

**CITIZENSHIP OR HUMANITARIAN CRISIS:
A STUDY OF THE PROCESS OF NRC UPDATION IN
SOUTHERN ASSAM**

**A Dissertation Submitted in Partial Fulfillment of the
Requirement for the Degree of Masters of Philosophy (Arts)
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Abstract

The purpose of this research was to determine the ways in which the National Register of Citizens in Assam has created problems for the people, especially the ones who have been left out of it and how this exercise has affected the population as a whole.

The history of immigration in Assam which has resulted in the birth of the National Register of Citizens in Assam which has turned into a machinery of torture and harassment has been studied. Also, a study of the ‘Sylheti’ Bengali population in the state has been undertaken because of the fractured identity they possess within the boundaries of the state due to their linguistic and cultural similarities with Bangladesh, which has resulted in the construction of the ‘us versus others’ debate in Assam, the ugliest manifestation of which, has been through the NRC where the worst affected are the Bengalis in the state, the ‘outsiders’, and ‘foreigners’, titles, they have been warmly gifted with, by the Assamese population.

This research has been drawn extensively on the narratives of the victims of the NRC regarding the kind of problems that they have been facing as a result of this and the findings suggest myriad vulnerabilities of the victims that are beyond endurance.

An important aspect of my research was to identify and analyze the kind of humanitarian crisis that has preceded the publication of the NRC list on 30th July, 2018.

Introduction

Human civilisation has witnessed migration resulting from a myriad of crises-political upheavals, communal uprisings, economic depressions, natural calamities like floods, epidemics, earthquakes and as a result of wars. However, mass migration of people takes place mostly on such preconditions which have been the case with the migration from East Bengal to Assam, primarily in Barak Valley in the wake of the Partition. In fact, such an exodus is considered one of the mammoth mass exoduses of people.

Barak Valley in Assam shares a close border with Bangladesh and the barbed wire fencing that demarcated the two nations in the wake of the Indian independence stands as a cordon between the two regions sharing the same culture, language and tradition. Thus, cross border migration from Bangladesh to Barak Valley in Assam has continued even in the post colonial era which has shaped the socio-economic, political and cultural dynamics of the north eastern state of Assam. The upshot of this migration has resulted in the formation of a ‘fractured identity’ of the Bengalis in Assam. Despite being one of the largest linguistic groups in Assam, concentrated primarily in Barak Valley of southern Assam, comprising of three districts- Cachar, Hailakandi and Karimganj, the remnants of Partition and the subsequent displacement that created a human crisis in this part of the state, still remain afresh and have become an inseparable element in the lives of the Bengali community of Assam.

Even before India was independent, Assam experienced the pangs of partition in the form of the Sylhet referendum that was held moments before India attained freedom. This referendum changed the boundary of the province of Assam and the political fate of its people and came as a blessing for some and blight for many. The Bengali speaking district of Sylhet was considered by the Assamese as the major hurdle in their desire to create a unilingual state of Assam. Hence, the decision of holding a referendum to decide the fate of Sylhet came as a gift for the Assamese who welcomed this decision and considered as an opportunity to get rid of the ‘Bengalis’ in the state considered a ‘burden’ for them. It was an expression of their long cherished desire of carving out a homogeneous region for themselves. Sylhet was partitioned from Assam in 1947 and was merged with present day Pakistan following the results of the referendum. This referendum was held entirely on religious lines

which created a sense of betrayal among the Bengali Hindus, who thus became a religious minority in the newly formed state of the then Pakistan, a scar and wound that remains alive in the hearts of the displaced. What followed this displacement were bloodbaths, threats, physical violence, hatred, inhumane violence on women, molestation, and rapes meted out categorically and systematically to the religious minorities.

This resulted in the shifting of the Bengali Hindus, who became a religious minority in East Pakistan to migrate from their homeland to the other side of the border. Thus, in the wake of the independence, many citizens of undivided India became homeless and uprooted refugees in independent India. A sizeable portion of them sought refuge in Assam. Even after the independence, migration across the border continued intermittently, once, in 1965, under the regime of Major General Ayub Khan and again in 1971, in the wake of the Bangladesh Liberation War. In both these cases, the victims, mostly Hindu Bengalis fled on account of religious violence that became very common in Pakistan, a Muslim majority theocratic nation. The state of Assam already had a sizeable portion of Bengali speakers belonging to both religions from the pre independence era who had been persuaded by the colonial government to seek shelter in Assam from East Bengal and make use of the large tracts of unused lands in the then Assam. The Bengali Hindus immigrants in Assam were mainly refugees who had to leave their hearth and homes under threat while the Bengali Muslims, who were displaced, were uneducated and extremely poor and this prompted them to cross the border and settle in Assam in search of a safe economic livelihood. Hence, such migrations were guided by a concern for securing their economic stability. While the Bengali Muslims gradually integrated into the broader Assamese society even forgoing their language and culture, the Bengali Hindus held on to their distinctiveness and their rich cultural and linguistic heritage, with an aim to nurture and protect this identity, which, fell prey to the eyes of the Assamese, who began to perceive them as 'elements of threat' in Assam.

However, displacement and the wrench of being uprooted and displaced from their motherland could never really make an exit from the everyday lives of such people and the uprooted destitute people continued to build a new life for themselves trying to assimilate the remnants of Partition. Thus, the inclusion of a large number of Bengali speakers within Assam created an atmosphere of resentment and

apprehension among the Assamese regarding their land being swamped by the 'foreigner's'. These foreigners, the Assamese considered as their enemy, were branded as the 'others', the immigrant, and thus, a line of divide was drawn between the two communities which found expression in the form of violence at different phases in Assam; the 'Bongal Kheda', 'Bideshi Kheda' andolans, the Nellie massacre, the bloody language riots and the Assam agitation. All these were directed primarily towards one community, the Bengalis. It is thus ironical that the Bengalis who left behind their homeland under duress and sought to seek shelter in Assam considering it as a safe heaven, were brutally murdered and tortured in the broad daylight even in Assam. Such is the fate of the Bengalis in Assam, who cannot forget the pangs of displacement and at the same time cannot establish their belongingness in the state of Assam because of their linguistic and cultural distinctiveness. Hence, the Bengalis have had to prove their belongingness to this state since time immemorial cutting across the tags of 'bideshis' 'bohiragotos', 'bangladeshis' reducing their existence as marginal, helpless elements in the state disturbing their sense of belongingness and creating an identity crisis like situation for them wherein , they have been subjected to violence every time while asserting their identity.

The only fault of the Bengali community in Assam is that they speak a language which is different from what is being spoken by the majority, they have retained onto their Sylhetti culture and identity without diluting the same with the Assamese counterpart and they have held on their identity just like the Assamese because of which they have always been and continue to remain under the lens of suspicion by the Assamese society as being 'Bangladeshis', 'infiltrators' and 'enemies' and they leave no stone unturned to bring despair into the lives of this community. The cases of conflict in Assam are characterised by the recurring binaries such as 'migrant' and 'native', 'settler' and 'indigenous', 'citizen' and 'foreigner'. These conflicts and violence are the outcomes of the migration of people under volatile times which, however, the conflicting parties fail to acknowledge.

The NRC demands the furnishing of evidence in the form of documents to support one's claim of presence in Assam before 1971 which includes land documents, refugee certificates etc which, however, a vast majority of the illiterate people and also most literate people have been unable to furnish since these documents date back to several years and the ones who are illiterate never really understood the importance of these

documents while the literate people never thought such documents needed to be preserved since their citizenship would be under the surveillance of the state. There have also been cases where such documents have been destroyed in floods, earthquakes, which are frequent visitors in Assam, as well as fires and several other natural calamities which, however, the state does not care about. The terrifying consequences in such cases are beyond apprehension, making lives hell for the victims.

The National Register of Citizens (NRC), aims to, identify the foreigners from the genuine citizens of Assam. Three decades after the signing of the Assam Accord, in 1983, that aimed to resolve the 'citizen-outsider' debate in Assam, the NRC has created mayhem in Assam. Bangladesh achieved independence in 1971 and those who probably might have come to Assam in the period following 1971, have built up their hearth and homes and made a life for themselves across the other side of the border. However, under the scrutiny of the NRC, such people are likely to be detected and deported as foreigners to Bangladesh. Disowned by India, and without any ties to any other country, they now find themselves in the middle of a journey that leads to nowhere, totally evasive about their future.

The demand for the NRC rose early as in the 1950's following which the NRC list was created for the first time in Assam in the year 1951 which did not undergo any form of updation in all of these years until in 2005, following a Public Interest Litigation filed by a few Assamese organisations in Assam to the Supreme Court to carry out a process of updation of the NRC list which would enable the state to identify its genuine citizens arising out of the concern that the Assamese would become a minority in their land in the presence of the foreigners. Only after a Supreme Court Judgement on 2014, the process of updating the NRC formally began in the state. The NRC is to be updated following the rules of the Assam Accord that sets 24th March, 1971 as the cut off for detecting the foreigners in Assam. However, in reality, the NRC has turned into a contentious politics of creating a monochromatic idea of society and culture in Assam i.e. Assam for the Assamese; the evocation of fear of the outsider, the 'other', has resulted in the evolution of a narrative that seeks to 'drive out' those who are seen as mirror opposites. The 40 lakh names that have been missing in the first list of the NRC mostly include the names of Bengali Hindus and Muslims which has again created the tension of displacement and dispossession

in the minds of the people who stand a potential risk of being declared stateless after living for decades in the state. This has created a precarious situation in the state with people resorting to suicides over the anxiety of this citizenship debate, not to mention the humanitarian crisis that has been created in Assam which has engulfed the victims. Many in Assam, who have made this state their homes for decades have suddenly found themselves in dire need of proving their identity. The string of miseries for these people amounting to harassment, indignity, and even deaths leaves a little doubt about the tyranny of the NRC,

Against this backdrop, this research has been conducted with the aims of:

- Tracing the origin of the NRC in Assam.
- Analyzing how its application is creating a humanitarian crisis.
- Identifying what kind of humanitarian crisis is brewing.
- Analyzing the Assamese-Bengali divide in Assam and its effect on the NRC updation.
- Analyzing the effect of the Citizenship Amendment Bill of 2016 on the NRC.
- Comprehending the fate of those declared stateless in this process.

Review of Literature:

Bhattacharjee, Tanmay. 2006. *The Sylhet Referendum: The Story of a Lost Territory*. Guwahati: Vicky Publishers

This book provides an in-depth analysis of the 1947 referendum that happened in the district of Sylhet, which now is in Bangladesh and, which was earlier a part of Assam. Following this referendum, Sylhet became a part of East Pakistan. However, a few districts particularly those forming the Barak Valley, were joined with Assam, therefore, the population of the state became a mix of Assamese and Bengali speaking people. It traces the roots of the Assamese- Bengali conflict whereby the former was to be considered as the indigenous population, while, the latter was given the status of refugees. It has also highlighted the socio-economic discrimination that was meted out in the Bengali populated regions of the state which, in due course of time, reached its peak with the decision of the Assam Government to implement a single language as the official language overlooking the multilingual population of the state.

However, this book did not throw light on how, because of the cultural differences, the government has been displaying a partial and discriminatory attitude towards the Bengalis residing in the state which has been reflected in the current discourse regarding NRC, which will be dealt with in this study.

Goswami, Priyam. 2012. *Assam: From Yandabo to Partition* .New Delhi: Orient BlackSwan.

This text covers an important period in the history of modern northeast India, from the Treaty of Yandabo in 1826 that marked the beginning of British expansion in the region, till Partition in 1947. It discusses the history of the colonial province of Assam, which included most of modern Assam, Meghalaya, Nagaland, Mizoram and Arunachal Pradesh. It details the colonial expansion and associated political developments and also analyses the important social, cultural and economic changes during the period. A key aspect is its focus on the growth of political consciousness in the region and the impact of the pan-Indian national movement on the society and politics of the region.

However, this book, while covering the history of Assam, fails to look at the issue of the ethnicity and cultural diversity which forms an important aspect in the context of Assam and which has shaped the politics of this region since its formation. The presence of a multiethnic population has always resulted in tensions among the diverse population and several movements have time and again reflected this. In fact, the NRC issue has received a totally antagonistic response from Barak Valley in Assam mainly due to this underlying cultural and ethnic difference that this book has failed to highlight.

Dutta, Nandana. 2012. *Questions of Identity in Assam: Location, Migration, Hybridity*. New Delhi: SAGE Publications Pvt. Ltd.

Questions of Identity in Assam: Location, Migration, Hybridity addresses the identity problem in Assam, keenly affected as it is, by the realities of migration and hybridity. The book provides an overview of these issues as they are reflected in the region, and covers the period from the conclusion of the Assam Movement till the present. The

Assam Movement spawned a culture of violence which led to the emergence of insurgent outfits in the state. This resulted in the naturalization of violence as a part of everyday living. From this vantage point, the book offers a reading of identity as determined by the anxiety surrounding the presence of the migrants. In this book, the issue of migration is seen through the perspective of the society that receives the migrants and defines itself through a negative response to the other.

This book however, does not look into how the Bengali population in the state has almost become synonymous to the term 'Bangladeshis' 'illegal immigrants' by the Assamese speaking population and accordingly, a very step motherly kind of attitude has been displayed towards them resulting in the overall backwardness of the areas having Bengali population.

Baruah, Sanjib. 2001. *India Against Itself : Assam and the Politics of Nationality.* New Delhi: Oxford India Paperbacks.

The critically acclaimed work offers an interpretation of the political and economic history of Assam since it became a part of British India and examines such issues as linguistic standardization, multiculturalism and the emergence of ethnicity.

However, this book does not highlight the kind of identity related politics that has always been in practice in Assam, wherein, establishing cultural and linguistic hegemony has been focused on and upon by the government, an issue that this proposed study will try to address.

Sarmah, Shrutikar Abhijit, 2018. National Register of Citizens- NRC in Assam: Addressing Bangladeshi Migrant Issue, Solving Demographic Aggression, Kindle Edition

The bedrock for a series of events, from Assam Agitation to today's updating of the NRC all started in the year 1978. The then Member of Parliament from Mangaldoi Lok sabha constituency late Hiralal Patowary expired all of a sudden, resulting a by election. An unnatural increase in the number of voters was detected by the authorities while preparing the voters list. This started a six year long agitation across Assam (1979-1985) known as the Assam Agitation, which ended with the signing of an Accord famously known as the Assam Accord on 15th August 1985 which serves as

the ground for the beginning of the process of NRC in the state of Assam. This ebook provides a detailed analysis of the history of the NRC and the migrant issue in Assam.

However, this book does not touch upon how in the name of citizenship, the NRC has turned into a mechanism that has given birth to a kind of humanitarian crisis kind of situation with absolutely no clarity about the fate of the immigrants and more importantly about the disappearance of names of genuine citizens having valid documents. This book thus touches upon the NRC issue primarily from a theoretical perspective dealing with its origin and not the implication that it is having on the present state of affairs.

Misra, Udayon, 2017. *Burden of History : Assam and the Partition - Unresolved Issues*. Oxford University Press, USA.

This work deals with the years immediately preceding the Partition of India and takes up issues of land, language, immigration, and identity in Assam, where they continue to occupy public space. The effects of the Partition continue to hang as a spectre over the entire region. In Assam's case, its recent history seems to have subsumed its "glorious past," with geography playing a crucial role in determining its present position vis-a-vis the Indian state. The author outlines the present contentious issues in the state, which seem to defy any solution and which are increasingly adding to the growing human tragedy of the region in the light of developments which occurred in the pre- and post-Partition years. In order to understand this and explain why the challenge posed by Assam held serious consequences for the Indian state, this work examines the developments that occurred in the years preceding the Partition and Independence-developments which have etched their effect on the society, politics, and economy of Assam and also the entire north-eastern region in an indelible manner.

However, while focusing primarily on the economic and developmental issues that surround the state of Assam, and how pre and post Partition politics ruptured the relationship of Assam with the rest of the country, this book does not throw light on how even within Assam, the merger of a part of Sylhet district of erstwhile East Pakistan, now Bangladesh, through the Sylhet Referendum, totally transformed the dynamics of this state with the focus of the state government shifting to concentrating primarily on the divisive elements like language, the Assamese-Bengali linguistic

rivalry, which forms a very crucial aspect in the politics of Assam and which has also been reflected in the issue under study, the NRC being considered a machinery to get rid of the Bengali population often referred to as the 'Bangladeshis' by the Assamese speaking population.

Rizwana, Shamshad, 2017. *Bangladeshi Migrants in India : Foreigners, Refugees or Infiltrators?* Oxford University Press.

The book is a study of the current state of nationalist imagination in three states in India: Assam, West Bengal, and Delhi. It analyses the perceptions of the key political parties and civil society members about the presence of Bangladeshi migrants in these three states. India since Independence has gone through a number of competing nationalist thoughts: secular, Hindutva, and ethnic. The existence of these nationalisms denotes that although India is a modern nation state, its project of attaining a singular nationalism is still ongoing and incomplete. The presence of Bangladeshi migrants in Assam, West Bengal, and Delhi has been a persistent election platform of sectarian Hindu nationalists and ethnic Assamese nationalists. How these various nationalisms position the Bangladeshi migrants, and therefore what these perceptions and ongoing discourses indicate about the current nationalism, is the primary enquiry of this book. This study is an ethnographic record and a personal account that uses in-depth interviews with influential members from key political parties, civil society organizations, and Hindu and ethnic nationalist bodies in Assam, West Bengal, and Delhi. Civil society members are representatives from media, academia, think tanks, and human rights organizations. While Assam and West Bengal give a regional perspective on nationalist discourses, Delhi gives both a regional and a national perspective. The perceptions derived from interviews were analysed against the backdrop of relevant theories of nationalism. This book argues that the perception of Bangladeshi migrants in Assam, West Bengal, and Delhi varies greatly due to the historical, ethnic, and religious affinities of the people in each of the three states.

This book, while providing an extremely insightful discourse on the immigration issue in Assam, fails to capture how migration and immigrants have been transformed into effective vote gathering gimmicks by the political parties in the state, each trying to address it only to their advantage, like the NRC issue, which has turned into a kind of

political issue by the Asom Gana Parishad, a political party in Assam, and also both the national level parties Congress and BJP, each trying to use this highly sensitive issue as vote banks and never addressing the issue from a neutral standpoint. All these points will be dealt with in this study.

Based on an extensive reading of the literature cited above, the research makes an attempt to answer the following **Research Questions**:

- Is the process of NRC which claims to identify the ‘true’ citizens of the state of Assam turning into a mechanism ensuring a systematic expulsion of a particular linguistic group in the state?
- What kind of humanitarian crisis has the NRC created?
- What challenges does the NRC reveal about the Bengalis in Assam?
- What will be the fate and future of those declared stateless in this whole process? How will this humanitarian crisis be dealt with?

Methodology

In order to ascertain the kind of humanitarian crisis that has been created by the NRC exercise, purposive sampling has been selected as the method. A purposive sampling is a non-probability sample that is selected based on the characteristics of a population and the objectives of the study. Since, the main objective of this dissertation was to uncover the ramifications of the crisis; the population included all those individuals, whose names have failed to come up on the NRC draft that was published on 30th June, 2018. As many as 57 individuals, belonging to heterogeneous categories, in terms of religion, age group, occupation and gender have been interviewed within a semi structured interview framework consisting of open ended questions that tried to gather information about the occupation of the respondents, the reasons behind the absence of their names in the list and the problems they have to face as an upshot of this exercise. Efforts have been made to allow the respondents to contribute to the interviews by adding to the data by providing their views and ideas which have also given this research a fresh dimension by bringing up newer issues. The data gathered from these responses have shaped the course of this research.

In depth interviews have also been conducted with the Non Governmental Organizations, lawyers and individuals in the region who have been closely

monitoring the developments of the NRC in Barak Valley and have taken up initiatives to offer a helping hand to the people in plight. The data and information collected from these discussions have widened the scope of this research in terms of receiving relevant materials, legal documents related to the NRC exercise which has facilitated the understanding of the myriad vulnerabilities that the victims continue to face and the effects of such humane efforts in their lives.

This research, which is a qualitative research, has also relied on the method of historical document analysis of Government Documents such as Supreme Court judgments, Lok Sabha discussion reports, Statements of various Government Officials regarding the issue under study, think tank reports which have supplanted as major resources in developing this research. Academic readings of secondary sources such as books, articles and journals, along with newspaper articles, editorials, on the same theme, have been thoroughly consulted from time to time for drawing out necessary inferences and conclusions.

Plan of study:

The dissertation has been organized into four connected chapters including an introductory and a conclusive chapter.

Chapter 1: A history of immigration and the NRC in Assam

This chapter extensively focuses on the evolution of NRC in Assam, right from the the 19th& 20th century, Colonial Assam (1826–1947) history, wherein the state witnessed migration from various provinces of British India especially after the Yandabo treaty (signed on 24 February 1826) to the Government of India's formulation of the Immigrants (Expulsion from Assam) Act, 1950. This Act which came into effect from 1 March 1950 mandated expulsion of illegal immigrants from the state of Assam To identify illegal immigrants, the National Register of Citizens was prepared for the first time in Assam during the conduct of 1951 Census. It was carried out under a directive of the Ministry of Home Affairs (MHA) by recording particulars of every single person enumerated during that Census. Also, this chapter throws light on the historic movement which came to be known as Assam Agitation or Assam Movement was initiated by All Assam Students' Union (AASU) and All Assam Gana Sangram Parishad (AAGSP) .The movement, however, culminated in

the signing of the landmark Memorandum of Settlement (MoS) - the Assam Accord to deal with issue of illegal immigration in the state. It was signed by All Assam Students' Union (AASU), Central and State Governments on August 15, 1985, at the behest of then Prime Minister Rajiv Gandhi in New Delhi. The Accord ended the agitation and it brought along a number of clauses that were to be implemented to curb the illegal immigration issue. As per the Assam Accord, 1 January 1966 was determined to be the precise date based on which the detention and deletion of illegal immigrants from Assam will take place. It allowed citizenship for all persons coming to Assam from "Specified Territory" before the cut-off date. It further specifies that all persons who came to Assam prior to 1 January 1966 (inclusive) and up to 24 March 1971 (midnight) shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1939. Name of foreigners so detected will be deleted from the Electoral Rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939. Foreigners who came to Assam on or after 25 March 1971 shall continue to be detected, deleted and expelled in accordance with law. Towards the end of this chapter, an in depth discussion has been done on how the process on NRC ultimately, formally, started in the state drawing inferences from the various government documents such as Supreme Court Judgments, Lok Sabha discussions on this issue.

Chapter 2: Genesis of the Assamese- Bengali divide in Assam:

This chapter is important in this proposed study because the NRC updation process has turned into a kind of exclusionary mechanism for a certain section of the population in the state of Assam and hence, this chapter has focused on Southern Assam- the formation of Barak Valley after the 1947 Sylhet Referendum, its proximity with Bangladesh, the genesis of the Bengali speaking population in this region, the cultural and linguistic distinction of this valley from the rest of Assam and also how this distinction has shaped the politics of the state over the years, with Southern Assam always being regarded as the 'other' 'refugees' by the mainstream population, the overall backwardness of this region from the rest of the state, the antagonistic attitude of the government of Assam towards Barak Valley, resulting in the language movement of 1961 against the imposition of Assamese as the only

official language of the state, and, which has also been reflected on the contemporary NRC updation process with the names of almost 4 million Bengalis residing in this region missing from the final draft of the NRC, which has been dealt with extensively in this chapter.

Chapter 3: Citizenship Amendment Bill, 2016 and its possible impact on the NRC.

The Central Government is planning to change the definition of illegal migrants through the Citizenship (Amendment) Bill, 2016. It will make changes to the existing Citizenship Act 1955, to provide citizenship to illegal migrants from Afghanistan, Bangladesh and Pakistan, who are of Buddhist, Hindu, Jain, Sikh, Parsi or Christian.

The Act does not have a provision for Muslim sects such as the Shias and Ahmediyyas. The Shia and Ahmediyya communities in Pakistan have faced persecution. The Bill, which was introduced in the Lok Sabha on July 15, 2016, also seeks to reduce the number of continuous years of stay in India needed to obtain citizenship by naturalization from 11 to six years. The Bill was referred to a joint select committee in August that year, after it was discussed in the lower house of parliament. According to existing laws, an illegal immigrant is a person who enters India without a valid passport or with forged documents or is a person who stays in the country beyond the valid visa permit.

The idea gathered steam when the BJP promised to grant citizenship to Hindus persecuted in neighboring countries during the 2014 Lok Sabha election campaign. The party had promised to welcome Hindu refugees and give shelter to them. The All Assam Students' Union (AASU) demanded immediate withdrawal of the Citizenship (Amendment) Bill, 2016 claiming that it was unconstitutional as it seeks to grant Indian citizenship only on the basis of religion.

The third chapter primarily looks into the Citizenship amendment bill, its clauses and provisions and the grounds on which it has been subjected to widespread criticisms and rejection from Assam and its impact on the NRC in Assam.

Chapter 4: Citizenship or Humanitarian crisis: A study of the process of NRC updation in Southern Assam.

The final chapter of the dissertation provides an insight into the lives of those people who have been at the receiving end as a result of the NRC exercise. Stories, in the form of narratives have been incorporated in this chapter that provides an understanding of the humanitarian crisis that the NRC has resulted in. The updating of the National Register of Citizenship for Assam has apparently activated a rash of suicides, suggesting that it has become a source of tremendous stress and anxiety for segments of the state's population. The NRC seeks to list out those people who can prove that they or their ancestors entered Assam on or before March 24, 1971, the start of the Bangladesh Liberation War. The latest draft of the NRC published on July 30, 2018, has left out around 4 million of 32.9 million applicants from the list of citizens. This exclusion from the NRC, the humiliation and fear of being declared a 'foreigner' and being sent to detention centres is driving people to commit suicide. The victims are mostly poor, illiterate and marginalized, lacking in resources to clear their names at foreigner tribunals or appeal in higher courts. Hence, people are resorting to suicides since they are finding their lives taking such a bad turn with the fear of eventually being stateless. This identity crisis that the victims are going through has triggered a humanitarian crisis since; families are struggling to come to terms with what it could mean to be without a home or a country which this chapter has tried to unearth.

Significance of the Dissertation:

The dissertation can prove to be a useful theoretical study on the ramifications of the crisis that the NRC exercise has created in Assam, focusing particularly on Barak Valley. The NRC which has taken the country by a storm with its aim of detecting 'illegal immigrants;' in Assam based on the furnishing of document related evidence is likely to exclude those who cannot prove their claims of presence in the state prior to 1971 and thus, stand a potential risk of being declared stateless. This has created a precarious situation in Assam, which this dissertation attempted to uncover by undertaking a field visits to Barak Valley, which is the area under investigation and by engaging into in depth discussions with the victims of this exercise to understand the impact of the NRC in their daily lives. Thus, this dissertation will provide an

insight into the lives of these sufferers and help provide a picture of the crisis that is brewing in the state. Since, attempts have also been made to engage into discussions with those individuals and associations in the region who have been working closely with this NRC exercise and offering a helping hand to the victims, it has all added a further dimension to this dissertation in terms of revealing the complexities associated with the process of document verification and the problems that the victims have to undergo in this scenario.

Chapter 1: The History of Immigration and the birth of NRC in Assam.

Assam, the gateway to the unexploited North eastern part of India, is a treasure trove of natural beauty and a diverse history. The state of Assam is a land of myths and mystery. The land of red rivers and blue hills, as it popularly described as, Assam has a unique landscape with sprawling tea gardens and lush greenery. Located at the gateway of Northeast India, Assam is separated by Bangladesh from mainstream India. The state is bound by Arunachal Pradesh and Bhutan in the north, Nagaland, Manipur and Burma in the east, by West Bengal in the west and by Bangladesh, Tripura, Mizoram in the south. Assam can be broadly divided into three distinct units- the Brahmaputra Valley in the north, the Barak Valley in the south and the hills separating the two valleys.

Immigration and migration are terms which are associated with human mobility, a very common and recurrent phenomena in the global world today. Migration refers to the movement of people from one place to another in search of a better and safe shelter or better living conditions, while immigration is the condition wherein people settle down in a foreign land, that is, the movement of people from one country to another in search of shelter, economic opportunities and livelihood. The prefix, 'illegal' is attached to immigration, only because of the presence of an international border and the situation in which such movements happen in the absence of proper documents.

Immigration in Assam, has had a very long history. It began as early as in 1874 after the British conquest of Assam from the Burmese through the signing of the Treaty of Yandaboo between the East India Company and the king of Ava of Burma on the 24th of February, 1826. Article 2 of the treaty states that, " His majesty, the king of Ava renounces all claims upon, and will abstain from all future interference with, the principality Of Assam and its dependencies, and also with the contiguous petty states of Cachar and Jyntia. With regard to Munnipoor it is stipulated, that should

Ghumbheer Sing desire to return to that country, he shall be recognized by King of Ava as Rajah thereof".¹

Myron Weiner writes that flow of refugees and migration will continue unabated in the era of globalization, however, what is important is how the host countries and societies respond to such population influx.² In the case of Assam, the local Assamese populations have ostracized the refugees and immigrants motive by the fear of identity crisis and their loss of hegemony in the state. This has shaped the dynamics of the politics of the state.

The annexation of Assam by the Britishers came as a boon for the people whose lives were severely marred in the middle of the 18th century. The Burmese emerged as a great power in the north eastern part of India by capturing command in the state of Manipur and the Brahmaputra valley as well. Cachar and Jaintia hills too came under the Burmese occupation in course of time. However, while securing their control and dominance gradually in the north eastern states, it came into conflict with the Britishers who were also keen on capturing territory of Assam and the Brahmaputra valley. The Burmese during their occupation in Assam committed inhumane atrocities on the people from exploiting them by imposing taxes and also looting money from them by force to burning people alive. This resulted in people fleeing from Assam to neighbouring regions for the sake of protecting their lives which henceforth, resulted in a complete breakdown of the demography of Assam since indigenous people migrated to different parts which also resulted in the collapse of trade and industry and economy of Assam the effects of which were borne by the people of Assam for very long.³ Having suffered such atrocities, the people of Assam thought that the Britishers might provide some relief to them and thus, the British annexation and subsequent occupation of Assam was readily welcomed by the people who were traumatized with the Burmese rule in the kingdom of Assam and looked to the Britishers for help. Thus, following the first Anglo Burmese war fought between 1824-1826 between the Britishers and the Burmese forces over the control of the

¹ Treaty of Yandaboo. <https://www.assamtimes.org/sites/default/files/yandaboo-treaty.pdf> as accessed on 20.04.2019

² Weiner, Myron. 1990. Immigration Perspectives from Receiving Countries. Vol 12(1). Third World Quarterly. P 140.

³ Goswami, Priyam. 2017. The History of Assam: From Yandabo to Partition, 1826-1947. New Delhi: Orient BlackSwan. Pp 1-2.

north eastern province, the British emerged victorious and through the signing of the treaty of Yandaboo, the king of Burma handed over to the Britishers. However, the people of Assam were yet to come to terms with the fact that both the Britishers and the Burmese were guided by their respective mechanisms of exploitation and the entry of the Britishers would only pave a smooth ground for the entry of colonialism into Assam.

With this treaty, Assam became a part of the British province and thereafter a part of larger India. Assam has always been a land with bountiful resources, which however remained underexplored and hence, much of the resources were not utilized since the population was also very scanty. In contrast, in neighbouring east Pakistan, there was a shortage of land because of the high population and this stark contrast, attracted flow of people from the overpopulated east Pakistan to the under populated Assam in pursuit of habitation and also employment. This trend of immigration has continued to recent times with periods witnessing a massive inflow of people as has been the case during the partition and the 1971 war of Bangladesh. This immigration has also contributed to the creation of a much diversified population that characterizes present state of Assam.

The British East India Company centred in Calcutta, could not stay away from expanding its control towards the north east, a lucrative region for the capital hungry Britishers. Thus, a Charter was granted to the company that allowed it to expand its control and industrial interests to the newly conquered Assam therefore paving the way for the establishment of the long colonial plantation economy in Assam.⁴ Francis Jenkins advocated for this form of colonization since, it “offered a better prospect for the speedy realization of improvements than any measures that could be adopted in the present ignorant and demoralized state of native inhabitants.” He was of the view that only when the large wastelands of Assam are cultivated, the region will experience upliftment in the truest sense of the term. Hence, his scheme of colonization rested on two basic principles: a large number of local peasants had no

⁴ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947. New Delhi: People's Publishing House. P-11

means to provide ploughs, seeds and cattles for themselves and that the colonists would be able to make necessary advances to the former for growing export crops”⁵

The successful production of Assam tea following this scheme of colonization further made Jenkins’ notion acceptable. With the success of the tea industry, more and more land was required to expand the business and hence, the need to bring the wastelands under cultivation became more pronounced. Hence, the Wasteland Rules were framed in 1838. “ Wastelands on a forty-five years’ lease were offered to applicants on condition that a quarter of the area must be cleared within five years, failing which the land was liable to resumption”⁶ Additionally, the minimum land holding of the wastelands was 500 acres, which was however reduced to 200 acres with a concession of 100 acres to those who could satisfy the Britishers.⁷ Such relaxing land rules gave rise to a huge rush from different parts of the country and from within the boundaries of the then Assam for acquiring the land in Assam which impacted the population of the state as well. These land rules succeeded in appealing to the otherwise disadvantaged peasants who didn’t have adequate land for cultivation, who were employed due to lack of jobs and also those who were badly struck by the devastating famines that happened in Bengal. Hence, the wasteland rules encouraged a huge influx of population to Assam and immigrant labour from different parts of the country and more prominently from Bengal settled down in different parts of Assam.

Thus, out of the 6779978 acres of wasteland that could be cultivated in the districts that formed Brahmaputra valley proper, only 1258277 acres were cultivated during 1875-76 mainly due to the flocking of immigrants and which subsequently increased to almost 1685078 acres of land by 1900.⁸ Hence, immigration in Assam contributed to the fast growing economy contrary to the popular belief that the immigrants are the sole reason behind Assam’s slow economic growth. The Chief Commissioner of the British east India Company, Sir Charles Elliot, had observed that Assam had a good and highly fertile land that had been awaiting the sickle and plough.⁹ However, no

⁵ Ibid.p 12

⁶ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947. New Delhi: People’s Publishing House. P 13

⁷ Ibid.p 14

⁸ Kar, M. 1980. Muslim Immigration to Assam. Vol 8(7). Social Scientist. P 70

⁸ Ibid

⁹ Ibid

concerted efforts were undertaken on the part of the government to reduce this acute shortage of labour in bringing the land under cultivation.

The British east India Company with its headquarters based in Calcutta expanded its control over Assam and other north eastern regions and in 1838, Assam was incorporated in to the Bengal presidency. Again, in 1874, it was separated from Bengal and together with Sylhet, now part of Bangladesh; a predominantly Bengali speaking region with majority Muslims, Assam was brought under the control of the Chief Commissioner with its headquarters based in Shillong. Again, in 1905, with the partition of Bengal into two halves, the Bengali Hindu province came to be known as West Bengal and the Muslim majority province known as East Bengal, Assam underwent a further change with East Bengal attached with it a consolidated into a unified entity, ' East Bengal and Assam'. This was again nullified in 1912, when Assam was born as an independent entity, a separate province which included two Bengali speaking districts, the Bengali speaking Muslim majority district Sylhet and the Bengali speaking Hindu majority district of Cachar within the larger Assamese society. This setting continued up to 1947, when as a result of a referendum, the Sylhet referendum, a major portion of Sylhet was transferred to East Pakistan, present Bangladesh leaving behind only three and a half thanas of Sylhet within Assam. Thus, it is well discernible that the formation of Assam as a separate province was an outcome of a long drawn process of assimilation and separation with Bengal and hence, it was bound to reflect on the population of Assam. The population of Assam, amidst the changing and shifting of boundaries and provinces has witnessed a rapid growth henceforth.

However, the British annexation of Assam was marked by the inherent interest of the former to establish their reign in the underexplored yet highly resource rich Assam. They settled with the intention of turning the 'dark' valley of forests and wild animals into a habitable and agrarian society, the first step towards which was marked by the establishment of tea estates. The local inhabitants soon came to realize that the British annexation was a ploy to carry on with their colonial pattern of exploitation by setting up factories and also allowing the production of crops that would fetch the masters more income by way of exportation. However, since the economy of Assam, soon after the Burmese war was in a state of decay with large portions of land as jungles

and wastelands, the British policy of the transformation of the economy of the state by way of introducing cultivation was readily welcomed by the people.

Butler, who first came to Assam in 1837 wrote, “ not a vestige of any habitation or a human being could be found...a dreary desolate wilderness totally devoid of man, beasts or birds, a death like stillness everywhere prevailed, broken only by the occasional barking or halloo of the ooluck or ape”¹⁰ . This description of Assam before the colonial expansion draws a clear picture of the dark valley that Assam was and the backdrop in which the colonial rulers carried out their task of bringing about a sea of change in this region by opening up the doors of economic transformation and modernization. In fact, apart from the British colonial masters, the Assamese middle class, in the 19th century too welcomed immigration of labour with skills in the region because the feeling of jealousy and competition had not yet developed among the Assamese population of the Brahmaputra valley and this was also guided by a practical consideration that the progress of Assam lay in the utilization of its economy possible through an increase in its population. Gunabhiram Barua, Guha writes, estimated, during that time, that Assam could embrace almost a million people from outside within its arms and also pointed out the facts that would urge immigrants to settle in this part of the country. The cheapness and the land fertility of the region, availability of employment for the immigrants in lieu of decent wages since Assam was in a state of decay arising from shortage of labour power and the prospect of easy matrimony into the local families, were reasons, he stated that would contribute to the influx of immigrants.¹¹

The British annexation of Assam in 1826 resulted in the imposition of the colonial pattern of economy dominated by tea plantations in Assam. Other highly income generating measures such, jute plantations, extraction of crude oil and petroleum were other economic activities that happened after the British occupation of Assam. These were done primarily to supply the raw materials to the industries which were based in Calcutta. Thus, there was a core periphery relation between Assam and the rest of the country with Assam being the periphery performing its task of supplying raw materials to the core areas whereby the British industries were based. The labour

¹⁰ Baruah, Sanjib. 1999. India against itself: Assam and the Politics of Nationality. New Delhi: Oxford India Paperbacks. P 44.

¹¹ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947. New Delhi: People's Publishing House. p-68.

required to produce raw materials was again supplied by the rest of the country, Bihar, East Bengal in particular, since these areas were characterized by dense population and low employment opportunities, a setup which became favourable for the Britishers to introduce their scheme of migration to Assam where population was less and resources were plentiful. Thus, with time, colonial capitalism developed in the region which embraced the immigrants since they offered their labour and also established businesses in this region.

Thus immigration began, with most of the immigrants belonging to East Bengal given the close proximity of this region to Assam. Apart from the proximity, the immigration from East Bengal happened due to a host of other factors. The presence of Zamindari system in East Bengal was one such reason. Zamindari system ensured a continued exploitation of the peasantry and cultivators by the landlords and the Zamindars in the form of burdening the poor cultivators with heavy taxation.¹² The poor farmers, with small lands could fulfill the quota of production and hence suffered from low income and thus could not bear the additional burden of taxes. These unfortunate peasants thereafter resorted to the moneylenders for some relief but were again caught in the cycle of exploitation since the moneylenders charged exorbitant interests in lieu of the money they gave. The moneylenders were shrewd and thus kept the lands of the farmers, their only means of earning as mortgages which, in the failure of payment were seized by them thus making them landless and therefore, moneyless.

“The farmers had to borrow money from the moneylenders to pay taxes to the Zamindar. But, as the farmers could not pay back the money of the moneylenders due to over interest, the land of several farmers passed in to the hands of the ‘moneylenders’. The landless people thus moved towards Assam for their new settlement, where available wastelands were lying.”¹³

Thus, this was a never ending cycle of burden that never came off the peasants and farmers. This burden of taxes was so intense that in, most cases it could not be met and hence the Zamindars inflicted violence and inhumane torture upon the victims who were thus brutally punished. The peasants did try to revolt, but the scenario did

¹² Ahmed, Shahiuz Zaman, Factors Leading to the Migration from East Bengal to Assam 1872-1971, vol 66(2005-2006), Indian History Congress. P 1000.

¹³ Ibid.p 1005

not change much on account of the punishments they were inflicted with. Thus, the peasants had either to succumb to the violence or shift to regions that were free from the clutches of the Zamindars.¹⁴ The peasants of East Bengal found the latter option to be lucrative amidst their wretched lives and hence, migration started from East Bengal to Assam given the proximity of the two provinces and more so since the latter was not engulfed by the exploitative Zamindari system.

Assam was sparsely populated and the land to people ratio was very wide making this the favourable destination for such explicated peasantry. D.D. Mali notes that, “At the time of British annexation of Assam, vast area of province particularly the plains portions were wastelands.” It was only after the wave of migration that such wastelands were covered by human habitation.¹⁵ W. W Hunter who carried out a statistical account of Assam also had similar views and pointed out thus that there was the presence of large cultivable wastelands in various districts of Assam, pinpointing Darrang, Nogaon, Lakhimpur and Goalpara in particular and argued that these areas overflowed with wastelands that had turned into forests, marshes and rivers, which, if cleared could be well cultivated, but, it was an expensive and tedious task that the indigenous population were not willing to undertake and thus, there was more cultivable land lying bare than the population could make use of.¹⁶ It must also be mentioned here that in Bengal, it was mostly the upper caste Hindus who were the landlords and the Zamindars while, the Muslims formed the peasantry and the farming class and so, when migration took place, it was mostly the Muslim peasants who shifted homes.

Assam initially was marked by the presence of a sparse population which on several occasions went down mainly due to the occurrence of natural calamities like the devastating black fever, the great earthquake that not only took away the lives of many but also totally destroyed the land.¹⁷ Apart from these, malaria, cholera were frequent visitors in this province since it was mostly converted by forests resulting in the occurrence of such epidemics and because of the poor advancement of medical

¹⁴ Ahmed, Shahiuz Zaman, Factors Leading to the Migration from East Bengal to Assam 1872-1971, vol 66(2005-2006), Indian History Congress. P 1004.

¹⁵ Ibid P 1007

¹⁶ Ibid.p 1006.

¹⁷ Guha, Amalendu.1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947.New Delhi: People’s Publishing House p 37.

science back then, treatments to these diseases were unknown thus claiming the lives of many. These epidemics further affected the productivity of the population, while the earthquake, which is a frequent visitor in north east, destroyed the land therefore making the agricultural use of the same absolutely nil. The decline in population coupled with the destruction of land had long lasting bearing on the economy of the region. All these further resulted in a stagnant population of Assam as compared to the land available. Preceding these epidemics, the greater Assamese society was also threatened because of the war with Burma which claimed the lives of many people and thus, there was a lurking threat about the existence of the indigeneous Assamese population. Thus, there existed an economic threat as well as an existential crisis because of these anomalies which prompted the indigenous population to consider the prospect of immigration to Assam as a means that could restore the economy and balance the decreasing population.

However, its neighbour East Bengal, the area from which most migration happened presented a completely different picture with too many people and too less land. This contrasting demographic structure of the two regions encouraged migration from one place suffering from overpopulation and subsequent settlement in the other place which lay uninhabited. It must also be noted that since the Britishers had already expanded their control over Assam, it was natural that they brought along with them the essentials of modernization in the form of the development of means of transport and communication which helped in the easy spreading of the necessary information about the presence of large wastelands in Assam that in course of time attracted huge influx of population in several regions of Assam. The Britishers never objected to this phenomenon since they held the view that unless land is properly utilized in Assam, the overall development of the region is impossible to happen and this would have an adverse effect on the British administration centred in the region since on account of low revenue it would be virtually impossible to carry on with their administration in the region. Moreover, since Assam offered a lucrative opportunity for the Britishers in terms of the fertile soil for tea cultivation that became one of the major sources of revenue for the Britishers in terms of export, and also the rich soil that could be effectively put for the cultivation of several cash crops like jute etc, they left no stone unturned to ensure that land is put to use by people either within the region or from outside.

In Bengal, the huge population suffered from lack of land to plough which also meant lack of income and food. The Bengali cultivators were no longer able to support their families on the small plots of land. It demanded undertaking cultivation of such crops which would help them to manage to survive and also to pay the exorbitant demands of land revenue. Before the inauguration of colonial rule, rice was primarily cultivated by the farmers which also helped them to feed themselves and their family. However, with the introduction of the colonial pattern of agriculture, rice could no longer be cultivated since it did not generate the Britishers the required revenue who forced these cultivators to undertake the cultivation of cash crops, primarily indigo and jute. Therefore, the peasants began to grow cash crops like indigo and jute. The fertile soil of Bengal was suitable for the cultivation of indigo which earned the Britishers major revenue since indigo was the prime need of the textile industries based in Manchester. Hence, indigo cultivation began to spread. However, continuous cultivation of indigo totally destroyed the fertility of the soil which could no longer be used to undertake cultivation of any other crops. Hence, the peasants accrued huge loss in terms of the degradation of land. Also, Bengal had a fertile soil for jute cultivation which was also a major source of revenue for the Britishers. Therefore, majority of the jute mills were centered in and around Bengal. However, due to the lack of available land, the Britishers had to shift the cultivation of jute to lower Assam which had plenty of land, and so, the East Bengal cultivators who were landless due to the unavailability of land, moved towards Assam following the British government's policy of establishing jute industries.¹⁸ This made the cultivators and farmers of that region shift their attention towards Assam, which had land that needed to be cultivated. Thus, this resulted in an influx of population to Brahmaputra valley from Bengal and thus, the population continued to surge. Many of the Bengali immigrants were descendents of Muslims, particularly Muslims from Mymensingh and hence, the immigrants came to be called as the 'Mymensinghis'.¹⁹ This inflow of population from a particular region was because of the fact that in Mymensingh, majority of the population was Muslim, most of whom were landless labourers and thus the presence of vast cultivable land in their neighbouring province of Assam had to gather their attraction sooner or later.²⁰

¹⁸ Ahmed, Shahiuz Zaman, Factors Leading to the Migration from East Bengal to Assam 1872-1971, vol 66(2005-2006), Indian History Congress. P 1000.

¹⁹ Kar, M.1980. Muslim Immigration to Assam. Vol 8(7). Social Scientist. p 71.

²⁰ Ibid.

Thus, due to economic reasons, people were forced to forgo their homeland in search of a better place to feed themselves and their family who were unable to feed their family from the produce from the tiny plots of land available to them.

The wave of migration first engulfed Goalpara, which was followed by Naogaon, Kamrup, Barpeta, Sibsagar. Thus, the entire Brahmaputra valley came under the occupation of the influx of immigrants from Bengal and the entire valley was covered and thus, the available wastelands came under cultivation.²¹ Thus, between 1901-1931, the population of Muslims in Assam rose from 503670 to 1279388.²² This humongous rise of course included the natural growth rate of the population who settled down here. Therefore, the Bengal partition initiated a process of migration, Muslim migration to be specific, that continued up till the independence of India and then in the post 1971 period as well. Thus, the current discourse on the issue of Muslim infiltration in Assam has long historical roots- the primary and most significant one being that such an inflow was invited by the state to suit their interests, since their advent converted Assam into a crop rich valley from a valley of jungles and swamps. It needs to be mentioned here that the land in which the Muslims settled was not readily available to them and they had to toil hard to convert these jungles into habitable land fighting against all odds such as wild animals and problems of transportation to reach the region. Thus, their blood and sweat went into making Assam what it is today in terms of the land for agriculture and cultivation. Before the advent of the immigrants, no efforts had been made by the indigenous population to clear these lands and make the best use of them since it was extremely fertile. Hence, the exploitation and the hostility that they were meted with, was extremely unjustified since, land was not usurped by them, but rather made habitable and cultivable by them. Thus the persistent allegation of the Assamese that the soil of Assam belong to the sons of Assam stands problematic since, when land was available, in abundance, the indigenous people didn't use it to serve their interest and only when land was made cultivable, the rush to acquire and procure it became pronounced.

The 1890's witnessed the occurrence of great famines in East Bengal which took away the lives of many people. Similarly, Bengal witnessed the same calamity

²¹ Kar, M.1980. Muslim Immigration to Assam. Vol 8(7). Social Scientist. p 72

²² Ibid

numerous times and thus had to lose a huge population due to this²³. These calamities also resulted in movement of people mainly Bengalis from these regions to Assam in order to relieve themselves from the catastrophe. The Bengali population moving from East Bengal to Assam did not hesitate in settling down in an alien land since, within Assam, the southern part of the province, the present Barak Valley was under the occupation of Bengal for long and hence, the population of that region reflected a similarity in terms of language and way of life as like the people from East Bengal. Hence, this similarity, further encouraged settlement of people in Assam.²⁴

The scheme of colonization and the availability of wastelands resulted in the granting of spaces to immigrants who were given the task of cultivating the land to produce tea as well as food grains that would satisfy both the Britishers and the peasantry. The indigenous Assamese population was never attracted towards these hidden gems of Assam and hence, the demand for these was also low. Despite the influx of people from different parts of the country to Assam, land was present in abundance in Brahmaputra valley to be owned by the Assamese population. However, Assam, with its bountiful of resources in terms of land, could not produce enough to feed its population.²⁵ It was in this backdrop, that Sir Syed Saddulah, the head of the government in Assam tried to overcome the problems such as unemployment, economic upliftment that affected the Assamese society.²⁶ Hence, to uplift Assam as a whole, he was in favour of encouraging investors and migrants especially peasants and cultivators to Assam to undertake the task of agricultural development of the region as a whole. He also encouraged the incoming of Muslim cultivators to this region by giving concessions to them in the form of providing railway concessions since it was the major means of transport used by the migrants to come to Assam from different parts of the country. Also, this government introduced a scheme of family tickets whereby, it gave rupees 5 for the entire family to come down from Mymenshingh to Nogaon.²⁷ In fact, the Saddulah government abolished the 'line system' that was introduced by Gopinath Bordoloi that ensured that Muslims from

²³ Ahmed, Shahiuz Zaman. 2005-2006. Factors leading to the migration from East Bengal to Assam 1872-1971. Vol 66. P 1010.

²⁴ Ibid.

²⁵ Ahmed, Shahiuz Zaman. 2005-2006. Factors leading to the migration from East Bengal to Assam 1872-1971. Vol 66. P 1011.

²⁶ Ibid.

²⁷ Ibid.

East Bengal origin are prohibited from entering and owning land from the indigeneous assamese areas to safeguard the interest of this community.²⁸ However, the Saddulah government did away with this system to ensure a free movement of people across Assam and thereby allowing peasants from East Bengal to come and settle in Assam particularly in the wastelands.

On the eve of the growing food crisis that was gradually engulfing the whole of India between 1942-45, the government of India initiated a program of 'grow more food', and instructed all the state government to implement this scheme in their respective states.²⁹ In this regard, in Assam, the Saddulah government contributed to this scheme by inviting peasants and cultivators from East Bengal to come and use their skill and knowledge of production in Assam to produce more crops and thereafter settle here permanently. This impetus also provided the necessary zeal to the farmers of East Bengal to move to Assam and settle down there considering the latter as their new homeland and thus, they tried to assimilate themselves within the larger Assamese society while contributing in a great deal to the economic upliftment of this region which probably is never acknowledged by the Assamese section of the population.

The Muslim League also played a decisive role in encouraging Muslim migrants to settle in the state under the patronage of Saadullah who formed a government in Assam post 1937 and allotted large bighas of land to ensure the settlement of the Muslims from East Bengal by stating that the landless Muslims immigrants were in need of land to settle. He also scrapped the line system which was supported by the Assamese which disfavoured the settlement of land in Assam for the post 1938 immigrants.³⁰

Apart from the migration of Bengali cultivators and peasants from East Bengal, several other communities too came in to Assam. The growing link of Assam with the rest of the country courtesy the construction of railways and streamers in Assam by the Britishers also resulted in the migration of people from all across the country to settle down as traders, merchants, moneylenders and industrialists. One such prominent migration was of the Marwaris in Assam from Rajasthan who mostly

²⁸ Misra, Udayon. 2017. Burden of History: Assam and the Partition- Unresolved Issues. New Delhi: Oxford University Press. Pp 202-204.

²⁹ Op cit 1011.

³⁰ Misra, Udayon. 2017. Burden of History: Assam and the Partition- Unresolved Issues. New Delhi: Oxford University Press. Pp 202-204.

settled down as traders and merchants and banias and subsequently established a strong foothold in the overall population of the state alongside the Bengalis.

The immigration of the Marwaris into Assam happened well under the patronage of the Britishers. They were mostly from Rajasthan who subsequently settled down in Assam as traders. Guha writes that the transition of the Assamese economy from a largely non- monetized to a market economy was due to the efforts of this section of people.³¹ Their immigration into Assam primarily happened during the period in which tea plantations were established in the state by the Britishers who subsequently encourage the inflow of people who could work as labourers in them. Given their historical connection with trading, the Marwaris gradually began trade and commerce in the region and in the absence of any competition, gradually attained a strong and prominent position. They undertook the high risk activity of establishing small scale industries in the region and also carried out trading and business activities such as lending money to the peasants in lieu of crops or other handmade crafts. The Marwaris were also involved in the trade of opium which was very popular in Assam.³² Baruah rightfully observes that, “ the Marwaris settled in the midst of the jungle, and on the paths leading to the jungles in order to carry out trade with the people in the hilly areas and in the 19th century, also exchanged rubber, wax, elephant tusks, rhino horns for rice, salt, opium, with tribes of Arunachal Pradesh. Thus, it would not be an exaggeration to state that the Assamese peasant economy was completely under their grip.”³³ Another notable immigration in Assam during the British rule was of the Gorkhas or the Nepali people. Given their inherent connection with being in the army or as soldiers, the Gorkhas in Assam under the British rule were also involved in similar activities, in most cases working as bodyguards of the British rulers. Apart from that, they were also involved in the labour force of the tea plantations. The availability of grazing land for cattle’s and the growing business of milk supply in Assam also attracted the inflow of Nepali immigrants.³⁴

³¹ Baruah, Sanjib. 1999. *India against itself: Assam and the Politics of Nationality*. New Delhi: Oxford India Paperbacks. P 61

³² Baruah, Sanjib. 1999. *India against itself: Assam and the Politics of Nationality*. New Delhi: Oxford India Paperbacks. P 61

³³ Ibid.

³⁴ Ibid. pp 62-64.

However, what needs to be mentioned here is that the economic prosperity of Assam is the result of immigrant intervention that played a very crucial role in transforming the virtually dead economy of Assam to what it is today, vibrant and flourishing. Thus, it would not be wrong to say that only with the advent of the Britishers Assam got integrated with pan India prior to which it remained mostly isolated which also reflected on the economic structure of the region. The only pull factor for the immigration in Assam was not tea, rather, a host of lucrative gems in the form of crude oil and petroleum. With the shifting of large cultivable lands to the peasants of East Bengal what emerged as an additional output was the growth of a variety of crops in those lands which also contributed to the crop diversity in the region. In a study by Gorky Chakrabarty, it has been shown that the diversity of crops produced by the immigrant farmers in the areas like Goalpara, Kamrup, Nogaon and Darranghas been substantially higher than those crops grown in the areas by local farmers.³⁵ The diverse crops included tobacco, mustard, sugarcane, jute. Thus, letting out of wastelands to the skilled peasantry of East Bengal contributed greatly to the production of different crops in Assam thus, increasing the agricultural productivity of Assam.³⁶ It is true that it was the high demand of labour in the tea industries that initiated this wave of immigration since tea was the major source of income for the Britishers and the demand for Assam tea came from faraway places like Britain. It is not that the local population were not given a chance to contributor their labour in the economy of the state, but rather the reluctance and the pathetic attitude of the Assamese people in working as wage labourers compelled the tea planters to shift their interest towards the outsiders. Consumption of opium by the Assamese people can be attributed as another cause affecting their working capacity. The Assamese people started the cultivation of poppy and the consumption of opium during the period from 1770-1826. ³⁷It must be noted here that during this period Assam was under the Burmese occupation until 1826 when the Britishers had taken over. However, this consumption of opium had effects which could be felt long after the

³⁵ Chakraborty, Gorky.2012. The 'Ubiquitous' Bangladeshis. Vol 47(38). Economic and political weekly. P 21.

³⁶ Chakraborty, Gorky.2012. The 'Ubiquitous' Bangladeshis. Vol 47(38). Economic and political weekly. P 21.

³⁷ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam. 1926-1947. New Delhi: People's Publishing House.P 18.

British annexation of the territory. Given that opium is a drug, naturally its consumption made people drowsy and extremely lethargic and totally uninterested to work and hence, had an adverse affect on their working capacity. Thus, when the Britishers approached the local population to carry out with the toiling work in order to make the huge tracts of land cultivable, they could not grab the opportunity and thus, paved the way for the inflow of immigrants into the state. Also, this period was marked by the civil wars that happened in Assam under the Burmese rule which led to innumerable loss of lives thus reducing the already sparse population of the region. This low density of population, coupled with drug addiction of the locals, basically resulted in poor economy of the region since population was low to carry out agricultural activities given the presence of huge amount of land and above that, the available population immersed itself in the consumption of opium further reducing the productive capacity and thus, the result was huge tracts of land gradually turning into jungles, swamps marshes with wild animals roaming free therefore making human habitation in them totally impossible.

The new developments also gave birth to need for skilled labour, people who could fill in the positions created by the British administration, like the banking sector, which required educated people well versed in English, and naturally these jobs were mainly grabbed by the English educated Bengalis from Bengal since they experienced the fruits of colonialism earlier than Assam and thus, their exposure to English education help them reap the opportunities created by the process of colonialism in Assam while the educationally backward population in Assam missed out on this employment generation scheme. The colonial administrators did not undertake the tedious process of establishing the necessary infrastructure for the education of the Assamese youth firstly, because it was a long drawn process and secondly, English educated Bengali youths were readily available to be recruited at low costs. Hence, the educational backwardness of Assam persisted. Guha, in this context, mentions that new vacancies in the administrative jobs were filled with the recruitment of youths from neighbouring Bengal.³⁸ He points out that the Assamese youth did not face employment problems in the 19th century and those with minimum education could land themselves with a job in the clerical sector, the railways, postal and telegraph

³⁸ Guha, Amalendu. 1977. *Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam. 19826-1947*. New Delhi: People's Publishing House P 58

department or labour supervisory post, however, they never made use of this opportunity.³⁹ The underemployed youth continued to remain so and adding to this, they also had to face constraints in terms of employment by the employers who seemed worried about recruiting them given their addiction to opium. They could not undertake independent business ventures since the Marwaris had already emerged as a prominent business class and the Assamese youth could not stand the competition with these experienced traders and businessmen.⁴⁰ The need for immigrant labour was never resented by the British officials since more labour meant more production and output and thus more export and revenue generation. Baruah writes that,

“The Assam tea planters turned to the immigrants for the bulk of their labour needs. The expectation was that after a few years of active recruitment others would come on their own and the redundant population of Bengal will pour into Assam.”⁴¹ In this regard, Baruah quotes that towards the end of 1830 and 1840, there happened the military discovery of oil seepages in upper Assam. Even before Assam came under the British occupation, the British officials while exploring the lengths and breadths of the valley came in contact with the presence of petroleum, “muddy pools in a constant state of activity throwing out with more or less force white mud mixed with petroleum”, writes captain P.S. Hannay.⁴² Thus, the search and subsequent engagement with the extraction of petroleum began in Assam. With this, coal also became another most sought after resource in Assam especially during the period when railway construction was being undertaken by the Britishers. Hence, coal fields were developed and tea gardens were established by clearing the dense jungles of Assam which also led to the felling of trees for timber, another highly sought after raw material. Thus, Assam was a package of resources and raw materials which needed exploration and grooming. Thus, Guha, as Baruah writes, was right in asserting that Assam witnessed nothing short of an economic revolution under the British rule from a state of economic backwardness that was prevailing.⁴³ However,

³⁹ Guha, Amalendu. 1977. *Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam. 1926-1947*. New Delhi: People's Publishing House P 59.

⁴⁰ Ibid.

⁴¹ Baruah, Sanjib. 1999. *India against itself: Assam and the Politics of Nationality*. New Delhi: Oxford India Paperbacks. P 46.

⁴² Ibid P 45.

⁴³ Ibid. p 46.

this revolution also brought along with it a massive transition of the demography of this region which, in the course of time became the basis of the politics of the state.

Assam, which earlier was merged with the Bengal presidency as a single unit of administration became increasingly difficult for the Britishers to administer given the huge area and the combined population of the two regions. Also, the two regions had two completely different forms of population, while Bengal was marked by the presence of Hindu and Muslim Bengalis as a majority, Assam was marked by the presence of tribes, also the agrarian structure of the two regions also required a different set of administration for them- Assam was a hilly area which facilitated tea plantation while Bengal, a plain land as compared to Assam was rich in the production of jute, wheat, paddy and cotton. Thus, these inherent differences ultimately resulted in the separation of Assam from the Bengal presidency in 1874 and its birth as an independent entity with a vast area since it was merged together with Cachar, Goalpara, Garo hills and several other hill districts. However, despite the huge area, the population of this new province was small enough to facilitate adequate revenue for the Britishers. Hence, it was decided to include Sylhet, a Bengali speaking populous region of Bengal to be included into the newly formed province primarily to satisfy the colonial interest of increased revenue generation. It must also be mentioned here that the decision to merge Sylhet with Assam generated adverse reactions from the population and the inhabitants of the region, both Hindus and Muslims retaliated heavily by protesting against this decision.⁴⁴ Their grievance primarily were based on the grounds that the region shared a cultural and historical affinity with Bengal and its merger with an alien land would result in the subversion of their unique identity and distinctiveness from the population of Assam. However, such protests and pleadings went unheard before the Britishers whose sole interest lay in economic gains. Thus, prior to 1905, the official partition of Bengal, she underwent yet another painful separation from its sister, Sylhet, a sacrifice made only for the newly created province of Assam. It was called the Chief Ministers province.⁴⁵

⁴⁴ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam. 19826-1947. New Delhi: People's Publishing House.P 27

⁴⁵ Ibid. p 28.

Thus, after 1874, Assam was an amalgamation of four distinct elements- the preliterate hills districts, speaking diverse tongues, the five Assamese speaking districts of Brahmaputra valley forming Assam proper, Goalpara where both Assamese and Bengali cultures overlapped and the two Bengali speaking districts of the Surma Valley- Cachar and Sylhet.⁴⁶

The hill districts were sparsely populated while the population in Brahmaputra valley was decent. However, it was Sylhet alone with its huge population that easily increased the cumulative population of the new province.⁴⁷ The population distribution of the two valleys was such that the Brahmaputra valley was marked by a majority of Assamese speakers, while the Surma Valley, given its historical linkages with Bengal had majority of Bengali speakers. Goalpara served as the middle ground between the two extreme linguistically diverse regions with its population being a mix of Assamese and Bengali speakers; however the Bengali speakers outnumbered the Assamese speakers. Therefore, in totality, Bengali emerged as the dominant linguistic group in the new province during this period. The nineteenth century saw a tremendous growth in the tea industry of the region following an increased demand for the same by the Britishers. The growing tea industry needed an improved transport and communication for swift and fast movement of raw materials as well as finished goods. Hence, railways started developing which also increased the production of coal and petroleum required for the same. All these constructions were carried out effectively by labour services employed from various parts of India. Thus, with the gradual improvement in the communication system, and the subsequent growth of industries in the region, huge inflow of coolies and labourers started to take place in Assam thereby swelling the number of labour force, most of whom were immigrants. The mortality rates of the labour forces were very high. For example, during the thirteen years during 1899, it averaged 53.2 per thousand of adult indentured labour.⁴⁸

The Britishers had opened up Assam as early as in 1881 through the construction of railways in the Brahmaputra valley making the inflow of people in this underexplored

⁴⁶. Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam. 19826-1947. New Delhi: People's Publishing House. P 28.

⁴⁷ Ibid.

⁴⁸ Ibid.p 37.

region easier.⁴⁹ This decision was guided by the inherent interests of the Britishers that a transport facility would facilitate a smooth passage of goods and services to and from the region. In terms of transport and communication, it was well connected by rail and water ways; Dibrugarh in Assam was connected to Chittagong through rail, in 1892, which facilitated the tea trade as well as oil and coal.⁵⁰

Since then and continuing henceforth, Assam became a melting pot diverse population from different parts of the country from Bangladesh to Bihar. This was mainly because of the fact that Assam and the entire north east was marked by a sparse population and huge lands, thus becoming a promising destination for people from all walks of life, some came to feed themselves while some came down and settled to establish their businesses in the region. However, the present narrative which states that all those who came to Assam were refugees is not correct, since a large section of population came down to Assam, cleared all the wastelands and transformed them into cultivable and habitable units and thereafter settled in these regions ever since the British annexation of Assam. They were not refugees; rather they came to Assam for their economic needs of course guided by the colonial patronage. Such population was a mix of both Hindus and Muslims and such a migration was not at all illegal as the majority debates concerning the issue of population in Assam try to highlight.

It was only after the partition of Bengal in 1905 following which Assam and East Bengal came under the same administration that the process of shifting of population to Assam gathered momentum which had a profound effect on the demography of the region as a whole. This period, following the demographic shift, witnessed a significant influx of East Bengali population to Assam for settlement and a look out for cultivable land for their subsistence. It must be pointed here that both East Bengal and Assam were part of undivided India and both these provinces came under the control of the same administration from 1905-1911 and thus when migration of people happened from one part to another, especially from East Bengal to Assam, it was nothing but a movement of people from one province to another i.e. interstate migration. Hence, the popular consensus that plaques the contours of the Assamese

⁴⁹ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam. 19826-1947. New Delhi: People's Publishing House. p 35.

⁵⁰ Misra, Udayon. 2005. The Margins Strike Back: echoes of sovereignty and the Indian state, Vol 32(2/3).p270.

minds that Assam has been troubled by illegal immigration ever since its inception doesn't hold any ground since it was nothing but a movement of people in search of food and shelter from one region to the region, not to forget the fact that it was duly encouraged both by the Britishers and the local population as well since, this influx would mean the birth of a fruitful economy, rich agricultural productivity and therefore more revenue for the colonial masters. Hence, migration to Assam, both of Bengalis Hindus and Bengali Muslims received the colonial and indigenous patronage while at the same time the effects of the search of the exploited masses in search of a safe and peaceful abode free from the exploitation of the Zamindars, moneylenders, the landless masses decided to settle down in the new province. This trend was furthered by the colonial establishment of jute industries in Assam thereby attracting jute cultivators, found mainly in Bengal, to shift their focus towards Assam and start jute plantation since they were equipped with the skills needed for the same.⁵¹

The period from 1911-1945 saw a huge influx of population from East Bengal to Assam in search of settlement.⁵² Majority of them were Muslims while a substantial number of them were Hindus. These people cleared the forests and wastelands generally ignored by the Assamese and settled in those lands and thus the question forceful capturing of land doesn't arise. These people who migrated were extremely poor and uneducated and thus they were in search of lands for cultivation for their economic subsistence. Several studies on the migrant Muslim population settled in Assam have showed that these people despite having a different culture and language, started identifying themselves with the Assamese population and in many cases they even sent their children to Assamese schools thus liquidating their inherent culture and language.⁵³ However, this trend was not displayed by the Hindus or the Biharis or even the Marwaris who held on to their indigenous culture and language with grit.⁵⁴ The Muslims in Assam deserve a special mention in this regard since, the politics of the state of Assam has been shaped in such a way that the Muslims, especially Bengali speaking Muslims are always suspected as being illegal immigrants from

⁵¹ Ahmed, Shahiuz Zaman. 2005-2006. Factors leading to the migration from East Bengal to Assam 1872-1971. Vol 66. P 1009.

