

## INDIA AS AN ETHNOCRACY

by Diego Maiorano

### *Introduction*

That India no longer is ‘the world’s largest democracy’ is something that few analysts would dispute. In the course of 2020, all three major indexes measuring the quality of democracy, downgraded India: Freedom House now considers it ‘Partly Free’<sup>1</sup>; The Economist Intelligence Unit a ‘flawed democracy’<sup>2</sup>; and V-Dem an ‘electoral autocracy’<sup>3</sup>. Scholars identified several causes for the erosion of India’s democracy since the election of Narendra Modi as Prime Minister in 2014, focusing in particular on three areas: the erosion of institutions; the increasingly unfair nature of the electoral process; and the erosion of civil liberties<sup>4</sup>.

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<sup>1</sup> FREEDOM HOUSE, *India Country Report 2021*, Washington, DC.

<sup>2</sup> ECONOMIST INTELLIGENCE UNIT, *Democracy Index 2020: In sickness and in health?* London.

<sup>3</sup> N. ALIZADA ET AL., *Autocratization Turns Viral. Democracy Report 2021*, University of Gothenburg, V-Dem Institute, 2021.

<sup>4</sup> Many analysed these trends. A non-exhaustive list include: D. ROY CHOWDHURY, J. KEAN, *To Kill A Democracy: India’s Passage to Despotism*, Oxford, Oxford University Press, 2021; R. MUKHERJEE, *Covid vs. Democracy: India’s Illiberal Remedy*, in “Journal of Democracy”, n. 4, 2020; C. JAFFRELOT, *Modi’s India: Hindu Nationalism and the Rise of Ethnic Democracy*, Princeton, Princeton University Press, 2021 (Kindle Edition); M. TORRI, *India 2020: The deepening crisis of democracy*, in “Asia Maior”, XXXI, 2021; J. MANOR, *A New, Fundamentally Different Political Order: The Emergence and Future Prospects of ‘Competitive Authoritarianism’ in India*, in “Economic and Political Weekly”, n. 10, 2021; M. KHOSLA, M. VAISHNAV, *The three faces of the Indian state*, in “Journal of Democracy”, n. 1, 2021; D. MAIORANO, *Democratic Backsliding amid the COVID-19 Pandemic*, in “Asia Maior”, Special Issue 2, 2022.

Modi's India is a quintessential case of a 21<sup>st</sup> century autocratic regime, which maintains virtually intact its democratic framework – starting with the Constitution and the conduction of regular and competitive elections – but nevertheless instituted mechanisms of control and coercion, which tilted the playing field in favour of the ruling party and severely eroded democratic processes and practices<sup>5</sup>. India is a democracy *during* the elections, but an autocratic regime *between* them.

The erosion of minority rights – in particular Muslims, constituting 14 per cent of the population – contributed significantly to the overall erosion of India's democracy. Some scholars argued that India is now an 'ethnic democracy'<sup>6</sup>, borrowing a definition from Smooha, for whom such regimes 'combine the extension of political and civic rights to individuals and certain collective rights to minorities with institutionalised dominance over the state by one of the ethnic groups'<sup>7</sup>. Adeney adds that ethnic democracies should be understood not as discreet entities – either they are or not – but as a regime type which can display various 'degrees' of ethnicization and domination by the majority group<sup>8</sup>. However, as Smooha himself specify, 'ethnic democracies' remain solidly in the democratic field, albeit in a diminished form<sup>9</sup>.

I will argue that the concept of 'ethnic democracy' is not the most appropriate to understand the profound processes set in motion over the last few years for at least three reasons. First, the institutional erosion and the questionable 'fairness' of the electoral process makes it difficult to still consider India 'solidly' in the democratic field. Second, by Smooha's own definition, an important feature of an ethnic democracy is that it allows minority citizens to conduct 'intense struggle for equal rights without facing state repression'<sup>10</sup>. As I will show below, this is

<sup>5</sup> S. LEVITSKY, D. ZIBLATT, *How Democracies Die*, New York, Random House, 2019.

<sup>6</sup> K. ADENEY, *How can we model ethnic democracy? An application to contemporary India*, in "Nations and Nationalism", n. 2, 2021; C. JAFFRELOT, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*, cit..

<sup>7</sup> S. SMOOHA, *Minority status in an ethnic democracy: The status of the Arab minority in Israel*, in "Ethnic and Racial Studies", n. 3, 1990, p. 391.

<sup>8</sup> K. ADENEY, *How can we model ethnic democracy? An application to contemporary India?*, cit..

<sup>9</sup> S. SMOOHA, *Minority status in an ethnic democracy: The status of the Arab minority in Israel*, cit..

<sup>10</sup> S. SMOOHA, *Minority status in an ethnic democracy: The status of the Arab minority in Israel*, cit..

hardly the case any longer. Third, the state is not simply ‘dominated’ by the majority group (the Hindus, about 80 per cent of the population). Rather, it has become the main vehicle through which minorities are targeted and the domination of the majority group deepened.

