The three worlds of Indian citizenship: An evening with Professor Niraja Gopal Jayal

*On 2nd December 2014, Niraja Gopal Jayal, Professor at the Centre for the Study of Law and Governance at Jawaharlal Nehru University in Delhi, visited LSE to talk about her latest book.* **Marielle Velander** *reports on the event.*

Citizenship may seem like a straightforward concept, but in her recent book *Citizenship and its Discontents* Professor Niraja Gopal Jayal proves otherwise. Earlier this month, Jayal visited LSE to give a thought-provoking talk on the "three worlds of Indian citizenship" outlined in her book. The event was co-sponsored by the Gender Institute, Department of Government, and the King's India Institute and concluded with a stimulating discussion between Jayal, the chair Sumi Madhok, and the audience, which almost entirely consisted of young women and many of Indian origin.

Jayal commented on how fitting it was for her to discuss her work at LSE, not only for the fact that she edited and introduced the travel diary of two founders of the institution, *Sidney and Beatrice Webb: Indian Diary*, but also because the Fabian socialism that the Webbs formulated helped shape our modern ideas of citizenship. However, citizenship has always involved a certain degree of contestation, and involves both continuities and discontinuities. Jayal's recent book is "essentially a reinvention of how citizenship is embattled". It looks at citizenship in its three different forms: as legal status, as rights and entitlements, and as identity. These different aspects of Indian citizenship are then considered through three historical phases: the late colonial period, the constitution-making period, and the period of modern Indian history.
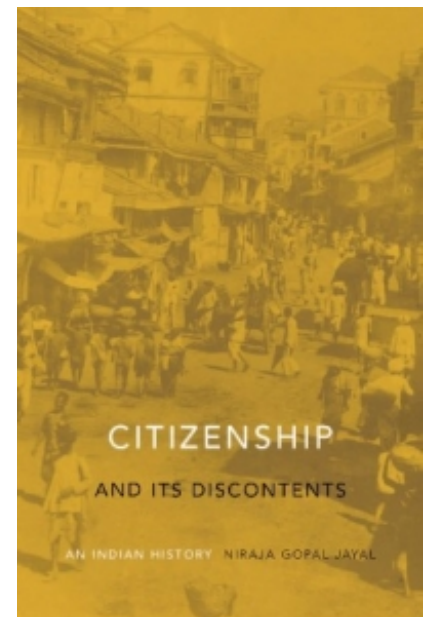
Citizenship as legal status

Professor Jayal started by outlining the two different kinds of citizenship in the legal sphere: *jus sanguinis* (relating to blood-based kinship ties as a basis for citizenship) and *jus soli* (relating to place-based models and land ownership as a prerequisite for citizenship). In India the more inclusive *jus soli* is generally used. However, the social upheavals during partition proved *jus soli* to be a fragile consensus, undermined outside the constituent assembly by popular discourse.

Jayal said that the recent shift in citizenship law in India, which was seen in the legislative amendments of the 1980s, is a reflection of abiding tension resulting from complex migration movements since partition. The amendments came in the context of Muslims moving into India from Bangladesh over the Eastern border, and simultaneously low caste tribal Hindu migrants came from Pakistan over the Western border. Jayal completed ethnographic fieldwork among these migrants and found that the access to food and services defines citizenship in their eyes. Her findings not only demonstrate that when Indians are deprived of access to entitlements it changes their expectations of what citizenship should entail, but also suggest how religious difference was introduced into legislative discourse on Indian citizenship.

Citizenship as rights and entitlements

The Indian constitution was conceived at a time when social rights were seen to be essentially ideological in nature.

In other words, it was considered improper for a constitution to spell out positive social rights as this might be seen as furthering a particular political programme.

Jayal argued that there has been an inadequate decommodification of welfare in recent years. Public goods are seen less as social entitlements and more as commodities to be paid for, a shift that is evident in the governance discourse and the new vocabulary of customers, clients, and users. The Indian state has had (out of necessity) to focus on need-based and targeted social policy provisioning, but in practice this contradicts its claims of being universal in its welfare program. Furthermore, responsibility for social services has already shifted to a variety of non-state agencies, which often apply different categories for entitlement. Access to welfare is therefore further separated from citizenship, and the categories are often complex and controversial.

