

Report on the Staff Researchers' Workshop
Date: 8 .10.2021, Swabhumi, Kolkata

Report on Anand Upendran's Presentation

Discussant: Sanjukta Bhattacharya, Jadavpur University

Anand Upendran's paper, titled 'Judicial Function and the Afterlife of the *Korematsu* Decision,' is essentially a study of certain prominent decisions of the United States Supreme Court on the broad issue of immigrant protection. He began his presentation by addressing the litigation in 2018 (*Donald Trump, President of the United States, et al. v. State of Hawaii, et al.*, 585 U.S. _)which challenged then President Donald Trump's proclamation that severely restricted immigration into the United States from certain countries, an overwhelming number of which possessed a Muslim-majority population. While the US Supreme Court upheld that order, four justices (out of the nine) dissented, arguing that the proclamation must be determined as unconstitutional since it was, according to them, manifestly founded on religious prejudice and an overbroad exercise of the President's statutory authority over immigration into the country. Probing the antecedents of this 2018 judgment, the researcher spoke about certain litigations before the US Supreme Court during the Second World War which had challenged the then US government's policy—initiated after the Pearl Harbor attack—of interning people of Japanese descent living in its territory, claiming they posed a threat of espionage and sabotage. While the court upheld that wartime policy, most notably in a 1944 judgment (*Korematsu v. United States*, 323 U.S. 214), powerful dissents were written then too. The dissenting justices argued that the Roosevelt administration's policy of arresting the liberty of these individuals—most of whom were United States citizens—based on ancestry alone was rooted in racial prejudice and, therefore, unconstitutional. The researcher spoke of the similarities between the US Supreme Court's decisions in 1944 and 2018, as also the similarities in their respective backgrounds. He pointed to how the court in the 'Muslim travel ban' case viewed its own precedent in the Japanese American wartime cases. In conclusion, he also attempted to use these experiences from the United States to critique the decision of the Indian Supreme Court, in April 2021, to not interfere in the deportation of Rohingya refugees.

The discussant, Professor Sanjukta Bhattacharya, reflected on the persisting debates in the United States (as also within its Supreme Court itself) regarding the proper role of the judiciary, especially on the question of constitutional interpretation. She also urged the researcher to explore if the change of guard in the US presidency in 2021 has effected any substantial changes in that country's immigration policy. A member of the audience reminded the researcher that an episode of wartime internment of a minority population had occurred in modern India as well.

Report on Rajat Kanti Sur's presentation

Discussant: Maidul Islam, Centre for Studies in Social Sciences, Calcutta.

Rajat Kanti Sur's paper was on the representation of the refugee question in the West Bengal legislative assembly election campaigns in 1972-2021 elections. He was focussed on the campaign leaflets, news clippings, interviews, posters to find out the transformations of the importance of the refugee question in the election campaigns. He showed the gradual decline of the refugee issues in the campaigns and the emergence of new questions like caste, ethnicity and religion. The refugee and migration question came to the forefront in the recent election due to the COVID lockdown and the NRC-CAA question before that. Sur concluded his argument by saying that the migrant and refugee questions became gradually irrelevant with time.

Maidul Islam, the discussant of Sur's paper said that the study is interesting. It raised some critical issues. However, the paper should start focussing on the issues from the 1950 onwards. The refugee question was more pertinent at that time. It had gradually become irrelevant in the 1970s. Later the refugee and migrant issues had been communalized through the infiltration issues in the 1990s. He also said that the researcher should also address the issue of performance in his paper and analyze the changes in terms of migration studies.

Presentation by Shatabdi Das

Discussant: Achin Chakrabarty, Institute of Development Studies Kolkata.

Shatabdi Das, Researcher, Calcutta Research Group, introduced her paper titled '*Development and Displacement in the Damodar Valley of India*,' with a brief history of industrial development and urbanisation in the Raniganj coalfield region of West Bengal. She highlighted the environmental problems in the urban-industrial area of Asansol-Durgapur seated in the fringes of the Chota Nagpur plateau that border the Damodar valley in the eastern part of the country. The major pull factors for migration and urban growth in the region such as coal mining, dam construction, heavy manufacturing and allied industries and infrastructure projects were listed. Her presentation also enumerated issues of land acquisition and displacement, occupational diseases, lack of safe work environment, housing, and resettlement, risks posed by mine hazards and environmental pollution and degradation at functional, defaced and abandoned coal mine pits. The paper discussed the issues of land acquisition, the cases of

displacement, coal mining and related work opportunities, the history of evolution of the coal industry in the Raniganj Coalfield and social amenities. The paper through the analysis of field data and case study brought out the challenges of relocation, resettlement and rehabilitation of displaced population in the coal belt. It looked into the positive outcomes and negative impact of resettlement and rehabilitation schemes in the region. The research endeavoured to study in detail the adoptive measures for aligning sustainable development and safe environment for health along with the sprawl of extractive economy and open cast mines closer to densely populated urban settlements.

The discussant and resource persons in the session suggested that the research could attempt to frame the timeline of study of industrial and urban development in the region during the Nehruvian and post-Nehruvian or the Liberalisation eras. It was mentioned that the paper may look into the various state initiatives in the sector of informal mining and its diverse attributes. It was discussed that the research may focus on detailing out any one or two sub-themes such as menaces of coal mining, displacement in the coal belt, resettlement and rehabilitation.