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## Despite Modi, India Has Not Yet Become a Hindu Authoritarian State

BY SWAMINATHAN S. ANKLESARIA AIYAR

### EXECUTIVE SUMMARY

India's constitution guarantees democracy, civil liberties, and secularism. But fears of India becoming a Hindu authoritarian state have been voiced after Narendra Modi of the Bharatiya Janata Party (BJP) came to power in New Delhi in 2014. The party's *Hindutva* philosophy—the creation of a great Hindu state—envisages a Hindu state where citizens with other religious beliefs are tolerated but have second-class status. It lauds military toughness. Earlier governments were reluctant to retaliate militarily against Pakistan for fomenting terrorism in Kashmir, but Modi has responded twice with military strikes, gaining popularity as a strongman. In Muslim-majority Kashmir, which is claimed by Pakistan, Modi has abolished the state's constitutionally guaranteed autonomy, arrested top local politicians and activists, and locked down the state. Meanwhile, a Pew Research Poll in 2017 suggested that most Indians would support military or authoritarian rule.

However, fears of India becoming a Hindu autocracy are overblown. Despite the rising misuse of laws on sedition and unlawful activities to arrest peaceful dissenters, India is still a lively democracy, where a multitude of political parties, courts, media, and nongovernmental organizations (NGOs) provide checks and balances.

India's constitution gives state governments considerable jurisdiction, including over the police, courts, and general administration. Non-BJP states have revolted and refuse to implement BJP proposals that could render millions of Muslims stateless. Without the cooperation of all states, laws adopted by the central government cannot be implemented. So, Modi has been forced to back down. India is not currently a Hindu state, but it is becoming less secular; while it is far from becoming authoritarian, it is becoming a more illiberal democracy.

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## INTRODUCTION

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The BJP’s anti-Pakistan rhetoric often morphs into anti-Muslim rhetoric. Hindu vigilantes have lynched Muslims for violating Hindu sentiment, which regards the cow as holy, by eating beef or transporting cattle. Christians also complain of attacks. Recently, the BJP proposed new laws that could make millions of Muslims stateless. The party has misused laws on sedition and unlawful activities to harass or arrest critics, including politicians, journalists, academics, student agitators, and nongovernmental organization (NGO) activists. However, such misuse is also rising in non-BJP states. This erodes independent institutions and makes India illiberal.

However, fears of India becoming a Hindu autocracy are overblown. India is still a lively democracy, where a multitude of political parties, courts, media, and NGOs provide checks and balances. Historically, three-quarters of electoral incumbents are voted out in subsequent elections, so election sweeps are followed by reverses, thus checking political hegemony. The Bharatiya Janata Party’s strength is not overwhelming: it won only

38 percent of the popular vote in the 2019 national election. It has suffered electoral reverses in 11 recent state elections.

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## HISTORICAL BACKGROUND

When British colonial rule in India ended in 1947, two states emerged: an Islamic Pakistan and a secular India. Secularism was a cornerstone of the Indian constitution.<sup>1</sup> Although Hindus constituted four-fifths of the population, the independence movement rejected the concept of a Hindu state and sought a country where people of all religions were equal. The partition of India led to massive Hindu-Muslim riots, with one to two million deaths and 15 million people forced to move across the border for safety.<sup>2</sup> This left a legacy of communal bitterness. In its 75 years of independence, India has suffered hundreds of Hindu-Muslim riots, with Muslims being the overwhelming majority of victims. However, until very recently the emphasis of all ruling parties was to combat violence and calm communal tempers, restoring secular normalcy.

Independent India produced two competing views on what could be called “the idea of India.” The secularists, who dominated politics for decades after independence, emphasized unity in diversity, the syncretism of Hindu and Muslim culture, and the need for a tolerant state that shunned all discrimination.<sup>3</sup> A different vision came from Hindu nationalist parties, led by the Bharatiya Jana Sangh (BJS), which in 1980 morphed into the

Bharatiya Janata Party. The BJP accused the secularists of being pseudosecularists who cynically wooed Muslim voters with special benefits to make them captive vote banks, and who looked down on Hinduism and denied it the high place it deserved. In this view, Hinduism was a naturally tolerant religion that had lived with other religions through history, so a Hindu India would, in fact, be secular. This view of history saw Muslims as rapacious invaders that had demolished Hindu temples and misruled Hindu territory for centuries, forcing the division of India and creating a major enemy in Pakistan.<sup>4</sup>

The secular Congress Party dominated Indian politics until the 1980s. Almost all other opposition parties were secular too. But in the 1980s the BJP began a meteoric rise. It started an agitation against the Babri Masjid, a mosque built in Ayodhya during the 16th century by the Mughal Emperor Babar, which Hindu mythology said was the birthplace of the god Ram. Since the 1850s, Hindus and Muslims have both laid claim to the Babri Masjid site. Then in 1949, Hindus smuggled idols of Ram into the mosque and claimed this was a miracle proving that Ram had been born on that very spot. The BJP began an agitation to replace the mosque with a massive new Ram temple.<sup>5</sup>

By whipping up Hindu support on the mosque-temple issue, the BJP rose from a fringe party (it won only four seats in the 1984 national election) to a major contender. It won the 1991 state election in Uttar Pradesh (where Ayodhya is located). In December 1992, the BJP chief minister allowed a huge gathering of *kar sevaks* (religious worker-devotees) to stage a mass demonstration at the site. This was supposed to be peaceful, but the *kar sevaks* demolished the mosque, which the state police did not stop.<sup>6</sup>

The prime minister, Narasimha Rao of the Congress Party, used his constitutional powers to sack the state government in Uttar Pradesh and in three adjacent BJP-ruled states that had contributed *kar sevaks*. Fresh elections were held in 1993 in the four states. The BJP was beaten in all four, although it managed to return to power in one state (Rajasthan) with

the support of independents. Voters had sent the clear message that whatever their views on a Ram temple, they opposed violent demolition of places of worship. The BJP earlier claimed that more than 3,000 mosques had been built by Muslim rulers on demolished Hindu temples, and it sought to reclaim them all. To end such tension, Rao passed a law making it illegal to change the character of any place of worship. The only exception was the Babri Masjid, whose status was being determined by the courts.<sup>7</sup>

Bharatiya Janata Party leaders said the destruction of the mosque by the *kar sevaks* was a spontaneous act and was not planned or ordered by party leaders. However, a 2009 report by a judicial commission headed by Justice Manmohan Singh Liberhan named 68 people responsible for the demolition of the mosque—mostly leaders from the BJP—including former party presidents Lal Advani and Murli Manohar Joshi.<sup>8</sup>

In the 1996 general election, the BJP emerged as the largest single party, with 161 of 543 seats in the Indian parliament, but was well short of a majority. The president asked the BJP to try and cobble together a majority coalition, but it failed. Next came a minority United Front government consisting of non-Congress and non-BJP parties. Lacking a majority, it was always in danger of being toppled, and lasted just two years.<sup>9</sup>

Another general election was held in 1998. The BJP won an increased plurality of 181 seats out of 543. Its leader, Atal Behari Vajpayee, was seen even by the BJP's critics as a moderate who had personally opposed the destruction of the mosque. So, in 1998 he was able to cobble together a National Democratic Alliance (NDA) of more than a dozen small parties that together commanded a slim majority. One of Vajpayee's first acts was to test India's nuclear weapons and declare India to be a nuclear power, a long-avowed goal of Hindu nationalists. This greatly improved the BJP's popularity. But one of his coalition partners withdrew support in 1999, and his government fell.<sup>10</sup>

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Soon after, Pakistani troops crossed the cease-fire line and captured mountain heights in the Kargil sector of Kashmir. Vajpayee ordered military action against Pakistan. The intervention of then president Bill Clinton, who feared Indo-Pak escalation into nuclear conflict, obliged Pakistan to withdraw. This was a great victory and prestige booster for Vajpayee, helping his NDA coalition win a clear victory in the next general election, in December 1999.<sup>11</sup> This time Vajpayee ruled for a full term of five years, during which he liberalized the economy. He repeatedly emphasized that his was an NDA government and not a BJP government, and this enabled him to ignore pressures from the more extreme elements of his party.