⁵² Ahmed, Shahiuz Zaman. 2006-2007. Identity Issue, Foreigner's Deportation Movement and erstwhile East Bengal origin people in Assam. Vol 67. P 625.

⁵³ Ibid.

⁵⁴ Ibid.

Bangladesh in the state overlooking the fact that the Bengali Muslims have help strengthened the linguistic dominance of Assamese in Assam. “In the Census of 1971, the number of Assamese speakers in Assam rose to 60 percent. It became possible due to the acceptance of the Assamese language by the migrant mussalmans. In the next Census, if the Muslims withdraw their support from Assamese language, then in Assam, the indigenous people will become minority”⁵⁵. The reason behind this can be attributed to the fact that the migrant Muslims identified themselves with the broader Assamese society and hence, in the Census data collected in Assam they mentioned their mother tongue as Assamese which in later years enabled the Assamese people to demand that Assamese be made the sole official language in the state. However, despite the fact that they continued to recognize themselves as Assamese by forgoing their mother tongue and identity, the fact that they are Bengalis should be recognized and not be conceited in an effort to assert the supremacy and dominance of a unilingual identity i.e. the Assamese identity.⁵⁶ The Muslims have no doubt contributed to the economy of the state but the fear of being ousted by the indigenous population made them shift their language and culture. Despite these sacrifices, the Muslims of East Bengal origin in Assam and also their descendents and all the Bengali Muslims have to face a lot of turmoil over the question of their citizenship and time and again they have to prove their identity. The Assamese culture has shown exclusionist tendencies whereby the Assamese people desired that the Bengalis too assimilate themselves with the Assamese culture and language which subsequently became the bone of contention between the two communities since the Bengalis settled in Assam unlike the Muslims were not ready to let go of their identity. Guha writes about the 'Assamisation' of the East Bengali Muslims in Assam who have accepted Assamese as their mother tongue forgoing their own.⁵⁷ While the Muslims had accommodated themselves by adapting to the new language and culture primarily to save themselves from the onslaught of violence, this was not the case with the Bengali Muslims in the state who have always held on to their distinctiveness and this formed the basis of the illegal immigration discourse in the state.

⁵⁵ Ahmed, Shahiuz Zaman. 2006-2007. Identity Issue, Foreigner’s Deportation Movement and erstwhile East Bengal origin people in Assam. Vol 67. P 625.

⁵⁶ Ibid.

⁵⁷ Guha, Amalendu. 1980. Little Nationalism Turned Chauvinist: Assam’s Anti-foreigner Upsurge, 1979-80. Vol 15 (41/43). Economic and Political Weekly. Pp. 1699-1720.

The minorities in Assam have had to live their lives in a constant state of fear and anxiety since; the larger Assamese society considers them as genocidal elements for the betterment of the state. Violence and killings of these minorities guided by the supposed fear of the Assamese speakers that such ‘elements’ hinder the cause of development in Assam have continued unabated. The worst sufferers of these inhumane violence are the Bengalis in Assam, both Hindus and Muslims who owe their origins from a drawn history of migration and settlement dating back to the colonial times to serve the economic purposes of the British. However, they continued to see as ‘enemies’, ‘threat’ to the Assamese society as a whole. The term ‘Bangladeshi’ has become an identity marker for them. The fact that the migrants or immigrants in Assam are considered as fatal elements, infiltrators in the state can be understood easily by the ways in which the larger Assamese society look at them and consider their migration as nothing but invasion have constantly maintained that such settlers have taken over the land and resources in the state which belong to the indigenous population and hence, pose an economic, social and cultural threat to them.

Bangladesh, formerly known as East Bengal was part of undivided India until in 1947 with the creation of Pakistan, when it was merged with the new province. Hence, the migration which happened from East Bengal to Assam until 1947 didn’t involve the crossing of any international boundaries and was simply a case of mass movement from one state to the other. Hence, the people of East Bengal origin, both Hindus and Muslims, settled in Assam should not be branded as ‘illegal immigrants’ or ‘Bangladeshis’, which are popular terms generally used to tag them by the Assamese people. This differentiation also majorly happens due to the cultural and linguistic distinctiveness of those migrants from the Assamese population and thus the latter is unwilling to assimilate them as integral part of the Assamese society. Thus, the migrants who played a distinctive role in setting up the economy and agricultural pattern of Assam by leaving behind their hearth and home and acknowledging Assam as their homeland suffer from an isolation and alienation since their identity is always under doubt and question by the Assamese population.

Assam was therefore divided into three major subdivisions- the Surma Valley (present Barak valley), the Brahmaputra valley consisting mainly of the Assamese speaking population and the hill divisions. However, despite the linguistic and cultural

differences that prevailed within these subdivisions, one thing remained the same- the existence of wastelands, forests, swamps and the char chaporis i.e. the mid channel bars on the river Brahmaputra.⁵⁸ Settlement on these 'chars' deserves a separate analysis because; the chars have been inhabited by the East Bengal migrants even before 1947.⁵⁹ These regions have been inhabited primarily because the soil on the banks of the river Brahmaputra is extremely fertile for plough and cultivation.⁶⁰ However, settlers in the char areas are subjected to frequent displacement because of floods; something is a recurrent phenomenon in Assam and the state experiences this almost every year. During floods, the char areas are eroded and the population settled there has no way but to shift from the upstream to the mainstream plain lands. However, when such a shift in population takes place, the mainstream population often looks at the char dwellers with an eye of suspicion and mistrust referring to them as illegal immigrants, Bangladeshis, since they have a very different lifestyle, language, and culture as compared to the mainstream population.⁶¹ This is precisely because of the fact that the char dwellers are primarily of East Bengal origin who have been settled in these areas for too long from the time of the British occupation in the region who offered their support to induce a large sections of the peasantry from the densely populated East Bengal to migrate and settle in Assam for the increased generation of revenue.

The char areas cover only 4.6 percent of the total land area of Assam while only 4 percent of these char areas are cultivable. However, these areas have a very high density of population, 690 persons per sq km as against the state density of 340 persons per sq km which clearly describes the living condition of the char dwellers who have very little lands to their disposal which also affects their cultivation and the subsequent income generated.⁶² Also, what add to their worry are the frequent floods of Assam.⁶³ Thus, the mainstream population while viewing them as Bangladeshis totally overlook the historical background of the char dwellers and the conditions in which they live and the conditions which force them to shift to the mainstream. The

⁵⁸ Chakraborty, Gorky.2012. The 'Ubiquitous' Bangladeshis. Vol 47(38). Economic and political weekly. P 22.

⁵⁹ Chars are the mid channel bars on the river Brahmaputra.

⁶⁰ Op cit..

⁶¹ Ibid

⁶² Ibid. P 23.

⁶³ Ibid. p 24.

fascination of the Assamese population over the issue of protecting and asserting their identity, makes them totally oblivious to the conditions of these dwellers who don't share the same language or culture or religion as like the Assamese population.

After the Sylhet referendum in 1947, Sylhet, a majority Bengali speaking area went to East Pakistan and the Brahmaputra valley heaved a sigh of relief. This referendum had major implications upon the population of the state. With the merger of Sylhet with East Pakistan, the number of Bengali speaking population declined, and meant, the number of Assamese speakers increased. Accordingly, the percentage of Assamese speakers went up to 56.7 percent in 1951 from 31 percent in 1931, while the number of Bengali speakers reduced from 23 percent in 1931 to a mere 13 percent in 1951. ⁶⁴Thus, the reign of the Assamese supremacy in the region began. Assamese chauvinism is a post colonial development since the Assamese were not ready to share the fruits of development with those who helped set up the economic prosperity of the region and it showed signs of establishing its hegemony in the state.

While Cachar, a Bengali speaking region along with Hailakandi and Karimganj and the three and a half thanas of Karimganj which were part of Sylhet and which were retained back after the referendum continued to be a part of Assam, strongly embracing their Bengali identity, they came to be identified and perceived as threats by the Assamese fearing they would disrupt the cultural dominance of Assam and accordingly, the post independence period, which saw the Assamese in Assam rising to power, using it to ensure that the Bengalis in the region are not given a chance to assert their supremacy and dominance and the decision to implement Assamese as the sole official language in 1960 and the medium of instruction in 1972 in order to ensure that the sons of the soil are benefitted, can be considered as the ways in which such an end was sought to be achieved by asserting their Assamese cultural identity. Hence, the power position of the Assamese was used to consolidate their position in the Assamese society and culture. Also, violence against the non Assamese speaking population continued from time to time creating an environment of panic and terror for them, quite similar to the kind of environment that prevailed under Hitler in Germany.

⁶⁴ Das, Jogendra Kr. 2005. Assam: The Post Colonial Political Developments. Vol 66(4). Economic and Political Weekly. P 876.

After the partition of Bengal, Assam received immigrants in intermittent waves: during 1947-48 with Bengali Hindus flocking to Assam from Pakistan and again in 1950-51 and then in 1964-65 following communal riots in both the countries and ultimately in the period following 1971 in the wake of the Bangladesh Liberation War. Following the partition, communal violence engulfed the entire subcontinent which had its bearing upon Assam. In 1950's, soon after the birth of Pakistan, a communal flare up happened in the country against the Hindus by the Muslims resulting in large scale migration of the Hindus to Bengal and Assam. The Muslim majority Pakistan carried out a mechanism of inflicting violence and persecution upon the Bengali Hindus, resulting in this movement. Again in 1964, there was an ethnic cleansing of the Bengali Hindus from East Pakistan under the rule of Major General Ayub Khan resulting in an unending movement of refugees to Bengal and in Assam. The hatred and animosity towards the Bengalis, resulted in the 'Bongal Kheda Andolan', an organized campaign of ethnic cleansing of Bengali Hindus in Assam from the late 1940's to the 1960's. Houses of Bengali Hindus were burnt to ashes, looted; women and children were brutally murdered creating an air of fear and terror. Refugees flocked to Assam in thousands after being uprooted and displaced from their homeland.

The effects of these communal disturbances of the 1950 was experienced even in Assam, resulting in the Bengali Muslims residing in Goalpara, Kamrup and Darrang fled to east Pakistan leaving their hearth and homes behind.⁶⁵ The Nehru-Liaquat agreement was signed in 1950, according to which, the rights of immovable property of the migrant shall not be disturbed and shall be restored to him, even if someone else occupies it in his absence, provided he returns to this original home by 31st December, 1950. The lenient provisions of this agreement necessarily facilitated the return of all the displaced people resulting in an influx of 161360 people in Assam⁶⁶

The birth of Bangladesh in 1971, created new tensions in Assam particularly among the Assamese who began to assert that all the Bengali speakers in the state are Bangladeshis irrespective of whether this migration took place while Assam was part of the Bengal presidency or when interstate migration between East Bengal and

⁶⁵ White paper on Foreigner's issue. 2012. Pp 6-7.

⁶⁶ Ibid.

Assam both part of undivided India happened. Their linguistic similarity with the new born state made them elements of suspicion.

Further, the migration from Bangladesh to Assam in particular, in several waves continues to take place because Bangladesh is an economically weak country and it is over burdened with population. Naturally this means that more people and less land, a condition favourable enough to instigate migration. Also, this country has had to witness the wrath of natural disasters and calamities in the form of floods much like its neighbour Assam which results in large scale displacement of people following poor relief measures and hence, people are left with no land and home. These conditions also necessitate the migration of people. These migrants get easily assimilated within Assam because they offer cheap labour, which, in today's capitalistic world, is a lucrative offer to grab. The indigenous Assamese population has never been interested to undertake 'hard' work, right from the colonial times, which, in a way forced the Britishers to look for alternatives. Thus, the migrants usually take up all the manual, hard work in lieu of money. Thus, they offer their cheap labour and do all those workers which the Assamese or the indigenous population do not, like construction work, manual labour. This two way process of migration and acceptance of cheap labour generate the continuity of the same. Also, the cultural and linguistic similarities of Bangladesh with Assam also facilitate migration since assimilation becomes easier. In the case of Assam it is interesting to note how despite the migration of several communities, the Biharis, Nepalis, Marwaris, only the Bengali speakers are considered as a threat to the Assamese. The Assamese perception of threat and fear mostly emerged from the reason that the Bengalis had taken over the jobs that were created under the colonial administration for no fault of their own; this mainly happened since the Bengalis were educated due the British rule in Bengal that opened up the windows of enlightenment for them. The introduction of Bengali as the language of education and administration added fuel to the fire. Thus, this fear did not hold and still does not hold any justified ground, since, it is the Britishers who were to be blamed for this problem and not the Bengalis. On the contrary, the Biharis and the Nepalis were mostly involved in agricultural activities which the local population anyway disliked and hence, hatred was not directed towards them.

The different waves of migration in Assam has resulted in her population as being a mix of several ethnicities, however, in this scenario, the ever passionate desire of the Assamese in their quest to protect and preserve what is known as the Assamese identity especially linguistic and cultural identity has led to alienation of all other different groups in the state. Partition severely affected the economic structure of the region because the long history of trade relations that it nurtured with East Bengal was practically dead with the merger of Sylhet with East Pakistan. Immigrant Muslims in Assam often referred to as the Neo Assamese or Na Asamiya⁶⁷ played a significant role in helping Assam retain its linguistic majority in the state because these Muslims identified themselves with the larger Assamese society, they forgo their mother tongue and even started to send their children to Assamese medium schools and hence, during the Census they mentioned their mother tongue as Assamese which inflated the Assamese speaking population of the period. This was mainly done for their own survival following the period of bloody riots that engulfed the state in the form of the Nellie massacre where Bengali Muslims were targeted. Nellie, a small town in Nagaon district in Assam, mostly inhabited by the East Bengal origin Muslims who had been settled in the state even before the boundary lines were drawn between India and Bangladesh, was brutally attacked by the Assamese, wherein, men, women and even children were not spared. Hence, a common sense understanding of these population influxes would be that the Bengali speaking population in the state would be increasing and, the Assamese speaking population would remain stagnant. However, this was not the case as the Assamese speaking population remained high from the period 1931-1971. This was because of the assimilation of the migrants with the Assamese society who started accepting and recognizing this language as their own. Also, before the enumeration of each Census, it has been reported that there were anti Muslim riots. Sharma states that, “just before the Census of 1951 there were riots in 1950, which was again the case in 1961 with the 1960 bongal kheda andolan, in 1971 the situation was heated up due the Bangladesh Liberation War and associated communal riots and again in 1981, there was the Nellie riot which killed innumerable Bengali Muslims in the state.”⁶⁸ Hence, the fear that their language would result either in their deaths or displacement, forced the Bengali Muslims in the region

⁶⁷ Das, Susanta Krishna. 1980. Immigration and Demographic Transformation of Assam, 1891-1981. Vol 15(19) economic and political weekly. Pp 858-859.

⁶⁸ Sarma, K.M. 1980. The Assam Question: A historical perspective. Economic and political weekly. P 1323.

to accept Bengali as their mother tongue which resulted in the rise of the Assamese speaking population in Assam despite the population influx. Assam has always been in favour of forced integration and assimilation of the 'others' by means of accepting the language which has caused severe damages in the mechanism of assimilation in the state, a problem that is still persistent. The problems that the minorities in the state have to undergo given their cultural and linguistic distinctiveness in terms of ostracisation and suspicion and alienation have caused deep wounds in their minds and as long as these distinct elements in the state of Assam are allowed to preserve and protect their unique identity, the development and prospects of people can never be ensured in the state. The narratives of sons of the soil⁶⁹, emerging from the linguistic reorganization of the states have created an impression in the Assamese minds that Assam belongs only to the Assamese, the rightful sons of the soil, while all others, because of their linguistic difference are the outsiders that Assam needs to get rid of as it is guided by a xenophobic feeling towards them, a chauvinism that characterizes Assam.

The Assamese started drawing the lines of division between those immigrant Muslims who identified themselves as the Assamese and those who didn't and very naturally were against the latter. Hence, the division between the Assamese and the rest of the society was not based on the fact that they were immigrants, but rather who was willing to accept the Assamese culture and language and who did not. Naturally, the Bengalis and the tribes of Assam became elements of hatred given their inclination to hold on to their language, culture and identity. The exclusion could be visible in the fact that, " in the 19th and 20th century perceptions about the Assamese nationality were limited almost exclusively to only those people who lived in Brahmaputra valley. ⁷⁰Writing in the closing decades of the 19th century, the leading Assamese intellectual of that time, Gunabhiram Baruah, berates his countrymen for being extremely xenophobic in their attitude towards their hill neighbours as well as the people of Bengal and beyond. Baruah concludes his article by saying that education

⁶⁹ A term quoted by Myron Weiner in her book, *Sons of the Soil: Migration and Ethnic Conflict in India* published in 1978.

⁷⁰ Misra, Udayon. 1999. *Immigration and Identity Transformation in Assam*. vol 34(21). *Economic and political weekly*. P 1265.

alone would help the Assamese change their attitudes and to look upon Bengalis and other outsiders as their brothers.”⁷¹

The Assamese suspicion that their land was swamped by foreigners was reinforced, as Oommen writes, when demands were made to incorporate the district of Goalpara to West Bengal and to establish a new state named Purbachal out of Assam in 1953-55, the resistance against the adoption of the Assamese language as the medium of instruction in 1972, mobilization to convert Assam to a bilingual state as against the imposition of Assamese as the sole language in 1960 gave grounds to the already heightened idea that the ‘foreigners’ were a threat to the identity of the Assamese. Apart from this, there was also a perception of economic threat that seeped into the minds of the Assamese people so much so that the Assam movement received huge support from the masses. The economic insecurity resulted from the influx of peasants and cultivators primarily from East Bengal, and hence, the line system was devised as a mechanism in the state as early as in the 1930’s which ensured that the immigrants were not allowed to settle, or buy land or carry out occupational activities in certain specified parts in Assam in order to protect the interests of the indigenous population.⁷² C.S. Mullan, the Census commissioner observed in 1931 that “it is sad but no means impossible that in another thirty years Sibsagar district will be the only part of Assam in which the Assamese will find itself home.”⁷³ In fact, it was Mullan who began this hate campaign of the Assamese towards the Bengalis. He wrote, “Wheresoever the carcasses, there will the vultures be gathered together- where there is wasteland thither flock the Mymensinghians”⁷⁴. This statement possibly sowed the seeds of the growing discontent between the two communities of people. The migration in Assam happened because the local populations were reluctant to undertake the occupations provided under the colonial rule and also because the population of the region was low and consisted of unskilled people. So, this factor, coupled with the desire to exploit the resources available, develop plantations and transport and communication, migration was encouraged. In the post independence

⁷¹ Misra, Udayon. 1999. Immigration and Identity Transformation in Assam. vol 34(21). Economic and political weekly. P 1265..

⁷² Oommen, T.K. 1982. Foreigners, Refugees and Outsiders In The Indian Context. Vol 31(1). Sociological Bulletin. P 55.

⁷³ Ibid. p 56.

⁷⁴ Ahmed, Rafiul. 2004. Anxiety, Violence and the Postcolonial State: Understanding the “Anti-Bangladeshi” Rage in Assam, India. Vol 19(1). P 61.

era, it was the political and religious instability in the neighbouring state that intensified the issue of migration.

A statistical study of the population in Assam undertaken by Susanta Krishna Das has brought out certain highly contradictory trends in the population status of Assam. The rich economic status of Assam along with the unwillingness of the local population to work hard to ensure the economic upliftment in this region started the trend of immigration which was intensified by the highly populous East Bengal failing to meet the needs of its population resulting in mass movement and this trend extended up to the eve of the partition of Bengal and continued well throughout the period following India's independence to the creation of Bangladesh in 1971.⁷⁵ The only difference between the different periods of migration was that the patterns of migration varied from time to time, while some periods witnessed a heavy inflow, some other period witnessed occasional migration. The study pointed out that as compared to rest of India; Assam has portrayed a high growth of population naturally. Thus, the popular perception that the population influx in Assam has been due to the inflow of refugees from Bangladesh, erstwhile East Pakistan is not correct, as pointed out by Das.⁷⁶ He has shown with the help of statistical data that since 1951, the growth of population in Assam has been higher than in any other state of the country primarily because of the flow of immigrants following the setting up of tea estates, jute mills in Assam and the constant British patronage towards encouraging more immigrants to Assam for an increased revenue.⁷⁷ Thus, coupled with its natural growth rate of population, immigration contributed to the trend of high population growth in Assam. Again, the notion that only Bengali Hindu and Bengali Muslim refugees have caused the growth of population in Assam is not true since immigration to Assam happened from different states in India like Bihar, Rajasthan. However, the percentage of population from East Bengal before 1947 and East Pakistan post 1947 has been high as compared to the immigrants from other parts of the country.⁷⁸ While Bengali Muslims immigrated from East Bengal in the pre 1947 period, it was the Hindu Bengalis who fled religious persecution from East Pakistan which was Muslim majority country in

⁷⁵ Das, Susanta Krishna. 1980. Immigration and Demographic Transformation of Assam, 1891-1981. Vol 15(19), pp 850-859.

⁷⁶ Das, Susanta Krishna. 1980. Immigration and Demographic Transformation of Assam, 1891-1981. Vol 15(19), pp 850-859.

⁷⁷ Ibid.

⁷⁸ Ibid.

the post 1947 period which continued well after 1971 as well.⁷⁹ Also, what this study has pointed out that contradicts the popular perception of the Assamese speaking population is that the latter's notion that Muslim infiltration from Bangladesh is a major cause of the swelling of population in Assam thereby threatening the existence of the indigenous elements of the society has been proved wrong by Das who points out that the growth rate of the Muslim population has been slow in Assam as compared to India, in fact, the population increased in India, while it decreased in Assam. The only period wherein the Muslim population actually rose in Assam was during the period 1911-1931 wherein a huge immigration of Muslim cultivators from East Bengal happened especially in search of land, shelter and to seek relief from the exploitative Zamindari system prevailing in Bengal.⁸⁰ However, this increase cannot and should not be considered as the growth of population by illegal Muslim infiltrators since East Bengal and Assam were part of India and this flow of people was interstate migration. The period between 1871-1901 saw immigration as the only factor that contributed the rise of population in Assam which was on a decline due to the epidemics such as malaria, black fever swelling large sections of the population.⁸¹ Assam also witnessed an earthquake in 1897 resulting in loss of lives. Thus, the migration of population especially Bengali Muslim peasants helped balance the population. Again, in 1941-51, the growth in population resulted from the migration from Bengal in the wake of the famine in 1943 and the resettlement of the refugees in Goalpara, Sylhet and Cachar.⁸² The population growth was possibly the highest only during 1951-71 due to the formation of Bangladesh and associated inflow of Hindu refugees fleeing communal violence along with the flow of population in Assam from the different states as well. Hence, Das argues that immigration has resulted in Assam's population growth at the highest rate between 1901-51 and also helped consolidating the Assamese language as the dominant language of the region with the Muslim immigrants adopting it.⁸³

Migration to Assam can therefore be divided into three categories: the first group would include the Hindu Bengali migrants from Bengal who were brought in to the

⁷⁹ Das, Susanta Krishna. 1980. Immigration and Demographic Transformation of Assam, 1891-1981. Vol 15(19), pp 850-859.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

state under colonial patronage to carry out with the administrative and legal activities of the Britishers by virtue of their knowledge and English education provided to them by the British system of education. In fact, the seeds of discontent and hatred for the Bengalis grew mainly along this line that the Bengalis were grabbing the jobs created by the Britishers for which the Assamese were supposed to be the heir. This feeling increased manifold with the Britishers implementing Bengali as the official language in Assam in 1836 considering it as a dialect of Assamese.

The deep rooted sense of insecurity about being swamped under the burden of the Bengalis, that was guided by the perils of the past when Bengali was made the official language of Assam under the colonial rule which, the Assamese thought was a conspiracy of and by the Bengalis to establish a strong foothold in the state, has been proved a myth, which has been busted with the help of several documents which have made it clear that the colonial policy of 'divide and rule' found an expression through the creation of valley politics wherein both the communities were subsequently turned into enemies.⁸⁴ Thus, this hatred was based on illogical and unreasonable grounds and sentiments.

The second group of migrants include the labourers of tea plantations who came in to the state as early as in 1830, when the colonial government opened up the first tea garden in Assam. With the sparse unskilled population of Assam, the colonial search for alternatives began and thus from the 1850's onwards, labourers from far and near, especially from the poor regions of the country, were brought in to Assam, often luring them with money. From Chotanagpur to Bihar to East Bengal, the migrants flocked in to Assam in search of economic survival. The peasants from East Bengal were mostly Muslim cultivators who came in to Assam in search of a land to earn their living. Settling down in an alien land, fighting against all odds, ranging from epidemics to death, the migrants did it all, to earn their livelihood. And the third group would include the displaced Hindu refugees from the then East Pakistan who sought shelter in Assam after being victims of violence, hatred and persecution along religious lines. This group of migrants kept coming to Assam right after the Sylhet referendum in 1947 and continued coming in different waves till the formation of

⁸⁴ Gohain, Hiren. 1982. Once More on the Assam Movement. Vol 10(11). Social Scientist. Pp 58-59.

Bangladesh in 1971. This group of people had to leave their homeland under duress and bore a deep sense of despair after being uprooted from their homeland.

Thus, while migration into Assam from present day Bangladesh has a long history, it was only after from 1971 onwards during the Bangladesh Liberation War that Assam received several lakhs of Hindu and Muslim refugees. On 8th February, 1972, the Prime Ministers of both the countries gave a joint declaration wherein, the government of India declared that it would extend all possible support and assistance to Bangladesh to facilitate the task of resettling the refugees in Bangladesh.⁸⁵ However, not all returned and cross border migration continued to happen to Assam and in other parts of India as well in search of livelihood and a safe shelter.. However, the exact number of such immigrants could never be known, unless in 1979 when Hiralal Patwari passed away.

The death of Hiralal Patwari, a Member of Parliament of the Mangaldoi Lok Sabha constituency on 28th March, 1979 required the conducting of a by election in the state. This led to the birth of the Assam Agitation, which echoed a sentiment of crisis; when a political turmoil began, relying on Census data and electoral rolls which depicted that that the number of voters were extensively higher than the population of the state. The election demanded the setting up of electoral rolls which sowed the seeds of this movement that was to continue for the next six years paralyzing Assam. It was found that in the electoral list, there were objections of being foreigners against 70000 names, of which 45000 names were declared as foreigners by the courts and hence, were incompetent for voting⁸⁶. This caught the attention of the leaders of the movement, the All Assam Students Union and the All Assam Gana Sangram Parishad, formed in 1979 and who led this movement against the eviction of foreigners from Assam. This resulted in the calling of a 12 hour long strike by the AASU, demanding the detection, disenfranchisement and deportation of the foreigners by the government.⁸⁷ In fact, to justify their assertion that illegal immigrants were present in Assam, several statistical figures were introduced, “two regional parties: Assam Jatiyatabadi Dal and Purbanchaliya Lok Parishad estimated

⁸⁵ Baruah, Sanjib. 1999. India against itself: Assam and the politics of Nationality. New Delhi: Oxford India Paperbacks. P 119.

⁸⁶ Oommen, T.K. 1982. P 54.

⁸⁷ White Paper on Foreigner's Issue. Home and Political Department, Government of Assam, 2012. P11.

that the numbers of foreign nationals residing in Assam were 40 lakhs and 13 lakhs respectively. Another ideologue of the movement was that the figure was somewhere between 45 to 50 lakhs out of Assam's total population of 14625000. The AASU in one of their publications fixed up the number over 45 lakhs out of whom 15 lakhs registered their names in electoral rolls".⁸⁸ Thus, it is apparent that there was no clear consensus regarding the exact number of illegal immigrants present in the state and figures were drawn up by the agitators to suit their assertion. Regarding the number of refugees, the answer varies. Rafiabadi, quotes an article that was reported in the Assam Tribune where the border security forces had wrongly admitted about the presence of 11 lakh refugees in India, which was immediately corrected to one lakh. Despite this correction, the numerical values of 11 lakhs have been mentioned as the total number of refugees who stayed behind in India after 1971.⁸⁹

Debates in Assam regarding the exact number of illegal immigrants, the term the Assamese locals, politicians enjoy using, is absent. Thus, it is clear, from the above narratives that, such numbers, on most occasions are tempered to suit their own interests.

Several discussions took place between the two parties regarding the means to be used to achieve this end, which however went futile, with no plausible and mutually acceptable solution. The period of this long agitation was marked by a failure of governmentality in the state, and subsequent political instability resulting from the non cooperative attitude of the protestors. : Elections were boycotted primarily on the presumption that the rise in the names of voters in the electoral list meant an increase in illegal immigrants present in the state, mostly Bengalis, and hence, elections would mean that these illegal immigrants would also be casting their votes for the Bengali parties and thus, the supremacy of the Assamese in the political sphere would be challenged. This resulted in the inception of violence in the states in which both Bengali Hindus and Muslims were hunted down by the Assamese and murdered, brutally. Even women and children were not spared. The worst among these riots was the Nellie massacre. While it was claimed that this movement was a largely non violent one based upon the Gandhian model, facts and narratives of violence state

⁸⁸ Ahmed, Shahiuz Zaman. 2014. Deportation Movement, Creation of D voters and problems of NRC updation in Assam. vol 75. P 1294.

⁸⁹ Rafiabadi, H.N:1998. Assam From Agitation to Accord. New Delhi: Genuine Publications & Media Pvt Ltd. Pp 10-11.

otherwise. Worst forms of communal violence were incited in different waves during the duration of the movement especially in 1983 with the notorious Nellie massacre. A largely ethnic and identity based movement, the Assam movement rested on the notions of Assamese versus the others, where the others were mainly the Bengalis; both Bengali Hindus and Bengali Muslims. The major impetus of this movement was provided by the demographic change that Assam had been witnessing since the advent of the Britishers. When Indira Gandhi became the Prime Minister, the agitators wrote to her demanding her attention to solve the crisis that engulfed the state. The protestors submitted a list of proposals for her consideration regarding the problem of illegal immigration some of which were; updating the NRC of 1951, cross checking of the electoral rolls with the updated NRC, demarcation of the Indo-Bangladesh border, issuing identity cards throughout the north eastern region, strict maintenance of birth and death registers at all block and village levels and raising the additional armed police battalions and a river police force with a view to checking infiltration.⁹⁰ Following this letter, the leaders of the movement were invited for discussions and negotiations with the government. This marked the beginning of a series of discussions between the two parties to arrive at a conclusion. The AASU leaders also submitted a memorandum to the government. The government of India insisted that 1971 should be decided as the cut off year to check illegal immigrants in the state as against 1951, which was rejected. Again, in 1980, the Governor of Assam held discussions with the leaders of the movement over the acceptance of a unanimously decided cutoff date of 1967 as the base year to identify the foreigners which was subsequently declined by the leaders.⁹¹ The AASU also exhibited a kind of non cooperative attitude by boycotting the parliamentary election of 1983 and thereby creating a violent and highly explosive situation in the state. However, the failure of the police and army in the state to effectively address this tragedy and violence also suggested that even the state machinery supported the killings. Bomb blasts, burning of houses of Bengali Muslims continued without any fear and hesitation signifying the inhumane nature of the agitators. What began as a movement to bring about peace in Assam by getting rid of the foreigners, ultimately succeeded in becoming an

⁹⁰ White paper on Foreigner's Issue, 2012. P 12.

⁹¹ Ibid.

instrument of disorder and tensions and of violence resulting in incalculable loss of lives, property, disruption of normalcy, and closure of all educational institutions⁹²

The clarion call of the movement was, “Assam is in danger. Our cultural identity has been threatened”⁹³; which was enough to mobilize the Assamese people to unite against the ‘outsiders’. The movement which began on the principles of Non violence and Satyagraha and followed the methods of picketing soon turned into a full fledged instrument of violence with a complete breakdown of law and order, closure of educational institutions and innumerable loss of lives. The ethnic minorities, especially the Bengali Hindus and Muslims were affected the most in the systematic use of violence directed primarily against them. Baruah writes, “If ethnic diversity creates the problem in Assam, ethnic accommodation will be the only solution to ensure the prevalence of peace in Assam.”⁹⁴

Nandana Dutta has tried to bring out the currents of violence that characterized the Assam Movement in the form of narratives all of which indicate that it was an outburst of anger and hatred and despise that the Assamese had been nurturing towards the Bengalis in the state. Dutta narrates a few narratives of remembrance as shared by the witnesses of the movement, “We lived in the heart of the city, in an old neighbourhood. But our family and others like us were estranged, particularly by the mass character of the movement that made every gathering of people indistinguishable from the mob.... Mindless mobs everywhere. Processions.... Carrying torches in the evenings, beating brass cymbals and marching through neighbourhoods. I remember that this always unnerved us”⁹⁵.

“ I remember one incident vividly: it was in front of our college. Several young students were kicking a man- a beggar- who they chose to identify as an illegal immigrant from the tattered lungi he was wearing. A girl standing nearby said: “ they come armed, but we don’t.” The police were merely spectators. This was equally true of the bureaucracy- severely compromised through their support to the movement against the call of loyalty that is expected of a government officer. And, those who

⁹² Assam Accord. 1985. Vol 20(33). Economic and Political Weekly. Pp- 1369-1370.

⁹³ Gohain, Hiren. 1982. Once More on the Assam Movement. Vol 10(11). Social Scientist. P 60.

⁹⁴ Baruah, Sanjib. 1986. Ethnic Conflict, and Political Turmoil-Assam, 1979-1985. Vol 26(11). Asian Survey. P 1206.

⁹⁵ Dutta, Nandana. 2012. Questions of Identity in Assam: Location, Migration, Hybridity. New Delhi: Sage publications. P 105.

did their duties were manhandled and humiliated by the boys and girls who could very well have been their children.”⁹⁶

“There were rows of huts behind our house separated only by a patch of land. Bengalis lived in them. Many of them had little shops. One of those shops sold flutes. And I would go across to buy them. One day all those huts were set on fire. Nothing remained, not even people. This was during the language movement of the 60’s.”⁹⁷

The intensity of the violence makes it clear that the Assamese bore a dislike and aversion for the Bengalis, who, they regarded, were the ‘others’, the ‘outsiders’. The rhetoric of creating or transforming Assam as a land of the Assamese came down heavily upon the migrants in the state, the repercussions of which can be deciphered from the narratives. The growing distrust, suspicion resulted in the further alienation of the Bengalis in the state. In the case of Assam, the issue of illegal immigrants and the whole ‘foreigner’- ‘indigenous’ debate arises from the fact that such a kind of migration was invited by the colonial rulers in the beginning followed by the political leaders and in contemporary times by the capitalist class for varied reasons ranging from cheap labour to vote banks. However, it is mainly because the migration that happened displayed a particular linguistic character of the migrants which the Assamese thought would totally overpower their linguistic identity, given the similarity of the two languages, is what placed the two communities Assamese and Bengali as antagonists. The assertion of Assamese identity became so prominent that large scale mobilization of the masses could be achieved so much so that even women, who are considered as compassionate, took to the perpetuation and support of the violence and hostility meted out, categorically, to the Bengalis. In fact, the unwillingness to encourage assimilation, and the perception of threat of cultural and linguistic subversion resulted in these waves of violence, the memories of which might never fade away.

The confrontation between the natives and the bongals characterized the political and social scenario of Assam in the 1980’s. the intensity of the violence generated by the movement can be understood in the writings of Hiren Gohain who states that, “ A 5th year engineering student, Gautam Das Sarma, a studious, mild mannered and quite

⁹⁶ Dutta, Nandana. 2012. Questions of Identity in Assam: Location, Migration, Hybridity. New Delhi: Sage publications. p 106.

⁹⁷ Ibid. p 110.

inoffensive, was battered to death in broad daylight by a student mob using iron rods and a variety of karate-chops, in full view of a group of policemen. The local authorities did not allow the Bengali people of that area to bring out a silent demonstration. An old and established shop in panbazar area, whose owner happens to be popular among all communities, was attacked on November 27 by a stone throwing mob when they failed to extort a substantial donation from him. The group of rowdies according to the people present in the shop during the incident itself, was very much local.”⁹⁸ Again, he goes on to state, “it was on this day that college students received a call from certain quarters to shed their blood for the motherland. Gautam Das Sarma, a Bengali student, found the atmosphere of the college too tense and left early along with some other Bengali students. He was lynched by the mob in a locality close to his home. Gautam’s sister had gone under shock. On 20th, another Bengali, Jitendra Kumar Chanda, of the P and T department was stabbed to death near his place of work. Another local college was raided following an incident near it where a Bengali house wife was stripped naked by certain patriotic punks”.⁹⁹ All these incidents make it crystal clear that the resentment was towards the Bengalis, the target of the agitators and supporters of this movement and this can be identified through the intensity of the violence inflicted upon them for practically no fault, probably, the only reason why innumerable lives were lost was because they ‘unfortunately’ spoke a different language in Assam which was considered to be a land of and for the Assamese. The brutal killing based on suspicions makes it evident that this movement was based on anger and hatred. While trying to maintain their identity, the created inhumane conditions wherein the survival of the minorities became much of a problem. It created a situation of fear, mistrust, suspicion wherein the minorities were subjected to harassment, physical assault and in worst cases even gifted with deaths. Such a situation created due to the assertion of certain unverified facts and data over the number of illegal immigrants in the state, jeopardized the state and brought about a division in the society among the minorities and the Assamese. Only assimilation will help resolve the crisis in Assam over nationality, a tangled issue indeed for the state. Also, it was only about the assertion of one homogeneous identity, the Assamese identity, wherein the identity concerns of the other tribal groups residing in the state were suppressed. It may be pointed out here that such

⁹⁸ Gohain, Hiren. 1980. Worse Times Ahead. Vol 15(50). Economic and Political Weekly. P 2076.

⁹⁹ Ibid. p 2077.

suppression of minority identities create a fertile ground for secessionist demands, which, in the case of Assam came in through the demand for Bodoland. In fact, suppression of identities and restricting the free expression of minorities will ultimately result in a demand for separation.

Chopra writes that, Nirupama Borgohain, an Assamese journalist visited refugee camps in Nalbari, Mukalmau, Naherbari and Rangafali where thousands of Bengali refugees were housed, both Hindu and Muslims. The journalist, the author writes quoted that these refugees had assimilated with the Assamese population so much so that many even changed their names, the Bengali 'biswas' to Assamese 'baishya'. She also wrote that there was not a single Bengali school in those areas. Thus, it would not be wrong to state, following this statement by the journalist that the seeds of assimilation were never borne by the Assamese who were only interested in imposing and asserting their chauvinism over the Bengalis justifying this assertion on the ground that the Bengalis would weaken the illustrious Assamese identity and nationality. However, Chopra, in this regards quotes that such fears were again baseless because, in 1931, the percentage of Assamese speakers were 31.42 percent of the population, which, in 1951 rose to 56.69 percent and by the end of 1971 went up to 60.89 percent. Bengali speakers, on the other hand, were 26.79 percent in 1931, which further declined to 19.71 percent in 1971.¹⁰⁰ Thus, the fears of the Assamese were far from being real and its claims that the Assamese distinctiveness was coming under threat, a major guiding force of the agitation was nothing but a misnomer which was not supported by facts and evidences.

In order to restore normalcy and to ensure that no more lives are lost in this bloody struggle for restoration of the Assamese identity, the Assam accord. The Indian prime minister came to Assam to solve the problem in 1980 which however did not yield any result as the leaders were in no mood to compromise. In September 1980, the leaders demanded that negotiated settlement would be attempted to allow the immigrants who came in between 1951-1961 to stay in Assam while all others who came in between 1961-1971 would have to be resettled in other states. Quite naturally this solution was not accepted by the government. It was only after 1985, after a tripartite discussion between Rajiv Gandhi, the then prime minister of India, the

¹⁰⁰ Chopra, Sumeet. 1982. The Assam Movement and the Left: A reply to Hiren Gohain. Vol 10(11). Economic and political weekly. Pp 65-66.

leaders of the movement and the government of Assam, a memorandum of settlement in the form of the Assam Accord was signed in 1985 that contained information which formed the basis of the subsequent developments in the state on the foreigner's issue. In fact, the mass killings at Nellie, in 1983, acted as a nail in the coffin of the violent Assam Movement, following which the Indian Government decided to put an end to this bloodbath by arriving at a political settlement. It was believed the citizen-outsider debate would come to an end given the stringent measures it had incorporated. The provisions of the accord included:

- For purposes of detection and deletion of foreigners, 1.1.1966 shall be the base date and year.
- All persons who came to Assam prior to 1.1.1966, including those amongst them whose name appeared on the electoral rolls used in 1967 elections, shall be regularized.
- Foreigners, who came to Assam after 1.1.1966 (inclusive) and up to 24th March, 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order 1964.
- Names of Foreigners so detected will be deleted from the electoral rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939.
- For this purpose, Government of India will undertake suitable strengthening of the governmental machinery.
- On the expiry of a period of ten year following the date of detection, the names of all such persons which have been deleted from the electoral rolls shall be restored.
- All persons who were expelled, earlier, but have since re-entered illegally into Assam, shall be expelled.
- Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners.

- The Government will give due consideration to certain difficulties expressed by the AASU/AAGSP regarding the implementation of the Illegal Migrants (Determination by Tribunals) Act, 1983.¹⁰¹

This Accord also included a provision under Clause 6, which stated that, Constitutional, legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people and to ensure the all round economic development of Assam.¹⁰² Thus, the signing of this Accord, brought to the fore the ‘we’, the Assamese people, the indigenous population of Assam, the citizens of Assam, as against those who were ambivalent citizens in Assam owing to their linguistic distinctiveness. The matter of citizenship of the Assamese was beyond doubt and legality, as against the ambivalent citizens.¹⁰³

This Accord, a political settlement to bring the bloody and violent situation in Assam caused by this movement resulting in loss of numerous lives and a complete breakdown of law and order, accepted the demand of the AASU to put an end to illegal immigration in the state and deporting the existing immigrants, and the construction of stronger borders between India and Bangladesh was a crucial demand in this regard was accepted by the then prime minister.¹⁰⁴ Clause 9 of the Accord deals with the security of the international border wherein it is stated that the international border will be made secure against future infiltration by the construction of physical barriers like walls, barbed wire fencing and also other obstacles at appropriate places.¹⁰⁵ There will be constant patrolling by the security forces on both the land and river areas all along the border to strengthen the security dimension which will also be coupled with the setting up of check posts. Regarding the implementation of the provisions of the Accord, it has been mentioned in the White Paper that, “ a total of 228.11 km of new fencing was sanctioned under Phase I&II,

¹⁰¹ <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses> as accessed on 01.05.2019.

¹⁰² Ibid

¹⁰³ Roy, Anupama. 2016. Ambivalence of Citizenship in Assam. Vol LI(26&27). Economic and Political Weekly. P 46.

¹⁰⁴ Ahmed, Rafiul.2004. Anxiety, Violence and the Postcolonial State: Understanding the “Anti-Bangladeshi” Rage in Assam, India. Vol 19(1). P 59.

¹⁰⁵ Op cit.

out of which, based on field conditions, the actual required length was 224.694km. Against this 298.170km of fencing (97.1%) has been completed.”¹⁰⁶

The Illegal Migrants Determination by Tribunals (ILLEGAL MIGRANTS DETERMINATION BY TRIBUNALS) Act was enacted in 1983 as a response to the six year long Assam agitation which demanded the detection and expulsion of foreigners from the state. According to the provisions of this act, which was applicable only to Assam while the rest of the country followed the foreigner’s act of 1946, the burden of proof regarding whether a person is a foreigner lies on the accuser and not the accused. The ILLEGAL MIGRANTS DETERMINATION BY TRIBUNALS Act defined a foreigner as someone who settled down in Assam after 24th March, 1951.¹⁰⁷ However, because, this act made the burden of proof lie on the accuser, the agitators of the Assam Movement believed, it failed to perform its task of identifying and deporting them since, the burden of proving as to whether someone is a foreigner lay with the accused and hence, not many could be identified and deported. The White Papers on Foreigners Issue stated that the reasons behind this were the lack of judicial supervision, vacancies of members, inadequate staff that has caused so many cases to remain pending. Up to July 2005, out of 112791 cases which were referred, 24021 were disposed and 88770 were still pending. The number of foreigners declared up to 2005 from 1985 was 12846 while only 1547 of them were deported.¹⁰⁸ This inadequacy in achieving the desired results of identification and deportation of the immigrants, the blame was put on the ILLEGAL MIGRANTS DETERMINATION BY TRIBUNALS Act because of its provision of resting the burden of proof on the accuser and hence, in 2005, after a public interest litigation which was filed by Sarbananda Sonowal, the present Chief minister of Assam, who was a student leader, this Act was repelled on the ground that it was unconstitutional and ultra vires and that protection of the population of the country from infiltrators who pose a threat to the security of the nation was an essential function of the state; and after this judgment, the burden of proof shifted upon the precede as he would have the necessary documents to show whether he is a citizen not only within the provisions of the constitution of India but also within the provisions of the citizenship act similar to that of the foreigner’s act of 1946 that was applicable in the rest of the

¹⁰⁶ White paper on Foreigner’s Issue.2012. p 31.

¹⁰⁷ Ibid.p 17.

¹⁰⁸ Ibid. p 18

country in which the burden of proof rested on the accused to provide requisite evidence in order to prove that he/she is not a foreigner..¹⁰⁹ Fernandes writes, this decision was rejoiced by the AASU as the success of the indigenous population in Assam.¹¹⁰ It was felt that the ‘ILLEGAL MIGRANTS DETERMINATION BY TRIBUNALS’ Act was being protective to the interests of the immigrants by shifting the burden of proof upon the accuser.

The primary agenda, detection and deportation of the foreigners could never really materialize given the complications associated with it. Thus, this movement could only generate violence and claims innumerable innocent lives based on ‘doubt ‘and ‘suspicion’. While the Assam government had decided to give a lump sum amount of money to the ‘martyrs’ of the movement,¹¹¹ the silence that it had over the lives lost because of the violence, particularly the lives of Bengali Hindus and Muslims prove that the Bengalis in Assam were always the second class citizens.

The Assam movement facilitated the growth of the Asom Gana Parishad, a political party emerging out of the student leadership of the movement and quite understandably, was an anti immigrant party championing the cause of removing the illegal Bangladeshis from the state and thereafter, looking at the Bengalis in the state with an eye of suspicion.

The Assam Agitation which regarded itself as a non political movement ultimately acquired a political color with the formation of AGP¹¹² and its capturing of the political power in the state. What could be achieved as an effective solution to the problem of illegal immigration in the state ultimately lost its essence under the façade of political power. Hence, it would not be incorrect to say that the Assam movement was not a movement guided by the larger interest of saving the Assamese identity as against outside interference, but, rather, it became an effective means of capturing power because the AGP after coming to power did nothing to solve the problem that, they claimed, as agitators, generated tensions within the Assamese society.

¹⁰⁹ Sarbananda Ssonowal versus Union of India. AIR 2006. <https://indiankanoon.org/doc/907725/> accessed on 01.05.2019.

¹¹⁰ Fernandes, Walter. 2005. ILLEGAL MIGRANTS DETERMINATION BY TRIBUNALS Act and Immigration in North Eastern India. Vol 40(30). Economic and Political Weekly. P 3237.

¹¹¹ <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses> as accessed on 01.05.2019

¹¹² Assam Accord. 1985.pp 1369-1370.

It would not be wrong to assume that the Assam movement was nothing but a display of chauvinism as Guha writes since; it failed to embrace within its fold the tribal communities in the state.¹¹³ The outright assertion of the Assamese identity resulted in the birth of a feeling of exclusion among the tribal population of the state, the Bodos and their demand for a separate state would be a perfect example to cite in this regard. Garg writes that the movement assumed a kind of linguistic chauvinism by trying to incorporate only the Assamese speaking population as the victims of immigration and the resultant need to save the 'Assamese' identity in particular.¹¹⁴ While some writers like Baruah argue that this movement was guided by economic considerations given the loss of economic opportunities that the Assamese had to face under the colonial administration, Guha negates such a consideration.¹¹⁵ Misra however argues that the genesis of this movement is the economic consideration, of a prospective fear that economic opportunities of the Assamese would be grabbed by the illegal immigrants.

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The Assam movement was guided by a multitude of problems and reducing it to mere economic considerations does not seem justified. The resource rich Assam, right from colonial times was never interested in contributing to the growth of the economy by undertaking manual work such as cleaning of wastelands and indulging in cultivation. This was done by the huge migrant population, especially the Muslims from East Bengal, who toiled hard to rejuvenate the economy of the state. This picture continued even in contemporary times with the Assamese people showing their reluctance in undertaking any kind of toilsome work, thus, perpetuating the need for immigrants who offer effective labour. Thus, the narrative of outsiders grabbing the economic opportunities in the state seems unreasonable. It was primarily a movement guided by fear over the loss of identity and also a suspicion that the economy and political arena of the state would come under the control of the immigrants, the Bengalis.

¹¹³ Guha, Amalendu. 1980. Little Nationalism Turned Chauvinist: Assam's Anti-foreigner Upsurge, 1979-1980. P 1701.

¹¹⁴ Garg, Ibu Sanjeeb. 2018. Revisiting the Nationality Question in Assam. The EPW 1980-81 debate. Vol LIII(22). Economic and Political Weekly. P 14.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

The politics of Assam is guided by the trio of citizenship, immigration and infiltrators. The borders of Assam are porous given the presence of the mighty Brahmaputra and foothills which makes migration easier. “The Indo- Bangladesh border with Assam stretches over 267.30 kms of which, 223.068 is the land border while 44.232km is the river border and stretches of gaps between the rivers. Within the lengthy of the river border, the Brahmaputra river stretches over 32.750km in Dhubri district. Roads and fences to seal the border are erected only on the land areas while the river length of 44.232 km remains unfenced.”¹¹⁷. Also, the chars of the Brahmaputra have a natural tendency of drying up during the winters therefore necessitating the shift of population residing in those areas, primarily settlers, to shift to the mainland which again creates a suspicion about their identities in the minds of the people.¹¹⁸ In fact, the presence of this suspicion served as the backdrop behind the six year long Assam Agitation, over the issue of cleansing Assam from the ‘Bohiragotos’, the foreigners. The movement has a manifestation of identity assertion i.e. the indigenous Assamese identity as opposed to the ‘others’, mostly Bengalis. The All Assam Students Union led movement used this identity marker as a means to mobilize the masses during the movement to save the integrity, economic and cultural, of the state since, the Assamese were the sons of the soil, the soil which was under the attack of invasion by the outsiders.

The latest storm in Assam has been over the issue of citizenship and the updating of the National Register of Citizens (NRC) and how a citizen would be identified. This debate has intensified the anxieties about being marginalized and becoming a stranger in one’s own land in the minds of the Bengalis. The majority minority relations based on the creation of a homogeneous society has resulted in the branding of all non Assamese speakers in Assam as ‘illegal’s’ and outsiders. These ‘illegal’s’ are treated and considered no less than criminals in the state which seeks to uphold its image of a ‘pure’ Assamese region. This identity assertion has been the cause of severe violence in the state in the form of the bongal kheda andolan that aimed to uproot Bengali settlers in the 1950’s and the 1960’s from Assam.

¹¹⁷ White Paper on Foreigner’s Issue. 2012. Pp 30-31.

¹¹⁸ Chakraborty, Gorky.2012. The ‘Ubiquitous’ Bangladeshis. Vol 47(38). Economic and political weekly. P 21.

The NRC, the Assamese believe will put an end to their age old worries and concerns over the maintenance and preservation of their identity against the outsiders. This mechanism, they believe will ultimately put an end to the debate about nationality in the state. However, what is overlooked amidst the joyful reaction of the Assamese on the implementation of the NRC is that the lives of all those people whose name would fail to come up on the list will be subjected to humiliation and alienation, which, though nothing new to the state, since outsiders, Bengalis, to be more specific have had to endure the brunt of suspicion of the Assamese since long. Hence, the NRC is likely to perpetrate deep into the minds of the victims pushing them to the contours of alienation and detachment. The NRC has become an award for the Assamese since they believe that it is the result of so many years of struggle that Assam had to endure, while forgetting the tragedy and crisis that this exercise is most likely to create. This exercise which lacks moral and humanitarian concerns, seeks to achieve only its desired goal of uprooting the illegal immigrants settled from the state, not acknowledging the precarity that such exclusion would bring into their lives. The trauma, anxiety, devastation and the detachment that the victims of this exercise would undergo, is likely to be lost under the joys and triumph of the Assamese society and the government over achieving its long desired goal, thus morality will be overshadowed by the political aspirations of the people and the government.

One of the major demands of the leaders of the Assam agitation was the detection and deportation of the illegal immigrants in the state based on the updating of the NRC 1951 and the voter list of 1952.¹¹⁹ However, it must be pointed out here that in the Assam accord, there was no mention about the NRC. Regarding the NRC of 1951, RoyChoudhury writes, “NRC is not a public document. It is a secret administrative document not open for inspection and was pre planned by the Census enumerators who were unqualified or ill qualified people, from the Census slips of 1951. The process of divulging information from the head of the household regarding the size and composition of the family was undertaken in order to tabulate the characteristics

¹¹⁹ Roychoudhury, Anil.1981. National Register of Citizens,1951. Vol 16(8). Economic and Political Weekly. P 267.

of the family.”¹²⁰ However, this had its own share of shortcomings as explained by RoyChoudhury.

“Thus it is evident that the NRC may not necessarily include the names of all the members of the family. In area inhabited by immigrant Muslims, the household of a rich man may include servants and agricultural workers and others over and above the members of the family. The names of these men might not be included in the Register.”¹²¹

The work for setting up of the first NRC list of 1951 was completed in haste, within a span of only 20 days and hence, it would not be wrong to assume that it was not error free.¹²²

Regarding this, he states, “If due to under-enumeration in an area or otherwise the name of a person was omitted in the Census, then his name was automatically excluded from the NRC also. And, if a person was accidentally not enlisted, he had no opportunity to get enlisted in the NRC subsequently. He also could file objections. As the NRC was not publicly exhibited and was not a public document, a person could not even know if his name was at all included. The whole matter rested on the whims of the enumerators or their supervisors- a completely one sided affair. No indication was given to the people about the terrible consequences which might overtake them at some future date if their names were not included in the National Register of Citizens, 1951.”¹²³

On December 2014, a two bench judge headed by Justice Ranjan Gogoi and Justice R F Nariman, a judgment was passed by the Supreme Court regarding clause 6A of the citizenship act which deals with the citizenship in Assam and the process of detection and deportation of the illegal immigrants in the state.¹²⁴ Hence, it was directed that the provisions of the Assam Accord would be implemented in the form of updating the NRC of 1951 which did not undergo any updation in all these years. This judgment came after a series of petitions were submitted to the Supreme Court primarily by the

¹²⁰ Roychoudhury, Anil.1981. National Register of Citizens,1951. Vol 16(8). Economic and Political Weekly. P 267.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Dutta, Nabajyoti. 2015. Immigration in Assam: A historical Perspective. Vol 4(1). International Journal of Humanities and Social Science Invention. P 32.

Assamese organizations like the Assam Sammilita Mahasangha, All Assam Ahom Association regarding the need to expel the illegal immigrants from the state. The Supreme Court will monitor the whole exercise and the update will be based on the NRC 1951 and the voter list up to 1971 as demanded by the organizations; Assam Sammilita Mahasangha, the AASU and the Assam Public Works.¹²⁵ A total of almost Rupees 1800 crores have been spent on the NRC, in setting up of tribunals and detention camps. It can be argued that if the same amount of money would have been spent in fencing of the boundaries and strengthening of the security measures along the border probably the problem of illegal immigration would have ended. In fact, regarding the neutrality of the updating of the NRC there lies a huge doubt since the bench member of the Supreme Court, Justice Ranjan Gogoi is from Assam and is an Assamese, the community which has, since time immemorial nurtured feelings of animosity and hatred towards the Bengalis in Assam. Given this context, how can one be sure that in the process of NRC updating such personal bias would not creep in since the supreme court bench consists of a member from the same state where this exercise is being carried out and belongs to the community which has always been pressing the government to help Assam get rid of the illegal immigrants, directing particularly towards the Bengalis.

The demand to upgrade the NRC was made by the agitators of the Assam movement although the issue of NRC was nowhere mentioned in the Assam accord. Several legal and institutional mechanisms were established to check the problem of illegal immigration such as the ILLEGAL MIGRANTS DETERMINATION BY TRIBUNALS Act of 1983 which was repealed in 2005 over the ineffectiveness to deal with the issue. In 2005, almost after 20 years of the signing of the Assam Accord, the Government of Assam held a tripartite meeting regarding the implementation of the accord with the representatives of the AASU, the government of Assam and the prime minister.¹²⁶ The main agenda was the updating of the NRC of 1951 which did not undergo any further update after 1951, when it was first introduced. The decision to update this NRC was taken in 2005. The preparation was to be carried out by taking into consideration the names of the persons who were included in the list of 1951,

¹²⁵ Assam Public Works versus Union of India. AIR 2009.

¹²⁶ White Paper on Foreigners' Issue:2012. P 36.

along with the electoral rolls prior to 24th March,1971 and their descendents along with other supporting documents, such as;

- Land documents and Record of land rights upto the midnight of 24th March, 1971.
- Permanent residential certificates issued from outside the State upto the midnight of 24th March, 1971.
- Passport issued by the government upto the midnight of 24th March,1971.
- Life insurance policy of relevant period upto the midnight of 24th March,1971.
- Any licence or certificate issued by the government upto the midnight of 24th March,1971.
- Employment documents upto the midnight of 24th March,1971.
- Bank/post office documents upto the midnight of 24th March,1971.
- Birth certificates issued by the government upto the midnight of 24th March,1971.
- Educational certificates issued by the government upto the midnight of 24th March,1971.
- Records/ processes pertaining to the court upto the midnight of 24th March,1971.
- Names in NRC, 1951.
- Citizenship certificate and refugee registration certificate.
- Ration card.
- Certified copy of pre-1971 electoral roll
- Names in electoral roll upto 24th March, 1971.¹²⁷

Following this decision, the task of collecting information began in 2015 and the first draft came out on 30th June, 2017 wherein out of 3.29 crore applicants, only 1.9 crore names found a place in the list. This however has created a sense of fear among the Bengali speaking population both Hindus and Muslims who have always been under the lens of suspicion of the Assamese as being illegal immigrants in the state given their linguistic and cultural affiliation with Bangladesh and the history of migration. The NRC updating has come as a boon for the Assamese since their longstanding

¹²⁷ Assam Public Works versus Union of India. AIR 2009.

dream of cleansing Assam is gradually taking shape after so many years and which has totally blinded them to the humanitarian concerns and the crisis that has been generated in the state.

67 years later, following the first NRC exercise of 1951, when the first draft of the NRC came out on 30th June, 2018, the names of 40 lakh people, mostly Bengalis of both religions, Hindus and Muslims have been found absent. This was sure to create panic and terror since there has been no clarification made on the part of the government regarding the fate of those whose names might not come up on the final list and the possible consequences and the grave danger that is associated with this. It is this anxiety that has emulsified the crisis like situation in Assam manifold. Given the historical stance of the Assamese society as a whole on the whole issue of identification of the illegal immigrants, this upgrading of the NRC came as a breath of fresh air for them, since what the six year long Assam agitation could not achieve, is gradually yielding the desired goal through this process which began in 2015. However, amidst all these, what is ignored is the precarity that statelessness creates and the fundamental human right of ‘right to nationality that individuals cannot be arbitrarily deprived of’¹²⁸. A cloud of fear and tensions looms above Assam, particularly among the Bengalis about standing a risk of potential statelessness after being in their motherland for centuries now. Probably, the concerns for security and creating a superior position for themselves as against the ‘invaders’ in the land they call their own, the Assamese have become oblivious to the plight generated by the NRC.

While the NRC list of 1951 has been kept open as a relevant document to ascertain one’s citizenship in Assam, in updating the NRC now, the Gauhati High Court, in 1967, gave a ruling that this document cannot be considered as relevant evidence in the court of law. “The National Register of Citizens is a contemporaneous register prepared by the officers under the provisions of the Census act in course of Census operations. If so, section 15 of the Census act will make such record of the Census not open to inspection or admissible in evidence: no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceedings whatsoever or in any criminal proceedings other than a prosecution under this act or

¹²⁸ https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf as accessed on 30.01.2019.

any other law or any other act or omission which constitutes an offence under this Act”¹²⁹

However, despite these flaws and shortcomings and the verdict of the Gauhati High Court, the relevance of the NRC list of 1951 as a means to detect and deport illegal immigrants, persistently demanded by the agitators, raises doubts and serious concerns about the authentic information that this document might be able to furnish as regards the process of NRC updation. The demand of consideration for citizenship based on the 1951 NRC seemed unjustified because, as explained above, this was not a public document, hence, no one knew whether their names were included or excluded in the list and so the document cannot be furnished as a claim to prove or justify that one had been to the state before 1951. The mere possession or absence of documents can never be a ground, well justified to approve or deny someone of their citizenship. The fact that these immigrants have been settled in the state without indulging into activities that jeopardize the security and prospects of peace are reasons enough to not ‘kick them out’ of the state as the Assamese demand. In fact, if thoroughly analyzed, the insurgent activities in the state of Assam have been primarily undertaken under the behest of the ULFA, the United Liberation Force of Assam an Assamese militant group often indulging in militant activities, the recent one being the bomblast in Assam in 2018 protesting against the citizenship amendment bill of 2016.¹³⁰

The Assamese nationalism, in its most aggressive form found expression through extremist organizations such as the United Liberation Front of Assam (ULFA). Baruah argues that the agitation gave rise to the term ‘ethnic Assamese’, a term that was non-existent in the pre-1979 era when all the people of Assam were considered Assamese.¹³¹ He cites Abner Cohen to state that this was a process by which a culturally invisible elite group became culturally visible. As it lost hegemonic influence, it began asserting itself as a separate group. “The Assam movement

¹²⁹ Roychoudhury, Anil. 1981. National Register of Citizens, 1951. Vol 16(8) Economic and Political Weekly. Pp267-68.

¹³⁰ <https://www.thehindu.com/news/national/other-states/has-citizenship-bill-made-ulfa-i-relevant-again/article25592184.ece> as accessed on 25.02.2019.

¹³¹ Barua, Sanjib. 1999. India against itself: Assam and the politics of Nationality. New Delhi: Oxford India Paperbacks. P 129

ethnicized the Assamese, as the state's 'immigrant' organizations and 'plain tribes' organization began challenging their authority to speak for Assam and its people", Baruah writes.¹³²

The issue of self determination has been the cause of all the conflicts in the state, the self refers to the Assamese, the other, all the other linguistic minorities, the Bengalis, the Nepalis who were brought in as workers by the Britishers. The perception that the Assamese identity will be lost or overshadowed under the presence and 'burden' of the Bengali population does not hold ground and hence, the violence, the inhumane massacres are out rightly wrong and erroneous. What the Assamese people, have time and again while asserting their identity in the state have forgotten that, their identity assertion is resulting in the identity crisis of the victims, and, in most cases, the outright rejection and oblivion to the identities of the tribal's like the Bodos in the state. Instead of recognizing the linguistic and cultural diversity of its population and also preserving it, the Assamese chauvinism has guided them to suppress it through the process of imposing a homogeneous identity. The demand for Bodoland, a secessionist demand raised the Bodo tribes in Assam can be attributed as the result of the imposition of this homogeneity. While immigration in Assam is a reality, attempts to resort to violence and massacre and forceful assimilation can never bring about a plausible solution to this problem.

The genocide in Assam has taken as hostages the minorities in the state. Only through the proper reconciliation and recognition of the demands of the minorities in the same would bring the ever boiling situation of us and others in the state to a halt. While the Assam movement was all about the protection of the Assamese language, culture and identity and also the prominent status of the Assamese as the indigenous population, the sons of the soil, it turned a blind eye to the plight of the linguistic minorities residing in the state, the hardships they have to face and the alienation they are subjected to based on their identity. While there have been numerous calls for the need to protect the Assamese language and also its people, in the form of safeguarding them, the systematic violence meted out against the minorities, forcing them to give up their identity never received the kind of attention that it should have. Thus, the decade old divide between the different sections of the population still

¹³² Barua, Sanjib. 1999. *India against itself: Assam and the politics of Nationality*. New Delhi: Oxford India Paperbacks. P 129

remains, since, assimilation, as a solution was never attempted rather was replaced by forceful assertion of the dominant identity over the minorities.

Assam may be considered as the periphery within India. The region which remained closely connected with the rest of India under the British rule performed the task of a periphery region by providing the Britishers with both raw materials and finished goods. The Assamese nationalistic assertion was a post independence phenomenon which was marked by the mainstream-marginalized binary with the Assamese speakers considering themselves as the indigenous population, the mainstream population within Assam, while the Bengalis, the marginalized were the outsiders. The Assamese had always nurtured a sense of pride among themselves considering them the followers of Sankardeva, the founder of the Bhatia movement and they considered their culture and language as being part of this great tradition.

“ We, Assamiyas, are a distinct nationality(jati) amongst Indians. Though our language is Sanskrit base, it is a distinct language. A rising nationality shows signs of life by way of extending domination over others. Alas! It is otherwise with us; we are incapable of self defense today! We are not only dependent, but even a dependent neighbour is trying to swallow us, taking advantage of our helplessness. Brother Assamiya! Recollect your past glory to have an understanding of the present situation” . This was Tarunram Phukan’s, statement in the year 1927 while addressing the conference of the Asam Sahitya Sabha.¹³³

Possibly, it is with this inherent superior feeling that the Assamese turned a blind eye to the presence of all other ethnic groups in the state and began asserting their dominance in every way possible. Seeds of linguistic chauvinism that has displayed its full potential in contemporary times, were sown decades ago. This ill feeling has not died down in contemporary times as well. “Save the nation, save identity, let’s take an oath- no food, no job, no shelter to Bangladeshis. Start a complete economic blockade to illegal migrants” was the message in the wake of the 2006 assembly elections in Assam, Upadhyay writes.¹³⁴ This message was used to mobilize the masses to boycott the masses. The Yuva Manch, she asserts, had a four point agenda:

¹³³ Guha, Amalendu. 1980. Little Nationalism Turned Chauvinist.:Assam’s Anti-foreigner upsurge, 1979-80. Vol 15(41/43). Economic and political weekly. P 1703.

¹³⁴ Upadhyay, Archana. 2005. The ‘Infiltrator’ Issue. Vol 40(28). Economic and political weekly. P 3002.

no employment to be given to the illegal migrants for household work, residents should not travel in the vehicles driven by them, not to do business with them and houses should not be rented to them. This drive resulted in the forceful leaving of houses of almost 15000 workers of Bangladeshi origin, mostly labourers, rickshaw pullers and construction workers.¹³⁵ Such is the hatred; such is the insecurity that preceded humanitarian needs and concerns.

