metastasized by the conglomerate of right-wing nationalist organisations we know as the *Sangh Parivar*.⁵ Under such circumstances, where a group of Hindu nationalists brings forward the agenda of illegal immigration, they are most certainly targeting the Muslim minorities of the country. Hindu-Muslim relations in a post-Partition India is a bigger case of investigation and analysis. However, to simply put it in the thesis proposal, I

⁴ Demonetization is the act of stripping a currency unit of its status as legal tender. See "*Demonetisation drive that cost India 1.5m jobs fails to uncover 'black money'*"

<https://www.theguardian.com/world/2018/aug/30/india-demonetisation-drive-fails-uncover-black-money>
[accessed 20th April 2020]

⁵ The combine of *Rashtriya Swayamsevak Sangh*, *Vishwa Hindu Parishad*, *Hindu Mahasabha* and other satellite organisations affiliated to these Hindu nationalist organisations are collectively referred to as the *Sangh Parivar*. See Christophe Jaffrelot, ed, *Hindu nationalism: A reader*, Princeton University Press, 2009, 17-19

will conditionally refer to the position of Muslims as the becoming of “second class citizens” in India. These citizens are currently bearing most of the brunt from the Indian deep state, more so, with the unfolding of the recent episodes concerning the citizenship crisis. The context finds its opening in some of the recent keywords such as the National Register of Citizens (NRC), National Population Register (NPR) and the Citizenship Amendment Act (CAA). The NRC traces its roots in the north-eastern state of Assam where unique tensions have been developing around illegal immigration since the 1950s.⁶ The line of contention revolves around two parties, the Assamese *Bhumiputras* (sons of the soil) and the Bengalis (especially the ones who migrated to Assam during the Bangladesh Liberation War). The demographic changes prompted the Assamese to initiate the Assam Movement with the primary objective of declaring the Bengalis as illegal immigrants. The movement attained continuous escalation leading to ethnic crisis in the region resulting in mass pogroms. It culminated to a point in the 1980s leading the two successive Congress governments to pass The Illegal Migrants (Determination by Tribunal) Act in 1983 and later the Assam Accord in 1985.⁷ Since the entire Hindu nationalist framework propagated an anti-Muslim agenda, the assertion revolving around Muslims as the primary constituents of the immigrant population conspired across their inner circle.

It was after the BJP's victory in 2014 that the issue of conducting an NRC in Assam was floated along with the possibility of its country wide extension. The government surreptitiously argued that the NRC was a part of the already established Assam Accord and needed immediate

⁶ The National Register of Citizens is a government document that registers one's citizenship based on documents of domicile on a region within a specified cut-off date. See <http://egazette.nic.in/WriteReadData/2019/205117.pdf> [accessed 20th April 2020]

⁷ The Assam Accord was a Memorandum of Settlement signed by Rajiv Gandhi (then Prime Minister of India) and leaders of the Assam Movement to identify and determine citizenship of the Assamese population based on the date of their entry into the state of Assam. See M. S. Prabhakara, “Invention, Reinvention and Contestation: Politics of Identity in Assam,” 2010, 263-290

attention. The NRC categorically denaturalises people in a given territory and then relies on certain documents that need to be furnished to prove one's citizenship. Most importantly, once implemented, the NRC disregards national identity documents like the passport, voter identification card, etc. after a cut-off date as valid documents for proving citizenship. In case of the Assam NRC, the primary and the most important documents were papers validating one's entry in the Indian soil before the 25th of March 1971 (formation of Bangladesh). Such selective documents not only excluded people who settled in Assam after the cut-off date but also rendered many native people stateless. In 2018, the primary outcome of NRC rendered over 4 million people of Assam stateless.⁸ Massive criticism and public outcry forced a newer rendition of the NRC to follow, declaring the final number of stateless persons at 1.9 million.⁹ The fate of the stateless people of Assam is yet to be decided, although one can visibly find the government spending millions on building detention centres and even imprisoning them in such encampments. The events that unfolded in Assam exposed a complexity to the Hindu nationalists as most of the identified non-citizens in the list were Hindus. Such a severe jolt to the Hindu vote bank would destroy the growing strength of Hindu nationalism in India and render the entire *Sangh Parivar* defenceless. At this critical juncture, the government decided to put forward its trump card, the Citizenship Amendment Bill, which specifically mentions that persecuted Hindus, Sikhs, Jains, Buddhists, Parsis and Christians coming from neighbouring Bangladesh, Pakistan and Afghanistan would be given citizenship. The Muslims were categorically left out of this declaration. Clearly, another planned communal demarcation had been charted out amongst

⁸ See "What happens to India's four million 'stateless' people?" <https://www.bbc.com/news/world-asia-india-45002670> [accessed 20th April 2020]

⁹ See "India excludes nearly 2 million people from Assam citizen list" <https://www.aljazeera.com/news/2019/08/nrc-list-19-million-excluded-india-citizens-list-190831044040215.html> [accessed 20th April 2020]

the deregistered people as the entire band of Hindu nationalists propagated that Hindus along with other religious groups stated in the list but excluded from the NRC would also be accorded citizenship. The Bill was tabled in 2018 but did not see the light of the day.

However, what happened at Assam did not stay there and the question of nationality and citizenship was raised across the entire country. The BJP government expressed a strong need to implement NRC across the nation to identify illegal immigrants. Now, interestingly, a similar modus operandi from the state of Assam is to be followed in all the states. The broader mandate of electoral power in 2019 also led the government to pass the Citizenship Amendment Bill into an Act in the same year. The current targeted state is West Bengal, followed by the others, where a National Population Register is to be created first.¹⁰ This NPR shall identify “doubtful citizens” of a state who shall be subjected to deregistration in the NRC. It is then, based on religion; their fate is to be decided by the implementation of the Citizenship Amendment Act.¹¹ While this law has been labelled discriminatory, leading to countrywide protests, it has also attracted a lot of International attention on the lines of Human Rights violations, violation of the principles laid out by the Geneva Convention of 1951. The government and the entire body network of Hindu nationalists in response have stated that these laws and amendments are not to take away citizenship; instead, it would present one with the privilege of Indian citizenship. This statement holds no truth as many Indians, mainly belonging to the lower class-caste groups would be unable to produce the required “paperwork” to prove their citizenship. The CAA staunchly departs from the guidelines laid by the Citizenship Act of 1955, which not only emphasised on *jus soli* values but also granted citizenship to any persecuted community seeking refuge in India.

¹⁰ See <http://dnh.nic.in/eGazette/13Sep2019/ESeries1SrNo11Dated12Sep2019.pdf> [accessed 20th April 2020]

¹¹ See <http://egazette.nic.in/WriteReadData/2019/214646.pdf> [accessed 20th April 2020]

Moreover, the Act is known to transgress the International Covenant on Civil and Political Rights that India ratified in 1979, stating that no one can be deprived of their citizenship based on their race, colour, descent, national and ethnic origin. Agencies like the Amnesty International and Human Rights Watch consistently claim that the Act flouts the International Conventions on Elimination of All Forms of Racial Discrimination that India signed in 1967 and ratified in 1968, obligating the state to guarantee one's enjoyment of the right to nationality. The Act, once implemented will create the most significant number of stateless and disenfranchised people in the history of humankind. Alongside, the entire *Sangh Parivar* is relying on a massive communal polarisation through the CAA that would ensure its footing firmly for the years to come in fulfilling its dream of creating a *Hindu Rashtra*.¹²

Such ongoing development in India not only reveals the ambiguities of majoritarian exertions in modern nations but also raises serious ambivalent assumptions towards a functioning liberal constitutional modality. The international agencies at the behest of the international community are yet to take adequate cognizance of the matter making it all the more critical for the issue to be placed in academic discourse with immediate effect. In such a commissure, this research will propose to analyse linkages between the growing prowess of Hindu nationalism in India with the ongoing citizenship crisis. The upcoming sections (chapters) in this thesis would carefully delve into the contours of a Herculean evolution of Hindu nationalism in India. Following the analysis of the preceding section, I would be investigating the fault lines of the NPR, NRC and CAA and pitch it as an agenda of Hindu nationalism. Here I would enrich the thesis by furnishing my analysis on the progression of citizenship in India and the dimensions that are associated with it.

¹² Hindu Rashtra refers to a nation exclusively for the Hindus. It was an idea that was cultured in the Hindu nationalist framework since its inception. See Thomas Blom Hansen, *The saffron wave: Democracy and Hindu nationalism in modern India*, Princeton University Press, 1999

In the junctures of continuity, I shall be answering the following research questions of *What is the overarching impact of the NRC and CAA in the Indian demography? How does the Hindu nationalist framework perceive the question of citizenship in India? Is Hindutva politics embracing a newer and global approach of hatred towards minorities by raising the question of immigration and citizenship or are they rooted in modern history?* A few rejoinders from this set of questions would also find its place in the final concluding section of my MA Thesis.

Literature Review and Theoretical Framework

My focus would be directed towards subsequent changes in Citizenship laws in India, post the Act of 1955 to analyse the continuous renditions towards stricter and rigid form of citizenship. With such an intention, the aim here is to investigate literature that would provide hands-on experience with Indian citizenship along with its varied modulations. Looking into Niraja Gopal Jayal's work on *Citizenship and its Discontent: An Indian History* has enhanced my understanding of how exactly in the Indian context citizenship transformed from being the "Empire's subjects" to embarking a journey into neoliberal times making it an essential literature in this point.¹³ Subsequently, in pursuit of investigating distinct literature but under the similar rubric of citizenship, I analysed Anupama Roy's *Mapping Citizenship in India* which unfolded technicalities and changes pertaining to Indian citizenship in 1955, 1986, 2003.¹⁴ The literature has therefore allowed me to establish a frame of contemporary continuity. Another research I partially referred to was Anasua Chatterjee's *Margins of Citizenship: Muslim Experiences in Urban India*.¹⁵ Its brief review of the Sachar Committee Reports (SCR) helped me to gauge the socio-economic deprivation faced by Muslims in India, thereby making them one of the most

¹³ Niraja Gopal Jayal, *Citizenship and its discontents: An Indian history*, Harvard University Press, 2013

¹⁴ Anupama Roy, *Mapping citizenship in India*, Oxford University Press, 2010

¹⁵ Anasua Chatterjee, *Margins of citizenship: Muslim experiences in urban India*, Taylor & Francis, 2017

vulnerable groups facing the brunt of Hindu nationalism.¹⁶ Looking into Christophe Jaffrelot's *Hindu Nationalism: A Reader* assisted me in gaining an understanding of militant nationalism in a nutshell, followed by critical analysis carried out by Thomas Blom Hansen in 1999 explained the successive waves of "saffronisation" in the Indian democratic setup. Peter Van Der Veer's work on *Religious Nationalism* in India has helped me to navigate through the important aspects of Hindu-Muslim relationship vis-a-vis religious nationalism.¹⁷ I intend to go beyond the cited works here to uncover multifaceted aspects of Hindu nationalism; its manifestations and reactions. The literature that I have referred to along with a few more would be of assistance in addressing majority of the research questions. The final research question, which to my understanding is a mix of challenge and engagement would be addressed after arriving at a comprehensive discernment from Abdul Shaban's *Lives of Muslims in India* that analyses policies for Muslims in India by situating multiculturalism and social exclusion at the rescript of a liberal democratic framework.¹⁸

Understanding of the broader theoretical approach would be derived from the two approaches of Rogers Brubaker on *Religion and Nationalism*. The first approach being the analogy of religion and nationalism.¹⁹ The approach will allow me to form an understanding of the nationalist discourse shaping under the rubric of anti-colonial struggle and determine its negotiation with religious traditions. I will then locate the watershed moment when the first approach transmuted itself into the fourth approach of *Religious Nationalism*. Analysis of the watershed moment will

¹⁶ The Sachar committee was a seven-member high level committee headed by former Chief Justice of Delhi High Court, Rajinder Sachar. The main objective of this committee was to study and investigate the socio-political and economic conditions of Muslims in India. See http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf [accessed 20th April 2020]

¹⁷ Peter Van Der Veer, *Religious Nationalism: Hindus and Muslims in India*, University of California Press, 1994

¹⁸ Abdul Shaban, ed. *Lives of Muslims in India: Politics, Exclusion and Violence*, Taylor & Francis, 2018

¹⁹ Rogers Brubaker, "Religion and nationalism: Four approaches," *Nations and nationalism* 18, no. 1, 2012, 2-20

hopefully retort with factors affecting the transformation of approaches and shed light on the consistency of religious nationalism, finally leading to the current outcomes on the citizenship crisis. Additionally, I will be observing responses from the UN and its satellite organisations to determine the orientation with which these bodies perceive the situation. Documental reliance on organisations like the Human Rights Watch, Amnesty International and other non-governmental organisation too will form a part of the analysis.

Methodology

The contemporaneity of the scenario furnishes us with the problem of a criminally acute absence of textual sources leaving us with possibilities to critically analyse available primary sources of *Hindutva* documents produced by the ideologues of Hindu nationalism like M.S Golwalkar and V.D. Savarkar et al.^{20 21} They would help me to understand the *Hindutva* conception of nation, race and purity combined with the idea of an Indian motherland and its intrinsic relationship with the centrality of the Hindu religion. I would also like to critically analyse the election manifestos produced by the *Jana Sangh* and the Bharatiya Janata Party to trace the timeline when the context of citizenship was placed in the political discourse to solidify the Hindu nationalist agenda. The manifestos will also help me to analyse the parties' idea of citizenship and notions concerning religious minorities in neighbouring countries. Contingently, I shall also analyse two speeches made by the Indian Home Minister Amit Shah to develop an understanding of the Bharatiya Janata Party's assertions and legitimacy drives concerning the massive bureaucratic exercises of the NRC, NPR and CAA.

²⁰ M. S. Golwalkar "We or Our Nationhood Defined." *Nagpur, India, Bharat Prakashan, 1939*

²¹ Vinayak Damodar Savarkar, *Hindutva; who is a Hindu?* Bombay, Veer Savarkar Prakashan, 1969

Structure

The research will be primarily undertaken in two chapters, followed by a conclusion to sum it up. In the first chapter, I will be tracing the evolution of Hindu nationalism in India through the textual productions of nationalist ideologues like V.D Savarkar and M.S Golwalkar. Apart from fulfilling the task of methodological analysis, the texts would highlight arguments on citizenship, residency, regeneration of Hindu religion and Muslim constituents of the Indian nation and so on. The chapter will then unfold some crucial developments of Hindu nationalist organisations which receive direct nourishment from the RSS and also highlight their social sectoral operations in India.

The second chapter will delve into the contours of the massive bureaucratic exercises of the NRC, NPR and the CAA. The research will extract the frameworks associated with the implementation of such policies and also locate the fallacies present in these exercises to pitch it against the narratives offered the BJP and other Hindu right-wing organisations. Following the trajectory, I will be presenting a comprehensive picture of the responses developing against such laws within the UN and its parallel organisation.

The concluding chapter will connect the dots from the first chapter with the second chapter to establish the relational aspect of such developments as rooted in the modern history of Indian state development under which Hindu nationalism played an essential role of laying the blueprint for an exclusivist Hindu nation. The materialisation of this development is getting actualised under the current political regime by instrumentalising these Registers and Acts.

1. Evolution of Hindu Nationalism in India: Through Textual Investigations and Organisational Influences

Islam in India arrived during the 12th Century through the Turkic invasions and metamorphosed itself to become a part of India's religious and cultural heritage. With the Delhi Sultanate, the Deccan Sultanates and the Mughal period, ruling large parts of the subcontinent for a substantial period, there had been significant integration of Hindu and Islamic cultures. The Mughal period, under the reign of rulers like Akbar, Jahangir, Shah Jahan etc. has witnessed the strongest assimilation of cultures reflecting in the politics (appropriately in the form of religious tolerance), economy and some of the most excellent scholarships like the *Ain I Akbari* being produced during the time.^{22 23}

However, with the advent of colonialism, the assimilating character and the social fabric of the subcontinent started undergoing considerable changes, especially after the unsuccessful attempt to overthrow the Empire in 1857. By then, the British were able to figure out the working modalities of the Indian society and placed precise mechanisms, starting a wave of distinctions between both communities. Once the anti-colonial movement gained momentum in the first decade of the 20th century, there was a sweeping endeavour to initiate a process for the consolidation of a 'Hindu' community. The conception of this community was different from earlier visions of any communal reinforcement and outstripped blinkered regional

²² Harbans Mukhia, *The Mughals of India*. Vol. 5, John Wiley & Sons, 2008, 52

²³ The *Ain I Akbari* or the "Administration of Akbar" is a 16th century detailed document on the administration of the Mughal Empire by Emperor Akbar, written by his court historian, Abul Fazl. See, Harbans Mukhia, *The Mughals of India*. Vol. 5, John Wiley & Sons, 2008

preoccupations. Eventually, post-Independence and partition, this community would announce its presence in the social, political and cultural milieu of the sub-continent under the rubric of Hindutva and compete for supremacy, thereby challenging the liberal constitutional framework of the country and more importantly otherize the Muslim minority.²⁴ While there are many exciting traits to developments such as these, the primary aim of this chapter would be to inspect the evolution of Hindu nationalism in India and place it in the theoretical ambit mentioned previously.

Hindutva or Hindu nationalism in its contemporary form is based on specific components and impulses. These, however, do not produce stand-alone results, rather its most effective functioning is rooted in the critique of Indian modernity as well as the liberal principles enshrined in its democracy in the name of secularism. The rise of supra-local identity along with the continuous diminution of power and authority of the public domain (Indian state) combined with shrinking production and consumption capabilities expedited the growth of Hindu nationalism. Here we can attach two simultaneous impulses associated with Hindu nationalism, that of a commitment towards the territorial integrity of India and a political commitment to Hinduism.²⁵ Nevertheless, the lines of distinction between them are not visibly sharp, and what we see is the amalgamation of the two impulses.

