

Ascendance of Populist Radical Right Politics in India and Islamophobia: A Politico-Legal Analysis of the Bharatiya Janata Party

Maryam Bibi*

Muhammad Abdullah Fazi**

Abstract: In the discourse surrounding Populist Radical Right Parties (PRRPs), the examination of anti-minority rhetoric, particularly Islamophobia, emerges as a pivotal focus. This article underscores the global pervasiveness of Islamophobia, extending beyond Western contexts and impacting societies worldwide with Muslim populations. Despite its prominence, the literature on populist parties has primarily overlooked the Bharatiya Janata Party (BJP), which is currently in power in India. Using the ideational approach to analyse populism, this article investigates whether the BJP's ideology and practices align with the three defining characteristics of right-wing populism, namely, its conceptualisations of the people, elites, and others. The analysis is grounded in the BJP's use of 'identity politics' during electoral campaigns and its repercussions in promoting anti-minority rhetoric within state policy. The findings reveal that the radicalisation of Hindu populism since 2014 has resulted in changes to national legislation and a diminished adherence to international legal commitments, particularly in the realms of discrimination and human rights. These shifts have had discernible effects on India's domestic legal system and its obligations under international law. The exploration of BJP's policies and legal developments since 2014 contributes significantly to a nuanced understanding of right-wing populism, offering insights into the complexities of identity politics and Islamophobia within the Indian political landscape and as part of a broader global phenomenon.

Keywords: Radical Right; Populism; Islamophobia; India; Legal and Policy Developments

I. INTRODUCTION

An extensive body of scholarship has been directed toward studying Populist Radical Right Parties (PRRPs), often overshadowing research on other ideological party categories.¹ A noticeable lacuna exists within this vast literature, particularly in non-European case studies.² This study contends that the international research community has largely overlooked the Bharatiya Janata Party (BJP), the ruling political entity in India, primarily because it represents a non-European exemplar within the ambit of significant democracies.³ India is home to a population of almost 1.4 billion, with Hindus comprising around 80% of the population and a

* Ph.D. Candidate, Istanbul Sabahattin Zaim Universitesi. Email: bibi.maryam@std.izu.edu.tr.

** Lecturer, Monash University Malaysia. Email: abdullah.fazi@monash.edu.

¹ Axel Mueller, 'The meaning of 'populism'' (2019) 45 (10) *Philosophy & Social Criticism* 1025.

² Margaret Canovan, 'Taking Politics to the People? Populism as the ideology of democracy' in Y. Mény and Y. Surel (eds), *Democracies and the Populist Challenge* (Palgrave 2002) 25-44.

³ Milan Vaishnav, 'The BJP in power: Indian democracy and religious nationalism' *Carnegie Endowment for International Peace* (2019) <<https://carnegieendowment.org/2019/04/04/bjp-in-power-indian-democracy-and-religious-nationalism-pub-78677>> accessed 29 January 2024.

significant Muslim minority. As per the 2011 Census, Muslims account for 17.22 crore of the total population, approximately 14.2%. According to the Technical Group on Population Projections of the National Commission on Population, the country's population is estimated to reach 138.82 crore in 2023. Applying the same percentage of 14.2% from the 2011 Census, the projected Muslim population in 2023 is expected to be around 19.75 crore.⁴ This extensive Minority, and specifically the Muslims Population in India, is under the threat of the rise of RRP. The emergence of PRR in the Indian context is coupled with the emergence of Narendra Modi, which epitomises a significant phenomenon. Leading the BJP, Modi ascended to power in 2014, a development reminiscent of PRRP's rise in the US and the EU, albeit with notable distinctions from previous iterations of the BJP. Modi's approach combines elements of Hindutva ideology with a focus on developmental initiatives, constituting a novel blend that has left a profound impact on Indian society and politics, characterised by its adverse effects on the minorities of India.

In this context, the part II of this article delves into the BJP's historical evolution and philosophical underpinnings. Subsequently, the research proceeds to dissect the three key distinguishing characteristics of PRRPs, as conceptualised within the ideational framework: their perceptions of immaculate "people," evil "elites," and dangerous "others." The subsequent parts (IV-IX) of this article examines several recent instances of majoritarian violence and hate speech targeting Muslims in India during the Modi administration, situating these incidents within the broader context of Hindutva as a prevailing social movement in India.⁵ As mentioned, the radicalisation of Hindu populism starting in 2014 has led to changes in state policy, including legislation. Therefore, the fourth section of this article critically examines how India's rise of populism has affected both its domestic legal system and its obligations under international law. Lastly, the article discusses the legal implications of state policy from a populist perspective and explores how right-wing politics influence the legislative outlook of the country.

II. POPULISM IN INDIA

Populism in India, once neutral, was celebrated, echoing populist movements of the 17th century in America⁶ and Russia.⁷ Gandhian populism aimed to mobilise the masses against elites, advocating for a decentralised democracy and non-industrial economy. However, Gandhi's influence on postcolonial policy waned as modernist leaders took over, despite his popularity, and soon after independence, on January 30, 1948⁸ Nathuram Godse assassinated Gandhi. Godse belonged to the Hindu Mahasabha political party and was affiliated with the Rashtriya Swayamsevak Sangh (RSS), a right-wing Hindu paramilitary organisation. He also promoted the ideas of his mentor, Vinayak Damodar Savarkar, who formulated the ideology of Hindutva. The roots of contemporary Hindu nationalism can be traced back to nineteenth-century Hindu reform movements, which later transformed into political groups like the Hindu

⁴ 'Government of India Ministry of Minority Affairs Lok Sabha Unstarred Question No 6. 46 Answered on 20.07.2023 Muslim Population 46' *Sansad* (New Delhi: 2023) <<https://sansad.in/getFile/loksabhaquestions/annex/1712/AU46.pdf?source=pqals>> accessed 15 April 2024.

⁵ Maya Mirchandani, 'Digital hatred, real violence: Majoritarian radicalization and social media in India' (2018) 167 ORF Occasional Paper 1-30.

⁶ Farmers' Alliance, an American agrarian movement during the 1870s and '80s that sought to improve the economic conditions for farmers through the creation of cooperatives and political advocacy. The movement was made up of numerous local organizations that coalesced into three large groups.

⁷ Their ideology, known as Narodism, Narodism, or Narodnichestvo (narod) 'people, folk,' similar to the German volk), was a form of agrarian socialism or populism.

⁸ Narendra Subramanian, 'Populism in India' (2007) 27(1) *The SAIS Review of International Affairs* 81-91.

Mahasabha and the RSS. Initially focused on cultural strengthening, the RSS became involved in political activism, particularly opposing state intervention in Hindu personal laws. The transition from the Bharatiya Jan Sangh (BJS) to the Bharatiya Janata Party (BJP) marked a shift towards electoral politics, leading to the BJP's ascent as a major political entity in India.⁹

The populist movements of Europe are deeply rooted in the Fascist ideologies that once persisted as mainstream political forces in Europe. Similarly, the RSS found inspiration in European fascist movements, notably the Nazi Party of Germany, which it openly admired for promoting racial and ethnic purity.¹⁰ In 1931, Balakrishna Shivram Moonje, a Hindu nationalist mentor of Hedgewar, endorsed the emulation of German and Italian youth movements after meeting with Benito Mussolini. Today, admiration for fascism, particularly Nazism, within the Hindu nationalist camp has become mainstream, with Hitler and Nazi symbolism prevalent in various forms of popular culture. During Modi's tenure as Chief Minister of Gujarat in 2004, state-published school textbooks portrayed Hitler favourably, presenting him as a saviour of the German people and glorifying Nazism's internal achievements and ideology.¹¹ This glorification of Nazism has led to BJP and RSS leaders openly advocating for the deportation and elimination of non-Hindu minorities.¹² BJP legislator Rajeshwar Singh explicitly stated the goal of making India a Hindu Rashtra by 2021 and threatened Muslims with conversion or expulsion.¹³ Similar threats and discriminatory actions against Muslims have been echoed by other BJP leaders, culminating in the passage of anti-Muslim laws such as the Citizenship Amendment Act (CAA)¹⁴ and the National Register of Citizens (NRC). These laws discriminate against Muslims by fast-tracking citizenship for non-Muslim migrants while targeting undocumented Muslim migrants for detention and potential deportation. The government's implementation of these laws has led to widespread fears and human rights concerns, with Muslims disproportionately affected by arrests and detention, as acknowledged by Home Minister Amit Shah's exclusion of Muslims from his list of protected refugees and his derogatory remarks about Muslim migrants.¹⁵

Despite the visible surge in tangible and symbolic acts of violence nationwide,¹⁶ Modi continues to command significant popularity and wield considerable influence. To reconcile the inconsistencies in policies, the Modi-led government strategically employs what can be termed as "forked tongue" speech,¹⁷ presenting conflicting interests and unifying the Hindus,

⁹ Milan Vaishnav, C. Jaffrelot, Rukmini S., R. Sagar, A. Rej, G. Mehta, R. Verma (eds), *The BJP in Power: Indian Democracy and Religious Nationalism* (Washington: Carnegie Endowment 2019) 17.

