

CITIZENSHIP AND THE QUESTION OF INDEGENEITY IN ASSAM

Kukil Gogoi,

PhD Scholar, Tata Institute Social Sciences, Guwahati

Abstract: We, as a human being have certain identities by which we express our agency in the spectrum of wide ranging situations. These identities can be classified into two broad areas on the basis of its epistemological position. While some identities we inherit as our subject of being while others can be acquired through various processes under fulfillment of some sort of required criteria with respect to different nature of identities. However, it is also true that these two achieved and ascribed form of identities in human life corresponds to each other in the walk of life of every individual. But, the problematic state could possibly erupt when people are going to be judged over achieved or acquired identities on the basis of their inherited or ascribed ones. Again primacy over legitimizing such claims could alienate those people who do not fit into the so-called criterion of attaining such identity (Political). Such is the case of Indian scenario at the present situation with reference to Citizenship Amendment Act and ongoing debate regarding implementation of nationwide NRC (National Register of Citizens). Persistence of such xenophobic condition inculcates fear among the minority sections of the Indian citizens notably among Muslim community in all the parts of the India which resulted into mass protest against the recently passed Citizenship amendment act. These minority communities are now having a fear that they would be disfranchised with the implementation of nationwide NRC. But, trajectory with reference to the growing agony persist among people in context of Assam is different from that of the mainland India. Since this amendment act will clearly nullify the Assam Accord which was signed with a consensus among government and civil society organizations to deport all illegal immigrants from Assam along with the promise of providing constitutional safeguards to indigenous communities to protect their culture. The main objective of this paper is to understand the issue of how citizenship amendment act would contradict with the Assam accord.

Index terms: *Citizenship, xenophobic, disfranchised, immigrants*

I. INTRODUCTION

The issue of citizenship in Indian subcontinent embarks a wide ranging attention in the national discourse in the contemporary time. The concept of 'Citizenship' in India has been becoming dubious issue from the time of framing of Indian constitution. This debate began so as to the address the question of defining citizenship in Indian context since partition that led to territorial change which caused communal violence and unprecedented migration from both the ends of border line areas. Thus, it became problematic to define citizenship where the question of nationality transcends border lines. In this debate, a question often appears where the idea of citizenship requires a clear-cut understanding to address the issue that those people who had to flee to both the ends of the country from their respective places during partition of undivided India, whether they did so voluntarily or is it because of the horror of being persecuted in the hands of the majoritarian one. The religious entity for defining Citizenship was widely celebrated by a few members of the constituent assembly members. P.S. Deshmukh had advocated for providing Indian citizenship to all Hindus and Sikhs residing anywhere in the world. His proposal was accepted by a few notable personalities like Das Bhargava, Sardar Bhupinder Singh, Rohini Kumar Chaudhury etc. But such proposition was widely criticized by other members of the constituent assembly with the logic that such drive of giving citizenship on the basis of religion would undermine the secular fabric where lay the idea of India. Even in contemporary era, this debate reappears with the introduction of Citizenship Amendment Bill (2016) where current regime tried to legitimize such drive by calling it as a necessity to correct the historical wrong that occur during the time of partition of erstwhile undivided India by providing citizenship to the non-Muslim people who took refuge in India as a result of religious persecution faced by them in their place of origin. However, the issue of citizenship in the context of Assam prescribed a different connotation as it is coterminous with question of illegal immigration. Thus, the issue of citizenship and illegal migration cannot be separated from each other (Hazarika S. , 2018). The issue of illegal migration grabs the entire gamut of Assam politics from many decades. The insecurity of becoming a minority section in the place of one's own place triggered the movement against '*Bidekhi*' from 80's onwards even though stimulus to such consciousness among middle class Assamese dates back to colonial era itself. But the trajectory to such debate also suggests looking into the question of indigeneity where the entire issue of 'insider' and 'other' rest.