The evolution of Hindu nationalism needs to be understood from an organisational perspective as well through the propagation of its ideologues. Hindu nationalism has been an active player in Indian politics for decades and took a concrete shape from the house of the *Rashtriya*

²⁴ Hindutva' stresses on *Hinduness*, a term explored by the nationalist leader, V.D. Savarkar. See, Peter Van der Veer, *Religious Nationalism: Hindus and Muslims in India*, University of California Press, 1994, 1

²⁵ Ashutosh Varshney, "Contested meanings: India's national identity, Hindu nationalism, and the politics of anxiety." *Daedalus* 122, no. 3, 1993, 228

Swayamsevak Sangh (RSS or the National Volunteer Corps).²⁶ The RSS on a visibly superficial level argues that its agenda centres around the propagation of Hindu culture minus political undercurrents. Incongruously, this Hindu cultural propagation inside the numerous mushrooming *Shakhas* (Branches) takes the form of indoctrination intending to establish a majority led authoritarian nation under the concrete guidance of the RSS.²⁷ Interestingly, several official publications do surface from the territory-specific chapters of the RSS which constantly clamour on the multiple failures of the Gandhian movement especially the Non-Cooperation Movement followed by consistent references to Muslim participants in the campaign as “*yavan-snakes*” who drain India from its non-violent and tolerant practices only to provoke and arouse communal riots across the country.²⁸ Before the formation of the RSS, the Non-Cooperation Movement had been exhibiting a masterstroke of communal unity and simultaneously churned out mutually cultivated antagonisms amongst a section of the Hindu community. Keshav Baliram Hedgewar, who would in a matter of years become the first *Sarsangchalak* (chief) of RSS, campaigned across parts of India accusing the Muslims for the failure of the movement even when clarity was established that Gandhi and the core committee of the Congress party decided against its continuity. C.P Bhishikar, a *Sangh* loyalist in his work on Hedgewar, *Keshav: Sanghnirmata* skilfully pens the latter’s advocacy on Hindu “strength”, “culture” and “love for motherland” to save the country from the political perils of Islam.²⁹ Interestingly, this nascent form of nationalism was getting codified by an erstwhile anti-British revolutionary, Vinayak Damodar Savarkar around this time, and found itself in a situational advantage. A wave of communal riots

²⁶ Christophe Jaffrelot, ed, *Hindu nationalism: A reader*, Princeton University Press, 2009, 3

²⁷ The RSS is a centralised hierarchical body and functions primarily on the diktats issued by a central office and relayed across their branches. See Tapan Basu, Pradip Datta, Sumit Sarkar, Tanika Sarkar, and Sambuddha Sen, *Khaki shorts and saffron flags: A critique of the Hindu right*, Vol. 1, Orient Blackswan, 1993, 13

²⁸ C. P. Bhishikar, *Keshav: Sangh Nirmata*, Suruchi Prakashan, 1979, 7

²⁹ *Ibid.*, 25

primarily concentrated in the southern part of India had gained momentum which generated a robust Hindu reaction that reinvigorated the dormant Hindu Mahasabha.³⁰ The Hindu Mahasabha expressed an urge to constitute an organisation that would combine previously existing peripheral organisations fighting for the majoritarian Hindu cause. Contrary to the Congressian bilateral view of the society which acknowledged religious identities in the public sphere (Gandhian view) as well the Nehruvian view of advocating a liberal nation building process on an individual basis, Hindu nationalism followed the traditional British census system to summarise Hindu majority in the subcontinent.³¹ Once this fact based on the bureaucratic census system was established, it became more comfortable for the ideologues of Hindu nationalism (within the RSS or outside) to practice stricter codifications and assert more stringent notions of a framework associated with Hinduism. The effortlessness of such a practice corresponded to changing socio-political orientations inside the society where it became necessary to unite the Hindus under one banner to combat a “masculine” Islam that was adamant about carving a niche for itself. The conditions aggravated further once the political arm for the Muslims was established under the banner of the Muslim League in 1906. Congress was not the political arm of the Hindus and the nationalist organisations were too dispersed already. It generated an undercurrent which pressed on the structured devaluation of Hindu lives as opposed to the growing strength of pan-Islamism. Only an aggressive reorganisation of the Hindu could effectively “settle scores” with the “other”, the possibility of which could be materialised through ideological conditioning stimulated by codification and stringent notions. The following

³⁰ The Hindu Mahasabha was one of the earlier forms of communal consolidation that provided a blueprint of proto Hindu nationalism. It entered dormancy due to a lack of ideological nourishment at the beginning of the 20th century but was quick to secure its position in the 1920s. See Christophe Jaffrelot, ed, *Hindu nationalism: A reader*, Princeton University Press, 2009, 10-13

³¹ Christophe Jaffrelot, ed, *Hindu nationalism: A reader*, Princeton University Press, 2009, 5

pages will open the floor with an investigative lens of analysis towards literature produced by V.D. Savarkar and later by M.S. Golwalkar. A methodological analysis of the literatures will provide the primary basis of understanding the evolution of Hindu nationalism from the very core of its ideological foundation. Furthermore, in the latter half, the research shall delve into the organisational manifestations of such orientations and follow the track of their rapid developments within the trajectory of the Indian state. The chapter will take a conclusive turn by situating the contexts under the theoretical lens of Religion and Nationalism.

1.1 The Texts of Hindutva: Deciphering Primary Literature

According to Vinay Damodar Savarkar (Veer Savarkar), the ideological father of Hindu nationalism, in his explicit references that find a place in his written work and a primary source material in this regard, *Hindutva: Who is a Hindu?*, “a Hindu is a person regarding this land as his fatherland as well as holy land”.³² The definition implies territoriality (“this land”), genealogy (“fatherland”) and religion (“holy land”). Apart from the Hindus, the Sikhs and Buddhists fulfil these criteria. The Muslims and Christians in contrast fulfil the criteria of territoriality and genealogy and hence can be a part of India only by assimilation on acceptance of the political and cultural centrality of Hinduism.³³ Exclusion is not explicitly cited by Savarkar, but only when assimilation becomes unacceptable it becomes a requirement in principle and practice.³⁴ Savarkar’s construction of an embryonic Hindu *Rashtra* (nation) claims that apart from the Hindu religion, language, culture, race and territory are of utmost importance in the creation of this nation. This was important as the previous communal organisations were

³² V.D. Savarkar, *Hindutva*, Veer Savarkar Prakashan, 1942, 110-13

³³ Ashutosh Varshney, “Contested meanings: India’s national identity, Hindu nationalism, and the politics of anxiety.” *Daedalus* 122, no. 3, 1993, 232

³⁴ V.D. Savarkar, *Essentials of Hindutva*, Veer Savarkar Prakashan, 1923

fragmented on the lines of either race, language, culture, et.al. An umbrella organisation embracing all the previously mentioned epithets shall create a newer framework for Hinduism. An interesting subsection in Savarkar's theoretical pamphlet *Hindutva: Who is a Hindu?* originally published under the title of *Essentials of Hindutva* in 1923 remarkably refutes the notion of Hindu and Hindustan as identity juxtapositions to Islamic rule in India and goes on to claim a firmly established Hindu identity along with an existence of a Hindustan long before the birth of the prophet Mohammed.³⁵ The next set of unfolding in the following chapter of *Essential Implications of Hindutva* is of particular interest to this research and would establish a pilot linkage to the ongoing citizenship crisis. Savarkar addresses that while Hindu people and Hindi speakers would necessarily mean Indian in nature, the current Mohammedan residents, even though speakers of Hindi, do not well qualify for the nationality. The following reference makes a significant revelation of Savarkar's pitch for a Hindu nation.

*"An American may become a citizen of India. He would certainly be entitled, if bona fide, to be treated as our Bharatiya or Hindi, a countryman and a fellow citizen of ours. But as long as in addition to our country, he has not adopted our culture and our history, inherited our blood and has come to look upon our land not only as the land of his love but even of his worship, he cannot get himself incorporated into the Hindu fold. For although the first requisite of Hindutva is that he be a citizen of Hindusthan either by himself or through his forefathers, yet it is not the only requisite qualification of it, as the term Hindu has come to mean much more than its geographical significance."*³⁶

³⁵ Vinayak Damodar Savarkar, *Hindutva; who is a Hindu?*, Bombay: Veer Savarkar Prakashan, 1969, 24

³⁶ *Ibid.*, 30

The next segment solidifies the Hindu claim to Hindustan by systematic negotiations between nation and race. Not only is love for the common motherland the primary axis revolving around Hindu citizenship, instead the overarching unity lies around the bond of a “common blood” that signifies the Hindus are not just a Nation but also a race (*jati*).³⁷ This revelation seemingly raises a complex problem whereby only the love for motherland may get contested on the grounds of diverse (religious) identities (who may choose to love the same motherland) and can result in a challenged ideal. The racial component also serves another aspect where purity is conserved by forbidding racial transfusion. This holds in case of core Hindu religion where racial mixing among caste groups are to be denied to restrict parturition of *Ugra* (read: bitter) caste, implying imperfections in the religious stratification.³⁸ Culturally, Savarkar claims that even though Mohammedans share a common fatherland, there is a looming paradox that evidently creates a mammoth distinction. He writes

*“The majority of the Indian Mohammedans may, if free from the prejudices born of ignorance, come to love our land as their fatherland, as the patriotic and noble-minded amongst them have always been doing. The story of their conversions, forcible in millions of cases, is too recent to make them forget, even if they like to do so, that they inherit Hindu blood in their veins. But can we, who here are concerned with investigating into facts as they are and not as they should be, recognize these Mohammedans as Hindus?”*³⁹

³⁷ Ibid., 30

³⁸ Ibid., 30

³⁹ Ibid., 33

An anecdotal follow-up sums up the cultural imagination of Savarkar when he ropes in the previously manifold Sanskritic lingual traditions and entrusts it with a false responsibility of expressing and preserving the Hindu culture and race.

To regulate all the cultural, religious, racial aspects of Hinduism, Savarkar has a special reference to controlling all such interstices by virtue of a common law. India is a multi-diverse country with the majority following Hinduism in its traditional polytheistic self. Different regions have their own gods, modes of worship, even different approaches towards celebrating the most common of festivals. Such a framework puts forward the Hindu religion on a pedestal amongst the decentralised religions. Savarkar's appeal undergoes an urgency when he points out that "Mohammedan law" is capable of retaining its individuality through a hierarchised system without allowing many visible exceptions to mar the modalities of the religion. The following extract is a Savarkarian critique of Hindu religious beliefs and practice which seems assertive of the fact that it is interlaced with commonalities and yet fails to recognise fundamental connections.

"We have feasts and festivals in common. We have rites and rituals in common. The Dasara and the Divali the Rakhibandhan and the Holi are welcomed wherever a Hindu breathes, Sikhs and Jains, Brahmans and Panchams alike. You would find the whole Hindu kingdom enfete on the Divali day, not only Hindusthan, but the Greater Hindusthan that is fast growing in all the continents of the world. Not even a cottage in the Tarai forest could be found on that night that has not shown its little light. While the Rakhi day would reveal to you every Hindu soul from the delighted damsel of Punjab to the austere Brahmans of Madras tying the silken tie that, 'heart to

heart and mind to mind, in body and in soul, can bind,' Yet we have deliberately refrained ourselves from referring to any religious beliefs that we as a race may hold in common.”⁴⁰

Once these primary ingredients entered the trajectory of Hinduism, Savarkar was now ready to conjure the definitional aspect of “*Who is a Hindu?*” He starts the segment with the following caveat though:

“The words Hindutva and Hinduism both of them being derived from the word Hindu, must necessarily be understood to refer to the whole of the Hindu people. Any definition of Hinduism that leaves out any important section of our people and forces them either to play false to their convictions or to go outside the pale of Hindutva stands self- condemned. Hinduism means the system of religious beliefs found common amongst the Hindu people. And the only way to find out what those religious beliefs of the Hindus are, i.e., what constitutes Hinduism, you must first define a Hindu. But forgetting this chief implication of the word, Hinduism which clearly presupposes an independent conception of a Hindu many people go about to determine the essentials of Hinduism and finding none so satisfactory as to include, without overlapping all our Hindu communities, come to the desperate conclusion—which does not satisfy them either — that therefore those communities are not Hindus at all; not because the definition they had framed is open to the fault of exclusion but because those communities do not subject themselves to the required tenets which these gentlemen have thought it fit to lable as 'Hinduism'.”⁴¹

This caveat itself issues a challenge to the decentralising character of the religion whereby it necessitates a strict mechanism for codification. The process would also ensure the construction

⁴⁰ Ibid., 36

⁴¹ Ibid., 38-39

of a parameter that would determine the boundaries for its constituents and set norms that may or may not traverse the existing beliefs and practices.

In the next set of rejoinders, Savarkar delineates that Hindus should be equated with only and only Hinduism, which in this case would necessarily mean the religion that is indigenous to Hindustan. In this Hindustan, there cannot exist different tenets and beliefs inside a single framework of religion. The primary objective would be to aim the restriction of such multifarious occurrences inside the religion else it may result in inherent and consistent contradictions. The motive would be to apply this new rendition of Hinduism to all the religious beliefs that the different communities of the Hindu people uphold. Furthermore, the application shall be limited to the system of religion being followed by the majority community.

Additionally, this claim is supplemented with loads of religious analogies which take the form of cult leaders like *Chaitanya*, *Chakradhar*, *Basava*, *Dayanand*, et al and references to scriptures like the distinct *Vedas* which conceived several *Dharmas* (read: principles) like the *Sanatan Dharma*, *Shruti-smriti puranokta Dharma* or the *Vaidik Dharma*. Here, all the *Dharmas* are not intrinsic to the Hindu fold but Savarkar aims to imbibe and appropriate them under the standard nomenclature of *Sikh Dharma*, *Arya Dharma*, *Jain* and *Buddha Dharma*. By co-opting other traditions under the garb of a bequeathing character of harmony in the Hindu religion, Savarkar's literature undertakes multiple reiterations to establish *Sanatani*, Buddhist, Jain and Sikh traditions under the same rubric. For the missing religions in this multifarious position, Savarkar makes the following declaration.

“That is why in the case of some of our Mohammedan or Christian countrymen who had originally been forcibly converted to a non-Hindu religion and who consequently have inherited along with Hindus, a common Fatherland and a greater part of the wealth of a common

culture—language, law, customs, folklore and history—are not and cannot be recognized as Hindus. For though Hindusthan to them is Fatherland as to any other Hindu yet it is not to them a Holyland too.”⁴²

The existence of a separate holy land, prophets or godmen prophesying on that piece of land combined with lack of a mythological orientation towards Hindustan are cited as some of the reasons behind such an exclusion. Savarkar addresses the question of “holy land” as the primary axis for determining a Hindu under the rubric of Hindutva. He says that the inclusionary character of this Hinduism shall persist in exceptional cases if the constituent practitioners of Islam choose to abandon reverence towards their original holy land and preach what the majority follow in Hindustan, they shall be accommodated gradually in the fold.

The concluding sections of the pamphlet reveal a colonial imagination by Savarkar which at the juncture seems to be a pipedream. He remarkably associates the appropriating tendencies of Hindutva in the race, culture, language, civilizational dynamics and stitches a relational aspect by declaring the greater world as a “Hindu colony”. Savarkar cultivates a faulty idea of assimilation by claiming that the coming of Aryans in India is an actual case in point to show how a race could emerge as the prime driving force in a place that was not their birthland. This race is now fully prepared with paraphernalia of religious and nationalist additives that can be used to carry out the ulterior goal of spreading Hindutva among the foreign people as well as the larger Hindu community that is operating cross country minus any religious consolidation. The semantics of this Hindu colony identifies itself more closely with a form of Pan Hinduism which projects compatibility with any conceivable expansion of the Hindu people. Savarkar wraps up his *Essentials of Hindutva* by reiterating the shared connection that all the religions hold in India,

⁴² Ibid., 41

barring Muslims and Christians. The call for unity and consolidation stands strong as a response against Pan Islamism and the colonial legacies of the West. The intensity of this response though is a descending one where reference to Islam is acknowledged as a far greater threat than Christianity in general and colonialism in specific. Savarkar was not directly involved in the activities of the RSS but his philosophies were minutely studied and improvised upon by the later batches of Hindu nationalists working within the organisation.

M.S. Golwalkar, one of the radical ideologues and the third *Sarsangchalak* (chief) of the RSS, while adhering to many of the Savarkar doctrines, in his seminal work, *Bunch of thoughts*, discarded the territorial dimension of Hindu nationalism and stressed more on genealogy and religion.⁴³ Although this literature holds a principle position in the repertoire of Hindutva literature, a significant chunk of analysis would not attain completion without investigating Golwalkar's most rudimentary work, *We or Our Nationhood Defined* published in 1939, which opens its pages with the following lines.

” To the memory of those noble martyrs who, despite ignominy, calumny and contempt at the hands of their own undeserving brethren, have kept the flame of true Nationality burning in our Land”⁴⁴

The harsh, truculent and apprehensive opening statement provides a glimpse of what is to appear when the reader would fully delve into the contours of this literature. It is an indication of a spot-on assertion that the Indian nation is not only suffering from selective amnesia by forgetting who the true nationalists are but is also witness to the “disgrace” and “slander” they are facing by the so-called secular forces. Treading forward, the book starts by asking the age of the Indian

⁴³ Madhav Sadashiv Golwalkar, *Bunch of thoughts*, Vikrama Prakashan, Rashtrorothana Sahitya, 1966

⁴⁴ M.S. Golwalkar, *We or Our Nationhood Defined*, Bharat Prakashan, 1939, 1

(Hindu) nation and seeks to trace its origin. The response is retorted through the propounding of a nationalist freedom fighter Lokmanya Tilak who corroborates that the Hindus were originally part of the Nordic Aryan race preceding many other known ancient races. This race eventually through a continuum of battles, conflicts and numerous progressing dynasties kept on establishing the pillars of a concrete fatherland that is visible in its current state now. However, the race was susceptible to foreign influence and through the following extract, Golwalkar cites vulnerabilities that scarred Hinduism.

“Buddhistic influence – a misunderstanding of the teachings of the Great Master – had the baneful effect of effacing from the minds of the masses their tenacious adherence to their faith.

Over-individualisation in the field of religion followed and the consequence was that the individual became more prominent than the society, the Nation. For those, whom the spirit of true religion did not touch intensely, this was another name for self-seeking, even at the cost of the welfare of the whole.”⁴⁵

Buddhism as a practiced religion received immense popularity under the reign of the Mauryan ruler Asoka who underwent conversion from Hinduism. One of the interesting aspects of Buddhism generated inside their auspices (*Sangha*) was the abandonment of the caste system. Admission to Buddhist *Sanghas* had only one prerequisite that being devotion to Buddhism and the teachings of Buddha. Once inside the *Sangha*, a departure from the previously held caste, sub-caste was mandatory, and the conduct of an individual inside was only accounted for. This was one of the prime reasons behind a number of lower castes like *Shudra* and *Dalit* conversions to Buddhism throughout the unilinear progression of history. Contrary to such a condition, the

⁴⁵ Ibid., 10

Manusmriti led scriptural Hindu religion functioned and operated only under a well-defined and hierarchised caste system. Without the support of the lower caste who carry the entire burden of the upper castes in terms of social positioning, occupation and capital, the whole caste system would stand fragile and dismantle in a matter of time. In a bid to contest for the superiority amongst all other religion, animosities grew with Buddhism resulting in such propounding by Golwalkar.

On the front of Sikhism, just like Savarkar, Golwalkar was appropriating the religion in a similar *modus operandi*. Citing events rooted in medieval Indian history where the Rajput rulers from the West and Central Indian provinces were waging a battles against the Delhi Sultanate and the Mughal rulers, he establishes linkages with the Sikh war headed by the Sikh Gurus in Punjab as an extension of Hindu religious liberation from the clutches of Islamic domination. Such events were clubbed together and pressed under a glorious Maratha history which celebrated only a few victorious battles against Islamic rule as opposed to many that were waged around the time. This particular semblance of Maratha history features in mostly all the Hindutva literature existent so far. The Maratha war cry along with the saffron flag used as a symbol of war footing has been appropriated as fundamental symbolic representation of Hindu nationalism. Varying degrees of ahistorical understanding is placed in the prescript of Hindutva that associated with the Maratha legacy under which the Sikh resistance or the Rajput resistance also becomes party to. The “battle” however is a continuous one as Golwalkar claims in the following extract.

“Ever since that evil day, when Moslems first landed in Hindusthan, right upto the present moment the Hindu Nation has been gallantly fighting on to shake off the despoilers. It is the fortune of war, the tide turns now to that, but the war goes on and has not been decided yet. Nor is there any fear of its being decided to our detriment. The Race Spirit has been awakening. The

lion was not dead, only sleeping. He is rousing himself up again and the world has to see the might of the regenerated Hindu Nation strike down the enemy's hosts with its mighty arm.”⁴⁶

One must understand that this was a time when the trajectory of Indian nationalism was witnessing two simultaneous developments. On the one hand, the anti-colonial struggle was gaining momentum with rapidity. On the other hand, the animosity and communal tensions between the Hindus and Muslims were attaining new heights with every passing day. On the political field, while the Muslim League and the Indian National Congress were preoccupied with many electoral equations, an air of communal toxicity was prevalent in the society. Many parts of the Indian subcontinent were gripped in communal riots, the intensity of which kept rising in a linear progression. With every passing communal tension, a stronger Hindu and Muslim identity factored in and the RSS was quick to capture the situational advantages of such antipathy. An intense Hindu nationalist cum anti-Muslim mobilisation was brewing which kept getting stronger. The metaphorical reference to the “lion” denotes aggression and militancy which fuelled the religious zealotry along with a “Hindu national consciousness” permitting them to take a stand against the “other” community. Fiery charged statements dote the entire piece which marks a significant distinction from the Savarkar text. The following extract is also a case in point.

