3.5. Turning Aliens into Citizens
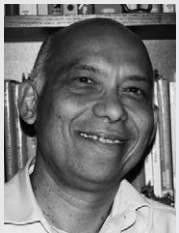## Significance of the Indian Case*
Subrata Mitra

Indien hat verfassungsrechtlich festgelegt, dass nicht Rasse, Religion oder Sprache, sondern Geburts- und Wohnort für das Recht auf indische Nationalität und Staatsangehörigkeit entscheidend sind. Der Staat gibt dem Bürger dafür institutionelle Rückendeckung. Subrata Mitra untersucht in seiner Studie, wie erfolgreich sich die staatlichen Maßnahmen auf das Nationalbewusstsein in der Bevölkerung ausgewirkt haben, selbst in konfliktreichen Regionen wie Jammu und Kaschmir.

Prof. Subrata Mitra, Ph. D. (Rochester), geb. 1949, Ruprecht-Karls-Universität Heidelberg. sapol@sai.uni-heidelberg.de

Citizenship is a deceptively simple concept. Its easy familiarity and frequent use in public documents and political discourse belie its underlying complexity. Attempts to pin citizenship down to visible symbols like a dress code, race, ethnicity, religion or language had led to much controversy in the Constituent Assembly of India (1947-1949) that framed the main articles on citizenship. The constitution abjured racial purity in favour of birth and residence on the soil of India. However, in contemporary India, diverse usages of the concept raise questions about its cognitive content. What is the common factor that runs through such diverse usage? Is citizenship a legal constant or a political variable like power or poverty, open to measurement and stratification at different levels of intensity? Finally, is citizenship an attribute of individuals or ethnic groups?

The Indian Constitution defines citizenship in Part II (articles 5-11). While drafting this section, the Constituent Assembly sought to figure out who would, as of 1950, have a right to Indian nationality and citizenship. The absence of racial distinctiveness as a necessary condition for citizenship was explained in the debates in the Constituent Assembly Debates (CAD).

While context matters enormously, the agency of the individual is crucial to the making of the citizen. Just as the legal right to citizenship is accorded by the state, identity, and following
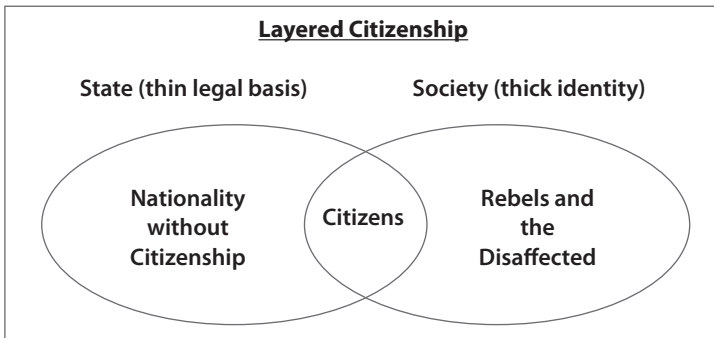
from it, the moral right to belong, is what people give to their claims to citizenship. When both converge in the same group, the result is a sense of legitimate citizenship where the individual feels both legally entitled and morally engaged. If not, the consequences are either legal citizenship devoid of a sense of identification with the soil, or a primordial identification with the land but no legal sanction of this.

In a post-colonial context, citizens are a liminal category, hinge groups that connect the state and society (see figure below). Orderly, legitimate citizenship is possible only if the concept is co-authored by the modern state and the traditional society. India, the article asserts, has achieved something along these lines through her form of 'layered citizenship'. The Indian strategy has consisted of making rebels into stakeholders. The Constitution, innovating institutions and citizenship, has acted as a backdrop to a set of institutions, political processes and policies.

Layered Citizenship

State (thin legal basis)   Society (thick identity)

Nationality without Citizenship   Citizens   Rebels and the Disaffected

India's relative success compared to most post-colonial states in turning subjects into citizens can be attributed to five factors:
a) India's institutional arrangement (the constitution),
b) laws linked to India's social visions,
c) the double role of the state – as neutral enforcer, and as a partisan, supporting vulnerable social groups – in producing a level playing field,
d) meticulous bargaining among interests affected by legislation within the framework of vigorous political participation,
e) judicialisation – evidence of the courts at work in turning subjects into citizens.

Empirical results of the survey[1]

Four questions to measure the self-perception of the individual as a citizen are at the heart of the survey which underpins this article. The first question asks:

> "*Some people think of themselves as Indian citizens, while others do not. Do you consider yourself a citizen of India?*"

The results show 89 % – an immense majority of the respondents – asserting their claim to the citizenship of India. Who are these 89 % who claim the status of citizens and who regard themselves non-citizens? In terms of their self-perception, citizens as well as non-citizens do not have any distinct social profile. The higher educated tend to have a slightly greater tendency to see themselves as citizens (the gap between the non-literate and the college educated is 7 %). The oldest age cohort feels its status as citizens a little less keenly than those younger than them and the very poor, at 83 %, are 6 % below the national average. Interestingly, with regard to the social categories, nearly all except Muslims are within one percent of the national average. As for Muslims, at 85 %, they are barely 4 percent points below the national average with regard to self-definition as Indian citizens. In terms of social characteristics, there is not a clear social profile that would radically distinguish the self-perception as citizens from that of non-citizens.

