Sectarian Citizenship and the Marginalized in the New India

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This article discusses the citizenship legislation in India in light of its increasing violation of citizens' rights, growing fascist politics, and strengthening alliance with contemporary transnational capital. More specifically, the article examines India's Citizenship Amendment Act (CAA) of 2019 along with the attempts to implement a National Register of Indian Citizens (NRIC) by 2021 and elaborates upon the moves by the Indian state around the passing of the CAA. In so doing, the author aims to reveal a new phase in the assertion of the extreme right-wing agenda which seeks to make India into a Hindu nation. The article also places the controversial CAA and NRIC within the context of the Covid-19 pandemic and examines the impact of the pandemic on India's poor, migrants and marginalized. Finally, the article discusses the suppression of voices against the Citizenship Act, and the continuing resistance to it led by women, students, intellectuals, activists and others.

Keywords: *India, Citizenship Amendment Act, National Register of Indian Citizens, Covid-19, Shaheen Bagh, Hindutva.*

Political developments in contemporary India reflect the country's transformation into a Hindu nation, with critical consequences for the marginalized and minorities, especially women. Repression of minorities, Dalits, feminists, and leftists is occurring alongside the spread of sectarian citizenship policies. Rightist forces in the country are governing in close alliance with transnational neoliberal corporate capital. This signals the end of an era in which India was linked with the ideas of non-alignment, anti-imperialism, and anti-colonial struggle alongside the construction of a secular constitution.

Contrary to popular belief, the tendencies helping to intensify the Hinduization of India go beyond the contemporary phase of the rightist Hindutva ideology.[1] While it would be false to claim that India has ever been a truly secular country

(Khalidi, 2008), many cultural, political, and economic dynamics have been reshaped into a new, more dangerous reality. Violence against women and religious minorities, especially Muslims and the lower caste/Dalit communities in India[2] has increased alarmingly in recent years (Banaji, 2018: 335). Not only have the right-wing organizations aggressively pursued a sectarian religious agenda; they are even demanding that words such as 'secular' or 'socialist' be removed from the Indian constitution (Thomas, 2020). To a large extent, fundamental rights enshrined in the Indian constitution have never been very meaningful for its minority communities. In the face of growing fascism, the potential to protect the constitutionally guaranteed rights of citizens — even within a contradictory and limited liberal framework — has never been more important. In the liberal universalized context of rights, the idea of citizenship rights and the idea of equality are both developed through, and concomitant with, systems of exploitation and repression, and were never meant to extend actual equality to the masses (Watson, 2015). In the Indian context, this has been the case for most of its marginalized communities. Further, the political developments around citizenship rights in the country represent a threat to the existence and basic human dignity of its minorities and the poor.

In a neoliberal globalized world, for a country with a population of 1.48 billion, the struggle for citizenship rights is interlinked with survival and the fight against poverty and discrimination for many millions of people. Seven decades after the end of colonial rule and the transfer of power to the Indian elite, the 2022 Global Hunger Index classified India as having 'serious' levels of hunger and ranked it 107 out of 121 countries (Global Hunger Index, 2022, p.13). The Covid-19 pandemic brought another big blow for India's marginalized, with the rolling back of civil and political rights and rights to basic healthcare putting many in an extremely precarious situation.

In 2019, the Indian state oversaw two significant political processes that will adversely impact many millions in the country. The National Register of Indian Citizens, along with the Citizenship (Amendment) Act, 2019 designed to force the country's citizens to undertake a complex process to prove their right to citizenship. The enactment of the CAA met strong resistance from opponents of the right from all walks of life, organizing and protesting for months and demanding that the state withdraw the legislation. Many of the country's most influential activists, journalists, and intellectuals were being framed, arrested, and criminally charged for protesting the CAA. As the number of arrests increased, those arrested were charged with sedition under the provisions of the infamous Unlawful Activities (Prevention)

Act 2019 (Khaitan, 2019). In 2020, in response to these developments, the UN called for the release of India's political prisoners (*The Global Herald*, 2020) while Amnesty International shut down its operations in India in reaction to the 'witch-hunt' against them for raising the issue of human rights violations (Ellis-Petersen and Doherty, 2020).

