

Democracy in India 2047 | Text Transcript | CIRCLE

This is a text transcript for the recorded webinar “Democracy in India 2047” presented by the Canada India Research Centre for Learning and Engagement (CIRCLE) at the University of Guelph. The event was recorded on January 5, 2022 and was moderated by Prof. Gopika Solanki. The guest speakers were Niraja Gopal Jayal, Yogendra Yadav, and Navsharan Singh.

Transcript:

Gopika Solanki:

Hello and a very warm welcome to all of you. Happy new year! I'm Gopika Solanki and I'm going to be the moderator. I am from Department of Political Science at Carlton University and would like to begin with the acknowledgement that our campus is located on the traditional unceded territories of the Algonquin people. Carlton has a responsibility to the Algonquin people and the nation, and a responsibility to adhere to Algonquin cultural protocols.

This event, as you know is hosted by the Canada India Research Centre for Learning and Engagement, known widely as CIRCLE. It was established in February 2020 at the University of Guelph and it's essentially an interdisciplinary hub for cutting-edge research on India and the Indian diaspora.

The second objective of the centre is to foster a respectful and sustained exchange of knowledge between Canadian and Indian scholars on complex and emerging issues. I would welcome you to visit our website, which is canadaindiaresearch.ca.

Today's event as we know is on democracy in and when India became independent it was argued that democracy was just suited for western modern capitalist states and Indian democracy was seen to be an anomaly. So for decades India had succeeded in building a socially inclusive economically stable democratic state nation.

However, in recent years we've been witnessing a global rise in ethno-nationalism and in inequality, and there's been a decline in democratic values, norms, and in democracy itself. This trend is evident in countries as diverse as Hungary, Poland, Turkey, and the USA in recent years, and suddenly the Indian democracy has dovetailed into this global trend.

So, at this juncture and projecting the futures for Indian democracy. We have three really exceptional speakers to throw light into current and future aspects of Indian democracy. So let me begin by welcoming and introducing all speakers, though they need no introduction. So I will just go over very briefly. Dr. Niraja Jayal; is our first speaker, and she's passionate about democracy, citizenship, and welfare in India.

Indeed, she's won a prize for a book "Citizenship and Its Discontents: An Indian History," which has been a must-read for all of us political scientists. She is at Avantha Chair at King's India Institute in King's College London, and Centennial Professor, Department of Gender Studies at London School of Economics. She's formerly been a professor of political science in the Centre for the Study of Law and Governance at the JNU.

Our second speaker is Yogendra Yadav. He has a rich experience as a psephologist and many of us have read his previous works. He is present as an activist and a politician. He became an anti-corruption crusader and later started his own independent political party, which is a voice for marginalized voices from the urban and rural grassroots.

Our third speaker is Dr. Navsharan Singh who's going to be speaking on envisioning feminist citizenship. She has a strong background in women's rights, human rights, and social and cultural movements. She's previously written on mass violence as well as sexual violence against women in South Asia, and at the moment she's working around the agrarian crisis in Punjab and working on language Dalits and women in crisis, which is written extensively on the farmers movement in India.

So before I hand it over to the speakers, there's just a few housekeeping details. In terms of internet stability, we are all on mute and there will be no video, but if you have a question at the end of the session please wave your hand or click on the icon at the bottom of the screen, or better still you can type your questions and comments in the chat section at any time during the event and I will read it out to the speakers.

So in the interest of time, please do keep your questions and comments brief. In the interest of privacy we would just like you to know that the event is being recorded in the hope that it can be available later. So without further ado, I will hand over the mic to the speaker, and we will begin with Dr Jayal.

Niraja Jayal:

Thank you so much Gopika, I'd also like to thank Professor Sharada Srinivasan and the Canada India Research Centre for Learning and Engagement at the University of Guelph for the invitation to be here. Of course I'm particularly delighted to be in the company of Yogendra and Navsharan, friends whose contributions to the real world are so much more meaningful than mine.

India is in the 75th year of its existence as an independent nation. In another couple of weeks, its constitution will be 72 years old, and it is also 70 years, this year since India began its experiment with democracy based on universal adult franchise. You might be surprised to hear that this is a fairly long journey for a constitutional democracy. A data set on the endurance of national constitutions compiled a few years ago showed that only a handful of constitutions

have actually lasted longer than 50 years. The standard life expectancy of national constitutions being 19 years.

As an aside, remember the first French constitution of 1791 which lasted only a year, and there were 14 more to follow it. The joke was that a scholar went to a library to ask for a copy of the French constitution and was turned away saying that the library did not stock periodicals. So by that by that reckoning, India's constitution has done quite well, at least insofar as it has endured. The important question of course is has it aged well?

A distinguished legal scholar, Tarunabh Khaitan, has documented ways in which liberal democratic constitutionalism in India has recently been undermined, and he describes this as the process of killing a constitution with a thousand cuts. So the question is what happened between 1950 and today, and what does that tell us about whether the constitution can or will remain a valuable guide -a reliable guide to India's future as a constitutional democracy?

Very briefly, by way of background indulge me for a moment. The constitution embodied a progressive social contract based on equality inspired by ideals of social justice. It offered a vision of citizenship that was equal, universal, and inclusive. Its guarantee of political equality—read democracy—was fortified by arrangements for taming both social power and state power in ways that could advance social and economic equality.

Its nationalism was civic rather than cultural, though it recognized and offered protections for cultural identities, especially those of minorities and groups associated with disadvantage. The hope was the democracy would help create a society more equal in every way. The early history of the Indian republic shows that in the 1950s, both its constitution and its democracy were enthusiastically embraced by its citizens.

So, Rohit De's book showed how ordinary citizens claimed what he called the “people's constitution.” Ornit Shani's equally remarkable book showed how in the run-up to the first general election, democracy captured the political imagination of ordinary Indians. Of course, it took a few more decades for democracy to deepen, to become more representative, more participatory and Yogendra has written a lot about that.

We could say the same for the constitution especially in the era of public interest litigation and again in the era of social rights legislation. We did witness movements that resulted in laws and policies that enhanced equality and inclusion, but we also saw contrary tendencies from time to time. On the whole, while the democratic project gathered momentum over time the trajectory of the constitutional project was a little less consistent.

