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**Interrogating Citizenship:
Perspectives from India's East and North East**

**Samir Kumar Das
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2019

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Governing Citizens: National Register of Citizens (NRC) and the Question of Migration in India¹

Samir Kumar Das *

The current debate on the updating of the National Register of Citizens in Assam – NRC in brief – seems to have hit a stalemate in the sense that it shuttles between twin extremes, thus wiping out the middle space that could have made any dialogue possible between them: on the one hand, it is argued that the forces and processes of globalisation have only accentuated the fears and anxieties of losing one's identity in a world in which people across the globe are constantly called upon to communicate with each other in real time and facing the threat of losing their distinctive identities. Benedict Anderson's *Spectre of Comparison* (1998) points out how the forces and processes of globalisation have only accentuated the fears and anxieties of losing one's identity in this increasingly globalised world. The alarmist literature draws our attention to the history of almost incessant influx mostly – though not exclusively - of the Bengali-speaking migrants from outside Assam slowly assuming intractable proportions over the years and how it (i) threatens to establish the rule of the 'foreigners' in many of the electoral constituencies of Assam where they have reportedly become a majority; (ii) causes alienation of land hitherto owned by the natives; (iii) cuts into the employment opportunities that could otherwise have gone to the 'sons of the soil'; and most importantly (iv) jeopardises the language and culture of the native Assamese population. Since most of these migrants are from East Bengal/East Pakistan/Bangladesh, the Indian state of Assam faces the threat of being turned into a part of 'Greater Bangladesh' sooner rather than later.

On the other hand, a section of scholars and activists argues that immigration to Assam in recent times is integrally connected with the history of peasant migration in the larger Ganga-Meghna-Brahmaputra (GMB) Basin which was one geographical region until recently and certainly precedes the reorganisation of international borders in the region since the late nineteenth and early twentieth century. Under such circumstances, the more radically minded amongst them in fact calls for people's 'natural right to migrate' regardless of the reorganisation of international borders. The problem of migration has been aggravated by the rapid environmental degradation, ecological disaster, global warming, climate change, resource crisis, coastal subsidence and most importantly Bangladesh's rapid land loss to the rising water level of the Bay of Bengal and so forth. It is also argued by a section of Bangladeshi scholars that since Bangladesh alone is not responsible for the global climate change but is badly affected by it, Bangladeshis have a 'natural' right to migrate to the

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upper reaches of the delta in search of what they call a 'lebensraum' in the adjoining districts of eastern and northeastern India.

In this paper, I propose to break free from what appears to be a stalemated debate by way of developing the twofold argument that (a) updating of NRC – provides only an example in an otherwise long chain of such measures and speaks of a new technology of governing citizens in India and perhaps across the world; and (b) democratic politics today seems to have reached a point where it refuses to be subsumed under the narrow confines of citizenship. Democratic politics, in other words, instead of remaining bound by the rules and proto cols of citizenship seems to clutch on to what I call 'acts' that constantly seek to widen the ambit of citizenship. Accordingly, the paper is divided into two parts. Both these parts are prefaced by a brief reference to the context that led to this time bound and mammoth preparation of an updated NRC.

Assam's Long History of Migration

As I have already pointed out, Assam had a long history of peasant migration although the Assamese middle class intellectuals started voicing their resentments against it only since the beginning of the twentieth century (Kalita 2007, 9). Unlike in the rest of India, Assam had already had a National Register of Citizens (NRC) prepared back in 1951. The six-year long Assam movement between 1979 and 1985 – billed as the longest and most popular one that the post-independent India had witnessed since the Gandhian civil disobedience movement of 1942 - was keyed to the threefold demand for detection, disenfranchisement and deportation of 'foreigners'. Prafulla Kumar Mahanta – then the President of the All-Assam Students' Union (AASU), the organisation that spearheaded the movement - who subsequently became the chief minister of Assam marking the end of the six-year long movement in 1985 - described the movement as a "tussle" between the citizens and the foreigners which is aptly captioned in the title of the book he (1986) wrote on his first hand experience of the Assam movement:

The problem which is agitating the minds of the peoples of the North-East region is the problem of influx of foreigners from neighbouring countries, particularly from Bangladesh and Nepal. The influx of foreign nationals into Assam is not a recent phenomenon. It exists from the days of independence. The problem has become so alarming that the very existence of the indigenous population is under threat (Mahanta 1986, 84).

All the estimates made during the movement by the scholars and activists alike ranged between 500,000 to 45,00,000 foreigners who were said to have been settled in Assam, while not more than six thousand persons could be detected under the due process of law and a far less actually deported during the five-year rule of Asom Gana Parishad that came to power in 1985 marking the end of the movement and riding on its popularity with the promise of updating the National Register of Citizens among other things. The post-movement scenario in Assam is characterised by a long saga of legal battle. Sarbananda Sonowal – the present chief minister of Assam and then a leader of the All-Assam Students' Union (AASU) at the forefront of the Assam movement - became a *Jatiya Nayak* (a national hero) because of his initiative of getting the Illegal Migrants Determination by Tribunals (IMDT) Act quashed by the apex court. The Act, according to the court, was discriminatory insofar as it was applicable only to Assam among all states of the Indian Union and made detection and deportation extremely difficult, for it passed the burden of proof on the 'native' complainant. Over the years following the Assam movement, numerous attempts have

been made at updating the NRC. In 2005, a pilot project for updating the NRC was initiated in Barpeta and Chaygaon Revenue Circles in Barpeta and Kamrup (R) districts respectively. However, a large number of people protested against the anomalies in the process. At least four persons were killed and more than 50 injured in clashes between the activists of the All-Assam Minority Students' Union (AAMSU) and the police as well as the residents in Barpeta on 21 July 2018 (Das 2010). The process was ultimately scrapped in 2010.

The issue found a new lease of life when a one-man fact finding commission with Upamanyu Hazarika – a senior advocate - was appointed by the Supreme Court of India in May 2015 to report on the state of the problem on the Indo-Bangladesh border in Assam. The commission submitted its report in October 2015 in which it was pointed out that the problem had acquired a serious magnitude and posed a threat to the state's indigenous population. The 'indigenous population' (in the sense of merely referring to the citizens living in Assam) could be reduced to a minority by 2047. In one of its judgments, the apex court ordered that the updated National Register of Citizens (NRC) be published by January 2016. The Supreme Court put out a list of 'admissible' documents issued up to the midnight of 24 March 1971 that one must be in 'possession' of, in order that one is rendered eligible for being included in the updated NRC. The date, as we know, marks the beginning of the genocide perpetrated by the Pakistani forces in East Pakistan till Bangladesh was liberated in December 1971. The NRC of 1951 itself remained the basis, while Electoral Rolls up to 1971 and, in their absence certain other documents issued up to the midnight of 24 March, 1971 were listed as admissible. While these are described as 'legacy documents', the apex court also released another set of documents which would be considered 'admissible' if one is to prove one's 'linkage' with the person/s in possession of the legacy documents (a) in case one is born after that date and (b) in case one is required to substantiate ones claim to citizenship in India. The second set of documents is labeled as 'linkage documents'.

Updating of NRC was indeed a humongous exercise. More than 50,000 people have been employed for the updating process. Over Rs 1500 crores² of public money has already been spent on the exercise. The entire administration was inducted into the exercise with the effect that the normal administration of the state is reported to have come almost to a standstill.

The NRC authority released the names of eligible or ineligible persons in at least three phases. The first draft contained the names of only 1.90 crores out of 3.29 crore applicants. Names of 1.39 crores did not figure at all in the first draft. The final draft was published on 30 July, 2018 in which names of 2.89 crore out of the 3.29 crore people were included. The names of 40,70,707 people did not figure in the final draft. Of these, 37,59,630 names had been rejected and the remaining 2,48,077 were kept on hold, although all of them were given the right to file their claims and objections within a stipulated date. Prateek Hajela – the state coordinator of NRC - said that a total of 3,11,21,004 people have been found eligible for inclusion in the final version of the NRC. This leaves out a total of 19,06,657 people in the final version released on 31 August 2019. The figure includes those who did not submit their claims at all.

Citizenship as a Technology of Governance

For one thing, the NRC preparation in Assam reflects the anxiety on the State's part to establish what may be called a paper world in which one's existence as a citizen is made to rest with one's ability to prove it with a trail of documents to be determined from time to time by competent authorities while one's physical existence per se becomes irrelevant. One can only be what C. B. Macpherson calls 'a proprietor of one's capacity and person' (Macpherson 1962, 3) if and only if one

is in possession of the papers that attest to this proprietorship. The mediation of law in the proprietorship becomes important. Citizenship is thus situated in a Kafkaesque world in which the paper trail precedes – if not overshadows - existence.

The Paper World

As one is called upon to prove one's citizenship in today's world, one is dragged as it were into a complicated and bizarre world in which papers – more often than not the same set of them - acquire and lose their validity as it were with the drop of a hat. Consequent to the Assam Accord (1985), the Citizenship Act was amended in 1986 to insert Section 6A that laid down that all persons of Indian origin who had come to Assam before 1 January, 1966 from a specified territory (meaning territories that are included in Bangladesh) and had been ordinarily residing in Assam would be considered citizens of India. The amended provision also allowed these persons of Indian origin from the specified territories, who had come between 1 January, 1966 and 25 March, 1971, and had been residing in Assam since then, and had been detected as “foreigner”, to register themselves as Indian Citizens. However, citizenship would commence 10 years from the date of such detection as ‘foreigner’. Their registration as Indian citizens is automatic after this prescribed waiting period. In other words, the documents required to qualify for inclusion in NRC as Indian citizens appear at first sight to be at variance with this provision. For, those amongst them who are unable to produce any of the prescribed legacy documents, but have become citizens by virtue of this provision are likely to be decitizenised again under the NRC provisions.

Besides, residency certificates issued by the local panchayats³ assumed great importance particularly for the estimated 4.5 million married women who had submitted the panchayat certificates as proof of their linkage with the state of Assam. The list of link documents seem to be fairly long, but it turned out that a large number of married women in Assam had little by way of “legally acceptable document”. This problem was especially acute in rural areas, where birth certificates were rare even a decade or two ago. A sizeable number of women in these areas dropped out of school before their matriculation examinations and got married, explained lawyer and activist Aman Wadud, who offers pro-bono legal advice to people caught in citizenship entanglements. So, not only did they have no board or university mark sheets, any other documents they possessed, such as ration and election identity cards, connected them only to their husband's identity, said Wadud. On February 28, 2019 a ruling of the Guwahati High Court pointed out that panchayat certificates had “no statutory sanctity” and could “at best be a private document”. It also added that the use of these documents was unconstitutional and using them to validate one's claim to citizenship was “against national interest”. The statement that 1.75 million amongst these women are ‘original inhabitants’ of Assam by Prateek Hajela, the state coordinator of NRC, has only complicated the situation. While state organs are not necessarily in coordination with one another, oral statements coming from competent and highly placed authorities have only added to the complexities. A section of Assam's large Muslim population now fears that the term “original inhabitant” – used by Hajela as a privileged category without any legal connotation and anchorage - implies in effect the state's non-Muslim, Assamese-speaking people. The authorities are accused of being arbitrary, if not communally prejudiced, while devising categories, applying them and opening and shutting the doors at their will. The NRC exercise instead of providing relief asks for ever-newer documents or as a commentator puts it, ‘newer alibis under different pretexts’ to always exclude some groups and communities from the ambit of citizenship.