For these reasons, this article will use a related but distinct analytical concept to capture India’s regime. This is what Yiftachel called ‘ethnocracy’, defined as ‘a particular regime type [which] facilitates the expansion, ethnicization and control of a dominant ethnic nation [...] over contested territory and polity’<sup>11</sup>. Ethnocracies have several important features. First, they can be autocratic or engaged in forms of ethnic cleansing (like Serbia or Rwanda in the 1990s) or present themselves as democratic (like Israel), even though these regimes ‘still facilitate an undemocratic expansion of the dominant ethnation’<sup>12</sup>. Yet, the democratic *façade* – especially free and competitive elections – has the function of legitimising the regime in the eyes of the majority group and the international community. Second, minorities are often portrayed as a threat to the integrity of the nation or the state, ‘often basing the perceptions on selective and manipulative historical cultural or religious interpretations’<sup>13</sup>. Third, ethnocracies are driven by a ‘sense of collective entitlement by the majority group to control ‘its’ state and ‘its’ homeland’<sup>14</sup> and therefore excluding as much as possible the ‘threatening’ minority from participating and influencing public affairs. In fact, the state becomes ‘the main vehicle of the regime, providing institutions, mechanisms, laws, and legitimised forms of violence to implement the projects articulated by the regime’<sup>15</sup>.

As the following sections will demonstrate, Modi’s India – thanks also to important historical legacies that date back at least to the partition of the subcontinent in 1947 and to the state-budling project that ensued – present most of the features that define an ethnocracy. While formally democratic, the construction of a *Hindu Rashtra* (Hindu state) has accelerated remarkably over the last few years and proceeded in

<sup>11</sup> O. YIFTACHEL, *Ethnocracy: Land and Identity Politics in Israel/Palestine*, Philadelphia, University of Pennsylvania Press, 2006, p. 11. See also I. ROY, *India: From the World’s Largest Democracy to an Ethnocracy*, in “*The India Forum*”, 17 August 2021.

<sup>12</sup>O. YIFTACHEL, *Ethnocracy : Land and Identity Politics in Israel/Palestine*, cit., p. 12.

<sup>13</sup> O. YIFTACHEL, *Ethnocracy: Land and Identity Politics in Israel/Palestine*, cit., p. 14.

<sup>14</sup> O. YIFTACHEL, *Ethnocracy: Land and Identity Politics in Israel/Palestine*, cit., p. 37.

<sup>15</sup> O. YIFTACHEL, *Ethnocracy: Land and Identity Politics in Israel/Palestine* cit., p. 12.

parallel with the erosion of institutions and the curbing of civil liberties. The remaining of this article will illustrate, with the use of numerous examples, how – through which mechanisms – the project has been carried forward by the Modi government and the extent to which the construction of a Hindu state has advanced.

## 1. *The Construction of a Hindu state*

This section will provide numerous examples of the mechanisms through which the Modi regime is constructing a Hindu state. The inclusion of a high number of examples is crucial for the construction of the argument for one important reason: it is possible to categorically rule out that what is occurring in India can be reduced to isolated incidents or to instances of majoritarian tendencies that however do not amount to a comprehensive transformation of the nature and goals of the state. On the contrary, when seen together, it is difficult not to conclude that all these examples have profoundly altered the functioning of the once ‘world’s largest democracy’. In this article I will focus on formal mechanisms only, by which I mean actions taken by official institutions of the state. I will thus only briefly mention informal mechanisms, or actions taken by non-government actors (however strong their ties to the ruling party and/or the government). This choice is justified by two reasons. First, there has been a proliferation of journalistic and academic literature focusing on informal mechanisms. Second, the utilisation of formal mechanism has more profound consequences for the construction of a *de jure* ethnocracy.

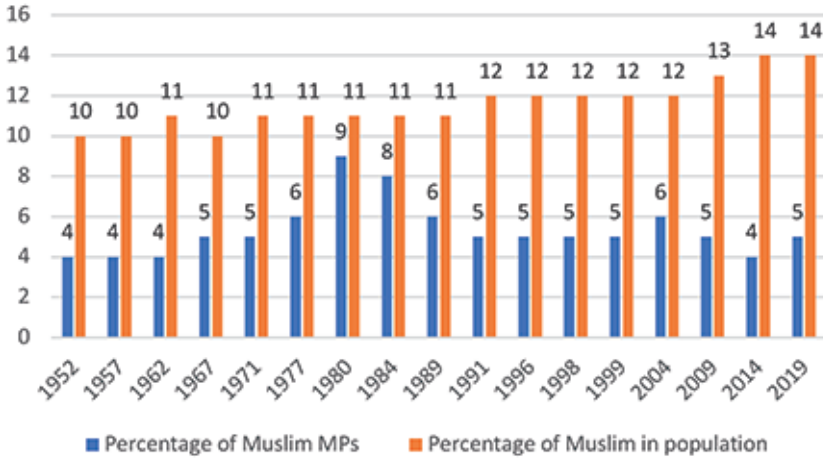
### 1.1 *Informal mechanism*

There are two main informal mechanisms through which the Modi government has pushed the Hinduisation of the Indian state. The first one is a direct consequence of the BJP’s electoral strategy, which is based on forming a social coalition which includes all social groups except the Muslims.<sup>16</sup> Given the large majority that the BJP obtained