In recent times democracy has done less to advance equality, which is what was expected of it, and it has worked more as an instrument of majoritarianism, displacing civic nationalism with

cultural nationalism. One might say it has cynically been put to use in the service of exclusionary politics, rather than inclusion.

At one level, democracy has begun to devour itself, as lip service to democracy has gone hand in hand with the impoverishment of the idea itself. Ironically, through the use of ostensibly democratic principles. The most obvious and clear example of this is how democracy has been reduced to raw numbers. So the rule of the majority rather than the values that we typically associate with democracy, such as justice, freedom, equality, rights, non-discrimination, and so on.

In fact it's amazing it's even logic-defying that an electoral mandate -just the winning of an election, can justify such profound departures from the fundamental democratic principle of equality. The equal moral worth of all individuals, and equal respect for fellow citizens, also justifies departures from the constitutional guarantees of this equality. Instead what we have is the weaponization of the majority principle against minorities, so whatever the majority wills and wants is fair, the idea of the rule of the majority then becomes a menacing rather than an empowering idea.

I mean the anxiety about tyrannies of the majority is not new, it's been around at least about a couple of centuries. The majority could be a dominant racial group, or a dominant religious group, it could be white supremacists in the United States, or Hindu supremacists in India. The story is basically the same. The deceit of majoritarianism is its claim of deriving legitimacy from democracy.

So actually, by ignoring the rights of minorities, by marginalizing them it actually diminishes democracy. This perversion of democracy doesn't just consume democracy alone, it also singses the constitution. Majoritarianism profoundly undermines the constitution because it trumps equality but without undoing it constitutionally.

So as they say: "hypocrisy is the homage that vice pays to virtue", in similar way one might say: "majoritarianism is the homage that tyranny pays to democratic constitutionalism". It reminds one of the pigs in George Orwell's "Animal Farm," who, once they became the ruling class, proclaimed that all animals are equal, but some animals are more equal than others. Clearly there are political and electoral benefits to be gained from allowing or enabling the constitution to be undermined.

So when blood-curdling calls to violence are issued in the name of religion, and there is silence from the state machinery, or when people are lynched on the basis of their identity, and again there is silence from the state machinery, not only is the constitution undermined but actually speaking even state power is diminished. In fact we need a new definition of the state because the barbarian one that we're familiar with that: "the state is that which possesses the

monopoly of the legitimate use of physical force" doesn't actually hold anymore, and yet there are democratic citizens who keep alive the redemptive possibilities of democracy.

If the ideas of democracy and constitutionalism have survived and been kept alive through this challenging period, it has been through resistance to laws perceived to be unjust. Whether it's the farmers movement or the movement against amendments to the citizenship law.

The farmers movement -and we have two people here who participated in it and one of whom led it, revitalized the idea of democracy it showed that the enactment of laws without proper consultation, without parliamentary scrutiny in the face of the opposition of those who were affected by these laws was undemocratic. The resistance to the laws and their eventual repeal was a form of democratic pushback against those who had physically obstructed, politically discredited the protests and more.

Every bit of spectacular was the convergence of democracy and constitutionalism in defense of the idea of inclusive citizenship in the constitution, which guaranteed equal citizenship without regard to gender, religion, caste, race, or space of birth, and this within the framework of a secular state. Over the past few decades, invidious distinctions between citizens belonging to different faiths had come to subtly inflect the law on acquiring citizenship in India.

The Citizenship (Amendment) Act of 2019 made these explicit. The protests that followed held up the constitution, the flag, the national anthem, and the preamble of the constitution -all symbols of the constitutional order. By reaffirming the principles of equality, inclusion, secularism, democracy, they openly challenged majoritarianism, but above all, they powerfully enacted the largely forgotten ideal or often forgotten ideal of fraternity in the constitution, which Dr. Ambedkar held was only another name for democracy. He said that liberty, equality, and fraternity formed a trinity in which the divorce of anyone from the other would defeat the very purpose of democracy.

Now I've been asked to comment on 2047. Projections of the future can only be based on what we know of our past, and how we interpret our present. To my mind, the future of India's constitutional vision of inclusive citizenship rests on three things: first a revitalization of civic nationalism through which we "make constitutional Indians," a wonderfully evocative phrase coined by the young Naga anthropologist Kanato Chophy.

Chophy's thesis is simple but compelling. For young people like himself from the northeast, he says the idea of India is supported not by some notion of a timeless civilization, but by a piece of paper called the Indian constitution. Though strongly rooted in the culture and tradition of their region, these young people nevertheless seek, desire common ground with their fellow citizens in other parts of India, and this common ground they see in the idea of a modern and secular India as defined in the constitution.

Hence, the desire to make constitutional Indians and this is a powerful India idea because constitutional Indians alone arguably, can be the bearers of civic nationalism as opposed to the singular and monochromatic form of cultural nationalism that is thrust upon us.

Creating the roadmap for this journey will be a challenging task no doubt about that, but it's a precondition for the survival not just of the Indian constitution, but also the Indian nation as we presently know it. -And -and one of those requirements for it is definitely to banish the shadow of the partition and to stop scratching at old scabs, to look forward and allowing the constitution to light the way.

Secondly, the relevance and the value of the Indian constitution in guiding India's future is not in doubt. Even if it is hollowed out further in years to come, it will still be relevant when it hits the century. The gap between what's written in it and the reality on the ground is already wide, and it is possible that it may widen further, but the vision embodied in this document has in my view, an abiding value for a complex society like ours. Its preamble, pre-angular values of justice, liberty, equality, and fraternity are invaluable for the flourishing of a good society.

They don't have a sell-by date, they need hard work in every domain of our social life. They require us to squarely confront the social and economic inequality that fundamentally imperils equal citizenship. But among the tasks that lie ahead on this count, are the restoration of the sanctity of individual liberty and free speech, the restoration of institutional arrangements such as the separation of powers, the independence of constitutional bodies, and above all of course the restoration of the idea of equal citizenship.

And finally, a resting democratic decay is essential for starters we need to appreciate that the principle of majority rule is essentially a procedural mechanism. It's required for things like forming a government, but it's spectacularly unsuited to the job of determining the content of laws and policies. There is nothing self-evidently or normatively valuable about the rule of the majority. It is useful as a process, an instrument of decision making, but this is a limited use because it cannot have anything worthwhile to say on the merits of the decision or the issue on hand.