¹⁰ Dharendra K. Jha, 'Guruji's Lie The RSS and MS Golwalkar's undeniable links to Nazism' *The Caravan* (New Delhi: 1 August 2021) <<https://caravanmagazine.in/history/rss-golwalkar-links-nazism>> accessed 15 April 2024.

¹¹ Harit Mehta, 'In Modi's Gujrat Hitler is a textbook hero' *Time of India* (Delhi, 30 September 2004) <<https://timesofindia.indiatimes.com/india/in-modis-gujarat-hitler-is-a-textbook-hero/articleshow/868469.cms>> accessed 15 April 2024.

¹² 'India: Government Policies, Actions Target Minorities' *Human Rights Watch* (New York: 19 February 2021) <<https://www.hrw.org/news/2021/02/19/india-government-policies-actions-target-minorities>> accessed 15 April 2014.

¹³ Amit Singh, 'Has the Hindu majority developed a 'Nazi conscience' in India?' *The Loop* (Colchester: 2024) <<https://theloop.ecpr.eu/has-the-hindu-majority-developed-a-nazi-conscience-in-india-nationalism/>> accessed 15 April 2024.

¹⁴ *ibid.*

¹⁵ 'Shoot the Traitors' *Human Rights Watch* (New York: 9 April 2020) <<https://www.hrw.org/report/2020/04/10/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>> accessed 15 April 2024.

¹⁶ Vaibhave Vats, 'Violence Is the Engine of Modi's Politics' *The Atlantic* (30 August 2023) <<https://www.theatlantic.com/international/archive/2023/08/narendra-modi-india-gurugram/675171/>> accessed 15 April 2024.

¹⁷ Nitasha Kaul, 'Rise of the Political Right in India: Hindutva-Development Mix, Modi Myth, and Dualities'

creating a significant 'others' in the society. This construction of PRRP destroys society's multicultural and secular theme and embeds unrest and fragmentation in society. PRR strategy in India involves speaking in a manner that resonates with various groups simultaneously,¹⁸ even if their interests may diverge, managing corporate and grassroots interests, navigating national and international agendas, and simultaneously addressing urban and rural dynamics encapsulated by the dichotomy of India.

Populism, as delineated by Canovan 1999,¹⁹ and Muller 2017,²⁰ denotes a political approach that challenges entrenched power structures and the established authority of political and intellectual elites, emphasising the concerns of the common people. Despite lacking a comprehensive, formal doctrine, populism exhibits discernible traits, notably its anti-pluralist disposition, delineating a dichotomy between 'us' (the ordinary people) and 'them' (comprising elites, refugees, immigrants, and ethnic and religious minorities), as expounded by Canovan 2002,²¹ Mudde 2004,²² Muller 2016,²³ and Taggart 1996.²⁴ Populist initiatives typically proffer pragmatic solutions to intricate issues. Canovan 1999,²⁵ leveraged the concept of popular sovereignty to assert representation of 'the people' vis-à-vis self-serving elites, albeit signalling underlying issues within liberal democracies. Abts and Rummens 2016²⁶ underscore populism's rejection of an open, pluralistic society foundational to democratic principles, advocating a closed identity paradigm instead. Paradoxically, the conditions conducive to populism's rise markedly, insufficient discourse, and political apathy toward common citizens' concerns foster the ascendance of right-wing populist leaders who capitalise on unrealistic promises and stoke xenophobic sentiments.²⁷ Scholarly discourse predominantly focuses on defining populism and delineating its principles within European contexts. Nevertheless, the populism observed in India, as outlined previously, adheres to a similar framework and employs analogous rhetoric and identity-driven political strategies akin to those employed by far-right factions in Europe. This form of identity politics categorises Muslims as the 'Other' or outsiders, thereby precipitating a brand of populism characterised by Islamophobic tendencies.

Consequently, Islamophobic populism encompasses the portrayal of Muslims as the 'Other,' accompanied by the attribution of negative connotations to Islam, facilitated through discursive strategies that rationalise discriminatory actions against Muslims.²⁸ An alternative conceptualisation involves a spectrum of perspectives and cognitive processes premised on the belief that Islamic culture, deemed incompatible with non-Islamic norms, necessitates regulation and control. Manifestations of Islamophobia extend beyond overt physical assaults targeting Muslims, mosques, and Islamic symbols. They transcend mere xenophobic rhetoric

(2017) 20 (4) *Journal of Labour and Society* 523-548.

¹⁸ Johannes Plagemann and Sandra Destradi, 'Populism and Foreign Policy: The Case of India' (2019) 15 (2) *Foreign Policy Analysis* 283-301.

¹⁹ Margaret Canovan, 'Trust the People! Populism and the Two Faces of Democracy' (1999) 47 (1) *Political Studies* 2-16.

²⁰ J. W. Müller, *What is Populism?* (University of Pennsylvania Press 2017) 123.

²¹ Margaret Canovan, 'Taking Politics to the People: Populism as the Ideology of Democracy' in *Democracies and the Populist Challenge* (Palgrave Macmillan 2002) 25-44.

²² Cas Mudde, 'The Populist Zeitgeist' (2004) 39 (4) *Government and Opposition* 541-563.

²³ Müller (n 20) 123.

²⁴ Paul A. Taggart, *The New Populism and the New Politics* (Palgrave Macmillan 1996) 202.

²⁵ Canovan (n 19) 2-16.

²⁶ Koen Abts and Stefan Rummens, 'Populism versus Democracy' (2007) 55 (2) *Political Studies* 405-424.

²⁷ C. Mouffe, 'Democracy in Europe: The Challenge of Right-wing Populism' (2007) *Political Science* <https://www.cccb.org/rcs_gene/mouffe.pdf> accessed 15 April 2024.

²⁸ Lacin Idil Oztig, T. A. Gurkan and K. Aydin, 'The Strategic Logic of Islamophobic Populism' (2021) 56 (3) *Government and Opposition* 446-464.

espoused by politicians and negative portrayals of Muslims and Islam in the media. Islamophobic populism garners prominence, evidenced by its exploitation in Indian populism under Modi's leadership, wherein Islamophobia serves as a mobilising tool, evidenced by a surge in anti-Islam rhetoric during national elections. The BJP's narrative portrays Islam and Muslims as existential threats, juxtaposing Islam unfavourably against Hindustan and asserting Hindu exclusivity over the nation. Islamophobia, defined as aversion, prejudice, or fear toward Islam and Muslims, permeates legislative and policy frameworks, engendering polarisation among Hindu and minority communities. Moreover, the impetus for this research lies in the imperative to scrutinise the rising tide of Islamophobic rhetoric within the BJP, not merely as a product of the party leader, Narendra Modi, but as an intrinsic facet of the party's doctrinal and strategic orientation. The article employs an ideational methodology widely used in analysing populism.²⁹