<sup>16</sup> A. VARSNHEY, *India’s Watershed Vote: Hindu Nationalism in Power?*, in “Journal

both in 2014 and 2019 – and the ‘emulation’ by some opposition parties adopting an ill-concealed pro-Hindu electoral strategy<sup>17</sup> – Muslim’s representation in the Lok Sabha (i.e. the Lower House) plummeted to a historic low (Figure 1).

Figure 1 . *Muslim representation in Parliament 1952-2019*.<sup>18</sup>



As the figure shows, Muslim’s representation has always been much below their share of the population. Underrepresentation, however, accelerated with the 2014 and 2019 elections when, for the first time, the ruling party did not have a single Muslim MP. At the state level, the situation is not very different in states governed by the BJP. In 2018, out of 1,418 state-level elected representatives of the BJP, only 4 were Muslims<sup>19</sup>.

A similar pattern applies to Cabinet positions, where Muslims have

of Democracy”, n. 4, 2014, pp. 34-45, P. CHHIBBER, R. VERMA, *The Rise of the Second Dominant Party System in India: BJP’s New Social Coalition in 2019*, in “Studies in Indian Politics”, n. 2, 2019.

<sup>17</sup>S. PALSHIKAR, *Towards Hegemony: BJP beyond Electoral Dominance*, in “Economic and Political Weekly”, n. 33, .2018.

<sup>18</sup>A. FAROOQUI, *Political representation of a minority: Muslim representation in contemporary India*, in “India Review”, n. 2, 2020.

<sup>19</sup>C. JAFFRELOT, *A De Facto Ethnic Democracy? Obliterating and Targeting the Other; Hindu Vigilantes, and the Ethno-State*, in A. P. CHATTERJI, T. B. HANSEN, C. JAFFRELOT (eds.), “Majoritarian State”. New York, Oxford University Press, 2019, p. 50.

been consistently kept out of the most influential positions. Currently, the only Muslim Cabinet member oversees Minority Affairs<sup>20</sup>. Under-representation extends to the other institutions of the state, like the police, the military or the bureaucracy<sup>21</sup>, Muslims also lag behind in terms of socio-economic indicators and intra-generational mobility<sup>22</sup>.

The second informal mechanism is the implicit and, at times, explicit endorsement of violence perpetrated by non-state actors, often organically linked with the BJP. Chief among these actors are organisation part of the *Sangh Parivar*, a network of right-wing Hindu organisation under the aegis of the Rashtriya Swayamsevak Sangh (RSS), India's largest civil society organisation. The Bajrang Dal (BD), 'the RSS's armed wing', played a particular prominent role since its creation in the 1980s<sup>23</sup>. The BD acts as a sort of morale police, targeting 'blasphemous' artists, writers and filmmakers, people involved in cattle trade, Hindu-Muslim couples and religious minorities in general.

Since the election of Narendra Modi in 2014 the vigilantism of groups like the BD has increased in scale, scope, and ambition. The role of the government in emboldening violent groups cannot be underestimated. For instance, in 2015 Mohammed Akhlaq, a resident of Dadri village in UP, was lynched by a mob that (falsely, it turned out) accused him of having cow meat in his fridge. Some of the accused had strong links with the BJP. But what matters for my argument is the behaviour of the state authorities. First, the alleged perpetrators of the violence were later invited by BJP leader Yogi Adityanath, a firebrand Hindu cleric turned politician, to his election rallies<sup>24</sup>. Yogi even offered to distribute guns to Dadri's Hindus to protect themselves<sup>25</sup>. He was later appointed by Modi as UP's chief minister (and was later re-elected in

<sup>20</sup> K. ADENEY, *How can we model ethnic democracy? An application to contemporary India?*, cit., p. 10.

<sup>21</sup> C. JAFFRELOT, *A De Facto Ethnic Democracy? Obliterating and Targeting the Other, Hindu Vigilantes, and the Ethno-Stat?*, cit., p. 45.

<sup>22</sup> S. ASHER, P. NOVOSAD, C. RAFKIN, *Intergenerational Mobility in India: New Measures and Estimates Across Time and Social Groups*, unpublished working paper available at: <https://paulnovosad.com/pdf/anr-india-mobility.pdf>.

<sup>23</sup> C. JAFFRELOT, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*, cit., p. 4330.

<sup>24</sup> *Deccan Herald*, 1 April 2019.

<sup>25</sup> *Indian Express*, 7 October 2015.