However, India suffered in Vajpayee's term from the Asian Financial crisis, the 2001 recession, and two droughts. Those factors, plus a bad choice of minor parties to ally with, led the BJP to be defeated by the Congress Party in the 2004 election.<sup>12</sup> Then followed the great global economic boom that enabled Indian GDP to rise by more than 8 percent per year. This helped the Congress Party to get reelected in the 2009 election. But in its 2009–2014 term a series of corruption scams tainted the party and made it highly vulnerable in the next election in 2014.<sup>13</sup>

By then, Vajpayee was a sick old man. The party needed a new face. This created an opening for Modi, who had been chief minister of the state of Gujarat since 2001. In 2002, the worst Hindu-Muslim riots in a decade erupted in the state, with more than 1,100 killed, overwhelmingly Muslims. Many NGOs and newspapers accused Modi and his cabinet members (and their police) of encouraging the rioters instead of quelling them. India's Supreme Court ordered a special investigation, which cleared Modi but indicted some of his cabinet colleagues.<sup>14</sup> After winning the 2002 state election as a Hindu nationalist hero, Modi calmed communal tempers and ensured communal peace in Gujarat for the rest of his long reign there. He sought economic acceleration, and for that, public order and

security was essential. Gujarat became one of the fastest-growing states in India, and Modi won reelection in state elections in 2007 and 2012. This enabled him to become the BJP's national leader for the 2014 general election.<sup>15</sup>

Modi led his NDA coalition to a big victory with 336 of the 543 seats. The BJP alone won 282 seats, which meant one single party had an absolute majority in parliament for the first time since 1989.<sup>16</sup> He followed up by winning a string of state elections. By 2018, the BJP states accounted for 70 percent of Indian territory.<sup>17</sup> Modi was reelected with an increased majority in the 2019 national elections. He had become India's most powerful politician. As a result, he has asserted power in ways that have dismayed critics interested in secularism, civil rights, and independent institutions.

## THE IDEOLOGICAL EVOLUTION OF THE BJP

The BJP's Hindu nationalism has several roots. One is the Rashtriya Swayamsevak Sangh (RSS) (meaning national self-service organization), which was started in 1925 by K. B. Hedgewar. He believed that social and caste divisions had made Hindus weak and susceptible to conquest by Muslims and Christians for centuries. He sought to create a strong, united Hindu society free of traditional caste and regional rivalries. The RSS started by holding neighborhood-level meetings for “character building” and patriotism. It later diversified into schools, health care, rural development, disaster relief, and other social aims. It claimed to be a cultural organization, not a political one. But as it grew, the RSS provided masses of volunteers for BJP election campaigns. Its alumni include Vajpayee and Modi.<sup>18</sup>

In the 1930s, M. Golwalkar, the second RSS chief, expressed admiration for Hitler in his book *We, or Our Nationhood Defined*. He wrote,

To keep up the purity of the nation and culture, Germany shocked the world by purging the country of Semitic

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racess—the Jews. National pride at its highest has been manifested here. Germany has also shown how well-nigh impossible it is for races and cultures, having differences going to the root, to be assimilated into one united whole, a good lesson for us in Hindustan to learn and profit by.<sup>19</sup>

This revealed the depth of the RSS antipathy to Muslims, who had ruled India for centuries. Many critics have cited Golwalkar to prove that the BJP is fundamentally fascist. However, the BJP has long disavowed this approach of Golwalkar, while nevertheless calling him a great Hindu.<sup>20</sup>

When massive Hindu-Muslim rioting began after India was partitioned in 1947, the RSS was dismayed by secular leaders such as Jawaharlal Nehru and Mahatma Gandhi, who sought to calm tempers and stop Hindus from taking revenge against Muslims. A group of RSS members, including Nathuram Godse, decided that Gandhi had to be killed for being too pro-Muslim. Godse gunned down Gandhi on January 30, 1948.<sup>21</sup>

One of those arrested with Godse was Vinayak Savarkar, a major RSS ideologue who developed the concept of Hindutva: the creation of a great Hindu state. As a freedom fighter during British rule, Savarkar rejected Gandhi’s ideology of peaceful noncooperation and was part of a terrorist society that sought armed revolution. He was arrested and convicted. While in jail, he wrote *Essentials of Hindutva* in 1922. He later presented a mercy petition to the British, promising not to oppose British rule, and was eventually released from prison. He became head of the Hindu Mahasabha, a Hindu nationalist party that participated in the first provincial elections in 1937. In some provinces, the Hindu Mahasabha joined hands with the Muslim League to form coalition governments. This indicates that Savarkar was not a pure Muslim-hating fanatic.<sup>22</sup> He believed Muslims and Christians should have a place in a Hindu state but accept Hindu culture and traditions as national norms.

The RSS itself is technically open to Muslim and Christian members who are willing to go along with the Hindutva philosophy.<sup>23</sup>

Savarkar was acquitted at Godse’s trial for lack of firm evidence. But a subsequent judicial commission of inquiry under Justice Jeevanlal Kapur found strong evidence that, in its hurry to convict Godse, the prosecution failed to present all relevant evidence against Savarkar. The commission concluded, “All these facts taken together were destructive of any theory other than the conspiracy to murder by Savarkar and his group.”<sup>24</sup>

The government banned the RSS in 1948, after Gandhi’s assassination. But police investigations failed to find any formal link between the organization and Godse’s plot, and so the RSS was allowed to function again. It grew steadily over the next decades without fanfare. Its daily meetings, called *shakhas*, included doing physical exercises while wearing brown shorts, which some critics saw as a variation of Hitler’s Brownshirts. Later, the RSS branched into social services of all kinds, including schools, colleges, trade unions, medical clinics, rural development, tribal development, and disaster relief. Starting as a North Indian party, it gradually expanded across India. Today, the RSS claims to have more than 3 million members, holding 57,000 daily shakhas across India. It has 6 million alumni and 6,000 full-time workers called *pracharaks*. It runs 5,241 elementary schools and 2,635 high schools with more than 3 million students, including 47,000 Muslim students. In colleges, the RSS and BJP together run a students’ union called Akhil Bharatiya Vidyarthi Parishad (ABVP) that has captured power in many college unions and has become a training ground for young, aspiring BJP politicians. The Jesuits are often quoted as saying “Give me a child until the age of seven and I have him for life.” The educational efforts of the RSS have the same aim.<sup>25</sup>

British Christian missionaries had converted many of India’s 110 million tribespeople in hilly and forest areas to Christianity. These people were historically pantheists, outside the formal Hindu ambit, but the RSS has

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made determined efforts to integrate them into the Hindu mainstream. Seeing the link between Christian schools and conversions in tribal areas, the RSS now runs 4,460 schools, with 125,415 students in those places.<sup>26</sup>

The RSS has 36 fully affiliated groups and more than a hundred subsidiaries that are not yet full members. The most important affiliates include the Bharatiya Mazdoor Sangh, India’s largest trade union; the Bharatiya Kisan Sangh, a major farmers’ organization; and the Akhil Bharatiya Vanvasi Kalyan Ashram, the biggest social organization working in tribal areas. Thus, the BJP’s family has spread far and wide at the grassroots level, and its social activities give it an advantage that other parties cannot match.<sup>27</sup>

Hindutva holds that religions originating in India—Hinduism, Buddhism, Jainism, and Sikhism—are the only true religions that have helped shape the culture of India, and it gives lower status to religions originating outside the country (Islam, Christianity). In theory, this is compatible with formal secularism, and some BJP leaders have compared themselves with Christian Democratic parties in Europe. This analogy will not wash. The BJP has been associated with hundreds of violent Hindu-Muslim riots over the decades, the latest being in Delhi in February 2020, which claimed 54 lives.<sup>28</sup>

The BJP has not sought to convert India into a formal Hindu state. It opposes the “minorityism” of the major secular parties, who it claims have given special favorable treatment to Muslims. Yet, despite this supposed favoritism, the final report of the Sachar Committee, which was established to study the social, economic, and educational condition of Muslims in India, showed that Muslims were far worse off than Hindus in income, education, health, and representation in the administration, police, and legislatures.<sup>29</sup> In states ruled by the BJP, the police have connived with Hindu vigilante groups to create what some analysts have called a de facto Hindu state. Bharatiya Janata Party supporters in the social media refer derisively to secularism as “sickularism.” Blatantly

anti-Muslim rhetoric, often escalating into hate speech, has increased dramatically in social media after Modi became prime minister.<sup>30</sup>

## **MODI: PROMISE AND PERFORMANCE IN POWER**

Modi’s election campaign in 2014 did not focus on communal issues. Rather, he posed as the champion of an aspirational India that would not just give handouts to the poor (as the Congress Party did) but create a booming economy with millions of new enterprises and jobs. He promised to end the rampant corruption and red tape of the Congress Party’s government. One of his election slogans was “Minimum government, maximum governance.” This seduced some analysts into thinking that he would become a radical economic reformer, downplaying the party’s Hindu nationalism. That turned out to be a serious error.<sup>31</sup>

One of Modi’s first moves upon attaining power was to amend restrictive land acquisition laws that had held up hundreds of projects. But lacking a majority in the Rajya Sabha, India’s upper house that is elected by state legislatures, he could not push his legislation through. This was one reason for Modi to go for incrementalism rather than radical change in economic policy. Even as chief minister of Gujarat, he had been an incrementalist. He refused to privatize any public-sector companies in Gujarat.<sup>32</sup>