The slippage therefore from majority rule to majoritarianism must be resisted, the retrieval of democracy is a daunting project all right, but the two movements I mentioned show that this is an idea that still has the power to move citizens who comprehend its deeper meaning, and who can bring democracy and constitutionalism into the kind of alignment that we saw at the start of our journey as a republic. I'll stop there thank you very much.

Gopika Solanki:

Thank you. Dr. Yadav!

Yogendra Yadav:

Thank you, Gopika. Thanks, Sharada Srinivasan, I'm grateful to the University of Guelph and the centre called CIRCLE—I like the name—for this opportunity, and my special thanks to my co-panelist Niraja-ji for actually making my job much, much simpler. I could have complained by saying you actually said much of what that I wanted to say, so I do feel deprived [laughs], but it's a wonderful platform to actually build and take the story forward.

You know, the word future can be used in two very different senses, so when we speak of 2047, we could be doing two very different things. One is the job of projection, prediction, -trying to estimate, you know, place your expectations. The other is for some reason, future has also been a sacred site where we park our hopes, our ex -our dreams, our ideas. These are two very different ways of looking at 2047.

I would do a bit of both, in that I'm interested in a plausible hope so, not hope merely as in a dream, but not merely some kind of a prediction. For some reason I don't know why. I did the business of prediction for a few years, and that's the last thing I wish to do now. So just trying to look at plausible dreams, plausible hopes, and that's why I've chosen to call it -call my presentation, reclaiming republic. Why do we talk about reclaiming republic? Why republic?

We- Indian constitution that Niraja-ji puts at the centre of the Indian enterprise, and I completely agree with her, uses the expression democratic republic. In schools we were taught that you know, it's called republic because we don't have a king, which looks like a technical expression and honestly for years and years, I didn't see why we had this additional appendage of calling it republic, calling it democracy was fine and you know which country is not republic today.

But after 2014, once many of us started reflecting about, thinking about what is it that we have lost in the last seven years in India. Something that was alluded to in the opening remarks as well. And I kept thinking that no saying that we are losing democracy is not enough, we're losing something more than democracy. How do we describe what we are losing today? Then this expression from the constitution came back to me. We are losing republic.

It's not merely democratic procedures, not merely democratic institutions, not merely human rights, it is the Indian republic, which is being dismantled, and around 2019 I came to a very sad, but I hope clear conclusion that the first republic of India is over.

Now that's a hard thing to say, very hard for us to admit, but now that Niraja-ji has encouraged me by assuring all of us that constitution of India is at least not a periodical that we have -that lasting 75 years is not a joke, and especially, seriously I mean if you look at the stuff written about India in 1950s no one gave this country more than 15 or 20 years, so there's something remarkable you know, while we are at a particularly low point in our political history, that

should not make us forget the spectacular achievement of creating democracy in a country of such deep inequality, illiteracy, and poverty of creating a nation in such deep diversities.

So when we think of-what is it that we need to rebuild, what is it that we've lost? One way of describing it would be to say that we've lost our republic -the republic that had a great 75years. That first republic of India is over, and now we are looking at the possible shape of a second republic. What would that republic be like? We don't know. We face two possible paths. I believe both of these are unrealistic.

One part is takeover by farces. I must confess I've been slightly uneasy about describing what we are witnessing in our country as fast as not because I think it's any less, but because I mean it may be much more. But in many ways the practice of describing our dreams and our nightmares both in terms drawn from Europe has made me uneasy for some time.

So, one way that we are -what we can see is continuation of this majoritarian takeover of our democracy and India becoming another Hindu Rashtra, not only in practice but also in theory, and going much further in that direction. That is for anyone to see, democracy being reduced to a mere formality. Minorities that in many ways have already been reduced to [indiscernible] the status of second-rate citizens.

Being de facto–de jure–also reduced to that status, transformation in our constitution and so on that would be one path. The other path of course is a path of hope, which is something that Niraja-ji alluded to towards the end of what she said, which is about recovery of our institutions, rebuilding of our recovery of our constitutional values and so on. That is to say so there is a nightmare and there is a dream.

The nightmare is you know takeover of the republic by the goons, and the dream is you know rebuilding of that liberal democracy that we always wanted to be. I suspect both of these are probably not the correct way of looking at it. I hope that this takeover by those who call themselves Hindutva leaders is something which will be resisted. This is not the destiny of India.

At the same time it is unlikely that we will be able to create that liberal democracy of the kind that we imagined we were like going to do in 1950s. For far too long, we have lived under the impression that we were going to relive the history of European liberal democracies. The fact is that not for a day did we relive that, the fact is that we were actually not even traveling on that road at all.

So that's why I talk about reclaiming the republic, reclaiming not in terms of, -not in terms of restoring, not recovery, because the restoration and going back to the dream of Nehruvian Republic, that's not going to happen. That always was a very artificial period in India's history, and we are unlikely to ever go back to that, but when we talk about reclaiming the republic,

that is about reclaiming the spirit, reclaiming that idea, reclaiming that dream and recasting it in our own terms.

I'll quickly mention three or four respects in which that might happen. One is in terms of ideas itself because reclaiming the republic would require a renewal of the very idea of India. It would require a new social contract to be drawn up, possibly not a new constitution not necessarily, a new constitution but a new social contract needs to be drawn, and a new configuration of power needs to be... created that would sustain this new social contract.

That- we need nothing short of that in order to overcome the present situation. How would that happen? To my mind, the short-term challenge and the long-term challenge need to be brought together. The short-term challenge not to put too fine a point on it, is to somehow ensure that the present ruling dispensation does not continue beyond 2024. And when I say somehow I don't mean an undemocratic way, it's only democratic ways.

I know not everyone listening to me may I agree, and I'm sorry if I offend anyone's feelings or views, but to my mind the defeat of BJP in 2024 is even more important than was Mrs. Gandhi's defeat in 1977. Mrs. Gandhi's defeat in 1977 was absolutely critical for retaining the possibility of democracy in India, and the BJP's defeat in 2024 is vital for retaining the very idea of Indian republic, the very idea of India, but that's short-term.