2022). Furthermore, 15 of the accused (released on bail) were given jobs at the NTPC Limited, India's largest energy conglomerate (a public sector company)<sup>26</sup>. When one of the accused died in jail, his body was then taken in procession, wrapped in the tricolour, at a ceremony attended by sitting members of the Cabinet<sup>27</sup>. Modi, on the other hand, a prolific Twitter user, sent out 61 tweets in the 10 days following the lynching, none mentioning the fact<sup>28</sup>. When he finally broke his silence, he did so at a rally in Bihar where he invited Hindus and Muslims not to fight each other, but to fight poverty together – hardly a condemnation of what happened<sup>29</sup>.

The same pattern unfolded over and over again, as cases of lynching multiplied and the government either ignored or explicitly defended the perpetrators. At best, the government hid behind a veil of plausible deniability, as hate crimes spiked since 2014<sup>30</sup>. According to the online portal IndiaSpend, there were 34 lynchings in 2017, up from 1 in 2013. 24 of the 28 victims were Muslims<sup>31</sup>. What is striking is also the climate of impunity in which perpetrators of violence acts. This impunity also extends to those explicitly promoting violence against minorities, like the case of a congregation of Hindu religious leaders in December 2021 which called for the mass killing of Muslims, with virtually no consequences<sup>32</sup>.

## 1.2 Formal mechanisms

The actions by state actors are a crucial step forward in the construction of the Hindu state. In fact, while it can be argued that independent India had always shown a majoritarian tendency, the state, especially the central apparatus, had tried to stay as much neutral as possible. In other words, for most of its existence, the central government had tried to defend India's secularism.

<sup>26</sup> *NewsClick*, 7 July 2018.

<sup>27</sup> *The Wire*, 5 February 2021.

<sup>28</sup> *DailyO*, 9 October 2015.

<sup>29</sup> *The Hindu*, 8 October 2015.

<sup>30</sup> I. GUPTA, *Mob Violence And Vigilantism In India*, in "World Affairs", n. 4, 2019.

<sup>31</sup> *IndiaSpend*, 28 July 2017.

<sup>32</sup> *Al-Jazeera*, 24 December 2021.

The Modi government, however, made a marked break with the past in three interconnected ways. First, especially after 2019, his government made widespread use of the law to ethicise the functioning of the state. Second, and more subtly, it granted state institutions the power to abuse of their authority to target religious minorities, especially Muslims. Third, it used the force of the state to shape public opinion and push for the Hinduisation of public culture. These are the three mechanisms that I will explore in detail in the remaining part of this paper.

The most striking change since the advent of Narendra Modi as Prime Minister are the sweeping legislative changes and the targeted implementation of existing laws. Examples abound. First, several states governed by the BJP passed laws (or amended existing ones) banning the slaughter of cows (deemed sacred by most Hindus). Gujarat (Modi's home state), for instance, passed an Act in 2017 which makes cow slaughter punishable with life imprisonment<sup>33</sup>. Haryana and Maharashtra also made punishment harsher after 2014. In the latter state, even eating beef became punishable, although the Bombay High Court later struck those provision down<sup>34</sup>. The UP government has even invoked the anti-terrorism National Security Act (NSA) to jail (without trial) those accused of cow slaughtering, an industry dominated by Muslims. During the first 8 months of 2020, for instance, over half of the cases under the NSA in UP were for cow slaughtering<sup>35</sup>.

Second, on 5<sup>th</sup> August 2019, the government made a surprise announcement that article 370 of the Constitution, which had granted Jammu and Kashmir, India's only Muslim-majority state, a special status and autonomy, was effectively struck down<sup>36</sup>. Furthermore, the state lost its statehood and became a Union Territory run directly by New Delhi. While the autonomy of the state had been eroded and not fully respected over the course of the decades, previous governments had refrained from touching article 370 – a demand that Hindu nationalists groups had made since Independence. The move well 'illustrates a strategy to subordinate Muslim-majority territories to Hindu-majority

<sup>33</sup> *Hindustan Times*, 31 March 2017.

<sup>34</sup> *Hindustan Times*, 6 May 2016.

<sup>35</sup> *Indian Express*, 11 September 2020.

<sup>36</sup> M. TORRI, *India 2019: Assaulting the world's largest democracy; building a kingdom of cruelty and fear*, in "Asia Maior", Vol. XXX, 2020.



ones<sup>37</sup>. In fact, in the course of 2020, the central government passed a law allowing non-Kashmiri to obtain domicile in the state, generating fears that the BJP ‘seeks to enable a gradual policy of ‘Hindu colonization’ by letting non-Kashmiri to purchase land and occupy dominant positions’ in the territory<sup>38</sup>.

