THE ISSUE OF CITIZENSHIP IN A MULTICULTURAL SOCIETY: A CASE STUDY OF INDIA

PAYOD JOSHI

Associate Professor, Political Science, M.L.V. Government College, Bhilwara, Rajasthan (India)

Abstract - The process of nation building in a multicultural society has been a complex phenomenon. Nation is considered as a group of people, which has common cultural and ethnic identities. People who have common values, language, history, customs and traditions come under the arena of nation as per the well accepted definition of nationhood. But in a society where groups of diverse cultural identity reside, process of nation building is not so easy. In such a society parameters of nationality cannot be universal.

Universal citizenship declines the plurality of society whereas unity of a nation state resides in acceptance of its diversity. During the freedom struggle, India was also struggling with the same problem. But the main stream of Indian freedom struggle was motivating the spirit of unity in diversity. On the other hand the British imperialism was trying to divide the unity on the basis of diversity. Some fundamentalist groups also helped Britishers to achieve their goal. After independence constitutional framers provided the provisions of differentiated citizenship in Indian Constitution and they gave recognition to Indian diversity as indispensible part of society. But politics of fundamentalism increased the politics of identity to achieve maximum profits of citizenship because distribution of every profit by state is based on categorization of citizenship.

The politics of majoritiarianism got operated in post independance India especially after 90s. Majoritarinism believes that universal citizenship is a better option rather than differentiated citizenship. In the name of unity of nation, they try to protest the differentiated citizenship. So this is a dilemma in a multicultural society like India, whether universal citizenship will maintain unity or differentiated citizenship could be the only pillar of unity. This paper makes an attempt to analyse the contemporary issues of citizenship in a multicultural society like India which has a diverse fabric of languages, customs, traditions, cultural values. It is constitutional duty of the State to protect the fabric of multiculturalism through the practice of differentiated citizenship. This research paper is based on secondary data. Hypothesis behind this research is that in a multicultural society citizenship is always differentiated and categorical because of plural fabric of the society. The citizens should not be treated on universal laws by the State. If it tries to do so, democracy converts in the tyranny of majority.

Keywords - Nation Building, Multicultural Society, Universal Citizenship, Differentiated Citizenship, Politics of Identity, Majoritiarianism

I. INTRODUCTION

Today when we are living in a full horror of extreme Nationalism, discussion on the issue of citizenship is very necessary though it is a controversial issue of present social science. Citizenship is often used as a synonym of nationality in recent years. Nationality depends on the idea of nation state. In its traditional notion, Nation is considered as a group of people which have common cultural and ethnic identities. People who have common values, language, history, customs and traditions come under the arena of nation. But Social formation of a nation state is very complex and can change over time. Migration has shaped the communities. In the age of Globalization millions of people migrate to other countries in search of jobs, business and study for better opportunities. On the other hand increasing religious terror has created refugee crises in many parts of the world. This is why definition of nationhood has changed in recent times. Contemporary nation state is a political unit of different religions, identities, cultures, beliefs and values. This changing social formation of nation state produce basic issue regarding citizenship is that whether state should treat all citizens with common laws or it should behave differently with different citizens? The concept of Universal citizenship assumes that state will treat equally with its citizens under the common laws. But the concept of group-differentiated citizenship demands states to treat their citizens differently because they are not common. This paper is a humble effort to understand the basic debate between the concept of universal citizenship and the concept of differentiated citizenship.

The Problem - The issue of citizenship is closely related to democratic rights, social justice, community cohesion and global interdependence. The emergence of multicultural social formation of nation state demands respect for all different citizens from various religious- ethnic identities, diverse ideas, beliefs, cultures and values. For a nation state it is necessary that diversity, toleration, respect and freedom are valued by people with different beliefs, backgrounds and traditions. To maintain law & order and resolving conflicts in a multicultural society, it is necessary that state must adopt inclusive policies regarding citizens. State must recognizes the exclusive groups of society and give them special safeguards to include them in the process of nation building. Special safeguards seem special treatment towards a group of society and it sometimes creates unrest in other part of society. This is a big political problem of today's multicultural society.

