



PROJECT MUSE®

How India's Ruling Party Erodes Democracy

Ashutosh Varshney

Journal of Democracy, Volume 33, Number 4, October 2022, pp. 104-118
(Article)

Published by Johns Hopkins University Press

DOI: <https://doi.org/10.1353/jod.2022.0050>



➔ *For additional information about this article*

<https://muse.jhu.edu/article/866645>

HOW INDIA'S RULING PARTY ERODES DEMOCRACY

Ashutosh Varshney

Ashutosh Varshney is Sol Goldman Professor of International Studies and the Social Sciences and director of the Saxena Center for Contemporary South Asia at Brown University. His essay "Modi Consolidates Power: Electoral Vibrancy, Mounting Liberal Deficits" appeared in the October 2019 issue of the Journal of Democracy.

Can democratic processes be used to secure undemocratic outcomes? Can freely contested elections be deployed for the purpose of expressing, cultivating, or enhancing majoritarian prejudices—to target minorities and turn them into lesser citizens? Can electorally acquired power, a necessary requirement of democracy, be used to undermine civil liberties, also considered integral to democracy?

These paradoxical questions are quite old, taking us back to how democracy was at the same time both used and weakened in the American South during the era of Jim Crow (1880–1965) and in Europe between the two world wars.¹ But the furious resurgence of such contradictions is also manifest in the current era of democratic erosion. Democratically elected leaders, not military rulers or tribal chiefs, are undermining democracy in many parts of the world, a process that has come to be called “democratic backsliding.”²

As it celebrates seventy-five years of independence, India is one of the latest entrants to start on this downward spiral. Outside the 21 months of the 1975–77 Emergency (when elections were suspended, opposition politicians jailed, and the press censored), India has been the world's largest uninterrupted democracy for more than seven decades. It has also been an improbable democracy.³ In 1989, Robert A. Dahl called it “the leading contemporary exception” to democratic theory, for in India “polyarchy was established when the population was overwhelmingly agricultural, illiterate . . . and highly traditional and rule-bound in behavior and beliefs.”⁴ And in 2000, analyzing worldwide statistics on democracies for the years from 1950 to 1990, Adam Przeworski and

his coauthors noted that their model predicted India “as a dictatorship during the entire period,” meaning that “the odds against democracy in India were extremely high.”⁵

Dahl relied on what he called the MDP (“modern, dynamic, and pluralist”) criteria. India had ample pluralism, both religious and linguistic, but a mostly rural economy and sluggish growth during the first three decades of independence left India short of full MDP status. Democracy flourished nonetheless. Rapid growth came with the 1990s, but the World Bank classed India as a low-income country until 2007. Still, Indian democracy remained intact.

Democratic backsliding began with the rise of Narendra Modi and his Bharatiya Janata Party (BJP) to power as a result of the 2014 elections. Five years later, they won an even bigger parliamentary majority. The BJP now runs not only the central government, but also all but ten of the 28 states, whether on its own or allied with other parties. It has become India’s most powerful political party, leaving the traditional hegemon, the Congress party, far behind. Congress’s share of the 543-seat Lok Sabha (the lower house of Parliament) is a paltry 53 seats compared with the BJP’s 303. Congress governs only three states, one of them in a coalition.

The BJP’s eight years in power are enough to reveal trends. Just what have the BJP governments been doing that is bringing about democratic erosion? How does the BJP’s performance compare with India’s earlier democratic record?

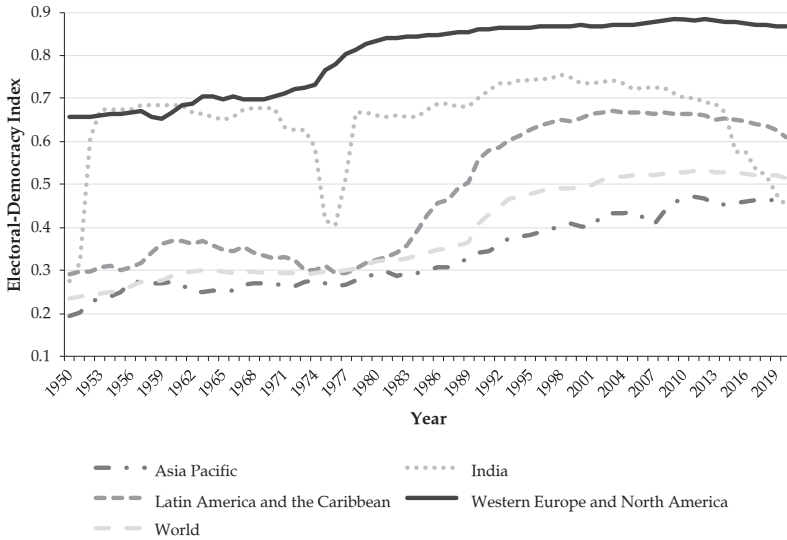
Indian Democracy’s Uneven Path

India’s record as an electoral democracy is summarized in Figure 1. By and large, it has performed lower than the average for Western Europe and North America but higher than the average for the Asia-Pacific, Latin America, and the world as a whole.⁶