Third, in March 2017 the Parliament passed the Enemy Property (Amendment and Validation) Act. The Act empowers the government to sell and dispose properties of Pakistani and Chinese nationals seized during the 1962, 1965 and 1971 wars, declaring them ‘enemy properties’. The amended law applies also to Indian citizens who are heirs of Pakistani or Chinese former owners<sup>39</sup>. Given that, out of 9,406 ‘enemy properties’ identified by the Indian state, only 126 belonged to Chinese nationals or their heirs, the amendment is effectively a way to halt claims by Muslim Indian citizens to inherit firms and properties left behind by their Pakistani ancestors.

Fourth, as part of the more general process of democratic erosion, the Modi government expanded the scope of repressive legislation and began to use laws in a more targeted manner. A prominent example is the increasing use of the colonial era sedition law. This has been misused since independence to curb dissent, in particular in troubled areas like Kashmir. However, evidence collected by Article 14 show that, since 2014, sedition cases have increased on the one hand, and the proportion of Muslims among the accused have doubled, on the other. This increased from 15 per cent on average (2010-14), just above their proportion in the total population, to 30 per cent (2014-20). Conversely, the proportion of Hindus accused of sedition declined from 82 per cent (very close to their share of the population) to 62 per cent (Figure 2)<sup>40</sup>.

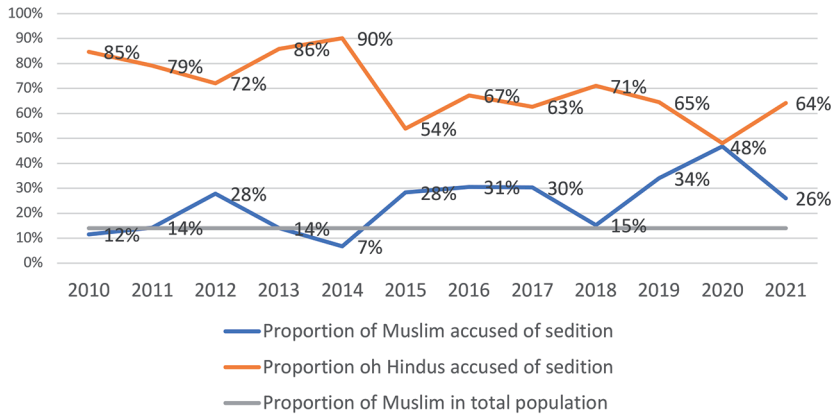
<sup>37</sup> I. ROY, *India: From the World's Largest Democracy to an Ethnocracy*, in “The India Forum”, August, 2017.

<sup>38</sup> T. B. HANSEN, S. ROY, *What is new about ‘New Hindutva’?*, in T. B. HANSEN, S. ROY (eds.), “Saffron Republic”, Cambridge, Cambridge University Press, p. 17.

<sup>39</sup> The overwhelming majority of these properties belonged to Pakistani citizens, *Indian Express*, 23 January 2020.

<sup>40</sup> These proportions are calculated out of the total number of people accused of sedition whose religion is known. The database built by Article 14 include all sedition cases between 2010 and 2021 and is available at: <https://sedition.article-14.com/>.

Figure 2 - People accused of sedition by religion, 2010-21.



Source: Article 14's sedition database.

While conviction rates are extremely low, those accused face prolonged jail time (bail is almost never granted) and enormous legal costs. The law is prone to be misused, as it is exceedingly vague. For instance, three Kashmiri students were kept in jail for more than six months after they congratulated the Pakistani cricket team via WhatsApp for their victory over India<sup>41</sup>. In certain states, particularly UP, the police, acting on the inputs of radical Hindu groups, routinely files sedition cases against individuals who criticise chief minister Adityanath – Muslims in most cases<sup>42</sup>. The Supreme Court, in May 2022, suspended the sedition law, presumably also because of the increasing number of blatant misuses of the act<sup>43</sup>.

Fifth, the Modi government delivered on another long-standing demand by Hindu nationalists, namely the criminalisation of Triple Talaq (or instant divorce), a Muslim practice – banned in countries such as Egypt, Pakistan, or Bangladesh – whereby men were allowed to divorce women simply by saying three times the word ‘talaq’. The government criminalised the practice – which had been deemed unconstitutional by the Supreme Court in 2017. While the abolition of the practice is certainly to be welcome from the point of view of

<sup>41</sup> *The Wire*, 26 April 2022.

<sup>42</sup> *Article14*, 8 February 2022.

<sup>43</sup> *The New York Times*, 11 May 2022.

women's rights, the act inserts an element of discrimination between people of different religious communities. In fact, a Hindu man who decides to abandon his wife without a legal divorce, faces a civil offence; a Muslim man who does the same, faces criminal charges and up to three years in jail<sup>44</sup>.