Concepts - The idea of multiculturalism advocates the differences of groups, politics of identity begins. Identity politics criticize the Liberal Universalism because Liberal Universalism is a source of oppression, even a form of cultural imperialism. In

this sense the idea of Universal citizenship tries to marginalize and demoralize minority groups. Identity politics is inevitable in a multicultural society due its psycho-emotional power. But clashes among different identities in a competitive democracy create dangers to the rights of citizens.

The Right wing Politics favours the formal equality and do not want to give special rights to minority groups to secure their culture and identities. Right wing politics wants to prohibit ethnic, cultural and racial privileges to minorities. As Kymllicka observes, " …post war liberals around the world have repeatedly opposed the idea that specific ethnic or national group should be given a permanent political identity or constitutional status." (Kymllica:1995:4)They want universal citizenship. Multiculturalists want to prevent right of life with human dignity of all citizens of a nation and for this they demand to recognize all civil rights of minority groups. They also want to secure group self determination. They emphasize on difference rather than equality. They believe that diversity is not only desirable but also it is inevitable. Left wing politics of Social Reformist wants positive discrimination among the citizens by the state. They say state cannot equally behave with their citizens. State must recognize the inequalities among citizens and act for the welfare of backward classes of societies. The social and natural rights as well as civil rights must be protected of all citizens.

Hypothesis- Hypothesis behind this research is that in a multicultural society citizenship is always differentiated and categorical because of plural fabric of the society. Libral conception of west believes in common laws of citizens and rejects the differentiated citizenship. This is a big cause of failing west to deal with diversities. India is a multicultural society by traditions and the constitution of India provisions for group- differentiated citizenship. So our hypothesis is that India can be a example for West , how to deal with diversities.

II. REVIEW OF LITERATURE

"Multicultural Citizenship" written by Will Kymlicka is a pioneer work to understand the problem of citizenship in a multicultural society. He argues that rights of minority people are consistent with liberal- democratic principles, but acknowledged that no single formula can be applied to all minority groups because the needs and aspirations of immigrants are different from those of indigenous people. Kymlicka believes that positive discrimination is the only way of ensuring the full and equal participation of all groups in the life of their society. Kymllicka also argues that traditional human rights doctrines do not tell us what an appropriate policy is required for immigrants to make them naturalized citizens. He says, "These questions have been left to the majoritiarian decision-making within each state. The result, I will argue, has been to render cultural minorities vulnerable to significant injustice in the hand of the majority, and exacerbate ethno cultural conflicts. " (Kymllicka : 1995:5) Kymllicka also argues that " collective rights" do not help the group - differentiated citizenship. Group-differentiated citizenship are infect exercised by individuals. Kymilicka notes that it is not the fundamental question whether the rights is individual or collective? The fundamental issue is that why members of certain groups should have rights regarding land, language, representation that the members of other groups does not have? Kymllicka argues in this context that certain rights are group-differentiated. (Kymllicka : 1995) Actually Kymllicka supports the John Rawls "Theory of Justice", in which he believed that every person in a society has an equal rights to a fully adequate scheme of equal basic rights and liberties. (John Rawls: 1971)

The German philosopher Ulrich Beck assumes in his pioneer work, "Risk Society : Towards a new Modernity" that we are moving towards cosmopolitan material politics. He discusses that the Global Capital is a possible threat to the Nation State. His Cosmopolitanism acknowledges the otherness of those who are culturally different. Like universalism, cosmopolitanism advocates the equal rights of whole world's citizens. Cosmopolitan thinkers want to diminishing national identity of a citizen and to convert him in a Global citizen with cosmopolitan identity. Daniele Archibugi, in 1995 developed an alternative model of Global Citizenship in his work "Cosmopolitan Democracy".