Somehow, the idea that BJP can be defeated in 2024 and after that all is well and then we proceed back to great India that would lead up to 2047. None of that is going to happen because what we face is a very serious long-term challenge, and that long-term challenge arises from the fact that our constitutional values are actually not shared, at least in its present form, at least in its given form, those values are not shared by an overwhelming majority of our population.

Now that's a hard thing to say, very difficult to admit, because what we are witnessing is a dismantling of our republic by mobilizing the public itself. That's a problem, so it's not merely a tiny elite which is coming to dismantle our republic, it is by mobilizing very large proportions of our public, that the republic is being dismantled and if so, the solution has to begin by- by establish establishing a reconnect.

I don't mean to say that our constitutional values are wrong. Don't mistake me for that. I'm not saying our constitutional values need to be rewritten. In many ways, the preamble to the constitution is almost- the most sacred text available to Indians today, to reclaim the republic and when the NTCA movement that Nietzsche referred to every time we you know, re-read the preamble to the constitution.

Now that's closest to a sacred ritual in a democracy. So we don't need to rewrite our constitution, and we don't need we cannot clearly you know, change the people -we can't elect

a new people, but something else needs to be done, which is to articulate constitutional values in terms and, in concepts, and in language, which connects to the beliefs of ordinary people in the country today. Now that's a responsibility we have neglected.

To my mind it's a criminal neglect of the last 75 years and unless we begin to do so, we are doomed. So to my mind that is where the recovery in the long run depends, upon which would require reconnecting to the idea of nationalism. Somehow the idea of nationalism became rather unfashionable, and to my mind those of us who started looking at Indian nationalism the way that European intellectuals look at European nationalism.

I think we're making a category mistake because nationalism of a post-colonial society is a resource which we have simply abandoned. So we need to reconnect with the intellectual resources of nationalism. We need to reconnect with the- with religious traditions.

I know once again I can be misunderstood because you know all the religions bring enormously negative practices as well. I'm saying re-engage with religion, re-engagement does not mean accepting all that comes with religion, but we need to re-engage with the language of religion, and we need to do so in our own languages, and by languages here, I mean literally languages.

The Mahashas, as Ananthamurthy used to say, because that's another massive neglect of the Indian elite. In many ways I feel Indian elite of the yester years is like the Russian elite of the late 19th century who spoke French and were occasionally scandalized by what the Russian peasants were doing. We need to give that up. So we need to read this, the- the historic project of reclaiming the republic must begin by re-articulating the idea of India.

If I may use the expression that I am working currently on by trying to rethink the Swadharma of India, we need to work hard at it. What is the Swadharma of India and how do we connect that Swadharma to the diverse communities, different languages, groups, religious, traditions that survive in our country. That then would lead to new practices. Just one quick point about institutions.

I think for far too long we have lived under the illusion that somehow; a western liberal democratic institutions will start finally working in India the way they were supposed to work in Europe. I think after 75 years it's good time to just abandon that hope. It's not you know, it's like imagining that the whole of India would be irrigated by canals, it's an- it's a hope we've lived for about 70 years -it hasn't happened, it's unlikely to happen.

What we need to do is- what we need to do is to recast our institutions in institutional structures in the light of practices. Indian democracy has evolved a creole of its own that may not fit into the western expectations and models that we developed. We need to have a- we need to have a very Indian path to an Indian kind of democracy an Indian model of democracy, which is what we were walking towards till the late 90s, till even the early years of this century.

That journey needs to be connected again, that journey needs to be recovered but that journey may not mean reliving the experience of western liberal democracies. If there is one thing we have learned from the experience of democracies all over the world, it is this that democracies live their own lives in their own way. That is probably why they are called democracies. Thank you.

Gopika Solanki:

Thank you Dr Yadav. Dr Singh-

Navsharan Singh:

Thank you ma'am, thank you very much for inviting me to this forum, and I'm very grateful to CIRCLE and the entire team for this opportunity and thanks also to Niraja and Yogendra for their extremely thoughtful presentations and they've said many things which I wanted to, so I'll just begin by- I'm going to talk a little bit about citizenship and envisioning the feminist citizenship going forward.

So, just to begin to say that we live in highly fraught times and the exercise of envisioning feminist citizenship going forward, therefore have to be- have to materialize from this present condition only. I do not think that it can be done with an unrestrained imagination and for any ideal world.

So, in the next few minutes I will talk about two drifts. The crisis of citizenship as I see it and the resistance to it, again in my own encounters with the people who are resisting it. So let me begin by saying that this year, exactly 75 years after the country gained freedom and committed itself to the value of democracy, democracy has almost never been in such a grave risk as it is today.

Today an assault has been mounted on democratic institutions, on norms, and practices the state's drive for top-down control has targeted parliament cabinet, election commission media, education, and many other institutions and we are witnessing a suffocation of democracy, it's hollowing out, and criminalization of descent and creation of a fundamentally different kind of political order which seeks not only just dominance, not just hegemony, but complete conformity and ideological homogenization through the use of fear.

The country today in my mind stands guilty of dispossessing and de-citizenizing its citizens. So citizenship is about belonging and its associated rights as we've learned in our textbooks. It's a legal status, it's a precondition for the right to dignity, self-respect, and autonomy. But as we begin to reflect on it in these fraught times and the contestation around it in different parts of the country, clearly citizenship is no longer about any judicial affirmation of certain rights to the people.

Rather, the question of citizenship is now located in ruptures, unfolding through the practice of the state as we witness constitutional guarantees undermined with impunity. The state actors have thrown citizenship as it existed in law and secondly in people's experience, into a deep crisis.

In law, as the country which emerged out of a bloody partition and a large-scale transfer of people, the new constitution when it was debated- when it debated the concept of citizenship, the consensus was on a definition which was to be broad enough to accommodate all person with some kind of territorial connection with the union, whether by birth, descent, domicile, and who had not made their permanent abode any other foreign country.

So, ethnicity, racial, basis and distinction between religious faiths of the seeker did not count. The principle of non-discrimination and non-denominational character of citizenship which meant not reducing a person to her descriptive location but treated her as one who exercised her choices with respect to her future, with the backing of the entitlements due to her were firmly ingrained in this in the notion of citizenship.

However, a clear shift from citizenship on grounds of birth to citizenship on grounds of race and descent began in the 1980s and reached its nadir in 2019.