Sixth, and finally, by far the most consequential change in legislation brought forward by the BJP government is a 2019 amendment to the Citizenship Act, which declared that Buddhists, Christians, Hindus, Jains, Parsees, and Sikhs refugees from Afghanistan, Bangladesh, and Pakistan could access an expedite route to citizenship. The purpose of the law is to protect persecuted minorities, even though this is not extended to Muslim minorities, such as the Ahmadis of Pakistan or the Hazaras in Afghanistan. As Khosla and Vaishnav put it, 'this measure challenges the core constitutional doctrines of equality before the law and equal protection'<sup>45</sup>, not only because it excludes Muslim minorities from its purview, but also because it does not require people coming from those countries and who belong to the listed religious communities to prove that they had been actually prosecuted. In other words, the amendment explicitly discriminates on the basis of religion in granting citizenship. This might have particularly serious consequences in the state of Assam, where the government, to detect illegal immigrant from neighbouring Bangladesh, produced a list including all legal citizens of India. In practical terms, the list included all those who were able to provide enough documentation proving their family's residence on Indian soil before March 1971. Given the poor state of record-keeping even in today's India, it is no surprise that as many as 2 million people were left out of the list, effectively risking becoming stateless. However, the amended citizenship law will allow most of the non-Muslims left out of the list to acquire Indian citizenship, whereas Bengali Muslims – whom Home Minister Amit Shah called 'termites' – will face detention or deportation (although it is not clear where)<sup>46</sup>. As Shah repeatedly said, the central government plans to extend the Assam's list to the whole of the country, which might have severe repercussion

<sup>44</sup> *Scroll.in*, 24 September 2018.

<sup>45</sup> Probably the best brief explainer of the Citizenship Amendment Act, 2019 is M. KHOSLA, M. VAISHNAV, *The Three Faces of the Indian State*, cit..

<sup>46</sup> *Reuters*, 12 April 2019.

on especially poor Muslim who might struggle to obtain often non-existing documentation<sup>47</sup>.

The second mechanism through which the Indian state is morphing into an ethnocracy is by using its apparatus to target Muslims. Three examples are provided here. First, the police in certain BJP-ruled states have formed quasi-formal partnership with violent Hindu groups<sup>48</sup>. In Haryana, for instance, the police partnered up with the Gau Raksha Dal (GRD), a vigilantes organisation, which seeks to protect cows. The GRD's vigilantes patrol highways, stop trucks and, if they find cattle, they usually beat up (sometimes fatally) the Muslim drivers, while they let go Hindu ones<sup>49</sup>. They then call the police – when the police is not already there witnessing the violence – to make the arrests under the newly promulgated cow protection laws. The links with the state are 'organic'<sup>50</sup>, both in terms of personnel – the president of the Haryana's GRD sits on the board of a cow welfare authority established by the government – and in terms of institutional collaboration. The government of Haryana has established a cow protection task force manned by police officers which effectively subcontracts highway patrolling to the GRD. It has, in other words, abdicated its monopoly on the use of legitimate force and shared it with Hindu vigilantes. In Maharashtra, there is a similar situation, as the government hired former gau rakshas (cow protectors) as 'animal welfare officers'<sup>51</sup>.

The protection of the cows is not the only domain where vigilantes groups and the state have formed an alliance. In UP, for instance, the state set up 'anti-Romeo squads' (formed by police personnel), tasked to protect women. However, these squads have their roots in the 'Love Jihad' conspiracy theory, according to which Muslims are trying to alter the demographic equilibrium between religious communities by seducing and marrying Hindu women. In fact, the chief minister founded and led a

<sup>47</sup> *Mint*, 6 January 2020.

<sup>48</sup> Most of the following account is taken from C. JAFFRELOT, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*, cit..

<sup>49</sup> C. JAFFRELOT, *A De Facto Ethnic Democracy? Obliterating and Targeting the Other; Hindu Vigilantes, and the Ethno-Stat?*, cit..

<sup>50</sup> C. JAFFRELOT, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*, cit. p. 4460.

<sup>51</sup> C. JAFFRELOT, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*, cit. p. 4483.

vigilantes organisation, the Hindu Yuva Vahini, mostly devoted to fight ‘Love Jihad’<sup>52</sup>. Between 2017 and 2020, anti-Romeo Squads arrested 14,454 people<sup>53</sup>, amid widespread criticism that the squads morphed into a morale police which targets homosexuals, inter-caste and inter-religion couples and inflict extra-judicial punishments<sup>54</sup>. Importantly, the state administration works in close contact with Hindu groups to identify mixed couples and prevent Muslim-Hindu marriages<sup>55</sup>.

The UP government even gave legal backing to the prevention of inter-faith marriages, through an ordinance promulgated in November 2020. The purpose of the law is to prevent forced conversions by requesting the person who wishes to convert before marriage to seek permission from the state administration, which will have to determine the ‘real intention’ and ‘cause’ of the conversion. If the ‘cause’ is found to be ‘any gift’, ‘gratification’, ‘better lifestyle’ or fear of ‘divine displeasure’, the person who ‘caused’ the conversion can be prosecuted<sup>56</sup>. Since the passage of the ordinance, vigilantes groups in UP have been mushrooming and have stepped up their collaboration with the police, the courts and the families of inter-faith couples, all with the explicit support of the state administration<sup>57</sup>. Two other Indian states ruled by the BJP passed stricter anti-conversion laws since 2020, triggering similar developments.

