

1. Provincial Citizenship – Polity

The rise of "provincial citizenship," driven by state-level domicile policies and nativist politics, is challenging India's constitutional guarantee of a single national citizenship. This creates an "insider vs. outsider" conflict that excludes migrants and violates fundamental rights, highlighting the tension between regional aspirations and national unity.

Context of the Debate

The idea of provincial citizenship is being intensely debated in India, fueled by recent events such as the National Register of Citizens (NRC) updates, the implementation of state-level domicile policies, and instances of migrant mistreatment in urban areas. Scholars like Alok Ranjan and Swatahsiddha Sarkar have highlighted how domicile politics in states like Jharkhand, J&K, and Assam are creating a new, sub-national layer of belonging that competes directly with India's singular national citizenship. This is not just an Indian phenomenon but part of a broader global trend where increasing mobility and migration clash with sedentarist politics, creating conflicts between "locals" and "outsiders."

Historical and Theoretical Context

Mobility as Progress – Historically, mobility—from ancient trade caravans to modern labor flows—has been a primary driver of civilization and progress.

Sedentarism as Exclusion – Conversely, sedentarism, which links lineage, land, and resources to a fixed location, often forms the basis of exclusionary politics.

Constitutional Framework – India's Constitution establishes a singular, national citizenship (regulated by the Citizenship Act, 1955). It protects the rights of all citizens to equality, non-discrimination, and free movement under –

1. **Article 14** – Equality before Law & Equal Protection of Laws.
2. **Article 15** – Prohibition of Discrimination (including on the basis of place of birth).
3. **Article 16** – Equality of Opportunity in Public Employment.
4. **Article 19** – Freedom of movement and residence anywhere in India.

States Reorganisation Commission (SRC) Warning (1955) – The SRC presciently cautioned that state-level domicile rules would fundamentally undermine the idea of common Indian citizenship, warning that without corrective national legislation, these constitutional guarantees would lose their meaning.

Key Concepts

Citizenship – A singular, national identity guaranteed under the Indian Constitution, entitling every citizen to equal rights across all States and Union Territories.

Domicile – A legal residence status used by States to determine eligibility for government jobs, educational admissions, land rights, and welfare schemes.

Migrants – Internal migrants who move across states for livelihood. They are crucial for India's urban economies but often face exclusion due to domicile rules.

Provincial Citizenship – An unofficial, politically constructed identity where access to rights and benefits depends on being a "native" or "local" of a particular state, often at the expense of migrants.

About Provincial Citizenship

Definition – It refers to region-based definitions of belonging, where domicile or ethnic identity becomes the primary basis for accessing rights, jobs, or welfare.

"Sons of the Soil" – This is a form of nativist politics where local identity is prioritized over that of migrants, creating divisions between "natives" and "outsiders." This concept is used to justify regional preferences.

Nature – It is not part of official citizenship law but operates through state policies, administrative rules on domicile, and political rhetoric.

Case Studies –

Jharkhand – Domicile rules emerged after its statehood in 2000, reflecting grievances against migrant elites and challenging Article 16's non-discrimination principle.

Jammu & Kashmir – Post-2019, new domicile rules were used as both an inclusive tool (extending rights

to marginalized groups like Valmiki and Gorkha) and an exclusionary one.

Assam (NRC) – The NRC exercise demonstrates how the politics of indigeneity versus outsiderhood can redefine belonging on a massive scale.

National Citizenship vs. Provincial Citizenship

Dimension	National Citizenship	Provincial Citizenship
Constitutional Basis	Provided under Articles 5–11; single citizenship for entire India.	Unofficial construct, shaped by domicile rules and state-level politics.
Identity	Pan-Indian; promotes unity in diversity.	Regional/ethnic/linguistic; tied to sons-of-soil sentiment.
Mobility & Rights	Ensures free movement, residence, and equal opportunity across States.	May restrict access to jobs, land, and education for non-locals.
Federalism	Strengthens national integration; states subordinate to Union on citizenship.	Enhances state autonomy; challenges the federal balance.
Political Instrument	Less used in electoral mobilization.	A strong tool for nativist politics, especially in resource-scarce states.
Judicial View	Courts consistently uphold the single citizenship principle.	Limited tolerance by courts (e.g., domicile-based reservations are often under scrutiny).

