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Editorial Perspective

NRC and Citizenship Amendment Bill (2016) – Unrest in Assam

The process of finalisation of the National Register of Citizens (NRC) in Assam under the supervision of the Supreme Court and the enactment of the Citizenship Amendment Bill (2016) has caused unrest and protests in Assam and other North-Eastern States. Emotional and cultural identity based apprehensions define the situation in Assam which is once again on the “edge.” This issue of Dialogue attempts to present various points of view to the readers. These bring out the historical perspective riding the present turmoil particularly in Assam. Without going into details, it can be asserted that we continue to be bedevilled by the consequences of partition in 1947 in a sensitive area. A competing sense of the underlying truth, obstructs a pragmatic and just solution on both sides, viz. those supporting and opposing both the NRC and the enactment of the Citizenship Amendment Bill.

NRC in Assam, an old demand and also part of Assam Accord (1985), has been welcomed by the indigenous Assamese as a measure to check uncontrolled migration from East Pakistan/Bangladesh (EP/BD), both Muslim and non-Muslim (Bengali Hindus). The demographic threat in this migration dating back from the British days is implicit in a number of border districts of Assam becoming Muslim majority. This Assamese demand also covers non-Muslim migrants and detection and expulsion of those who migrated after March 24, 1971 etc. Assamese, because of historical reasons also treat Hindu/Buddhist migrants from EP/BD as illegal and demographic threat to their identity. Hence, while welcoming the NRC exercise, they consider the Citizenship Amendment Bill as an existential threat to their indigenous identity. The AASU agitation during the 1970-80’s was about this.

In this background, the Citizenship Amendment Bill (2016) seeks to accord citizenship to the six communities who migrated to Indian

States due to religious persecution from BD, Pakistan and Afghanistan. The Bill purports to fulfil past promises to those who suffered due to the consequences of the partition on religious grounds. While the Bill is facing opposition in all the North Eastern States, in Assam it is extreme due to the past history of Bengali domination of administration in British days and consequent trust deficit between the Bengalis and the Assamese. Post-partition migration of Bengalis from EP/BD in the Barak Valley and their presence there is now a reality. To Assamese, it constitutes a cultural and demographic threat to their identity which they have resented since long, making the Assamese language as the core of their identity. Assamese assert that the Bill takes away the gains and protection they expect from the NRC exercise and Assam Accord. At the same time the government of India's stand is that the Bill is an exercise in righting a historical wrong in all parts of India and not only in Assam. In Assam the opposition of the Bill on grounds of breaching secular character of the Constitution, seems rhetorical.

It would be thus seen that this conflicting perspective has historical, emotional and moral/ethical contents. While the Assamese apprehensions are rooted in Bengali Hindu presence in the Barak Valley as a threat to their indigenous identity in the State it welcomes the NRC, as it identifies the illegal migrants for further actions. At the same time another reality is that migration, of late, has largely declined, and the issue remains as to what to do with those who are already in.

What is unfortunate in this whole debate and protest against the Bill is, that it ignores the difference between a migrant and a refugee. The government of India has a moral obligation to provide shelter to those refugees who are victims for no fault of theirs. Unfortunately in Assam, for historical and emotional reasons, both categories are treated as one and not acceptable Hindu refugees welcome the Bill.

The current protest against the Bill has become worse due to lack of communication between the various protagonists and a refusal to find a via media where the local fears and the apprehensions can be addressed and the objective of the Bill are also secured. The government of India is adopting measures to address the Assamese concerns and appointed a High Powered Committee under Clause 6 of the Assam Accord to secure Constitutional, legislative and administrative safeguards to protect and promote the cultural, social and linguistic identity of Assamese people. But in an emotion charged environment it is being boycotted. The AGP has resigned from the BJP led coalition government

in Assam and AASU and AGP have refused to cooperate with the Committee under M.P. Bezbaruah IAS (Retd.). four of nine members have declined to join.

The current level of anger and protest in Assam, obstructs a pragmatic solution, which in effect allays the Assamese apprehensions, do justice to the non-Muslim refugees and also deals with the existing reality of illegal migrants in Assam. Any approach must recognize that Assam has been as much a victim of partition as the migrant “refugees” whom the Bill is trying to help. These numbers under the Bill are not likely to be large as most will be covered by the NRC. Besides, NRC may derecognise illegal migrants but in practice can neither deport nor expel even one of them as the BD government will not accept them. In Barak Valley, also Bengali and non-Muslim migrants are there for decades. They cannot be wished away. The issues are complex, long existing and need calm to resolve these. Not only Assam but several other States like Arunachal are affected and fear influx of refugees in their States.

Such problems take years to resolve, but with goodwill pragmatic solutions can be found. Even now the objective of the Amendment Bill is not questioned its impact on Assam is. The first attempt should be to restore calm and start a dialogue, with the agitators and encourage conversation between the Assamese and the Bengalis. The functioning of the High Powered Committee can bring together various protagonists to address the Assamese fears. This will moderate their stand. In Assam the agitators must realize that the Assamese exclusivism alienates others. They must fashion an inclusive Assamese identity which will embrace all in the State like Bodos, Bengalis and others in an expansive Assamese identity. The ground realities offer many such solutions and alternatives. On their part the Assamese agitators, should not allow their fears and anger to trump pragmatic solutions, safeguarding their interests and at the same time look fair and just to others. Others should also respect the Assamese concerns and accept it as part of their identity. Peace dividend achieved in goodwill will resolve many apprehensions, which may be unfounded.

Parliamentary Election 2019: Suspence Mounts

In about last eight months, since the BJP victory in Tripura elections (March 2018), the political landscape in India has been undergoing a

gradual change, with BJP losing ground and a written-off opposition and Congress showing signs of revival. As predicted in my article in Vol. 13:2 (Oct-Dec 2017) of Dialogue, there is no vacuum in politics and despite the hapless opposition in the face of tide of the BJP's electoral victories, some force will arise to fill it. In that event, it's the existing opposition and regional forces that seem to be staging a comeback.

How has this come about? Anyone talking of a contest to BJP in 2019 Parliamentary elections around March 2018 would have been called mentally deficient. Without going into the statistics of likely seats etc., which at the best are a guess work, it is pertinent to assess the reasons for this turn around and its likely fallout in April 2019 elections and beyond.

There cannot be one reason for BJP's and Modi's difficulties, which became evident at his home turf in Gujarat assembly elections in early 2018; followed by the party's Karnataka misadventure, giving the opposition a leg up. Recent (Dec 2018) losses in three crucial States of M.P., Rajasthan and Chhattisgarh converted the certainty of BJP's return in 2019 elections into a contest.

In the current plunging standards of political discourse in the country and confusion being sown by the social media, the reality check is not only difficult, but at times hazardous. Both sides are equally guilty of unacceptable political behaviour with PM Modi being called a thief, and the Congress President's faith, ancestry and loyalty to the country and character being questioned. This does not spare even Nehru an undisputed national icon.

Since BJP was riding a tide in its favour and now faces difficulties, it is pertinent to examine its causes. The opposition is a beneficiary, without doing anything worthwhile, but only exploiting the chinks of the ruling NDA. The BJP/NDA's four and a half years of journey presents a paradox to an objective observer. It is not that BJP is going to lose 2019 elections. A coalition led by it is a distinct possibility. Yet there is a question mark and the momentum seems to have shifted to the opposition.

I call it a paradox, because the overall governance of the NDA at the Centre has been very good. Although financial devolution has being diluted by centralising tendencies like the railways budget and RBI. Some of the economic initiatives, social welfare initiatives like Jan Dhan accounts, Ujjwala, PM's Awas Yojana, Ayushman Bharat health

welfare programme. 9.5 crore toilets, and not a whiff of corruption scandals; besides a robust foreign policy, would make any government proud. A number of rural areas specific training and employment programmes add to its tally. It hurts the BJP brass that it is not getting its due for good governance due to the prejudices engendered by the liberals and negative factors in social/political discourses. Among the causes of decline in NDA/BJP's fortune, the obvious ones, as voiced in recent elections, were the incumbency (M.P. and Chhattisgarh), farmer's distress and unemployment. Without anyway diluting their importance, there was no incumbency in Rajasthan and issues of farm distress and employment have been with us for the last over four decades, and are likely to persist. Therefore, we must look for other factors as well, as the results cover a large swath of country. Critical were the gradual sinking in of the negative fallout of demonetization; mismanagement of otherwise laudable GST, alienating sizeable chunks in employment market and small and middle level businesses in small towns and villages. Even those who parroted that there is no alternative to Modi, now nurse reservations. The BJP leadership is too adamant to admit mistakes and move on.

However, the most significant reason for popular disenchantment against BJP is overall political management of the Party and its inability to manage the consequent outcomes. Its political management betrayed a sense of righteousness and arrogance in their political discourse. It is still being argued by the BJP leaders that the people will vote differently in parliamentary elections and that they have little choice but to back a strong leader like Modi as opposition have no worthwhile leader or programme. These arguments may be self-serving, as after four years the electorate is looking for positivity in political and social management and not only blaming the past regimes. Then where did BJP stumble in its political and social management? Following are pertinent points:

The BJP led by Amit Shah, from the beginning made winning the elections by all means fair and foul, and to get a congress-mukt Bharat, (a political ploy to cash in prevalent anti-Congress/UPA sentiments), Central to its political strategy. In the process it would admit anyone to the Party irrespective of his reputation or character, if it could bring in few seats or fit into the caste mathematics. The result was that all kind of unsavous characters, with caste credentials and Party defectors in search of power became part of BJP. Some played

crucial roles in helping BJP form governments, e.g. Arunachal, Assam, Manipur and even Karnataka when Yedurappa became Chief Minister earlier. Admittance of controversial leaders like Swami Prasad Maurya and Naresh Agarwal in U.P. are some other examples. This trend peaked in mid-2018 Karnataka elections, where party was led by Yedurappa, who earlier faced corruption allegations, and openly supported by infamous Reddy brothers. Thus, power became the main driver and the Party (BJP) with a difference started looking more and more like the Congress Party. The more BJP tried to bury Congress, more it began to look like it. Its persistent attack on Nehru-Gandhi pariwar started sounding pathological and counter productive. Unfortunately this obsession with Nehru Gandhi pariwar and Congress continues in public discourse even after the setbacks in three states in Dec. 2018. Its time BJP talks about itself and ignores the opposition. It is creating a serious credibility gap in political discourse of the country.

Another negative factor, though fiercely contested is the intolerance debate, and alleged pushing of Hindutva agenda. True or not, the perception among minorities, dalits and even liberals and educated was that of concern. Angry reactions of the BJP elements and failure to engage on the subject only made the matters worse, alienating the middle-class and the educated elite. A kind of fear psychosis was created by alleged soft cuddling of the vigilantism and communal incidents. These things are a matter of perceptions and not proof. Cow protection is a matter of belief and faith among large sections of Hindus and has to be respected. Issues of faith and belief cannot be reduced to a matter of debate on eating habits and preferences. Besides law, a peaceful consensus has to be built around the subject. To start with, it should be decommunalised. The secular liberal elements are also guilty of being silent when temples were attacked in J&K and RSS cadres killed in Tripura and Kerala. We must condemn all kinds of violence and those responsible for it. But this cannot be left to mobs to ensure which has happened. The party and the government being in denial has only hurt its interests. Similar was the result of non-engagement with liberal media and those holding different opinions, a hallmark of democracy. All these routine issues cost it the appreciation it deserved for good governance. Benevolence and large-heartedness in political discourse

were neglected and running differences with judiciary, RBI, CIC and debacle in the CBI etc. gave a negative perception of the government.

The BJP is forgetting that while Advani's Rath Yatra (1990) provided space to Hindutva in socio-political discourse, yet over 70 per cent of Hindu population of this country had kept them out of power till 1998. The election of 2014 was won on a development agenda and people's disillusionment with the UPA II. The problem here is that the Hindutva elements do not have the intellectual heft to grasp, the inclusive and moderate worldview of true Hinduism. Both the BJP and the RSS have betrayed a limited grasp of the defining character of Hinduism-viz-moderation and inclusion. A. B. Vajpayee, perhaps understood this better and kept such elements at bay. Ironically these elements are a distinct minority among Hindus, though claim to act in its name.

The third and last factor is relentless attack on congress and its leadership, particularly Rahul Gandhi. It invited retaliatory personal attacks on Modi and others, which increasingly became personal from both sides and unacceptable. Although the Congress could not complain, as it pursued in the past (2002-14), Modi and Amit Shah with all kind of cases, and were now being paid back in the same coin. But beyond a point it became counter productive, as it made Rahul Gandhi and Congress relevant in political discourse and they are now showing signs of revival. Similar politics of vendetta by Janata government in 1977-80, led to the revival of Indira Gandhi.

The above mentioned points may help in explaining the earlier mentioned paradox of good governance and political decline. In retrospect the politicians Modi and Shah seemed to have diminished Modi the Prime Minister and his governance. These factors alongwith effects of demonetization, GST, farm distress, employment; etc. were other sources of disillusionment. Despite achievements the government seemed distant and combative.

All this does not amount to BJP losing in 2019. At the moment it only points to its decline and compelling it to worthwhile coalitions. The opposition is beneficiary by default. The real danger BJP/NDA face is from the State level alignments/fronts. At the national level, all the opposition parties are rivals and will only mouth the unity mantra. All resent the rise of Congress as it thwarts their ambitions. Their only advantage is that the momentum is with them. Its manifest in many parties leaving NDA to join the opposition fronts at the State level. BJP

will have now to cultivate some difficult allies like Shiv Sena etc. and be more accommodative. The Lok Jansakti Party (LJP) is the immediate gainer.

In all this, the flip side of a BJP decline in 2019 is being missed. The BJP victory in 2014 had dealt a serious blow to the caste-cum-family based parties in politics. It has aroused a hope that these negative factors in Indian politics will abate and disappear. However, later compromises by BJP itself now an opposition revival will also herald a comeback of these satrups alongwith the traits of nepotism, corruption and exclusion. Voters will indeed face a difficult option.

In conclusion, the political management of the BJP has caused problems for BJP-led Central government. Besides minorities, it has managed to alienate even dalits in Gujarat, U.P. etc. Euphoria of 2014, has suffered erosion but is not lost. Yet the question remains, as to what Modi the PM did to stem the rot and negativity? He remained aloof, silent, and non-communicative on burning issues and gave an impression of being indifferent. A belated realization led to a prolonged interview to ANI in first week of January. Its follow up and frequency will be interesting. Only 2019 will tell how it all plays out. But it will certainly not be one sided like in 2014.

—J.N. Roy

North-East Scan

Assam's Twin Problems: NRC Finalisation and Citizen Bill 2016

Patricia Mukhim*

Assam is staring at a very difficult future. On the one hand is the finalization of the National Register of Citizens (NRC) which has seen quite a good number of people with genuine citizenship claims somehow falling between the cracks because they cannot produce documents. On the other hand is the Citizenship Amendment Bill 2016 which the Modi Government wishes to pass, which would allow Hindus persecuted in other countries, especially Bangladesh and Pakistan, to be given citizenship rights in India. That this move is purely for the purpose of consolidating Hindu votes and has nothing to do with a fraternal feeling for non-Indian Hindus is clear. The BJP came to power in 2014 on the premise that illegal immigrants from Bangladesh – an emotive issue that has been at the centre of several controversies and even saw a mass movement in Assam in the 1980's – would be deported. It's a different matter that this has not happened even though the BJP is in power in Assam since 2016. On the contrary, Assam now has to contend with the Citizenship Amendment Bill which has raised the hackles of the Assamese speaking people. Already several groups have said that they would petition the visiting Parliamentary Committee, which is soliciting views from different State governments.

Social media is rife with discussions on the issue. What is clear is that the people of Assam do not want to be burdened with Bengali Hindus from Bangladesh as much as they want the Bangladeshi Muslims, who are illegal migrants to be sent back. A migrant is a migrant they

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say and should never be treated at par with genuine Indian citizens or threaten their future. Already Assam and adjoining States are facing pressure over land and resources due to incessant influx from Bangladesh.

What is unfortunate today is that the migrants – illegal or otherwise have been defined by their religion and one group is being treated with kid gloves while the other is demonized. All this has started with BJP's divisive politics which is reopening past wounds. Now the society is completely fragmented into Assamese and Bengalis – Hindus and Muslims and of course exacerbating the divide between the Assamese dominated Brahmaputra Valley and the Bengali populated Barak Valley. In India we have spoken of deportation of illegal Bangladeshi migrants, as if it is within our control. Bangladesh has times without number denied the presence of Bangladeshi nationals in Assam/India. And without valid documents, how can anyone prove whether a person is from India or Bangladesh, when there are no distinguishing features? And the BJP agenda is clear. It is playing its Hindutva politics to the hilt and is wanting to grant citizenship to Hindus persecuted in Islamic countries, as if India is a 'Hindu' country. The BJP forgets the secular nature of the Indian Constitution. How does it matter if the foreign settler in our country is a Hindu or Muslim? They would be eating into our scarce resources anyway. And why create this divide on the basis of religion?

The Modi Government has camouflaged its desire to consolidate the Hindu vote bank by also including in the Citizenship (Amendment) Bill, 2016, the power to grant citizenship rights to "illegal immigrants" who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan. One has hardly ever heard of Sikhs, Jains or Christians being persecuted for their religion anywhere. So clearly the intention is to grant citizenship rights to non-Muslim immigrants from Bangladesh, who came in after 1971 when Bangladesh was created and they were ostensibly persecuted.

In Meghalaya, the National Peoples' Party (NPP) led government with two BJP legislators on board has categorically said "No" to the Bills. Even the civil society groups have opposed the Bill. Other North Eastern States, barring Assam are likely to take similar stances. So it will only be Assam that will find it difficult to defy Modi.

Strong voices of dissent have emerged from the dominant Assamese community. Their contention is that Para 5.3 of the historic Assam

Accord signed on August 15, 1985, between the Indian Government led by Rajiv Gandhi and the All Assam Students Union (AASU) and All Assam Gana Sangram Parishad (AAGSP) says that foreigners who came to Assam after January 1st 1966 up to 24th March, 1971, shall be detected in accordance with the provisions of the Foreigners Act, 1946, and the Foreigners (Tribunals) Order, 1964. The Accord does not categorise an illegal migrant on the basis of religion. Hence, the Citizenship (Amendment) Bill 2016 completely trashes the terms of the Assam Accord.

In Assam, the memories of bloodshed during the Assam movement which sought to push out illegal Bangladeshi immigrants is still fresh and there are tensions between the Assamese and Bengali speaking population in the two major river valleys. It has taken awhile for the two communities to be civil with each other. The controversial Citizenship (Amendment) Bill will now again drive a wedge between the two communities and it will be a long and bitter fight for some to establish their citizenship because they have left everything behind when they came to India right from the time of Partition (1947) and thereafter. Bengali Hindus who are victims of Nehru's decision to cede Sylhet to East Pakistan and who fled to India thereafter and then in 1971 because of the genocide, are in full support of the Bill. The BJP believes it can neutralize the Muslim population growth by countering it with imported Bangladeshi Hindus. It is a weird, populist logic but is designed to win votes, any way we look at it. As of today the Bengali Hindus outnumber the Muslims in the Barak Valley by a mere two per cent according to the 2011 census.

Today the people of Assam are caught in a bind. They accuse the Congress Party of having given succour to illegal Bangladeshi Muslim migrants over decades, merely to guard their vote banks. The Asom Gana Parishad (AGP) which is an offshoot of the anti-foreigner movement of the late 70's and early 80's under the banner of the All Assam Gana Sangram Parishad and the All Assam Students Union (AASU) is now reduced to a pitiable number in the State Assembly. People realize that looking up to this Party to counter the Congress or BJP is futile, also because the AGP is sharing power with BJP in Assam today. Indeed the situation is so volatile today and the public mood so belligerent that if the NRC is released it could lead to a law and order situation of humungous proportions, unless Sarbananda Sonowal shows the kind of leadership needed at this time.

Meanwhile, Himanta Biswa Sarma, the number two person in the Assam cabinet, but a man who is believed to have led to the BJP victory in Assam, made a strange statement recently. He said that the Bangladeshi Hindus will be allowed citizenship in Assam in order to counter the Bangladeshi Muslims in number. If politics is all about religion and consolidation of Hindu votes, the only objective of the BJP, then the North East is in danger of being subsumed by Bangladesh. This is the real threat today.

As stated earlier, the BJP in Assam struck an alliance with the AGP in 2016 as it did not have absolute majority. The AGP has 14 MLAs in the current legislature. The AGP has said it will break away from the alliance if the Citizenship Bill receives the assent of the Assam Assembly. But this is being neither here nor there. Of what use will it be then for the AGP to move out of the BJP alliance? The damage would have been done by then. But that is the problem with being in power after such a long time. The AGP was in the dog house for fifteen years when Assam was ruled by the Congress. In that time the Party has virtually withered. Its ability to hang on to the apron strings of the BJP this time has given it some traction. It remains to be seen what happens to this Party on which the people of Assam had pinned their hopes on in the 1980's. Politics truly is the last refuge of power seekers. Meanwhile, Assam looks like a cauldron where the outrage over the NRC and the Citizenship Bill might find expression in violence.

Making Discourses Work in Manipur

Pradip Phanjoubam*

Obviously discourses do not work in Manipur, which is probably why its conflict scenarios never ever change. True discourses also cannot possibly happen, for what people generally do in the name of discourses is to state their positions and stick to them. The illusions of any resolution

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to any of the myriad problems are merely breathers, the conflicting parties agree to, so that they can go for each other's jugular again after they have regained their breaths. Hence, we have the cyclic recurrence of all the most vexing problems. Take any issue, be it hill-valley friction, demand for Inner Line Permit System, district creation or retraction, Tipaimukh Dam construction, correcting census anomalies, delimitation of constituencies or whatever else – the conflicts of interests remain unresolved because none ever was interested in allowing reason to decide these issues.

There are also time bombs like the Framework Agreement between the Government of India and NSCN(IM), a finalisation of which is still pending. Sometime or the other, the negotiators will have to work out something everybody in the region can accept without feeling cheated, but how would they manage to resolve the contradictions within which can create mayhem. Since sovereignty is out of the question, probably a contemplated solution could be in terms of more autonomy for Naga districts in States outside Nagaland and an upper house for Nagaland Assembly, and to balance it out, concession such as in the ST demands for the Meiteis, ILPS etc. There would obviously also be more autonomy contemplated for non-Naga hill districts and perhaps even the valley districts too in the spirit of the adage “good fences make good neighbours.” Even if such a speculation is accurate, the question will remain what acceptability these proposals will receive from all who have not been part of the negotiations.

We are just picking up some of the most immediate examples but the same scenario of obduracy of opinion can be said of so many, if not most other situations in the State. It is an obsessive, and to that extent atavistic, narcissism that has come to be the dominant determinant of the visions of the communities here. We have all lost the ability to put ourselves in the shoes of others and from that vantage, critique our own opinions. For one thing, this can never be a way our conflicts can ever see an acceptable resolution, not to talk of an honourable one. This dreadful and endemic myopia will, it seems inevitable, continue to condemn all of us to another generation of social tension. And let there be no doubt that no one party can have it all for all the time, for even the smallest party can stand in the way of even the biggest bully. The State's own experience in the past two or three decades, which have seen some of the most gruesome violence, ought to have demonstrated this to everybody convincingly.

But it is not too late yet. Let us learn to step down from our stated positions and try to see beyond merely our own self-interests, or community interests, as the case may be. This is not just a question of simply assuming a liberal position at all. It is in fact what one may call an enlightened self-interest. Seeking the middle path on which all can walk without treading on each other's toes, is indeed what democracy is all about in its essence, right from the time the Magna Carta was signed in 1215. Let us first of all think of absorbing this essence and then give form to it later. Both these tasks can only be accomplished by sincere, consensual, discourses where reason is given the premium. The only way such a discursive space can be created is for all of us to abandon our frustratingly familiar, obstinately linear, mono-track visions. Only then can we begin seeing the infinitely wide possibilities that exist beyond our own secluded opinions. In all of these, let the goals be a resolution to our common problems and the return of peace.

Once this spirit is agreed upon, let us pose the same questions that have been troubling the State again and try to find the answers. What is so wrong or right about the seven new districts we now have? What is so wrong or right about conducting a fresh census exercise, in the entire State, if certain numbers are simply not adding up even by the most elementary arithmetic? Now that Aadhar identity has become compulsory, probably the next census will throw up a much more accurate and therefore, unobjectionable census data. What is so wrong or right about the 6th Schedule type autonomy for the hills? What is so wrong or right about the ILPS? Whose interest is promoted and whose obstructed by the ST demand amongst the Meiteis? Honest, open queries and equally honest answers to these can open up new realities and new possibilities to a path of peace.

Assam on the 'Edge'

M.P. Bezbaruah*

For the last forty years many events — like the historic mass movement of All Assam Students' Union (AASU), the emergence of Ulfa and the subsequent spread of insurgency, recent worries over the National Register of Citizens (NRC), the tension over the possible implications of the proposed "Citizenship (Amendment) Bill"— have often kept Assam on what the national media describes as "edge."¹ Before the first publication of the draft NRC in December 2017, tension and apprehension were so high that reportedly the government rushed huge para military forces to the State to handle any possible outbreak of violence. Similar tension was in the air again before the publication of the final draft on 30th June, 2018. Fortunately, though the atmosphere is still surcharged with passion, apprehension, allegations and uncertainty, the situation remains calm, at least outwardly.

The Home Minister of India had described the NRC as the soul of the Assam Accord. It is an apt description because the historic students' agitation started with a demand for updating the NRC and ended with the signing of the Assam Accord. In the memorandum submitted to the then PM, Mrs. Indira Gandhi, AASU stated the problem — "...in March 1979, a by-election had to be held in the Mangaldoi constituency due to the death of a sitting member...a large number of foreigner's names were discovered. Objections were raised against some 70000 names in the constituency. But, of this 45000 were declared as foreigners by competent courts. It was then the dark force behind the whole conspiracy against Assam rose their ugly heads. Our thoughts were

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provoked.... How could the people of Assam let their fate be determined by lakhs of foreigners in the electoral rolls?" AASU went on to say "this open disregard for the security of the State could no longer be tolerated and the ALL ASSAM STUDENTS UNION took the lead in launching a State-wide movement on a massive scale."

In support of their argument, AASU had often quoted the statement made by the then Chief Election Commissioner (CEC) in a conference of the Election Officers— "The influx has become a regular feature. I think that it may not be a wrong assessment to make on the basis of this increase of 34.95 per cent between the two census, the increase that is likely to be recorded in 1991 census would be more than 100 per cent over 1961 census. In other words, a State would be reached when the State may have to reckon with the foreign nationals, who may in all probability constitute a sizeable percentage, if not majority population of the State." In fact most writings on the subject go back to the oft-quoted comment of C.S. Mullan who was the Superintendent of Census of 1931. "Probably the most important event in the province during the last twenty-five years ...has been the invasion of vast horde of land hungry Bengali immigrants mostly Muslims from the districts of East Bengal and particularly from Mymensingh....it is said but by no means improbable that in another thirty years Sibsagar District will be the only part in Assam in which an Assamese will find himself at home."²

Reminiscent of those early days of agitation, another recently formed organization—Aom Andolan Sangrami Manch, organized a meeting in the Press Club of India in Delhi recently,³ Shri Prafulla Mahanta, who was the President of AASU at the time of Assam Agitation and later became Chief Minister, summed up the events of that time as follows— "1979—voters' list updating begins for Mangaldoi constituency for a by-election in March. Out of 600,000 voters on the list complaints are received against 70,000. A tribunal set up by Borbora⁴ declares 45,000 illegal. By-election is postponed. Borbora sets up tribunal to delete the names of foreigners from the voters' list in 80 other constituencies. Janata's move is opposed by two muslim members of their cabinet and 34 other members elected by foreign voters. The opposition is able to bring down the government of Borbora. (Sept 4) Hazarika Ministry is formed in Assam. All Assam Gana Sangram Parishad (AAGSP) is formed. It calls for statewide demonstration (6-14 September). Janata government of India falls Election

Commissioner takes a 180 degree turn and declares its decision to hold election in Assam without deleting the names of foreigners. Assam movement intensified and turned into a mass movement.”

This background is necessary to understand the evolution of the process of NRC and its link to the Assam Accord.

In all discussions and discourses AASU, AAGSP, AGP and the recently formed Asom Andolan Sangrami Manch have persistently projected two apprehensions. First is the unnatural rate of population growth in the State over the years, signifying large-scale infiltration of foreigners, whose names have got into the voters’ list. Second, shrinking indigenous population and their fear of loss of cultural, social, political and linguistic identity. In the Press Club of India meeting, the following statistics were circulated-⁵ (Figures are in percentage of population.)

	Indigenous population	Foreigners immigrants		
1901		87		
1951		61	39	
1961		56	8	36
1971		50	16	34

Population Growth		
	% increase in Assam	% Increase in India
1951	19.94	13.31
1961	34.98	21.64
1971	34.95	24.80

In their memorandum to the PM in 1980, AASU had highlighted these issues and had shown that during 1951 and 1971 the total growth rate was 174 per cent which was way above the growth rate for any other State. The memorandum emphasized that “the Central Government and the Election Commission have been in full knowledge of the alarming situation arising out of unabated infiltration of foreigners into the North Eastern Region particularly into Assam.” In support, it quoted the Objects and Reasons of the Immigrants (Expulsion from Assam) Act 1950— “During the last few months, a serious situation had arisen from the immigration of a very large number of East Bengal residents into Assam. Such large migration is disturbing the economy of the province besides giving rise to a serious law and order problem.”⁶ Gen.

Sinha, former Governor of Assam, in his report to the President of India had also quoted extensively from official statistics to show that abnormal increase in the growth of population of the State could have been largely due to illegal migration.

AASU had placed six primary demands before the PM and on top of the list was the demand to update the NRC of 1951. To recapitulate—

- 1) The NRC of 1951 should be made up-to-date.
- 2) The comparison of the NRC with successive electoral rolls since 1951.
- 3) Demarcation of the Indo-Bangladesh boundary and creating a buffer zone in the border.
- 4) Immediate issue of identity card – as recommended by the Chief Election Commissioner.
- 5) Strict maintenance of Birth and Death Registrar at all Block and village level, so that infiltration into voters' list could be prevented.
- 6) Strengthening of BSF and creation of a River Police Force to check infiltration.

It can be seen that the focus was on updating the NRC and preventing illegal foreigners from getting entry into the voters' list. The underlying objective was that unless the voters' list was purged to exclude any foreigner, they may ultimately perversely affect the basic structure of Indian democratic process. "The foreign national must be removed from the voter's list" it said. "It is our duty to prevent foreign nationals from determining the destiny of our State and our country."⁷

The final Assam Accord elaborated on the basic issue of detection and 'deportation'(expulsion), but was silent on the primary demand for making the NRC up-to-date. Presumably it was thought that once the basic issue of detection and deportation was achieved as promised in the Accord and the names of illegal migrants deleted from the voters' list as outlined in the Accord, the objective of NRC would have been automatically achieved.