“The idea was spread that for the first time the people were going to live a National life, the Nation in the land naturally was composed of all those who happened to reside therein and that all these people were to unite on a common “National” platform and win back “freedom” by “Constitutional means.” Wrong notions of democracy strengthened the view and we bag to class

⁴⁶ Ibid., 12

ourselves with our old invaders and foes under the outlandish name – Indian and tried to win them over to join hands with us in our struggle. The result of this poison is too well known. We have allowed ourselves to be duped into believing our foes to be our friends and with our own hands are under-mining true Nationality. That is the real danger of the day, our self-forgetfulness, our believing our old and bitter enemies to be our friends. As a matter of fact we have in Hindusthan a triangular fight, we, Hindus, at war at once with the Moslems on the one hand and Britain on the other. The Moslems are not misled. They take themselves to be the conquering invaders and grasp for power. In our self-deception, we go on seceding more and more, in hopes of “Nationalising” the foreigners and succeed merely in increasing their all-devouring appetite. The consequences, for us, is that we go more and more astray and lose sight of our cherished goal of National regeneration.”⁴⁷

It is remarkable how auxiliary ideas and notions are pitched by Golwalkar to establish the wrongdoings that are about to be committed in this nation. Concepts like democracy, constitution, fall prey to Golwalkar’s Hindutva and provides a *coup d’oeil* of the structure in which this Hindu nation should function. Identity distinction arrives at the scene again almost in a consistent manner through polarising markers as “invaders” and “foes”. The entire episode of medieval Islamic history has been fabricated as an invasion by Hindu nationalists such as Golwalkar and the usage of expression like “invader”, “invasion” and so on continue to feature in the glossaries of such nationalist literature till date. The Hindu is then projected as a friend who has been deceived and is being forced to come together with the “hostile force”. It is therefore the responsibility of the Hindus, the “original inhabitants” of the nation to regroup and defy the false construction of an India that seeks to assimilate and accommodate its foreigners.

⁴⁷ Ibid., 14

Golwalkar states that the struggle is a three-way challenge but goes on to vilify only the Muslims who are represented as usurpers and power mongers in the same country where they inhabit as colonized subjects. The main objective therefore is to generate alertness for all the Hindus to be vigilant enough in its contest against this foreign “Islamic power”.

In this repository of propaganda, manipulation, misconstrued ideas and ahistorical references, Golwalkar instead makes an unvarnished observation when stating attributes associated with religion and culture. According to Golwalkar, religion has metamorphosed itself to provide incentives to all actions pertaining to material life and spiritual life and creates avenues where it becomes incredibly laborious to distinguish the two separately. The result is a deep-seated influence in the cultural realm that perfused substantially in the lives of individuals. Religion according to Golwalkar is an “all-absorbing entity”.⁴⁸ The exigency of this entity is a crucial factor in refuting the principles of secularism. He writes:

*“At present, however, there is a general tendency to affirm that Religion is an individual question and should have no place in public and political life. This tendency is based upon a misconception of Religion, and has its origin in those, who have, as a people, no religion worth the name.”*⁴⁹

Golwalkar adjusts the claim by adding that religion overarchingly can allow space for diversity and regulate functions and facilitate idiosyncrasies as well. Be it for the individual or the entire community, religion alone could furnish the most appropriate frame for evolution. Golwalkar’s stern belief rests on the profound integration of religion and nationality for individual, social and

⁴⁸ Ibid., 22

⁴⁹ Ibid., 23

political prosperity. Certain false notions pertaining to European affluence concerning its societal affinity to religion also take centre stage as exemplary case studies.

The next excerpt from Golwalkar's writing is unique and presents almost a very straightforward question and answer in the initial opening of the chapter in a very brief and concise manner. The lines begin as:

“If, as in indisputably proved, Hindusthan is the land of the Hindus and is the terra firma for the Hindu nation alone to flourish upon, what is to be the fate of all those who, today, happen to live upon the land though not belonging to the Hindu Race, Religion and culture? This question is too very common and has its genesis in the generous impulse of so many Hindus themselves, that it deserves at least a brief answer.”

“At the outset we must bear in mind that so far as ‘nation’ is concerned, all those, who fall outside the five-fold limits of that idea, can have no place in the national life, unless they abandon their differences, adopt the religion, culture and language of the Nation and completely merge themselves in the National Race. So long, however, as they maintain their racial, religious and cultural differences, they cannot but be only foreigner, who may be either friendly or inimical to the Nation”⁵⁰

This assertive conversational setup allows a peep into what may be called as otherization. As mentioned here, the question is a admonition in disguise which can be, after a series of previous unfoldings is directed to a very few communities. Interestingly, a few back to back extracts not only appropriated Jainism, Sikhism and Buddhism but also allayed apprehensions of their societal seclusions. Only two religions were left out of this chassis, Christianity and Islam. The

⁵⁰ Ibid., 45-46

previous extracts were more inclined towards portraying an imagined threat from Islam more than Christianity professed by the colonial masters. Even subsequent waves of incoming Christian missionaries were causing minimal panic in the inner circles of the RSS. Moreover, in the anecdotal rejoinder to the answer, Golwalkar claims that even though the West is known for its practice of religious tolerance, it ensues after one has acknowledged the supreme religion of the nation and would exhibit a tendency to merge with it if required. Golwalkar believes that this is the most predominant axis under which minority religious functioning should be determined. The next revelation in this series claims that

“Culturally, linguistically they must become one with the National race; they must adopt the past and entertain the aspirations for the future, of the National Race; in short, they must be “Naturalized” in the country by being assimilated in the Nation wholly.”⁵¹

This extract produces a paradox and the idea preached here is looks self-contradictory when juxtaposed to the previous schemes designed by both Savarkar and Golwalkar. The five-fold ideas of Nation, Race, Civilization, Language, Religion are interwoven through the needle of Hinduism (especially this particular form of Hindutva) in such a manner that naturalization and merger would only come at the cost of religious conversion. Many of the existing religions have experienced appropriation barring Islam and Christianity, and interestingly since Islam poses a greater threat to Hindustan, the onus lies on the community to undertake and operate beneath the majority religion fully. The final outcome of such a course is also predicted by Golwalkar in the following lines.

⁵¹ Ibid., 46

“There are only two courses open to the foreign elements, either to merge themselves in the national race and adopt its culture, or to live at its mercy so long as the national race may allow them to do so and to quit the country at the sweet will of the national race”⁵²

The clarity here is well demonstrated about the fate of a distinct group of (religious) “foreigners” and its ramifications in the form of statelessness and disenfranchisement that are more profoundly visible in the current times, an aspect which I intend to highlight in the upcoming segments of this thesis. The final sections of this literature are again a series of assertions made in accordance with the conception of Nation, Race, Civilization, Language and Religion that combine to shape Hindutva in its most continuous self. The final call that this piece generates is that of an awakening of race spirit. This spirit according to Golwalkar shall revitalise the purest form of Hinduism and assist its believers in assuming communal skills required for the construction of a nation that is Hindu in nature, character and principles. He rests his primary argument on the basis of a right that the Hindus hold over India based on an apocryphal presumption connected to the duration of residency that the Hindus hold over this land. The problem however is that such a communally consolidated idea of a homogeneous Hindu living in a territory that is Hindustan was never an omnipresent national feeling.

Unlike Savarkar, Golwalkar produced two mass-based literature on Hindu nationalism. While the previous literature furnished a broad-based approach on how to define a nation, the importance of the Hindu religion, the functionality of a race, the objective of a national language and so on, this 1966 production was a laid out mission-based Hindutva literature with certain basic tenets now transformed into established thoughts that were aging gracefully with the

⁵² Ibid., 47

organisational progress the RSS was experiencing. The *Bunch of thoughts*, a three hundred and sixty four page literature, is longer than its predecessor and grants enough clarity to its reader on what the writer intends to shed light upon. The contents of the book are divided into five parts with an appendix. The four significant chapters deal with “*The Mission*” , “*The Nation and its Problems*”, “*The Path to Glory*”, “*Moulding Men*”.⁵³ While a plethora of questions could arise after investigative research on the chapters and sub-chapters, the limitation of time, words combined with urgency to produce a streamlined work will only permit to look into the most pertinent sections establishing a connection with the next chapter. The primary aim would be to look into the sub-chapters namely “*Hindu Rashtra and Minorities*”, “*Hindu Rashtra and Secularism*” and “*Internal Threats: The Muslims*” under the aegis of “*The Nation and its Problems*”

*“The answer to the so-called problem of ‘religious minorities’ can be found only in the historically correct, rational and positive approach of the Hindu Rashtra. Otherwise, the so called minorities are bound to become more and more hardened in their separate shells of religion and turn into a dreadful source of disruption of our body politic ”*⁵⁴

These are the opening lines of the sub-chapter headlined as “*Hindu Rashtra and Minorities*”. Earlier, especially in the previous literature, the notion of minority perception emerged out more as an idea. They were assertions nonetheless, but it existed more as a pedagogical discourse addressed towards a better understanding of “*situational realities*”. However, this particular doctrine contends that the Hindu nation is all-pervasive in nature under which religious minorities could be allowed to thrive else it might lead to religious distinctions which are not

⁵³ Madhav Sadashiv Golwalkar, *Bunch of thoughts*, Vikrama Prakashan, Rashtrorothana Sahitya, 1966

⁵⁴ *Ibid.*, 113

permissible under such a framework and certainly not conducive to the modus operandi of nation solely defined based on religion. Moving further, the literature navigates to find itself citing examples of nations like Iran, Turkey and Indonesia where religious minorities are granted rights only after acknowledging the national culture, symbol and religion. Golwalkar also contends that unlike the Indian constitution which institutes principles of democracy, secularism and so on, the aforementioned countries dedicate their constitution to the national religion. This instils the idea of religion being an all-encompassing entity that ultimately drives the nation and the citizens to become followers of a national religion even if they do not practice the same individually. In Golwalkar's Hindu Rashtra the democratic and secular attributes of the current constitution shall give way to a constitution that defines itself principally on the lines of Hindu nationalism.

The next segment dealing with the contextual relevance of *Hindu Rashtra and Secularism* raises serious ambiguity that conspired in the inner circles of the RSS. The initial section furnishes an assurance by Golwalkar, where he states that the Hindu nation is not against secularism.

However, the next few lines argue that secularism and nationalism cannot go hand in hand as the equation is not functional enough. The role of Hindu nationalism to serve a higher purpose is suggested here and it becomes even more apparent in the next extract.

*“If, however, ‘secularism’ is to mean, as it ought to, not anti-religion but scope and opportunity for every religious persuasion to grow, and restraining of one religion from pouncing upon another, then that is undoubtedly in tune with the spirit of Hindu Rashtra”*⁵⁵

He later refers to a term ‘multireligious’ instead of secularism as the most appropriate reference to what the Indian nation must embark upon ideologically. According to Golwalkar, Hinduism as

⁵⁵ Ibid., 136

an overarching force does not restrain other religions as they are all part of the faith. If all the diverse constituents accept the centrality of the religion and abide by the set principles laid out by the Hindu nation they shall also be entitled to the perks and privileges by the state. Deriving his arguments from the liberal and secular democratic framework, enshrined constitutionally and projecting the exact same attributes under the rubric of Hindutva, he concludes the subsection by hinting that just like in the Indian secular democratic scenario minorities are allowed to practice, profess and preach their religion with rights and protections guaranteed to them, similarly, Hindutva shall also bequeath such a framework to its constituents and hence secularism as a principle is not unique in this case and would not be required.

“Even to this day, there are so many who say, “Now there is no Muslim problem at all. All those riotous elements who supported Pakistan have gone away once and for all. The remaining Muslims are devoted to our country. After all, they have no other place to go and they are bound to remain loyal.”

Let Facts Speak

But what are the facts? Is it true that all pro-Pakistani elements have gone away to Pakistan? It was the Muslims in Hindu majority provinces led by U.P. who provided the spearhead for the movement for Pakistan right from the beginning. And they have remained solidly here even after Partition.”⁵⁶

Prior to this argument that becomes one of the central positions of this sub-chapter headlined as “*Internal Threats: The Muslims*”, Golwalkar in the very opening lines states that most nations face threats from its internal constituents rather than foreign forces. According to him, the Indian

⁵⁶ Ibid., 148

state, which was led by the Congress party then failed to take cognizance of this growing threat inside the country and goes on to make a revelation that a significant chunk of Pakistan loyalists remains in the state posing a danger every moment. One must wonder at this juncture, what about the Muslims who made their way to Pakistan? Golwalkar retorts by claiming that the Muslims who went over to Pakistan were originally Indian loyalists rejecting the leadership of the Muslim League (instrumental in the creation of Pakistan), but lack of initiatives and faulty policies have eventually made them reject the Indian nation and settle in Pakistan.

The axis around which this discourse revolves is again rooted at the historical context of Partition which divided the nation into two sovereign states. It is interesting how Golwalkar disregards the Indian subcontinent as multi-diverse nation by claiming that Muslim orchestration of continuous pogroms and macabre communal hatred during the Pre-Independence was finally successful after carving a separate state. This state was neither separately acknowledged nor perceived individually by the RSS. Golwalkar staked claims at the nation being carved out from a Hindu nation itself, which was a result of incessant Islamic aggression. The extent of the claims traverses the entire Indian mainland and reaches the land of Kashmir, a third of which according to Golwalkar has been consumed by the state of Pakistan, and the rest is falling prey to an act of autophagy by the internal Muslim constituents.

“The second front of their aggression is increasing their numbers in strategic areas of our country. After Kashmir, Assam is their next target. They have been systematically flooding Assam, Tripura and the rest of Bengal since long. It is not because, as some would like us to believe, East Pakistan is in the grip of a famine that people are coming away into Assam and West Bengal. The Pakistani Muslims have been infiltrating into Assam for the past fifteen years. Does it mean then that famine has been stalking East Pakistan all these fifteen years? They are

entering Assam surreptitiously and the local Muslims are sheltering them. As a result the percentage of Muslims there which was only 11% in 1950, has now more than doubled. What else is this but a conspiracy to make Assam a Muslim majority province so that it would automatically fall into the lap of Pakistan in course of time?

In the anti-Bengali riots (1960) that rocked Assam, the Muslim population and the Muslim ministers, as usual, played their treacherous game. They set up Assami Hindu against Bengali Hindu and vice versa as it suited their designs and carried sword and fire into Hindu hearts and homes in their bid to oust the Bengali Hindus. By this, they increased their percentage in relation to the Hindus in that province.”⁵⁷

It is remarkable as to how the RSS and the entire combine of the Hindu nationalist forces look into India as one homogenous piece, thereby disregarding cultural, community, practices allowing them to knit together Kashmir with Assam under the same wool. Both Kashmir and Assam have very different dynamics that lead to the avenues related to their conflicting past and present. Both of them stand neglected in the eyes of Golwalkar who asserts that both problems arise out of Muslim aggression. While the Kashmir issue stands as vital concern, the gravity and intensity of the situation is unfathomable for this thesis. Moreover, it will act as a diversion that may hinder the primary aim and research of the topic. The Assam case, however, fits perfectly into the puzzle as it is the point of origin from where the demand for a nation-wide NRC got initiated. The portrayal of Muslims flooding to Assam and destabilising the Hindu majority is apocryphal in its entirety. The Muslims who came to India from East Pakistan in the two decades from the 1950s onwards were mostly victims of persecution fleeing for the atrocities of the

⁵⁷ Ibid., 149-150

Pakistan army against the backdrop of the ongoing Liberation War. The persecuted victims were Bengalis belonging to both the Hindu and Muslim communities. The influx of migrants had already been causing animosities between the native Assamese population who were historically a socio-economically deprived group. The situation gave rise to constant ethnic conflicts with the Bengalis and the Assamese both being at the receiving end of the backlash. The RSS, its fraternity and later the BJP consistently tried giving this crisis a communal colour even by generating rumours about the majority population being displaced by an influx of the Muslims from East Pakistan. Assam's internal ethnic conflicts combined with the strategic moves of the Hindu nationalist groups over the years by extracting the dynamics of the crisis to the Indian mainland brought unexpected fruits to the Hindu Right. The culmination rested in the passing of the Assam Accord in 1985 which opened the door for the possibility of carrying out an NRC, a change that the Indian state and its constituents will witness in the next thirty years.

It is interesting to witness that all the plans that the RSS and its fraternity had for transforming the Indian state into a Hindu nation did not materialize overnight. The liberal secular principle laid out in the constitution hindered their plans in one way but on the flipside, it helped them to consolidate Hindus either by choreographing riots in a Hindu-Muslim bordering locality or taking advantages of spontaneous communal tensions. Apart from that, the card of Muslim appeasement in the name of Minority protection was always a trump card to incite the majority population. Moreover, their culture and religious tradition have always been a target of otherization. The following example would show us more appropriately. This section of the sub-chapter is titled "*Countless 'Miniature Pakistans'*"⁵⁸

⁵⁸ Ibid., 153-154

“In fact, all over the country wherever there is a masjid or a Muslim mohalla, the Muslims feel that it is their own independent territory. If there is a procession of Hindus with music and singing, they get enraged saying that their religious susceptibilities are wounded. If their religious feelings have become so sensitive as to be irritated by sweet music then why don't they shift their masjids to forests pray there in silence? Why should they insist on planting a stone on the roadside, whitewash it, call it a prayer spot and then raise a hue and cry that their prayers are distributed if music is played?”⁵⁹

The “mushrooming” of *Masjids* (mosques) and microphoned *azaan* (prayer) has been a constant source of communal tension in India. Most textual sources pertaining to modern and contemporary Indian history will have numerous such incidents documented. The far-reaching sound of the prayers which happen five times a day has given a significant advantage to the Hindutva forces in airing rumours of communal hatred on the grounds that these are deliberate acts of firm assertions by the minority community and that they are spreading in significant numbers. The most common prejudice associated with the Muslims in India revolves around a myth of their growing population. Muslim remarriages become the most common target as “breeding grounds” which then assumes a generic Islamic conspiracy to take over India through a population displacement. Even though the 2011 Census reveals the India is home to 79.8% of Hindus and only 14.2% of Muslims, the propaganda of a hostile Islamic takeover by population displacement has resonated with the farthest corners.

The next sections also indicate “*internal threats*” who come in the form of Christians and Communists, followed by chapters that give a clarion call for national regeneration and code of conduct that every Hindu should follow which would eventually lead to a path of glory.