Citizenship as identity

Jayal introduced the term Group-Differentiated Citizenship (GDC), which she argued parades as a universally inclusive approach to citizenship but actually promotes one particular identity above all others. India did this by designating quotas for certain sections of society, that were either unmarked (supposedly "normal") or marked (with the label of a scheduled tribe or backward class). As a result "the way in which [GDC] could be an inclusionary community celebrating diverse identities is actually never fully achieved". Jayal gave the example of Gujars in Rajasthan, who launched a campaign to create a separate citizenship designation for their tribe as their quota had been filled up by another more dominant minority. According to Jayal, "GDC represented a time-bound modern necessary exception for historically disadvantaged groups".

In response to a question on the public response to citizenship as rights and entitlements, Jayal added that it continues to be shaped by caste politics. If we take untouchability as an example, according to a study published this month, 27% of Indians still practice it in some form, even though it was outlawed during British rule and legally abolished in the constitution. This particular example highlights how deep-rooted practices conflict with aspirations towards equitable GDC.

Gendered approaches can also restrict GDC from being applied in a way which satisfies the needs of different groups. Jayal did a study of women's participation in the panchayats to explore gendered approaches to citizenship and public engagement, beyond caste politics, and interestingly found that the kinds of public goods that women privilege, such as water, smokeless stoves, and streetlights, differ from the public goods that men privilege, which were more restricted to designating roles and developing infrastructure.

Ultimately civic identity, which is at the heart of citizenship as identity, is about solidarity. But Jayal highlighted "creation of […] categories doesn't explain civic solidarity," pointing to the paradoxical situation in which GDC finds itself: reliant on solidarity among the larger Indian public yet simultaneously contradicting it by divisive differentiations between social groups.

Conclusion

Jayal concluded her lecture with the point that "India is moving towards a new type of citizen engagement, but *jus sanguinis* citizenship doesn't involve any sensitivity to poverty and inequality." Her concern for poverty and inequality as obstacles to more equitable citizenship in India formed a common thread throughout her talk. All three types of citizenship were considered in relation to how they contribute to excluding or failing citizens, whether it is by designating different legal rights to migrants based on religious affiliation, determining different social welfare packages based on a community's integration into the informal or formal employment sector, or designating citizenship categories based on class, caste, or gender.

The concepts and controversies surrounding citizenship in modern India that were presented in Jayal's talk made for a lively conversation. One student from LSE what the impetus was for establishing IO (Indian Origin) and OCI (Overseas Citizen of India) categories of citizenship. Jayal answered that the two categories were needed due to

distinctions between different diasporas, and the reality that you cannot universalize dual citizenship. She also made the point that India cannot really ensure more provisions for holders of OCI citizenship until India first addresses the large numbers of stateless people within its borders.

In response to Sumi Madhok's question on the quality of the outcome of GDC, Jayal pointed out that there are many forms of injustices that don't get attended to in India since some claims get privileged of others. For example, in Dalit circles, the politics of recognition have not been adequate and have not been delivered in material terms. Citizenship subjectivity leads to particular political mobilisation and the articulation of certain rights. But to successfully achieve GDC, Jayal stressed that you need civic solidarity, necessarily accompanied by a strong sense of national identity.

What became clear from the event is that there is no singularity of citizenship. In Indian citizenship politics, some are privileged in one aspect, but not in others. The audience was left to ponder how those who are less privileged could make their voice heard in this diverse nation with a complex history and rapidly approaching future of greater inequalities across gender, class, and race. However, the eloquence and intellect of Jayal's talk left me optimistic that there is a high level of understanding about the adaptations needed to guide India on a path towards a more equitable and inclusive definition of citizenship.

Cover image credit: YouTube/OUP

About the Author

Marielle Velander is an LSE Masters candidate in Anthropology and Development with a specific interest in water issues in South Asia. Before starting at LSE she spent the summer in Lucknow studying Urdu intensively as a recipient of the U.S. State Department Critical Language Scholarship. She tweets @mariellewel.

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