However, while the implementation of the Accord became a subject matter of continuous confrontation between AASU and the government, both at the State and the Centre, AASU had not relented on its demand for the NRC. It was pointed out that detection of foreigners was as important as creating a data base for Indian citizens, so that the voter's list include only citizens. Following such persistent demand from the people of Assam, it was decided in a tripartite meeting, chaired by the

Prime Minister, Shri Manmohan Singh to update the NRC of 1951. The modalities for a smooth update of the NRC were worked out by the State government and submitted to the government of India. The Chief Minister of Assam, Shri Tarun Gogoi personally wrote to the PM in 2008, urging his personal intervention to start work at the earliest, stating that “the updating of the National Register of Citizens, 1951 is looked upon as the solution to the vexed foreigners’ issue in the State.”

It is necessary to relate this background for a proper appreciation of the broad rationale for the demand for updating the NRC. It is now pertinent to have a look at the actual implementation of the Assam Accord to understand why proper updating of the NRC is in the national interest.

It is useful to mention at the outset that though NRC was in fact the soul and the starting point of the Assam litigation, it does not find any mention in the Assam Accord. Nor does it mention the commonly used term “deportation” relating to the action to be taken against the detected illegal foreigners. The word used is “expel.”

In the Assam Accord, there are four core issues relating to the illegal migrants and one Clause—Clause 6, a fall out of the problem of illegal migrants and almost reminiscent of Mullan’s words, mentions “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.” Clause 5, relating to illegal migrants is the core Clause of the Accord. Eight out of its nine sub clauses relate to the process of detection and expulsion.

Apart from Clause 6⁸ the four core concerns in the Accord are – First, the process of detection of illegal foreigners; second, as is commonly said, deportation of such detected illegal migrants.; third, the measures to protect the border and policies to ensure that influx of illegal migrants is prevented in future; and fourth, the all-important issue of deletion of names of the identified foreigners from the electoral rolls.

About detection the Accord states that “1.1.1966 shall be the base date and year.” Those who came between 1.1.66 and 24 March 1971 were required to register themselves and be eligible for being included in the electoral rolls after ten years. Foreigners who came on or after 25 March 1971 shall be detected, deleted and expelled in accordance with the law. The Accord de facto extended the horizon of the eligibility

for citizenship up to 24 March 1971 and for the interim period created another category of citizens who would not have voting rights for ten years. Government realized that it made the process very cumbersome and administratively complicated. The Accord, therefore, vaguely accepted that “Government of India will undertake suitable strengthening of the governmental machinery.”

The law in force – Illegal Migrants (Determination by Tribunals) Act 1983—was the stumbling block. AASU and AAGSP were aware of the difficulties and must have made it an issue before the government of India. The Accord put such concerns and government’s response very vaguely and mildly in the Accord. “The Government will give due consideration” it says, “to *certain* difficulties expressed by AASU/AAGSP.” It became the bone of contention in the subsequent period and it took much agitation and a writ petition before the Supreme Court to be struck down by the Court in 2005. During this period the detection figures were dismal. In fact, even these figures are not always consistent. The White Paper of the government published in 2012 mentioned that up to July 2005 the IM(DT) Tribunals detected only 12846 persons as foreigners out of 112791 cases referred to them. The Foreigners Tribunals during the same period declared 42338 persons as foreigners out of 108219 cases referred to them. The pitiable picture of the entire process of detection is evident in the statement of the Minister for Assam Accord Implementation in the Assam Assembly in 2015—“The Foreigners’ Tribunals have since 1985 declared as many as 38,186 as foreigners who had illegally entered Assam from Bangladesh. But while only 2,448 among them have been pushed back to Bangladesh, over 38,000 of them are either absconding or were dead.”⁹ In fact the performance on this issue would have been better understood if the number of suspected illegal foreigners were known. Different agencies have mentioned different figures of illegal migrants staying in Assam. Officially in May 1997 the Home Minister, Indrajit Gupta informed the Parliament that there were one crore Bangladeshis in India. In 2004 MOS Home told Rajya Sabha that the number was 1.2 crore in 2001. By 2016 the number had increased to 2 crore as stated by MOS Home. It was generally stated that half of these numbers were in Assam. In that context the achievements in detection—the most important clause of the Accord has been lack lustre.

The second part of the statement brings to focus the second core concern—deportation. The Accord says—“immediate and practical steps

shall be taken to expel such foreigners.” Thirty-three years after the signing of the Accord no such steps are visible. The official White Paper¹⁰ in fact uses the term ‘push back’ and says “once a person is declared as foreigner he or she is taken into custody and kept in detention centre till he or she is pushed back to his or her country of origin.” It in fact goes on to say “there is a difference between ‘Push Back’ and ‘Deportation.’ In case of Push Back there is no need for acceptance of the person concerned by the BGB. In case of deportation, on the other hand ...deportation takes place only when BGB accepts the foreigner. If BGB refuses to accept the foreigner, BSF is left with no further option and such persons become ‘stateless.’ The White Paper admits that in absence of proper laid down procedure for deportation of illegal migrants between India and Bangladesh, it is difficult to carry out any deportation.

In the present context, of crucial importance is the fact that in the Accord there was a tacit acceptance that the detected illegal infiltrators could be just deported across the border. Even if Bangladesh was willing to accept them, even if for arguments sake the humanitarian angle of such displacement is ignored, the relocation and the movement of millions would be a colossal task fraught with many dangerous possibilities. But the fact is that Bangladesh has never accepted the existence of such migrants from Bangladesh. Even in the early days of the Assam Accord when this topic had come up, Bangladesh High Commission was quoted as saying that such a problem was never part of India-Bangladesh bilateral discussions. In a recent newspaper report, Bangladesh Information Minister has again reiterated this stand—that in 48 years of their existence this issue was never raised.¹¹

After so many years of the Assam Accord, both the implementation of the Accord and the NRC process must be alive to this reality. The humanitarian angle cannot be overlooked. The human dimensions should merit dispassionate attention sooner than later. Those who are detected as foreigners and those left out face a very uncertain future. They have many questions to ask—what will happen to them, their properties, and their children who were born in Assam and grew up here? Will it brand a section of the residents de facto, creating a chasm in the society and creating continuous tension? It naturally is a time for much apprehension. It is also a time for all groups and sections of the society for deep introspection and a time to search for a pragmatic framework for the future, so that Assam does not always be sitting on a tinder box. Any

such introspection must also seriously consider the deep sense of insecurity that led to inclusion in the Assam Accord a clause for “constitutional, legislative and administrative safeguards....to protect, preserve and promote cultural, social, linguistic identity and heritage of the Assamese people.”

The third core concern—preventing future infiltration—received adequate attention in the Accord. Clause 9 elaborates on various “effective measures ...to prevent infiltrators crossing or attempting to cross the international border.” The measures include—

- a) Erection of physical barriers like barbed wire fencings;
- b) Intensive patrolling by security forces on land and riverine routes along the border;
- c) Establishment of adequate number of check posts;
- d) A road all along the border to facilitate patrolling;
- e) Creating a ‘no man’s zone.’

Unfortunately, actual action on ground was not visible for a long time and AASU and others had to continuously voice concern and allege apathy of the government. In fact, in a report submitted to the President of India, the then Governor of Assam, Lt. Gen. Sinha echoed the same sentiments. He said “In the case of Assam, infiltration has a much bigger and a more dangerous dimension. Despite this, the measures to counter trans-border movement in Assam appear to have been given a lower priority than in Punjab. This is evident from the following facts:

- a. The decision to fence the border was taken in 1985 and reflected in Assam Accord but the work on fencing started seven years later in 1992. 13 years have elapsed since this Accord and fencing has not yet been completed. Whereas in Dhubri sector of Assam it is nearly complete, in the Cachar sector only a little over half has been completed. As against this, fencing in Punjab started in 1988 and was completed in 3 years by 1991.
- b. The quality of fencing in Punjab is superior. It is two feet taller. Observation towers and lighting of the fence have been provided in Punjab, all along the border. In Assam, observation towers have been constructed in Dhubri sector only and there are none in Cachar sector. There is no lighting of the fence anywhere in Assam.
- c. The density of troops guarding the fence is higher in Punjab. A BSF battalion in Punjab holds a frontage of approximately

30 kilometers. In Assam, BSF Battalions in Dhubri sector are deployed over frontages of 70 kilometers and in Cachar sector over a frontage of 40 kilometers.”

The White Paper however gives a much better picture of steps taken to prevent further infiltration and mentions about 97 per cent completion of the fencing in most areas.

Against such a background of the reality of implementation of the Accord, the original demand for updating the NRC to exclude the foreigners from the voters’ list has assumed relevance. If properly done the NRC, it is felt, will make a positive list of Indian citizens linking the legacy to 1951 as well as admitting those made eligible by the Accord. Huge number of residents in Assam who do not fall within such categories will be left out and their status as well as future will have to be comprehensively discussed and decided. Making an error free NRC is a huge challenge for the administration. While this exercise goes on under the supervision of the Hon’ble Supreme Court, the many deep and wide humanitarian, social, political and legal consequences should engage the attention of the government and the civil society.

NRC faces a colossal administrative problem of examining 3.9 crore applications, shifting 6.5 crore supporting documents received by it to ascertain the bonafide of the applicants. There are grey areas about the eligibility of documents in support and about the competent authorities who can issue them. Most of the people under scrutiny are likely to be illiterate people not very adept in paperwork needed to establish their links and bonafide. On the other hand, there is a possibility that a large number of applicants being post-1971 entrants to Assam and therefore the authorities have to be extra careful. In the ideal situation the motto of the NRC should be — “not one Indian citizen excluded, not one foreigner included.” But that is easier said than done.

So much has been written and said about the NRC both before and after the publication of the draft that quite often the essential issues have got blurred in the maze of information and disinformation. The subject is sensitive and its fallout involves complex human issues. Therefore, often passion and emotion have tended to lead the discussions astray when dispassionate and objective approach is the need of the hour.

It will be useful to state a few fundamental facts about the NRC.¹² First, as the FM of India pointed out, the core issue is citizenship. The

issue being citizens vis- a-vis foreigners, the NRC exercise should not be seen in any other colour. The contours of the issue are clearly defined and described in our Constitution and Statutes. Looking at it with prejudice of religion or language lead to unnecessary polarization and tension and can be fraught with dangerous consequences. Any attempt to consciously derail the focus will be contrary to the national interest.

Second, the NRC is not a process for detection of illegal foreigners. It is a positive list of Indian citizens residing in Assam. It can be an aid to the process of detection, but in itself is not the final say. In that sense, news reports stating that 40 lakh names have been “deleted” is not correct information. In fact, out of 3.9 crore applications received for inclusion 40 lakh have been found to be inadmissible for inclusion at the draft stage.

Third, the names left out could be Indian citizens, could be illegal migrants. The NRC process must not rest till it can say “not one Indian citizen excluded, not one foreigner included.” The NRC exercise has been accused of palpable mistakes, inaccuracies, and lack of transparency and at times even of giving in to political pressures. The exercise itself is huge and extremely complex. The Assam Accord added to this complexity by expanding the horizon of eligibility till March 24, 1971.

Fortunately, the entire operation has been carried out under direct supervision of the Hon’ble Supreme Court. It must be said that the management in its effort to build a transparent process used IT and its many facilities to reach out to the largest number of people. It is to the credit of the management that a basic structure has now been erected. It should be possible for the authorities now to go deeply into the perceived weaknesses, the gaps and mistakes and remove doubts and apprehension in a transparent manner.

Fourth, the consequences of the NRC and its human dimensions should merit dispassionate attention sooner than later. Those who are left out, face a very uncertain future. They have many questions to ask—what will happen to them, their properties, and their children who were born in Assam and grew up here? Will it brand a section of the residents de facto creating a chasm in the society and creating continuous tension? It naturally is a time for much apprehension. It is also a time for all groups and sections of the society for deep introspection and a time to search for a pragmatic framework for the future, so that Assam

does not always be sitting on a tinder box. Any such introspection must also seriously consider the deep sense of insecurity that led to inclusion in the Assam Accord a clause for “constitutional, legislative and administrative safeguards....to protect, preserve and promote cultural, social, linguistic identity and heritage of the Assamese people.”

It may also be said that the process is anti-Muslim. The fact that many Muslim residents of Assam who came after 1971 are likely to be adversely affected by the NRC does not per se make the process anti-Muslim. In fact, it is simplistic but incorrect to put all the Muslims in Assam under one banner. Historically, there are at least three distinct categories. First – those who came and settled in Assam even before the British rule. They have been part of the larger Assamese society for centuries, being integral part of the social, cultural, linguistic, political and administrative life of the society. They are also part of the best secular traditions that Assam boasts of. It is often said that in the huge influx of illegal migrants from Bangladesh has marginalized them, that their voice is not often heard and worse, that they sometimes face situations where their nationalism is questioned.

The second category came to Assam mostly in the late nineteenth and early twentieth century as part of the colonial policy to encourage migration for exploiting Assam’s vacant cultivable land and for filling the labour gap for Assam’s development. They are mostly the residents in what is called the ‘char’ areas of Assam. They have also integrated with the larger Assamese society, call themselves “new Assamese,” have taken part in socio-cultural and literary life of Assam. They have also at times expressed a grievance that they are still not fully accepted to the “Assamese” society.

The third category includes those who came after 1951 and continued till present times. Of these, those up to 1971 are eligible to be Indian Citizens. This group logically faces the brunt of NRC scrutiny and separating them from those who came after 1971 is a huge and daunting task. The media has reported widely on many instances of those who came much before independence being left out. Such glitches should be taken as serious warning signals to correct the system followed. However, to dump the huge exercise on the basis of some such mistakes would be unfair and illogical. Fortunately, the entire exercise was carried out under the supervision of the Supreme Court, with great transparency, and with extremely wide public contact using the latest technology. If there are loopholes, the next process should be

to concentrate on removing them in an objective, transparent manner. If the administrative arrangements need strengthening and the supervision needs to be more intensive, it is the time to do so. Government must do whatever is necessary to achieve the primary objective—that no citizen is excluded and no foreigner is included. As has been pointed out, the detection and deportation of illegal foreigners will have to follow the due process of the law. Mere deletion of names from the draft NRC does not lead to deportation. The process is complex and time consuming and institutions like the Election Commission, the Foreigners Tribunal and the State Border Police will come to the picture.

While passion has been running high on such sensitive issues the Citizenship (Amendment) Bill 2016 has added another complexity to the already complex situation. The Bill proposes to allow “minority communities such as Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have either entered into India without valid travel documents “and treated as illegal migrants will be eligible for applying for citizenship. It will mean that the Bengali Hindus from Bangladesh who are treated as illegal migrants and who as per the Assam Accord are technically liable to be deported, will now be able to become citizens of India. AASU, AGP and the Asom Andolan Sangrami Manch have vehemently opposed the Bill and their opposition has got endorsement from the people of the Brahmaputra Valley, while in Barak Valley the Bill has been widely supported. Such polarization on linguistic lines does not augur well for Assam. The general apprehension among the Assamese of losing their identity in their homeland had led to the insertion of Clause 6 in Assam Accord to provide safeguards to protect “identity and heritage” of the Assamese people. In the proposed amendment it is argued, will accentuate the long-felt threat to their language and culture.

To understand the roots of this apprehension it will be worthwhile to go back a little in history. In the late nineteenth and early twentieth century the British followed a conscious policy of encouraging migration into Assam to utilize fallow land for economic development. It resulted in considerable demographic changes, some of which was forecast by people like Mullan quoted earlier. The colonial policy relating to administrative organization of Assam and linking it mostly with East Bengal resulted in another change—of Bengali dominance. Inherent in both the changes was another crucial economic factor—of land and its encroachment.

About the first demographic change of increasing Muslim population much has been said and written and it is not necessary to repeat the established facts. The Muslim population rose rapidly from 9 per cent in 1921 to 19 per cent in 1931 and 23 per cent in 1941.¹³ The flow of illegal migrants after independence continued unabated. The Assam Accord provides citizenship to all those who came up to 24 March 1971. The concern therefore is only about those who came after that date. In analyzing that concern, it is always useful to keep the distinction between the three streams of Muslims mentioned earlier. The fear in Assam is that these post-1971 migrants, seen largely as different from the secular nationalist Muslims of earlier generations may complicate the demographic profile even more and their inroad into the demographic institutions may endanger the identity of the local people—a danger against which the Assam Accord promises to give protection.

To understand the fear of Bengali dominance it is necessary to go back to the partition of India and in fact much beyond that.¹⁴ The issue of refugee relief and rehabilitation dominated public discourses and political maneuvering for a long time. The issue is coming to centre stage again in a different context, in a different colour. In Assam the issue of settlement of refugees has been very contentious and has often roused violent public sentiment. After partition Assam had reservations on large-scale rehabilitation of Bengali refugees as it would disturb the demographic equations and lead to polarization of sentiments on communal and linguistic lines. This led to continuous confrontation with West Bengal and government of India. Even a person of eminence like Dr. Meghnad Saha who was the President of East Bengal Relief Committee criticized Assam for not doing enough and reportedly Sardar Patel told Assam administration that the refugees should get priority as a national responsibility irrespective of local sentiments. Public opinion in the Brahmaputra valley rued this lack of sympathy and citing the British policy of encouraging migration to Assam in the nineteenth and twentieth century saw it as a continuation of colonial hegemony. And the seeds of distrust, alienation were sown and complaints of neglect became the refrain of relationship with the centre.

In fact, during the 125 years British rule, the socio-psychological stress of partition in some form was hanging over Assam like a Damocles' Sword. In 1905, a new province of Eastern Bengal and Assam was created with the Lt. Governor of the new province

headquartered in Dacca. In view of great resentment in Assam the decision was revised in 1911 and in 1912 Assam emerged as the Chief Commissioners province. The alarm bells rang again during the Cabinet Mission plan and the infamous Grouping scheme where Assam was again tagged to Bengal.

Assam's modern history is marked by this fear of being dominated by Dacca or by Bengal. In that sense, partition and delinking of Sylhet was a great relief for the Brahmaputra valley. But in the other valley of Assam—Barak—it caused many disruptions of communication and social relations. Internally, it was the beginning of fissures and fraction between the two valleys. Myron Weiner in his much-discussed book *Sons of the Soil: Migration and Ethnic Conflict in India* had stated: a view largely shared—that before partition both Bengali Hindus and Bengali Muslims had designs on Assam—one of cultural dominance and the other of demographic. Gordon, the British Commissioner of Assam had stated in 2005 when Assam was tagged to East Bengal that Assamese language and local employment were under threat in the new scheme of amalgamation.¹⁵ Partition perhaps reduced one fear—of Bengali dominance by removing Sylhet, at least temporarily. But Assam's post-partition history has seen the hopes at the time of partition sadly belied. As Weiner says: “a new cleavage between the Bengali Hindus and Assamese emerged.” It will be totally unrealistic and risky to view the present tension and the simmering apprehension over the proposed amendment to the Constitution on citizenship, delinked from an appreciation of these historical facts.

The Assamese fear, as is evident from many writings in the media, is that this amendment giving citizenship to Bengali Hindus and settling them in Assam may be the beginning of a process to undo all that the Assamese Renaissance movement had achieved in the late nineteenth and early twentieth century. Assamese language was removed from educational institutes and courts in 1837, Bengalis dominated all jobs in the government and railways. Those opposing the amendment have quoted many statistics showing how the percentage of Assamese speaking population is declining. Will the amendment pave way for changing the demographic profile in the already fragile situation in such a way that Assam will have to re-experience that phase of history once again?

However, it is prudent to take into consideration many imponderables that may influence the answer to such questions. It is

not known yet how many of those identified as illegal migrants will be Hindus and so entitled to citizenship as per the amendment. Will the amendment really open a flood gate for Hindu Bengalis to move to Assam? It is not as yet clear what the policy of the government is regarding those who may now like to leave Bangladesh and migrate to Assam to seek citizenship in India. Will they be dispersed to other places as well?

Similarly, economic factors in Bangladesh will also play a part. Recent reports show that Bangladesh has achieved good GDP growth and its social development indicators have been impressive. Bangladesh, it is reported, is now a developing country and no longer grouped as underdeveloped. If these factors hold in the long-run, then a major impetus to move to Assam—search of jobs and income— will be much reduced. The primary objective of the proposed amendment is to give shelter to Hindus facing harassment in the designated countries. The present government in Bangladesh is well disposed towards India and therefore such a possibility can be discounted. If such geo-political situation holds the basic urge to migrate from the country maybe even less pronounced.

But all these factors are in the realm of guesswork at present. The situation may change and therefore the fear continues. The objective of the amendment is not in question, the possible impact on Assam is good governance requires that the psychology of that fear should be addressed.

Tucked into the Assam Accord were two clauses which have not drawn much attention but which are of crucial importance for the future of Assam. To quote: “10. It will be ensured that relevant laws for prevention of encroachment of government lands in tribal belts and blocks are strictly enforced and unauthorized encroachers evicted as laid down under such laws.

11. It will be ensured that the relevant law restricting acquisition of immovable property by foreigners in Assam is strictly enforced.”

The problem and the proposed action have been mentioned in generic terms and the action taken subsequently has not been documented adequately. But the underlying concern for economic space is apparent.

In fact, this concern is not new and can be traced in some form, way back to 1937. The Assam Assembly had passed a government resolution on 21 June 1940 “placing a ban on settlement in wastelands by immigrants entering Assam after 1st January 1938.”¹⁶ Feelings were

so strong that in November 1937, a section of Congress volunteers had walked out of a meeting with Nehru in Barpeta. Nehru's view was that "the problem of immigration must be seen from the economic point of view and that the local culture of Assam was not so shallow as to be wiped out by the immigrants" He thought there was sufficient waste land to be utilized.¹⁷

This was the same view that Centre held when Assam had refused to accommodate refugees after partition—that Assam had sufficient land available. Land is a crucial factor in the entire discourse on illegal migrants. The colonial policy gave the migrants that economic space. A century and half after that the scenario has changed. Land alienation and fear of losing economic space have been the underlying causes of some very unfortunate and bloody conflicts in recent times. The long-drawn Bodo agitation, it may be recalled, started with a list of about 50 demands. In course of time the demands concentrated on about five and land alienation was at the core. A group of prominent leaders of the indigenous people of Assam have voiced their concern over the proposed amendment. One part of that concern is about land and land alienation.

All these complications put Assam on the cross road today. There are no easy solutions; no solution that can satisfy everyone. But to find just and proper solutions that meet the criteria of 'public interest' the cob web of misinformation, prejudice and distrust will have to be removed. That requires a system of governance that is visionary, transparent, responsive to the apprehensions that cloud the public mind and capable of firm action in the interest of the nation.

Notes

- ¹ It had been my privilege to have a ring side view of some of the events unfolding from 1985 to 1990 and to have a close watch from a distance thereafter. What follows is a recounting of some of the events and facts as I saw them.
- ² Gen. Sinha, Governor of Assam. "Report on Illegal Migration to Assam".
- ³ National Seminar on Illegal Influx of Foreign Nationals in Assam and Implementation of Assam Accord. Press Club of India, New Delhi 7th August 2018.
- ⁴ The then Chief Minister of Assam.
- ⁵ Apparently compiled from different sources but no source was mentioned.
- ⁶ White Paper on Foreigners' Issue. P. 73.

7. White Paper on Foreigners' Issue. P. 68.
8. This important clause needs a separate and detailed analysis and discussion. This paper is concent rating more on the issue of illegal migrants and NRC.
9. Shri Samudra Gupta Kashyap, "Declared Foreigners by Tribunals, over 38000 Bangladeshi infiltrators missing in Assam." Indian Express August 27, 2018.
10. White Paper on Foreigners' Issue. Government of Assam. October 2012.
11. "NRC India's internal affair: B'desh" Hindustan Times, New Delhi August 01, 2018.
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14. The following portion uses materials from author's article: "The Anatomy of an Anxiety" published in Indian Express May 22, 2018.
15. Jishnu Barua "Administrative History of Colonial North East India (1826-1947)" in Marginal Frontier. (ed) Arupjyoti Choudhury and Dilip Gogoi. Bhabani Offset Pvt. Ltd. Guwahati 2012. P. 43.
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The Wound in the Assamese Mind

Harekrishna Deka*

Delhi is distant and those governing the nation from Delhi perhaps do not know that the attempt to amend the Citizenship Act in order to legitimize illegal migrants belonging to the Hindu and some other religious communities (excluding only the Muslims) has touched a raw nerve of the sons of the soil of Assam. They are dealing with a wounded psyche.

To trace the origin of the wounded psyche of the people at a far eastern corner of India, I need to look back to a time when Assam changed its political character from being a kingdom under an eastern royalty to being a part of a colonial empire ruled by a western power through which it stepped into political modernity. This change of destiny yoked it to an India which was already midway through the same fate. Its modernity continued to lag behind the other parts of the country but unmindful of the lag, it joined the freedom struggle hoping for a better future and thus it chose a destiny to be a part of a modern independent nation emerging from a colonial state. The people of this region had no hesitation in joining the Independence movement as part of an aspiring nation. India as a nation was born through its freedom struggle and the people of Assam shared the hopes and feelings of the entire country during the freedom movement, keeping aside its sense of a distinct identity of otherness from the medieval India.

Before the British intervention, the people living in the present area of geographical Assam felt happy to remain in medieval idleness of slow and contented pace of socio-economic life, being rather proud of an identity distinctly different from the people living in its western

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neighbourhood. A major part of Assam was ruled by the Ahom kings since mediaeval time except a territory in the western part of geographical Assam ruled by the Koch kings. The Koch kingdom splintered much before the British occupation but the Ahom kingdom retained its integrity more or less till the Burmese invasion and subsequent annexation by the British in 1826, that eventually led to its political integration with British India. The people tracing ancestry to different ethnic origins in Assam continued to maintain their linguistic and cultural identities during the change of regime from the Ahom power through the British power to the Independent republic. The superpositioning of a notion of one nation with India did not, however, fully obliterate its consciousness of being a distinct people. The most numerous linguistic-cultural community in the British ruled Assam was the Assamese and their sense of homogeneity has been governed by a shared language and culture. The flow of people from outside started from the advent of the British. They brought the Bengali babus for clerical and teaching jobs, and the indentured labour from Bengal, Chotanagpur, Odisha and some other parts of India for the tea gardens. They encouraged settlement of peasants from East Bengal, opening up vast wasteland for them. Such migration was followed by many people from Bihar and Rajasthan who came in search of business and occupational opportunities. Except for the tea garden community composed of peoples of different ancestry willingly merging and being accepted as a part of the Assamese, all other kinds of migrants remained 'bahiragata' (the outsiders) with a psychological difference of otherness. When parliamentary democracy was established after the independence of India, bahiragatas started playing a role in Assam's vote bank politics. With the formation of Pakistan, and later Bangladesh, migration of the people of Bengali origin, both Hindus and Muslims, who continued coming to Assam in large number became an unfortunate factor of voting politics and their socio-political interests caused complicated socio-economic and political tensions with the indigenous people. The conflict of interest became more pronounced between the indigenous Assamese and the illegal migrants patronized by vested interests.

A common administration under the Ahom rules for six hundred years generated a sense of oneness among the Ahom subjects irrespective of religious affiliation, as they were generally linguistically and culturally homogenous. The influence of Guru Shankardeva's religious teachings which was inspired by Bhakti movement and that of Ajan Phakir's

preaching of liberal Islam of Sufism ensured that Assamese Hindus and Muslims lived in harmony as brethren. The ethnic communities outside Ahom kingdom, however, did not fully assimilate with the larger Assamese community and in Independent India they pursued their own divergent political aspirations having retained their ethnic identity. In two respects, however, the sense of discontent of the non-Assamese indigenous communities has been common with the Assamese, (1) economic underdevelopment with its attended lack and (2) demographic pressure from the migrants.

Though nationalism as a political creed cannot be said to have taken a conscious hold of the mind of the people inhabiting the territory ruled by the Ahom kings, being under one administrative mechanism and being of the same linguistic and cultural pursuit, created a sense of unity among them during the years of fighting against the invading army of the Mughal Empire. At conscious level, it was a sense of patriotism, a collective feeling for the motherland Assam which had to be defended. In the submerged landscape of the mind, a sense of being a distinct people within a geographical region took root and continued to seed itself.

At the beginning of the British rule, Assamese language got replaced by Bengali in official communications and in education due to a mistaken notion by the British rulers fuelled by the babu's in the administration that Assamese was a dialect of Bengali, only to be restored at the determined intervention of the American Baptist missionaries coming for proselytizing and of Anand Ram Dhekial Phukan, an educated Assamese visionary. The effort of the British administration to deprive the Assamese from using and getting educated in their own language was the first wound on the sensitive minds of these people and its sensitivity never evaporated from their mind. Much later, that is in recent times, the proto-nationalism seeded by patriotism manifested itself as a rallying cry of a section of these people who saw both the pre-Independence British rule and the post-Independence Indian rule, as two different forms of colonialism imposed on an Independent nation against the background of underdevelopment, geographical seclusion and invasive and illegal migration of migrants from across the border.

The Delhi regime's indifference to the developmental need of the State and its negligence to handle migration-related complications continually increased the sense of otherness in the psychological map of the people even though the process of democratic consolidation was

still taking place. By the sixties of the twentieth century, the proto-nationalistic patriotism for 'mother Assam' was rationalized as 'jatiyotavad' and it drew its reasoning from the historical fact that Assam was politically independent from the rest of India before the British occupation. The hurt feeling that the political regimes in Delhi was treating the people of Assam as lesser citizens had its genesis in the region's sluggish economic development. Against this psychological background, illegal migration became a highly volatile issue, particularly because vote bank politics was played by political parties. In a geographically isolated region, the sense of nation suffered a psychological division between Assamese-ness and Indian-ness among the Assamese middle class that later percolated down to the masses. This feeling accentuated when the Centre failed to properly respond to the issue of illegal migration from across the border that affected the population ratio to the disadvantage of the native population. In a narrow economic space, not only the Assamese community but also other indigenous communities pursuing their need-based goal felt that their space is being invaded by others who are politically patronized by political parties without bothering for the economic and political fate of the indigenous people. This perceived lack of concern allowed subnationalism to become more assertive. In this psychological map, Assam agitation happened. The demand for expulsion of illegal migrants had a subtext of grievances against the Centre concerning the issue of unaddressed and neglected developmental needs.

At the same time the Boro agitation took place but it took a different trajectory. They demanded separate territory with political primacy of the Bodos in their territory as they felt numerically overwhelmed by the non-Bodos. They were moved by the perception that unless they had their own territory they would remain subjected to the political domination of the Assamese. As regards the unabated migration of foreign nationals, their demands were identical. They also wanted and still want expulsion of the foreign nationals whose continuous migration changed the demography of the region very adversely for the comfort of the autochthons. Their present aim is to attain the status of a full State under the Sixth Schedule of the Constitution.