After he became prime minister, opposition parties constantly accused Modi of heading a “suited booted” government that favored the rich. Sensing electoral danger in this accusation, Modi set about improving the anti-poverty programs initiated by the previous government, implementing them so well that they became associated with him, not the Congress Party. One was to tell government banks, which account for 70 percent of bank loans, to open no-frills accounts with minimal documentation to cover virtually every rural family. This scheme was called Pradhan Mantri Jan Dhan Yojana (prime minister’s people’s wealth scheme). Another Modi welfare

scheme, Saubhagya, aimed to give an electric connection to every household. Swachh Bharat Abhiyan, a sanitation scheme, aimed to end open defecation in the fields in rural India by installing a toilet in every home. The Congress Party had initiated an Aadhaar scheme, which used electronic and biometric technology to provide identity cards to citizens. Modi expanded Aadhaar and linked it with the Jan Dhan accounts to reach the vast majority of Indians, making it feasible to make direct cash transfers under various welfare schemes directly into the bank accounts of beneficiaries, thus bypassing the corrupt bureaucrats and middlemen who had earlier embezzled funds and created ghost lists of nonexistent beneficiaries. After an agricultural fall in incomes in 2019, Modi went for a scheme to directly pay 6,000 rupees (\$80) per year into all farmers' accounts. He has beaten the Congress Party at its own game of welfarism, thus gaining popularity.<sup>33</sup>

Modi checked corruption at the top of the central government, despite accusations of cronyism, and his clean image contributes to his popularity. But corruption continues at the bureaucratic level and in many state governments. He has cut some red tape, and in consequence India's ranking in the World Bank's ease of doing business index rose from 142nd in 2013 to 63rd in 2019. But this reflected improvements in Delhi and Mumbai, the only two cities covered by the World Bank survey, and businessmen complain that not much has changed elsewhere.<sup>34</sup>

To try and eliminate India's thriving black market, Modi decreed the demonetization of high-value currency notes in November 2016, a move that crushed many rural markets and enterprises that had always operated on a cash basis.<sup>35</sup> He followed up with a uniform goods and services tax that ended a multitude of differing taxes imposed by state governments, thus creating an all-India market for the first time. The goods and services tax is an excellent idea, but it has been riddled with glitches.<sup>36</sup> Modi has raised import duties on a wide range of goods to promote import substitution. His ambitious "Make in India" scheme looks more like a "Protect in India" scheme.<sup>37</sup>

Global GDP and trade grew more slowly after 2015, affecting India too. The economy did not accelerate or produce the millions of good jobs Modi had promised. Data on this are controversial because of changes in India's statistical methodology under Modi, which have drawn severe criticism and allegations of fudging. Earlier data showed the economy slowing under Modi, but a revised methodology showed GDP growth under him in 2014–2019 was 7.3 percent, better than the 6.7 percent average of the previous five Congress Party years. Even taking this at face value, it was still far below the 8–9 percent averaged from 2000 to 2010. Besides, even the new methodology showed GDP growth slowing relentlessly from 8.2 percent in 2016–2017 to 7.0 percent, 6.1 percent, and 4.2 percent in subsequent years.<sup>38</sup>

The unemployment rate, according to the government, tripled from 2 percent in 2011 to 6.1 percent in 2017–2018, but the government first hid and then dismissed the data as flawed.<sup>39</sup> The Centre for Monitoring the Indian Economy, a private independent organization, is the only source of up-to-date employment data, and it showed unemployment at 7.34 percent in July 2019, going up to 7.76 percent in February 2020, just before COVID-19 struck.<sup>40</sup>

So, GDP was falling and unemployment was rising in the run-up to the general election of 2019. Yet Modi won handsomely. Welfare schemes could be one reason. But the major reason was the rise of strident Hindu nationalism, garnished by aggressive military action against Pakistan and Islamic terrorism.

## HINDU NATIONALISM RISES UNDER MODI

The BJP's Hindu nationalism meant getting tougher than ever with Pakistan for supporting Muslim terrorists or trying to gain territory in Kashmir. Jammu and Kashmir, a Muslim majority state, had been occupied partly by Pakistan and partly by India after an inconclusive war in 1947–1948. Conflicts along the cease-fire line

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continue to this day. The Indian constitution, created in 1950, includes Article 370, giving Kashmir special powers of autonomy. It was intended, among other things, to show Muslims that they had nothing to fear from Hindu domination. For decades, Kashmiri Muslims seemed willing to tolerate Indian rule despite rigged elections. But in the 1980s, a Muslim insurrection began, abetted by Pakistan. The BJP had always sought the abolition of Article 370 and repeated this in its election manifesto for the 2019 national election, saying it was a classic case of minorityism that encouraged insurrection and prevented the integration of Kashmir with the rest of India.<sup>41</sup>

In 1998, both India and Pakistan carried out nuclear tests to demonstrate their nuclear capabilities. After that, Pakistani strategists felt they could safely aid insurrection in Kashmir because India would not retaliate militarily for fear of escalation into nuclear war. While the Congress Party was in power it considered, but never approved, raids on insurgent training camps in Pakistan for fear of escalation. On coming to power in 2014, Modi made it clear he would get much tougher with Pakistan. In 2016, four Muslim terrorists attacked an Indian army establishment near Uri in Kashmir, killing 18 soldiers. Modi retaliated quickly with surgical strikes, sending Indian troops across the line of control for a quick limited attack on training camps. Pakistan dismissed this as a minor border incident, but Modi played it up as a major military feat.<sup>42</sup> Next, in February 2019, Kashmiri terrorists trained in Pakistan attacked an Indian convoy, killing 40 soldiers. This time Modi responded by bombing Balakot, an old Pakistani training camp for insurgents. It is unclear how much damage the Balakot bombing did, but Indians celebrated it as a major victory that proved Modi's toughness.<sup>43</sup>

This happened just three months before the general election of 2019. One opinion poll showed a jump of 7 percentage points in the BJP's popularity after Balakot. That turned out to be almost exactly the increase in the BJP's vote share in the general election in May.<sup>44</sup> Arguably, Modi's jingoistic

nationalism—rather than communalization of politics to consolidate the Hindu vote—helped the BJP sweep the election. But many in the party believed both factors mattered and reinforced one another.

Bharatiya Janata Party politicians have long conflated Islam with Pakistan and patriotism with Hinduism. The RSS always sought to wipe out the memory of Hindu India being conquered and ruled by Muslims for nearly a thousand years, and then being partitioned by the same Muslims. The RSS and BJP trolls in the media cast doubt on the patriotism of Muslims and want Hindus to get together and teach traitors a lesson.<sup>45</sup>

A Pew Research Center poll in 2017 showed that 53 percent of Indians would support military rule. At least 55 percent favored a political system where a “strong leader can make decisions without interference from parliament or the courts.” However, the same poll also showed, paradoxically, that 85 percent of Indians trust the current democratically elected government.<sup>46</sup> The apparent support for military rule reflects widespread disillusionment with corrupt, callous politicians. Many fear that Modi and the BJP might at some point take such polls seriously enough to create an authoritarian state with Hindutva and aggressive nationalism as the ruling philosophy. However, back in 1975, Indira Gandhi made the mistake of thinking that the popular desire for a strong leader would vindicate her declaration of a national emergency that gave her autocratic powers. Voters showed no outward sign of dissatisfaction with the emergency, luring her into the error of calling an election in 1977. Then voter anger suddenly came into the open and she suffered a terrible defeat. That sent a message to politicians: dissatisfaction with democracy does not mean support for authoritarianism.

## HINDU COMMUNALISM RISES UNDER MODI

The BJP is a successor of the Bharatiya Jana Sangh, which was founded as a political arm of

the RSS in 1951 by Shyama Prasad Mukherjee. The BJS was never more than a minor party, although it participated in some anti-Congress Party coalition state governments in north India in the 1960s. In 1975, Indira Gandhi declared an emergency and jailed opposition politicians of all parties. These disparate parties merged to form the Janata Party to fight the 1977 election against Indira Gandhi. It won a massive victory.<sup>47</sup> But internal quarrels soon led to the disintegration of the Janata Party. In 1980 the old stalwarts of the BJS, plus some other parties (notably the pro-business Swatantra Party), formed a new party, the BJP. The ideological stand of this new party was initially muddled, and it adopted Gandhian socialism as its creed.<sup>48</sup> However, that was dumped as the party built sectarian Hindu support for replacing the Babri Masjid by a Ram temple. It went from just four parliamentary seats in the 1984 election to 85 seats in 1989 and 129 seats in 1991. After the 1998 election, it came to power at the head of a coalition government, although it won only 182 seats out of 543.