Another question refers to a category of people whom Simon Schama, in his celebrated book "Citizens", based on the aftermath of the French Revolution of 1789, described as "un-citizens", a category comparable to the concept of "aliens".[2] The category is important in the sense that a definition of the other sometimes helps to define oneself more sharply.

> "*And who in your opinion are not citizens of India?*"

1   The empirical evidence on which the article is based are derived from four questions on citizenship, which formed part of the National Election Study (NES) conducted by Lokniti (Centre for the Study of Developing Societies, Delhi) during July-August 2009. A representative sample of about 8,000 men and women were interviewed.

2   Schama, Simon: Citizens. A Chronicle of the French Revolution. Penguin, London 1989, p. 859.

Category	Statements	%
1	Those who do not take part in elections and other affairs of the country	9.4
2	Those not born in India, or to Indian parents, including illegal immigrants	28.3
3	Terrorists/ separatists or those who help them	25.2
4	Those with loyalties other than towards India	11.1
5	Those who do not have respect for the flag, or unity of India	12.2
6	NRIs, PIO card holders	3.7
7	Others	7
8	Don't know	3.1

It is important to note here that the large majority of respondents have chosen as criteria of exclusion from Indian citizenship those items that do not have a basis in law, but are entirely "constructed" categories, reflecting the current state of affairs and sentiments in the country. Thus, terrorism as a criterion of exclusion, at 25 % is a big draw. Together, the two items that measure loyalty and sentiments, get around 23 % support. Finally, a small percentage – of 3.4 % – show their abiding concern for the rights of the sons of the soil and reject the claim of Non-Resident Indians (NRIs) and Persons of Indian Origin (PIO) card holders.

We next turn to the issue of capacities and empowerment. Here, we follow the conventional measures such as the perception of equality, the right to free expression, a sense of political efficacy (the right to change a government that one does not like) and the fulfillment of basic necessities.

"Please tell me whether you agree or disagree with the following statements about India."

Statements	Fully agree	Somewhat agree	Somewhat disagree	Fully disagree	No opinion
Everyone enjoys equal rights.	44.7	21.2	11	11.3	11.9
People are free to speak their minds without fear.	38.7	23.7	15.7	8.9	13
People have the power to change the government they do not like.	45.5	18.9	10.5	8.2	16.8
Most people possess basic necessities like food, clothing and shelter.	33.4	21.4	16.4	16.2	12.6

Finally, we ask the respondents to record their positions on some issues that have been held to be essential to citizenship, namely, citizen duties, a variation of which is incorporated in the Constitution of India in the form of Art. 51A, in 1976, at the height of the national Emergency.

*"Please tell me whether you agree or disagree with the following statements."*

Statements (citizens of India should …)	Fully agree	Somewhat agree	Somewhat disagree	Fully disagree	No opinion
vote regularly.	79.5	10	1.7	1.4	7.3
respect national symbols like the flag, the national anthem and the integrity of the Indian territory.	77	9.8	2.1	0.9	10.1
send children to school	80.8	8.7	2.2	1.1	7.2
promote harmonious relationship between all religions.	73	12.3	2.8	1.5	10.4
safeguard public property like roads, trains, buses, government buildings.	73.3	12.1	2.4	1.6	10.6

The responses show a substantial amount of support for the Indian variations on the classic themes of citizen duties, such as regular voting and participation in public activities, respect for the national flag and other core symbols such as the National Anthem, and the territory of India.

A cumulative index of citizenship

While the four questions analyzed above are interesting in their own right, each of them can provide only a partial understanding of the complex phenomenon of citizenship. However, one can stand on more secure grounds by pulling together several questions which tap into the same phenomenon, though from different angles. On the basis of the convergence of the three attributes of citizenship, namely self-definition, a sense of empowerment and the positive evaluation of citizen duties that we have

witnessed above, a scale was created, by merging the three items to produce a composite index. For the sake of simplicity, all three components of citizenship were given equal weight. The sum of the three specific scales produced a general index of citizenship which was then divided into three levels: low citizenship (21.3 %), medium citizenship (35.1 %) and high citizenship (43.6 %). The profile of those at different levels of the general index and the strength of the correlation of each with the socio-demographic variables is described in the graphs 1-6 below.
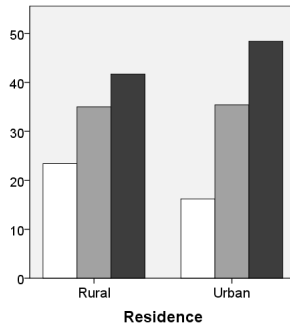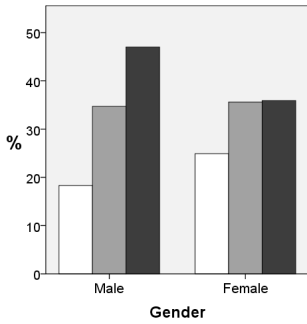
Graphs 1 - 6: The Construction of Citizenship (Index) and its socio-demographic correlates