Post-Independence, the Assamese-speaking people have remained the majority community in Assam through the decadal censuses of India, but due to heavy and continuous infiltration of foreign nationals of Bengali-speaking people through the ill-guarded Indo-Bangla border,

their numerical strength is getting reduced to an alarming proportion. The focal point of Assam agitation spearheaded by the powerful All Assam Student Union and supported by the mainstream Assamese has been the detection and expulsion of all illegal migrants and the sealing of Indo-Bangla border. It must, however, be said that the attitude of the people has not turned into animosity against the country of Bangladesh, and inter-country economic relationship has not been a target of protest at any time. The basic demands of Assam agitation were three and remain so even now: (1) Detection and expulsion of the illegal migrants and concomitant deletion of all such person's names from the voters' list where their names entered under political patronage, (2) Complete sealing of Indo-Bangla border and guarding of the border without loophole, (3) Constitutional protection to preserve the political and cultural rights of the Assamese (this demand should be rationalized as a demand for all the indigenous people of Assam).

Assam Agitation (1979-1985) was organized as a mass agitation, not as a cessionist one as many started painting them, and its focus has been to prevent the fast changing demographic character. It was also a kind of identity-assertion and a psychological defense mechanism. The Assamese community sought a rightful place in the Indian polity but found themselves almost reduced to a non-player because of the region's distance from the Centre, whose power-elite failed to read the psychological reasons behind the agitation. Later, the Centre's insensitive handling of the problem as simply an issue of law and order led a section of desperately-minded youths to take the path of insurgency, but fortunately for the country it did not get overwhelming support. Most people felt allegiance for the Indian Constitution though highly aggrieved at the insensitivity of the Delhi's power-elite towards solving the problem of illegal migration. Not only the Assamese, but all indigenous communities of Assam even now feel that the migrants, whether Hindus or Muslims, are used by different ruling political parties at the Centre as vote banks according to their political ideology.

They have a fear that they will be reduced to a minority in their native land and the State's political authority will slip into the hands of the people from outside, particularly the Bengali speakers, while the national political parties will continue to be motivated by party interest, unmindful of the fate of Assam's indigenous communities. This psychological state has remained unaddressed.

The six year long Assam Agitation from 1979 to 1985 ended in the Assam Accord with the stipulation that illegal migrants who entered Assam before 25 March 1971 would be allowed to stay in India and would be given citizenship except that those who came between 1966 and 1971 would have no voting rights for a limited period of 10 years. Illegal migrants coming on or after 25 March will be detected and deported. There was objection to this clause from various quarters initially but during the nineties of the last century all stakeholders accepted this clause. Updating of the National Register of Citizenship (NRC), prepared for Assam in 1951 census against continuous migration pressure was a necessary corollary that followed. After a lot of dilly-dallying and only after the issue was taken up with the Supreme Court by some stakeholders, the NRC is now under process of upgradation from 2016, being supervised by the Supreme Court. As regards Bodo agitation, it resulted in a separate Bodo Accord and under it's terms a Territorial Council (BTC) was demarcated in the North Bank of Assam. The concession of territorial power has not satisfied the Bodo leadership fully and a new demand for full statehood has been raised, as already indicated above. Though the Bodos are seeking a different political destiny from the Assamese, their own perception about the demographic pressure from illegal migrants is similar to the Assamese. Occasional communal clashes taking place in BTC from the seventies of the last century has genesis in this psychology of being under constant demographic pressure from the illegal migrants.

Successive governments at the Centre and at the State has soft-pedalled the issue of continuous illegal migration, as the migrants continue to enter the State through various routes with the help of agents on both sides and on entering, they manage to get patronage of political parties who play vote bank politics over their settlement.

Against this background, the present Central government's proposed amendment of the Citizenship Act to give citizenship to the illegally entering Hindu migrants and some non-Muslim communities of three neighbouring countries of Bangladesh, Pakistan and Afghanistan (cutoff date December 2014) has caused serious resentment in Assam as the sub-text of this proposal is to offer a welcoming hand to the Hindus of the neighbouring countries unmindful of its effect on demographic destabilization that will eventually reduce the indigenous people into minorities in their native land. The population of the indigenous communities of Assam is getting successively reduced in percentage

points. The recently published community-wise census data of 2011 is an eye opener. A report published in the online portal Northeast Now says, “As per the data released by the census authorities, the percentage of Assamese, Rabha and Bodo language speakers in the State has further dwindled since the last census. While the 2001 census had already set the alarm bells ringing among the Assamese that the percentage of Assamese speakers in the State had declined from 57.81 per cent (the 1991 census) to 48.80 per cent, the 2011 data has put that number further down at 48.38 per cent. The Bodo speakers too have come down from 4.86 per cent in 2001 to 4.53 per cent in 2011.”

This proposed Bill has also opened up a cultural divide between the predominantly Assamese majority Brahmaputra Valley and Bengali majority Barak Valley of Assam. There is a sympathy wave for the illegal migrants in Barak Valley due to linguistic-cultural affinity between the migrants and the Indian citizens of that Valley accentuated by a so-perceived ‘persecution’ of Hindus in Bangladesh. There has of course been no authentic documentation of such persecution.

In the Brahmaputra Valley, a massive protest has already taken place and if the Central Government fails to see the mood of the people, it may face a second Assam Agitation as widespread as the first one. The ugly head of secessionism may rear up once again through the fault line opened up by the Centre’s misreading of the depth of discontent here.

Idea, Idealism and Reality of India

Abhijit Bhattacharyya*

The undeniable and indisputable facts of history of India shows the world that long before the beginning of the Christ era in 4 BC, and the life and times of Muhammad (570 - 632 AD) in the desert of Arabia, existed the real “fundamental unity of India in its geography wherein existed, and thrived, its demography.” Emphasised by the name “Bharata-Varsha,” or land of Bharata, given to the whole country in the Epics and the Puranas, and the designation “Bharati Santati,” or descendants of Bharata, applied to its people.

“Uttaram yat samudrasya
Himadreshchaiva dakshinam,
Varsham tad Bharatam nama
Bharati yatra santatih.”

(Vishnu Purana, II, 3.1)

“The country that lies north of the ocean and south of the snowy mountains is called Bharata; there dwell the descendants of Bharata.” According to legendary, three historians, Dr Ramesh Chandra Majumdar, Dr. Hemchandra Raychaudhuri and Dr Kali Kinkar Datta: “This sense of unity was ever present before the minds of the theologians, political philosophers and poets who spoke of the ‘thousand Yojanas (leagues) of land that stretch from the Himalayas to the sea as the proper domain of a single universal emperor’ and eulogised monarchs who sought to extend their sway from the snowy mountains in the north to Adam’s Bridge in the south, and from the valley of the Brahmaputra in the east to the land beyond the seven mouths of the Indus in the west.”

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Thus, developed over hundreds of years the large variety of demography over South Asia's vast geography, universally known, and recognised, as Bharata Varsha or India, which, from time immemorial, was the destiny and destination of numerous ethnic groups springing across length and breadth thereof. This heterogeneous demography of/on Indian geography continued its uninterrupted journey, through the vicissitudes of history, till it was snapped one morning of August 1947. India ceased to be one geography with multiple demography thereby giving an unprecedented rude jolt to its terrain once and for all. In one stroke, instead of solving problems of diverse groups, the identity politics of the so-called "minority" leader(s) created new problems for all. Problems of assault, criminal intimidation, forced conversion, unavoidable migration, murder, rape, loot, hatred and ethnic cleansing in their newly acquired land. It turned into a battle of "ideology" of the seceding group versus "idealism and the idea of India" based on a magnificent Constitution, created by the capable "Captain" B.R. Ambedkar and his equally able teammates in 1950.

The makers of the Constitution of India assiduously crafted and prescribed, virtually everything a citizen of a sovereign country of myriad variety and variation can dream of, despite their passing through one of the most difficult and turbulent periods of Indian history. From December 09, 1946 to December 09, 1949. Indeed this was also the most deplorable period of unprecedented bloodshed, murder and mindless mayhem; ethnic cleansing and venomous religious fanaticism, instigated by Muhammad Ali Jinnah and his cohorts. With shameless and sly connivance, collusion and conspiracy hatched by the white British masters during last days of their raj over the natives of the Orient. Partition of India, for the British was a matter of "historical necessity" to serve the interest of the west; and for Jinnah and his Muslim Leaguers, a compulsion, to fulfil their lifetime ambition for the "inevitable destruction of Hindustan." Situation was so grim and fraught with such grave consequences that it would be important to recall, recapitulate and re-visit reality of the times, i.e., mid-1940s, to understand the unfolding scenario of our contemporary times and make people realise what it takes, to take India forward.

There is absolutely no doubt that the present Indian citizenship imbroglio emanates from the simultaneous partition and independence (which I call partitioned-independence) of India where from this author's family can legitimately claim to be both product, and practitioner;

initial victim and ultimate victor. How can that be? Two real-life instances would suffice to state the obvious.

Thus, when the (then) Prime Minister of undivided Bengal, Suhrawardy (incidentally Bengal was the biggest and Punjab the second biggest State of British India), himself took position in the Headquarters of Calcutta Police control room (in Lal Bazaar) in the morning of Friday, August 16, 1946 at the behest of Muslim League supremo Muhammad Ali Jinnah on Monday, July 29, 1946 to unleash an official, State-sponsored religious programme, akin to jihad, (cunningly colluded with and assisted by the white British rulers), i.e., a ruthless butchering of Hindus in Calcutta and its suburbs, my late father, then an Income tax officer, residing in a ground floor (federal) government (provided) apartment, Garcha 1st Lane, Ballygunge, Calcutta-19, almost became a crossfire-victim of madness and lunacy of the rampaging Hindu mob baying for Muslim blood (at all cost) for retaliation. For my father, though, it was not the Muslim mob trying to lynch an Indian Hindu Bengali. It was a motley crowd of few hundred Hindus who arrived late evening to torch him alive for saving two helpless Muslim street vendors (earlier in the day) who were about to be ambushed to death on the very street where my father lived.

Despite fury and frenzy, there nevertheless emerged a few Sikh and non-Bengali Hindu leaders who gave my father “last chance” (as a gesture of natural justice one presumes) to explain his stand and defend his action. A man of super physical fitness (at 29 years), brilliant student of Economics from Presidency College and Calcutta University, Sanskrit, law and astrology/astronomy and a speaker par excellence, he coolly asked the leaders: “What Jinnah, Suhrawardy and the Muslim League-patronised goons, along with their English mentors, did to Hindus during last three days is unpardonable; and all of them deserve harshest possible punishment (like hanging, till death), for State-sponsored man-slaughter no doubt. But still, why kill innocent vendors and fruit sellers? Just because they are Muslims? What is their fault? Are they foot soldiers of the Muslim League and the cunning British colluders? Have they endorsed “Direct Action” (killing of Hindus) by/ of Jinnah and Suhrawardy? If you are true Indian Hindus, carry on with your coercive agenda to take revenge on criminal Jinnah and Suhrawardy and their goons. If you try do that, I assure you of full support and will be the first person to lead you notwithstanding my official status and position.” Adjacent to Garcha 1st Lane flat of my father stood the Garcha Gurudwara (which still stands proudly), and Sikh leaders thereof,

along with some Hindi-speaking locals fully endorsed my father's stand and things around Garcha settled in no time. Pre-partition forced migration of Muslims from India (to future Pakistan) was averted, (should I say thwarted, and rightly so) by fair-minded, justice seeking, Indian Hindu Bengali civil servant?

Within one year, however, on Friday August 15, 1947 came the partitioned-independence of India and virtually all our family members had to leave their home and hearth of seven generation. (When Muslims were in trouble in India, owing to conflagration ignited by Muslim League supremo Jinnah in 1946, Bengali Hindu came to their rescue. However, when it came to bad times of some Hindu Bengalis, Muslims of East Pakistan were happy to see their back). Number 2 Toynbee Circular Road bungalow of our predecessors (opposite Governor House, Dhaka, which was successfully bombed by the Indian Air Force in December 1971) still stands, though at the hands of Muslims, first of East Pakistan and now Bangladesh. Also the ancestral four-crop producing vast fertile land of village Panchdona was gone as the Indian Hindus became refugee and foreigners in their own Hindustan.

A question here. Our entire family and members thereof lost property (with the then Government of India, headed by Indians, taking an atrociously indifferent and unfriendly stand towards refugee/uprooted Hindu Bengalis) and slowly migrated to India till 1952. What if, were we to be compelled by the establishment and the fanatic and lunatic elements of East Pakistan, now Bangladesh, to leave our ancestral home now? In 21st century? And headed towards Assam, Tripura, Meghalaya, West Bengal, Bihar, Orissa? One shudders to contemplate.

Fast forward to an unconnected, though live, subject pertaining to riots and targeted killing of ethnic/religious group in 1980s in which I too have had a small role to play (owing to teachings of my parents), like that of a "soldier of the state," which made me understand as to what it takes to be refugee and victim of forced eviction and avoidable migration, in one's own homeland. Indeed, I, being born proud Indian Hindu Bengali, in post-partitioned-independent India, can state with supreme pride that I did save several Sikh families from being looted and murdered on Thursday, November 01 and Friday November 02, 1984 in New Delhi, the capital city of India, by gang of uncivilised and marauding mobs. While doing what I did in 1984, I had in mind the golden words of my refugee father and family members who were convinced that the 1947 partitioned-independence of India had potentially opened floodgates of more such uprooting of innocent people

of India, within India, in future; thereby creating potential civil war like scenario, if not checked or aborted. Hence, there was need for people to learn the lessons of their gory past of mass displacement of innocents, and leadership of every State to be careful, and be sensible and sensitive while handling future eventualities.

No wonder the makers of the Indian Constitution instantly realised the supreme importance of citizenship of, and for, the people of the partitioned-independent India, and detected the fundamental malaise and potential fault-line of the much-hyped “unity in diversity” of Indian history, society and polity.

Dr. B.R. Ambedkar and his team correctly diagnosed the fact that under the Government of India Act 1935 and even till August 1947, legislatures in India had no power to make nationality law. “Those who lived in British India were under the crown and as such British subjects governed by British Nationality Acts and those who happened to be residing in any of the princely States had the status of British protected persons.”

“Citizenship,” therefore, had to be one of the first issues to engage the attention of the Constituent Assembly, and understandably the immediate problem was to determine who were the citizens of “new India.” Unsurprisingly, the Constituent Assembly took nearly two years to finally decide the matter, and Chairman of the Drafting Committee of the Constitution, Dr. B.R. Ambedkar conceded that the citizenship provision was among those that gave the “maximum headache” and elaborated things in these words: “I do not know how many drafts were prepared and how many were destroyed as being inadequate to cover all cases which it was thought necessary and desirable to cover.”

Just imagine the gravity of the situation pertaining to “citizenship” issue in 1940s when India had attained independence and when fraternity amongst Indians were at its zenith (compared to our contemporary times) except perhaps feeling of ill will towards those like Jinnah, his Muslim League, the cohorts thereof, and the weak, vacillating, compromising and myopic non-Muslim ruling class members of India. This only shows as to how sensitive the “citizenship” issue is even today owing to demographic diversity and varied interests of different ethnic and linguistic groups of India. Thus, the issue of “citizenship” became so cumbersome that “The Memorandum on the Union Constitution prepared by the Constitutional Adviser (May 1947) removed the citizenship provisions from the list of fundamental rights and placed them in a separate Part – Part II of the memorandum – under the

heading “Citizenship.” Thus, was incorporated “Citizenship” under Part II spanning Articles 5 to 11 in the Constitution of India.

Today, 69 years after the introduction of the Constitution, “Indian citizenship” continues to be as vexed an issue as it was in 1940s. Question can be asked “why”? Is India incapable of resolving her “citizenship” issue? The answer is an emphatic “no.” India certainly is competent and capable enough to resolve “citizenship.” However, the entire problem, arises owing to mala fide acts of our neighbours: the two Pakistan of 1947. There exist actors and factors operating from beyond the frontiers of India to keep the citizenship issue cauldron boiling to contain Indian democracy and the inherently tolerant, accommodating and liberal demography of its geography.

Thus, when religious intolerance-afflicted fundamentalist elements resort to torture, loot and killing of Hindu Bengalis in East Pakistan (now Bangladesh) thereby compelling their exodus to India, and Punjabi and Sindhi, Hindus, Sikhs, and Christians persecuted and killed, their women kidnapped, raped or forcibly converted in West Pakistan, thereby compelling them to migrate, from both eastern and western front, to India, then what does Government of India do? Do not the people of India know the story of partitioned-independence of India? Are not they aware as to how intolerant, fanatic and religious lunatics majority of the people of India’s neighbouring countries traditionally are? And still continue to be so?

Amidst this unavoidable complication, when the Government of India in its wisdom, introduced “The Citizenship Act, 1955,” it was an Act in the right direction; especially because it filled a vital gap. Thus, whereas the Constitution of India, vide Articles 5 to 9 determined “who are Indian citizens at the commencement of the Constitution;” and Article 10 provided for their continuance as such citizens subject to the provisions of any law that may be made by Parliament; and Article 12 providing that nothing in the provisions of Part II 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, there was no law with respect to the acquisition and termination of citizenship. Hence, it became necessary for the Government of India to supplement the provisions of the Constitution.

The picture, therefore, is crystal clear now. Transformation of citizenship issue from normal discourse to escalating dispute owes to anti-religious minority policy of the two wings of Pakistan from birth.

Thus, it did not take long for this external factor to subsequently penetrate, contaminate and vitiate India's internal polity. So much so that the Citizenship (Amendment) Bill (CAB), 2016 has by itself turned into a punching bag of/for political agenda of all and sundry. Some political figures, along with their sectoral followers, appear to relish creating controversy and rancour to remain relevant and gain political space.

Aside, a certain amount of myth now appears to be woven: that the Citizenship (Amendment) Bill, 2016 will provide citizenship to Hindu Bengalis; is discriminatory against the interests of Muslims; is against the interests of indigenous people of Assam; dilutes the 'Assam Accord;' will result in domination of Hindu Bengalis and hence a burden on Assam; and that it will trigger fresh wave of migration of Hindu Bengalis from former East Pakistan (now Bangladesh).

Let me, as a non-political person, lifelong student of history, law, and contemporary issues and a child of a destroyed Indian Hindu Bengali refugee family of partitioned-independent State of new India, make it clear that all these points, to me, appear outlandish political drama thereby creating chaos and confusion with the long-term possibility of disintegration of India. I am simply amazed that those whose land, life and property were never affected by the riots and partition of India are the most vocal to stop the adversely affected Hindu, Sikh, Christians etc. of the communal and religious bigotry of the neighbouring States of India. This, I say with all conviction at my command, and by saying what I am saying I do not become either BJP or Vishwa Hindu Parishad or a member of RSS. It is downright insulting to those like my family and millions like us, who had no role to play for their plight. Plight of penury, poverty, humiliation, and flight from their home and hearth out of compulsion and not by choice. These so-called migrant, refugee, illegal immigrant did not create partition; fight uncivilised and unethical political battle to gain power. Did not play with fire. Did not set neighbour's house on fire. Did not rape the girl next door. Did not loot desolate traveller. They were busy with their own work and profession. Yet these non-Muslims became victims of invisible agenda of those politicians whose houses were never destroyed. They prospered over politics of dead body. Made fortunes far from the fire-front. At remote stations. And yet continue to shout the most as if the Himalayan mountain is about to fall on their head. As if "Ghor Kali Yuga" has arrived to destroy; just the way "Jadu" (or Yadava) dynasty of Lord Krishna was destroyed and engulfed by the mighty tsunami waves of the sea post-Mahabharata war.

Objectivity, therefore, today demands we judge and analyse things on merit; carefully, and with due diligence and not resort to disinformation and misinformation. In this connection, I draw the attention of the readers to read my recently published book “China in India” wherein I touched the issue in passing.

Coming back to weaving myth of the day: one wonders as to how and in which way can the Muslims of the three Muslim States (Pakistan, Bangladesh and Afghanistan), around India, be allowed to be granted Indian citizenship without any cause of action? All the more when the religious minorities of these three States are threatened and compelled to lead the life of beggars and alms-seekers? With the most pathetic record being that of the Islamic Republic of Pakistani Army rule?

Thus, not too long ago the Hindus constituted more than 2 per cent of the total population of Pakistan. Today their number has reduced around 1 per cent and there is credible reports and reasons to believe that in another few years, the number is likely to fall below 0.50 per cent. In the east, Bangladesh statistics too does not inspire the desired level of confidence owing to shrinking numbers and falling percentage of religious minorities owing to sporadic violence and gross injustice perpetrated by the majority Muslims over their diminishing non-Muslim compatriots. Thus, whereas Muslims constituted 86.8 per cent and Hindus 11.9 per cent, in 1991, figures of 2000 revealed a surge in Muslim population to 88.3 per cent and decline of Hindus to 10.5 per cent of the total populace.

In contrast, in 1994 India, Hindus stood at 80.3 per cent and Muslims 11 per cent of India’s 91 crore plus head. However, within fifteen years Encyclopaedia Britannica Year Book 2012 revealed that whereas Hindus constituted 72.04 per cent, Muslims were 12.26 per cent of the total population of 1216728000.

So far as Afghanistan is concerned, its population consists of constant 99 per cent plus Muslims of its total heads. However, Afghanistan problem originates from the fact that it’s an ultra-conservative society with high birth and high death rate. The former (high birth rate) owing to lack of women’s education, and high death rate is the combined result of ceaseless violence of the Afghan society and that of foreign intervention.

Be that as it may, the reality is too harsh to be digested and too stark to be confronted. The environment around India simply is being ignored by Indians. This make-belief world will soon come back to hunt and haunt Indians in general and those leaders who want to adopt

the policy of Firuz Tughlaq, the 14th century sultan of Delhi sultanate who has been aptly described by eminent historian Dr. R.P. Tripathi: Firuz “was weak, vacillating, compromising and benevolent in a narrow sense” whose policy banked on “let sleeping dogs lie.” An attitude and action of an ostrich which thinks that by putting its head and mouth inside the soil-hole, things will automatically get resolved and settled.

In light of this deteriorating environment around, every right minded and conscientious citizen of India needs to realise that if the State of India, in its belated endeavour, tries to help the non-Muslim religious minorities, who have no other place in the world to go except India, it deserves support rather than criticism.

Remember, 1947 had affected mainly three States of India. Hindu Bengalis of the biggest State; Hindu Punjabis and Sikhs of the second biggest State and Hindu Sindhis of Sind. And beauty of history is that none of these three (Bengali, Punjabi and Sindhi) was involved in the diabolical game of “divide and rule” as well as the stratagem of “divide and quit.” All the dramatis personae of this “division game” were non-Bengali, non-Punjabi and non-Sindhi. In fact startling result is likely to shock the Indians: those who had not been affected by the partition and never became refugees are the one to go against the refugees once again. Ostensibly, because they operate from comfort zone without any fear of being refugee in future.

Thus, who is going to point out to contemporary leaders of India that minorities including Hindus, Buddhists, Chakmas face frequent attacks at the hands of majority Muslim population of Bangladesh! I say from the experience of my own family that despite losing everything, no compensation was ever paid by the Government of India till date. Two generations have already died. The Hindus, even as late as 1965, were labelled as the enemy of East Pakistan and their property expropriated by the State.

In Assam, the illegal entry of Muslims of East Pakistan and Bangladesh is a reality. Late Lt. General S.K. Sinha, former Governor of Assam, had made a detailed assessment of the gravity of the situation which stands unchallenged even today. There is absolutely no doubt about the fact that there are elements of/in Bangladesh whose aim is to resort to “Lebensraum” (living space) – to expand through penetration of the populace, as was done by the Germans under Hitler in 1930s by which Bohemia, Moravia, Slovakia and Austria were gobbled up by the Nazis.

In Indian context, there appears to be some apprehension in certain quarters, that Citizen (Amendment) Bill 2016 is discriminatory against

Muslims and that granting citizenship on the basis of religion is against the Constitution. Here one has to understand that whereas Constitution is for the citizens of India, Citizenship (Amendment) Bill pertains to foreigners of only three countries of Afghanistan, Pakistan and Bangladesh. It is an irony and also reality that these three countries have never been able to impart justice, equity and fair play towards their religious minorities ever. And there is no reason to believe, as there is nothing visible as yet, that things will ever improve in foreseeable future. Discrimination against Hindus, Sikhs, Christians, Buddhists, Jains are inherent in the Constitutions of these three countries.

Understandably, therefore, if the Government of India comes to the rescue of these distressed and distraught people, it certainly cannot be construed to be either immoral or unethical as is being suggested that it would amount to violation of Article 14 (Right to Equality) of the Constitution of India.

I have a question here. Like it or dislike it, India was created on the basis of “two-nation theory”. Muslim League of Jinnah endorsed it and there is nothing to suggest that there was widespread opposition from Muslim ummah. Non-Muslim Congress party and the leaders thereof “did not accept” the two-nation theory. But could they stop its implementation? Did they ever try use force to stop it? No is the answer. They accepted it notwithstanding their denial.

My point today is simple and pointed. It is important to note findings of the Honourable Supreme Court of India that “the principle of equality does not mean that every law must have universal application for all persons who are not by nature, attainment or circumstances in the same position, as varying needs of different class of persons often require separate treatment. It would be inexpedient and incorrect to think that all laws have to be made uniformly applicable to all people in one go.”

“Equality under Article 14 is not indiscriminate. Paradoxical as it may seem, the concept of equality permits rational or discriminating discrimination. Conferment of special benefits or protection or rights to a particular group of citizens for rational reasons is envisaged under Article 14 and is implicit in the content of equality.”

So there we are; from whatever angle and whichever position, we may try to see the situation today, the devastating reality of partitioned-independence of India continues, and is likely to continue, to haunt those who are the midnight’s children of that day which constituted the culmination of hatred, poison and fanaticism of a group of leaders burning with the desire for capturing power at any, and at all cost.

As I said before, I grew up in the midst of agonising and unbearable environment of penny-less people struggling to fight the callous, indifferent and discriminatory Indian establishment of 1950s. People running from pillar to post to get their bona fide dues. Bona fide because their plight was not of their making. It was the ruling class of the then Indian State which did gross injustice for which they were never arraigned before the bar of history.

Today, for the first time, however, there does appear to have emerged an Indian establishment which is trying to right the wrong (of the past) in whatever little way possible. I always felt, and still do feel, that no Indian (irrespective of religion) should ever be thrown out of India. If Indian Muslims face injustice, every non-Muslim must fight for him because India is not Pakistan, Bangladesh or Afghanistan. Indians by nature do not believe in inflicting pain and injustice on the basis of race and religion. On the contrary, Indians historically have been discriminated against and battered over centuries.

And since people like us have felt the pain of injustice, discrimination in our own land at the hands of outsiders, it is all the more reason that we do not do what we faced in the past and our neighbour's religious minorities face at present. A section of Indian leaders who are opposing the Indian State's endeavour to help the Hindus, Sikhs, Buddhists, Jains and Christians need to ponder. What did their predecessors do to ameliorate the grave injustice perpetrated on the Hindu Bengali, Hindu Punjabi, Sikhs and Hindu Sindhis during the era of post-partitioned-independence India?

There are today leaders whose parties actively supported the vivisection of India. They talk of secularism and injustice. Unfortunately, on the basis of my personal experience (without being part of, or party to, any ideology of any party), of "seeing is believing." I do not have much trust, faith and confidence on hypocritical sense of justice and secularism and shedding of crocodile tears to save the Constitution of India. I sincerely and firmly believe that India can do better with or without the services of this type of leaders whose success depends on stalking, stopping and shutting each and every action of the State. For them, (it appears), Karl Marx is back in business with his ineffective and inglorious golden words: "state will wither away." Unfortunately for the nay sayers, India has neither withered away nor will it wither away, negative mind set and toeing anti-people line by some "people's representatives" of India notwithstanding.

Citizenship: A Complicated Idea with Exclusion as its Core

Faizan Mustafa*

Introduction

National Register of Citizenship (NRC) Assam is the most debated topic today not only in Assam but in the whole of India. It seems BJP wants to contest the next election on the promise of similar exercise in the rest of the country. The Supreme Court has passed a number of orders on NRC Assam and this work is now monitored by the Apex Court itself. But do we really understand the issue of citizenship? Are we aware of the various theories of citizenship? How citizenship law over the years has become more stringent in India? What is the controversy about the cut-off dates in Assam? Is the current NRC under Section 6A constitutional? How Supreme Court had responded to the citizenship issue of Assam? What has been Supreme Court's response in case of Chakma people, who too had come from Bangladesh?

France was the first country in the world to implement National Population Register(NPR) in 1539. In India 2003 amendment to Citizenship Act also came up with the idea of National Population Register in which all citizens are to be registered and issued national identity cards. 2003 amendment to the Citizenship Act provided that government may maintain a National Population Register and may compulsorily issue national identity card. In 2011 census, government initiated creation of NPR. Assam's NRC is different from NPR.

Assam was ceded by Burma to British in 1826 as per treaty of Yandabo. To protect the social and cultural interests of Assamese people, Immigrants (Expulsion from Assam) Act was enacted in 1950 itself.

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Under flawed idea of Pakistan our country was partitioned and we had West and East Pakistan with more than 2000 KM distance between them. As nations are not made in the name of religion, two-nation theory failed within twenty-five years and East Pakistan became an independent sovereign Bangladesh in 1971. The artificial and foolish partition created more problems on the eastern side, where the border was extremely porous and migration had more to do with earning of livelihood rather than conscious opting of one citizenship in preference of another.

NRC Assam

In Assam, the first NRC was prepared in 1951 in just twenty odd days. In fact it was based on census. Thus, if one's name was missing from the 1951 census, it was not included in NRC. Since it was a secret document and people were not informed that census data was to be used for NRC, this NRC was criticised by all concerned. The current exercise is updating of this NRC. Second Draft current NRC of Assam was published on July 31, 2018 with 4 million people not finding their names in it and thus are on the verge of becoming stateless. But the NRC originally was meant to determine people's resident status in Assam.

There are apprehensions of ethnic cleansing or disenfranchisement due to rising tendencies of majoritarian politics though the government has assured that it is a mere draft and no one will be deported. The NRC Coordinator has also clarified that all those not included in NRC are not necessarily illegal immigrants. Large number of excluded people are from Bengali dominated districts of Cachar (2,28,265), Hailakandi (1,12,109) and Karimganj (54,560). As many Bengalis including freedom fighters or those who have passports or adadhar or have been government employees or whose sons are working in army face exclusion, Mamta Banerjee promptly announced giving shelter to those excluded and even talked about the civil war. In view of complete peace in Assam after the publication of the draft NRC, one can say that Mamta Banerjee's reading of the situation is wrong.

BJP President Amit Shah went to other extreme and has called those excluded as immigrants and told Mamta in his recent Kolkata address that it is not within her powers to stop the NRC process. But there are many whose parents have been excluded but children are in.

BJP legislator, like Rama Kanta Deuri is not there. Former President's family is not there. Several army officers are not there. Former legislator Ataur Rahman too was shocked to know his exclusion. Current AIUDF legislator Ananta Kumar Malo's name is also missing from the NRC. But Fugitive ULFA-Independent chief Paresh Baruah has been included. Even Nurul Islam who is the investigating officer for the NRC and his three children have not been included though his wife was lucky. Even the child whose hoisting of national flag in the flooded Assam last year was widely appreciated has not been included. The Supreme Court has given one month to file objections to the second draft of NRC.