The BJP claimed it was secular and accused the Congress Party of being pseudosecular, pandering to Muslims through provisions such as special autonomy for Muslim-majority Kashmir. The constitution had a directive principle to move toward a common civil code for all religions. Hindu law was reformed, especially regarding marriage, inheritance, and property rights, ending traditional discrimination based on gender, age, and caste, by Congress Party prime minister Nehru in the 1950s. But Nehru left it to other religious communities to ask for modernization, which never happened. Thus, polygamy ended for Hindus but not for Muslims. The BJP called Nehru's reluctance to enforce a common civil code cowardice and pseudosecularism and promised to institute such a code. The BJP also objected to government subsidies to Muslims for the annual haj pilgrimage. In the Babri Masjid case, the party did not call for outright demolition. Rather, it pledged to dismantle the structure brick by brick, with respect, and reassemble it on another spot, saying this was

what Saudi Arabia did when mosques had to be shifted to accommodate expanded roads.<sup>49</sup> This veneer of secularism could not obfuscate communal violence on the part of fringe groups in the party. When Vajpayee became prime minister, he appointed two Muslims, Sikander Bakht and Syed Shah Nawaz Hussain, as cabinet ministers.<sup>50</sup> He backed and secured the election of a Muslim rocket scientist, APJ Abdul Kalam, as India's president in 2002. (Indian presidents are elected by central and state legislators and are largely ceremonial.) In the 2012 presidential election, the BJP unsuccessfully backed a Christian candidate, Purno Sangma. This was tokenism from a Hindu nationalist party. Yet, the very fact that the party valued tokenism moderated its communalism. Vajpayee believed in wooing Muslims.

The party changed dramatically after Modi came to power in 2014 and worsened after his reelection in 2019. Hindutva has gone from fringe to mainstream. Gone is earlier talk of the party being seriously secularist, while others are pseudosecularist. Vajpayee sought peace with Pakistan, but Modi is uncompromisingly hostile, and this morphs into ugly anti-Muslim rhetoric. What would earlier be called hate speech is now common every day in social media.

The BJP's choice of candidates shows a shift to more extreme Hindutva proponents. Pragya Thakur, a female Hindu activist, is currently being tried in court for her role in the 2008 Malegaon bomb blast that killed 20 and injured 82 people. She was selected as the BJP candidate in Bhopal for the 2019 general election and defeated former Congress Party chief minister Digvijaya Singh by a huge margin. She became symbolic of the 2019 election, in which nebulous fringe elements of the Hindutva ideology became mainstreamed.<sup>51</sup> She declared that Nathuram Godse, assassin of Mahatma Gandhi, was a patriot to be revered. For decades, Godse was condemned almost universally in India. But the RSS always regarded Godse as a patriot and Gandhi as a Muslim appeaser. After Modi came to power, the Hindutva crowd was emboldened to erect statues of Godse in many places, and he

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has been made the deity in a Hindu temple in the city of Gwalior. The BJP chief minister of Uttar Pradesh has proposed changing the name of the city of Meerut to Godse City. Officials in the state say they have been overwhelmed by the demand for more Godse memorials.<sup>52</sup>

Modi has always tried to appropriate the legacy of Gandhi and Vallabhbhai Patel, two of the most prominent Congress Party leaders of the independence movement, since both were from his state of Gujarat. So, Modi condemned Thakur’s description of Godse as a patriot. Still, Godse admirers are proliferating.<sup>53</sup>

### **BJP’s Secular Tokenism: Muslim and Christian Candidates**

Modi has kept alive the party’s formal secular claims. He has appointed three Muslim ministers: Mobasher Jawed Akbar, Najma Heptullah, and Mukhtar Abbas Naqvi. Upon getting elected in 2014, his slogan was “Sabke saath, sabke vikas” (meaning “with all, progress for all”), which aimed to be inclusive.<sup>54</sup> After getting reelected in 2019, Modi added another phrase, “Sabke vishwas” (meaning “with the trust of all”). This again sounded inclusive.<sup>55</sup>

The BJP won 4 percent of the Muslim vote in 2009, 9 percent in 2014, and 8 percent in 2019.<sup>56</sup> These are small yet valuable vote shares. Since Muslims now account for 15 percent of the total population, 8–9 percent of this translates into 1.2 percent of the popular vote. Many seats are won and lost on margins slimmer than this. The Muslim leadership in most states is dominated by Sunnis, alienating Shias, who therefore sometimes vote for the BJP. The BJP fields a very small number of Muslim candidates, and Modi has largely abandoned Vajpayee’s strategy of wooing Muslims. Instead, he targets the Hindu vote. Yet he must be happy to get 8–9 percent of Muslim votes—twice as many as Vajpayee got in 2004.

When the BJP won several state elections after 2014, its BJP chief ministers promoted Hindu communalism and pride. They emphasized banning cow slaughter and prosecuting people engaged in illegal cattle trading, almost all of whom are Muslim. Many

states had long banned the slaughter of cows in deference to Hindu sentiment that views cows as sacred, although their laws typically permit the slaughter of bulls, oxen, and aged cows that are no longer capable of producing milk. In consequence, millions of surplus cattle were transported to beef-eating states with a substantial Muslim population (such as West Bengal) or smuggled into Bangladesh. This smuggling was illegal but winked at. But after Modi came to power and social media bristled with pro-cow sentiment, some states banned the slaughter of any sort, killing a major industry dominated by Muslims. Hindu vigilante groups began attacking Muslims suspected of eating beef or transporting cattle for slaughter. Hindu extremists and goons lost their fear of the police and in BJP-ruled states appeared to have their backing.<sup>57</sup>

Formal organizations like the Hindu Sena (Hindu Army) and Bhartiya Gau Raksha Dal (Cow Protection Group) enjoy BJP state patronage. In his early years as prime minister, Modi would denounce lynchings and other killings of Muslims after a longish pause. He eventually stopped doing that. Bharatiya Janata Party spokesmen said that mob lynching, though regrettable, had always taken place in rural India, especially after traffic accidents, and that the liberal media were cherry-picking incidents involving Muslims to paint a false picture of a reign of terror against Muslims. However, an analysis by IndiaSpend, a data journalism website, says that between 2010 and 2017 there were 60 cow-related clashes, in which 21 of the 25 people killed were Muslims, and 97 percent of the cases occurred after Modi assumed power in 2014. Half the deaths were in non-BP states, showing that vigilantes do not need government support.<sup>58</sup> Pratap Bhanu Mehta, former head of the prestigious Centre for Policy Research, described the lynchings as “a protracted riot in slow motion. . . . What makes this violence chilling . . . is that it is acquiring an atmosphere of a religious communion about it.”<sup>59</sup>

The most horrific example of Hindu vigilantism was the mass rape and murder of an

eight-year-old girl of a Muslim nomadic community in Jammu by a Hindu mob. The culprits included three policemen and a former government official. The local Hindu community resented the annual migration of Muslim nomads, and the mass rape was intended to warn them to stop coming. In this they succeeded. Hindu rape and murder achieved their aim.<sup>60</sup>

More extremist Hindu organizations include the Sanatan Sanstha (Ancient Hindu Group), some of whose members have been arrested for the murder of rationalist Indian activists whom it condemned as anti-Hindu.<sup>61</sup> Another group, Abhinav Bharat, was accused of masterminding bomb explosions in 2007 of the Samjhauta Express, a train carrying passengers between India and Pakistan, as well as bomb explosions in Muslim areas of some cities.<sup>62</sup> The BJP does not formally endorse such groups, but the arrest and prosecution of such groups tend to go slow wherever BJP governments come to power. Some cases are lost in the courts because of deliberately weak prosecution.<sup>63</sup>

Some Hindu groups have started accusing Muslims of “love jihad”: wooing Hindu girls to convert them. This has become one more form of Muslim harassment. Kerala is arguably India’s most secular state: cow slaughter is permitted, beef is eaten in restaurants, and the BJP has never won a parliamentary seat. Even in Kerala, a lower court and high court annulled a marriage between a Muslim man and Hindu girl on the ground of “love jihad.” Fortunately, the Supreme Court later rescinded this verdict.<sup>64</sup> The U.S. Commission on International Religious Freedom has recommended in its 2020 annual report that India be designated as a “country of particular concern.”<sup>65</sup>

The current COVID-19 crisis has become an occasion for Hindu groups to accuse Muslims of “Corona jihad.” A Muslim missionary group called the Tablighi Jamaat invited delegates from abroad to a meeting in Delhi in March, when fears of the virus were growing but the country had not yet been locked down. The foreign visitors included a super-spreader who infected those at the meeting, which led to the rapid spread of the virus.