Since independence in 1947, India has held 17 national and 384 state elections. There have been eight alterations in power at the national level, easily passing Samuel P. Huntington’s well-known “two-turnovers test” of democratic consolidation. The BJP has lost more than a few state elections, including ones in which Modi led the campaign.⁷ The party has never challenged the integrity of an election that it lost—not even in states (such as Delhi and West Bengal) that it desperately wanted to win. Its response to election defeats is to win over enough defectors from other parties to allow the BJP to form the state government.

But does it follow that elections under Modi have been free and fair? Many commentators in India say that they are so only in the formal but not the real sense. Lopsided campaign funding is often cited.⁸ The BJP is so much richer than the other parties, the argument goes, that elections may be free but they are no longer fair. This reasoning has two flaws.

**FIGURE 1—ELECTORAL-DEMOCRACY INDEX:
INDIA AND SOME WORLD REGIONS**



First, the Congress party during its heyday had a huge financial edge, yet claims that this made elections unfair were rarely heard. In politics, funds flow to winners. Second and more significantly, poorer political parties in India can and do win, as they have done in Delhi and West Bengal in recent years. Money is not all that matters: Messages, campaigns, and personalities count too.

The BJP's electoral dominance has important theoretical implications. If we go by the claim of Przeworski and his coauthors that electoral competition alone is enough to define democracy,⁹ then India under Modi has not democratically regressed. Even by Dahl's twin standards of contestation (capacity to challenge the incumbent freely) and participation (effective exercise of the vote by all citizens), India's democratic vitality has held steady.¹⁰ The 2014 and 2019 parliamentary elections featured turnouts higher than 65 percent—the highest that India has ever seen. In 2019, more than 600 million people voted. In neither year did the opposition parties complain of a rigged or stolen election. They accepted Modi's victories.

Elections are not the place to look for Modi's democratic deficits. It is a fuller view of democracy, going beyond purely electoral criteria, that reveals the problems. Consider Dahl's more expansive ideas about what makes democracies deeper, broader, and more meaningful. Recall that for Dahl, the United States was only partly democratic until 1965 despite heavy two-party contestation.¹¹ That was not only because an overwhelming proportion of African Americans did not have the right to vote in much of the South, but also because their freedoms of expres-

sion and movement were heavily restricted. Only after the movement for civil and voting rights in the mid-1960s made black Americans freer did America become a deeper or fuller polyarchy.

In other words, once the contestation and participation thresholds are crossed, a democracy can attain higher quality (become a deeper polyarchy, in Dahl's terms) if citizens are free to speak, associate, and move.¹² There is no democracy without free elections, but higher-quality democracy demands that dimensions of freedom which cannot be reduced to free voting must also be present. Such freedoms are critical to how a democracy functions *between* elections, which is most of the time. Elections are episodic; civil liberties, if present, guide the everyday life of citizens. A democracy that focuses on elections, while curbing civil freedoms, is an illiberal democracy.

This is where Modi's India has faltered. Elections are hard fought, but freedom deficits have widened. Parties are free to campaign and people are free to vote, but many citizens are losing nonelectoral freedoms. Worse still, these losses are making no dent in Modi's popularity. Democratic backsliding, as it were, has begun to enjoy electoral legitimacy. Electoral democracy is coming into conflict with the broader notion of democracy, electoral as well as nonelectoral, that India's 1950 Constitution enshrines.¹³

The conflict means that minorities' rights are being diminished—not only through laws and executive decrees, but through violent attacks by the police and administration as well as vigilantes whom authorities make no move to restrain. Muslims are a special target. The conflict also means that civil liberties, and especially the freedoms of expression and association, are being eroded. At the root of it all is the ideology of Hindu nationalism, which governs BJP politics.