Assam, being a multicultural, multiethnic and multilingual state could never devise a strategy that encouraged a full fledged integration and assimilation of the various ethnic, linguistic and cultural groups. Assam, while accusing India of treating the state as a periphery, fails to note of the fact that within Assam, a kind of core periphery relation exists in terms of identity between the Bengalis and the various tribes being the periphery and the Assamese being the core, whereby the micro needs and aspirations of the periphery have always been subverted and neglected. In fact, it is this neglect and outright rejection of the periphery identities that has caused the problems of in Assam. Assam's desire of forming a homogeneous society consisting of the indigenous population led to its growth of suspicion and a feeling of hatred towards the distinct elements in the state, the Bengalis to be particular, and this has always resulted in Assam considering them as outsiders and foreigners. While the problem of illegal immigration can be stopped by strengthening security measures, Assam has decided to adopt a different route of getting rid of them by ostracizing them, inflicting violence upon them and most recently, with the NRC updation exercise, has decided to create an atmosphere of fear in the state by giving out a call that all post 1971 migrants will be detected and expelled. In the name of making Assam a land of the Assamese, what it is forgetting is the fact that the post 1971 migrants have been living for over decades now, well assimilated with the larger society, and hence, detecting them and deporting them, a means decided upon almost three decades back through the signing of the Assam Accord, will bring nothing but misery and panic in the lives of the victims. What it needs to do instead, is to ensure that borders are fenced, security is heightened and tightened so that no further influx happens rather than throwing out the already settled population in the state targeting

¹³⁵ Upadhyay, Archana. 2005. The 'Infiltrator' Issue. Vol 40(28). Economic and Political Weekly. P 3002.

mostly the Bengali speaking community, a community it has always despised and doubted. Therefore, the conundrum of Assam is not the illegal immigration issue, rather the issue of insecurity, anxiety which forces Assam to forget the ethnic, linguistic and cultural mosaic of the state and resort to the means of forceful assimilation or uprooting.

Migration to Assam was not a cakewalk for the migrants; it brought along with it its own share of problems. Several migrants, especially the coolies and cultivators and peasants lost their lives while cleaning the dense forests in Assam inhabited by wild animals, affected by malaria and also during the period when black fever engulfed certain pockets of the state. The peasants from East Bengal did bring about positive changes in the economy cannot be overlooked and ignored. The Zamindars of Goalpara and other landlords encouraged these cultivators to settle down in Assam because they were skilled with superior cultivation techniques.¹³⁶ It was only because of their hard work and their agricultural skills, the productivity in Assam of rice increased drastically. In fact, these migrants also introduced Assam to a variety of cultivation including jute, which was unknown to Assam, while being a major source of income for the Britishers in Bengal. Hence, it would not be wrong to say the migrants gave their blood and sweat to make Assam economically prosperous, and therefore were the biggest contributors of the economy of the state from then, till now because, the Assamese owned land, but employed the migrants who provided cheap labour to accrue profits for the owners. Therefore, to satisfy the labour needs, the migrants are exploited and while asserting concerns about the security of the state against these ‘outsiders’, they are again the first ones to be targeted. Therefore, they are used to serve the interests of the local population while at the same time being under the attack for their immigrant status. Walter Fernandes, in this regard, notes that the local need for cheap labour and services provided readily by the immigrants who take up manual jobs like barbers, shoe makers and as unskilled manual workers serves as a pull factor for immigration in Assam as construction workers capitalize the cheap labour provided by them. Apart from this, the landowners in the state also employ Bangladeshi labourers to cultivate the land they own. “According to a news item, the main bidders for the Bogibeel bridge contract in upper Assam were two organizations formed by former AASU leaders who were in the forefront of the agitation against

¹³⁶ White Paper on Foreigners’ issue: 2012. P 5.

immigrants. However neither organization was ready to give an undertaking that it would employ only Assamese workers, because immigrants were ready to work for very low wages.”¹³⁷ This shows that the forerunners of the movement which demanded the expulsion of the illegal immigrants and carried out a saga of inhumane violence upon the suspected immigrants has now taken an extensive shift from its ideological standpoint that regarded the illegal immigrants as gradually consuming the economy of Assam and making the Assamese a minority in their own land, to a position where such labour force is being used to serve their interests. Probably, the need for economic gains results in forgoing one’s ideology, which clearly seems to be the case in this incident. Factors like poverty, resulting from lack of substantial land for cultivation, landlessness also resulted in migration to Assam which attracted such population with its fertile land.

The influx of people in Assam can only be stopped with the creation of strong borders and an even stronger surveillance. Identifying and deporting those who have been settled here primarily to feed themselves and their families, since the countries concerned are poor and also to save themselves from persecution and violence, can never be a solution to stop migration. Also, the fear that brews in the minds of the Assamese population that their land is being swamped by these ‘foreigners’ or their employment is affected because of them does not hold any ground because these migrants live in extremely poor and deplorable conditions since they are often treated with suspicion and they mostly take up all sorts of manual labour work to feed themselves- most of them work as rickshaw pullers, construction labourers etc, jobs which the Assamese are not interested in performing, and hence the notion that they are marginalized in the land they live in doesn’t hold true. Also, migration in Assam has also been the result of several natural calamities and it should be in the interest of the government to provide shelter to these victims not on security but solely on humanitarian grounds. Instead of inflicting torture upon these people, concerted efforts should be made to increase the economic opportunities for the population as a whole. Also, in the case of Assam it is imperative to point out that, people who do not belong to the umbrella of uniformity in terms of language and culture and lifestyle as

¹³⁷ Fernandes, Walter. 2005. ILLEGAL MIGRANTS DETERMINATION BY TRIBUNALS Act and Immigration in North Eastern India. Vol 40(30). Economic and Political Weekly. P 3239.

has been created by the Assamese population, should not be seen or considered as foreigners.

The major discourse in Assam today is the illegal Bangladeshis versus the indigenous narrative. What this discourse seeks to do is, deny others their rights while trying to assert and save their own. By referring all those individuals in Assam who do not share the same linguistic and cultural similarity, as illegal's, the Assamese society is not only dehumanising them, but also reducing their existence to the level of criminals. The immigrants in Assam, who came in due to a variety of reasons-survival, subsistence or fear of violence and victims of hatred, did so, in search of a safe shelter, and not with a criminal bent of mind. However, the current discourse in Assam which brands anybody who speaks ' Bengali' as an 'illegal' or as a 'foreigner', violates the principles of tolerance and accommodation and displays the inherent linguistic chauvinism. Assam needs to find a more humane way of upholding the dignity of the 'others' while trying to protect its own rather than trying to ascertain the legality of these 'others'.

Chapter 2: Genesis of the Assamese Bengali Divide in Assam.

The colonial rulers shaped and reshaped the boundaries of Assam in such a way that the population of the state became a conglomeration of several ethnic and linguistic groups. The Assamese-Bengali divide dates back to the colonial era when the British pattern of administration opened up the prospects of employment in the form of administrative jobs like those of clerks, lawyers, teachers, doctors etc, which were mostly performed by the English educated Bengali men since, they fruits of colonialism were first experienced by them. The Assamese, in contrast, remained quite backward in this regard, since, they did not have the required education to fulfil the criteria of the Britishers. Thus, the Bengali men were the obvious choice of the Britishers. This sowed the seeds of frustration in the minds of the Assamese who gradually started developing a feeling that the jobs were steadily captured by the Bengalis which was perceived as a threat. However, this divide was initiated by the Britishers because; it was under the colonial patronage that migration began which resulted in the inflow of the educated Bengali men to Assam. The migration of peasants and cultivators to transform the virtually dead economy of Assam also intensified the growth of this hatred. These peasants and cultivators were mostly Bengali Muslims from East Bengal who were brought in to the state as they were highly skilled in agricultural techniques, yet, the presence of tiny lands owing to huge population in East Bengal, turned them into landless farmers, who gradually started their journey towards Assam, a hub of wastelands which required proper cultivation to transform itself into a agriculturally prosperous region.¹³⁸ However, the journey towards achieving this end was not easy and these peasants and cultivators had to toil extremely hard to transform the economy of the state. With time, these peasants gradually began to settle down in different parts of Assam and the Assamese considered this an impediment since, it was believed that their lands were captured by these cultivators. With such an influx of the Bengali population, the linguistic distribution of the state became such that the number of Bengali speakers were higher than the Assamese speakers, and this made the Britishers introduce Bengali as the

¹³⁸ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947. New Delhi: People's Publishing House. P-13.

official language of the state between 1836 to 1874,¹³⁹ which came as a bolt from the blue for the Assamese since they were opinion that it was under the insistence of the Bengalis that such a decision was adopted by the colonial rulers. The threat of losing their culture and identity and most importantly, their language started developing in their minds, the manifestations of which began in the post colonial period when the Assamese came in charge of power after the transfer of Sylhet from Assam to Pakistan since it drastically reduced the Bengali speaking population in the state. It would not be wrong to point out that the seeds of hatred nurtured under the colonial rule, ultimately germinated in the post Independence era. This divide, a colonial creation happened mostly along the lines of employment, which gradually shifted to the issue of possession of land and ultimately to protection of their culture and identity. While it is true that the fear psychosis developed as a result of the influx of population holds a ground, it should also not be forgotten that the Assamese population, since the colonial era have been extremely reluctant to take up work that required toiling hard, since, they nurtured a perception that since, they are the landowners in Assam, hard work is not their occupation.¹⁴⁰ But, the problem arose when the same jobs were offered to the outsiders¹⁴¹. The problem, particularly with the Bengalis arose after the implementation of Bengali as the official language and medium of instruction, since, the Assamese were not ready to accept the imposition of a foreign language, a language considered as a symbol of cultural hegemony upon them. However, it is ironical that when the Assamese became the bearers of political power they inflicted the same regulations upon the Bengalis which they had once upon a time resisted. The competition for recognition existed in the minds of the Assamese as a result of which, the prosperity of the Bengalis under the colonial administration were not accepted with élan by them, instead became a vengeful issue.¹⁴² The Partition of Sylhet in 1947 and the subsequent influx of the Bengali Hindus back to Assam following periods of communal hatred directed against them put an end to the honeymoon period of the Assamese, since, with the incoming of the refugees, the threat and fear of being overshadowed by the Bengalis again developed,

¹³⁹ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947. New Delhi: People's Publishing House. P 22.

¹⁴⁰ Ibid.. P-13.

¹⁴¹ Ibid p 58.

¹⁴² Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar. P 190.

this time, on both cultural and economic lines. The merger of Sylhet with Assam in 1874 from Bengal, despite the repeated pleas of its population against such a decision, made it absolutely clear that the Britishers were interested in pursuing their own interests in the state at the expense of the interests of the others which has also played a very crucial role in the formulation of the ethnic and linguistic divide in the state.

The English education of the refugees made it easier for them to get into jobs as opposed to the Assamese people and this made things worse.¹⁴³ If one looks at it from a practical point of view, such a feeling of hatred directed towards this community seems unjustified, because, the Bengalis did not act as impediments in the path of education of the Assamese; and since, the British rule spread its wings from Bengal, it was quite natural that the opening up of the horizons of modernity would first take place in this particular region. The Britishers, did not initially set up schools and colleges in the state of Assam after its annexation by them, mainly because, it was a long and tedious process, and, secondly, because of the availability of work force, which suited their interests. Hence, this negligence was based purely on the inherent interests of the Britishers and not on any sort of manoeuvrings. Therefore, it was under the colonial rule that the Bengali dominance began in Assam; they held the professions created by the Britishers, their language was widely used in the state and their numerical and educational strength became more pronounced in the state.

This divide took an ugly turn because, the pride of one's own language and culture is quite common to every community and individual. However, only when such pride becomes manifested with a feeling of contempt for other cultures, identities and languages, the real problem begins. It is precisely because of this reason that the bitterness between the two linguistic communities in Assam remains and the Bengali speaking community has been facing the wrath of such bitterness on several occasions. The anti-Bengali hatred has been able to gather widespread support of the masses from Brahmaputra Valley since it has an emotive appeal to it and also because it focuses on the sensitive issues like that of the development of the Assamese language and culture. One of the major bones of discord between the two communities in Assam has been over the issue of language which can be traced to the

¹⁴³ Bhattacharjee, Tanmoy. 2006. *The Sylhet Referendum: the story of a lost territory*. Vicky Publishers: Silchar. P 70.

colonial era as has been discussed above. The British policy of divide and rule, created a problem that the state still continues to endure since, there has not been any mutually acceptable solution in this regard.

The twentieth century saw the dawn of education among the Assamese and the subsequent growth of the Assamese nationalism wherein, the educated Assamese youth reacted sharply against the threat of the linguistic identity. It is true that the Assamese language was suppressed from the period between 1836-1871, which caused the resentment in the minds of the Assamese. However, since 1873, the Assamese language emerged as an independent language duly recognised by the colonial rulers. However, this could not satisfy the Assamese since the continuation of the Bengali language on the same plane, made them anxious about the restoration of their ethnic identity. This also resulted in the intensification of the divide in the sense that the educated Assamese began to feel that they were underprivileged, unrepresented under the burden of the Bengalis in Assam. Hence, they did not leave any stone unturned to assert their dominance in the state, in most cases, by adopting measures that were violent and displayed an extreme portrayal of chauvinism. The feeling of hatred, although a colonial construction, came down heavily upon the target community since, the seeds of discontent

“Outside Assam, an Assamese is one who lives in Assam whatever may be his mother tongue. In Assam, however, Assamiyas or Assamese are those who speak Assamiya and live in the six districts of Brahmaputra Valley. The non- Assamese are those natives of Assam who live in the remaining five districts of Assam and whose mother tongue is not Assamiya or Assamese.”¹⁴⁴ Hence, this exclusionary mindset provided the bedrock for the creation of a kind of marred relationship between the two communities in the state following which, peaceful assimilation has always been a problem.

Partition and the formation of Sylhetti identity in Assam:

Indian Independence came on the midnight of 15th August coupled with the partition of Sylhet which was part of Assam and its assimilation with Pakistan on the basis of a referendum that happened on a gloomy rainy day in July, 1947, wherein the fates and

¹⁴⁴ Chakravarty, K. C. 1960. *Bongal Kheda Again*. Economic and Political Weekly. Pp 1193-1195.

destinies of several individuals were decided without even consulting them and who did not have the slightest idea about the impending change that it would bring about in their lives, henceforth. To some, it came as a gift, while for many others; it meant a loss of their homeland leaving behind their sweet and bitter memories and their lives, they became aliens and foreigners in the land where they had been living for generations.

The rift between the Brahmaputra Valley and Surma Valley (present Barak Valley) had surfaced even before the advent of Indian independence and it was quite natural that Brahmaputra Valley wanted to get rid of Sylhet, which, it perceived was a major thorn in its path of achieving development and creating a land solely inhabited by the Assamese speaking population since, the majority of the population in Sylhet were Bengali speakers which inevitably fuelled the age old linguistic animosity in the minds of the Assamese speaking population that under the burden of the Bengalis, they were likely to become minorities in their own land.¹⁴⁵

The Bengali Hindus of Sylhet lamented the decision of the referendum while the Bengali Muslims rejoiced the decision.¹⁴⁶ Hence, the communal colour shaped the destinies of innumerable individuals.¹⁴⁷ The Bengali Hindus of Sylhet, not only lost their identity, but also their land, status and asset, the pangs of which continue to haunt them. Those who migrated to India after being persecuted along religious lines, left behind all their possessions while, all those who continued to stay back had to bear the brunt of the situation. In fact, the situation continues till date, wherein the Bengali Hindus settled in Sylhet, have to face the fury of the majority Muslims in the country since, Bangladesh is a predominantly Muslim country. They have learnt to silently adapt themselves to the lack of security that they continue to experience in the country.

Surma valley, which, before independence included Sylhet; after the referendum came to be known as Barak Valley consisting of the three districts of Cachar, Hailakandi and Karimganj which was a fragment of Sylhet that was left behind in Assam during the referendum while the remaining portion of Sylhet was merged with East Pakistan.

¹⁴⁵ Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar. P 61.

¹⁴⁶ Ibid. P 62.

¹⁴⁷ Ibid

Barak Valley constituted the eastern part of Surma Valley, while in Assam; it lies in the Southern part of the state.¹⁴⁸ The referendum changed the course of the social, economic, cultural and political dynamics of the state of Assam the undercurrents of which can be experienced to this day.

Sylhet, which was part of Surma Valley, was attached to Assam as early as in 1874, under the colonial administration primarily for economic gains since, pre colonial Assam was a sparsely populated land marked by the presence of dense forests, jungles, wild animals and swamps with no vegetation.¹⁴⁹ Assam was an unknown valley during that era and thus, with the merger of Sylhet, a new administrative province of the Britishers were formed with its headquarters based in Shillong. Cachar of Barak Valley was also merged with Sylhet to Assam.¹⁵⁰

The British conquest of Assam was followed by the establishment of tea industry which required man power which was absent in Assam and hence, had to be brought from Bihar, Bengal, Orissa, Chotanagpur, Madhya Pradesh, which had dense population and provided cheap labour.¹⁵¹ The Britishers also required the presence of workforce to carry out the administrative activities in the region. This influx of population was distributed in both Brahmaputra Valley and Surma Valley as tea garden labourers who gradually became a substantial part of the population in Assam.¹⁵² However, it is alleged that these tea tribes, were not allowed to vote in the referendum that was held in 1947, which had far reaching impacts of the outcome of the referendum.¹⁵³ It is believed that the tea garden votes would have helped retain Sylhet within Assam.¹⁵⁴ The opinion of Assam regarding the fate of Sylhet, was basically the opinion of the Assamese speaking Brahmaputra Valley.¹⁵⁵ These Assamese speakers had developed an inferiority complex and felt that they were underprivileged and exploited in the presence of the Bengalis in Assam and this sentiment and psychosis gradually took the form of a kind of sub nationalist sentiment in the minds of the Assamese which came to be manifested in several forms in the

¹⁴⁸Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar p 271.

¹⁴⁹ Ibid 66

¹⁵⁰ Ibid, p 66

¹⁵¹ Ibid pp 67.150

¹⁵² Ibid

¹⁵³ Ibid pp 153, 255

¹⁵⁴ Ibid

¹⁵⁵ Ibid p 68.

post colonial era. The valley consciousness of the Assamese speaking population always played a significant role in the referendum since, they were against the retention of Sylhet within Assam. The credit or discredit of developing this mindset would go to the colonial rulers, since, it was under the colonial patronage that migration begun in Assam, predominantly from East Bengal, which gradually changed the demography of the state. In fact, the attaching of Sylhet with Assam by the colonial rulers also resulted in a sharp rise in the Bengali speaking population in Assam. Under the colonial rule, the English educated Bengalis were given the chance to carry out the administrative and other activities of the Britishers, and accordingly, influx of educated Bengalis began in the region¹⁵⁶. This prompted the Britishers to make Bengali the official language of Assam which further intensified the divisive mentality of the Assamese speakers who began to perceive the Bengalis as possible threats.¹⁵⁷ Thus, the colonial set up perpetuated the growth of the Assamese Bengali divide in Assam, a problem that still continues to plague the state. With the gradual development of the British foothold in Assam, colonial administration also developed and subsequently the communication system too started to flourish.¹⁵⁸

The Assamese perception of fear and threat also rested on the proposition that the number of Bengalis were too high as compared to the Assamese speaking population¹⁵⁹ and the only way in order to ensure that the political hegemony of the Assamese retains, was the transfer of Sylhet, in the presence of which, such a hegemony would become impossible to attain. The inclusion of Sylhet and Cachar, two primarily Bengali speaking regions within Assam followed by the immigration of a large number of Bengalis under colonial patronage to inhabit the huge tracts of wastelands in Assam were reasons enough for the Assamese to consider that their distinctiveness was under threat and hence a kind of estrangement with the Bengalis, whom the Assamese considered as the ‘outsiders’ could be witnessed.¹⁶⁰ Even within Sylhet, the communal factionalism was very active and hence, the Muslims within the province favoured the decision of Sylhet being a part of Pakistan, a Muslim majority

¹⁵⁶ Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar p 70.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid p 73.

¹⁵⁹ Ibid p 75.

¹⁶⁰ Ibid p 84.

country while the Hindus were never in agreement.¹⁶¹ In fact, the integration of Sylhet with Assam from Bengal was severely resented by the Hindus since, they felt more aligned with the language and culture of Bengal and integration with an alien province like Assam was nothing short of a kind of alienation for them.¹⁶² Several requests and pleas were made before the colonial administration to put a halt to this separation, which, however fell into deaf ears.¹⁶³ Hence, the fractured identity of the Bengalis continue to develop right since the time when it was integrated, forcefully with Assam only to satisfy the economic desires and aspirations of the Britishers. The sense of hatred towards the Bengalis was so high that, Ambikagiri RoyChoudhury, a poet and freedom fighter in Assam, declared, “ it is our definite opinion that whatever sense there has been retaining Sylhet as a whole in Assam, there is no justification whatsoever in the Cachar and Sylhet leaders trying to retain a few Hindu majority thanas of the district within Assam. There is little cause in retaining the junior partner of Sylhet-the Cachar plains, at any rate the Hailakandi Subdivision, in Assam”¹⁶⁴.

Hence, it is well understood that the valley jealousy was so prominent as to reject human emotions and this hatred played a pivotal role in deciding the boundaries of Sylhet and the fate of the Bengalis in the region. The result of the Sylhet Referendum has, undoubtedly rejoiced by the Brahmaputra Valley since, expulsion of Sylhet from Assam was their long term desire which was ultimately fulfilled at the cost of the exclusion of the Sylhetis from their motherland.¹⁶⁵ The nationalistic consciousness of the Assamese speakers in Brahmaputra Valley developed under the colonial administration and they began to identify themselves as the forerunners of the region they were living in, solely on grounds of their language and culture which, they considered as the indigenous elements in the region. The Muslims in Sylhet were of the opinion that they would become a minority if Sylhet is retained within Assam since, the Hindu population of the state was likely to outnumber them which, however could be averted if it is joined with Pakistan, a predominantly Muslim majority

¹⁶¹ Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar p 86.

¹⁶² Ibid.

¹⁶³ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947. New Delhi: People's Publishing House. P 27.

¹⁶⁴ Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar.p 90.

¹⁶⁵ Ibid. P 101.

country.¹⁶⁶ Hence, this fear psychosis also played a veritable role behind the shaping of their ideas regarding the referendum. This, there was a divergent opinion among the two sections of the population on the referendum, which gave Mohammad Ali Jinnah, the much needed opportunity to manoeuvre the public opinion of the Muslims in his favour.¹⁶⁷

The then leader of Assam, Gopinath Bordoloi, supported the idea of Sylhet's merger with Pakistan keeping in tune with the interests of the Brahmaputra Valley while ignoring the cumulative interest and fate of Assam as a whole.¹⁶⁸ Hence, the presence of sectarian politics in Assam clearly could not escape the eyes of the Britishers who, used it to satisfy their vested interests. The intense desire of the Assamese speaking population to assert their linguistic dominance which, they felt would be contested in the presence of the Bengalis, was manifested in the form of their support towards the referendum, as a means to achieve their goal of having a linguistically and culturally homogeneous state of Assam, since they deeply resented the presence of the Bengali Hindus from Sylhet in the administration of the state, a phenomenon that gained momentum under the colonial administration.¹⁶⁹ Hence, the Bengali Hindus were betrayed at the wake of the referendum, not only by their Muslim fellowmen from Sylhet but also by the region they had been staying in for so long.¹⁷⁰ The deep wounds of betrayal could never wither off.

The referendum was held in order to ascertain the views of the people regarding the fate of Sylhet; whether it remains within India in Assam or it is transferred to Pakistan. Sylhet, with its Bengali speaking population was considered as a major hindrance in the path of developing a political hegemony and this political consciousness was a post colonial development in Assam.¹⁷¹ Moreover, there also lurked a feeling that Assamese as a language would not receive its due recognition in the presence of the Bengali speaking district of Sylhet and thus, supported the idea of partition of Sylhet from Assam. It was purely along communal lines that the partition of Sylhet took place and it can be regarded as the extension of the two nation theory

¹⁶⁶ Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar p 106.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid p 175.

¹⁶⁹ Ibid..p 190

¹⁷⁰ Ibid p 180.

¹⁷¹ Ibid p 248.

of Jinnah. However, the major aftermath of the referendum was the mass exodus of the Bengali Hindus from Sylhet, who were subsequently settled in Barak Valley, thereby shaping the identity of this Valley¹⁷². However, the trauma of this displacement, the feeling of loss has not left their minds and hence, Barak Valley developed its Sylhetti identity, primarily because of the settlement that followed the referendum wherein the population held on to their traits while still searching for their roots in the alien land.

The results of the referendum were such that 239619 votes favoured the decision of Sylhet's merger with Pakistan while 184041 votes were against this decision.¹⁷³ Thus, a margin of 55578 votes decided the fate of Sylhet¹⁷⁴. However, it is still lamented by the survivors of the partition that if the tea garden workers were allowed to cast their votes in the referendum, the results would have been different.¹⁷⁵ ¹⁷⁶The tea tribes were considered alien to Assam since they were immigrants and hence, no questions were raised regarding keeping them out of the voting procedure.¹⁷⁷ However, what was overlooked was the fact that the tea tribes had been settled in the region as early as the colonial rule and they had become well assimilated into the society and formed a major part of the population of the state. But, nonetheless, the results were rejoiced by the Brahmaputra Valley since they were finally relieved from the Bengali burden that was associated with Sylhet which paved the way for the Assamese speaking Brahmaputra Valley to attain a linguistic majority in the region and a subsequent access to political power.¹⁷⁸

The referendum, which decided the fate of innumerable individuals, was an event that happened in haste and the thought as to whether the majority votes of 55 thousand people was a logical enough to apprehend the future of a region still remains.¹⁷⁹

The Radcliffe line demarcated the boundary between Assam and Sylhet and regarding this, he announced that, “ a line shall be drawn from the point where the boundary

¹⁷² Ibid p 207.

¹⁷³ Ibid p 255

¹⁷⁴ Ibid.

¹⁷⁵ Interview of Mrs. Sumitra Dutta in Silchar on 22.03.2019.

¹⁷⁶ Op cit pp 250, 255.

¹⁷⁷ Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar.p 253.

¹⁷⁸ Ibid p 255.

¹⁷⁹ Ibid

between the thanas of Patharkandi and Kulaura meets the frontiers of Tripura state and shall run north along the boundary between those thanas, then along the boundary between the thanas of Patharkandi and Barlekha, then along the boundary between the thanas of Karimganj and Beani Bazar to the point where the boundary meets the river Kushiara. The line shall then turn to the east taking the river Kushiara as the boundary and run to the point where the river meets the boundary between the districts of Sylhet and Cachar. So, much of the district of Sylhet as lies to the west and north of this line shall be detached from the province of Assam and transferred to the province of East Bengal. No other part of the province of Assam shall be transferred. “¹⁸⁰

The remains of Sylhet in Assam and the part of Sylhet that was transferred to Pakistan, both suffered. The partition of Sylhet ultimately became a communal game where the Muslims lamented because three and a half thanas remained back in Assam, while the Hindus lamented for losing everything.¹⁸¹ June 1947, which sealed the fate of Sylhet was an eventful month. Independence was knocking the doors and the partition was about to happen.¹⁸² Millions of helpless souls had to forgo their hearth and homes and became homeless refugees overnight in the wake of the inhuman atrocities that followed this socio-political developments that the country was undergoing. The bloodbath that the country witnessed in the wake of the independence has not left the minds of the people, the bitterness and resent of which still exists.¹⁸³ With independence, the change in the attitude of the Assamese people could be witnessed as they were brimming with a new zeal and desire of becoming the masters of their land. The announcement of the referendum came just a few days prior to the doomsday, “A referendum will be held in Sylhet district under the aegis of the Governor-General and the consultation with the Assam Provincial Government to decide whether the district of Sylhet should be amalgamated with the new province if that province agrees.”¹⁸⁴

Bordoloi played a crucial role in the Sylhet referendum because he wholeheartedly supported the decision primarily because, he was of the opinion that with the

¹⁸⁰ Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar p 237.

¹⁸¹ Ibid p 227

¹⁸² Ibid p 225.

¹⁸³ Ibid.

¹⁸⁴ Ibid pp 225-226.

departure of Sylhet from Assam, the Muslim population in the state will be reduced drastically and at the same time, the Bengali population in the state would become marginalised since, it was Sylhet whose presence increased the Bengali speaking population in Assam with its lion's share of Bengali speakers which the Assamese perceived as threats.¹⁸⁵ Thus, the result of the referendum was a clear reflection of the emotional and cultural gulf that existed between the two communities and which was also reflected in the valley jealousy that had subsequently developed. The feeling of insecurity and the resultant fear psychosis that developed in the minds of the Assamese was an outcome of the process of immigration that begun in Assam under the colonial patronage. However, the Sylhet referendum and its result backfired the long cherished dream of the Assamese and Bordoloi since, the partition along communal lines and the transfer of Sylhet in to the Muslim majority theocratic new born nation, Pakistan, was marked by large scale riots and atrocities the brunt of which had to be borne by the Hindu minorities in Sylhet who faced a lot of difficulties in adjusting to the cultural and economic setting of the new land they found themselves in, hence, following the partition, a large exodus of Sylhettis, mostly Bengali Hindus took place in Assam which was not anticipated by Bordoloi.¹⁸⁶ The community he wanted to get rid of, took shelter in Assam after being unable to bear the hardships that the new region had to offer to them and also because the conditions in the new province was not hospitable for them to stay.¹⁸⁷

“They were defined not by what they were- that was uncertain- but by what they were not. They were Indians because they were not Bangladeshis, Hindus because they were no Muslims, Bengalis because they were not Assamese. They clung to their language fiercely, and, yet they were not really Bengali, because they spoke a dialect that aroused only amusement and derision in the real centre of Bengali culture and identity, in Calcutta.”¹⁸⁸

Thus, the Bengalis in Assam who are the Sylhettis, a term, which mainly comes from the very fact that majority of the Bengali speakers in Assam are the refugees from Sylhet, who settled in this region following the partition of Sylhet, suffer from a kind

¹⁸⁵ Bhattacharjee, Tanmoy. 2006. *The Sylhet Referendum: the story of a lost territory*. Vicky Publishers: Silchar p 201.

¹⁸⁶ Ibid p 208

¹⁸⁷ Ibid.

¹⁸⁸ Dasgupta, Anindita. 2008. *Remembering Sylhet*. *Economic and Political Weekly*. 43(31). Pp 18-22.

of identity crisis. They were uprooted in 1947, following which they began a new life in Assam as refugees yet, the rootlessness and despair of displacement continued to haunt them, their identity in Assam continues to be questioned while within the sphere of the larger Bengali community in West Bengal, the Sylhetti identity is made fun of, the 'Bangal versus Ghoti' debate is the most vigorous manifestation of the fractured identity of the Sylhettis in Assam, since, the 'Bangals', the Bengalis from West Bengal consider themselves as the flag bearers of the 'pure' Bengali identity and consider the Bengalis in Assam, the Sylhettis are regarded as the left over's of Bangladesh in India . It needs to be mentioned here that the problem of influx of the foreigners in Assam owes its origin to the separation of Sylhet. This is because only after the boundary lines were drawn between the two provinces following the partition, the influx of population, mainly Bengali Hindus from Sylhet, sought refuge in Assam, after being victims of communal violence on the other side of the border, at different junctures, beginning from 1947 continuing all the way upto 1971 till the formation of Bangladesh. The migration which happened during this prolonged period was primarily a result of communal violence that was a very common phenomenon in Pakistan. Thus, the separation of Sylhet could not put an end to the tensions between the Bengalis and Assamese because the feeling of abandonment could never leave the minds of the Bengalis in Assam. Sylhet was joined to Assam mainly to make it economically viable however, with time; the Sylhetti Bengalis were seen as threats since they were considered as competitors of jobs for the Assamese.

THE CASE OF ASSAM

The Assam government by dint of its politics has created internal colonies in the state. These internal colonies are the three Bengali speaking districts of lower Assam. These districts, not only are poorly connected to the state and the broader nation, but also suffer from widespread unemployment and other barriers to its full fledged development. It is under these circumstances that periodic demands of secession from the state of Assam have been there. The movement for a separate Barak land based on its ethnic distinctness from the broader part of Assam, but such movements have largely remained at the level of submitting memorandums and the occasional non-affecting hunger strikes. Talking from a politico-sociological perspective, the move would be a disaster for the Bengalis living in the state other than the proposed "Barak Land" , they would be further alienated from their cultural roots and probably would

be faced with more abject hardships, both on the physical and mental front, than they are already facing. Not to mention, about the distinct religious underpinning that such an event might have. The move would be a welcoming one for the right wing, as Barak valley has always been a massively polarised region. The reason might be attributed to the largely accepted public discourse about the illegal Muslim immigration. Hindus of the Barak valley have long held the view that the Muslims are the ones who have immigrated illegally and are responsible for the conflict between the Assamese and the Bengali population. During the recent elections in the state, this became a rally point for the government, and no doubt, being supplemented by the widely held communal mentality under a secular cover, the party did a sweep of the entire region.

The roots of the conflict though, lie in the archives of history. The British believed the Assamese language to be a mere dialect of the Bengali language and thus treated it with a pinch of salt. The language was massively underrepresented in the British administration and was a point of take off for the Assamese dissatisfaction. It must be remembered that the Assamese peasantry had a mixed attitude towards the British Raj, as can be deciphered from historical sources. Moreover, to think that the strands of cultural sub-nationalism were evident among all sections of the society would also be equal to holding a prejudiced viewpoint. The British, guided by their beliefs about the Assamese language being a mere dialect, replaced it with Bengali as medium of instruction and administrative language in 1837.¹⁸⁹ This move created a mass dissatisfaction among the Assamese middle class, who had to compete with the Bengali population for administrative positions and jobs. It can be said that the Bengal Renaissance, which had a wide impact on Assam too, had played its fair share in this Assamese Bengali politics. The renaissance gave a huge bolt to the already expanding Bengali domination in the British administration and with the medium of jobs being Bengali in the state; it was only natural that the Bengalis had an upper hand over the indigenous population. Many scholars including Amalendu Guha¹⁹⁰ Hiren Gohain

¹⁸⁹ Guha, Amalendu. 1977. *Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947*. New Delhi: People's Publishing House p 22.

¹⁹⁰ Little Nationalism Turned Chauvinist: Assam's Anti-Foreigner Upsurge, 1979-80, Amalendu Guha, *Economic and Political Weekly*, Vol. 15, No. 41/43, Special Number (Oct., 1980), pp. 1699- 1720

¹⁹¹ have been vocal about the fact the roots of Assamese nationalism very rarely can be attributed to the lower section, but that rather, it was a creation of the middle and upper class, which was in a constant tussle against the Bengalis for government jobs. Though Assamese was reinstated in 1873, the damage was already done and the seeds of conflict were sown. Bengali still remained an official administrative language even after 1873 reform. Bengal, at that time, due to the immense advances it made in the fields of education and social reforms, had a large number of textbooks, which were continued to be used in the schools and colleges of Assam due to the shortage of such material in Assamese. Thus, we can see that even with the decision to reinstate Assamese as the official language, the problematic situations, were never really uprooted from the state.

In 1874, just one year after the language debacle was settled, at least partially, the British raj took another historic decision, in which it annexed the large Bengali district of Sylhet to Assam for purely administrative and financial purposes under the leadership of Lord Northbrook.¹⁹² It is noteworthy in this respect to take cognizance of the huge impact that the move had on the entire demography and symbolism of the state. The people of Assam, who till then, had a notion of distinctness from the dominant Bengali neighbors came in direct contact with the Bengalis. Their complete symbolic purity of Assam being only their land had been ruptured to the very core. Moreover, the Bengali language, which had a huge cultural advantage over the Assamese language, was seen as a danger to the very existence of the Assamese language. These fears, when coupled with the competitive job market, and the population dynamics which, with the annexation of Sylhet showed that the Bengalis would outnumber the Assamese in a matter of years, created more discontent among the indigenous masses.¹⁹³ As Guha points out in his book, 'From Planters Raj to Swaraj' Assam historically being a land of minimum resources and development, conflicts based on ethnicities and language were bound to erupt.¹⁹⁴

THE SYLHET REFERENDUM AND THE POST-PARTITION VIOLENCE

¹⁹¹ Worse Times Ahead, Hiren Gohain, Economic and Political Weekly, Vol. 15, No. 50 (Dec. 13, 1980), pp. 2076-2078

¹⁹² Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar P 71.

¹⁹³ Ibid. p 75.

¹⁹⁴ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947. New Delhi: People's Publishing House.

The conflict took a whole new dimension during the partition of 1947. The Assam Congress made it clear that they wanted Assam to be organized on the basis of Assamese language and not other geographical and administrative constraints. Assam, which then also contained the Bengali districts of Surma Valley and the entire Sylhet district of erstwhile Bengal, was adamant on ousting Sylhet and Cachar from Assam. Gopinath Bordoloi, the charismatic leader from the state, even did not want to go for a referendum but a direct transfer. Sylhet, which was a communally charged region because of its religious demography, was caught midway.¹⁹⁵ In the same tone, the Muslims from Sylhet too did not want to remain in Assam but rather they wanted to move to Pakistan.¹⁹⁶ The situation was further complicated when Jinnah expressed his desire for the entire Assam and not only Sylhet.¹⁹⁷ The period might also be taken to be the first instance when Assamese regionalism came in direct conflict with the Bengalis.

Amidst all these, The Sylhet referendum was declared on the 3rd of June, 1947 following which there erupted a massive power and communal politics primarily between the Muslim League and the Congress.¹⁹⁸ While the Muslim league, held to the viewpoint that Sylhet should remain attached to Assam and not be transferred to west Bengal because of the electoral importance that the Muslim community held in the state because of their numbers, the congress leadership of the Brahmaputra Valley wanted to get rid of Sylhet and Cachar at any cost.¹⁹⁹ A dissenting view came from the Hindu leadership of Sylhet which wanted its annexation to west Bengal.²⁰⁰ The referendum though, went ahead and subsequently Sylhet remained in East Pakistan while a truncated Surma valley with Cachar, Hailakandi and three and a half thanas of Karimganj remained in Assam. The Sylhet referendum over the fate of Sylhet was sealed with 239619 votes going for East Pakistan as opposed to the 184041 for Assam.²⁰¹ The referendum period saw widespread communal tensions as a result of

¹⁹⁵ Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar p 197.

¹⁹⁶ Ibid p 75.

¹⁹⁷ Ibid p 197

¹⁹⁸ Ibid p 149.

¹⁹⁹ Ibid. pp 106, 107, 201.

²⁰⁰ Ibid

²⁰¹ Ibid.. P 255.

which the government at that time, was forced to apply the “Assam Disturbed Areas Ordinance, 1947” in Cachar, Habiganj and several other Bengali speaking districts.²⁰²

The referendum, though widely forgotten from public memory, exposed the inherent mix of linguistic and religious overtones in the politics of the region. During those tumultuous times, the fragments of conflict and internal struggle within the congress came out in the open in the region for the first time. Of course, such differences also played a major part in the subsequent language struggles of the Bengali community in Assam, which we shall see in the paragraphs to follow.

Immediately after independence in 1947, Bordoloi declared Assamese to be the official language of Assam as well as the medium of instruction in all the schools and colleges of the state.²⁰³ Eminent politicians like Ambikagiri Roychoudhury of the “Jatiya Mahasabha” were of the opinion that they did not want to create disturbance but rather wanted the minorities to adopt the Assamese language and culture or else peace would not be restored.²⁰⁴ It was one of the most blatant shows of proto nationalism that had been shown in Assam till that time. The amount and extremity of violence was of such that the Bordoloi government, which by then had firmly established its agenda of ‘Assamisation’, was forced to put the disturbed areas ordinance over the entire state in 1950 to control the violence.²⁰⁵

The period also saw calls given for “**Bongal**” **kheda** at Guwahati. Bongal kheda was an Assamese term for ousting the Bengalis. It should be mentioned that the term “Bongal” at that time grossly appropriated all the non- Assamese at that time. Post partition, there came a stir of physical confrontations between the two communities with the instances of violence which erupted in Guwahati over the language issue resulting in attacks on Bengali railway workers and looting of Bengali shops. The state government at that time though rejected all these claims as false. The violence meted by the Bengalis forced the political leaders of Silchar to organise a massive public meeting in Silchar against the chauvinistic regionalism practiced by the Assam government. Even the offices of Calcutta based newspapers like the ‘Anandabazar

²⁰² Bhattacharjee, Tanmoy. 2006. The Sylhet Referendum: the story of a lost territory. Vicky Publishers: Silchar. P 255.

²⁰³ Bhattacharjee, Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi. P 122

²⁰⁴ Chakravarty, K. C. 1960. Bongal Kheda Again. Economic and Political Weekly. Pp 1193-1195

²⁰⁵ Ibid.

Patrika' and 'Hindustan Standard' were attacked²⁰⁶. The "Jatiya Mahasabha" gained large grounds during the "Bongal Kheda" andolon which began from 1955, the most violent exhibition of which was in Goalpara.²⁰⁷ In 1953, the government declared that the Assam legislative assembly elections would be held only in Assamese and English. Some newspaper reports also state that the amount of violence had escalated to such a level that the railway stations of Coochbehar and Alipur Duar were flogged with people from Assam, Bengalis, who wanted to leave Assam, for west Bengal, instances of mass burning of Bengali newspapers were also reported.²⁰⁸

The Assamese-Bengali divide in Assam took violent and ugly turns on several occasions that further ignited the tensions between the two communities. The discussion below is an attempt to highlight some of the major cases in this regard.

India is a Diaspora of multiple communities, religions and classes. While tremendous amount of research and discussions have been invested into the study of communities and their differences and uniqueness with others based on caste, ethnicity, race and the like, there have been relatively fewer reports and studies in India which focus their entire attention on the issues faced by linguistic communities. In spite of the States Reorganisation Committee report 1948²⁰⁹ which assured that the rights of linguistic minorities would not be hampered, there have been numerous instances in independent India where the linguistic basis has been used as a discriminatory tool, both at the central and the state level, to alienate a large chunk of population. Although, we can safely say that the overt mechanisms in these activities have been fairly at the state level, the central government cannot also go scot free when the issues of linguistic chauvinism come up in discussions.

Language, as Robert Wardaugh points out is "a communal possession, though an abstract one. It has both a public and a personal use and value. The binding power that a common language has can never be in question."²¹⁰ Numerous struggles have emerged over the past century where the linguistic minorities have rallied with one

²⁰⁶ Chakravarty, K. C. 1960. Bongal Kheda Again. Economic and Political Weekly. Pp 1193-1195

²⁰⁷ Ibid

²⁰⁸ Ibid

²⁰⁹ Report of the States Reorganization Committee, 1955. Para- 677-732, 783- 801, 849. As accessed from http://mha.nic.in/sites/upload_files/mha/files/State%20Reorganisation%20Commisison%20Report%20of%201955_270614.pdf on 12.04.2019

²¹⁰ Wardhaugh, Robert. 2006. An Introduction to Sociolinguistics. Blackwell Publishing: UK. P 2.

another based on the demands of either having their mother tongue recognised as an official language or with the demand of studying in their mother tongue. Language, is a unique possession, which is both at the same time personal, and social.

Even the United Nations has stated in its “Declaration of Linguistic Rights” in 1996 that linguistic Human Rights are a basic human right²¹¹. The essence of the statement is that every human being, irrespective of where he/she is based should not be discriminated on the basis of language and instead, full cooperation must be extended from the side of the ruling government to the individual or group to practice and develop his/her own indigenous language. In spite of India being a signatory to the declaration, Assam, a state within the federal control of the Indian state, tried to implement language policies, which were not only extremely chauvinist in nature but also contradictory to the very basis of the foundations of the diversity in unity principle that India cherishes. In the same tone, in an international Seminar on Human Rights and cultural rights in Brazil in 1987 it was stated that every social group has the right to identify positively with one or more languages and that every child has the right to learn fully the group language.²¹² One must realise that an attack on language of a particular community or individual is not only cramping of democratic and human rights but also a barrier in the full development of the personality of the individual or the group. While on a superficial level, one might argue that a single language brings forth many advantages to the region, it is also true that when a region is having a multi linguistic populace, forceful homogenisation of language can have fatal consequences for the human development of the region. Homogenisation drives not only result in violence, but also at times in mass migration of the working minority, which significantly bring down the working population of the entire region, affecting its labour force and development. The language politics of a particular region has an intimate connection with the power struggle of the region. The basic rule of the arrangement of power in a multi ethnic region is the harmony between the domination and subjugation of the different communities. In fact, language politics has a direct influence on the very basis of participatory democracy, which is practiced in India, and thus any language policy change is bound to have long time repercussions on the very structure of our Indian democracy.

²¹¹ https://culturalrights.net/descargas/drets_culturals389.pdf accessed on 10.04.2019

²¹² <https://digitallibrary.un.org/record/39827> accessed on 10.04.2019

It is on the issue of language alone that Assam witnessed bloodbaths especially during the Language Movement of 1960's.

The Official Language Movement of 1960:

Immediately after the Partition in 1947, the Congress, led by Gopinath Bordoloi, the then Chief Minister of Assam, along with the Assamese civil society and several other organizations such as the Assam Jatiya Mahasabha and the Assam Sahitya Sabha, took upon themselves the task of forming Assam, as only for the Assamese.²¹³ .This kind of hegemonic linguistic nationalism by the state, was primarily directed against the Bengalis and the Bengali language, the largest linguistic minority of the region.

“Grieved at this policy of exclusiveness that was pursued by the government, Mahatma Gandhi, remarked that," I have noticed the view expressed that Assam belongs exclusively to the Assamese. In India, if that spirit were to enter every province, to whom then would India belong? People of all provinces belong to India and, India belonged to all."²¹⁴

However, this had no effect on Shri. Bordoloi, who went on to reiterate the same statement while addressing the Student's Congress held at Golaghat that,

"Undoubtedly, Assam is for the Assamese".²¹⁵

The policy of Assamisation was pursued by him as long as he was the Chief Minister through several executive orders as well as circulars. In 1948, on the floor of the Assam Legislative Assembly, he made an announcement that it was not the intention of the Government of Assam to make Assam a bilingual state and, for the homogeneity of the region he advised all the non- Assamese speaking people to adopt the Assamese language.²¹⁶

²¹³ Bhattacharjee, Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi. P 122

²¹⁴ Report of Non Official Enquiry Commission on Cachar, A. K. Das Memorial Trust. P 4

²¹⁵ Op cit.

²¹⁶ Ibid.

Several circulars were issued debarring the non- indigenous persons from getting settlements of land, recruitment in government services and in getting licenses for business and trade.²¹⁷

In this regard, it must be noted here that, an 'indigenous' person was defined in the Assam Gazette, dated 6th September, 1950, as someone who belonged to the state and spoke Assamese language or any other tribal language or dialect of Assam, or, in the case of Cachar, the language of that region.²¹⁸

But, significant to note is the fact that it was not mentioned that Bengali was the language of Cachar.

Also, several qualifications were listed out by the Chief Minister on the floor of the Assembly on 20th March, 1948, that were required to obtain the 'domicile' certificate in the state, some of which are:

“• Homestead in the district where he should live continuously for 10 years.

- Non- possession of landed property in his native district.
- Absence of frequent visits to his native place.
- Absence of interest or connection with his native people.”²¹⁹

That these qualifications were discriminatory is quite evident from the fact that holding any property in his native district and even any connection with his native people would disqualify a person for domicile. But, nowhere in this civilized world has it been mentioned that a citizen of any state would lose his citizenship on the grounds of holding property anywhere else or having connection with anybody or even visiting any place as he feels. Thus, the Constitution of India and the Fundamental Rights that have been guaranteed by this Constitution were treated as a mere piece of paper by Assam.²²⁰

In this connection, an observation of the States Re-organisation Commission may be noted, that,

²¹⁷ Report of the Non- Official Enquiry Commission on Cachar, A. K. Das Memorial Trust, p 4

²¹⁸ Ibid p 7

²¹⁹ Kar, Subir. 1999. History of Language Movement in Barak Valley. Srijon Graphics: Silchar. p 200.

²²⁰ Ibid. p 201.

"the desire of the local people for the state services being manned mainly by the 'sons of the soil' is understandable but only upto a point. When such devices as domicile rules operate to make the public services as an exclusive preserve of the majority language group of the state, that is bound to cause discontent among the other groups, apart from impeding the free flow of talent and impairing administrative efficiency"²²¹

All of these were followed by another atrocious policy of introducing Assamese as the medium of instruction even at the primary level in the Bengali speaking districts of both the Barak and the Brahmaputra Valley, not even sparing the hill districts.

This was a complete violation of Articles 29 and 30 of the Indian Constitution which grants the minorities the right to establish and manage educational institutions of their own. Article 30 is vital to the protection as well as preservation of the rights of the minorities. The minorities have been given the right to establish and administer educational institutions of their choice. The state cannot discriminate against educational institutions established and managed by the minorities in matters of granting aids.

The President of the United Mizo Freedom Organisation, Mr. Lalmawia, in his Memorandum submitted to the State's Reorganization Committee stated the following:

"In the heterogeneous state of Assam where the population of Assamese is not more than 40% , the Assamese people insist that Assamese should be adopted as the State Language of Assam. Even before the adoption of Assamese as a State language, the government of Assam spent a large sum of money for spreading the language even in the far distant district of Lusai Hills"²²²

The Bengali speaking population constitute one-thirds of the total population of Assam now and, about a third of this population is concentrated in Cachar and the rest are living in six Brahmaputra Valley districts. This discrimination and atrocity meted out against the Bengalis was confined not only to the sphere of education, rather, this

²²¹ State Reorganisation Committee Report, Para 849.

²²² Report of Non- Official Enquiry Commission on Cachar, A. K. Das Memorial Trust. p 6.

infiltration of the Assamese language in the district of Cachar was started by the circulation of printed forms required to be used in the courts and the government offices in Assamese language. The Silchar District Bar Association, on 23rd February, 1953, lodged its protest against it. The members recorded their protest against the imposition of the Assamese language in Cachar where the majority of the population was Bengali speaking, yet, all government published forms like the Jamabandi records, Kacha Patta, summons and notices were printed in Assamese language, creating inconvenience for the public. Such a move was considered a dangerous move of Assamising the state taking advantage of the name of the state.²²³

To add to all of it was the Bongal Kheda Andolan (oust Bengalis). In 1960, Assamese mobs in Brahmaputra Valley attacked the settlements of the Bengali people residing in the Brahmaputra Valley. This movement was gradually gaining momentum in the Valley as a result of which tensions ran high. Several incidents of violence, vandalism were reported; villages were destroyed, innumerable people were injured and several killed as well. As a result of, an estimate of 50000 Sylhettis fled the Brahmaputra Valley and took shelter in West Bengal. Another 90000 fled to Barak Valley and other regions of the North East.²²⁴

In this backdrop came the question of declaring Assamese as the only official language of the state during a discussion on the floor of the Assembly. In fact, from 1960, the language question was gaining popularity in the politics of Assam and, as reported by the press, various sections of the population in Brahmaputra Valley, the students in particular and a good section of the educated intelligentsia favoured this demand.²²⁵ . On 3rd March, 1960, the then C.M of the state Sri. B.P. Chaliha stated that the government would prefer to wait till they get the same demand from the non-Assamese section of the population for declaring the State language. However, the Assam Pradesh Congress Committee, even after this statement, at its meeting held in April 1960, adopted a resolution recommending that Assamese be declared as the only state language by law. This was followed by a statement by Shri. Chaliha on

²²³ Report of Non- Official Enquiry Commission on Cachar, A. K. Das Memorial Trust. p 9.

²²⁴ Bongal Kheda .<https://www.revolvy.com/main/index.php?s=Bongal%20Kheda> accessed on 08.04.2019

²²⁵ Op cit..p 126.

23rd June, 1960 that his government had decided to introduce a bill on the official language more or less on the lines of the resolution of the Assam Pradesh Congress Committee, clearly succumbing to the mass pressure.²²⁶ Thus, the minorities in the state considered an unfortunate reversal of the policy of the government enunciated earlier.

Faced with this situation, numerous conferences, meetings were arranged primarily by the Bengalis and other non- Assamese speaking people. The main resolution of all these conferences was to appeal to the Assamese speaking population to refrain from making such a declaration in order to protect the unity and solidarity of the people residing in the hills and plains of this region. The conference also urged that the multilingual character of the state should be preserved and no steps should be taken to declare any official language of the state without taking into account the complete agreement of the various linguistic groups, on the issue.

However, without paying any heed to all these resolutions, the bill was introduced in the Assembly on 10th of October, 1960. Prior to the introduction, a convention, in order to ascertain the basis of this bill, was held in Shillong. But, unfortunately, it did not yield any fruitful results since majority of the members of the Assembly were determined to implement the policy.²²⁷

This policy was a complete violation of Article 29 of the Indian constitution which provides the minorities the right to preserve and promote their own culture. Also, yet another reason why this policy was considered unfavourable for Assam was its multilingual and diverse population and, according to the State's Reorganization Commission, a state should be treated as unilingual only where one language group constitutes about 70% or more of its entire population, when there is a substantial minority constituting about 30% or so of the population, the state should be recognized as bilingual for administrative purposes.²²⁸

If one goes by these clauses, then, even according to the 1971 census reports, the total percentage of population in Assam speaking Assamese was 60.89% so, implementation of such a policy was not only unjust but also Unconstitutional.

²²⁶ Report of Non- Official Enquiry Commission on Cachar, A. K. Das Memorial Trust.p 9

²²⁷ Ibid. p 10

²²⁸ State Reorganisation Committee report, Para 783 .

Being at the receiving end, politically, economically and culturally, the linguistic minorities in the state raised their voices of protest from time to time but, in most occasions they were replied with violence. The fear of the Bengalis residing in Assam in general and also the people residing in the hill districts of the state, articulated by those in Cachar, grew not only as a result of the discriminatory socio-economic and political policies pursued by the state government, but also due to the erosion of the rights of the linguistic and cultural minorities of the region, and the fate of the Bengali medium schools of the region. Amidst all these, the Assam Language Act, acted as the last nail on the coffin, after which, the Bengali speaking population in Assam felt the necessity of establishing an organisation of their own in order to be able to voice their opinions on matters concerning their language and culture and other others and also, so that they could live in the state with the honor and dignity enjoying all the benefits that have conferred by the Constitution as equal citizens.

It is in the backdrop of all these developments, the Bengalis in Southern Assam felt the need of establishing organisations of their own in order to be able to voice their protests against this repressive policy pursued by the State government and also to be able to live with dignity in the state, as equal citizens in accordance with the provisions conferred to them by the Constitution as linguistic minorities.

Accordingly, several organisations such as the Nikhil Assam Banga Bhashabashi Samity, Cachar Zilla Gana Sangram Parishad, Chhatra Yuva Sangram Samity were formed around 1960's and these organistaions intesified their protests against the implementation of the language act as like the Bhasha Andolan Samity which was formed by the district Congress commitee.²²⁹ These organisations acted as the mouth-piece of people from all walks of life. Men and women, young and old, educated and illiterate, all came together under these umbrella like organisations²³⁰ The demand was to appeal to the state government to amend the Official Language Act of Assam thereby giving Bengali the status of the second official language of the state considering the fact that the Bengali speaking population of Assam constituted the largest linguistic minority of the state. However, one very significant character of this movement was that, though, the demand was to recognise Bengali, it, did not

²²⁹ Bhattacharjee, Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi. Pp 126, 129, 132.

²³⁰ Ibid. .

overlook the issue of the protection of the rights of the microscopic linguistic minorities of the region such as the Bishnupriyas, Dimassas, Hindi speakers, and thus, also appealed to the Government that these linguistic minorities should be allowed to have education in their mother tongue and also to make appeals to the government in their own language. And thus, in this movement, apart from the Bengalis, other linguistic groups of the region, though very small in number, such as the Manipuris, Dimassas and also the Hindi speaking people also took part and supported it²³¹

Thus, this movement, in no way, tried to establish a kind of linguistic and cultural hegemony of the Bengalis, it was not at all an 'all- bengali movement' because, the other linguistic minorities of the region were drawn into the organisations that started the struggle and extended their whole hearted support to it.

It was a mass movement whereby largely non-violent modes of protest such as processions, Satyagraha, padayatras, hartals, picketing, rallies, meetings and so forth were adopted.

These organisations, immediately after their formation, adopted a number of programs opposing the language demand of the Brahmaputra Valley. Bandhs, processions, hartals, rallies, strikes, meetings, and conferences were held under their leadership and guidance, condemning this policy of the government and also the violence that was being meted out to the Bengalis in the Brahmaputra Valley owing to the 'Bongal Kheda Andolan'. Refugee camps were opened up in Silchar, Karimganj and Lumding to give shelter to the homeless and the injured.²³²

On 10th of October, 1960, the Official Language Bill was introduced in the Assam Assembly whereby the Assam Pradesh Congress Committee proposed to introduce Assamese as the sole official language of the state.²³³ The Congress members from Cachar vehemently opposed it, but, it yield no results and ultimately, on 24th of October, 1961, the bill was passed.²³⁴ This acted as the last nail in the coffin.

Henceforth, severe repercussions began in the whole of Barak Valley. A hartal was observed all throughout the Valley, and protest marches were taken out.

²³¹ Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi P 139.

²³² Ibid. p 130.

²³³ Ibid p 131

²³⁴ Ibid.

On February 1961, a convention was arranged in Karimganj, by the Cachar Zilla Karma Parishad, a temporary organisation which was created for making preparations for a movement in Cachar against the implementation of the language Act. In this convention, a demand was raised to amend the Act and if this demand was not fulfilled, by the 13th of April, 1961, an ultimatum was given to start an agitation in the district, henceforth. Also, in this convention it was resolved to form the Cachar Zilla Gana Sangram Parishad, an organisation that would conduct the proposed agitation.²³⁵

In fact, it was under the initiative of the Gana Sangram Parishad that the language movement officially begun. All other organisations that were formed prior to it, like the Chhatra Yuva Sangram Samiti, joined hands with the Gana Sangram Parishad which started the process of mass mobilisation in order to gather public opinion in favour of amending the Act. Several conventions were arranged in different parts of the district, wherein propaganda regarding the aims and objectives of the agitation in the respective areas were discussed upon.²³⁶

On receiving no response from the Government even by the 13th of April, 1961, the Gana Sangram Parishad, resolved to begin the Satyagraha. On 16th, a padayatra by the Satyagrahis, under its leadership took place from Karimganj to Silchar, to raise awareness among the masses.²³⁷ Women in large numbers, too, took part. At the end of it, a public meeting was held wherein, it was resolved to observe hartal all over the district, from dawn to dusk, for the amendment of the Act.²³⁸ As a measure of precaution, the District Administration of Cachar, announced 144 C.R.P.C. in order to curb this assembly. But, inspite of this, a wide propaganda was made to ensure the success of the hartal, volunteers were recruited and the Satyagrahis took a pledge to maintain peace and non- violence in every possible way.²³⁹ The Parishad leaders started foot march in almost all the villages of the district and received spontaneous support of the masses.

²³⁵ Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi p 132.

²³⁶ Ibid p 133

²³⁷ Ibid.

²³⁸ Ibid

²³⁹ Ibid p 134.

After thus completing all the preliminaries and exhausting all the methods of having a negotiated settlement with the government, the people of Cachar ultimately decided to plunge into the movement under the leadership of the Gana Sangram Parishad and, it was announced that 19th May, 1961, would mark the beginning the movement. All efforts were made to make this movement a peaceful and non- violent one, for which, several leaflets were distributed among the people of the district directing all to remain peaceful and non- violent at all costs.²⁴⁰

On 19th May, the Gana Sangram Parishad called for a complete strike and, the protestors started picketing before all the government and non- government offices and institutions including the railway station in order to observe the 'hartal'. A group of picketers were sitting in the premises of the Silchar railway station in order to stop the movement of the trains, when, suddenly a police firing took place which immediately led to the death of nine protestors. By the next day, the number of deaths went up to eleven; ten men and a woman, who lost their lives fighting for the cause of the language.

But, as the saying goes that 'the show must go on', the chief architect of the Parishad, Paritosh Pal Chaudhury stated that, "the movement would be resumed and carried on until Bengali language was recognized at the state level".²⁴¹

Thus began the second phase of the struggle for the protection and preservation of the mother tongue.

However, this incident has been interpreted in different ways by the press and police in the Brahmaputra and the Barak Valley. As per the police reports on the 19th May firings, it was stated that on that day a complete 'hartal' was being observed all throughout the Barak Valley which disrupted the normal life of the people and also the Government activities. On that day, 110 persons were arrested for violating the order under 144 C.R.P.C. that was implemented on the 18th of May. On 19th, a police vehicle carrying these arrested persons was passing by the railway station which is when the protestors observing 'hartal' stopped the vehicle, rescued the prisoners and

²⁴⁰ Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi p 134.

²⁴¹ "Language of Love and Death: Fifty Years of Assam's Language Movement." <https://mainstreamweekly.net/article3269.html> accessed on 23.2.2019

set the vehicle into fire. The crowd became violent, threw stones and caused injury to the police men resulting in the situation becoming serious whereby the lives of the policemen were at stake. The police tried to bring the situation under control firstly through lathi charge and tear gassing, which had no impact upon the enraged crowd and hence, ultimately, took to firing.²⁴² The Brahmaputra Valley press also had similar views on the 19th May firings.²⁴³ However, it is astonishing to note that, the Bengal Press Reports, which was the eye- witness of this entire event and also the report of the Non- Official Enquiry Commission that was appointed by the Cachar Zilla Gana Sangram Parishad, presented a completely different picture of the event. As per the reports of these sources, when on 19th May, a police vehicle carrying the arrested persons was entering Silchar, it caught fire due to technical problems. This resulted in the crowd getting panicky, running here and there to control the fire. The police force resorted to lathi charge and tear gassing in order to bring the agitators under control, which failed to have any effect on them, thereby, ultimately resorting to firing.²⁴⁴ Also, according to the reports of the Brahmaputra Valley press and police, the agitators became violent which forced the police force to order firing to save their own lives and to bring this situation under control. But, the Non Official Enquiry Commission and the Bengal Press stated that the situation was peaceful and the firing was ordered on the peaceful agitators²⁴⁵. Every effort was made by the Parishad leaders to conduct the Satyagraha in a peaceful and non violent manner and they were successful in doing so. Despite severe repressive measures employed by the police force ranging from tear gassing to lathi charge to firing, the Satyagrahis remained peaceful and no acts of violence was committed by them. Infact, for the success of the hartal, around 2000 youths were picketing in various government offices and institutions and, they were organised in batches so that, after the arrest of one batch, another one could replace the former in picketing.

However, after this police firing, the situation in Silchar became extremely tensed, curfew was imposed. Several protests, condemning this inhuman act were carried out

²⁴² Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi, p 135.

²⁴³ Ibid

²⁴⁴ Report of the Non- Official Enquiry Commission on Cachar. A. K. Das Memorial Trust. Pp 30-35

²⁴⁵ Ibid.

in Calcutta, Shillong and Tripura.²⁴⁶ On 21st May, a long procession carrying the bodies of the deceased marched through the roads of the town and people, in plenty joined. Black flags were put up in every house of the town.²⁴⁷

From 23rd May, continuous hartal, began all across the valley, condemning the firing, under the leadership of the Gana Sangram Parishad. The student volunteers took active part in picketing and they decided to boycott the B.A and the B.Sc examinations of the Gauhati University which were scheduled to begin from the last week of May. Hence, they started door to door campaigning to inspire the examinees in this regard.²⁴⁸ The continuous picketing brought the normal life of Silchar to a standstill and from 23rd May onwards, all government offices and private institutions in Silchar remained closed. For violating the 144 C.R.P.C, the police arrested student picketers from different parts of Cachar.²⁴⁹ On 23rd May, in a procession carrying the ash of the deceased bodies in the 19th May firing, about 30000 people took part. On 25th of May, the students of the Secondary schools of Silchar, took out a procession with black flags. On 28th of May, 'Shahid Divas' was observed throughout the district by observing a total hartal.²⁵⁰

On 24th of May, the Congress members of Cachar district assembled at Hailakandi, wherein, the District Committee advised the Congress M.P's and the M.L.A's to resign from their seats in the Legislature and the Parliament was a mark of protest, and, accordingly, the resignation was submitted. It was also resolved in that meeting to form a 'Bhasha Andolan Committee' to join the ongoing movement in Cachar.²⁵¹

It is imperative to point out in this regard, that the politicians of Barak Valley, irrespective of their diverse political and ideological background, came together on a common platform resisting against this repressive policy of the Government.

On 24th May, 1961, the Cachar District Congress Committee, put forth several demands before the State government for immediate implementation. Some noteworthy demands are as follows:

²⁴⁶ Bhattacharjee, Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi. P 137.

²⁴⁷ Ibid p 136.

²⁴⁸ Ibid p 137

²⁴⁹ Ibid.

²⁵⁰ Ibid pp 137-138.

²⁵¹ Ibid. Pp 136-137

- i) To implement Bengali as the official language for the district of Cachar without any condition and to amend the fifth clause of the language act.
- ii) At the state level to issue Legislative and Government official instructions in Bengali.
- iii) To accept Bengali as the medium of instruction upto the post graduate level and to establish a university in Cachar.
- iv) To provide the scope to the Bishnupriya, Dimassa and Hindi speaking people if Cachar to have education in their own mother tongue upto a certain standard with adequate help and the right to appeal the government in their own language.²⁵²

Also, it must be pointed here that the Gana Sangram Parishad and the Bhasha Andolan Committee, time and again, by press notes and propaganda tried to make it clear that the aim of this movement was not to separate Cachar from Assam and join it to West Bengal, rather, it was a movement to secure the rights of the linguistic minorities of the State as conferred to them by the Constitution so that they too can live as equal citizens in the state, and, accordingly, demanded the recognition of Bengali as the second official language of the state.²⁵³ By similar press notes, they also announced that a Civil Disobedience Movement would begin in Cachar through continuous picketing. Accordingly, they decided to organize strikes, processions, bandhs, one after the other hand, a hartal was scheduled to begin from the 6th of June, 1961.²⁵⁴

The Nikhil Assam Banga Bhashabashi Samity, which was the association of the Bengali residents in Assam, announced to observe a 'Davi Divas' or 'Demand Day' on the 4th of July, 1961, for the introduction of Bengali as the second official language of the state.²⁵⁵ The All Assam Students Union (AASU), which was conducting the agitation in the Brahmaputra Valley for the immediate implementation of the Assam Language Act that sought to make Assamese as the only official language of the state, to curb this 'demand day', immediately, sent a delegation to the Union Home Minister

²⁵² I Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi. Pp 138-139.

²⁵³ Ibid p 140.

²⁵⁴ Ibid. P 140

²⁵⁵ Ibid.

in Delhi to put a ban on this proposed 'Davi Divas'.²⁵⁶ On this issue, there grew a tension in both the Barak and Brahmaputra Valleys.

And, in order to minimize this growing tension and also to bring this pumped up situation under control, Shri. Bimala Prasad Chaliha, the then Chief Minister of Assam, by a press note made a clarification of the Language Act, in details. The basic principles of this were:

- i) Assamese will not be imposed on any non- Assamese speaking districts.
- ii) no non- Assamese speaking person will suffer any disability in terms of employment and service on grounds of his lack of knowledge of the language.

As the district of Cachar is concerned, it was stated that, Bengali language has been provided as the language in which the district administration would run ²⁵⁷

He further assured that there would be English translation in the Official Gazette of the state and also, for the recruitment of the Assam Civil Service, Allied Provincial Posts etc, the knowledge of Assamese, Bengali or a tribal language which so long remained a necessity of the former, would continue to be so even after the implementation of the Language Act. Also, the State Government, he assured had no intention of making the knowledge of Assamese as compulsory for recruitment to service. Regarding education, he clarified the Act in the following way that the right of the various linguistic groups in respect of medium of education shall be preserved. Assurance was given with regard to the protection of minority rights as referred to in the 1956 Memorandum and also, assured that the members of the Legislative Assembly would be allowed to address the Assembly sessions in their respective mother tongue. ²⁵⁸

The Memorandum of Safeguards for Linguistic Minorities issued by the Ministry of Home Affairs in 1956 contains the safeguards proposed for the linguistic minorities in Part IV of the States Reorganization Commission report. Some noteworthy provisions are as follows:

²⁵⁶ Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakand. Pp 140

²⁵⁷ Ibid pp 140-141.