The logic, in other words, is inescapably circular: one is not a citizen because one does not have papers to prove it; one does not have papers precisely because one is not a citizen. I think Derrida understands the problem brilliantly when he argues that law always foregrounds itself without appearing to present any history of its own, thereby asking everyone to become ‘intrinsic’ to it, to become citizens in this case by maneuvering to fulfill this or that obligation without ever being finally successful in doing it. It produces and inculcates in us the ravenous desire of becoming one of its integral parts by way of making us believe in the possibility of fulfilling the requirements of law, constantly endeavour at complying with and obtaining the documents that promise to include us in its ambit. Law thus creates the illusion of having cleansed itself of history. As he puts it:

The story of these maneuvers would be merely an account of that which escapes the story and which remains finally inaccessible to it... To enter into relations with the law which says “you must” and “you must not” it to act as if it had no history or at any rate as if it no longer depended on its historical presentation (Derrida 1991, 191-2).

While they find it impossible to bring them under the ambit of law with one pretext or another, the tragedy is they are perpetually imprisoned to this illusion. Harsh Mander, Special Monitor for Minorities, National Human Rights Commission, visited some of the camps housing the under trial and potentially stateless men and women. He reflects on how it becomes impossible for law that claims itself to be cleansed of history, to understand their own histories they tend to forget ironically at the instance of law:

My first finding was that the majority of persons deemed to be foreigners and detained in the camps had lacked even elementary legal representation and had not been heard by the tribunals. They were mostly detained on the basis of “ex-parte orders”, or orders passed without hearing the accused person because they allegedly failed to appear before the tribunals despite being served legal notices. Many claimed they never actually received the notices: we saw omnibus notices to large numbers of persons, sometimes naming some persons and simply adding a number for the others. Many were migrant workers working far from home, sometimes in another town or even another state, or were not at home, or for a variety of other reasons did not receive the notice... Overall, I am convinced that for a process that can result in the disenfranchisement, indefinite detention or expulsion of a person ... (Mander 2018).

Unaccustomed to the world of law and its impossible requirements, the stateless and the decitizenised persons are emblematic of a “football” - constantly being kicked by one nation-state or the other while sending them across their respective boundaries. Revati and Titlibala – a childless couple from the Bengali-dominated Barak valley married long back – have become too old to eke out a living for themselves. The husband lost his eyesight perhaps due to old age. They have to depend on the charity of others, a euphemism for begging on the roads. Ravati raises his hands towards the sky in a gesture of seeking justice from God and quips: “Tell us Baba, which one is my country, we are sent to this side by being kicked, then we are kicked again and being told, “Get lost you Man, this country, is not yours.” They are, in short, the jetsam and flotsam of the region that will perpetually remain stateless thanks to the new citizenship regime that makes a fetish of papers and documents.

Zionizing Citizenship

The main problem is that the NRC authority does not provide us any disaggregated data – say the Hindu-Muslim, Assamese-non-Assamese, tribal-non-tribal, inter-district and inter-valley or even gender breakup. In the absence of any official data, most of these estimates depend on often uninformed guesses, village based surveys, small scale ethnographies etc – none of which can be considered as authentic and reliable. One will find it difficult to provide any decisive answer to the question if the exclusions take on an ethnic and communal character till the data and information one works with are to be considered as both authentic and reliable.

According to Mukherjee, 80 percent of those whose names do not figure in the final draft happen to be Muslims (Mukherjee 2018 mimeo), although such estimates, one must admit, are hasty, if not exaggerated.⁴ One must keep in mind that the Muslim population in Assam has jumped from 28.7 percent in 1941 to 32.2 percent in 2011 – the last time when the census was conducted across India. By all accounts, Muslims constitute the bulk of the poor and landless. Landownership amongst the Muslims, for instance, is as low as 10 percent; their involvement in formal sector is 7.9 percent in urban areas and 5.9 percent in rural areas of Assam. Compared to the national average of 26 percent, Assam has a high percentage (36 percent) of BPL people. Nearly 3 million persons out of a little more than four million potentially stateless and decitizenized persons are ‘Bengalis – Hindus and Muslims’ together (Mukherjee 2018, 3) accounting for nearly 12 percent of the total population of Assam. According to a list shown on an Assamese news channel *Pratidin Times*, out of the 9 Muslim-majority districts (Dhubri, Barpeta, Darrang, Hailakandi, Goalpara, Karimganj, Nagaon, Morigaon and Bongaigaon) of Assam, only 5 are in the top 16 districts where maximum number of rejections has been made.⁵

A good many of them reportedly belong to the ‘low-caste’ Namashudras.⁶ According to an estimate made by the All-India Namashudra Vikash Parishad (or All-India Council for the Development of the Namashudras), out of a total of nearly 4 million persons who do not find their names in NRC, Bengali Hindus constitute about 3.2 million - out of which 2.5 million are Namashudras (quoted in Biswas 2018:1). On 2 August 2018, the members of the All-India Matua Mahasangha⁷ blocked railway stations in North 24-Parganas and Nadia in West Bengal. One of their leaders based in West Bengal is reported to have said: “We cannot remain silent while the citizenship of our people is being snatched overnight. Today we have resorted to railway blockade to register our protest” (Ranjan 2018, 14). While some of the estimates are politically motivated, one will do well to accept them with a pinch of salt.

It is also alleged that most of those whose names do not figure in the draft hail from the Bengali-dominant Barak valley of Assam. While Upper Assam recorded about 70 percent inclusion and predominantly Bengali inhabited Barak valley recorded about 30 percent inclusion in the first list. When there are widespread anomalies in the inclusion of members of the same family, one can perceive it as either the manifestation of ‘negligent, chauvinist mentality of the bureaucracy’ or the ‘absence of any method to their madness’. Sadhbhav Mission's report brought out on 3 February 2017 points out: “In Kokrajhar area, where some of us visited the villages, only 70% Rajvanshis and 30% Muslims find their names in the draft.” If these figures were true, they could well speak of the ethnic and communal nature of the intertwined processes of inclusion and exclusion operative in the preparation for updating the NRC in Assam. If the issue is viewed from within this perspective, the search for nation's security might turn out to be elusive threatening to dismember the body of people living in Assam along ethnic and communal lines.

Barely an hour after the NRC authorities uploaded the supplementary list of inclusions and exclusions on 31 August 2019 as per the Supreme Court order, the main petitioners in the apex court, Assam Public Works (APW), expressed their unhappiness with it. Aabhijeet Sarma, president of APW, the Guwahati-based civil society organisation, is clearly disappointed with the paltry figure of 19,06,067, the number of people finally left out of the NRC. He rolled out figures on the population excluded in the four districts of the state bordering Bangladesh to illustrate why APW would appeal to the court yet again for “100% re-verification” of the NRC as it strongly felt “it [the list] has anomalies”. All-Assam Students’ Union (AASU) too had petitioned before the court on the NRC issue and has made itself a party to it. According to an estimate made by the All-Assam Bangali Yuva Chhatra Federation (All-Assam Bangali Youth Students’ Federation), about 10 to 12 lakhs⁸ amongst the excluded persons happen to be ‘Bangali Hindus’ while the corresponding figure of the Bangali Muslims will fluctuate between 1.5 to 2 lakhs. A great bulk of the rest is supposed to consist of the Gorkhas (‘Indian citizens of Nepali origin’), the tribals⁹ (the indigenous people of Assam) and even the Assamese Hindus. Asom Gana Parishad (AGP), which was born out of the Assam Accord, found the number “ridiculously small.” The Bharatiya Janata Party (BJP) is now on the defensive, for it thought that the majority of the ‘foreigners’ living in India would be Muslims (‘12 laksha Hindu ...’ 2019, 1). According to the All-India Gorkha Parisangh, the number of excluded Gorkhas is estimated to stand between 1 lakh and 1.5 lakhs while all of them claim themselves to be both Hindus and Indian citizens. That only adds to the woes of those who were once instrumental in bringing the issue to the attention of law courts and getting the NRC done. More than others, they are perhaps the most disenchanting lot today insofar as the issue seems to have boomeranged on them.

Besides, those whose names do not figure in the final version might eventually turn out to be stateless persons rather than foreigners. For, Bangladesh or for that matter any country is not obligated to accept the excluded persons as their citizens just because India decides that a person is a ‘foreigner’ and is not a citizen of India as per the NRC provisions. The commonest way by which any two governments act in the international arena on the issue of deportation is to sign a bilateral agreement for readmission of nationals of the relevant country. There has not been any such agreement between India and Bangladesh. Bangladesh’s Alice-in-Wonderland policy of maintaining that not a single Bangladeshi has illegally migrated – let alone settled in India – is the greatest obstacle to the resolution of the foreigners’ issue in India. On the contrary, Bangladesh claims that India has assured her that it was India’s ‘internal matter’ to be dealt with internally. If newspaper reports are to be believed, India seems to have never approached Bangladesh on this issue. Giving work permit to these persons is unlikely to resolve the problem as Bangladesh refuses to accept them as her citizens and a work permit regime can be based only on bilateral agreement.

While it might be difficult to trace any communal or ethnic character in the updating of the NRC in any definitive way, Citizenship Amendment Bill (CAB) 2016 - now waiting in the Select Committee of Parliament – if passed in its present version, is more explicit in this regard. The immediate context that led to the introduction of the Bill is that a notification was released by the central government on the status of ‘minority’ refugees from Pakistan and Bangladesh who have settled themselves in India up to 31 December 2014 and who have been living here without valid documents. The count of ‘minority’ refugees as per the Bill remains restricted to the six communities of the Hindus, Sikhs, Christians, Jains, Parsis and Buddhists who migrated to India from Bangladesh and Pakistan before 31 December 2014. The absence of an otherwise numerically strong religious minority in the Bill should not escape our notice. The explanation provided by the ruling party is simple: The members of this community should be treated not as refugees, but as ‘infiltrators’ insofar

as their migration to India is not induced by any kind of persecution – an essential qualification for claiming one’s refugee status as per the International Law. The Bill seeks to remove the tag of ‘immigrants’ from six religious minorities and provides for their regularisation as Indian citizens only if they can validate their claim that they (a) had been citizens of the specified countries prior to their migration; (b) had migrated to India on or before that date and (c) were forced to migrate from their respective countries out of fear of persecution. Their identification as nationals of these countries, as refugees rather than simple migrants, and as minorities being the victims of persecution is essential for their regularisation as citizens of India.

Such organisations as All-Assam Students' Union, Assam Sahitya Sabha (Assam Literary Society) and Assam Sanmilit Mahasabha (Greater Assam Joint Society) are opposed to the idea of ‘discriminating’ between a Hindu and a Muslim as long as both are illegal migrants and therefore are not citizens of India. It is also feared that this Bill once legislated runs the risk of ethnicizing or communalising citizenship by way of discriminating between them. Very recently a BJP leader from Assam hit a hornet’s nest when he announced that there is ‘not a single Hindu Bangladeshi in Assam’ meaning thereby that the Hindu Bangladeshis – unlike their Muslim counterparts – should not be treated as ‘foreigners’ as they will be eventually regularised as ‘Indian citizens’ once the Bill is allowed to see the light of the day.

Insofar as citizenship undergoes a process of zionization, that is to say, restricting citizenship to certain groups and communities according to the principle of *jus sanguinis* or blood that is perceived to have been flowing in their veins and corpuscles - whether by *decitizenization* and inducing statelessness or by *recitizenization*, that is to say, admitting certain groups and communities as citizens or by both in their combination, it amounts to what Sanjib Baruah calls “an unfinished piece of Partition business” (Baruah 2018, 12).