The first draft of NRC was published in January, 2018 which included names of just 1.9 crore people in Assam out of some 3.3 crore applicants. Even 1.5 lakh people whose names were included in the first draft of January, 2018 have now been excluded. In 2004, the Parliament was told that in all 1.2 crore illegal immigrants were in India of which 50 lakhs were in Assam. In 2016, Modi government had told Rajya Sabha that there are 20 million illegal Bangladeshi immigrants in the country. It seems when the final NRC would be released we may have just half a million people out of it. Many would be subsequently included by the Tribunals.

Idea of Citizenship and Exclusion

Citizenship is relationship of an individual with a political community. It signifies full and equal membership of such a community. Exclusion of outsiders or others is central to modern citizenship concept. But constitution does give some fundamental rights such as right to equality, right to life and personal liberty and freedom of religion etc. even to non-citizens. Thus, even those who won't be included in the NRC would still have the right to live with dignity, right to equality that includes right against the State's arbitrary action and freedom of religion.

There are two well-known principles for the grant of citizenship. While 'Jus Solis' confers citizenship on the basis of place of birth, 'Jussanguinis' gives prominence to blood ties in the grant of citizenship. Under 'momentum' principle citizenship is individualistic and signifies universality and equality and obliterates ethnic, religious and caste identities. Shared identity is at the centre of citizenship. 'Differentiated citizenship' on the other hand retains and accommodates group identities which at times may require differential treatment. Assamese people for

instance in opposing Citizenship Bill, 2016 are basically concerned about preserving their distinctive ethnic and cultural identity.

This Bill facilitates giving of citizenship to all people of Indian origin from our neighbouring countries except Muslims. Thus Bangladeshi Hindus are welcome but not Bangladeshi Muslims. Thus 'differentiated citizenship' does not mask differences in the garb so called 'universality' of citizenship. Assamese continue to retain their distinctive Assamese identity in spite of having Indian citizenship.

Citizenship Under Constitution

Citizenship is a Central subject under Indian Constitution. The Constitution does not define term citizen but in Articles 5 to 11 gives details of various categories of persons who are entitled to citizenship. Unlike rest of the provisions of the Constitution which came into being on 26 January, 1950, these Articles were enforced on 26 November, 1949 itself. Article 11 empowers the Parliament to regulate citizenship by law and thus the Citizenship Act was passed in 1955. So far the Act has been amended four times i.e. in 1986, 2003, 2005, 2015. In exercise of this power, the Parliament over decades has narrowed down wider and universal principles of citizenship based on birth.

Article 5 provided for citizenship on the commencement of Constitution. All those domiciled and born in India were given citizenship. Moreover even those who were domiciled but not born but either of whose parent was born in India too was considered a citizen. Anyone who has been an ordinary resident for more than 5 years was also entitled to apply for citizenship.

Since our independence was preceded by the partition and consequent migration, Article 6 laid down that anyone who migrated to India before 19 July, 1949 will automatically become an Indian citizen, if either of his parents or grandparents was born in India. But those who entered India after this date need to register themselves. Even those who had migrated to Pakistan after 1 March, 1947 but subsequently returned on resettlement permits too were included within citizenship net (Article 7). Under Article 8 any person of Indian origin residing outside India, who or either of whose parents or grandparents was born in India could register himself as an Indian citizen with Indian Diplomatic Mission.

As a result, Nehru-Liaqat pact was signed, extending 19 July, 1949 deadline to 1 December, 1950, on the eastern border. Most Citizenship

Act amendments were about India-Bangladesh as large-scale migration into India continued on the eastern side. The Assamese agitation against this infiltration eventually led to historic Assam Accord of 15 August, 1985. Rajiv Gandhi government through this accord assured Assamese people that union government will ensure protection and preservation of cultural, social, and linguistic identity of Assamese people.

Amendments in the Citizenship Act

Accordingly, 1986 amendment to the Citizenship Act, 1955, made a special dispensation for Assam and it introduced a new category of citizen in relation to Assam. Through newly inserted Section 6A laid down that all persons of Indian origin who entered Assam before 1 January, 1966 and have been its ordinary residents will be deemed as Indian citizens. Those who came after 1 January, 1966 but before 25 March, 1971 and have been ordinary residents will get citizenship upon registration at the expiry of ten years of their detection as foreigner. But during this interim period, they will not have the right to vote but they can get an Indian passport. Finally those who entered after 25 March, 1971 upon identification under Illegal Migrant (Determination by Tribunal) Act, 1983(IMDT) would be deported.

Unlike the original Citizenship Act that gave citizenship on the principle of jus solis to everyone born in India, 1986 amendment was less inclusive as it added the condition that in addition to one's own birth in India, one can get citizenship only if either of his parents was Indian citizen at the time of birth.

By 2003 amendment under Bajpai government, the above condition was made far more stringent, keeping in view infiltration from Bangladesh as now, the law requires that in addition to fact of birth, either both the parents should be Indian citizens or one parent must be Indian citizen and the other should not be an illegal migrant. With these restrictive amendments, India has almost moved towards narrow principle of jus sanguinis blood relationship becoming more important than fact of one's birth on Indian soil.

The latest Bill permits members of six communities i.e. Hindus, Sikhs, Buddhists, Jains, Parsis and Christians to continue to live in India, if they had entered India before 14 December, 2014. It also

reduced 11 years' residence requirement for citizenship out of 14 years to just 6 years. Moreover, two other notifications exempted these migrants from the Passport Act and Foreigner Act.

Hundreds of organizations in Assam are now up in arms against this Bill as it may bring in a demographic shift in Assam with the grant of citizenship to illegal Bangladeshi Hindu migrants. Assamese people may become an ethnic minority in their own land. Several BJP allies too are opposing this Bill. In Meghalaya, where BJP is part of the government, State cabinet recently took the decision to oppose this Bill. Only Bangla speaking people in Barak Valley in Assam are somewhat enthusiastic about this ill-thought Bill. The Bill will not withstand the scrutiny of the Courts, as it discriminates against Muslims only on the ground of religion, which is prohibited in Article 15(1).

Supreme Court and Citizenship

There have been some significant pronouncements of the Supreme Court on the issue of citizenship in Assam. On the petition of Sarbananda Sonowal (2005), the current Chief Minister, Illegal Immigrants Migration Determination Act, 1983 (IMDT) was struck down. The Court came down heavily on the illegal migration by terming it as an act of 'aggression.' In a stereotype Bangladeshi migrants into Assam being Muslims were in fact considered not only disruptive and dangerous but also followers of so-called Islamic fundamentalism. The Court expressed its concerns about the demographic shift in Assam.

In 2007, the Court struck down Foreigners (Tribunals of Assam) Order, 2006 in Sonowal II (2006) judgment. The Court also held that since IMDT Act applies only to State of Assam and is at variance with the Foreigners' Act, 1946, it is unconstitutional. The Court considered classification based on geographical considerations as violation of right to equality under Article 14. The Court ignored the fact that while for Western Pakistan cutoff date was July 19, 1948, for Eastern Pakistan Nehru-Liyaqat Pact itself had pushed it to 1950. Thus, on two borders two different cutoff dates have been there from the beginning.

The Court went a step ahead in laying down that the protection of Article 21 (right to life and personal liberty) though available to even foreigners and includes fair criminal procedure but this protection cannot be extended to deportation proceedings as deportation does not mean deprivation of life or liberty. Each of these propositions is problematic

and goes against the Court's own liberal interpretation of fundamental rights in general and right to life and personal liberty in particular. There can certainly be law for what to say of specific geographical region but even for one individual if such individual constitutes a class in itself. For instance we are doing NRC for Assam and not for other States. By Apex Court's Sonowal judgment (2005), this is violation of right to equality. Moreover, there is settled legal position that special law may be different from general law. The judgment is erroneous as no law can be struck down as unconstitutional on the ground that it is less efficient than an earlier law. Here the Court said that 1946 law was more efficient than the 1983 law. Inefficiency of law cannot be the basis to strike down any law. And if this so, then the original provision of Citizenship Act, 1955 giving citizenship on mere birth in India is certainly much better than the 1986 and 2003 amendments. In fact, both these amendments are against the provision of Article 5 of the Indian Constitution. Thus IMDT, 1983 could be different from Foreigners' Act, 1946. It seems the Court got carried away by the Vajpai government's affidavit of 18th July, 2000 in which the government itself said that it proposes to repeal IMDT Act as the government too considered application of IMDT Act to only Assam as discriminatory. In Para 22 of the affidavit the BJP government stated that since Foreigners' Act, 1946 is applicable to the whole of India, it prefers it.

The new UPA-I government changed its stand and defended the IMDT Act and said it was intended to protect the interests of genuine Indian citizens. Its November 24, 2004 affidavit negated the claim of IMDT not working as efficiently as was earlier claimed by the BJP government. It now stated that upto March, 2004, the number of complaints received under IMDT Act were 401598 wherein inquiries were completed in 397835 cases and 376341 inquiries were referred to Screening Committee. Out of these 87222 cases were referred to the tribunal of which 12180 were declared illegal immigrants. Thus, but for the element of judicial scrutiny, thousands of Indian citizens would have been deported. In fact, on March 31, 2004, 519391 number of inquiries were completed by the tribunals under the Foreigners' Act, 1946 to detect foreigners who came into Assam during 1966-1971 and 29189 were declared as foreigners and their names were deleted from the electoral rolls. The Court ignored these vital figures and went by the BJP government's stand of IMDT Act as inefficient and discriminatory.

In 2006, the Supreme Court on the petition of Sonowal yet again reiterated findings of the above judgment and struck down the subordinate legislations that had amended the Foreigners' (Tribunal) order, 1964 and the Foreigners' (Tribunal) for Assam Order, 2006 on the ground that these orders were issued to nullify Supreme Court's judgment of 2005. The Court came down heavily on the UPA government for excluding Assam from the 1964 order. The court rightly said that a mandamus issued by the Court cannot be nullified by a subordinate legislation particularly when the parent Act remains in force and applicable. 2014 Assam Sanmilita Mahasangh judgment, where the Court discussed NRC in just one sentence, while laying down that it be completed by 2016 is also problematic on many grounds; First, for quoting the book that strengthens rightist narrative under which immigrants had been termed as 'vast horde of land hungry immigrants mostly Muslims' and 'vultures' who will gather wherever there is 'carcass.' This carcass here probably means Assam. Ideally the Court should avoid such quotations; Secondly, the Court placed undue reliance on Governor S.K. Sinha's report of November 8, 1998 where he unnecessarily and out of context talked about Indian and Bangladeshi secularism and then said that "it will then only be a matter of time when a demand for their merger with Bangladesh may be made." India has nothing to do with religion-State relationship in other countries; Thirdly, the non-applicability of limitation period in challenging the constitutionality of a law under Article 32 that held the field for three decades too is problematic and may open flood gates of litigation.

Constitutionality of Section 6A and Current NRC

No one is raising the most fundamental question of legality and constitutionality of NRC. A five judge bench of Supreme Court is yet to examine the constitutionality of Section 6A under which the current NRC has been prepared. The five judge bench headed by Justice Madan B. Lokur did hold its hearing on April 19, 2017 but then it got dissolved on the retirement of Justice P.C. Pant in August, 2017. In February, 2018 CJI Dipak Mishra assured that he would soon constitute a new bench. If the constitution bench declares Section 6A unconstitutional, the entire exercise of NRC would become redundant. There is strong possibility of Section 6A being struck down, as in three different judgments in 2005, 2006, and 2014 the Supreme Court had expressed

its displeasure for the different and unique dispensation on citizenship in respect of foreigners who entered Assam. The Court may hold that citizenship law and cutoff dates should be uniform in the entire country. Current NRC has been prepared in accordance with Section 6A that was inserted by 1986 amendment, as a result of Assam Accord of August 15, 1985 though the accord did not use the term NRC but it did talk of illegal immigrants being detected, deleted and deported.

In Assam Sanmilita Mahasangha (2014) where the constitutionality of 1986 amendment was challenged, the Apex Court referred the matter to the constitution bench. In Kamlakya Dev Purkayastha (2017), the court rejected the petition to define 'original inhabitants of Assam' and procedure for their identification Section 6A was inserted in 1986 as a result of Assam Accord, which has been discussed at length by the Court. But the Court accepted the challenge to its constitutionality in 2014 and referred to the constitution bench 13 questions such as whether Section 6A is constitutional and valid though it prescribes a different cutoff date for Assam from the one prescribed for the rest of the country in Article 6 the constitution? Whether singling out of Assam in Section 6A violates right to equality? Does Section 6A dilute political rights of citizens in Assam? Does 'State' in Article 355 includes even 'people' and not merely territorial region? Can people who have not lost their citizenship of East Pakistan be deemed as Indian citizens and having dual citizenship etc.?

Chakmas were Buddhists, residents of Chittagoan Hill Tract and Mymensingh districts of former East Pakistan and today's Bangladesh. On their displacement due to Kaptai Hydrel Power project, as many as 57 Chakma families migrated to Assam and Tripura in 1964. Subsequently, the government of Assam requested the other States to share its burden in hosting these Chakma refugees and accordingly 4012 Chakmas were settled in Arunachal Pradesh. They were also given some land by the government after negotiations with the local residents, though the law prohibits outsiders from owning land.

Within few decades, just like Assam, there was realization of threat to Arunachal culture and thus, like Assam, agitations by students against Chakmas. One of the 57 families was of Khudiram Chakma, which first entered Assam and subsequently located itself in Arunachal Pradesh. Though his family was also allotted some land in 1966 by the government, but some Chakmas including Khudiram made some deal with some private players and acquired land in the area protected from

foreigners under the 1958 order. After necessary probe on the complaints by the local Tribals into this land deal, these people in 1984 were asked by the Arunachal government to return the land originally allotted to them. Subsequently, on the basis of the 1986 amendment, Khudiram asserted that he is very much an Indian citizen as he did migrate to Assam prior to 1966. His citizenship claim was rejected both by the Guwahati High Court as well as the Supreme Court, as one of the conditions of 1986 amendment i.e. ordinary resident of Assam was not satisfied as his family has moved out of Assam and they had just a short stay in Assam. However, due to pathetic conditions of Chakmas and violations of their human rights, National Human Rights Commission moved to the Apex Court in NHRC v State of Arunachal Pradesh (1996). As many as 70000 or so Chakmas and Hajong Tribals' right to life and liberty was in peril due to their persecution at the hands of the now assertive locals. The court revisited its earlier judgment of Khudiram Chakma (1994) and held that Chakmas have been in Arunachal Pradesh for almost three decades and thus are entitled to citizenship through registration on the basis of domicile. The court ordered that no Chakma is to be forcibly evicted and held quit notices issued against them as violative of right to life and personal liberty. It also directed the Arunachal Pradesh government to promptly forward all citizenship requests to the Union government.

Till the Supreme Court authoritatively answers the above questions, the entire NRC process is unnecessary. If Section 6A is struck down, cutoff date of 25th March 1971 will be no more valid. Let BJP's top leadership clarify its stand on the cutoff date. Let the Court first speak on the validity of law under which the NRC has been prepared. Expenditure of 1200 crores with the involvement of 52,038 government employees, 8,200 contractual workers to exclude poor, illiterate, old and infirm residents is not worth, if at the end of the determination by the tribunals only a small number of people are to be pushed back. Deportation does not seem to be an option, as Bangladesh is not likely to accept these people.

It is a myth that each and every illegal Bangladesh immigrant is a potential terrorist. At the end of the day we may not even succeed in deporting them to Bangladesh but these excluded people will have a miserable life in the detention camps. India, like America has been the land of immigrants. Inclusion rather than exclusion has been our culture and motto. Let us not dilute it.

Why the Citizenship Amendment Bill must be Passed

Shantanu Mukherjee*

Assam's National Register of Citizens (NRC) is back in the news once again. The process, that was aimed at identifying illegal Bangladeshi immigrants residing in Assam, has left 4 million people in the final draft that was published last year.

According to media reports, many of those who have been excluded are not of Bangladeshi origin but Hindus or Muslims of East-Bengali origin.

Keeping this in mind, Prime Minister Narendra Modi and other senior ministers of his government have been routinely reassuring those omitted from the final draft that no genuine citizen of the country will be left out of the final NRC.

To address the omission of genuine cases, the Indian government has written to the Supreme Court, appealing to it to accept other government documents as proof of citizenship. In the days ahead, the hope is that because of this relaxation of rules, genuine citizens will be granted their rightful place in the NRC.

While the NRC process has been hailed by Assamese citizens as a step in the right direction to protect the culture of the State, there have been concerns aired over the Citizenship Amendment Bill 2016 (CAB).

While the Central government has been pushing for the NRC on one hand, it is also promising to undo the injustices of the past, fuelled by the partition of India by passing the CAB.

The aim, experts say, is to ensure that Hindus excluded from the NRC would still manage to retain their citizenship and the BJP would not end up alienating the Hindu vote bank in the North East.

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Critics, including the BJP's own ally the Asom Gana Parishad, are vociferously opposed to the CAB. They claim that any such Bill will undo the efforts of the NRC by giving citizenship to those who failed to prove that they or their ancestors lived in India prior to 1971 (the key requirement to qualify for the NRC).

The objection, they say, is that while the NRC is about protecting and identifying people of ethnic Assamese heritage, the CAB is about religion. Critics argue that this is a manifestation of the BJP's Hindu-centric agenda and goes against the interests of the indigenous people of the State of Assam.

The Citizenship (Amendment) Bill, 2016 has been at the centre of a serious political controversy ever since its introduction in the Parliament in July 2016.

However, one needs to simply look at the provisions of this Bill to realise that this has nothing to do with religion.

The Bill does not speak of providing citizenship only to Hindus. Instead it includes members of other religious communities as well like Sikhs, Buddhists, Jains, Parsis and Christians. It clearly identifies those who stand to qualify for Indian citizenship as people who may have fled to India from Bangladesh, Pakistan and Afghanistan because of religious persecution. These are people who may have been left across the border, out of no choice, post partition.

This bill seeks to grant citizenship to persecuted minorities from these countries after seven years of residence in India instead of the twelve currently mandated by Indian laws. It proposes to do so even if these people do not possess any proper documentation.

While this suggestion has a lot of people up in arms and has led to accusations of the Indian government favouring a select few religions over others – one must remember that the persecution Hindus, Sikhs, Buddhists, Jains, Parsis and Christians face in these three countries is no secret.

In fact, their mistreatment and discrimination is in a way inherent to the Islamic Constitutions of these countries which endorse Islam as the State religion and thus by default, place all other minorities open to exploitation and bias. India on the other hand boasts of a secular culture that is enshrined in and protected by our Constitution. From time immemorial, we have given refuge to victims of persecution and history is witness to this fact.

Be it the Zoroastrians in the 12th century from Iran or the Sri Lankan Tamils fleeing a civil war, from Hindus from Pakistan who have faced repeated ignominies to Afghans who came to India to escape the violence of the Soviet War or even the exiled Tibetans who have found peace and prosperity in India – our country has always prided itself in showing humanity and generosity by opening her arms to those people who seek refuge.

It would also be important to keep in mind that just because this Bill speaks of providing refuge to persecuted minorities from three countries – it in no way suggests that these refugees will be *guaranteed* Indian citizenship. The only proposal here is to reduce the duration post which they would qualify for citizenship from 12 years to 7 years. While the time frame will be reduced, no special concessions are being made for people seeking naturalisation. Such persons will still have to go through the due procedure for acquiring Indian citizenship and their applications for such would be considered on a case to case basis – there is no proposal or even a suggestion of a blanket approval for all.

One must remember that the proposed beneficiaries of the amended Citizenship Bill have fled to India due to persecution in their respective countries and not merely to seek better economic opportunities. These aren't economic migrants who have entered India in the hope of improving their standard of living or exploiting the opportunities that exist in the Indian economy. These people have been subjected to various forms of atrocities without any protection from their State.

This essential aspect differentiates these persecuted minorities from other illegal immigrants – like the Rohingya. Critics have accused the ruling government of selectively allowing the entry of refugees into the country and of leaving communities like the Rohingyas out of the purview of this Bill. However, it's important to note that when it comes to refugees from Myanmar, the Indian intelligence set-up has specific and targeted information that suggests that there is a very tangible threat of radicalisation among those Rohingya refugees who are currently living in the country or are trying to enter Indian territory through its border with Bangladesh.

The intelligence that we have at hand shows that there's a credible threat to India's national security set-up from such groups. Ignoring that would not only be foolhardy but detrimental to the safety of all

Indian nationals and a risk that no Indian government would want to take.

It is also not true that the NRC and the Citizenship Amendment Bill are interchangeable and mutually inclusive.

Many ill-informed critics have spread canards that suggest the State of Assam will have to bear the entire burden of these persecuted communities once the Bill is passed.

But the fact of the matter is that while the NRC is specifically for the State of Assam, the Bill is intended for the entire country. It will be the responsibility of the entire nation to contribute and take in as many minorities as possible depending on the concentration of such people in the jurisdiction of specific States.

The adoption of the CAB also does not suggest the dilution of the Assam Accord. This Accord is the basis on which the NRC is currently being conducted – it set the cut-off date for recognition as a citizen of India as March 24, 1971.

In a recently issued statement, the Union Home Minister, Rajnath Singh announced the setting-up of a High Level Committee that will look into gaps in the implementation of the 1985 Accord. This Committee will look into steps that need to be taken to protect the Assamese language, safeguards needed to protect the socio-cultural identity of the Assamese people and the economic development of the State.

A State that is making such elaborate efforts to right old wrongs and is acting proactively to continue to protect the interests of the ethnic Assamese people cannot be accused of jeopardising their interests in the same breath.

There are many who have also incorrectly expressed concerns that the Citizenship Amendment Bill will lead to a renewed exodus of Hindus from Bangladesh into India and more importantly into Assam. Critics claim that such an event will undo the work of the NRC and alter the linguistic and ethnographic might of the Assamese people.

However, what's important to remember is that it was in the immediate aftermath of the Bangladesh Liberation War that India saw an increased migration of Hindus into India. As per recent reports, the population of Hindus in Bangladesh has declined steeply from 28 per cent (1947) to nearly 8 per cent now. If we go by these numbers, it's clear that most members of minority communities have already migrated out of the country. Moreover, the extent of atrocities committed against

such groups in Bangladesh have significantly reduced in the recent years. This puts to rest concerns of a large-scale migration into India on account of religious persecution.

Lastly, to address concerns of the Indian government allegedly favouring Hindus over Muslims through the CAB and the NRC, one must recall the arguments put forth by the indigenous people of Assam. While pushing for the publication of the National Register of Citizens, Assamese people have often reiterated how the demography of the State has changed drastically in the last five decades, because of the unchecked immigration of Muslims from Bangladesh, who entered India in search of better economic prospects. This has had far-reaching consequences on the polity, society and economy of Assam. These people have been accused of illegally encroaching the land of locals, of illegally procuring identification cards to pass themselves off as bonafide citizens of India and last but not the least, their presence in India in huge numbers has also led to a national security threat. Infiltration of militants and jihadi modules active across the Indo-Bangladesh border is a known fact. A large illiterate and poor migrant population has made it vulnerable for Islamic radicalisation to find roots in the State of Assam and West Bengal.

It's these concerns and facts that one must keep in mind while understanding the need for passing the Citizenship Amendment Bill and carrying out the NRC activity in complete earnestness and good constitutional faith.

India cannot and must not turn its back on its brethren – those brothers and sisters who have been unfortunate enough to be vilified by governments only because of their faith and those who were left behind in the chaos that followed the division of India. It is our Constitutional duty to make room for them in India, to open our arms and welcome them, to help undo mistakes of the past and to give them a chance to live a life of dignity and respect among their own.

This duty will be carried out by all Indian states – and will never just be a burden to be borne by the people of Assam. At the same time, we must remember the geopolitics of our region. Surrounded by Muslim countries, whose Constitution puts religion at the heart of its State policies, we cannot blindly allow non-persecuted nationalities to enter India by claiming refugee status.

The Citizenship (Amendment) Bill and its Need

Subimal Bhattacharjee

On 19 July 2016, the Home Minister of India, Shri Rajnath Singh introduced the Citizenship (Amendment) Bill 2016 (CAB) in Lok Sabha that seeks to provide citizenship by naturalisation to the immigrants from the neighbouring countries of Pakistan, Bangladesh and Afghanistan, belonging to the Hindu, Sikh, Buddhist, Jain, Parsi and Christian communities facing religious persecution. An illegal migrant is a foreigner who (i) enters the country without valid travel documents like a passport and visa or (ii) enters with valid documents, but stays beyond the permitted time period. This Bill which seeks to further amend the Citizenship Act 1955, purports to provide citizenship to illegal migrants from the above communities who have come to India before 31st December 2014 and living illegally in the context of the provisions of the Passport (Entry into India) Act 1920 and the Foreigners Act 1946. The Citizenship Act, 1955 regulates who may acquire Indian citizenship and on what grounds. A person may become an Indian citizen if they are born in India or have Indian parentage or have resided in the country over a certain period of time. Illegal migrants may be detained or deported under the above two Acts. The 1946 and the 1920 Acts empower the union government to regulate the entry, exit and residence of foreigners within India.

In 2015 and 2016, the union government issued two notifications exempting certain groups of illegal migrants from provisions of the

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1946 and the 1920 Acts. These groups were Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who arrived in India on or before December 31, 2014. The implication of such a move was that these groups of illegal migrants will not be deported or imprisoned for being in India without valid documents. The preponderant reason for such a move was to factor in the religious persecution and harassment that many from these communities faced in the neighbouring countries and in a way also to cover the anomalies suffered due to the partition of India in 1947. The CAB was a follow up to these notifications so as to give a permanent and once and for all opportunity for the illegal migrants from the above mentioned communities to be able to follow the necessary provisions and acquire Indian citizenship.

The ambit of the CAB extended across the country and thus applied to people who came from those three countries – two on the western sector, Pakistan and Afghanistan and one on the eastern sector, Bangladesh. However, while all regions of the country welcomed the move, agitations and opposition to the CAB erupted only in Assam, on the premise that Hindus from Bangladesh who came, thus would overshadow and obliterate the culture of the indigenous communities living in Assam. No doubt much of these protests smacks of a poor understanding of the ground realities, where infiltration over the years from a certain community has changed the complete demographic pattern of the State. A cocktail of unabated illegal migration and rampant procreation drive maintained by these groups, resulted in serious demographic and societal issues and in turn impacting many of the indigenous tribes living in the State of Assam. Besides the poor understanding in some quarters, there are also many vested interests which always want the state in turmoil and thus have derailment of peace and ethnic harmony in the State. Many of the entities include activists who run their divisive politics under the guise of student leaders and in this case have been blowing the issue out of context by trying to mislead the public on the applicability of the Bill and its actual impact. Their single point agenda is to stick to and propagate myths and thus keep a situation of uncertainty alive which in turn harm the focus on economic opportunities to motivate the youths towards gainful employment.

Even the role of two former Chief Ministers Tarun Gogoi of the Congress and Prafulla Mahanta of AGP, who are criticising the Bill now

is politically motivated. Together they ruled the State for 31 years out of the 33 years ever since the signing of the Assam Accord in the year 1985. It is an irony that they miserably failed to implement the provisions of the Assam Accord that would have enhanced the security of the indigenous communities and are now opposing the Bill and trying to take refuge under the same Accord saying that the CAB violates the Assam Accord. Their failure was clearly a calculated design to ignore the issue while in power and also the poor capacity to send back illegal immigrants as also supplement vote bank considerations. Much of the illegal immigrants secured ration cards under the corrupt administration in the first place, got employed as labourers and in other semi-skilled avenues and then bought land at premium to settle permanently and over the course of three decades have well mingled in the State. So from 6 districts in 2001 census, it has increased to 9 Muslim majority districts in Assam as per 2011 census and the number of Hindus have come down in all those districts. These demographic changes have not only created fears among indigenous people and Assamese Hindus but have also resulted in security issues in various regions of the State.

The Modi government however adopted a two pronged approach to the issues in Assam and have heard every quarter for the concerns raised. On the one hand, it was concerned about the issue of demographic changes in Assam and the need to seriously implement Clause 6 of the Assam Accord which envisages that appropriate constitutional, legislative and administrative safeguards, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese indigenous people. On the other hand it was concerned that victims of partition, who later also became part of religious persecution and felt unsafe in those three neighbouring countries had to be listened to and even protected on humanitarian grounds.

To allay the fears of the Assamese people, the union cabinet as approved in January 2019 has set-up a High Level Committee to suggest constitutional, legislative and administrative safeguards of the indigenous people and will examine the effectiveness of actions undertaken since 1985 to implement Clause 6 of the Assam Accord. The Committee will confabulate with all stakeholders and take a call on the required quantum of reservation of seats in Assam Legislative Assembly and local bodies for Assamese people. The Committee will also assess the requirement of measures to be taken to protect Assamese and other indigenous languages of Assam, quantum of reservation in employment

under Government of Assam and other measures to protect, preserve and promote cultural, social, linguistic identity and heritage of Assamese people. These steps will be furthering the many avenues already undertaken. Under the Citizenship Act, 1955, Section 6A was already incorporated that prevented illegal immigrants from getting citizenship and the massive NRC process is being updated to identify illegal migrants and much work has already been done to prepare the final list. Further, The setting up of Srimanta Sankardeva Kalakshetra Complex at Guwahati, Archaeological Survey of India is already protecting five prominent archaeological sites including Ganesh temple at Hajo and Poa-Mecca Mosque and funds have been provided for the development of 14 monuments and 359 Sattaras. Likewise several regional films are being produced at Jyoti Chitran Film Studio in Guwahati and scholarly research on indigenous issues are being under the aegis of Anandaram Borooah Institute of Language, Art and Culture, which facilitates research in indigenous languages, art and culture.

After partition in 1947, the Nehru Liaquat Pact signed by our first Prime Minister Jawaharlal Nehru and Pakistani Prime Minister Liaquat Ali Khan in April 1950 was to assure the safety and security of minorities in both the countries. However, its implementation remained very poor and many of the minorities who chose to stay back in both ends of Pakistan faced repeated persecution because of their religious practices. Right from partition, Hindus in particular were regularly targeted during the period upto the formation of Bangladesh in December 1971. Most of those atrocities were in the form of grabbing land and property, destructing temples, killing men and raping women and Indians faced serious violence raise hopes in minds of minorities. Although the Indian National Congress had passed a resolution on November 15, 1947 declaring that minority people in East Pakistan (Bangladesh) could leave that country and come to India as and when they feel insecure there, nothing much still happened in terms of migration. After Bangladesh was formed and declared a secular State, condition of minorities there still did not change much. The Enemy Property (Continuance of Emergency Provisions) Ordinance No.1 of 1969 was renamed "Bangladesh (Vesting of Property and Assets) by President's Order No. 29 of 1972 during the tenure of Sheikh Mujib himself. After his gruesome murder in 1975, Bangladesh declared itself an 'Islamic' country, causing further worsening of conditions of minorities there. In the last more than four decades of the existence of Bangladesh, Hindu

and other minority population has dwindled and there have been regular incidents of intimidation and fear and damages and destruction of religious edicts. In this context the need for having a sympathetic and humanitarian context to the plight of minorities in Bangladesh always remained among the Indian society and polity. Most of the response however remained confined to raising these individual incidents with the Bangladesh government. It was the NDA government, under Atal Behari Vajpayee that moved the steps towards changing the citizenship rules and Deputy Prime Minister L.K. Advani introduced the Citizenship (Amendment) Act, 2003 in the Rajya Sabha in December 2003, when the then leader of opposition Dr. Manmohan Singh who argued then that the “minorities in countries like Bangladesh, have faced persecution and it is our moral obligation that if circumstances forced these unfortunate people to seek refuge in our country, approach to granting citizenship to these unfortunate persons, should be more liberal. I sincerely hope that the hon’ble Deputy Prime Minister bear this in mind on charting out the future course of action with regard to the Citizenship Act.” He was supported by the former Army Chief, General Shankar Roy Choudhury also and their concerns were factored in the Citizenship Act 2003. The Modi government went a step further to introduce the current CAB in July 2016.

