

February 15, 2022

## The Shaky Future of Citizenship

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*"In India, a birth-based model of citizenship is being cast off in favour of an ethnic and singular model. The civic all-encompassing idea of the nation and citizenship is giving way to a Hindu majoritarian conception."*

Faiz Ahmed Faiz's (1911-84) verses came alive during the winter of 2019-20 to invigorate the passionate resistance offered to the idea of citizenship visualised by the Bharatiya Janata Party (BJP) government, during protests against the Citizenship (Amendment) Act (CAA). The amendment — which went from bill to law in a matter of days — offers fast-track citizenship for non-Muslim undocumented immigrants fleeing religious persecution in the three Muslim-majority countries of the neighbourhood: Pakistan, Afghanistan and Bangladesh. This restricted scope not only obliterated the fact that Muslim groups too face religious persecution in these countries, but also excluded immigrants from countries like Sri Lanka and Myanmar, which have been sites of open discrimination and violence against their religious minorities.

The CAA came alongside talk of a National Register of Citizens (NRC), a list of those who fulfil legal requirements and are deemed 'genuine' citizens. Such a register so far exists only for Assam, where an updating process from 2015 onwards rendered people vulnerable to official harassment and disrupted lives. The 19 lakh people left out of the Assam list gave rise to enormous anxiety about the implications of a nationwide register.

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The citizens' protests that came up against the amendment spoke against the exclusion of Muslims. They began with a few women in Delhi's Shaheen Bagh expressing their difference with the legislation, but soon grew into a large-scale, peaceful, gathering of citizens across cities. In the cold winter of Delhi, the Shaheen Bagh protesters expressed their commitment to constitutional values, the plural fabric of citizenship, the ideas of inclusiveness and camaraderie. Women, children, and men came together in one of the most soulful expressions of solidarity and belongingness to convey their vision of an inclusive citizenship.

The dissent against the discriminatory CAA and NRC was expressed well by writer and poet Varun Grover in a poem penned for the occasion: 'we belong', this is 'our home', and 'we do not need to prove that this is our home however much you (the regime) might torment us.'

*Hum kagaz nahin dekhayenge  
Taana-shah aake jayenge  
Hum kaagaz nahi dikhayenge  
Taana-shah aake jayenge  
Hum kaagaz nahi dikhayenge*

*Tum aansu gas uchaaloge  
Tum zehar ki chai ubaaloge  
Hum pyar ki shakkar gholke isko  
Gatt, gatt, gatt pee jaayenge  
Hum kagaz nahi dikhayenge...*

More than two years later, the amendment has not been implemented, because the rules are yet to be notified. But much havoc has already been caused. A [recent news report](#) tells us that after the CAA was passed, 83 persons lost their lives in CAA-related violence between December 2019 and March 2020 in Assam, Uttar Pradesh, Karnataka, Meghalaya, and Delhi. In retaliation to the peaceful protests, Muslim livelihoods and properties were destroyed, mosques torched and Muslims beaten and lynched amidst chants of *jai sri ram*. These attacks and the Covid-19 pandemic lockdowns brought the protests to an end.

In *Citizenship Imperilled: India's Fragile Democracy*, Niraja Gopal Jayal documents these events, articulates the discriminatory nature of the CAA towards Muslims, and highlights the deep contention over citizenship between the state and the citizens in contemporary India. Through an interrogation of the law, rights, and democracy, Jayal looks at the question of who is, should be, or can be an Indian citizen. She brings out how the legal regime on citizenship in independent India has overarchingly, albeit subtly, become imbued with religion (Hindu majoritarianism) and created pathways for the truncation of this right for a sizeable section of India's people, the Muslims, thus bringing the statehood of India's Muslims into peril.

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The idea of citizenship in India has always been one of contestation, even "deep contestation," Jayal reminds us, as she charts its evolution from the times of the Morley-Minto Reforms (1909) to the present. She brings out the plight of marginalised sections – Dalits, Adivasis, Muslims, and the poor – who were on the fringes of substantive citizenship and who have further descended into inequality and disadvantage. Today, Muslims have become more vulnerable to the most brutal forms of state violence and the collapse of the rule of law. This has happened despite the fact that Scheduled Caste (SC) and Scheduled Tribe (ST) communities and Muslims were exceptions to universal citizenship. Special provisions were made for them (quotas for SCs and STs and constitutional protections for Muslims) to integrate them fully into the Indian polity. Moreover, women belonging to these groups and others always remained on the weaker side of citizenship: under-represented in public institutions and bearing the brunt of violence and discrimination.

Jayal argues that the Hindutva-ised state under the BJP government has been determined to turn the basis of Indian citizenship into *jus sanguinis* (blood, descent, race) from *jus soli* (birth on the soil of the country). Amendments in 2003, by the government of Prime Minister Atal Bihari Vajpayee, introduced the statutory categories of 'illegal immigrants' — who and whose descendants were made ineligible for Indian citizenship — and of 'overseas Indian citizens' — a status open to all foreign citizens of Indian origin, with the exception of descendants of Pakistani and Bangladeshi citizens. Jayal discusses what she calls the 'disagreement' over the conception of citizenship and locates them in three core dimensions: citizenship as legal status, citizenship as rights and entitlements, and citizenship as identity. To place the discussion in a global perspective, she points out that countries that adopted an ethnic citizenship model in the past are moving towards or adopting features of a more territorial birth-based model. In India, on the contrary, one sees the reverse: a birth-based model of citizenship is being cast off in favour of an ethnic and singular model. The civic all-encompassing idea of the nation and citizenship is giving way to a Hindu majoritarian conception.

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Jayal points out that balancing identity-based (or group differentiated) citizenship and the civic idea of citizenship in India has been a challenging task. Both have a 'deep moral appeal' and forsaking either has its drawbacks. The Congress party espoused a model of universal civic citizenship that accommodated diversity. This was incorporated in the Constitution where universal citizenship became the core, and group-differentiated citizenship a temporary provision to enable the move towards equality and social justice. The Constitution reflected the idea of India as a plural nation-state, but this was more of a 'national-civic-plural-ethnic' combination. The essays in the book highlight how group-differentiated citizenship seems to have become the 'dominant mode of citizenship'. The idea of a 'nation' as a civic community has become fragile. For Jayal, the coming together of social intolerance and feeble civic citizenship makes the future of citizenship shaky.

*Citizenship Imperilled* is an accessible compilation of Jayal's public lectures and previously published articles between 2012 and 2019, except for the introduction and the first chapter which are freshly written and based around the CAA. A consequence is that the volume at places is repetitive, stating and restating some of its claims and explanations. Jayal could have elaborated upon the theoretical underpinnings of the contemporary combination of ethnocracy and populism, and its implications for the changing idea of citizenship in a liberal democracy. Exploring this plausible causality would have brought out another important strand of the transforming nature of citizenship in India. Nevertheless, Jayal's contextualised and deft theoretical engagement with citizenship elucidates its different strands, and equips the reader with a fairly robust understanding of the relation between the state and belongingness.