What Hindu Nationalism Stands For

The rights and equality of citizens are not the starting point of Hindu nationalism. Its core, instead, is a discourse of national loyalty on which rights are thought to depend. Further, loyalty is seen as community-based rather than as something anchored in the individual proclivities of citizens. Some communities, claims Hindu nationalism, are naturally loyal to India; others are not. The loyal should have superior rights and privileges; the less than fully loyal should have inferior rights, or maybe none at all. In the eyes of Hindu nationalists, to give all citizens equal rights violates historical and cultural truths and saps national strength, for the communities most committed to India's culture and progress are not given commensurate privileges. The loyal and the disloyal are made equal.

The key question is which communities are unquestionably faithful to India, and which are not. A century ago, V.D. Savarkar (1883–1966)

came up with the answer that still guides Hindu nationalists. He said that a loyal Indian is one who is attached to the geography of India, who was born in India, and whose religion has indigenous roots. Savarkar called anyone who met these three criteria a Hindu: “A Hindu means a person who regards this land. . . . from the Indus to the seas as his fatherland (*pitribhumi*) as well as his holy land (*punyabhumi*).”¹⁴

While the first two criteria could be individual traits, the third is community-based. Hindus, Buddhists, Sikhs, and Jains are presumed to have natural fidelity to India, for their religions were born in India. Hindu nationalists use the term “Hindu” for all these communities, not simply for persons who are Hindu by dint of their religious beliefs. In Hindu nationalists’ eyes, the two concepts—Hindu and Indian—are coterminous.

Muslims, in this account, cannot be truly faithful Indians, for their religion comes from outside India. Even Muslims born in India, says Savarkar, can have at best a “divided” love for it.¹⁵ History, charge Hindu nationalists, is replete with examples of Muslim infidelity to India. From the time of Mahmud of Ghazni (971–1030 C.E.) until British imperial capture began in 1757, Muslim emperors ruled different portions of India. Over these years, Muslim rulers and clerics showed their “disloyalty” again and again, assert Hindu nationalists. Muslim kings razed Hindu temples and imposed “forcible conversions” to Islam. At the time of independence in 1947, every fourth Indian was a Muslim—a legacy, say Hindu nationalists, of the centuries-long Muslim use of force. The 1947 partition left numerous Muslims outside India, which as of 2011 (the year of the most recent census) had a populace that was 14.2 percent Muslim. Hindus accounted for 79.8 percent. Even after going from a fourth to just under a seventh of the country, India’s Muslim population is one of the world’s largest within a single set of national borders: It amounts to nearly 200 million people spread across various parts of India.

The Hindu-nationalist version of history differs radically from the accounts of professional historians, who argue that while some Muslim emperors indeed destroyed Hindu temples and practiced religious discrimination, many others built bridges with their modes of governance, their promotion of the arts, and their everyday conduct. Many conversions came not from coercion, but from the influence of Sufi saints.

One of the best accounts of how Islam interacted with India’s preexisting culture and how, as result, a *syncretistic* Indian culture emerged came from Maulana Azad (1888–1958), a theologically trained Muslim politician who was a leader of India’s freedom movement against the British:

I am Muslim and proud of that fact. . . . In addition, I am proud of being an Indian. I am part of the indivisible unity that is Indian nationality. . . . It was India’s historic destiny that many human races and cultures and religious faiths should flow to her, and that many a caravan should find rest here. . . . One of

the last of these caravans was that of the followers of Islam. . . . Full eleven centuries have passed by since then. . . . Eleven hundred years of common history have enriched India with our common achievement. *Our languages, our poetry, our literature, our culture, our art, our dress, our manners and customs, the innumerable happenings of our daily life, everything bears the stamp of our joint endeavor.*¹⁶

To Hindu nationalists, this is deception. They see in India's past not syncretism, but Muslim dominance and Hindu humiliation. They claim that colonialism began, not with the British in the eighteenth century, as professional historians say, but with the arrival of Muslim rulers in the eleventh century, if not before.

Hindu nationalists also pay special attention to the 1947 partition of Britain's Indian colony into a Hindu-majority India and a Muslim Pakistan. It was the bloodiest episode of modern Indian history, with estimates of up to half a million deaths and as many as fifteen-million people fleeing across the new borders in fear of their lives. The emergence of a separate Pakistan, to Hindu nationalists, is the strongest proof of Muslim disloyalty to India.

The mainstream of India's freedom movement, led by Mohandas K. Gandhi and Jawaharlal Nehru, never accepted the Hindu-nationalist account of history, and neither did the framers of the 1950 Constitution. Promulgated after two years of deliberation by the Constituent Assembly, this fundamental document enshrines not Hindu supremacy but religious equality. Equal rights are guaranteed to all citizens; whether someone's religion is "native to the soil" is immaterial. To ensure that Hindu majoritarianism would not crush religious minorities, they are constitutionally guaranteed legal protections for their religious practices (forms of worship and religious laws concerning marriage, divorce, and property inheritance). The autonomy of their cultural and educational institutions is guaranteed as well.