The Citizenship (Amendment) Act of December 2019, of which Niraja and Yogendra both spoke about was proclaimed in the parliament and I would say on the sheer dint of majoritarian power, the act reformed the citizenship debate in the country, and it inked the refusal of-refusal to acknowledge claims of Muslims for refugee status, and according to the amended law the country offers refugee status to persecuted religious minorities barring Muslims from three of India's neighboring countries: Pakistan, Bangladesh, Afghanistan. So Hindu, Sikh, Christian, Parsi, Buddhist, Jains, immigrants from these countries are eligible for citizenship if they claim persecution in their home countries for religious reasons, but persecuted Muslims from these same countries are less likely to get citizenship.

So through this discriminatory law, the binary of citizen and non-citizen actually officially collapsed into a binary of refugee and illegal infiltrators, solely found on religious denomination.

So, the amended law related to refusal of claim, the law of refugee status to Muslims but in experience, it was putting to test the claims of Muslims as equal citizens who were reeling under a specter of disenfranchisement on everyday basis. In their daily experience, the state practices created conditions which infringed the fundamental rights of Muslim citizens.

Lynchings in the name of cow, renaming hundreds of ancient villages, streets, cities, which had names that reflected Muslim heritage for Hindu-centric ones, which works to erase the history of Muslim heritage. State sanctioned impunity for hatred and normalizing it to the extent that

religious fundamentalists and vigilante groups openly call for genocide of Muslims, which we've been seeing in very recent past, only this week.

Send threats of rape and sexual violence against Muslim women, and the state just makes itself absent, expanding the remit and reach of the authority of the vigilante. So the- this particular act of citizenship amendment was passed also in the backdrop of what is called the national register of citizens -the NRC, an exercise which was carried out in the Indian state of Assam.

Very briefly, to chair that it was- the NRC was built on a constructed anxiety of a large-scale infiltration into the state of Assam by Bangladeshi- Bangladeshis and the exercise targeted Assamese people of Bengal origin. Largely Muslims, but also some Hindus as infiltrators. The exercise shifted the burden of proving citizenship to people through a range of documents. The final list of citizens published on August 31st, 2019, just a few months before the Citizenship (Amendment) Act was passed, left out about 1.9 million applicants out of the citizens list.

The 1.9 million were deemed foreigners, pending rejection of their appeal and an overwhelming number of those whose claims for citizenship were rejected were women. In this larger context of crisis, women's citizenship has a very troubling gender dimension even when the whole communities to which they belong are deemed illegal and external. In my field work in Assam in 2019 as this exercise was happening with the NRC, I was documenting women's experience of citizens register.

The crisis of gendered citizenship lay before me, to be counted in the national register of citizens, women and men were to produce the proof of citizenship through a specified set of 14 documents, and the NRC process asked every person to provide one document each from what are called legacy document and also the linkage documents. These included land and tenancy records, citizenship certificates, residual- residential certificates, refugee registrations, government issued service or employment certificates, etc... and also educational certificates and court records.

If a person's name does not directly appear in these documents, they need to establish linkages -the existence of a direct bloodline through the documents, which were called lineage documents or linkage documents. So at the outset the combination of these two lists seems expensive and people thought that giving it was giving enough revenues to furnish what the government wanted, but in reality, when in my field experience also I saw that people were going bankrupt in their attempts to collect these documents with scores of people committing group suicides in the process. Why?

The ask- because the ask for legacy documents such as land, electoral, and educational records dated to over half a century from today implied a demand that a true citizen of India would have to have undisruptive and provable long-term relationship with land. The ask for lineage on the other hand, demands a similar relationship with a heteronormative family structure.

This is to say a claim that a woman is an Indian citizen if she has to claim it she should either have proven ownership of land or needs to prove beyond doubt that she directly belongs to a family that has consistent records to prove that they have inhabited Indian soil for over 50 years. So the demands for documents also employed that during this time, there should also have been a continuous and formal relationship with the state which allows for the existence of official documents.

It is this triad of proof of long-term relationship with land, the family, and the state via state records that makes the cornerstone of national register of citizen process and in turn defines the present day understanding of citizenship. As it turned out, these are punishing asks for women who have very ambivalent relationship with all three. Women know that their only ties with land is their labor.

In family, their identity is transformed as they turn from someone's daughter to someone's wife, taking on new names, moving to new locations and for inclusion in state records, they struggle to make sense of their belonging to the families. How do they claim citizenship and what does it say about the idea of citizenship in India? Who's likely to be able to meet the triad of demands? Prove that they are unmistakable children of the land with documents to show.

These were- these are troubling questions for which no easy answer existed, and although citizenship is about belonging at its associated rights, a legal status which is gender neutral, its disadvantage of genders is written over the neutrality of the concept. So, the national register citizenship exercise which began from the state of Assam but declared for the entire country as the promised agenda of the Hindu majoritarian state and the Citizenship (Amendment) Act leave no doubt in anyone's mind about the de-citizenization happening through the working of a majoritarian state, and it is deeply gendered.

So that's where we were, and if we ask, "where do we go from here, how do we envision an inclusive citizenship?" And I said in the beginning the question of citizenship is intricately linked with the nature of the Indian state we are witnessing. The NRC process shows that state can add layers of oppression to a large section of people who had placed their faith in the law, and these legal measures have affected the lives of Muslim communities and women in communities.

The working class Muslim women therefore exist at the crossroads of both patriarchal and anti-minority flows of citizenship. What do they do? How do they claim their right to have rights and identity? Many of these questions -and I'll just take one more minute to say that many of these questions exploded in the massive movement against the Citizenship (Amendment) Act all over the country.

When the act was passed, citizens in this country, especially women were quick to read the links between the NRC and the blatantly discriminatory Citizenship (Amendment) Act and the

looming threat of disenfranchisement of Muslim women inherent in the law, but also for all other working women and men who knew that they will not have the documentary proof of their belonging.

A large-scale discontent flared. Shaheen Bagh sit-in in Delhi became the centre, but vibrant massive anti-CA protests broke out all over the country, and these were led by women. These were- in these women led movements, it's here the vision of a more inclusive idea of citizenship emerged. They said we will not show the papers, a verse of a rebel poem became the anthem.