The choice of the ideational approach is informed by the BJP's distinctive character as a well-established party with deep-rooted social foundations in India, rendering it a political force transcending any individual, including Modi.³⁰ Unlike cases such as Thaksin Shinawatra's party in Thailand or Alberto Fujimori's in Peru, which functioned primarily as election vehicles for nationalist leaders closely linked to the founders and their families, the BJP represents a formidable and enduring political entity in India, currently ranking as one of the world's most prominent political parties in terms of participation.³¹ Acknowledging that the BJP's existence will persist irrespective of Modi's popularity or power is vital. Thus, comprehending how the BJP aligns with the PRRP conceptual framework and operates is essential for gaining insights into the BJP's nature and the ramifications of its ascendancy in the context of rising racist extremism in India.³²

Within the context of an ideational approach to populism, the study proposes a distinct conceptualisation and underscores the associated theoretical arguments regarding the significance of ideas in causal analysis. In the ideational framework, populism is considered a thinly defined ideology or an alternative construct. Considering the assessment of these disparities as relatively negligible, the research uses a comprehensive populist framework. It posits that the fundamental tenets of populism significantly apply to Islamophobic Populism in India within this framework. Populism represents a specific manifestation of ideas occupying a distinct level or category. While more concrete and articulated than a mere collection of personality traits, it needs to attain a full-fledged ideology's level of consciousness and programmatic structure. Instead, Populism consistently coalesces with a foundational ideology; in the Indian context, this ideology is Hindutva. This is evident in the escalating prominence of right-wing, exclusionary populism in India.

III. RIGHT-WING POPULISM: 'THE PEOPLE,' 'ELITES,' AND 'OTHERS'

An ideational approach is employed to classify political actors within the Populist Radical Right (PRR) movements.³³ Instead of reducing populism to a mere campaigning or governing

²⁹ Kirk A. Hawkins and C. R. Kaltwasser, 'The ideational approach to populism' (2017) 52 (4) *Latin American Research Review* 513-528.

³⁰ B. M. Jain, *The geopsychology theory of international relations in the 21st century: escaping the ignorance trap* (Lexington Books 2021) 97.

³¹ Tom Ginsburg and A. Z. Huq, *How to save a constitutional democracy* (University of Chicago Press 2020) 320.

³² Debasish Roy Chowdhury, 'Is India Headed for an Anti-Muslim Genocide?' *South Asia Pulse* (4 October 2022) <www.sapulse.com/new_comments.php> accessed 29 January 2024.

³³ Matthijs Rooduijn and T. Pauwels, 'Measuring Populism: Comparing Two Methods of Content Analysis' (2011) 34 (6) *West European Politics* 1272-1283.

style reliant on direct leader-voter interactions, populism is fundamentally conceptualised as a set of ideas characterised by the inherent antagonism between the populace and the elite.³⁴ Canavan aptly observes, “All forms of populism, without exception, involve some kind of exaltation of an appeal to ‘the people,’ and all are, in one way or another, anti-elitist”.³⁵

The foundation for Mudde’s frequently cited definition of populism as “a thin-centered ideology that considers society to be ultimately divided into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite,’ and which contends that politics should be an expression of the *volonté générale* (general will) of the people” can be traced back to this dichotomy of virtuous commoners versus venal elites.³⁶ Populism, characterised as a thin-centred ideology, invariably coexists with the thicker ideological paradigms of the Left, Right, nationalism, or other ideological stances.³⁷ Thus, a party may embody left-wing, nationalist, regionalist, or right-wing attributes but will never be solely categorised as “populist.”

Ideological populists, regardless of their ideological inclinations, invariably present themselves as the exclusive custodians of an undiluted, authentic populace.³⁸ Implicit in this assertion is the belief that “populists are always anti-pluralist: populists assert that they, and they alone, represent the people,” a sentiment echoed by Jan-Werner Müller.³⁹ Consequently, populists contend that they are the authentic interpreters and representatives of the genuine people.⁴⁰ Populists position themselves as agents on a mission to restore power, purportedly seized by elites, to its rightful owners, the people.⁴¹ This is achieved through the demarcation of ‘the people’ and their elite adversaries. Kriesi succinctly captures the central populist message, asserting that politics have been wrested from the people’s grasp and must be reclaimed.⁴²

While both left and right-wing populist factions share the core notions of ‘the people’ and ‘elites,’ PRR exhibits distinctive additional features. PRR identifies the presence of ‘others’ within society who diverge from the beliefs of ‘the people,’ deeming them a paramount threat.⁴³ PRR contends that ‘the people’ are oppressed from above by political, cultural, media, financial, and other elites, who, according to populist narratives, favour these elites over the broader populace.⁴⁴ In Western democracies in recent years, PRR’s primary ‘others’ have notably included immigrants, particularly Muslims, post-9/11.⁴⁵ However, ‘others’ can encompass various social groups, distinguished by ethnic identity, religious or political convictions, or behaviours construed as positioning them in an adversarial relationship with

³⁴ Müller (n 20) 6-8.

³⁵ Canovan (n 19) 2-16.

³⁶ Cas Mudde, *Populist Radical Right Parties in Europe* (Cambridge University Press 2007) 229.

³⁷ *ibid.*

³⁸ Marco Tarchi, ‘Populism: Ideology, political style, mentality?’ (2016) 23 (2) *Politologický Časopis-Czech Journal of Political Science* 95-109.

³⁹ William A. Galston, *Anti-pluralism: The populist threat to liberal democracy* (Yale University Press 2017) 7-18.

⁴⁰ Nadia Urbinati, ‘The populist phenomenon’ (2013) 51 (3) *Raisons politiques* 137-154.

⁴¹ Hanspeter Kriesi et al, *West European Politics in the Age of Globalization* (Cambridge University Press 2008) 77.

⁴² Bart Bonikowski, D. Halikiopoulou, E. Kaufmann, and M. Rooduijn, ‘Populism and nationalism in a comparative perspective: a scholarly exchange’ (2019) 25 (1) *Nations and Nationalism* 58-81.

⁴³ Mudde (n 36) 30.

⁴⁴ Bonikowski et al (n 42) 58-81.

⁴⁵ Louise Cinkar, ‘Post 9/11 domestic policies affecting US Arabs and Muslims: A brief review’ (2004) 24 (1) *Comparative Studies of South Asia, Africa and the Middle East* 245-248.

‘the people’.⁴⁶ Consequently, PRR often advocates for authoritarian policies to impose societal order and mitigate perceived threats from these ‘others’.⁴⁷

Intriguingly, right-wing populism introduces unique conceptions of ‘the people,’ ‘elites,’ ‘others,’ and their interplay within the democratic framework. The BJP and its members’ ideological constructs align with these populism-related notions.

IV. THE HINDU, HINDUTVA, AND HINDU NATIONALISM

Hindu nationalism, commonly referred to as Hindutva, represents a complex blend of ethno-religious and nationalist ideologies that have held sway in India’s political landscape. Scholars like Sumit Sarkar and Bipin Chandra have noted that during the Bengal Swadeshi movement in 1905, leaders of the anti-imperial Congress Party advocated for a conspicuous alignment with Hindus, explicitly distancing themselves from the idea of union with Muslims.⁴⁸ Additionally, the Bharatiya Janata Party (BJP) draws its ideological roots from the resurgence of Vedic thought and the contributions of prominent spiritualists and social activists. They promulgated that Hindus constituted a distinctive, historically oppressed group, subjected to domination by external forces, initially by Muslim rulers and subsequently by the British colonialists.⁴⁹

According to Peter Van Der Veer, manifestations of communalism and anti-Muslim violence can be understood as radical facets of Indian nationalism, constituting a spectrum within the broader Hindu worldview.⁵⁰ The proponents of Hindu communalism employed a rhetorical framework built around shared socio-economic and political interests, intentionally pitting themselves against a marginalised religious minority, namely Indian Muslims.⁵¹

Vinayak Damodar Savarkar is credited with formalising and promoting Hindutva, also known as “cultural nationalism,” in 1923.⁵² This doctrine encompassed all those who regarded India as their place of birth, with the notable exceptions being Muslims and Christians, who were seen as not considering India their sacred land.⁵³ The Rashtriya Swayamsevak Sangh (RSS), established in 1925, owes some of its founding principles to Savarkar’s ideas. Madhav Sadashiv Golwalker, who led the RSS from 1940 to 1973, further expanded upon Savarkar’s ideology.⁵⁴ Golwalker’s writings, in which he referred to Christians and Muslims as “aggressive forces,” continue to influence Hindu nationalist groups collectively called the Sangh Parivar.⁵⁵

⁴⁶ Jacob T. Levy, *Rationalism, pluralism, and freedom* (Oxford University Press 2015) 1-31.