All this was anathema to Hindu nationalists. They believed that the restoration of pre-Muslim Hindu supremacy—not any equality of religions—was the right way to build the nation after colonialism. Muslims simply could not be equal to Hindus in an independent India. National restoration demanded the righting of historic wrongs and the establishment of Hindu primacy.

For four decades after independence, this ideology was politically on the sidelines. The Congress party, which led the freedom movement and dominated the political scene, viewed Hindu nationalism as an ideological perversion. The political fortunes of Hindu nationalism began to rise only in the late 1980s. Until then, its share of the nationwide vote was in single digits. It now rules the country with an all-India vote share of just under 38 percent—more than enough, in a first-past-the-post parliamentary system such as India's, to produce strong legislative majorities.

The larger political implication of this development should be clear.

Because democratic rule is based on electoral majorities, we have an accentuating conflict between the constitutional promises of religious equality, minority rights, and civil liberties, on the one hand, and the voter-legitimated idea of Hindu supremacy, on the other. Hindu nationalism is fundamentally unconstitutional, but it is winning at the polls. Constitutional propriety and electoral realities are increasingly at odds.

Muslims as Lesser Citizens

The BJP is using the power that the voters are giving it to nullify the rights of Muslims via new laws and executive decrees, and it is also unleashing state-supported—or at least state-condoned—acts of vigilante violence against them. The May 2019 election gave the BJP 21 more seats in Parliament. In August, Modi’s government revoked the autonomy of Kashmir—the only Muslim-majority state in India—and made it a “Union territory” under direct rule from the center. This was a drastic alteration in Kashmir’s legal status.¹⁷

The BJP had long been irked that a Muslim-majority state enjoyed unique autonomy, even though religion was not the reason for that situation. Stripping Kashmir of autonomy and state status and subjecting it to rule by Delhi was an old Hindu-nationalist wish. Around the same time, the BJP majority passed a new amendment to a much-amended 1967 antiterror law so that individuals (and not just groups) could be classified as terrorists or promoters of terrorism. Under the new law, hundreds of Kashmiri politicians and activists were jailed, civil liberties suspended, and protests banned. This was a reprise of the 1975–77 Emergency, except now at the level of a state rather than the whole country.

The ideologically charged legislative fury also produced the Citizenship Amendment Act (CAA) a few months later. This provided a fast track to citizenship for members of “persecuted minorities” who had come to India from Afghanistan, Bangladesh, or Pakistan prior to 31 December 2014. The law specified the communities that could count as persecuted: Buddhists, Christians, Hindus, Jains, Parsis, and Sikhs made the list. Muslims were conspicuously omitted despite the presence in these countries of Muslim minorities (e.g., Ahmadis and Shias in Afghanistan and Pakistan) who have long felt persecuted, and have even suffered violent attacks because they are not Sunni. India’s original 1955 citizenship law contains no religious criteria.

Minister for Home Affairs Amit Shah, the most prominent BJP figure aside from Modi, scared Muslims further by announcing that a National Registry of Citizens (NRC) would be created to follow the CAA. In principle, the NRC process could leave many Indian-born Muslims stateless for lack of required documents. Hindus without papers, by contrast, could claim India as their only homeland and could cite as well the law’s listing of Hindus as a “persecuted minority” elsewhere in the

region (outside India and Nepal, Hindus are a minority everywhere in South Asia).

News of the CAA and NRC touched off protests, mostly peaceful, by Muslims and non-Muslims in different parts of the country until the pandemic restrictions of 2020 banned large

In several parts of India, the state has either stepped aside, allowing mobs to inflict violence on Muslims, or it has supported Hindu mobs. The formal and the informal modes of politics are increasingly coming together.

gatherings. In a remarkable expression of federal vitality, virtually all non-BJP state governments announced that they would refuse to implement the CAA and NRC in their respective states. Unnerved, Modi's government said that it would refrain from implementing the NRC. But no one can be sure that the idea will not be revived at a more politically opportune time.