II. OBJECTIVE

The main objective of this paper is to understand the layered history of Assam from colonial time till today. This also paper also tried to delve into the matter of identity formation and its ramifications in post colonial times which further complicated the state of affairs to deal with the issue of citizenship in Assam.

III. METHODOLOGY

In this paper, the issue of citizenship and its linkages to the question of indigeneity in the context of Assam has been highlighted with the help of secondary sources like scholarly articles, books, newspaper cutting etc. The method of content analysis has been used with a postcolonial critical lens to understand the colonial historiography and its ramifications in the later course of Assam history.

IV. RESULTS AND DISCUSSION

At the outset, before going into the issue of citizenship, it would be pertinent to give a brief overview of the roots from where this entire debate gains prominence. The issue of citizenship always sparks into the mind one specific categorization among people i.e. binary between citizens vs non-citizens, insider vs outsider or native vs alien etc. The historic fight against the 'others' can be dated back to the time when British first stepped into the land of Assam as a savior from the wrath of Burmese attack at the beginning of 19th century. As a result of the Battle fought between British and Burmese army, finally the significant treaty of Yandaboo was signed to resolve the issue of conflict and to bring back normalcy in the region. This was the beginning of the British rule in Assam with an intention to accrue more revenue from the fertile lands and its rich other natural resources as well. Afterwards British had taken an expansionist strategy to consolidate other kingdoms like Kachari kingdom (1828), Khasi kingdom and Jaintia kingdom (1832), Maran Matak (1839) etc. as well to thrive their control over lands. Yasmin Saikia argued that the society that Britishers had encountered during their rule at the beginning was more or less homogenous and integrated in nature where numerous indigenous communities living alongside their cultural differences (Saikia, 2004). For systematic and administrative convenience, British also installed a vessel king named Purander Singha primarily to collect land revenue by assuring a hope to the people of Assam for their development. But the profits that had come from resources like tea, coal and petroleum were not redistributed among the people of Assam which later infuriated Purander Singha to rebel against the British indirect rule. Again, British policy to encourage large-scale immigration from other parts of India like Bengal, Orissa, Jharkhand etc. to work in new industries and their administrative offices. Again, British policy to encourage immigration of Bengali Muslim to cultivate the land for meeting the needs of food further catalyze the fear of being marginalized among the natives of Assam. Finally the imposition of 'Bengali' as an official language of Assam in 1826 provoked the easy going people of Assam to resist against the colonial rule. In this context, one notable figure Maniram Dewan had expressed his uneasiness against the decisions made by the British government and pleaded for restoration of Ahom monarchy for regaining political, social and economic power. Thus, Assamese nationality evokes in the similar line with the Indian one when Maniram Dewan and his associates took active participation in the first war of independence to overthrow the 'outsiders' (British) from Assam. But Maniram Dewan and his associates were hanged at Jorhat jail for initiating such bold steps against the established regime. After that many movements had taken place in the history of Assam against the British rule notably-Phulaguri uprising, Patharugatar rann is remarkable in this context.

However, 1857's national awakening forced the British government to shift their orientation towards their subjects to maintain their colonial rule. The policy of non-interference in the private domains of the subjects by acknowledging the differences and an attempt to preserve the culture and traditions and create new political identities was initiated by the British government. A forward policy was adopted in 1866 by the colonial rulers with the acknowledgment of the fact that hill tribes are different from the plain people. Thus, pleaded for a separate administrative procedure on the basis of local customs rather than general ones. Thus, Naga Hill District came into being as a separate entity in administrative parlance. However, Censuses and various other administrative apparatuses uphold the task of shaping the subjectivities of the colonized people. As a result of indirect rule of colonial power, inner line system was also implemented with the legal legitimacy with primarily from East Bengal Frontier Regulation, 1873. It was supposedly first implemented to stop 'tribal' raids into the plains. In actual practice, hill tribes were allowed to move out of the plains while plains people were permanently restricted from entering the hills without prior authorization. In the long run, the continuation of the Inner Line only fed into a dual system of citizenship (Baruah, 2005). However, at the present situation demand for ILP became a matter of demand from states especially like Meghalaya, Tripura and Assam so as to use it as a shield against the illegal immigrants at the present situation.