This sparked a surge in Islamophobic hashtags and posts on social media accusing Muslims of purposefully spreading the virus. Clearly Muslims themselves were the main victims of the Jamaat meeting, yet Hindu groups portrayed it as an Islamic attack on India.<sup>66</sup>

After winning his second national election in 2019, Modi implemented the BJP pledge to abolish Article 370 of the constitution that gave Kashmir special powers of autonomy. Amending the constitution required a two-thirds majority in both houses of parliament, which the BJP did not have. But Home Minister Amit Shah came up with a constitutional interpretation that allowed New Delhi to do the abolition by executive order. The Supreme Court has not yet given a verdict on its constitutional validity. By a separate act, the state was converted into two union territories, which are territories ruled directly by New Delhi.<sup>67</sup> To prevent massive protests, the BJP locked down Jammu and Kashmir, arrested all top politicians, imposed a curfew, stopped all use of cellphones or the internet, closed colleges and schools, and imposed what was, in effect, an armed occupation without normal human rights.<sup>68</sup>

Modi portrayed himself as a tough nationalist, ensuring that Kashmir could never split away. The abolition of Article 370 proved hugely popular. However, this episode is better viewed as a nationalist than communal move. Muslims in the rest of India never supported Kashmiri insurgents or independence. They knew any such support would undermine their claim to be patriotic Indians, leaving them open to retribution for being pro-Pakistan.

### **New Threat to Muslim Citizenship**

Modi’s next move was openly communal. Poor Muslim immigrants from Bangladesh had, for decades, been migrating illegally to India in search of higher wages. Many went to the state of Assam, where local ethnic Assamese already felt their identity and political position were threatened by immigration from the rest of India, including Hindus from West Bengal.

“To prevent massive protests, the BJP locked down Jammu and Kashmir, arrested all top politicians, imposed a curfew, stopped all use of cellphones or the internet, and imposed what was, in effect, an armed occupation without normal human rights.”

“Home Minister Amit Shah called immigrants ‘termites.’”

A major Assamese agitation began in 1980 to throw out illegal immigrants. In 1985, the Indian government and Assamese agitators signed the Assam Accord, which aimed to create a National Register of Citizens (NRC) in Assam to identify and expel all who came after 1971. However, most Assamese, like most Indians, had little literacy and no identity papers or documents about their parents or residence. The administration found it difficult to prove that any suspect was illegal, so very few were identified or detained.

Aggrieved Assamese groups went to the Supreme Court for justice. The court ordered and supervised a thorough updating of Assam’s NRC. However, lack of documentation once again made the exercise a farce. Despite several extensions to give time to people to provide proofs of residence, the final tally of those without legal documents in 2019 came to 1.9 million people. Of those, 1.2 million were Hindus, 0.6 million were Muslims, and the rest were indigenous tribes. Clearly, the attempt to identify Bangladeshi Muslim intruders had failed. Instead of catching illegal migrants, it merely caught those too poor or illiterate to get the required documents.<sup>69</sup>

However, the BJP had come to power in the state of Assam by corralling the Hindu vote and promising a tough NRC to throw out illegal Muslims. This approach was seen as having all-India potential by the BJP’s chief electoral strategist, Home Minister Amit Shah. He called the immigrants “termites” and repeatedly promised after the party’s victory in 2019 to launch an all-India NRC to identify, detain, and expel illegal immigrants, whom his party equated with Muslims and traitors.<sup>70</sup>

Just before attempting that, the BJP enacted a Citizenship Amendment Act (CAA) providing for fast-track citizenship for Hindu, Christian, Sikh, Buddhist, Jain, and Zoroastrian immigrants who had come before 2014 from Pakistan, Afghanistan, or Bangladesh. Minorities in these Islamic states had long suffered persecution, and millions migrated to India. In a clear case of religious discrimination, the CAA excluded Muslims from fast-track

treatment. The BJP portrayed the CAA as a way of slashing red tape to provide quick citizenship to millions of unfortunate Hindus and other non-Muslims. Critics pointed out that had the act been secular, it would have included persecuted immigrants from Sri Lanka or China, but it did not do so because such sufferers would include Muslims.<sup>71</sup>

Secular student activists and Muslim organizations rose in massive protest. They realized that the combined effect of the CAA and proposed all-India NRC could be to detect millions of people without documentation (as in Assam), of whom the non-Muslims would be let off under the CAA, thus leaving millions of Muslims in detention camps, stripped of citizenship and in danger of expulsion.<sup>72</sup> The BJP chief minister of Uttar Pradesh pledged to quell rioters by force, called for “revenge” against anti-CAA protesters, and said the protesters should be fed “bullets, not biryani” (a savory rice dish famous in Muslim cuisine). Some agitations became violent and the police cracked down. That simply fueled further protests.<sup>73</sup>

For the first time, it also fueled protests by Muslim women. Even more interesting, Muslims donned the mantle of Indian patriotism, swearing by the secularism and equality enshrined in the Indian constitution and condemning Modi for violating it. Historically, Muslims were led by mullahs, and secular Muslims rarely commanded much support. Muslim women were highly conservative, stayed at home, and did not take part in demonstrations. But at Shaheen Bagh, a Muslim locality in New Delhi, a group of women occupied a road in December 2019 to protest police violence against students in the nearby Jamia Millia Islamia university. In a country where agitations sometimes bring 100,000 people onto the streets, the agitation of barely 400 women at Shaheen Bagh was not noticed initially. But word of it spread rapidly. Local women would sit in planned rotation for a few hours at a time in the tent and then go home for daily chores. The rotation meant that the protest tent was constantly full, around the clock. They festooned their dais with the

constitution's preamble, which promised religious and gender equality. They hung portraits of Gandhi, Ambedkar, Bhagat Singh, Subhas Chandra Bose, and other patriots of the independence struggle, avoiding any Islamic slogans or symbols. They wore headbands saying, "I love India," waved Indian flags, and repeatedly sang the national anthem. This model inspired Muslim women throughout India. Hundreds of groups began similar agitations from Kolkata to Delhi in a display of Muslim patriotism and Muslim female power.<sup>74</sup>

Shaheen Bagh and student agitations helped once-cowed opposition parties to find their voice and castigate the BJP. The Delhi state election was coming up in February 2020 and the BJP thought it could paint itself as a patriotic Hindu savior, staving off anti-national secularists and Muslims. However, the BJP was thrashed in the state election, with the local Aam Aadmi Party winning 62 of the 70 seats.<sup>75</sup>

This further strengthened the resolve of non-BJP parties to oppose the NRC-CAA pincer. Eleven states ruled by non-BJP parties refused to implement any future all-India NRC. Many refused to implement even the CAA, although it was the law of the land.<sup>76</sup>

## **MODI HAS MISUSED LAWS AND ERODED INDEPENDENT INSTITUTIONS**

Every democracy has checks and balances, along with strong independent institutions to provide voice to every section of society and prevent the state from becoming authoritarian. India is a noisy democracy with tolerably free and fair elections, even though every party, when in power, has attempted to subdue dissent and independent institutions. This process has worsened after Modi came to power. Institutions whose independence has been eroded under his rule include the Election Commission of India, the media, the Reserve Bank of India (the central bank) and the police-prosecutor system.

The Election Commission has been vital in ensuring fair and free elections and curbing

hate speech during campaigns. During the 2019 election, one of the three election commissioners, Ashok Lavasa, tried five times to get tough with the BJP for flouting Election Commission directives on hate speech. He was consistently overruled by the two other commissioners, who also declined to record his dissensions. Lavasa recused himself from further meetings, saying there was no point in having a minority voice if it was not recorded. Soon afterward, Lavasa's wife, son, and sister were subjected to investigations by the Income Tax Department and the Enforcement Directorate (which deals with foreign exchange transactions). The message was clear: dissenters will be harassed.<sup>77</sup>

Many critics in the media, academia, politics, and other sectors have faced police cases on flimsy grounds, including historian Ramachandra Guha; Congress Party politicians Palaniappan Chidambaram and Shashi Tharoor; media critics such as Prannoy Roy and Siddharth Varadarajan; Gujarat police officer Sanjiv Bhatt, who testified that Modi, as chief minister of Gujarat, had asked the police to back the Hindu rioters in the 2002 Gujarat riots; and NGO activists such as Teesta Setalvad and former additional solicitor general Indira Jaising.<sup>78</sup> Critics were charged with violating laws on income tax, foreign donations, money laundering, foreign exchange, unlawful activities, sedition, promotion of enmity between groups, and even the Epidemic Diseases Act.