After Kashmir and citizenship, a third ideological intervention—state-level rather than national so far—in Indian social life is the Hindu national-

ists' campaign against what they call the "love jihad." By law or decree, several BJP-ruled states have been trying to stop Muslim men from marrying Hindu women, even if such acts are entirely voluntary on the part of two adults. Hindu nationalists believe that there is a conspiracy to whittle away at the Hindu population and swell Muslim ranks. The conspiracy's agents are said to be young Muslim men seeking Hindu women as wives. The fear is that unless such pairings are outlawed, Hindus will become a minority. India is 14 percent Muslim and almost 80 percent Hindu, numbers that suggest the monumental improbability of such a demographic reversal. Nonetheless, the call to stop interfaith marriage remains a core item of the Hindu-nationalist agenda.

Do these legislative and executive interventions enjoy popular legitimacy? Is India's democracy, which has kept an impressive multifaith balance for decades, turning into a vehicle for the imposition of majoritarian prejudices? In 2019, the BJP ran on an openly Hindu-nationalist platform. Kashmir, the idea of a new citizenship law and registry, and denunciations of the "love jihad" figured in campaign speeches. It is hard to tell from the data if the BJP majority was won by ideological appeals, or by the enhanced welfare programs that Modi had spent his first term implementing. But there is no question that the BJP views its 2019 victory as a sign that its core ideology has received the voters' blessing.

Between late 2019 and early 2020 (just before the pandemic hit), the Pew Research Center conducted the largest Indian survey to date of public attitudes regarding religion and its relationship with the nation. The pollsters found that as many as 65 percent of Hindus believed that to be

a true Indian, one had to be a Hindu.¹⁸ The geographic area that stands apart is the South, which has always been the BJP's region of greatest weakness. In only one (Karnataka) of the five southern states has the BJP been able to make electoral headway. It controls the North and West and has penetrated the East, but the South remains elusive. This geographical distribution of the vote is consistent with the Pew Center's overall finding that nearly two-thirds of India's Hindus now equate being Indian with being Hindu.

While massive surveys are not available from earlier periods, most scholars agree that the tendency to align Indianness with Hinduism is now more popular than ever. Within the Hindu community, the internal caste divisions were always so serious that Hindu unity was scarcely conceivable. The election data now show that the BJP's vote is coming from all castes, suggesting a weakening of internal differences within Hindu society. The BJP has a long association with the "upper" castes of Hindu society, and struggled to gain "lower"-caste Hindu votes. That, however, has been changing.¹⁹ The political saliency of intra-Hindu caste rivalries appears to have waned as a more cohesive Hindu majority emerges. As for Muslim voters, only 8 percent consistently back the BJP—a low figure that is hardly surprising given the BJP's anti-Muslim ideology. What is the direction of causality here? Is greater Hindu cohesion driving the BJP's mounting appeal, or has the BJP's rise fostered greater unity among Hindus and made caste divisions subside? The key to the BJP's 2014 victory—and hence the party's rise to national power—was *not* Hindu nationalism.²⁰ In 2014, Modi and the BJP ran against slowing economic growth, the dynastic Nehru-Gandhi leadership of the Congress party, and that party's corruption. That year, the BJP took almost 31 percent of the national vote; five years later, the BJP vote share rose to nearly 38 percent. The idea that the BJP has used its arrival in power to craft greater Hindu unity seems plausible. Everywhere outside the BJP non-stronghold of the South, the readiness to draw an equivalence between being an Indian and being a Hindu is rising.

New Forms of Anti-Muslim Violence

Anti-Muslim trends are not only found in legislation and other official acts. They have spilled over into the streets. In several parts of India, the state has either stepped aside, allowing mobs to inflict violence on Muslims, or it has supported Hindu mobs. The formal and the informal modes of politics are increasingly coming together.

This is a novel phenomenon. To grasp how novel, consider that scholars who study ethnic and communal violence typically break it down into three categories:

- *Riots* are clashes between civilian mobs. Many people are target-

ed on both sides. The impartiality of the state's key agents on the ground (the police) may be in doubt but is not abandoned.

- *Pogroms* are a special category of riots that occur when the state condones or approves violent attacks against a minority. State neutrality is dropped in practice, and sometimes in principle too.
- *Lynchings* are mob attacks that target one person or at most a few people, which is distinct from the mass targeting that marks riots and pogroms.

The 1947 partition had seen the worst communal violence of the twentieth century, but Jawaharlal Nehru (who had effectively been prime minister since 1946) managed to reduce such violence significantly. When communal animosities and tensions were at a historic high, controlling Hindu-Muslim violence became a political project of the state, and the state succeeded at it. In other words, when the authorities put their mind to controlling communal violence, it shrank.