The movement in the form of women led sit and protest, the poetry whole range of constitution reclaiming actions where women came out in public sphere breaching the binary of public and private, braving the state hostility and operation to claim rights exposed that citizenship is an active concept beyond mayor status and formal rights, and by occupying the public they challenged the state and staked claim on the republic.

So that's where we learned to reinvent resistance in the present, and this is where the promise of building a truly democratic and inclusive citizenship lie, and that's where I think the hope is in these movements of resistance. Thank you.

Gopika Solanki:

Thank you so much Dr. Singh, we will move on to questions and answers. Please do feel free to type them in the chat section. We have two questions; the first question is from Khursheed Ahmed and this is for Dr. Yadav: "would you talk more about your political innovation of Swadharma. What is the meaning of that?"

Yogendra Yadav:

Ah! Thank you. Let me clarify that the other two panelists are doctors. I am not [laughs], but on the Swadharma idea I think it's- when we say that something is lost, when we say something is wrong when we say something is distorted, we must know what is it that has been distorted. One way of saying that would be to say, well we are not democratic in a way that we expected ourselves to be today, another way would be to say that there is- there is an ideal implicit in our practices.

That ideal may or may not have been articulated, but we need to measure our current degeneration, not with reference to a certain legalities of- in the constitution, not with reference to what happened in another country at another point of time, but with reference to this ideal built into our practices.

As I try and understand and articulate that, I think India's Swadharma, Swadharma which is and when I say India I do not mean to say Swadharma of the civilization of India the last five thousand years.

No, I'm speaking of the Swadharma of this India that was born in 26th of January 1950, of which the constitution of India is the most sacred document, but what is that, and I think it revolves around three ideas: democracy, diversity, and development, but in ways which are different because these three words do not quite capture what our implicit ideals are. In many ways we need to reshape these three expressions, in the light of our own cultural civilizational heritage, and especially in the light of the ideals shaped by our freedom struggle.

So currently, my thinking is about trying to articulate these three core ideas that are built into India's Swadharma in ways that derive from the heritage of modern Indian political thought, but I don't want to detain you for long for that but please, but- but- the words for Swadharma I mean the- the trouble is that the moment we think hear the word "dharma" we think of religion, we think of Hindutva, I mean such is the degeneration that has set into our thinking that we need to remind ourselves that the word "dharma" is not necessarily about religion.

Gopika Solanki:

The second question is for perhaps Dr. Jayal, so the question is: "that the judiciary has usually stepped in when the democracy is in crisis, as is evident in the Kesavananda Bharati case, so what explains the current sort of lack of proactiveness from the supreme court?"

Niraja Jayal:

Actually, the question just specifies that it's for Yogendra, not for me. I mean, I can have a stab at it but yeah I- you know, how does one account for- for a judiciary expressing a certain kind of orientation at a particular point of time and not another. I think a lot of this has to do with the constitution of the bench, it also probably has to do with external factors, factors external to the judiciary, the environment within which the judiciary functions.

I mean, you know Ronald Dworkin has written famously on this question. I don't think it's right to attribute motives or at least it's- it's improper to attribute motives, though we do it in our everyday conversations all the time, but I mean I don't have a theory frankly of why the judiciary is- is ignoring the adjudication of issues as important as habeas corpus, as important as the Citizenship (Amendment) Act amongst many others.

You know that one expects differently from the judiciary at the present moment, but there's also been earlier times when the judiciary has been more responsive, particularly on social rights legislation and so on, socialized jurisprudence and followed by legislation. So, I'm assuming that it's a combination of how the bench is constituted as well as a combination of external factors, but you know what those external factors are deeper to others too.

Gopika Solanki:

Yogendra, would you- would you like to add?

Yogendra Yadav:

Just to supplement what Niraja-ji had said... is I'm actually not sure of the question. I don't think that's actually factually correct that whenever Indian democracy was in crisis, judiciary stepped in. We cannot forget emergency. You know, I mean this was a spectacular failure of Indian judiciary during complete abdication of responsibility by the Indian judiciary and in the last instance, if we came out of emergency it was not because of judiciary, it is because the Indian people stepped in.

That probably is the larger point, which is that in the last instance we should not expect judiciary to- to step outside or stand in the face of the very dominant public opinion of the time, and this is not just about India. All over the world I think, judiciary operates within a certain frame. It's not merely the majority of the moment, but if there are certain enduring majoritarian- majoritarian trends that- that shapes almost everything.

That shapes the media, that shapes the judiciary, and if you look at the language of the judgment by the court on Babri Masjid, I think it's a very depressing judgment, not merely because of you know whoever wins whoever loses but the language that the judgment uses makes you believe that- that we must not expect judiciary to be able to work against public opinion dominant public opinion. They just can't.

The second aspect is what Niraja-ji just- I think hinted at, but probably being a political activist I can be more frank about it. Which is that I mean frankly this is the capture of so many democratic institutions, judiciary being just one of them. The kind of games I mean, thanks to my friend Prashant Bhushan I get to hear second hand a lot of things that happen in the courts, and I must tell you that these are very depressing stories of institutional capture, captured by the government and the kind of constraints in which judiciary functions today. The constraints in which under which the media also functions today.

These are not very, very dissimilar. They should have been dissimilar, but they are not and that let us simply say that judges who are- that if you wish to give a judgment on something which you know would hurt the government in a serious way, you have to be very, very courageous person to be able to do that.

Gopika Solanki:

So, there are two questions. So, again addressed to Yogendra. So I suppose the one question is that "where do we anchor your notion of plausible hope? Are there any social movements or any other political formations which can be utilized for that purpose?"

Yogendra Yadav:

I would drop on what Niraja-ji said and what Dr. Singh also said. I think both of their presentations in fact contain one- one element each of hope. One is the constitution the promise of constitutional republic, the fact that- that- the constitution of India is not merely a

document that happens. I mean, all constitutions are sacred but Indian constitution happens to be the distilled- a distilled version of a certain consensus that was developed for more than a century in the Indian freedom struggle, which itself is an encounter of shaping of Indian modernity.

