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## A National Register of Citizens for India

A Tool Kit for Hindu Rashtra?

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*The drive to re-introduce the Citizens Amendment Bill and the plan to prepare a nation-wide National Register of Citizens are both part of a larger strategy to re-engineer the India of plurality and diversity into a Hindu rashtra.*

One of the more curious paradoxes of contemporary Indian politics is the seemingly contrasting stances of the two most powerful men in the Republic on a pan-Indian National Register of Citizens (NRC). Union Home Minister Amit Shah's narrative is emphatic and insistent, and his statements designed to strike fear in those being targeted. A day before Gandhi Jayanti this year, while addressing BJP workers at the Netaji Stadium in Kolkata, he publicly renewed his pledge to implement NRC in all the states of India so that "each and every infiltrator" is externed. He continued to make references to the issue during his election rallies in Maharashtra and Haryana, even informing an election crowd in Gurugram that by 2024 India would be rid of all "infiltrators and illegal residents". The timeline is significant, signalling as it does the intent to capitalise on the issue in the next general election.

In studied contrast, Prime Minister Narendra Modi, although he had referred to the NRC occasionally as a pre-election topic during the Lok Sabha campaign, has chosen not to dwell on the subject ever since coming to power for the second time. It was striking that the NRC did not figure in his Independence Day address this year, even tangentially, nor did it make it to the numerous speeches he made in the run up to the two state elections that have just ended.

Four days after Shah's public pronouncement on it in Kolkata, Modi underplayed the issue during his interactions with his Bangladeshi counterpart, Sheikh Hasina, on her state visit to India. Reiterating more or less what he had told her in New York on the sidelines of the United Nations General Assembly in September that the NRC was an "internal matter", he is reported to have emphasised this time that it was "a court-mandated process, which is ongoing", one that will have no repercussions on Bangladesh. This is curious. If the NRC is to be a pan-Indian policy, it would no longer be a "court-mandated process", and would presumably involve tracking and expelling so-called "Bangladeshi immigrants". Keeping Bangladesh out of the picture in such a context would seem impossible.

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How is this policy of double-speak to be interpreted then? Is there a genuine difference of political positions on the issue between the Prime Minister and Home Minister, or is it a mere division of political labour for the longer term project of ushering in a unitary Hindu majoritarian state?

The Narendra Modi-Amit Shah combination can by no means be categorised as a binary. Together they spell a rare unity of purpose and a cogent ideological vision developed through long personal associations with the Rashtriya Swayamsevak Sangh (RSS). Lance Price, in his book *The Modi Effect*, characterises Shah for good reason, as "perhaps the only person that Modi trusts completely". Shah may appear to have assumed an independent and elevated status after being appointed Union Home Minister, but he faithfully follows a template that bears the Modi stamp.

Theirs is a carefully conceived strategy to expand the BJP/RSS footprint across the country through the calibrated use of emphases and silences; ambiguities and certainties. Both men are extremely aware that their ultimate goal is promoting V.D. Savarkar's twin tests for full citizenship — *pitrabhumi* (India as the citizen's ancestral land) and *punyabhumi* (India as the land of the citizen's religion). They also understand the centrality of the Citizenship Amendment Bill (CAB) — which denies Indian citizenship to Muslim refugees and immigrants while giving Hindus who came into the country before 2014 a free stay-out-of-jail card — for consolidating the Hindu community along the axis of citizenship.

Nine months before Amit Shah had indicated to his Kolkata audience that the Government proposes to first bring in the CAB to segregate immigrants along religious lines, and only after that introduce an all-India NRC, Modi had told a Silchar audience at a massive pre-election rally in January that no "Indian" citizen will be left out of the NRC and that his government will pass the CAB to

ensure this.

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The reason for this continuous iteration that no “genuine” (read Hindu) Indian citizen will be deported indicates the delicateness of the task in rolling out the NRC nationally. On the one hand, they will have to pass the CAB into law while ensuring that it would not destroy the BJP’s carefully constituted political presence in the north-eastern states, where the people are bitterly opposed to the legislation.

The reason why the Government allowed the CAB to lapse during the last Parliament was driven by the anxiety that it could negatively affect its party’s prospects in the 2019 general election. On the other hand, it will have to rescue, or at least be seen to rescue Hindus, now entrapped in the NRC list in Assam, through a possible combination of court action and executive tinkering of norms like issuing notifications that specifically spare non-Muslim immigrants from incarceration. A tough proposition this, and explains the anger BJP functionaries have directed at Prateek Hajela, who had anchored the six-year NRC process in Assam, over his inability to ensure that most of those declared as non-citizens were Muslim.