The BJP is not the first party to try to squash dissent: all of them do it. But the BJP stands out for doing it by conflating Hinduism and patriotism, implying that it alone can uphold India's interests, whereas the secularists woo Muslim votes and hence subvert national security. Tax raids on businessmen have made them terrified of tax harassment and court cases if they criticize Modi's policies. Veteran businessman Rahul Bajaj says that it is bad economics as well as bad politics to have a climate in which businessmen are afraid to speak freely.<sup>79</sup>

Misuse of laws and tax raids are not new inventions of the BJP. Other parties, especially

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“Arrests for insulting Modi occur with alarming regularity.”

the Congress Party, have been guilty of similar abuses in past decades, and even today in states where they rule. For instance, the owner and chief anchor of the pro-Modi Republic TV, Arnab Goswami, recently faced multiple court cases registered in various non-BJP states for allegedly using provocative language to cause riots.<sup>80</sup> This looks like tit-for-tat against BJP abuse. In West Bengal, Chief Minister Mamata Banerjee, who heads a regional party, has arrested several people for criticizing her, including Sanmoy Banerjee, Congress Party spokesperson in the state; Priyanka Sharma, BJP youth leader; Anirban Das, social activist; and Aseem Trivedi, cartoonist. In Tamil Nadu, cartoonist G. Bala was arrested in 2017 for supposedly defaming the chief minister of a regional party, the All India Anna Dravida Munnetra Kazhagam (All India Anna Dravidian Progressive Federation) (AIADMK). Another cartoonist, Dinkar [Ramdhari Singh Dinkar], was arrested in 2013 by a different regional party, the Dravida Munnetra Kazhagam (Dravidian Progressive Federation) (DMK), for portraying politicians as monkeys in a cartoon.

The Paris-based Reporters Without Borders (Reporters sans frontières) (RSF) publishes an annual press freedom index that placed India 80th in 2002, falling to between 138th and 142nd during Modi's five years in power. Arrests for insulting Modi occur with alarming regularity. Those arrested include teachers, students, businessmen, auto-rickshaw drivers, and members of the police and paramilitary forces. Such arrests, which once caused a stir on social media platforms, have become so routine that they now attract only passing mention.<sup>81</sup> Last year, a sedition case was filed against 49 intellectuals, including historian Ramachandra Guha and famous film directors Aparna Sen, Adoor Gopalakrishnan, and Mani Ratnam, for writing an open letter to Modi against the spate of mob-lynching in the country.<sup>82</sup> Earlier sedition cases include one against Amnesty International for organizing a debate on Kashmir, and another against an actor who merely said “Pakistan is no hell.”<sup>83</sup>

In one bizarre case, the teacher and parents of a nine-year old girl were arrested for taking part in a school skit that contained anti-Modi remarks.<sup>84</sup> In Bihar, eight people were arrested for dancing to what the police called an “anti-India” song.<sup>85</sup> In Tamil Nadu, a folk singer was arrested for a song critical of Modi.<sup>86</sup> These are just a few names in a long list.

The Reserve Bank of India (RBI), the central bank, is an important independent institution. After two professional economists RBI governors, Raghuram Rajan and Urjit Patel, refused to toe the government line on a variety of issues (including the demonetization of high-value currency notes, expanding bank credit, and handing over RBI reserves to the government to spend), Modi replaced the professionals with a pliable retired bureaucrat.<sup>87</sup>

The police should be an independent force, but in India they do the bidding of the ruling party. The Supreme Court once called the Central Bureau of Investigation a “caged parrot.”<sup>88</sup> After the 2020 Delhi riots, the Delhi Police ignored complaints against BJP leaders such as Kapil Mishra, who was caught on camera openly instigating and engaging in violence. Instead, they arrested hundreds of peaceful anti-CAA protestors under the Unlawful Activities (Prevention) Act, based on an anonymous complaint. The Delhi High Court expressed anguish at this lapse.<sup>89</sup> Instead of listening to the court, the Delhi Police promoted an elaborate conspiracy theory that the Delhi riots were planned and executed by Muslim and leftist elements, even though two-thirds of those killed were Muslims. The police have arrested dozens of Muslim activists and named well-known academics and politicians as part of the conspiracy. Pratap Bhanu Mehta of Ashoka University says,

The whole purpose is to argue that there is a liberal, left, Islamist conspiracy to embarrass and subvert the Indian state. The political class repeats this, the media parrots this and the police, as if on cue, frames the issues this way. The idea is not just to deflect

attention from violence and discrimination, it is to declare any critic of the government a potential subversive. It is to invent an enemy of the people, in students and intellectuals. The state has diabolically shifted the emphasis away from investigation of the riots to delegitimising the anti-CAA protest. . . . It is not interested in guilt or innocence. It is interested in demonstrating that it can destroy your life with impunity.<sup>90</sup>

In the case of a bomb explosion on the Samjhauta Express, several Hindu extremists were prosecuted when the BJP was out of office. But after the BJP came to power, the case concluded with the presiding judge complaining that he was obliged to deliver a verdict of “not guilty” because the public prosecutors had deliberately presented a weak case, withheld the best evidence, and failed to cross-examine crucial witnesses.<sup>91</sup>

Christians say criticism of Hindus leaves them open to arrest on the false grounds of causing communal enmity or attempting forced, illegal religious conversion.<sup>92</sup> In Uttar Pradesh, the Congress Party chief, Ajay Kumar Lallu, and two of his party colleagues, were arrested under the Epidemic Diseases Act (which forbids spreading false information) for criticizing the government’s response to the coronavirus problem.<sup>93</sup> An 80-year-old writer, Hiren Gohain, activist Akhil Gogoi, and journalist Manjit Mahanta were arrested in Assam for sedition in order to stifle their anti-CAA protests.<sup>94</sup> The Delhi police charged former Jawaharlal Nehru University Students’ Union president Kanhaiya Kumar and nine others with sedition merely because of some slogans that were shouted by others at a student rally.<sup>95</sup> The only saving grace, if it can be called that, is that the legal system is so slow that arrested people get out on bail and the cases meander on for years or decades. The main effect of the misuse of laws is not to convict hordes of innocent people but to harass them and raise the cost of dissent.

The judicial system is supposed to be independent of politics. Yet, after Modi came to power, court judgments are beginning to skew against secularism and follow a more pro-Hindu trend. History in many countries shows that when societal attitudes change, court verdicts change too.<sup>96</sup> The best example was the Supreme Court judgement on the Babri Masjid destruction. It held that a Hindu mob was guilty of criminal destruction. Yet, its verdict handed over the disputed parcel of land to a Hindu trust in order to build a Ram Temple, with the state government being ordered to allot five acres in a nearby spot to build a new mosque. In effect, the communal vandals were rewarded.<sup>97</sup> A similar troubling trend is the Supreme Court’s unwillingness to take action or even hear habeas corpus cases in Kashmir after Modi abolished Article 370 and locked down the state while locking up top politicians and activists. In earlier decades, the Supreme Court would not have allowed such draconian action against civilians to go unchecked.<sup>98</sup> Supreme Court judges have historically stayed clear of politics. But the last Supreme Court chief justice, Ranjan Gogoi, was, upon his retirement, offered by the BJP—and accepted—a non-party-nominated seat for persons of merit in the Rajya Sabha, the upper house of parliament. This is an unhappy portent.<sup>99</sup> But its significance should not be exaggerated. Many judges remain sternly independent and have slammed the BJP in important cases, some of which are spelled out in the next section.

### **INDIA IS FIGHTING BACK AGAINST HINDU AUTHORITARIANISM**

Without a doubt, Modi’s rise has shifted not just the BJP but the entire Indian political spectrum from secularism toward a more assertive Hinduism. Chastened by the rise of the BJP, the Congress Party fears its traditional secularism makes it look pro-Muslim and anti-Hindu, costing it Hindu votes. To counter this, many Congress Party stalwarts pointedly

“The main effect of the misuse of laws is not to convict hordes of innocent people but to harass them and raise the cost of dissent.”

“Far from becoming all-powerful, Modi faces such tough opposition from so many states and institutions that he is unable to implement major BJP initiatives.”

claim to be devout Hindus. Congress Party president Rahul Gandhi declared in 2018 that he was a worshipper of the Hindu god Shiva and wore a Hindu sacred thread.<sup>100</sup> This was expediency: his grandfather was Zoroastrian; his father was not openly Hindu and married a Christian, his uncle married a Sikh, and he himself did not wear Hinduism on his sleeve until Modi's rise. To combat Modi when he was chief minister of Gujarat in 2002, the Congress Party chose as its own state leader not a secular rival but Shankersinh Vaghela, an Rashtra Swayamsevak Sangh stalwart who had defected from the BJP.<sup>101</sup> This Congress Party attempt to outflank Modi on the Hindu front predictably failed. But it shows how the BJP has pulled the center of gravity of Indian politics away from traditional secularism. Abolishing Kashmir's autonomy under Article 370 of the constitution and converting Kashmir to a union territory looked politically impossible until very recently because most parties, save the BJP, were against it. Yet, after Modi's landslide victory in 2019, he was able to push his legislation through the Rajya Sabha, where he lacks a majority, on a vote of 125–61 by roping in regional parties. India has become a more Hindu place.<sup>102</sup>

This does not mean India that is doomed to become a Hindu authoritarian state. India is too diverse for that and has a multitude of political parties quick to exploit any BJP weakness, a strong and vocal civil society that will not be cowed, and institutions that fight back even as politicians try to erode their independence. Far from becoming all-powerful, Modi currently faces such tough opposition from so many states and institutions that he is unable to implement major BJP initiatives on making Muslims stateless, and he has been obliged to retreat.