The Covid-19 pandemic revealed the two faces of the crisis of the global capitalist economy both in the developed world and the developing world. In rich countries, millions of people could not get access to simple things like masks, sanitizers, or personal protective equipment, revealing a total failure of the liberal welfare state under capitalism. From the beginning, India's response to the Covid 19 pandemic has been beset by rumours and right-wing conspiracy theories and the government was extremely slow in responding with proper, effective measures addressing the pandemic. By 2022, major disparities were predicted in many states between the actual numbers of cases and deaths as much higher than the official reports. India has less than one hospital bed per 1,000 people and five intensive care unit beds per 100,000 people. Millions of its working-class population were left at the mercy of NGOs and good Samaritans with the government refusing to take responsibility and introduce active measures to protect them. For a country in which a sizeable majority of the workforce survives on informal, contract/subcontract jobs with irregular payments and no benefits, it was not just the fear of getting infected by the virus that caused sleepless nights, but also the disruptions and dangers caused by the Covid lockdown (Thomas, 2020). While the threat of the deadly pandemic did delay the government's plan to implement the CAA and the NRIC, lockdown restrictions and the impossibility of protesting in public places made it easier for the government to suppress the resistance movement and continue arrests without any opposition (Basu, 2020).

Globally, after decades of neoliberalism, there has been a reassertion of the far right and new or altered fascistic tendencies. Since the late-20th century and into the 21st century, India has moved away, at breakneck speed, from Nehruvian developmentalism towards a developed neoliberal economy, opening itself to structural adjustment policies and liberalization. Since the 1990s, India has followed an aggressive and competitive strategy with concerted brand campaigns to invite global capital investment (Kaur, 2012). The expansion of big business in countries in alliance with fractions of transnational capital is usually accompanied by heightened policing, securitization strategies, and militarisation (Robinson, 2014). In the case of India, such increased policing and securitization have both preceded

and contributed to growing inequalities and increased pressures faced by large, marginalized sections of the population. Neoliberalism which serves the interests of monopolistic and monopsonist transnational capital further contributes to discrediting and disempowering democratic institutions within countries. The contemporary versions of neo-fascism and authoritarianism are seen as a direct response to the crisis in global capitalism and the global police state. The global police state is deploying systems of warfare, social control, and repression contributing to a militarized accumulation (Robinson, 2019). New alliances between big business and authoritarian/fascist political forces have taken shape with a strategy to divide and thus disempower popular resistance and various forms of organizing against economic and political repression (Harris, 2019: 4).

In India, Hindu nationalism has grown hand in hand with India's opening up to global capital, liberalization, and privatization (Sarkar, 2008). India's Hinduization process is reflected, for example, in the form of Hindu bias present in India's constitution and state institutions, the imposition of Hindi as an official language, etc. (Singh, 2005). India's Hindu nationalists have been historically inspired and fascinated by Zionism. Texts written by the most prominent ideologues of Hindutva such as Golwalkar and Savarkar are evidence of this.[3] Although BJP was founded only in 1980, its powerful ideological ally, the Rashtriya Swayamsevak Sangh (RSS), was established in 1925, and today has a membership of around 6 million. The RSS and other right-wing organizations openly espouse the ideology of Hindutva and Brahmanical supremacy[4] and are bent on converting India into a Hindu nation, both territorially and ideologically.

The interests of the country's dominant Hindu strata which embrace and espouse Hindutva ideology have melded closely with the interests of transnational capital. Both emerged strongly in the political sphere in the 1980s and both strive for a state which is transformed, controlled, and shaped by the Hindu/upper caste elite and the creation of a Hindu economy or Hindu-led market, which would go global. India's neoliberal elite and Hindutva forces share a hegemonic political project and a vision of the relationship between the state, society, and the individual (Gopalakrishnan, 2006: 2804). Both see the Other/foreign bodies as the cause of social problems, reducing social processes to purely individual choices and decisions, displacing the state from its central role in the polity. Further, the merger between neoliberal capital and the Hindu right in India represents a complex and opportunistic alliance (ibid.: 2805) of both convergence and contradictions (Chhachhi, 2020). Indian is Hindu and vice versa and the Hindu Indian for Hindutva

is a global identity, culturally, economically, and politically. In linking the idea of the Hindu nation to the market, some among the Hindutva allies imagine a Hindu economic philosophy which they see achieving global ascendancy with the success of their ideology (Dunn and Jensen, 2019).