The use of vigilantism serves an important purpose of the ethnization of the state, as it embodies ‘a strategy for establishing social dominance of the religious majority they claim to represent’<sup>58</sup>. Furthermore, vigilantes help the ethnic state to do things that cannot be done under a formally democratic framework, while at the same time allowing the state to lukewarmly distance itself from the most violent actions taken by the vigilantes – a form of plausible deniability. Finally, the impunity with which vigilantes groups operate not only galvanises the

<sup>52</sup> *GlobelyNews*, 19 April 2022.

<sup>53</sup> *India Today*, 13 January 2021.

<sup>54</sup> *Scroll.in*, 26 July 2022.

<sup>55</sup> *Scroll.in*, 5 August 2018.

<sup>56</sup> C. JAFFRELOT, *Modi’s India: Hindu Nationalism and the Rise of Ethnic Democracy*, cit. p. 8980.

<sup>57</sup> *The Print*, 2 January 2021.

<sup>58</sup> S. JAFFREY, *Right-Wing Populism and Vigilante Violence in Asia*, in “Studies in Comparative International Development”, Vol. 56, 2021, p. 225.

groups and promote emulation; but it also ‘reinforces the terror experienced by their victims and coerces compliance with right-wing demands’ by the majority population<sup>59</sup>.

Third, several local BJP-led administrations have started demolishing the homes and properties of Muslims as a form of collective punishment. In June 2021, protests erupted across India in the wake of some derogatory comments on the Prophet Muhammad by a BJP official<sup>60</sup>. In UP, some protestors allegedly threw stones to the police. As a form of retaliation, the state administration demolished the houses of the *families* and neighbours of those allegedly involved in the stone-pelting. A BJP legislator from the state even released a video of Muslims being tortured in police custody and called it ‘a return gift’ by the state – ‘as close to an official declaration as possible that they do not possess substantive civil rights, that a public display of their illegal torture can be gleefully broadcast to the country without any fear of legal or political consequence’<sup>61</sup>. Several other instances could be mentioned, including a man whose house was razed because he married a Hindu woman in Madhya Pradesh<sup>62</sup> and the demolition of a Mosque in Assam<sup>63</sup>.

Finally, the third way in which the government promoted the ethnization of the state, was by making India a Hindu country from a cultural point of view. This strategy – a long term one especially of the RSS – has two main components. First, the government used its patronage power to promote to senior positions in academia, think tanks and, more generally, cultural bodies, people with a background in political Hinduism. One of the main results was an extensive rewriting of Indian history. Textbooks for public schools have been Hinduised by emphasising the achievements of India’s ancient (i.e. pre-Islamic) system of knowledge; by demonising Muslim rulers; or by quite literally altering historical facts to give a more successful vision of Hindu warriors like Chhatrapati Shivaji or Maharana Pratap<sup>64</sup>. In short, the government set up a multi-pronged

<sup>59</sup> S. JAFFREY, *Right-Wing Populism and Vigilante Violence in Asia*, cit., p. 225.

<sup>60</sup> *The New York Times*, 11 June 2022.

<sup>61</sup> *The Print*, 14 June 2022.

<sup>62</sup> *Scroll.in*, 25 April 2022.

<sup>63</sup> *Scroll.in*, 6 September 2022.

<sup>64</sup> D. NAWANI, *Modifying School Textbooks*, in “Economic and Political Weekly”, Vol. 53, No. 29, 2018.

strategy to rewrite Indian history which is consistent with the view that India is – and has always been – a Hindu nation.

A second way in which India's public culture is being Hinduised relates to the 16<sup>th</sup> century Mosque in Ayodhya (UP), which was destroyed by Hindu zealots in December 1992 at the end of a decade-long campaign promoted by the BJP. This has probably been the single most polarising issue between Hindus and Muslims since independence. In 2019 the Supreme Court declared that the mosque had been demolished illegally, but the land should nevertheless be given to the Hindus to build a temple dedicated to Ram (believed to be born in that exact spot). A few months later, Modi laid the foundation stone of the new temple – the culmination of, in the words of the Prime Minister, 'centuries' of struggle<sup>65</sup>. Pratap Bhanu Mehta, one of the country's leading intellectuals, put the symbolic value of the gesture in these terms: "This moment symbolically signalled the arrival of Hindu Rashtra. The grand spectacle of a regal of Narendra Modi performing the religious rites for the temple was, at a symbolic level, the recreation of an ancient ideal of kingship. Modi was not just consecrating the temple. He was enacting a new form of political power: A monarchical protector of the faith of the community performing one of the traditional functions of Hindu kingship, which was to consecrate and protect temples"<sup>66</sup>. The spectacle of the Prime Minister of the country celebrating what was a 'victory' of the Hindus over the Muslims indeed left very little doubt on what side the state *officially* was.