Citizenship Amendment Bill – once translated into an Act – will carry forth the rationale of Partition to its most logical – indeed the most absurd - end if the rationale of Partition is given recognition in the first place. The fathers of the Indian Constitution did not subscribe to Mohammed Ali Jinnah’s ‘two-nation theory’ that continues to inform the idea of Pakistan and instead wanted India to be ‘a sovereign, socialist, secular, democratic republic’. Blood (*jus sanguinis*) and nationalism in the wake of globalisation, as Appadurai reminds us, “are in a much fuller and wider embrace in the world as a whole” (Appadurai 2006, 4). While the forces and processes of globalisation trigger off a certain churning of the population across nations and communities posing a threat to the purity and sanctity of the hitherto perceived blood ties, the nation in its turn seeks to ensure that the perceived purity and sanctity of the blood are scrupulously preserved and reproduced. This thrust towards growing homogenisation is visible across the world - whether in Bhutan or Sri Lanka or Mauritania and Australia and so forth. The controversial Arizona State Act of 2010 subsequently upheld by the US Supreme Court offers a close resemblance to our Citizenship Amendment Bill.

The Disenfranchised Labour

By all accounts the textbook binary between citizens and foreigners gives way to what Fritsch calls ‘infinite porosity’ (Fritsch 2008, 155) with the emergence of a wide variety of groups and communities squeezed between them who are neither citizens nor foreigners and are forced to live in state of perpetual statelessness. What do we do with them? While Bangladesh maintains that NRC is ‘India’s internal problem’, India, as Bangladesh claims, has assured her that the persons whose names will not figure in the final NRC will not be pushed back to Bangladesh. If by all indications they are to remain in India, the only other alternative left open for the Indian State is to send them to the

detention centres without offering unconditional amnesty and allowing them to gradually melt in the vast crowd of Indian citizens. Asia's largest detention centre is now being constructed in Matia in Assam which is expected to accommodate as many as 3000 such persons. Assam can certainly boast of housing the world's largest Auschwitz-like camp for sheltering the stateless persons, if this turns out to be their destiny. At the moment, Assam has the capacity of sheltering only 35,000 detainees – far below the requirement of sheltering a little over 19 lakh persons whose names do not figure in the final NRC. Besides, all this is feared to pinch a large hole in the national exchequer. After visiting some of these centres, Harsh Mander observed:

My paramount recommendation to the National Human Rights Commission was the urgent establishment of a clear legal regime to govern the condition of detainees that is in conformity with Article 21 of the Constitution and international law. The state, under Article 21, must ensure a transparent procedure and respect the right to life and liberty of detainees. Their right to a life of dignity, even in detention, cannot be compromised. Detaining them as common criminals within jail compounds, without facilities such as legal representation or communication with their families, is a violation of their right to live with dignity and the right to procedural due process. We found that these detention centres lie on the dark side of both legality and humanitarian principles” (Mander 2018).

These centres, Mander continues, involve ‘extensive flouting of national and international laws’. Detention centres will resemble what Foucault would have called ‘penal colonies’.

According to Tripathi, out of a total 40,70,707 persons whose names do not figure in the final NRC draft, four millions happen to belong to the ‘labouring class’ (Tripathi 2018, 5). In essence, they comprise a vast substratum of dispossessed and disenfranchised labour force that will cater to the rising demand for cheap and unskilled labour and serve as the cogs and wheels of the expanded reproduction of capital on a global scale. But very unlike classical capitalism setting labour free and thus allowing it the freedom of deciding whether to sell its labour or not, under conditions of globalism they will be condemned to a state of permanent unfreedom, disenfranchisement and dispossession or what Sanjib Baruah in a recently written paper calls ‘permanent temporariness’. They will remain in India more like unfree labour without enjoying the corresponding rights and freedoms such as the right to negotiate the terms of wages, work conditions, working hours and most importantly the freedom to organise them and so forth. As Arup Kumar Baisya writes:

From media reports, one can guesstimate that the 80-90% of the excluded people belongs to Bengali speaking Muslims or ‘Miya’ in local parlance and Dalits especially the Namashudras and good number of Kaivartas. This second deciphering of community pattern of those excluded is important because of the fact that these communities faced merciless chauvinist frenzy during the Assam movement. They were the most vulnerable section of poor and landless peasantry at the time of Assam Movement and now they constitute the overwhelming majority of daily wage earners (Baisya 3 August 2018).

In other words, the already vulnerable sections of people, according to Baisya, become further vulnerable to unfreedom, disenfranchisement and dispossession. Our ethnographic studies albeit sporadically conducted mainly in Upper Assam – in such places as Sivasagar, Jorhat and Dibrugarh – eloquently bring home the point that the members of the Assamese middle class elite make no bones while employing the cheap and unskilled labour of allegedly Bangladeshi origin. For one thing, they are ready to work at incredibly lower wages – often one-third of what the local Assamese labour asks for. For another, dismissing them becomes easier because they do not have

any local source of support. Besides, they do not want to raise any hue and cry for they want to hide themselves from the peering eyes of the police and intelligence agencies and face instant eviction. More often than not they assume a name that is ethnically neutral so much so that identification of their linguistic or religious identity becomes difficult.

Immigration continues to haunt the minds of the Assamese. As recently as in early 2005, the Chirang Chapori Yuva Mancha (Chirang Chapori Youth Forum) based mainly in Dibrugarh, upper Assam launched a campaign asking the Assamese not to employ the 'illegal migrants', not to sell land to them and also not to use the vehicles owned and/or driven by them. The campaign was so successful that an estimated 10,000 Bengali-speaking persons were believed to have fled upper Assam as a result of this. The movement against employing cheap and unskilled labour of suspect ethnic origin organised in Chirang Chapori however could not sustain for long and gradually fizzled away after a short while. In simple terms, 'foreign' labour is seen to be employed in numbers because there is a demand for their labour. Our ethnographies suggest that the cold economic laws of demand and supply overshadow the call of ethnicity.

The capital-labour asymmetry is built in the kind of capitalist economy that has come into being in the wake of globalisation. On the one hand, capital is welcome across nations and countries and governments across the world claim credit for having drawn foreign direct investment; labour particularly of the cheap and unskilled variety is not. This labour mainly consists of the shirtless plebians waiting to storm what I call the sluice gate of citizenship.

By contrast, many countries of the world including Australia, the USA, Cyprus, Granada, Antigua and so forth are increasingly opening their citizenship up for buying to those who can afford to buy it in a bid to woo and bring investment to their respective countries. A section of bank loan defaulters in India has allegedly fled the country and reportedly secured citizenship of many of these countries by making hefty investments there. The Government of India too decided to join these countries and offer Overseas Citizenship of India (OCI) to foreigners of Indian origin who had migrated from India before 26 January 1950 provided these countries allow their citizens to become 'dual citizens'. The OCI was introduced in response to the demands for dual citizenship by the Indian diaspora community settled particularly in the developed countries. The Citizenship Amendment Act 2005 was a move in that direction.

The capital-labour asymmetry is nowhere sharper than in the contrast between this Act that grants overseas citizenship to the investing foreigners of Indian origin on one hand and NRC that straightaway denies Indian citizenship to the cheap and unskilled labour on the other.

Democracy and the Acts of Citizenship

T. H. Marshall in his famous essay on 'Citizenship and Social Class' proposes to view citizenship as an infinitely capacious concept and shows how the concept is invested as it were with inexhaustible potential of including an ever-wider array of free and rights-bearing individuals, how it is perpetually expansive in the sense of constantly pushing the horizon of rights and freedoms and how the denotation of citizenship has the potential of eventually transcending the ethnic and national boundaries in the post-Westphalian world. Marshall calls for switching our 'limited loyalties' hitherto being paid to 'local communities' and 'working groups' (Marshall 1977, 131) over to what Rees calls 'ever more inclusive basis for political practice' (Rees 2017, 2). The question that becomes relevant to our context is: How far does citizenship allow itself to be expanded so that it can respond to the context-sensitive demands of democratic politics? What does the NRC experience suggest? Does the experience help enrich our theoretical understanding of democracy?

Many of the eminent intellectuals and NRC activists based mainly in Assam seem hesitant to push the democratic question beyond the bounds of citizenship. Democracy, according to them, is all about citizenship insofar as it promises to liberate us from subjecthood reminiscent of the premodern times. On the one hand, even Left intellectuals like Hiren Gohain and others who were once vociferously opposed to the Assam movement and found the very idea of detecting, disenfranchising and deporting the ‘foreigners’ preposterous and a ploy to drive a wedge amongst the progressive forces including the poor peasantry and the working class, have of late realised the importance of taking into account ‘the citizenship existence of small, native communities’ facing now the threat of extinction. What made him change his mind? As he confesses:

By 1982 I had revised my views and become aware of suppressed democratic elements in it. A mechanical class analysis cannot do justice to it... What right does anyone have to threaten the very citizenship existence of small native communities by dumping outsiders in such immense numbers by wielding state power? Why should the Assamese and indigenous people pay for the sheer negligence and incompetence of the Indian state which fails to protect the interests of minorities in neighbouring countries and protect the borders of the country? If the state is so ardent to play host to such so-called refugees, first let it settle them in other developed States where they pose no threat to local interests. Humanitarianism must not mean sniffing out local identities with an historic past” (Gohain 2018).

On the other hand, scholars like Sanjib Baruah and others seem to realise that citizenship politics too has its limits - not because it has already threatened to undermine democratic politics by excluding the already vulnerable sections of people and depriving them of their rights and freedoms they could have enjoyed had they been granted citizenship, but because the sheer magnitude of the foreigners’ problem has already acquired alarming proportions. The sheer magnitude of the problem makes it impossible for the State to completely push out the illegally settled ‘foreigners’ in Assam and therefore threatens to trigger a civil war. Operating essentially within the precincts of citizenship politics, he feels that the impasse can be remedied through charity and humanitarian interventions, by offering amnesty to them. The solution, in other words, lies not in demanding citizenship rights for the vast army of the decitizenised, but in meeting the citizenship deficit by way of taking a more humane and compassionate approach towards them. Humanitarianism does not beget any politics; it is invoked only as a desperate means of compensating for the democratic deficit that the insistence on citizenship accumulates thanks to the updating of the NRC. This only can save Assam from an imminent humanitarian disaster. As he argues:

Perhaps deportation is not what anyone in the authority has in mind... Moving forward, we shall not rule out amnesty. Surely, if we were considering giving citizenship to minorities on communitarian grounds, it is not that much of a leap to consider that we expand our moral horizon and expand the humanitarian umbrella to others as well (Baruah 2018, 12).

If for Baruah, moralising politics is the answer, for activists like Harsh Mander, Indian Constitution and law of the land still leaves enough scope for the stateless and the decitizenised to take advantage of it. As he argues: “India’s policy must measure up to many tests. The first of these is India’s constitutional morality, and national and international laws. But it must also be compassionate” (Mander 2018).

Neither of these two perspectives helps us understand the limits of citizenship politics and also the ‘acts’ of the vulnerable and the excluded, the unfree and the disenfranchised through which

the ambit of citizenship is constantly pushed and widened. Democratic politics today requires that citizenship transcends these limits. Peter Rees calls it “alternate history” of citizenship, of struggles, of trials and tribulations for inclusion by the stateless and the decitizenised and their desperate and indeed everyday subversion of the existing citizenship regime (Rees 2017, 3). Citizenship, viewed in this sense, is an ‘act’ that makes one ‘become political’, “through which rights claiming subjects constitute themselves as political and enact themselves as citizens” (Isin 2008, 17).