Internally, the rapid growth of an oligopoly comprising a handful of Indian corporate business interests and their open alliance with the ruling party and its ideology of Hindutva is a key part of the story. At the same time, part of the Indian diaspora with close ties to the Hindu right-wing and transnational capital, shares close and deep financial and cultural ties with those same networks. Money from diasporic Hindu nationalists has been utilized by the Hindu right in India for its political programmes and welfare and development plans (Sud, 2008: 59) some of which are controversial. The close alliance between India's giant corporate interests and far-right Hindu sectors is relatively new; it mirrors a massive concentration of wealth that coincides with increasing inequality and consistent denial of civil rights to those that challenge or resist the growing fascist tendencies in India (Poruthiyil, 2019). These tendencies can also be seen in the religio-politicization of the courts, the military, and other security forces. Increased Islamophobia across the world, amplified by the U.S.'s "war on terror", emboldened the Hindu right to attack Muslim communities in India, with Hindu nationalist forces successfully using the media and many other institutions to promote that goal. The period from 1992 to 2002 — from the demolition of the Babri Masjid (Bacchetta, 2000) to the Gujarat carnage (Chenoy et al., 2002) — coincided with an increasingly repressive and exploitative world order on one hand and a deepening of neoliberal economic reforms in many countries, especially India, on the other.

The Hindu right wing in India has sought to appropriate and refashion the old Hindu nationalist ideologies into a new version of a more marketable global Hinduism (Ahmad, 1993). For most of the Western world, Hinduism is seen as a religion which embodies a universal spiritual philosophy or a way of life — an understanding largely based on experiences such as yoga practice or vegetarianism, or an individualistic version of *karma*. With no clear understanding of the history and politics of caste, the rest of the world is easily deceived by rightists in the Hindu diaspora who describe caste as a simple occupational division to achieve order in society, which cannot be compared with race. This implies, in turn, that there is very little political understanding or recognition of Hindutva and its history of violence (Banaji, 2018), from its foundational basis in caste practice and 'everyday caste violence' (Loomba, 2016) it has inflicted upon millions of people for generations.

Meanwhile, Hindu nationalists are trying to present an idea of a "Hindu economy" or "Hindu economic philosophy" (Grădinaru and Iavorschi, 2013), distinct from the Indian economy, justifying and defending Hindu nationalism and caste practice (Nadkarni, 2012). While this idea claims to challenge Eurocentrism and Western consumerism, it doesn't reflect upon or challenge the hegemony represented by Hindutva ideology, its roots in caste practice, and its de facto subsumption within a global capitalist framework. At its core, the new Hindu economy reproduces and upholds, rather than challenges, the Hindu Brahmanical elites and their alliance with transnational capital. Increasing levels of inequality and the monopolization of power by the Hindu upper castes in the culture and economy of the country have helped conceal the contradictions between neoliberal and Hindutva ideologies — for now.

In 2019, the BJP government approved Rs. 3941 crores (USD 550 million) to update the National Population Register (NPR) [5] in almost all of India as a step towards the implementation of the NRIC, except only in Assam where implementation of NRIC started earlier in 2015. Following this, the Indian government faced massive protests nationwide against its decision to extend the implementation of the NRIC, which had started with Assam. For the first time in the history of the Indian state, the CAA and NRIC offer protection to select minorities on the basis of their religion. In this context, the CAA is seen as inevitably leading to the disenfranchisement of millions of citizens, specifically among its Muslim population which numbers approximately 200 million people.