⁵⁹ Ibid., 153-154

Nevertheless, the literature produced by Savarkar and later Golwalkar makes them the posterchild of Hindu nationalism. The pieces of literature call for a political Hindu and an authentic nationalist who would lead India minus the leadership of mainstream political leaders. The literature deal with the question of defining a Hindu and connect it with the “Hindu glorious past”. The literature then takes a tour around other religions claiming their pros and cons or only cons (particularly in case of Islam). The texts appear to be alliterative, incantated and mostly liturgical while furnishing descriptions of mythological heroes, warriors, sages, kings and so on. The use of deeply performative pronouns indicates a spatial closeness to the landmass. The works are perfect examples of how nationalism can function devoid of historical accuracy. Savarkar and Golwalkar defy even the most minimum protocols required to maintain basic standards of historical accuracy and replace it with the vital instrument of myth. Their skill lies in identifying their class audience who remain devoted to the propaganda till date. There is an emergence of populist anti-intellectual discourse in these texts that stand against liberal principles and secular ideas. The number of calls given to the greater Hindu community in terms of scholarship, thoughts, conduct and national regeneration also exhibit varying degrees of self-aggrandizement they seem to project. Savarkar primarily and later Golwalkar have not only demarcated Hinduism and Hindutva but have also transformed the latter into a philosophy of life. Hindutva has been constructed as a reference point to show love for the land. Savarkar particularly makes Hindutva the act of bestowing devotion on territory, and with such an act begins the initiation of Hindu nationalism. Through Hindutva, Savarkar and Golwalkar inaugurated a new term for nationalist discourse that becomes overarchingly powerful in the spectrum of defining religion and nationalism. Through the texts, both the writers generate a powerful attachment for the land combined with intoxicating rhetoric of exclusivity that they

never admit explicitly but is directed towards the non-Hindus (especially the Muslims). The essence of Hindutva transferred by Savarkar and Golwalkar was based on territory which conferred power and glory through mythical attributes, thereby reminding the Hindu community about its birth, genealogy and most importantly, its heritage.

1.2 Beyond Textual References: The growing prowess of Hindu Nationalism

To investigate further into the contours of the Hindu Nationalism, we must dig deeper into the fault lines of Mahatma Gandhi's politics. Gandhian politics, without any doubt, lifted the anti-colonial national movement from the confinements of the educated middle class and transformed it into a movement for the masses. Gandhi had been a devout Hindu whose religiosity came from a syncretic tradition conferring high regard to all forms of culture, religion and communities. This however, was a source of strength as well as impediment, in the sense that on the one hand, it mobilised huge masses in support of the struggle, but on the other hand, it became impossible to disentangle the different strains of Hinduism to the same mass.⁶⁰ It not only caused alienation amongst the Hindus and Muslims (even at the lower echelons of the Congress party) but also bestowed the RSS with the opportunity to act, appropriate and propagate Gandhi's movement as a Hindu National movement. The anti-colonial struggle also culminated to the point where religion became the prime factor in dividing the subcontinent into two nations with one of them being founded on the principles of Islam (and antagonism). The RSS was finally victorious in materializing its aspirations and became a formidable force. Gandhi died at the hands of the RSS henchman, Nathuram Godse, putting a ban on the RSS and forcing the organisation to go into

⁶⁰ Ashutosh Varshney, *Contested meanings: India's national identity, Hindu nationalism, and the politics of anxiety*, *Daedalus* 122, no. 3, 1993, 238-239

hibernation. Even after the ban was lifted in 1949, the RSS continued operating clandestinely, mostly tweaking the loopholes in the organisation. This was also the time when the RSS initiated its organisational expansion drive and gave birth to its women's wing, the *Rashtriya Sevika Samiti*. The primary objective of the organisation was self-defence of women from Muslim men. The RSS is an exclusively male body (till date) and hence did not admit any woman to the *Sangh* as a result of which the existence of this ancillary organisation became necessary.⁶¹

Similarly, around the same time, to increase its cadre base and simultaneously keep the supply line intact the RSS launched its student wing, the *Akhil Bharatiya Vidyarthi Parishad* (ABVP – the All India Student Council) in 1948. According to Chetan Bhatt, the RSS formally announced that this student wing's primary agenda would be to combat 'leftist' and 'polluting' influences in educational institutions.⁶² The ABVP went on to become one of the largest students' organisation in India by boasting more than 800,000 in 1996.⁶³ A plethora of other organisations quickly forms in the following years. A parallel reason behind the quick formation of such organisation was to shield the RSS from any kind of backlash as the organisational and political wound after Gandhi's assassination were too deep to suture up. Another important aspect to note here is that the RSS operates in a stringent hierarchised manner and does not have any parallel organisations rather, all these organisations are subordinate to the RSS. In 1952, the RSS supported the formation of the *Vanavasi Kalyan Ashram*, an organisation with the primary agenda of integrating the tribal communities into the Hindu mainstream by launching reconversion programs and simultaneously withstand proselytizing Christian missions. The labour force was also gripped by the RSS when its labour affiliate organisation under the banner of the *Bharatiya*

⁶¹ Thomas Blom Hansen, *The saffron wave: Democracy and Hindu nationalism in modern India*, Princeton University Press, 1999, 97

⁶² Chetan Bhatt, *Hindu nationalism: origins, ideologies and modern myths*, Berg, 2001, 97

⁶³ *Ibid.*, 97

Mazdoor Sangh was formed in 1955. The objective was to challenge the left-leaning organisations functioning among the working-class population. The RSS also created an organisation in the agrarian sector, the *Bharatiya Kisan Sabha* in 1979 to combat the growing influences of the Communist parties among the farmers and agricultural workers. The Bharat Vikas Parishad was established in 1963 to work among the lower classes and assist them in health-related crises. The *Bharatiya Sikshan Mandal* created by the RSS in 1969 works within the spectrum of education to impart the Sangh's idea on nationalist values and at the same time encourages rewriting of school and university textbooks to portray the 'real freedom struggle of India' against 'Muslim invaders'. Later, the *Rashtravadi Sikhshak Parishad* (Nationalist Teachers Council) was also founded by the members of RSS in 1993 to engage in a more organic approach within the section of teachers and instructors who would impart knowledge of Hindu nationalism within the student bases and the academic spectrum. Not the just the higher education sector but in the primary and secondary education spaces too the RSS has established an education wing called *Vidya Bharati*. The primary agenda of *Vidya Bharati* is to promote Hindutva ideology in the schools and compete with the Christian convent schooling system. Most importantly, the two organisations that have carried forward the mission of RSS socially and politically while achieving the best of successes among all the clusters of organisations are the *Vishwa Hindu Parishad* (World Hindu Council) established in 1964 and later the Bharatiya Janata Party (created in 1980).⁶⁴ It is also fascinating to note that all of these organisations are operational till date with ever-growing support. They have also received active or passive support from Congress-led governments. The RSS also underwent a significant transformation

⁶⁴ The VHP is the frontal organization of the RSS, founded by M.S. Golwalkar and others to protect and serve the interest of Hindus home and abroad. See Raghunandan Prasad Sharma, *An Introduction to Vishwa Hindu Parishad*, Bharat Prakashan, 2003

with the growing prowess of its satellite organisations. From being limited to a socio-cultural organisation, the Sangh now began to take substantial interest in parliamentary politics. After Golwalkar, all the succeeding *Sarsangchalak* of the organisation were known to hobnob with political parties and their leadership explicitly. The *Jana Sangh* party, which lasted slightly over two decades (from 1951 to 1977) and later merged with the *Janata Party*, was openly referred to as the political arm of the RSS.

The BJP formed through the remnants of the *Jana Sangh* party has enjoyed a strong relationship with the RSS since its inception. The key to this relationship, however, was in the hands of the RSS and not otherwise. Most of the members (till date) of the BJP have had their allegiance to the RSS and then made their way to mainstream politics through the BJP. The case of K.R Malkani is one interesting example in the context. Malkani, a close aide of Gandhi joined the RSS in the early 40s and went on to work in one of their numerous affiliate organisations. His work later proved to be advantageous for the BJP getting him a ticket at the *Rajya Sabha* (Upper House of Parliament) and boosting his political career for the days to come.⁶⁵ The core circle of the RSS has constantly been debating on the possibility of creating a political organisation. However, the diversions associated with parliamentary politics and the privilege and power connected with the same had led the organisation to distance itself from mainstream politics. This was in tune with the conduct of discipline and austere lifestyle that the organisation practiced. However, after Golwalkar, the later batches of *Sarsangchalak* had snowballing associations in the political arena which ultimately culminated in the formation and the electoral journey of the BJP. Albeit, the BJP experienced slogging progress in the initial years. As Thomas Blom Hansen points out that the Party's very inception of the started on a bitter note because of a

⁶⁵ See Christophe Jaffrelot, ed, *Hindu nationalism: A reader*, Princeton University Press, 2009, 176

tactical failure. In a bid to project the party as secular and tolerant, it encouraged electoral contests for a number of Muslim candidates starting a wave of vexation in the Sangh and leading many of them to support the Congress openly.⁶⁶ A set of compound electoral losses forced the party to fall back to its committed communal strategies under the newly elected leadership of L.K. Advani as the party president. Under his leadership, the BJP was embroiled in generating the infamous call for “liberating” the Ram Temple of Ayodhya from the age-old Babri Mosque. The episode regarding the Babri Masjid is one of the most contentious and controversial in Indian politics and established the perfect grounds for Hindu nationalism to grow on a colossal scale. The episode also revealed some of the fundamental fallacies with the Indian liberal democratic framework and, after careful dissections, put forward some very nuanced understandings of the secularism that was being practised in the country. The interplay of myth and imagination of a Ram Temple buried underneath the Babri Masjid generated a threat amongst the Hindu community. The Vishwa Hindu Parishad with the help of its parent organisation, the RSS and the Bharatiya Janta Party was able to trigger one of the highest mass mobilisations of post-colonial India. In just a matter of years, the entire Sangh Parivar were able to plant the image of Muslims as invaders in the country, destroyers of Hindu culture and barbarians who aimed to disintegrate the nation. Very smoothly, through a selective pedagogy, the Muslims, whether under Islamic rule or Hindu rule in India were all labelled as invaders. During the mobilisation for Babri Masjid as well as the pogroms and genocide that followed soon, the Muslims were stereotyped as *Babur ki Aulad* (sons of Babur). Babur was important in this picture as he was also the first Muslim ruler who founded the Mughal dynasty.⁶⁷ It is

⁶⁶ Thomas Blom Hansen, *The saffron wave: Democracy and Hindu nationalism in modern India*, Princeton University Press, 1999, 158

⁶⁷ See Angana P. Chatterji, Thomas Blom Hansen, and Christophe Jaffrelot, eds. *Majoritarian state: How Hindu nationalism is changing India*, Oxford University Press, 2019, 157

understandable to a certain degree that the Hindu nationalist agenda had to alter the polytheistic tradition of Hinduism in order to give Ram the status of uber god and thereby revolving the entire discourse around him when it came to Muslim otherization. Peter Van Der Veer argues that this historic temple-mosque controversy did not excite intense communal apprehension for a long time, even in the modern Indian discourse.⁶⁸ Only after raising the distressed call of a “threatened” Hindu majority, the BJP, the VHP and the RSS were successful in generating what Van Der Veer calls a “homogeneous national Hinduism”.⁶⁹ Among the numerous list of benefits this mobilisation showered, one of the most significant benefits was that it accorded the BJP with a massive chunk of seats in the national election and even elevating its position to the major opposition party in India. However, what is more interesting is the changing discourse that revolved around the judiciary. Till the 1980s, the court’s position was very much parallel to the principles enshrined in the Constitution of India. The court in many landmark judgements demonstrated its commitment to pluralistic values and thwarted Hindu majoritarian tendencies. However, since the mid-90s, the court’s understanding of secularism has shifted towards a scriptural discernment of Hinduism.⁷⁰ This happened at a time when the Babri Mosque was already demolished (6th December 1992) leading to massive communal violence in cities like Calcutta, Surat, Bombay, Ahmedabad and so on with casualties numbering thousands.

⁶⁸ Peter Van der Veer, *Religious Nationalism: Hindus and Muslims in India*, University of California Press, 1994, 7

⁶⁹ *Ibid.*, 7

⁷⁰ See *S. R. Bommai v. Union of India*, (1994) 3 Supreme Court Cases 1 (India). After the destruction of the mosque in 1992, the Supreme Court unanimously affirmed the importance of secularism to the Indian constitution and emphasized the principle of equal treatment of all religions. It condemned those political forces committed to undermining more pluralistic instantiations of this constitutional ideal. The case suggested that the court was committed to holding back the tides of intolerance and Hindu majoritarianism in the name of secularism.

Nonetheless, the final verdict of the Supreme Court on the Ayodhya dispute favoured the Hindus and has caused much resentment among the Muslims of India.⁷¹

After 1992 there has been no turning back for Hindutva in India. The dynamics of Otherization since the 90s have changed significantly and were no longer bounded in externally aggressive political stances like riots and genocide. So far, Hindu nationalism has intensified to its greatest extent especially after the Narendra Modi government assumed power. Angana Chatterji contends that Modi is the true progeny to the RSS exhibiting the most loyal commitment to the militant organisation.⁷² Under his chief ministership, Gujarat witnessed the most harrowing communal pogrom ever recorded in the history of India in the city of Godhra (2002). Post-2002, Hindu majoritarianism transgressed spatiotemporal boundaries to become the most dominant ideology influencing the Indian state and its constituents. This development has also been parallel to the activation of RSS militias against the Muslims which has witnessed a considerable growth ever since. These militias in nexus with state institutions like the police have become a formidable force against campaigns like ‘Love Jihad’, cow protection etc.⁷³ Till the 1990s, the approach of Hindu nationalism towards otherization was outward in nature. It would resort to more extra-parliamentary networks mostly through its conglomerate to create communal tensions and then focus on community separation. Acts of violence against the Muslims occurred rapidly

⁷¹ ⁷¹The five-judge Supreme Court bench heard the title dispute cases from August to October 2019. On 9 November 2019, the Supreme Court, headed by Chief Justice Ranjan Gogoi, announced their verdict and ruled that the land belonged to the government based on tax records. It further ordered the land to be handed over to a trust to build the Hindu temple. It also ordered the government to give an alternate five-acre tract of land to the Sunni Waqf Board to build the mosque. See India Today’s *Ayodhya Verdict* <https://www.indiatoday.in/india/story/ayodhya-ram-mandir-babri-masjid-verdict-supreme-court-dismisses-shia-waqf-board-s-appeal-says-land-belongs-to-govt-1617279-2019-11-09>

⁷² See Angana P. Chatterji, Thomas Blom Hansen, and Christophe Jaffrelot, eds. *Majoritarian state: How Hindu nationalism is changing India*, Oxford University Press, 2019, 3

⁷³ Love Jihad is a strategy allegedly deployed by Muslims to woo young Hindu women. See Angana P. Chatterji, Thomas Blom Hansen, and Christophe Jaffrelot, eds. *Majoritarian state: How Hindu nationalism is changing India*, Oxford University Press, 2019, 57-59

and continuously from 1990 and has reached its peak in current times. One way to understand this would be that the process of transformation did not happen abruptly but developed itself through subsequent accumulations from the weakening of the liberal democratic apparatuses. Next, the declining social capital of Muslims combined with a lack of the embracement of secular character of the Congress as well as many of the secular regional parties led to profound otherization. In the Indian secular democratic set up the state kept on losing out its robustness to Hindu majoritarianism as a result of which Hindutva became all-pervasive. The best example of this would be the Congress party itself, which has been practicing soft-Hindutva since the Indira Gandhi days. Similarly, the state machinery like the police department, army, judiciary, etc. have been known to practice Hindu nationalism and targeting Muslim minorities to the extent that they are losing faith in the system. The situation climaxes to the current citizenship crisis in India which aims to make a considerable chunk of the Muslims and other lower caste-class groups disenfranchised by registering them as “illegal immigrants”.

1.3 Situating Theories: Religion and Nationalism

Religion and nationalism have always been a driving force in India influencing the domains of public and private life. Recorded history furnishes us with cases of harmonizing religious contents as well as conflicting tendencies that have gained enormous might in the recent past. However, to theoretically analyse the contours of religion and nationalism that would perfectly fit in this scenario and compliment the idea behind the project, I would bring the reference point of the Indian case to the anti-colonial struggle which displayed a classic approach of “analogousness of religion and nationalism”.⁷⁴ The example finds itself bestowed around the

⁷⁴ Rogers Brubaker, “Religion and nationalism: Four approaches,” *Nations and nationalism* 18, no. 1, 2012, 2-20

charismatic and incalculable leadership of Mahatma Gandhi. Gandhian nationalism was based on extensions of “faith, liturgy, cult, gold, salvation, scripture” etc.⁷⁵ The manifestations of such extensions found itself in Gandhi’s invocation of *Lord Ram*, the mythical protagonist character in *Ramayana*.⁷⁶ This Lord Ram according to the *Hindu* scripture of *Bhagvad Gita* saves humanity by waging war against the tyrannical rule of *Ravana*.⁷⁷ Furthermore, the Gandhian nationalism establishes a ‘deified’ image of Gandhi in the mass (especially peasant) consciousness with signs of widespread reverence that formulated perceptions of an astounding and extramundane being, often associated with Hindu gods and goddesses.⁷⁸ Mahatma Gandhi in his political rhetoric would often invoke a personal inclination towards vegetarianism and non-alcoholism as a tool of cultural defiance from the British. This defiance itself carried religious overtones as it reflected the cultural practices of upper-caste Hindus (of which Gandhi himself was a part). Moreover, in his quest to bequeath social justice, he vowed to do away with the common nomenclature associated with the lower caste groups and called them *Harijan* (people of god).⁷⁹ The semantics of *Harijan* is deeply rooted in the Hindu religious traditions. To investigate into the silhouette of Hindu Nationalism and relate in with the first Brubakerian approach, an assessment of Gandhi’s politics is deemed necessary at this point. The combination of anti-colonial struggle with religiosity derived from syncretic and polytheistic Hindu traditions disillusioned the very masses who choose to follow the principles during his lifetime. With a grave leadership vacuum among the masses and the constant appropriation of Gandhian social strategies and political tactics by

⁷⁵ Ibid.,

⁷⁶ The *Ramayana* (composed between 7th to 4th century BCE) is a major Sanskrit epic regarded as one of the apex bodies of *Hindu Itihasa* (Hindu History). See Ram Sharan Sharma, *India's ancient past*, Oxford University Press, 2006, 126-158

⁷⁷ The *Bhagvad Gita* is a 700 verse Hindu scripture that delves around the life of Lord Ram and his tryst with destiny to free his abducted wife and simultaneously waging a war for humanity against the tyrannical rule of *Ravana*. See Ibid.,

⁷⁸ Shahid Amin, “Gandhi as Mahatma: Gorakhpur district, eastern UP, 1921–22”, *Subaltern Studies* 3, 1984, 1-61

⁷⁹ Penderel Moon, *Gandhi and modern India*, Norton, 1969, 138

the RSS, many Gandhiites later joined the organisation they once wanted to ban. Rubrics bound in conceptions related to “mode of identification, social organisation and frames of political claim” negotiate at this juncture referring to Gandhi’s assassination as a watershed moment for the Indian context, where the first Brubakerian approach finds itself transmuted with continuous rapidity into the fourth approach of religious nationalism. The contesting assertions of the authentic Indian identity as a Hindu identity combined itself with the claim of obliterating ‘aliens’ to purify and preserve the national and cultural integrity of the nation.⁸⁰ Hindu nationalism offers variable claims but all of them are routed to a central orientation, the contents of which bring forward the agenda of *Hindu Rashtra* (Hindu nation) as opposed to the secular operational framework that the trajectory of the Indian state is supposed to follow. Hindu nationalism not only permeates into all spectrums of politics (including liberal political organisations) but also the entire spectrum of private life, regulating even seemingly insignificant aspects of lifestyles like dietary practices, using Hindi as the primary means of communication (even though it is not the national language of India) and imposition on worshipping the *Bharat Mata* (Mother India) and Lord Ram.