The Spirit of Laws

In 1997, the *Sans-papiers* (people without papers) movement spread across France like wild fire, universalised its citizenship demands and called for legislation with the aim of citizenising the so-called ‘illegal immigrants’ without papers and documents and even for free movement and opening of the borders in general. As Rees argues:

In making these demands, they not only challenged the French State, but existing human rights as well. The Universal Declaration of Human Rights states that everyone has the freedom to leave any country, including their own. Yet this “freedom” is qualified by an omission: people may leave their country, but the declaration is silent on their right to enter, unless they are able to prove that they are refugees (Rees 2017, 4).

They do not lack anything – let alone papers - as they claim. So while the *Sans-papiers* may lack papers, papers, they argue, are insignificant insofar as they are the victims of the French State’s “dereliction of justice” (Derrida 2002, 144). *Sans-papiers* are infused not by papers but by the spirit of law embodied in the noble principles of the French Republic. The stateless *sans papiers* were asking for their citizenship - not through the papers and documents which they evidently lacked, but by invoking and reminding the very constitutive principles of the French Republic – *liberte* (freedom), *egalite* (equality) and *fraternite* (fraternity) that promise inclusion among other things. The promise of infinite inclusion, according to them, defines the spirit of the French Republic and is far more important than the flimsy possession of this or that paper. As Rees argues: “these are not acts in contravention of citizenship but support and augment its meaning in upholding the constitutional principles of freedom and equality.” (Rees 2017, 6). In other words, law is not a being – complete and abiding in all respects, but is in the process of constant becoming invested with a potential that never exhausts itself till the principles enshrined in the Republic are realised. As Derrida reminds us:

It is not the other, the completely other who is relegated to absolute outside, savage, barbaric, precultural, and prejudicial outside and prior to the family, the community, the city, the nation, or the State. The relationship to the foreigner is regulated by law, by the becoming-law of justice” (Derrida 2000, 73).

Sans-Papiers, in short, goes down in history as an organised struggle against the French State’s high-handed policy of forcibly removing them from the churches and cathedrals where the immigrants had taken shelter in order to avoid the repression and eviction of security forces. While the silence in this regard in the society of Assam is deafening, the state is waiting as it were for an imminent catastrophe. In Kherabari – a remote hamlet in the district of Tinsukia, upper Assam thousands of miles away from France, five Bengali men – Subodh Das, Shyamal Biswas, Abinash Biswas, Ananta Biswas and Dhananjay Namashudra were lined up on the banks of the Brahmaputra River and were shot dead recently from close range. Interestingly all of them belonged to the low-

caste, Bengali Namashudras and although all their names figure in the recently prepared final NRC draft, all of them were very active in helping the potentially stateless and the decitizenised members of their community. The Chief Minister of West Bengal suspects, if these were not the fallout of the zealous NRC preparations. Although the killing is attributed to the United Liberation Front of Assam (ULFA)-Independence, the organisation has categorically denied its involvement in these killings. It is also feared if any new ultra-nationalist, anti-Bengali outfit had meanwhile sprung up in Assam that carried out these activities. But this has certainly contributed to the hardening of the divide between the two communities. As Ranjan Sarkar, the President of the Assam-based Bangali Janmukti Morcha (the alliance for the peoples' liberation for the Bengalis), for instance, pointed out: "We have suffered long enough. No more. We want to see the end of all this. If we do not receive justice, it will have dangerous consequences. This is not a (hollow) threat. We will prove it through our action" (Kundu 2018, 2). The shift in the terms of discourse in Assam should not escape our notice – from citizenship through filing of claims and objections to citizenship harping on justice and from entreating and kneeling before the authorities to 'action'. Isn't the principle of justice etched deep and wide in the Constitution of India?

Legacy Thefts, Fake Links

Not all expressions of dissent however take on an organised and explicit character. I met Feroz (name changed on request) recently in September 2019 at Pailapool – a sleepy hamlet near Silchar on the road to Jiribam. Silchar-Jiribam road is in fact part of the Asian Highway constructed with much fanfare as part of India's Look/Act Policy of developing connectivity with Myanmar and the countries of Southeast Asia and being benefitted as a consequence from the and prosperity of the 'powerhouse' economies of the region. Pailapool comparatively is a quieter border town on Assam overlooking Manipur and looks like a sore reminder of a policy that is yet to take off. I could hardly find any significant freight movement along this newly constructed road as long as I was there. The road has already undergone patches thanks to its little use and torrential rain that lashes the highway every now and then. After making several inquiries, Feroz could gather that his name had not figured in the final draft released in 30 July 2018. He had to depend on others as he is illiterate and does not have the ability to make out from the list. He lost his parents very early in his life and came to Assam at a time when he could hardly grow as an adult. He could hardly return to the place where he was born as he had lost touch with it for over forty years since he had left it and migrated to Assam. But he realises the importance of his name being included in the NRC now and ran from pillar to post to accomplish the aim. He spent most of his savings in the process.

Feroz was left with two alternatives: he could easily escape to neighbouring Manipur where NRC was not being prepared. But he was fearful as Manipur had already been caught in the midst of an acute anti-immigrant frenzy resulting in occasional attacks on the immigrants – mostly Bihari labour employed in the Imphal valley – have been on the rise. He did not take time to realise that Manipur would not have been a safe place for him and there was little to choose between Assam where the updating of NRC was going on in full swing in an institutionalised manner and Manipur where the insurgents have taken law in their hands and have been meting out summary justice to the immigrant labour, who according to them, have "illegally" migrated and settled in what they claim as 'the Meitei homeland'.¹⁰ He tried out the other alternative. He went to an influential local leader who ironically was himself very vocal about the need for preparing an updated NRC in Assam. It was the local leader who steered him through the process against money which for him was too hefty to bear with his uncertain daily wage-earning job. All that he was narrating to me is indeed a lesson to learn

for all of us. People would make good money by way of scouting the names included in any of the voters' lists published till the magic date of 1971 and whose descendants are either known as dead or remain permanently untraced due to absence of their descendants. These names become important for they allow their 'legacies' to be 'thieved' and 'linked' with others. Muslim names had a distinct advantage in this regard - Feroz takes a long pause as he keeps explains his case - for they do not have to carry the surnames of their fathers and forefathers. 'Legacy theft' against payment of a hefty amount, according to some, have taken place on a mass scale with the effect that often genuine descendants or legatees – if there were any - were at a great disadvantage and found it impossible to get their names included in the updated NRC. Feroz has been successful unlike many of his neighbours at great expense. Inclusion has left him almost without any money. Similar stories, I suspect, will give credence to the fact of how subversion of the legal processes through such 'acts' as stealing of legacies and faking links with stolen legacies become what James Scott would have called 'weapon of the weak' for becoming citizens.

The Poetics of Dissent

When Hafiz Ahmed started writing his poetry in 2016 in the wake of the preparations for updating the NRC in Assam, little could he realise that he would introduce a new genre of poetry with the brand name 'Miyah Poetry' in the country. He expected that the number of such poetries would not exceed even 20 while the number today is already well over 200. In early July 2016, he published one of his poetries in a widely surfed digital platform in which he raised the question: "I am a Miyah, my serial number is 200543/I have two children, another is coming next summer/Will you hate him, as you hate me". On 10 July 2019, an FIR was slapped on him (as well as on 9 others whose writings are usually clustered under the same genre of Miyah poetry) under Section 153A of Indian Penal Code with the allegation that by these lines, the accused persons are creating an image of our state as a barbarous state in the eyes of the world, which is a threat to the security of the nation in general and Assam in particular.

What was the fear of their adversary? In an article published in *Wire* on 9 July 2019, Hiren Gohain - a widely respected public intellectual from Assam hitherto known for his Left leanings and a former professor of English, Gauhati University whom many of the Miyah poets by their own acknowledgement have hitherto looked upon as 'saviour' particularly during the days of crisis – questions why the Miyahs should write in a language which is not 'a single standard language': "[A] single standard language is necessary to maintain the unity of the people, in this context the Assamese people." The history of the emergence of 'single, standard language', as all our histories of language tell us, is also the history of disappearance of a wide variety of dialects, of how 'Sivasagari Assamese' became the 'single, standard language' in this case by way of relegating into the oblivion as many as 28 dialects prevalent at one time. Therefore, Miyah poetry, according to him, is written in an 'artificial language' – a language which has never been in use. Why is he pleading for 'a single, standard language'? For, the fear of being reduced to a minority sooner rather than later prompts them to make the plea that the Miyah poetry should be written in 'a single, standard language' rather than in any 'artificial' language. The wafer thin margin of the majority Assamese-speaking population can only be bolstered if the Miyahs are forced to return Assamese as their mother tongue and write poetries in this language. Several Miyah organisations, in fact, gave the call of returning Bengali as the mother tongue on the eve of the 2011 census. The 2011 census marked what is called 'the return of the native'.

The Urdu word 'Miyah' refers to a gentleman while its use in Assamese speaks of its bastardisation into a derogatory slur to refer to the Bengali-speaking Muslims settled mostly in the riverine plains (*char-chaporis*) of the Brahmaputra Valley. The prefix 'Miyah' of 'Miyah poetry' is mnemonic of their extreme marginalisation much in the same way as Blacks or Dalits retain the name as a sore reminder of their history of oppression.

Rehna Sultana – one of those slapped with the charge of sedition – says that she has received 'rape threats' on a variety of social media platforms. Abdul Kalam Azad – himself a Miyah poet and facing the threat of arrest, for instance tells me: "When Miyah poets are subjected to rape threats, death threats and cyber bullying and they are silent, it frightens the Miyah poets and their families." Unable to put up with fear, Hafiz Ahmed – the founder of the Miyah poetry movement – tendered public apology. Insofar as the security of the nation comes into conflict with the poets' freedom of expression, public apology is the best way to ensure their right to survival.

The public apology was also backed by the defence that out of 200-odd Miyah poetries written till now, only "a few" are written in a dialect which is by no means 'artificial', for, it is the dialect the Muslims of the *char-chaporis* (river islands and sandbars) use and speak. Rehna is defensive insofar as she argues that she has only written two in this dialect in her life. But then, the argument is also extended further to emphasise the point that 'the development of these language and dialects help strengthen the multicultural ethos of the society'. Assamese society is built more on this multicultural ethos rather than 'a single, standard language'. Miyah poetry does not for a moment situate itself outside the Assamese society. It only seeks to broaden and redefine the identity of the Assamese society so that it finds a place within it. Rehna Sultana, for instance, argues: "My poetry marks a yearning of a Miyah to be included in the mainstream". The following lines of a Miyah poetry are very poignant: "After forty years of independence/I have no space in the words of beloved writers/The brush of your scriptwriters themselves doesn't dip in my picture/My name left unpronounced in assemblies and parliaments/On no martyr's memorial, or no news report my name is printed/Even in tiny letters./Besides you haven't decided what to call me --/Am I a Miyah, an Asomiya or Neo-Asomiya?"

