

7 March 2017, Tuesday ✦ 4.30pm – 5.30pm

Federal Bartholomew Conference Room, Federal Building, NUS (Bukit Timah Campus)

Litigious Citizens, Constitutional Law and Everyday Life in the Indian Republic

Dr. Rohit De

Assistant Professor, Yale University

Chairperson: Associate Professor Umakanth Varottil

ABSTRACT

On the 26th of January, 1950, the people of India gave unto themselves a constitution declaring the new state to be a sovereign democratic republic. Did this constitution make a difference? Critics have been deeply skeptical of the narrative of constitutional change, pointing to the continuation of many of the structures of colonial governance, including the police and the army; the circumscribing of individual rights by state interests and the conferment of broad emergency powers to the government. The constitution was easy to amend and vulnerable to electoral majoritarianism. Institutional design apart, the English language document was seen as an elite project, its ideals far removed from the lived experience and concerns of a majority of Indians. The Supreme Court's early decades have been described as its conservative period, where judgments favoured the propertied over the proletariat. The speaker hopes to present a contrary argument, that the Indian constitution profoundly transformed everyday life in the Indian republic. Moreover, this process was led by some of India's most marginal citizens, rather than elite politicians and judges. It shows that the constitution, a document in English that was a product of elite consensus, came alive in the popular imagination such that ordinary people attributed meaning to its existence, took recourse to it and argued with it. The presentation draws upon the virtually unexplored archives at the Supreme Court, to map how the constitution emerged as a field of politics that came to dominate, structure, frame and constrain everyday life. It focuses on constitutional writs filed by citizens against new state regulations seeking to transform economic and social relations. These writs reveal both the diversity of citizens' conceptions of their rights under the new Indian constitution and the strategies adopted to secure them. Through this bottom-up constitutional history, the speaker offers a new genealogy to the Indian constitution as well as to the global history of rights consciousness and constitutionalism.

ABOUT THE SPEAKER



Rohit De is an Assistant Professor of History at Yale University and an Associate Research Scholar at the Yale Law School. Trained as a lawyer and a historian of South Asia, Rohit's book *The People's Constitution: Litigating Citizenship, Consuming Rights and Making India's*, will be published by Princeton University Press in 2018. It explores how the Indian constitution, despite its elite authorship and alien antecedents, came to permeate everyday life and imagination in India during its transition from a colonial state to a democratic republic. Rohit was the Mellon Postdoctoral Fellow at the Centre for History and Economics and at Trinity Hall at the University of Cambridge before coming to Yale in 2014. Rohit received his law degrees from the Yale Law School and the National Law School of India University, Bangalore. He has assisted Chief Justice K.G. Balakrishnan of the Supreme Court of India and worked on constitution reform projects in Nepal and Sri Lanka. Rohit is currently on research leave supported by a Morse Faculty Fellowship working on a new project titled, "Rights from the Left: Decolonization, Civil Liberties and a Global History of Rebellious Lawyering".

REGISTRATION

There is no registration fee for this seminar but seats are limited.

Light snack will be provided on a first-come, first-served basis.

Closing Date: **6 March 2017, Monday**

For enquiries, please contact Sunita Tavabalan at cals@nus.edu.sg

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