⁸⁰ See Angana P. Chatterji, Thomas Blom Hansen, and Christophe Jaffrelot, eds. *Majoritarian state: How Hindu nationalism is changing India*, Oxford University Press, 2019, 201

2. The NRC, the NPR and the CAA: Exploring Citizenship crisis in India

After the Narendra Modi led BJP government came to power in 2014, a substantial chunk of its attention was channelized towards constructing, reinforcing, executing previously existing and freshly creating massive bureaucratic exercises under the framework of citizenship that firmly intends to change the Indian demography by means of not only disenfranchising its citizens but also offering selective citizenship to individuals/groups on the based on religion.^{81 82} These exercises have resulted in a loss of almost two million citizenship along with grave collateral damages. The process is an ongoing one and plans to render millions stateless amounting to enormous numbers.⁸³ The following sections of this chapter would explore, analyse and investigate three such major exercises, namely the National Register of Citizens, the National Population Register and the Citizenship Amendment Act. The proposed Registers and Acts have been established as crucial instruments to identify the augmenting complication of “illegal immigration”. However, the nature of its intention, combined with the overarching impact that these exercises are intending to create, would be the prime focus of this chapter. Relevant sections from the election manifestos of the Bharatiya Jana Sangh and the BJP would be utilised to analyse the establishment of such policies in the electoral agenda. Following this, pertinent

⁸¹ See “CAA Alone Will Not Affect Culture and Demography In Assam” <https://www.outlookindia.com/website/story/opinion-cao-will-not-affect-culture-and-demography-in-assam/344794> [accessed 21st May 2020]

⁸² See The Citizenship (Amendment) Act 2019 <http://egazette.nic.in/WriteReadData/2019/214646.pdf> [accessed 21st May 2020]

⁸³ See “In The Name Of Indian Citizenship? Criminalizing Statelessness at India-Bangladesh Border”, Border Criminologies, Faculty of Law, University of Oxford, 2020 <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/02/name-indian> [accessed 21st May 2020]

sections of two speeches given by Amit Shah will also be used to understand the counter rhetoric forwarded by the BJP to generate support for these exercises. The sub-chapters following this prologue will proceed by working on each of these exercises separately. In the process, references will also be drawn from the changes revolving around the trajectory of Indian citizenship through various amendments and will be pitched in relation to these Acts. Responses from international agencies will also be accounted for to comprehend the impact intensity of these exercises alongside understanding global resonance. The contemporaneous nature of this situation makes it difficult to arrive at a spot-on conclusion; hence, to demonstrate a segmental linkage as well as projecting it in relation to the principal aim of this thesis, the intended timeline has been fixed till 2019.

2.1 The National Register of Citizens (NRC)

The NRC traces its roots back to 1951 when the sovereign state system deemed it necessary to have a process that would identify Indian citizens.⁸⁴ The necessity behind such an action was embedded around the historical discourse of Partition witnessing a large-scale human exodus. Over the next four years, population exchanges took place mostly concentrating around the bordering areas, although there was no way to determine the actual number of migrants entering the Indian soil. After the Constitution of India was drafted on the 26th January 1950 the process for identifying Indian citizens was expedited, giving birth to a National Register of Citizens, which would function under the already established Census system. Post-1951, the NRC was abandoned, and the Census system continued with the previous modalities. However, a continuous set of events concerning the Assam movement brought about the discourse of the

⁸⁴ See <https://assam.gov.in/en/main/NRC> [accessed 21st May 2020]

NRC, the backdrop of which revolved around migration and ethnic crisis between Assamese *Bhumiputras* or *Khilanziya* against “foreigners” (most of whom happened to be Bengalis). Assam had emerged as a hub of migration since the British rule, especially after they transformed the state into an administrative unit by extracting revenues from the newly created rubber and tea plantations.⁸⁵ To run the colossal administrative set up, the British state required employees of different tiers who would support the administrative structure. Assam being a socio-economically deprived zone under a titular rule, could only supply cheap labour to this set up. The British administration funnelled a considerable wedge of *Bengali* and *Marwari* people from Bengal to run the system effectively. Once the economy assumed a fledgling status, the clerical and trading communities began settling down in the state. Once the plantation economy boomed, it generated even more requirement for labour leading to an influx of people from the nearby states, mostly from Bengal. A demographic disruption occurred in two stages. The first wave of migration effectuated a new labour-administrator relationship, and the second wave precipitated into new labour dynamics in the state. The declining social capital and economic positioning of the Assamese, combined with stiff competition in the labour market, initiated animosities directed towards the newcomers. The migration to Assam continued and intensified during the Partition of India and later boomed during the Liberation War years culminating in the formation of Bangladesh in 1971. It was estimated that around ten million Bengalis from East Pakistan took refuge during the years till 1971.⁸⁶ Such large-scale exodus graduated into a turbulent demographic crisis laced with the fears of the Assamese people becoming minorities in their own land. The numerally dominant position of the Bengalis in both the socio-economic classes aggravated the crisis in such a way that the previously nascent lingual, religious and

⁸⁵ Sanjib Baruah, *Ethnonationalism in India: A Reader*, Oxford University Press, 2010, 264

⁸⁶ Partha S. Ghosh, *Migrants, refugees and the stateless in South Asia*, SAGE Publications India, 2016, 20

ethnic divisions became exceedingly profound. The manifestations of these divisions quickly took the shape of identity assertion leading to violent and aggressive political developments.

The Assam movement began during 1979 under the joint leadership of the *Sadai Asom Chhatra Sangsthaa* or the All Assam Students' Union (AASU) and the *Sadai Asom Gana Sangram Parishad* or the All Assam Gana Sangram Parishad (AAGSP).⁸⁷ Evicting foreigners became the rallying call for both the parties along with a major demand that all residents of the state must accept linguistic centrality of the Assamese language. The movement resonated widespread enough into the Indian mainland to attract the attention of the *Janata Party* featuring the majority of RSS members in the party lines from the previous merger with the *Jana Sangh Party*. These members would very soon form the *Bharatiya Janata Party* (BJP). The entire combine of the Assamese nationalist organisations, the *Janata Party*, the RSS and later the BJP ushered magniloquent rhetoric that with ongoing waves of migration, Assam has become home to around “five million migrants”. The Congress, however, in order to maintain its gestural goodwill paraded by heading a war against Pakistan on the eastern front, wanted to avert a diplomatic setback by sending back “millions of foreigners” to Bangladesh. Constant deadlocks between the Congress Party and the Assamese nationalist organisations resulted in a worsening ethnic crisis in the region, culminating in massacres at different parts of the state. The Congress finally gave in by signing the Assam Accord in 1985 with the most decisive clause stating that “*Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners.*”⁸⁸ Ever since then, the state of Assam has been engulfed in a regional nationalist

⁸⁷ Sanjib Baruah, *Ethnonationalism in India: A Reader*, Oxford University Press, 2010, 265

⁸⁸ Assam Accord Clause 5 “**Foreigners Issue**” (5.8) See <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses> [accessed 21st May 2020]

discourse that seeks to segregate natives and “foreigners”. As per the last report updated under the Assam Accord,

“5.3 A total of 75,489 Nos. of persons have been declared as foreigners till 31st March,2016. Out of this 33,186 Nos. declared foreigners of 1966-71 streams and 42,303 Nos.of persons of post 1971 stream. Only a total of 14,198 Nos. have registered their names with the respective FRROs.

5.7 A total of 1432 Nos. of Re-infiltrators have been detected and deported during 1986 to December, 2014 and the same process is going on.”⁸⁹

Apart from this data, close to a thousand more individuals have been deported within the same time frame under the Illegal Migrants (Determination by Tribunal) Act and the Foreigners Tribunal verdict. However, the right-wing rhetoric pointing towards millions of foreign migrants in Assam had been gathering enough communal fuel to dominate the socio-political spectrum. Assam politics was deluged with this discourse so much so that it budged the Congress government from its previous standpoint only to remain relevant in the electoral arena.

According to a response submitted by the Minister of State, Home Affairs, Government of India to the Parliament on the 14th of July 2004, it was indicated that as of 31st December 2001 12 million illegal Bangladeshi migrants were living in India out which 5 million were residing in Assam.⁹⁰ The Minister of State, Home Affairs and the government of India were both led by the

⁸⁹Assam Accord “**Action Taken**” Sub-Clause (5.3 & 5.7) See <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses> [accessed 21st May 2020]

⁹⁰ See Debarshi Das & Prasenjit Bose, “Assam NRC: Govt Clueless About How Many Illegal Immigrants Actually Live in India, RTI Shows”, https://www.huffingtonpost.in/2018/11/16/assam-nrc-govt-clueless-on-how-many-illegal-immigrants-actually-live-in-india-rti-shows_a_23591448/?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xiLmNvbS8&guce_referrer_sig=AQAAAghj3KIM5joEtECXLB7kF-89-12 woPsOa0QK1ifa444BSCBhfWM8-9ewuOff8y4eyPyNwHMReLX73bqE62ri5-KnSrot6B86J-tPBIPtZrwRBAEhNH7RVcWLULimsWnTozpMXEMLyOR-Iguzb0f6aUyeIpyc1L83nEf94s7EvM [accessed 21st May 2020]

Congress Party. Subsequently, the volume of cases filed to the Supreme Court regarding this issue escalated in the upcoming years and experienced its peak during 2012-2013. The period of national elections stalled the judgement for an initial period but soon after the BJP government was elected, the judicial process gained pace. Finally, in 2014, based on the colossal numbers furnished by the Ministry of Home Affairs during the previous Congress regime and the improvisations that it underwent in the succeeding Modi regime, led a bench of two Supreme Court judges (Ranjan Gogoi and Rohinton Nariman) to present a judgement whereby the identification and deportation of “foreigners” shall commence by using the previously established framework of the NRC.⁹¹ A later “Right To Information” petition filed after the initiation of the NRC process revealed that the Court “*may have relied on hearsay to issue the order initiating the NRC updation process.*”⁹² A clarificatory note issued by the Council of States suggested that the figures were not an outcome of “comprehensive or sample study” but were based on *hearsay* from “interested parties”.⁹³ Even though there was no data, hard facts substantiating the presence of “five million foreigners” in Assam, the Supreme Court judgement ignored the clarification by the Council of States letting a rumour-based rhetoric play an active role in steering decisions of the judicial system.

⁹¹ See <https://www.scoobserver.in/court-case/assam-s-national-register-of-citizens> [accessed 21st May 2020]

⁹² See Debarshi Das & Prasenjit Bose, “Assam NRC: Govt Clueless About How Many Illegal Immigrants Actually Live in India, RTI Shows”, https://www.huffingtonpost.in/2018/11/16/assam-nrc-govt-clueless-on-how-many-illegal-immigrants-actually-live-in-india-rti-shows_a_23591448/?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAAghj3KIM5joEtECXLB7kF-89-12 woPsOa0QK1ifa444BSCBhfWM8-9ewuOff8y4eyPyNwHMReLX73bqE62ri5-KnSrot6B86J-tPBIPtZrwRBAEhNH7RVcWLULimsWnTozpMXEMLyOR-Iguzb0f6aUyeIpyc1L83nEf94s7EvM [accessed 21st May 2020]

⁹³ *Ibid.*,

Once the NRC was implemented in the state of Assam, it denaturalised all residents of the state of Assam declaring that the responsibility lies on the people to prove their citizenship. The Office of the State Coordinator of the NRC published the following list of “acceptable” documents admissible for citizenship only if they were issued before the 24th of March 1971.

“The first requirement is collection of ANY ONE of the following documents of List A issued before midnight of 24th March, 1971 where name of self or ancestor appears (to prove residence in Assam up to midnight of 24th March, 1971).

- *(1) 1951 NRC OR*
- *(2) Electoral Roll(s) up to 24th March 1971 (midnight) OR*
- *(3) Land & Tenancy Records OR*
- *(4) Citizenship Certificate OR*
- *(5) Permanent Residential Certificate OR*
- *(6) Refugee Registration Certificate OR*
- *(7) Passport OR*
- *(8) LIC OR*
- *(9) Any Govt. issued License/Certificate OR*
- *(10) Govt. Service/ Employment Certificate OR*
- *(11) Bank/Post Office Accounts OR*
- *(12) Birth Certificate OR*
- *(13) Board/University Educational Certificate OR*
- *(14) Court Records/Processes.*

The Second requirement arises if name in any of the documents of List A is not of the applicant himself/herself but that of an ancestor, namely, father or mother or grandfather or grandmother or great grandfather or great grandmother (and so on) of the applicant. In such cases, the applicant shall have to submit documents as in List B below to establish relationship with such ancestor, i.e., father or mother or grandfather or grandmother or great grandfather or great grandmother etc. whose name appears in List A. Such documents shall have to be legally acceptable document which clearly proves such relationship.

- (1) Birth Certificate OR
- (2) Land document OR
- (3) Board/University Certificate OR
- (4) Bank/LIC/Post Office records OR
- (5) Circle Officer/GP Secretary Certificate in case of married women OR
- (6) Electoral Roll OR
- (7) Ration Card OR
- (8) Any other legally acceptable document”⁹⁴

The cut-off date is significant as 25th March marks the formal transition of East Pakistan to liberation and 26th March 1971, being the official date of the formation of the Republic of Bangladesh. The cut-off date for the NRC fails to take cognizance of the fact that it automatically disenfranchises a huge multitude of people entering India after the 24th of March 1971. The underlying conundrum concerning the cut-off date of the NRC is that it fails to recognise migration spatiotemporally by automatically deregistering migrants arriving to India

⁹⁴ See <http://nrcassam.nic.in/admin-documents.html> [accessed 22nd May 2020]

after the said date. Moreover, the “foreigners” referred to here (arriving after the 24th of March) have been granted Citizenship by “naturalisation” under the Citizenship Act of 1955.⁹⁵ Assam’s parochial nationalism conflated with the ulterior motives of the national parties to rely on vote bank politics along with the authoritative instrumentalization of Hindu nationalism materialised by the RSS effectuated strong tendencies of xenophobia and mass expulsion. These tendencies eventually navigated to the judicial interstices and inundated it with false information impacting the verdict of the Supreme Court. Now that all the people arriving after 24th March 1971 have been de-registered, one would comprehend that the others would automatically find themselves registered by the virtue of possession of a few documents from the aforementioned list and the issue of “foreigners” and “illegal immigrants” will be resolved. However, situational realities portray contradictory pictures. The most important caveat lies in the conditional admissibility of the documents from the list. It categorically denotes that in order to feature in the NRC, the eligible documents need to be “issued” within the proposed deadline. Till date, issuing such documents takes months and often years as well. Moreover, issuing any one of the abovementioned documents require furnishing other additional documents. To assume that victims of persecution from East Pakistan arrived on the Indian soil, momentarily registered themselves, and got it processed swiftly would seem irrational. Apart from that, even if an individual (a second-generation migrant) manages to furnish the additional documents procured in due course to prove citizenship, they may not possess any such documents of their parents or previous generations leading to a situation where members of the same family would find

⁹⁵ “A person can acquire citizenship by naturalisation if he/she is ordinarily resident of India for 12 years (throughout 12 months preceding the date of application and 11 years in the aggregate) and fulfils all qualifications in the third schedule of the Citizenship Act.” see NATURALIZATION AS A CITIZEN OF INDIA UNDER SECTION 6(1) OF THE CITIZENSHIP ACT, 1955 <https://indiancitizenshiponline.nic.in/Home2.aspx?formcode=08> [accessed 22nd May 2020]

themselves on both sides of the registration process. In many cases, even though individuals could produce ancestral documents, they did not have access to documents required in *List B*. Above all, lower classes and lower caste groups are largely devoid of these documents. It is most sensible to assume that those who undertook the arduous journey from East Pakistan to Assam in the decadal year of the Liberation War struggle were mostly peasants, agricultural workers, industrial labourers and daily wage earners entering the Indian soil with next to nothing bare minimums. Even if they applied for such documents (catering mostly to the middle and upper classes), it would have been much later from the time they settled. Even in contemporary times in most rural areas', women give birth at home owing to traditional community values along with a lack of health care facilities. During the 60s and the 70s such practices were highly predominant contributing to the situation where many individuals do not possess Birth Certificates since these documents get issued by the hospital first followed by the municipality. Birth certificates constitute one of the most important primary documents for procuring the others mentioned. Alongside, Birth Certificates become the most decisive document to prove ancestral connection from *List A* to *List B*. In cases of home birth, procuring a birth certificate becomes complicated and the poor often find themselves at the tipping point of administrative and bureaucratic loopholes. In India, the rural areas have a quasi-administrative framework operating under the system of local village bodies, also known as *Gram Panchayat*. The village headmen (*Sarpanch*) is entrusted with the responsibility of issuing residence documents through an informal process but a highly effective one in initiating any other administrative processes. The system was perfected by Mahatma Gandhi with the motive of granting adequate representation to village societies in a predominantly urban and city-based administrative setup.⁹⁶

⁹⁶ See Mohandas Karamchand Gandhi, *Village swaraj*, Ahmedabad, Navajivan Publishing House, 1963, 77

However, residence documents issued by the village headmen do not make it to the list of admissible documents.⁹⁷ A huge bulk of the people concerned are landless and hence do not possess any documents pertaining to land registration. Moreover, many of them travel to the cities during non-agricultural seasons to work as daily wage labourers in the informal economic sector, making them ineligible for permanent residence certificates as well. Documents like Passport, education certificates and life insurance policies, government services/employment registration and so on do not even cater to most of these target groups. One of the worst affected in this entire exercise is women, especially from the rural areas, although some complexities transcend class boundaries and urban-rural distinctions. Most women in India marry before the age of eighteen and hence do not have access to any high school certificates; this is particularly prevalent in the rural areas.⁹⁸ Another uniformly conventional practice towards women in India is to adopt the surname of the husband's family after marriage. However, this has become a major cause of concern in filing for the NRC process as the names now appear to be mismatched to the conducting authorities resulting in names being struck off the rolls. In the traditionally led conservative patriarchal society in India, women do not get guarantees of land rights; it is usually passed on to the male sibling or presented as gift/dowry to the in-law's family. Seldom do women possess land rights making their position vulnerable in producing documents of land registration.⁹⁹ Another seemingly silly but genuinely adverse complexity is that of documentation errors. There would be very few people in India who have never encountered any

⁹⁷ See “Gram Panchayat certificates no proof of citizenship: Supreme Court”

<https://www.newindianexpress.com/nation/2017/nov/22/gram-panchayat-certificates-no-proof-of-citizenship-supreme-court-1708178.html> [accessed 23rd May 2020]

⁹⁸ See “Married before 18, didn't attend school: NRC may put many women at risk” https://www.business-standard.com/article/current-affairs/married-before-18-didn-t-attend-school-nrc-may-put-many-women-at-risk-118073000091_1.html [accessed 23rd May 2020]

⁹⁹ See “Women 'Worst Victims of the NRC': Gendered and Discriminatory nature of the Register Revealed” <https://www.thecitizen.in/index.php/en/NewsDetail/index/7/17924/Women-Worst-Victims-of-NRC-Gendered-and-Discriminatory-Nature-of-the-Register-Revealed> [accessed 23rd May 2020]

spelling or other mistakes pertaining to dates, domicile, signature and so on. Concerned authorities remain overwhelmed and careless with the volume of documents that arrive every single day to each department ending in numerous *faux pas* on these papers. By the time mistakes are discovered, the applicants must endure the cumbersome process of re-application. In this case, the ordeal is tremendous as textual errors like the ones mentioned have resulted in the loss of names from the NRC.¹⁰⁰ The list of complexities has kept on increasing ever since the verdict was produced. Amidst the quandary that surrounded the procedure, the draft for NRC was prepared and published on the 30th of July 2018. According to the official announcement of the draft, out of the 3,29,91,384 people who registered in for the NRC process 2,89,83,677 names were included in the list.¹⁰¹ The gap between inclusion and non-inclusion stood solidly above four million.