With the beginning of census enumeration in 1891, it became a tool at the hands of the British government to classify local population into Tribal (Indigenous), Non-Tribal (Assamese) and Migrants (Hindu/Muslim Bengali). Thus, a triangular shaped social classification started to appear in the politics of Assam which still haunts from time to time. In this regard, classification of different communities into different categories produced a lot of controversy. In this context, Yasmin Saikia states that the term "Assamese" was constructed in colonial times by undermining the fluidity between caste and tribe. Rather a frozen categorization was made to denote Ahoms, caste Hindus and Assamese speaking Muslims as "Assamese" without having any explicit definition of Assamese while Bengali speaking both Hindus and Muslims were categorized as 'Immigrants'. She argued that such colonial narrative abjure the pre-colonial historical account where 'Ahom' is an inclusive and all comprehensive term that covers all inhabitants of a polity administered by a *Swargadeo* or king. As a result of such categorization, gradually an image of 'Ahom' as degenerated, backward and apathetic community emerged within the greater Assamese society. (Saikia, 2004). However, the term 'Tribal' in census records further divided the greater Assamese society where some communities were considered as 'aboriginals' by British ethnographers. It was marked by assertion of numerous communities to their distinct identity rather being a part of 'Assamese'.

Undivided Assam, which was a part of Bengal province under colonial rule, was later on separated from Bengal and put under a Chief Commissioner in 1874. At that time, Sylhet (Bengali speaking area) and Lushai Hill (now Mizoram) was also added to Assam of administrative purpose. Infamous 'Bengal Partition' policy of British further tried to develop a rift between Hindus and Muslims by dividing Bengal into two parts i.e. East Bengal and West Bengal. In this context, even though Assam had majority of non-Muslim population, it was became a part of Eastern Bengal due to its geographical location where other areas except for Assam contained Muslim majority population. This partition was the watershed moment for communal politics in Indian history. As communal tension erupted along Hindu-Muslim fault lines as its consequence Assamese Hindu and Bengali Muslim relationship became bitter. Reunification of Bengal again supplemented division of Assam on linguistic lines even though Assam carved out of Eastern Bengal as a separate province, two Hindu Bengali dominated and Muslim Bengali dominated areas Cachar and Sylhet respectively added to it. Census report of 1911 also indicated massive inflow of Muslim immigrants from East Bengal to Assam. Muslim migration into Assam after Bengal partition led to significant demographic changes. Thus, from this period onwards construction of Muslim as 'immigrant' came into limelight. Fears of a demographic imbalance caused by an influx from the former East Bengal had led to legendary battle between the Congress party led by Gopinath Bardoloi and the Muslim League under Mohammed Saadulla in the 1930s-1940s (Hazarika S., 2018).

Again, in order to obstruct the nationalist sentiment among the people of undivided Assam, British government further advocated the need to make a divide among the hills and plains people with the promulgation of Government of India Act, 1935. This act classified hill areas into two zones i.e. excluded and partially excluded areas with an intention to separate them from developing a common national consciousness. The areas of the Naga Hills, the Lushai Hills and the Frontier Tracts of Balipara, Sadiya and Lakhimpur considered totally excluded areas and the North Cachar Hills, the Garo Hills, the Mikir Hills, and the Khasi and Jaintia Hills were considered as partially excluded. They justified their stance for taking such decisions with moral fervor to develop those areas by providing exclusive administrative freedom and saving the people of such areas from the upper caste hegemony. Such attainment of legal administrative framework under colonial rule energized those communities to develop ethno-national identity for demanding separate 'homeland' in post-colonial times. On May 16, 1946, Prime Minister Clement Attlee suggested that in framing the Indian Constitution, an Advisory Committee should look into "a scheme for the administration of tribal and excluded areas". This Advisory Committee set up in January 1947, appointed a sub-committee designated as the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee (Jafa, 2001). This committee expressed the indigenous communities fear about new political class's ability to govern their areas and thus incorporated the provisions of the 1935 Act which later became the Sixth Schedule of Indian Constitution.