While experts on India's constitution point out that the crisis in citizenship jurisprudence actually has its roots in the previous secular legal regime, which handled issues of migration and citizenship more humanely, the BJP government has resorted to identifying Muslims alone as "illegal migrants" (Nauriya, 2020). The CAA is an amendment to the Citizenship Act of 1955 which included qualifying criteria for citizenship by birth, descent, registration, naturalization, and incorporation of territory; the 1955 Act also reserved special power to the Indian government in certain circumstances to issue a certificate of citizenship in cases of doubt. The fact that this special power still exists, makes the introduction of CAA in the name of protecting minorities clearly contentious (ibid.). According to CAA, these minorities specifically include Hindu, Sikhs, Buddhists, Jains, Parsi, or Christian communities from Pakistan, Bangladesh, and Afghanistan. It is then important to know the significance of the need for updating the National Population Register. NPR was started in 2010 by the neoliberal INC-led United Progressive

Alliance (UPA) government of Prime Minister Manmohan Singh. It was implemented under the Census of India 2011, through which a database was prepared at the local level based on demographic and biometric data that included a list of all the "usual" residents of the country. However, under today's NRIC and NPR, the new mechanisms for individual identification require people to provide "proof" of residence. Without providing this required "evidence", people can be investigated and have their citizenship revoked.

The NPR process is linked to Aadhar, a 12-digit unique identification number assigned to each citizen. Under the BJP government, Aadhar was introduced through the Unique Identification Authority of India (UIDAI). In 2015, most people across the country received an Aadhar number which will be used to create a new smart ID card with a microchip. At the end of 2019, the Modi government approved Rs. 12,685 crores (USD 2.3 billion) for updating the NPR along with the 2021 Census. The initial Aadhar process involved the recording of biometrics, and there was a further linking of the existing NPR database with Aadhar data in 2016, at a cost to the government of Rs. 951 crores (Sharma, 2015). Although the Supreme Court of India has not made Aadhar compulsory,[6] the government has made it impossible for citizens to function without it, as it is now mandatory for citizens to use it for transactions and registrations, filing taxes, and many other activities. It has become universal in its reach and use as it is linked with cell phones, PAN cards, bank accounts, and all forms of personal data. It has been made clear by India's Ministry of Home Affairs that all data collected for Aadhar will be used for NPR to achieve a nationwide standardization of the identification process. In retrospect, the government's dogged insistence on normalizing the use of Aadhar seems to have set the process rolling toward linking it with NPR.

In the state of Assam only, the updating of the NPR in 2019 did cost the government Rs. 16000 cores (USD 2.96 billion). It included detailed information on what is described as "legacy data" (based on NRC 1951 legacy data code), such as land and tenancy records, as well as birth and educational certificates, combining all with a new device named the "Family Tree" which would detect misuse of data.[7] This added some questions related to the birthplace of the individual's parents and linked all of this information to existing IDs. This updating exercise led to the exclusion from citizenship of 1.9 million of the state's population of 33 million (BBC, 2019). The process had a devastating impact on many Hindus living in Assam as they ended up on the list of undocumented, which forced the government to backtrack and switch strategies. The realization that many of the undocumented

migrants were in fact Hindu compelled the government to introduce the CAA which effectively divided the migrants, giving certain benefits to Hindu migrants while disenfranchising Muslim migrants and forcing them to move into detention centres. Protests against NRIC and CAA in Assam were so powerful that the state of Assam came to a standstill. Meanwhile, within nine days of the opening of detention centres for the undocumented in Assam, at least 30 deaths were reported in the camps (Karmakar, 2020).

Under the provisions of the CAA legislation, the registration of citizens must be verified and scrutinized by local registrars; in the process, those records which are deemed dubious will be ordered for further inquiry. The local authorities have the power to decide who has "doubtful" credentials and whose credentials are beyond question or reproach is one of the reasons for the countrywide protests. When those who are placed in the "doubtful" category get the opportunity to appeal to the district registrar for a hearing at the sub-district level, the appeal is routinely forwarded to the national level — or rather to the desks of BJP-appointed officials. In states like Uttar Pradesh, which has the highest Muslim population in the country, anti-CAA protests were extensive and violent and resulted in the confiscation of the property of Muslim protestors by the state government.

The problems that surfaced in Assam served as a warning to other Indian states of the possible challenges that could arise if and when these new laws were implemented. While the CAA quickly became controversial, the BJP government claimed that the new NRIC is just another benign National Population Register and not a citizen register (Athvale, 2020). Attempting to allay fears about how the country's authorities might seek to utilize these new tools, the government even claimed that people will face no requirements to submit any document or biometrics to prove their identity. However, these claims were seen by many as an attempt to confuse and defuse the raging protests against CAA and NRIC, especially as it seems clear that the construction of an all-India NRIC had already begun with the NPR. Some state governments, such as Kerala, Punjab, and West Bengal, voiced strong opposition to the central government's plans and issued orders to stop the implementation of the NPR process in their jurisdictions. This opposition presented New Delhi with a dilemma: without the support of the state governments and local administrations, and their personnel, it would be impossible to implement the NPR and CAA.