Once the draft was published, the state of Assam and following it the substantial parts of India was engulfed in protests and demonstrations leading the Registrar General to declare that the list is still in its draft stage and all the non-included names will get a chance to appear in the Foreigners Tribunal. In the Tribunal, cases would be individually tried upon after the scrutiny of which a final and absolute list shall be published. The Tribunal Courts are quasi-judicial courts numbering close to a hundred in the state. After a year, the tribunal produced a final list for the NRC on 31st August 2019, reducing the previous number of non-included citizens to 1.9

¹⁰⁰ See “*In India's citizenship test, a spelling error can ruin a family*”, https://economictimes.indiatimes.com/news/politics-and-nation/in-indias-citizenship-test-a-spelling-error-can-ruin-a-family/articleshow/65434885.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst [accessed 23rd May 2020]

¹⁰¹ See “Assam: Some four million left out of final India NRC draft list” <https://www.aljazeera.com/news/2018/07/4-million-people-left-final-draft-nrc-list-assam-180730044002717.html> [accessed 23rd May 2020]

million.¹⁰² The immediate question that arises at this crucial juncture is What would be the fate of these people who have been declared stateless? Initially, when the process started and the communal polarization peaked the state BJP leadership clamoured that all those identified as “illegal immigrants” will be immediately deported to Bangladesh.¹⁰³ Such a controversy created a diplomatic crisis momentarily after which the Bangladesh government and the Indian government both agreed that it was solely India’s internal matter to deal with.¹⁰⁴ However, the immediate question still demands an answer. From June 2018 to August 2019, Assam witnessed the creation of six encampments in the districts of Jorhat, Tezpur, Silchar, Kokrajhar, Dibrugarh and Goalpara referred to as detention camps. In a written response submitted by the Union Minister of State for Home to the Parliament, these detention camps have currently detained more than three thousand “illegal immigrants” so far and are yet to operate at full capacity.¹⁰⁵ Apart from being notoriously known for persistent inhuman conditions these detention camps have also earned reputation as sites for detainee suicides.¹⁰⁶

¹⁰² See “*Those left out of NRC will know reasons next month*”

https://economictimes.indiatimes.com/news/politics-and-nation/those-left-out-of-nrc-will-know-reasons-next-month/articleshow/71681116.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst [accessed 23rd May 2020]

¹⁰³ See “*Assam NRC: What next for 1.9 million 'stateless' Indians?*” <https://www.bbc.com/news/world-asia-india-49520593> [accessed 23rd May 2020]

¹⁰⁴ “*India moves to assure Bangladesh Assam NRC will not impact Dhaka*”

<https://www.livemint.com/news/india/identifying-assam-illegal-migrants-won-t-affect-dhaka-india-tells-bangladesh-11583132752039.html> [accessed 23rd May 2020]

¹⁰⁵ See “*Six detention centres in Assam with capacity of 3,331 persons: Home Ministry tells Lok Sabha*”

<https://www.newindianexpress.com/nation/2020/mar/17/six-detention-centres-in-assam-with-capacity-of-3331-persons-home-ministry-tells-lok-sabha-2117882.html> [accessed 23rd May 2020]

¹⁰⁶ In November 2019, the Minister of State for Home responded to the Council of States by informing them that so far 28 deaths have been reported in the detention camps of Assam. See “*28 deaths in Assam's detention camps, minister tells Rajya Sabha*”

<https://www.telegraphindia.com/india/28-deaths-in-assam-s-detention-camps-minister-tells-rajya-sabha/cid/1722471> [accessed 24th May 2020]

While the impact of such a register unfolds itself consistently in newer ramifications, a rider may arise contesting the abruptness of conducting such an exercise and processing it from the draft stage to the final stage with such rapidity. Apart from the historical reference point of NRC being an administrative establishment in the 1951, there has been no indication towards operationalising it in contemporary times. Moreover, the NRC in 1951 and the NRC now seem to serve very different purposes keeping alive the interrogation concerning the abruptness of this register. Delving into the contours of some of the major Indian Citizenship Amendment Acts would assist in unearthing a few aspects of this complexity. The Citizenship Act of 1955, as mentioned before, not only granted naturalisation abilities to migrants but also emphasised on *jus soli* values by giving citizenship to people based on birth on or after 26th of January 1950 in the Indian soil.¹⁰⁷ ¹⁰⁸ The Act was prevalent for more than three decades until a significant amendment took place with the Citizenship (Amendment) Act of 1986 in response to the freshly brewed developments concerning the Assam Accord of 1985. According to the Act passed by the House of People and the Council of States, the previous Citizenship by Birth was scrapped and citizenship by parental descent was introduced. The Act states that to qualify for Indian citizenship after birth, one of the parents must possess Indian Citizenship.¹⁰⁹ The relational accordance with such a modification could be connected to the ethnic crisis and escalating xenophobia, taking the entire country by storm. The next revision to the Act of 1986 transpired in 2003 with the Citizenship (Amendment) Act of 2003 when the NDA (National Democratic Alliance) coalition led by the BJP (as a major stakeholder) was in power. The Act first

¹⁰⁷ See Section 6 of Citizenship Act 1955 https://www.tiss.edu/uploads/files/Citizenship_Act_1955.pdf [accessed 24th May 2020]

¹⁰⁸ See Section 3 of Citizenship Act 1955 https://www.tiss.edu/uploads/files/Citizenship_Act_1955.pdf [accessed 24th May 2020]

¹⁰⁹ Anupama Roy, *Mapping citizenship in India*, Oxford University Press, 2010, 92-134

introduced the terminology of “illegal migrant” in its documental repository by referring to people who set foot on the Indian soil without a valid passport or decided to stay back to India after their Visa expired. The Act immediately declared persecuted victims of Partition or communal politics, asylum seekers, devoid of passport or the other mentioned documents as illegal migrants.¹¹⁰ The section 3(C)(1) of this Act changed the earlier prevalent one-parent citizenship by stating that those born to parents among whom if one is marked as an illegal migrant based on the previous clause, the child shall be determined as an illegal migrant and will not be accorded with rights of Citizenship.¹¹¹ Furthermore, another clause under Section 14(A) of this Act states that if the Union Government of India deems necessary, it could initiate a citizenship registration process by mandating the issuance of “national identity cards”.¹¹² The motive behind such action, as the then government claimed, was to identify “doubtful citizens”

¹¹⁰ Section 2(B)(1) of the Citizenship (Amendment) Act 2003. See https://indiankanoon.org/doc/949775/?_cf_chl_jschl_tk_=0cd91eceaef6a8d821438b08c9bb1b9a4a47989e-1590346489-0-AYw_17Pgxy-gg0pP7eDUfuInVFZJbrWT0Vzpo2qOiWsPLL3OZEV6BVKuTxfggfqV2gvxHtJ25mDoxLT-9lCallS262n7u15xYIqJwcwyXgtLy6FE99g9BQmo-68Z2KWVI4FhD1Z-nKeidlmDcjh7vemNzqAp1ax5eU5X533oHdXOkj_EFW2xNhpAmTQ87hqj58DygpYqjv0BqKe_Rfk08PXmz4TWqmn_X5UvqobgHes_oJtkNbX-vNiHXfmeNI8huCIVfRai--sy0w6MypiyC2yDF7gsx7x5HIMPh7n1oHYz03pMmt0n2YQM4UZSIF3anU216sIzTm1NCSQatdvtOEQVHGFgo88BXxUBMkCma7x [accessed 24th May 2020]

¹¹¹ Section 3(C)(1) of the Citizenship (Amendment) Act 2003. See https://indiankanoon.org/doc/949775/?_cf_chl_jschl_tk_=0cd91eceaef6a8d821438b08c9bb1b9a4a47989e-1590346489-0-AYw_17Pgxy-gg0pP7eDUfuInVFZJbrWT0Vzpo2qOiWsPLL3OZEV6BVKuTxfggfqV2gvxHtJ25mDoxLT-9lCallS262n7u15xYIqJwcwyXgtLy6FE99g9BQmo-68Z2KWVI4FhD1Z-nKeidlmDcjh7vemNzqAp1ax5eU5X533oHdXOkj_EFW2xNhpAmTQ87hqj58DygpYqjv0BqKe_Rfk08PXmz4TWqmn_X5UvqobgHes_oJtkNbX-vNiHXfmeNI8huCIVfRai--sy0w6MypiyC2yDF7gsx7x5HIMPh7n1oHYz03pMmt0n2YQM4UZSIF3anU216sIzTm1NCSQatdvtOEQVHGFgo88BXxUBMkCma7x [accessed 24th May 2020]

¹¹² Section 14(A) of the Citizenship (Amendment) Act 2003. See https://indiankanoon.org/doc/949775/?_cf_chl_jschl_tk_=0cd91eceaef6a8d821438b08c9bb1b9a4a47989e-1590346489-0-AYw_17Pgxy-gg0pP7eDUfuInVFZJbrWT0Vzpo2qOiWsPLL3OZEV6BVKuTxfggfqV2gvxHtJ25mDoxLT-9lCallS262n7u15xYIqJwcwyXgtLy6FE99g9BQmo-68Z2KWVI4FhD1Z-nKeidlmDcjh7vemNzqAp1ax5eU5X533oHdXOkj_EFW2xNhpAmTQ87hqj58DygpYqjv0BqKe_Rfk08PXmz4TWqmn_X5UvqobgHes_oJtkNbX-vNiHXfmeNI8huCIVfRai--sy0w6MypiyC2yDF7gsx7x5HIMPh7n1oHYz03pMmt0n2YQM4UZSIF3anU216sIzTm1NCSQatdvtOEQVHGFgo88BXxUBMkCma7x [accessed 24th May 2020]

in the country. The situation only points out to stricter and rigid citizenship laws commensurate to developments occurring in the socio-political arena. The BJP, in this regard, has played a solid trump card by amending the Act in 2003. The NRC in Assam has showered the BJP with unexpected fruits in the electoral domain by making it the dominant player surpassing the regional nationalist organisations. After Assam, the BJP intends to implement a nationwide NRC in a similar framework but with operational improvisations pertaining to policy-level changes.¹¹³ The next segment will highlight one such improvisation for all the other states which do not have arrangements like an Assam Accord.

2.2 The National Population Register (NPR)

On the 31st of July 2019, the Ministry of Home Affairs through a gazette notification announced that it would implement a National Population Register (NPR) within the time frame of 1st April 2020 to the 30th of September 2020.¹¹⁴ Due to COVID-19 restrictions, the proceedings of the exercise have been kept in abeyance. The intentions of such an exercise featured translucently in the Citizenship (Amendment) Act 2003, which referred to the objective of identifying “doubtful citizens” of the country. The process involves door to door surveys with the aim of creating a comprehensive database of personal and demographic details like “Name, Relationship to head of household, Father's Name, Mother's name, Spouse's name (if married), Sex, Date of birth, Marital status, Place of birth, Nationality (as declared), Present address of usual residence, Duration of stay at present address, Permanent residential address, Occupation, Educational

¹¹³ See “*BJP unfazed, says will implement CAA, NRC*” <https://timesofindia.indiatimes.com/india/bjp-unfazed-says-will-implement-caa-nrc/articleshow/72893970.cms> [accessed 24th May 2020]

¹¹⁴ See http://www.rajcensus.gov.in/ACTRULES/NPR_GAZETTE.pdf [accessed 24th May 2020]

qualification.”¹¹⁵ The purpose behind the collection of such in-depth personal details is to assess the authenticity of every information provided. “Doubtful citizens” would be subjected to document scrutiny by the local administration depending upon which their names shall be added or struck-off from the NPR. The final NPR along with the issuance of National Identity Cards shall be used to create a National Register for Indian Citizens (NRIC).¹¹⁶ The NRIC is similar to the NRC in its objectives but is seemingly more “organised” in terms of procedural arrangements. Unlike the NRC which undergoes through a cumbersome application process and has been proven to be erroneous, the NRIC is the follow-up step ensuring that all the procedural hassles are already nursed through the NPR itself. The BJP has argued that the NPR is verbatim to the Census operations, yet neither one of them has been suspended to make way for the other. The underlying caveat here is that while the Census mainly determines population growth to assess the socio-economic development of the country without explicitly demanding “declared nationality” of individuals, the NPR has the potential to declare “doubtful citizens” based on suspicion that may arise out of declared nationality.¹¹⁷ Moreover, Census enumerations are bound by non-disclosure agreements to the Constitution of India, whereas the NPR would individually declare doubtful citizenship resulting in exclusion from the final NRIC list.¹¹⁸ The contemporaneous nature of this scenario, especially in times of the COVID-19 crisis when India (as of today) is on the sixtieth day of lockdown, has ceased all operations pertaining to the NPR. There is minimal scope in primarily analysing the subtle gradations of this exercise. The most recent development concerning the NPR was that a number of states had opposed the NPR

¹¹⁵ See <https://censusindia.gov.in/2011-Common/IntroductionToNpr.html> [accessed 25th May 2020]

¹¹⁶ See http://www.rajcensus.gov.in/ACTRULES/NPR_GAZETTE.pdf [accessed 25th May 2020]

¹¹⁷ “*Nijer Deshe Refugee Hobo*”, People’s Study Circle, Kolkata, 2019, 13-14

¹¹⁸ *Ibid.*, 14

exercise, all of them being non-BJP ruled states.¹¹⁹ How the NPR unfolds itself demographically paving the way for NRIC/NRC would be an eventual research undertaking once normalcy is restored.

2.3 The Citizenship (Amendment) Act (CAA) 2019

One crucial aspect that was intentionally untouched upon in the previous segments was the religious composition of the non-included people in the NRC. Before uncovering the numbers, it must be stated that the question of composition holds direct relevance with this segment and hence it is imperative to construct direct connections. Previous assessment of the evolution of Hindu nationalism followed by the bureaucratic exercises of NRC and the NPR which are heavily contextualised under the regime of BJP, the political arm of RSS, may give rise to bewildering conclusions that majority or almost the entire Muslim community of Assam were excluded from the Register. However, when the final result of the NRC was declared, among the 1.9 million people, there were around 480,000 Muslims and more than 750,000 Hindus.¹²⁰ The indigenous tribes of Assam and other ethnic minorities constituted the remaining numbers. Such a revelation was entirely contradictory to what seemed to be a correctly assessed policy by the BJP. A party which solely survives from Hindu votes, receives nourishment from a plethora of Hindu nationalist organisations and aspires to transform the country into a Hindu *Rashtra* (Nation), did it set a visible trap for itself at this crucial juncture? A controversial turn of events

¹¹⁹ “As Delhi joins the list, 12 Indian states & UTs now stand in opposition to NPR” See <https://theprint.in/india/as-delhi-joins-the-list-12-indian-states-uts-now-stand-in-opposition-to-npr/381051/> [accessed 25th May 2020]

¹²⁰ See Angana Chatterji, *Citizenship Laws and the Nazification of India*, Berkeley Centre for Religion, Peace and World Affairs, Georgetown University, 2020 <https://berkeleycenter.georgetown.edu/responses/citizenship-laws-and-the-nazification-of-india> [accessed 26th May 2020]

arose a few months after the NRC was implemented with the passing of the Citizenship (Amendment) Act 2019 at the Parliament.

The CAA categorically states individuals “*belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act;*”.¹²¹ Before delving deeper into the crevices of the Act, a simple glance in the declaration first points out at omission of a particular religious community. The next important and complex aspect is identified through the neighbouring states mentioned. One factorial clarity that could be established here is that all three countries are majority Islamic states. The primary assessment that eventuates at this very early stage of analysis is that Muslims do not constitute a part of this amended Act. The next observation that comes to play a key role here is that grounds for inclusion are being defined on the basis of religion. This very controversial Act has surpassed all other previous Citizenship (Amendment) Acts in its stringency and rigidity. Barring the millions of Muslims who would lose citizenship immediately, India holds a population of around 269 million people who reside below the poverty line (BPL) and could be at risk of mass-scale disenfranchisement.¹²² A substantial chunk of the middle-class population could also be forced into statelessness. However, when the BJP introduced the Citizenship (Amendment) Bill (CAB),

¹²¹ See Section 2, Citizenship (Amendment) Act, 2019 <http://egazette.nic.in/WriteReadData/2019/214646.pdf> [accessed 26th of March 2020]

¹²² See Suresh Tendulkar Committee Report http://planningcommission.nic.in/reports/genrep/rep_pov.pdf [accessed 26th May 2020]

they chose to mask several caveats associated with it and were rather disposed in creating grand narratives indicating the “positive” nature of the Bill.

On multiple occasions, BJP members have been known to campaign that the CAB shall be implemented first as an Act, and following it, the government shall enforce the NRC.¹²³ The CAB was first tabled in the parliament in 2016 with direct provisions of accommodating all the above-mentioned religious communities referred. This was not a separately laid out exercise but also bears a direct relation to the excluded people in the NRC, according to the government. Based on the 2003 Citizenship (Amendment) Act which introduced the terminology of “illegal migrants” in its repository, the CAB shall also have the ability to confer the same terminology to those who do not qualify for citizenship.¹²⁴ The Bill also reduced the eligible qualifier time for naturalisation from 11 years to 6 years for the communities mentioned above.¹²⁵ Ever since the Bill has been tabled, it has generated massive controversies, opened grounds to fierce political discourses and most of all in social dimensions created a binary between the “legal” and “illegal”. Communal tensions have peaked since the Bill was introduced and the unprecedentedness of the scenario could only remind of the times when the sub-continent was partitioned. The entire *Hindutva* brigade, however, has been vehemently pushing forward a rhetoric of inclusion and accommodative policies that the Modi government apparently intends to roll out to persecuted minorities through this Bill. In 2016 the Bill was passed in the Upper

¹²³ See “*Citizenship Amendment Bill (CAB), 2016 first, then National Register of Citizens (NRC)*” <http://usiblog.in/citizenship-amendment-bill-cab-2016-first-then-national-register-of-citizens-nrc/> [accessed 26th May 2020]

¹²⁴ See Section 3(3), Citizenship (Amendment) Act, 2019 <http://egazette.nic.in/WriteReadData/2019/214646.pdf> [accessed 26th of March 2020]

¹²⁵ See Section 6, Citizenship (Amendment) Act, 2019 <http://egazette.nic.in/WriteReadData/2019/214646.pdf> [accessed 26th of March 2020]

House of the Parliament but was challenged in the Council of States where the BJP did not hold a majority. However, during the second term of the Modi government, which was elected with sweeping mandates, the Bill was steered through both houses of the Parliament and passed into an Act. Apart from the most visible discrimination decipherable from Section (2) of the Bill/Act other disclaimers too require immediate attention.