As independence seemed to approach nearby and two-nation theory had to be accepted by the British, a confusion regarding territorial divide again haunts Assam. The Cabinet Mission plan of 1946, proposed to merge Assam and the entire North East into the 'C' group and join it with Muslim dominated East Pakistan. But later on, Congress party's rejection and opposition to the proposal of Cabinet Mission succeeded in attaching Assam with the part of India. This attempt to incorporate Assam with East Pakistan still evokes strong anti-Muslim sentiments in Assam. This sentiment sparked to a great effect in the later course of time with reference to the idea of 'Citizenship' (Goswami, 2016).

The idea of legal and right bearing citizenship gained more prominence from the time of enactment of Indian Constitution even though its mere essence existed in a fuzzy form during colonial time where only a very few section of the people (mostly educated, income earning, propertied class) were allowed to take part in the voting process. Soon India was ready to become a republican form of government after partition, defining citizenship on the basis of territoriality was considered as a precondition. Territory of India was defined as it existed at the commencement of Indian constitution to confer citizenship to those who born or those whose parent was born in India. Another provision was made to confer citizenship to those was an ordinary resident in the territory of India for five years prior to 26 January 1950. However, another issue that became hotbed of controversy at the initial level was to do with the people who had migrated from Pakistan. The Constitution provided that a person who has migrated to India prior to 19 July 1948 will automatically be entitled to Indian citizenship, and those who migrated after that date but before 26 January 1950 will also be given citizenship if that person is already registered as a citizen by an officer appointed by the government. This was subject to the person, or his parents or grandparents being born in undivided India. It was then left to the parliament of India to deal with the issue of citizenship for future course of time. As a result, Parliament passed the Citizenship Act in 1955 for dealing with post-26 January 1950 citizenship claims. This act provides five methods of acquiring citizenship i.e. by birth (which later on had undergone some changes), by descent (for those Indian who born outside of India), by registration, by naturalization with the fulfillment of time criteria and by incorporation. However, it also introduced a few grounds on the basis of which a person can loss his or her citizenship (Desai, 2020).

The amendment of 1980s made significant changes in the act concerning citizenship by birth and sixth way of acquiring citizenship was added. By the amendment of 1987 to the act, it was now provided that for those born in India before 1 July 1987 citizenship would still be by birth, but for those born on or after 1 July 1987 it was not enough that you were born in India to be a citizen, but at the time of your birth one of your parents also had to be a citizen of India. In short, for those born after 1 July 1987 in order to prove citizenship, it was not enough to prove your own birth status but also to prove that at least one of your parents was a citizen of India at the time of your birth (Desai, 2020). This was against the backdrop of Assam agitation. For understanding the significance of this amendment, it needs to look at the question of "How and Why Assam Movement took place?" and its trajectory since post partition onwards.

In 1947, a debate arose on the status of indigenous people of Assam and their position in the Indian nation-state keeping in mind the large-scale migration that took place during post partition period. Partition also led to demographic transition of Assam where partition compelled millions of people to leave their ancestral homes in either India or Pakistan and move to the other side. Dutta estimates that up to 1971 an estimated 4.7 million Hindus had sought refuge in India from East Pakistan (Dutta, 2004). In this context, reference can be made to the communities like Chakmas and Hajongs who still have to stay in India with the status of 'Second Class Citizenship' as a result of such partition. A sub-committee headed by Gopinath Bordoloi, the first Chief Minister of Assam, was formed and assigned the task of devising ways to incorporate appropriate protection policies for the indigenous people into the new constitution (Baruah, 2005). Accordingly, the sub-committee suggested the inclusion of a separate Sixth Schedule and other legal safeguards in the constitution. Along with these constitutional reforms, other enabling legislation was also framed. A new chapter, known as Chapter X, was introduced in the Assam Land and Revenue Regulation, 1886. It paved the way for the protection of tribal land by establishing exclusive tribal areas: the tribal belts and blocks. Such policies and decisions being taken by the Indian Government further accentuated the divide where Assamese came to be separately identified from tribal communities and thus leading to break in social cohesion in post-colonial Assam. The specific provision for the establishment of district councils under the sixth schedule of the constitution also led to ethnic exclusion where non-tribal people residing in these areas were considered as 'outsiders'. They were thus excluded from participating in political processes within the council areas. This group-based protection thus led to the violation of the rights of non-tribal individuals. Baruah states that this had the effect of turning citizens into denizens (Baruah, 2005).