Citizenship Index
☐ Low
▨ Medium
■ High
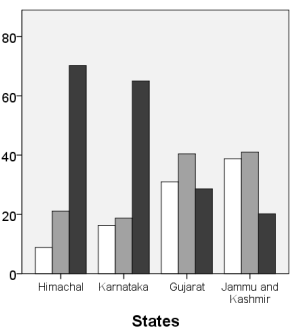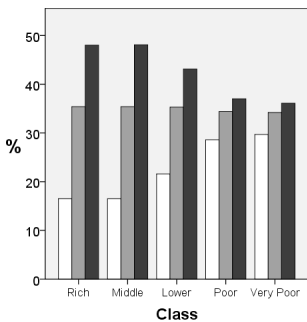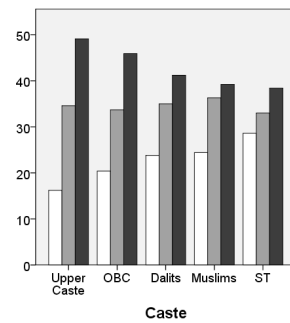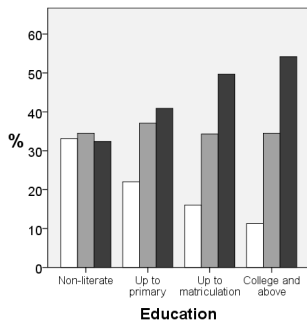
Jammu and Kashmir: Contesting "Indian" citizenship

In view of the national controversy and international visibility that mark citizenship in Jammu and Kashmir, it is necessary to measure the scale of deviation of the case of Jammu and Kashmir from the Indian average. The analysis of citizenship in Jammu and Kashmir on the basis of self-definition and the index reveals very interesting insights. First of all, 69 % of people interviewed in Jammu and Kashmir think of themselves as citizens of India. Even among Muslims, the percentage is 59 %. There is no clear relationship with education; and contrary to the national trend, urban residents are less inclined to count themselves as citizens. Similarly, the national trend of a positive relationship with class does not hold either, with the rich and the very poor pulling level with regard to the probability of counting themselves as citizens of India. Within the framework of these findings, the split between Jammu and the Kashmir Valley carries the shadow of the separatist movement: 83 % of the residents of Jammu count themselves as citizens of India compared to 53 % for the Kashmir Valley.

The cumulating of the correlates of citizenship appears to add up the advantages and disadvantages one has as a resident of Jammu and Kashmir when it comes to citizenship. The same scale that shows 43.6 % of the national sample to be in the category of high citizenship reveals that in Jammu and Kashmir, only 20.2 % are at the highest level of citizenship. Unlike the national sample, in Jammu and Kashmir, rural residents are more likely to be in the strong category of citizens compared to the urban residents. This finding makes sense in the actual context, for we know that there are usually more uprisings against the central government in towns than in villages of Jammu and Kashmir.

The relationship with education follows the national trend: Those who have more of it are likely also to have a deeper sense of citizenship. The non-literate are at an astoundingly low level compared to those educated at the level of college. The most striking difference, however, is to be found among Muslims. Whereas, at the national level, about 39 % are in the category of high citizenship (below the national average of about 44 %, and 10 % below that of the upper caste respondents), when it comes to Jammu and Kashmir, only about 8 % are in the category of strong citizenship, compared to 47 % of the upper castes of Jammu and Kashmir who find themselves in the category of strong citizenship.

Conclusion

The findings reported in this article show that an overwhelming 89 % of respondents declare themselves to be citizens of India. The level of non-citizenship, 6.6 nationally, goes up to a fifth of the population in Jammu and Kashmir. Social divisions do not affect this radically. But context does: Other things being equal, the dynamics that underpin state politics can make a big difference. This also implies that if structural change in the status of the state – or the issues causing disaffection – are properly attended to, the level of citizenship might be significantly bolstered. The fact that even in Jammu and Kashmir, which have seen violent insurgency and separatism over the past two decades, there is considerable sense of citizenship in the interstices of the society (even across the communal divide) needs serious attention of policy makers.

Limitations of space do not permit the detailed analysis of the institutions, policies and strategic choices that have made it possible for India to transform the bulk of her population into citizens. Transitional societies, beset with the problem of political alienation, have two important lessons from the Indian case. In the first place, it is crucial to have an inclusive constitution which extends citizenship to those who adopt the territory of the country as their own and equips the potential citizen with rights and judicial instruments with which to assert them. The second condition is the existence of an institutional arrangement that spreads the message of entitlement, enfranchisement and empowerment – and makes it possible for individual agency to add the "will to be a citizen" to the letter of the law which makes this potentially possible.