### **BJP Has Fared Badly in Recent State Elections**

After Modi came to power in 2014, some analysts viewed him as the new hegemon of India who would sweep future elections and eventually embrace authoritarianism.

Instead, the BJP has suffered a long embarrassing series of electoral defeats in state elections since 2018. The latest, most devastating defeat, was in the Delhi state election in February 2020. The BJP had swept all seven of Delhi's parliamentary seats in the 2019 general election, and so hoped to win the subsequent state election despite the popularity of chief minister Arvind Kejriwal, leader of the local regional party, the Aam Aadmi Party.

Having won the general election on a jingoist Hindu nationalist platform, the BJP strategy in the Delhi election was to call Modi's critics pro-Pakistani traitors. When Muslim women protesting at Shaheen Bagh blocked a major road, the BJP, along with pro-Modi TV channels and social media trolls, portrayed this as an anti-national plot financed by nefarious groups including Islamic radicals and Pakistan. Communal tempers were whipped up to a point where a pro-BJP gunman fired at peaceful protesters. This eventually led to major Hindu-Muslim riots, which were supposed to benefit the BJP, yet the BJP was thrashed, winning only 8 of 70 seats.<sup>103</sup>

The BJP's sweep of the general election in 2019 was not entirely a Hindu wave, as believed by some critics. Simultaneously with the general election, an election was held to the state assembly of Andhra Pradesh. The BJP was trounced by a regional party, Yuvajana Sramika Rythu Congress Party, headed by a Christian, Jaganmohan Reddy. His party got 151 of the 175 seats and 49.95 percent of the popular vote, against the BJP's zero seats and 0.84 percent of the vote.<sup>104</sup>

The BJP has now been defeated in elections in 11 states since 2018: Karnataka, Rajasthan, Madhya Pradesh, Chhattisgarh, Odisha, Andhra Pradesh, Telangana, Maharashtra, Haryana, Jharkhand, and Delhi. In Haryana, the BJP lost its majority but formed a coalition government with a regional party. In Karnataka and Madhya Pradesh, it lost the state election but manipulated its way back into power by “persuading”—“purchasing” might be a more accurate description—a substantial chunk of elected Congress Party legislators to resign,

thus leaving the BJP with a majority of the remaining seats. Despite such manipulation, the BJP's control of Indian territory has shrunk from 70 percent at the start of 2018 to barely 40 percent today. Far from becoming a hegemon, it is in retreat—at least for now.<sup>105</sup>

The fact that Modi swept two general elections with big majorities has exaggerated his popularity and public support for crushing dissent. The BJP won only 31 percent of the popular vote in 2014 and a little over 37 percent in 2019.<sup>106</sup> Along with coalition partners, it won 38 percent and 45 percent, respectively, of the popular vote. In India's "first-past-the-post" electoral system, this minority support sufficed to sweep the elections, but the vote share showed that the party was far from all-powerful or all-popular. In state elections, the party consistently got a lower vote share than in the general elections, showing that the party was much less popular than Modi personally. The BJP is clearly the most important party in India today, and could be a long-term risk to secularism, yet the NRC gambit has failed and plural democracy has forced Modi on the back foot.

Anti-incumbency runs strong in Indian elections. The quality of governance is poor and voters view politicians of all parties as rogues, and so tend to vote out most incumbents. In the 1990s, incumbents lost 75 percent of state and national elections. But then came the decade of 2000–2010, when GDP growth shot up to a record 8 percent per year. In that period, 75 percent of incumbents won elections, but that exceptional period is over. In the last decade, GDP growth has decelerated, and incumbents once again tend to get voted out 75 percent of the time. The exceptions are chief ministers or prime ministers, who are seen to be both effective and incorrupt.<sup>107</sup>

When Modi became BJP chief in 2014, the Congress Party and other parties dominated politics. So, anti-incumbency helped Modi win the national election and several subsequent state elections. But once the BJP became the ruling party in most states, the very anti-incumbency that aided it earlier

now turned against it. The BJP was the losing incumbent in 7 of 11 states, and lost badly in recent elections. The willingness of voters to throw out incumbents is an important check on the hegemonic ambitions of the BJP.

After Modi came to power, many court decisions seemed to favor the BJP, notably the Supreme Court's refusal to hear habeas corpus cases after Modi amended the constitution to take over and clamp down on Kashmir. Despite some erosion of independence, the courts still show a capacity to stand up to—and humiliate—the BJP on major occasions. In 2016, the BJP attempted to overthrow the Congress Party governments in the states of Uttarakhand and Arunachal Pradesh through defections, aided by partisan interpretation of the rules by BJP-appointed governors of the states.<sup>108</sup> In both cases, the Supreme Court invalidated the attempted coups and restored the Congress Party governments.<sup>109</sup> In the 2018 state election in Karnataka, the BJP won 104 seats out of 228, just short of a majority. The Congress Party and a regional party, the Janata Dal (United) (JD(U)), won 116 seats between them and got together to claim a majority. The BJP-appointed governor nevertheless gave the BJP the first chance to form a government and gave it 15 days to prove its majority on the assembly floor. The Congress Party and JD(U) protested that the 15-day window was overly large, allowing the BJP to "purchase" defectors. They approached the Supreme Court, which ordered the assembly to meet and vote the very next day. The BJP lacked the time to win defectors, and the Congress Party-JD(U) combined won the floor vote and came to power.<sup>110</sup>

A notable display of judicial independence came in 2017 when the Supreme Court castigated delays and the weak prosecution of the case against Vajpayee and other top BJP leaders for helping destroy the Babri Masjid. "The accused persons have not been brought to book largely because of the conduct of the Central Bureau of Investigation in not pursuing the prosecution of the aforesaid alleged offenders in a joint trial, and because of technical defects

“The willingness of voters to throw out incumbents is an important check on the hegemonic ambitions of the BJP.”

“The current revolt of non-BJP state governments against central laws is unprecedented.”

which were easily curable, but which were not cured,” the court ruled. The Supreme Court ordered the case to go to a sessions court in the state, which was to give a verdict within two years.<sup>111</sup> Alas, the BJP-ruled state government did not prosecute the case aggressively, and the accused were let off. But at least the Supreme Court displayed the spine to issue an order threatening top BJP leaders.

In 1975, Indira Gandhi used constitutional provisions for an emergency, which were to be applied to severe internal disturbances that threatened national security and to put all rival politicians, including those of the BJP, in jail and create an authoritarian state. The Supreme Court upheld her decision, and that later became a major embarrassment for the judges, some of whom later apologized.<sup>112</sup> There is little chance that Modi wants to, or will try to, become authoritarian by declaring another emergency, and even less chance that the Supreme Court would repeat the mistake of upholding it.

### **Modi Cannot Force Non-BJP States to Toe New Delhi's Line**

The Indian constitution lays out the powers of the central and state governments. The central government has jurisdiction over 98 items, including defense, currency, communications, foreign affairs, and finance. The states have jurisdiction over 59 items, including public order, police, courts up to the level of high courts, agriculture, land, water, public health, local governments, and taxes on petroleum products and alcoholic beverages. Other government responsibilities are held concurrently by the central and state governments.<sup>113</sup> So the states wield very substantial powers. Above all, they control the police and prosecutions. This limits the power of the central government to impose its will on India. India typically holds several state elections every year, and the anti-incumbent trend means that power keeps changing hands.

Modi's plank of aggressive nationalism yielded high dividends when it was directed against Pakistan. However, his macho image

was dented after a border clash in Ladakh in June 2020 between Indian and Chinese forces, in which 20 Indian soldiers were killed. The border has long been disputed, but there was an understanding between India and China that no firing should occur and border clashes should be defused by talks between local commanders. But this time, Chinese troops intruded and set up tents in areas that it did not contest earlier, notably the Galwan Valley. Jingoists demanded retaliation from India's strongman, but Modi avoided military retaliation. He was right in not seeking escalation and in shifting instead to economic sanctions against Chinese goods. Yet his claim that he alone can ensure Indian security has been eroded.