Is it through fear that identities get constructed? Or the construction of identities is prior to the fear that sets in them? Does this ethnography give lie to the commonplace belief that identities are external to the fear in the sense that it is the fear that threatens its survival and existence? While Miyahs never forget to declare their Assamese identity in public and telling the whole world that theirs is not 'identity politics' that would otherwise have involved any assertion of their separate and autonomous identity, the persistent declaration of their 'Assamese Asomiya' identity itself is an exercise in self-censorship, driven by the maddening fear of having to face the fearful consequences of what might happen if one were to assert one's separate and independent 'Miyah' identity. The threats of rape and death provide only one instance. Hafiz Ahmed comments: "Some of the apprehensions are that we may turn into an identity movement and play our own identity politics, seek our own identity politics, seek our own language, or build our own diction etc." Miyah poetry hides the deep subtext of fear that holds them from being involved in the direct politics of iterating their identity.

The 'Assamese mainstream' did not take time to celebrate this. Contrary to Hiren Gohain and his associates who signed the earlier statement, as many as 129 writers, researchers and activists whom the media in Assam significantly describe as 'members of Assamese civil society' hardly wasted time in signing a memorandum on 27 July 2019 noting that "the majority of the population referred to by the signatories have been calling themselves Assamese. Most of them have been returning Assamese as their mother tongue in the census and are proud to be Asomiya." Hiren

Gohain and other signatories have ‘conveniently erased the term ‘Assamese’ from all references to the said poets and their poetry’. They are also accused of having introduced ‘divisions’ within the Assamese society by wiping the Miyahs from out of it.

While the Assamese ‘fear of small numbers’ is sought to be overcome by encouraging the Miyahs to embrace the Assamese identity, Miyah poetry is a complex exercise in hiding one’s identity in the face of severe and intense fear, in restraining oneself from letting one’s identity known to the other, in iterating their identity in public. The fear of fear, that is to say, the fear of having to face the fearful consequences of asserting a separate and autonomous Miyah identity is what holds them from voicing and articulating their identity. I read Miyah poetry as an exercise in self-censorship. The Miyah poetics is afflicted by this apparently irresolvable paradox. We are dealing not so much with fear per se, but severe, intense and what Julia Kristeva would have called ‘abject’ fear – a kind of fear that also takes away from us the requisite linguistic and cognitive resources of voicing and sharing it in an articulate manner. In her book on *Powers of Horror: An Essay on Abjection*, she defines abjection in the following manner:

[Abjection] draws me toward a place where meaning collapses. A certain “ego” that merged with its master, a superego, has flatly driven it away. It lies outside, beyond the set, and does not seem to agree to the latter’s rules of the game. And yet, from its place of banishment, the object does not cease challenging the master. Without a sign (for him), it beseeches a discharge, a convulsion, a crying out (Kristeva 1982, 2).

Miyah poetry is caught in the cusp between voicelessness and voice. If it is to be called a voice it is one that aptly illustrates this ‘crying out’, a voice that violently oscillates between the claim to ‘Assamese Asomiya’ identity of the Miyahs and a separate and autonomous identity for them, between sociology of identities and ‘identity politics’, between compliance with the existing rules of the game and the unbending determination of framing one’s own rules by undermining ones. It points to a rich variety of articulations between voice and voicelessness.

The ‘members of Assamese civil society’ do not seem to be unaware of this paradox. There are occasions when the separate and autonomous identity of the subconscious bursts away these mechanisms of self-control and censorship. This indeed has a long history. While the Assam movement (1979-85) was organised with the threefold objective of detecting, disenfranchising and finally deporting the foreigners, many of the Miyahs started identifying themselves as the Assamese expecting that their Assamese identity would eventually reinforce their claim to Indian citizenship. A section of the members of the Assamese civil society accused these *na-Asomiyas* or the neo-Assamese of cleverly retaining their Miyah identity at home by choosing to converse among themselves in their own dialect or language. The moment the assertion of Miyah identity bursts out of these mechanisms of self-control and censorship, genocides like Nellie, Chaulkhowa Chapori and Gohpur occur. One of the reports on the ‘disturbances’ that took place in the Brahmaputra Valley after Assamese was declared the only official language of Assam in 1960 points out that in many places of the Valley the Assamese insisted that the Bengali-speaking Muslims would refrain from wearing *lungi* (the unstitched piece of cloth that men drape around their waist mostly at home) and their women wear *mekhela-chador* (the skirt-like dress that is believed to define the identity of the Assamese women). The *na-Asomiyas* are not taken as ‘out and out Asomiyas’. Leela Gogoi refers to the unbridgeable chasm between the ‘Assamese Muslims’ and ‘the Muslims of Assam’. Not all Muslims of Assam are ‘Assamese Muslims’. Assamese Muslims are the ones who have been residing in Assam since the days of Azan Fakir and others who came to the land and swayed large sections of the inhabitants with their Sufi preaching and have a legitimate claim to Assamese identity.

Another recurrent theme of Miyah poetry is development. Development in the age of globalisation is understood predominantly as one's equal access to market. For one thing, Miyah poetry recalls the contribution of the Miyahs to the region's development. They have been the harbingers of market forces in this region: 'A merchant's boat found me drifting and dropped me here/Since then I have held close to my heart, this land, this earth/And began a new journey of discovery/From Sadiya to Dhubri/ Since that day/I have flattened the red hills/Chopped forests into cities, rolled earth into bricks/From built monuments/Laid stone on earth, burnt my body black with peat/Swam rivers, stood on the bank/And dammed floods/Irrigated crops with my blood and sweat/And with the plough of my fathers, etched on the earth A-S-S-A-M.'" For another, there is also the common refrain in Miyah poetry that Miyah contribution goes largely unrecognised. The denial of recognition makes perpetual iteration of this identity necessary. The recognition by the other is a prerequisite of their existence and survival. Why does Miyah poetry have to reiterate this over and over again? "I beg to state that/I am a settler, a hated Miyah/Whatever be the case, my name is/Ismail Sheikh, Ramzan Ali or Majid Miyah/Subject –I am an Assamese Asomiya."

Although it appears to be a paradox, the organic connection between the Miyahs as the harbingers of development of the market forces and denial of recognition should not escape our notice. The importance of an unorganised and disenfranchised body of labour contributing constantly to the development of market forces without being an integral part of them, as we have already noted, is now being increasingly recognised thanks to the ever-tightening grip of these forces in the era of globalisation. The Miyahs remain as they are, constantly under the fear of losing their citizenship rights, if they have any in the first place, without having the power of negotiating their wages and terms of labour. They exist as absorbers of market shocks, collapse and shutdowns, but perpetually condemned to what Kalyan Sanyal in his landmark work calls 'need economy'.

The problem arises when a new generation of Miyahs emerges, with their education in other cities and abroad and web of economic and political connections cast far and wide and corporate backing, they start asking albeit stridently for their rights. Many of the YouTube videos on recitations of Miyah poetry are shot and uploaded under the auspices of corporate houses. That, according to Hiren Gohain, is the crux of the problem. In fact, one of his main accusations is that the Miyahs have allowed themselves to be the pawns of a global market.

The democratic surge - whether in Barpeta in 2010 or Tinsukia in 2018 or in Pailapool in 2019 - calls for redefining citizenship – from a sluice gate meant for decitizenising or rendering stateless the poor and the vulnerable, and keeping them at bay - to a cudgel for seeking justice. Democratic politics today exceeds the politics of citizenship. While democratic struggles and movements threaten to burst through the sluice gate of citizenship, nation-states will continue to defend it and keep the citizens from the outsiders as long as they survive in human history. Citizenship tragically is an aporia that is fated to redeem the pledge it makes to democracy only incompletely.

Notes

¹ Three earlier versions of this paper were presented to the Sikkim University Students' Union with the title 'National Register of Citizens and the Travails of Citizenship in India's Northeast' on 13 August 2018 in Gangtok, the Indian Institute of Science Education and Research (IISER), Mohali with the title 'Governing Citizens: NRC and Democratic Politics in India' on 19 November 2018 and to the Social Science Research Community in Guwahati with the title 'The Practice of Becoming Postcolonial: India's Northeast' on 24 January 2019. I thank the organizers and the discussants for their comments. The paper was written before the Citizenship (Amendment) Bill 2019 became an Act on 12 December after receiving Presidential assent. Unless otherwise indicated, all translations from original non-English sources are mine.

² The Indian count of one crore is equal to 100,000,00 or 10 millions.

³ The three-tiered, local self-governing bodies in India consist of the gram sabhas, panchayat samitis and zilla parishads.

⁴ Unless otherwise mentioned, all these estimates are made on the basis of some tentative and provisional calculations on the “final draft”.

⁵ The list was prepared by Mrinal Talukdar and is said to have a margin of error of 5 to 10 percent

⁶ Namashudras are the most numerous, cultivating caste of Bengal with very low ritual status.

⁷ ‘Matua’ is a sect composed largely – if not exclusively - of the Namashudras. The sect was founded by Hari Chand Thakur and Guru Chand Thakur. They have a large following on both sides of Bengal. The once undivided sect is considered as a potential vote bank that the political parties eye for. The descendants of Guru Chand and Hari Chand based in Thakurnagar (a suburb of Kolkata) in the district of North 24-Parganas and named after them are now divided between Trinamool Congress (TMC) and Bharatiya Janata Party (BJP). As late as in October 2019 the supporters of these two parties owing allegiance to two of the descendants reportedly came into blows with each other.

⁸ Indian count of one lakh is equal to 100,000.

⁹ Such words as ‘tribes’ and ‘tribals’ are freely used - both in official circles as well as in popular parlance of India - without any of their necessarily pejorative meanings.

¹⁰ Meitei is the dominant community of Manipur settled mainly in the Imphal valley. A number of insurgent outfits subscribing to what is called ‘Meitei nationalism’ are active in the region.

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Public Discourses on Citizenship in West Bengal: Insights from the Propaganda of Dalit Refugee Organisations

Aditi Mukherjee *

In this paper I explore the question of citizenship as it has unfolded with the proposed citizenship amendment bill of 2016 and prospects of a updating a National Register of Citizens for a group of East Bengali dalit *namasudra*¹ refugees in West Bengal, by focusing on the propaganda of three organisations of Hindu dalit migrants from Bangladesh. My paper attempts to trace how a shift over the years in Indian citizenship from the principle of *jus soli* associated with civic norms of citizenship to the principle of *jus sanguine* associated with ethnic/religious nationalism, has impacted these East Bengali dalit migrants. I look into how the public discourses propagated by three dalit refugee organisations reflect these concerns around the recent churnings in citizenship and the discontents and grey areas in these discourses. The time frame of my paper is from the turn of the millennium with the Citizenship Amendment Act of 2003 upto the most recent amendment to the citizenship act brought in 2016, and the prospects of updating of a National Register of Citizens in West Bengal following the example of the neighbouring state of Assam all of which signifies a move towards a prioritisation of descent over domicile for citizenship.

The data for the paper comes from field interaction with three organisations of the dalit East Bengali refugees, the Nikhil Bharat Bangali Udbastu Samannway Samity, the Matua Mahasangha and the Bangladesh Udbastu Unnayan Sangshad. The first two are all India organisation while the third operates within West Bengal. I have also utilised contents shared on the social media of the organisations of the *namasudra* refugees who have acquired a significant presence in the state's public sphere. Newspaper reports have been utilised throughout the discussion.

The paper begins with a brief recapitulation of the history of the dalit *namasudras* in East Bengal and how their organised struggle was disrupted due to dislocations around the partition of the Indian subcontinent in 1947. In the next section I briefly reflect on the changes in citizenship laws over the years and how it has affected the recent *namasudra* East Bengali Hindu migrants in West Bengal. I trace shifts in the public discourses propagated by their organisations regarding citizenship and the grey areas and discontents within such discourses. Finally the paper concludes with an assessment of the implications of these changes in citizenship for lower class and caste East Bengali migrants more broadly.