²⁵⁸ Ibid p 232

“2. Primary education-Attention is invited to clause 21 of the Constitution (Ninth Amendment Bill) providing for the addition of a new Article namely, 350 A to the Constitution regarding facilities for instruction in the mother-tongue at the primary stage of education.

3. Secondary Education-The Commission has recommended that the Government of India should, in consultation with the State Governments, lay down a clear policy in regard to education in the mother tongue at the secondary stage and take effective steps to implement it.

4. The resolution adopted by the Provincial Education Ministers' Conference in August 1949, 'contemplated the following arrangements in regard to secondary education :

(a) If the number of pupils whose mother-tongue is a language other than the regional or State language is sufficient to justify a separate school in an area, the medium of instruction in such a school may be the mother-tongue of the pupils.

(d) The regional language will be a compulsory subject throughout the secondary stage. The Central Advisory Board of Education, after taking into consideration the report of the Secondary Commission and the resolution of the subject passed by the All-India Council of Secondary Education, has assigned to the mother tongue an important position in the curriculum at the secondary stage so that pupils belong to linguistic minorities may be enabled to study their mother-tongue optionally as one of the three languages which are proposed to be taught at the secondary school stage.

7. issue of directions by the President under Article 347 regarding the recognition of minority languages as official languages- Attention is invited to Article 347 of the Constitution, which prescribed that on a demand being made in that behalf, the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language, to be recognised by the State, direct that such language shall be officially recognised in a portion or the whole of the State. The Commission has recommended that the Government of India should adopt, in consultation with the State Governments, a clear code to govern the use of different languages at different levels of State Administrations and take steps under Article 347 to ensure that this Code is followed.

8. The Commission has proposed that a State should be recognised as unilingual, only where one language group constitutes about 70 per cent or more of its entire population, and that where there is substantial minority constituting 30 per cent, or more of the population, the State should be recognised as bilingual for administrative purposes. The Commission has further suggested that the same principle might hold good at the district level, that is to say, if 70 per cent or more of the total population of a district consists of a group which is a minority in the State as a whole, the language of the minority group and not the State language should be the official language in that district.

9. The Government of India are in agreement with those proposals and propose to advise the State Governments to adopt them.

10. The arrangements to be made for the purpose of recognising two or more official languages in a State or district which is treated as bilingual will be without prejudice to the right, which may be exercised under Article 347 of the Constitution by any one resident in the State, to submit a representation for the redress of any grievances in any of the languages used in the Union or the State.

11. The Commission has further suggested that in districts or smaller areas like municipalities and tehsil where a linguistic minority constitutes 15 to 20 per cent of the population of that areas, it may be an advantage to get important government notices and rules published in the language of minority, in addition to any other language or languages in which such documents may otherwise be published in the usual course.

13. Recognition of minority languages as the media for examinations conducted for recruitment to State Services. Attention is invited to the Commission's recommendation that candidates should have the option to elect as the media of examination, in any examination conducted for recruitment to the State Services (not including subordinate services), English, or Hindi or the language of a minority constituting about 15 to 20 per cent or more of the population of a State; a test or proficiency in the State language may in that event be held after selection and before the end of probation. The Government of India propose to advise State Governments that these suggestions should as far as possible be adopted. It is also proposed to recommend to the State Governments that where any cadre including in a subordinate

service is treated as a cadre for a district, any language which has been recognised as an official language in the district should also be recognised as a medium for the purpose of competitive examinations in the districts.”²⁵⁹

A similar move, following the brutal state repression, was also undertaken by the Congress High Command in Delhi and also the State Government, which appointed Lal Bahadur Shastri to implement damage control measures and to bring the situation under control. Shashtri, suggested an amendment to the Act by proposing the following measures quite similar to those stated by Shri. B.P. Chaliha i.e.,

- i) to give local bodies the authority to alter the official language of their area by a two-thirds majority;
- ii) to allow communication between the State capital and Cachar and the hill districts to continue to be in English;
- iii) at the State level to continue the use of English along with Assamese; and
- iv) to incorporate stronger provisions for the protection of linguistic minorities.²⁶⁰

However, the 'Shastri formula' was unacceptable to both the Bengalis and the Assamese- the former accused this formula as totally bypassing the central demand of the movement i.e., the demand to recognise Bengali as the second official language of the state; while the latter accused it on the grounds that they were not duly consulted before the formulation of these proposed changes.

Thus, the 'Shashtri formula' and the statement given by B.P. Chaliha resulted in repercussions in Cachar for both failed to accept Bengali as the second official language of the state. Hence, the Gana Sangram Parishad and the District Congress Bhasha Andolan Committee of Cachar jointly decided to start the third phase of the movement which started from the first week of June, 1961 refusing to accept the

²⁵⁹<http://www.mwodhule.com/regu/pdf/059/Memorandum%20Of%20Safeguards%20For%20Linguistic%20Minorities%20Issued%20By%20The%20Ministry%20Of%20Home%20Affairs%20In%201956.PDF>
accessed on 09.04.2019

²⁶⁰ Bhattacharjee, Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi. P 142.

Shashtri formula as a solution to the ongoing language question in Assam.²⁶¹ .On that particular day, a group of student volunteers entered the Silchar court and occupied the chairs of the District Magistrate and his officials. In this regard, several student activists, including girls, were arrested. The volunteers continued picketing before the Government offices in the village areas and also, at the same time, organised processions, demonstrations, meetings and various programmes of movement all throughout the district.²⁶² Despite large scale arrests, severe repressive measures employed by the state, nothing could dampen the spirit of the masses.

Ultimately, to arrive at a final solution to the language issue, on the 9th of June, the District Congress Committee of Cachar resolved to send the government of Assam a proposal to have a discussion in this regard and also demanded the release of all the prisoners who were arrested in course of this movement. The proposal was accepted, prisoners were released and the Gana Sangram Parishad accepted the proposal of having a discussion with the Central government on this issue and to arrive at a prospect for a solution to the controversy.²⁶³ The Central Government of India too wanted to arrive at a solution. Dr. B.C. Roy, the then Chief Minister of West Bengal acted as a mediator between the two organisations and the Union Government and he made a proposal to declare Assam as a multilingual state, given the diversity of its population in terms language. Moreover, the Assamese community didn't constitute 70% of the total population of the state which was required in order to declare a particular language as the sole official language of the state. Also, he stressed on the proper implementation of the Memorandum of 1956, which dealt with the protection of the rights of the linguistic minorities. This proposal, however, was rejected by the Brahmaputra Valley leaders as it was contrary to what was being demanded by them i.e. the implementation of the Official Language Act in the state.²⁶⁴

On 26th of June, 1961, the leaders of Cachar went to Delhi to have a discussion with the Prime Minister and the Union Home Minister. The discussion took place on 2nd July, 1961, wherein, the latter, assured the leaders that 1956 Memorandum would be implemented in the state, strictly, especially the clauses related to the protection of the

²⁶¹ Bhattacharjee, Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi. P 143.

²⁶² Ibid

²⁶³ Ibid.p 144

²⁶⁴ Ibid. Pp, 147-148.

minority rights and that the language Act would be amended with necessary changes. The leaders of Cachar agreed to suspend the movement, thereafter, to have a watch on any subsequent developments of this situation in this regard.²⁶⁵

The Gana Sangram Parishad's President stated that they would reconsider the Shashtri formula with some additions:

“i) Firstly, the official letters from Cachar to the State government would be sent in Bengali,

ii) Secondly, the Memorandum of 1956 would be implemented in Assam particularly in respect of education and employment.”²⁶⁶

With this temporary suspension, the movement in Cachar on the official language issue virtually came to an end.

On September 1961, the State Cabinet taking cue from the Shashtri formula, ultimately resolved to amend the language Act to which the Assamese civil society, the 'Assam Sahitya Sabha', and the 'Assam Jatiya Mahasabha' protested vehemently. In a memorandum addressed to the Union Home Minister, it also stated that the Assamese people resented that their legitimate demand for the recognition of the Assamese language as the sole official language of the state will be partially fulfilled if the language Act of 1960 stands amended and Assamese language will be reduced to the status of a regional official language within the state.²⁶⁷

However, it might be considered a success of the long struggle of the people of Southern Assam that, in October 1961, the Assam Language Act stood amended, thereby granting Bengali the status of the official language of Barak Valley along with the implementation of the provisions of the 1956 Memorandum on the grounds of employment and education.

²⁶⁵ Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi p 148.

²⁶⁶ Ibid

²⁶⁷ Language of Love and Death: Fifty Years of Assam's Language Movement. <https://mainstreamweekly.net/article3269.html> accessed on 04.03.2019.

The Medium of Instruction Movement of 1972:

Post the 1961 movement, the region saw another language struggle in the form of the medium of instruction movement in 1972 when the Guwahati University decided that in spite of Bengali being the official language of Cachar according to the Shastri formula, the medium of instruction in the colleges would be Assamese and English[for 10 years].²⁶⁸ The move again initiated mass protest demonstrations in the Barak valley. The protest was an outcome of the decision of the Academic Council of the Guwahati University to introduce Assamese as the medium of instruction in the Pre-University and Degree level examinations and English was decided as an alternative language to Assamese,²⁶⁹ furthering the problem of the linguistic minorities of the state. Naturally, it received antagonistic reactions from the Bengali speaking population in Barak Valley since, there was no mention about the use of Bengali which was spoken by a sizeable portion of the population in the region and imposition of Assamese was seen a means to create difficulties for the diverse linguistic groups in the state. The resolution also provided a provision that stated that Assamese would be taught to the non-Assamese speakers in order to enable them to cope with the provisions of the new resolution.²⁷⁰ Hence, the decision to impose the Assamese language was rigid and could be seen as a corollary to the previous agitation of the 1960's over the issue of the official language in which the same attitude was displayed by the Brahmaputra Valley over the issue of language wherein, forcefully, overlooking the linguistic and cultural diversity of the region, the authorities decided to impose a homogeneous language upon the diverse population in Assam. Thus, this decision was totally against the interests of the students in particular of the Barak Valley which was a majority Bengali speaking area in Assam and hence, severe repercussions was the outcome. Large scale protests and mass movements took place in Barak Valley primarily under the behest of the students.²⁷¹ This movement gained momentum mainly because the decision of the academic council was an outright infringement on the rights of the minorities to acquire education in their mother

²⁶⁸ Bhattacharjee, Arunima. 2006. Student Movement in Barak Valley: with special reference to Language Movement. Sahitya Prakashani: Hailakandi. P 158.

²⁶⁹ Ibid.

²⁷⁰ Ibid pp 158-159.

²⁷¹ Ibid. P 163.

tongue. The Brahmaputra Valley however, remained oblivious to these oppositions and the public opinion was in favour of the immediate implementation of the decision of the council. The students in Barak Valley however, were not ready to embrace the forceful implementation and assimilation at the cost of their cultural and linguistic identity which came under threat through such hegemonic decisions of the Assam government. The agitation in Barak Valley was an expression of their fear about their identity crisis both culturally and linguistically and since, majority of the population in Barak Valley are victims of Partition, they had already experienced the pains of homelessness, rootlessness and the associated miseries and thus, when the imposition of language took place in Assam under the behest of the hegemonic government, they became alarmed and hence, the outrage as means to establish the rights of the linguistic minorities to protect their own language, culture and ethnic identity, which, time and again came under the attack of the nationalistic forces in Assam who were motivated by the sole intention of asserting the Assamese identity at the cost of the identities of the other linguistic minorities. All these factors resulted in the outrage of the students from Barak Valley who started peaceful protests by picketing all throughout the region by mobilizing masses on this issue, organizing meetings and procession demonstrating the demand for language.²⁷² However, the peaceful protestors were met with violence by the police and armed forces who tried to put an end to the protests by using lathi charges causing severe wounds to the protestors.²⁷³ The public opinion of the Assamese speaking Brahmaputra Valley was that the linguistic minorities needed to be assimilated within the mainstream and this required the learning of the regional language and culture of the mainstream state. In fact, the defense of the Assamese language was so intense that they even rejected the keeping of English as an alternative medium of instruction for the non- Assamese speakers and demanded the implementation of Assamese as the sole medium of instruction.²⁷⁴ However, what was forgotten was that assimilation does not necessary mean forgoing ones mother tongue which was exactly the case at this point of time in the state. In due course of time, the movement gradually began to take a violent color especially after the retaliation by the police on the protestors; there were also reports of violence meted out in several areas in Brahmaputra Valley by the Assamese agitators.

²⁷² Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi p 166

²⁷³ Ibid

²⁷⁴ Ibid p 168.

Therefore, to bring the situation under control, the Central Government called a discussion with the protestors in Barak Valley in order to arrive at a solution regarding the language problem. The discussion took place in Delhi in 1973 in the presence of K. C. Pant, the then Union Home Minister following which the agitation was withdrawn by the agitators of Barak Valley in lieu of a satisfactory solution, which however was never made.²⁷⁵ Hence, the agitation again begun, and it was only with the 'Pant Agreement', which was nothing more than a pacifying formula to bring the boiling situation in both the valleys in Assam under control that the second phase of the language controversy in Assam marked its end.²⁷⁶ However, under the provisions of the Pant agreement, it was decided that English would continue as the alternative medium of instruction up to the undergraduate level while Assamese would not be made a compulsory medium of instruction up to the secondary level. Hence, this formula did not fulfill the main demand of the protestors in Barak Valley, i.e. the introduction of Bengali as a medium of instruction alongside Assamese and the agitators had to remain satisfied with only the fulfillment of a fragment of what was demanded by them. At the same time, this formula did not fulfill the demands of the Brahmaputra Valley as well regarding the introduction of Assamese as the sole medium of instruction and it was suggested the existing status quo would continue until further notice. Thus, the language question in Assam, remained uneven with no concrete decision on the subject matter despite the tooth and nail fight that was put up by the student protestors in Barak Valley who left no stone unturned to get their demand met by use of non-violence.

It needs to be pointed here that, in the wake of the protests by the students in Barak Valley regarding the decision to implement Assamese as the sole medium of instruction, the then Chief Minister of Assam, after consultations with the teachers and students of the Brahmaputra Valley unanimously decided that a new university would be set up in Cachar district of Barak Valley that would have its jurisdiction over the colleges in the Barak Valley.²⁷⁷ This decision was taken in order to ensure that the resolution passed by the Guwahati University over the medium of instruction receives the acceptance of the masses across the state which, would not be possible

²⁷⁵ Bhattacharjee, Arunima. 2011. Student Movement in Barak Valley: with special reference to Barak Valley. Sahitya Prakashani: Hailakandi. P 174.

²⁷⁶ Ibid p 180.

²⁷⁷ Prabhakar, M.S. 1972. The Bongal Bogey. Economic and Political Weekly. 7(43). Pp 2140-2142.

since the population in Barak Valley would sternly oppose such a resolution.²⁷⁸ This decision was subsequently passed in the Assam Assembly in 1972. However, within a month, the public opinion of Brahmaputra Valley over the setting up of a new university in Cachar changed drastically and they began to oppose this idea mainly on the grounds that if a new university is established in Cachar as having its jurisdiction over the colleges in Barak Valley, a majority Bengali speaking region, it was natural that Bengali would be made the medium of instruction in such a socio-cultural setup and Assam would thereafter become a bi-lingual state that the Assamese dreaded the most.²⁷⁹ Thus, forceful implementation of the language and the decisions taken by the Guwahati University would no longer be possible in such a scenario. Thus, the decision was dropped primarily to ensure that the status of Bengali language in Assam is not elevated and to guarantee the implementation of Assamese as the 'sole' medium of instruction in the state.

This makes it absolutely clear that the Assamese were thoroughly guided by the love for their language however, this love and zeal was not broad enough to accommodate diverse languages and hence, a kind of exclusivist tendency existed within the contours of the Assamese mind with regard to the Bengalis and Bengali language in particular, the ugliest manifestation of which could be seen in the form of the language riots of 1960 and the medium of instruction movement in 1972.

As a corollary to the protests regarding the implementation of the Assamese language as the medium of instruction was the demand for the separation of Cachar from Assam²⁸⁰ which was a demand that had its roots in the love-hate relationship that existed between the two valleys. While Cachar formed a part of Assam historically, it was and it still is never regarded as an integral part of the state and the valley consciousness over the issue of identity has still resulted in the burning of the rift between the two regions and hence, Cachar was always the step sister of Assam. Thus, the demand for separation was raised in this backdrop since, it was felt that if Assamese is made the sole medium of instruction in the universities of the state, it would presumably not be possible for the same setting to operate in Barak Valley given the linguistic distinctiveness of the region from Brahmaputra Valley and hence,

²⁷⁸ Prabhakar, M.S. 1972. The Bongal Bogey. Economic and Political Weekly. 7(43). Pp 2140-2142.

²⁷⁹ Ibid

²⁸⁰ Ibid.

separation of the region from Assam was considered as the logical solution to avoid this problem since it was imperative that the colleges in Cachar were affiliated to a university that allows for a medium of instruction in the mother tongue of the population in the region, and which would not be possible as long as this region remains tagged with Assam because the Assamese would not allow for the retaining of Bengali as the medium of instruction in Barak Valley. Hence, there was a growing consensus about the need for separation, which, however, never materialized despite the emotional gap that divides the two valleys in Assam.

Nellie Massacre of 1983:

“It was around 8 A.M. in the morning, when, attired in white dhotis and kurtas, they came from all directions with machetes, guns, bows, arrows”.²⁸¹

February 18th, 1983 will remain a black letter day in Assam. Thousands of Bengali speaking Muslims were mercilessly butchered by the Assamese in broad daylight under the suspicion that they are ‘Bangladeshis’. This massacre took place in the backdrop of the six year long Assam agitation that began following the death of Hiralal Patowary, the Member of Parliament from Mangaldoi constituency in Assam. this required the conducting of a by election as advised by the Election Commission and the revised electoral roll provided the impetus to the agitation. It was found that the number of voters in the electoral roll was higher than the population of the state, which made it clear to the agitators of the movement that illegal immigration was continuing in Assam from Bangladesh. This created a huge uproar in Assam and mass tensions. The protestors, mainly the All Assam Students Union, the forerunners of the Assam agitation boycotted the elections, as long as the detection and deletion of names of the foreigners’ were carried out. Several resolutions were passed to protect the Assamese identity against the onslaught of the foreigners’ and thus began the six year long agitation in the state, which created a bloodbath in Assam. However, the central government, neglecting the demands by the protestors made provisions for the polling of the Assembly elections in the state and this erupted the volcano of violence in Assam which showed its effects till then only intermittently. In Nellie, largely inhabited by the Bengali speaking Muslims, elections were conducted. This became

²⁸¹ Sharma, Diganta. 2007. Nellie 1983: A Postmortem Report into the most barbaric massacre of Assam Movement in Nellie. Arunadoy Prakashon, Silchar. P 23.

the mistake of the inhabitants of Nellie, the fact that they decided to exercise their democratic right to vote which brought inhumane atrocities and even brutal killings and murders upon them.

It was reported that the nationalist groups in Assam received an information that several 'Bangladeshis' had cast their votes in the assembly election in the district of Nogaon, and accordingly, the plan of action of attacking these alleged 'Bangladeshis' was carved out by the perpetrators of this crime.²⁸² All the Assamese speakers residing in the surrounding areas were mobilized to be a part of this cleansing drive and accordingly strategies were framed regarding the method of attack upon the 'illegal immigrants'. This genocidal attack was considered as a necessity to save the identity of Assam. India Today in its report on the massacre stated that, Nellie was chosen as the place of attack because, "The slaughter and arson occurred mainly in a tiny delta between the small rives Kopili, Killing and Demal. The land is very marshy, and the fleeing villagers had no chance. The reason why, as it was later estimated, 80 percent of the dead were women and children, was because the men ran faster."²⁸³

Thus, this attack was an extremely well planned and systematic genocidal attack planned by the protestors by provoking the Assamese residents of the nearby areas to take active part in it by giving out the message that the Bengalis would whitewash the identity and culture of the Assamese in Assam. thus, the organized killings of the minority community by branding them as 'foreigners' merely on grounds of suspicion very well depicted the grudge and bitterness that the Assamese bore in themselves towards the Bengalis in the state since, they recognized the Bengalis as Bangladeshis, irrespective of their religions. Compensation for the mass killings was provided by the central government on the behest of Mrs. Indira Gandhi, the then Prime Minister of India, who offered grants for the family members of the deceased and for carrying out the process of reconstruction in the area.²⁸⁴ In the aftermath of the massacre, an inquiry commission under the leadership of T.P Tiwari was appointed by the central

²⁸² Sharma, Diganta. 2007. Nellie 1983: A Postmortem Report into the most barbaric massacre of Assam Movement in Nellie. Arunadoy Prakashon, Silchar. Pp 30-32.

²⁸³ Uddin, Main. Genesis of the Nellie Massacre and Assam Agitation.

https://www.academia.edu/17665743/Genesis_of_nellie_massacre_and_assam_agitation accessed on 09.04.2019

²⁸⁴ Ibid

government to investigate into the mass killings that happened on the fateful day.²⁸⁵ The commission submitted a 547 pages report on the massacre which, unfortunately never saw the daylight and thus, it still remains unknown as to who were the actual perpetrators of this crime. Another commission under the chairmanship of Justice Mehta was constituted for the same purpose and the report produced by the commission stated that there existed a very cordial relation between the Bengalis and the Assamese in the region,²⁸⁶ however, it would not be wrong to point out here the on the question of protecting the identity, the Assamese speakers of the region, too played a vital role in this mass killings turning a blind eye to the cordial relations that otherwise existed between the two communities and thus, nationalistic sentiments in Assam overlooked human relations bringing out clearly the discord between the two communities that received the most violent form of expression in the killings of Nellie. The Assamese speakers of the nearby village, with arms and ammunitions, tactfully engaged into this mass violence. More than 1500 persons lost their lives within a span of few hours on that fateful day which transformed the image of Assam, worldwide, as a 'violent race'.²⁸⁷

“The bodies of many were twisted and deformed by inadequately treated injuries from the assaults by machetes and daggers; others pulled back their clothes to expose frightening scars of the attacks of a generation earlier”²⁸⁸

“I was cradling my child here; they chopped him into two down the middle, narrates Hazara Khatun whose face had marks from a scar caused by a dagger attack” .²⁸⁹

“ My brothers and sisters were all killed, hacked into pieces. I saw my parents slaughtered in front of me.”²⁹⁰

²⁸⁵Uddin, Main. Genesis of the Nellie Massacre and Assam Agitation. https://www.academia.edu/17665743/Genesis_of_nellie_massacre_and_assam_agitation accessed on 09.04.2019

²⁸⁶ Ibid

²⁸⁷ Sharma, Diganta. 2007. Nellie 1983: A Postmortem Report into the most barbaric massacre of Assam Movement in Nellie. Arunadoy Prakashon, Silchar. P 25.

²⁸⁸ Mander, Harsh. 2008. Nellie: India's forgotten massacre. The Hindu. 14.12.2008

<https://www.thehindu.com/todays-paper/tp-features/tp-sundaymagazine/Nellie-Indiasquot-forgotten-massacre/article15402276.ece> accessed on 04.03.2019

²⁸⁹ Ibid

²⁹⁰ Ibid

Rabeya Begum was feeding her 17 months old daughter, when suddenly her other children who were outside ran inside the house and clinched their mother, visibly scared. In the meantime, Rabeya became aware of something odd especially with the neighborhood going frenzy; the attackers had begun their attacks causing panic among the people. When Rabeya's house was attacked, she and her children, with no place to flee, remained within the house; the attackers attacked her with sharp tools and did not even spare her children, who saw their mother being attacked right in front of their eyes. The inhumane killers killed the children who held onto their mother's body and lost their lives holding onto her. Even the 17 months old daughter was not spared from the rage of the killers. Rabeya was cut into two, exactly where she was seated." A family was wiped out within the span of a few moments and the cold-blooded killers went out to hunt for their next set of prey.²⁹¹

These narratives depict the enormity of the violence inflicted upon the people. Thus, the xenophobia of the Assamese caused a bloody and deadly genocide in the state, the scars of which continue to live. The water of the river Dimal, which flowed within the area, turned red with the blood of the deceased who were attacked with all sorts of tools.²⁹² The plan of this attack was chalked out by the members of AASU, who drew up maps clearly listing out all the areas that they suspected were inhabited by the Bangladeshis and accordingly, the direction of attack was designed by them.²⁹³ It remains unknown and beyond understanding, as to how, just on the basis of suspicion carried out such a vicious attack. Sharma wrote in his book that a message was received in Morigaon, on the 15th of February, 1983, just three days before the attack from Jahiruddin Ahmed, the then OC of Nogaon which clearly stated that information was received about the presence of thousands of Assamese of surrounding villages of Nellie with deadly weapons beating drums.²⁹⁴ The minority people were in a state of panic apprehending an attack at any moment. The report urged the police forces to take urgent and immediate action; however the alert was clearly ignored which brought upon such a painful fate on the victims of the massacre.²⁹⁵ The reason why the residents of Nellie exercised their right to vote amidst the boycott of elections by

²⁹¹ Sharma, Diganta. 2007. Nellie 1983: A Postmortem Report into the most barbaric massacre of Assam Movement in Nellie. Arunadoy Prakashon, Silchar. P 18.

²⁹² Ibid. Pp 33-34.

²⁹³ Ibid pp 30-32.

²⁹⁴ Ibid. , pp 27-29.

²⁹⁵ Ibid

the agitators of the Assam movement was because, just a day or two prior to the elections, a group of people started campaigning that failure to vote would result in being declared a foreigner, and hence, it was out of this fear of being tagged as a foreigner,²⁹⁶ the residents of Nellie exercised their voting rights, which resulted in their loss of lives since, they became the reason of the fury of the Assamese who stated that the victims casted their votes simply because they were Bangladeshis and got their names enrolled in the electoral rolls by fraudulent means and thus, out of fear of being branded a foreigner, they decided to vote and hence, they were the enemies of the state and the Bangladeshis residing in Assam. on that fateful day.

“ I have no one in this world”,²⁹⁷ the loneliness and pangs of separation from their families and loved ones can never be mended and forgotten. Suspicions that took away the lives of so many innocent souls, could never, in the aftermath, prove that all those who were killed were illegal immigrants in the state. The Muslims in Nellie were settlers from East Bengal, when immigration was encouraged by the Britishers and when the boundary lines between India and Bangladesh were not drawn. However, just because they spoke a different language than the majority community in Assam, they became easy targets of this mass violence. “ I don’t know why and where they killed us”- Khudeja Bano²⁹⁸; the answer to this still remains unknown.

While those who lost their lives in the Assam agitation taking away innocent lives, received the status of martyrs, the victims of the inhumane Nellie massacre, the ones who lost their lives in the hands of the protestors, were never given this status.²⁹⁹

The protestors of the Assam movement based on mere suspicion that the inhabitants of Nellie, because they were Bengali speakers, were Bangladeshis, and hence, illegal

²⁹⁶ Sharma, Diganta. 2007. Nellie 1983: A Postmortem Report into the most barbaric massacre of Assam Movement in Nellie. Arunadoy Prakashon, Silchar Pp 25-26.

²⁹⁷ Mander, Harsh. 2008. Nellie: India’s forgotten massacre. The Hindu. 14.12.2008

<https://www.thehindu.com/todays-paper/tp-features/tp-sundaymagazine/Nellie-Indiasquos-forgotten-massacre/article15402276.ece> accessed on 04.04.2019.

²⁹⁸ “Nellie revisited : 23 years on . . .” Tehelka. September 30 , 2006

<https://communalism.blogspot.com/2006/09/nellie-revisited-23-years-on.html?m=1> accessed on 05.04.2019

²⁹⁹ Sharma, Diganta. 2007. Nellie 1983: A Postmortem Report into the most barbaric massacre of Assam Movement in Nellie. Arunadoy Prakashon, Silchar. Pp 50-51.

immigrants, sought to systematically get rid of them by engaging in extreme violence against them. The Nellie massacre was a well thought-out massacre wherein, the agitators took upon themselves the task of cleansing the state off the presence of ‘foreigners’, which killed thousands of innocent lives; villages and houses were burnt down, people were burnt to ashes, women and children were mercilessly murdered, pregnant women were wounded in their stomachs, children were snatched away from their parents and thrown into the fire, families were torn apart, several children were orphaned, bombs were planted, the victims were killed with spears and guns, and, in some cases were cut into pieces in front of the eyes of the family members. The protestors left behind the dead bodies to make the residents relive the horror the attacks. The violence was so intense that the United Nations expressed deep shock and concern over such mass killings.³⁰⁰ The silence of the Assam government and the failure of the police and the armed forces to take any collective action against this horrible act of violence made it extremely clear that such killings were welcomed by the state. Cases which were filed against the perpetrators of this violence were automatically dropped down citing lack of evidence as reason and hence, justice could never be delivered to all those innocent lives which were lost.³⁰¹ No one was made accountable for this crime and no legal proceedings were initiated to inquire about the mastermind behind this crime and Nellie continues to remain a forgotten story in the history of Assam. The innumerable innocent lives that were snatched away based on mere suspicion were clearly a depiction of the kind of rivalry and hatred that was nurtured by the Assamese in Assam against all those individuals who did not speak Assamese, and hence were Bangladeshis in the eyes of the Assamese.

Thus, the existence of the Bengalis in Assam have been threatened time and again by the presence of the chauvinist forces in the state who have been treating the Bengalis as aliens and outsiders which threatens Assam’s image as a multicultural state and depicts its hegemonic scheme of turning Assam into a land of and for the Assamese by shunning the Bengalis, whom they consider strangers. The contribution of the Bengalis, both Hindus and Muslims in Assam can never be ignored, however, the Assamese have very conveniently done that focusing primarily on the issue of

³⁰⁰ Uddin, Main. Genesis of the Nellie Massacre and Assam Agitation. https://www.academia.edu/17665743/Genesis_of_nellie_massacre_and_assam_agitation accessed on 04.03.2019.

³⁰¹ Ibid

migration and the continued lamenting that the presence of these outsiders have hindered the growth and development of the Assamese as a community. Assam could never uphold its multilingual milieu since, coexistence of the diverse ethnic groups within the state never happened resulting in violent outbreaks at different junctures. The desire to protect and nurture their individual culture while overlooking the cultural diversity of the state, bereft of consciousness and tolerance, portray the narrowness of this community which did not even take into consideration the value of life while carrying out their hysteric rivalry against the opponent. Discrimination and harassment have characterized the life of the Bengalis in the state whose identity have always been under threat amidst the presence of the intolerant nationalistic forces. The Assamese stereotype about the Bengalis in Assam completely overlooks the colonial role in bringing the immigrants in the state. Thus, the Bengalis could and still cannot become the rightful citizens in the state they have been living in for generations because of the fractured identity that they have developed which is on the verge of making them stateless aliens in their own motherland. The seeds of hatred towards the Bengalis in Assam were sown as early as in 1947, after Indian Independence, when Gopinath Bordoloi, the then Chief Minister of Assam inaugurated the hate campaign against them by giving out a message that, ‘ The natives of Assam are now masters of their own house. They have a government which is both responsible and responsive to them. They can take necessary steps for the encouragement and propagation of Assamese language and culture and of the language and customs of their tribal people, who are also their fellow citizens and who must have a share in the formation of such policies. The Bengali has no longer the power, even if he had the will to impose anything on the people of those hills and valleys which constitute Assam. the basis of such feelings against him an exist is fear-but now there is no cause of fear.’³⁰²

The seeds of hatred germinated at different phases in the growth of Assam, the brunt of which were borne by the Bengalis who were not only sidelined from the gamut of development but also alienated as strangers within the valley which is clearly evident from the inhumane atrocities that were directed against them since time immemorial and which received a new lease of life with the decision to update the National

³⁰² Bhattacharya, Topodhir(ed), 2018. Bipanna Bangali: A collection of essays. Abhiyan Publishers: Kolkata. P 338.

Register of Citizens, an instrument of malice devised to bring about sufferings in the lives of the Bengali's in Assam branded as 'land grabbers' and 'settlers' causing trauma for the indigenous Assamese.

Kazi Neel, wrote a beautiful poem in Miya dialect which has been translated into English by Shalom M Hussain and which brings out, beautifully, the lives of the 'outsiders' in Assam.

“ The land that makes my father an alien,

That kills my brother with bullets,

My sister with gang-rape.

The land where my mother strokes in heart live

burning coals,

That land is mine.

I am not of that land.

The land where my homes and hearths is

uprooted,

Where my heritage is negated,

Where they conspire to bind me forever in

darkness,

Where they pour gravel, not gruel on my plate,

That land is mine.

I am not of that land.”³⁰³

³⁰³ 'Harassed, discriminated': Story of Assam's Bengali origin people

<https://www.aljazeera.com/indepth/features/discriminated-story-assam-bengali-origin-people-180620101455019.html> accessed on 05.04.2019.

The fate and lives of the Bengalis in Assam have always lurked in the dark. The painful separation of Sylhet in 1947 began a trail of helplessness for the Bengalis whose identities and existence were questioned by the state, they were looked down upon and made a mockery of by the majority community, because of their distinct identity that they held onto. The burden of proving their belongingness manifested itself in several ugly outbreaks amidst which, their pain, desolation, voices went unheard and unnoticed. The land in Assam belongs to the Bengalis who have been settled here for generations, but, the Bengalis do not belong here, the people have lost themselves in grief and anguish, the victims of the partition over the withering of their ancestral homes and the alien identity that they have here, and the present generation, who have been born in Assam , over the step motherly attitude towards them reducing them to nonentities. It is a life of darkness for the Bengalis in Assam, both Hindus and Muslims.

CHAPTER 3: THE CITIZENSHIP AMENDMENT BILL, 2016 AND ITS POSSIBLE IMPACT ON THE NATIONAL REGISTER OF CITIZENS.

Citizenship is defined as the legal right to belong to a particular country. Citizenship is defined as the legal right to belong to a particular country, since; citizenship bestows upon individuals the right to membership in a national political community. According to Aristotle "The State is a compound made of citizens; and this compels us to consider who should properly be called a citizen and what a citizen really is. The nature of Citizenship like that of the State is a question which is often disputed; there is no general agreement on a single definition; the man who is a citizen in democracy is often not one in an oligarchy."³⁰⁴

National citizenship in a democracy is important not just because it confers upon the individual the right to vote and contest elections, thereby empowering individuals to choose who they will be governed by, but also she/he becomes entitled to the enjoyment of several rights, primarily known as the Fundamental Rights which, the citizens of India enjoy. Non-citizens, even if they are permanent residents and long-time workers, have no opportunity to participate in the democratic process at the national level. Eventual integration of immigrants into the host society makes national citizenship much more significant because the different possibilities to acquire citizenship will have lasting and varied implications for the long-term integration of immigrants³⁰⁵ Further, the ultimate resolution of the demographic problem depends on how countries define and enforce their respective citizenship policies. In short, national citizenship remains an essential and enduring feature of modern life in terms of politics and elections, welfare state benefits, all round integration etc.³⁰⁶

³⁰⁴ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. P 8.

https://www.prsindia.org/sites/default/files/bill_files/Joint%20committee%20report%20on%20citizenship%20%28A%29%20bill.pdf

³⁰⁵ Ibid..

³⁰⁶ Ibid..

Liberal democracies are based on the universal language of fundamental human rights along with the free association and participation of 'the people', yet they also delineate clear and enforceable boundaries, both in terms of territory and political membership. In essence, the paradox is that liberal democracies are internally inclusive while remaining externally exclusive.³⁰⁷ The right of citizenship so far as India is concerned had started only with the advent of independence. During the British Rule, Indians virtually had no such right. They were governed normally by the British Citizenship and Alien Rights Act of 1914. That Act was modified later and it was repealed in 1948.³⁰⁸ In fact, Indians did not have any law of citizenship. Only an Act of Naturalization was passed in 1928 which was meant more for the benefit of persons coming from abroad.³⁰⁹

Who is an Indian Citizen? The answer to this question, which has taken the country by a storm, in the Indian context becomes difficult because, the definition of a 'citizen' has nowhere been mentioned and explained explicitly under the Indian constitution. Under Part II of the Indian Constitution, Articles 5-11 deal with the constitutional modalities of citizenship, how it is acquired, terminated and denounced. However, Citizenship is defined as a legal right to belong to a particular country, meaning thereby, it is a sense of belongingness that has been given a legal dimension. A source of shared identity, citizenship bestows upon the individuals the membership in a political community, the essence of a sovereign nation state. Citizens are, therefore, members of a political community and the bearers of myriad of rights such as civil, political, economic, social and religious. Therefore, citizenship is a community of equals, since, all citizens bear the same rights and owe the same duties to the nation. Thus, equality is an essential component of citizenship which ensures that there does not exist any form of struggle and contestation while availing the benefits that citizenship offers. However, the association of citizenship with documents as a means to prove one's identity as a citizen raises doubt about the very essence of belongingness that characterises citizenship. Documents such as passports, voter identity cards, ration cards etc as means for identification deduces the sense of belongingness to the presence of a mere set of documents. This has formed the basis

³⁰⁷ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. P 8.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

of the current crisis of citizenship that Assam is witnessing, over the presence and absence of document related evidence to prove one's identity and citizenship. Hence, these documents can be considered as mere surveillance mechanism for the government to ascertain who its citizens are.

Part II of the Indian constitution deals with the concept of citizenship. Articles 5 to 9 of the Constitution determine who Indian citizens at the commencement of the Constitution are. Article 10 provides for their continuance as such citizens subject to the provisions of any law that may be made by Parliament.³¹⁰ Article 11 widens the power of Parliament to regulate the right of citizenship. In other words, the Constitution under Article 11 expressly left acquisition and termination of citizenship and all other matters relating thereto to the Parliament by way of legislation. To quote Article 11 "nothing in the forgoing provisions of this Part of the Constitution shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship"³¹¹. The legislation relating to the citizenship in India is the Citizenship Act of 1955 and which has been subjected to Amendment several times- the citizenship Amendment act of 1986, 1992, 2003, 2005 and 2015. In each of these Amendments several provisions have been inserted or deleted with regards to the main legislation of citizenship in India, The Citizenship Act of 1955.

During the debate that took place on Articles 5 and 6 on 10 August, 1949 in Constituent Assembly, Dr. B.R. Ambedkar, the Chairman of the Drafting Committee of the Constitution of India had expressed hardship in drafting Article 5 when he stated:"this Article refers to, citizenship not in any general sense but to citizenship on the date of commencement of this Constitution. It is not the object of this particular Article to lay down a permanent law of citizenship for the country. The business of laying down permanent law of citizenship has been left to the Parliament, and as members will see from the wording of Article 6 (present day Article 11) as I have

³¹⁰ Part II of Indian Constitution. Article 10:Continuance of the Rights of Citizenship.
<https://www.clearias.com/citizenship/> accessed on 03.03.2019

³¹¹ Part II of Indian Constitution. Article 11: Parliament to Regulate the Right to Citizenship by law.
<https://www.clearias.com/citizenship/> accessed on 03.03.2019

moved, the entire matter regarding citizenship has been left to Parliament to determine by any law it may deem fit".³¹²

Dr. B.R Ambedkar also pointed out, "... but the Parliament may make altogether a new law embodying new principles. That is the first proposition that has to be borne in mind..." and also that "...they must not understand that the provisions that we are making for citizenship on the date of commencement of this constitution are going to be permanent or unalterable. All that we are doing is to decide ad hoc for the time being."³¹³

Dr. B.R. Ambedkar, further emphasized, "... It is not possible to cover every kind of case for a limited purpose, namely, the purpose of conferring citizenship on the date of commencement of the constitution. If there is any category of people who are left out by the provisions contained in this Amendment, we have given power to Parliament subsequently to make provision for them."³¹⁴

Earlier on the issue of citizenship, the national leaders had expressed their views extracts of some of which are as follows:

Dr. Rajendra Prasad spoke on 29 April, 1947 in Constituent Assembly: "Personally, I do not like that we should follow the precedent of any other country. We should have our own citizenship and formulate what that citizenship connotes."³¹⁵

Sardar Vallabhbhai Patel, Home Minister of the National Government spoke on 29 April, 1947 in Constituent Assembly: "It is important to remember that the provision about citizenship will be scrutinized all over the world. They are watching what we are doing."³¹⁶

Prime Minister Jawaharlal Nehru's speech on "Tryst with Destiny" on 14 August, 1947 at Parliament House: "We think also of our brothers and sisters who have been cut off from us by political boundaries and who unhappily cannot share at present in

³¹² Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. P 9

³¹³ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. p 10

³¹⁴ Ibid.

³¹⁵ Ibid.

³¹⁶ Ibid.

the freedom that has come. They are of us and will remain of us whatever may happen, and we shall be sharers of their good and ill-fortune alike...." ³¹⁷

Dr. Shyama Prasad Mookerjee spoke on 19 April, 1950 in Parliament, "...the circumstances that have led to my resignation are primarily concerned with the treatment of minorities in Pakistan, especially in East Bengal... ..Let us not forget that the Hindus of East Bengal are entitled to the protection of India, not on humanitarian considerations alone, but by virtue of their sufferings and sacrifices, made cheerfully for generations, not for advancing their own parochial interests, but for laying the foundations of India's political freedom and intellectual progress... ..The establishment of 'a homogenous Islamic State' is Pakistan's creed and a planned extermination of Hindus and Sikhs and expropriation of their properties constitute its settled policy. As a result of this policy, life for the minorities in Pakistan has become "nasty, brutish and short".³¹⁸

Pandit Govind Ballabh Pant said on 5 August, 1955 in Lok Sabha:

"...We have adopted a liberal attitude in framing this law. In some countries, no person, whose father is not himself a citizen of the country, even if born in that country, can acquire that right. In some others, dual citizenship is not allowed in any shape or form. We have tried to frame a law which, while fully serving the needs of our country and ensuring the status of dignity which Indian citizenship will carry with it, will also give opportunity to others by registration and naturalization to acquire these rights. But all these can be done only with the approval of the State, so far as registration and naturalization are concerned..."³¹⁹

In 1947, the country was divided along communal lines following which India became a secular state while at the same time the other nations namely Pakistan and later on Bangladesh, chose to become theocratic State. This has led to their organized way of religious persecution for minorities which continued till date. They were/are forced to suffer socially and politically and ultimately they were displaced from their native places resulting in a change in the demographic pattern in India especially the northeastern states which share a close border with Bangladesh and which have

³¹⁷ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. p 10.

³¹⁸ Ibid. .

³¹⁹ Ibid.. p 11.

received, in different waves, following India's independence, victims of persecution from the other side of the border. It is in this backdrop, that, the proposed Bill is born which is an Amendment to the original citizenship act that allows citizenship for six different types of minorities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan.

As the Constitution after its commencement did not make any provision with respect to the acquisition or termination of citizenship or other matters relating to citizenship, it was obviously necessary to make such a law to supplement the provisions of the Constitution and accordingly the Citizenship Bill was introduced in Lok Sabha on 5 August 1955 in Lok Sabha. The Bill provided for the acquisition of citizenship after the commencement of the Constitution, by birth, descent, registration, naturalization and incorporation of territory. It also made necessary provisions for the termination and deprivation of citizenship under certain circumstances.³²⁰

The Citizenship Bill having been passed by both the Houses of Parliament received the assent of the President of India on 30th December, 1955.³²¹

Therefore, it becomes clear that citizenship in India has been an outcome of a series of discussions and debates regarding the subject matter in concern.

The Citizenship Act, 1955 is now proposed to be further amended so as to provide that persons belonging to six minority communities namely Hindus, Sikhs, Parsis, Jains, Buddhists and Christians in Afghanistan, Bangladesh and Pakistan, who were compelled to seek shelter in India due to religious persecution or fear of religious persecution there, would no longer be regarded as "illegal migrants" and to facilitate them to apply for naturalization under Section 6 of the said Act who have been compelled to seek shelter in India due to such persecution or the fear of such persecution.³²² However, as per Rule 3 of The Passport (Entry into India) Rules 1950, a person proceeding from any place outside India can enter India only with a valid

³²⁰ Citizenship Amendment Act, 1955.

https://indiacode.nic.in/bitstream/123456789/4210/1/Citizenship_Act_1955.pdf accessed on 14.04.2019

³²¹ Ibid..

³²² Citizenship Amendment Bill, 2016. Bill No. 172 of 2016. Section 2, sub section (1) clause (b).

https://www.prsindia.org/sites/default/files/Bill_files/Citizenship_%28A%29_Bill%2C_2016_0.pdf accessed on 15.04.2019.

passport and a valid visa. Besides, any foreign nationals entering India without valid documents or continuing to stay in India even after the expiry of the validity of these documents were termed as “illegal migrants” who were deprived of any facilities in India. With a view to facilitate the entry of such people into India and grant them some basic amenities for their well-being, the Ministry of Home Affairs in the Government of India published in the Gazette of India (Extraordinary) on 8 September, 2015 The Passport (Entry into India) Amendment Rules, 2015 & The Foreigners (Amendment) Order, 2015 exempting such people from requirement of valid passport and visa to enter and stay in India and regularizing their stay if they have entered into India on or before 31 December, 2014.³²³ Still, these nationals belonging to Afghanistan, Bangladesh and Pakistan and belonging to six minority communities continue to be termed as 'illegal migrants' under The Citizenship Act, 1955.

The Government also felt that many of these foreign nationals of Indian origin, who were applying for citizenship under Section 5(1) (a) of Citizenship Act, 1955 requiring seven years of residency period, were not able to provide the birth proof of their parents for establishing that they were born in undivided India in support of their claim for being of Indian origin. They were, therefore, compelled to apply under Section 6(1) of The Citizenship Act, 1955 which needs a minimum of twelve years residency period in India.³²⁴ Further, as per Section 7D of The Citizenship Act, 1955 the Central Government has the power to cancel the registration as Overseas Citizen of India card holder, if he is found involved in false representation, concealment of any material fact, fraudulently obtaining the OCI card, showing dissatisfaction towards the Indian Constitution, indulging in anti-India activities etc.³²⁵

As a consequence to Amendments in The Passport (Entry into India) Rules, 1950 and The Foreigners Order, 1948, as also the position explained above, the Government have proposed to effect Amendments in Clause (b) of sub-Section (1) of Section 2, Clause (d) of the Third Schedule and Section 7D of the Citizenship Act, 1955

³²³ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. P 14.

³²⁴ Citizenship Amendment Act, 1955. Section 6(1)
https://indiacode.nic.in/bitstream/123456789/4210/1/Citizenship_Act_1955.pdf as accessed on 12.04.2019

³²⁵ Ibid., Section 7D.

enabling: acquisition of Indian citizenship by members of minority communities from Afghanistan, Bangladesh and Pakistan, who were compelled to seek shelter in India due to religious persecution or fear of religious persecution in their countries by amending Clause (b) of sub-Section (1) of Section 2. (ii) To facilitate such nationals to apply for citizenship on completion of seven years residency period in India under Section 6(1) of the Citizenship Act, 1955. (iii) Cancellation of registration as Overseas Citizens of India card holder in case of violations of provisions of this Act or any other law for time being in force. Details of the existing provisions in the Sections/Clauses in The Citizenship Act, 1955 where Amendments are proposed, and the purpose of the Amendments are as under:

Amendment to clause (b) of sub Section (1) of Section (2) of the Citizenship Act, 1955

As per clause (b) of sub Section (1) of Section 2 of the Citizenship Act, 1955, an “illegal migrant” means a foreigner who has entered into India-

- (i) Without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or
- (ii) With a valid passport or other travel documents and such other document or authority as may be.³²⁶

In Section 2, in sub Section(1), after Clause (b), the following proviso shall be inserted, namely:- “Provided that persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have been exempted by the Central Government by or under clause (c) of sub-Section (2) of Section 3 of the Passport (Entry into India) Act, 1920 or from the application of provisions of the Foreigners Act, 1946 or any order made thereunder, shall not be treated as illegal migrants for the purposes of this Act.”³²⁷

³²⁶ Citizenship Amendment Act, 1955. Section 2, sub section (1) clause (b)
https://indiacode.nic.in/bitstream/123456789/4210/1/Citizenship_Act_1955.pdf accessed on 14.04.2019

³²⁷ Citizenship Amendment Bill, 2016. Bill No. 172 of 2016. Section 2, sub section (1) clause (b).
https://www.prsindia.org/sites/default/files/Bill_files/Citizenship_%28A%29_Bill%2C_2016_0.pdf accessed on 14.04.2019

It will enable acquisition of Indian citizenship by members of minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan who were forced or compelled to seek shelter in India due to religious persecution or fear of religious persecution.

Accordingly, the Government introduced in Lok Sabha on 19 July, 2016, The Citizenship (Amendment) Bill, 2016 further to amend the Citizenship Act, 1955. A motion was moved and adopted by Lok Sabha on 11 August, 2016 for the constitution of a Joint Parliamentary Committee for the purpose of examination of the Bill and report to the House by the last day of the first week of the Winter Session, 2016. A motion was also moved in and adopted by Rajya Sabha on 12 August, 2016 concurring with the recommendation of Lok Sabha for nomination of Members from Rajya Sabha to join the Joint Parliamentary Committee. A Joint Parliamentary Committee (JPC) consisting 20 Members from Lok Sabha and 10 Members from Rajya Sabha under the Chairpersonship of Dr. Satyapal Singh, MP (LS) was constituted on 23 August, 2016 to examine the Bill and report. The Citizenship Amendment Bill, 2016 was passed by the Lok Sabha on 8 January, 2019 in accordance with the recommendations and suggestions submitted by the Joint Parliamentary Committee.³²⁸ The Bill is yet to be passed by the Rajya Sabha and assented by the President of India since, on 12 February, 2019; Rajnath Singh, Union Home Minister was planning to table the Citizenship (Amendment) Bill -2016, but, unfortunately, was not tabled in the Rajya Sabha. The Bill was again listed for the 13 February, 2019 amid massive protests in all North East states. But the Rajya Sabha was adjourned sine die on 13 February, 2019 without taking up the controversial Citizenship (Amendment) Bill, 2016.³²⁹

The Lok Sabha passed the Citizenship Amendment Bill of 2016, on February. At the heart of this Bill lies the provision of granting citizenship to persons belonging to minority communities names Hindus, Sikhs, Christians, Buddhists, Parsis and Jains from Pakistan, Afghanistan and Bangladesh and that they will no longer be considered as 'illegal immigrants'. While the objective of this Bill is to provide relief to these victims of religious persecution, a humanitarian concern indeed, however, it

³²⁸ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. P 17.

³²⁹ Ibid.

has been subjected to severe lashing on the grounds that it goes against the ethos of our Constitution since it distinguishes, on the basis of religion, the difference between a legal and an illegal immigrant.

Opposition to this Bill in the Northeast pivots around the notion that it will weaken the indigenous identities of the region by allowing citizenship to the refugees and immigrants from Bangladesh. The debates about citizenship are never ending and they undergo recurrent modifications depending upon the political scenario. However, such modifications should not be centred around the markers like religion, caste and ethnicity, since; these are the parameters that have resulted in violent storms especially in a country like India which has witnessed a Partition based on communal elements which probably, shapes the tone of this proposed legislation, seen as a reminiscent of the Partition which regards the Hindus as ‘refugees’ and the Muslims as ‘immigrants’.

Citizenship has thus acquired a communal colour with the introduction of the Citizenship Amendment Bill in 2016. The Rajya Sabha was adjourned sine die on February 13, 2019 without taking up the proposed Bill for discussion and its subsequent passage in the House. If a Bill is passed by the Lok Sabha and not by the Rajya Sabha, then, it naturally lapses after the dissolution of the Lok Sabha since this Bill originates in the Lok Sabha which has happened in the case of the Citizenship Amendment Bill. However, the government can still issue an ordinance which has, however lapsed in the Rajya Sabha.³³⁰

This Bill has sparked off a huge debate and controversy nationwide and more prominently in the North Eastern states of India. The Assam Valley has displayed its utmost disregard and objection towards the introduction of this Bill since this Bill would seek to nullify the most important provision of the Assam Accord, the rooting out of illegal immigrants in Assam and making Assam free off ‘infiltrators’ by ensuring that only the ‘indigenous’ population inhabits the state. The Assam Accord, that was signed in the year 1983, which marked the end of a six year long agitation in the state had a major aim of detecting and deporting illegal immigrants from Assam on the basis of certain specified dates: those who came to the state of Assam before 1966, those who came in between 1966 and 24th March, 1971, the day Bangladesh

³³⁰ Interview of Dharmananda Deb, lawyer on 26.03.2019 at Silchar.

was born and those who came in after 1971. The Accord mentions that the first group of people would be regularized, the names of the second group of people would be taken off the electoral rolls and regularized after a period of 10 years and the third group of people is to be identified and expelled from the state following the legal procedure.³³¹ The National Register of Citizens (NRC), which would include the names of all ‘ legal’ citizens in the state of Assam and which has been underway in the state since 2015 serves as a means to achieve this end of the Assam Accord, albeit with a little bit of modification. The NRC³³² is a mechanism that seeks to identify the legal citizens in the state of Assam on the basis of the production of specified documents. The main aim of the NRC is to detect and deport all those who came into the state of Assam after 24th March, 1971 and regard, all those who came into the state in between 1966 to 24th March, 1971, as its bone fide citizens, of course after production of all necessary and ‘satisfactory’ documents. However, the Citizenship Amendment Bill seeks to insert a new provision in the 1955 Citizenship Act which states that persons belonging to the minority communities such as Hindus, Buddhists, Jains, Parsis and Christians from the countries Afghanistan, Pakistan and Bangladesh, who have entered the country without any valid documents such travel documents or the validity of those documents have expired are not considered for citizenship in India and hence are illegal immigrants, which the new Bill seeks to modify by making them eligible for citizenship.³³³ In fact, this Bill seeks to grant citizenship to these communities on the ground that these are minority communities in the specified countries and hence, any person who has immigrated to India after 1971 to 2014, fleeing religious persecution will be eligible for Indian Citizenship.³³⁴ However, this provision of this Bill would substantially nullify the main motive of the Assam Accord to root out illegal immigrants and thus would reduce the entire NRC exercise that is currently being carried out in the state to a halt. This is because those people who came into Assam after 1971 from the neighbouring states of Bangladesh would be eligible for Indian citizenship under the provisions of the new Bill which otherwise

³³¹ <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses> accessed on 21.04.2019

³³² Acronym for National Register of Citizens.

³³³ The Citizenship Act, 1955. 30th December, 1955. Section 2(1) clause (b).
https://indiacode.nic.in/bitstream/123456789/4210/1/Citizenship_Act_1955.pdf accessed on 20.04.2019

³³⁴ Citizenship Amendment Bill, 2016. Section 2.
https://www.prsindia.org/sites/default/files/Bill_files/Citizenship_%28A%29_Bill%2C_2016_0.pdf accessed on 21.04.2019

would not have been possible since the NRC aims to detect and subsequently deport all such individuals as illegal immigrants and deport them to Bangladesh or put them into detention camps denying them any sort of rights that the citizens in India enjoy. This inconsistency between the provisions of the Assam Accord and the provisions of the new Bill has created a huge uproar in the entire North Eastern India including Assam. Massive protests and rallies have been taken out in opposition to this Bill stating that this Bill goes against the interest of the state of Assam and it aims to overburden the state with the flow of illegal immigrants. Government officials in Assam Valley have also been extremely vocal regarding their dissatisfaction over the introduction of this Bill by stating that the central government plans to make Assam a dumping ground for illegal immigrants.³³⁵ The protests from the North Eastern states of India were due to the reason that this region shares a close border with Bangladesh and thus movement of people from across the border is a regular phenomenon and with the introduction of this Bill this movement of people will receive the much needed impetus that would be detrimental to the indigenous culture of the region and would also create a huge additional burden over the resources available since this would give birth to a massive competition over the accumulation of resources and thus the whole scenario would be reduced to a 'survival of the fittest' kind of a picture. The protest against this Bill specifically in Assam Valley has emerged from the fact that the protection of the indigenous culture from outsiders has been extremely instrumental in mobilizing the people of Assam. The fear of losing its inherent culture and economic opportunities to the outsiders in the state has plagued the minds of the population since long. Outsiders in Assam are mostly defined by the Assamese population as those who do not share the same linguistic affiliation with the Assamese and hence the Bengalis, Marwaris, Nepalis, Bodos etc have always been perceived as threats to the Assamese and the state of Assam and the possible hurdles in their path of economic and cultural prosperity. Thus, with such a mindset, objecting to a Bill that seeks to legally recognize migration of people from India's neighbouring

³³⁵ Assam not dumping ground for illegal immigrants: AASU.

https://www.google.co.in/amp/s/wap.business-standard.com/article-amp/news-ians/assam-not-dumping-ground-for-illegal-immigrants-aasu-118070301016_1.html

accessed on 19.04.2019

countries was sure to initiate debates and controversies in the state. Since, Bangladesh shares a close border with Assam; the passage of this Bill might encourage migration from Bangladesh to Assam that will again be a cause of outrage of the Assamese population as it happened back in 1979 with the Assam Movement. However, Barak Valley in Assam, especially its Bengali Hindu population has extended its whole hearted support to this Bill on the grounds that it would seek to ensure that the victims of partition, mainly Hindu refugees from Bangladesh after 1971 would be made eligible to apply for Indian Citizenship. This support towards this Bill from Barak Valley is because of the reason that it shares a border with Bangladesh and hence has always attracted immigration ever since the independence of the country in 1947 and the birth of Pakistan in 1948. Migration has happened from East Pakistan (present Bangladesh) to this region well after the formation of Bangladesh in 1971. These people have now been settled in the region for many decades now. However, with the NRC, such people who have entered the state after 1971 and who have been settled for so many years henceforth are now subjected to tremendous fear on account of being deported since post 1971 immigrants in the state will not be considered eligible for citizenship as per the provisions of the Assam Accord and the NRC. These victims are now under the constant suspicion of the authorities. Because of this historical linkage, the Bill has garnered tremendous support from Barak Valley since the people feel that all those whose names would fail to come up on the NRC list would at least have an option to apply for citizenship in India in accordance with the provisions of the Citizenship Amendment Bill of 2016. However, it must be pointed here that this Bill has received a lots of criticism on the ground that it violates the principle of secularism which is a basic feature of the Indian Constitution by differentiating on the basis of religion in the process of granting citizenship and the fundamental right of right to equality which is enshrined in Article 14 of the Indian Constitution which states clearly that no discrimination shall be made between individuals on issues like caste, creed and religion. The proposed Bill seeks to alter the basic structure of the Constitution which in itself is unconstitutional, since, the basic structure cannot be altered as has been decided by the Court in the famous Keshavananda Bharati versus State of Kerala case in 1973. Equality and secularism are integral elements of this basic structure which are not subject to legislation; judicial reviews etc, forming the basics of the Indian Constitution.

Thus, by categorizing certain communities of people on the basis of religion as being eligible for citizenship in India not only affects the basic tenets of the constitution but also disregards the humanitarian concern behind granting of citizenship to the immigrants, it is interesting to note that the countries which have been specifically mentioned in the Bill as countries from which people migrating to India would be granted citizenship fleeing religious persecution are predominantly Islamic countries wherein the majority of the population are followers of the same religion while people belonging to other religions like the Hindus, Buddhists, Christians, parsis and Sikhs form a minority of the population and in most cases have been susceptible to religious violence. An example of this would be the continuous religious persecution that the Hindus in Bangladesh have to face since Bangladesh is predominantly Islamic and the Hindus in the country have had to face violence and persecution since its birth in 1971 and which has also resulted in huge influx of Hindu refugees from that country to India, particularly in Assam. Similar is the case with the Christians in Pakistan who make up nearly 1.6 percent of the total population in the country along with the Hindus³³⁶. However, this religious minority group in Pakistan has had to face a series of violence and repression in the hands of the Islamic fundamentalists of the country who aim to convert Pakistan into a solely Islamic country. The case of Asia Bibi, a Christian woman in Pakistan who was acquitted with the charges of blasphemy in 2010 and thereafter sentenced to death, had to spend nearly eight years of her life as a prisoner under the surveillance of the Pakistan army until in 2018 when the charges against her had been removed by the Supreme Court of Pakistan.³³⁷ Mrs. Asia Bibi had a verbal spat with two Muslim women over drinking water in 2010 following which she was convicted with the charges of propagating blasphemy against Islam and thereafter was taken into custody and also sentenced to death given the stringent law of the country which seeks to subject anybody speaking against Islam to strict punishments³³⁸. Hence, the religious minorities in the country have to live with the constant fear of being subjected to violence which is often meted out to them without

³³⁶ Christian woman sentenced to death in Pakistan 'for blasphemy'.
<https://www.telegraph.co.uk/news/religion/8120142/Christian-woman-sentenced-to-death-in-Pakistan-for-blasphemy.html> accessed on 19.04.2019.

³³⁷ Ibid.

³³⁸ Ibid.

any reason just to take out personal vendetta and for the appropriation of Islamic superiority. Several other cases of violence which have been meted out specifically against the Christians in the country like the 2005 mass violence against the Christians in Faisalabad who were forced to flee from their homes after the church and the Christian schools of the area were set to fire by the Muslim mobs who stated that someone from the Christian community had burned the pages of the Koran; again, in 2009, a church was burned down by a mob injuring many; in 2013, a bomb blast in two churches in Peshawar killed several people, in 2016, a suicide attack on the day of Easter killed many when the Christians were celebrating this festival in a playground in Lahore, in 2017, another attack on a church in the country claimed several lives and injured many.³³⁹ Similarly, the Hindus, who are also a non-Muslim minority in the country suffer from systematic violence; apart from blasphemy charges, Hindu girls are frequently molested and abducted in the country and the community as a whole is discriminated.³⁴⁰ Thus, these communities have had to suffer a lot in terms of religious persecution because of the Islamic fanaticism that exists in Pakistan. The situation is the same in Afghanistan whereby the Hindus have been forced to wear burqas which is typical of the Muslim women while cases of harassment, abduction, molestation of Hindu women and girls, looting the Hindu families continue unabated.³⁴¹ These instances of violence inflicted upon the religious minorities primarily on the grounds of their cultural and religious distinctiveness from the majority population and also in most cases to Islamize them by forcing them to convert into Islam in the absence of which daily lives of these communities of people become extremely difficult are instances which clearly bring out the picture of religious intolerance that exists in these countries. The Citizenship Amendment Bill which seeks to give these minority religious communities in the three countries on account of religious persecution has come as a relief for these people. However, what needs to be highlighted here is that the Citizenship Amendment Bill which makes the

³³⁹ Why are Pakistan's Christians targeted?
<https://www.google.co.in/amp/s/www.bbc.com/news/amp/world-asia-35910331> accessed on 20.04.2019

³⁴⁰ Ibid..

³⁴¹ 2016 Report on International Religious Freedom – Afghanistan. US Department of State.
<https://www.ecoi.net/en/document/1407567.html> accessed on 24.04.2019

religious minorities from the specific countries eligible for citizenship in India after a period of stay of 6 years in India which has been reduced from 12 years as it exists as per the 1955 Citizenship Act, does not however guarantee that all those who have come from these countries will be granted citizenship. This Bill will only make a provision whereby only people from the specified religious communities of the specified countries will be eligible to 'apply' for the citizenship in India after proving that they had to face religious violence and persecution in these countries. But, it has not been mentioned anywhere in the Bill that such claims of religious persecution by the victims is binding upon the country to be accepted and recognized. Hence, it may well be the case that the claims of religious persecution by the victims fail to receive the recognition of the officials. Also, cases of religious persecution do not bear any documentary evidence in some cases, which might again complicate the chance of proving this persecution by the victims. Also, this Bill states that it will allow the victims a naturalization period of 6 years before finally granting them citizenship. However, it has not been mentioned as to what will be the status of these victims while they are allowed a period of residence in the country. They will not be citizens of India at that time and hence during their stay period of six years they will not be able to draw upon state protection like the citizens. On account of being non-citizens, they will also not be able to have access to land that would enable them to earn their living. The buying and selling of land will also not be available for them and hence the only means through which such victims might earn a living for themselves is by engaging themselves in those occupations which does not require the employee to be citizen of India, like private jobs. However, such victims, in most cases remain uneducated since, they face tremendous discrimination in their home country on account of belonging to a minority religious group and, in many cases have to leave their education midway. Thus, without sufficient education, accessing such jobs would be a big hurdle for them. Hence, it is clearly evident that the naturalization period of 6 years for these victims in the absence of citizenship would only mean a deplorable life with no guarantee that the end of the period would grant them citizenship since, it will be the discretion of the officials to accept and reject claims of citizenship as is the case with the NRC in Assam. Hence, the support that this Bill has received based on the notion that the Hindu refugees from Bangladesh who have come after 1971 and before 2014 will be granted citizenship seems somewhat distorted since such claims and applications for the citizenship will have to go through

the same stringent procedure as it is happening in the case of the NRC whereby claims and pleas are being accepted or rejected depending upon the whims of the officials. Hence, it is evident that the promise of identifying victims of religious persecution from India's neighbouring countries based on humanitarian concerns will not be a smooth procedure since such claims of persecution will have to be backed by appropriate evidence. Also, yet another confusion that remains in the Bill is that it claims that after a period of stay of 6 years as against 12 years the victims, on the basis of naturalization will be granted citizenship. However, it has not been explicitly mentioned whether this period of stay may mean the period after being identified as a victim of religious persecution and subsequent fleeing from the neighbouring countries or the period for which the person has already been living in the country. This is important because, in the case of Assam, many refugees and immigrants who came into the state after 1971 have been living in the state for many years and who, under the spectre of the NRC are under the threat since they stand a chance to be identified and deported. So, according to the provisions of the Bill regarding the 6 year stay period, what will be the status of the post 1971 migrants in Assam who have been settled in the region for long, whether, they will be automatically considered for citizenship given their long period of stay or after their identification as victims of religious violence, they will have to stay for an additional six years time before the application for the citizenship begins remain unknown. Again, regarding the case about religious persecution of select minority communities in three specific countries that this Bill recognizes, it may be noted here that in all of these countries, not just the minority religious groups are harassed rather, even Muslims, who form the majority in these countries have been victims of religious intolerance. Bangladesh would be a perfect example to cite in this regard. In February 2013, a secular blogger from Bangladesh Ahmed Rajib Haider, was murdered; in November 2014, Shafiul Islam, a university professor who was in favour of banning the use of veil by the Muslim women to cover their faces was murdered; in 2015, another secular blogger, Washiqur Rahman, was brutally murdered; in October 2015, Faisal Arefin Dipan, a secular books publisher was murdered since he published books which supported secularism in a fundamentalist country like Bangladesh; in April 2016, Nazimuddin Samad, who had expressed his secular views on the social media platform was identified and subsequently murdered; in April 2016, Professor Rezaul Karim Siddique was murdered for the 'crime' of encouraging his students to listen to music and which

was perceived as a threat and disregard for the Islamic culture and religion and he was accused of preaching atheism by the state; in April 2016, Xulhaz Mannan, an LGBT activist from Bangladesh was murdered.³⁴² These cases of extreme violence against Muslims in Bangladesh on the grounds that they hold views and opinions and promote a kind of outlook that the Islamic fundamentalists in the country do not conform to clearly demonstrates that the brunt of religious intolerance and persecution has to be borne not only by the minority religious groups in the country but also those who share the same religious belief and nurture ideas and values that that are considered too radical for Islam and are considered as attempts that would adversely affect the religious sanctity. The intensity of the violence meted to the victims of religious intolerance is in no way lesser or lenient in comparison to the acts of violence that the minorities have to go through and thus, it is clearly evident that religious persecution affects not just those belonging to the minority religious communities but also those who share the same religious beliefs in Bangladesh. Similar is the case with Pakistan, where inter-religious conflicts within the large fold of Islamism has continued manifold since ages. The age old division between the Shias and Sunnis and the Ahmadiyyas in the country have not only resulted in large scale violence but also lead to heavy loss of lives. The sectarian violence between the Shias and the Sunnis are mostly guided by a feeling of antagonism and assertion of superiority by the Sunnis against the Shias. In 2014, the Human Rights Watch reported that the Shia Hazara community in Pakistan has been subjected to repeated extremism by the Sunni extremists which have claimed innumerable lives.³⁴³ The report mentions that since 2008, several hundreds of those belonging to the targeted community have been victims of inhumane attacks and the Shia community lives in constant fear of persecution and continue to live their lives as second class citizens in the country. From the destruction of Shia mosques to suicide bombings in areas largely inhabited by them, the religious violence has marred the everyday lives of the people of this sect of Islam.³⁴⁴ The Ahmadi Muslims in Pakistan are considered as ‘non Muslims’ and this community have also been subjected to religious extremism in

³⁴² “What’s behind the killings of the bloggers in Bangladesh?”