There are other innumerable ways in which the government has promoted a Hinduisation of the public sphere, from cutting taxes on deeply Islamophobic films like *The Kashmir Files*<sup>67</sup>, to changing cities and streets' names to eradicate references to India's Islamic past<sup>68</sup>, to the construction of a grandiose system of temples in Varanasi – Modi's parliamentary constituency and perhaps Hinduism's holiest city – aimed at understating the city's syncretic past<sup>69</sup>. Citing more examples

<sup>65</sup> *Times of India*, 6 August 2020.

<sup>66</sup> P. B. MEHTA, *Hindu Nationalism: From Ethnic Identity to Authoritarian Repression*, in "Studies in Indian Politics", n. 1, 2022, p.1.

<sup>67</sup> *Time*, 30 March 2022.

<sup>68</sup> *NPR*, 23 April 2019.

<sup>69</sup> A. SOHAL, *Architectural Hindutva*, unpublished thesis, University of Oxford, available at: <https://www.southasia.ox.ac.uk/files/sohalathesispdf>.

will not make the point clearer: the government is actively and relentlessly pursuing a strategy to make India *look* like a Hindu state.

### *Conclusions*

The main argument of this paper is that today's India can best be described as an ethnocracy, a regime which pursues and advances the domination of the majority ethnic group. Ethnocracies can be relatively democratic or full autocracies. India falls somewhere in between, as it maintains a democratic Constitution and conducts regular and free elections, although the fairness of the electoral process leaves much to be desired and the severe erosion of institutions and civil liberties makes it far from the democratic ideal.

As the central section of this paper sought to demonstrate, since the election of Narendra Modi in 2014, the state has become the main instrument through which the regime seeks to marginalise India's largest minority and promote the domination of the Hindu majority. The mechanisms analysed in the paper, mirror the most prominent features of an ethnocratic regime, as defined by Yiftachel. Modi's India accelerated the rewriting of India's history to demonise Muslims and portray them as a 'threat' to the nation; it has carefully crafted an image of the office of the Prime Minister as a Hindu ruler; it has integrated the only Muslim-majority state (Jammu and Kashmir) into the 'mainland' and deprived it of its autonomy; it has celebrated the illegal destruction of a 16<sup>th</sup> century mosque and its replacement with a grandiose Hindu temple; it has condoned violence by vigilantes groups against minorities and established partnership with these groups to implement laws that target minorities; it has engaged in forms of collective punishments, legitimising forms of extra-judicial violence; and it has inserted religious discrimination as a path to citizenship. Overall, the state has promoted and advanced 'a sense of collective entitlement by the majority group to control 'its' state and 'its' homeland'<sup>70</sup>.

This strategy is also self-reinforcing. As shown by Neelanjan Sircar, 'control over the levers

<sup>70</sup> A. SOHAL, *Architectural Hindutva*, cit., p. 37.



of government may allow governing leaders to ‘frame’ religious issues for the population and plausibly generate a Hindu vote<sup>71</sup>. In other words, by making India more and more the land of the Hindus – using the law, the media, the ‘spectacle’, the violence – the state is able to further its Hindu social base of support.

This is a crucial element to understand where India is heading and to assess whether these processes are just an aberration or are rather medium terms one. Three reasons make me conclude this article with pessimism. First, as just mentioned, the longer the present regime stays in power, the longer the state is able to ‘create’ a Hindu electorate and effectively establish a hegemonic discourse around the Hinduness of India. Second, there is evidence that these processes are already at work, as ‘normal’ middle class people are either condoning or wilfully supporting the Hinduisation of the state and the demonisation of Muslims<sup>72</sup>. Third, these processes have deep historical roots. Many of the instances reported in this paper – from police biases, to underrepresentation of Muslims, and from everyday forms of violence against minorities to misuse of the laws – have always been present. What has changed, however, is the function of the state and its legitimising role. This might make these developments, irreversible.

**Riassunto** - Questo articolo offre un’illustrazione empirica dalla costruzione di uno stato Indù in India. La tesi principale è che l’India, spesso definita ‘la più grande democrazia del mondo’ è meglio definita dal concetto di ‘etnocrazia’, un regime che promuove la dominazione della maggioranza Indù a scapito della più grande minoranza, i

Musulmani. La tesi si basa su una lunga lista di esempi volti a mostrare che lo stato ha abbandonato il suo tradizionale ruolo neutrale ed ha assunto una posizione esplicitamente pro-Indù, con l’obiettivo di fare dell’India la terra degli Indù. L’articolo si concentra sui meccanismi formali di costruzione dello stato Indù.

<sup>71</sup> N. SIRCAR, *Religion-as-Ethnicity and the Emerging Hindu Vote in India*, in “Studies in Indian Politics”, n. 1, 2022, p. 86.

<sup>72</sup> A. SINHA, M. PRIYAM, *‘Willing’ ethnic-nationalists, diffusion, and resentment in India: a micro-foundational account*, in “Modern Asian Studies”, forthcoming.