After the CAB Bill was introduced and discussions came up and some parties raised some issues, the Modi government took the call in August 2016 to set up a Joint Parliamentary Committee (JPC) on the Bill which was composed of 30 members out of which 20 were from Lok Sabha and 10 from Rajya Sabha and the then Lok Sabha MP Satyapal Singh, a reputed police officer earlier was appointed as the Chairman. Subsequent to the appointment of Dr. Satyapal Singh as a Union Minister, Shri Rajendra Agrawal took over as the Chairman in December 2017. Under both the Chairmen, substantial meetings and deliberations were held with all the stakeholders and relevant State governments. Under Shri Rajendra Agrawal, the Committee also undertook a study visit to Guwahati, Silchar and Shillong from 7 to 11 May, 2018 and heard the views of around 447 organizations and individuals and then decided to hold further discussions and study on the matter. The JPC also held several meetings of its own including listing some amendments. The Committee has done a meticulous job of examining all the issues closely with many interest groups and considering the complexity and enormity of the issue at hand, the

Committee obtained extension of time for six times, the latest being the first day of the last week of the winter session, 2018 which effectively is the 7th January 2019. Now that the committee has recommended the passage of the CAB, it will be useful if the Bill is passed soonest by both houses of Parliament and notified as an Act after the President's assent.

It is prudent to observe the key points in the CAB and understand how it is an enabling provision for persecuted minorities but not an outright grant of citizenship. The CAB proposes to reduce the number of years from the current 11 to 6 required to live in India out of the last 14 years to obtain citizenship by naturalization. It thus while granting immunity from detention and deportation, provides a window of time to serve before being able to apply for Indian citizenship for the illegal immigrants belonging to these communities from the 6 religions and 3 countries.

Secondly, the provisions of the Bill are no way meant to favour one community i.e. the Hindus and its applicability is thus not against secularism. Arguments have been raised about the legal edifice of such a law and some have indicated that such a law would violate the Article 14 of the Constitution of India, which guarantees equality before law for all religions. It is important to note the findings of the Supreme Court of India that "The principle of equality does not mean that every law must have universal application for all persons who are not by nature, attainment or circumstances in the same position, as the varying needs of different classes of persons often require separate treatment. It would be inexpedient and incorrect to think that all laws have to be made uniformly applicable to all people in one go." The Supreme Court has also noted in one of its judgments that 'the equality under Article 14 of the Constitution is not indiscriminate. Paradoxical as it may seem, the concept of equity permits rational or discrimination. Conferment of special benefits or protection or rights to a particular group of citizens for rationale reasons is envisaged under Article 14 and is implicit in the content of equality. There is no abridgement of the content of Article 14 thereby – but an exposition and practical application of such contents.' The Supreme Court has consistently held that equal protection of law means the right to equal treatment in similar circumstances or two similarly premised people. In the current situation, these 6 religious groups have been tremendously persecuted and discriminated for religious considerations in these countries, which

is not the case with the vast Muslim majority living there. These discriminations are inherent in the respective Islamic constitutions of these three countries which endorse Islam as State religion and thus do not need any additional corroboration for the discrimination and persecution of these 6 religious groups. Various groups in these countries took upon themselves to harass minorities and in the last 2 decades jihadi outfits have made it a visible agenda to target minorities and burn down their houses, institutions and religious establishments in the most brutal fashion. Their diktats also made the withdrawal of minorities history and culture from school text books.

While the CAB is a right step to once and for all provide an opportunity for the persecuted minorities to be able to gain Indian citizenship, it is also to be borne in mind that the effect of the whole Bill is retrospective and not prospective. The cut off date of 31 December 2014 has been already announced and no fresh illegal immigrants would be allowed to come under its ambit at subsequent period. Also over the years the flow of Hindus and others from the earlier mentioned religions has been negligible and would in no way make an impact on the demographic pattern of the State of Assam or any part of the country. So the Bills in no way impact the already existing harmony and demographic coexistence in the State. People of the Brahmaputra and Barak Valley have coexisted peacefully for the last few decades and have equally participated in the development of the State. Bengali Hindus have intermingled well with most of the Assamese indigenous tribes and in many cases the inter marriage has resulted in wider acceptance of each other.

Now that the CAB is being amended, it would also be prudent for the simultaneous amendment of Section 6A of the current Citizenship Act, so that these 6 communities are exempted from its provisions as the term Bangladesh is there in Section 6A of the current Act. Many Bengali Hindus who have been categorized as doubtful or D voters for no fault of theirs and languishing in detention camps should be also freed and given the opportunity for leading a decent life. They have often been detained on ex-parte orders in these camps and have worst conditions than even criminals in jails. Likewise those left out of the NRC draft list who are not able to provide documents for various reasons but are falling within the ambit of CAB should also not be harassed in times to come.

While the Bill has to be passed the soonest in the Parliament, it is still imperative upon the government to engage with the various groups

and explain to them how the legislation with its bearing on the nation actually benefits Assam and will set right the situation created by the almost non-implementation of the Assam Accord at the behest of their own leaders. They have to be made to understand that the CAB is not against the indigenous people of Assam and will not trigger any fresh migration from Bangladesh into Assam. CAB is also not any attempt by the government to spread and increase the Hindu presence in the State and it is also not discriminatory against the Muslims. That the cut off date is already notified and henceforth no more foreigners will be allowed and that citizenship is still a next step away subject to fulfilling the conditions, should motivate every group to work together to ensure that foolproof measures are taken to prevent the illegal migrants from coming into Assam in the future. Border fencing completion and technology to detect border movements should be implemented in full measure in a time bound manner which the Union and the State governments have to ensure. Equally important will be proper documentation for the citizens and the persecuted minorities who will wait for their turn to apply for citizenship as soon as the time period is satisfied as per the provisions of the amended Act. That way Assam will move forward instead of remaining in a state of flux always with misplaced political issues. Economics have to take over politics faster than envisaged and the fears that have been expressed have to be dispelled at the soonest. The Modi government's sincere pursuits to develop Assam and the north eastern States economically with focus on connectivity will usher in real progress and the implementation of Clause 6 of Assam Accord will provide enough opportunities for the indigenous people to progress further with the protection measures in place. Needless to say the CAB will not be any hindrance and in turn will ensure a more cohesive coexistence among the various communities to move towards progress and at the same time realize what the real threats are and confront them together.

The Prime Minister has made it clear in Silchar on 4th January 2019 that the government was bound to pass the CAB in Parliament and so the motion for the next steps will be in place soon. The JPC is already on the job. Hopefully the CAB will settle once for all the issues and in the words of the PM, be a 'penance' for the past mistakes of partition.

National Register of Citizens (NRC)

Jayanta Kumar Ray*

In 1951, independent India carried out its first census operations. A National Register of Citizens (NRC), containing the names of Indian citizens, also came into existence in the same year, viz. 1951, under a directive from the Union Ministry of Home Affairs (MHA). The Citizenship Act 1955, and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules 2003, will govern the preparation of the current updating of the NRC for the State of Assam. Legacy data form the foundation of this updating, and comprise, as proofs of presence in Assam or in any other part of India on or before 24 March 1971 the names of persons (or their descendants) who appear in the NRC 1951 or in the Electoral Rolls or in the admissible documents up to the above noted date.

A person who wants inclusion of his/her name in the updated NRC, has to provide the Legacy data confirming his or her ancestor's name in the pre-1971 documents noted above. NRC compilation is divided into four phases: (1) Distribution and Receipt of Application Form; (2) Verification; (3) Publication of Draft NRC and Receipt of Claims/Objections; (4) Final Publication of NRC. Digitised government data provide a transparent and technology-based process of verification of the legacy data submitted by an NRC applicant. Thus, all potential citizens are given a fair opportunity.

The NRC update is a highly controversial issue in Assam and various parts of India, especially in the neighbouring States of Assam. The NRC published in 1951 lacks total validity because it is not deemed to be complete. Members of indigenous tribes were not in a position

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to submit pre-1971 documents to prove their identity. The Supreme Court of India has affirmed that, in accordance with 2003 Citizenship Rules, members of the Tea Tribes of Assam are to be treated as original inhabitants of Assam.

Since 1951, Assam is the only Indian State attempting an NRC update. This was the principal consequence of the 1985 Assam Accord, which itself was a product of the six-year long anti-foreigners agitation in Assam. Although the objective of update is to identify, detain and deport illegal Bangladeshi migrants, Muslim leaders denounce the move as an instrument to render the Muslim community stateless.

The issue has appeared and reappeared in various forms since 1905, when India's Viceroy Lord Curzon divided Bengal, merged a part of it with Assam, and created a Muslim-majority province in north-east India. Bengali Hindus fought hard against the 1905 Bengal Partition, and got it repealed in 1911. Bengali Hindus thus saved the Assamese from Muslim domination, and preserved Assam's identity and dignity.

In 1937, due to the introduction of provincial autonomy under the 1935 Government of India Act, the Congress Party came to power in Assam. An Assamese political leader became the Chief Minister. But he could not counteract the domination of Bengali Hindus and Bengali Muslims. One wonders whether the alienation of Assamese Hindus from Bengali Hindus, originating at that time, probably persisted till the Partition of British India in 1947, and Assamese leaders did not object to Sylhet (including Bengali Hindus) being joined to Pakistan. But this meant an irreparable loss for Assamese Hindus as Muslim influx from Bangladesh upset the demographic balance in Assam, and provided an impetus to the updating of NRC. At this juncture, Bengali-speaking Hindus and Assamese-speaking Hindus should make a common cause.

The circumstances of the Partition of 1947 (as also pledges from India's political leaders) confer on Hindus (and other non-Muslims) in Bangladesh an inalienable right to come to India as refugees, and then settle down. More so because East Bengal/East Pakistan/Bangladesh has been carrying out ceaseless and ruthless programmes against Hindus (an overwhelming majority of persecuted non-Muslims) in order to drive them out of the country. In the early years of independence, some law makers in India had the pragmatism to maintain a distinction between Hindus (refugees) and Muslims (infiltrators). The Immigrants (Expulsion from Assam) Act of 1950 drew this distinction, and treated Muslim

migrants as illegal aliens. But this farsightedness of the Indian authorities did not last long; the Act of 1950 was repealed in 1957. Yet, for some years, remnants of this farsightedness survived, unpublicised, in the shape of an administrative order of the Government of India, which empowered a district magistrate to grant citizenship to Hindus from East Pakistan residing in India for more than six months. When authorities rescinded this order within a few years, they acquiesced in the creation of a situation in which, eventually, Muslim infiltrators would prove to be a menace to India's security. In Assam, even before Partition, self-seeking politicians orchestrated organised moves for decades to lure Muslims away from East Bengal to Assam, and thereby alter Assam's demographic balance. These moves persisted after 1947, and rendered unjustified the tendency of liberals to ignore religion while examining the issue of migration.¹

In 1964, the Government of Assam enacted the Prevention of Infiltration from Pakistan (PIP) Act. The fate of this PIP Act demonstrated how Muslim leaders could use political blackmail to sabotage any effort by authorities to strengthen security by curbing infiltration. Bimala Prasad Chaliha, Assam's Chief Minister, played an energetic part in arranging deportations of a large number of infiltrators to East Pakistan. He did not respect Prime Minister Jawaharlal Nehru's desire for a liberal approach towards Muslim migrants, for, as Chaliha stressed, a severe threat to Assam's demography and culture was emerging. But Chaliha's determination failed to override the manoeuvres of Muslim legislators to stall the anti-infiltrator programme. Chaliha's Congress Party did not enjoy a stable majority in the legislature, and his health was fragile. Therefore, 20 Muslim legislators of the Congress Party (in a legislature of 126 members) could threaten Chaliha with defections leading to the collapse of Chaliha's ministry. The PIP Act became inoperative in a few months, after it came into force.²

Assam's Muslim politicians capitalised on this preference of many legislators for short-term political gains. Over the following decades, infiltration continued (and it continues till today). It aggravated not only the threat to Assam's cultural identity, but also to India's unity and territorial integrity. Assam's Hindu politicians were so chronically short sighted on this matter that they ignored repeated warnings by distinguished public servants since 1931. C.S. Mullan, Assam's Superintendent of Census Operations, observed in the 1931 census report on Assam that the invasion of Muslim immigrants from East

Bengal was likely to destroy the culture and civilisation of Assam. Mohammad Saadulla, a Muslim League leader, remained Assam's Premier for much of the time from 1937 to 1946. He arranged for large-scale distribution of government land to Muslims in Assam, who were lured from East Bengal by promises of huge land grants. During the Second World War, Saadulla claimed he had aided the British war effort by growing more food with the help of Muslim cultivators migrating from East Bengal to Assam. This provoked India's Viceroy, Lord Wavell, to comment that Saadulla was actually interested in growing more Muslims in Assam. The liberalism of Hindu politicians enabled a large number of Muslims, who fled to East Bengal in the aftermath of Partition, to return to Assam. Nearly all Muslim migrants, who were pushed out of Assam in the 1950s and early 1960s, returned to Assam surreptitiously—before and after the passing of the abortive PIP Act of 1964.³

It is not unusual to find observers and writers pleading for large heartedness and liberalism in dealing with illegal migrants, because they do not themselves suffer from the consequences of such migration. In the case of Assam, however, Hindus (and other non-Muslims) themselves remained extraordinarily liberal, while the influx of Muslims caused a dangerous imbalance in Assam's population. S. L. Shakhder, India's Chief Election Commissioner, warned in 1978 that foreign nationals would at some stage form a substantial proportion of Assam's population. Shakhder deplored the fact that politicians clamoured for inclusion of names of foreigners in Assam's electoral rolls. In a few years, as the census reports of India and Bangladesh revealed, the rate of increase of the Muslim population in the border districts of Assam was much higher than that in Bangladesh in 1981-91. Yet, Assam's political parties (especially the Congress Party) engaged in a sort of competitive self-destruction, and treated infiltrators as vote banks. They remained oblivious of the transparent threats to Assam's cultural identity and India's territorial integrity. 'The Congress would do everything', wrote Subir Ghosh, 'to ensure that their traditional majority vote bank remained intact.' Even occasional bloodbaths as at Nellie in 1983 (an aberration from the long-practised large heartedness towards infiltrators), failed to deter the Congress Party. Perhaps the Congress Party secured ironic encouragement from the fact that the evident possibility of large-scale recurrence of the Nellie massacre did not translate itself into actualities.⁴

As Assamese students launched a movement to oust illegal migrants, the Congress Party went to extremes to appease the Muslims. This explains why the Illegal Migrants Determination by Tribunals (IMDT) Act was rushed through the Union legislature in 1983, when there was no representative from Assam in the Lok Sabha because of a boycott of elections by the Assamese. 'So,' writes D. N. Bezboruah, 'it was an Act brought against the people of Assam behind the backs of the people of Assam.' It was an Act that committed incredible treachery against the people of Assam. The IMDT Act was meticulously designed to be so imperative as to please the Muslims (including infiltrators). Treachery was abetted by discrimination. The Foreigners Act of 1946 governed the rest of India, whereas Assam had to swallow the IMDT Act. The former places the onus of proof on illegal migrants, but the latter places the same on the complainant. A complainant has to move through 11 barriers under the IMDT Act, including the Lower Tribunal, the Appellate Court, and the High Court. Years may elapse before a Quit India notice can be served on an illegal migrant. The notice again can be contested in a Court. All this—especially with overburdened police officers having little time for investigations, and retired judges in tribunals caring more for prolonging the enjoyment of high salaries than for speedy deportation of infiltrators—may take a number of years. Eventually, when the trial is to begin, thousands of the accused are dead, or not traceable, or have moved elsewhere. So, during the period from 1983 to 1997, for example, only 2,314 cases could be actually tried by tribunals. Trials could be completed in 2,260 cases, and only 908 were adjudged to be foreigners. This figure alone could underline the conspiracy directed against Assam's culture and India's security. The conspiracy was built into the IMDT Act, when it placed the burden of proof on a complainant. 'This,' wrote Sanjoy Hazarika, 'is the exact opposite of what is acceptable internationally, the opposite of good law. For reasons not very difficult to fathom, the Congress Party firmly supports this flawed concept.' To take another illustration of the farcical character of the IMDT Act, from 1990 to 1993, only 637 Quit India notices were issued in Assam, although notices could be actually served on only 407 persons. In contrast, the Foreigners Act of 1946, granting exclusive authority to the police to detect and deport foreigners, could have been used to push out hundreds of thousands of infiltrators during the above noted period, viz. 1983-97. But the Congress Party decided to protect the Muslims, and leave unprotected Assam's identity as also

India's territorial integrity. Apparently, as Subir Ghosh observes, the Congress Party (along with the Leftist parties) have been 'obsessed with their minority (read, Bangladeshi Muslim) vote bank.' Sanjoy Hazarika aptly observes: 'Is the Congress the *thekedar* of minority interests? It has the advantage of being a party that has bent over backwards in the past thirty years to accommodate Muslim interests.'⁵

In the twentieth and early twenty-first centuries, the distinction of refugees and infiltrators from Bangladesh derives additional justification from the employment of a number of infiltrators by Pakistan, especially the ISI, for the promotion of Islamisation of South Asia as a component of the campaign for worldwide Islamist terrorism (WIT). Consequently, various attempts at underplaying this distinction, and minimising the threat to India's national interest from infiltration, are akin to abdication (voluntary or involuntary, selfish or disinterested) in favour of the forces of WIT. This abdication rests on such observations as (i) that migration has its roots in the Partition of the subcontinent in 1947, (ii) that it is a worldwide phenomenon; and (iii) that migrants are mostly economic refugees. All these observations are correct, but they can be placed in a proper perspective by the following comments. Partition did not resolve the problem of communal (Hindu-Muslim) hostilities.

Pakistan has significantly accentuated these hostilities by emerging as the principal sponsor of WIT. Pakistan uses a section of infiltrators (even if they have migrated for predominantly economic reasons) as perpetrators of terrorism, especially in northeast India. D. N. Bezboruah rightly remarks "that illegal infiltration from Bangladesh has not taken place only for economic reasons ... Most of it is being orchestrated. And this is evident from the fact that the ISI is today playing a very large role. And where is the base of the ISI operations in the northeast? It is in Bangladesh."

The impact of migration in other parts of the world is not exactly comparable to that of infiltration from Bangladesh upon eastern/north eastern India. For instance, Indian migrants to Britain, Canada and the United States or Mexican migrants to the United States, do not upset the demographic or electoral balance in the host country, nor do some of them emerge as agents of WIT. As to the use of the adjective 'Islamist' before terrorism, that is enjoined by Pakistan's incessant threats of Jihad.⁶

Another way of underplaying the problem of infiltration, and its adverse impact upon security in India's eastern/northeastern region is

to deny it. In 1981, when *The Statesman* published a series of reports on infiltration from Bangladesh to West Bengal, and underlined the seriousness of its impact, the Chief Minister of West Bengal dismissed them as a product of unbridled imagination. This preference for politics of vote banks (as against the defence of national interest) was carried to an extreme by Assam's Hiteswar Saikia. Fifteen Pakistan backed Muslim fundamentalist organisations were active in Assam, especially among infiltrators, since 1987. Saikia pledged to drive out Bangladeshi infiltrators from Assam when he was in opposition. After he became the Chief Minister of Assam in 1991, he forgot this pledge, and his political postures amounted to a virtual denial of the menace of infiltration. No wonder that Sanjoy Hazarika spoke of Hiteswar Saikia as a 'stocky politician with the guile of a fox and the organizing skills of an army general,' which he proved as early as 1980 in the general election. Leaders like Hiteswar Saikia and their associates can go to any extreme to mislead the country on the scale and significance of infiltration. They manipulated the 1991 census output for Assam. As D.N. Bezboruah affirms: 'I have information that there were verbal instructions sent out in the immigrant dominated areas, that only the first wife of the immigrant and her children were to be enumerated and not the subsequent wives and their children. The other thing that happened is that I know for a fact that in places like Guwahati and Tinsukia, there were high density pockets of population where no enumeration took place. So the combined effect was that it did bring down the population.'⁷

The 1991 census report put the 1981-91 population growth rate (PGR)(in Assam at 18.84 per cent, which was not only much lower than 36.83 per cent in Arunachal Pradesh, and 39.70 per cent in Mizoram (which was inexplicable), but thoroughly incredible in view of the PGR of 34.98 per cent in Assam during 1951-61, and 34.95 per cent during 1961-71 (there being no census in Assam in 1981).

The danger was clear. But the response of the authorities seemed insufficient. Consequently in late 1998, the Governor of Assam, Lieutenant General (Retd.) S.K. Sinha, sent a 42 page report to the President of India, warning against the evil consequences of infiltration from Bangladesh. This infiltration, as Sinha's report stressed, was so massive as to disrupt the demographic balance in Assam, blur the identity of its people, and endanger India's national security. The report noted the preference of some political parties to disregard the seriousness of

this danger, even though unchecked infiltration eventually might leave India without any authority over the northeast region. In a similar vein, early in 1999, the Chief Minister of Tripura, Manik Sarkar, who belonged to the CPIU-M, stated publicly that terrorists in northeast India had 24 main camps in Bangladesh as their operational bases. One deeply disturbing aspect of this allied phenomenon of infiltration-cum-terrorism is, as Prakash Singh observes, the encouragement being given by fundamentalist elements of people to move across the border, because they have been propagating the theory of *lebensraum*, search for living space by Bangladeshis.⁸

The failure of India's ruling party leaders to perceive the depth of threat to India's national security was abject. A glaring example was a former Chief Minister of Assam, Hiteswar Saikia. 'The Late Hiteswar Saikia,' stated an editorial in *The Statesman* of 6 November 2002, told the assembly 'there were three million illegal migrants in Assam but corrected himself the next day saying there was not a single infiltrator.' Such indecisiveness on the part of political leaders has gradually produced a situation in which, to quote Subir Ghosh, 'the course of history is today being charted out not by the people of the North-east, but a venomous, janus-faced entity called Inter-Services Intelligence (ISI).' The ISI, ensconced in the Pakistan embassy of Dhaka has long been providing, since the early 1990s, military training as well as arms to rebel groups in India's northeast region. In the late 1990s, a faction of the Jamaat-e-Ulema-e-Islam, that is Harkatul-e-Jihad-e-Islam (HUJI), with about 15,000 cadres, won recognition as the Bangladesh Taliban. Evidently, Al-Qaeda struck roots in Bangladesh, posing a serious threat to the security of India's eastern/northeastern region. The ISI or Al Qaeda could carry on their terrorist operations in India because of continuous support from the intelligence, police, para-military and military agencies of Bangladesh. Towards the end of 2002, ISI activities in Bangladesh, targeted on India, became so alarming as to generate one more candid statement on this subject from Manik Sarkar, the Chief Minister of Tripura, on 21 November. This was followed by a statement by External Affairs Minister, Yashwant Sinha, in Lok Sabha on 27 November. Yashwant Sinha admitted that such terrorist groups as the Al-Qaeda, in collusion with the ISI, were using the Pakistani diplomatic mission in Dhaka as a sanctuary. He pointed to the dangers of proliferation of madrassas along the India-Bangladesh border, as also to the smuggling of narcotics and fake Indian currency from

Bangladesh to India. Subsequently, India dispatched a formal letter (demarche) providing details about Al-Qaeda operations in Bangladesh and their impact on northeast India. While Bangladesh denies the launching of anti-India activities from its territory, and assures that it will not allow such activities, documents seized from arrested militants provide ample evidence of ISI operations in Bangladesh directed against India. Tripura Chief Minister, Manik Sarkar, was right when he told a press conference in Kolkata on 4 January 2003 that 'Bangladesh might deny the militants' presence in its territory for diplomatic reason, but in the long run, this will not benefit them.'⁹

Sarbananda Sonowal, an MP of Assam Gana Parishad (AGP), filed a writ petition in the Supreme Court of India, challenging the constitutional validity of the IMDT Act of 1983. In 2005, a three-Judge Bench of the Supreme Court unanimously declared the Act as well as the rules framed in 1984 as violative of the Constitution. The Supreme Court judgement ordered that all the tribunals set up under the IMDT Act would 'cease to function' with immediate effect. Only 16 tribunals secured governance approval, although the Act provided for 30 tribunals. The cases under the inoperative tribunals would be transferred to tribunals under the Foreigners Act. Let it be stressed that the execution of the IMDT Act was thoroughly defective of the above noted 16 tribunals, as late as 1998, not more than five started functioning by 1998. The other 11 tribunals remained inoperative, because each Bench had one judge, although the stipulated strength was two.¹⁰

Bangladeshi immigrants created serious political-cultural imbalances in Assam, and some poor immigrants fell prey to inducements by moneyed militant leaders. Yet, rulers in national/state capitals persisted in using them as vote banks and pampering them, especially with the cover of the IMDT Act. When the Supreme Court of India nullified the constitutional validity of this outrageous legislation, rulers (mostly belonging to the Congress Party) made a suicidal move—they amended the order on Foreigners Tribunal following the rules of the Foreigners Act, and continued to appease illegal migrants.¹¹

It is in this historical background that one has to judge the 2018 NRC in Assam, and consider its national/international implications. A statement by India's Army Chief, General Bipin Rawat, made at a seminar in New Delhi on 24 February 2018, is to be deemed valuable in this context. According to Rawat: 'Pakistan supports infiltration by Bangladeshis in north-east India as a component of its proxy war against

India, and it receives China's assistance in this venture.'¹² As a part of northeast India, Assam had no Muslim majority district in 1971, but as many as nine Muslim majority districts in 2011. This is sufficient to comprehend the significance of NRC in 2018 in Assam. A special order issued by the Union government on 28 February 2018. This order urges upon Assam's intelligence agencies to observe extraordinary caution at the final stage (i.e. the present stage) of identification of Bangladeshi citizens as also accelerate the detection of aliens. On 20 March 2018 at the Lok Sabha, the Union Minister of State for Home, Kiran Rijju, disclosed this order, which, furthermore, recommended restrictions on the movement of already identified foreigners. The Minister did not talk of imprisonment of these foreigners, but the order insisted on confining their movements within prescribed boundaries. Most remarkably, the biographical and biometric data of these foreigners were to be registered. The fake documents as also lawfully acquired (but invalid) documents were to be confiscated by State governments. All information about illegally procured documents, especially Aadhaar cards were to be immediately communicated by State governments to the Union Home Ministry. The Union government, as Rijju stated, forwarded to concerned State governments the revised operating procedures about taking special legal measures to detect and expel the infiltrators.¹³

One of the difficulties faced by Assam's NRC coordinator, Prateek Hajela, is the lack of response from other State governments whose documents have been sent for verification. West Bengal is the State where the maximum number of documents await verification. Hajela, however, cannot wait indefinitely for verification of documents by other State authorities. In order to forestall the delay in NRC preparation, Hajela has to think of verification at the level of District Magistrates. The task of Hajela is far from easy, as apparent from the harassment faced by people in the matter of confirmation of ancestral ties. For, some people in the Barak Valley may have to rush to Brahmaputra Valley, and vice versa. Assurances have been provided by the authorities to take steps towards the minimisation of such harassment.¹⁴

Many Bengali Hindus, especially, those whose friends or relatives have been left out of the first draft of the NRC, raise an outcry about the validity of the NRC as a whole. To some extent, this results from their experiences of fleeing from East Bengal/East Pakistan/Bangladesh. To some extent, again, it results from simple ignorance about the

complexity of the process of NRC, which inevitably produces errors, apart from the usual bureaucratic apathy.¹⁵

Complainants, however, miss the great significance of the two notifications of the Ministry of Home Affairs, Government of India, dated 7 September 2015. These notifications underline the decision of the Union government to grant some exemptions to Bangladeshi and Pakistani nationals belonging to minority communities. Citing humanitarian grounds, one notification is issued under the Passport (Entry into India) Act, 1920 and the other under the Foreigners Act 1946. Exemptions are granted to those members of the aforesaid minority communities, who entered into India on or before 31 December 2014, from relevant provisions of rules and order made under two above noted Acts of 1920 and 1946, in matters of their entry and residence in India. The Government of India has acted in this fashion due to authentic reports of persecution of Hindus, Sikhs, Christians, Jains, Parsis and Buddhists in Pakistan and Bangladesh, forcing them, sometimes out of fear of persecution, to find shelter in India with or without valid travel documents, or with documents, though valid, have gone beyond the date of expiry.¹⁶

The NRC process in Assam is on. If the cultural identity of eastern/northeastern India is to be preserved, and the security of India safeguarded, the NRC process has to be replicated in the whole of eastern/northeastern India.