<https://www.google.co.in/amp/s/www.pbs.org/newshour/amp/world/whats-behind-the-killings-of-bloggers-activists-and-professors-in-bangladesh> accessed on 24.04.2019

³⁴³ <https://www.hrw.org/news/2014/06/29/pakistan-rampant-killings-shia-extremists> accessed on 23.04.2019

³⁴⁴ <https://www.cbc.ca/news/canada/toronto/slain-doctor-mehdi-ali-qamar-was-servant-of-humanity-1.2664786> accessed on 23.04.2019

the hands of the Sunnis.³⁴⁵ The killing of Dr. Mehdi Ali Qamar, a Pakistani cardiologist belonging to the Ahmadiyya sect of Islam in the hands of the extremist and radical Sunnis clearly brings out the fact that state sponsored violence is directed not just against those who do not share the same religious beliefs in Pakistan but also against those who belong to different sects of the same religion and who still have been victims of targeted violence in the country.³⁴⁶ The situation is somewhat similar even in Afghanistan where the majority Sunnis has directed violence against the Shia groups who are relatively smaller as compared to them. Hence, these examples clearly bring out the fact that even those people who form the majority religious groups in these countries are not free from the possibility of attacks and violence and thus the basis of the Citizenship Amendment Bill which seeks to give shelter to the victims of religious persecution of course belonging to certain specified religions fails to take into consideration the plight that these communities have to go through in the absence of any means to get rid of the inhumane violence. Thus, the main consideration of the Bill which it claims, to be the accommodation of minorities facing religious violence, is thoroughly negated as this Bill opposes the inclusion of these persons and communities who have also suffered from religious violence. The inhumane violence against the Shias by the Sunnis, the Ahmadiyyas by the Sunnis, the secular and liberal Muslims in Bangladesh by their extremist counterparts and their explicit exclusion of being granted accommodation and citizenship in India solely on the basis of their religious identity is not only shameful but also a matter of concern since religious violence continues manifold in many other places apart from the three specified territories which this Bill fails to acknowledge. Thus, the ramifications of religious persecution as has been identified in this Bill seems to be based on arbitrary considerations and can be considered as a mere attempt to promote divisions among individuals along religious lines. If humanitarian concerns would have guided the introduction of this Bill arising out of the desire to put an end to the violence in terms of religion that the victims have to face, this Bill would have definitely looked into these cases of sectarian violence in India's neighbouring countries and also the cases of violence directed against those who have opinions that are perceived as potential threats to the religion. Hence, religious identity becomes both an advantage and a

³⁴⁵ <https://www.cbc.ca/news/canada/toronto/slain-doctor-mehdi-ali-qamar-was-servant-of-humanity-1.2664786> accessed on 23.04.2019

³⁴⁶ Ibid..

disadvantage for those seeking shelter in the country. Therefore, the passage of this Bill into an act would mean all those non Muslim immigrants residing in India from the three specific countries would not be considered as illegal immigrants, while Muslim immigrants who might have also have fled their home countries in order to save themselves from the sectarian violence will be barred from residing in India henceforth. Thus, the same reason makes one group of religious community, as identified by the Indian state eligible for citizenship after a specified period of naturalization and eases them off the tag of 'illegal immigrants' while the other group of people who are also a sectarian minority or who have been sufferers of religious intolerance on account of their ideas and worldview which are not in tune with the accepted norms, and who probably have fled to India for a peaceful life stand a potential risk of losing their shelter. Again, regarding the choice of countries, it may be pointed out that religious persecution have taken place in many of India's neighbouring countries the most prominent being the one in Myanmar, the Rohingya crisis. The Rohingya Muslims are considered to be the worlds most persecuted and disadvantaged group of people who have been victims of severe violence based on their religion by the state authorities of Myanmar which is a predominantly Buddhist country and it considers the Rohingyas as illegal immigrants from Bangladesh owing to their religious distinctiveness from the majority religion in the country.³⁴⁷ The Rohingya Muslims have also been categorically denied citizenship by the Myanmar government.³⁴⁸ Having faced severe repression by the state authorities, in terms of destruction of lives and properties, the Rohingyas have fled their homeland in search of a peaceful shelter. The passage of this Bill would further the problems for the Rohingya refugees who have been living in India since it does not recognize this community of people within its fold of persecuted religious communities and hence, this differential treatment is likely to worsen the already wretched lives of the Rohingyas. The up-country Tamils who fled Sri Lanka and seeked shelter in India in order to save themselves from the vicious atrocities caused by the civil war in Sri Lanka between the majority Sinhalese and the Tamil minority reside in refugee camps in India concentrated particularly in South India. These Tamils had been settled in Sri Lanka since colonial times engaged primarily in plantation until when Sri Lanka was

³⁴⁷ <https://www.google.co.in/amp/s/www.indiatoday.in/amp/india/story/rohingya-muslims-myanmar-india-aung-san-su-kyi-narendra-modi-1039729-2017-09-07> accessed on 26.04.2019

³⁴⁸ Ibid..

granted independence in 1948 when it was decided that the Tamils who had been settled in the country for generations would not be granted citizenship rendering several lakhs of them stateless.³⁴⁹ These Tamils have also been victims of political violence and India has received major chunks of the Tamil population over the years. However, going by the provisions this proposed Bill which does not recognize any other forms of persecution and violence apart from religious violence and also does not take into account any other countries apart from the three specified ones as regions where minorities exist and have been subjected to violence and trauma, victims of statelessness like the Tamils will continue to remain as refugees devoid of any rights and state protection since the Bill will not provide any relief to them. In the case of Assam, it may be mentioned here that Muslims from neighbouring Bangladesh might have fled to the state after having to face violence or hatred in any form post 1971 up to 2014, for sustaining their economic livelihood, and hence, this targeted eviction is likely to affect them as well.³⁵⁰ Also, another important consideration that this Bill fails to take note of is with regard to the status of the children who have been born to parents one of whom might be an illegal Muslim immigrant. The 2003 citizenship act has made the definition of a citizen born in India even more stringent by inserting a clause that a child born in India after 2003 will not automatically become an Indian citizen based on the principle of *jus soli*, rather he/she, apart from being born in India should be born to parents who are not illegal immigrants.³⁵¹ Therefore, this Bill will also seek to nullify the citizenship status of those children who have been born to Muslim immigrants, while creating a favourable condition for the citizenship status of those who have been born to a Hindu, Sikh, Christian, Parsi and Buddhist parent since, they would cease to be illegal immigrants after a process of registration and a period of naturalization in India. Hence, not only this Bill promotes religious division, but more importantly, this Bill violates the fundamental right of right to equality in India as has been guaranteed in Article 14 which states that all men are equal in the eyes of law and will receive equal protection under law and any kind of discrimination will not be made in this regard. Therefore, this differential treatment for different communities of people in the name

³⁴⁹ Banerjee, Paula, Chaudhury Anasua Basu, Ghosh, Atig. 2019. *The state of being Stateless: An Account of South Asia*. New Delhi: Oorient BlackSwan Pvt Ltd. P 76.

³⁵⁰ Bhat, M Mohsin Alam. 2019. *The Constitutional Case Against the Citizenship Amendment Bill*. Vol LIV (3). *Economic and Political Weekly*. P 13.

³⁵¹ *Ibid.*

of granting citizenship will definitely have an adverse affect on India's cause of championing for equality. The categorization of people based on their religion and on India's inherent perception of these communities being victims of religion intolerance, turning a blind eye to all those other communities of people belonging to other religious who also have been victims of violence, not just religious, but also political, ethnic, cultural and economic violence gives an idea that accommodation of the sufferers is not the goal of this Bill, rather, differentiating between forms and degrees of violence and religions is the prime goal and motive behind this Bill. Thus, the popular notion that India has always accepted and encouraged diversity and has held a humanitarian hand towards those who are in need of it will stand violated. Thus, the distinction that has been made between the migrants from the three countries and the migrants from all the regions, the migrants belonging to non-Muslim communities in these countries and the Muslim migrants from these countries and the religious violence and a total rejection of all other forms of violence clearly brings out the inconsistency of this Bill with the constitutional provisions of India.³⁵²

Therefore, keeping in view the wide ranging implications of the Bill and the range of protests that it had created regarding the provisions of the same, a Joint Parliamentary Committee reviewing the Citizenship Amendment Bill of 2016, decided to invite the views/ suggestions of the Organizations/Associations/Public at large. Accordingly, a Press Communication was issued in response to which more than 9000 Memoranda were received.³⁵³ The Committee also undertook three Study Visits, viz. to Jodhpur from 18 to 20 December, 2016, to Ahmedabad & Rajkot from 18 to 20 April, 2017 and to Guwahati, Silchar & Shillong from 7 to 11 May, 2018 and held informal discussions there with Migrants/NGOs/Public representatives and to obtain firsthand knowledge at the field level and ultimately published its report in January 2019 whereby it has provided a clarification of the several points of discontent raised against the proposed Bill by the discussants.³⁵⁴ A clause by clause analysis of these clarifications is undertaken below to analyze the possible impact of this Bill on the NRC in particular and the issue of granting citizenship in general.

³⁵² Bhat, M Mohsin Alam. 2019. The Constitutional Case Against the Citizenship Amendment Bill. Vol LIV (3). Economic and Political Weekly. P 13.

³⁵³ Report of the Joint Committee on the Citizenship(Amendment Bill), 2016. Lok Sabha Secretariat. January 2019. Point no-5. P 6

³⁵⁴ Ibid. point 6. Pp 6

In Section 2.39 of the report, as regards non-inclusion of other neighbouring countries like Sri Lanka, Myanmar etc, the ministry of home affairs clarified that the guidelines of the standard operating procedure issued on 29th December, 2011 would take care of the migrants/ refugees from other countries including Sri Lanka and Myanmar.³⁵⁵ The standing operating procedure stipulates the cases that are based on the justification of the grounds of a well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity can be recommended by the state government/union territory administration to the ministry of home affairs for granting of long term citizenship after due security verification.³⁵⁶

This justification is not reasonable simply because the migrants and refugees from Myanmar have also been victims of religious persecution, the Rohingyas in particular. In fact, the violence and persecution that the Rohingya Muslims had to face on account of their religious identity is not just inhumane, but also heinous. With no place to go, the Rohingyas have been searching for a safe shelter to call home and accordingly a sizeable population has taken refuge in India. However, India, which has for decades given shelter to people escaping conflict, violence and disaster, did not take into consideration the deplorable lives of these Rohingya refugees and also the need to include them within the ambit of Indian citizenship since they need it the most to bring about a substantial change in their lives. Moreover, the Myanmar government has declared the Rohingyas stateless and thus, for the Rohingyas, moving back to the country is now impossibility. However, while emphasizing on the importance of religious persecution and religious identity as a reasonable ground to apply for citizenship, these hardships that the Rohingya Muslims have to face on a daily basis have been overlooked substantially by the government and thus they have to remain confined within the axis of refugees and migrants with no substantial rights and freedom to enjoy and the possibility of receiving long term visas that might be granted to them after due security verification. Therefore, it would not be wrong to assume that while framing this Bill, religious identity has presumably assumed a greater importance than the actual concerns of the victims. Similar is the case with the Tamil refugees from Sri Lanka who have been denied citizenship by the Sri Lankan government and they had to flee their country after the violent civil war. Although,

³⁵⁵ Report of the Joint Committee on the Citizenship(Amendment Bill), 2016. Lok Sabha Secretariat. January 2019. Point no-6. p 48

³⁵⁶ Ibid..

not a case of religious persecution, the violence that they had to face owing to their ethnic identity is nonetheless inhumane. Similar is the case with the TIBetan Buddhists residing in India as refugees who fled TIBet after the Chinese invasion of the country.³⁵⁷ These communities of people have been kept out of the consideration for citizenship simply because the countries they have fled from do not feature in the list of the specified countries that would be considered under the provisions of this proposed Bill. Thus, choice of countries has preceded the forms of violence and harassment suffered by the victims.

Section 2.43 of the report clarifies the apprehensions raised regarding the fact that this Bill violates Article 14, right to equality which is a fundamental right enshrined in the Indian constitution since it proposes for citizenship on differential grounds, the difference being in terms of religion.³⁵⁸ However, the clarification rested on the statement that the positive concept of equality does mean equal treatment for all, rather stresses on the equality of treatment in equal circumstances for similarly suited persons and, in this regard the Bill performs the objective of facilitating equality to all members of the minority communities.³⁵⁹ Also, it has been stated that any legislation may withstand challenge on the ground of discrimination and violation of Article 14 of the constitution, in case the classification created by it is founded on an intelligible differentiation which distinguishes between persons or things that are grouped together from others left out of that group, and that differentia has a rational relation to the object sought to be achieved by the statute in question.³⁶⁰

According to this clarification, the choice of the specified religious minority groups is justified since they have been subjected to religious violence and discrimination. However, if this is the case, then, equality of treatment for equal circumstances for similarly suited persons should also accommodate within its fold the widespread violence and harassment that the Shia Muslims in Pakistan and Afghanistan have been facing since time immemorial or for that matter the Bangladeshi Muslims who have been victims of religious intolerance. The phrase 'religious persecution' also needs to consider these cases of violence on the same grounds failing which it would not been

³⁵⁷ <https://www.google.co.in/amp/s/www.aljazeera.com/amp/indepth/features/60-years-india-tibetans-leaving-190319231424509.html> accessed on 21.04.2019

³⁵⁸ Pp 50

³⁵⁹ Ibid.p 50

³⁶⁰ Ibid. p 51.

to wrong to brand this proposed Bill as being inconsistent with equality. Several Muslim victims of religious violence have taken shelter in India from Pakistan, Afghanistan and Nepal and the clarification about this Bill as not violating article 14 of the Indian constitution thus, does not stand the test of reason.

Regarding the prevalence and intensity of violence not specifically pertaining to religious grounds, it may be mentioned here that economic repressions cultural distinctiveness have forced many Muslim men to flee to India from Pakistan during the Bangladesh Liberation war. The economic hardships that the Muslim men had to face primarily on account of their belonging to a minority sect of Islam, the Shia sect made them stand at the receiving end. In this regard, M Mohsin Alam Bhat states that,

“....the impossibility of identifying an adequate determining principle is not accidental. There is no determining principle simply because the government intends to enact a purely religious classification. A purely religious classification devoid of any determining principle is also manifestly arbitrary because it violates the fundamental constitutional value of secularism. Secularism has consistently been declared to be a facet of the Indian Constitution’s basic structure that Parliament cannot abrogate, even through its constitutional Amendment powers. Citizenship laws define a country’s political and constitutional identity. Laying down rules that determine membership in our political community only on the basis of one’s religious beliefs completely violates this principle.”³⁶¹

Secularism, which, in the Indian context means that all religions are equal in the eyes of law and that no particular religion will be endorsed by the state, is enshrined in Articles 26 to 29 of the Indian Constitution as a basic structure of the Constitution.

Thus, the Bill provides for easier naturalization procedure for migrants belonging to particular religions, so much so, that it excludes a few other religious groups which are equally placed, the Muslims, in this regard. Hence, it is clear that a preferential treatment is granted in favour of the six specified religious communities thereby meting out a kind of differential treatment based on religious identity. But, this preferential treatment is not based on objective parameters as the framers of this Bill

³⁶¹ Bhat, M Mohsin Alam. 2019. The Constitutional Case against the Citizenship Amendment Bill. Vol LIV(3). Economic and Political Weekly. P 14.

argue since; it is nothing but a move towards creating a Hindu Rashtra, providing a safe shelter for Hindus by meting out preferential treatment on religious grounds. Thus, such a position will have damaging manifestations which will violate the concepts of equality and secularism, the ethos of which define the Indian constitution.

In order to assess the impact of this proposed Bill on the NRC, it is necessary to identify and analyze the position that this proposed Bill holds on those issues such as the conduct of NRC, the issue of deportation, illegal immigration, its relation with the Assam Accord and Clause 5 of the Accord which are corollaries to the NRC.

In section 5.20 of the report on the draft Bill, it has been stated that the process of NRC updation will continue as per the timeline given and people have the choice to apply for claims if their names do not appear on the list. Such claims will have to be made before a Foreigners tribunal on the basis of the furnishing of relevant documents as prescribed by the NRC authorities. On the basis of such claims made by the aggrieved persons by furnishing relevant documents, the Foreigners tribunal will proceed with the inclusion or deletion of such names of the victims³⁶².

So, this clearly depicts that the government plans to go ahead with the process of NRC updation and also agrees upon the fact that on account of failure to produce relevant documents the names may be deleted and the victims may be put into detention camps. However, the fact that the Citizenship Amendment Bill of 2016 contains as a provision that persons who came after 1971 and on or before 2014, who do not have valid travel documents will be made eligible to apply for Indian citizenship does not reflect in the statements issued by the ministry of home affairs. Therefore, it would not be wrong to say that the false hopes that the victims of NRC are nurturing, particularly Hindu refugees from Assam who came into the state after 1971 or those who have not been able to make it to the NRC list due to lack of relevant documents, that this Bill will give them a chance of becoming Indian citizens, does not seem realistic. This is because, nowhere in the draft Bill there is a mention that the Hindus who have been left out of the NRC will be accommodated under the provisions of the proposed Bill, rather, initiating the process of deportation of those found faulty in the NRC is given importance. Also, the draft Bill does not

³⁶² Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. Pp 69-70.

mention if those victims whose names do not appear on the final draft of the Bill, appear for citizenship under the provisions of this act, will be eligible to apply for the inclusion of their names in the NRC, since the NRC is being carried out in accordance with the provisions of the Assam Accord that has formulated 24th March, 1971 as the stipulated date based on which it will be detected who all came into Assam after this date and therefore differentiate between the legal citizens and the foreigners and proceed further with the task of deporting them or keeping them into detention camps. This is because the NRC considers all post 1971 immigrants in the state of Assam as foreigners and therefore, whether such victims, who will be declared 'Foreigners under the NRC exercise, and who, if allowed to make further claims for citizenship under the proposed Bill will be included in the NRC list is yet to be seen. It goes without a doubt that this will create a new wave of protest and uproar in the state which has been extremely persistent in updating the NRC draft and subsequently relieve Assam from the burden of foreigners.

Assam erupted vehemently when the Bill was introduced in 2016 stating that it goes against the interest of the state and that the Bill is a systematic attempt to destroy the social, economic, political and cultural fabric of the region and that it reduces the Section 6A of the 1955 citizenship act to null.³⁶³

In fact, in order to address this concern, in the draft Bill, under Para 5.8, the legislative department stated that since section 6A of the Assam accord only deals with the foreigners who entered the state of Assam from Bangladesh after 1-1-1966 to 24-3-1971, it does not provide for any form of detection, deletion or expulsion of foreigners beyond this date. However, the proposed Bill refers only to those persons, belonging to religious minority communities who have entered India from three countries; Bangladesh, Afghanistan and Pakistan, on or before 30-12-2014, and if any such case has not already been decided by the foreigners tribunal order of 1964, in accordance with the provisions of section 6A of the citizenship act of 1955, then the Bill will seek to ensure that in such cases the victims are not treated as illegal migrants.³⁶⁴

³⁶³ <https://www.google.co.in/amp/s/www.sentinelassam.com/news/assam-bandh-little-impact-in-brahmaputra-valley-crippling-effect-in-barak/amp/> accessed on 14.04.2019

³⁶⁴ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 p 65.

In Section 5.30, of the report, regarding the security implications of this proposed Amendment to grant citizenship to the specified illegal migrants, the IB is of the view that this proposed Amendment will not affect the prospect of security since the ‘illegal’ immigrants have been residing in India for over decades now.³⁶⁵

If this is the case, then the systematic exclusion of the Muslim illegal immigrants in India hold no ground since, going by the Intelligence Bureau of India’s statement, the Muslim immigrants too have been residing in the country for decades now. And, excluding them from the ambit of citizenship, would, therefore be a clear indication that the Muslim illegal immigrants are perceived as threats as against those belonging to other religious groups. Also, the perception of threat as borne in the minds of the Assamese regarding the security threat posed by the ‘illegal immigrants’ in the state, also does not hold any ground following this view and hence, the NRC exercise which is being conducted by the state to save it from the possible threat ‘posed’ by the ‘Foreigners, also becomes unnecessary since their period of stay in this state has been quite long.

In section 5.33 of the report, in response to the Joint Committee’s desire to know about the measures that have been taken to deport the illegal immigrants in Assam, the Director General of Police of Assam stated that, so far 76740 persons were declared as foreigners in Assam.³⁶⁶

“Out of this 32243 belong to the 1966-1971 stream and 43497 belong to the post 1971 stream. Earlier the process was that they were declared foreigners and they used to vanish. They will move to some other places. We have also pushed in task forces to locate them, detain them and push them back. About 900 of them have been detected so far and are in detention camps waiting for the government of India’s orders to deport them to Bangladesh. We are locating others.”³⁶⁷

But, nowhere, in the proposed Bill, it has been mentioned that deportation of the victims of the NRC both post 1971 migrants and pre 1971 migrants who have not been able to support their claims of origin in to the state of Assam on account of lack

³⁶⁵ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 p 73.

³⁶⁶ Ibid. p 74.

³⁶⁷ Ibid.pp 74,75.

of documents would be put to a halt. This is because in the case of Assam, the post 1971 victims, who are likely to be declared foreigners under the NRC exercise, stand a risk of being deported under the rules of the NRC and also those migrants who have come to the state before 1971, but, are unable to prove so, will be declared as foreigners, and after necessary scrutiny of such cases by the foreigners tribunals, the fate of such victims will be decided upon. Also, since, the power to identify and deport the illegal immigrants rests with the state government and the union territory administration, in the case of Assam it may very well be the fact that such victims will be deported on account of their suspicious identity by the Assam Government which seeks to fulfill its aim to detecting and deporting these victims.

In section 5.45 of the draft Bill, the committee has stated that, the since the proposed Amendment Bill implies only to those persons belonging to the six religious groups from the three specified countries, including those people from Bangladesh, who might have entered India, or Assam in particular after 1971 and on or before 31-12-2014, and if such cases have not yet been decided by the foreigners tribunal under section 6A of the citizenship act, then, according to the provisions of this Bill, such persons are not be treated as illegal migrants. Also, pending proceedings against such victims should be waived off on the day of the commencement of this Bill into an act and such persons would be eligible to apply for naturalization.³⁶⁸ However, this seems to be contradictory, because, nothing has been said about those cases which have already been dissolved by the foreigners tribunals in Assam regarding the post 1971 migrants; it would not be wrong to assume that many such cases would be of victims who might have fled to Assam from Bangladesh following religious persecution and thus, in accordance with Section 6A of the act, have been identified and likely to be deported. As regards the cases of 900 victims as mentioned by the DGP of Assam who are in detention camps only pending cases of victims will be considered under the new Amendment. The Bangladesh government has repeatedly denied that illegal immigration has happened between the two countries and hence, it is quite obvious that victims in the detention camps will not be accepted by the Bangladesh government as its citizens especially after so many years of residing in the state of

³⁶⁸ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 pp 77-78.

Assam. The silence of the Bill on this crucial point indicates the inconsistency of this Bill in addressing the problems of the illegal immigrants.

In Section 5.51 of the JPC report, the Ministry of Home Affairs have justified that,

“Deportation of foreign nationals is a continuous process and the issue is being taken up with the neighbouring countries during bilateral talks at various levels. The committee is not satisfied with the overall scenario of deportation of illegal foreign nations, notwithstanding the MHA’s claim that there is a well-defined deportation policy regulating the deportation of foreign nations. It is indisputable that deportation of illegal migrants has remained a perennial problem with the central government has also agreed to by some state governments. In fact, inadequate deportation of illegal migrants has caused avoidable burden on the original residents and citizens of the country, especially Assam. Needless to say, the Government needs to effectively address the deportation issue with a sense of urgency.”³⁶⁹

The ambiguity therefore, lies in the fact that on the one hand, the government, through this Bill is allowing for the creation of opportunities for the post 1971 Hindu migrants, a road to citizenship, while, at the same time, initiating bilateral talks regarding deportation. The National Register of Citizens which aims to detect the post 1971 foreigners in the state mentions that all necessary steps will be taken to ensure that deportation of those found faulty will happen. Now, the question that perhaps remains unanswered in this context is that, how will deportation be useful if those found faulty as per the NRC mechanism in Assam are given a chance to become citizens as per the provisions of the proposed Bill since, the victims would automatically stand a chance to become citizens based on religious persecution. Second, speaking within the context of Assam, how will talks about deportation that the government claims it is undertaking, be of use if the proposed Bill is passed since Hindu refugees in Assam might be accommodated and not deported as the NRC intends to do. Also, this Bill does not mention about those pending cases in the Foreigners tribunal against victims of the post 1971 period in Assam, as to whether such cases will be dissolved as per the provisions of the new proposed Bill or they

³⁶⁹ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 pp 80-81.

would continue as per the NRC guidelines. Regarding the cases wherein the victims have migrated to Assam before 1971, but do not have the necessary documents to prove so, whether such cases would also be absolved within the fold of the proposed Bill is unknown. The NRC exercise is branding all individuals who are unable to furnish relevant documents that prove one's migration to this state in on or before 1971 as foreigners and such cases are being referred to the foreigners tribunal which continues with the process of necessary document scrutiny before finally putting the victims into the detention camps if satisfactory document evidence is not produced. Therefore, because, it may well be the case that such migrants have been victims of religious persecution and hence migrated, and because they do not have relevant documents to prove their claim, whether they will be brought under the provisions of this proposed Bill which recognizes victims of religious persecution, from three specified countries, belonging to six specific religions and who do not possess necessary travel documents a chance to become citizens. This provision is important because it is very likely that the NRC will render all those who do not have documents as evidence to prove their origin into this state as foreigners and it is unlikely that they will be allowed to stay as citizens in such cases. Hence, a clarification regarding the stance of this proposed Bill in such cases would be of importance because deportation of the foreigners detected by the NRC has caused widespread panic in the state and since this proposed Bill mentions about the post 1971 migrants for Indian citizenship it will be imperative to have a clear understanding of whether the victims will be deported as per the rules of the NRC or will be allowed to apply for citizenship as per the provisions of this proposed Bill. In fact, the government has also been trying to build a detention camp in the state that will accommodate the 'illegal immigrants', while at the same time, insisting that the Bill, if passed, will relieve such illegal immigrants.³⁷⁰ These conflicting positions on the same issue raise doubt about the affectivity of this proposed Bill.

Regarding the contradiction of the Citizenship Amendment Bill of 2016, and section 6A of the Citizenship Act, which contains the provisions regarding the citizenship of those people in Assam and which made 1971 as the base year to determine the citizenship of those living in Assam, it has been stated that the latter only deals with

³⁷⁰ https://www.barakbulletin.com/en_US/modis-speech-ignores-the-concerns-of-barak-valley-writes-avijit-purkayastha/ accessed on 14.04.2019.

the detection and deletion of those names. However, this is not the case, since; under the NRC anybody and everybody who has come to Assam after 1971 will be detected and deported as it has been going on. Hence, the clarification that the proposed Bill does not contradict section 6A is not based on reason since, the proposed Bill will give a chance of application for citizenship for the post 1971 migrants which section 6A aims to identify and ultimately deport. As regards the usefulness of this proposed Bill in curbing illegal immigration, it has been stated that many illegal immigrants from Bangladesh have been able to obtain documents including ration cards, driving license or even passport and hence claim that they are original residents and citizens of India. Therefore, the committee is of the opinion that the cutoff date of December 31st, 2014 will assume a greater significance in this regard in curbing the problem of further influx. So, if this be the case, then the question is how can the NRC claim to identify and detect the illegal immigrants residing in the state of Assam since, it has already been mentioned that many have been able to obtain documents by several means and since, it is only the basis of document related evidence that the NRC aims to differentiate between an illegal immigrant and a bona fide citizen of the state.

This proposed Bill may perhaps affect the NRC mostly because the names of all those people, Hindus, specifically which will not feature on the NRC list on account of their migration to Assam in the post 1971 period are 'likely' to be given a chance to file their claims, and prove that they had been victims of religious persecution which in turn resulted in their cross border movement. This will be subjected to further scrutiny after which such individuals will be registered as refugees who came in after 1971 and on or before 2014 and they will be eligible to apply for Indian citizenship after a naturalisation period of 6 years. Therefore, if this Bill is passed, then the whole exercise of conducting the NRC updation will be nullified since people will have a chance to apply for Indian citizenship. The NRC updation that is taking place following the provisions of the Assam Accord with an intention of identifying those who came into the state of Assam in the post 1971 period thereafter taking their names off the electoral rolls and finally put them away into detention camps.³⁷¹ Accordingly, the process of data collection i.e. the submission of relevant documents that prove one's stay into the state before 1971 began in 2015 and on 30th July, 2017, the first draft of the NRC list came out wherein the names of almost 40 lakh people

³⁷¹ <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses> accessed on 11.04.2019

remained absent.³⁷² This resulted in a lot of panic amongst the victims and ever since, the fear of uncertainty about their citizenship, and, most importantly, their fate and future remains unknown. However, the introduction of this Bill in 2016, the Bengali Hindus of Barak Valley believe, is likely to reduce the tensions among those who have been affected because of this absence of names, since, this Bill aims to accommodate the religious minorities from Bangladesh, Afghanistan and Pakistan within India by making them eligible for citizenship reducing the naturalization period from the earlier duration of 12 years to 6 years. The victims of the NRC list, especially the Hindu Bengali refugees in Assam from Bangladesh have greatly welcomed this move of the government considering it as a humanitarian gesture on its part. The common conscience behind supporting this Bill is that those who have already entered India and have been living within her territories should not now be driven away since it would be tantamount to a gross violation of human rights and which is exactly what the NRC attempts to do. This is primarily because of the reason that if these people are driven away, there lies a very strong possibility that no country would be willing to take them back and these people will have to live the life of a stateless refugee all throughout. Also, even if these people are allowed to stay back after their necessary rights are curbed, as the government of Assam plans to do, these people, in the absence of the necessary rights, will cease to live a decent life at par with the legal citizens of the state and will have to face severe discrimination in their daily lives and also because they will not be able to draw upon state protection in the absence of citizenship. Hence, these are the considerations on which the Citizenship Amendment Bill continues to receive the support from the people belonging to Barak Valley since, it enables the victims of partition, the Hindu refugees, who might be at a disadvantaged position due to the NRC, a chance to be eligible for Indian Citizenship. The All Assam Bengali Hindu Association on July 10th, 2018 started a signature campaign in Silchar in support of the Bill. Slogans, demanding the implementation of the Bill were raised and the supporters conveyed the message that the government was committed to provide citizenship to the migrants who came in to the country following religious persecutions. Basudeb Sharma, the president of this association

³⁷² https://www.business-standard.com/article/current-affairs/assam-nrc-final-draft-out-4-million-applicants-find-their-names-missing-118073000162_1.html accessed on 11.04.2019

stated that,” People in this part of Assam wholeheartedly want the Bill to be implemented. We are optimistic about getting a good response”.³⁷³

The Joint Parliamentary Committee reviewing the draft of the Citizenship Amendment Bill made a field study to Assam including Silchar in May 2018, in order to receive the views, opinions and suggestions from concerned organizations, associations, government officials regarding the provisions and clauses of the proposed Bill.³⁷⁴ The report of this Bill which came out on January 2019, published by the committee gave a clear picture about the reasons for the support and objection towards this Bill from the Barak and Brahmaputra Valley.

In Section 1.5 of the report that was published by the Joint Parliamentary Committee on the Citizenship Amendment Bill of 2016, it has been mentioned that the All Assam Bengali Parishad and National Liberation Force of Bengali, which supported the Amendment stated that indigenous people of Assam have good relations with Bangladeshi migrants and that people of undivided India should be given Citizenship, who had been displaced in the wake of the partition following large scale communal violence on both sides of the border should be given on humanitarian grounds and they should be accommodated.³⁷⁵ India, being a land of Hindus, migrants from Bangladesh must be accommodated.³⁷⁶ Silchar is a legal and an integral part of Assam, however, the irony lies in the fact that the entire Bengali speaking people of Assam have always remained suspected citizens who have been harassed by the system in different ways and only once this proposed Bill becomes a law, putting people on trial of this community and punishing them as foreigners, only based on suspicion, will stop and they will be able to live a life of normal citizen.³⁷⁷ It is a well known understanding in Assam among the entire Assamese community that the partition victims who have been settled in Assam for generations have adjusted well with the masses and thus, the partition victims especially Bangladeshi Hindus, who

³⁷³ <https://m.telegraphindia.com/states/north-east/barak-group-campaigns-for-citizen-Bill/cid/1454485> accessed on 14.04.2019

³⁷⁴ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019.p 1

³⁷⁵ Ibid. p 30, point no-22

³⁷⁶ Ibid. point no-23

³⁷⁷ Ibid. point no-26-27.

had no place to go in face of religious persecution, are not at all a threat to the indigenous people of Assam since they have been living here peacefully for long.³⁷⁸

Regarding the NRC updation, it has been stated that Citizenship should be provided on the basis of last electoral roll and not the 1951 electoral rolls as has been mentioned in the Assam Accord since it was nothing but a political settlement to put an end to the ongoing violence and bloodshed that continued in the name of protests during the Assam Movement.³⁷⁹ Moreover, Section 6A of the Citizenship Act which contains the provisions regarding the citizenship of those people in Assam and which made 1971 as the base year to determine the citizenship of those living in Assam has been suggested to be amended keeping in view the interest of Bengali Hindus, since, this base year does not recognize the Hindus who have been persecuted in Bangladesh and who, therefore, from there have moved to settle down in this part of Assam post 1971 as legal citizens of the state and are branded as ‘illegal immigrants’ or foreigners in Assam.³⁸⁰ Regarding the issue of people being kept in detention camps on account of their coming to Assam after 1971 and also the cases that have been filed against people who have not been able to prove their citizenship either due to the lack of relevant documents or because they have been settled in Assam after 1971 in the Foreigners Tribunal it has been suggested that, on the basis of the provisions of the Bill which makes it clear that Hindus from Bangladesh who have come to Assam after 1971 will be made eligible for Indian citizenship and more so, on humanitarian grounds, all the proceedings pending in the Foreigners Tribunal in the State of Assam need to be dropped and the persons in the detention camps should be released henceforth.³⁸¹

It is also imperative to point here that while certain sections of the population in Barak Valley have expressed their unconditional support to this Bill, it has also been criticized by some as being nothing but a futile exercise that will perpetuate communal hatred, a Congress Member of Parliament hailing from Silchar, had expressed her dissent on this Bill on the grounds that unconditional citizenship is the

³⁷⁸ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 P 30. point no-38.

³⁷⁹ Ibid. Point no 27.

³⁸⁰ Ibid.

³⁸¹ Ibid.

need of the hour if this Bill is guided by a humanitarian concern³⁸² The problem that is lurking in Assam cannot be resolved without the granting of citizenship. In this regard, she mentions that the process of NRC updation has resulted in the names of several lakhs of people not finding a place primarily because they do not possess the necessary documents to show that they or their grandparents have been residing in this state prior to 1971. Thus, the NRC exercise has resulted in heartbreak and unfathomable plight even for the genuine Indians on the ground of non availability of adequate documents that has become impossible for many victims to collect and produce after so many years of residence. The trauma is strong that many people have resorted to committing suicides on account of the absence of documents and many more are living a wretched life in the detention camps. The Citizenship Amendment Bill of 2016, nowhere mentions about the fate and status of these genuine Indians, Bengali the linguistic minority residing in Assam. Speaking about the importance of documents as placed by the government, the report of dissent also mentions that even in the case of the Citizenship Amendment Bill where the government has decided to make the religious minorities of three specific countries eligible to apply for Indian Citizenship, the requirement of documents has again been placed emphasis upon whereby the applicant needs to submit a self attested copy of any documents such as old passport, the fact that the victim belongs to that specified minority community, document of entry and a proof that the victim has been subjected to religious persecution. Again, those who fail to produce these relevant documents will be referred to a Foreigners tribunal which will determine the fate of these victims. The government claims that this stringent procedure of scrutiny is an essential to ensure that this Bill is not being misused. However, the importance given on the documents to ensure that one is eligible to apply for Indian citizenship overlooks the fact that those who have migrated to India after 1971 and on or before 2014 came as victims after being tortured or forced to flee from their homeland and thus, it is quite natural that the availability of all these documents will again create problems since they had migrated illegally meaning, without any documents and thus putting the onus on the presence of documents is sure to complicate and not reduce tensions for them. Moreover, proving that one has been subjected to religious persecution is quite a difficult task. And in cases where the documents are found incomplete, they will have

³⁸² Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 . Note of Dissent. Pp-104-107.

to meet the same fate that the victims of the NRC updation process are suffering i.e. a risk of becoming stateless. The basis of differentiation in terms of religious identity also did not go down with her and she opined that all those have been victims of religious persecution; both Hindus and Muslims alike must be made eligible for Indian citizenship. Thus, apart for distorting the secular image of the country, she considers this Bill as nothing but a reiteration of the NRC horror in the name of humanity and amnesty.³⁸³

At the same time, the larger Assamese speaking Brahmaputra Valley, from the very beginning has expressed its dissatisfaction and total opposition towards this Bill and can be regarded as nothing short of a vehement outrage as both men and women and children alike came down on to the streets to express their severe discontentment towards this Bill.³⁸⁴ The proposed Amendment granting citizenship to persons belonging to minority communities from Bangladesh, Pakistan and Afghanistan, the Assamese believe will be highly hostile to the indigenous people of Assam and the federal structure of the State. The very language of the Bill, as has been repeatedly mentioned in the protests and uproars also goes against the secular principles of the constitution as only specific communities are included for granting citizenship while excluding a particular community.³⁸⁵

The protestors of this Bill in Assam hold the opinion that the citizenship is being granted in a manner that encourages the minorities of the neighbouring countries to illegally migrate to India and get citizenship on stay of six years and this provision would amount to a very liberal invitation to those people to cross the border flouting the provisions of the Foreigners Act.³⁸⁶

The proposed Amendment of the Citizenship Act, 1955 is considered as a threat to the language, culture and heritage of the ethnic people of Assam due to the influx of foreigners from Bangladesh.³⁸⁷ Hence, in order to protect the indigenous population in

³⁸³ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07. 2019 p 107.

³⁸⁴ <https://www.google.co.in/amp/s/www.sentinelassam.com/news/assam-bandh-little-impact-in-brahmaputra-valley-crippling-effect-in-barak/amp/> accessed on 14.04.2019

³⁸⁵ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 . P 28. Point no- 7,13.

³⁸⁶ Ibid.p 27 point no-2.

³⁸⁷ Ibid. point no-1

Assam, the proposed Amendment to this Bill has met with severe objections and criticisms. The opposition to this Bill rests on the notion that the people of Assam have become the minority in their own land, when compared to the position at the time of partition.³⁸⁸ The Bill, therefore, should not be passed to protect the interest of the people of Assam and instead, the Assam Accord should be implemented precisely which suggests that foreigners residing in the state should be detected and deported accordingly.³⁸⁹ In fact, it has also been mentioned by the masses of the Brahmaputra Valley and the political officials that the issue of giving shelter to people who are at a risk of religious persecution and thus do not feel safe in their respective homelands should be taken up by the Indian government with the governments of the respective countries and not by open its arms to embrace these victims within her territory by allowing them to become Indian citizens.³⁹⁰

The primarily Assamese speaking Brahmaputra Valley considers that the period following the signing of the Assam Accord in 1985, was a period of peace and tranquility as the state Marched towards development and people of all castes and creed have been living in the state in peace and harmony irrespective of religion and there is a possibility that this peaceful setup of the state might get disrupted with the passage of the Bill since it promotes division across religious lines among the Hindus and Muslims in the region on the question of the religious characterization of the Bill and among the various sections of the people residing in Assam on the issue of the proposed granting of citizenship³⁹¹. Hence, the Assamese society has expressed its severe rejection against Assam being burdened by any ‘Bangladeshi’ or any foreigner and they want such people to be shifted to some other states. Those who came in to the state on or before 1971 have been accommodated but those who have come in the post 1971 period can and will never be accommodated since this would pose a threat to the Assamese identity.³⁹² Those from Brahmaputra Valley consider it the duty of the government to protect the ethnic groups in Assam³⁹³ and not offer a helping hand to the ‘outsiders’ and therefore on these grounds want the immediate withdrawal of

³⁸⁸ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. P 28.

³⁸⁹ Ibid, p 27. point no-2

³⁹⁰ Ibid.

³⁹¹ Ibid.p28. Point no-3

³⁹² Ibid. point no-5.

³⁹³ Ibid. point no-6.

this Bill. The Bill, the Assamese speaking population considers, is against the interest of the indigenous people of Assam.

Assam has been facing migration for many decades and it is believed that this migration has adversely affected its economy on the grounds that resources have to be shared and, a stiff competition exists over employment opportunities. Moreover, with the passing of the Bill, the Assam Accord would be nullified which would also destroy the secular fabric of the Constitution since, only on the basis of religion refugees cannot be defined in the absence of any concrete refugee policy. And hence, there has been a large scale protest to ensure that the Parliament does not pass the Bill which tends to violate the basic structure of the Constitution. Another very important statement that has been made regarding this Bill by the associations and individuals from Brahmaputra Valley who submitted a memorandum stating their views and opinions regarding the proposed Bill to the Joint Parliamentary Committee, and which has also received the support of the masses is that, India is not formed on the basis of religion and thus, the state is also formed not on the basis of religion but on the basis of language resulting in the formation of the State Re-organization Commission in 1953 which recommended that all the States should be reorganized or the boundaries should be framed on the basis of language.³⁹⁴ This statement of language being the basis of the formation of the states clearly highlights that the Assamese population are very much in favour of Assam being a land of and for the Assamese and any sort of linguistic distinctiveness within the state is likely to be unwelcomed as has always been the case in the state resulting in the differences between the Assamese and the Bengali communities. Thus, all these factors enumerated together make the NRC the dream of the Assamese and since, the structure of Assam is very different from mainland India in respect of linguistic, religious, indigenous congregation of groups.³⁹⁵ The Assamese people do not want the actual fabric of Assam to be marred with, which this Bill seeks to do by making post 1971 immigrants eligible for citizenship which would be detrimental to the basic interest of the linguistic and other communities of the state who are considered as original inhabitants by the Assamese. Thus, they believe that if the Bill is passed and Bangladeshis are allowed on the basis of religion, it will destroy the very survival of the indigenous population of the state.

³⁹⁴ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 . p 28. point no-8.

³⁹⁵ Ibid. point no-10.

The influx of Bangladeshi nationals who have illegally migrated into Assam has always been considered as posing a threat to the integrity and security of the North-eastern region. Their presence, as has been alleged, over the time, has changed the demographic character of this region and the local people of Assam believe that they have been reduced to the status of minority in certain districts.³⁹⁶ Hence, the Assamese people have always been in favour of the, the Government coming out with legislation exclusively for the State of Assam that ensures stringent measures against the foreigners. But, because, the government, instead, is bringing a law with the Citizenship Amendment Bill whereby detection of foreigners will become almost impossible and religious minorities from Bangladesh, Afghanistan and Pakistan who have come to India after 1971 will be made eligible for citizenship³⁹⁷. Thus, this has been the cause of their resentment. The reason for so much of resentment is due to the fact that Assam is the immediate victim if rehabilitation is given to the Hindus as it has the immediate proximity with Bangladesh.³⁹⁸ No data is available with the Government regarding the number of persons who have been persecuted religiously in Bangladesh. There is mention of only few religions and not Muslim. Thus, another opposition towards this Bill from the Brahmaputra Valley rests on the ground that it will create two kinds of divisions; one, on the basis of language, because if the Hindu refugees of Bangladesh are given rehabilitation, then automatically the Assamese Bengali linguistic divide will increase manifold, second, and more important is the religious divide that this proposed Bill has the potential of creating. Thus, it will destroy the cultural and ethnic fabric of the society. The Bill, according to the Brahmaputra Valley, in the present form and even in amended form should be discouraged ³⁹⁹

Illegal immigration has always been a big problem in Assam. Right from British Rule in the Assam from 1826, many workers came to Upper Assam from different parts of undivided India receiving colonial patronage, for agriculture and also for cultivation of tea, because of which the demography of Upper Assam has changed and its population has become diversified since the workers who came into the state

³⁹⁶ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 . p 28. point no-6

³⁹⁷ Ibid. P 30 Point no-19

³⁹⁸ Ibid. point no-20.

³⁹⁹ Ibid. point no-21.

subsequently settled down.⁴⁰⁰ Likewise in lower Assam for Jute cultivation, workers belonging to Bengali Muslim communities particularly from East Bengal were brought and demography of lower Assam has also changed. Thus, the larger Assamese society believes that if this Bill becomes an Act then Assam's political, economic and social future will be at stake since, the indigenous population will be the sufferers since the migrants will be occupying their social, economic and political space.⁴⁰¹

The NRC updation is underway in Assam under the supervision of the Supreme Court of India. The first draft was published on 30th July, 2018 and the second will be published soon. Against this background, the Assamese speaking population of the Brahmaputra Valley who have been whole heartedly championing this exercise are feeling threatened because if this Bill is passed, then the very purpose of the updation of the NRC will be defeated.⁴⁰² Therefore, the Assamese society is of the opinion that, for the interest of Assam as well as the whole country, the Bill should not be passed rather illegal immigrants in the state should be detected and deported and to streamline the procedure for deportation, the matter must be taken up with the Government of Bangladesh.

Therefore, it is clearly evident that that the two valleys have been divided over the introduction of this proposed Bill.

Regarding the impact of this Bill on the NRC, it may be stated that the main provision of this Bill is to make the religious minorities like the Hindus, Parsis, Sikhs, Christians and Buddhists from Bangladesh, Afghanistan and Pakistan, eligible for citizenship after registration and a naturalization period of six years. The Bill mentions that persons belonging to these minority groups who have entered India after being subjected to religious persecution and lack valid travel documents or if the validity of their documents have expired and thus they are regarded as 'illegal immigrants', will be made eligible for applying for Indian citizenship.⁴⁰³ This is because many people belonging to these religious groups from the specified countries

⁴⁰⁰ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 p 28, point no 9

⁴⁰¹ Ibid.

⁴⁰² Ibid. point no-10.

⁴⁰³ https://www.prsindia.org/sites/default/files/Bill_files/Citizenship_%28A%29_Bill%2C_2016_0.pdf accessed on 12.04.2019

have been residing in India and have been seeking to become Indian citizens through the process of registration as prescribed in section 5 of the 1955 citizenship act.⁴⁰⁴ However, on account of the expiry of their documents or lack of valid travel documents they are unable to do so and hence they are forced to apply for citizenship through the process of citizenship through naturalization that requires the person to continuously reside in the country for 12 years before finally being bestowed with citizenship.⁴⁰⁵ During this twelve year long stay, these persons are denied or several benefits and opportunities that are normally enjoyed with citizenship and hence they remain in a disadvantaged position.⁴⁰⁶ Hence, this Bill proposes a reduction in the period of naturalization from twelve years to six years. This proposed Bill has a direct bearing upon the National Register of Citizens, an exercise conducted in Assam to determine the legal citizens of the of the furnishing of documents that prove one's entry into the state on or before the stipulated date, 24th March, 1971. If this proposed Bill becomes an act, it will have a direct bearing upon the NRC. The NRC which was born out of the Assam Accord seeks to separate the illegal migrants from original residents and legal migrants. An illegal migrant, is defined by the 1955 citizenship act as a foreigner who has entered into India without a valid passport or other travel documents and who remains in the territory of India beyond a stipulated time.⁴⁰⁷ A legal migrant, on the other hand is someone who migrated to India and has proper documents to support his claim of migration. According to the Assam Accord, all persons who came to Assam on or after 24th March, 1971 would be detected and deported and this principle has been put into action by the NRC updating process.

Many Muslims who had migrated to Assam after 1971, and who have been settled here for many generations totally assimilating into the larger Assamese society and culture, now, because of the NRC are living a life of constant fear which will also intensify with this Bill since it perpetuates discrimination along religious lines. The Muslims who might also have faced religious violence before fleeing to Assam demand a ground for such discriminatory categorization that provides relief to the Hindu refugees in Assam and complicates the life of the Muslim refugees.

⁴⁰⁴ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 . p 6. Section 5(1).

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

⁴⁰⁷ https://indiacode.nic.in/bitstream/123456789/4210/1/Citizenship_Act_1955.pdf accessed on 12.04.2019.

The most important ambiguity that this proposed Bill has created is that while it has incorporated a provision for granting citizenship to the victims of religious persecution, the word 'apply'⁴⁰⁸ is overlooked by the supporters of this Bill, the Hindu Bengalis of Assam, particularly Barak valley. This Bill states that the victims may apply for citizenship, which means such application may be accepted or rejected based upon the satisfaction of the officials, in a similar manner as has been happening in the NRC exercise in Assam where even after furnishing relevant documents, the names of the claimants have failed to appear on the list. Again, in order to apply for citizenship under this law, one has to take recourse to certain documents that will prove that the person concerned belongs to the religious minorities for the specified countries and has migrated to India after 1971 and in between up to 30-1-2014. Thus, the importance of documents even in this regard means that lack of documents would once again deprive the victim of citizenship. So, even if the victims whose names have not been in the NRC list on account of lack of documents or because the documents submitted were not satisfactory for the officials, apply for citizenship under this Bill, they would again have to get hold of documents in the absence of which such applications will be referred to the foreigners tribunal for scrutiny. Victims, who have fled from the other side of the border after being subjected to violence, did so in order to save their lives, and hence, the availability of such documents for the victims seem like an impossibility. Thus, it will not be wrong to assume that if the proposed Bill becomes an act, the process of application will create the same kind of havoc that the NRC has created. Additionally, the fact as to whether the victims of the Assam NRC exercise, if at all, they manage to acquire Indian citizenship, is accommodated within Assam as citizens remain unknown. Moreover, since, in the draft Bill it has been mentioned that the government will undergo bilateral talks with the government of Bangladesh in order to ensure that deportation of the foreigners is carried out smoothly⁴⁰⁹, it creates a confusion because, on one hand the government seeks deport those who have been declared foreigners under the NRC, while at the same time it has introduced this Bill which seeks to ease the victims off the tag of 'illegal immigrants' and make them eligible for citizenship. Also, since, this Bill lays importance on the issue of religious persecution as the only

⁴⁰⁸ Citizenship Amendment Bill, 2016. P 3. Statement of Objects and Reasons. Rajnath Singh. 15.07.2016.

⁴⁰⁹ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 .P 80. Section 5.51.

ground on which migration of people will be considered, those people who came in to Assam after 1971 facing economic hardships or any other form of violence and persecution and who have been settled in the region for so long, will not only be threatened owing to the NRC that demands documents that proves one's entry into the state before 1971 but also, the victim will not stand a chance to apply for citizenship under the clauses of the Bill since only religious violence will be taken into consideration while considering the application for citizenship. In the case of Assam, given the proximity of the state with Bangladesh and the economic conditions that exist on both the sides of the border, cross migration has happened for economic needs as well. But, unfortunately, such cases will not be considered under this proposed Bill.

Section 5.16.of the Joint Parliamentary Committee Report states that,

*” persons are required to submit an application form online for long term visa. For processing of the applications, a two track procedure has been prescribed. In case the applicant has submitted self attested copy of any of the supporting documents along with the application, long term visa will be granted by the ministry of home affairs after detailed enquiry by the foreigners regional registration officer/ foreigners registration officer concerned, verification by the security agency and on the recommendations of the home department of the state/ UT administration. However, in the case the applicant has incomplete or no supporting documents, the cases will be referred to the Foreigners tribunal for opinion. Grant of LTV in such cases will be subject to field verification by the FRRO/FRO concerned, opinion of foreigners tribunal, recommendation of the state government/ UT administration, concerned and security vetting of the applicant by the security agency in respect of those who have entered India without valid travel documents, the sop issued to the state government/ UT administrations on 08.01.2016 lays down a strict antecedent verification process to ensure that undesirable elements do not take advantage of these provisions. The system in place appears to be sufficient to meet the present requirements”.*⁴¹⁰

⁴¹⁰ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 .p 68.

The documents required are a copy of the old passport issued by their respective governments, copy of visa and residential permit, documents to prove that the victims belong to the specified countries by furnishing details such as documents issued by government authorities like school certificate, land certificate, documents to prove that the victim belongs to a minority community by providing details such as school certificate or any other government document mentioning their religion.⁴¹¹ With regard to the furnishing of passports, it may be pointed here that in the proposed Bill, it has been stated that such victims who have entered India without valid documents, including passports and other travel documents will not be treated as illegal immigrants and considered for citizenship. However, the requirement of the same is likely to put a burden upon those who do not possess these documents. Also, the victims will have to prove that they had entered India after 1971 and on or before 2014 by furnishing details such as the refugee registration certificate issued in India, land and tenancy records in India, permanent residential certificate if any issued in India, any other government documents mentioning the date of entry.⁴¹²

In Section 2.41 of the report, regarding the mechanism available for authentic verification of religious persecution in a foreign land, it has been stated that the Ministry of Home Affairs have submitted that inputs from Security Agencies along with other corroborative evidences in the Print/ Electronic media would help to establish religious persecution in a foreign land.⁴¹³ Moreover, the applicant's claim of religious persecution or fear of religious persecution would be enquired into by the FRRO/FRO to verify the authenticity of such claims.⁴¹⁴ Hence, only after being satisfied with the evidence the grant for citizenship will be processed thus implying that the journey of the victims will not be easy since, their fate will be based on the satisfaction of the authorities regarding the evidence available.

In Section 5.49 of the report, as an answer to the protests by the Assamese organizations over the fact that the proposed Amendment will result in the shifting of the burden of the illegal migrants on the state of Assam since, along with citizenship,

⁴¹¹ Section 4, sub section (a)(b)(c)(d)(e)(f) pp-8-9.
https://mha.gov.in/PDF_Other/AnnexVI_01022018.pdf accessed on 12.04.2019

⁴¹² Section 4, sub section (a)(b)(c)(d)(e)(f) pp-8-9.
https://mha.gov.in/PDF_Other/AnnexVI_01022018.pdf accessed on 12.04.2019

⁴¹³ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 P 49.

⁴¹⁴ Ibid.

they will also enjoy political and economic rights, the ministry of home affairs issued a statement that setting the cut off date to 31-12-2014 would ensure that no further immigration in the state happens from the bordering countries since, there has been no specific report in support of the fact that influx of immigrants from Bangladesh has resulted in the demographic transformation of the region and because many illegal immigrants over the course of their stay in Assam have been successfully able to obtain ration cards, passports etc, and claim that they are the original inhabitants of this region, a fair identification of the legal citizens of the state and detection of illegal immigrants seems difficult. Also, it mentions that protecting the interest of the indigenous Assamese people will be the responsibility of both the central and state governments.⁴¹⁵

However, all throughout the report on the draft Bill, nothing has been said or mentioned about the victims of the NRC. About 40 lakh names have been missing from the first draft of the NRC that was published on 30th July, 2018 and the second and the final draft is yet to be published. Majority of the names missing from the first list are of Bengali Hindus and Muslims. In some cases the failure of produce relevant documents resulted in this outcome while in some other cases, post 1971 migrants of both religions who had been well assimilated into the population until recently have been targeted. However, this Bill does not state, anywhere about the implications of the proposed Bill upon these victims; in other words, whether the benefits of being made eligible for citizenship on grounds of religious persecution will be extended to these victims and also about the cases where Muslim migration has happened on similar grounds and the necessary implication upon them as per this Bill. Another factor that needs to be highlighted here is that, according to this Bill, all Muslims migrants will be treated as illegal immigrants in Assam who have come to the state after 1971. It may well be the case that such migrants, in due course of their settlement in the state have got married to a bona fide citizen of the state and also has a child. So, in such cases, there lies a possibility that the illegal migrant might be detected under the NRC exercise and accordingly will stand a chance of deportation. Now, the child, born to this couple, in India, will also be considered as an illegal migrant since one of her parents is an illegal migrant. Under the proposed Citizenship

⁴¹⁵ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. p 79.

Amendment Bill, in a similar case, where the illegal migrant is a Hindu, the child will not be deemed as an illegal migrant since; her father/mother will not be treated as one. Therefore, this religious divide will also have severe repercussions in such cases where children are involved.⁴¹⁶

The protestors in the Brahmaputra valley have put the issue of language over religion in their protest against this Bill. They bear an apprehension that the Amendment Bill, if passed and allowed to become an act, will resurrect the influx for the migration of Bengali Hindus from Bangladesh in to the state and which, they believe will affect the existing dynamics of the state. Hence, while the selection criterion of the proposed Bill based on religion has stirred debates throughout the country; the Assamese society is concerned more about the violation of the Assam Accord and the perceived threat of having their language and culture submerged under the enormity of the Bengali migrants. It must be pointed here that the ‘foreigner and indigenous’ binary in Assam has always resulted in the assertion of the Assamese identity as being superior and inherent to the land and culture of the region, while any distinctiveness, it would not be wrong to mention, the Bengali identity, in this context, given the current crisis created because of the NRC, would be branded as the ‘other’. The Assamese society therefore defined the ‘other’ and through this dream project of the NRC decided to sanitize the state off these ‘others’. Hence, when this proposed Bill came into light, the preservation of Assamese identity and assertion of Assamese sub nationalism against the ‘others’ became the primary concern of the protestors and hence, the debate over how the proposed Bill violates the secular image of the nation and will do more harm than good by creating a communal divide between the population was overshadowed by their concerns that this Bill would grant the Bengali Hindus, in the case of Assam in particular, a chance to apply for Indian citizenship which would shatter their hopes to maintaining a political and linguistic majority in the region since, it is their perception that such a provision will increase the number of Bengali speakers, often suspected as ‘Bangladeshis’ ‘Foreigners given their cultural and linguistic similarity with Bangladesh, which will, in turn, result in the subversion of their linguistic superiority, a ‘position’ they hold very dear. Therefore, it would not be wrong state that, the current discourse and debates regarding the constitutional

⁴¹⁶ Citizenship Amendment Act, 2003. Section (3), sub section (c) clause (i) (ii).
https://www.prsindia.org/sites/default/files/1167485133_citizenship_amendment_1.pdf

validity of the Citizenship Amendment Bill over the issue of religion as a means of granting citizenship, is not much of a concern for the Assamese society, rather, the fact that this proposed Bill seeks to make the 1971 date, as the cut off date to identify illegal immigrants in the state of Assam, redundant is what has affected and guided the protests against the same. Even in the memorandum submitted by a group of Assamese organizations, namely, the Assam Gana Parishad, the Assam Yuba Chatra Parishad, Assam Andolan Sangrami Manch etc, who have also championed the cause of the indigenous Assamese culture and language against the ‘others’,⁴¹⁷ a very recurrent tone of concern regarding the existence of the indigenous people in the state in the face of these provisions of the proposed legislation could be identified. The concerns over the indigenous people becoming minorities and that the existence of the Assam people coming to an end resulted in the huge uproar in the state. The primary demand was the government ought to safeguard indigenous interests as against the interest of the ‘Foreigners.’⁴¹⁸ Therefore, the total opposition towards this Bill in Assam by the Assamese has been an outcome of their personal vested interests of maintaining their linguistic and cultural superiority in the state which has also been evident in their list of concerns mentioned in the memorandum submitted to the government included in section 1.25 of the Joint Parliamentary Committee Report of 2019, wherein emphasis, predominantly, have been made of the ‘supremacy of the Assam Accord and NRC’, ‘identity’, ‘language’, ‘culture’, ‘ethnicity’ ‘interest’ of the Assamese people and that ‘Assam is for the Assamese’, as states in India are reorganized on the basis of language and thus, Assamese do not have any place to go.⁴¹⁹ This brings out the age old divisions between the two communities- Bengalis and Assamese, over the issue of belongingness. The NRC which has successfully managed to drop out 40 lakh names mostly of Bengalis, have given legitimacy to their most wanted desire and thus, no uproar against this crisis had taken place in the Brahmaputra valley after the publication of the first draft while, a completely different scenario emerged after the introduction of the Citizenship Amendment Bill which included a provision that victims of religious persecution of six religious groups from three specified countries, one of which is Bangladesh, will be made eligible for citizenship. it was quite apparent that this Bill would ‘hurt’ Assamese sentiments since

⁴¹⁷ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 P 27.

⁴¹⁸ Ibid. Point no-6,10,17.

⁴¹⁹ Ibid. point no 8.

it included a provision of granting citizenship to the Bangladeshi Hindu refugees of post 1971 period which the Assamese society having trying hard to get rid of. A massive outbreak, including nude protests⁴²⁰, was thus an expression of their opposition towards the ignorance of this Bill to preserve the indigenusness of their community which, they have tried to coat under the narratives of secularism and religious divide.⁴²¹

The basis on which the Assamese society opposed the Bill, preservation of their identity, is exactly the starting point on which the Bill has received support from the Bengali Hindus residing in Barak Valley, to overcome their fractured identity. The support for this proposed Bill from this region has a historical background that dates back to the separation of Sylhet from Assam to East Pakistan i.e. present Bangladesh in 1947.⁴²² This resulted in a large scale displacement of Bengalis of both religions to Barak Valley given the close proximity of this region. Bengali Hindus or Sylhettis, to be specific, in Barak Valley have had their origins in Sylhet and migrated to this part of the valley during different junctures, primarily after independence. This migration of people continued in the period following the Bangladesh Liberation war and the communal crisis that it had created causing large scale displacement of Bengali Hindus to this region. It is a general consensus that all Bengalis in Assam are illegal immigrants. However, it needs to be mentioned here that the Bengali dominated districts of Cachar, Goalpara, Sylhet were attached to Assam by the British in 1874 from the then Bengal Presidency and thus, linguistic distinctiveness of this region from the rest of the state is based on this history.⁴²³ The Bengalis residing in Barak Valley, viz, the three districts of Cachar, Hailakandi and Karimganj are therefore indigenous to this land and hence, the systematic branding of these people as illegal or outsiders is not based on any reasonable justification. Hence, the identity of this region has been shaped based on this historical background, since Barak Valley was once part of Sylhet in undivided India from 1874-1947, which the residents of Barak Valley are trying to protect through this Bill since their identity has always been

⁴²⁰ <http://www.uniindia.com/nude-protest-against-cab-during-pm-s-assam-visit/east/news/1494231.html> accessed on 14.04.2019

⁴²¹ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019 P 27. point no-8.

⁴²² Bhattacharjee, Tanmay. 2006. The Sylhet Referendum: The story of a lost territory. Guwahati: Vicky Publishers.

⁴²³ Guha, Amalendu. 1977. Planter Raj to Swaraj: Freedom struggle and Electoral politics in Assam 1826-1947. New Delhi: People's Publishing House.

threatened by the Assamese sub national assertion⁴²⁴. Migration from Bangladesh, Sylhet, in particular, to Barak valley, which is separated by a mere distance of 58 kilometers, has primarily happened because of the similarity in the culture and also when communal riots broke out on the other side of the border. These migrants have been well assimilated in the region for generations now which however has come under threat with the NRC which seeks to identify and deport such 'Foreigners. Because, in between 1947-1971, Barak valley witnessed different waves of migration, it came to be reflected in the population figures and this gave birth to Assamese consciousness of asserting their linguistic dominance in the entire state, the present exercise of which is the NRC and which is an attempt of preserving the Assamese language and identity. Communal instability continued well after the birth of Bangladesh in 1971 thereafter necessitating the migration of people from across the border.⁴²⁵ Thus, the cut off year decided by the Assam Accord as 1971 to detect foreigners from the state, does not do justice and accordingly several names have been left out from the first list of the NRC. Hence, with the proposed Bill which has renewed the hopes of citizenship for this section of the society it was quite obvious that it gathered their support since the Bill could very well trigger at the right spot of the people. Relief for the partition victims and victims of communal violence has been the primary reason behind the support since; the proposed Bill makes an attempt to do so. The fact that the Bill mentions the provision that those, who have migrated to Assam after 1971 from Bangladesh facing religious persecution will be made eligible to apply for Indian citizenship', was reason enough for people from Barak Valley to support it. Therefore, the Bill has been supported for providing a chance for post 1971 migrants to Assam to apply for citizenship and not because of the religious connotation attached to it. Support for this Bill therefore is guided by the memories of Partition and associated displacement that is still afresh in the minds of the people in Barak Valley. In fact, in the suggestions provided to the JPC regarding this Bill, it has

⁴²⁴ A term coined by Sanjib Baruah in his book, *India against itself: Assam and the Politics of Nationality*. It refers to the ethnic groups who have different forms of mobilizations and politicization that is different from the pan Indian context.

⁴²⁵ https://www.google.co.in/amp/s/m.timesofindia.com/city/guwahati/barak-valley-sees-identity-victory-in-citizenship-Bill/amp_articleshow/64433692.cms accessed on 16.04.2019

been mentioned that all the victims of religious persecution including the Muslims who sought shelter in Assam cannot and should not become stateless.⁴²⁶

Lack of assimilation between the two communities, perhaps, is the reason behind the divergent reactions on this Bill. The Bengali community in Assam has always been haunted by the tags of ‘Bangladeshis’ and ‘Foreigners, ever since the independence of India, directed against them by the Assamese. The suspicious attitude of the Assamese regarding the Bengalis and the ‘second class citizen’ status of this community have marred the relations between the two sections of the state and thus, when this proposed Bill was introduced, it received a significant support from the Bengali community since, they believe that this Bill, by enabling them to apply for Indian citizenship, will help cease their brandings as ‘Foreigners’ and ‘illegal immigrants’ in the state.

Regarding the ongoing NRC with the proposed draft Bill does not mention as to whether those whose names are left out from the NRC can be made eligible for applying for Indian citizenship and if so, in what ways. Also, this Bill also fails to highlight whether those applicants from Assam who claim their citizenship based on the provisions of the Bill will again be able to apply for the inclusion of their names in the NRC. However, that has been a repeated mention over the trauma that the Assamese in Assam have to face over the issue of illegal immigration and the burden experienced by them due to their presence in large numbers and mentions about the continuation of the process of NRC.⁴²⁷

Inhabitants of Barak Valley– Cachar, Hailakandi and Karimganj – identify themselves as Sylheti Bengalis. Many trace their histories back to ancient and medieval kingdoms that once spread across the Cachar plains, giving rise to a competing version of indigenusness. The borders created by the Partition resulted in a major part of Sylhet, once a part of Assam to join East Pakistan, present Bangladesh, on the basis of a referendum that was held in 1947 to decide whether Sylhet would remain in Assam or go to the other side of the border. Only three-and-a-half thanas of Karimganj, once

⁴²⁶ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. P 27.