James Tully developed a post –imperial philosophy of constitutionalism and claimed that now the time has come where citizens reached agreements on appropriate form of accommodations on their cultural differences, guided by common constitutional conventions. He argues that demand of cultural reorganizations of different groups creates conflicts in the name of nationalism, federalism and other identities. He finds out the solution of this problem in Ancient Constitutionalism which respects plurality and diversity.

Jermey Waldron, A New Zeland's political theorists in his recent works entitled, "One Another's Equal: The basis of Human Equality" argued that there is no single characteristics that serves as the bases of equality. So we all are unequal. Then the main issue is how can we regard the differences? He notes that fractured nature of the human self provided the basis for the development of cosmopolitanism.

In "Rethinking Multiculturalism" Bhikhu Parekh developed a pluralist perspective on cultural diversity. He defends cultural diversity of citizens and rejects the liberal universalism. He argues that the separation of church and state is not enough. To bring minorities on an equal footing with majority community, he suggests dialogue between human commonalities and cultural diversities.

In early 1990s Charls Taylor argues that a liberal government must protect the culture as well as rights of every citizen because peoples demand for recognition of their particular group identity. He emphasized on the idea of equal dignity and equal respect.

III. RESEARCH DESIGN

This research paper is normative as well as follows the behavioural approach. This paper is based on secondary data. Present study is a comparative study of European –western- developed liberal democracies and eastern- developing-socialist democracies like India. Historical and analytical approach is adopted for this research.

IV. FINDINGS

Since the beginning of Globalisation a wider political debate has started regarding Multiculturalism. Multiculturalism broadly deals about how cultural differences can be reconciled with civic unity. The key theme of multiculturalism is unity in diversity. As Young observes that Multiculturalism advocates the idea of 'togetherness in difference'. (Young,I. :1995) Citizens of a nation have different beliefs, values, way of life. In other words they have different cultures. In a multicultural society, it is necessary to protect diverse cultural identities of citizens, specially the culture of minorities or vulnerable groups. Theory of Multiculturalism firstly comes out from the Black Movement of 1960s in USA under the leadership of Martin Luther King. Blacks were demanding their civil rights. It can be seen many political movements by minority citizens in late 1960s and early 1970s in Western Europe and North America. Quebec in Canada, Scottish and Welsh in UK, Catalonia and Basque in Spain, Corsica in France, Flenders in Belgium, Native Americans in Canada, Maoris in New Zealand and aboriginal people in Australia were raising their voice against economic and social marginalization and sometimes racial oppression of them. The issue of ethnic identity in a multicultural society was established with these movements. (Heywood:2005) After Second World war European countries recruited workers from their former colonies to post war reconstructions. Growing immigration in post war era converted European nations as multicultural societies. UK recruited workers from India, West Indies, Africa, Algeria, Morocco and Tunisia. In West Germany immigrants were from Turkey and Yugoslavia. USA recruited workers from Mexico and other Latin American Nations. In 1990s, after the disintegration of USSR and the new economic policies adopted by the world, cross border migration and the number of refugees has increased. Islamic Phobia is one more responsible factor to increase the number of immigrants and refugees. Now it could be easily seen a multiethnic, multireligious and muticultural trends in western societies .Present European nations are struggling with these diversities because they adopt libral notion of equal laws for citizens and it creates problems.