⁴⁷ J. H. Manson, ‘Right-wing authoritarianism, left-wing authoritarianism, and pandemic-mitigation authoritarianism’ (2020) 167 *Personality and individual differences* 10251.

⁴⁸ S. Sarkar, ‘Imperialism and Nationalist Thought (A Case Study of Swadeshi Bengal)’ (1970) 32 *Proceedings of the Indian History Congress* 111-119.

⁴⁹ *ibid.*

⁵⁰ P. Van der Veer, *Imperial encounters: Religion and modernity in India and Britain* (Princeton University Press 2001) 203.

⁵¹ *ibid.*

⁵² I. Ashutosh, ‘The transnational routes of white and Hindu nationalisms’ (2022) 45 (2) *Ethnic and Racial Studies* 319-339.

⁵³ H. Bannerji, ‘Making India Hindu and male: Cultural nationalism and the emergence of the ethnic citizen in contemporary India’ (2006) 6 (3) *Ethnicities* 362-390.

⁵⁴ *ibid.*

⁵⁵ R. M. A Saleem, ‘Hindu Civilizationism: Make India Great Again’ (2023) 14 (3) *Religions* 338.

It is worth noting that contemporary perceptions of “Hindu nationalism” often mistakenly frame it as primarily a religious movement. However, Savarkar and current Hindu nationalist organisations emphasised that faith constituted just one facet of “Hinduness” or the shared cultural and geographical identity. Savarkar contended that Hindu heritage, culture, and faith were intrinsically intertwined with their homeland, forming a unifying bond transcending mere religious beliefs. The inhabitants of this “populist heartland,”⁵⁶ as envisioned by Savarkar, were bound not only by their residence within the Indian state but also by their affection for a common homeland and their shared ancestry, akin to a race-*jati*, a race defined by a common origin and shared blood.⁵⁷ In Savarkar’s perspective, all Hindus claimed to possess “the blood of the great race derived from the Vedic progenitors” coursing through their veins.⁵⁸

Savarkar’s formulation of Hindu nationalism aligns considerably with the fundamental principles of radical right populism, featuring concepts such as “Hind for Hindus only,” identity politics, and the quest for a pure land for pure people.⁵⁹ This ideology has been systematically incorporated into Indian society through the activities of the Sangh Parivar, which has spawned numerous enterprises, educational institutions, religious groups, think tanks, and political parties, including the Bharatiya Janata Party (BJP).⁶⁰

V. THE IDEATIONAL ROOTS OF BHARATIYA JANATA PARTY-BJP

The Bharatiya Janata Society (BJS) established in 1951, was primarily dissolved upon the formation of the Bharatiya Janata Party (BJP) in 1980.⁶¹ The BJS had a notable presence within the government-in-exile from 1977 to 1979, representing the zenith of its electoral achievements.⁶² In its nascent stage, the BJP faced a slow start, securing only two seats in the Lok Sabha, the lower house of the Indian Parliament, during the 1984 general elections. However, its recognition and influence burgeoned over the subsequent decade, partly due to its ardent support for the Babri Mosque temple movement. Advocates of this movement contended that the Babri Mosque, established in the early sixteenth century, stood on the hallowed ground of a pre-existing Hindu shrine associated with Lord Rama.⁶³ Protests persisted until December 1992, when the mosque was razed following the breach of police barricades, resulting in over 2,000 casualties amid Hindu-Muslim unrest throughout the nation.⁶⁴ Subsequently, the Rashtriya Swayamsevak Sangh (RSS), a prominent right-wing Hindu nationalist organisation,

⁵⁶ Paul Taggart, ‘Populism and representative politics in contemporary Europe’ (2004) 9 (3) *Journal of Political Ideologies* 269-288.

⁵⁷ A. Misra, ‘Savarkar and the Discourse on Islam in pre-Independent India’ (1999) 33 (2) *Journal of Asian History* 142-184.

⁵⁸ R. Thapar, ‘The theory of Aryan race and India: History and politics’ (1996) 4 (1-3) *Social Scientist* 3-29.

⁵⁹ P. Singh and G. K. Parihar, ‘The Hindutva Brand of Populist Politics and the Women Question’ (2023) 22 (1) *Political Studies Review* 138-155.

⁶⁰ *ibid.*

⁶¹ R. Desai, ‘The slow-motion counterrevolution: developmental contradictions and the emergence of neoliberalism’ in Kenneth Bo Nielsen and Alf Gunvald Nilsen (eds), *Social Movements and the State in India: Deepening Democracy?* (Palgrave Macmillan 2016) 25-51.

⁶² Abts and Rummens (n 26) 405-424.

⁶³ L. E. Cady and S. W. Simon (eds), *Religion and conflict in South and Southeast Asia: disrupting violence* (Routledge 2006) 108-109.

⁶⁴ *ibid.*

faced a brief ban after these events. Yet, the BJP's political clout rose.⁶⁵ The BJP managed to augment its representation in a fragmented Parliament following the 1996 elections.⁶⁶

Nevertheless, its program, characterised by religious divisiveness, impeded the formation of a stable governing coalition, leading to a mere two-week tenure in power. The BJP experienced more success in the 1998 and 1999 elections, securing an alliance that governed until 2004.⁶⁷ While some pre-election promises rooted in Hindutva ideology, such as the construction of a new Ram Mandir in Ayodhya and the abrogation of the constitutionally sanctioned semi-autonomous status of Jammu and Kashmir, remained unfulfilled, the party undertook initiatives to further its Hindutva agenda. One such effort involved the "saffronisation" of school curricula, with an increased emphasis on religious instruction courses on astrology and Sanskrit and revisions to history textbooks.⁶⁸

India, historically renowned for its secular democracy status, has witnessed a marked transformation under the leadership of Narendra Modi and the ruling Bharatiya Janata Party (BJP).⁶⁹ Modi's political agenda revolves around a profoundly altered vision that envisions India as a Hindu nation, where religious minorities, constituting approximately 20% of the population, find themselves relegated to second-class citizenship.⁷⁰ This transformation is particularly stark for India's Muslim population, comprising roughly 14% of its inhabitants, grappling with mounting majoritarian violence and persecution.⁷¹

Tragically, stories of intimidation, violence, and discrimination against Indian Muslims have become disturbingly commonplace in Modi's India, garnering increasing attention from human rights organisations.⁷² These organisations meticulously document the escalating levels of violence against religious minorities year by year. As a result, international bodies such as Freedom House and V-Dem categorise India as only "partly free" and label it as an "electoral autocracy," denoting a significant deterioration in the country's human and civil rights realm.⁷³ The evolving landscape of India's democracy under the tenure of Narendra Modi emphasises the resurgence of Hindu nationalism, the marginalisation of religious minorities, and the concomitant erosion of fundamental rights and civil liberties. It delves into the sociopolitical dynamics that have engendered this transformation and scrutinises the implications of India's shifting political trajectory for its democratic ideals and pluralistic ethos. Throughout its existence, the Bharatiya Janata Party (BJP) has consistently promulgated that Muslims are inherently less Indian than their Hindu counterparts, underpinning its deeply entrenched Hindu

⁶⁵ W. Andersen, 'Evolution of a Hindu-oriented Political Party' (2017) 37 SAIS Review of International Affairs Politics 7.

⁶⁶ S. Pai, 'The Indian party system under transformation: Lok Sabha elections 1998' (1998) 38 (9) Asian Survey 836-852.