⁴²⁷ Ibid Section 5.1. p 60

part of Sylhet, remained with Assam.⁴²⁸ But old continuities between Cachar and Sylhet remain. The Sylheti-Bengali identity still defines much of the Barak Valley, rooted in language and culture rather than religion. In the decades since Independence, Bengali Hindus driven out of Bangladesh by communal violence or poverty have also poured into the region. However, the Sylheti culture is still very much alive among the people residing in this part of Assam. This region is characterized by its linguistic distinction from the rest of Assam which has shaped the politics and also the dynamics of this state with clashes between the two communities continuing over the issue of ‘native’ since long. The language movement of 1960 that gained momentum in this region as an expression of the protection and preservation of the linguistic and cultural heritage of this part of Assam against the larger Assamese linguistic nationalism was an epitome of this divide. The old hostilities sharpened starting 2013 when Assam started updating its National Register of Citizens, meant to be a roster of genuine Indian citizens living in the state, separating them from so-called illegal immigrants. The rules of entry stipulated that anyone who could not prove they or their ancestors had entered the country before midnight on March 24, 1971, the eve of the Bangladesh War, would be declared a foreigner. When Assam started updating its National Register of Citizens, last compiled in 1951, other anxieties grew in the Barak Valley.⁴²⁹ Assamese nationalists have long demanded that it be updated in order to create a roster of “genuine” Indian citizens living in the state, separating them from undocumented migrants.⁴³⁰ According to the rules of entry, anyone who could not prove they or their ancestors had entered the country before midnight on March 24, 1971, the eve of the Bangladesh War, would be declared a foreigner.⁴³¹

In Karimganj constituency, made up of Karimganj and Hailakandi districts, Muslims form close to 60% of the population, according to the 2011 Census. The population of Cachar district, which forms Silchar Lok Sabha constituency, was nearly 60% Hindu and 37% Muslim. Since Independence, large populations of Bengali Hindus have

⁴²⁸ Bhattacharjee, Tanmoy. 2006. *The Sylhet Referendum: The story of a lost territory*. Guwahati: Vicky Publishers.

⁴²⁹ <https://www.google.co.in/amp/s/amp.scroll.in/article/919904/in-assams-barak-valley-insecurities-about-citizenship-drive-bengali-hindus-to-the-bjp> accessed on 13.04.2019

⁴³⁰ Ibid.

⁴³¹ <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses> accessed on 12.04.2019

poured into these districts from across the border, some driven out by waves of communal violence, others in search of economic opportunities. Fresh convulsions in Bangladesh since the 1970s have pushed more Bengali Hindus into Assam.⁴³² These, perhaps, are the “outsiders” that Assam plans to get rid of. Both Bengali-speaking Muslim communities have been affected by the communal polarization created by the debates over citizenship in Assam. Decades of mobilization by Assamese nationalist groups have cast Bengalis as “outsiders” and Bengali-speaking Muslims, in particular, as “Bangladeshis”. Many Muslims who had migrated to Assam after 1971, and who have been settled here for many generations totally assimilating into the larger Assamese society and culture, now, because of the NRC are living a life of constant fear which will also intensify with this Bill since it perpetuates discrimination along religious lines. The Muslims who might also have faced religious violence before fleeing to Assam demand a ground for such discriminatory categorization that provides relief to the Hindu refugees in Assam and complicates the life of the Muslim refugees.

So, it can be said that the Citizenship Amendment Bill, 2016 and the National Register of Citizens contain two extremely contradictory stances. While the former seeks to grant citizenship to illegal immigrants, the latter has been trying to detect them frantically. Now, the question that arises is, if the Citizenship Amendment Bill is to be introduced, then what would be the purpose of carrying out the NRC exercise in Assam which has created an environment of terror in the minds of the people, especially the Bengali Hindus and Muslims. And, likewise, if the NRC is being allowed to continue that what would the Citizenship Amendment Bill mean to those victims of the NRC exercise whose names have not made to the list on account of lack of documents or because they migrated to the state after 1971. This, vagueness is likely to raise a lot of questions and doubts after the effects of these twin apparatus regarding the issue of citizenship. This is because, what the NRC aims to achieve will be negated by this proposed Bill and what the proposed Bill seeks to attain will render the NRC futile. If, this proposed Bill is to become an act, then the first query would be as to what was the reason for creating a crisis in the name of the NRC in Assam with people committing suicides over the fear of potential statelessness, living under the

⁴³² <https://www.google.co.in/amp/s/amp.scroll.in/article/919904/in-assams-barak-valley-insecurities-about-citizenship-drive-bengali-hindus-to-the-bjp> accessed on 13.04.2019

constant fear of being declared a foreigner and undergoing a period of ‘identity crisis’ after living in the state for generations. Second, if this proposed Bill plans to eventually grant victims of religious persecution citizenship of course after the production of relevant documents to prove the same, than why is not the provision inserted in the NRC which might reduce the harassment faced by such victims. Third, the trauma that NRC has created over the availability and non-availability of documents, have made it clear that document related evidence is something that most victims of partition are finding hard to produce especially after so many years. Then, what is the need, considering this situation, to again re-introduce the provision of document related evidence as a means to identify if the victims have been religiously persecuted, or if they belong to the specified minority communities from the specifies regions; since, it would again create for them. Fourth, the Citizenship Amendment Bill will ultimately be reduced to a mechanism to exclude the Muslim migrants of the post 1971 period in Assam from the ambit of citizenship even if they have been victims of religious violence. Lastly, it would not be wrong to consider that the proposed Bill is nothing but a hoax and probably a means to capture the Hindu vote bank of Barak valley which it has been put to danger with the government’s patronage towards the implementation of the NRC and to help Assam get rid of the burden of illegal immigrants. Throughout the report of the JPC, the government has maintained a very optimistic tone regarding the ongoing NRC exercise repeatedly ensuring that the process will continue to ultimately create an illegal immigrant free Assam and also has mentioned that the procedures ensuring the same is in place. Thus, there has been no mention about the Amendment of section 6A of the 1955 Citizenship Act of India which sets the cutoff date of 1971 for Assam for the identification of foreigners in the state⁴³³ which does not tune in with the provisions of this proposed Bill since, it extends the date to 31-12-2014 and states that religious minorities from Bangladesh, Afghanistan and Pakistan who have been victims of religious torture and were forced to leave their homeland and seek shelter in India, the period of migration being after 1971 till 31-01-2014, and who belong to the six specified religions will not be considered as illegal immigrants therefore, nullifying Section 6A of the citizenship Act of 1955 which will have implications in the state. Lastly, if this proposed Bill,

⁴³³ [https://www.google.co.in/amp/s/www.gktoday.in/gk/section-6a-of-citizenship-act-1955-and-assam accord/amp/](https://www.google.co.in/amp/s/www.gktoday.in/gk/section-6a-of-citizenship-act-1955-and-assam%20accord/amp/) accessed on 12.04.2019

which has not yet seen the daylight in the form of becoming an Act on account of being lapsed, is ultimately introduced, it would be interesting to observe how the issue of 'Foreigners is resolved and how this proposed Bill deals with the polarization both linguistic, in the case of Assam and religious in the pan Indian case, that its provisions have a potentiality of creating. .

The calling out of the immigrants as, Bangladeshi “infiltrators” to “termites”, most recently on April 11, 2018, by a government official⁴³⁴ while at the same time the introduction of the Citizenship Amendment Bill by the same government is raising doubts over the fact that if the Hindu Bengali refugees in Assam are to be made eligible for citizenship then why does the dehumanizing of the immigrants using expressions like ‘infiltrators’ and ‘termites’ figure in such a scenario since, the same infiltrators and termites will be made eligible for Indian citizenship. Thus, whether it is the intention of the government to allow such victims to apply for citizenship while at the same time branding them as outsiders is something that is yet to be seen.

A total of 3.29 crores of people have applied for their names to be included under the NRC, according to the official data which is mentioned on the NRC portal. This exercise has been under the close supervision and monitoring of the Supreme Court. The first draft of the NRC came out on 30th July, 2018 in which almost 40 lakh names went missing. As per government reports, up to January 2019, 30 lakh out of the left out 40 lakhs have again re applied for citizenship the final list regarding which is due for publication in July 2019. In the meantime, in September 2015, the government of India issued twin notifications on September 7th, 2015 amending the Passports rule of 1950 and the Foreigners order of 1948.⁴³⁵ The Amendment to the Passports Rule included the insertion of the provision that persons belonging to minority communities in Bangladesh and Pakistan namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who were compelled to seek shelter in India fearing religious persecution on or before 31st December, 2014 without valid documents including passports and other relevant travel documents or with valid documents which have expired, will be granted exemption from being treated as illegal immigrants under the foreigners Act of 1946 and they will be allowed to stay in India

⁴³⁴ <https://www.google.co.in/amp/s/amp.scroll.in/article/919904/in-assams-barak-valley-insecurities-about-citizenship-drive-bengali-hindus-to-the-bjp> accessed on 12.04.2019

⁴³⁵ The Gazette of India, Part II, Section 3, Sub Section (i), December 7, 2015. P 2
https://mha.gov.in/PDF_Other/Noti685EOrder686E_210915.pdf accessed on 17.04.2019

without these documents or after the expiry of these documents without police arrest.⁴³⁶ This notification, thus, invariably stands inconsistent with the continuation of the NRC and which the Bill nowhere seeks to clarify rather, it is seen that these notifications had no impact on the process of NRC updation in Assam. Similarly, while this Bill has received the support from the Bengali population in Barak Valley, which, it is believed has been affected the most because of the NRC, it will not be wrong to conclude that, this Bill might not have the desired impact on the NRC since, this proposed Bill, nowhere has negated the validity of Clause 5 of the Assam Accord which is the basis for conducting the NRC in Assam.⁴³⁷ This clause states that, for the purpose of detection and deletion of foreigner, 1.1.1966 will be considered as the base date and year and all those who came prior to this date and who have their names in the 1967 electoral records of the state will be regularized and regarded as citizens. Foreigners who came in after 1966 and up to the midnight of 24th March, 1971 shall continue to be detected in accordance with the provisions of the Foreigners Act of 1946 and the foreigners tribunal order of 1964 and their names will be deleted from the electoral rolls following which such persons will have to register their names and will be allowed a naturalization period of 10 years at the end of which, their names will be included in the electoral rolls. And lastly, foreigners who came into Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. The NRC in Assam aims to do exactly this; it requires the people to show, using documents that they have come to the state on or before 24th March, 1951, and upon necessary verification and scrutiny of all these documents, their names are to be included in the NRC list and those who have come after 1971 will be declared foreigners. Therefore, given this inconsistency between the two provisions and the failure of the proposed Bill to provide any reasonable clarification that might have eased the way of the victims, by keeping the cut off date as mentioned in clause 5 of the Assam Accord intact, it seems highly unlikely that this Bill might come as a saviour to rescue those people who have been left out of the NRC or those people of Indian origin who might have come to India illegally under the fear of threat or persecution which the NRC in Assam does not recognize. Another interesting development that this proposed Bill might create, if passed, is that, under

⁴³⁶ The Gazette of India, Part II, Section 3, Sub Section (i), December 7, 2015. P 3
https://mha.gov.in/PDF_Other/Noti685EOrder686E_210915.pdf accessed on 17.04.2019

⁴³⁷ <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses> accessed on 14.04.2019.

the NRC, the people have to show that they are Indian nationals by showing documents of pre 1971 period, however, under this Bill, in order to obtain citizenship, all those victims who have been left out of the NRC, despite claiming that they are Indian citizens, will now have to contradict themselves by proving that they are foreign nationals in order to made eligible to apply for citizenship. Hence, this Bill might end up being a farce attempt to provide relief to the victims of NRC, whose names might have failed to come up due to various reasons since, despite their repeated claims of being Indians, they will neither be incorporated into the NRC list due to lack of documents, nor, they will be getting some relief of citizenship under this proposed Bill which would require the victim to declare himself/herself as a foreign national. This will undoubtedly create a vulnerable situation for the Bengali Muslims with regard to their unlawful exclusion from the ambit of Indian citizenship. Whether this Bill mitigates the hardships of these victims and most importantly, how the application of the provisions of this Bill affects the victims of NRC in Assam is yet to be seen.

What is further startling, is the fact that under Section 1.25 of the report⁴³⁸, which contains a summary of the demands and the suggestions put forward by individuals and organisations in Guwahati, Silchar and Shillong, when the JPC made a field visit to these places to ascertain the viewpoints of these regions regarding the proposed Bill, it has been clearly mentioned by the protestors of the Citizenship Amendment Bill in Assam, that, the ‘people’ in Assam will have no problem with this Bill if the name of Bangladesh as a country falling under the purview of Indian citizenship under the new provisions of this proposed Bill is removed. This clears all doubts and apprehensions about the fact that the narratives of ‘illegal immigration’ as being a hurdle for Assam in its way of development, social, economic and political and their inherent fear about their land and resources being swamped by the ‘Foreigners, and, most importantly, their perceived identity crisis, is nothing but a misnomer. This is because, if the larger Assamese society, which has expressed its outright rejection to this Bill as going against their interests and sentiments, would have been guided by the concerns of maintaining the security of the state as against the Foreigners, then, removing Bangladesh from the citizenship considerations of the proposed Bill would

⁴³⁸ Joint Parliamentary Committee Report on the Citizenship (Amendment) Bill. Lok Sabha Secretariat. January 07, 2019. P 27. Point no-16.

have never made the Assamese society change its standpoint. This is because of the simple fact that if citizenship is given to the victims of religious persecution from Pakistan and Afghanistan, then, the movement of such 'citizens' within India is likely to be fluid and it may well be the case that such citizens may seek a shelter for themselves within Assam since, citizenship would bestow them with the freedom of movement and the freedom of residence within India. In such a scenario, if the present discourse in Assam regarding the Assamese indigenous population being reduced to the status of minorities in the state does not arise, then, it needs to be understood that the opposition in Assam towards this Bill and towards the issue of illegal immigration was, and has never been on the grounds concerning the protection of its identity, security and the socio-cultural position of its population, rather, this opposition is nothing but a manifestation of the age old divide between the two linguistic communities in Assam- the Bengalis and the Assamese, the old fissures between them, and the notion of perceived 'threat' that the Assamese bear in their minds as against the Bengalis. The NRC in Assam is nothing but an aggressive materialization of this perceived threat and not an attempt to protect the security of the state, rather, an attempt to protect the identity of the Assamese as against the Bengalis, the security of the state from the 'Foreigners and 'Bangladeshi's the Assamese very dearly consider the Bengalis and most importantly, to save the linguistic dominance of the Assamese as against the Bengalis. Had protests against this Bill, from the Brahmaputra Valley consisting mainly of the Assamese speaking population been guided by the concerns of security, secularism, equality, and communal tensions, and most importantly, the protection of the state from mass influx of population, then, a systematic exclusion of a particular country would not have any bearing upon the change in the attitude of the protestors and the source of the protest. The popular Assamese sentiment against the Bengalis in Assam as being '*outsiders*', '*bideshis*', '*bohiragotos*', and as suspected Bangladeshis, drowning them into the clutches of harassment, has become lucid with this proposal made by the protestors before the Joint Parliamentary Committee, regarding the removal of Bangladesh, whereby it has become apparent that, probably, the discourse about 'illegal immigrants' in the state of Assam is more an expression of the anti-Bengali emotion and the protection of the state of Assam from the linguistic dominance of the Bengalis, that the Assamese foster rather than the anxiety about the security of the state as it has displayed on several occasions.

Citizenship and belongingness have always remained two highly contentious issues in Assam with the Bengalis always having to prove both since long. The recent stint with the NRC, may be considered as the ultimatum with regard to proving one's identity and hence, citizenship. Those are able to prove so, have been able to save themselves from the wrath of the NRC, while most others who have not, are languishing in the detention camps after being branded as foreigners. With more and more tribunals being set up in the state, the process of declaring people as 'Foreigners is also accelerating.⁴³⁹ These detainees are governed under the Foreigners Act of 1946, which treats these victims as illegal immigrants, imposes several restrictions on them, such as freedom of movement, freedom to interact with certain people and engage in certain Activities, treating them, nonetheless as criminals.⁴⁴⁰ While two Amendments to the Foreigners Act of 1946, have taken place in 2015, the application of these have not yet taken place in Assam and the NRC does not recognize and uphold the validity of these twin Amendments in the detection of foreigners and hence, the post 1971 victims in Assam without documents continue to be declared as foreigners. With the tag of 'Foreigners, comes the fear and anxiety over their future, deportation, depression and the possibility of potential statelessness. Hence, several deaths have been recorded in these detention camps. All of these bring into the picture the horrific narratives of intolerance that frames the Bangladeshi immigrants as dangerous and parasitic. The plight of those victims in Assam who have already been branded as foreigners is unfathomable. While justice can never be delivered to all those who lost their lives, it remains to be seen if this proposed Bill, becomes an Act, offers a ray of hope for the other detainees in the state of Assam by offering them a chance to apply for citizenship cutting across communal divisions.

⁴³⁹ <https://thewire.in/rights/the-death-of-amrit-das-and-the-search-for-foreigners-in-assam> accessed on 15.04.2019

⁴⁴⁰ Ibid.

Chapter 4: Citizenship or Humanitarian Crisis: A study of process of NRC updation in Southern Assam.



Map of Southern Assam.

By the region, Southern Assam, we refer specifically to the three districts of Cachar, Hailakandi and Karimganj, which together form the Barak Valley. These three districts are situated on the banks of the river Barak at the southern border of Assam covering an area of 6962 sq km.⁴⁴¹ It is bound by hill ranges in almost three sides- on the north by the North Cachar Hill Districts of Assam, on the south by the states of Mizoram and Tripura and on the east by the state of Manipur.⁴⁴² On the fourth side, i.e. on the western side, it is bordered by the plain lands of the Sylhet district of modern Bangladesh.⁴⁴³ Throughout the colonial rule i.e. from 1766-1947, Karimganj district of present Barak Valley formed a part of the district of Sylhet.⁴⁴⁴ In the British period, i.e. from 1832-1947, the districts of Cachar and Hailakandi constituted the district of Cachar as a whole.⁴⁴⁵ Both Cachar and Sylhet until 1874 were part of the Bengal Presidency.⁴⁴⁶ In 1874, these two districts were added to the newly formed state of Assam. In the British official records, these two districts were jointly identified as the Surma Valley Division of the state. In 1947, after Independence, a major part of the Sylhet district was transferred to East Pakistan through a referendum.⁴⁴⁷ Only four thanas of the present Karimganj district remained within Assam. Thus after independence only the Indian portion of the former 'Surma Valley division' constituted the district of Cachar with three subdivisions i.e. Silchar, Hailakandi and Karimganj.⁴⁴⁸ In the post- independence era, Cachar acquired the name of Barak Valley after the name of the principal river of this region- Barak. So, the terms Cachar and Barak Valley refer to the same geographical unit.

⁴⁴¹ Census of India, 1971. Cachar District Handbook, Page 178.

⁴⁴² Census of India, 1961. Cachar District Handbook, Page 1

⁴⁴³ Census of India, 1951. Cachar District Handbook, Page 1-2.

⁴⁴⁴ Census of India, 1921. Reports on Assam, Page 34.

⁴⁴⁵ Census of India, 1971. Cachar District Handbook, Page 4.

⁴⁴⁶ Census of India, 1971. Reports on Assam, Vol.3, Page 3

⁴⁴⁷ Bhattacharjee, Arunima. 2006. Student Movement in Barak Valley: with special reference to Language Movement, Sahitya Printers, Hailakandi. Pp 228-268

⁴⁴⁸ Census of India, 1951. Cachar District Handbook, Page 7

Demography

		Barak Valley Total population 1713318		Brahmaputra Valley Total population 12456477		Hill districts Total population 455337		Assam Total population 14625157	
Sl. no.	Languages	Persons	% of pop	Persons	% of pop	Persons	% of pop	Persons	% of pop
1.	Assamese	6840	0.40	8844313	71	53764	11.80	8904917	60.89
2.	Bengali	1332268	77.76	1501831	12.05	47940	10.53	2882039	19.71
3.	Hindi	193266	11.28	567063	4.55	32152	7.06	792481	5.42
4.	Bodo	1561	0.09	498904	4.00	33259	7.30	533724	3.65
5.	Nepali	4216	0.25	314865	2.52	29036	6.38	348116	2.38
6.	Mikir	1142	0.06	17765	0.14	202447	44.46	221354	1.51
7.	Manipuri	72290	4.21	12975	0.10	524	0.12	85789	0.59
8.	Dimasa	10540	0.62	1313	0.01	26654	5.85	38508	0.26
9.	Others	91195	5.33	697448	5.59	29582	6.50	818225	5.59

Table 1: LINGUISTIC DISTRIBUTION OF POPULATION IN BARAK VALLEY, BRAHMAPUTRA VALLEY, ASSAM IN 1971 .COMPILED FROM CENSUS OF INDIA 1971, SERIES 3, ASSAM PART -1.A GENERAL REPORT.

Although ‘Barak Valley’ politically formed a part of Assam since 1874, yet the region has developed a separate demographical identity from the rest of the state, specifically from a linguistic and ethnic point of view. The table (Table 1) clarifies the demographic and linguistic character of the region vis-à-vis the rest of Assam and also highlights the multilingual character of the state.

From the table, the following facts become clear: In the district of Cachar, 77% of the total population is Bengali speaking. On the other hand, apart from the hill areas (covering the districts of N.C. Hills and Karbi Anglong) or the greater part of Assam, popularly known as the Brahmaputra Valley, consisting of the districts of Goalpara, Kamrup, Darrang, Lakhimpur, Dibrugarh, Sibsagar and Nagaon, 71% of the total population is Assamese speaking. When we consider the entire state of Assam, the Assamese speaking population constitutes the majority, i.e. 60.89% and next to them comes the Bengalis, who form 19.88% of the total population of the state.

TABLE 1.2: Linguistic distribution of population in Cachar in 1931 as compiled from Census of India 1931 Assam Table XV Part-I. (NA*- Not available)

Year	Bengalis	Assamese	Dimassas	Bodos or Plain Cacharis	Others	Total Population
1931	338722	2251	NA*	NA*	179544	570531

Also, from the Census of 1931, it is evident that 26.38% of the population was Bengali speakers. Therefore, throughout the colonial rule, the Bengalis constituted the linguistic majority in Cachar.

Table 1.3: Two predominant linguistic communities in Assam in 1931,1951,1991,2001, 2011. Compiled from Census of India (Assam).

Year	Percentage of Bengali speaking Population	Percentage of Assamese speaking Population
1931	31.4	26.8
1951	56.7	16.5
1991	57.81	21.67
2001	53.08	29.96
2011	48.81	27.55

Prior to the partition, the entire district of Sylhet along with the district of Cachar formed part of the Province of Assam and Bengalis constituted the largest single linguistic group in that province. However, after the Partition the composition altered as a large part of Sylhet was transferred to Pakistan, hence, according to the 1951 Census, the total percentage of Bengali speaking population in Assam came down to 16.5%. In recent times, according to the 1991 and 2001 Census reports, the percentage of Bengali speaking population has increased from 21.67% in 1991 to 29.96% in 2001, while the percentage of Assamese speaking population has come down from 57.81% in 1991 to 53.08% in 2001.

Thus, it becomes evident from the statistical data drawn up from the Census that the linguistic character of the population in Barak Valley is predominantly Bengali speaking. Against this backdrop, according to official sources, in the NRC draft that was released on July, 2018, almost 29% of the population that was excluded from the list was from Barak Valley, 112109 persons (8.47 %) were excluded in Karimganj, 55000 persons (8%) were excluded in Hailakandi and 228762 persons (12.5%) were left out from Barak Valley.⁴⁴⁹ Given the linguistic character of this region, thus, it would not be wrong to point out that majority, out of the 40 lakh absent names, of the Bengalis who have been left out belong to this region.

⁴⁴⁹ Information stated based on a Times of India Report dated July 31st, 2018, accessed from https://www.google.co.in/amp/s/m.timesofindia.com/india/barak-valley-in-assam-sees-large-inclusion-of-applicants-in-the-final-draft-nrc/amp_articles/65216777.cms on 12.04.2019

Procedure for NRC Application:

The verification process of the NRC included the verification of 68.33 lakh application forms and an approximate of 5 crore documents when the process began in the year 2015. The process of verification is based on the Rule 3 of the Citizenship Rules of 2003 that mentions about the scrutiny of the applications received for citizenship by comparing the information stated in the application form with the data of records of the concerned person maintained by the officials, based on which, the applicants will be made eligible for the inclusion of their names in the list if both the information matches.⁴⁵⁰ The process of verification was based on office verification and as a means to identify and eliminate forged documents. In this regard, the NRC updation process in Assam differed from the rest of the country. For the rest of the country, the process of verification includes door – to—door verification by the NRC staff to verify the citizenship documents and the testimonies of the applicants. This is based on Rule 4 of the Citizenship Rules of 2003 that mentions about this method, however, in Assam, the process of document verification is based on Rule 4A of the Citizenship Rules of 2003, a special provision concerning the update of the NRC in Assam and the corresponding schedule of the Citizenship Rules of 2003 which states that an NRC Seva Kendra would be set up in each area wherein the residents of that area would have to collect a form, fill it up and submit it with all the necessary documents, and the citizenship status of such applicants are thereby decided based of the NRC List of 1951 and the names on the electoral rolls up to the midnight of 24th March, 1971; thereby replacing the process of house-to-house verification that is enlisted for the rest of the country.⁴⁵¹ The corresponding schedule of the Citizenship Rules of 2003 thus created a special provision for the state of Assam regarding the manner of preparation of the National Register of Citizens in the state and such rules have been framed in accordance with the cut off date of 24th March, 1971 that was decided by the Assam Accord wherein, under Clause 3(3) of the rules, it has been mentioned that, “The names of persons who are originally inhabitants of the State of

⁴⁵⁰ Facts stated have been drawn from the NRC, leaflet on verification of NRC application forms and family tree detail submission for an error free NRC, leaflet no 1/2015
http://www.nrcassam.nic.in/pdf/NRC%20Family%20Tree_leaflet_English.pdf accessed on 11.04.2019

⁴⁵¹ The Citizenship (Registration Of Citizens And Issue Of National Identity Cards) Rules, 2003 <http://www.nrcassam.nic.in/images/pdf/citizenship-rules.pdf> accessed on 02.01.2019.

Assam and their children and descendants, who are Citizens of India, shall be included in the consolidated list if the citizenship of such persons is ascertained beyond reasonable doubt and to the satisfaction of the registering authority”⁴⁵² Under this provision the tea tribes in Assam have been registered as Original Inhabitants or OI.

Regarding the process of the NRC updation in Assam, the use of Family Tree as has been devised as a tool to detect false claims. The Family tree consists of the details of the different generations of the family comprising of the names of the legacy persons, the children and the grandchildren of that person. This format has been designed by the NRC authorities in order to capture the family details of the applicants. The applicants have to fill in the details of the different generations of the family comprising of the names of the legacy persons and the children and grandchildren of the legacy person.⁴⁵³

The decision of implementing a family tree was taken in order to ensure that the persons do not resort to unscrupulous means by making false claims of linkage with the persons who might have entered the state on or before 24th March, 1971, in order to get his/her name enlisted in the NRC. In order to identify such false claims it is imperative to have a provision that allows for the cross checking of all the legacy claims made by the applicant. Accordingly, software has been designed to check all the application forms submitted and thereby generate a computerised family tree that includes the details of all the persons who have claimed to be the children/grandchildren of the same legacy person. Thus, the family tree has been designed to help in the process of verification to identify false claims, to protect the legacy data of a family from being used by fraudulent persons and to provide valuable information regarding the linkage for the family members to substantiate their claims.

⁴⁵² Clause 3(3) in Schedule 4A (4) Special Provision As To Manner Of Preparation Of National Register Of Indian Citizen In State Of Assam of The Citizenship (Registration Of Citizens And Issue Of National Identity Cards) Rules, 2003 <http://www.nrcassam.nic.in/images/pdf/citizenship-rules.pdf> accessed on 05.02.2019.

⁴⁵³ Facts stated in this paragraph have been drawn from the NRC, leaflet no 1/2015 http://www.nrcassam.nic.in/pdf/NRC%20Family%20Tree_leaflet_English.pdf accessed on 05.02.2019

However, it has not been made a mandatory provision to keep a family tree, in terms of filling out a form regarding the same, and submit it to the officials associated with the process of verification, however, providing such details regarding the information has been made a necessity, wherein, the applicants had to provide the same information to the verification team during the process of verification. The verifying officials have been made empowered, under the provisions of Rule 8 of the Citizenship Rules of 2003 to ask any person to furnish relevant information with regard to the determination of the citizenship status of the applicants who are bound to comply with such requisition by providing the same.⁴⁵⁴ Hence, details of the family tree will have to be made available to the verifying officials even if the form of the family tree is not filled by them. Wherever such information was not provided by the applicants, the verification officials were supposed to collect the required information and record the same during their field visits. Thus, family tree was made in order to keep the details of each applicant ready for verification and the subsequent correct recording of information. The family tree form required the furnishing of details such as providing the Application Receipt Number or the ARN number that was provided to each applicant on the successful submission of their application either at the Seva Kendras or online. Each ARN number, thus, is a unique number of each applicant. The legacy data code, a code received by each household against the name of the legacy person and the name of the legacy person, the name of the spouse of the legacy person, the children and grandchildren of the legacy person and their present address also needed to be mentioned. With regard to the address of the children and grandchildren, a provision was added that if the children of the legacy person are settled in different places, and each of them submit a family tree with the ARN of each applicant being different, then, the procedure was to collect the details of each of the children and their progeny to draw the family tree of the legacy person and thereafter match it with the claims of all the children in order to ensure that imposter is able to claim himself or herself as one of the children of the person concerned.⁴⁵⁵

⁴⁵⁴ Facts stated in this paragraph have been drawn from the NRC, leaflet no 1/2015 http://www.nrcassam.nic.in/pdf/NRC%20Family%20Tree_leaflet_English.pdf accessed on 05.02.2019

⁴⁵⁵ Ibid.

The names of all the deceased members in a family also needed to be mentioned for drawing up the family tree by prefixing 'late' before such names and finally, such a form was required to be signed by any adult member of the household.⁴⁵⁶

Regarding the inclusion of the names of the daughters in a family who have been married, the person concerned needed to prove her legacy by producing the legacy data of her parents and not her in-laws. A provision of allowing the children to draw their linkages through their mother had also been provided in the process. However, in order to ensure that such a provision is not misused by people with vested interests to get their names in to the NRC list, it was required that each family also submits the details of their married daughters and their children in order to avoid such mishaps.⁴⁵⁷

The application form of the NRC were distributed to each household free of cost which had to be filled up by the family head who also had to include the names of all those family members who are settled in different parts of the country and the world i.e. the particulars to all family members were required. D voters or default voters or foreigners and the descendents of D voters were also allowed to apply for the inclusion of their names in the NRC, however, such names would only be included in the NRC after the Foreigners Tribunal declare these people as non-foreigners on the basis of documents and evidences.⁴⁵⁸

Before filling up of the Application Form the family was to ensure the collection of all details required to be furnished with the application form for securing inclusion in the updated NRC. There were two requirements for inclusion of names of any person in updated NRC. The first requirement was the collection of any of the following documents of List A issued before midnight of 24th March, 1971 where name of self or ancestor appeared to prove residence in Assam up to midnight of 24th March, 1971⁴⁵⁹. Such documents included:

1) 1951 NRC OR

⁴⁵⁶ Facts stated in this paragraph have been drawn from the NRC, leaflet no 1/2015 http://www.nrcassam.nic.in/pdf/NRC%20Family%20Tree_leaflet_English.pdf accessed on 05.02.2019

⁴⁵⁷ Ibid.

⁴⁵⁸ Facts stated in this paragraph have been drawn from the NRC, Leaflet on application form, receipt, filling and application, 2015, accessed from http://www.nrcassam.nic.in/images/pdf/App_engleaf.pdf accessed on 09.02.2019.

⁴⁵⁹ Ibid

- (2) Electoral Roll(s) up to 1971 OR
- (3) Land & Tenancy Records OR
- (4) Citizenship Certificate OR
- (5) Permanent Residential Certificate OR
- (6) Refugee Registration Certificate OR
- (7) Passport OR
- (8) LIC OR
- (9) Any Government issued License/Certificate OR
- (10) Government Service/ Employment Certificate OR
- (11) Bank/Post Office Accounts OR
- (12) Birth Certificate OR
- (13) Board/University Educational Certificate OR
- (14) Court Records/ Processes.⁴⁶⁰

Apart from these documents, two other documents: Circle Officer/ Gaon Panchayat Secretary Certificate in respect of married women migrating after their marriage on or before 24th March, 1971 and Ration card issued up to the same period were added as supporting documents. However, these two documents were made acceptable on if it was accompanied by any one of the documents in List A. It was also stated in the NRC leaflets that providing any one of the documents in List A on or before the midnight of 24th March, 1971 would be enough to prove one's residence in the state and make the individual eligible for inclusion in the updated NRC. In case of the other admissible document required to prove residence in Assam up to midnight of 24th March, 1971 from sl. 3 onwards in list A, the applicant shall be submitting the admissible documents available with them. In case the applicant had lost or misplaced the documents required, they may approach the office from which the documents were issued for obtaining duplicate/certified copies. In order to establish linkage with parent, the married women who had migrated after marriage may provide marriage certificate issued by Circle Officer/GP Secretary. Submission of such certificate is not mandatory. Only in absence of any other legally admissible document to proof linkage, such certificate may be necessary. The Second requirement arises if name in

⁴⁶⁰Facts stated in this paragraph have been drawn from the NRC, Leaflet on application form, receipt, filling and application, 2015, accessed from http://www.nrcassam.nic.in/images/pdf/App_engleaf.pdf accessed on 09.02.2019.

any of the documents of List A is not that of the applicant himself/ herself but that of an ancestor, namely, father or mother or grandfather or grandmother or great grandfather or great grandmother (and so on) of the applicant. In such cases, the applicant shall have to submit documents as in List B below to establish relationship with such ancestor, i.e., father or mother or grandfather or grandmother or great grandfather or great grandmother etc. whose name appears in List A.⁴⁶¹ Such document shall have to be a legally acceptable document which clearly proves such relationship.

- (1) Birth Certificate OR
- (2) Land document OR
- (3) Board/University Certificate OR
- (4) Bank/LIC/Post Office records OR
- (5) Circle Officer/GP Secretary Certificate OR
- (6) Electoral Roll OR
- (7) Ration Card OR
- (8) Any other acceptable document ⁴⁶²

The Birth Certificate gives the name of the father/ mother and the child together in one place and can help prove the parent-child relationship. Similarly, a land mutation document carrying the name of the child and the father/ mother can be used to prove a parent-child relationship. Electoral Roll also may carry the name of the father and child together and can be used to establish the parent-child relationship.⁴⁶³

Documents given in List B are only supportive documents and, in order to prove linkage with parent or ancestor any legally acceptable document which establishes the relationship in clear terms between, the member of the family, and, the name of person whose name appears in any of the documents in list A would be acceptable. Such documents should be verifiable with the originals available with the issuing authority. These relationship/linkage documents can be issued before or on the 24th March (midnight) 1971.

⁴⁶¹ Facts stated in this paragraph have been drawn from the NRC, Leaflet on application form, receipt, filling and application, 2015, accessed from http://www.nrcassam.nic.in/images/pdf/App_engleaf.pdf accessed on 09.02.2019.

⁴⁶² Ibid.

⁴⁶³ Ibid

The application form of the NRC begins with stating the name of the head of the family, followed by the relationship of the applicant to the head, i.e. father/mother, followed by the birth dates of each member of the family, the names of the father, mother, spouse, children of the applicant in the given space; colored photograph of each member had to be pasted beside each name. The person with whom legacy is to be established had to be mentioned, with regard to this, two columns were maintained, one for those persons whose name appeared in the 1951 NRC and the other for persons whose names appeared up to the 1971 electoral rolls. An 11 digit legacy data code was subsequently received against the person whose name was written. The Legacy Data Code issued against each entry in 1951 NRC and Electoral Rolls up to 1971 made available online and through the NRC Seva Kendras. The Legacy Data Slip received from the Seva Kendras or online had to be enclosed with the application. This is followed by mentioning the documents using their serial numbers and self attested photo copies of the documents submitted had to be enclosed with the form while during the field visit, the original documents needed to be shown for verification. Then, the applicant had to write his relationship with the legacy person i.e. father/mother/self following which he had to show his linkage with the legacy person and his relationship with the members listed in the form, in the case of children, they will have to draw their linkage through their father, using birth certificates or other admissible documents as mentioned above, and in his absence, through their mother. Married women, have to show their linkage through their family members and establish the linkage with the applicant, as her husband through marriage certificate or in its absence the Gaon Panchayat Secretary certificate or Circle officer certificate the date of issue of which would not be limited or restricted to 24th March, 1971, however, while establishing her linkage with her parents', the legacy of the person needs to be one from on or before 1971. At the end, the head of the family gives an undertaking that all documents and information furnished are true to the best of his/her knowledge. ⁴⁶⁴

Thus, before the beginning of this exercise, the NRC office had to compile all the data from the 1951 NRC and electoral rolls, available at the district level into the database, followed by the setting up of NRC Seva Kendras (NSK) throughout the state. In 2015,

⁴⁶⁴ Facts stated in this paragraph have been drawn from the NRC, Leaflet on application form, receipt, filling and application, 2015, accessed from http://www.nrcassam.nic.in/images/pdf/App_engleaf.pdf accessed on 09.02.2019.

when the NRC procedure began, the NSK, published the legacy data, both online as well as in document form for people to have an access to the information and trace their ancestor. Accordingly, the presence of innumerable similar names could be found. Following the tracing, the applicant was assigned an 11 digit unique legacy data code as a link with the ancestor, which had to be mentioned in the application form. On the basis of this code, the verification of the documents of the applicant with the ancestor was undertaken. The applicant then was required to furnish the linkage documents any one, or more than the list of documents, to establish the legacy of the ancestor, and the link between the ancestor and the applicant. After the publication of the legacy data and the setting up the NSK, application forms were made available to be collected, either from the NSK, or downloaded from the NRC website. The form had to be filled by the head furnishing details of the deceased and also those members settled abroad, alongside their photographs and the photocopies of all the documents that establish the linkage with the ancestor were then submitted at the nearby NSK, following which the process of physical verification by the NRC officials began, based on which, the draft NRC list was published on December, 2017 and the first NRC list on July 30th, 2018, wherein the names of almost 40 lakh Bengalis went missing which created a huge uproar especially in Barak Valley in Assam which has a concentrated Bengali population. The process of filing claims and objections⁴⁶⁵ following the publication of the first list of the NRC to reassess the documents of those who had applied in the NRC, for the enrolment of their names completed and hearings in order to verify such documents are being conducted. The final list is scheduled to be published in the month of July, 2019.

Thus, it becomes clear that the modalities of the NRC were extremely complex for any common men, making it even more difficult for the uneducated and the illiterate masses. The NRC is more like a sentiment for the Assamese people giving a shape to the long cherished dream of the Assamese of having a foreigner and illegal immigrant free Assam. Hence, this project received the widespread support and coordination as well as participation by the Assamese people. Several leaflets were served, hoardings were put up, to gain the support and acceptance of the people since, it was portrayed

⁴⁶⁵ Claims and objections can only be filed by those applicants who have filled up the NRC form in 2015 and not by others. No additional documents are required to be submitted while filing claims since, an appeal for re verification of the documents already submitted by the victims is made through it stating the grounds for making such claims and objecting against the grounds of exclusion.

as an attempt to give Assam and the Assamese its long cherished dream of protecting its identity vis-à-vis the identity of the 'Foreigners.

It is against this backdrop a study was conducted in Silchar, a town in Barak Valley in Southern Assam to identify the kind of crisis and problems that people have to undergo in the wake of the NRC exercise. For this purpose, 57 persons, who have been left out from the NRC list that was published on July, 30th, 2018, had been interviewed through a Non Governmental Organisation 'Netaji Subhas Chandra Bose Seva Sangstha' which has been offering free help and aid to these victims in terms of helping them to fill in their claims forms, scrutinising the documents to be submitted, and guiding them regarding the procedure of the NRC, since, majority of people lacked the proper knowledge and awareness about the NRC. The fieldwork was conducted between 23. 03. 2019 to 11.04.2019. This allowed the researcher to mix with a diverse population, in terms of economic status, religion, gender and age groups. The researcher, conducted the interviews within a semi structured interview framework consisting of open ended questions that tried to gather information about the occupation of the respondents, the reasons behind the absence of their names in the list and the problems they have to face as an upshot of this exercise. Efforts have been made to allow the respondents to contribute to the interviews by adding to the data by providing their views and ideas which have also given this research a fresh dimension by bringing up newer issues. The data gathered from these responses have shaped the course of this research. In depth interviews have also been conducted with the Non Governmental Organizations, lawyers and individuals in the region who have been closely monitoring the developments of the NRC in Barak Valley which has facilitated the understanding of the myriad vulnerabilities that the victims continue to face and the effects of such humane efforts in their lives.

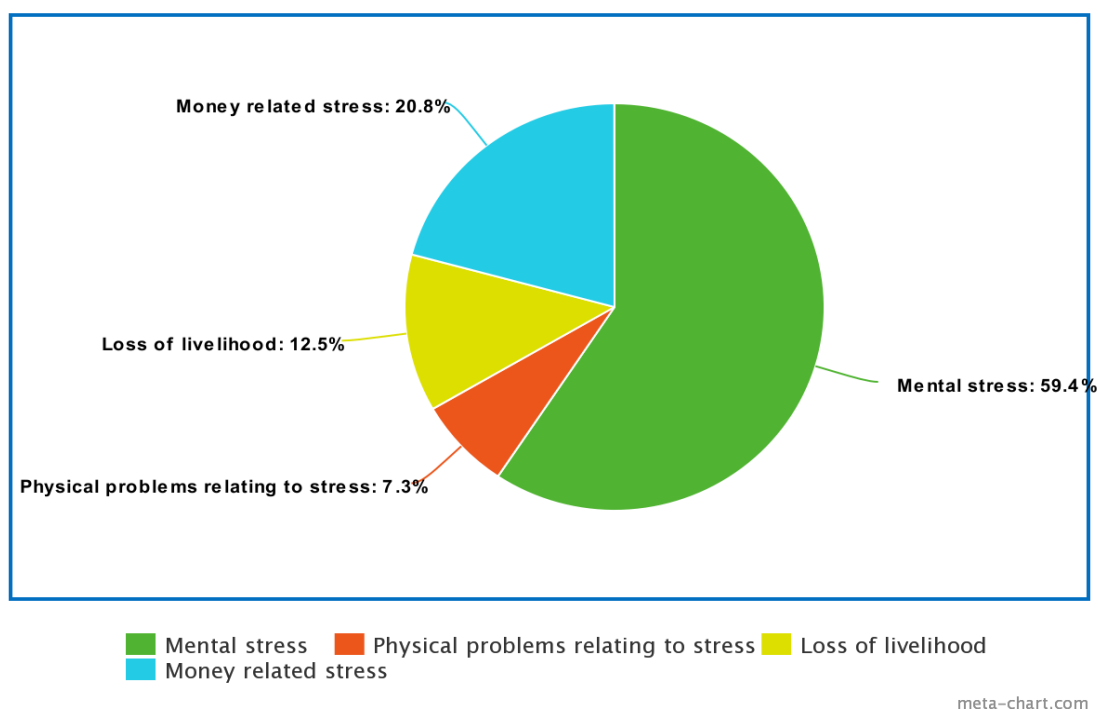
Humanitarian crisis is defined as a condition wherein, a series of events, or an event acts as a threat to the well being and the lives of the individual resulting in long term damages. The repercussions of these crises are extremely pivotal as has been reflected through the NRC, a classic case of man-made crisis creating a complex web of emergency.

The crisis that has been created in Assam, in the context of this study, in Southern Assam, is no less than a humanitarian crisis, since, the NRC left outs face the threat of deportation due to their failure to provide the documentation proving that they and

their families lived here prior to 1971. The NRC, Sammujjal Bhattachrjee mentions, is aimed to "fulfil the aspirations of ethnic Assamese, who have faced a demographic invasion from East Bengal which is now Bangladesh," who has championed the cause of the carrying out of this exclusionary drive..⁴⁶⁶ Thus, the drive over protecting the identity of one community over substantially marginalizing another, by creating a doomsday for them, by driving people towards depression and mental harassment has resulted in a humanitarian crisis since, the very identity of the victims are now in crisis. This exclusion which has resulted in a series of deaths in the state due to distress triggers an alarm that this crisis needs to be resolved in order to prevent it from becoming an epidemic. The very painful process of the NRC updation which has taken as hostages the minorities in the state of Assam has not only taken lives, but has also generated an air of uncertainty relating to the citizenship of the victims and the resultant trauma and humiliation for the citizens. Those born in the state or living here for generations have been subjected to harassment due to a process that claims to give birth to the original citizens of the state, while ending the lives of innumerable people and putting an end to the peace in the lives of many. The NRC will set an example before the world that proving ones citizenship is indeed a complicated and torturous phenomena.

⁴⁶⁶ <https://www.google.co.in/amp/s/www.aljazeera.com/amp/news/2018/03/million-india-assam-risk-citizenship-loss-180328152649287.html> accessed on 10.04.2019

Statistical Representation of the Humanitarian Crisis:



Based on the responses recorded, it could be identified that majority of the respondents, almost 59.4 percent, were suffering from mental stress and turmoil over the absence of their names from the NRC list and are extremely concerned about their fate at the end of this exercise. People, irrespective of their economic background, complained to mental stress, worries and anxiety. Since, most people who were interviewed, belonged to economically unstable groups, stress over the lack of money was most evident with almost 20.8 percent as sufferers. This is because, in the NRC, hearings are conducted based on the claim forms that are submitted in which an appeal is made to re verify the documents submitted in order to enroll the names in the final list. However, these hearings are mostly conducted in places located outside the area of study, and hence, the victims have to bear the travel expenses which, given their economic background becomes a huge burden to endure. Many respondents have also not been able to attend the hearings solely because of the lack of money to bear the expenses and hence, are now worried about whether their names would feature in the final list or not. Stress related physical problems have resulted in yet another form of crisis as recorded by 7.3 percent of the respondents, where the healths of the victims have deteriorated. Respondents claimed that they suffered from stroke,

underwent operations after the publication of the NRC list. In fact, one respondent also claimed that he lost his wife and son after the publication of the list where their names have been missing and following prolonged period of mental worry, such a drastic step was taken. Lastly, the loss of temporary livelihood provided another dimension of the crisis as recorded by 12.7 percent of the respondents. Many respondents were wage laborers, day laborers and maid servants. These people are required to go to work every day to earn for their living which however, has been ruptured with the NRC. This is because the NRC requires the applicant to be extremely vigilant about the procedure, in the form of timely submission of documents, verification of documents which requires the applicants to devote a great deal of their time over it, forgoing their day's earnings which has a bearing on their daily lives since they live hand to mouth. With the publication of the first NRC list in June 2018, and the subsequent absence of several names, the left out victims have had to run to and fro for the submission of the claims form and also attending the hearings, thereby experiencing a loss of livelihood which has been a source of problem and concern for such people.

NRC Updation in Southern Assam: A Humanitarian Crisis in the making.

“Amader ki deshchara kore debe?”

Will they throw us out of the country?

During the entire duration of the field work, this was one question that was reiterated by the all the respondents, again and again giving a clear picture about the fear psychosis that has developed in the minds of the people over the issue of citizenship in Assam. The following discussion will be a narrative tale of the kind of humanitarian crisis that has spread like wildfire in the small town of Silchar after the publication of the first list of the NRC in June, 2018.

Majli Begum, who was born in Silchar, works in a stationery shop.⁴⁶⁷ The poor lady is illiterate and hence, she took the help and assistance of a third person in filling up her NRC application form since it is a highly complex one especially for people with no knowledge of documents and information. Hence, in most cases, the application forms

⁴⁶⁷ Interview of Majli Begum in Silchar dated 23.04.2019.

are filled up in a manner that turns out to be faulty, since, the third person fills it up in accordance with his/her knowledge and understanding. Begum has two daughters, and the entire family has been left out of the NRC. The reason is the. Fear and mental disturbance, the family states have become regular now in their everyday life, particularly because of the absence of documents and the complicated procedure of establishing one's linkage with the legacy person. Begum now has to open a bank account with her daughters as the nominee in order to enable the daughter's to establish their linkages from her mother. Her daughter's, in order to prove their linkage with their mother will have to furnish either of the details like their birth certificate that contains the names of the parents, or school certificates that contains the names of the guardians. However, in this case, both the daughters were uneducated, they never attended school and hence, no such certificates could be produced. The birth certificate is a false one; and this is one problem that could be encountered in several other cases as well. This is because, in the rural areas, child birth usually takes place at home, and hence, in most cases, such births are not registered in any local municipality offices, since people are ignorant about it. Births have to be registered within a period of one year. So, when the process of NRC updation began, the necessity of birth certificate as a proof of evidence was mentioned in the list of documents, which resulted in a large number of people, especially the rural illiterate people, falling into the trap of a class of people who found it the apt time to capitalize the situation by charging money from such people to produce duplicate birth certificates. The people at the receiving end are so worried and bothered about the issue of citizenship that they are compelled to comply with such demands in order to get the work done. However, when such duplicate birth certificates are examined by the verifying officials, quite naturally they are rejected since; the duplicate certificates do not contain the counter sign of the government officials. Hence, such people not only lose their hard earned money over it, but also end up in a trap where such documents are rejected. So, similar is the case with Majli. The lady herself could not establish her linkage with her father, who is long dead and she does not have any of her late parents' documents. The problem that could be identified was that the availability of documents became a big task for people, not only for the poor and illiterate ones like Majli but also the educated people as well. The documents that the applicants need to furnish in order to prove the legacy and establish the linkage of a person date back to decades ago and quite reasonably, in

most families such documents are not well maintained because, the victims themselves have claimed that they could never realize that such documents would be required so many years later. Thus, the problem increases manifold for them which has exactly been the case with Majli. Now, in order to get her daughters' name enlisted in to the NRC list, the lady would have to open a bank or a post office account which is not only time consuming, but also particularly problematic for victims like her who are employees and draw their salary because, missing out on a day's work becomes tantamount to missing out on their salary, leave aside the admonishing by the employer. Things do not look bright and sunny for Majli since she herself has to obtain her late parents documents to prove that they had been settlers in the state before 1971, which seems like a difficulty because both her parents are dead and she has no siblings to prove her linkage with. The determination of citizenship has become hard hitting for people like Majli, who are at the receiving end not only because of their economic status, but also because of their illiteracy that makes things all the more worse for them.

Saroj Rani Das, a very young mother, was interviewed⁴⁶⁸. Her son's name did not come on the list, and hence, she was called for hearing, where, she was asked to produce all the original documents of her son. In the next hearing, she again went with the same set of documents which were subsequently rejected. The lady claims that she is illiterate and does not understand the difference between an original document and a duplicate document. The lady also exclaimed that she had already been to the venue of the hearing so many times that she no longer has any more money to attend it. She was accompanied by her mother in law, the sole bread earner of the family, her son is dumb; she works as a maid. This lady stated that it was increasingly becoming difficult to run the family since, she cannot go to work while accompanying her daughter in law and grandchild for the hearings and her employer deducts money from the her monthly wage. The duo unanimously stated that it was getting difficult for them to cope up with this mental stress since, illiteracy as well as poverty have already marred their lives which has been accentuated further by the NRC. Carrying out an exercise as complicated as the NRC, where even people with education commit errors, it is practically unthinkable for such people to rally behind this exercise. Governmental efforts to analyze the ground reality of the population

⁴⁶⁸ Interview of Saroj Rani Das and her mother in law, in Silchar on 05.04.2019.

before dropping upon them the NRC, would have helped resolve these problems and unnecessary miseries of the helpless victims.

Rabindra Das, aged 65, is a fish seller from Silchar who was born in Assam.⁴⁶⁹ This man could successfully establish his linkage with his parents and also submit the documents to prove the legacy of his parents in the state. His children could also successfully establish their linkages with their father. Things looked smooth for this respondent until when he mentioned about his wife whose name was left out of the NRC list. Married daughters' have to prove their linkages with their parents and not their husbands or in-laws and thus, it is imperative that the married daughters' parents mention the name and details of her while filling up the application form of the NRC. In this case, the victim lost her parents when she was young and was subsequently brought up by her uncle's family. When the NRC application process began, her uncle's family did not list her as their daughter on the pretext that she might, in the future claim a part of the family property; a clear case of family complicacies. They totally refused of even knowing her. The poor lady now has no documents to prove her identity. In fact, the crisis created by the NRC lies in the fact that a daughter has to establish her linkage with her father or her mother, but, in cases like this, where the parents have expired with no documents left behind to prove their legacy, and when the child is brought up by the other family members, the victim cannot use the details of such family members to establish her linkage with them since, she/he is not adopted by them which is maintained in government or officials records. Therefore, such complex matters have been ignored by the NRC procedure which Rabindra Das, the respondent was weeping over the fate of his wife stating that his family will be torn apart if her name does appear on the list, and she is declared a foreigner and deported, his children will be doomed. The struggle over proving one's citizenship has not only complicated familial matters but has also torn apart families

Another respondent, victim of family politics, Sriti Paul, aged 32, a housewife from Silchar was under immense stress because her and her son's name did not come up on the list.⁴⁷⁰ The respondent clarified that her husband was married twice, she was the first wife. Her father's family failed to submit her name as they were ignorant about the fact that they could submit the name of their daughter who was married. The problem arose when the child's name did not come up on the NRC list; the lady stated

⁴⁶⁹ Interview of Rabindra Das in Silchar dated 26.03.2019.

⁴⁷⁰ Interview of Sriti Paul in Silchar dated 24.03.2019.

that her husband did not provide details about her and her son on the grounds that he would have to encounter problems from his second wife if they are listed as his wife and son. The poor lady was wailing about her child's future amidst such complications. She stated that she wants her father's family to list her as their daughter, which is not possible since; the process of application ended way back in 2015, and only after the first draft was released in 2018 that she realized that her name was not given by either of her families as their daughter or their wife. Thus, family complications have also increased the problems of several people in the NRC updation process which this system failed to comprehend and hence, no remedial measures exist in such cases, the victims have to spend their days in stress, anxiety and wary apprehending about their fate.

Nogendra Das was born in Bangladesh and he migrated to India with his parents when he was 7 years old.⁴⁷¹ The respondent was quite hesitant in mentioning about Bangladesh, his birthplace. He was successful in establishing his linkage with his parents and also proves the legacy of his parents as pre 1971 settlers in the state. However, the problem arose when his sons' name and his wife's name did not come on the list. The victim claimed that he submitted the birth certificates of his sons which, however turned out to be false. The victim claimed that he made the birth certificate by fraudulent means since he is illiterate and hence did not have much idea about the document. However, his main problem was, his wife and one of his son went missing a few months after the publication of the list. He blames the NRC for this since, his wife, he complained was suffering from immense stress after the list publication since she did not have any supporting documents to establish her linkage with her parents thereafter an uncertain case of citizenship. Das claims that unable to cope up with the stress his wife went missing with his son. The poor man was bereaved at the loss of his family. He is a rickshaw puller and complained that the mental stress and anxiety is so much that he has not been able to resume to his original life, he cannot even pull the rickshaw, does not feel like eating and the entire family disturbed over this issue. NRC thus has not only contributed to the creation and perpetuation of mental disorders but has also resulted in torn families, which, perhaps can never be mended. The victim claimed that his wife never suffered from any sort of mental or physical disorder to have taken such a drastic step and it is only

⁴⁷¹ Interview of Nogendra Das in Silchar dated 24.03.2019.

because of the stress caused over the issue of citizenship and the fear of being an alien and declared stateless that she left. The women of the house were at a greater risk because most of them have been married and hence, submitted their legacy with their husbands or their in laws as a result of widespread ignorance regarding the procedure of application and details that were required to be filled in. Attention was not paid to ensure that people are made aware at the grass root level about the procedure before it finally began. Also, in most cases, documents have not been maintained by the members either due to ignorance or illiteracy or the death of the parents, which is also the case in Das's case, his wife is an orphan and given her literacy it was quite normal that she would not safe keep such documents. Hence, years later, when the NRC began, these sections of the people are at the receiving end.

Ignorance and unawareness have also resulted in many people filling up wrong details in the application form. A respondent⁴⁷² claimed that she lost her father at a very young age and so, while filling up the form, she mistakenly filled in the 'daak naam', a common case in most Bengali households where a person has a good name that is his official name and a daak naam by which he is commonly called by the family and friends. This lady was not aware of her late father's official name as he was mostly called with his daak naam even within the household circle, and thus, filled up the same in the application form. However, since, this daak naam is not mentioned in any of the official records it became a problem for her to prove that both the names belong to the same person and hence, this confusion resulted in the absence of her from the list. However, the greater problem lies in the fact that the NRC does not allow the applicants to change the names of the persons and only minor glitches such as spelling mistakes etc are taken into consideration while allowing for change. The name of the legacy person cannot be changed, hence, these issues, which may be attributed to ignorance, have also perpetuated a kind of crisis like situation in the state.

Rekha DebNath, submitted all the documents like her school certificate, her father's refugee registration certificate to establish her linkage with her father, a pre 1971 settler in the state⁴⁷³. Her siblings had also used the same legacy data; their names were included in the first draft that was released, however, Rekha's name went missing. She visited the NRC office with all the original documents for verification, however, the victim stated that she was turned away by the officials on the grounds

⁴⁷² The Respondent did not want to mention her name. Interview conducted in Silchar on 2.04.2019.

⁴⁷³ Interview of Rekha DebNath in Silchar dated 01.04.2019.

that her documents were not sufficient and she was asked to furnish any other relevant document for that matter. The poor lady was confused as to what other documents she needs to furnish in order to prove her citizenship. Logic fails when the officials state that they will not be accepting the documents. However, in the leaflet it has been clearly stated the officials are bound to accept any one of the genuine and original documents. People are thus being misguided, by the ceaseless attempts by officials to harass people and the victim claimed that she has to run to and fro for this document verification and considers this as an intentional harassment. No efforts have been made to solve these issues and thus, they have also contributed to the perpetuation of stress among the victims.

Problems have been particularly intense for those belonging to the rural areas. Niyoti Rani Das, aged 45, works as a maid servant and lives in Dudhpatil, that is located at a far away distance from Silchar⁴⁷⁴. She was born in Assam. She complained that since she is illiterate she was not aware of the technicalities of the NRC exercise. This lady is so poor that she walks all the way from her home to the town, which takes more than an hour, because travel expenses become too hard for her to bear. The lady also shared that since she works as a maid, she has endure the scolding of her employer when she is unable to go to work due to the re verification process of the documents of her sons whose names did not appear. But, this lady is helpless. Due to technical errors, even though her name appeared on the NRC list, the spelling was wrong and this also made her tense as to whether this difference would affect her claim of citizenship. In fact, the stress over the conditionality of citizenship under the NRC have become so deep in the minds of the people that they are forced to question and be worried even at the slightest incongruence. The technical errors signify the ill equipped man power adopted to carry out this mammoth exercise.

A respondent, 80 years old, was born in Bangladesh, who came to Assam in 1947 following the Sylhet Referendum and the large scale violence that it had incited. In the following years, he was employed as a government servant⁴⁷⁵. When the NRC updation began in 2015, he submitted all his genuine documents including this refugee card, his employment details, yet his name did not come on the list. The respondent expressed that he has all the genuine documents and is also ready to go to

⁴⁷⁴ Interview of Niyoti Rani Das in Silchar dated 04.04.2019.

⁴⁷⁵ Interview of Dipendra Dutta Choudhury in Silchar on 25.04.2019.

the Foreigners Tribunal if need be. However, he complained that is old age makes him too feeble to travel for the process of document verification and also increases his mental worries since it is a question of citizenship. On further interaction with him, he exclaimed that the NRC is a systematic tool of harassing the Bengalis of Assam.

The NRC project began in a haste which also resulted in a lot of people submitting documents without even understanding what were required since; the deadline had to be met. Sabita Choudhury, aged 50, submitted her in laws documents to establish her linkage as was told to her by her husband that she needs to submit his legacy data. The ignorant lady, had no idea that that she would have to submit the documents of her family, and establish her linkage with them. Sabita, who lost her husband, was so worried that she constantly kept on asking, “Will my name come? What will happen to me now? I am all alone now... Can you please do something for me?”. These wails of these helpless victims are extremely hard to ignore and nearly impossible to forget, yet the Government turns a blind eye towards them.

Sushen Das aged 65, claims that he had suffered from a stroke due to mental stress.⁴⁷⁶ He used a wrong legacy data out of his ignorance, and had to surrender when he was called to prove his linkage through documents with the person he claimed was his father, however, he failed. This poor and illiterate man had no idea about the documents and seemed visibly afraid that he would be sent to Bangladesh.

The fact that the NRC has caused mental stress and wary can also be ascertained by the response of Mr. Satya Ranjan Das, who had been a voter in 1966 in Assam.⁴⁷⁷ His son could not establish his linkage with his father on account of the false birth certificate that was submitted, hence, his name did not find a place in the first list that was published in 2018, July. The respondent however, had submitted his claim form by furnishing his son’s school certificate that contains the name of his father. Although, things were not complicated for him, yet he stated that as long as the final list does not come out, tension will remain, since, anything might happen. The man also seemed afraid about his hearing wherein the documents will be verified by the officials. Thus, the effects of the NRC are far reaching, no matter how simple or complicate the matter is for the victims. Same is the case with many others like Dilip Das, Akhil Das, Bidhan Das, Shilpi Das,⁴⁷⁸ all uneducated and impoverished, working

⁴⁷⁶ Interview of Sushen Das in Silchar on 05.04.2019.

⁴⁷⁷ Interview of Satya Ranjan Das in Silchar on 07.04.2019.

⁴⁷⁸ Interview with Dilip Das, Shilpi Das, Bidhan Das in Silchar on 02.04.2019.

as day labourers, rickshaw pullers or running road side food stalls which requires them to be at work every day in order to earn their living. Due to their illiteracy many have submitted wrong documents, or an invalid legacy data, or have submitted documents that were proved false like birth certificates since, they are unaware of the fact that birth certificates have to be genuine issued by a hospital or a medical office, and is a crucial proof of identity, as in the rural area childbirth generally happens at home and hence, these technicalities are not known to them. However, due to these reasons when their names or the names of their children did not appear they are suffering from mental stress.

The NRC has become particularly problematic for the rural women, who are mostly married off at a very young age, even before their names appear on the voter's list, and thus, establishing their linkage with their parents become next to impossible. Many such women never go to school or own a piece of land and hence, do not possess any documents in their names, the only identity becomes one of being the wife of their husband. NRC has created problems for such women since, they do not have anything to prove or establish their linkage with their parents, her father, who might have a valid legacy data, and hence, they are unable to prove that they belong to their father's family and hence, their citizenship status is based on uncertainty.

In the slum areas, it often happens that one man marries twice; he leaves his first wife who might also have a child and marry someone else and have family with her. However, in earlier times, marriages were mostly social marriages, wherein documents were not involved, since, there were witnesses. However, this group of people have been rendered vulnerable through the NRC, because, if the first wife wants to show the linkage of her son with her first husband, she will not be able to show it, since, no proof exists that she was married to him, due to absence of documents and hence, the child particularly would be at risk, if the father denies knowing him. Seeking justice in this regard, will be particularly problematic for them especially with the absence of documents which will be required and which they do not own. So, their status is at risk, since, earlier, this was not much of a problem,

however, with the NRC, when linkages are to be established based on document related evidence, they are at the receiving end.⁴⁷⁹

Lack of sincerity have also contributed to the perpetuation of the crisis since, several cases have been encountered where the victims were unaware of whether their names have been included in the part draft that was published in December,2017 or the first list that was published in July, 2018. Proper checking of the list, either online or by visiting the NRC Seva Kendras, in order to ensure whether all names have been present or absent also contributed to the crisis since, in most cases, till the very last moment, the victim remained in the dark about the status of the names of the applicants, hence, missing the deadline for the submission of the claims forms. A claims form had to be collected by all those applicants whose names have not appeared on the NRC list and it required the applicant to fill it up by mentioning against those names which remained absent on the NRC list, the grounds for claiming the inclusion of such names to be enrolled in to the list, appealing for the enrolment, hence, despite being genuine citizens, the persons have to appeal to have their names included in the NRC.

This form to be submitted within January 2018 had to be collected by the applicants and submitted on time. However, due to lack of awareness and sincerity, several respondents claimed that they failed to do the needful. These people will no longer be eligible to apply for the claims henceforth, since, the deadline has been missed. Moreover, because, the applications submitted in the NRC, are being made computerised, hence, documents and form which are not being submitted on time, will have no value since, they cannot be updated to the database after the deadline is missed. Hence, this also created a kind of crisis in the state, since, most people have failed to submit their claims on time and it remains yet to be known as to what might be the outcome of such ill fated victims. As discussed earlier, the filling up of the NRC application forms required a great deal of knowledge since, specific and correct details had to be mentioned, which, people, with poor literacy background, found it impossible to do, without resorting to a third party to help them out, in most cases resulting in wrong application forms. This situation could have been averted if proper and sufficient awareness camps would have been organised by the government both in

⁴⁷⁹ Information gathered during the interview of a Professor of Physics in Cachar College in Silchar on 28.03.2019.

the rural and in the urban areas in order to acquaint people with the procedure for application, the kind of documents that are to be produced and the manner in which the application had to be filled. In fact, setting up a booth for the rural, illiterates, especially, wherein experts are employed to help them fill up their forms, would have substantially reduced the chances of such people filling in wrong details in the application form, since, except minor changes, the NRC does not allow for making any kind of changes in the details filled in the application. However, since, most of these illiterate people could not understand what was written on the application form and the details that needed to be mentioned, they surrendered themselves before some third persons, who, in most cases, charged them yet ended up filling wrong details in the form thereafter, furthering the problems for these victims. Had initiatives been taken before hand by the government, such a situation could have been averted. The NRC requires the people to be extremely vigilant about the developments, yet, this becomes particularly problematic for all those people who reside in the villages that have remained outside the purview of development where most people do not have an access to television and mobiles, being illiterate they are also not familiar with reading the newspapers. Hence, they missed all the regular updates on time, and only after getting to know about the developments from the mouths of other people they hurriedly rushed to either submit the applications, or submit the forms or produce the documents. This has also resulted in the spreading of rumours that have intensified the trauma and anxiety of such people, the NRC, continues to remain a burning topic in the state and the silence of the government on the future of this exercise and the fate of those who have been left out of its ambit, have made way for the creation of several speculative ideas about what might happen to such people. In fact, it has become a topic of discussion among men and women, young and old, which makes the victims extremely anxious about their fate and in the absence of any legally valid standpoint in this regard, several people are forced to believe such speculation which, not only have a bearing on their mental health, but, also their physical health as well. It has been supported with facts and evidence that, many people have suffered from extremities like strokes, heart attacks, mental disorders after the publication of the NRC list and the growing speculation about what might be done to them. Nilima

Dutta too asserted that her husband suffered a stroke after the NRC list was published unable to find his and their daughter's name.⁴⁸⁰

Several deaths, that have been reported after the publication of the NRC, clearly mentions that although no suicide notes have been left behind by the victims, who, mostly belonged to a socio-economic strata that did not have any idea about the concept leaving behind such notes, the family members have claimed that the victims who ended their lives, were under tremendous mental pressure and stress and before ending their lives, did display signs of mental disorientation. According to the psychologists, stress is a very big factor in pushing people to the edge wherein ending their lives seems like the only plausible solution. This is exactly what happened, the trail of suicides that happened after the NRC, unable to cope up with the stress and the air of mystery that continues to prevail over the fate of such victims, most people end up doing something that cannot be redone. Lack of money has also been a very crucial factor behind the generation of the crisis. The hearings of the NRC left outs, in most cases, are conducted in places that are far away from the hometown of the victims and hence, bearing the travel expenditure as well as the money required for food and lodging becomes extremely difficult for the marginalised who do not have the deep pockets to spend. This has also been evident in the responses that were recorded with a view to ascertain the ramifications of the crisis, wherein several respondents had mentioned that lack of money becomes an additional burden for them since, they are unable to meet the travel expenses that has to be incurred by the victim while attending the hearing, which also resulted in quite a few of them not attending the hearing for the verification of their documents, without which, it remains to be seen as to whether their names are included in the final list or not. In fact, in some cases it could also be seen that a person was called for hearing more than once, and all their savings were exhausted while managing for the travel expenses. However, everything would have been bearable if, there would have been a guarantee that at the end of the hearings and document verification their names will come up on the list. So, even if money is being spent, either from someone's own pocket or by taking a debt, there is no assurance that it will generate positive results for them; hence, these poor people are trapped in the middle of nowhere. Hence, uncertainty over their future gets coupled with the additional pressure to returning the money to the owner. Thus,

⁴⁸⁰ Interview of Nilima Dutta in Silchar on 27.3.2019

because the NRC is a government procedure, it should have been the consideration of the government to provide for the travel expenses or arrange for the travelling of the people to attend their hearing in places that are far away from their hometown. The procedure and exercise for identifying the citizenship status of the people who have been citizens of the state for so long, was the initiative of the government and hence, it should also have been the prerogative of the government to ensure that all measures are taken so as to avoid harassment and difficulty for the victims by providing them with all necessary arrangements, rather than leaving them to fend for themselves in times of crisis, to ensure that the process is carried out smoothly without creating a pressure upon the victims.