According to the BJP government, the NPR will help in ensuring that the benefits of state welfare schemes reach the intended beneficiaries (Singh, 2020). One

would wonder why the government needs this elaborate and updated NPR just to ensure the delivery of welfare benefits when the Aadhar system is already in place. Rather, the government is seeking, through the NPR and CAA, to shape a process by which it can choose who will receive benefits and who will be denied benefits, which could certainly be seen as part of the strategy for fulfilling its sectarian agenda. One important issue is birth certificates. Many Indians born before the 1970s do not have birth certificate. Even for those who have obtained a certificate, there is a high probability that it does not include the name of the person in question, which makes it invalid. In India, the date of birth is registered when children go to school for the first time, but many women and indigenous people have never attended school at all[8].

Globally, the expansion of digital technologies has led to increased surveillance, monitoring, and control by states (Zuboff, 2019). Monitoring and surveillance, especially in the context of right-wing political and state assertion and growing propaganda against religious, racial, or caste minorities, can have devastating impacts on certain communities especially at the borders. The localization of data has been an important factor, leading to greater possibilities of data misuse by big businesses and by ultranationalist groups to repress certain targeted communities. According to Jayati Ghosh, biometric identification is problematic since, for between 8 and 20 percent of cases, it remains flawed.[9] In India, that percentage translates to around 260 million people. Many Indian citizens have lost access to welfare or pensions because of flawed biometrics caused by technical faults. Ghosh believes that if even 1 percent of biometric identification is flawed, there should be a rethinking of the entire process; this is especially true where millions of people are being affected (ibid.). A tendency towards greater centralization of surveillance in India began with the implementation of various biometric identification measures during the UPA-led Congress government under the Union Home Minister Mr. Chidambaram; what makes the move by the BJP government particularly dangerous is that it is being implemented as part of its vision of a Hindu nation. The impact of these processes on religious minorities and marginalized groups, especially in those states controlled by the cultural and political right-wing, such as Uttar Pradesh, will be increasingly felt over time. The most dangerous outcome of this whole exercise may be that all the information gathered through the 2021 Census could be used by the BJP government to attack the complex mosaic of India's multi-cultural, multireligious society, and even to change its demographics, leading to a further ghettoization of minorities and Dalits. The marginalized in India are aware of this historical challenge and the need for very strong democratic resistance.

In 2019, India witnessed unprecedented participation by students and young people in the anti-CAA protests that spread across the country. This included hundreds of young women, some of whom emerged as fearless leaders. The leadership of young women students and activists across the country took the government and the right-wing political parties by surprise. One of the most fascinating and inspiring sets of events around the anti-CAA movement has been the famous sit-in protests of the women of Shaheen Bagh in New Delhi (Roy, 2021) and the activities of an autonomous feminist collective called Pinjra-Tod.[10] Many of the women in Shaheen Bagh and elsewhere were pushed into organizing themselves in opposition to the increasing levels of repression and violence against Muslim women by the Hindu right-wing, carried out by the state machinery including the police and army across the country. In many such cases, rightwing party members or their religious or political leaders have violently attacked the protesters. The women of Shaheen Bagh inspired women in other states to organize against the CAA and defend the country's constitutional values of secularism and fundamental rights. A new wave of marginalized Muslim women emerged through this political resistance.

Indian women's movements have a long history of active engagement in political and social movements from the time of the country's anti-colonial and independence struggles. The globalized and privatized Indian economy pushed more than 90 percent of its women workers into the unorganized sector in extremely exploitative conditions and organizing women in these economic conditions became tough. Women's movements among the Dalit, indigenous and Muslim populations have always had a conflictual relationship with the Indian state. Under BJP rule, India has seen a massive increase in violence against Dalit and Muslim women, especially multiple incidences of gang rape and murder of Dalit women (Biswas, 2020). Behind the growing number of such incidents are local patriarchies rooted in caste-based hierarchy and violence. Brahmanical supremacy and Brahmanical patriarchy work hand in hand against women from lower castes and minority communities and exercise extreme forms of violence against them. The past few years have also seen attempts to control the personal freedoms of Indian women through crimes labelled "love jihad" or "honour killings" by Hindu extremists violently opposed to inter-caste/inter-religious marriages (Tamalapakula, 2019).