The first pitfall directs towards encapsulating minorities only from the three countries in question, Pakistan, Afghanistan and Bangladesh. While it is clarified that minorities from these three countries face discrimination, countries like Myanmar, Sri Lanka, Bhutan and so on do not find any reference. Cases of Sri Lankan Tamils discriminated by ethnic Sinhalese community often feature in electronic media and yet fails to find a place in the Act. Similarly, countries like Myanmar, Bhutan practice varied degrees of majoritarianism and even non-Muslims from these countries too do not feature in the Act. Moreover, groups like the *Ahmadiyya*, *Hazara* who face systematic state repression and are not recognised for their religious beliefs, would not qualify under this framework.¹²⁶ The territorially selective nature of this Act points out towards inherent fallacies and also furnishes an impression of the governments' non-uniform outlook towards the minorities it wishes to consider. Another important caveat that may tend to get overlooked is the aim of this Act which states that the referred communities shall not be subjected to "treatment of an illegal migrant". The statement seems to be paradoxical as it does not lead to any concluding judgement whether they shall be naturalised as citizens or even accorded with basic citizenship rights. The loophole in this framework is that it fails to address the gap between asylum and citizenship. The Act clearly states that an applicant can qualify for a "certificate of registration"

¹²⁶ See "*Shoot the Traitors*" *Discrimination Against Muslims under India's New Citizenship Policy*, Human Rights Watch, https://ceuedu-my.sharepoint.com/personal/banerjee_debraj_student_ceu_edu/Documents/Citizenship/HRW%20NRC%20CAA.pdf?CT=1590802749912&OR=ItemsView [accessed 30th May 2020], p-4

or a “certificate of naturalisation” provided they can prove “conditions” or “restrictions” they were subjected to.¹²⁷ The recency of religious persecution, in this case could, allow an applicant to prove it through contemporary documents suggesting so. However, people who migrated years ago, simply citing circumstances without any admissible documents would not lead to the granting of citizenship. The speculations reach a precipitation point after thoroughly investigating the Joint Parliamentary Committee’s (JPC) report on the Citizenship Amendment Bill. After the CAB was tabled in 2016, a Joint Parliamentary Committee was formed constituting members of the ruling party and the opposition parties. The discussions and proceedings of this committee continued for around two and a half years after which the report was published on January 2019.¹²⁸ In the report, the government was catechized about the veracity of the citizenship appeals once the Act was in place. The government responded by saying that those who had already registered cases of religious persecution and were living with a long-term visa in India were eligible for such appeals.¹²⁹ Those who would apply separately (under new circumstances) will get their appeals registered after precise scrutiny from the Intelligence Bureau and the Research and Analysis Wing (India’s foreign intelligence agency) of the Union Government of India. Through the JPC, the Intelligence Bureau was enquired about the immediate numerical beneficiaries of the Act to which they replied, “25447 Hindus, 5807

¹²⁷ See Section 3(1), Citizenship (Amendment) Act, 2019 <http://egazette.nic.in/WriteReadData/2019/214646.pdf> [accessed 26th of March 2020]

¹²⁸ See Introduction 1-12 REPORT OF THE JOINT COMMITTEE ON THE CITIZENSHIP (AMENDMENT) BILL, 2016, https://www.prsindia.org/sites/default/files/bill_files/Joint%20committee%20report%20on%20citizenship%20%28A%29%20bill.pdf [accessed 27th May 2020], 6-7

¹²⁹ ¹²⁹ See Introductory 1.16 REPORT OF THE JOINT COMMITTEE ON THE CITIZENSHIP (AMENDMENT) BILL, 2016, https://www.prsindia.org/sites/default/files/bill_files/Joint%20committee%20report%20on%20citizenship%20%28A%29%20bill.pdf [accessed 27th May 2020], 16

Sikhs, 55 Christians, 2 Buddhists and 2 Parsis”.¹³⁰ Furthermore, the Intelligence Bureau states that those who have applied and were granted citizenship subsequently might have to undergo another round of verification.¹³¹ The Research and Analysis Wing also expressed its concerns by stating that a large number of people cannot be allowed to “infiltrate” into the country due to grave security concerns.¹³² The more significant problem which becomes evident after the revelations from the JPC, throws light on the predicament of the 1.9 million people who have become stateless with the NRC. After the CAA, even if all the non-Muslims undertake application for citizenship, a substantial chunk from them would not be able to make it through. The same ordeal also awaits individuals declared as “illegal immigrants” under the Citizenship (Amendment) Act 2003 and the NPR intending to declare “doubtful citizens”.

2.4 The Tale of Election Manifestos

The firm stance of the BJP towards such policies can be attributed to its electoral outlook concerning the same. Unlike the Congress, which has backtracked on several policies alongside compromising with their ideological footing, the BJP’s standpoint concerning the NRC has been more or less straightforward. The election manifestos of the Jana Sangh or Bharatiya Jana Sangh party and later the BJP bear testimony to it. In this segment, I intend to investigate relevant

¹³⁰ See part II Section 2.17 REPORT OF THE JOINT COMMITTEE ON THE CITIZENSHIP (AMENDMENT) BILL, 2016, 39
https://www.prsindia.org/sites/default/files/bill_files/Joint%20committee%20report%20on%20citizenship%20%28A%29%20bill.pdf [accessed 27th May 2020]

¹³¹ See part II Section 2.21 REPORT OF THE JOINT COMMITTEE ON THE CITIZENSHIP (AMENDMENT) BILL, 2016, 40
https://www.prsindia.org/sites/default/files/bill_files/Joint%20committee%20report%20on%20citizenship%20%28A%29%20bill.pdf [accessed 27th May 2020]

¹³² See part II Section 2.22 REPORT OF THE JOINT COMMITTEE ON THE CITIZENSHIP (AMENDMENT) BILL, 2016, 40
https://www.prsindia.org/sites/default/files/bill_files/Joint%20committee%20report%20on%20citizenship%20%28A%29%20bill.pdf [accessed 27th May 2020]

portions of four such election manifestos to trace the contextual inception of the NRC and CAB in the electoral spectrum for both organisations. The chosen election manifestos belong to the year 1967, 1999, 2014 and 2019. Not just the NRC or CAB, the context of non-Muslim minorities, illegal immigration too features in these relevant segments. Through these manifestos, it would be facile to ascertain when and how intensely the issue of these exercises feature corresponding to the progression of time

The Bharatiya Jana Sangh or Jana Sangh which was previously the political arm of the RSS before the formation of BJP contested five general elections in 1951, 1957, 1962, 1967 and 1971. The Jana Sangh emerged as the principal opposition party during 1967 and 1971 elections but most importantly, it received the highest vote share during 1967.¹³³ The Jana Sangh election manifesto explicitly does not direct towards any particular policy, but under the section marked “*Rehabilitation Of The Displaced Persons & Compensation*” takes cognizance of the condition of Hindus in Pakistan who have been victims of Islamic furore.¹³⁴ The appeal generated is that of embracing such victims, rehabilitating them and conferring them with citizenship rights.¹³⁵ The final point takes on a condescending stance by issuing a warning to Pakistan through the process of extracting “compensation and rehabilitation dues” for the persecuted minorities. There are no other sections in the manifesto dedicated to this issue.

During 1999 the BJP government contested the general election under a coalition with regional parties known as the National Democratic Alliance (NDA) and subsequently formed the

¹³³ Bruce Desmond Graham, *Hindu nationalism and Indian politics: the origins and development of the Bharatiya Jana Sangh*, Cambridge University Press, 2007, 196 - 252

¹³⁴ See Bharatiya Jana Sangh, Election manifesto, 1967, [file:///C:/Users/Banerjee_Debraj/Downloads/bharatiya%20Jana%20Sangh%20%20Election%20Manifesto%201967%20\(1\).pdf](file:///C:/Users/Banerjee_Debraj/Downloads/bharatiya%20Jana%20Sangh%20%20Election%20Manifesto%201967%20(1).pdf) [accessed 30th May 2020], p-13

¹³⁵ Ibid.,

government. This manifesto was titled “*For A Proud, Prosperous India: An Agenda*”. A section drafted as “*Constitutional and Legal Reforms*” dedicated a portion to the NRC and a prototype of the NPR. The piece from this section reads:

*“We will establish a National Register of citizens. We will also introduce a multi-purpose identity card for all citizens.”*¹³⁶

The road to the 1999 elections was tumultuous as the nation had already witnessed the demolition of Babri Mosque and following it large scale riots gripping the country at different times fuelling multifarious Hindu nationalist agendas. The BJP being the primary stakeholder in the NDA government was the key player in policy formulation and decision making on behalf of the coalition. With the political wave favouring the BJP, there was a quick initiation to place the NRC in the electoral docket. The introduction to a “multi-purpose identity card” is also the abstract for the national identity cards which the BJP would later implement after conducting the NPR exercise. One of the major amendments through the Citizenship (Amendment) Act was also conducted during 2003 in the fourth year of the NDA government.

The NDA government went out of power in 2004 and after a span of ten years the BJP swept the general elections of 2014. The launchpad for BJP in this election was Narendra Modi and the “Modi wave” bolstered with rhetoric of “development” based on the “Gujarat model”. The popular notion around this time revolved around Modi’s policies which would put India in the list of economic superpowers through projects like massive urbanisation, industrialisation and policies that supposedly intended to thwart corruption and black economy from expanding. Since

¹³⁶ See “*For A Proud, Prosperous India: An Agenda*”, National Democratic Alliance, Election Manifesto, Lok Sabha Election, 1999
<http://library.bjp.org/jspui/bitstream/123456789/242/1/BJP%20ELECTION%20MANIFESTO%201999.pdf>
[accessed 30th May 2020], p- 15

this was the comeback election for the BJP the focus was more towards the policies as mentioned earlier, rather than polarising politics. This is also reflected in the manifesto titled “*EK Bharat Shreshtha Bharat: Sab Ka Saath Sab Ka Vikas*” (One India Great India: Collective Effort Collective Development) where a very tiny section under “*External Security – Its Boundary, Beauty and Bounty*” was devoted to actions being taken against illegal immigration.¹³⁷ Although one would find the generic reference to India being “natural home for persecuted Hindus” embellished under the subsection titled “*Foreign Relations – Nation First, Universal Brotherhood*”¹³⁸

The 2019 Election manifesto titled “*Sankalp Bharat Sashakt Bharat: Sankalp Patra*” (Policy-Oriented India Self-Strengthening India: Policy Letters); however, devotes maximum space to the issue of NRC and CAB when juxtaposed to the others. The electoral dynamics pointing towards a definite prediction of a comeback feature in the election manifesto where the standpoints are more explicitly shared and clarified. A laid out section reads “*Combating Infiltration*” with an objective of “protecting” cultural and linguistic identity which is threatened by “illegal immigration” and impacting local demography.¹³⁹ To “combat” the situation, the

¹³⁷ See “*EK Bharat Shreshtha Bharat: Sab Ka Saath Sab Ka Vikas*”, Bharatiya Janata Party, Election Manifesto, 2014 https://www.thehindu.com/multimedia/archive/01830/BJP_election_manif_1830927a.pdf [accessed 30th May 2020], p-38

¹³⁸ Ibid., p-40

¹³⁹ See “*Sankalp Bharat Sashakt Bharat: Sankalp Patra*”, Bharatiya Janata Party, Lok Sabha 2019, https://www.bjp.org/en/manifesto2019?_cf_chl_captcha_tk_=30a6d12b50a91defc2d613840acd0378694d2d70-1590778320-0-AXx0pDviviVZnCHjqspaXsu9v8SXaO_bcEt_7feo23w1O4nA0ipWxfTDYImKkVltNOHW5cfc9UD5xDR35Q1em_eYgInTPIzX8vvAeuruAyZnr8uQpSS-CBRAu9rpOvtYEBSU9HdarNXR2o6DxH_HbkAi6s3JjRIG2cIP6NuHNB2vkzGQomawABo_LxcRthqTW5DH1x64IldUVhgKEw5aY7g70G_N2ILlPuas2QGSKuJKWOEtQAIKI5cgWwDu_4w6wkYujPKA3EP-Ugrj27bPrDSpr4iZupiKNzkS3v9y-ybtH6zVmgInWeCW7KmdsGjfqqBY78YZft90EIq5jpOcdBo6N2VR1kEP1db4-2E4WgwLOZToXXz_ri7TZOKwbMh4Sd1hCVV55nI6R0k2q3yMJIMgP8BESETuEr-uoRYxY7xcCP4dVUwB_g0Gb0sTgju4ldMMu6JNt6A27UTJHCW_CIKHS5iI5GG3AUQh9LNFIXtYynmWRQp_m7hvY4p_EX4M4PqqacnvjPUWscjOku7n6STzGgkYjTH7-ePcMPdYZGJV7IZ4kY5U1QRf64uFgOIEdMh5yA [accessed 30th May 2020], p-11

manifesto highlights the necessity of speeding the process of NRC in Assam and gradually rolling it out to other parts of India.¹⁴⁰ In the next page, a section is specifically devoted to the Citizenship Amendment Bill suggesting the motive of the Bill and its intentions towards protecting the religious minorities from Pakistan, Afghanistan and Bangladesh.¹⁴¹

One by one these manifestos establish the concerned agendas of the Jana Sangh and the BJP and later transcends to a clear explanation of the same. The reference to these agendas is commensurate to socio-political developments taking place, the organisations electoral footing vis-a-vis national elections and most importantly the mass resonance reflected at the backdrop of electoral battles. A broader analysis focussing specifically on election manifestos could provide one with a larger canvas to understand the significant and changing orientation of these organisations.

2.5 Strategic Interventions and Dissenting International Responses

Ever since the NRC and CAA has been hovering over the socio-political dimensions, the BJP and the entire *Sangh Parivar* has been bombarding striking rhetoric on the successful nature of such policies. The government has taken two-pronged strategic intervention to muddle the complexities that are visible in these bureaucratic exercises. They justify the need for such policies by putting forward a convoluted notion of multiculturalism whereby it is argued that India is a haven for religious minorities under plural and secular-democratic framework and hence should extend similar “privileges” to bordering nations where Muslims are the majority. The second intervention is a reflexive follow-up of the first one, whereby the government claims

¹⁴⁰ Ibid.,

¹⁴¹ Ibid., 12

that India has been allowing millions and millions of immigrants and has reached a saturation point and it is imperative that India constitutes a “well defined” citizenship law. To substantiate the rhetoric, I plan to introduce two video documented speeches from the political spectrum featuring the BJP’s party president and the current Home Minister of India, Amit Shah as the central character. The first speech takes place in Kolkata on October 2019 a month before the CAA was passed. The venue for the second speech is the *Rajya Sabha* (Council of States) where the speech was given before the Bill was passed as a response to the opposition protests.

In Kolkata, the name of the program was planned surreptitiously – *Janajagran Sabha* (Public Awakening Campaign). It seems as if there is a notion of “deception” that is being imposed top down upon the people of Bengal and hence there is an urgent “requirement” for “awakening”. The 28-minute speech by Amit Shah deals with the importance of the CAA, the “false impressions” created by the opposition to “mislead” the Bengali’s and steers around the context of illegal immigration. Apart from that, the entire speech is interlaced with redundancies (to this research) about Bengal’s long-lost glory which the party intends to bring back alongside overstating the government’s previous policies like demonetisation and Abrogation of Article 370, 35A and reorganising the state of Jammu and Kashmir. The transcribed version of the relevant sections are as follows:

“Today through this Public Awakening Campaign, I have come to clarify the BJP’s stand. I have come to highlight the truth to the people of Bengal. Mamata Banerjee says, that once the NRC is implemented, lakhs of Hindu asylum seekers will have to leave Indian soil. This is a straightforward lie and from here I would like to assure holistically that all Hindus, Sikhs, Buddhists, Jains, Parsis, Christians seeking asylum and especially my Hindu brothers seeking

asylum, the Government of India will not force them to leave the country. Today I want to address that before the NRC, the government will pass the CAB”¹⁴²

“Mamata Banerjee is saying that she will not allow NRC in Bengal, I assure you that in India will not allow even one single infiltrator. We will take them down one by one. When Mamata Banerjee was in opposition and the infiltrators were voting the Communists, even she was against infiltration but now she is doing politics of appeasement. We will not let any asylum seekers leave but will throw out all infiltrators. No country can function by carrying the burden of millions of infiltrators”¹⁴³

As infamous as Amit Shah’s strategies are, throughout the campaign, he never mentions anything about the plight of the Assamese people excluded from the NRC. The point of reference traversed around “asylum seekers”, although many in the excluded list were erstwhile citizens of India. Citizenship, or the modalities under which the asylum seekers would be accorded citizenship also remain absent in the supposedly “eye-opening” campaign. On multiple occasions whenever the context of asylum seekers emerged, Shah only reiterated that they would not be forced to leave the country. The gap between inclusion and citizenship remained unaddressed by Shah. Importantly, while emphasising on the beneficiary communities from the CAA, Shah addresses the only excluded community as infiltrators (*ghuspaitiya*). A high numerical value of the “infiltrator” population finds itself adjusted as “millions”, and the country is overburdened by their presence. A very aggressive narrative on tracking down the infiltrators “one by one” is also

¹⁴² See 11:20 – 13:15 “*HM Amit Shah addresses a public-awakening programme on NRC in Kolkata, West Bengal*”, DD News, 2019 <https://www.youtube.com/watch?v=WdwxOnsq2i4&t=190s> [accessed 28th May 2020]

¹⁴³ See 13:50 – 16:34 “*HM Amit Shah addresses a public-awakening programme on NRC in Kolkata, West Bengal*”, DD News, 2019 <https://www.youtube.com/watch?v=WdwxOnsq2i4&t=190s> [accessed 28th May 2020]

accentuated in the discourse. The nomenclature of “infiltrator” features several times in the lexical repository of the BJP.

The second speech betides in the *Rajya Sabha* (Council of States) situated in New Delhi on the day the CAA was passed through a vote of hands. The opening remarks by Amit Shah were a response statement initiated to defend the question raised by the opposition parties. The speech is almost 77 minutes long; hence the references would be limited to the most pertinent sections.

“Today I can quote numerous laws of Pakistan where minorities are not allowed to enjoy basic rights. The percentage of minorities are getting lower by the day. In India on the other hand the President, the Chief Justice, the Chief Election Commissioner, and even the speaker of this house has been Muslims. In India minorities receive benefits of the state and hence it was important to assist the distressed minorities from our neighbouring countries in order to save our religion, our society.”¹⁴⁴

“Many have asked why Muslims are not included in the list, but I feel surprised that none of these people showed appreciation for the six other communities who are going to be benefitted. Why not Muslims? Because this Act is for minorities of these three countries facing persecution based on religion. Can anyone from the opposition tell me if there are any Muslim minority in these Islamic majority countries?”¹⁴⁵

¹⁴⁴ See 07:13 - 08:00 “*Union Home Minister Shri Amit Shah's reply on the Citizenship Amendment Bill-2019 in Rajya Sabha*”, Bharatiya Janata Party, <https://www.youtube.com/watch?v=kKyx89AUaQM&t=485s> [accessed 28th May 2020]

¹⁴⁵ See 14:40 - 15:40 “*Union Home Minister Shri Amit Shah's reply on the Citizenship Amendment Bill-2019 in Rajya Sabha*”, Bharatiya Janata Party, <https://www.youtube.com/watch?v=kKyx89AUaQM&t=485s> [accessed 28th May 2020]

“Now the opposition is questioning the secular character of our party. Did we only invite Hindus? We invited other communities as well. When it comes to only Muslims only then secularism comes to your minds. You have a very limited knowledge about secular character. Still I must tell you that the Bharatiya Janata Party’s idea is secular by a vast margin, and we intend to keep it that way. The policy is straightforward; the persecuted must be brought back.”¹⁴⁶

“I will assure that the Bill was not a violation of Article 14. Based on reasonable classification, we are giving rights to so many communities, how can it be a violation in that case?”¹⁴⁷

“Mahatma Gandhi, who is revered by every Indian, on 26th September 1947 said that if Sikhs and Hindus staying in Pakistan feel threatened in any way, they can always come to India and the state will provide for them, give them freedom speech and will help them attain peace in this land”¹⁴⁸

The House then experiences a series of chaos because of comments made by Amit Shah towards Mamata Banerjee (Chief Minister, West Bengal) who, when in opposition, raised numerous issues about illegal immigration and infiltration, which seemed misleading to the MPs of her party. After the house settles down, the rhetoric shifts to the “misdeeds” of the Congress party

¹⁴⁶ See 17:27 - 17:56 “*Union Home Minister Shri Amit Shah's reply on the Citizenship Amendment Bill-2019 in Rajya Sabha*”, Bharatiya Janata Party, <https://www.youtube.com/watch?v=kKyx89AUaQM&t=485s> [accessed 28th May 2020]

¹⁴⁷ See 20:10 - 20:20 “*Union Home Minister Shri Amit Shah's reply on the Citizenship Amendment Bill-2019 in Rajya Sabha*”, Bharatiya Janata Party, <https://www.youtube.com/watch?v=kKyx89AUaQM&t=485s> [accessed 28th May 2020]

¹⁴⁸ See 27:30 - 28:17 “*Union Home Minister Shri Amit Shah's reply on the Citizenship Amendment Bill-2019 in Rajya Sabha*”, Bharatiya Janata Party, <https://www.youtube.com/watch?v=kKyx89AUaQM&t=485s> [accessed 28th May 2020]

combined with changing stances on all their policies as opposed to the BJP's fixed standpoints on issues like Kashmir, NRC and CAA. Stepping outside the redundancies, the speech given by Amit Shah is proof of how progressive laws like protection to minorities can be utilised to fulfil vested interests. The context behind such laws was the Partition of India which witnessed massive communal pogrom. Even the Gandhian context was very selectively invoked here.