India's political modernity was shaped by the freedom struggle, and the core ideas of that struggle are encapsulated in the constitution of India, so that is one hope. Although, that constitution needs to be made alive, the language of constitutional- the constitutional values need to be re-articulated in ways that I had mentioned, and the second answer I think was given by Dr. Navsharan Singh, which is a movement for resistance in India- in India you know.

It's not institutions that save us, practices save us. This is probably different from what happens in North American democracies and so on. So if Mr. Trump wants to you know, do whatever he wants, a tiny sessions court can stand up to Mr. Trump and say no sorry you can't do that. So institutions work to save democracy. In our case it's not institutions, these are practices which are very sharply articulated in the form of movements. So I'm just- I would just reiterate the two things that both my co-panelist said.

Gopika Solanki:

Thank you. Dr. Singh, would you like to add on? So the other question is addressed to all speakers. Either of you can field it. It is essentially, "that if identity based social movements or political mobilization takes place, then that can be vitiated and turned against people, but what if other movements are also denuded of identity politics, would it then stop this reactionism from the Hindutva forces?" So can I- can denuding of identity be a response to a majoritarian identity mobilization?

Let me also just step in. So we've seen this ascendance of centralizing authoritarian parties and their effects on democracies right? So there are sort of other questions which rise in immediate future, especially professor Yadav talked about 2024. In that how do we- oh and what do we- how do we envisage their behavior especially when these suffer setbacks or what would be the new strategies for legitimation and how might we think of counter politics around that question.

Yogendra Yadav:

Yeah sorry did we address the previous one, I thought-

Niraja Jayal:

Yeah, go ahead please.

Yogendra Yadav:

Yeah, I'm actually on- she's written much more than I have on this thing.

Niraja Jayal:

Sorry, I was distracted by something in the chat box. Tell me what, have I missed I'm sorry.

Yogendra Yadav:

Yeah this was about identity politics and would denuding of identities work better for resistance, is that the sense of the question? I mean I frankly didn't quite understand what it- what would it mean- to denude identities.

Niraja Jayal:

I don't understand the question actually, I was trying to read it and figure it out but I don't understand how, I mean how do we have an identity-less society to combat this particular identity, I mean this particular identity is trying to collapse multiple identities into its own fold, so it's a much more complex challenge than simply you know, sort of- and which identities then, I mean gender identities are important, caste identities are associated with disadvantage, they are important, Adivasi identities are important.

You know, we started by acknowledging First Nations and so on. So all of these are- are not identities that you know, even this larger task of combating a particular synthetic identity if I may call it that synthetic in both ways- in both possible ways. I don't think that this- to me the question really doesn't- I cannot see where this could go.

Navsharan Singh:

Can I just add to the question of identity? What we've been seeing for the last some time in this regime... The regime has disenfranchised people section by section. Various identities can come in here, we- we've seen the rights of Adivasis, we've seen rights of Dalits, we've seen rights of Christian minority, Muslim minorities pulverized section by section, and people belonging to various identities have also been struggling and fighting, resisting or from- in silos.

I think the question of actually- I'm not sure melting of identities but building alliances with seeing the connection of how the- how there is a commonality how they're- of experience of how layers of operation, as I said are added to already very, very fragile identities. So, it's the question of actually seeing the connections, which some of the movements have done and the two movements we saw in recent past for example, the Shaheen Bagh or the movement that began with NTCA protest.

We saw that in that movement where not only Muslim women came out, but all kinds of people came out. Because they knew that working class people, labor knew that they don't have any documents to show their citizenship is also under threat if- if such a thing continues whereby they have to claim citizenship through certain documents. Women of all- not only Muslim women but other women also saw that they don't have documents, then the triad of

land family and presence in official records is what leaves women out of the any- out of any claims for citizenship.

So the question is not how identities can be collapsed, but how disenfranchisement, which is happening in this way, where they are being picked section by section, identity by identity, can be brought together to see the commonality of their oppression and experience.

Gopika Solanki:

Thank you, so there are other questions which are coming up. One is "what about the state of the economy? Might that have an effect? What about local politics especially the Panchayat system etc...?" So can we think of localized politics and democratic unknowns within that, and the other question is also from Sanjay Rupa "what explains the public's response to the mobilization by the Hindu right? Has there always been an undercurrent of the same?" So collected questions for all three speakers.

Yogendra Yadav:

I'm assuming Dr. Singh answers the economy question because she's the only economist [laughs]...

Navsharan Singh:

[laughs] I'm just trying to read once again to yeah—

Gopika Solanki:

That's Juhi Singh's question, that would this would sort of change in economic status scope, might it lead to any sort of questioning or protests for the and create issues for- for challenging the majoritarianism.

Navsharan Singh:

Well I don't know what change we meant by economic- in economic scenario because India is facing a major crisis- economic crisis and that crisis is actually showing in massive unemployment and massive lack of livelihoods resources, jobs which large scale, which people are facing, but it is also simultaneously producing mobs which are- somebody-. I was looking at the question and somebody mentioned that "who are the people who are actually forming these mobs, and did it always exist?" Yes, there was some.

The important question is that they were undercurrents always of hatred, but what gives now strength and all kinds of remit and or to these movements is the state impunity. We saw very recently; I don't know whether people read it because when farmers were protesting in October in a village in Uttar Pradesh.

A minister's son ran his car over farmers and how could someone do it if someone could only do it if there is a complete uh belief in the impunity this the frightening confidence in the

impunity which has been created through the backing of the state, actually explains what is happening on the streets. Some of us who worked extensively on lynching cases in India, lynchings of Muslim people in the name of cow, we saw a pattern.

There was a very clear pattern how lynchings were done and how the lynchers were protected, where people could name the lynchers they were added in the FIRs or the first information report that goes to the police as unidentified mob and many of them were actually rewarded with positions, positions in state ministries, positions in government posts. So it's the impunity which underlies this question at the moment of what explains what's happening today.

Gopika Solanki:

Thank you, so for Yogendra to comment on whether economic transformation has a role in plausible hope and for Dr. Jayal to comment on whether Panchayats can be linked to the constitutional projects.

Yogendra Yadav:

I wanted to go back to an earlier question about identities and simply reinforce what both my colleagues said. You know you don't do away with identities, you create new craft new identities so farmers movement is not about doing away with an identity, it is about creating a new identity, and we kept saying in the farmers movement, Kisan Meradhisan.