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A background

The *namasudras* were a considerably large Hindu caste group in colonial Bengal and the largest among the Hindu agriculturists in eastern Bengal. They were concentrated in the low-lying swamp areas in certain districts of eastern Bengal, like Bakarganj, Faridpur, Dhaka, Mymensingh, Jessore and Khulna. In the later part of the nineteenth century they participated in land reclamation process which was underway in these eastern marshy tracts and emerged as a settled peasant community. But land ownership in the region remained concentrated in the hands of the high caste Hindus and Sayyid Muslim gentry, who provided the capital input for the reclamation and therefore appropriated the major share of the surplus. Therefore the *namasudras* emerged as a somewhat settled but marginal peasant community (Bandyopadhyay 2011).

Earlier the *namasudras* were referred to as *chandalas*. The word *chandala* was used as a derogatory generic term to refer to all lower caste people in Bengal. While strict untouchability was not practiced towards them, they were under various social restrictions. Gradually from the late 19th century, with the expansion of settled cultivation in these areas, the upwardly mobile sections of these groups began to mobilise and take exception to various caste discriminations. Sections of them opposed the name *chandala* and started using the term *namasudra*, which attached a new sense of self respect for the community. The expression was for the first time included in the census report of 1891, indicating a wider popular acceptance of the new name and its official legitimation. While the *namasudras* faced intense social stigma, they found appeal in strands of Bhakti movement, Vaishnavism and various deviant sects that repudiated the Hindu caste system. Eventually a sect known as the Matua emerged among the *namasudras* of Faridpur in the 1870s. The sect was started by a man called Harichand Thakur, born in a *chandala* family in a village in Faridpur district of colonial Bengal. The sect grew in popularity and became the rallying point for the untouchable and the lower caste people in the region, the *namasudras* constituting a majority of them. It was around this sect that the initial mobilisation of the *namasudras* took place. To bring the sect under centralised organisation, the Matua Mahasangha was started sometime around 1915. The *namasudras* benefited from the philanthropic activities of different government agencies and Christian missionaries who supported the spread of education among these groups. Generous patronage was extended to them in areas of primary and higher education by the colonial administration. Some of the major demands of the *namasudras* were reservation in education, government jobs and reservation of seats in administrative and legislative bodies (Bandyopadhyay 2011, 5-29, 54).

The *namasudras* remained aloof from the mainstream nationalist movement conducted by the Indian National Congress, which they viewed as an instrument for serving the interests of the Hindu upper castes. In this they often allied with their Muslim counterparts. The relation between the *namasudras* and Muslims were multifaced. On the one hand from a very long time there was communal tension between these two communities, as indicated by a series of communal riots like the ones occurred in 1911, 1923-25, 1938, 1943-44 (Das 1993, 62). On the other hand, there were numerous instances of cooperation and alliances between the two communities. Often the *bargadar* (sharecropper) of the *namasudras* and *bargadar* of Muslim communities combined against the Hindu landholding gentry. From the 1940s however, there was increasing communalisation of the rural peasantry in Bengal. The *namasudras* slowly steered towards the Congress and the Hindu Mahasabha. But a straightforward story of their communalisation belies evidence. At the time of transfer of power, a large section of the *namasudras* lent their support to the movement for the partition of the province of Bengal. This support was premised upon the demand that the districts of Bakarganj, Faridpur, Jessore and Khulna where they were largely concentrated should be included within the

state of West Bengal to be carved out for the Hindus which will fall inside independent India. But as events proved, these districts became part of East Bengal/East Pakistan.

Communal carnage between the Hindus and Muslims was on the rise all through the decade of the 1940s. But a large majority of the *namasudra* cultivators remained in East Bengal in the initial years after the partition of 1947. They lacked the resources to migrate and start fresh in a new environment. The migration that took place immediately around the partition of 1947 from East Bengal to West Bengal was one of the elite and middle-class Bengali Hindus. From the early 1950s, communal riots in Khulna, Dhaka, Barishal and other areas mainly between the *namasudras* and the local Muslims affected these groups severely. The *namasudras* started migrating to the border districts in West Bengal in large numbers. From this time onwards, their migration continued in different waves between both sides of divided Bengal whenever bilateral relations between Indian and Pakistan deteriorated.

What can be surmised from this brief recapitulation of the history of the *namasudras* in Bengal is that they had formed an organised group and mobilised for the removal of caste discrimination in colonial Bengal. Their movement was directed against the caste discriminations perpetrated by the upper caste Hindus. But their movement was disrupted due to the dislocations around the Second World War, famine in Bengal in the 1940s and the violence around the partition of Bengal in 1947. From this time onwards, their struggle moved along different channels. The struggle of these groups became concerned with upliftment of their immediate dislocation due to the partition and was channelised through a refugee identity. For a large majority of them who migrated to West Bengal, their movement could not directly address the issue of caste for a long time. Bandyopadhyay's research has highlighted how this displacement of caste politics happened because the refugee movement in West Bengal came under the leadership of left political parties and their demands were couched in the language of class (Bandyopadhyay 2009; Bandyopadhyay and Basu Ray Chaudhury 2014). In West Bengal their struggle continued along different trajectories.

The rehabilitation policy for East Bengali refugees in West Bengal and the eastern region more broadly was fraught with problems. This presented a stark contrast with government attitude towards Punjabi refugees. And in West Bengal, it was the lower class and caste dalit refugees who suffered the worst failure of government policy. The government run camps were the most inferior among all types of refugee settlements in terms of location, facilities, congestion. It were the most disadvantaged groups of refugees, of the lowest class and caste, people who had nowhere else to go that took shelter in the government camps as a last resort. It may be noted here that in allocation of space in the government camps, caste and identity did play a part, despite persistent official denial. At Sealdah Station, a central train station in the city of Calcutta, the refugees were asked about their identity, given a registration card and sent by train to different refugee camps. At these registration desks their identity as *namasudra* cultivator was permanently inscribed on their cards. Refugee camps developed their own community demographics: in certain camps like Cooper's camp or Dhubulia camp in the district of Nadia or the Bagjola camp in North 24 Parganas, the dalit *namasudras* constituted more than 70% of the residents (S. Bandyopadhyay and Basu Ray Chaudhury 2014, 7).

Rehabilitation efforts slogged down by the mid-1950s and the state government assumed the position that there was no more land available in West Bengal for rehabilitation and the refugees had to be sent outside to other neighbouring states for the purpose. This government position was of course problematic and was repeatedly challenged by various groups including the refugees themselves.² The biggest among all government schemes for rehabilitation of dalit camp refugees was the Dandakaranya scheme located in parts of Orissa and Madhya Pradesh, conceived in 1957.³ It was devised for the rehabilitation of all remaining camp refugees in West Bengal. The Dandakaranya

scheme evoked the suspicion of the dalit refugees from the beginning. They denounced the scheme and demanded rehabilitation inside West Bengal. These dalit refugees living in different government camps all over West Bengal organised a satyagraha (non violent protest) in 1958 against government plans of forceful rehabilitation outside West Bengal. A month long state wide civil disobedience movement of the camp refugees was launched in March-April 1958. *Namasudra* leaders like Jogendranath Mandal assumed leadership positions. Their demands included: 1) no unwilling refugee must be sent to Dandakaranya or places outside West Bengal and deprived of doles on account of his/her unwillingness to go outside West Bengal; 2) as 70% of the camp refugees were peasants, they must be settled in West Bengal on reclaimable waste land (Chakrabarti 1999, 181-191).

But the movement failed to secure these demands. From this time onwards the refugee camps in West Bengal were forcefully closed down. A section of the camp refugees was dispersed to rehabilitation sites outside West Bengal through policies of coercion. A considerable section of them also remained in West Bengal and became squatters in the camp areas which were forcefully shut down by the government. While ceaseless migration from East Bengal and later Bangladesh continued all through the period, only those refugees who agreed to go to government camps located outside West Bengal were provided any government assistance. The movement of the *namasudra* which had consolidated through the latter half of the nineteenth and early part of the twentieth century in Bengal scattered. This happened first due to the dislocation all through the 1940s, and specially around the partition, and subsequently in the West Bengal in the face of government policy of dispersal of these refugees to rehabilitation sites in distant parts of India. Their struggle continued locally. The main demand of these refugees in different camps and rehabilitation sites remained rehabilitating them in the camp area and providing ownership of land. Other than this, they also fought for securing caste reservation benefits. In different states outside West Bengal they sought the right of using the Bengali language as a medium of instruction in schools (Bandyopadhyay 2014, Sen 2011, Mandal 2015, Mukherjee 2019). In the initial days after the partition till about the 1990s their de-jure legal national citizenship was not in question. Their struggle was directed at acquiring the substantive benefits of citizenship, by claiming right to shelter and associated entitlements. From the 1990s the dalit East Bengali refugees have come under increasing strain in the face of certain new policies to keep 'illegal infiltrators' at bay. We may turn to the developments in citizenship from an earlier time to grasp the nature of shifts in the politics of citizenship in India and how after 70 years after the partition of 1947, new developments in citizenship are returning to these dalit migrants in West Bengal and other areas with a new vengeance.

***Nagarik, Sharanartha* and *Anuprabeshkari*: Transformations in the Laws of Citizenship**

The laws of citizenship in India were devised in the context of the migration around the partition of 1947. The Citizenship Act, 1955 laid down the rules of membership within the Indian nation through birth, descent, registration, naturalisation or through incorporation of territory. The principles were according to the principles of liberal democracies. It emphasised the criteria of *jus soli* meaning attachment to soil or land as the criteria for belonging. Through clause 3 of the act, under citizenship by birth, everyone born in India after the commencement of the Constitution (on or after 26 January 1950) was to be considered a citizen of India (Citizenship Act, 1955). This principle has seen a steady contraction over the years, the important points in time being amendments to the citizenship act being put in place first in 1986 and then in 2003.

The first moment of rupture came in context of an agitation around citizenship in West Bengal's neighbouring state of Assam. There were demands of sieving out Bangladeshi migrants from the electoral rolls of the state, which it was believed, was affecting Assamese socio-cultural fabric, and changing the demographic pattern of the state to the extent of having an impact on elections.⁴ The Assam Accord of 1985 signed between the representatives of the government of India and leaders of the Assam movement embodied some of these concerns. According to the Assam Accord, all those who had entered Assam after 24 March 1971 were to be declared 'illegal migrants', disenfranchised and deported. This principle of the Accord was legalised through the Illegal Migrants Determination by Tribunals Act (IMDT) of 1983.

By the Citizenship Act of 1986 which followed the Assam Accord, everyone born in India could be a citizen of India only if *either of her parents was a citizen of India* at the time of her birth, with minor exceptions. Thus, the principle of descent was brought in as a determining factor in what had earlier been a simple process of citizenship by birth. After the Citizenship Amendment of 2003, the category of 'illegal migrant' first appeared in the citizenship act, in the sections on citizenship by birth (3C), citizenship by registration (5) and citizenship by naturalisation (6). The Amendment defined illegal migrants as 'a foreigner who has entered into India i) without a valid passport or other travel documents... ii) or with a valid passport or other travel documents... but remains therein beyond the permitted period of time. 'Illegal migrants' were not eligible to apply for citizenship.