Notes

- ¹ Naresh Chandra, 'Illegal Migration from Bangladesh,' *Dialogue*, New Delhi, Vol.3, No.3, January-March 2002, p. 18; Sanjoy Hazarika, *Rites of Passage*, New Delhi: Penguin Books, 2000, pp. 72-74.
- ² Hazarika, *Rites of Passage*, pp. 61-63.
- ³ Jogesh Chandra Bhuyian, 'Illegal Migration from Bangladesh and the Demographic Change in the N.E. Region', *Dialogue*, Vol.3, No.3, January-March 2002, pp. 72-73; Hazarika, *Rites of Passage*, pp. 72-74.
- ⁴ 'Bhuyan, 'Illegal Migration from Bangladesh,' pp. 79-80, 82; Lokesh Chandra, 'The New Millennium,' *Dialogue*, January-March 2002, p. 20; Subir Ghosh, *Frontier Travails*, New Delhi: Macmillan, 2001, pp. 115-16; Hazarika, *Rites of Passage*, pp. 234-35; Prakash Singh, 'Management of India's North-Eastern Border,' *Dialogue*, January-March 2002, p. 67.
- ⁵ Hazarika, *Rites of Passage*, pp. 131-36, 235-36. Also see, Ghosh, *Frontier Travails*, pp.133-34 and D.N. Bezboruah, 'Illegal Migration from

- Bangladesh,' *Dialogue*, Vol.3, No.3, January-March 2002, pp. 47-48, 51-52.
6. P.B. Sinha, 'Pakistan: The Chief Patron Promoter of Islamic Militancy and Terrorism', *Strategic Analysis*, Vol.21, No.7, October 1997, pp. 1015-29. Also, D. N. Bezboruah, 'Illegal Migration from Bangladesh,' p. 48.
 7. Bezboruah, 'Illegal Migration from Bangladesh,' p. 47.
 8. S. K. Sinha, *Report on Illegal Migration Into Assam submitted to the President of India by the Governor of Assam*, 1998. Also see, Ghosh, *Frontier Travails*, p. 107; Onkareshwar Pandey, 'ISI and New Wave of Islamic Militancy in the North East,' and Prakash Singh, 'Management of India's North-Eastern Borders,' in *Dialogue*, Vol.3, No.3, January-March 2002, p. 64.
 9. Article by former Director General, BSF, E.N. Rammohan, in *The Statesman*, 28 September 2002. Also see, Editorial, *The Statesman*, 2 December 2002; *The Statesman*, 28 November 2002. Also, statement by BSF Director General Ajay Raj Sharma on 29 November 2002, *The Statesman*, 30 November 2002; Nilova Roy Chaudhury, *The Statesman*, 2 December 2002. Also see *The Statesman*, 5 January 2003. For an elaborate analysis of terrorist outfit in Bangladesh, see Hiranmay Karlekar, *Bangladesh: The Next Afghanistan?* New Delhi: Sage Publications, 2005.
 10. *The Economic Times*, 13 July 2005.
 11. Lt. Gen. J. R. Mukherjee, 'Conflict and Insurgency', in Jayanta Kumar Ray and Rakhee Bhattacharya (eds.), *Development Dynamics in North-East India*, New Delhi: Anshah, 2008, p. 2008, p. 214; E.N. Rammohan, 'The Northeast Insurgencies: Causes and Solutions,' in Jayanta Kumar Ray and Rakhee Bhattacharyya (eds.), *North East India: Administrative Reforms and Economic Development*, New Delhi: Har-Anand, 2008, pp. 117-22.
 12. *Dainik Jugasankha*, Kolkata, 25 February 2018.
 13. *Ibid.*
 14. Article by Arijit Aditya, *Dainik Jugasankha*, 26 March 2018; also see, Bireswar Das, *Dainik Jugasankha*, 30 August 2018.
 15. For a few, among innumerable, references to complaints by Bengali Hindus, see *Dainik Jugasankha*, Kolkata, 21, 22 and 27 March, and 29 August 2018.
 16. *The Gazette of India Extraordinary*, New Delhi, 8 September 2015; Press Information Bureau, Government of India, Ministry of Home Affairs, 7 September 2015.

Demography, Citizenship, and the Need for a National Register of Citizens

Bimal Pramanik*

A change in the demographic pattern of a country is an obvious result of migration, which is as old as human civilization. But if the change is significantly high in a short span of time, it is bound to cause a social concern for the country experiencing this phenomenon. The Hindus who were uprooted from their hearths and homes in East Pakistan due to religious persecution, and lack of alleviative measures taken by successive governments in East Pakistan after the Partition in 1947, were accepted as refugees by the Government of India and her people. But what happened after the birth of Bangladesh when it was the declared policy of the Government of India not to grant citizenship to any people (even if they were Hindus and were forced to leave Bangladesh as a result of persecution), who migrated to India from Bangladesh as refugees after 1971? In what way the migratory trend post-1971 was different from the earlier trends? How were hordes of Muslims able to settle in the bordering States of West Bengal and Assam without much notice and commotion? How was this silent demographic invasion possible?

Was there any historical perspective behind this large-scale infiltration or a well thought out design of our neighbouring country? These are the queries I have tried to address in this article.

According to Pakistan (East) and Bangladesh census from 1951 to 2011, Hindu population declined significantly in every census period. All the refugees who had been coming to West Bengal during Pakistani days were Hindus. In the Bangladesh era, Hindus are coming as usual

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as in the days of Pakistan due to religious persecution and political pressure. In the 1941 census, under the British rule, Hindu population was 28 per cent in East Bengal, i.e. in present Bangladesh. Post-Partition decadal Hindu population percentages are given below¹ :

Census year	Percentage of Hindu population
1951	22.0
1961	18.5
1971	13.5
1981	12.1
1991	10.5
2001	9.3
2011	8.5

Before the liberation war (1964-1971), the daily rate of migration of Hindus from Bangladesh was 705, while it was 521 during 1971-1981, and 438 during 1981-1991. The number increased to 767 persons each day during 1991-2001 and 674 persons per day during 2001-2012.²

A Dhaka University teacher, Professor Ajay Ray, said that the government grabbed the properties of the Hindus during the Pakistani regime describing them as enemy property, and the same as well as other properties were taken over by the government after independence as Vested Property. According to Abul Barkat's book "*Political Economy of Agrarian—Land—Aquarian Reform in Bangladesh*," these practices of the government made sixty percent of the Hindus landless.³

There was, however, not much concern about Muslim infiltration from erstwhile East Pakistan to India in the pre-1971 period. For, an extensive migration of Hindu population into India was regarded as a natural fall-out of Partition.

From the very beginning since the liberation war of 1971, Hindus who had earlier gone to India as refugees (*Saranarathi*) and returned to independent Bangladesh, again started migrating from the newly independent country to India, because they failed to retrieve their property and enjoy social security. Bengali nationalism was eroding fast, and anti-Indian sentiment was growing faster. After the assassination of Sheikh Mujibur Rahman in 1975, the relevance of the very Bangladesh concept of 1971 was lost, and Bangladesh became a state tilling towards Islamisation. All these show that the emergent idea of

a secular Bangladesh, partially apparent in 1971, was not only missing but was probably mistaken. Mujib's case of fighting against Pakistan had finally given way to a Bangladesh which never denied its Islamic character. It was a pity that Bangladesh came out as a country and a State with an overt Islamic identity.

As observed from the Bangladesh Population Census of 2011, the share of Hindu population has come down to 8.5 per cent only. During the last sixty years since 1951 (1951-2011), the comparatively lower growth rate of Hindus indicates a steady migration of Hindu population from Bangladesh to India, particularly to the State of West Bengal.

On the other hand, in West Bengal, growth rates of Hindus and Muslims are 230.81 per cent and 400.56 per cent respectively, during 1951-2011. Population share of Hindus and Muslims in 1951 was 78.45 per cent and 19.85 per cent respectively, but during the last sixty years, the share of Hindus in West Bengal has come down to 70.54 per cent—a decrease of 7.91 per cent in spite of a massive Hindu migration as refugees from East Bengal/East Pakistan/Bangladesh after Partition of India in 1947, whereas the share of Muslims has increased by 27.01 per cent—an increase of 7.16 per cent⁴ because of massive Muslim infiltration from Bangladesh to West Bengal particularly during 1971 to 2011.

During the 1951-2011 period, the contrast between a decline in Hindu population and an extraordinary upswing in Muslim population is indeed remarkable in every district of the State of West Bengal. In a number of districts, the rate of growth of the Muslim population is double or more than double that of the Hindu population.

Just after independence of Bangladesh, on 8 September 1972, Maulana Abdul Hamid Khan Bhasani, a very senior leader of Bangladesh, was speaking in a public meeting at Paltan Maidan, Dhaka. He said: "Bangla speaking areas of India and Bangladesh will form greater Bengal including Bangladesh, West Bengal, Assam, Meghalaya and Tripura. Greater Bengal movement has already gathered momentum, army of Indira Gandhi will not be able to suppress it. Residents of West Bengal are now slaves of Delhi and Marwaris." Bhasani also called upon the people of West Bengal "to break away the barriers of Delhi for greater Bengal movement."⁵ The then Bangladesh Government and senior leaders of the ruling party, Bangladesh Awami League (AL), who fought and led Bangladesh liberation war in 1971 with the help of

India, did not utter a single word against Maulana Bhasani's divisive speech against India's territorial integrity. From the very beginning, Bangladeshi Muslim intellectuals and pro-Pakistan and pro-Chinese political leadership encouraged Muslim population to settle in India's border States with Bangladesh, particularly, in Assam and West Bengal. They adopted the agenda of a greater Islamic region as a grand political strategy. Although it was an emotional issue for Sheikh Mujib, later it became a political and strategic issue with the support of Pakistan.

In the nineteen eighties, planned migration/infiltration from Bangladesh conformed to the *lebensraum* theory, which was encouraged by the Indian Muslims in border States under the protection and patronization of some political and social forces of India's Eastern and North-Eastern region. This continuous infiltration from across the border is slowly and steadily changing the demographic pattern in border States, especially in the States of Assam and West Bengal.

The changed demographic scenario easily lends itself to disrupting social harmony. Already, it has taken a shape of demographic invasion in the region, which is threatening our liberal polity and internal security. This is a religio-cultural process taking place in a geographical space considered to be strategically important. Thus, the emergence of Bangladesh has created in the Eastern and North-Eastern States of India certain conditions conducive to Islamisation. At least three factors, facilitating the process of Islamisation are obvious. First, strangely enough, whatever Islamisation has occurred in these parts of Eastern and North-Eastern India has happened within a secular political environment. Secondly, the appeasement of aliens for the purpose of garnering votes and the continuous anti-Centre stance, e.g. in West Bengal, have been conducive to the expansion of a psyche of Islamisation. Thirdly, a weak undefined and unorganised secular frame has failed to combat the process of Islamisation.

The above noted facts and the attendant analysis make it quite clear that, on account of ceaseless infiltration from Bangladesh and East Pakistan, West Bengal with 1029 persons per square kilometre, has emerged as the State having the highest density of population in the whole of India. West Bengal occupies 2.77 per cent of India's land area and accommodates 8 per cent of its population. Population control is universally recognised today as a key contributor to economic upliftment. A pertinent query is whether the exclusively high rate of growth of

Muslim population in all the districts of West Bengal and major districts in Assam is solely due to infiltration by Bangladesh. Alternatively, one can ask whether it is permissible to affirm that Muslims in this region (West Bengal and Assam) are far less concerned about birth control, and far more backward in family planning than Hindus in the region. If we consider the family planning scenario in these States, we can conclude that both the factors have been responsible for this abnormally high growth rate of Muslims in the region.

There is another side of this story, which is no less disturbing and no less dangerous. This ceaseless increase of population through infiltration and other means assumes a new dimension when it slowly and steadily takes the shape of a sort of demographic invasion. The consequent socio-political disturbances can possibly destabilize the entire Eastern and North-Eastern region of India. Even if this is treated as 'distress infiltration' or 'economic immigration', it finally turns out to be volcanic enough to bring about the disintegration of the country.

In the State of Assam, there is a significant trend of religious-demographic changes from 1951 to 2011. If we consider the NRC period, i.e. 1971 onwards, it is a clear trend of massive growth of Muslims in Assam observed after liberation of Bangladesh. Examples from three censuses of Assam, i.e. 1971, 1991, 2011, the percentage of religious population data, are given below: ⁶

Religious population	1971 (per cent)	1991 (per cent)	2011 (per cent)
Hindus	72.83	8.25	61.47
Muslims	24.56	28.43	34.22
Christians	2.61	3.32	3.74

Only within forty years, Hindu population declined more than 11 per cent, and there was extraordinary upswing of Muslim population by about 10 per cent, it is a grave threat to the very existence of Assamese Hindus. Apart from that, the following 9 districts of Assam have now more than 50 per cent to 80 per cent of Muslim population, although Muslims did not form a majority in 1971, in some other districts, there is a significant growth of Muslim population observed since 1971.⁷

Sl. No.	Name of district	Muslim population (per cent)
1	Dhubri	79.67
2	Goalpara	57.52
3	Barpeta	70.74
4	Morigaon	52.56
5	Naogaon	55.36
6	Karimganj	56.36
7	Hailakandi	60.31
8	Darrang	64.34
9	Bongaigaon	50.22

There was not a single Muslim majority district in 1971 in Assam, but after delimitation of districts in 1991, 5 districts became Muslim majority only within 20 years from 1971. After another 20 years, i.e. in 2011, 9 districts became Muslim majority out of twenty seven. We can cite an important example: before delimitation in 1971, there was only 16 per cent Muslim population in Darrang district. In 1991, Darrang and Sonitpur became two districts after delimitation, and the percentage of Muslim population became 32 per cent and 13 per cent respectively. In 2011, Darrang witnessed a massive jump of Muslims from 32 per cent to more than 64 per cent within twenty years only.

Considering the above demographic situation, on 8 November 1998, Lieutenant General S. K. Sinha, the Governor of Assam, submitted an extensive report to the President of India on the grave threat posed by the influx of people from Bangladesh to Assam. He said:

“The dangerous consequences of large-scale illegal migration from Bangladesh, both for the people of Assam and more for the Nation as a whole, need to be emphatically stressed. No misconceived and mistaken notions of secularism should be allowed to come in the way of doing so.

“As a result of population movement from Bangladesh, the spectre looms large of the indigenous people of Assam being reduced to a minority in their home State. Their cultural survival will be in jeopardy, their political control will be weakened and their employment opportunities will be undermined.

“The silent and invidious demographic invasion of Assam may result in the loss of the geo-strategically vital districts of lower Assam. The influx of illegal migrants is turning these districts into a Muslim majority region. It will then only be a matter of time when a demand

for their merger with Bangladesh may be made. The rapid growth of international Islamic fundamentalism may provide the driving force for this demand. In this context, it is pertinent that Bangladesh has long discarded secularism and has chosen to become an Islamic State. Loss of lower Assam will sever the entire land mass of the North-East from the rest of India and the rich natural resources of that region will be lost to the Nation.”⁸

In the above context, the Supreme Court of India’s judgement on NRC 2014 and Citizenship Amendment Bill-2016 have been designed to solve the complexity of the situation. The Government of India has published two Gazette Notifications on 8 September 2015 and 23 December 2016 to accommodate those hapless Hindus, Buddhists, Sikhs, Jains, Parsis and Christians who have come to India from Bangladesh, Pakistan and Afghanistan before 31 December 2014. Government has also introduced “The Citizenship (Amendment) Bill-2016 in the Parliament of India (Lok Sabha) on 15 July 2016. The Bill mentioned in Clause 2:

“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 the provisions of the Foreigner’s Act, 1946 or any order made there under, shall not be treated as illegal migrants for the purposes of this Act.”

Clause no.4 stated that in the principal Act, in the third schedule, in clause (d), the following provisions shall be inserted, namely: “Provided that for the persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, the aggregate period of residence or service of a Government of India as required under this clause shall be read as “not less than six years.”⁹ The Lok Sabha passed the above Bill, but it is now under consideration in the Parliamentary Select Committee.

We think, alien socio-political forces can consolidate their position at the social and popular level, and gather more and more courage to accelerate their activities. Gradually, and ominously, this can foster the evolution of a pattern of social living alien to the Indian ethos nurtured through centuries of ancient Indian tradition, and also the decades following 1947.

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Note

Lebensraum theory, which Nazi leadership developed to demand larger living space for the German people, is a core component of the hyper-nationalist agenda of Nazi Germany.

Employment in Urban Informal Non-Farm Enterprises in Assam

Dilip Saikia*, Dr. Debajit Saikia** & Dr. Rupjyoti Borah***

The results of the National Sample Survey (NSS) 73rd quinquennial round on unincorporated non-agricultural enterprises show that there has been significant increase in employment in the informal non-farm enterprises (INFEs) in the urban areas in Assam, while that in the rural areas witnessed sharp decline during the first half of the 2010s. Based on the NSS 67th round (NSSO, 2012) and 73rd round (NSSO, 2017) enterprise survey data, this essay presents a brief account of the various facets of employment in the urban INFEs in Assam during the period 2010-11 to 2015-16. Broadly, we analyse the size and trends of employment, employment elasticity, and growth in labour productivity in the urban INFEs across various sectors in Assam.

The informal enterprises, also known as unorganised enterprises, comprise small, private proprietary or partnership enterprises that fall outside the purview of the government regulations, i.e. they need not to register with the government authorities. According to the National Commission for Enterprises in the Unorganised Sector (NCEUS), the informal enterprises are the “unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than ten total workers” (NCEUS, 2009). In the NSS framework,

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the informal enterprises include all the enterprises except (i) those registered under Section 2m(i) and 2m (ii) of the Factories Act, 1948 and Bidi and Cigar Workers (condition of employment) Act, 1966 and (ii) those run by government (Central, State, local bodies)/public sector enterprises. In general, the enterprises employing less than 10 workers with electricity and less than 20 workers without electricity are regarded as informal enterprises in India, while the rest of the enterprises are categorised as formal enterprises.

The non-farm or non-agricultural enterprises, on the other hand, include all the enterprises other than agriculture, forestry, fishing, mining and quarrying, i.e. all the enterprises under the industry divisions 05 to 96 of the National Industrial Classification (NIC) 2008 are considered as non-farm enterprises. However, the NSS 67th and 73rd rounds excluded the construction sector (industry divisions 41–43 of NIC 2008), electricity, gas, steam and air conditioning supply (industry division 35 of NIC 2008), water supply (industry division 36 of NIC 2008), public administration and defence, compulsory social security (industry division 84 of NIC 2008), and activities of households as employers (industry divisions 97–98 of NIC 2008). Therefore, the analysis of the INFES carried out in this paper will be exclusive of these sectors.

Significance of the Urban Informal Sector

The informal sector represents an important part of the urban economy, in particular of the labour market, in many countries, especially developing countries. With the rapid urbanisation and rural-urban migration, the emergence of the urban informal sector is inevitable to absorb the expanding labour force in the urban areas (Chaudhuri, 2000; Gupta, 1993). The rural migrants who could not get a job in the formal sector in urban areas are likely to get temporarily absorbed in the informal sector. As explained by the Harris-Todaro model, the rural migrants initially spend some time in the urban informal sector or remain unemployed before finding a job in the formal sector (Banerjee, 1983). The urban informal sector, thus, serves as the refuge to the rural migrants for the period of search for job in the urban formal sector. Apart from providing sources of livelihood to the poor and the marginalised section of the society the informal sector contributes significantly to production, income generation, capital accumulation, exports, and so on and so forth in the urban economy.

However, the informal sector has been traditionally viewed as a residual sector and a hindrance to economic growth. The sector has

been depicted as an unproductive sector, with low level of technology, lower wages, lack of social security, poor working conditions, and low quality jobs. But in recent times, because of the rapid expansion of the informal sector across the developing economies, the role of the sector in expanding the sources of livelihood opportunities for the poor has been increasingly recognised (Williams, 2015). Most importantly, in a country like India which is suffering from high unemployment rate (6.8 and 5.6 per cent in rural and urban areas respectively in 2009-10), employment of unskilled agricultural labourers in the informal non-farm sector, even if it may be casual work, is itself a gain in terms of quality of job, since the wage rates in the non-farm sector even in the informal segment are better than the agricultural wage rates. It also needs to be acknowledged that the movement of unskilled agricultural labourers directly to either informal or formal job in the organised sector is not a realistic proposition. The role of the informal sector in bridging this transition is undoubtable.

As in other developing countries, a large proportion of the workforce in India has been employed in the informal sector. According to the report of the NCEUS, about 86 per cent of the total workforce and about 71 per cent of the non-farm workforce in India were employed in the informal sector in 2004-05 (NCEUS, 2009). The share of the informal workers remained as high as 84.2 per cent in total employment and 67.4 per cent in non-farm employment in 2009-10 (Mehrotra et al, 2012).

The urban economy is mainly characterised by non-farm activities. The non-farm sector accounted for about 96.5 per cent of the net domestic product (NDP) in urban India in 1999-2000, which further increased to 97.9 per cent in 2011-12. In terms of employment, as per the NSS 68th round data on employment and unemployment, about 93.3 per cent of the total urban workforce in India was engaged in the non-farm activities in 2011-12 (NSSO, 2014a), which increased from 87.7 per cent in 1993-94 and 91.3 per cent in 2004-05 (Sahu, 2012). Further, about 68.7 per cent of the urban non-farm workers were in the informal sector in 2011-12 (NSSO, 2014b).

Likewise the country as a whole, the urban informal non-farm sector has been expanding gradually in Assam over the years. As per the NSS 68th round data, about 95.6 per cent of the urban workforce in Assam was employed in the non-farm sector in 2011-12 (NSSO, 2014a), compared to 94 per cent in 1999-2000 and 95.3 per cent in 2005-06 (Sahu and Kumar, 2017). Further, about 60.7 per cent of the urban non-farm workers in the State were in the informal sector in 2011-12 (NSSO, 2014b).

Employment Trends in Urban INFEs in Assam

There were about 18.45 lakh workers employed in about 11.51 lakh INFEs in Assam in 2010-11 (Figure 1). In 2015-16, the number of workers employed in the INFEs declined to 18.16 lakh in spite of increase in the number of units to around 12.14 lakh. The rural-urban break-up of data shows that overwhelmingly large proportions of the INFEs in the State have continued to be located in the rural areas (Figure 2). More than 80 per cent of the INFEs were located in the rural areas in 2010-11 and about 70 per cent in 2015-16. The same is true of number of workers; the proportion of workers employed in rural areas was 75.8 per cent in 2010-11 and 64 per cent in 2015-16. In contrast, the urban areas accounted for a meagre share; in number of units 19.6 and 30 per cent and in number of workers 24.2 and 36 per cent in 2010-11 and 2015-16 respectively. Most interestingly, over time, the rural areas have been losing their share in the INFEs both in respect of number of units and number of workers, in favour of the urban areas. This clearly points towards a relatively faster expansion of the urban INFEs in the State during the 2010s. Nevertheless, the relative size of the urban INFEs in the State is much smaller than that in the national level; for the country as a whole, the urban INFEs accounted for 48.7 per cent of units and 55.2 per cent of workers in 2015-16. Further, among the major States, the relative size of the urban INFEs has been larger than that in Assam in all the States except Himachal Pradesh, Jharkhand and Odisha, both in respect of number of units and number of workers.

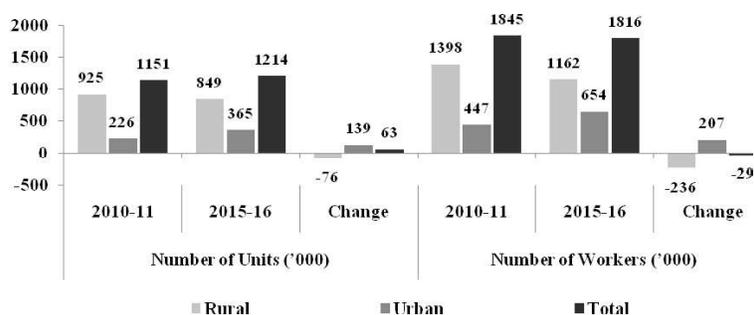


Figure 1: Number of Units and Employment in INFEs by Rural and Urban Areas in Assam.

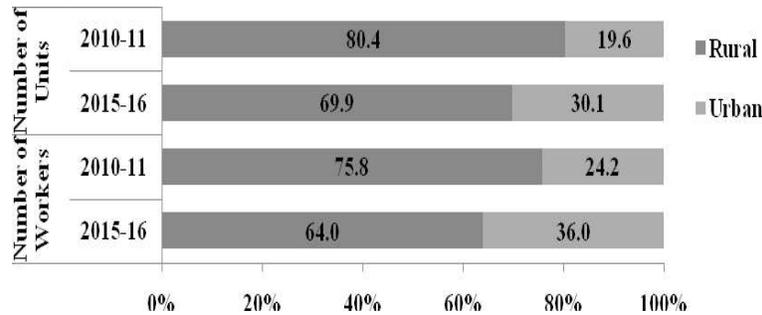


Figure 2: Percentage Share of Rural and Urban INFEs in Assam.

A look at the absolute numbers shows that the expansion of the urban INFEs is happening not only in relative terms but in absolute terms also, whereas the rural INFEs witnessed decline both in relative and absolute terms. Between 2010-11 and 2015-16, the number of units and number of workers in urban INFEs increased from 2.26 lakh to 3.65 lakh and 4.47 lakh to 6.54 lakh respectively, while that in the rural INFEs declined from 9.25 lakh to 8.49 lakh and 13.98 lakh to 11.62 lakh respectively (Figure 1). In terms of growth rates, the number of units and number of workers in urban INFEs witnessed a compound annual growth rate of 10.1 and 7.9 per cent respectively during 2010-11 to 2015-16, whereas that in the rural INFEs declined at the rate of -1.7 and -3.6 per cent respectively (Figure 3). For the total of INFEs in the State, the number of units increased at the rate of 1.1 per cent per annum, while number of workers declined at the rate of -0.3 per cent per annum during the same period.

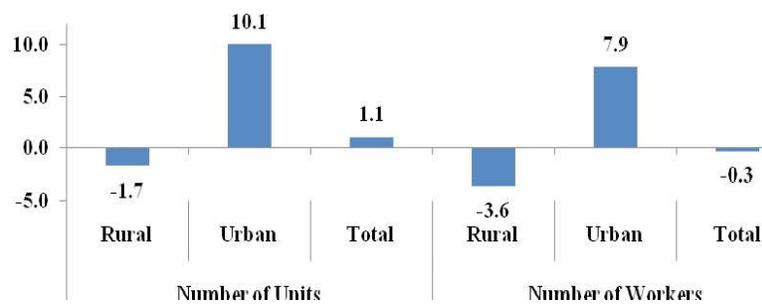


Figure 3: Growth Rate (% p.a.) of Number of Units and Workers in INFEs, 2010-11 to 2015-16.

Employment Growth in Urban INFEs by Sectors

The non-farm sector (excluding construction) consists of three sub-sectors, namely manufacturing, trading, and other services. Looking at the distribution of the urban INFEs across the sub-sectors in Assam, as given in Figure 4, it is evident that more than half of the urban INFEs have been trading enterprises; 56 per cent in 2010-11 and 59 per cent in 2015-16. The same is true of number of workers; the share of trading enterprises in workers in urban INFEs was 53.1 per cent in 2010-11 and 52.5 per cent in 2015-16. The services enterprises accounted for 31.4 and 30.2 percent of units and 29.4 and 35 per cent of workers in urban INFEs in 2010-11 and 2015-16 respectively, whereas the manufacturing enterprises accounted for 12.7 and 10.8 per cent of units and 17.5 and 12.5 per cent of workers during the same period. Clearly, the share of the services enterprises significantly increased in number of workers, while that of the trading enterprises marginally declined and of the manufacturing enterprises considerably declined during 2010-11 to 2015-16.

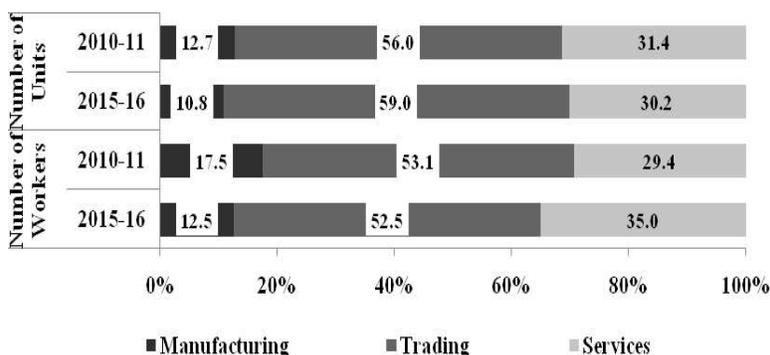


Figure 4: Percentage Share of Various Sectors in Urban INFEs in Assam.

Over time, all the three sectors of urban INFEs witnessed absolute increase, in varying degree, in the number of workers (Figure 5). Between 2010-11 and 2015-16, the number of workers increased from 0.78 lakh to 0.82 lakh in manufacturing enterprises, 2.37 lakh to 3.43 lakh in trading enterprises, and 1.31 lakh to 2.29 lakh in services enterprises. In terms of growth rate, the services enterprises achieved the highest growth rate of 11.7 per cent in number of workers, followed

by 7.7 per cent growth rate in the trading enterprises and a slower growth rate of 0.9 per cent in manufacturing enterprises (Figure 6). A large part of the increase in the number of workers across the sectors in the urban INFEs was due to the significant increase in the number of units in all the three sectors; the number of units increased at the rate of 6.6 per cent in manufacturing sector, 11.2 per cent in trading sector, and 9.2 per cent in services sector during 2010-11 to 2015-16. Another possible explanation could be distress type rural to urban migration of job seekers who accommodate themselves in the urban informal sector, which is also indicated by the deceleration of employment in the rural INFEs in the State during the same period.

The high growth rate of number of workers in the urban informal services enterprises in the State during 2010-11 to 2015-16 is a significant improvement over the negative growth rate recorded by the sector during 2006-07 to 2010-11. Estimates based on NSS 63rd round data (NSSO, 2009) show that the number of workers in the urban informal services enterprises in the State witnessed a sharp decline at the rate of -12.7 per cent per annum during 2006-07 to 2010-11. Similarly, the growth in number of workers in the urban informal manufacturing enterprises during 2010-11 to 2015-16 is a reversal of the negative growth witnessed by the sector during 2005-06 to 2010-11. In a recent study, Saikia and Barman (2017) find that the number of workers in the urban informal manufacturing enterprises in the State has declined at the rate of -4.3 per cent per annum during 2005-06 to 2010-11.

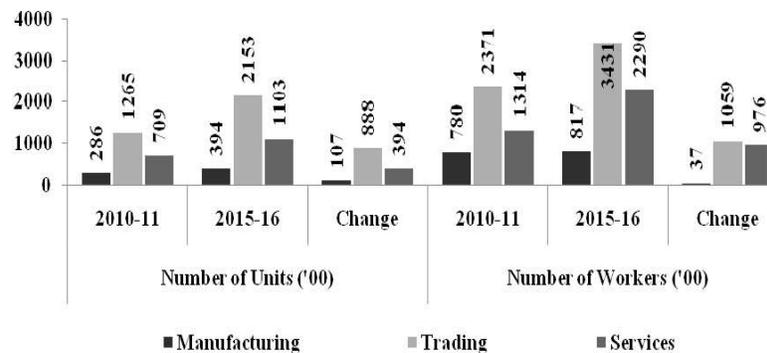


Figure 5: Number of Units and Employment in Urban INFEs by Sectors.

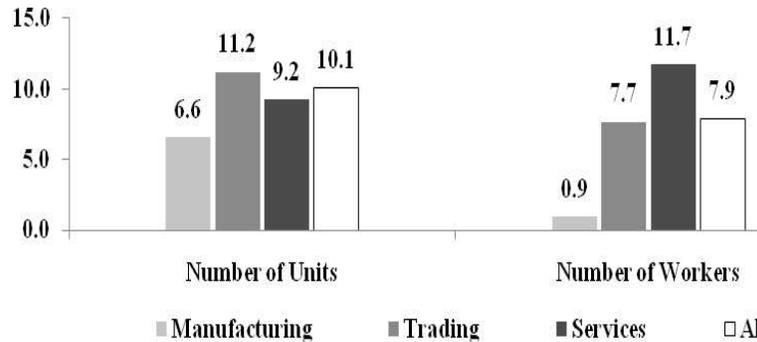


Figure 6: Growth (% p.a.) of Number of Units and Employment in Urban INFEs by Sectors, 2010-11 to 2015-16.
Output Growth, Labour Productivity, and Employment Elasticity in Urban INFEs

Whether the employment growth is accompanied by growth in output, growth in labour productivity, and improvement in employment elasticity are important issues to be crucially examined. The real gross value added (at constant 2011-12 prices) of the total of urban INFEs in the State grew at the rate of 10.2 per cent during 2010-11 to 2015-16 (Figure 7). Among the sectors, the services enterprises achieved the highest growth of 19.7 percent in real gross value added, followed by 7.8 per cent growth rate in trading enterprises and 3.7 per cent in manufacturing enterprises.