Another highly disturbing issue that could be observed during the process of interviews is that, several respondents have claimed that despite producing all genuine and relevant, certified documents, the officials have rejected them without providing or mentioning anything about the grounds of such rejections. “What other documents do I produce? That’s all I have.....”, lamented a respondent⁴⁸¹ who had produced her original birth certificate, certificate school certificate and her voter identity card as well to prove her nationality. However, she was taken by a complete surprise when such documents were not accepted; the NRC leaflet containing the instructions clearly mentioned that any document from the list of specified documents will have to be accepted, however, in such cases, doubts are raised as to whether the guidelines for carrying out the NRC are being properly followed or not. Such rejections have also resulted in a mental trauma among the victims who do not understand what other documents need to be produced, since, all they have, is not being considered as acceptable by the officials. Hence, whether a clear and transparent procedure is followed in the NRC exercise remains yet to be known, the brunt of which has to be borne by the victims. Regarding the documents, it may also be pointed out here that the documents that have been listed within the NRC as admissible are all old archival records of the pre 1971 period. In the case of Barak Valley, a fire broke out in the 1960’s the sub registrar’s office where all documents up to 1966 were maintained. Hence, all records were lost, including the documents of 1951 which have been mentioned as admissible documents in the list of documents and thus, only post 1966 documents could be collected from the office. In the case of land documents, another

⁴⁸¹ Interview of Ratna Das in Silchar at 06.04.2019.

problem that could be identified is that, many land owners did not own land ownership documents, since, the land was sold to them by an intermediary who did not hand over the original land documents to the person and thus, such documents also cannot be used by the applicants.⁴⁸² Moreover, affidavits are not admissible documents, and hence, an applicant was interviewed whose name did not come on the list since she submitted an affidavit; her original name Shikha Rani Das (name has been changed), was changed to Shikha Das, through an affidavit⁴⁸³. However, when she submitted the affidavit, it was rejected, however, this lady cannot use her birth certificate or bank documents to prove her identity, since, the names are different in both the places, and hence, there is a confusion as to whether the two names belong to the same person; the respondent claimed that she did not make any official documents after the change in her name and hence, her new name is not mentioned anywhere, which did not create any problems for her so far, since, her affidavit could be successfully used to prove her identity, but the refusal to accept affidavits under the NRC, have caused troubles for many like Das who have no other way to prove their identity.

Chaya Nandi, an illiterate lady, visibly tensed discussed that her father migrated to India from Bangladesh, and within a span of 6 months died, when she was very young.⁴⁸⁴ Hence, she is left with no documents of her father to establish her linkage with him. She had no documents to prove that she migrated to the state before 1971, since the only documents she has, her school certificate belongs to the year 1976. When the application procedure began, she submitted her brother's legacy data document who is dead, instead of her father's; hence, the application was rejected. Because, she does not have any documents that shows that she migrated to Assam before 1971 and also due to the death of her father when she was quite young, she also did not get a chance to have her voter identity and pan card which generally contain the name of the father, she is left with no other option

The problem arose mainly because people were not aware that such documents had to be preserved over such a long duration of time. In all these years, many people shifted

⁴⁸² Information gathered during the interview of Mr. Dharmananda Deb and Mr. Ranjankanti Bhattacharjee in Silchar on 26.03.2019 and 27.03.2019 respectively.

⁴⁸³ Interview of Shikha Das(name has been changed as mentioned by the respondent) in Silchar on 08.04.2019.

⁴⁸⁴ Interview of Chaya Nandi, in Silchar on 08.04.2019.

homes, became victims of natural and unfortunate calamities that snatched away everything from them, and several people have also claimed the same that they lost crucial documents in floods and fire. They did not have the slightest bit of India that after decades, these documents would determine their citizenship in a state where they had been living for close to centuries and decades.

This was the case with Labonya Biswas, who was born in Bangladesh and migrated to Assam when he was 5 years old. The victim narrates that they were given refuge in a refugee camp of Silchar long before 1971. He submitted the 1955 post office papers of his father to show that he was not a post 1971 settler and his own ban account details of 1969. However, his name did not appear on the list. It was stated to him that his documents were faulty and he needs to get proper and valid documents. The victim narrates that he lost his original birth certificate and his refugee camp certificate during floods in Assam, these documents; extremely crucial in the current scenario of Assam thus, no longer exists with the victim, making the process of his claim for citizenship more tangible. The government did not take note of these preconditions before beginning this exercise and thus victims like him, who are aged, visibly affected by this precarity, weep and ask what will happen to them, the most difficult question in Assam, which has no answer. Moreover, before the NRC began, no efforts and initiatives were taken by the government, both the Central and the State, to issue in public awareness that arrangements had to be made for keeping all the documents ready for the process thereby giving them some time to arrange for such documents or look for alternatives to the documents; it became particularly problematic for those women who had migrated to Assam after their marriage. Arranging for their documents, especially the original and certified copies of their school certificates, voter certificates, and the documents of their parents, to be made available. In most cases, the documents which have been sent by the Assam government to the respective states for verification, have been ignored and not given due attention to return them back in time which has resulted in a large number of names being dropped out from the NRC especially with regard to these married women. Several respondents have complained that they had to run to other towns in order to collect these documents; someone asserted that she had to go to Tripura several times to get the certified copies of the voters list of the pre 1971 period when her mother had voted and she exclaimed that administrative corruption increases the

problems and causes distress for them since, the state officials were hesitant to provide her with the certified copies which required hard work, since, records are not digitized and thus requires manual efforts and hence, the lady had to offer money to the officials to get her work done⁴⁸⁵. Thus, administrative corruption, which is very much prominent in India has also had its role to play in perpetuating the problems of the victims, and since, the availability of such documents are of extreme importance, it became imperative for them to comply to the demands of the officials who made best use of this crisis by capitalising the situation. Arun kumar Das, aged 53, was born in Tripura⁴⁸⁶. His father was a migrant from East Pakistan who migrated to India in 1963 and took refuge in a camp in Bettiah in Bihar; the respondent very promptly showed the records of his father including his refugee identity card on the basis of which he claimed his citizenship. However, according to the standard operating procedure, if any documents are produced that are outside the specified area of the designated territory, in this case Assam, the specified territory has to verify such documents as genuine. Hence, his father's refugee certificate was sent to Bihar for verification to which the government of Bihar has not responded yet, and because his documents are awaiting verification, his name did not appear on the list. Das, an Indian by birth has also submitted his transfer certificate from Tripura where he was born and considers that the mental harassment that he is facing despite being an Indian is beyond comprehension. Thus the Government before beginning this exercise should have requested the governments of all other states in India to extend their support and cooperation in terms of document verification failing which genuine citizens will be engulfed in a zone of grief since, their names will be included in the list unless such verification happens, the reason for which Das and several others like him will continue to suffer. Therefore, lack of government initiatives have also been a major cause behind the crisis in the state.

Also, technical errors, due to the presence of ill equipped man power in carrying out this mammoth exercise have also caused misery which could be identified when a respondent expressed his mental worry over the fact that due to technical errors, his Application Receipt Number, ARN showed details to another applicant, his name did not come on the list, he did submit his claim, however did not receive the notice when

⁴⁸⁵ Interview of Amana Biswas in Silchar on 28.03.2019.

⁴⁸⁶ Interview of Arun Kumar Das in Silchar on 27.03.2019

the interview was being conducted, the respondent asked whether it is justified that due to the technical mishaps he and his family are being made to suffer echoing a genuine concern.⁴⁸⁷ The NRC application, does not allow for a change in the name of the legacy person, and this provision remained unknown to many applicants and as a result, when the application was submitted in 2015, many had given a wrong legacy name, used their uncle's name instead of their father's, since, they were totally clueless about what needed to be written, these people, henceforth, had a tough time in proving their linkage with the legacy person, since, it is impossible to draw one's linkage with one's uncle, and hence, ended up being left out of the list. Such people have nothing to do in this regard expect to await any further notification from the government regarding the solving of this issue, which has not yet been made, and thus, they have absolutely no idea whether they will be given a chance to prove their citizenship. It could also be identified in a few cases that some married women, in a hurry, unaware of the fact that they have to establish their linkage with their father and not their father in law or husband, filled in the details of their father in law or their husband and therefore were left out of the NRC list, many family members did not fill in the name and details of their married daughters thinking that her name will be included from her in laws family, further creating problems for their daughter. Family complexities, it could be identified also resulted in the perpetuation of the problem since, in many cases the family members refused to hand over the documents to someone depriving them of the opportunity of establish the link with the family, people who married twice, were not willing to identify themselves as the father of the child from his first wife, making it particularly problematic for those children with no birth certificate, since, there is virtually no other way to prove his linkage with his father.

Jana Choudhury, born in India, submitted her father in laws documents,⁴⁸⁸ as, she claimed, there was a rush to submit the documents before the application procedure got over, so her husband submitted his father's documents to establish her linkage with him, since, he was afraid that if the application procedure ends, he name will not come on the list, as no re application time was granted. However, due to incongruence with the documents, her name failed to come on the list. She lady however claimed

⁴⁸⁷ Interview of Biplob Dey in Silchar on 27.03.2019

⁴⁸⁸ Interview of Jana Choudhury in Silchar on 04.04.2019.

that she has all genuine documents of the father like his citizenship certificate of 1964 to prove that he was not an illegal immigrant and has a pan card under her name where her father's name is mentioned to establish her linkage with him. Hence, miscommunication and lack of knowledge resulted in Jana Choudhury's name being excluded from the list, and although, she has received a notice for document verification, she claims as long as her name does not come on the list, mental stress and worry will continue since, the final decision of stating whether a document is satisfactory or not rests on the officials.

Families have been tormented because of the NRC. An old lady, in her mid 90's was weeping and narrating that her son had been verbally and physically abusing her, since she could not produce relevant documents to prove that she is not an illegal immigrant.⁴⁸⁹ The lady stated that, she never thought that at this age life would expose her to such complexities and also lamented that she wanted to die and be free from all these complicacies. This is not just a one of a kind incident, as in many families this has happened and continues to happen. If relevant documents are not being produced, apart from being declared a foreigner or made stateless, another precarity that might happen is the branding of the victim as 'D' or doubtful voter and in such cases the descendents of the victim will also be marked as descendents of D voters and their names will not be included in the NRC, unless a Foreigners tribunal gives a verdict that the victim is not a foreigner based on sufficient proof, failing which, she/he is declared a foreigner, and his/her decedents will also continue to bear the burden of the D throughout their lives wherein, all government benefits will be snatched from them. Thus, all these complexities over the issue of citizenship in the state have brought down misery and turmoil's in the lives of even the old and feeble individuals like the respondent, who after several decades of living in the state, has to produce all the documents that might have worn out with time, or might have escaped from the memory of the lady due to her old age.

Problems have been particularly intense for the helping hands of our society, the maid servants, labourers, drivers etc, who are not only illiterate but are also unaware of the modalities of this process and had to rely upon their owners to help them out with the process; which, in many cases happened, as a lady was interviewed who

⁴⁸⁹ Identity of the respondent could not be revealed.

accompanied her maid servant to sort her documents and help her with the process of document verification stating that humanity is the need of the hour and only unity among the people will help resolve this crisis, yet, not all were lucky, as several house helpers were interviewed who expressed anguish that they are subjected to scorns and scolding of their employers when they cannot go to work while running around for the proper submission of the documents, rectification of the application and submission of claims.⁴⁹⁰

These are genuine human issues that were left out of the ambit of inspection by the makers of the NRC, and, with time, these issues are gradually taking the shape of a crisis, a crisis that has no end and no solution, all for the reason of distinguishing a citizen from an outsider to satisfy the sentiments of the Assamese who have been victims of a kind of self inflicted identity crisis for which, the Bengalis are held responsible. The identity crisis over this exercise which began in a haste, is no less than a humongous humanitarian crisis as people are suddenly being introduced to the term ‘Foreigners after spending half of their lives in this state.

Distance is also a matter of concern for the poor people, because, the hearings are conducted in far way places, and hence, the victim has to bear the travel expenses in this situation, which, in most cases become more like a burden for those who are economically unstable and several respondents have also cited this as a factor behind not attending the hearings over document verification. Ratan Roy, submitted all genuine documents of his mother, a 65 year old lady, ⁴⁹¹however, her name did not come up on the list. After submitting a claims form, he received a notice for hearing over the verification of documents which was to be conducted in a place located in the outskirts of the town. This respondent expressed concerns that distance is a factor since bearing the travel expenses and making his old mother travel such a distance not only becomes problematic, but also anxious. Subhas Das, had a similar story to share; his wife could not establish her linkage with her parents since both of them were dead and since, the lady was illiterate she did not have a school certificate. ⁴⁹²On 26th March, he received a call from the NRC officials stating that he has to attend his hearing at Algapur located at a distance from Silchar, the day after. Das, who works

⁴⁹⁰ Interview with Aruna Chanda in Silchar dated 06.04.2019.

⁴⁹¹ Interview of Ratan Roy in Silchar on 28.03.2019.

⁴⁹² Interview of Subhas Das in Silchar on 27.03.2019.

as a day labourer found it extremely difficult to arrange for transportation in such a short notice, which was also conveyed by him to the officials over the phone, which however fell into deaf ears. Yet, somehow, he managed to rent a private car and reached the venue on the said date and time. However, he was greeted with surprise when he was told by the officials that the venue of his hearing had changed and he has to visit the new venue. Das narrated that on further inquiry about the change in venue and the reason as to why it was not conveyed to him earlier, the officials burst into laughter and treated him with a very bad behaviour. The poor man not only Rupees 1200 as his travelling expenses, but also lost a day's salary since he is a day labourer. He considers the NRC as a mechanism ensuring the harassment of the helpless.

Naruttam Das, aged 55, is a rickshaw puller.⁴⁹³ He has to prove his linkage with his father, and accordingly, he submitted his father's refugee camp certificate. However, the document because it was too old, had developed stains on it and thus, his father's name was not clearly visible in the refugee certificate, and hence, it was rejected. The person however submitted other documents such as his father's caste certificate which were also not accepted by the NRC officials in Nogaon, in upper Assam, located 400 kms away from Silchar, where had to go for his hearing. The victims have to forgo their day's income as many are daily wage earners and bear the transportation cost, and since, they only know a dialect of Bengali, Sylhetti, communication becomes a problem since, in upper Assam, the officials are Assamese who speak the language and thus, language also becomes a problem for these people who cannot properly express themselves.⁴⁹⁴ The victim claims that the NRC officials were Assamese and they refused to cooperate with him regarding the rejection of the documents without stating the grounds of rejection. The victim was again called for hearing in the same place, regarding which he exclaimed that he does not have any more money to bear the travel expenses and it would be difficult for him to attend the hearing by arranging for some money out of his daily earnings which are meagre. The victim also complained that the procedure of the NRC is so complicated that illiterates like him, have no option but to get it done by others or run to and fro from the Seva Kendras to submit the documents or verify them, thereby unable to carry out his job of pulling the

⁴⁹³ Interview of Naruttom Das in Silchar dated 10.04.2019.

⁴⁹⁴ Information received during the interview of Mr Ranjan Kanti Bhattacharjee, on 27.03.2014, an esteemed member of the NGO where the fieldwork was conducted .

rickshaw which also has a bearing upon his income since, losing a day's income has a heavy bearing upon such people who live hand to mouth. Radhika Mondal, aged 50 ,⁴⁹⁵ works as a maid servant. A mother of two, Mondal found all three names missing in the NRC list. She had submitted the birth certificate and school certificates of her children, both of which were original. The first hearing for this family was held in Lonka located at a distance of almost 260 kms from Silchar. She had to attend the hearings all in far away places for four times, and she states that she is unable to bear the expenses and manage the travel expenditure anymore. Moreover, she also complains that in this whole procedure, she cannot but miss her work for which she has to listen to the scolding of her employer, however, she states that she is helpless, and cannot risk the citizenship of her children who are still young.

There have also been cases where people are not even aware about the precarity of statelessness that it likely to be the fate of all those names remain absent in the final list of the NRC. Moloy Das, aged 25, had no idea about what might to him if his name does not come up, and remained quite relaxed, surprisingly, even though his name did not appear on the first list, since, he could not establish his linkage with his father who is dead. He would now have to establish his linkage with his mother. However, the young man expressed doubts and disbelief when it was explained to him about the possible outcomes of those who are left out of the NRC. The boy asked, "I was born in India. Why will they throw me away?"⁴⁹⁶ The ignorant man had no idea that this birth in Assam will not be considered if he is unable to furnish all evidence about his linkage with his parents and his genuine birth certificate or school certificate, failing which, he might become a foreigner despite his birth in India.

The legacy person in the NRC cannot be changed, however, there have been cases when the application form was filled up by a third person who did not have any knowledge about the family of the person he was filling up the application form for, and hence, wrong data was entered. This was the case with Sahadev Ghosh, a 25 year old man, who buys old newspapers.⁴⁹⁷ Due to his illiteracy, he took the help of a station master to fill up his application form for which he was charged Rupees 80. In this process, the person who filled up his form, entered the name of his uncle instead

⁴⁹⁵ Interview of Radhika Mondal in Silchar dated 03.04.2019.

⁴⁹⁶ Interview of Moloy Das in Silchar on 28.04.2019.

⁴⁹⁷ Interview of Sahadev Ghosh, in Silchar on 27.04.2019.

of his father in the place of the legacy person from whom Sahadev had to draw his linkage. However, since, it was not possible for him to show that he is his uncle's son, his application was refuted. But, since, the legacy person cannot be changed, the only option available for him is to wait, clueless about his fate. Moreover, he also had to prove that his mother came to India before 1971, but, unfortunately did not possess any such documents to substantiate the claim. Hence, it is likely that his mother will become stateless if she is unable to furnish any such documents that proves her presence in the state prior to 1971. Hence, resorting to the middle men, in order to get their applications filled in, especially when the middle men themselves are uneducated creates a lot of miscommunication over the facts that are mentioned in the application form thereby creating confusions, which most likely result in the absence of names from the list, and the subsequent turmoil and anxiety that grapples such individuals.

Karuna Das, aged 40, a housewife was running around with the documents since her husband and her children's name did not come up in the list.⁴⁹⁸ Her husband, a day labourer, underwent a heart operation immediately after the publication of the first draft, and the lady mentions that it is because of the stress that his husband fell ill. The reason behind the absence of their names was, they had used someone else's' legacy data. Legacy data is basically the database of the electoral rolls drawn from 1951 to 1971, of the specific periods, carrying the names of a large number of persons together. The data of the electoral rolls have been scanned and computerised in order to facilitate an easy search of the names. Hence, persons with same names are also there in the legacy data, and, in most cases, people who are illiterate, use the wrong legacy data just based on the similarity of names without checking whether the legacy person belongs to his/her family or not. Thus, there have been many cases where one or more people have used the same legacy data, and upon being summoned for hearing to establish their linkage with the legacy person, the family which can produce all the relevant documents to prove their linkage with the legacy person, is saved, while the other party, in most cases, due to ignorance and lack of awareness again, finds themselves in a precarious position since they would have to show their linkage to the legacy person using valid documents which in such cases, they cannot furnish and hence, they have to undergo the search for the genuine legacy person with

⁴⁹⁸ Interview of Karuna Das, in Silchar on 10.04.2019.

whom they are linked and have documents to prove the same. This is exactly what happened in the case of Karuna Das's husband, and when, he was called for hearing, he surrendered and ultimately submitted the refugee card of his father. Karuna is stressed over the fact that her children's name have not been included in the list, due to the wrong legacy data that was used by her husband, who has to prove his linkage with his father and only then his children can successfully establish their linkages with him; and unless and until the final list comes out, she states, the fear will remain.

Maya Malakar, was visibly disturbed and was unable to answer anything⁴⁹⁹. A victim of abject poverty and illiteracy, Maya also ended up using the wrong legacy data due to the similarity in names. This lady was unable to recollect whose name was included and whose name was missing in the list, and also remained blank as to whether she had submitted her claims form. A notice, however, was issued in her name which helped ascertain that she had submitted her claims form. But, the lady failed to attend the hearing on the stipulated date since; she was unaware of the same. Lack of awareness, coupled with ignorance, and most importantly, relying on third persons for filling up the forms, since many people are unable to understand the procedure as whole, results in total ignorance over the status of one's application and the documents submitted.

The citizenship drive in Assam did not leave kids from its claws of suspicion. Riya Chanda and Ripa Chanda, two sisters, aged 14 and 12, were left out of the citizenship list, totally unaware of what this meant.⁵⁰⁰ They were born in Silchar, yet they have to prove their citizenship again. The names of their parents have been included in the list, however, their birth certificates, which were used as documents to prove their linkage with their father and their proof of birth in the state, turned out to be false, hence, resulting in their missing names. On receiving a notice, the family of four attended the venue where the parents were asked by the officials as to whether the two kids are their children. The mother of two looked visibly worried over her young daughters' who were busy playing among themselves oblivious to the anxiety and trauma of their parents'.

⁴⁹⁹ Interview of Maya Malakar, in Silchar on 03.04.2019.

⁵⁰⁰ Interaction with Riya Chanda and Ripa Chanda and their mother in Silchar on 06.04.2019.

Kananbala Das, after the death of her husband, lives alone in her small abode.⁵⁰¹ This poor and old lady had been bedridden for almost six months with nobody to take care of her. While the interview was underway, the lady was trembling and had tears in her eyes. Kananbala Das claimed that she was born in 1965 in Bangladesh, however, she was unable to recall the year in which she migrated to Assam. When the NRC application process began, this illiterate lady used someone else's' legacy data, and when, a notice was served to her to attend the hearing and prove her linkage with the legacy person, she failed to attend it due to her ill health and because this lady does not have anyone else, nobody, on her behalf attended the hearing. This lady receives a meagre amount of Rupees 250 a month as a kind of concession for old age, and has to sustain herself on this amount. She did not have any documents to prove that she migrated to Assam before 1971, and it is suspected that she might be declared a foreigner. This lady had been weeping that she has no one. The crisis perpetuated by the NRC, lies in the fact that in such cases, where the victim does not possess any document to prove that she/he is a pre 1971 settler, chances are high that they might be put behind the bars in the detention camps, or deported to the other side of the border. Yet, what is a matter of grave concern here is that, Kananbala had been residing in Assam for all these years, and probably because of her ailments, loneliness and illiteracy she is unable to recall crucial details about her citizenship and has misplaced the documents that would have otherwise helped her to substantiate her claim, thus, uprooting her after all these years just because she does not possess any valid documents would result in difficulties for this poor lady since, she would not have any place to seek shelter in.

Bijendra Das, is a day labourer in Silchar.⁵⁰² His son's name did not appear on the NRC list despite submitting his birth certificate and school certificate. Accordingly, he submitted his claims form requesting for verification of the documents. Subsequently, a notice was served to him to attend the hearing which, however he missed. He has been running to and fro, henceforth in order to include his son's name in the NRC list, and thus, he has not been able to go to work for four days, and consequently, he has not been able to earn a single penny. He seemed extremely

⁵⁰¹ Interview of Kananbala Das in Silchar on 02.04.2019.

⁵⁰² Interview with Bijendra Das in Silchar on 28. 04. 2019.

worried since the NRC officials told him that nothing could be done now. Das claims that he was overburdened with work and hence, could not attend the hearing.

Chaya Deb, aged 50, runs a small shop in Silchar along with her son, both of whose names did not feature in the list.⁵⁰³ Chaya claimed that she had submitted all her original and genuine documents yet failed to find her name listed on the list. Her brother, she stated had submitted the same documents like her, and his name came on the list. The lady was thus in utter confusion as to what the problem might have been. Regarding her son, she mentioned that during the hearing, the officials questioned her as to why the identity card of his father was not submitted to prove his linkage with his father. Chaya however, exclaimed that her husband left them twenty years ago and there was no possibility of getting hold of her husband's identity card to prove the linkage of her son with his father. Chaya asserted that she feels extremely troubled since she has to run to and fro with the documents for verification and thus has to leave her work and continue with his additional burden created by the NRC. In such cases where families are broken, it becomes quite difficult to get hold of the documents of the persons who are no longer part of the family yet, the NRC officials and the NRC procedure fails to take note of these complexities that are too hard to resolve.

A retired government servant Bikas Kanti Nath too did not find a place in the NRC list.⁵⁰⁴ He seemed surprised and also furious over the fact that despite being born in Silchar, and having a government job, he still has to prove his citizenship to the state and considers this as nothing but mental harassment. Despite possessing all the genuine documents, including his birth certificate, voter identity card, job card, he failed to understand the reason behind the exclusion of his name. Although he has filed a claims report, he was unsure as to what would be his fate at the end of the hearing. Thus, cutting across literacy levels, mental stress and anxiety have engulfed the victims, no matter whether they possess all genuine documents or not.

Nirmal Suklabaidya, a 65 year old man had come with the documents of his son, Kishan Suklabaidya, who works in a private company⁵⁰⁵. During the application process, he had submitted his son's college admit card, birth certificate duly issued by

⁵⁰³ Interview with Chaya Nath, in Silchar on 03.04.2019.

⁵⁰⁴ Interview of Bikas Kanti Nath in Silchar dated 11.04.2019.

⁵⁰⁵ Interview of Nirmal Suklabaidya in Silchar dated 09.04.2019.

the municipality office and his voter identity card as well which were turned down by the officials as wrong certificates. He also received a notice for re-verification of his son's documents. The old man was extremely worried about the impact of the NRC on his son's job and kept asking if his job would be hampered because of his missing name. His son, unable to leave his job in order to carry on with the process of document verification and submission of the claims form, the old father has to run since it a question of one's' nationality. Also, the rejection of the genuine documents by the officials without stating the grounds of such rejection increases the problems for the people who are unable to understand as to where their fault lies. Thus, this air of mystery also compounds the feelings of stress, anxiety and fear among the people.

Muslim respondents, Nizam Sheikh⁵⁰⁶, Abdur Rohman,⁵⁰⁷ Mirza Ghalib Barbhuiya⁵⁰⁸ displayed a greater sense of anxiety and panic over the anomalies in their documents. While trying to ascertain the reason, one of the respondents mentioned that their religious identity places them at a greater risk of being stateless and goes on to mention that they have now become used to the suspicious gaze of the state towards them. The respondent also lamented over the highly discriminatory Citizenship Amendment Bill of 2016 that proposes to grant citizenship on discriminatory grounds where the Muslims are left out, and said that even if the names of the Hindus do not come they will not have any problem; “aamrare toh sober age desh chara kori dibo.... Aamrar kita dush ase?” , the victim was lamenting that they are likely to be the first ones to become stateless and asks what is their fault to receive such a treatment...

The NRC has created a kind of communal polarisation as well, since, this religious groups, victims of exploitation in the state of Assam, one might recall the violence of Nellie, is on the verge of creating a havoc for the poor Bengali Muslims in the state . it could also be understood, from the response of Mirza Ghalib, a 45 year old man, that, rumours have added to the worries about the NRC. With no clarity over the NRC exercise, the ground is open for all to make sweeping analysis of the NRC exercise, often resulting in the creation of an air of terror following which, the victims become vulnerable.

⁵⁰⁶ Interview of Nizam Sheikh in Silchar on 27.03.2019

⁵⁰⁷ Interview of Abdur Rohman in Silchar on 27.03.2019

⁵⁰⁸ Interview of Mirza Ghalib Barbhuiya, in Silchar on 29.03.2019

The fieldwork thus conducted, revealed a very important point that no legal aid is being provided to the victims, by the state, rather, the respondents have complained of the panic they have to endure, the enormous expenditure to pay for the cost of travel for hearings for which, they have to indulge in loans. The large number of them are not well educated, illiterate, impoverished and do works where they are paid in meagre amounts such as pulling the rickshaw, working as domestic help, labourers etc. Deprived of education and monetary strength these people are caught in a cobweb of difficulties, sailing through which has become a difficulty and impossibility as well. Their destinies are now solely dependent on the upcoming final list which is due for publication in July, 2019, following which, they will either rejoice or lament over being trapped in a journey that leads to nowhere. Hope thus rests of 'papers' in Assam.

The perils of 'D' in Assam:

The fourth letter of English alphabet, D, has become a curse and an omen for the residents in Assam. D has become synonymous with 'doubtful voters', 'default voters', 'declared Foreigners and the most dreaded 'detention' camps. With the beginning of the NRC exercise in the state, the process and intensity of declaring Foreigners and taking captive suspected foreigners has increased manifold. The D voters stand a greater risk because, if declared Foreigners by the tribunals they are immediately put into the detention camps and they cannot have their names included in the NRC list as long as the tribunals do not give a verdict about their nationality status.

D voter, sometimes referred to as doubtful voters is a category of voters in Assam who are disenfranchised by the government on account of their alleged lack of citizenship documents during the verification process. The process of marking or identifying someone as a D voter started in the year 1997, when, the Election Commission had ordered that 'D' will be written against the names of all those persons who fail to provide proof of their citizenship. Accordingly, this information was also provided to the Chief Electoral Officer of Assam that in cases which have been referred to the Tribunals through Competent authorities and where the decisions of the tribunals have not yet been received by the electoral registration officers, the names of all such persons will continue to be included provisionally in the electoral

roll however, the letter D will continue to be used as a prefix before all such names and only after the decision of the tribunals these names will either be retained or deleted permanently. The D voters are governed under the Foreigners Act wherein, the victim does not have the electoral photo identity card. It was in 2011, after the Guwahati High Court order that it was decided that all the D voters would be transferred to the Foreigners Tribunals set up under the Foreigners Tribunal order of 1964 and keep in the detention camps. The verification regarding the default voters are done by the local verification offices and based upon their reports, it is decided upon by the Electoral Registration offices whether to transfer such cases to the Foreigners tribunal to determine the citizenship status of such persons. Once affirmed by the officers, such cases are subsequently forwarded to the Superintendent of Police of the concerned district who refers such cases to the Foreigners tribunal of the respective areas. Persons marked with a D are not allowed to vote. Only when the concerned tribunals given order or pass a judgement that affirms that the person is a bona fide citizen of India based on all relevant information, he/she resumes the voting ability. ⁵⁰⁹

In the Sarbananda Sonowal versus Union of India case of 2005, a public interest litigation was filed by the petitioner to ensure that the Illegal migrants determination by tribunals act which was enacted for the state of Assam in 19883, as a means to identify and deport illegal immigrants, should be replaced by the Foreigners Act of 1946 that was applicable for the rest of the country. ⁵¹⁰ The IMTD act which put an end to the arbitrary denial of citizenship since the burden lay upon the accuser to prove whether the accused is a foreigner based on proof and evidence thus came to an end after this Act, and thereafter, the saga of declaring any random person as a foreigner began in the state which has inflicted unthinkable miseries for the victims.

Once a notice has been served, the victim is bound to appear before the Tribunal else, he is declared a foreigner without even being heard. An order passed without hearing the procedee is an ex-parte order. Now, to appear before a tribunal, a person has to hire a lawyer who will fight the procedee's case. The tribunal is headed by the judicial officers. Although, the Foreigners order of 1946 allows a procedee to fight his/her

⁵⁰⁹ Facts in this paragraph have been stated based on the information gathered from the interview of Mr. Dharmananda Deb, a lawyer, in Silchar dated 26.03.2019

⁵¹⁰ Sarbananda Ssonowal versus Union of India. AIR 2006. <https://indiankanoon.org/doc/907725/> accessed on 04.04.2019.

case on their own without the help of any lawyer, but, the problem lies in the fact that the reply of the procedee is expected in the form of a written statement. Also, the evidence is initially taken in the form of evidence on affidavit and officials heading the tribunals are also free to ask as many questions as they want to the procedee. Thus, quietly literally, it becomes impossible for the procedee, especially an illiterate fragile procedee to do all these without the help of any lawyer. Hence, hiring a lawyer becomes imperative. The procedee has to bear the lawyer's fees and all the other significant expenses that are associated with the expenditure on procuring the documents to prove one's citizenship. This is basically done by proving the existence of the procedee's ancestors in the state by again furnishing evidence of the presence of their names on the electoral rolls. However, getting hold of the decade old electoral rolls is definitely not easy and such electoral rolls can only be procured by providing the certified copies of such electoral rolls to prove their authenticity in line with the provisions relating to the public documents. Again, to procure such certified copies of the electoral rolls from the election offices, the procedee again has to get hold of a lawyer who would charge for himself and the staff of the election office. Many tribunals require many certified copies of the various electoral rolls as evidence in order to be satisfied of the procedees' claim of citizenship and the cost of each certified copy is quite high a price to be borne especially by the poor. So, the expenditure soars high and thus, the expenditure of litigating a Foreigners Tribunal, without the involvement of any middle man, is quite impossible, and hence, it requires a substantial amount of money to be borne by the victims; in order to avoid any middle man involvement the victim has to spend almost around the multiples of ten thousand per proceeding and sometimes, even more. In situations, when cases are referred to the High Court when the complicacy of the situation demands so, the cost soars higher. Thus, it is beyond the capacity of a poor and an illiterate person to engage him/her in such a complicated procedure, which, not only requires legal knowledge, but also physical anxiety over the collection of such old governmental archives and most importantly to bear the expenses of this mammoth exercise. It is impossibility, henceforth, for them to proceed further without legal help, and in many cases a person usually exhausts all of his/her lives savings just to make ends meet and get rid of the foreigner tag. Those who cannot undergo such a procedure, in many

cases end up being declared foreigners and hence, end up spending their lives in the detention camps.⁵¹¹

There are presently no independent detention camps in Assam, meant exclusively for the detention of the Foreigners in the state and jails are used as the detention centres of such persons. There are six detention centres in Assam for the detention of Foreigners pending their deportation to their country of origin. Each of these six are located in the district jails of Goalpara, Kokrajhar, Silchar, Dibrugarh, Jorhat and Tezpur. Kokrajhar is the only women's detention centre in the state. In the case of women and children aged below six years, the alleged foreigner is separated from the spouse, if both of them are detained, and is sent to the Kokrajhar detention centre. The detainees in the six detention centres of Assam are divided into two categories- declared foreigners and convicted foreigners.⁵¹² Declared foreigners are the ones who have been declared by the tribunals as foreigners based on insufficient documents to prove their citizenship, or if they have not been able to attend the hearing before the tribunal after the issue of a notice. Convicted Foreigners are the ones who have been arrested for the lack of travel documents or for criminal purposes.⁵¹³ Hence, the two categories are completely different and the latter involves detention for criminal activities. Such people are detained after the completion of their incarceration period and they are kept in the detention camps until they are deported.⁵¹⁴ Their legal status becomes the same as like the declared Foreigners after the incarceration period is over.⁵¹⁵ The construction of detention camps and the subsequent provision of detaining victims have been mentioned under the Foreigners order of 1948 that has been vested upon the Government of Assam by the Government of India to set up such camps.⁵¹⁶ The fate of the procedee who has been declared a foreigner and has been put into the detention centres and are waiting for their deportation is one of pity. The government of Assam has been engaged in this process of detention and the Home and Political Department of the Government of Assam, in the much awaited document titled, 'White Paper on Foreigners Issue', that was published in the year

⁵¹¹ Facts in this paragraph have been stated based on the information gathered from the interview of Mr. Dharmananda Deb, a lawyer, in Silchar dated 26.03.2019.

⁵¹² Ibid.

⁵¹³ Ibid.

⁵¹⁴ Ibid

⁵¹⁵ Ibid

⁵¹⁶ Ibid

2012, justifies such detention on the grounds that it is a necessity in order to ensure that the victims do not vanish. As per this document, once a person is declared a foreigner, the person concerned is taken into custody and is kept there unless and until he/she is pushed back to his/her country of origin. The foreigners who are kept in detention are pushed back through the Border Security Forces (BSF), who are deployed at the borders. However, there is a difference between ‘push back’ and ‘deportation’, in the case of the former the need of acceptance of the person concerned by the Border Guards Bangladesh (BGB), is not a necessity. In the case of deportation, however, there has to be a proper meeting between the BGB and the BSF regarding the procedure and only when the BGB accepts the Foreigners, deportation can take place. However, if the BGB refuses to accept the foreigners, the BSF is bound to declare such persons as ‘stateless’, since, the country concerned is unwilling to accept them.⁵¹⁷

Thus, the government, on the one hand has been vested with the powers of deportation under law, while on the other hand, there does not exist any clear procedure for ascertaining the nationality of the suspected ‘illegal immigrants’ and their subsequent deportation to the country of the confirmed nationality. This absence of a proper laid down procedure for deportation of the illegal immigrants between the Government of India and the Government of Bangladesh compounds the problem of push back of the alleged illegal immigrants, which is a gross violation of human rights and international law. In fact, the Union of India was asked to provide for a clear procedure for deportation keeping in view the requirements of the international protocol, by entering into necessary discussions with the government of Bangladesh to streamline the procedure for deportation, in the Assam Sammilita Mahasangha and others versus the Union of India case in the year 2015.⁵¹⁸

This is because, in the absence of such prescribed procedures for dealing with those who have been declared as Foreigners by the tribunals, such persons are sent to the six detention centre’s set up by the state and continue to spend their entire lives

⁵¹⁷ White Paper on Foreigners Issue. Home and Political Department, Government of Assam, 2012. p 22

⁵¹⁸ Facts have been stated based on the information gathered during the interview of Mr. Dharmanada Deb, a lawyer, in Silchar dated 26.03.2019.

languishing in the camps. The procedure of deportation as has been described in the White Paper, mentions, that for the process of deportation the person concerned, the declared foreigner is handed over to the BSF who takes up such matter of deportation with their counter part, the Border Guard of Bangladesh (BGB), as well as the Ministry of External Affairs, Government of India. Often, it is found that the BGB refers to the local police authorities in Bangladesh for verifying the address and also the character and antecedents of these persons. It is only after complete and satisfactory verification that such persons are accepted- a process which delays the return of illegal immigrants to their home country. The White Paper, further clarified that in the absence of a proper laid down procedure for deportation of illegal immigrants between the two countries- India and Bangladesh, the process of deportation becomes problematic. Regarding those whom the BGB, refuses to accept, the White Paper states that in such circumstances, statelessness of the victims become inevitable.⁵¹⁹

The foreigners Tribunal in the state of Assam have been set up as per the Foreigners Tribunal Order of 1964, which states that for the purpose of ascertaining whether a person is a foreigner or not, a tribunal will be constituted for this purpose, for its opinion. Initially, as many as 11 IMTD (Illegal Migration Determination Tribunals) were functioning, following the repeal of which, the government of Assam established as many as 25 tribunals in the state in 2005 wherein the judges of the IMTD were again re-employed in the newly created Foreigners tribunals. As a result, by 2009, as many as 36 tribunals were set up in the state, which currently has increased up to 100.⁵²⁰ After a reference is received about an alleged foreigner by the Superintendent of Police, the tribunal issues a notice to the person on whom the notice has been issued. In Assam, there exists a practice of issuing the notice to all the family members of the person concerned instead of the person against whom such notice has been served.⁵²¹ This is because, the Foreigners tribunals are governed by the Foreigners order of 1964 which lays down that the procedural aspects which are bare minimal as regards to the provisions about the procedures to be followed by the tribunals and it grants the

⁵¹⁹ White Paper on Foreigners Issue. Home and Political Department, Government of Assam, 2012. p 22

⁵²⁰ Facts in this paragraph have been stated based on the information gathered from the interview of Mr. Dharmananda Deb, a lawyer, in Silchar dated 26.03.2019.

⁵²¹ Ibid.

tribunals the liberty to innovate its own procedures, subject to the objective of arriving at an opinion regarding the citizenship status of the person concerned on whom the notice is issued.⁵²² Regarding the issue of notice, the law clearly states that notice must be issued only to such persons against whom the reference is made in the tribunals and not the entire family since, the tribunal has the jurisdiction of ascertaining the citizenship of only the person against whom the reference is made thus, the process of issuing a notice to the families instead of the person concerned is illegal.⁵²³ This also creates panic among the family members. Thus, it can be understood that it is the police who has to perform the task of issuing the notice to the person concerned as per the instructions received from the Foreigners tribunal. In most cases, it is seen that the police force does not perform this task efficiently of handing over notices to the person either due to negligence or due to lack of interest and the person concerned is suddenly arrested leaving him/her totally perplexed about the situation⁵²⁴. Many victims have also claimed that notice was not served to them; in cases when the family members of the victim or the victim himself/herself is not at home, the police are required to issue the notice in a conspicuous place which is easily visible, but, in most cases this does not happen, and the notices are often put up in places which, either wither away due to wind, rains or escape public eye. Thus, the police efforts in issuing notice are quite questionable which also adds to the worry of the victims. Many civilians also argue that the Border Police who are entrusted with the task of issuing notice are driven by targets of declaring as many people as Foreigners as they can, also, there have been allegations of bias as well. However, even the officials have mentioned that in most cases when the person concerned is unavailable, the notice is given to the relatives, and they have also mentioned that it is highly unlikely that such notices are evaded by the person concerned since; this will further limit their chances of proving their citizenship. Procedural flaws also increase the problems of the masses since, many victims claim that they never received notices, many are migrant workers, and many have shifted homes and for a variety of other reasons did not receive the notice. Harsh Mander, a member of the National Human Rights Commission, the first person to conduct a field survey of two detention camps in Assam, published a report which also mentioned that a majority of the

⁵²² Facts in this paragraph have been stated based on the information gathered from the interview of Mr. Dharmananda Deb, a lawyer, in Silchar dated 26.03.2019.

⁵²³ Ibid.

⁵²⁴ Ibid.

people who were detained in the camps as Foreigners based on ex-parte orders and never received any legal aid for representation.⁵²⁵ Hence, despite having documents they are trapped. He mentioned about a 77 year old Ananta Sarma, who migrated from Tripura to Assam and worked as a cook. In the year 2013, he was arrested by the police on an ex-parte order issued by the Foreigners Tribunals suspecting him of being an illegal immigrant, and subsequently detained him and his wife, in two separate camps, Goalpara and Kokrajhar. However, Sarma is still in disbelief as to how he came under the suspicion of the tribunal and that a notice, that he never received, was served to him as the police claimed. This couple were also pushed back to Bangladesh by the Border Security Forces of Assam, which however, became futile after the border guards of Bangladesh retaliated following which they have been languishing in the detention centres away from their sons who they could never meet in all these six years.⁵²⁶

There have been several cases where a person was declared a foreigner by the state, but, after the production of all necessary evidences, such an allegation was removed. However, the problem with this lies in the very fact that once a person is declared a foreigner, the case is transferred to a Foreigners Tribunal for further decisions on this issue and the person concerned has to fight a court case with the help of a competent lawyer in order to prove his/her citizenship and nationality status. Thus, this process is not only time consuming but also expensive, especially for the economically backward people since, they do not have the deep pockets to pay for such an expensive procedure since they live hand to mouth and such a procedure, requires the payment of fees of the lawyer and regular follow ups with the tribunals. The mental trauma and anxiety act as corollaries in this scenario. This has been the story of Mrs. Renubala Das, a resident of Silchar district in Assam who was declared a foreigner in 2018 by the state on the grounds that the victim entered India in an unauthorized way after 24th March, 1971 and thus bore the charges of being an illegal immigrant and thus, was liable to be deported⁵²⁷. However, the victim filed a petition before the Foreigners Tribunal to contest the case and accordingly submitted documents to prove

⁵²⁵ Report on NHRC Mission to Assam's Detention Centers from 22 to 24 January 2018, accessed from <https://avaazpress.s3.amazonaws.com/NHRC%20Report%20Assam%20Detention%20Centres%2026%203%202018.pdf> accessed on 25.04.2019.

⁵²⁶ Ibid.

⁵²⁷ Renubala Das versus Foreigners Tribunal, dated 04.10.2018. The document of this judgment was given by Mr. Dharmananda Deb, a lawyer, during his interview in Silchar dated 26.03.2019

her Indian nationality such as the identity card issued by the refugee camp where the victim had resided bearing the registration number and year, 1964. Also, a copy of the voter list of 1970 which contained her name and her husband's, and subsequent voter lists of 1985, 1993 and 2003 to show that she has been a regular voter in the state. Based on the evidence furnished by the victim, it was ultimately declared by the tribunal that the victim entered into India from the then East Pakistan, present Bangladesh, before 1971 and took shelter in a refugee camp at Silcoorie New Migrants Camp under Cachar district which was subsequently proved by the Identity Card issued at the camp, furnished by the victim duly issued by the Camp Commander, and had been a regular voter in the state thereafter proving her residence in the Indian soil. The tribunal finally discharged the victim of the burden of proof under the Foreigners Act of 1946 and declared that she is a bone fide citizen of India and not a foreigner or a doubtful voter of the post 1971 period. The victim had migrated to Assam from Mymensingh in East Pakistan in 1964 along with her sons, husband and her mother-in-law and took shelter in a refugee camp in the state wherein they stayed for two years and then shifted to a rural area in Cachar district and following her husband's death, shifted to Silchar. This story serves as an evidence regarding the fact the process of easing oneself of the burden of the foreigner tag is a long and expensive procedure wherein, not only the burden of proof overburdens the victims with regard to the furnishing to evidence, in the form of certain documents that dates back to years ago, and the subsequent trials in the tribunal before finally being eased of the tag. However, the state does not provide for any mechanism for ensuring justice to the victim who not only undergoes mental stress but also financial plight in the entire duration of this exercise based on the assumption of the state regarding his/her nationality and citizenship status. Once, proved that the victim is not a foreigner, subsequently negating the claim of the accuser, there is no apparatus that that the accuser is punished on the grounds of furnishing false claims. Hence, along with the burden of proof, the burden of anxiety and the burden of is also placed upon the victim for which, the judicial system of the country provides no respite or even remission even at times when all the allegations are proved wrong. Hence, the victims continue to suffer an endless suffering, and those, who are poor, the problem increases manifold for them since, they do not possess the financial stability and capacity to undergo a tedious procedure which requires both knowledge of the procedure and the capability of enduring monetary expenses.

There have also been cases where a person who was once declared an Indian national, received a notice to prove their citizenship once again. In this regard, a case may be mentioned, wherein the victim, Ramnath Das, a fisherman by profession and his wife Aruna Das^{528 529} were declared Indian citizens by the Foreigners tribunal in 2013, by clearly stating that the victim entered India in 1964 and was granted shelter by the Government and he was also enrolled as a voter casting his vote in 1985, 1997 and 2013, and the father of Aruna Das, was a voter in 1965 in Assam, and she herself was a voter in 1985 in Assam, and hence, both are bona fide citizens of India and not Foreigners. However, again in 2017, the same person received a notice issued by the Foreigners tribunal declaring that Ramnath Das, his wife and his children are Foreigners and hence, the Deputy Commissioner of the district and the SP, are required to take necessary steps regarding the judgement opinion immediately. The case has been transferred to the High Court in order to arrive at a final verdict regarding their nationality. It was learnt, that the lawyer, hired by the family did not mention that they were declared as Foreigners, and also charging a lump sum amount of money from the poor family did not even attend the hearing. Thus, the victim was betrayed by the lawyer and when he received a notice again after 4 years stating that he has been suspected as a foreigner, the poor and illiterate man was taken by complete shock and surprise. For a poor man like him, bearing the expenses as well as loss of livelihood, since, he is not able to go to work when he is asked to appear before the tribunal and courts becomes not only problematic but also highly distressing.

Logic fails to provide an answer in such cases where the tangled nationality status of the victims not only cause anxiety but also raises severe doubts about the functioning of the tribunals.

It has also come to notice that when victims are called for hearings in the Foreigners tribunal in order to ascertain the citizenship status, wherein questions are asked to cross check and verify the evidence furnished, many people, are so perplexed and anxious during the whole procedure, that they end up confusing the details and contradicting the evidence furnished, and thus, it gives a chance to the judges of the

⁵²⁸ Names have been changed.

⁵²⁹ Information has been gathered from the interview of Mr. Kamal Chakraborty, on 01.04.2019, a human rights activist from Silchar who provided all the legal documents pertaining to this case which is being monitored by him.

tribunal to consider them as Foreigners, overlooking the mental trauma that goes in the minds of the victims. Such was the case with Sulekha Das, aged 45, a resident of Silchar.⁵³⁰ The victim contradicted herself about her age, year of birth and her parents and brothers existence in Assam prior to 1984, and hence, the tribunal declared that the evidence furnished by her were not noteworthy and hence, she was declared a foreigner who has to be 'pushed back' to the specified territory, in this case, Bangladesh and her name was to be subsequently deleted from the electoral rolls, cancellation of ration cards, job cards and all are government beneficial schemes if any. The problem arose when the victim stated her mother's name differently in two places, followed by her failure to produce any documents of evidence of her parents' existence in the state after 1964 and her brothers in between 1964 and 1984, which created doubts. In one place, the victim stated that her parents and her brothers migrated to India in 1964 while in another place; she mentioned that they are bona fide citizens of India by birth. The fear psychosis, in such cases, coupled with the inability of the victims, especially due to poor memory and understanding, result in their furnishing of contradictory details and henceforth, they end up being declared as Foreigners. The crisis in such cases lies in the simple fact that questions relating to one's citizenship are extremely vital and hence, they have a bearing upon the mental and also physical health of the persons on whom notices are served. Thus, due to all these issues they fail to retain their calm and their mental stability in answering the questions and cross questions that are asked by the judges, and hence, land themselves in an extremely precarious position and at the end of the procedure end up losing everything simply due to the anomalies.

Rashminara Begum, a resident of Assam had been put in a detention camp in 2016 after being served a notice from the Foreigners tribunal that she was a suspected foreigner.⁵³¹ Her grandfather was a freedom fighter. In the year 2004, Assam witnessed a disastrous flood wherein the victim not only lost her home but also all the documents. The only reason why she was put in a detention camp was over the fact

⁵³⁰ Information has been gathered from the interview of Mr. Kamal Chakraborty, on 01.04.2019, a human rights activist from Silchar who provided all the legal documents pertaining to this case which is being monitored by him.

⁵³¹ Ibid.

that there was an error in her date of birth; she had submitted two different school certificates as evidence to prove her nationality, wherein the date of births did not match and based on this incongruence, and the inability of the victim to explain this incongruence, the victim was declared a foreigner and put behind the bars in the Kokrajhar detention camp, the only female detention camp in the state. It must also be pointed out here that the victim was three months pregnant when she was sent to the detention camp; she was not accompanied by anyone to take care of her in such a crucial time, she had to eat the food that is provided to her as per the jail manual, and she was only subjected to medical care when the jail doctor made his monthly visit to diagnose the condition of the victims and thus, this wretched soul, lived a life of dismay over a very simple fact that she could not mention her correct age. What is forgotten by the officials and the apparatus governing such issue is the fear psychosis that engulfs the victim when such a notice is issued or when they are made to appear before the tribunals on cross verification of document and oral evidence. The cruelty of the administration that held captive a pregnant lady and made her spend months in the detention camp during a time when all she needed was proper care and affection raises doubt about the humanity aspect, that seems to have been lost amidst this procedure of cleansing the state from Foreigners based on suspicion. Rashminara was ultimately released in 2017, after the birth of her daughter following the Supreme Court intervention that allowed her to stay with her family before the final judgement on her case is given.

Also, in a state like Assam, which is so prone to natural calamities like floods, earthquakes and also calamities like fire it has been identified that many people who are unable to prove their citizenship have lost crucial documents in these calamities, however, they now have no chance to escaping the tragic situation that has been created. The government officials of the state also turned a blind eye to all these genuine issues of the state and the victims and henceforth, failed to formulate any alternative to save the victims from the wrath of the prefix 'D' and the NRC exercise as well.

Foreigners are randomly selected and allegedly harassed until they are proven citizens by the court. Many of them are later proved to be citizens. The unbearable being of being a D voter can be easily ascertained by this discussion. What is strange is that, the Indian judicial system is so weak and ignorant that has empowered the police and

the other state officials to harass the victims on grounds of alleged suspicion, yet, when such claims are refuted by the victims who also have to bear the burden of proof, by furnishing all relevant evidence, exhausting their lives savings, being bewildered throughout the entire procedure both mentally and physically, undergoing a loss of temporary livelihood, or in extreme cases having to spend, days, months or sometimes even years to ultimately, successfully prove their citizenship, do not have any choice of punishing all those who made them go through this chaos. The faith in the Indian judiciary is most likely to be lost.

Kannan Gopal Das, aged 56, was born in Bangladesh who later on came to Nodia district in West Bengal as a refugee.⁵³² He has been living in Silchar since 1980 working as a priest in a temple. He had also cast his vote in the 1982 elections. However, he has been marked as a D voter since; he could not furnish his voter identity card prior to 1971. He has all relevant documents; however, since most documents are post 1971 documents, things do not seem easy for this man since he has been asked to produce documents that show that he is not an illegal immigrant, i.e. someone who came to the state after 1971 from Bangladesh. The question that arises here is that, a person who has been voting in this state, because of his/her citizenship status, is suddenly being introduced to the term default voters and an alleged foreigner; this seems quite tricky because after all these years, as a bona fide citizen, the victims are suddenly made aliens. Das lost his original refugee card in floods and hence, does not possess any pre 1971 documents to substantiate his claims of not being a foreigner. The illiterate man who does not possess any clarity about the documents is worried about the seizing of his bank account, ration card etc, and has therefore been suffering from immense mental stress. His name did not appear on the NRC list as well because he was marked a D voter, a tag which can only cease if he is able to produce all the relevant documents that show that he is not an illegal immigrant and has been a voter in the state. However, things look gloomy for this illiterate man since, he lost the only piece of information that he had to prove that he is not an illegal immigrant, his refugee card.

The D voter has to provide certified copies of the entire voters list for the subsequent years in order to successfully prove that he/she is not a default voter. In most cases,

⁵³² Interview with Kannan Gopal Das, in Silchar on 28.03.2019.

such an extensive record is not maintained by any family, and to get the certified copies of the voter list, the victim has to provide the receipt of all the years that he/she has voted in, in the absence of which, even the certified copies are not issued.⁵³³ Thus, if there is a gap between the years of voting, the burden increases for the victim to substantiate his/her claim to citizenship. It should have been the duty of the government to make people aware of the importance of maintaining the records of all the receipts and that they would emerge as crucial documents that could substantiate or refute one's claim for citizenship. Hence, such receipts were not maintained, not only by the illiterate but also by the educated people since, they could never apprehend that such records had to be maintained for future reference as well. It may well be the case that the victim, due to unforeseen reasons, due to his temporary visit in another country or elsewhere, has not been able to cast his/her vote subsequently for a few years, the doubt and suspicion about the victim as being a doubtful voter, increases manifold and hence, the victim has to furnish satisfactory evidence showing the reasons behind his abstinence for casting the votes. Therefore, procedural flaws, coupled with unrealistic requirements for proving one's citizenship have substantiated the crisis that is currently underway in the state.

In this regard, it must also be pointed here that, in cases where the victim has been successfully able to prove his/her citizenship at the end of a long journey that is not only tedious, but also expensive, the victim had to furnish all relevant documents that are decades old in order to be satisfactory before the tribunals. A case against, Nilmoni Roy,⁵³⁴ continued for a duration of six years from 2010 to 2016, at the end of which, he was finally declared an Indian, for which, the victim had to furnish all the documents ranging from citizenship certificates to land documents that sometimes

⁵³³ Information has been gathered during the interview of Mr. Dharmananda Deb, a lawyer in Silchar on 26.03.2019.

⁵³⁴ Information has been gathered from the interview of Mr. Kamal Chakraborty, on 01.04.2019, a human rights activist from Silchar who provided all the legal documents pertaining to this case which is being monitored by him.

become too complicated a procedure to be undertaken by not only by the poor and illiterate but also the educated masses, since, safekeeping of all such relevant documents is quite unlikely for most people and to add to it is the problem of expenditure, and since such cases continue for several years, it not only exhausts the person financially, but also physically.

The word D has thus become a dreaded word for many in the state of Assam that stands for doubtful and also detention, which have marred the lives of the victims cutting across gender, age and religion. The ordeal of one Sumitra Goswami (name has been changed), a resident of Silchar took the town by a storm. The person concerned was born and brought up in Assam, completed her education from this state. Her father migrated from Bangladesh to India when he was young. The lady received a notice from the tribunal wherein her name was misspelt and miswritten, and hence, the notice was ignored by the family as a case of wrong delivery. However, all hell broke loose when the victim was arrested one afternoon by the police and put behind the bars in the jail where she had to spend three days with the other jail mates, a nightmare that still continues to haunt her. The victim was subsequently released on bail and at the end of a trial that continued for almost three months she was declared a bone fide citizen of the state. However, the memories of those three days of being in a lockup with criminals convicted of murder charges, keep coming back to her and also makes one wonder whether not possessing relevant documents to substantiate one's claim to citizenship, or being suspected as a foreigner due to the mistake of the authority, is as heinous a crime as murder since, the detainees are made to live with the criminal convicts and in an environment that would force one to question their existence.⁵³⁵

This case raises serious questions about the conditions and the factors taken into consideration by the officials before issuing a notice to someone who has been marked as a doubtful voter. The victim, in this case, possessed all the necessary documents including her voter identity card and has been a regular voter in the state; however, the marking of D before her name which was also misspelt raised a lot of questions. It is only because of the change in name that such a notice was left unattended by the victim and her family, following which, an arrest order was issued

⁵³⁵ Information gathered from the interview of Mr. Dharmananda Deb, a lawyer in Silchar on 26.03.2019

against her by the Foreigners tribunal on ex parte basis and she was declared a foreigner. However, during this whole process, the victim was not even fortunate to know the grounds of her arrest, a complete violation of Article 22(2) which guarantees the right to information about the grounds of being arrested by the accused, and after repeated pleas by the victim and her family members, she was made aware of this when she had already been taken to the jail. The victim and her family repeatedly questioned the grounds of her arrest over a misspelt name which was left unanswered by the police, who claimed that since such a notice has been issued where she is suspected as a foreigner, she would have to prove her citizenship in the state. Several questions as to how, the police, forcefully can arrest someone whose name has been misspelt, how can someone be a suspected foreigner despite possessing all relevant documents and more importantly, being a regular voter in the state and the mechanisms following which individuals are brought under the scanner by the tribunals arise out of this case; the answers to all these questions are pending and probably will remain so, forever. The ordeal of proving ones nationality especially after being born in the state is not only traumatising, but also, highly surprising.

Therefore, ascertaining the authenticity of the orders passed by the tribunals comes under doubt in this scenario and it would not be wrong to state that without any investigation people are marked as D.

Similar was the case with Mr. Chandradhar Das, an old man aged 102 years,⁵³⁶ who was put behind the bars at such an age after being declared a foreigner on ex-parte basis, since, his old age and associated ailments refrained him from appearing before the tribunal. It was alleged that the victim was residing in India without any valid documents and hence, the Foreigners tribunal expressed doubts about the nationality of the victim. Accordingly, a notice was served to him asking him to appear before the tribunal to prove his citizenship, which however, did not happen and hence, a notice was issued that, on account of the failure of the victim of appear before the tribunal, the case has become ex-parte, and hence, the person concerned has been deemed as a foreigner and subsequently, the victims name would have to be deleted from the electoral roll. The victim, however, did possess his proof of nationality; the

⁵³⁶ Information has been gathered during the interview of Mr. Kamal Chakraborty, a human rights activist from Silchar who provided all the legal documents pertaining to this case.

certificate of registration of citizenship that was issued in 1966 that successfully refutes the claim of the tribunal of his nationality status. However, just on the basis of his absence, he was declared a foreigner and put behind the bars. This old and feeble man had to pass his days in extreme hardships in his three month long stay in the detention camp; he had to go to the bathroom on his own, had to eat what was served by the jail, since, the provision of allowing food to be given to the detainees by their families is not allowed. A man, thus, at the fag end of his life had to endure such a kind of inhumane mental and physical persecution. His bail order was requested on grounds of his old age and ailments including memory loss and hearing problems. A Silchar based Non Governmental Organisation, Unconditional Citizenship Demand Forum, headed by a human rights activist, Mr. Kamal Chakrabarty, actively associated with the D voters issue and the process of NRC updation in the state, that has made several people vulnerable, took up the case before the Deputy Commissioner of Silchar, to release the victim on humanitarian grounds since, he was languishing in the detention camp at such an age with other inmates that not only violates the basic human rights but also exposes the inhuman nature of the state officials in their attempts to ascertain the nationality status of random individuals, on no solid ground supported by facts and evidences.⁵³⁷ It has been learnt that several people, who are extremely poor are languishing in the detention camps after being declared ex-parte Foreigners since they could not hire lawyers and also attend the summoning of the tribunal. Even in the case of Chandradhar Das, who could not attend the hearing with all necessary documents when he was served with a notice, resulted in his encounter with the life behind the bars. The victim was already suffering from age related ailments and his memory loss made him forget as regards the whereabouts of the documents that were decades old. Das was subsequently eased of the burden of D voter after the furnishing of all necessary evidence. This also raises a question as to on what basis the border police suspects someone with relevant documents as a foreigner and whether the ordeal of citizenship overshadows the humanitarian concerns, which has clearly been violated in this case. Efficiency of determining whether a person is a foreigner or not, is thus debatable, as it may be the case that several other persons are also declared as suspected Foreigners and those

⁵³⁷ Information has been gathered during the interview of Mr. Kamal Chakraborty, a human rights activist from Silchar who provided all the legal documents pertaining to this case.

who cannot hire a lawyer to help them steer through the journey of proving one's citizenship, despite possessing necessary documents, since, the whole procedure requires knowledge and understanding of the situation, which, in most cases are not possessed by the laymen, end up spending their lives behind the bars.

It should be the duty of the state and the centre, to ensure that well educated and knowledgeable lawyers are provided to those victims who are unable to hire one, since, it is the state which and hence, legal aid ought to be provided which is a fundamental right under the Indian constitution that is granted to the criminal convicts, yet, depriving the 'D' voters of its benefits.

The descendents of a D voter are also marked as D voters and, it has been mentioned by the Guwahati High Court in the Bahej Ali versus Union of India case dated, 2017,⁵³⁸ that subsequent reference against the other family members will also be made who are drawing lineage from the person concerned i.e. if a person is suspected to be a foreigner on the basis of the materials on record, it would be a logical corollary to take the view that, the other family members of the procedee drawing lineage from the same father or mother would also be suspected foreigners whose citizenship status would have to be gone into by a Foreigners tribunal. Thus, this provision results in the descendents of D voters, if the procedee is declared a foreigner by the tribunal to lose access to this electoral card, ration card, any land that he/she might have purchased will also be seized and all other benefits that are normally granted by the government will be snatched. Thus, the brunt of the situation has to be borne by the successive generations as well even if they are born in the state and have been regular voters in the state and are in possession of all genuine documents. Thus, this ambiguous provision is not only unjust but also one that violates the human rights of the individuals without any valid ground. Snatching away one's belonging just on the basis of a person's lineage with the procedee increases the problems manifold for the subsequent generations to come. In fact, even in the NRC procedure such persons are at a high risk. They can apply for the inclusion of their names in the NRC; however this will only happen if the case against the D voter is resolved by the Foreigners tribunals, where the procedee is declared a bona fide citizen of India based on the furnishing of satisfactory evidence. However, if the tribunal declares the person as a

⁵³⁸ Bahej Ali versus Union of India case AIR 2017. Copy of the case , from the personal file of Mr. Kamal Chakraborty, made available to the researcher during the interview in Silchar on 01.04.2019.

foreigner, then it is not only the person concerned who has to suffer, but the family as a whole is doomed. The Indian Government has not come up with any provision that resolves the dilemma of the family members in this regard. The citizenship status of each person should be analysed individually in order to ascertain whether they possess all the necessary evidence that may be deemed as satisfactory to prove ones' nationality and not pass a judgement just on the basis of lineage. As has been discussed earlier, there have been several cases where, despite possessing all relevant documents the proceed, based on his inability to fight the case, is declared a foreigner, and , thus, in situations like this, a genuine citizen becomes a foreigner, and his/her family members too become part of the same misery and tragedy.

