

## Sub theme 2 Identities and Citizenship

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The transition to citizenship in India was effectively a struggle for constitutional democracy and republican citizenship. The constitutional promise and vision involved the emphatic constitution of the collective political subject – ‘we the people’ - as the source of authority of the constitution. The durability of the constitution depended on the spread of constitutional morality, which was a precondition for setting up a democratic society and polity in which both the government and the citizens agreed to live by constitutional values which embodied norms of pluralism and freedom, basic rights, and respect for difference. Holding that constitutionalism and constitutional democracy in the Indian tradition may be understood as having distinctive antecedents and contemporary forms, this subtheme invites paper proposals that focus on different aspects of the past and the present of citizenship, constitutionalism and democracy in India.

In this subtheme we invite papers which focus on specific aspects of citizenship, identities and constitutional democracy in India, to elicit discussions on how to understand constitutionalism and the idea of the transformative in the specific contexts of India? Is there a perceptible notion of modernity and corresponding political cultures and traditions, which mark out a distinctive trajectory which was etched out for democratic futures in India? How do we understand the contestations and promises which surrounded constitution making in India? How did the dominant idioms emerge and what were the strands which were lost in the process? What impact did this extraction and erasure have on how we understand citizenship in India? What are the lifeworlds that the constitution has inhabited over a period of time, to come to us as a living constitution. What have been the challenges in the way of making the democratic constitution work and in what ways has the constitutional architecture changed? What are the constitutional essentials that have emerged in the process, what has become more entrenched and what less so? Which institutions have become more pronounced and which ones have diminished? Are there some key constitutional values which have endured but have also changed in ways which make

them more intelligible or alternatively strange and unfamiliar? How do constitutional changes alter the identity of the constitution? How have specific constitutional principles evolved so as to achieve commensurability with democracy? The questions we ask pertain to the ongoing state formative practices and the forms it assumed within a web of debates on contending notions of constitutionalism, democracy, nationalism, religion, political culture and civil society. They also concern themselves ultimately with the relationship between the constitutional architecture, the institutional edifice of democracy in India, and the spaces democracy provides to imagine new futures of citizenship, especially in contexts where they are constrained by state practices of ruling and reasons of state.

**Constitutional Promise, the transformative, and memories of citizenship:** The struggle for republican citizenship was waged through successive constituent moments, in which the edifice of the future constitution was inscribed in various reports and documents (e.g., the Nehru Report, the Karachi Declaration, Sapru Report among others) which included the declarations of citizen's rights, socio-economic reconstitution of society, forms of representation to ensure equality for all social groups, and institutional arrangements for effective sharing of power. In these documents the democratic future of India was inscribed to embody a prior consensus on the nature of the future polity, in confrontation with the colonial regime which was premised in the idea of difference and deferral, putting citizenship on an interminable hold. The post-independence political world was informed by gendered memories and gendered articulations of constitutional futures. What are the ways in which historical memory is installed in the constitutional text? What is the distinctive conception of constitutional democracy which is presented in the constitution? How do the constituent assembly debates reflect a political self-understanding and what is the organising structure within which citizens were expected to relate to one another and to the state. How are these meanings gendered? What and how did the Partition shape the memory of citizenship? Was the Constituent Assembly a gendered space in the representational tools it deployed and deliberative space it offered? How does one look at the first general election in terms of suturing a democratic identity of citizenship, whereby popular sovereignty was affirmed. How did the consensus over constitutional norms unfold, and contests over constitutional principles like secularism shape citizenship identities. What was the relationship between the nation and constitutional democracy, and how did this relationship get inscribed in one's identity as a citizen.

**State formative practices, territory and citizenship:** Citizenship is inextricably linked to state formative practices, including mapping of territory and population, enumeration and identification practices, which affirm and consolidate state power over determining the terms of belonging, and making distinctions between citizens and outsider. All such practices are gendered, having implications for how people experience citizenship, and engage with the state and its institutions. The experience with the National Register of Citizens is an example of how national citizenship identification practices unfold in non-national spaces. The protest and debates on the Citizenship (Amendment) Bill, 2019 need to incorporate the current additional connotation of citizenship and/or exclusion from it. The sites and scales of citizenship – the city, the nation, and the transnational, offer insights into citizenship identities which are in flux, liminal, insurgent or ‘illegal’. Law and institutions of the state – representative, adjudicatory – often become sites where contests over citizenship play out. How do we see new idioms and categories emerge in these sites, which are often populist and non-representative.

**Citizen Democracy and democratic Citizenship:**

Citizenship and democracy are deeply intertwined. This relationship has several aspects. While constitutionalism and the rule of law are seen as performing a function of legitimation for the government, they also provide limits to governmental action. The latter has to do with the way in which citizenship transforms and also transforms lives, conveying thereby both the normative concerns of law as well as the kinds of political subjectivities it generates. The struggle for citizenship and the sites for democratic citizenship become important in this context for providing an emancipatory language of citizenship. While the institutional contexts (courts, trials and judgments) are ordinarily seen as constituting the legitimate sites of production of citizenship, the life worlds of citizenship, the numerous interfaces and contestations over citizenship, through people’s movements, generation of new legal subjects and political subjectivities, are important for reinscribing the political into citizenship. It would be interesting to explore how particular citizenship categories emerge out of the interface, of politics, policies and political and popular mobilisations which inform each category.

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