Citizenship by birth saw further restriction. Now a person could become a citizen of India by birth only where *both her parents were citizens of India* or one of her parents was a citizen and the other was not an *illegal migrant* at the time of her birth (section 3C of the citizenship amendment act).⁵

While citizenship by birth has been diluted with increasing emphasis on descent, in a parallel process scope for acquiring citizenship by descent has been expanded. In the original Act of 1955, a person was considered a citizen by descent if she was born outside India after 26 January 1950 but before the commencement of the Citizenship Amendment Act (1992), if her father was a citizen of India by birth. Following the citizenship amendment act of 1992, a person could be a citizen of India by descent if either of her parents was a citizen of India at the time of her birth. Citizenship by descent received renewed importance in the Citizenship Amendment Act of 2003, with the introduction of the category of OCI. The Citizenship Amendment Act of 2003 introduced a version of dual/transnational citizenship for persons of Indian origin in the form of Overseas Indian Citizenship (OCI). When the Act of 2003 was passed by the National Democratic Alliance government, it was supported by the majority of the mainstream political parties including the Left Front government in West Bengal.

As far as citizenship by registration is concerned, a person of Indian origin, that is, if she or either of her parents were born in undivided India and who was ordinarily resident in India for five years before applying for citizenship, is entitled to be an Indian citizen by registration. Under this type, the following categories of persons can seek citizenship: i) persons of Indian origin resident in any country by following a set of procedures; ii) a person married to a citizen of India and resident in the country for five years immediately before making an application; iii) minor children of persons who are Indian citizens and iv) persons of full age and capacity of a country specified in Schedule I (Commonwealth countries) of the Citizenship Act 1955. A person may become a citizen by naturalisation if she has resided in India for at least five aggregate years in the past seven years and continuously for twelve months after that, does not belong to a country which disallows citizenship by naturalisation, has renounced the citizenship of his or her country, has adequate knowledge of a language specified in the eighth schedule of the Indian constitution, and intends to reside in India or serve in government service or an international organisation of which India is a member.

While 'illegal migrants' first made legal appearance in the context of the IMDT Act and was later incorporated in the Citizenship Amendment Act of 2003, till this time, there was no legal discrimination between migrants on the basis of religion. This discrimination only existed in the propaganda of right-wing political parties who had been advocating for a long time that India is a land of Hindus. In this discourse *sharanarthis* meaning Hindu refugees from neighbouring countries, (especially Pakistan, Bangladesh and Afghanistan) should be provided shelter in India. At the other end of the spectrum are the *anupabeshkari* meaning Muslim migrants who come to India to reap economic benefits at the cost of national wellbeing. These groups are construed as 'infiltrators' who also pose security threats and hence should be identified and deported. As already noted, the Citizenship Amendment Act of 2003 does not provide a legal basis of this discrimination between *sharanarthis* and *anupabeshkaris*. A new amendment to the citizenship bill has been proposed in 2016 with a promise to correct this 'mistake'. This Citizenship Amendment Bill seeks to amend the Citizenship Act, specially its definition of 'illegal migrants'. It exempts six minority communities from India's neighbouring countries of Bangladesh, Pakistan and Afghanistan, who have travelled to India without valid travel documents from being treated as 'illegal migrants'. They are Hindus, Jains, Sikhs, Parsees, Buddhists and Christians. It seeks to render them eligible to apply for Indian citizenship. The amendment also relaxes a clause of application for citizenship by naturalisation.

Along with proposed amendments to the Citizenship Act, a series of other measures have been implemented from around the turn of the millennium which implicate citizenship for a large number of the dalit refugees. This include the process of updating of a National Register of Citizens (NRC) in Assam and the prospects of a nationwide National Population Register (NPR). The process of updating an NRC in Assam began following a Supreme Court order in 2013, with the state's nearly 33 million people having to prove that they were Indian nationals prior to March 24, 1971. The NRC has been updated in Assam by establishing residency status through 'legacy data' of Indian citizens. An NRC listed in Assam in 1951 and the electoral rolls updated upto March 24, 1971 are collectively called 'legacy data' and accepted as primary proof of citizenship for people in these lists as well as their descendants. In the updated NRC in Assam, published on 31 August 2019, about 19 lakh people failed to make it to the list. The government has decided to prepare a National Population Register (NPR) by September 2020 all over India to lay the foundation for rolling out a citizens' register across the country. Once the NPR is completed and published, it is expected to be the basis for preparing the National Register of Indian Citizens (NRIC), a pan-India version of Assam's NRC (Citizenship Amendment Act 2003, Article 14 A).

The official record does not offer any data on the ethnic/religious background of the people left out of the list in Assam. Many organisations in Assam have claimed that of the total number of excluded from the NRC, a large majority, close to 12 lakhs are Hindus. And among the Hindus a considerable section are *namasudras* ("12 Lokkho Hindu r Naam Baad: Pyanch e BJP," *Anandabazar Patrika* 2019; "NRC Exclusion Spreads Panic in North Bengal Districts," *Times of India* 2019). All of this has contributed to an atmosphere of fear in the neighbouring state of West Bengal. In this changed context a large section of the dalit refugees feel the necessity to assert a Hindu identity over a more fluid caste based and linguistic identity, which had marked their movement for a long time.

Shifts in Citizenship Discourses of Dalit Refugee Organisations

As already noted, West Bengal has seen a continuous trickle of migration from Bangladesh. A large majority of such migrants are dalits. They lack the necessary social and cultural capital to negotiate the state bureaucratic apparatus and often face harassment regarding creation of identification

documents. While this has continued for decades, the severity of harassment has increased since the passage of the Citizenship Amendment Act of 2003. It defines migrants who cross the international border without valid travel document as 'illegal migrants' and renders them ineligible for acquiring citizenship and their descendants ineligible for citizenship by birth. Its definition of 'illegal migrants' has been the main cause of concern for these migrants. Dalit refugees fleeing communal conflict in Bangladesh often simply cross the border with the help of various middle men who have understanding with the border guards. They are often not in a position to carry any travel documents with them. Hence by this Act, a large majority of them are rendered into 'illegal migrants'. The Act has been branded as a *kala kanoon* (black act) by different dalit refugee organisations. A *namasudra* leader, Sukriti Ranjan Biswas (Republican Party of India) summarised the situation thus:

... things have changed since 2003, the new law holds people who have crossed the border without passport as illegal immigrants and they are not eligible to acquire Indian citizenship... this was not the case earlier, there were some restrictions and sometimes the police used to harass the refugees, but those who challenged the authorities in court won because there was no law on this...
...90% of the East Bengalis in the state are excluded by the present law as infiltrators, because we have not come to India with a valid passport and visa...during time of the Left Front.... After the law was passed... 350 people were arrested as illegal migrants, arrest warrant came out against 1200 people...
...when I apply for caste certificate today, they say I need my land record of 1950 as a proof of citizenship, there is a government circular, so does this mean that if I have not been living here from 1950, I am not an Indian? Many don't have their names in the voter's list... after living here for 30 years why are their names not in the voter's list?... when they go to renew their passports, their applications are rejected... so many people from East Bengal are facing this situation... (at a meeting against NRC at Harua, 4 October 2019, excerpts of the meeting recorded and shared by Dalit Camera: Through Untouchable Eyes)

Similar observations have been made by the Chairman of the Namasudra Vikash Parishad, Mukul Chandra Bairagya, regarding application of caste certificate by dalit refugees. Applicants who apply with their birth certificates are asked to produce land records prior to 1950. Two of my interlocutors have informed me that after the Citizenship Amendment Act of 2003, they have found their names removed from the electoral rolls.

The Citizenship Amendment Act of 2003 does not mention a specific cut-off date from which time such migration from Bangladesh to India is to be considered illegal. During my interaction with the dalit refugees in North 24 Parganas, two dates were pointed out to me. Some, taking the example of Assam and referring to the provisions of the Indira Mujib Pact of 1972,⁶ opine that all who have come to India after March 1971 have been branded as 'illegal migrants' by this amendment. But some members of the Nikhil Bharat Bangali Udbastu Samanway Samity and the Namasudra Vikas Parishad also opined that people coming after 18 July 1948 will be considered illegal migrants. This threatens a large number of people and their descendants with disenfranchisement. From this time onwards, the repeal of the Citizenship Amendment Act of 2003 has been the single most important demand of dalit East Bengali refugee organisations in West Bengal. However, for a long time there was no legal basis for the division between two types of migrants, *sharanarthi* and *anuprabeshkaris* as propagated in the discourse of the advocates of Hindutva. Neither was this religious difference reflected in the propaganda of the dalit groups. This however has changed with a proposed amendment to the Citizenship Act brought in 2016. This amendment proposes to exempt Hindu and five other minority communities Jains, Sikhs, Parsees, Buddhists and

Christians (except Muslims) from being called 'illegal migrants', and render them eligible to apply for citizenship after 6 years.

But there are certain discrepancies in the proposed Citizenship Amendment Bill of 2016. While a person can apply for citizenship under birth, descent, registration, naturalisation, and incorporation of territory, the migrants from neighbouring countries will predominantly apply for it by the clause of registration and naturalisation. It is unclear what documents will be required to apply for citizenship by registration/naturalisation. Earlier a valid passport and a visa documents were required for such applications. A Joint Parliamentary Committee report has been published in January 2019, which mentions that similar documents will be required to apply for citizenship as is required for the application of Long Term Visa (LTV). Long Term Visas are granted to people belonging to Hindu, Sikh, Buddhism, Jain, Parsee and Christian from Pakistan, Bangladesh, Afghanistan coming to India on short-term visa. For securing long term visa they need to provide a copy of passport, a copy of visa and residential permit, photograph besides other documents. So far, long term visas have been granted only to 31,313 people. According to the JPC report only these refugees are eligible to get citizenship under the proposed amendment (Report of the Joint Committee on the Citizenship (Amendment) Bill 2016, 16th Lok Sabha, January 2019). "There cannot be too many Bangladeshis applying for Indian nationality under the proposed new law. Otherwise, they would have already taken the LTVs for which criteria are the same," A Ministry of Home Affairs official said ("Small number of Bangladeshis to be benefitted from Citizenship Amendment Bill: MHA," *The Economic Times* 2019). The new amendment also comes with a cut-off date. Only those migrants who have come to India till 31 December 2014 will not be treated as 'illegal migrants' and will be eligible to apply for citizenship. And citizenship will be given to people after scrutiny and recommendations of district authorities and the state government.

A large number of people who have acquired identification documents like Voters Identity card, Aadhar card, Ration card etc will suddenly become *sharamarthis* through this amendment because they may not be able to prove that they have crossed the border with valid travel documents. The amendment does not secure them citizenship but only provides them refugee status and renders them eligible to apply for citizenship after 6 years. But as the JPC report has pointed out, only those who have been able to secure long term visa can apply for citizenship under this amendment. Does that mean a large number of these people will not get citizenship? There is no definite answer to this question. The other important factor which is being pointed out is that the Citizenship Amendment Bill will only help persons who have come after 1971. It does not include provisions for those who have come earlier.

The dalit refugee organisations I have interacted with are agitating to pass this proposed Amendment Bill. The following section briefly reflects on the demands of three dalit refugee organisations, the Matua Mahasangha, the Nikhil Bharat Bangali Udbastu Samanway Samity (NIBBUSS) and Bangladesh Udbastu Unnayan Sangshad (BUUS) regarding citizenship as reflected in their recent propaganda.