While the separation of tribal and non-tribal continued, other legal frameworks supported the settling of immigrants in Assam. The Assam Land (Requisition and Acquisition) Act, 1948 allowed the government to acquire land to settle any 'displaced' persons or Hindu refugee from East Pakistan. Similarly, the Assam State Acquisition of Zamindari Act, 1951, and the Assam Fixation of Ceiling on Land Holding Act, 1956 resulted in Bengali Muslim migrants in the Goalpara and Cachar districts to immediately get permanent, transferable and heritable land rights. Thousands of migrants and refugees of partition were settled in these districts (Sinha). As a result of such developments land becomes a focus of native versus non-native emerge in scene which led eruption of separatist tendencies on ethnic lines with demand for autonomy, self-rule and sovereignty. As a result of it, by 1960's many self determination movements started to take place which led division of greater Assam into with the creation of new tribal dominated states like Nagaland, Meghalaya, and Mizoram. At present, Assam is witnessing further indigenous demands for exclusive homelands with the Bodo movement for a separate state, the Karbi-Dimasa autonomy movement, and the autonomy movements of the Misings, Deuris, and Sonowals. However, the issue of language also catalyze the sentiment of being over-dominated among tribal communities of Assam. Passing of Assamese Official Language Bill, 1960 by Assam Assembly fostered a sense of deprivation among tribal communities who had later on reacted to such decisions with alternative initiative like Bodo Sahitya Sabha and PTCA started to popularize their vernacular language as a medium of instruction in schools. Following the same root, Mising community adopted Roman script as a medium of instruction at primary level schools in Assam. This issue of language also led to massive agitation in Bengali-dominated Barak Valley as well (N.K.Das, 2009).

The entire discourse has shifted from language to religion from 1979 onwards when Assam movement started taking place against the illegal Bangladeshi Muslims rather than on Bangladeshi Hindus. The India-Pakistan War of 1971 which led the formation of Bangladesh is often cited as an event that changed the entire demography of Assam when millions of Bengali Muslim fled from war torn areas and settled in Assam. Death of Hiralal Patwari, a member of Parliament from the Mangaldoi constituency in 1979, proved to be a turning point. Revision of electoral roll in his constituency for election had shown a dramatic rise of numbers in the registered voters. Thus, the fear of encroachment of political rights from the people of Assam into the hands illegal Bangladeshi immigrants led to the Assam Movement (Hazarika S. , 1994). This agitation turned violent in the course of time and Nellie massacre in 1983 recorded as a dark chapter in the postcolonial history of Assam in this context. The agitation ended in 1985 with a tripartite accord between the Government of India, the Government of Assam and the AASU. The government undertook 3D approach to solve the deadlock i.e. to *detect*, *delete* from voter lists and *deport* illegal migrants from Assam. However, signing of Assam accord also incorporated section 6A to the Citizenship Act. Under this section, those entered Assam from Bangladesh before 1 January 1966 and continued to stay in Assam thereafter will deem to be Indian citizen and those who came in between 1st January 1966 and 25th March, 1971 will get citizenship after 10 years if that person registers with the authorities. This section thus implies that those people who have come from Bangladesh post 25th March 1971 will not be entitled to Indian citizenship. However, 2004 amendment again restricted to avail citizenship for those people if his/her one parent is illegal migrant that means a child who is born in India will not entitled to Indian Citizenship even if one parent is an illegal migrant. That means an illegal migrant cannot get Indian citizenship at any condition. But, 2019 controversial Citizenship Amendment Act clearly says that an illegal migrant that has come into India from Bangladesh, Pakistan or Afghanistan prior to 31st December, 2014 and if that migrant belongs to other major religious communities except for Muslim who have faced religious persecution then they will be entitled to Indian citizenship by naturalization process if they have stayed in India for five years. Thus, all such citizens would be entitled to citizenship by 1st January, 2020. Thus, this act for the first time tried to grant citizenship to the migrants on the basis of religion that too for some particular ones. Again the cut off year of determining the illegal migrants in case of Assam was undermined by this act which is a clear violation of the historic Assam Accord.