So that's about forging a new identity and by canceling some others in the process, or at least an attempt to cancel some others, and that I guess is the is the contestation that we see all the time. The other question that I noticed was from my old friend good friend Sanjay Ruparelia, which is about what made this possible. This I mean, has this always existed?

The question that you just read out has this sentiment you know, this Hindutva capture of our democracy today, has it always quietly existed? What made it possible? You know my answer in- has been to call it a democracy capture. Which is to say discount- you know, I take a view slightly different from two standard views. One is of course a view of a steady you know decline in fall of Indian democracy.

You could say this was happening gradually, it was coming and it's a final culmination of something which was happening. I don't buy that story, that's actually not a correct way of looking at how it happened in India. I mean if there was one decade in which you would have expected in you know Hindu communal forces to capture Indian democracy, it was the 1950s just immediately after partition.

People were so angry, they had seen blood, they had come to India and this is the- so if that was the moment when Jansen should have triumphed, it did not so, and I also don't buy the other extreme theory, which is that it's just an accident that one clever politician happens to have just captured something for which there was no basis.

I think we need to take a third view which is that of under determination of historical events. That is to say for that this possibility has existed for long and to my mind the- the root cause of this possibility is the gap between constitutional ideals and everyday beliefs of ordinary people. This gap existed right from the beginning, it existed during the wonderful Nehruvian age, it existed thereafter, and with the- and then what democratic revolution or what- what the entering of subalterns in our democracy in 1990s did, was that it- it made this gap voiceable.

This gap existed in 1950s as well. The language the constitution spoke, and the language ordinary people spoke were two very, very different language. They are in principle compatible but, their articulation was not compatible, but in 1950s you could not because that lovely Nehruvian period was also a period of complete, elite hegemony of Indian politics.

So that- so when in 1990s the subaltern start coming they bring their own ideas, they bring their own vocabulary and that is when it becomes possible for some of these beliefs to be articulated and which is not to say that you know BJP's rise was in a sense written into the logic of rise of subalterns in Indian politics, but it was made possible, and it always takes a very, very smart diabolic politician to make use of an opportunity.

So this was not the only opportunity for democracy capture, this opportunity existed at various points in Indian history. But at this moment, this opportunity was you realized. I- the one thing that we must remember underlined because to my mind it's an important thing not only to understand what happened but also to see how is it that we go about repairing it. Is to remember this gap between the constitutional ideals of liberal democracy and the cultural-cultural beliefs and practices of ordinary people.

Gopika Solanki:

Thank you on Dr. Yadav, do you want to respond to that, and I can add it down to the question that can-

Niraja Jayal:

Yeah both. So I agree with Yogendra that there were opportunities even earlier for this kind of mobilization to occur, but I think right after independence, I think it was Gandhi's assassination that prevented it. If Gandhi had not been assassinated, perhaps it would have taken a different form right then.

Yogendra Yadav:

Absolutely!

Niraja Jayal:

and I don't think you know- I don't think that the Nehruvian age, whatever it was, it certainly was an elite phase, but I mean I don't know if it was particularly effective one way or the other on this question. I don't think it did enough to create... It certainly didn't do enough for primary

education, it certainly did not do enough to cultivate, these- cultivate a more secular sensibility if you like.

It certainly did not relate as Yogendra just said, is the task before us did not speak the vocabulary and the language of common people and was therefore unable to- to change society fundamentally in ways of thinking fundamentally. So yes, this has existed below the surface.

Perhaps one now hears people who have served in the bureaucracy in the 1970s talking about how they've encountered you know communal prejudice within the police, within the administration even in districts, and sub-district level in you know, back in the day back in the 70s and 80s.

So, this is certainly not new, but I mean, and Sanjay knows this as well as. Any one of us, and you know that basically you do need political triggers for this so Navsharan is right about impunity. I completely agree with her, but before impunity there is another stage, which is to embolden people to do these, things of course in the knowledge that there will be impunity, but also you need a political intervention to get the communal pot going, to get it boiling and then to keep it on simmer to be activated as and when it's necessary, and there's enough work on this by scholars of Indian politics to show us how this is done.

So yes, there has been mobilization by politicians is a critical factor and then of course impunity does the rest, so- so shall leave that there.

On Panchayats you know, I have done some work on Panchayats very long time ago, but yes... Panchayats are important, Panchayats, you know, when functions are devolved, which they rarely are, then Panchayats can be important forms of decision making. But, Panchayats also have to struggle in environments where there are other parallel bodies, where there are Khap Panchayats, which are of various types.

So there's this whole ecosystem of local level politics that Yogendra knows more about than I do firsthand, but I don't know if in the present phase for the task at hand, Panchayats can be a particularly productive force, at least by which I have been constitutionally conscious. I don't know if they can be a particularly potent force for change in the present. They do have developmental- they do have important developmental contributions to make if there is adequate evolution of funds, finances, and functions.

We know that but beyond that I don't know if Panchayats can actually contribute very much. I suspect they can't contribute very much to the kind of challenge that to face the kind of challenge, to confront the kind of challenge, and to combat what we have been discussing these last few minutes. Thanks.

Gopika Solanki:

Thank you Dr. Jayal, did you want to respond to either question... There are wonderful other questions and I'm sorry in the interest of time, there are questions about the role of the media, there are questions about bureaucracy and the judiciary, and the blockages that they may present.

There are some excellent questions on what are what is the future for women's movements in India and how do we stop the ethnicization and sort of slide into patriarchy of sort of major feminist movements as well, so what are the ways in which we balance these forces? Unfortunately we've run out of time so we will, we will shelf- we'll have to shelve them.

I would really want to thank all three wonderful speakers for the immensely engaging, original, and thought provoking presentations. I also want to thank the audience for your wonderful questions and very engaged participation. I also want to announce the next India 2047 event and it's titled education in India 2047. It's on Wednesday 9th February 2022 at the same time and information and registration is through the CIRCLE website.

Please visit our website and to keep up to date with new information about India and Canada related research. The web address is canadaindiaresearch.ca, I want to thank all of you, and especially the organizers for their hard work in putting this together and I hope to see you in the next session, thank you.

Niraja Jayal:

Thank you very much.

Navsharan Singh:

Thank you. Thank you.

[End of transcript]