

Reimagining Citizenship: The Politics of India's Amended Citizenship Laws

REIMAGINING CITIZENSHIP IN INDIA TODAY

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In December 2019, the Indian Parliament amended India's citizenship laws. Under the provisions of the Citizenship Amendment Act (CAA), Hindus, Buddhists, Jains, Christians, Sikhs, and Zoroastrians from its Muslim-majority neighbors Afghanistan, Pakistan, and Bangladesh will have their applications for citizenship fast-tracked. By explicitly omitting Muslims, Jews, Bahais, and atheists from its purview, the CAA introduced a religious filter that attacks the secular principles enshrined in the constitution. People from the six listed religious communities who entered India before December 31, 2014, were now eligible to apply for citizenship, with residence requirements reduced from 12 years to six.

Home Minister Amit Shah promised Parliament, as well as his audience during political rallies and press conferences, that the Amendment would be followed by the enumeration of the controversial National Register of Citizens (NRC), which exacerbated popular anxiety. Indians now must prove their citizenship by providing certain documents so they can be listed in the NRC; failure to do so could result in detention as an “illegal immigrant” and possible deportation. The NRC already had been undertaken in the State of Assam in 2018, and the Indian government hoped to elevate it to the national level. This is where the CAA played a role. India's 200 million Muslims (i.e., the world's second largest Muslim community), not covered under the CAA ambit, could be disenfranchised and stateless if they cannot prove their citizenship. The world then would witness the largest crisis of social exclusion, statelessness, and citizenship in history—potentially dwarfing the crisis in Europe on the eve of World War II. The crisis brewing in India illustrates the “biggest and most frightening setback” (Soros 2020) to open societies today.

Against these discriminatory laws, India erupted in protests not seen in more than four decades. Hundreds of thousands of protesters—cutting across religious, ethnic, and class cleavages—spilled into the streets to protest the amendment for violating India's secular constitution. Democracy in India is entwined by a conjoined politics of patronage and identity (Chandra 2004; Thachil 2014); however, in this case, identity politics and claims of inclusive citizenship intersected to produce democracy as a social and associational practice. Protesters condemned the religious filter introduced by the CAA, which they correctly believe is targeted against Muslims. Civil society activists called for civil disobedience against the Act. Opposition parties organized huge rallies protesting it in the states they govern. Students led protests against the CAA on at least 33 university campuses across the country.

The state's response was brutal, as violence by police and government-backed vigilantes was unleashed on peaceful protesters and protest leaders were detained arbitrarily. Within a week, 25 protesters were killed in police action and several thousands were arrested. Colonial-era provisions (e.g., the draconian Section 144, which prohibits public assembly) were instituted in several areas. Police fired into crowds of unarmed student protesters. Reports filtering out of the northern state of Uttar Pradesh suggested a systematic targeting of Muslim activists. The State government declared that it would seek “revenge” against the protesters. In an unprecedented turn of events, government-backed vigilantes invaded the campus of Jawaharlal Nehru University, explicitly identifying and thrashing left-leaning and liberal students. Politicians affiliated with the ruling party began to openly brand the protesters as traitors and called for them to be shot in cold blood. Their calls enabled right-wing activists to unleash violence on peaceful protesters in the heart of Delhi, the national capital, plunging the city into civil strife.

The ongoing contention in India reveals competing reimaginings of citizenship not only in India but also across the world. Underpinning the amendments are narratives of “ethnic citizenship” (Brubaker 1992) that claim India as the natural homeland of Hindus and other members of the so-called Indic faiths. Muslims are considered to be responsible for India's partition and the religious persecution of non-Muslim minorities in the country's neighborhoods. As noted by Jayal (2019), the CAA consolidates a *jus sanguinis* conception of citizenship versus the *jus soli* principle favored by the framers of India's constitution. In 1985, an amendment to the Citizenship Act declared that anyone who entered India after 1971 was deemed an illegal immigrant. In 2004, another amendment to the Citizenship Act declared that even if born on Indian soil, a person would not be eligible for Indian citizenship if even one parent was an illegal immigrant. The 2019 amendment, however, is remarkable for its explicit exclusion of Muslims. Against this *jus sanguinis* conception, protests emphasizing the “republican” (Dagger 2002) formulation of citizenship have emerged across India.

Contributions to this Spotlight discuss the meaning for democratic politics posed by these contests over citizenship. Supporters of the amendments argue that they are democratic insofar as they were passed through Parliament, where the government and its allies hold a majority since Prime Minister Modi's overwhelming re-election in May 2019. Critics argue that under India's First Past the Post system, a parliamentary majority does not signal a popular majority. Furthermore, the amendments violate constitutional provisions of secularism as well as broad principles of social justice. The following two specific questions frame the contributions to this Spotlight:

1. What are the implications of the amendments to India's citizenship laws for the country's 1.3 billion people? Whereas

Muslims suspect that they will be intentionally omitted from the NRC, members of historically oppressed communities (e.g., almost 300 million Dalits and Adivasis, slightly less than the entire US population), as well as 100 million-plus migrant workers and poor people, fear that they will be unable to provide the necessary documentation. How are different social groups likely to be affected?