While Gandhi advocated the rights of Sikhs and Hindus, he was an equal proponent for the rights of Muslims to the extent that he sat on a hunger strike only to get Rupees 55 crore worth of dues cleared to the Pakistan government by India.¹⁴⁹ Moreover, the manipulation of Article 14 is also a classic one in this regard. Article 14 of the Indian constitution calls for equality before the law and as per equality there will not be any discrimination based on grounds of race, caste, sex, religion, place of birth.¹⁵⁰ In addition to this, two riders that constitute this Article corresponding to "classification" only on the grounds which are "reasonable" enough to be admitted.

- "The classification is based upon intelligible differentia that distinguishes persons or things that are grouped from others that are left out of the group, and,
- The differential has a rational relation with the objective of the act."¹⁵¹

¹⁴⁹ See "In Spite of the Pakistani aggression in Kashmir, Gandhiji fasted to compel the Government of India to release an amount of Rs. 55 crores due to Pakistan." <https://www.mkgandhi.org/faq/q3.htm> [accessed 29th May 2020]

¹⁵⁰ See Article 14 of the Indian Constitution https://indiankanon.org/doc/367586/?_cf_chl_jschl_tk_=51b61ca013b603819c04ff965270bc43a9bba762-1590710203-0-AYybrUtgPs48fxRWDf92siETieP7zEhDF5vaE0ak7vaszekqvWJlci2JEOImVtJudxG9IN5HA9VaUW3ivGpTyqRm6Ay6_dp3uc8Qkg5rk5jz2lu0me2LozVOsMoGAJOCohsIx_1FR9ZQDq4goscHV3tZXKHTf0Zpfak8A0qbx_KEmTYl-5rM9db7uf2XUX6Vay7WPIXnkPcX3eX8LWSR8_frpba54SOK5XScmkK-vXBJ5BIRxEOXCSSrsbbVQeb1LwBHy3emDohMCX4DYnL9Wo2fx-4bCNmRU7oH0OHLFwMuDuqMMW8WbLfHK28_XAWEuhl_jDf_PBLhXlg5M6-zh3e3Fd5VvoKPa_stHAXhkd [accessed 29th May 2020]

¹⁵¹ Ibid.,

The framework of “reasonable classification” has only been used in times of dire crisis to admit persecuted people belonging to specific religion, caste, class and so on. In the current situation, India does not experience specifically related crisis from Pakistan, Afghanistan, Bangladesh and yet this feature of Article 14 was instrumentalised as there are six religious' groups in question. The impending danger however lies for the Muslims who would not be able to prove persecution even being erstwhile citizens of India, and hence the Act would not be apply to them. The other communities even though declared as non-citizens could qualify under this foundation, although the situation is too early to predict as reports from the Intelligence Bureau and the Research and Analysis Wing suggest otherwise.

Even though International Agencies were initially slogging to comprehend the impact of the NRC and CAA, once the Register was updated and the Act was passed, they have been vocal in registering their dissent against such administrative exercises. The United Nations High Commission for Human Right referred to the nature of the Act as “fundamentally discriminatory”¹⁵² According to Jeremy Lawrence spokesperson for the Office of the High Commissioner of Human Rights, the Act undermines India’s obligation towards equality before the law.¹⁵³ Moreover, the OHCHR perceives the Act to be contradictory to India’s commitment as a signatory before the Global Compact for Safe, Regular and Orderly Migration.¹⁵⁴ The Secretary-General of the UN, Antonio Guterres, has expressed his concerns over the Act by

¹⁵² See “*New citizenship law in India ‘fundamentally discriminatory’*: UN human rights office” <https://news.un.org/en/story/2019/12/1053511> [accessed 30th May 2020]

¹⁵³ Ibid.,

¹⁵⁴ Ibid.,

stating that there is an underlying “risk of statelessness” associated with this Act.¹⁵⁵ According to a recent report compiled by the Human Rights Watch, the United States Commission on International Religious Freedom has urged the US government to adjudicate sanctions against the Minister of Home Affairs and the top brass leadership of the BJP.¹⁵⁶ HRW further reported that the same body expressed apprehensions that the law “*in conjunction with a planned National Population Register and a potential nationwide National Register of Citizens, or NRC, could result in the wide-scale disenfranchisement of Indian Muslims.*”¹⁵⁷ Eventually, the UN High Commissioner for Human Rights, Michelle Bachelet, filed an intervention as *amicus curiae* (third party) in the Supreme Court challenging the CAA.¹⁵⁸ The intervention has urged the Supreme Court to “*examine the compatibility of the Sections 2 to 6 of the Citizenship (Amendment) Act 2019... with the Indian Constitution*”¹⁵⁹ Additionally, special references have been made to core international human rights treaties like the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Elimination of Racial Discrimination (ICERD), Convention on the Rights of the Child (CRC) and the Convention on the Elimination of Discrimination against Women (CEDAW) of which India has been a part of. The prime motive behind stating these treaties was to request the Supreme Court of India to implore reason while

¹⁵⁵ See “*UN chief flags statelessness risk due to CAA, says reports of abuse in J&K must be taken seriously*” <https://scroll.in/latest/953679/un-chief-flags-statelessness-risk-due-to-caa-says-reports-of-abuse-in-j-k-must-be-taken-seriously> [accessed 30th May 2020]

¹⁵⁶ See “*Shoot the Traitors*” *Discrimination Against Muslims under India’s New Citizenship Policy*, Human Rights Watch, https://ceuedu-my.sharepoint.com/personal/banerjee_debraj_student_ceu_edu/Documents/Citizenship/HRW%20NRC%20CAA.pdf?CT=1590802749912&OR=ItemsView [accessed 30th May 2020], p-5

¹⁵⁷ *Ibid.*,

¹⁵⁸ See “*Deb Mukherji vs Union of India*”, 2020, Application for Intervention <https://www.scribd.com/document/449891277/UN-High-Commissioner-for-Human-Rights-Intervention-Application-CAA-SC> [accessed 30th May 2020]

¹⁵⁹ *Ibid.*,

investigating into the tenets of the Act. The groundwork conducted by Human Rights Watch in the state of Assam suggested that the procedure to undertake NRC “lacked standardization, leading to arbitrary and discriminatory decisions by officials.”¹⁶⁰ HRW also claims that the process has been biased towards “members of ethnic Bengali minority groups” by conjecturing their status as “non-original” inhabitants.¹⁶¹ The HRW stated the as per the information from an NGO named Citizens for Justice and Peace, 56 deaths have been recorded in Assam due to fears connected to citizenship crisis.¹⁶² Reports from HRW further suggest that the Foreigners Tribunal entrusted with the ability to determine citizenship have lacked “transparency” resulting in “inconsistent” decisions.¹⁶³ The India chapter of Amnesty International released an infographic titled “*Why is the NRC and CAA Problematic?*” and have called the Bill “discriminatory and unconstitutional”.¹⁶⁴ In a joint statement released by the International Commission of Jurists and other NGOs comprising the Asian Forum for Human Rights and Development (FORUM-ASIA), CIVICUS – World Alliance for Citizen Participation, Human Rights Watch, International Service for Human Rights (ISHR), Minority Rights Group International, and World Organization against Torture (OMCT), the discriminatory nature of the Act has been highlighted and alongside, the organisations have urged India to “develop comprehensive refugee laws” and also “accede to the 1951 Refugee Convention and its 1967 protocol”.¹⁶⁵ Apart from these responses, the Supreme Court has admitted close to 250 cases and

¹⁶⁰ See “*Shoot the Traitors*” *Discrimination Against Muslims under India’s New Citizenship Policy*, Human Rights Watch, https://ceuedu-my.sharepoint.com/personal/banerjee_debraj_student_ceu_edu/Documents/Citizenship/HRW%20NRC%20CAA.pdf?CT=1590802749912&OR=ItemsView [accessed 30th May 2020], p-9

¹⁶¹ Ibid.,

¹⁶² Ibid., p-10

¹⁶³ Ibid.,

¹⁶⁴ See “*What’s Wrong with the CAA and NRC?*” <https://amnesty.org.in/infographic-why-is-the-caa-and-nrc-problematic/> [accessed 30th May 2020]

¹⁶⁵ See “*India: Citizenship Amendment Act violates international law*” <https://www.icj.org/hrc43indiaca/> [accessed 30th May 2020]

petitions challenging the NRC and CAA. The current lockdown in the country due to COVID-19 has restricted the functioning of the Court thereby postponing the hearing of the cases. However, a paradoxical situation could be observed from the Supreme Court's orientation to the case as it has refused to put a stay order on CAA for the second time (on May 2020) after executing the same on January 2020.^{166 167}

¹⁶⁶ See “*Supreme Court refuses to stay CAA yet again*”

https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-refuses-to-stay-cao-yet-again/articleshow/75855684.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst [accessed 30th May 2020]

¹⁶⁷ See “*Supreme Court refuses to stay Citizenship Amendment Act without hearing government*”

<https://www.thehindu.com/news/national/cao-petitions-sc-says-no-stay-without-hearing-centre-may-refer-pleas-to-larger-constitution-bench/article30622277.ece> [accessed 30th May 2020]

3. Conclusion

On multiple levels, these bureaucratic exercises are packed with loopholes and are yet to be thoroughly investigated under a judicial scope. However, going by the evidence furnished by the concerned government agencies, it can be ascertained that till these laws receive any judicial direction (if any), they would continue undergoing instrumentalization by the entire combine of the Hindu nationalist organisations to invigorate communal polarisation across the country. Since the Act has been passed, major parts of the country have been gripped by communal tensions, the most notable of which occurred in February 2020 on the north-eastern part of the capital city, a few miles from where Donald Trump was stationed.¹⁶⁸ Communal polarisations across India would ensure that the entire *Sangh Parivar* is firmly established in the Indian society multi-dimensionally. The NRC and CAA have materialised the long-standing aspirations of Hindutva to create an exclusivist majoritarian space under the rubric of a Hindu *Rashtra*. These exercises have established perfect connections to arguments forwarded by Golwalkar and Savarkar. The exclusion of Muslims from the CAA finds itself seamlessly coupled to the core of Savarkar's and Golwalkar's literature claiming that India is the "holy land" for Hindus. Through the previously analysed texts of Savarkar it becomes clear that "patriotism" cannot take away the burden of "forced" conversions by Islam amounting to "millions". "Investigators" like Savarkar himself suggest that even though many Muslims before conversion would have been Hindus, the act of conversion will cost them their nationality. Another aspect that gets highlighted several times is the cultural distinction that Hindus and Muslims have and the latter's unacceptance of the

¹⁶⁸ See "*Worst communal violence in Delhi in decades leaves 17 dead as Trump visits India*" https://www.washingtonpost.com/world/asia_pacific/worst-communal-violence-in-delhi-in-decades-leaves-13-dead-as-trump-visits-india/2020/02/25/ecac4b5e-57dd-11ea-8efd-0f904bdd8057_story.html [accessed 1st June 2020]

cultural and political centrality of Hinduism responsible for making them ineligible for Indian citizenship. To Savarkar, India is Hindustan and meant for Hindus only; hence accepting both centralities would mean coming under a greater Hindu fold.

Golwalkar radically conferred Muslims with the title of “despoilers” and sees that the Hindu nation is engaged in a battle to remove them. He sees the attempt of “nationalising” Muslims as a futile one as they are foreign “invaders” causing population displacement. A similar kind of rhetoric also floated in Assam post Accord with a specific numeric value of four to five million assigned to the “foreigners”. This rhetoric synchronised itself with the previously existing rhetoric of ethnic Assamese becoming minorities in their own land making the NRC and CAA inevitable. Furthermore, Golwalkar’s assertion of intertwining religion in public and political life is best observed in the CAA mandating citizenship through affiliations under specific religious groups. Reflecting at “foreign elements”, Golwalkar contends that their position in the nation is that of sub-ordinates and their residency rights rest in the hands of the majority group. Similarly, amongst the abundant stereotypical nomenclatures bestowed upon, in the current times, the Muslims find themselves exceedingly conferred with the title of “infiltrators” (*ghuspaitiya*). Such titles not only create extreme otherization but produce profound animosities. The term “infiltrator” in this case gets associated with intentions of foreign elements to harm the nation.

Interestingly, in several speeches, campaigns and media debates, the entire rank and file of the BJP has argued that the CAA is a privilege granting sanctuary to not just Hindus but many religious groups. They further argue that the BJP is a liberal political party with no particular religious preferences or biases and substantiate with the clause referring to Buddhists, Sikhs, Jains, Parsis and Christians as “beneficiaries”. However, the Constitution of India under Article 25 2(B) does not recognise Buddhists, Jains and Sikhs as separate religious groups, instead they

fall under a Hindu categorisation.¹⁶⁹ Such a paradox could prove to have dire consequences especially, if and when the government chooses to muddle the number of people it accords with citizenship, thereby assigning a high numerical value to minorities only referred as “Hindus”. Moreover, this constitutional flaw reverberates perfectly with the arguments of Savarkar and Golwalkar who consider the three groups to be an inherent representation of the greater Hindu fold. Christians and Parsis constitute a low numeric value and hence would not make a tangible impact on the soaring rhetoric. Additionally, in almost all the election manifestos produced by the BJP, it has repeatedly and systematically used the term “persecuted minorities” to the groups it plans to accord with Indian citizenship. However, in the Act itself there is no mention of the word “persecuted”. The underlying conundrum points out to the impending danger for the citizenship applicants as persecution in itself stands undefined. The applicants would have to consequentially rely on the mercy of the government who may (or may not) choose persecution as pre-requisite to accord citizenship.

Similarly, if the government decides to employ “persecution” as a valid category to accord citizenship, people identified as “illegal migrants” under the Act of 2003 and also the ones excluded from the NRC would face extreme hardships to prove their persecution.

Simultaneously, the term “persecution” also throws light on the governments’ outlook towards the neighbouring Islamic majority countries where they are all projected as “persecutors”. It not

¹⁶⁹ See Article 25 of the Indian Constitution

https://indiankanon.org/doc/631708/?_cf_chl_jschl_tk_=f807fc20d84f5e07a5a23f4c8977ba8720faa39b-1591050620-0-AQw8LcIQV1bClko7IiGGzsZFBA8kMdX4tAdejUamKgminzrEqfqKhcRFBxWCdqSHEMFTVECMuon97OWuIkmCrE5dYyja6WevGZgbaeLL_qcVOep51SCzXarguX0FHeWMv1CdPbnxdOtaCU7jsrCmlaiIF6F2g5lp7SYELQqc pHJpSnpND6fd36FPmDwn79EiYKwLkByOq_PfeHCCPbLO9AC7wCpsTon8s8g1z0SU2BkLf5--V7rGuqWW6ag5o-RRFqyn_cL0tZLiiA-rGcKe3-KRolaK-OZQ8HXJPb4y_te8B00FIMFaPSUjibifong2mxkwfLJOUsNdlsvjMyqO6ktI2E_jklOxO6GAyDIF4GZ [accessed 2nd June 2020]

only envelopes all Muslims under the homogenous nomenclature of persecutor but also overshadows the victimisation of internal communities like the *Hazara*, *Shia* and so on. The binary rhetoric of the persecutor and the persecuted has also assisted the entire *Sangh Parivar* in fuelling aggressive and militant communal polarisation across the country.

Immediately after Independence, the Indian state was unable to create a well-defined framework concerning citizenship. It was only after eight years that the first Citizenship Act of 1955 came into force. According to Anupama Roy, citizenship in India in those periods of eight years entered a “legal vacuum”.¹⁷⁰ One of the primary reasons behind this could be the Partition of India which was experiencing high population exchanges even after a decade of independence. This led the constitution-makers of India to formulate citizenship based on *jus soli* values. Niraja Gopal Jayal contends that at the same time, the presence of Muslims (even after the formation of Pakistan) and later reverse migration (especially) in the Eastern front has often created discourses favouring *jus sanguinis* principles inside the right-wing circles.¹⁷¹ The successive Congress governments in consonance with the regional and Hindu nationalist aspirations of making citizenship more exclusive and laboriously accessible passed the Citizenship (Amendment) Act of 1986 emphasising on *jus sanguinis* principles. The BJP furthered its agenda on 2003 by passing the Citizenship (Amendment) Act which was even more stringent and introduced the designation of “illegal migrant” in the administrative repository.

The entire process of according citizenship previously, stripping it later followed by limited accordance, has unimaginably costed the target groups especially the lower caste-class groups

¹⁷⁰ Anupama Roy, *Mapping citizenship in India*, Oxford University Press, 2010, 34

¹⁷¹ Niraja Gopal Jayal, *Citizenship and its discontents: An Indian history*, Harvard University Press, 2013, 57

and the Muslims. A plethora of documents now stands in the way between a declaration of the “legal” and “illegal”. The situation has given rise to an unprecedented status quo where the actual modalities to grant citizenship remain ambiguous. The government is benefitting from this status quo partly because India does not have a proper framework or law assigned for refugees. Being a non-signatory to the UN Refugee Convention of 1951 and its 1967 protocol benefits the Union government of India by not using the term refugee in the CAA 2019, thereby allowing it to keep the concerned modalities suspended to uncertainties. There exists a three-way lacuna between who constitutes an illegal migrant, who is a citizen and who is a refugee.

Therefore, it is feasible to assume that overarchingly the NRC and CAA will create a considerable number of stateless and disenfranchised people with the Muslims being the worst affected category. This conundrum falls perfectly in line with the Hindu nationalist vision of making India a Hindu *Rashtra* where citizenship would be determined through ties of submission exhibited towards the majority race. Rather than contemporary attempts at demonising Islam, critical discourses related to residency and citizenship of Islamic constituents in India churned out a century earlier with surreptitious plans devised to strip the community of their rights and privileges. Three aspects from here that demand further observations and also creates a further scope of academic research are the approach of the judiciary towards the problem, the governments’ standpoint regarding the fate of the detainees in the detention camps and finally, the agreeing and dissenting socio-political mobilisations that may (or may not change) the course of action for these policies.

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