The constitution assumes that state governments will implement laws adopted by the central government. The current revolt of non-BJP state governments against central laws such as the CAA is unprecedented. In theory, Modi could use a constitutional provision on public order to sack the dissenting state governments and impose “president's rule,” which means direct rule by New Delhi. However, the Supreme Court has, in the past, dismissed many attempts to oust state governments this way, so Modi is unlikely to try this and risk getting egg on his face.

Far from becoming all powerful, Modi has been checked. State governments control the police and grassroots administration, whose cooperation is essential to implement the CAA or the NRC. So, the BJP looks somewhat lost, foaming at the mouth but unable to crush the naysaying states.

Many protest groups have carried banners saying “We will not show any documents” to sabotage any NRC attempts. This is creating serious problems for all data collection. People are suspicious of government surveyors who seek any information at all. In Andhra Pradesh, officials of the National Sample Survey Organisation who were asking questions on social issues were attacked by villagers who feared this was linked with the NRC. In West Bengal, surveyors collecting data on education, sanitation, and

employment say that truculence and threats from villagers are rising so fast that the entire survey may be called off. India's decennial census is due to begin this year but is in jeopardy because citizens may not cooperate. If Modi cannot even conduct a census, it will tarnish his macho image.<sup>114</sup>

Another Hindu fundamentalist party, the Shiv Sena, has long been a major force in Maharashtra, India's second biggest state. Its communal reputation is even worse than the BJP's. Its vigilantes have stoked many communal riots, notably the 1993 riots in Mumbai after the destruction of the Babri Masjid. A judicial inquiry commission blamed the Shiv Sena for the killings. For decades, the Shiv Sena and BJP fought elections together on a "power-to-Hindus" front, with the Shiv Sena as the senior partner. However, with the rise of Modi, the BJP has become more popular in Maharashtra than the Shiv Sena, leading to internecine quarrels. The two parties fought jointly to win a majority in the 2019 state election. But the BJP, which won more seats than the Shiv Sena, would not agree to the Sena's insistence that its leader, Uddhav Thackeray, should become chief minister. To everybody's surprise, Thackeray then abandoned the BJP and struck a deal with the Congress Party and other secular parties to form a non-BJP government. This cynical opportunism showed that Hindu parties do not constitute an anti-Muslim monolith. In Assam, another Hindu Party, the Asom Gana Parishad (Assam People's Council) (AGP) has parted company with the BJP. Clearly internecine jealousies and the compulsions of coalition politics in India can split Hindu fronts. Thackeray has joined other non-BJP chief ministers in rejecting any all-India NRCs.<sup>115</sup>

Despite its Hindu nationalism, the BJP is capable of being astonishingly accommodative when politics so dictates. Goa has long banned cow slaughter, but its BJP government allows buffalo slaughter and beef-eating because it wants to attract Christian votes. Cattle traders in Goa went on strike, saying Hindu vigilantes were stopping the import of buffalo meat from

neighboring Karnataka state. The BJP chief minister pledged to stop the vigilantes and freely allow legal imports.<sup>116</sup>

A major state election is due in Bihar in November 2020. Here, the Janata Dal (United), a regional party led by chief minister Nitish Kumar, rules in a coalition with the BJP. The JD(U) voted in parliament for the CAA. But once agitators began protesting that a combination of the CAA and an all-India NRC could be disastrous for Muslims, Kumar, an old socialist who had long pursued the Muslim vote, changed his position. Opposition parties had moved a resolution in the Bihar state assembly in February opposing any NRC. Unwilling to oppose this, Kumar persuaded the state's BJP unit to support an all-party resolution opposing an all-India NRC. This was a sensational victory for anti-NRC protestors. The BJP unit in Bihar could not have voted for the anti-NRC resolution without Modi's concurrence. Clearly, Modi had stepped away from Amit Shah's aggressive approach on the NRC.<sup>117</sup>

The Bihar resolution was passed just before the COVID-19 crisis halted discussion of almost all other issues. The lockdowns and social distancing have stopped all survey work. The NRC is on backburner, hopefully forever. However, the Delhi police's attempt to implicate peaceful protestors, academics, and opposition politicians in the February Delhi riots shows that the BJP seeks other ways of getting at anti-NRC critics. Amnesty International says it has been forced to close its Delhi office after repeated government attempts to disrupt its funding.<sup>118</sup> A new law imposes stiff restrictions on the flow of foreign funds to NGOs and aims to muzzle those that work on civil rights, the environment, and policy issues, while permitting those delivering services to the needy.<sup>119</sup>

## THE GLOBAL INDICES SUGGEST INDIA IS A FLAWED DEMOCRACY

How does India fare in measures of democracy and human rights? In the Reporters Without Borders' 2020 *World Press Freedom*

“Hindu parties do not constitute an anti-Muslim monolith.”

“India remains a lively democracy where dissenters, opposition parties, NGOs, and civil society institutions are fighting back against extreme Hindu nationalism.”

*Index*, India ranked 142nd of 180 countries, down from 120th in 2007, reflecting many attacks on reporters.<sup>120</sup> In the World Justice Project’s 2017–2018 *Rule of Law Index*, India ranked 62nd of 113 countries, and slipped to 69th place in its 2020 report.<sup>121</sup> In the *Report of the Economist Intelligence Unit on the State of Democracy in the World* for 2018, India ranked 41st of 167 countries, but slipped to 51st place in 2019 and was categorized as a “flawed democracy.”<sup>122</sup> Freedom House’s most recent index on political and civil rights gave India a score of 71 out of 100, much worse than the United Kingdom (94) or United States (86), but far better than neighbors Bangladesh (39), Pakistan (38), and Sri Lanka (56), which are still regarded as democracies.<sup>123</sup> This suggests that, with all its flaws, India would have to fall a very long way to be called authoritarian.

## CONCLUSION

Indian democracy is flawed, but pessimists claiming that Modi will crush all dissent, abandon secularism, and make India a Hindu state have been proved wrong.

Admittedly, the rise of Modi has brought some fringe elements of the BJP into its mainstream and shifted the center of gravity of Indian politics away from traditional secularism to something more accommodative of Hindu sentiment. In some BJP-ruled states, Hindu vigilantes have wreaked havoc with police support. The BJP has threatened new laws that could make millions of Muslims stateless. Hate speech against Muslims has increased hugely in social media and on internet sites. The misuse of laws to silence critics by all parties is increasing, but misuse by the BJP is scaling new heights. These are worrying trends.

Still, India remains a lively democracy where dissenters, opposition parties, NGOs, and civil society institutions are fighting back against extreme Hindu nationalism. Indian democracy is getting more illiberal, but fears of an outright Hindu autocracy are overblown for several reasons.

First, despite its electoral sweep in the 2014 and 2019 national elections, the BJP won only 31 percent and 38 percent of the total votes, respectively. Modi is personally popular but the party less so. Moreover, Indian voters tend to throw out incumbent governments in most elections, creating a healthy turnover of parties in power. This has resulted in BJP reverses in 11 recent state elections. Anti-incumbency will remain a check on any attempted authoritarianism.

Second, Hindu parties do not present a monolithic front. The Shiv Sena in Maharashtra has parted company with the BJP, formed a coalition government with secular parties, and opposed BJP moves to make Muslims stateless—a good example of how coalition politics tames extremism. In Assam, another Hindu party, the Asom Gana Parishad, has parted company from the BJP.

Third, even though BJP cadres spew hate speech, the party formally claims to be secular. Modi has had several Muslims cabinet ministers; this may be tokenism, but it is a saving grace.

Fourth, while some key court decisions in recent times seemed to favor the BJP, in other major instances the courts stood up to and humiliated the party. Two BJP attempts in 2016 to overthrow Congress Party–ruled state governments by purchasing defectors were struck down by the courts. In earlier decades, when the Congress Party dominated politics and tried similar tricks to overthrow rival state governments, the courts struck those down, too. The judiciary has given Modi a freer hand in Kashmir than it would have done a decade ago, but it has not ceased to be an independent institution and remains a check on arbitrary or authoritarian behavior.

Fifth, the constitution gives state governments considerable powers, notably over the police and local administration. Without control of the police, no prime minister can really become authoritarian. Even if the central government passes laws aimed at creating millions of stateless Muslims, non-BJP states can, and have, refused to implement them.

This has forced Modi to step back and go along with an all-party resolution in Bihar, ruling out any all-India NRC. This is a welcome demonstration of the limits of New Delhi's powers.

While India has not ceased to be a secular democracy, the rise of Hindu communalism,

erosion of independent institutions, and misuse of laws to silence critics (by both the BJP and non-BJP parties) are retrograde developments. India is some distance away from becoming a Hindu state, but it is becoming less secular, and while far from becoming authoritarian, it is becoming a more illiberal democracy.

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