⁶⁷ Vaishnav (n 3).

⁶⁸ E. Anderson and C. Jaffrelot, 'Hindu nationalism Strategic Syncretism in Ideology Building' (1993) 28 (12) Economic & Political Weekly 517.

⁶⁹ C. Jaffrelot, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy* (Princeton University Press 2019) 313.

⁷⁰ M. Nussbaum, *The clash within Democracy, religious violence, and India's future* (Harvard University Press 2007) 9-15.

⁷¹ *ibid.*

⁷² 'Genocide Watch: India' (2020) <<https://www.genocidewatch.com/india>> accessed 29 January 2024.

⁷³ 'Early Warning Project Report 2021' (2021) <<https://www.earlywarningproject.com/reports/>> accessed 29 January 2024.

nationalist ideology.⁷⁴ The BJP's genesis in 1980 traces back to its roots in the Rashtriya Swayamsevak Sangh (RSS), a male-dominated paramilitary organisation founded in 1925, which drew inspiration from Italian fascist groups, including Mussolini's Blackshirts.⁷⁵ Both the BJP and the RSS believe India ought to be a nation exclusively for Hindus, shaped and governed by Hindus, with a paramount objective of forging and mobilising a monolithic Hindu identity. This identity historically exhibited porous and diverse characteristics.⁷⁶

VI. BJP AND ANTI-MUSLIM RHETORIC

The historical archives bear testimony to early Hindu nationalist leaders' endorsement of violence against Indian Muslims, highlighting the profoundly troubling roots of this ideology.⁷⁷ For instance, in December 1938, a mere few weeks after Kristallnacht, a nightmarish pogrom against Jews in Nazi Germany, the Hindu nationalist leader V. D. Savarkar articulated that Muslims opposing Hindu interests "will have to play the part of German Jews".⁷⁸ M. S. Golwalkar, the second leader of the RSS, echoed these sentiments by commending Nazi Germany's expulsion of the "Semitic Race - the Jews" as a "good lesson" for Hindusthan to emulate.⁷⁹ Disturbingly, such genocidal rhetoric retains its currency in contemporary India, as evidenced by a Hindu nationalist leader in 2021 urging his followers to prepare for the potential mass killing of millions of Indian Muslims.⁸⁰ Notably, international watchdog groups, including Genocide Watch and Early Warning (a project affiliated with the United States Holocaust Memorial Museum), have issued alarming cautions regarding the discernible signs of potential genocide unfolding within India.⁸¹

Narendra Modi, the incumbent Prime Minister of India, has deep-rooted affiliations with the RSS, having been a lifelong member.⁸² Before assuming the role of India's Prime Minister in 2014, he served as the Chief Minister of Gujarat, a tenure marred by the 2002 communal riots, among the deadliest religiously motivated conflicts since India's partition in 1947, resulting in the loss of at least 1,000 lives, predominantly among the Muslim community.⁸³ This episode elicited international condemnation, including a U.S. travel ban imposed in 2005, and earned Modi notoriety within India as an authoritarian figure with an anti-Muslim stance.⁸⁴ Paradoxically, this reputation played a pivotal role in propelling Modi and the BJP to victory

⁷⁴ T. B. Hansen, 'RSS and the Popularisation of Hindutva' *Economic & Politically Weekly* (1993) <<https://www.epw.in/journal/1993/42/reviews-uncategorised/rss-and-popularisation-hindutva.html>> accessed 31 January 2024.

⁷⁵ K. Graphics, 'Briefing-A Narrowing Space: Violence and discrimination against India's religious minorities' *Policy Commons* (2017) <<https://policycommons.net/artifacts/2672210/briefing-a-narrowing-space/3695278>> accessed 31 January 2024.

⁷⁶ *ibid.*

⁷⁷ Walter K. Andersen and Shridhar D. Damle, *The Brotherhood in Saffron: The Rashtriya Swayamsevak Sangh and Hindu Revivalism* (Westview Press 1987) 309.

⁷⁸ A. Nandy, 'A disowned father of the nation in India: Vinayak Damodar Savarkar and the demonic and the seductive in Indian nationalism' (2014) 15 (1) *Inter-Asia Cultural Studies* 91-112.

⁷⁹ C. Jaffrelot, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy* (Princeton University Press 2019) 314.

⁸⁰ 'US imposes India Gujarat sanctions' *BBC News* (2005) <http://news.bbc.co.uk/2/hi/south_asia/4568625.stm> accessed 31 January 2024.

⁸¹ 'India Events of 2019' *Human Rights Watch* (2020) <<https://www.hrw.org/world-report/2020/country-chapters/india>> accessed 29 December 2023.

⁸² M. Chakravarty, 'Prime Minister Narendra Modi's re-election may have grave implications for Indian democracy' (2019) 30 (4) *Journal of Democracy* 140-148.

⁸³ *ibid.*

⁸⁴ 'Freedom in the World 2021,- India' *Freedom House* (2021) <<https://freedomhouse.org/country/india/freedom-world/2021>> accessed 23 January 2024.

in India's 2014 general elections.⁸⁵ Subsequently, following five years of escalating Hindu nationalist violence against Indian Muslims, Modi led the BJP to another electoral triumph in 2019.⁸⁶ Despite facing opposition, even within India's Hindu majority, the BJP has amassed unprecedented power, profoundly influencing the sociopolitical landscape and the trajectory of India's pluralistic ethos.

VII. ISLAMOPHOBIC POPULIST ASCENT IN INDIA AND DOMESTIC POLICIES

Under the BJP administration, which draws inspiration from Hindutva doctrine and Hindu nationalism, policies that primarily favour Hindus at the expense of other religious groups have been enacted. These policies have placed minorities in a precarious position due to their perceived bias and Hindu-centric nature.⁸⁷ Numerous reports have emerged documenting instances where minorities have been targeted and subjected to violence by crowds driven by Hindu pride. This hostile environment has elevated the risks associated with adhering to a faith distinct from the majority, making religious diversity a concern for the public.⁸⁸ However, it is essential to note that India's history since its independence in 1947 has not been conducive to the protection of minority rights. The geographical map of India highlights the presence of three significant separatist clusters: Arunachal Pradesh with 37 distinct movements, Mizoram with two movements, Nagaland with three movements, Meghalaya with four movements, Tripura with 30 movements, Manipur with 39 movements, and Assam, collectively known as the "seven sisters" states of the extreme Northeast, featuring two movements, in addition to the regions of Khalistan and Kashmir.⁸⁹ These separatist movements have exhibited varying degrees of intensity, with their dynamics influenced by the tenure of Prime Minister Modi.⁹⁰

VIII. POST 2014 UPSURGE OF RADICALISM

Narendra Modi assumed the role of India's 14th Prime Minister on May 26, 2014, with a commitment to rejuvenate the nation's economy by implementing the same economic strategies that had previously transformed his home state of Gujarat, where he served as Chief Minister from 2001 to 2014.⁹¹ The Bharatiya Janata Party (BJP) secured a significant victory in the May 2014 Lok Sabha elections, securing 282 out of 545 seats in the lower house, establishing itself as the second-largest party after the Congress.⁹² Notably, the BJP garnered increased support from poor Hindus, with its strongest performance among middle-class and affluent voters. Chhibber and Verma found that BJP supporters tended to be well-educated, younger, and from higher socio-economic strata.⁹³ Their analysis emphasised that the party's

⁸⁵ *ibid.*

⁸⁶ 'V-Dem Annual Democracy Report 2021' *V-Dem Institute*, (2021) <https://www.v-dem.net/en/analysis/VD-DEM_Brochure_21.pdf> accessed 1 January 2024.

⁸⁷ F. Sariaslan, 'Hindu Nationalism and Rising Anti-Islamism in India' (2023) 6 (1) *Medya ve Din Arařtırmaları Dergisi* 103-124.

⁸⁸ '2022 Report on International Religious Freedom: India' *U.S. Department of State* (2022) accessed 3 January 2024.