The picture became clear after two respondents reiterated the same story about the miseries of being the descendents of D voters. Nantu Chanda works as a barber in Silchar.⁵³⁹ His mother was made a D voter, and, hence, when he submitted his NRC application, his name was not included in the first list that was published in 2018. On further inquiry, it was revealed to him that his mother has been made a D voter, and thus, the victim and his son, drawing lineages from the suspected D voter have also been marked as descendents of D voter and only after the tribunal declares that the nationality status of the suspected D voter is not questionable, their names will be included in the NRC list. In order to achieve this end, Chanda will have to hire a lawyer and undergo a court case in order to steer through this process. However, a barber, Chanda lives hand to mouth and he lamented about the exorbitant fees charged by the lawyer that he is finding unable to bear. Also, he seemed extremely worried about his son, a young boy, who has also been marked as the descendent of D voter. He claimed that while filling up the application form, by a third person, since, he is illiterate, and hence, filling in the details of the complex application form becomes problematic not only for the poor and the illiterate but also the educate people, because, even a slightest mistake can risk ones citizenship, because, the application form does allow corrections except in cases of minor mistakes like spelling mistakes. Thus, once filled, the application cannot be changed. This man had to go through a middle man to apply in the NRC, where, out of fear, he did not fill in the details of his mother anywhere in the form since he was guided by the fear that their names might not appear in the NRC list because of the D tag of his mother. Thus, he used his

⁵³⁹ Interview of Nantu Chanda in Silchar on 03.04.2019.

father's refugee card to establish the legacy of his father and thereafter his linkage with his father. However, since, official records are maintained regarding the suspected or doubtful voters, his name did not come on the list, following which he has been running to and fro to make ends meet. It needs to be pointed out here that, while applying for claims with regard to the D voter issue, there exists a separate claim form that needs to be filled in by the victim or his/her family members, and this form is different from the NRC application form. Now, for people like Chanda, who are illiterate and possess no knowledge about all these, thus remain unaware, and in most cases, this ignorance results in many people not filling up the claims form, further risking their chance of proving their citizenship. When someone's name did not come up on the NRC list, he/ she had to submit a claims form, within a stipulated time, 15th January, 2018, whereby he/she stated that he possess the relevant documents to prove his citizenship and hence, a claim is being made to allow him for re verification of his documents. However, while conducting the fieldwork, it could be identified that most people remained totally unaware of this happening, firstly, because no extensive measures were undertaken by the government to publicise the issue, especially in the rural areas, through mikings, television publicity through visuals do not work for the people in the rural areas where such technocratic developments have not yet reached, most rural areas are still without electricity, and hence, television publicity is likely to be missed by them. Also, in the rural areas, most people are engaged in agriculture, and thus, leave their homes by early morning and return back late at night, and thus, mikings, even if it is conducted failed to reach the concerned public. Thus, most people failed to fill up their claims form. Now, the problem arises here; all the application forms of the NRC have been computerised and the subsequent claims forms have also been digitised, hence, if someone fails to submit these forms within the specified dates, that application will become null and void, since, the applications and forms have already been entered into the database and fresh forms and applications cannot thus be included. Therefore, this ignorance results in the risk of losing one's citizenship, which otherwise, could have been avoided, if the government would have indulged into a house to house awareness programme that would have ensured that the message reaches to the concerned public. Thus, the inefficiency of the government coupled with the ignorance and lack of awareness of the people resulted in the perpetuation of a crisis like situation, since, the fate of all those who have not been able to submit their forms remains unknown.

Speaking of Chanda, this poor and illiterate man, is spending his days in extreme worry, anxiety and stress and complained of mentally disturbed with regard to the procedure and was repeatedly asking for help in order to come out of this crisis like situation. The situation, if looked at from a humanitarian point of view and also based on the fundamental rights that are so deeply enshrined in the Indian Constitution, makes it clear that where, right to life and right to nationality are the fundamental and human rights that every individual is entitled to enjoy, the 'hunt' of identifying the Foreigners totally overlooks these provisions where, based on suspicion a person is tagged as a foreigner and his/her family, for no fault of their own are drawn in to this long standing procedure. It may well be the case that Chanda's mother might have migrated to Assam after 1971, however, the brunt of this should not be borne by Chanda and his family who was born in this state yet, remains a suspect, because of the lineage with his mother. Someone who had migrated decades ago, for several reasons cannot and should not be harassed for being an illegal immigrant after decades, since; they have been peaceful settlers for so long. However, because humanitarian concerns have been overlooked in the hunt for citizens and Foreigners in the state, the fate of many like Chanda remains under the dark. If his mother is ceased of the D tag, based on the furnishing of satisfactory evidence, the future looks bright for this man, however, if it is the opposite, he will be on the verge of losing everything since, as mentioned earlier, descendents of D votes are also ripped of the benefits of the government. This process, however will be a long one, sometimes several cases go on for many years before the final verdict is given, which would require the victim to not only bear the expenses of the lawyer for the entire duration, but also summon himself before the tribunal as and when dates for the hearing are announced, which would refrain him from running his salon, and most importantly bear the travel expenses and also the collection and furnishing of all the documents that the tribunal requires which is a task in itself. Whether the victim is able to steer through this storm, given his financial and mental condition remains unknown. The D tag has therefore driven innumerable families and individuals to a pandemonium.

A similar such condition was also narrated by Pratibha Chakraborty, a resident of Silchar.⁵⁴⁰ This lady could successfully manage to establish her linkage with her parents and accordingly her name was included in the first list. However, this lady

⁵⁴⁰ Interview of Pratibha Chakraborty in Silchar on 07.04.2019.

could not be relieved of the wrath and the stress created by the NRC, since, her husband's name failed to come on the list, because he has been marked as a descendent of D voter as his late mother was marked as a doubtful voter. The lady, however, narrated that her late mother in law was a refugee in India and she also has the refugee card registered in the year 1964, from Tripura, Agartala, subsequently, she also cast her vote in the 1975 elections and was a government employee as well. The family hired a lawyer to fight her case, and submitted the victims refugee card, which was rejected by the tribunal and they were asked to find the voter card or certificate that clearly states that the victim has been a voter in the country. The lady claimed that, the lawyer that was hired by them dismissed the case on the grounds that since the victim is dead, no case can be initiated against a dead person. The family, laymen in legal knowledge relied on the information that was conveyed to them by their lawyer and thus thought that things have been resolved and the descendents of the victim will also be relieved from the burden of D. However, all hell broke loose when after the publication of the first list, her husband's and her son's names were missing and it was marked 'descendents of D voters' beside their names. The lady complained that the family feels cheated since, a lot of money had been spent on the lawyer, yet, and the results are futile. She went on to state that their illiteracy in this regard that furthered their problems since they did not cross check the information divulged by him. The family is under immense mental stress not only over the loss of money but also over the work that is undone. The lady was especially concerned and anxious about the fate of her children regarding which she was of the opinion that her children were born in India, yet they have to prove their citizenship, and expressed distress about their fate if their names fail to come up, since, the children will have to draw their linkage from and with their father, and unless the father is cleared of the tag of 'descendents of D voter', the names of the children, despite having all genuine documents will also remain pending. "Harassment", she exclaimed when asked about how she feels about this procedure of proving ones nationality. It is harassment indeed for this family, as they have to run to and fro to Tripura in order to collect the certified copies of the voter list of her dead mother in law to prove that she was not a D voter, which is long drawn process given the corruption in the administrative sector of India and the lack of punctuality, discipline and well maintaining of all archival documents. Moreover, there is no absolute guarantee about the fact that at the end of all this physical and mental harassment, the verdict will be in their favour, as the fate of the

family is solely responsible on the satisfaction of the judges of the tribunal. Hence, this family is worried as to whether they will be able to get hold of the documents on time to establish the fact that the late victim was not a D voter and subsequently relieve her descendents from the D tag as well. The lady also asserted that she was worried if the NRC gets over before the documents are collected and repeatedly kept asking as to whether the government will snatch away all the facilities if they are unable to prove that their late mother/mother in law was not a D voter.

This incident also generates ample questions about the efficiency of the lawyers in guiding and helping people overcome this situation given their legal knowledge. A laymen, quite naturally has no idea about the complications associated with the procedure, and since, it is impossible to fight a case without legal aid, many exhaust their earnings and savings just to come out of the precarious situation. However, in cases like this, doubts are created about the role played by the lawyer in perpetuating the problem of the victims. Nationality is a matter of extreme importance, and hence, measures should be taken to ensure that the clients are made well aware of the developments of the case since, they are putting in their lives savings over this issue. Keeping them in the dark regarding the case is not only tantamount to cheating, but also raises doubts about the humane nature of such lawyers. The narrative, mentioned above, makes it clear that is due to the fault of the lawyer that they are having to undergo this harassment. Thus, it is the duty of each and every lawyer entrusted with the task of helping people get through the citizen-foreigner debate in the state, to ensure that justice is delivered to the victim and that a transparency is maintained between the two parties. Also, efforts have to be made to offer free legal aid, by the government, by entrusting educated lawyers to help people who are unable to hire a lawyer to fight their cases in order to give them a fair chance and opportunity to prove their point.

Moreover, there has to be a well thought out law that looks into the cases where the D voter has expired. This is because, in most situations, cases are not possible to be carried out against someone who is dead, however, in the case of the D voters, even if they expire, their family members will continue to bear the burden of being the descendent of a D voter. Logically, if analysed, this situation does not hold any legal validity. The main aim of detecting a foreigner is to deport them from the state, the basis on which the hunt is being conducted in the state. However, if the person

concerned is dead, then it obvious that deportation of such persons, even if they are declared as Foreigners, either on ex parte basis, or due to failure of producing relevant documents or the inability to represent himself/herself before the tribunals, is impossible. Therefore, the question regarding the validity of the continuation of mark the family members as the descendents of D voters or, in cases of declared Foreigners as D voters as well, totally oblivious to the citizenship status of the individual family members cannot be justified by logic and reason. The main aim of identifying the Foreigners, as has been repeatedly mentioned by the state is with regard to the security of the state, hence, it seems bizarre as to how a dead person can be considered as a threat to the security of the state for which his/her family members are also taken under supervision and are declared as foreigners, subsequently, even if they are Indian citizens. Therefore, this whole process seems extremely incongruent with the principles of justice and the fundamental rights of life and liberty which are not only overlooked but also violated, in its most extreme form in this exercise.

It has also been learnt that the Assam police does not issue any arrest memo and the reason for detention in writing to the family members of the detainee which is an essential requirement, since, knowing the grounds of arrest is a fundamental right as well.⁵⁴¹ Moreover, it has been revealed that the Foreigners tribunals which are only entrusted with the task of determining whether a person is a foreigner or not, also vest themselves with the task of striking off the names of those persons from all the government records, documents, including the voter list, ration card, bank pass book etc.⁵⁴² Hence, the other family members of the person are also deprived from getting ration, education and all other facilities. Also, there is a provision that if a person in a family is marked as a D, his/her descendents will also be marked as descendents of D voter and as long as the case against the person concerned is resolved, the descendents will also be continued to be deprived of all other benefits. This is thus tantamount to gross human rights violation. Moreover, gross human rights violation are also incurred since the detainees in the jails which function as the detention camps in the state are not governed in accordance with the Jail manual rules which allows the criminals, convicted of crimes in the jail to undertake work within the premises of the jail for Rs. 55 a day for unskilled labour and Rs. 75 a day for skilled labour, which the

⁵⁴¹ Facts have been stated based on the information gathered during the interview of Mr. Dharmanada Deb, a lawyer, in Silchar dated 26.03.2019.

⁵⁴² Ibid.

Foreigners are not allowed to perform.⁵⁴³ This differentiation in governing the Foreigners and the criminals also results in the absence of granting parole to the victims, no matter how long they have been detained.⁵⁴⁴ Only visits by their family members and lawyers are allowed that too after permission is granted by the jail superintendent and the DSP, Deputy Superintendent. Also, since the detainees are not governed as per the jail manuals, they are also deprived of regular health checkups that the jail inmates undergo, since they have to be produced before the court every fortnight in order to check their health condition, mental status which the detainees', the Foreigners are deprived of. Hence, it would not be wrong to argue that the Foreigners have wretched existence than the convicted criminals.

The continuous deaths within the confinements of the detention camps in Assam often as a result of their deteriorating health conditions and mental stress have made it clear that life within the detention camps is nothing but a battle with death. The Government however, is yet to wake up from its deep slumber over the issue of foreigners and the illegal immigrants in the state that has been hunting the minorities, impoverished, illiterates and most importantly the unfortunates, who do not seem to have any way out of this misery. The death of Arjun Namashudra in 2012 after being declared a foreigner, unable to deal with the shame and fear of such an exclusion, makes it evident that the perils of D are indeed life threatening.

The burden of proof lies heavily on the D-Voters as the whole course of their fate is decided by their claim. Many a times the locals do not have valid documents, due to reasons like shift in the geographical location, erosion of villages, floods, thefts, the havoc of time etc. Many women who move to other villages after marriage also do not have their birth/ school/ electoral evidence certificates. Hence, they have to rely on the Panchayat Certificates which has been given magisterial powers, on appeal by the Supreme Court with verification. However, such certificates can be based on evidences of the family tree, local testimonies by the elders, neighbours and the Panchayats among others. However, there have also been cases where such certificates have been rejected by the tribunals and the high courts, a gross violation of justice, whereby, a certain official bias and prejudice is in operation. Often due to

⁵⁴³ Facts have been stated based on the information gathered during the interview of Mr. Dharmanada Deb, a lawyer, in Silchar dated 26.03.2019.

⁵⁴⁴ Ibid.

discrepancies in the documents, as many people who are D Voters are illiterate and poor and the weak claims by the lawyers of the defendant people end up being a foreigner.⁵⁴⁵

Harsh Mander, a Special Monitor for Minorities of the National human Rights Commission visited two detention camps in Assam in January, 2018 following which he penned a distressing account of the condition of such camps and the people residing therein. He wrote that the camps lie on the dark side of both legality and humanitarian principles. He also observed that most of the persons deemed Foreigners had been detained on the basis of ‘ex-parte orders’, i.e. the persons have not been able to attend the hearing and thus declared as Foreigners.⁵⁴⁶ Those who received notices and appeared before the tribunals sold their properties and some have also taken loans to hire lawyers to help them get through the process.⁵⁴⁷ However, many lawyers turn out to be poorly qualified and hence, let down the clients, who end up losing their money and also being declared a foreigner. About those whose have been detained on ex-parte basis, Mander wrote that as a humane democracy, which provides legal aid even to the convicts of heinous crimes like rape and murder, it is a matter of grave concern that such detainees even without committing any crime are languishing in the detention centres as they are unable to afford legal services.⁵⁴⁸ It should be the duty of the government to provide legal aid to such detainees, since it concerns their citizenship status. He stated that the condition of the detainees is worse than the prisoners. He also gives a heartbreaking account of the camps stating that the detainees are in confinement than the other ‘citizen prisoners’. Regarding the women detainees of Kokrajhar jail he states that the women are not allowed to move outside a confined space for more than a decade.⁵⁴⁹ Also, since, there are no guidelines or instructions from the Centre or state about the rights of the detainees and the detention centers are administered under the Assam jail manual, the state does not make any

⁵⁴⁵ Facts have been stated based on the information gathered during the interview of Mr. Dharmanada Deb, a lawyer, in Silchar dated 26.03.2019.

⁵⁴⁶ Report on NHRC Mission to Assam’s Detention Centers from 22 to 24 January 2018, accessed from <https://avaazpress.s3.amazonaws.com/NHRC%20Report%20Assam%20Detention%20Centres%2026%203%202018.pdf> accessed on 15.04.2019

⁵⁴⁷ ibid

⁵⁴⁸ ibid

⁵⁴⁹ ibid.

difference between the detainees and the prisoners charged with crimes.⁵⁵⁰ The Jail authorities selectively apply the rules with regards to the detainees denying them of parole and waged work which the prisoners are entitled to under the jail rulers. Families have been torn apart, as men, women and children above six years have been separated, many had not met their spouses for several years which also has a bearing on the psychological health of the victims, many suffer from stress and mental health issues. Mander mentions about a detainee who questions as to which constitution in the world prescribes such a separation of the husband for his wife and children from their parents.⁵⁵¹ Difficulties become all the more pronounced especially because, sometimes meeting the family members who have been detained in the camps becomes too expensive both due to the distance and the travel expenditure as the camps are situated in only six districts in Assam and hence, it becomes particularly problematic for families in other districts to meet their loved ones who have been detained in other districts. The report also mentions about the arbitrary and indefinite detention in conditions similar to the prisoners are a violation of the fundamental rights and international laws, especially with regard to Article 21 of the Indian Constitution which mentions about the right to life and liberty of the detainees and a due procedure for arrest and detention, which is especially under threat in the upcoming NRC process which has the possibility of rendering lakhs stateless. India does not have any policy to deal with the stateless since it has not signed or ratified the international stateless conventions. Hence, the only remedy that is available to the detainees whether detained by ex-parte orders or otherwise is to take up the case before the High Court; however, as mentioned earlier this requires a lot of money. Thus, irrespective of how legally strong an argument can be made and how flawed the tribunal judgement might be, many victims are most likely to be deprived of even an opportunity to approach the High Court because of the expenses associated with it, since, they are unable to afford it. The report by Mander also made it clear that such detainees have the required documents but, in the absence of legal representation they have been unable to appeal. Such people, thus, in all likelihood could be genuine

⁵⁵⁰ Report on NHRC Mission to Assam's Detention Centers from 22 to 24 January 2018, accessed from <https://avaazpress.s3.amazonaws.com/NHRC%20Report%20Assam%20Detention%20Centres%2026%203%202018.pdf> accessed on 15.04.2019.

⁵⁵¹ *ibid*

citizens, who, however do not, and will not have an opportunity to prove it.⁵⁵² Based on his findings Mander moved the Supreme Court over the issue of indefinite detention in 2019, the Harsh Mander versus Union of India Case to decide about the indefinite detention of the detainees and to find a plausible solution to put an end to this unlimited detention.⁵⁵³

Very recently, in May, 2019, the Supreme Court gave a Judgement on this case, regarding the indefinite detention of the Foreigners, who, in the absence of any provision for deportation, continue to live there for an indefinite time, many grow old within the confinements of the camps, and are in need of care and support in this phase of their lives. Hence, the Supreme Court Judgement gave a verdict that, after the completion of three years, the detainees will be released from the camps, but, this verdict, came with a condition; the detainees will be executed only after signing a bond requiring a payment two lakh rupees to be paid on their behalf by Indian citizens, following which the detainees will have to specify the verifiable address of stay after released and they would be under the close supervision of the Superintendent of Police who will sent regular information to the Foreigners tribunal following their appearance at the police station at regular intervals and in the case of violation of which, the detainee will have to be produced once again before the tribunal.⁵⁵⁴

Now, conditional release of the detainees makes it clear that such a judgement is not preceded by humanitarian concerns. This is because, it is not possible for someone who has been living in the detention camps for three years to arrange for such a huge amount of money, as, it is because of their poverty, for most detainees, that they could represent themselves by fighting their cases to prove their citizenship. Thus, releasing the detainees in lieu of such a huge amount of money adds to the pool of human tragedies faced by the detainees. Moreover, the judgement states that on behalf of the detainee, the money has to be paid by the Indian citizen, but, the logical question that arises is why someone would indulge in paying such a huge amount of money on their

⁵⁵² Report on NHRC Mission to Assam's Detention Centers from 22 to 24 January 2018, accessed from <https://avaazpress.s3.amazonaws.com/NHRC%20Report%20Assam%20Detention%20Centres%2026%203%202018.pdf> accessed on 15.04.2019.

⁵⁵³ Harsh Mander Versus Union of India Case dated February 2019. <https://indiankanoon.org/doc/88761484/> accessed on 15.04.2019

⁵⁵⁴ Supreme Court Legal Services Committee versus Union of India & ANR dated 10.05.2019. Writ petition no: 1045/2018.

behalf. Thus, the conditional granting of release, especially in lieu of money raises doubts about the neutrality and the impartiality and constitutional basis of the judiciary in giving this verdict, that, in no way will reduce the burden, but rather contribute to the already aggravated troubles of the detainees.

There are several international agreements, conventions, statutes and guidelines that lay down a procedure regarding the treatment to be meted out to the stateless people, the refugees, undocumented residents or people with questionable claims to citizenship, and also the migrants, which however, have not been signed by the Indian government. According to these conventions no persons should be subject to cruelty or inhumane treatment or punishment, and all persons must be treated with humanity even if their liberty is being snatched away, since every individual has a right to live their life with dignity.⁵⁵⁵ Moreover, the fact that detention should be arbitrary, the mandate of the United Nations High Commissioner for Refugees, is totally violated in Assam as the state randomly picks up persons to be sent to the detention camps. However, it is quite understandable from the report published by Mander that the detention camps in Assam, gross violations of all these provisions continue with no one to protest. On the basis of the report published by Harsh Mander regarding the condition of the detainees in Assam, and the initiatives taken by the Assam Government to construct a detention camp in Goalpara, deemed to be the biggest in Asia, it is important that the government considers these provisions designed by the international conventions in its full spirit.

The Role of NGO'S:

Non Governmental Organizations or NGO's as they are popularly known as are organizations which are involved in the carrying out of a wide range of activities for the benefit of the society and the underprivileged masses as a whole. They work independently, without any financial aid of the government. They take up those projects and activities that promote the welfare of the society or the community they work in addressing the various issues and concerns prevalent in the society. Since, they are non profit organisations; they are devoid of any sort of commercial and vested interests. They are mostly run by the donations made by the individuals, corporations

⁵⁵⁵ Article 7, 10(1), International Covenant on Civil and Political Rights, 1966.
<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> accessed on 21.04.2019

or institutions or sometimes by the persons who are engaged in it. Fundraising activities are a common source of receiving money which is required for the kind of work they do. Thus, this sector of the society has played a very crucial role in shaping the democratic set up of the Indian society since it provides a platform to those underprivileged and distressed voices of the society who are undergoing a turmoil thereby elevating them and improving their conditions. The NGO's in India work for a wide range of causes, however, the most important cause is the issue of human beings, i.e. they mostly deal with human problems providing humanitarian relief to those suffering from crisis. These NGO's mostly try to arrive at solutions to the problems by undertaking a detailed analysis of the situation at hand and also try to address these issues by undertaking awareness camps and activities. Mostly through social media, the NGO's try to disseminate information about the kind of work they do, so that it reaches more and more people.

NGO's play a very crucial role in the protection of human rights and bringing about a social change in particular by helping the victims through advice and assistance. Ensuring that humanism is sustained, by fighting against all cases of human rights violation and exclusion, the NGO's have tried to achieve their objective of helping people come out of the gamut of distress either by their own personal contribution or by pressurizing the government to solve the problem. Thousands of NGOs have thus emerged in India making significant contributions to the processes of development of society by trying to fill in the gaps created by the government by trying to improve the lives of the marginalized and the deprived masses. Thus, they have far reaching impacts in the promotion of such people.

The silence and the ignorance of the government to address all these issues and the shortcomings in the NRC exercise in the state of Assam that have become a matter of grave concern and has created a humanitarian crisis has resulted in the rise and growth of the Non Governmental Organisations and the Civil Society in Silchar taking a lead to help the victims out of this precarity.

To help the matters out, especially for the uneducated residents of Cachar district, many Non-Governmental Organizations (NGOs) have set up temporary offices. Netaji Subhas Chandra Bose Seva Sangstha, is one such NGO, that been committed to the cause of helping these people since August 2018, after the publication of the first NRC draft in 2018, in filling up of the 'claims' forms free of cost. The helpless position of the victims perpetuated by the illiteracy, economic status and ignorance

caught the attention of the members of the NGO, which is why, in the service of mankind, guided by Dr. Lakhan Das, a renowned surgeon in Silchar, the NRC Seva Kendra under the behest of Netaji Subhas Chandra Bose Seva Sangstha started its journey.⁵⁵⁶ The members of this NGO, embarked on this journey with the sole intention of helping people steer through the complex and complicated procedure that is adopted by the NRC to determine the citizenship status of the people in the state. Working with the help and aid of two associate organizations, the Unconditional Citizenship Demand Forum, headed by human rights activist, Kamal Chakraborty and Beekshan Cine Commune this NGO began with the aim of helping the helpless people in filing claims for the inclusion of their names in the NRC. As many as 5000 claims form, till date have been filled up by the members of the NGO,⁵⁵⁷ which claims that people are mostly unaware and ignorant about the procedure of filling up the forms, the documents that are required and that claims can be submitted even if they do not possess supporting documents. The NGO feels that the government has not performed its task of extensively publishing and advertising about the NRC before embarking on this highly ambitious project.⁵⁵⁸ As a result, most people have been at the receiving end since, the rules and regulations regarding the NRC have not been made clear to them, who, subsequently, wither failed to apply in the NRC, or ended up submitting irrelevant documents. In fact, as long as people are not made fully aware about the procedural aspect of this exercise, it very likely that most people might end up being stateless. The members of the NGO have been relentlessly working in order to help the victims submit claim forms, scrutinize their forms and have also engaged in the humane task of providing lawyers to the victims who have been marked as D voters. Regular follow ups with the victims are also being conducted by this NGO, the only one of its kind in Silchar, which restores the faith in humanity amidst the humanitarian crisis that is brewing in the state.

The members of the NGO feel that new instructions and rules and regulations regarding the process of application and the supporting documents have created an impression in the minds of many that all hopes are lost for the inclusion of their

⁵⁵⁶ Information has been gathered from the members of the NGO in due course of the fieldwork conducted in this NGO from 23.03.2019 to 11.04.2019

⁵⁵⁷ Ibid.

⁵⁵⁸ Ibid.

names in the NRC list and thus they have been pleading earnestly to ensure that the government makes provisions so that messages are heard by the people in order to ensure that genuine citizens are not left out of the NRC. The NGO claims that the process will continue till the final list of the NRC comes out in the month of July, 2019 and that all necessary steps will be taken to fight for ensuring the justice of all those who have been residing in the state for generations. The NGO claims that in course of their journey of meeting several applicants, one thing has been common, the presence of widespread illiteracy about the process as well as the capitalization of illiteracy. The prevalence of illiteracy weakens the possibility of the victims to ensure that their names are present in the NRC, since in most cases they are not even aware of the documents they possess and the requirement of the particular documents in the application process. Such documents are worth noting but a piece of paper for people whose sole aim is to ensure their economic subsistence. Hence, quite naturally, it is understandable that documents are not properly maintained by such victims and thus, this section of the people is not at a loss. Secondly, the illiteracy of the people has been capitalized by certain sections of the society to feed their vested interests. In most cases, these people lure the poor and the illiterate masses that they will fill up their application forms in lieu of money and thus, the victims, who are so worried about their citizenship, end up falling into the trap, since, filling up the application by the third parties not only results in wrong information being mentioned in the form but also results in loss of money, which, for these impoverished people is too high a value to bear since it is their hard earned money which is lost. Through extensive meetings throughout the town of Silchar, this NGO is making the masses aware about the kind of work it is doing as a result of which, people from far and near have been taking the help and aid offered by the members cutting across age, gender and religious differences. The members of the NGO stated that the claim form which had to be submitted within January 15th, 2019, was not filled up by almost a lakh people from Barak Valley itself, which is why such an initiative was taken;⁵⁵⁹ help continues to be extended to the people in the form of changing of names of the applicants, helping people fill up the forms in the case of missing name/names as well as filling up the forms of D voters and making petitions for those who are in the detention camps; which are carried out by a group of dedicated humanists, solely concerned

⁵⁵⁹ Information has been gathered from the members of the NGO in due course of the fieldwork conducted in this NGO from 23.03.2019 to 11.04.2019

with the respite of the victims. The main aim of the NGO is to ensure that the message is widely publicized especially in the rural areas so that people with genuine documents are not left out of the NRC, just because of their ignorance and their failure to fill up the forms due to lack of literacy; petitions are also filed for people who have been declared Foreigners with no notice being served to them by providing them with lawyers to continue with the procedure of establishing their citizenship status and to ensure that people do not fall prey to the corrupt middle men in an effort to prove their citizenship by using fraudulent means, rather, all efforts are taken to ensure that the citizens are able to produce genuine documents to strengthen their claims of citizenship by explaining to them, in details about the documents that are required, the methods of procuring them through legal means and the alternative documents that one can produce in the absence of any one from the list of documents, without having to spend their hard earned money.

Mr. Chakrabarty, has been closely monitoring the process of the NRC especially the cases pertaining to the D voters, and every efforts have been made by him from referring the cases to competent lawyers to helping the victims understand what is written in the legal documents, since, most of them are illiterate and do not possess any knowledge, whatsoever to understand what is contained in the documents, and, most importantly, to ensure that justice is delivered to the victims. In the Chandradhar Das case, it was under his initiative that a petition was filed before the Deputy Commissioner of Silchar who took up the case and ultimately, the victim was released on humanitarian grounds. He has also been making repeated pleas to the government of West Bengal to ensure that all those documents which have been sent to the state by the Assam government for verification, especially in cases of women who migrated from West Bengal to Assam, should be looked into on an urgent basis in order to enable all those individuals have their names enlisted into the NRC list since, only on the basis of such documents one's citizenship will be ascertained.⁵⁶⁰ Working closely with the D voters and those who have been in the detention camps, he asserts that these detainees who have spent several years in these camps have a little hope of their release and unless and until the government takes up any initiative to pass a law or legislation comprehending the fate of these victims, the crisis in Assam will

⁵⁶⁰ The letter from the personal file of the respondent was shown during his interview in Silchar on 01.04.2019.

continue unabated. ⁵⁶¹He has also been actively engaged in conducting mass awareness programs among the rural people in order to ensure that no one is left of the NRC along with helping several victims financially as well. The help and aid provided by him and the NGO, by engaging into counselling sessions of the victims to not lose hope, have opened up a space of relief and assurance for the extremely distressed victims, that not all is lost and that they are not alone in this longstanding struggle that, possibly eases, to a certain extent, the wary of these people who also complain about being suicidal unable to cope up with the tensions and anxieties of the NRC. However, the fear psychosis has become deeply embedded and is quite likely to leave its impression from the minds of the victims and their families' years after the NRC is over.

The incessant support and efforts provided and undertaken by this NGO, especially at a time when mankind has become its greatest enemy, helps restore the faith in the fact that humanity is alive and will help the vulnerable, unaided victims sail through the times of crisis.

It is clear that after all the claims and objections are dealt with, the number of NRC left outs will probably decrease, however, there would still be a substantial number of persons who would become stateless, and this will require a well coordinated framework at the national level to work out a solution based on humanitarian parameters. Deportation of innumerable people who have been living in a place for several decades is not just inhuman but also unreasonable, and, most importantly, it will be a shame if the government plans to keep them into the detention camps forever ignoring the humanitarian slant of driving lakhs of people into these camps; hence, it is likely that the NRC will be an instrument of tension, anxiety and insecurity. Therefore, the underlying humanitarian crisis in the state needs to be acknowledged before considering the NRC as the only possible solution to get rid of illegal immigrants in the state. This is because, once their citizenship is seized, they will forgo all the rights including healthcare, shelter that the Indian Constitution guarantees and thus, how these people might be able to cope up with their lives remains unknown. The citizenship crisis in Assam can only be resolved through a humanitarian solution and not by dismantling the lives of the people. The detailed discussion on the ramifications of the humanitarian crisis makes it clear that as long as

⁵⁶¹ Interview of Mr. Chakraborty in Silchar on 01.04.2019

a solution is not devised by the Government relating specifically to the fate of the NRC left outs and the those who have been languishing in the detention camps for several years; the everlasting captivity of the people behind the detention camps in the absence of any specified time period developed by the government, this crisis will not die down. Only through the concerted efforts of the public guided by the NGO's and Civil Society, can the government be pressurized to work out a workable solution to this problem. Human migration is a reality in Assam, which can never be checked by implementing the provisions of a settlement signed decades ago by uprooting families and individuals who have been well settled in the state, on the grounds of lack of documents to substantiate one's claim

The bottom line of the NRC, thus, is not implementation rather a precarious hunting down of the foreigners in the state. It is the duty of any democratic system to analyze the impacts of a scheme, not only political, but also, social, legal and cultural before implementing it on the people, the human costs associated with any exercise needs to be properly identified before embarking on it, failing which, it not only violate human rights, but also human lives. Stripping people off their citizenship based on their ability to furnish as many archival documents as they can, failing which, they are likely to be thrown into the detention centers and camps which will turn them into stateless aliens, devoid of any sort of state protection, is even bigger a punishment than death. Making someone an outsider, a foreigner, in his/her own birthplace can never be a plausible solution to solve any problem. The humanitarian crisis, the relentless wails of the victims, the pangs of the separated and torn families, the anxious passing of each day in the hope of a better and brighter tomorrow by the victims and the darkness looming large for the ill fated victims of the NRC in the absence of any Governmental solution to this problem, are enough evidences to prove that Assam's National Register of Citizens have stirred tensions, and sparked fears that will continue to live on years after the NRC exercise is put to sleep. Thus, it is not just the destinies of the victims which are at stake, but also the justice and the sense of inclusiveness of the Indian democracy that is under stake as well. Whether the doors for those who remain outside the gamut of the NRC are closed or left open is yet to be seen, while, in the meantime, a continuous battle of uncertain tumult is being fought by the victims. This is the collective tragedy of the millions of linguistic, religious minorities in Assam with no light to be seen even in distant horizons since, both the Union and the State governments have remained silent about the fate of all those who,

at the end, will be declared foreigners. Several thousands are languishing in the detention camps, which are no less than hell, in unthinkable conditions, and the numbers are likely to increase with the publishing of the final draft in the month of July, 2019. . In the absence of any institutional framework, and the simple fact that the post 1971 migrants in the state have been settled for close to five decades in the state, and have also been granted the status of voters', it is beyond doubt that Bangladesh will never accept such people as its own, as, before deportation, the identity and the address of the people are checked by the Bangladesh border forces to ensure the legitimacy of the victims as citizens of Bangladesh, which will also not be possible in this case since such people do not have any address in Bangladesh, while those, who are genuine Indian citizens but are unable to do so, this will be tantamount to becoming aliens in one's own motherland after living for generations. The failure of the Indian Government to engage into a negotiation with the Government of Bangladesh regarding the return of these people and the possibility of these people being made non-citizens, is likely to create a situation wherein they will continue to live without any rights and security, as people Bangladesh does not want and India refuses to own. Assam has thus turned into a volcano of sufferings and tortures that has no end wherein, the state has shown that it is possible for innumerable rightful citizens to be lost in the tangles of documents and in case of their inability to produce the documents that are required to substantiate one's claim to citizenship, being rendered as non-citizens.

*"NRC is troubling us so much.... Will this suffering ever end?"*⁵⁶² asked an interviewee, the answer to which was unknown to me.

Hope sustains life; hence, it is only hope that will sustain the lives of the victims, hopes of a hopeful future, when the mystery over one's citizenship will end, where they are not strangers but citizens living together in peace and harmony. It is time now for the humanitarian and the human rights groups to come forward and ensure that enough assistance is provided to the population to avoid the creation of a human tragedy while the Government is asleep.

⁵⁶² Interview of Labonya Das in Silchar dated 28.03.2019.

Conclusion

“ If a man does not spare a little thought, who else would weep for fellowmen, Tell me, O friend”- An English translation of Bhupen Hazarika’s song, “Manuhe manuhar babe, Jodi he ekuke nabhabe, Akhanu xohanubhutire, Bhabibo kenenu kua”

The purpose of this research has been to throw light on the harassment by emphasising on the unprecedented humanitarian crisis that has surfaced in the minds and lives of the Bengalis in Assam after the publication of the highly flawed NRC list on 30th December, 2017 and 30th June, 2018. There have been repeated messages about the fact that people, whose names do not appear on the NRC list, will be seized off their fundamental rights and they will be put in the detention camps. However, on humanitarian grounds, they will be provided with the ‘luxury’ of shelter, food and water. Such is the irony. The state after seizing away one’s roof decides to ‘grant’ and ‘gift’ the same to such wretched souls on the grounds of humanity and morality. However, these messages have been reasons enough to bring a storm into the lives of the Bengalis, the worst affected victims in the NRC updating process. They are faced with numerous questions the answers to which are unknown. What will be the fate of those people whose names will not make it to the NRC list; will they no longer be Indians, despite spending half of their lives in this country; what might be their status, their identity; what will the country do to these people after the final list of the NRC comes out; will they become foreigners henceforth; will they be pushed away to the other side of the barbed wires to Bangladesh; will Bangladesh give these people shelter. India and Bangladesh do not have any mutual treaty or agreement signed between them that might facilitate the return of those declared ‘foreigners’; instead Bangladesh has repeatedly declined any such cases of cross border migration. Hence, it is beyond doubt that such victims will not be given shelter in Bangladesh. In fact, it seems illogical too, because, after spending so many years in India, as an Indian citizen, exercising his/her voting rights, one is declared a ‘foreigner’ and is expected to be taken into possession by another country. So, the obvious question that arises is, where will such people live; in the jails; or in refugee camps; in Assam or elsewhere. This is because, Assam has been repeatedly lamenting that it is unable to bear the

burden of the 'illegal immigrants' in the state, since it is not a dumping ground for 'foreigners', so, it is legible that it will not bear the burden of creating conditions that facilitates the shelter of those declared 'foreigners' in this vicious process of determining one's citizenship. The answers to the questions that have been raised above are unknown; the Indian state has not made its position clear regarding all these extremely vital points concerning the future of the NRC that has drawn people to a 'black hole'. The Indian judiciary, considered as the pride of the country in terms of delivering justice, has been maintaining silence all throughout the period of the NRC, and as days draw nearby in terms of the publication of the final draft of the NRC, the stress and anxiety of the people is continuing to increase especially over the silence of the judiciary over the destiny of the victims of the NRC. It remains mysterious as to why the judiciary is remaining quiet over the issue of people becoming stateless, which is not only a matter of grave concern, but also a case of human rights violation, since right to nationality is a human right.

The UN experts have also expressed a deep concern over the NRC updation process on the grounds that it has the potential of declaring almost 4 million people stateless on the grounds of their inability to prove their citizenship and is likely to stir tensions within the state especially among the minority Bengalis in Assam, which suggests that it has become an issue of global concern. The lack of clarity over the fate of those who are unable to prove their citizenship has also been questioned by the organization. The complex process of determining who would be excluded from the list and also the lack of transparency regarding the process of conducting this exercise and the fate of the victims who are unable to prove their citizenship has not escaped the eyes of the UN which has raised concern over the fact that it would only add to the problems and worries of the disadvantaged. Against this backdrop, the UN has demanded that the Indian government ensures that the human rights of all the victims are safeguarded and protected against all odds.

While this highly inhuman process has gathered worldwide attention, the Indian government has surprisingly been maintaining a silence over the NRC, only proclaiming that the genuine Indian citizens will not be affected by this process. It seems, however, the fact that innumerable citizens have been subjected to immeasurable trauma due to the anxiety over the issue of citizenship, while several

others who have been living in India for so long, have a new abode now, within the confinements of the detention camps away from their families and loved ones, while some others have been caught in a vicious circle of imprisonment based on the doubts and the suspicion or the lackadaisical attitude of the officials entrusted with the task of carrying out the exercise, since in most cases, no prior notice is served to the victim about the status of his/her citizenship thus taking the victim by complete surprise and shock when they are put behind the bars on grounds of being suspected foreigners has failed to stir the emotions of the Government. This expresses the government's apathetic attitude towards these victims and lack of concern over the fate of such individuals. Such a standpoint is likely to decrease the faith of the Indian people on the government which is considered to be the protector of its citizens.

The hazards of the NRC lie in the fact that its impact will continue to be borne by the generations to come. This is because the NRC will not only seek to brand the post 1971 migrants in Assam as 'foreigners', depriving them off their citizenship, rather, it will also make all those individuals born to such individuals after 1987, 'foreigners', since, the Citizenship Act of 1986 requires that all those who have been born in India after 1986 will be considered as Indian citizens only if one of their parent is an Indian and the Citizenship Act of 2004 requires that any person born in India after 2004 will be considered as an Indian citizen only if both her/his parents are Indian citizens or one of them is an Indian citizen and the other is not an illegal immigrant. Thus, if under the NRC, either of the parents is declared 'illegal immigrants', their descendents will no longer be citizens in India, and this trend will continue for the subsequent generations as well. Hence, it is a lifelong penalty.

On moral and humanitarian grounds, it is imperative that the victims of the NRC exercise are released, and efforts are taken to ensure that the problem of illegal immigration comes to a halt in Assam by initiating the process of developing a stronger surveillance in the border areas and most importantly, by ensuring that fencing of the borders are done in a way that prevents such a situation. It has been estimated that a few thousand crores have been spent on the NRC, in order to ensure that the mechanism is carried out successfully and all measures are taken to sanitise the state of Assam from the presence of these 'illegal immigrants'. However, if the same amount of money is spent in proper fencing of the borders between Assam and

Bangladesh, it is possible to cure the problem from its roots. What the government plans to do is illogical in the sense that, on the one hand it is carrying out a drive of rooting out illegal immigrants, while on the other hand, the borders are kept open, which will continue to facilitate further influx of people into the state of Assam. Hence, the end result of the NRC will be null and void. The need of the hour should be to ensure that the mechanism that facilitates the cure of this problem at the grassroots level is undertaken rather than shattering the lives of those people who have been settled in the state for decades now. Also, another issue that needs to be highlighted here is that, the Assam Accord was signed in the year 1985, whereby it was decided to free the state from the presence of the illegal immigrants based on the cut off date of 1971. No efforts were taken in the aftermath of the signing of the accord to update the NRC and identify the legal citizens in the state from the illegal immigrants. If this mechanism would have been carried out immediately after the signing of the accord, the kind of crisis that the people in Assam are having to endure presently, would not have happened, since, it would have been easier to detect the post 1971 migrants and take necessary steps to facilitate their return. However, by conducting this exercise, almost after three decades of the signing of the Accord, has not only created a trauma in the minds and lives of the people since, in all of these years, the people have made a life for themselves in the state and have had families and children who have been born in India, and, thus, suddenly stripping them off their citizenship would not only bring about misery in their lives, but also make the lives of their children and grandchildren dreadful.

The problem of illegal immigration in the case of Assam needs to be solved on moral and logical grounds; which will require the police force to make cases against persons based upon sufficient proof and not on grounds of ‘suspicion’. The courts should be impartial in deciding the validity and invalidity of such proofs. The burden of proof in identifying whether a person is a ‘foreigner’ or a ‘default voter’, should lie not on the accused but on the accuser especially since such cases are being created by the accuser on grounds of ‘doubt’ and ‘suspicion’, and hence, it lies upon such person to collect and produce necessary evidence that justify or refute his claims. Shifting the burden of proof upon the accused creates further problems for the victims, since, they are unable to understand, and, accordingly produce documents that might be considered as satisfactory for the officials. The failure of the government to determine

whether someone is a foreigner or a citizen should not be imposed upon the victims since such assumptions are the government's and the accuser's brainchild which needs to be validated by the claimant with relevant proofs. Also, it needs to be ensured that in all cases where such assumptions are proved faulty, the legal system of India should ensure that justice is served to these victims in terms who have been harassed by such allegations by allowing for strict penalty and punishment against the accuser. Also, it needs to be ensured that such victims are taken into custody only when such claims are proved to be true, and not based on suspicion; the victims should not be treated as a 'prosecuted' person unless all evidence goes against him/her which should be done under the supervision of an independent judicial system consisting of judges who have an expertise and not the foreigners tribunal since the main aim of the latter is to produce as many foreigners' as possible which raises doubt about the authenticity of such judgements.

The process requires the victim to hire a lawyer to fight his/her case in order to free him/her of the charges of being a foreigner or a default voter. This becomes difficult for the poor since managing the exorbitant fees of the lawyer becomes not only problematic but also in most cases impossible, and hence, such people, unable to afford legal aid to fight their cases, lead their lives languishing in the detention camps. Efforts need to be made to ensure that the economically unstable victims are provided with a lawyer by the state in order to fight their cases since, it is the state which is accusing the victim and since, right to free legal aid, is a fundamental right of every Indian citizen under Article 21 of the Indian Constitution it should also be extended to the victims as long as they are not proven guilty since the requirement of lawyers necessitate having a huge amount of money and in most cases the impoverished victims exhaust their lives savings to get rid of the tag of 'foreigner' or a 'default voter'.

Also, the number of officials, who have been entrusted with the task of carrying the process of document verification by the state remarkably insufficient, to carry out the mammoth task of the NRC, making this process full of errors for which, the people are suffering since, the NRC has given birth to a deep rooted sense of fear in the minds of the people and hence, the slightest anomaly in it, generates unthinkable panic among the people.

Lack of proper preparedness and consultation has ultimately resulted into the NRC being an erroneous mechanism. No proper and sufficient information was delivered before beginning the process regarding the documents that needed to be produced, the mechanism that would be employed to carry out the updating of the NRC, which would, otherwise have given the people an idea about the necessity of the documents, and would have prepared them for this process. In a country like India, which has a questionable literacy rate, especially in the rural areas, it becomes quite understandable that such people will not have any understanding about the importance of the documents and thus, they have not been able to maintain their papers and documents for such a long period of time. In most cases, they are unable to understand what is written on the documents leave alone understanding their purpose. Hence, creating awareness before beginning the process could have averted the miseries of the people.

Transparency needs to be maintained in this highly sensitive issue; there have been cases of technical errors within the process, such as the change in the names of the applicants, names of people with genuine documents missing in the list, which have also created a huge anxiety in the minds of the people since no clarification has been given as to whether such technical errors are likely to cause problems in the future. There have also been cases where the Application Receipt Number of an individual, which is issued against each application form and is unique, displays the details of another individual's application, an inevitable case of technical glitch and lack of proper preparedness to successfully tackle with these issues. Hence, efforts should have been taken to ensure that those who have been entrusted with the task of carrying out the process of the NRC updation are not ill equipped, and possess the required knowledge to deal with these malfunctions. Instead, government school teachers and state government employees have been engaged as NRC employees in updating this vital and extremely sensitive piece of document which has clearly resulted in the process being a lot more cumbersome and traumatic for the applicants because of the amateurish functioning of the employees. Several other functional inefficiencies, such as the negligence of the police force in providing timely notice to the 'suspected foreigners', so as to enable them to prepare them for fighting their case, rather than arresting them without notice, lack of clarity of the officials regarding the validity of the documents, since, in several cases, people with genuine documents

have failed to make it to the list and most importantly employing a neutral and impartial panel to carry out the process of the NRC updation, under thorough monitoring and screening of the Supreme Court and central government authorities.

Hence, the NRC seems more like an experiment where the residents of Assam, the Bengalis in particular have been turned into guinea pigs.

The Bengalis in Assam have always had a fractured identity which they have been trying to save against the onslaught of the Assamese hegemony that has always been relentless in annihilating the Bengali identity in Assam. However, this nightmare of the Bengalis in Assam of having to relinquish their identity is gradually becoming a reality for the Bengalis in Assam. The feeling of uprooting and homelessness that they experienced in 1947 in the wake of the Sylhet Referendum, when, a mere margin of a few thousand votes sealed the fate of Sylhet and they became aliens in their homeland, is again resurfacing with the NRC in picture. With the final draft of the NRC which will soon see the broad daylight will transform the lives of all those people who fail to find their names in the list. Their lives will be engulfed into a vicious circle of humiliation, harassment, identity crisis and indignity. It remains unknown as to who will make it to the list and who will not, however, what remains clear is that, not all names will be included. It would not be wrong to assume that after the final list is published, the officials and the state will not put an end to the NRC, rather, all efforts will be taken, with utmost urgency and sincerity to take strict measures and actions against them. Their fate is likely to be worse than the criminals. Statelessness would mean, such people would lose all those rights that a common man enjoys, the Bengalis in Assam might be reduced to the level of the Chakmas in Arunachal Pradesh or the Rohingyas of Nepal, and live an unfortunate life like them. There has not been any agreement or pact signed between the two countries that ensures that those rendered stateless will be taken back by Bangladesh, and more importantly, such individuals, who have been living as Indian citizens, will become foreigners' overnight, and it is highly unlikely that Bangladesh will take back these 'once upon a time' Indian citizens. While intellectuals, media and civil society have been persistently stating that those who will become foreigners' by the NRC, will not and should not be thrown out of the state. But, the answer to the question as to what will be done to these people remains unknown. The unfathomable sufferings of the

victims will probably go unseen and unheard by the government which has been busy in the construction of one of the biggest detention camps in Asia, in Goalpara district of Assam, and thus, sparing them on humanitarian grounds seems like impossibility. Again, questions might be raised as to why those who been declared foreigners' would be kept in the state run detention camps since, they no longer belong to India, and Assam has been persistent in its demands to get rid of the burden of the foreigners and ensure that they are distributed across the country, reducing human existence to mere 'materials', which can be shared amongst each other; and this might give rise to a situation where, unaccepted by both India and Bangladesh, such victims would have to spend their lives in a 'no man's land' since, it has not been clarified by the government regarding what it plans to do with those individuals who fail to prove their citizenship under the NRC, how long does it plan to keep them in the detention camps. The future remains uncertain, it might be happy and prosperous for some, or, be full of hopelessness, despair, anxiety and fright for some others.

The precarity of statelessness lies in the fact that the victims will lose their government jobs, their ration card, voter identity card, land ownership, business licence, pensions; travelling will become an obstacle since air and rail tickets demand the nationality of the passengers, availing medical opportunities will become difficult since, nationality is an essential field in all medical forms, farmers will lose their land, their assets, the victims will not be able to open bank accounts, and most importantly, such people will become victims of social exclusion since they will be treated as criminals which will make them sufferers of identity crisis. The Indian judiciary has not given an iota of thought to these precarities that the victims are likely to face before plunging on to the journey of the process of NRC updation. The shame of exclusion from the NRC, suffered by the victim is also unfathomable. A person, born in the state of Assam or someone who has spent several decades of his life in the state, will suddenly loose his identity; which is not only pathetic, but also alarming.

This three letter word, NRC, is thus, gradually turning into a nightmare, since, the identity of the individuals is dependent on it and identity crisis is invariably linked to their livelihood. A few days after the publication of the first NRC list on the 30th of June, 2018, there was news that a vehicle carrying a Bengali family from Silchar was stopped in Meghalaya and the people were interrogated by some locals as to whether

the names of those who were travelling have made it to the NRC list. Hence, the day is not far when people will have to succumb to the NRC at every step of their daily life since, one's belongingness to the state and the nation has been reduced to a chain of documents and evidences under the NRC exercise and thus, everybody is running frantically over such documents to prove their belongingness to the state of Assam. This exercise has triggered a rash of suicides, which is likely to increase as the days for the publication of the final list of the NRC draws closer. This suggests that the entire 'eviction drive', which has become nothing less than a 'witch hunt', has become a source of tremendous stress and anxiety for a certain section of the state's population. Such an outburst is not necessarily guided by a sense of paranoia, since, exclusion from the NRC, entails the exclusion from Indian citizenship and also deportation from the country. And, thus, unable to endure the uncertainties inherent in the process of determining one's citizenship and the resultant stress, people have resorted to ending their lives. Thus, NRC has created a fear psychosis in the minds of the people which is nothing less than mental harassment. This is likely to be the fate of numerous others in the days to come and if, the government and all those who have been supporting the NRC updating process, do not turn an eye of sympathy and compassion, it would not be wrong to say that the NRC will be known as a silent killer in the history of mankind. The NRC has rendered every individual vulnerable to the eviction drive. Adding to this catastrophe is the insensitivity displayed by the media houses and the politicians of the country and Brahmaputra Valley in adding fuel to the fire by airing speculations about what might be done to those whose names do not appear on the NRC list, the fate of the D voters and the future of this crisis, and, needless to say, such reports lack compassion and humanity, which again adds to the miseries of the people since, such reports, both on television and in newspapers, indifferent to the melancholy of the victims, publishes all those facts that are capable of facilitating them with the necessary publicity without even checking the authenticity of the facts that they are producing, and hence, the victims, who are already shaken with the NRC exercise, get shattered with such speculations which are fed by the media houses with great enthusiasm, oblivious to the effects that it might have on the people who are the sufferers. In fact, the politicians have also played a significant role in degrading this situation by dehumanising the victims and making it a point to ensure that a fear psychosis develops in the minds of the people by harping on facts such as, 'infiltrators will be washed away from Assam', 'all Bangladeshis

will be deported’, ‘all infiltrators are like termites’; which have been successful, in dooming the lives of the victims to the extent that many individuals have resorted to end their lives unable to deal with the stress and anxiety over their future which increases manifold under the ignorant outlook of the press, media houses and the politicians alike. Thus, a mindful understanding of the gravity of the situation is the need of the hour and a respect for the dignity and concerns of the sufferers should be encouraged before indulging into the formulation of any such snide remarks or speculations that furthers the worries of the people. The sufferings of the masses should not be capitalised to earn publicity and profits, and, censorship, both of the print media, television and of the public views on this subject is a necessity to ensure that a mayhem is not created by such speculative ideas, the situation needs to be dealt with compassion and the media needs to ensure that that this crisis receives global attention so that, this human crisis is dealt with concerted efforts by the humankind as a whole.

Thus, the need of the hour is an official migration policy that recognizes the historical origins of the movement of people to Assam, initiated by the colonial rule that also seeks to understand the fear psychosis that goes in to the minds of the minority communities in Assam about being declared as an ‘outsider’. While the history of migration cannot be changed in Assam, it is up to the citizens and the state to ensure that in the name of evicting the foreigners’ communal divide is not being created. Citizenship status should not be granted based on one’s ethnic and religious identity since it is highly discriminatory and goes against the ethos of the Indian Constitution which has upheld the principles of equality and secularism. Deportation of the victims can never be a solution to the problem of migration rather; the need of the hour should be to ensure that decisions are taken based on humane and moral considerations and not on the basis of nationalistic sentiments and the perception of fear and threat and an attempt to protect the ‘khilanjia’⁵⁶³ identity as against the presence of the linguistic minorities in Assam. The suspicion about the ‘others’ as being threats to the Assamese culture and identity have resulted in mindless violence in the state in different junctures ever since India’s independence, and, if this suspicion is not submerged, such violence will continue unabated. In fact, the debates about the influx of population in Assam due to illegal immigration is also a

⁵⁶³ A term that is used to refer to the indigenous population in Assam.

misnomer since, such assumptions are not corroborated by sufficient data and in most cases, the state ends up using made up figures about the number of illegal immigrants to suit their interests and justify their position. Hence, in order to ensure a fair trial of the illegal immigrants, it is essential that the state draws up an accurate figure of the total number of illegal immigrants in the state before arriving at conclusions based on assumptions. Also, since, no accurate number of illegal immigrants present in the Assam exists, it adds to the problem since, the state will go on detecting and declaring as many people as ‘illegal immigrants’ based on their mere supposition.

The ongoing NRC is a byproduct of the Assam Accord which aimed to protect the indigenes of the Assamese people and preserving their language and culture; and this naturally raises a question as to whether it is a tool employed by the majority to harass and strip citizenship off the Bengalis in the state. While asking for Constitutional protections to safeguard their identity in the Assam Accord, the Assamese have categorically and systematically ensured that the identity of the ‘others’ are submerged under their hegemony. There has not been any valid ground that justifies the sense of ‘suspicion’ and ‘threat’ that has created the victim-perpetrator binary that the majority community in Assam has been nurturing as against the Bengalis which aims to portray the Assamese as being victims of the process of migration. Hence, this binary sustains itself on the age old suspicion. The Bengalis in Assam have never been hindrances in the path of the development of the Assamese society and the Assamese culture and history, unlike their Assamese counterparts. They have been peacefully assimilated in to the society wherein majority of the population speaks Assamese, without being cautious and frightful about losing their linguistic distinctiveness in such a milieu. The only fault of the Bengalis in Assam probably is the fact that they have held on to their language, identity and culture with love without submitting themselves, even in the face of violent protests directed against them by the Assamese, who have always wanted to obliterate the Bengali identity, language and culture in their dream goal of creating Assam for the Assamese by displaying their utter chauvinism and hatred towards this community which has become evident, through the NRC updation process. The Bengalis in Assam, after being repeatedly attacked on several occasions because of their language, their culture and most importantly based on mere suspicion

and doubt, chose to remain within the state of Assam, without violating any laws and retaliating back to those who brought about miseries in their lives. There has never been any reported evidence of the Bengalis in Assam attacking or spreading hatred about the larger Assamese speaking society. But, still, it is the Bengalis whose citizenship has now come under the scanner, as a price of having a language and culture distinct from the ‘sons of the soil’.

The Assamese however, consider the NRC as a last resort to have a state free of and from foreigners’, the reason why they carried out a six year violent agitation that resulted in bloodbaths in the state claiming innumerable lives and created a situation of insurgency in the state. It remains unknown as to why the Government decided to implement that provisions of this Accord, the most important being, the detection of the foreigners’, after almost three decades. Implementing it so many years hence, by seeking the furnishing of 48-year-old papers from applicants which involve a lot of poor, illiterate people, many of whom were affected by floods and therefore may have lost many crucial papers, comes with its own challenges, and often resulting in the disadvantaged being at the receiving end. It also needs to be mentioned that the Assamese society, as humans, should rise up in rage against the detention camps, which have been created to ensure that those found faulty do not escape the eyes of law. However, detaining persons based on mere suspicion and without any valid proof is not only inhumane but is also unjust. The centers were created on the premise that those identified as ‘D’ voters tend to go missing. However, these detention camps have added to the unending human tragedy which has been evident in Harsh Mander’s report that has brought out the plight of the inmates of the detention camps. From being separated from their families, parents from their children, husbands from their wives to restriction imposed upon them regarding meeting and communicating with their family members to absence of recreational facilities and work since these are available only for the criminals who are Indians, they are not even allowed to mix with the ‘convicted criminals’ because of their ‘foreigner’ tag and thus, the lives of these victims are nothing less than a living hell, appalling and more worse than the criminals since their only crime is that they have not been able to prove their citizenship or may have migrated to Assam decades back in search of a safe shelter. Such gross violations

of human rights continue to remain unseen and unheard despite India being a member of the United Nations Human Rights Council.

What is forgotten amidst this is that under a democracy, both citizens and non-citizens have certain rights and right to live a life with dignity is one of them, which has clearly been violated in these detention camps. The inmates of the Goalpara detention camp have taken a fast unto death protesting against the inhumane living conditions within the four boundaries of such camps. The deaths of the 'declared foreigners', within these camps raises innumerable questions about the kind of lives they are living because of the entire discourse on getting rid of the illegal immigrants. The Assamese society has been harshly unconcerned about the woes of such victims. They have been extremely indifferent to the pangs and wails of these victims.

Hence, the Assamese, as a community, and more importantly, as citizens of India should step out of their perception as being victims and take a stand on this issue on humanitarian grounds. The entire discourse of demanding rights at the cost of curtailing the rights of the others, has characterized the Assamese society, which seems unjustified. The Assamese society and the state government should consider that the NRC has a possibility of fuelling and refreshing the age old divide that exists between the two communities and the only solution to this problem requires the widening of the hearts and the capacity of accepting all those, whom the Assamese have defined as the 'others'. The NRC which should have been based on the concerns for the population as a whole, by targeting a singular linguistic community, has further widened the gap between the two communities that was created by language.

In the absence of all these mechanisms, the NRC will be considered as a tool of harassment designed specifically to harass the minorities in Assam. The Indian Government and the Judiciary needs to make their positions clear regarding the NRC, before the final draft comes out on July 30th, 2019; which otherwise has the potential of aggravating an already volcanic situation in Assam. Families have been torn apart, innocent lives have been lost, endless mental trauma and agony, all in the name of proving one's citizenship, an exercise that is based upon security concerns put to action after almost three decades, that has reduced the Bengalis in Assam as

individuals without an identity, constructing their image as ‘Bangladeshis’ and ‘illegal immigrants’ across the lengths and breadths of the country. The country that boasts of tolerance still remains silent over such systematic slaughter of an ‘identity’, the Bengali identity, in a region where the majority possesses distinct traits.

Since, India is not a party of the Refugee and Stateless Conventions of the United Nations, the victims of the NRC exercise, in India, will not be able to draw upon any such protections that are guaranteed under the purview of such conventions. This also implies that the International bodies dealing with statelessness and refugees will not be able to pressurize India to tackle these issues in line with the protection of human rights, which have been evident from the fact that India has neither responded nor reacted in any way to the UN Report stating concerns about the NRC in Assam. While India seems to be extremely calm about this whole process, which undoubtedly raises a question as to whether the Bengalis in Assam are considered as the rightful citizens by India, since, it remains oblivious to the wails of the unfortunate victims of the NRC. The urgency with which the Supreme Court embarked on a journey that aims to determine the rightful citizens in Assam, a journey that will probably lead to nowhere given the inconsistency of the government to adequately address this sensitive issue, it would have been a lot more effective if the same amount of consideration and compassion would have been displayed to understand the social and economic background of the region, the capacity of the people to effectively participate in this exercise given their illiteracy and lack of knowledge and awareness about this severely complicated procedure. Innumerable protests, meetings, undertakings with the government by the organizations and individuals in Barak Valley, have failed to move the government which only seeks to ensure that the ‘Assamese’ culture and identity is protected against the threat of illegal immigrants in the state at the cost of its culturally and linguistically distinct citizens.

The only solution that can reduce, if not extinguish the humanitarian crisis in Assam, in the face of the step motherly attitude displayed by the nation towards the victims of the NRC by remaining ignorant to the cases of inefficiency and inadequacy that is continuing manifold in the state, and by choosing silence over effective action to resolve the crisis and making its position clear about what it plans to do with all those people who fail to prove their citizenship, is the pressure of the International Organizations like the United Nations, which have championed the cause of human

rights of the unfortunates across the globe. India is a member of the United Nations, and hence, if the UN decides to step in to solve the crisis, it is likely to create a binding on India to pay necessary heed and undertake all possible actions to solve this crisis, failing which, it will be subjected to international criticism that will also affect India's image globally, a situation India cannot risk to be in, given the global interconnectedness and interdependency that is required for India to ensure a smooth functioning of its economy.

This problem is likely to stir global attention because such people, after being stateless, might resort to migration in search of a shelter that will have its impact on the global economy as well. Hence, it has far reaching implications that needs to be addressed and resolved at the earliest keeping in mind that deportation is not a solution since, deportation cannot take place as long as the host country accepts the deportee which in this case is very likely to happen, since, Bangladesh considers this as India's internal problem and out rightly rejects any cross border migration; moreover, an economically feeble country like Bangladesh will never take the burden of lakhs of individuals who have spent almost half of their lives in India and in some cases even born in the country, as its citizens. Moreover, only four people could be deported to Bangladesh from 2015 to present day out of the few thousands who have declared as foreigners', implying clearly that this cannot be a remedy. Therefore, the journey towards detecting the legal citizens in Assam will not be an easy one, neither on humanitarian grounds nor from the global point of view and the earlier India devises and effective arrangement to resolve this issue, the better it will be both for the victims, and the nation as a whole.

Bhupen Hazarika, a noted Assamese singer and lyricist had composed a song,

“ Manush manusher jonno,

Jibon jiboner jonno,

Ektu shohanubhuti ki

Manush pete parena

O bondhu”

Humanity needs humanity, humanity needs mankind, why cannot men expect a little sympathy from their fellowmen; the singer is urging his fellowmen to show sympathy and concern for their fellow friends.

However, little did the noted singer know that his fellowmen would turn a blind eye and deaf ears to the wretch of their Bengali brothers. As the song depicts, it is only humanity that can answer and resolve the humanitarian crisis that has been created in Assam coupled with the initiation of a process by the government that ensures cross border migration is uprooted at the grass root level, so that, Assam does not witness any more Arjun Namashudra's, Hanif Khan's and several other unknown and unnamed souls who have given their lives after losing the meaning of their lives over the 'citizen-outsider' debate in the state. Human life is precious and nobody deserves to end their lives after being engulfed by nothingness, because, no human being is illegal.

While it is true that the NRC owes its origin to the victory of identity politics, yet, the forerunners of the NRC exercise together with the Government needs to arrive at a more hospitable notion of citizenship where the minorities and the diverse population are allowed to survive with a life that is hopeful.

India's policy towards those who are unable to prove their citizenship should be guided by morality and compassion. The fate of the impoverished victims who might become a foreigner in their own land and unwanted and unaccepted in any other, should not be decided upon, with an eye to ensure security, rather, they must be protected as human beings, so as to ensure that such individuals no longer have to endure the myriad vulnerabilities that are associated with being stateless and the condemnation of being no less than criminals. Imprisoning men, women and children of any age just because they have been unable to prove their citizenship will fail India and its people.

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Annexure-I

The interviews were conducted between 23.03.2019 to 11.04.2019 at Silchar, Assam. The interviewees belonged to heterogeneous categories, in terms of religion, age group, occupation and gender. They have been interviewed within a semi structured interview framework consisting of open ended questions that tried to gather information about the occupation of the respondents, the reasons behind the absence of their names in the list and the problems they have to face as an upshot of this exercise. Efforts have been made to allow the respondents to contribute to the interviews by adding to the data by providing their views and ideas which have also given this research a fresh dimension by bringing up newer issues.

List of participants:

Following are the list of participants who have been interviewed at Silchar.

1. Bijendra Das; the interview was conducted on 23.03.2019.
2. Chaya Das, aged 50; the interview was conducted on 25.03.2019.
3. Dipendra Kumar Dutta Choudhury, aged 80, a retired Government servant; the interview was conducted on 25.03.2019.
4. Ratan Roy; the interview was conducted on 27.03.2019.
5. Sabita Choudhury, aged 50; interview was conducted on 01.04.2019.
6. Indrajit Das; interview was conducted on 03.04.2019.
7. Nantu Chanda; interview conducted on 05.04.2019.
8. Niyoti Rani Das, aged 45, a maid servant; interview was conducted on 05.04.2019.
9. Rekha Deb Nath; interview was conducted on 05.04.2019.
10. Nogendra Das, a rickshaw puller; interview was conducted on 06.04.2019.
11. Rabindra Das, aged 65, a fish seller by profession; interview was conducted on 06.04.2019.
12. Sriti Paul, aged 32; interview was conducted on 08.04.2019.
13. Majli Begum, a day labourer; interview was conducted on 09.04.2019.
14. Karuna Das, aged 40, a housewife; interview was conducted on 27.03.2019.
15. Maya Das, aged 40, a housewife; interview was conducted on 28.03.2019
16. Satya Ranjan Das; interview was conducted on 05.04.2019.

17. Maya Malakar; interview was conducted on 10.04.2019.
18. Jana Choudhury, a housewife; interview was conducted on 02.04.2019.
19. Mirza Ghalib Barbhuiya, aged 45; interview was conducted on 25.03.2019.
20. Bidhan Das, aged 60, a rickshaw puller; interview was conducted on 25.04.2019
21. Kananbala Das; interview was conducted on 28.03.2019
22. Shilpi Das, runs a food stall; interview was conducted on 04.04.2019
23. Pratibha Chakrabarty, aged 31, a housewife; interview was conducted on 07.04.2019.
24. Riya Chanda and Ripa Chanda, aged 14 and 12, students; interview was conducted on 07.04.2019
25. Akhil Das; interview was conducted on 08.04.2019.
26. Chaya Nandi, a housewife; interview was conducted on 24.03.2019.
27. Saroj Rani Das, aged 21, a housewife; interview was conducted on 01.04.2019.
28. Sushen Das, aged 65, a day labourer; interview was conducted on 01.04.2019.
29. Nikesh Sutradhar,; interview was conducted on 01.04.2019
30. Labonya Biswas, aged 70; interview was conducted on 28.03.2019.
31. Rajkumar Das, aged 65, a day labourer; interview was conducted on 28.03.2019.
32. Nizam Sheikh; interview was conducted on 04.04.2019.
33. Dilip Das, aged 58, a day labourer; interview was conducted on 07.04.2019.
34. Abdur Rohman, aged 59, a carpenter; interview was conducted on 28.03.2019.
35. Bikas Kanti Nath, aged 64; a retired Government servant; interview was conducted on 09.04.2019
36. Amana Biswas, aged 45; interview was conducted on 26.03.2019
37. Moloy Das, aged 25; interview was conducted on 27.03.2019.
38. Kanan Gopal Das, a priest; interview was conducted on 27.03.2019
39. Arun Kumar Das; interview was conducted on 27.03.2019
40. Sahadev Ghosh; aged 25, sells old newspaper; interview was conducted on 08.04.2019.
41. Naruttom Barman; aged 55, rickshaw puller; interview was conducted on 10.04.2019
42. Biplob Dey; a day labourer; interview was conducted on 27.03.2019.

List of questions asked:

1. How old are you?
2. What is your occupation?
3. What is the reason behind the absence of your name in the NRC list?
4. Has this exclusion affected you and your family?
5. Are you facing any sort of crisis as a result of the exclusion of your name from the NRC list?
6. If yes, what kind of crisis are you facing?
7. What do you have to say about the NRC?

Annexure II



Interviewing victims of NRC in at ‘Netaji Subhas Chandra Bose Seva Sangshtha’, an NGO working for the NRC victims in Silchar.