2. What are the implications of the protests for democracy in India? Protesting Hindus and Muslims united in the streets in

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an unprecedented overcoming of religious cleavages. Which narratives bind them together and how might these be fragmented? Which frames are deployed to organize the protests and which frames might result in their unraveling? On which competing repertoires do they draw? What do these trends foretell for democratic citizenship in India?

In his article, Mander describes the contested terrain of citizenship in India today. He outlines the clash between Hindu supremacist and liberal democratic conceptions of belonging that have framed debates for almost a century.

Mander's article is followed by three contributions that emphasize the potentially adverse implications of the CAA for India's almost 200 million Muslims (Rehman), 80 million members of indigenous communities (Dasgupta), and 100 million internal labor migrants (Jain and Jayaram). That the CAA has not gone unchallenged is obvious in subsequent contributions that highlight women's role in leading protests (Contractor), the reference to India's constitution in framing the protests (Waghmore), and the role of states in protesting the law (Raman). The conclusion (Halder) distills the broader theoretical lessons for democracy and citizenship posed by the contested reimaginings of belonging in India.

Although protests against the CAA have been stalled due to social-distancing rules during the COVID-19 pandemic, the issue remains relevant to the very conception of citizenship, as suggested by the 2021 elections in the states of West Bengal and Assam. Contests over reimagining citizenship are relevant not only for India but also across the world, where scholars fear that democracy is "backsliding," "receding," or "dying." Despite grinding poverty, gaping inequalities, and recurring civil strife, India has remained a vibrant democracy for much of its 72 years as an independent nation, offering a model—however imperfect—of a postcolonial democracy. The resolution of the ongoing disagreements affects democracy not only for India's future but also for most of the world. ■

REFERENCES

- Brubaker, Roger. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge, MA: Harvard University Press.
- Chandra, Kanchan. 2004. *Why Ethnic Parties Succeed*. New York: Cambridge University Press.
- Dagger, Richard. 2002. "Republican Citizenship." In *Handbook of Citizenship Studies*, ed. Engin F. Isin and Bryan S. Turner, 145–57. Thousand Oaks, CA: SAGE Publications.
- Jayal, Niraja Gopal. 2019. "Reconfiguring Citizenship in Contemporary India." *South Asia: Journal of South Asian Studies* 42 (1): 33–50.
- Soros, George. 2020. Remarks delivered at the World Economic Forum, January 23. www.georgesoros.com/2020/01/23/remarks-delivered-at-the-world-economic-forum-3 (accessed June 1, 2021).
- Thachil, Tariq. 2014. *Elite Parties, Poor Voters: How Social Services Win Votes in India*. Cambridge: Cambridge University Press.

CONTESTED CITIZENSHIP: STRUGGLES OVER BELONGING

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*This land is mine
But I am not of this land.*

Kazi Neel, *Miyah poet*

A hundred years have passed since a battle was launched about the country that India would rebuild after the British left its shores. Mahatma Gandhi had returned from South Africa to lead India's freedom struggle. He inspired his people with the vision of a free country that would be inclusive and humane, welcoming people of every belief and ethnicity to be equal citizens with equal rights. This ideal lay at the foundations of the constitution of the new republic. India's first Prime Minister, Jawaharlal Nehru, declared: "We accept as Indian anyone who calls himself a citizen of India." Under the stewardship of scholar-statesperson B. R. Ambedkar, the country's founding Constituent Assembly crafted a constitution built on the ideals of equal justice and freedoms and fraternity.

However, this humane, inclusive vision of citizenship was not accepted by all Indian people. Among its bitter and determined detractors was the Muslim League, which maintained that India was not one but instead two nations: a Hindu India and a Muslim Pakistan. The inclusive idea of India also was vociferously contested by Hindu supremacist groups. Two of these groups were particularly prominent. The Hindu Mahasabha, formed in 1915, was rooted in its identification of India as a Hindu Rashtra (i.e., "Hindu Nation") and belief in the primacy of Hindu culture, religion, and heritage. It argues that Islam and Christianity are foreign religions and that Indian Muslims and Christians are simply descendants of Hindus who were converted by force, coercion, and bribery. The Mahasabha was the ideological and political mentor of the Rashtriya Swayamsevak Sangh (RSS) (i.e., the Association of National Volunteers), formed in 1925 avowedly as a response to the threat posed to Hindus by Muslims and the British. The RSS vision for India was of a nation of natural belonging only for India's Hindu majority, in which Muslims and Christians would be "allowed" inclusion only as second-class citizens.

Since 2014, the Indian people have found themselves at a decisive phase of this same battle. India is led today by people who have spent all of their adult life as staunch members of the Hindu supremacist RSS. They are convinced that the time has