⁸⁹ S. Bhaumik, 'Ethnicity, ideology and religion: Separatist movements in India's Northeast' in *Religious radicalism and security in South Asia* (APCSS 2004) 219-244.

⁹⁰ A. Vanaik, 'India's paradigmatic communal violence' (2009) 19 (45) *Socialist Register* 141-162.

⁹¹ D. Scott, 'India's "grand strategy" for the Indian Ocean: Mahanian visions' (2006) 13 (2) *Asia-Pacific Review* 129.

⁹² *ibid.*

⁹³ A. Sinha, 'Why has development become a political issue in Indian politics' (2016) 23 (1) *Brown Journal of World Affairs* 189-203.

ability to attract support from both religious conservatives and proponents of economic liberalism was fundamental to its success.⁹⁴ However, it is essential to note that only 8.5% of Muslims voted for the BJP, which marked a significant decline despite the party doubling its previous tally.⁹⁵ This election marked a historical first, as the BJP became the ruling party in India without a single Muslim Member of Parliament, as all seven of its Muslim candidates, out of 482, were defeated.⁹⁶ On the other hand, the BJP outperformed the Congress among Dalits, who constitute the Scheduled Castes, securing 24% of their vote compared to Congress's 18.5%. Furthermore, the BJP enjoyed a substantial advantage among the higher castes, winning 54% of their support compared to Congress's 12%.⁹⁷

The election campaign focused on Modi's self-proclaimed role as a strong national leader and the "Gujarat model" of neo-liberal economic growth credited to his tenure as Gujarat's Chief Minister. The campaign also leveraged new media technology effectively.⁹⁸ Consistent with the approach expected from the party's right-wing faction, Modi relentlessly criticised the Congress party as a corrupt elite and portrayed certain groups as outsiders, not part of the genuine Indian populace, "Congress is corrupt; it can't think of a future; India failed to thrive under Congress".⁹⁹ For instance, he singled out undocumented immigrants from predominantly Muslim Bangladesh, accusing them of taking away jobs rightfully meant for Indians and promising to address this issue if elected.¹⁰⁰ During the 2014 election campaign, the mainstream Indian media largely overlooked Modi's involvement in the Gujarat Riots, which resulted in the deaths of over 2,000 people, predominantly Muslim. The violence was sparked by Modi's false attribution of the deaths of 58 Hindu pilgrims in a train fire to Pakistani secret services, leading to communal unrest. Tragically, most of the destruction, including the burning of homes, shops, warehouses, and religious sites, affected Muslim communities over several months. Disturbing reports even suggested Hindu individuals taking pride in killing unborn babies by harming pregnant Muslim women.¹⁰¹

The involvement of police officers in the violence is deeply concerning, as they indiscriminately fired into crowds of Muslim demonstrators in response to Modi's orders to "shoot on sight," with Modi later defending these actions by stating that they "mowed down people" to quell the violence.¹⁰² A survivor's account highlights the horrific events that unfolded, with crowds inciting violence and police officers targeting Muslims.¹⁰³

⁹⁴ *ibid.*

⁹⁵ A. Roy, *Listening to grasshoppers: Field notes on democracy* (Penguin UK, 2009) 47.

⁹⁶ Quratulain Rehbar, 'India's no-Muslim government raises concerns over representation' *Nikkei Asia* (2022) <<https://asia.nikkei.com/Politics/India-s-no-Muslim-government-raises-concerns-over-representation>> accessed 15 April 2024.

⁹⁷ *ibid.*

⁹⁸ U. Tramballi and N. Missaglia, *India: The Modi Factor* (Ledizioni 2018) 139.

⁹⁹ 'Congress is corrupt, India failed to thrive under its rule: PM Modi' *The Economic Times* (2024) <<https://economictimes.indiatimes.com/news/politics-and-nation/congress-is-corrupt-india-failed-to-thrive-under-its-rule-pm-modi/articleshow/107745542.cms?from=mdr#>> accessed 15 April 2024

¹⁰⁰ P. Mirlotfi, S. Mohammad Isadegh and M. Gholamian, 'Investigating the Roots of Conflict between Extremist Groups and Muslims in India' (2022) *Journal of Subcontinent Researches* <https://jsr.usb.ac.ir/article_6937.html?lang=en> accessed 28 May 2024.

¹⁰¹ *ibid.*

¹⁰² K. Walyan, 'An Analysis of Extra-Judicial Killings' (2022) 3 (1) *Jus Corpus Law Journal* 874.

¹⁰³ 'India: Authorities must stop their discriminatory policy of punitively demolishing Muslim properties' *Amnesty International* (2024) <<https://www.amnesty.org/en/latest/news/2024/01/india-authorities-must-stop-their-discriminatory-policy-of-punitively-demolishing-muslim-properties/>> accessed 15 April 2024.

On August 5, 2019, Modi revoked the special status granted to Jammu and Kashmir under Article 370, making the entire Indian Constitution applicable to the state and effectively abolishing Article 35A, which had preserved the region's distinct demographic identity.¹⁰⁴ Given that Indian-administered Kashmir is the only state in India with a Muslim majority, many Kashmiris suspected Hindu nationalist groups of encouraging Hindu migration to the region. The Kashmir Valley has experienced an ongoing revolt against Indian authority since 1989, deepening tensions.¹⁰⁵ The situation worsened when Modi announced his second controversial move – stripping citizenship from 4 million individuals through the Citizenship Amendment Act (CAA) of 2019. In defence of the CAA's discriminatory nature, BJP officials argued that there is a fundamental distinction between refugees and illegal immigrants.¹⁰⁶ Those excluded under the National Register of Citizens (NRC) who do not fall within the purview of the CAA must appeal to Foreigner's Tribunals, which have a track record of rendering arbitrary and discriminatory decisions. Those whose appeals are rejected face detention.¹⁰⁷

To build a national electoral coalition, Modi and the BJP constructed a discourse that intertwined populist and nationalist rhetoric. Their strategy aimed to tap into the deep dissatisfaction with the Congress-led government's corruption, poor performance, slow economic growth, unemployment, and inflation. Modi portrayed himself as an outsider, a "common man" from a backward caste, standing alongside the people in contrast to the elite political class. He blamed dynastic rule for India's crises.¹⁰⁸ He positioned himself as the leader who would address the grievances of diverse segments of society, from impoverished farmers to the urban middle class.¹⁰⁹ This discourse extended beyond domestic politics, shaping India's foreign policy.

IX. RADICAL FOREIGN POLICIES OF THE BJP

During the election campaign, Modi proclaimed that "foreign policy should be determined by the people, not by a select group of politicians in Delhi",¹¹⁰ framing 'the people' as powerless and marginalised by an 'elitist' foreign policy. This portrayal signifies a strategy used by the populist Hindutva discourse, equating these perceived elite rulers with the foreign Other, reinforcing the divide between 'the people' and these elites. This discursive technique conflates the elite and the foreign Other, portraying them as a collective threat to "the people" while also highlighting the nativist nature of this discourse. By invoking the foreign Other, Modi and the BJP engage in a discourse that generates a shared sense of Self through Othering, differentiation, and exclusion, ultimately defining specific entities as foreign and thereby delineating the boundaries and identity of the Self.¹¹¹

¹⁰⁴ L. C. Angeles and Wajiha Mehdi, 'Perfect Pretext: Populist Authoritarian Seizure of Pandemic Emergency Powers in India and the Philippines' (2023) *Journal of Contemporary Asia* 1-27.

¹⁰⁵ *ibid.*

¹⁰⁶ Abdessalam Jaldi, 'The Indian Citizenship Amendment Act' *Policy Center for The New South* (2021) <<https://www.policycenter.ma/sites/default/files/2021-01/PB%20-%202020-23%20%28A%20Jaldi%29.pdf>> accessed 15 April 2024.

¹⁰⁷ C. Sharma, 'Hijas of Assam: undocumented 'citizens' in the National Register of Citizens' (2022) 30 (2) *Contemporary South Asia* 181-193.