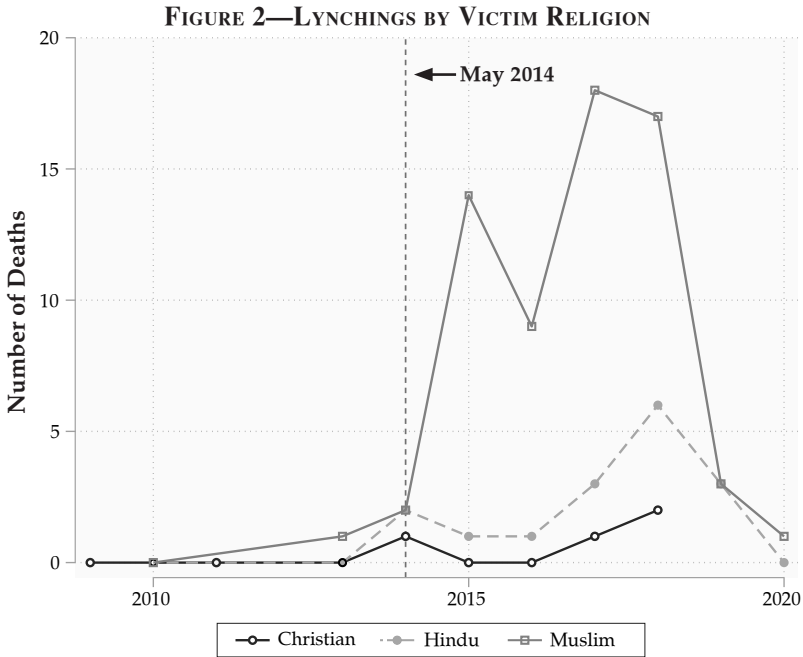
An upward trend in intercommunal riots began in the late 1970s and continued until 1994. This period saw the first non-Congress government (1977–79) in Delhi, and there were many non-Congress governments in various states. Studies show that the determination of governments, both Congress and non-Congress, to stem violence was no longer as resolute as it had been during the first two decades of independence.²¹

After 1995, rioting declined, but 2002 saw one of independent India's biggest riots. It took place under BJP rule in the northwestern state of Gujarat, while Modi was chief minister. This episode, which spanned the end of February and the beginning of March that year, was India's first anti-Muslim pogrom, as is now well researched and documented.²²

Two more large riots have taken place, one in 2013 and another in 2020. The latter, ominously, occurred in Delhi and began as a riot (Hindus and Muslims died in roughly equal numbers), but quickly turned into a pogrom, with mobs targeting Muslims while the police stood by. The law-enforcement agencies of Delhi are under the Home Affairs Ministry of the central government, meaning the BJP. This only underlined the pogrom-like character of the violence.

A still newer form of communal violence in India is the lynching. Unlike the American South between the fall of Reconstruction (1877) and the first three decades of the twentieth century, India has had no tradition of racial or communal lynchings. There have been lynchings after traffic accidents and thefts, and violent mobs have been known to attack "lower"-caste men in cases involving "upper"-caste women. But communal or religious lynchings were relatively unheard of.

A graph going back to 2009 shows a distinct rise in lynchings after the BJP's 2014 arrival in power. Figure 2 breaks down, for the same



period, lynchings on the basis of the religion of the victim. The numbers of Muslim victims are several times higher than those victims who were Hindu. Again, the upward spike after May 2014 is manifestly clear.²³

Comparative research on ethnic or racial lynchings in Indonesia and the Jim Crow U.S. South has demonstrated that lynchings cannot become widespread without an atmosphere of impunity in which those who have a mind to commit lynchings know that they are unlikely to be punished by the state.²⁴ In states with BJP governments, this condition has been prevalent. Since 2014, lynchings in such states have scarcely been penalized.

With eighteen states now under BJP rule, conditions for anti-Muslim pogroms are ripening. In a riot, the principle of the state's impartiality among various groups may be jeopardized, but it is not dropped altogether. In a pogrom, by contrast, the state abandons impartiality and either does nothing while majoritarian mobs attack minorities, or actively supports the attackers.

In BJP-ruled states, Hindu mobs increasingly assault Muslims while the police stand idle. In some states, the authorities themselves (whether police officers or civilian officials) bulldoze Muslim homes and businesses while Hindu mobs cheer. The grounds given for the property destruction may be Muslim participation in protests, or charges that Muslim-owned residences or businesses are sited or operated illegally. Rarely has there been a judicial finding prior to demolition. BJP govern-

ments have acted on their own without bothering to seek court approval. Uttar Pradesh, India's most populous state, has had a BJP government since 2014 and is the scene of many demolitions. They have also taken place in Delhi.