This NRC project, which is actually nothing less than the dismantling of the foundational principles of the Indian Constitution, must for appearance sake be seen as participative and democratic. Shah, for instance, has already indicated that a nation-wide consensus on the cut-off date for an all-India NRC would be arrived at. The aim would be to keep to the minimum the political costs of such a step and would include addressing the fear within the majority community that they, or their children, would be caught in a citizenship maze in the future.

For the moment, the game plan seems to be two-fold. First, to create the institutional infrastructure to smoothly roll out an all-India NRC. Second, to allow political and election rhetoric on the CAB/all-India NRC to proliferate so that, over time, it emerges as popular common sense and a desirable outcome. Already the idea that the country needs to be protected from “infiltrators” (“*ghuspaithiye*”) – an inappropriate military term that is now widely used – has been internalised over the years, and hatred of the Muslim Other has become widespread as the random acts of vigilantism in the country would indicate. If the average citizen has to accept an all-India NRC, these attitudes, fears and hatreds within the majority community would have to be deepened.

The Government of India’s intent to roll out an effective institutional infrastructure was signalled by President Ram Nath Kovind in his address to Parliament in July, when he stated that his government “has decided to implement the process of National Register of Citizens on priority basis in areas affected by infiltration.” The foundation for building the required institutional infrastructure will be data gathered at levels ranging from the local and sub-district to the state and national and which ranges from the demographic to the biometric.

One of the ways data will be aggregated is through the revival of the Congress-era National Population Register, which is a compilation of India’s “usual residents”. A gazette notification to this effect has been issued and the exercise will take place between April and September 2020 as part of the Census 2021 operations. Shah is on record for seeing this initiative as part of his favoured idea of a digitalised “one nation, one card” to promote citizen well-being and security in a democracy. But what is really being conceived of is a data-driven, document fact-checked surveillance state, recalling in a curious way the manner in which the British colonial government used the anthropological information of its subjects to understand, map and control them.

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Another significant recent move to build the necessary institutional infrastructure was the decision taken by the Modi government, within a few hours of being sworn in on May 30, of decentralising the procedures for setting up Foreigners’ Tribunals -- quasi-judicial bodies which serve as the court of last appeal for those who stand deprived of citizenship. Earlier, the Centre had to notify them into existence, now state governments and even district collectors had the powers to set them up.

If the Assam experience is any illustration, the functioning of Foreigners’ Tribunals has been marked by not just blatant errors but strong communal biases. The Gauhati High Court recently set aside proceedings in 57 cases in Morigaon, central Assam that were

being handled by a local tribunal. This should not come as a surprise, given that these bodies are presided over by poorly qualified people with no formal training.

If the creation of an institutional framework for an all-India NRC has been proceeding without too many controversies so far, it is testimony to the success the BJP and its top leadership have achieved in selling the idea to the party's core constituencies, who in turn are promoting it in their local circles. There is a certain virality to how stock phrases about the NRC now circulate in the public domain. In August 2018, Raman Singh, then chief minister of Chhattisgarh, had pronounced “India is not a 'Dharamshala'” in response to the NRC exercise in Assam. This September, Shahnawaz Hussain, anxious to keep his place as party spokesperson even if he was denied a ticket to contest the recent general election, had the phrase at the ready. When asked about the NRC by the media, he remarked: “India is not a 'dharamshala' where anybody can enter.” Within days, his party colleagues, Anil Jain, BJP general secretary in charge of Haryana, and Kailash Vijayvargiya, BJP general secretary in charge of West Bengal, were parroting the very same words.

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The anti-Muslim kernel of the CAB/NRC discourse is wrapped in several rhetorical layers that aim to persuade the audience at various levels. There is the inevitable reference to the “unfinished business of Partition”. What is also emphasised is that the BJP has won the right to take such steps because of its emphatic mandates of 2014 and 2019.