¹⁰⁸ Thorsten Wojczewski, 'Populism, Hindu Nationalism, and Foreign Policy in India: The Politics of Representing "the People"' (2020) 22 (3) *International Studies Review* 396-422.

¹⁰⁹ T. Aeijaz, 'Book review: Christophe Jaffrelot. Modi's India: Hindu Nationalism and the Rise of Indian Democracy' 10 (1) (2021) *Studies in Indian Politics* 639.

¹¹⁰ A. Ospanova, *Islamophobia in Modern India Since Establishment* (Doctoral dissertation, Necmettin Erbakan University Turkey 2022) 197-202.

¹¹¹ *ibid.*

Through such “boundary-creating political performances” and the associated “representations of danger”,¹¹² the populist Hindutva discourse seeks to construct a homogenous, secure, and robust Hindu nation-state by externalising difference and perceived threats. This involves labelling a series of Others and accusing them of obstructing or endangering the realisation of a unified Hindu identity. It is important to note that this discourse does not solely place the foreign Other outside the state’s boundaries or in the international system; rather, it positions them within the Indian state, particularly within the political establishment.

During the election campaign, Modi drew a connection between the Congress Party and the British colonial rulers by asserting that the “Congress immersed in vote bank politics” and had learned the “art” of divide and rule from colonial rulers. He called for unity against the Congress, comparing it to the unity during the Freedom Movement.¹¹³ In this representation, Congress leaders are depicted as a type of comprador class that has supposedly internalised a “neo-colonialist mindset.”¹¹⁴ This mindset is believed to manifest in their use of colonial language to govern people who do not understand, read, or write English, thus preventing them from perceiving India as a cohesive entity and viewing it as a collection of castes and religions exploited for electoral purposes. The RSS mouthpiece *Organiser* during the election campaign labelled this as ‘pseudo-secularism’ and argued that it was a Western secret weapon aimed at denying Hindus their nationhood. It alleged that Congress and other “so-called secularists” were “India’s true enemies” funded by foreign agencies or governments.¹¹⁵

India faced challenges on multiple fronts, contending with what it termed the ‘so-called Muslim invasion’ while simultaneously being accused of staging a “demographic invasion of Pakistan” in 2019 as part of a “multipronged strategy.” Additionally, the BJP accused various forces within India’s political establishment of treating certain immigrant groups as captive vote banks, causing National Security Adviser Ajit Doval to conclude that the civilisational essence of Indian nationhood was under relentless assault. Interestingly, Doval’s vision for the future of India’s intelligence agency bore striking similarities to the positions of the RSS.¹¹⁶

Before 2005, the head of India’s internal intelligence agency accused the government of jeopardising the nation’s security and implied that Muslim immigrants threatened India’s cultural identity. Similarly, Modi repeatedly alleged that Congress elites were unpatriotic traitors who colluded with India’s enemies. He insinuated that Congress supported Kashmiri separatists by claiming that “Congress leaders lend their voice to those who want *Azadi* (independence) in Kashmir”. Moreover, he criticised the Congress-led government for what he considered a feeble response to Pakistan and China’s hostile actions, stating that the real problem lay in Delhi, not at the border.

¹¹² S. Destradi, J. Plagemann, and H. Taş, ‘Populism and the politicization of foreign policy’ (2022) 24 (3) *The British Journal of Politics and International Relations* 475-492.

¹¹³ R. Kumar, ‘Understanding the Rise of Bharatiya Janata Party and Its Affinity to Rashtriya Swayamsevak Sangh’ (2023) 22 (1) *YMER* 359.

¹¹⁴ *ibid.*

¹¹⁵ J. Evans and N. Sahgal, ‘Key findings about religion in India’ *Pew Research Centre* (2021) <<https://www.pewresearch.org/religion/2021/06/29/religion-in-india-tolerance-and-segregation/>> accessed 21 February 2024.

¹¹⁶ D. Gartenstein-Ross, ‘Religious militancy in Pakistan’s military and Inter-services Intelligence Agency’ in *The Afghanistan-Pakistan Theater* (FDD Press 2010) 29.

X. POPULIST REFLECTIONS ON LAWS AND REGULATIONS IN INDIA

Populism impacts domestic law, particularly the country's constitution and response to international law. As Paul Blokker rightly points out, in the guise of radical change, populist regimes frequently show interest in and active participation in constitutional and constituent concerns. Such radical change could, in some circumstances, mean endorsing a sharp return to the status quo ex-ante or some glorious past, but it could also mean promoting inclusive, bottom-up, participatory mechanisms, such as those used in constitutional reform processes.¹¹⁷ Consequently, the transformation into radical Hindu populism from 2014 onwards resulted in amendments to domestic laws and less respect for international legal obligations, particularly human rights and discrimination. Despite the 1950s Indian constitution rejecting ethnocultural nationalism, with the rise of the BJP, it has now become a popular narrative from 2014 onwards.

Therefore, the last section of this article critically explores the impact of the populist rise on India's domestic laws and international legal obligations.

A. Love Jihad and Governance of Gender

One of the state-level laws in India designed to regulate religious conversions is the one pertaining to conversions in Uttar Pradesh. Supporters of a national ban on religious conversions have been vocal about the Rashtriya Swayamsevak Sangh (RSS) and current Indian Home Affairs Minister Amit Shah. However, the federal structure of Indian politics is to blame for the lack of a thorough national statute addressing religious conversions. According to the constitutional division outlined in Schedule 7 of the Indian Constitution, the states alone have the authority to decide issues relating to religion and religious freedom.¹¹⁸

At the subnational level, under the purview of states, many jurisdictions have implemented laws prohibiting religious conversions, many of which carry penal consequences. These laws are supposedly intended to provide legal protection to citizens against allegedly dishonest conversion practices. They are supposedly framed in the framework of protecting religious freedom, a concept commonly claimed to justify such enactments. Nonetheless, as we shall see later, these laws, although purportedly protecting civil rights, really emphasise people's freedom to practice, or return to, their Hindu religion. This religious tradition is asserted to be the legitimate property of all Indian citizens, according to the Hindu Right viewpoint. In this regard, it is important to note that the Uttar Pradesh ordinance mentioned above slightly from this trend clearly states that its goal is to prevent conversions rather than to protect the more general freedom of religious practice.¹¹⁹ For instance, Section 3 of The Uttarakhand Freedom of Religion Act, 2018, which was enacted by the Uttarakhand government in 2018, declares that marriages performed with the primary goal of a man converting from one faith to another while in union with a woman from a different religious background are void, regardless of when the conversion takes place. While section 3¹²⁰ does not explicitly mention Islam or the

¹¹⁷ Paul Blokker, 'Populist Governments and International Law: A Reply to Heike Krieger' (2019) 30 (3) *European Journal of International Law* 1009–1016.

¹¹⁸ P. Ranjan, 'Narendra Modi's Nationalist-Populism in India and International Law' *European Journal of International Law Blog TALK* (24 September 2023) <<https://www.ejiltalk.org/narendra-modis-nationalist-populism-in-india-and-international-law/>> accessed 6 December 2023.

¹¹⁹ Kenneth Bo Nielsen and Alf Gunvald Nilsen, 'Love Jihad and the Governance of Gender and Intimacy in Hindu Nationalist Statecraft' (2021) 12 (12) *Religions* 1068.