With ten states currently having non-BJP governments, pogroms are not yet an all-India phenomenon. They have also remained small in scale. Even so, they have become more frequent since 2014, and could well grow larger in the years to come if the BJP keeps winning elections. Electoral democracy, then, would be in danger of seeming to authorize not only anti-Muslim laws and executive decrees, but also lynchings and pogroms.

Warring Against Civil Society's Freedom

Hindu nationalism also attacks dissenting citizens more generally. Partly this is due to how much weight Hindu nationalists assign to the concept of duties, as opposed to rights. According to their ideology, civil liberties cannot build a strong nation; only national discipline and obedience to the state can. Modi has argued that citizens' duties must take priority over their rights.²⁵ This reasoning faults liberals for valorizing individual freedoms and minority rights while forgetting that rights hurt the nation, whereas duties strengthen it.

Hindu nationalists frequently denounce what they call "anti-national" forces. Liberals and leftists—the two terms may be used interchangeably—are said to fit the "anti-national" description, and the state is called on to punish them for their focus on individual (and minority) rights and their presumed lack of commitment to the national interest.

Such state-promoted discourse has led to an explicit or implicit undermining of institutions whose health depends on political and intellectual freedoms—universities, civil society, the press. The discourse also legitimates vigilante action by groups that target dissenters with harassment and threats. Vigilante action has figured in some of the key Hindu-nationalist projects including efforts to thwart the alleged "love jihad"; campaigns to stop beef-eating and the cattle trade; disruptions of Muslims' Friday prayers if mosques exceed capacity and worshippers spill into the streets; and disturbances meant to sink events featuring liberal or leftist writers and artists.

After the voters gave the BJP a second term in May 2019, the party's first big legislative salvo took direct aim at liberalism. This consisted of amendments, mentioned above, to existing antiterror and public-safety laws. The Modi government can now designate any individual a terrorist based on personal writings, speeches, social-media posts, or even literature found in one's possession. The space for judicial questioning of such detentions has shrunk, while leeway for preventive detentions on public-safety grounds has grown. Such detentions had not been seen

on a large scale since the Emergency almost five decades ago, but mass arrests are making a comeback. In 2021, the Varieties of Democracy (V-Dem) project reported that “over 7,000 people have been charged with sedition after the BJP assumed power and most of the accused are critics of the ruling party.”²⁶ While current statistics are hard to come by, the number by now is surely higher.

The attack on civil society groups is also unmistakable. Administrative actions to curb independent foundations and nongovernmental organizations have continued. In November 2021, National Security Advisor Ajit Doval, a longtime Modi aide, told the graduating class of the National Police Academy in Hyderabad that “the new frontiers [*sic*] of war . . . is the civil society.”²⁷ His formal speech announced what had been a reality for years: Since 2015, close to seventeen-thousand civil society organizations have been denied registration or renewal.²⁸ Many civil society leaders have been jailed.

The civil society organizations targeted by the Modi regime are not randomly chosen. Groups that advocate civil and minority rights are the focus of attack, while NGOs ideologically aligned with the BJP receive support. The most important of these is the RSS (Rashtriya Swayamsevak Sangh or National Volunteer Corps), the mother organization of Hindu nationalism. Born in 1925 (the BJP traces its own RSS-connected origin to 1951) and headquartered at Nagpur in central India, the RSS has been fighting for Hindu primacy for nearly a century.²⁹ A family of RSS-affiliated organizations known as the Sangh Parivar spreads across much of India and runs schools, health clinics, labor unions, and morning assemblies (*shakhas*) that teach martial arts and organizational discipline to millions of young people. Many of the BJP’s top leaders, including Prime Minister Modi, come from the ranks of the RSS and are schooled in its practices and ideology.

The “new frontiers of war,” then, are not battlements frowning down on all of civil society, but only those parts that champion civil and minority rights and do not support the regime

How far will the erosion of India’s democracy go? Will liberal freedoms entirely disappear? A critical issue here is the role of the judiciary. Courts are supposed to be governed by the constitution and laws, not election results, and courts are meant to safeguard constitutional rights. If the electoral logic of a polity begins to undermine the constitution, the courts can in principle push back and check parliamentary and executive excesses.

The news about the courts, however, is not good. After exercising considerable autonomy for nearly four decades, India’s judiciary is now showing signs of subservience to the government. With very few exceptions, judges have failed to protect civil liberties and minority rights. If that continues unchanged, if the BJP keeps receiving electoral endorsement, and if non-BJP states fall to Hindu nationalism, civil liberties will

collapse, elections may lose their vitality, and India will become an electoral autocracy. Things have not reached that pass—yet.