The level of annual labour productivity (expressed as annual gross value added per worker) in the total of urban INFEs was about Rs 93000 (at constant 2011-12 prices) in 2010-11, which increased to Rs 103200 in 2015-16. Across the sectors, the annual labour productivity increased from Rs 78300 to Rs 89800 in manufacturing enterprises, from Rs 113500 to Rs 114300 in trading enterprises, and from Rs 64700 to Rs 91400 in services enterprises during the same period. However, the growth rate of real labour productivity has been very low across the sectors except the services enterprises; the growth rate of real labour productivity was 2.1 per cent in the total of urban INFEs, 2.8 per cent in manufacturing enterprises, and 7.2 per cent in services enterprises, while that in the trading enterprises was almost stagnant (Figure 7). The slow growth of real labour productivity across the

sectors, in spite of high growth rates of real value added, indicate significant presence of underemployment and working poor in the urban INFEs in the state; in particular, in the form of self-employed workers in tiny household-based enterprises.

Employment elasticity, defined as the ratio of growth rate of employment to growth rate of output, measures the sensitivity of employment growth to output growth, and is considered as an important indicator to trace the employment potentiality and to forecast future employment growth of a sector. In general, a value of employment elasticity higher than 0.3 is preferable from the point of view of productive employment generation. The value of employment elasticity turned out to be 0.78 for the total of urban INFEs during 2010-11 to 2015-16 (Figure 8). Across the sectors, trading enterprises recorded the highest employment elasticity of 0.98 followed by the employment elasticity of 0.59 in the services enterprises and 0.25 in the manufacturing enterprises.

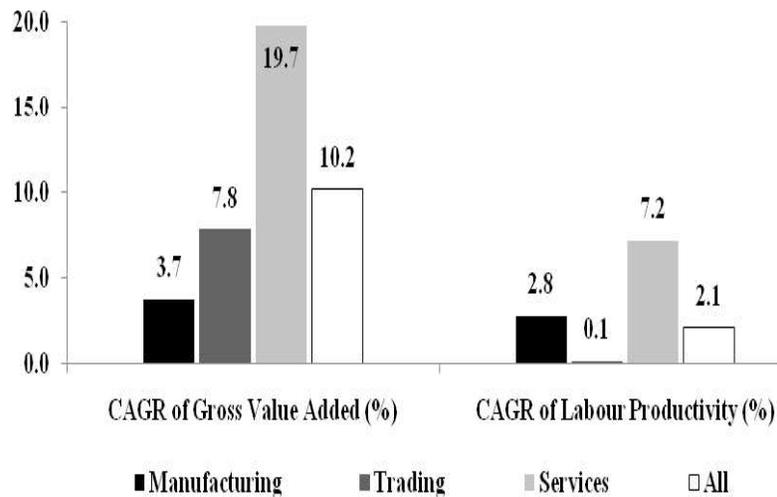


Figure 7: Growth (% p.a.) of Real Value Added and Labour Productivity in Urban INFEs by Sectors, 2010-11 to 2015-16.

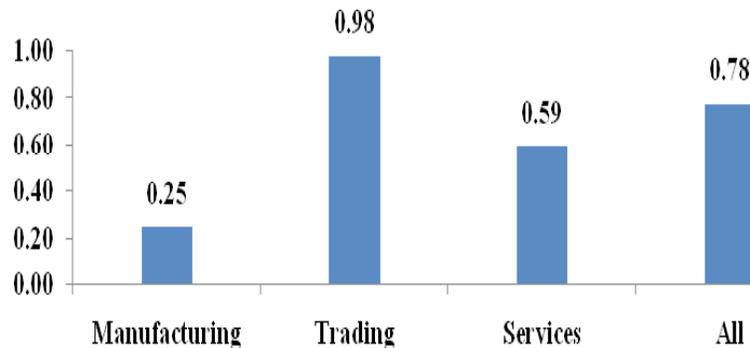


Figure 8: Employment Elasticity in INFEs by Sectors in Urban Areas, 2010-11 to 2015-16.

Conclusion

The analysis of the paper has brought out that the urban INFEs are considerably smaller in size compared to their rural counterpart in Assam, but the sector has been expanding gradually over time. The share of the urban areas in the employment of INFEs in the State increased from 24 to 36 per cent during 2010-11 to 2015-16, while that in number of INFEs increased from 19.6 to 30 per cent. The employment in the urban INFEs has been growing significantly during the first half of the 2010s, while its rural counterpart witnessed an absolute decline in employment during the same period. Across the sectors within the urban INFEs, the services enterprises witnessed the highest growth in employment followed by trading enterprises, while employment growth in manufacturing enterprises was abysmally low. The growth rate of real value added of the urban INFEs was also considerably higher across the sectors, except manufacturing. Employment elasticity turns out to be relatively high across the sectors of the urban INFEs, except manufacturing. The growth rate of real labour productivity was too low across the sectors of the urban INFEs, except the services enterprises. This perhaps indicates high incidence of underemployment and working poor in the urban INFEs in the State. Thus, improvement in the productivity is the most inevitable pre-requisite for the urban INFEs in the State. Therefore, there is urgent need for technology upgradation of these enterprises in order to enhancing productivity. Policies relating to provisioning of training facilities, skill development, access to credit,

market facilities, uninterrupted power supply, and technology support will be effective for enhancing the productivity as well as sustainable growth of these enterprises.

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Market Economy, Inclusive Governance and Institutional Support: Search for Alternative Development Strategy in North East India

Aribam Devidas Sharma*

Market Imperfections. One of the important agencies in ensuring effective allocation of resources is the market. The role of market forces in the Indian economy was given a wider space only since the Eighth Plan. Market is said to be a good servant but a bad master. In a liberalized economy, any new policy has to be based on some kind of market oriented approach. This framework should concentrate more on economic factors and less on political and cultural factors. The economic factors include labour cost, comparative advantages, technology, efficiency and returns on investment. In a market economy environment, the inefficient economic processes (jhum) and barriers to market entry (inner line regulations, restricted area permits, trading licensees, existing land tenure policies in hilly areas, etc.) will clearly make an economic difference. The market excludes those who lack purchasing power and are backward. Suitable social norms and legal framework are prerequisites for an efficient market, which however are lacking in backward areas. The biggest impediment in economic growth of northeast India is therefore market imperfection. Both labour and land markets which form the basic inputs of production are imperfect in northeast. The primary reasons for imperfection in land market are: one, clan ownership of common property resources (CPR) including land under the tribal customary laws and absence of any cadastral

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survey in the hill States and second, even though cadastral survey has been done in Assam and parts of Tripura, the tenancy laws have created market distortions. In respect of labour market, the absence of contractual labour in the hill economies have induced migrant labour force comprising immigrants mostly from Bangladesh to capture the growing market for labour derived from various construction and other activities under infrastructure investment projects. This presence of migrant labour force has led to income leakage and also distorted labour participation rate in the region. The presence of market imperfection also shies away institutional investment and entrepreneurial growth. Therefore, growth and effective play of market forces are essential for inducing the growth impetus in the region. They act as countervailing forces for reducing regional disparity by introducing the backward regions to a new realm of diversified opportunities in every field of social, economic and political interaction.

Although market forces will play a greater role, the State institutions will have to be geared up for the new¹ task. The stimulus to expansion at the national level is likely to run up against supply bottlenecks due to insufficient infrastructure, entrepreneurship, business supporting institutions as well as the insurgency. This is where the States would have to play a role, specifically the State governments. Therefore, there is an urgent need to reappraise the role of the Central as well as the State governments in developing the region with the right degree and intensity in the context of a decentralized liberal economy. The Central government will play the role of a facilitator rather than a promoter of development. The actual action regarding land policies, inner line regulations, law and order, and above all, changes in attitude towards outside investors will have to begin at the State level.

Inclusive Governance. One of the weaknesses and threats of NER are poor local governance with no visions for development of the region and factional ethnic rivalry, the corrective measures for which cannot be obtained from Central doles but from a strong local leadership with social awareness and a reasonably 'aware and informed population' on the local governance and discourses of development. Systems of decentralized governance in the NER shows a wide diversity, unparallel in any other region of the country. While the Panchayati Raj system fully covers two of the eight States of the region – Sikkim and Arunachal Pradesh-three other States – Mizoram, Meghalya and Nagaland – are exempted and have their own local system. The remaining three States Assam, Tripura and Manipur have both Panchayati Raj and

non-Panchayati areas existing side by side, such diversity is as it should be even though it makes local governance exceedingly complex, since it is based on the immense ethnic, linguistic and religious diversity seen in the region. However, a common feature of these diversity system of governance is that all strengthening. Although Sikkim Arunachal Pradesh and parts of Assam Tripura and Manipur are covered under the provision of Part IX of the Constitution, the extent of powers devolved upon the Panchayat in these States is uneven. Sikkim has been adjudged the third best State.

All of Meghalaya and Mizoram and large tracts of Tripura, come under the provision of the Sixth Schedule of the Constitution. Nagaland and the hill areas of Manipur are governed by similar arrangement through State legislation.

Such special arrangements are aimed at the protection of tribal areas and interests, by mandating district or regional local self-government institutions for them through Constitutional arrangement or State Legislation. These institutions have been entrusted with the twin tasks of protecting tribal culture and custom and undertaking development tasks. However, Autonomous District Councils which have development planning functions with the maximum participation are yet to realize their potential. The politico-administrative arrangements made by the Centre have also been lacking. For instance, the introduction of the Sixth Schedule, Autonomous Councils (currently there are ten such Councils in the region and many more demanding such status) ended up creating multiple power centres instead of bringing in a genuine process of democratization or autonomy in the region. Moreover, Para 12 (A) of the Sixth Schedule clearly states that, whenever there is a conflict of interest between the District Councils and the State Legislature, the latter would prevail. It is even alleged that it is “a mere platform for aspiring politicians who nurture ambitions to contest assembly polls in the future.” While the Constitution leaves it, of course, to the States to determine the nature, direction and pace of devolution, the centre could greatly accelerate and rationalize this process by adapting the guidelines of centrally sponsored schemes, the principal source of funding for PRI's to ensure the centrality of RPIs in the planning and implementation of these schemes in conformity with letter and spirit of Parts IX and IXA of the Constitution.

Vision NER 2020 rightly said that, Inclusive Development in the region requires participatory governance and planning, which calls for maximization of self-governance. This requires the creation and

activation of governance institutions right from the village level upward. There is a need for a complete shift in the development strategy and the planning process towards designing and implementing people-centric programmes based on harnessing the natural resources of the region. Only such a strategy can ensure inclusive development, help alleviate poverty and ensure a reasonable standard of living for every family in the region. Participatory development requires capacity development of people as well as institutions, and here, education and skill development will be a cornerstone of the vision. The need of the hour is to incentivise the States to further empower their PRIs, as also to incentives PRIs to be transparent and accountable in their transactions, besides steadily contributing an increased share of their expenditure from resources that they mobilize.

There is imperative need to make available untied block grants to the PRIs so that it may have an adequate reservoir of financial resources which they themselves, without let or hindrance from outside, can plan and implement for neighborhood economic development and social justice as envisaged in Parts IX and IX A of the Constitution.

Our imperative need is not bureaucratic development but participative development – that is grassroots development through grass root democracy. The path to such development was charted through 73rd and 74th amendments to the Constitution, which concerned in the Part IX (The Panchayats) and in Part IXA (Municipalities). In these two Parts of the Constitution we have the key to the inclusive growth though, we need to hitch the horse of accelerated growth to the wagon of participatory development.

Institutional Support

In the post-independence period, a number of institutional agencies have been working towards the region's economic and overall social development. Along with the rest of the country, the region has been brought under the coverage of Five-year Plans for economic development. Considering its strategic geographical location, the Northeastern Council (NEC) was set up in 1972 to give a holistic approach to the entire developmental process of the region. However, the paradox of NEC is that it had been put under the Ministry of Home Affairs rather than the Ministry of Finance. The socio-economic development in the region at present is guided by the three-tier macro planning: Central plans, the plans of the States and the plans of the

Northeastern Council (NEC). Of late, in order to monitor the development initiatives of different government and semi government agencies in the region and in view of the growing insurgency problems often hampering the works of large development projects, the Department of Development of Northeastern Region (DoNER) had been set up in September 2001. It acts as the nodal Department of the Central government addressing the issues of socio economic development of the seven States of the region. The Central Ministry of Development of the Northeastern Region was created in 2001, but only in May 2004 granted the status of a fully-fledged ministry. DoNER was created for the purpose of facilitating the relations and the work between the Central Ministries and Departments and the State governments of the NER mainly with regard to economic development. Furthermore, DoNER coordinates with other Central Ministries and Agencies. Additionally, it remains in constant touch with the North Eastern State Governments in order to detect areas, which need further attention or the follow up with other Central Ministries or Agencies.

It has been observed that the NEC's priority sectors are based on the assessed need and requirements of the region, but blocking of fund in some sectors due to non-utilization is an important problem. This non-utilization is ascribed to factors like delay in release of fund, delay in receipt of utilization certificates from the implementing agencies and other locational factors. In some of the sectors like agriculture and industry there has been very less utilization of funds, which has negated the effort of NEC to develop these sectors. Agriculture and Allied and Industries and Minerals are the two other important sectors where fund utilization is low in all the successive plan periods. Utilization of fund in the agriculture sector is also low in almost all the plan periods.

The Government of India's policy towards its Northeastern region has changed over the years since the coming of globalisation, regional integration and India's outward looking economy, and brought forth the conception that economic integration with the rest of the world would foster political integration of Northeast with the mainland. The development paradigm of heavy financial investments has been supplemented by the present wave of the 'Look East Policy' of India. If the northeast India is to benefit from the regional cooperation, the scope for which is offered under the 'Look East Policy', it must set its house in order – a strong political governance with social accountability with a vision to canalize investments for basic infrastructure and create a conducive economic climate to attract foreign capital into three core sectors of the region – agro based industry, handloom and handicraft

and tourism which can in the process develop the service sector as a backward linkage effect. The proposed development of the Northeastern region is to be brought in through increased trade and investment and engaging the people of the region in productive and profitable activities to end their alienation. The Look East Policy by addressing the peculiarity of the area and the problems involved with it can bring lasting peace and development in the region.

However, when we consider the existing ground realities, the growth of border trade between the Northeastern region and neighbouring countries is slow. Except the opening of border trade between India and Myanmar at Moreh and Champhai, and between India and China at Nathula, and the much hyped 165-km long Indo-Myanmar Friendship Road connecting Tamu and Kalaymyo-Kalewa, which was inaugurated by the then External Affairs Minister Jaswant Singh on February 13, 2001, nothing significant has happened on the ground. Thus, the Look East Policy needs a reorientation to suit the development interests of the Northeastern region. While everyone in the region wants to enjoy the benefits of globalisation which is partly intended to be implemented in the form of the Look East Policy, the Inner Line Regulation can hinder the implementation of the Look East Policy. The concerns of the tribals in the region like protecting identity, culture and land can be done in certain ways; restriction of movements has to be done away.

The continuation of certain colonial acts and regulations like the Inner Line Regulation in the post-independence period, especially in the globalised new millennium, must be rethought. Such acts and regulations were designed to serve administrative, economic, strategic and military interests of the colonial government and not in the interests of the needs and aspirations of the people. Though the colonial rule integrated the Northeast with mainland India territorially; their policies, which were enacted in various acts and regulations acted as a barrier and prevented socio-cultural and political interactions between the hill areas of the Northeast with the plains.

Conclusion and Observation:

There is often an illusive generalisation about the whole northeastern region as a homogeneous entity. Such stereotyping needs to be avoided for practical purposes and dynamics associated with the region. In this globalised world there is also a need to change both the perspective and approach towards the region, while taking into account the diversity

and disparity. The fault lies in the system of planning. The development strategy followed by the Centre and the State governments has created a totally unbalanced economy in the Northeast. There are differences among the States of the region with respect to their resource endowments, levels of industrialisation as well as infrastructural facilities. The widening gap in income and development vis-à-vis the national average demands substantial policy intervention both at the Central and State levels. The failure of economic strategy for the region is not because of the so-called economic 'neglect' but because of wrong assumptions and inappropriate socio-economic policy framework, which have created an unbalanced economy and destroyed the basic institutions of market economy. There is no 'land market' as two-third of the land area is under community or clan ownership. There are restrictions on labour movement due to inner line regulations in Arunachal Pradesh, Nagaland and Mizoram. Further, there is no investment climate due to law and order situation and attitude towards outsiders. We need to demystify the region, create basic institutions of market economy and start working towards linking the region with dynamic Asian economies. The top-down planning process, which is inconsistent with northeast rich tradition of participatory and community-centric local development and administration, does not place the community at the centre and does not involve the people up to the grassroots level in the planning process. It does not permit sensitive, transparent and concerned governance. There is therefore a pressing need for a paradigm shift in the planning process. The top-down process has to be replaced by a bottom up one. Only then the region can expect to get an appropriate growth path and a result oriented strategy that is 'evolved from the soil' is based on peoples projections and is embedded in the region tradition. Thus, faster economic growth can only be possible if accompanied by requisite structural changes. The process of development cannot be sustained solely through government intervention. The private sector participation is most essential. It will not only provide additional resources but more importantly will create the necessary environment for providing job opportunities, better utilization of resources, enhanced credit flow in the Region and consequent development. The main constraint is the States capacity to spend meaningfully the huge amount of resources available for Eleventh Plan and the Twelfth Plan continue to argue that, "Progress towards inclusiveness is more difficult to assess, because inclusiveness is a multidimensional concept. Inclusive growth should result in lower incidence of poverty, broad based and significant improvement in health outcomes, universal access for children to school,

increased access to higher education and improved standards of education, including skill development.”

The traditional incremental capital output ratio theory does not work well for NER, as after decades of underdevelopment and loss of confidence, private investment has become notoriously difficult to attract. In other words, NER, with all its disadvantages, cannot break the vicious cycle of underdevelopment as neither private investment is forthcoming, nor is the State government, by itself, capable of undertaking public investment of a large magnitude. The only way NER can break the vicious cycle is through development of its human resources and through investment in physical infrastructure, which together would incentivise private investment in the long run. With no adequate exposure to basic discipline of administration, the abundant money injected into the economy without due accountability creates a regime of corruption, encourages nexus between politicians, bureaucrats and militant groups that begets mushrooming of more militant outfits attracting unemployed youth who assumed the exploitation as an industry. The interference in the form of strikes paralyses administration hampers economic activities that led to economic deceleration, acute unemployment problem, and fosters growth of insurgency. The distorted market-economy, poor infrastructure and weak governance, lack of accountability mechanism, insurgent problems has left the region undeveloped and insecure. Computerized file monitoring system could be introduced to increase efficiency and reduce time gap. Further, we need to keep vigil whether the money has been efficiently used and for the purpose for which it has been allotted to must be closely monitored and reported. Not only the government, Central, States and local level but the citizens are equally entitled to know how the money is spent and the result there of. After all, it is their taxed resources. One year of the Plan about to end. If the desired results are to be obtained, serious efforts need to be made sooner rather the later with all hiccups that is experiencing in Manipur is moving ahead with objective of enhancing power generation. There is no doubt at all that peace is important but the roots of conflict lie in the paucity of opportunities for livelihoods. Good governance and development are twin inputs that could spur the region into a new growth trajectory.

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Reducing Everything to Shillings and Pence: Analysis of a Marxist Perspective on the Bhagavadgita

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“‘You ought to have finished,’ said the King. ‘When did you begin?’

The Hatter looked at the March Hare, who had followed him into the court, arm-in-arm with the Dormouse. ‘Fourteenth of March, I think it was,’ he said:

‘Fifteenth,’ said the March Hare.

‘Sixteenth,’ added the Dormouse.

‘Write that down,’ the King said to the jury, and the jury eagerly wrote down all three dates on their slates, and then added them up, and reduced the answer to shillings and pence.”

– Lewis Carroll, *Alice’s Adventures in Wonderland*, 1865

D.D. Kosambi (1907 – 1966), arguably India’s premier Marxist historian, interpreted the Bhagavadgita from a Marxist perspective in an article published in 1961.¹ This was an attempt to contextualize the role of the Gita² in Indian society from a purely materialistic viewpoint. Accordingly, the issues he raised were tied to the historical evolution of the text, the social classes it variously supports or denigrates, the social uses of its doctrines (esp. *bhakti* or devotionism), and the socio-economic conditions it reflects in its attempted philosophical synthesis of several mutually contradictory philosophical schools. In this article, I analyse Kosambi’s inferences and interpretations on their own merits while minimising the intrusion of philosophical material as

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far as possible. As Kosambi is not around to defend himself against misinterpretation or misrepresentation, I will confine myself to an analysis of his writing as it stood in 1961, and not use new information that has become available since.

To start with, Kosambi is rather free with his historical speculations as to how the Mahabharata epic began. He states that it began ‘*as a series of lays sung at the court of the conquerors (the Pandavas)*’ (p. 199). More interestingly, he suggests that ‘*the lament was thinly veiled, presumably (emphasis mine. – R.S.) with irony,*’ for its original (hidden) purpose was to applaud the defeated Kurus (pp. 199). In support of his conjecture (which is just that, for there is no supporting evidence provided), he points out that the Pandavas came in the end to a ‘disgraceful old age, and unattended death in the wilderness’ as per the Mahabharata itself. Moreover, he asserts that Buddhism kept their memory alive in the *kuru-dhammajAtaka*.³ Of course, by now we know how far Buddhism has been weaponised against its country cousin, Hinduism, and it is good to have an historical instance of the early evolution of this theme. And, just like the contemporary reformulations of Buddhism in the service of social reform (or revolution), the weaponisation unflinchingly does violence to Buddhist facts. For, the Buddha commences his *kuru-dhammajAtaka* thus: “When Dhananjaya (Arjuna) was the king of Indrapatta (Indraprastha)...” This is clearly as radical a break as possible with the Hastinapura-based (or the more northern *uttarakuru* heartland that Kosambi implies) Duryodhana and his cohorts. And the Buddha doesn’t mind stating that the Bodhisattva born to King Dhananjaya was himself, his own father Shuddhodhana was Arjuna, the Queen Consort was his own mother Mayadevi and so on. This is quite unexceptionable because the Pandavas are also Kurus in a manner of speaking, being Duryodhana’s cousins. Of course, any reasonable person would agree with Kosambi that there was probably a historical core that was amplified into the present form of the Mahabharata over time, and that the astronomical numbers of troops that fought in the Great War are highly improbable.

Kosambi’s contention that, for most of its existence, the Gita was read mostly by what he calls the ‘leisured class’ than the masses (pp.200) is quite reasonable. Indeed, this not unusual, because the aspects of the epics that have permeated daily life in the form of art, literature and even religious observance are mostly parts of the main story (or interesting sidelights thereof), but not the didactic portions. It is observed

that as far as the Mahabharata is concerned, having as its central theme of the difficulty of knowing Dharma as expressed in the actions of its main protagonists, the main episodes involving the major characters are what are most recited, performed or depicted in the plastic arts. On the other hand, the advice of Bhishma to Yudhishtira that occupies an entire *parva* of the Mahabharata is hardly ever mentioned during public performances, except for selective usage of the *vishnusahasranama* during worship. Unsurprisingly, for most of its existence, the Gita was truly an esoteric text, part of the *prasthanatrayi* canon that included the Upanishads and the Brahma Sutras, and mostly read by learned scholars (especially *vedantins*) and commented on. Incidentally, this also explains why the Bhakti saints (except for Sant Jnaneshwar) took minimal notice of it. Thus, both Jayadeva and Surdas sang about the loves of Sri Krishna and his playful exploits, not his lectures to Arjuna or Uddhava. As any teacher knows to his cost, it takes a lot of effort to make any didactic episode interesting for his students, who would much rather watch a movie or a cricket match. The Gita's historically limited dissemination may be safely attributed to its didactic content and ordinary human nature, and not due to any class prejudices. Note that, unlike the Vedas (technically, *shruti* literature), this was part of *smriti* literature, and legally accessible even in traditional society to all four *varnas* (castes) including the once-born *shudras*. Additionally, if speaking about *Brahman* or *moksha* were dependent on class affinity and prejudice, then the Bhakti saints who came from several classes would not have converged to its exposition in their own individual ways. And, lest we forget, even the poorer classes worldwide have, for centuries told their children adulatory stories that revolve around their 'class enemies' – kings and queens. However, Kosambi is correct when he notes that the Gita received its modern status as a Hindu 'holy book' during the Indian freedom struggle (p.200) and notes the efforts of modern popularizers and commentators such as Lokamanya Tilak, Mahatma Gandhi and Sri Aurobindo. We would like to add that this was substantially aided by the printing press that ensured more rapid production as well as the increased affordability and availability of the written word.

The idea of people's Gods reflecting their social class seems to be an unfounded assumption of Kosambi's when he expresses surprise at wealthy landowners worshipping the mendicant Shiva and plebeians worshipping the opulent Vishnu, husband of Lakshmi (p.202). It does

not occur to him that most people don't choose their Gods based on a careful evaluation of their own current social or political status, but merely receive them as a legacy from their ancestors. Famously, the Hindu worships the cow without being a quadruple himself. More to the point, Kosambi would not have had such profound doubts if he had cared to remember that the imperialist and rich British, who had but disbanded their Indian empire a mere 14 years ago (as of 1961), worshipped a poor carpenter who was crucified along with two thieves and was mocked with a signboard on his cross: "Jesus the anointed (Christ) king of the Jews." Nevertheless, the British called themselves a nation of traders, not carpenters, notwithstanding their collective devotion to a carpenter.

Recorded history is at odds with the allegedly 'frenzied conflict' between different Hindu sects that, Kosambi states, was prevalent (p. 202). 'Frenzied conflict' evokes a completely inaccurate picture of much bloodletting and breaking of heads on a large-scale and a chronic basis in the reader's mind. By way of irony, Kosambi also suggests that these conflicting sects also had no scruples serving their 'beef-eating Muslim masters' (p.202). As for the 'frenzied conflict' between Hindu sects on philosophical and theological points we have the Muslim scholar al-Biruni's testimony on the actual repercussions of such 'frenzied conflict' on the partisans: 'On the whole, there is very little disputing about theological topics among themselves (i.e., Hindus); at the utmost, they fight with words, but they will never stake their soul or body or their property on religious controversy⁴ 'But that doesn't mean that the Hindus of al-Biruni's time were all extreme pacifists incapable of harbouring any prejudice. As he notes in the very next sentence: 'On the contrary, all their (i.e., Hindus') fanaticism is directed against those who do not belong to them – against all foreigners. They call them *mlecha*, i.e., impure, and forbid having any connection with them, be it by intermarriage or any other kind of relationship, or by sitting, eating and drinking with them, because thereby, they think, they would be polluted.⁵ 'This is an important qualitative distinction that we shall return to in the conclusion, but one that Kosambi glosses over effortlessly, as if it did not exist.

If the Gita is an interpolation as Kosambi says (pp. 203-207) well, it is certainly possible in principle, given the overall literary architecture wherein any dialogue or narration may be amplified without doing violence to the whole, as it is with the *panchatantra* or *hitopadesha*.

That is, rather than an author directly narrating a story to the reader, the work is in the form of embedded and interlocking narratives, one within the other. So long as each narrative ends and takes care to pick up the threads of its master-narrative (which may itself be a sub-narrative embedded in another narrative and so on), there is no literary harm done. It is important to also note that the editor of the critical edition of the Mahabharata V.S. Sukthankar, judged that the very question of the Gita being an interpolation was mostly meaningless. Rather, in his perspective, the entire Mahabharata is a dramatised narrative on the philosophy of the Gita, thereby turning the very idea of 'interpolation' on its head and suggesting the equally possible 'expansion' in its stead.⁶ The overall reason for the popularity of the epics is for their messages and insights into the human condition, and not solely for their literary form or storyline. In passing, we note that Kosambi misses an important social point that this literary architecture of interlocking narratives potentially permits future poets (of any class/caste) to participate in the creation of the epic in a relatively egalitarian atmosphere, which is borne out by the diversity of regional oral and manuscript versions of the epic that are extant.

Kosambi's attention is riveted by the mutually contradictory philosophies that find a home in the Gita. It may well be that the Gita contains a hurried summary of various philosophical viewpoints, often mutually contradictory when worked out to their logical end, as he points out. This aspect, he suggests renders it 'not sufficient unto the purpose.' This means that the only proximate reason for its composition that we can discern was to change Arjuna's mind by a dialectical process, however imperfect. Here, Kosambi embarks on a brief discussion on the increasing ubiquity of Sanskrit, because 'the *prakrits* were breaking apart into far too many regional languages' (pp. 207). Fair enough, but we have an interesting sidelight in a form of an accusation: 'The Buddhists had begun to *ignore* (italics mine. – R.S.) the Teacher's injunction to use the common people's languages; they too adopted Sanskrit' (pp. 207). This is an instance of unwarranted (and impossible) channeling of the intentions of long-dead Buddhists who allegedly 'ignored' instructions. Rather, it is more reasonable to infer that, given the repeated fragmentation of the *prakrits* into regional languages (barely a few sentences ago), the mature, multi-ethnic Buddhist Sangha would have likewise opted for Sanskrit for reasons of effective and

unambiguous communication, rather than 'ignoring' their venerable Teacher in an act of collective adolescent rebellion .

Thereafter, Kosambi tells us that the Gita is not really required as an instruction to fight relatives, as history is replete with such instances that did not require scriptural urging (p. 209). And, he notes, Sri Krishna was no paragon of morality either, because his actions are closer to the prescriptions of the amoral *arthashastra*, wherein the ends justify the means. The Gita is therefore 'not sufficient' unto whatever purpose Kosambi lists, whether politics or morality, but leaves the 'real' purpose for the reader to guess. We venture to suggest it might be *moksha* (liberation from the cycle of birth and death) or even *punya* (religious merit), but perhaps we are mistaken. Now, with the Gita ostensibly shorn of its purpose, its purported author (Sri Krishna) may also be called into question. The subsequent section (pp. 210-214) is full of speculations based on very interesting and potentially valuable vignettes of factual history (e.g. the painting of a chariot-riding discus-thrower in a cave painting at Mirzapur, *ca.* 800 B.C.) embedded in a narrative wherein ideology and the skin colour-oriented variant of the Aryan invasion are adroitly interpolated, reminding us of those crafty scribes who interpolated the Gita into the Mahabharata, as alleged by Kosambi. For example, Indra is defeated by Krishna, because Buddhism had already 'tarnished Indra's luster' by opposing sacrifices and 'the pastoral form of bronze-age society with which Indra was indissolubly connected had gone out of productive existence.' And a sentence later: 'The legend of his (Krishna's) enmity to Indra reflects in the Rgveda the historical struggle of the dark pre-Aryans against the marauding Aryans (p. 211-212).' However, the inconvenient fact ruining this neat theory of socio-economic evolution (or revolution?) is that Sri Krishna's opposition to Indra occurred in a pastoral context *par excellence* – among the cowherds of Gokul, of whom Sri Krishna himself was one. Given this fact, the disagreement must be treated as a purely intra-Aryan quarrel among pastoralists because the cowherds (led by Nanda) were preparing to worship Indra when Sri Krishna argued for a change of the object of worship, from Indra to Govardhan, indicating that Indra was their 'original' object of worship and piety. And a section of the cowherds also advised Nanda against angering Indra who, after all, sent the life-giving rains on which they and their cattle depended. Worshipping Govardhan and neglecting Indra, *in the cowherds' own eyes*, was an act of unwarranted and potentially dangerous innovation,

and certainly not one of reversion to an ancestral pre-Aryan religion. Thus, the Govardhan episode in the primary source has no trace or hint of 'pre-Aryans' of colour, dark, light or otherwise. Nobody gainsays the fact that all worship evolves over time, incorporating different elements, different social groups, and drawing from different sources. The overt differences between Vedic and Pauranic Hinduism are there for all to see e.g., open-air fire ritual versus temple worship. But to insinuate class and political conflict into every divine conflict is a dangerous venture at best and a self-destructive one at worst. On the other hand, we cannot fail to acknowledge that such a quest also amounts to a tacit admission that the microcosmic and the macrocosmic are identical in essence and interpenetrate one another, which is about the closest to the Hindu philosophical position that any Marxist has come to date.