V. CONCLUSION

The issue of citizenship is tangled with the question of indigenous right as it was promised with the incorporation of Clause 6 of Assam Accord to provide constitutional safeguards to culture, linguistic, political, land rights of the Assamese people as a result of prolonged struggle of the people during Assam Movement (1979-1985). The current regime tried to negotiate with the people of Assam particularly on this aspect to sideline the issue of providing settlement to illegal Hindu Migrants in Assam. However, this bill has triggered division as a result of its mixed response comes from different parts of Assam. This division is mostly visible in case of Assamese dominated Brahmaputra and Bengali dominated Barak Valley where the former opposes the act with its anti-migration stance while later support it pointing to many Bengali that can come from Bangladesh. Since it was made clear by the Government that those areas that comes under sixth schedule or having inner line permit (ILP) do not come under the ambit of this act, thus, it further tried to utilize the colonial tactics to divide people on the basis of binary between Tribe and non-tribe. Thus, Assam again divided on the basis geographical spaces, language fissures and binary of tribe and non-tribe. However, at the same time, six communities of Assam namely Ahom, Chutia, Konch-Rajbongshi, Maran, Matak and Tea-tribes have been demanding from many decades for Schedule Tribe (ST) status by rejecting their so-called Assamese identity with the hope of coming back to their fractured memory to categorize themselves into a frozen identity. Such assertions of these communities clearly raised one significant question i.e. *who is indigenous? Who is Assamese?* These two questions always make confusion to address the issue of citizenship .

REFERENCES

- [1]Baruah, S. (2005). *Durable Disorders: Understanding the Politics of Northeast India*. New Delhi: Oxford University Press.
- [2]Desai, M. (2020). CAA–NRC–NPR and its Discontents. *Economic and Political Weekly* , 25-3.
- [3]Dutta, P. (2004). Push-Pull Factors of Undocumented Migration from Bangladesh to West Bengal:. *The Qualitative Report*, 9 , 337.
- [4]Goswami, S. (2016). Identity and Violence: Towards a New Paradigm.
- [5]Hazarika, S. (2018). Defining Citizenship: Assam on the edge again. *Economic and Political Weekly* .
- [6]Hazarika, S. (1994). *Strangers in the Mist*. New Delhi: Penguin Books India Pvt. Ltd.
- [7]Jafa, V. S. (2001). *Administrative Policies & Ethnic Disintegration Engineering Conflict in India's*. Retrieved from www.satp.org: <https://www.satp.org/satporgtp/publication/faultlines/volume2/Fault2-JafaF.htm>
- [8]N.K.Das. (2009). Identity Politics and Social Exclusion in India's North-East: The Case for Re. *Bangladesh e-Journal of Sociology* , 3.
- [9]Saikia, Y. (2004). *Fragmented Memories: Struggling to be Tai Ahom in Assam*. Durham: NC: Duke.
- [10]Sinha, S. (n.d.). *A Report to the President of India*. Retrieved from www.satp.org.