¹²⁰ Section 3, Prohibition of conversion from one religion to another religion by misrepresentation, force, fraud, undue influence, coercion, allurement or marriage. Which details the provision as; No person shall convert or

idea of “love jihad,” the explanation given in the list of purposes and goals related to the act makes it clear that there is a connection. The law most notably deals with the problem of “pseudo-social organisations” that covertly work to convert vulnerable groups of members of other religions. Additionally, it describes how some religions work to increase their influence through the conversion of those who practice different religions. The legislation clearly outlines situations in which men marry women who practice different religions under the guise of fabricating their own religious beliefs, then convert their partners to their faith.¹²¹ In this context, special attention is paid to the crucial issue of converting women.¹²²

B. Abrogation of Article 370 and the Shift of Indian Supreme Court on Federalism

As mentioned above, the revocation of Article 370 seems to be a political ploy at first glance, a deeper look reveals that a complex interplay of political and rational concerns drove this decision. It is imperative to ascertain that the Bharatiya Janata Party’s (BJP) desire to win over the Hindu community was the primary impetus for this historic legislative measure.¹²³ This action, purportedly motivated by political considerations, is supported by complex reasoning beyond the current political context. It was more than just a token political move to remove Article 370, which gave the area of Jammu and Kashmir exceptional autonomy. Instead, it reflects the BJP’s deliberate and purposeful attempt to match its political agenda with the desires and sentiments of the more significant Hindu population. Examining the nuances of this ruling makes it clear that the BJP aimed to speak to and connect with the feelings of the Hindu population on a national scale. As an advocate of a united and unified India, the party sought to garner broad support among the Hindu community to strengthen its political position more broadly.

The complex relationship between public opinion and political strategy highlights how complex the repeal of Article 370 is. This action must be seen as a deliberate attempt to influence the socio-political environment by appealing to the identity and ambitions of a sizable portion of the Indian populace, rather than only being seen in terms of short-term political gains. One must consider the deeper motivations behind this conduct as well as the larger socio-political context in which it took place to understand its ramifications fully.

In addition to showing judicial deference, the Supreme Court of India’s judgment¹²⁴ to support the abolition of Jammu and Kashmir’s special status under Article 370 of the Constitution signals a shift away from the Court’s well-known stances on federalism, democratic values, and the integrity of the legal system. Unquestionably, it is a political boost for the ruling BJP and support for its bold decision to remove Kashmir’s special status and put it on par with other States, which was made in August 2019. But it’s also a decision that weakens the constitutional process, ignores historical context, and validates the subversion of federal ideals. The conclusion reached by the Court that Parliament can act on behalf of the State legislature in any capacity, including legislative and non-legislative ones with potentially irreversible

attempt to convert, either directly or otherwise, any other person from one religion to another by use of misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage nor shall any person abet or conspire such conversion; Provided that, if any person comes back to his ancestral religion, shall not be deemed conversion under this Act. See, the Uttarakhand Freedom of Religion Act, 2018.

¹²¹ *ibid.*

¹²² Nielsen and Nilsen (n 119).

¹²³ Robina Khan, Muhammad Zubair Khan and Zafar Abbas, ‘Moving Towards Human Catastrophe: The Abrogation of Article 370 in Kashmir Valley’ (2021) 41 (1) *Journal of Muslim Minority Affairs* 78-85.

¹²⁴ Writ Petition (Civil) No. 1099 of 2019 <https://main.sci.gov.in/pdf/LU/article_370.pdf> accessed 31 January 2024.

repercussions, is the most powerful attack on federal principles. This interpretation may have serious ramifications for State rights, allowing a variety of unfriendly and irreversible measures in the absence of an elected body. It also verges on weakening a fundamental aspect of the Constitution as stated by the Court. Furthermore, an example of judicial avoidance is the Court's refusal to rule on whether the Constitution authorises the division of J&K into two UTs. With this, the Court also declined to rule on a matter that immediately resulted from the first application of Article 3 of the Constitution to lower a State's status. The sole justification is that the Solicitor General promised to reinstate J&K's statehood. Therefore, from the constitutional perspective, the judgment threatens federalism and democratic processes to a terrifying extent while correctly preserving Indian sovereignty over J&K and weakening institutional restraints on power.

C. Diminished Adherence to International Law

Heike Krieger, in his *Populist Governments and International Law*, points to a significant trend of populist regimes that these governments emphasised the need to discern the characteristics of populism, which may lead to ruptures in the international legal order as they are not coherent with the current international legal framework.¹²⁵ The thought behind Hindu supremacy has stretched beyond the ambit of Indian domestic laws and politics and has been reflected in India's strategic and international affairs. For instance, to gain political gain and ignite nationalist sentiments just before elections, India crossed the Line of Control in 2016 to carry out "surgical strikes" against alleged terrorist launch pads located in Pakistani-administered Kashmir. The Indian Air Force then carried out its first "non-military pre-emptive strike" on terrorist camps located on Pakistani territory in 2019—a move that had not been done since the war of 1971. These military interventions contrasted with India's historical commitment to self-control because they were reactions to terror attacks that Pakistani-based groups carried out.¹²⁶

India used the controversial 'unable or unwilling' theory to defend its use of force. According to this doctrine, a state attacked by a non-state actor acting out of another state has the right to retaliate against the host state if judged unable or unwilling to deal with the threat inside its borders. It is questionable whether this doctrine applies to what India has done because it has presented its strikes as "pre-emptive" rather than self-defence. However, these incidents highlight a worrying pattern in which states use force against non-state actors more frequently in international relations. Specifically, India invokes the concept of popular sovereignty to assert its guardianship over the 'pure people' who fervently back military action against Pakistan.¹²⁷

On the other hand, the Modi administration takes a different stance on the use of force against China. India does not act as assertively towards China as it does towards Pakistan, despite recent increases in border tensions and military clashes. Recognising the imbalance of power, the Modi government advocates for diplomatic problem-solving while stressing a practical approach to managing relations with China. However, this practical approach does not mean India's broader nationalistic narrative is devoid of criticism of China. However, the populist

¹²⁵ Heike Krieger, 'Populist Governments and International Law' (2019) 30 (3) *European Journal of International Law* 971-996.

¹²⁶ P. Ranjan, 'Narendra Modi's Nationalist-Populism in India and International Law' (2020) *European Journal of International Law Blog TALK* (24 September 2023) <<https://www.ejiltalk.org/narendra-modis-nationalist-populism-in-india-and-international-law/>> accessed 6 December 2023.

¹²⁷ *ibid.*

element is conspicuously lacking, given that, in contrast to Pakistan, China does not hold a significant position in the Hindu nationalist consciousness.¹²⁸

XI. CONCLUSION

This article examines the trajectory of the Bharatiya Janata Party (BJP) through the lens of right-wing populism and its ideational roots. It sheds light on the intricate interplay between identity politics, Hindu nationalism, and Islamophobia within the Indian political landscape. The BJP's rise to power, marked by the radicalisation of Hindu populism since 2014, has had profound implications for India's domestic legal system and its international obligations, particularly in the realms of discrimination and human rights.

The analysis underscores the BJP's alignment with the core tenets of right-wing populism, as it identifies and mobilises 'the people' against perceived 'elites' and 'others.' Rooted in the ideational approach, the examination reveals the unique nuances of the BJP's populism, distinguishing it from traditional European cases. The fusion of Hindutva ideology and political power under the BJP has contributed to the marginalisation of religious minorities, particularly Muslims, manifesting in a surge of majoritarian violence and discriminatory policies.

The historical roots of Hindu nationalism, as articulated by figures like Savarkar and Golwalkar, reveal a troubling continuity of anti-minority sentiments within the broader Hindutva framework. The BJP's promotion of identity politics and the intertwining of Hindu nationalism with state policies have exacerbated communal tensions, with echoes of past divisive rhetoric persisting in contemporary India. The article also draws attention to the international implications of the BJP's ascent, as it has led to a decline in adherence to international legal commitments, reflecting a broader global trend of populist leaders challenging established norms. The erosion of India's democratic ideals and the increasing categorisation of the country as an "electoral autocracy" underscore the consequences of the BJP's populism for the nation's pluralistic ethos and civil liberties.

In conclusion, this article contributes to a more comprehensive understanding of right-wing populism by examining the BJP's ideological underpinnings and their impact on India's sociopolitical landscape. The findings emphasise the need for scholars and policymakers to recognise the global dimensions of populism, transcending Western-centric analyses. Additionally, the article highlights the imperative of monitoring the implications of identity politics and Islamophobia for the well-being of minority communities and the broader democratic fabric in India. As the BJP continues to wield significant political influence, ongoing scrutiny of its policies and their repercussions remains crucial for safeguarding the principles of inclusivity, equality, and human rights within the diverse tapestry of Indian society.

¹²⁸ *ibid.*