Another important trope is of course the focus on “development”: it is a move motivated by the desire to benefit the “real citizens” of the country, so that resources and jobs go to them alone, especially the poverty-stricken, rather than the undeserving, all-consuming “Outsider”. The analogy of the “termite” that Shah has used time and again has precisely such a connotation — this is nothing less than an insidious invasion that expands exponentially and hollows out the nation. Finally, there is the “security” argument. A national NRC would keep the country free from love jihadists, criminals and terrorists, categories which have, over years of Sangh indoctrination, been made synonymous with the Muslim community.

The potential dividends of such a discourse in polarising voters and expanding political constituencies have triggered a competitive cycle of state-level initiatives, most of them in states ruled by the BJP. The Chief Minister of Uttar Pradesh, Adityanath, who faces an assembly election in 2022, was among the first to praise the NRC exercise as “an important and brave” move. His police chief has been told to mount periodic “verification drives” and round up, on a priority basis, “illegal Bangladeshis” with fake IDs, videographing them if need be.

Meanwhile the Haryana chief minister, Manohar Lal Khattar, ahead of the recent Assembly elections, strongly committed himself to the step by announcing a NRC exercise “along the lines of Assam”. How he will achieve this -- Haryana not being a border state -- is, of course, only a matter of detail. But to Khattar's “credit” he also took care to appoint as advisor to this project a former judge of the Punjab and Haryana high court who came up with the concept of a “state-specific ID card”.

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Uttarakhand, whose labour force has itself been depleted through years of out-migration of the male and able-bodied, also has plans, but they have been put on hold for the moment until the time it is “found necessary”, according to its chief minister, T.S. Rawat. In Karnataka, the newly installed BJP government rushed to announce a schema for an NRC that involves data collection and a detention centre. Later, the detention centre was put on the backburner perhaps because it was pointed out that there were not enough people of Bangladeshi origin in the state to fill such a facility.

Some states like Maharashtra have years of experience in this field, with its police having developed a functioning network of informers who keep a close eye on the Bangla speaking population. Historically most of the cases involving these so-called “illegal Bangladeshis” have ended in acquittals. The BJP and the Shiv Sena, who are likely to rule the state despite their many differences, are perfectly united on ethnic nationalism and would likely keep this pot boiling.

What is on display, in effect, is a conjuring trick. Rather like a magician pulling out one card and replacing it miraculously with another, the ‘anti-Bangladeshi’ card that has been furiously waved before the nation over the past two decades and more, has now transformed into an ‘anti-Muslim card’. This is possibly why Modi informed Sheikh Hasina that the NRC is an “internal matter”. It flows from a realisation that just the threat of detention and removal of basic rights of sections of a targetted community, rather than

the expulsion of supposed Bangladeshis, may be the more practical and politically expeditious route for a Hindu majoritarian party.

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Expectedly, it is the ordinary Indian who is paying the price for this, particularly the ordinary Muslim. The existential fears unleashed by the NRC exercise in Assam have now spread to other regions. The frenzy that broke out in West Bengal recently with unending lines forming outside municipal corporations and people driven to suicide, reflects in a microcosm what could play out on a pan-national scale. The struggle is not just for an individual's right to have rights in the country – which is what citizenship ultimately is about – but for their descendants in perpetuity as well. The law as it now stands deprives a child, even if born in India, of citizenship if one of its parents is an ‘illegal immigrant’, and there is no provision in the law which would allow such a child to become a citizen. Further, after the *Sarbananda Sonowal vs the Union of India* judgment of 2006 transferred the burden of proof of legality from the State to the person marked illegal, it is the accused who has to now provide the necessary documentation.

For a country of 1.35 billion, the looming crisis of citizenship is rife with dystopic consequences. While the Modi government is unrelenting in the pace with which it is going about ushering in an all-India NRC regime -- there is every likelihood of the CAB being passed in the winter session of Parliament -- there has been no consolidated pushback from oppositional forces, including political parties and broader civil society.

Does this mean that the BJP/RSS narrative on citizenship has become mainstreamed? Could all this signify that there is now popular consensus on the rolling back of important constitutional guarantees of citizenship? Disturbing questions, but there is also another one thrown up by the recent verdicts in Maharashtra and Haryana: Would serious political reversals derail this project? Such a conclusion would be overly sanguine. There were moments in India's recent history when a Ram temple at the site of the Babri Masjid seemed impossible, politically speaking. This is no longer the case.

Today, with the nine-decade-old RSS and its Savarkarite vision embedded in the country's politics, the CAB/all-India NRC toolkit would appear to be an extremely serviceable one for re-engineering India into a Hindu rashtra.