India is the largest multicultural society of the world. The most ethnic diversity of the world resides in India. Citizens of India belong to 7 major religions of the world- Hindu, Muslims, Sikh, Jain, Buddhist, Christian , Paresis . Hindues are in majority with 79.8% while Muslim is second large community with 14% of population of India according to census of 2011. Hindus are divided in so many castes and sub castes. There are over 2800 ethnic groups and nearly 20,000 caste groups can be find in India. (Ashish Nandy :1998) According to T.K.Oommen over 1500 speech community including 680 tribal communities lives in India. (Oommen, : 2006) As Zoya Hasan notes that, " The Anthropological Survey of India estimated there are 4,599 separate communities in India with as much as 325 languages and dialects in 12 distinct language families and 24 scripts''. (Zoya Hasan) The key feature of Indian society is "Unity in Diversity". As the first Prime Minister of India Jawahar Lal Nehru observes, " It is fascinating to find how the Bengalis, the Marathas, the Gujratis, the Tamils, the Andhras, the Oriyas, the Asammes, the Canares, the Malyalis, the Sindhis, the Punjabis, the Pathans, the Kashmiris, the Rajputs nad the great central block comprising the Hindustani- speaking people have retained their particular characteristics for hundreds of years, have still more or less the same virtues and failings of which old traditions on record tell us, and yet have been throughout these ages distinctively Indian, with the same national heritage and the same set of moraland mental qualities. There was something living and dynamic about this heritage which showed itself in ways of living and a philosophical attitude to life and its problems." (Nehru: 1951)

As Oommen observes, "Indian society is the product of a long and complex historical process. The seven major events that contributed to the formation of this process are the Aryan advent, the emergence of the Indian 'protest' religions- Jainism, Buddhism and Sikhism, the entry of non-Indic religions into the sub-continent as immigrant religions, the Muslim conquests, western colonialism, the anti colonial freedom struggle and the partition of the Indian sub-continent in 1947 on the eve of the British exit." (Oommen, : 1998) This long historical process played an important role making India a heterogeneous society. Oommen argues that there is uneasy co-existence between religion of Indic and non – Indic origin but the fact is that India is a classic example to learn how the differences live together without fragmentation and assimilation.

"Indian Nationhood" is the by -product of the anti colonial freedom struggle while India was shaping as a Nation – State. There were two basic problems in

making of India as a Nation State- first, regional identities based on different territorial regions, held together by durable political structures of regional kingdoms, and subsequently fortified by the rise of vernacular linguistic culture. Second, religious identities based on religious diversity which was often supported by political dominion. (Kaviraj ,Sudipata: 2016) But the leaders like Gandhi, Nehru and others strengthened the Indian Nationhood on the basis of Unity without uniformity and diversity without fragmentation. Yet the British Imperialist policy of 'divide and rule' got success because of the growing line of separatism and exclusivist approach of both Hindu and Muslim fundamentalists. The colonial perception towards Indian society was that it is a country of discrete religious, caste and other groups. The Colonial authority called this "India's problem". But under the leadership of Gandhi all sections of Indian people had come under the same banner of Congress for the same cause of national liberation. As Rosen point out, "Gandhi made the Congress a movement rather than a narrow pressure group in traditional sense. And under his leadership it was a independence movement under which class and caste interests were, to large extent, subsumed even though they existed" (George Rosen : 1967) Here it is necessary to understand that Indian Nationalism is totally different from European Nationalism. Prabhat Patnayak observes three basic features of European Nationalism- 1- It was not included all peoples who resided in its national territory in the idea of Nation. It always recognized 'the internal enemy' to unite majority in nation. 2- It was essentially imperialist. 3- It was based on divine conception of Nation. (Patnayak, Prabhat: 2018) Whereas in India nationalism come from the anti colonial struggle and it was not the same as European Nationalism. To achieve political freedom from colonialism it must be inclusive with the concept of fraternity and must be anti imperialist with the concept of socialism and must be secular with the concept of respect to all religion and culture. Due to this idea of Indian nationalism constitution framers gave India a secular, democratic, socialist and republican constitution.

Indian constitution adopted the concept of differentiated citizenship rather than universal citizenship notion of liberals. Constitution of India clearly mentioned the definition of Indian citizen under the part 2 of the constitution. Article 5 says that at the commencement of this constitution, every person who has his domicile in the territory of India shall be a citizen of India. This article also clears that a person, – (a) who was born in the territory of India; or (b) either of whose parents was born in the territory of India ; or (c) who has the ordinary resident the territory of India for not less than five years immediately preceding such commencement , shall be a citizen of India. The logical result of this provision is that Arayans, Dravid, Buddhist, Jains, Sikhs, Muslims, Christians, Persians – all who were residing in Indian Territory at the commencement of Indian constitution and born after that in India are Indian citizen. This provision is an acceptance of diversity without any discrimination on the basis of cast, creed, race or religion. The acceptance of heterogeneity in Indian society was the product of the post colonial experiences.