Need for and Significance of Provincial Citizenship (Arguments of Proponents)

Protect Local Identity and Resources – Advocates argue it safeguards land, jobs, and the cultural heritage of indigenous and tribal groups from being overwhelmed by outsiders.

Address Marginalisation – It provides political recognition and leverage to communities historically excluded from development benefits.

Electoral Mobilisation – It serves as a powerful tool for regional parties to mobilize voters by appealing to “sons of the soil” sentiments.

Political Visibility and Bargaining Power – It gives a voice to local and marginalized groups (Adivasis, Dalits, etc.) who might otherwise be overlooked in national policymaking.

Regional Autonomy and Federal Assertion – It allows States to assert control over local jobs, land, and resources, reinforcing sub-national identity politics.

Trigger for National Debate – It forces important conversations on migration, domicile laws, and the portability of welfare rights.

Challenges and Dangers of Provincial Citizenship

Erosion of Singular Citizenship – It fractures the idea of one Indian citizenship. Example – The Assam NRC (2019) excluded 19 lakh people, creating a sharp “native” vs. “outsider” divide.

Constitutional Conflict – It violates Articles 14, 15, 16, and 19. Example – Maharashtra’s domicile reservations for state jobs restrict equal opportunity and freedom of movement.

Exclusion of Migrants – It creates second-class citizens. Example – The COVID-19 Migrant Crisis (2020) saw millions stranded without welfare access due to domicile-based restrictions.

Nativist Politics and Electoral Exploitation – It fuels xenophobia and hostility. Example – Nativist rhetoric in Maharashtra has often targeted migrants from Bihar and UP.

About Xenophobia – Refers to the fear, distrust, or dislike of people from other countries or cultures, often manifesting in hostility and discrimination against “outsiders.”

Judicial Overload and Uncertainty – It burdens the judiciary with frequent litigation. Example – The Supreme Court has repeatedly dealt with cases on J&K’s domicile quotas.

Harmful Precedents and Institutionalisation – It risks formalizing exclusion. Example – Assam’s institutionalised domicile-based job reservations are becoming a precedent for other states.

Impact on National Goals – It weakens labor mobility and inter-state markets, hindering economic growth and the aspiration to become a \$5 trillion economy.

India's Initiatives & Actions on Provincial Citizenship

State-Level Domicile Policies – Jharkhand, J&K, Assam, Maharashtra, Karnataka, and Gujarat all enforce domicile criteria in jobs, education, or land rights.

Constitutional Safeguards – Articles 14–19 remain the primary defense, with Supreme Court rulings often striking down discriminatory quotas while allowing limited residence-based preferences.

Migration & Welfare Portability –

1. **One Nation, One Ration Card (ONORC)** – Enables food security portability.
2. **e-Shram Portal** – National database for portable social security.
3. **Labour Codes (2020)** – Aim to universalize coverage for inter-state migrant workers.

Electoral Inclusion – The Election Commission of India (ECI) is exploring remote voting for migrants.

Global Initiatives & Best Practices

European Union (EU) – Guarantees free movement, residency rights, and equal treatment across 27 member countries.

United States – A single federal citizenship applies equally across all states, with only residency-based welfare eligibility varying locally.

South Africa – The post-apartheid constitution ensures non-discrimination and mobility within provinces as a right.

Rwanda & Canada – Combine inclusive migration policies with political representation quotas to ensure migrants are integrated into governance.

Way Forward

Parliamentary Legislation – Enact a national framework clearly defining the permissible limits of domicile policies.

Strengthen Migrant Protections – Expand welfare portability (ONORC, etc.) to healthcare, education, and housing.

Balanced Federalism – Allow states limited scope for residence-based benefits but prevent them from stripping core constitutional rights.

Judicial Oversight – Establish clear jurisprudence to prevent violations of Articles 14, 15, 16, and 19.

ECI Oversight – Empower the ECI to discourage nativist campaigns targeting migrants.

Public Awareness & Inclusion – Launch mass campaigns to shift narratives from “outsiders” to “nation builders.”

Political Accountability – Encourage responsible rhetoric on migration, promoting integration over exclusion.

Conclusion

Provincial citizenship may address local insecurities, but it risks fragmenting India's unity and equality. Guided by constitutional values and aligned with SDG 10 (Reduced Inequalities), India must reaffirm the principle of “one nation, one citizenship” to ensure inclusive and sustainable unity.

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