As already noted, the Matua Mahasangha began life as a religious reform movement in Orakandi in present day Bangladesh in the late nineteenth century with popularity among lower caste Bengali *namasudras*. After partition, Harichand's grandson, P R Thakur, established the sect's headquarters at Thakurnagar in the North 24 Parganas district of West Bengal. According to official estimates, there are two crore Matuas in India, but as per the estimate of the Matua Mahasangha, there are almost five crore Matuas, mostly outside the electoral rolls. This is due to the fact that those who migrated to India in the later years have been denied citizenship in accordance with the Citizenship Amendment Act, 2003. Due to their undisputed influence over the *namasudras* in West

Bengal, political parties in the state vie with each other to garner Matua support. After the Citizenship Amendment Act of 2003 was passed, its repeal became the single most important demand of the organisation.⁷ While earlier their support was divided between the left and the Trinamool Congress, over the years a substantial section of the Matuas have slowly turned towards the Hindu right. Rather than opposing the Citizenship Act of 2003, or the prospects of an NRC exercise in West Bengal which had been their position earlier, a powerful section of them are agitating in support of the Citizenship Amendment bill of 2016. This faction also support the NRC to weed out *anuprabeshkaris*. This observation of a leader of the Matua Mahasangha signifies the change in their political affiliation and associated discourses of dalit refugee politics:

The partition broke the backbone of the Bengalis.... Bengal has been neglected for the past seventy-five years... refugees in Bengal and adjoining region are faced with problems... the Matuas provided strength to the nationalist movement... Khudiram Bose, Netaji Subhash Bose, Binay-Badal-Dinesh drew their power from the grass root strength of the Matuas. Bengal was partitioned in a manner which excluded Khulna, Jessore... if we go by the two-nation theory, why were these Hindu dominated regions included in Bangladesh?... this was a big conspiracy...
...the East Bengalis did not benefit from independence, they could not migrate to India and were left behind in East Bengal to suffer... they were Indian citizens, they are Indian citizens and they will remain Indian citizens, this is our main demand... we will strengthen the refugee movement... the government made the mistake of passing this black act of 2003... when they looked back to history, their position changed... in 2014 they have brought a solution to the refugee problem, an amendment bill has been passed in the Lok Sabha in 2018, this is a historic moment.... Some people are worried that they will acquire citizenship only after six years, but don't worry... we will remain and continue in the same manner as we have done for years... those who are not Hindus, not Buddhists, not Christians, not Jains, not Parsee, will be ousted... if the All India Matua Mahasangha certifies that a person is Matua, that person will acquire citizenship in India... this will be the basis of their identity... (a leader of the Matua Mahasangha in a public meeting convened to demand unconditional citizenship for refugees from Bangladesh in June 2019)

All through the colonial period, the *namasudras* had directed their movement against the oppression perpetrated by upper caste Hindus. They had stayed away from the mainstream anti-British nationalist movement of the day, as they feared under upper caste Hindu tyranny, after the departure of the British colonisers. But as the above speech suggest, in the public discourses spun around the recent citizenship amendment bill, dalit leaders are offering a different reading of their past in an attempt to draw the lineages of the Matua movement from the mainstream anti colonial nationalism in their effort to align with the Hindu ideologies of the day.

The other organisation I have conducted research with is Nikhil Bharat Bangali Udbasu Samannway Samity (NIBBUSS). It was formed in 2005 in Nagpur in the context of agitation against the Citizenship Amendment Act of 2003. It is an all India refugee organisation which has branches in 14 states in India. One of their major demands have been unconditional citizenship for new incoming Hindu refugees from Bangladesh. Some other demands of this organisation include granting of legal ownership (patta) of land to the refugees dwelling in various refugee colonies all over India, securing the benefits of caste based reservation for dalit refugees and the preservation of the Bengali language in refugee settlements outside of Bengali speaking areas in India. From their inception, they have worked in close collaboration with the Matua Mahasangha. Earlier they were a politically neutral organisation maintaining workable relations with all political parties. Back then, the position of the Mahasangha was more fluid as well. Regarding citizenship, their demand was the repeal of the Citizenship Amendment Act of 2003. Over the years their propaganda regarding

citizenship has acquired a Hindu nationalistic overtone. While some leaders are silent on the question of NRC, others are voicing their public support for the NRC in order to deport *anuprabeshkaris*. An all India leader of the Nikhil Bharat Bangali Udbastu Samanway Samity, Prakash⁸ observed in a rally organised by NIBBUSS in July 2019 in support of the Citizenship Amendment Bill:

we have been sacrificed at the altar of the partition. In Punjab there was an exchange of population, but in Bengal an exchange of population did not take place, we were abandoned with our arch enemies... we came here empty handed in search of shelter... that day, we did not want to leave West Bengal, because Bengalis love the soil of Bengal. But we were forced to leave and go to distant parts of India... this citizenship amendment bill will provide some relief to the East Bengali migrants... till the time there is torture on Hindus in Bangladesh, refugees will keep coming in... we demand unconditional citizenship for all East Bengali Hindu refugees... (in a speech in a public rally in Kolkata, November 2019)

In their public speeches, they are silent about certain discrepancies in the amendment as mentioned earlier. Some of these concerns were expressed to me in a personal discussion with Prakash:

...the citizenship amendment bill in its present shape will do more harm than good... everyone thinks that if the citizenship bill is passed, we are safe... but in reality we are not protected by the bill... they are saying, in the application for citizenship, a person has to provide evidence of migration or surrendered passport... a person has to prove that they have come due to religious persecution, persecution should be recorded in the local police station... what proof can you show... is that possible? Birth certificate, migration card, surrendered passport, people need one of these along with the application form... who has one of the three? If they ask for my birth certificate, where will I bring a birth certificate from? When I was born, in that country (Bangladesh) there was no system of birth certificate... so I might be excluded... only 31 thousand people will be eligible for citizenship who have come with visa and passport... we fail to explain this to our people... when we try to explain... they say that we are making anti-national comments... they don't want to listen... (Prakash, Personal Interview, June 2019)

On prodding one member of the organisation about the Muslim question, I received the following response:

Author: If the citizenship bill is passed it will exclude the Muslims, what is the position of your organisation regarding that?
Pramatha: Nikhil Bharat is not concerned about the problems of the Muslims, they are only concerned with the Hindus. No Muslim organisations have joined our organisation....
Author: but if you ally with the Muslims would not your movement be stronger?
Pramatha: the issue of the Muslims is different. Our organisation does not match with theirs.
Author: where lies the difference?
Pramatha: the difference is in their social and religious ideologies. Their ideologies are different (Pramatha, Personal Interview, April 2019)

The smallest in terms of spatial spread and number of supporters is the Bangladesh Udbastu Unnayan Sangshad. It was created in 1991. Their declared goal is to secure the welfare of Hindu minorities in Bangladesh and Hindu refugees who continue to migrate to West Bengal. Their main base of operation is North 24 Parganas and Kolkata. They have been agitating against the Citizenship

Amendment Act of 2003. The chairman of the Bangladesh Udbasu Unnayan Sangshad remarked in a public meeting

...our first prime minister Jawaharlal Nehru had promised us that India's door will always remain open to Hindu minorities from East Bengal... but there has been a national discrimination towards the Bengalis. Even after 70 years of independence, people from Bangladesh still live by railway lines, canal sides... their needs are not taken care of... Bangladesh is now almost Hindu less. Their lands are usurped on, their mothers and sisters are sexually harassed. We have highlighted these issues, but nothing has been done. We send a report every month to the central government on these issues... We don't even get the minimum benefits of citizenship. We don't have ration card, voter's card... but the government take advantage of the refugees and use their labour. The promise of independence, their right to citizenship, has remained unfulfilled... the government has brought several amendments to citizenship all through the years... in the citizenship bill of 2003, the people from east Bengal are cast as undesirables (a speech in a meeting, April 2019)

A few points may be noted from the public propaganda noted above. According to the public discourses of these organisations, the Bengali Hindus were sacrificed at the altar of the partition, and they have been treated in a step motherly fashion by the Indian nation. It is time to correct this historic injustice by amending the citizenship act in favour of the Hindus. The subcontinent was partitioned following the two-nation theory and following on from its logic they should be integrated within its fold. While NIBBUSS is silent on the Muslim question which is also an integral part of the citizenship issue, sections of the Matua Mahasangha and Bangladesh Udbasu Unnayan Sangshad demand the deportation of the *anuprabeshkaris*.

Conclusion

In West Bengal certain sections of the population are strongly agitating against the principle of exclusive citizenship as symbolised in the process of NPR, NRC and the proposed amendment of the citizenship bill. But within the context of the dalit refugee organisations, the terms of the discourse are silently shifting. The leaders of these organisations are aware of the discrepancies in the citizenship amendment bill of 2016. There are also doubts in the minds of their grassroots dalit supporters regarding the transformations in citizenship. While these doubts are expressed privately, they are often not raised in public discussions. The dalit refugees have started to ascribe a renewed importance to the two-nation theory as the rationale behind the partition of the subcontinents and couch their demand of being included within the nation as seamlessly flowing from the two-nation theory. Such a way of posing their right to citizenship is directly or indirectly pitted against the *anuprabeshkaris* or 'illegal infiltrators' who are rendered into undesirable aliens. A more inclusive demand of citizenship are slowly being pushed to the margins of the terrain of public debate in the circles of dalit East Bengali migrants.

Notes

¹The term dalit literary means the oppressed or the down trodden. The term was used by B.R. Ambedkar, an important proponent of lower caste movement in India in the early twentieth century, to identify and consolidate the struggle of the lower caste and class groups in India. The *namasudras* are on such dalit community in Bengal. For a discussion of the political movement of the *namasudras* during colonial times and through decolonisation and partitioning of the subcontinent see, Bandyopadhyay 2011.

² The United Central Refugee Council (UCRC), a left refugee organisation in West Bengal presented an Alternate Plan for Rehabilitation inside West Bengal on August 1958. This was a comprehensive plan for the rehabilitation of refugees through the economic regeneration of the whole of West Bengal. The surplus land made available through the scheme were to be used for the settlement not only of the refugees, but also a large section of the landless in the state. The plan was not seriously considered by the government of the day (Chakrabarti 1999, 193).

³It was the biggest rehabilitation scheme taken on hand by the authorities so far and involved a financial outlay of Rs 100 crore (Chakrabarti 1999, 177). The Dandakaranya project was located at an arid low lying plateau curved out of Koraput and Kalahandi districts of Orissa and Bastar district of Madhya Pradesh. It covered a huge swathe of territory of about 30000 square miles. The area had a local tribal inhabitants, mostly Gond forest peoples. It aimed to rehabilitate the remaining government camp refugees (both agriculturists and non agriculturists) in West Bengal (Chatterji 2007, 136-137).

⁴ The Assam movement reached a peak around the late 1970s and early 1980s led primarily by the All Assam Students' Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP). The AASU demanded that the elections be postponed till the names of foreign nationals were removed from the electoral rolls. The parliament passed the Illegal Migrants (Determination by Tribunals) Act (IMDT) in October 1983 and began to implement it in Assam.

⁵ Anupama Rao in her research on citizenship has noted how while in the original Citizenship Act of 1955, the category of other of alien was a neutral outsider, with the amendment of 2003, the category of 'illegal migrant' or *anuprabeshkari* (infiltrator) has been introduced as an *inimical* other (Roy 2010).

⁶ According to the provisions of the India Mujib Pact of 1972, all refugees who entered into India before March 25 1971 were allowed to stay in India (R Upadhyay 2001).

⁷ From this time onwards their influence in electoral politics have also significantly increased and Sinharay's research (2016) marks this period as a resurgence of caste based identity politics by dalit refugees in West Bengal.

⁸ Fictitious names have been used for all interlocutors in this paper.

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