NOTES

1. C. Vann Woodward, *The Strange Career of Jim Crow* (3rd rev. ed., New York: Oxford University Press, 1974; orig. publ. 1955); Nancy Bermeo, *Ordinary People in Extraordinary Times: The Citizenry and the Breakdown of Democracy* (Princeton: Princeton University Press, 2003).

2. Stephan Haggard and Robert Kaufman, *Backsliding: Democratic Regress in the Contemporary World* (Cambridge: Cambridge University Press, 2021); Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Random House, 2018).

3. Ashutosh Varshney, *Battles Half Won: India's Improbable Democracy* (Delhi: Penguin, 2013).

4. Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 253.

5. Adam Przeworski, Michael E. Alvarez, José Antonio Cheibub, and Fernando Limongi, *Democracy and Development* (New York: Cambridge University Press, 2000), 87

6. The figure is based on the V-Dem Institute's statistics. As I have argued elsewhere, V-Dem overstates the electoral decline after 2014. See Ashutosh Varshney, "India's Democratic Longevity and Its Troubled Trajectory" in Scott Mainwaring and Tarek Masoud, eds., *Democracy in Hard Places* (New York: Oxford University Press, 2022), 34–72.

7. For example, Rajasthan, Chhattisgarh, Madhya Pradesh, Maharashtra, and West Bengal.

8. On the intricacies of political finance in India, see Devesh Kapur and Milan Vaishnav, eds., *Costs of Democracy: Political Finance in India* (New York: Oxford University Press, 2018).

9. Przeworski et al., *Democracy and Development*, 33–36.

10. Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), ch. 1.

11. Dahl, *Polyarchy*, 28–29.

12. After focusing on the minimalist, electoral concept of democracy in *Polyarchy*, Dahl developed these ideas more fully in *Democracy and Its Critics* (New Haven: Yale University Press, 1989).

13. See Madhav Khosla and Milan Vaishnav, "The Three Faces of the Indian State," *Journal of Democracy* 32 (January 2021): 111–25.

14. V.D. Savarkar, *Hindutva*, 6th ed. (Bombay: Veer Savarkar Prakashan, 1989; orig. publ. 1923), 1.

15. This applies to Christians and Jews as well, but their numbers are small and they are mostly ignored today. Christians earlier were not.

16. Stephen Hay, ed. *Sources of Indian Tradition*, 2nd ed. (New Delhi: Penguin, 1991), 237. Emphasis added.

17. Indian federalism is asymmetric; not all states have the same rights. The 1950 Constitution gave Kashmir, the only Muslim-majority state, greater autonomy.

18. Neha Sahgal, "Religion in India: Tolerance and Segregation," Pew Research Center, Washington, D.C., June 2021.

19. Nalin Mehta, *The New BJP: The Remaking of the World's Largest Political Party* (Delhi: Westland, 2022).

20. Ashutosh Varshney, "India's Watershed Vote: Hindu Nationalism in Power," *Journal of Democracy* 25 (October 2014): 34–45.

21. Ashutosh Varshney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India*, 2nd ed. (New Haven: Yale University Press, 2002), ch. 3.

22. Varshney, "Understanding Gujarat Violence," *Items and Issues* (New York: Social Science Research Council, Winter 2002).

23. See also Deepankar Basu, "Majoritarian Politics and Hate Crimes Against Religious Minorities: Evidence from India, 2009–2018," *World Development* 146 (October 2021).

24. On Indonesia, see Sana Jaffrey, "Right-Wing Populism and Vigilante Violence in Asia," *Studies in Comparative International Development* 56 (June 2021): 223–49; on the United States, see Paul White et al., "Rule by Violence, Rule by Law: Lynching, Jim Crow, and the Continuing Evolution of Voter Suppression in the U.S.," *Perspectives on Politics* 18 (September 2020): 756–69.

25. Narendra Modi, "Why India and the World Need Gandhi," *New York Times*, 2 October 2019.

26. V-Dem Institute, "Autocratization Turns Viral: Democracy Report 2021," 20, www.v-dem.net/static/website/files/dr/dr_2021.pdf.

27. Rahul V. Pisharody, "Civil Society, the New Frontiers of War, Can Be Manipulated to Hurt a Nation's Interests: Ajit Doval," *Indian Express*, 12 November 2021.

28. Rahul Mukherji, "Seeking to Destroy India's Civil Society," *The Hindu*, 27 July 2022.

29. See Walter K. Andersen and Shridhar D. Damle, *The RSS: A View to the Inside* (Delhi: Penguin Viking, 2019).