Constitution of India gives the rights to equality to its all citizens and prohibited of discrimination on grounds of religion, race, caste, sex or place of birth but at the same time it gave the power to state to make the special provisions for women, children, socially and educationally backward classes and for the scheduled castes and scheduled tribes. (Article 14 &15) . Under article 16, constitution gives equal opportunities in matters of public employment to its citizens but at the same times it authorized state to make provisions for the reservation of appointments or posts in favour of any socially and educationally backward classes and in the favour of the scheduled castes and scheduled tribes. This right of equal opportunity does not prevent the state to operate any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body , shall be a person professing a particular religion or belonging to a particular denomination. (Article 16(5)). For the establishment of fare equality constitution provisions the abolition of untouchability.

Indian constitution provides protection of certain rights regarding freedom of speech and expression under article 19. Every citizen has right to freedom of speech and expression, to assemble peaceably and without arms, to forms associations or unions, to move freely throughout the territory of India and to reside and settle in any part of the country. But these freedoms are not absolute. These are given under the restrictions of state in the interest of the sovereignty and integrity of India, public order, decency or morality.

Article 25 of Indian constitution gives freedom of conscience and free profession, practice and propagation of religion to its all citizens. But this freedom is subject to public order, morality and health. Constitution also gives the rights of freedom to manage religious affairs, promotion of any particular religion with the maintaining of individual liberty.

Article 28 protects the minority rights and gives freedom to all its citizens to have a distinct language, script or culture of its own and right to conserve the same. Part 17 of constitution makes Hindi an official language but give freedom to its provinces to adopt their regional language as official language. (Article 345-46-47) Constitution gives safeguard to rights of

all citizens with the judicial review under article 32. State cannot go against the constitutional provisions.

Constitution of India mentions the duties of all citizens in part 4A and makes a balance between rights and duties. Thus, Constitution of India accommodates all diversity of society without assimilation. It has accommodated various social groups without losing their identities. It is possible due to its acceptance the notion of group-differentiated citizenship. Constitution does not give absolute freedom or rights to its citizens and gives guarantee to rights and freedom under some positive restrictions.

CONCLUDING REMARKS

As Prominent Indian Political Scientist Yogendra Yadav remarks that Europe has failed in dealing with its diversities. Europe could not success to coordinate the different identities. So they made various separate political unit in form of Nation State with separate identities. Hence, the history of origin of Nation State in Europe is the history of mixing the cultural differences with political boundaries. (Yadav, Yogendra:2018) In the beginning of the process of building a nation state, European Nations represented homogeneous culture. But in India, Nation building process is by product of anti colonial movement. During freedom movement, Indians fought together without discrimination with its imperialist enemy. India has converted their heterogeneity into a powerful force against imperialism. They come together, forgetting differences and remembering the past- a great cultural heritage of living together with differences. Gandhi gave them the purely Indian Mantra- Live and Let Live. So when India got freedom, constitution framers tried to institutionalize equality with the adaptation of group- differentiated citizenship. Now in the age of globalization while Nation state in west no more remain homogeneous, they are feeling trouble in dealing with the different cultural identities. They are discussing now how the differences live in one nation. Almost Liberal democracies of west want common laws, rights and duties for citizens and due to this they are failing to meet out cultural and what Huntington says civilization clashes. At this time India is a classic example of Live and Let Live and accommodation of differences under one roof.

NOTES

[1] Kymlicka,Will (1995) Multicultural Citizenship, Oxford university press Page 4
[2] ibid 5
[3] ibid 45-46
[4] Heywood,Andrew(2002), Political Ideology, NewYork, Palgrave foundations, page, 312
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