An emancipatory feminist analysis of women's engagement with right-wing politics and their role in the sectarian and patriarchal agenda is extremely relevant to today's India. There has been a consistent increase in the membership and

organizing of both young girls and older Hindu women who participate in right-wing armed training and other militant activities that include inciting violence against Muslims in India. Rashtra Sevika Samiti, the women's wing of the RSS, established in 1936; now claims to have an active membership of more than a million, with overseas branches in many countries (Singh, 2016). Given the fundamental conflicts and ambivalent relationship of Hindutva with modernity, Hindu women are expected to play the role of mother while conforming to a protected and controlled form of emancipation. The gender binary roles have been made more nuanced and complex by these right-wing organizations, especially through the assertion of virulent Hindu masculinity (Kinnvall, 2019), working to transform Hindu women into warriors to protect the nation and convincing them of the importance of their own domestication along Hindutva lines. Women and girls who join the rightwing organizations take an oath to fight for a Hindu nation and keep it safe from any perceived threat from non-Hindus (Dixit, 2013). While the BJP has ventured to portray itself as a saviour of Muslim women's rights (Hasan, 2010) through measures such as the banning of triple talaq or by proclaiming its support for a uniform civil code (EPW Engage, 2018), it also supports some blatantly anti-women positions like justifying marital rape (Makkar, 2019). Section 375 of the Indian penal code legalizes rape within marriage by refusing to take a position on the question of right to privacy and right to life within marital relationships. The Hindu right sees attempts to put an end to marital rape as a step toward destroying marriages.

While women remain the largest community among the marginalized in India's neoliberal democracy, millions of women in India do not have any documents or records in their own name. Overall, women are less literate, less educated, and less skilled/employed in comparison with men under the country's conservative and patriarchal system. Single mothers, working-class, poor, or unmarried women in India will likely struggle to produce any documents which meet the requirements of the NRIC to prove their citizenship. Many among these underprivileged women could face the threat of being denied citizenship and put into detention centres. The complexity of women's relationship with the state has further deepened in the context of the NRIC.

The anti-CAA movement in India raised fundamental questions about India's political economy and democracy that compel us to ask: where are the citizenship rights of the majority of India's Dalits, women, Muslims, and indigenous people after 70 years of independence? What will the New Hindu India mean for non-

Hindus including sexual and religious minorities, atheists, socialists, communists, indigenous people, homeless people, or the approximately 280 million uneducated who can't identify or read their own documents? How long will Christians or Dalits be included in the Hindu nation's "approved" list? With sectarianism already a prominent characteristic in Indian society, how do Indian democracy move forward from here?

Notes

Hindutva, unlike Hinduism as a faith, is a political ideology that uses Hinduism to propagate Hindu nationalism. Hindutva represents an extreme version of Hindu nationalism, a term used for those Hindus who believe in the creation of a Hindu nation, leading to the hegemony of Hindus and a way of life defined by Brahmanical supremacy and its caste-based regime.

The word 'Dalit', meaning the oppressed or, literally, the broken people, is the term adopted by those who are outside the four-tier caste hierarchy foundational to the Hindu religion.

See, e.g., Golwalkar (2006); Savarkar (2003).

Similar to white supremacy, Brahmanical supremacy as an idea and politics functions as a norm, supporting caste privilege by influencing societal norms and state institutions, through laws and policies.

The repeated use of terms like National Register of Indian Citizens (NRIC), National Population Register (NPR) and National Register of Citizens (NRC) could be confusing for the readers. NRIC is the same as NRC except giving it an all India dimension. The NPR is used as a process feeding into the NRIC and is framed under the 1955 Citizenship Act which is directly linked to identity and citizenship.

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[8]The 2011 Census report showed that almost half of Muslim and Hindu women (48 percent and 44 percent respectively) fall into the category of "illiterate" (*Deccan Herald*, 2016).

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See https://pinjratod.wordpress.com.

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