Now we come to the section where economic conditions that enabled the Gita's synthesis are interrogated (pp. 214). Kosambi avers that marrying a local Goddess to Krishna 'eased the transition from mother-right to patriarchy' while allowing for the original cult to continue, even in a subordinate position. He interprets the *ardhanarishvara* (androgynous) as the 'extreme' form of this strategy, where the combination effectively ensures that they cannot be separated in the future. And so on, as he discourses about buffalo cults and Naga cults being adroitly absorbed into Hinduism, we begin to get glimpses of yet another application of the 'boa constrictor theory of Hinduism.'⁷ As Hindus can't be always good, we are told that they were subject to fits of intolerance too. Thus, Sashanka of Bengal cut down the Bodhi tree at Gaya, and 'wrecked Buddhist foundations wherever he could' (pp. 215). By contrast, Harsha Siladitya of Kannauj) was liberal in his worship of all deities. Of course, for Kosambi, the reason has to be economic, and not due to a difference in the character or ideology of the two monarchs. 'Images locked up too much useful metal,' Kosambi says, by withdrawing too much from circulation (pp. 216). Kosambi then goes on to cite the celebrated case of another Harsha (of Kashmir) who appointed a regular minister to despoil temples and *viharas*, while remaining a man of culture. Predictably, Kosambi neglects to mention Kalhana's acerbic and derisive comment on this iconoclastic Harsha of Kashmir as 'that Turk (*turushka*), king Harsha.'⁸ Indeed, despoiling temples of bullion was not *normative* for Hindus, and the Kashmiri Harsha was influenced by the Turkic (Islamic) mercenaries he depended

on, as Kalhana informs us later.⁹ Incidentally, temples have been known to provide loans to the surrounding community from numerous inscriptions, indicating that all this 'locking up' was put to good use on occasion. But these varied instances of tolerance and iconoclasm are leading up to something: "To treat all views tolerantly and to merge them into one implies that the crisis in the means of production is not too acute. Fusion and tolerance become impossible when the crisis deepens, when there is not enough of the surplus product to go around, and the synthetic method does not lead to increased production" (pp. 217). This is Marxist syllogism at its finest. If you are intolerant, it is regrettable, but it can be safely and entirely attributed to the crisis in the means of production. But if you are tolerant, or worse, syncretic, you are still no better. It just means that you are plain lucky (implying that you lack agency), not having encountered the said 'crisis in the means of production' just yet, that will invariably and unfailingly bring out the worst in you. One thus gets the overall impression that religious synthesis must be rooted in some cynically calculative socio-economic arrangement, and not in heartfelt devotion or philosophy or even plain goodwill. And this socio-economic reasoning will eventually set the stage for homogenizing all types of inter-religious or sectarian violence by invariably invoking economics and politics as sole reasons, and carefully avoiding the objective fact of the differing views of normative behaviour and of the position of canonical scripture(s) in different theologies.

With crises in the means of production, can a discussion of feudalism be far behind? Our historian says that *bhakti* (devotionalism) served to cement feudal loyalties and ensure efficient tax collection (pp.218, The social functions of bhakti). We are introduced to some proto-revolutionaries like Chakradhara who emphasized the ideals of 'tribal, communal life,' and an 'absolute rejection of the caste system.' Anybody who is familiar with tribal life would testify to the importance attached by tribals to endogamy – the *sine qua non* of the hated caste system. Only the myth of the 'noble savage' can serve to prop up this alleged conflict between Hindu and tribal society on the issue of caste endogamy.¹⁰ The other proto-revolutionary is Sant Jnaneshvara whose description of the 'suffocating contradictions of mixed superstition' are quoted *in extenso*. The verdict of Jnaneshvarais damning, and approvingly quoted: Praying to this deity and that by turns, "he prays uninterruptedly, never still for a moment, like a prostitute at the town

gate” (pp.222). However, the original context indicates that this spectacle is that of people whose devotion is merely transactional, because of which Jnaneshvara censures them, and not because of their devotion *per se*. As Jnaneshvara would have himself known, the Gitacharya says (9:23) – those that worship other Gods with faith, they too worship me, albeit in an incorrect manner (*avidhi-pUrvakam*). The key is the devotional attitude, not a transactional one. Incidentally, given that the society (at least around Jnaneshvara) was merrily carrying on such synthetic worship with a vengeance, may we follow in Kosambi’s footsteps and infer that it therefore had a productive surplus and no crisis in production was in sight, because of which Jnaneshvara’s attempt at revolution was ill-timed? This, admittedly, would be news to Jnaneshvara himself! Another problem for Jnaneshvara, we are told, would have been that the Gods of the Hindus could not protect themselves from the “Muslim blow” and the Yadavas of Devagiri passed into history (pp. 223). The lack of an *avatara* to save temples from the Muslim blow, we are told in a bold flight of speculation, “might have been another cause for despair” that led to his suicide (pp. 223). It is amazing that an Indian historian is unaware that ritual suicide is common among several Indian sects, especially Jains (*sallekhana*), and Hindu saints are also known for choosing the option of a voluntary exit from this world (*prayopavesha*). These have little to do with political equations or even philosophical contradictions, and have much to do with religious custom. Hindu ritual suicide can flourish without any aid from the “Muslim blow.”

The last section “The Gita Today” ends with a brief discussion of the contribution of Alauddin Khilji (and by implication, succeeding Muslim sovereigns) in precipitating a crisis that was ‘resolved’ by the British conquest that replaced the feudal system of production with the bourgeois-capitalist one (p. 223). Kosambi ironically notes in conclusion that the independence movement did not challenge this arrangement, but merely required that the Indian bourgeoisie be in power, not the British. Kosambi notes that the ‘payment of heavy tribute’ violently imposed by Alauddin and the Muslim conquest spared no one, high or low, and led to impoverishment of the peasantry. What is left unsaid are the reasons for ‘violently placing’ the ‘social problem upon a new footing’ which neatly sidesteps the entire issue of Islamic law *vis-à-vis* Hindus, attributing it to an impersonal, inexplicable and endemic ‘violence’ instead. Unfortunately, the voluminous histories of the Islamic period leave us in no doubt that religious difference was the basis for

collecting the *jizya* tax, which also acted as an inducement to conversion. As Amir Khusrau (a contemporary of Alauddin Khilji) put it forthrightly: ‘Islam is triumphant, idolatry is subdued. Had not the law of Hanifa granted exemption from death by payment of poll-tax the very name of Hind, root and branch, would have extinguished.’¹¹ That is, the Hanafi *fiqh* (school of Islamic jurisprudence) prevalent in India permitted the continued existence of Hindus on payment of *iiziyā*, at par with People of the Book (Jews and Christians). Other *fiqhs* of Islam don’t have this provision (or loophole), as Amir Khusrau noted.

Thus, after initially basing his arguments on some historical facts and reasonable conjectures, Kosambi rapidly capitulates to the exigencies of Marxist ideology by persistently looking for economic causes everywhere and studiously ignoring religious causes wherever they appear. This is just like the jurors who tried Alice in Wonderland by reducing all information to shillings and pence. Karl Marx had proclaimed that “all criticism starts with the criticism of religion.” Kosambi seems to have misunderstood Marx to mean “all criticism starts with the criticism of *one* religion” and not “all religions.”

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Disclaimer

The opinions expressed herein do not represent the views of the TERI School of Advanced Studies or TERI.

Notes

- ¹ Kosambi D. D. (1961). Social and Economic Aspects of the Bhagavadgita. *Journal of the Economic and Social History of the Orient*. 4 (2):198-224
- ² Commonly used English spellings have been used for familiar names and terms, such as ‘Gita’ or ‘Mahabharata.’ The rest have been transliterated as per the ITRANS convention.
- ³ The *jAtaka*. Translated from Pali by R.Chalmers (1895). E.B. Cowell (ed.), Vols. I-VI. Published by Cambridge University Press. URL: <http://>

www.sacred-texts.com/bud/j1/index.htm. The kuru-dhammajAtakais available at: <http://www.sacred-texts.com/bud/j2/j2129.htm>

⁵ *ibid.* pp.19-20.

⁶ *'Is the Gita an interpolation? The question has no meaning in the light of the explanation I have given you of the structure and meaning of the Mahabharata. The Gita is in fact the heart's heart of the Mahabharata, and the Mahabharata is a sort of necessary commentary on the Gita. It has been well said that no Decalogue has half the influence over human conduct that is exercised by a single drama or a page of narrative. The philosophy of the Gita had to be expounded by application, if it was to be of any use to the mass of the people for whom it was primarily intended. And that is just the raison d'être of the Mahabharata. It visualizes the teaching of the Gita, by projecting the ideal on to the background of generalized history.'* V.S. Sukthankar (1957). On the meaning of the Mahabharata. Motilal Banarsidass Publishers Private Limited, Delhi. p. 119.

⁷ *'Truly wonderful are the strength and vitality of Hinduism. It is like the boa constrictor of the Indian forests. When a petty enemy appears to worry it, it winds round its opponent, crushes it in its folds, and finally causes it to disappear in its capacious interior. In this way, many centuries ago, Hinduism on its own ground disposed of Buddhism which was largely a Hindu reformation; in this way, in a pre-historic period, it absorbed the religion of the Scythian invaders of Northern India; in this way, it has converted uneducated Islam in India into a semi-paganism; and in this way, it is disposing of the reformed and once hopeful religion of Baba Nanak. Hinduism has embraced Sikhism in its folds; the still comparatively young religion is making a vigorous struggle for life, but its ultimate destruction is, it is apprehended, inevitable without state support.* M.A. Macauliffe (1909). *The Sikh Religion - Its Gurus, Sacred Writings and Authors* (vol. 1). Oxford. p. lvii. URL:https://archive.org/details/The_Sikh_Religion_Its_Gurus_Sacred_Writings_And_Authors_Vol.1_Max_Arthur_Macauliffe/page/n0. Incidentally, the Protestant reformist perspective of Macauliffe in this excerpt is notable, situating Buddhism and Sikhism in approximately the same relation to Hinduism as Protestantism has to Catholicism. This propensity has been noted by other scholars too. See: (a) T. Ballantyne (2006). *Between Colonialism and Diaspora: Sikh Cultural Formations in an Imperial World*. Durham & London, Duke University Press. (b) A. Murphy (2017). *Placing Max Arthur Macauliffe in Context/s:Sikh Historiographical Traditions and Colonial Forms of Knowledge*. *The Journal of the Irish Society for the Academic Study of Religions*.4:58-73. The widespread superimposition of Protestant reformist sensibilities on Indian religious texts during the

course of German Indological studies (especially the historical-critical method) have been extensively listed and critiqued in V. Adluri and J. Bagchee (2014). *The Nay Science*. Oxford University Press. URL: <https://global.oup.com/academic/product/the-nay-science-9780199931361?cc=in&lang=en&>

⁸ We quote from book VII of Kalhana's *Rajatarangini* wherein Harsha's iconoclasm is described in extenso. (See M.A. Stein (translator, 1900). *Kalhana's Rajatarangini. A chronicle of the kings of Kashmir*. Vol. I. Archibald Constable and Company Ltd., Westminster. pp. 352-353. URL: <https://archive.org/details/RajataranginiVol1>.)

'1090. Then the greedy-minded [king] plundered from all temples the wonderful treasures which former kings had bestowed there.

1091. In order to get hold of the statues of gods too, when the treasures [of the temples] had been carried off, he appointed Udayaraja "prefect for the overthrow of divine images [dEvOtpAtananAyaka]."

1092. In order to defile the statues of gods, he had excrements and urine poured over their faces by naked mendicants whose noses, feet and hands had rotted away.

1093. Divine images made of gold, silver and other [materials] rolled about even on the roads, which were covered with night soil, as [if they were] logs of wood.

1094. Crippled naked mendicants and the like covered the images of the gods, which were dragged around by ropes around their ankles, with spittings instead of flowers.

1095. There was not one temple in a village, town, or in the City **which was not despoiled of its images by that turushka, king Harsha.**

1096. Only two chief divine images were respected by him, the illustrious raNasvAmin in the City, and mArtAnda [among the images] in the townships.

1097-1098. Among colossal images, two statues of Buddha **were saved through requests addressed by chance to the king at a time when he was free with his favours**, namely the one at parihAsapura by the singer kanaka, who was born there, and the other in the City by the sramaNakushalashri.⁷

(All emphases mine. – R.S.)

⁹ *Ibid*, p. 357.

⁷1149. While continually supporting the turushka captains of hundreds with money, this perverse-minded [king] ate domesticated pigs till his death. The selective usage of the Kashmiri Harsha story by Indian historians to effect wholesale negationism of the causes and consequences of the Islamic conquest of India has been thoroughly documented and critiqued in K. Elst (1992). *Negationism in India – Concealing the Record*

of Islam. Chapter 2. Published by Voice of India, New Delhi. URL: <http://koenraadelst.bharatvani.org/books/negaind/index.htm>

- ¹⁰. A notable instance of the tribal insistence on endogamy was in evidence when Jawaharlal Nehru, India's first prime minister, inadvertently ended up 'marrying' a tribal girl. During the inauguration ceremony of the Panchet dam of the Damodar Valley Corporation on December 6, 1959, Budhni Mejhan, a 15-year old girl (and one of the labourers) from the Santhal tribe, formally garlanded Nehru as part of the welcome. This act of garlanding Nehru was enough for the elders of Mejhan's village to excommunicate her for 'marrying' a non-Santhal, a Kashmiri Brahmin, which led to her lifelong isolation from her family and community. In traditional Indian society, endogamy is as important to the tribal as for the Brahmin and everyone else in between. Also note that the tribal Santhals viewed garlanding as part of the marriage ceremony, just as any caste Hindu might, and took serious exception to a non-tribal outsider being so garlanded, however inadvertently and innocently. See: C. Padmanabhan. Recovering Budhni Mejhan from the silted landscape of modern India. *The Hindu*, June 02, 2012. URL: <https://www.thehindu.com/todays-paper/tp-opinion/recovering-budhni-mejhan-from-the-silted-landscape-of-modern-india/article3481766.ece>
- ¹¹. Amir Khusrau, *Mathnawiyy-i-Dawalani Khizir Khan*. Rashid Ahmad Salim Ansari, ed., Aligarh, 1917. p. 46.

Livelihood Capital Assets of Tribal Rubber Stakeholders of Tripura with Focus on Small Growers and Plantation Workers

Vanlalrema Kuki, Pradip Chouhan & Indraneel Bhowmik*

Rubber plantations have played a big role in swaying a large number of tribal shifting cultivators in favour of settlement. The present paper uses the USAID technique on the basis of five capitals (Human, Natural, Social, Financial, and Physical) to compute a Livelihood Capital Index and gauge the situation of livelihood strategy among the tribal farmers and tribal rubber labourers in Tripura. The study observes that the tribal farmers have greater asset strength in aggregate, however, there are significant differences among the asset base between the two stakeholder groups and surprisingly, it is the labourers who lead over the farmers in terms of Human capital and Social capital assets.

1. Introduction

Natural rubber (NR) has evolved as a vital wheel for the development of Tripura and her people. NR has been considered as one of the viable means of earning sustainable income in the State, owing chiefly to the longevity of the harvesting period (Bhowmik, 2006 & Dey et al, 2014). Tripura is the second largest producer of rubber in India after Kerala and the total area under rubber plantation in the State was estimated to

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be 83280 hectares in 2016-17. The suitable agro-climatic conditions provide good potential for thriving of rubber plantation in the State (GoT, 2016). The State government was quick to realise that NR, owing to its perennial nature and industrial linkage, can provide long-term economic opportunities for the poor and marginalised sections of the State population. It can, on the one hand, provide substantial income to rubber growers and, on the other, add to the domestic supply of this important industrial raw material. However, the emergence of Tripura as the hub of NR production among the non-traditional areas has been due to its effectiveness as a viable medium of economic rehabilitation of landless tribal shifting cultivators, commonly known as '*jhumias*' in the local parlance. The self-sufficient *jhum* economy of the earlier days was in crisis owing to the increased pressure on land and the declining fallow cycle; it was a threat to the environment too. Moreover, the migratory character of the *jhumias* kept them bereft of the development interventions initiated by the State and the Central governments. Rubber was considered as a possible means to wean away the *jhumias* to a settled form of livelihood (Viswanathan & Shivakoti, 2008 & Bhowmik & Chattopadhyay, 2018).

It may be noted here that the resettlement schemes for tribal beneficiaries generally provide for land occupancy rights over one hectare per household with income accruing to the recipient on the sale of latex and ribbed smoked sheets as soon as the trees mature and reach the tapping stage. Natural Rubber is a long duration crop with a seven-year gestation period. During the immature stage, the beneficiary is engaged as a labourer in his own field for land development and production augmenting activities on a wage basis by the rehabilitating agency. As the plantations mature, i.e., the trees attain a desired girth, the beneficiary is trained to tap the rubber tree and use the latex for sheet production.

However, all NR plantations in Tripura are not under the ambit of rehabilitation model. There are numerous private plantations, mostly smallholdings, owned by both tribal and non-tribal folk in the State. The ownership of plantations by people belonging to the Scheduled Tribes community is predominantly more in the hinterlands of the State, often synonymous with the Tripura Tribal Areas Autonomous District Council (TTAADC). It may be noted here that the existing laws of Tripura restrict the transfer of land ownership rights from a tribal person to a non-tribal person. As a result, there are several instances of urban ST dwellers buying land in the TTAADC areas (at low prices, because

of limited buyers) and setting up rubber plantations. Inhabitants of the nearby region, mostly tribal and in many cases the original landowner are appointed as workers on wage basis and the owners become a prototype of an absentee landlord. Moreover, there are many instances of the rehabilitated shifting cultivator who, buoyed with the material gain over the years from rubber plantations, has appointed wage workers and turned himself into a rent seeker. Such a situation arose because the wards of many beneficiaries found tapping to be an extremely taxing work and preferred to pursue other or easier economic activities. Moreover, many of the descendants of the original beneficiaries have migrated to other places for other vocations owing to their higher education levels.

Thus, at present, the rubber plantation sector provides gainful employment opportunities to cultivators as well as to workers engaged in the plantation and production of rubber. In this context, it is imperative to define rubber cultivators as synonymous to rubber farmers, who own and operate the rubber farm with self or family labour. Rubber labourers, on the other hand, are wage workers, providing labour in plantations against payment, mostly in nominal forms.

Rubber tree is deciduous in character, thus the tapping activity is spread throughout the year except the one-month of leaf shedding thereby assuring a regular income to the farmer as well as the labourer for major part of the year. Primarily due to its remunerative prices and high labour intensity, NR has been an embodiment of inclusive development as plantations unwrap income-earning opportunities for the small and marginal farmers, as well as labourers, and, thus contributing to sustainable livelihood for rubber plantation stakeholders. Several researches have persuasively argued on the importance of rubber in generating income and employment (Bhowmik, 2006; Dey, 2009; Nirmala, 2009 & Sengupta, 2013) in the State, particularly for the Scheduled Tribes, NR plantation has emerged as one of the main source of livelihood to the growers (Joseph, 2014). However, the progressive improvement of the livelihood status and conditions of the cultivators and tappers may take different dimension in the coming days due to the emerging labour shortfall arising as the second generation of the rubber growers moving away from plantation based activity owing to better human development and learning. The old and infirm tribal beneficiary of the rehabilitation schemes being incapable of the arduous task of tapping looks for other work. However, with emerging shortage of wage labourer, these small rubber farmers have appointed workers on

product sharing basis (Bhowmik & Viswanathan, 2015). Thus, in this transitional phase the emergence of a revenue-sharing model, aka share tenancy of traditional agriculture, within the plantation sector is likely to be the win-win condition for both the plantation owner and the worker.

The importance of the labour in rubber plantation is immense as the production and yield of rubber is influenced by the ability and efficiency of the labourer (Bhowmik, 2008 & Rajasenan, 2010). Nonetheless, in Tripura, the plantation workers and small rubber growers, inclusive of indigenous people across the State, survive at a basic minimum level with limited asset base; and adopt several part-time and occasional income-generating activities at every given opportunity (Bhowmik & Chouhan, 2013; Joseph et al. 2012). Participation of rubber farmers and rubber labourers in NREGA activities in the State is also observed over the years and the income generated vide such work contributes substantially to the livelihood efforts of the small rubber growers and workers (Sharma, et al, 2011; Bhowmik and Viswanathan, 2015). As a result, it can be said assets possessed by the workers and cultivators often have significant influence on determination of livelihood aspects of the households.

Livelihood is considered as the strategy and means of finding a living. To achieve sustainable livelihood security, judicious use of resources available to them is a strategy and also a mechanism to facilitate the possibility of diversifying their livelihood assets (Rathore, et al 2014). According to Freeman et al. (2004) assets has been divided into five Livelihood Capitals such as physical, natural, financial, human and social. However, often the risk of livelihood failure determines the status of vulnerability of a household to income, food, health and nutritional insecurity. Generally, the livelihoods of stakeholders are secure when households acquire ownership of, or enjoy access to, resources and income earning activities, and they are ready to meet risks, ease shocks and other unforeseen contingencies (Chambers, 1989; Rai, et al., 2008). It is also argued that a better strategy for the development of hill people and forest dwellers is the recognition of their assets (natural, social, human, physical as well as financial), along with the long-term need for conservation of forest and environment (Panda, 2013). In the context of Tripura, it may be noted that the implementation of the Restoration of Forest Rights Act, 2006 has seen more than 100000 indigenous tribal people receiving land deeds. These people have seen the socio-economic benefits accruing to their

neighbours and fellow villagers from rubber; as a result, they also seek to enjoy the same through plantation of NR (Bhowmik & Chattopadhyay, 2018). Thus, it is in this background that the present study is undertaken with the objectives of assessing and comparing the livelihood strategies of tribal rubber farmers and labourers, mainly on the basis of the five livelihood capital assets.

The rationale behind the current study is that – with the rubber plantation sector facing a downward slump in prices since 2012-13, the rubber growers have adopted various response mechanism in reducing the cost of production which includes decrease in the tapping days which has a direct bearing on the income aspect of the wage workers, while the decreasing prices have also reduced the business income of the rubber farmers who operate with family labour. Therefore, it becomes important to examine and understand the asset base of the stakeholders of small rubber plantations particularly as new production relations in the form of sharecropping are emerging. The present paper is structured in four sections, including the present Introduction. The second section provides the methodology of the study, while the results and discussion are the constituents of the third section. The fourth section provides the conclusion.

2. Methodology

2.1 The Study Area

The area of the study is Dhuptali village, located in the southern part of Tripura, under Gomati district of Tripura having a total of 508 families. The Tripura Rehabilitation Plantation Corporation Limited (TRPC) initiated rubber plantation in this village about two decades ago, in 1997. Scheduled Tribes constitute 67.72 per cent of the village population, while the Scheduled Castes account for 20.87 per cent, the remaining 11.41 per cent belong to the General and Other Backward Communities. Dhuptali is about 20 sq.km in area and is divided into 4 wards and represented by 7 panchayat members; the literacy rate (75.31 per cent) is lower compared to State average (87.22 per cent, census, 2011); the occupational profile of the village population is mostly agrarian despite the fact that only 60 hectares of the land is cultivable, as against 110 hectares of uncultivated uplands (tilla). Census 2011, records 71.18 per cent of the total 687 workers of the village as engaged in main work (Employment or

Earning for more than 6 months in a year) while 28.82 per cent are accounted as marginal workers, i.e., having employment for less than 6 months. Out of 489 main workers, 62 are cultivators (owners or co-owners) and 207 agricultural labourers. The majority of the people are poor; about 325 families (64% of the total families) use BPL Ration Cards, and often expect to benefit from government subsidies and various welfare measures. There are 88 old-age pensioners in the village, besides 145 land Patta grantees and 333 job cardholders under MGNREGS.

2.2 Sampling Framework and Data

The present study is based predominantly on primary data collected through an exhaustive and extensive field survey of the study area. It may be noted that the study area was chosen purposefully since most of tribal families living therein pursued rubber cultivation as their principal source of livelihood. Altogether 60 tribal respondents comprising of 30 rubber growers and 30 rubber tappers were selected randomly. Primary data was collected through structured schedules and personal interviews. Also for gainful insight into the economic conditions of workers in rubber plantations, a series of discussions were held with the farmers and tappers. In order to draw the sample, we have used Rudra's (1989) technique of 'randomising the population rather than randomising the sample.'

2.3 Methods for Analysis

Significantly for this paper, the selection of the five livelihood capitals have been made after reviewing the article of United States Agency for International Development (USAID), 2005 and incorporating minor but necessary local changes. The indicators were studied on the two point continuum with 1 and 0 scores, in consonance with the procedures used by Su and Shang (2012); it included human capital (total labour ability of a family, labour force of one adult male and education level of adult labour force) natural capital (proprietary household average land resource area, and average actual household infield area) physical capital (housing instance, households assets) financial capital (opportunity to obtain a loan, opportunity to obtain unpaid financial assistance and household income) and social capital (social activity and

organizational participation, financial assistance, substance assistance and technological assistance).

Moreover, an index was calculated by incorporating the scores assigned for each capital. The formula of United Nations Development Programme (UNDP) of Max-Min approach $= \frac{[\text{Actual-Minimum}]}{[\text{Maximum-Minimum}]}$ was used for farmers and labourers separately. Hence, once the indices were estimated, a simple average of all the indices was undertaken to induce the livelihood capital index (LCI) i.e, $LCI = \frac{[HCI+NCI+PCI+FCI+SCI]}{5}$.

For a comparative estimate of the livelihood capitals between farmers and labourers, a gap index was calculated by using the formula-Gap Index = LCI (farmer) -LCI (labourer); similarly, Gap Index for each livelihood capital has also been computed.

Besides, independent samples t-test was also used to check the statistical differences between the various livelihood assets of the two groups of stakeholders.

3. Results and Discussions

3.1 Profile of the Samples

Table 1 highlights that there were 2 female rubber labourers against only one female rubber farmer, which is suggestive of the patriarchal social system. It may be noted that gender equality among the tribal society is of much higher dimension, yet regarding the rubber plantations we find sizeable variation in gender access. The female tappers opined of learning the tapping job themselves being fascinated by the lucrative wage at the time of rubber boom. It was easier for them as they could manage time after finishing off their domestic chores. It is also likely that non-availability of male labour, often due to out-migration, is also a possible factor for the women to enter the labour market as noted in an earlier study (Bhowmik and Viswanathan, 2015). The long gestation period of rubber plantations often act as a deterrent to females taking up rubber farming as an option. The socio-economic condition as depicted by ration cards between the two categories is not much different. The incidence of APL cardholders (40%) is marginally higher among the rubber labourers as compared to the rubber farmers (36.67%); however, there was no difference between the said categories in respect of the Antyodaya card; each had the same percentage (13.13%) of holders.

The mean age of the rubber farmers were 50.5 years while that of the labourers was 28.36 years, which is quite understandable as the property deeds are often in the name of the elder generations. Moreover, the rehabilitation programmes were initiated and functional in the late 1990s and early 2000s, and the beneficiaries have aged over the years. It may be noted that rubber tapping is a tedious job, which requires waking up early by 4 to 4:30 am. The range and standard deviation of the age of rubber farmers is also much higher than that of the labourers.

Table 1: Basic Statistics of the Respondents

	Farmers	Labourers
Male	29(96.67)	28(93.33)
Female	1(3.33)	2(6.67)
Ration Cards		
APL	11(36.67)	12(40)
BPL	15(50)	14(46.67)
Antyodaya	4(13.33)	4(13.33)
Age (Years)		
Mean	50.5	28.36
Max	75	53
Min	28	18
SD	13.06	8.7
Family Size (Nos)		
Mean	5	4
Max	8	6
Min	3	3
SD	1.35	0.91
Earning Members (Nos.)		
Mean	2.03	2.1
Max	4	4
Min	1	1
SD	1.03	0.80
Avg. Years of Schooling	2.5	6.8

Source: Primary survey, 2015; Note: figures in parentheses indicate percentage.

The average family size of the farmers is larger than that of the labourers. The lower average age of the labourers is a possible cause of the smaller family size. Moreover, the rupture of the joint family in recent years may have also contributed to the cut in the family size among the younger generation of rubber labourers. On a comparative frame, the average number of earning members among is marginally

higher among the farmers, which is also possible due to larger family size. The lower mean years of schooling among the farmers, 2.5, than that of the labourers, 6.8, is an indication of growing spread of literacy and education in the area. The younger people are more educated undoubtedly and are part of the labourer force in greater numbers. The rehabilitation schemes have led to the settlement of tribal shifting cultivator households, as a result, the access and outreach of development initiatives in the form of schools and health centres have also increased leading to a higher average outcome for the younger generations who are predominantly part of the labourer group.

3.2 Livelihood Index

Table 2 shows the adult labour forces that are workable have an effective value of 0.352 for farmers while it is 0.474 for labourers. This means that the availability of labour strength with the labourer household is more than the farmer household in terms of human capital according to the USAID (2005) framework for the rural households. In case of natural capital, the farmers (0.721) are better endowed with natural resources than the labourers (0.450) are. Similarly, better housing and valuable assets are available to farmers (0.556) than that to labourers (0.450), particularly because the farmers had a better opportunity of diversifying their income sources as well as earn higher income from rubber for a long period prior to the fall in rubber prices. Looking at the financial capital, farmers (0.767) are again found ahead of the labourers (0.750) though the difference is marginal which is somewhat puzzling because some of the farmer households have members who are government employees and some of them run small business enterprises too. Also to be noted that few of them were rural landlords, and, in the past, they had exercised much control on the economic activities of the village. However, the value of social capital among tribal labourer household is 0.617, which is higher than that of the indigenous farmer household (0.525); thereby suggesting the need for government and non-government assistance to facilitate their social welfare and progress.

Of the five livelihood capitals, tribal rubber farmers enjoy better position in terms of natural capital, physical capital and financial capital; while the labourers are better equipped in terms of social capital and human capital. The natural capital and physical capital represents the livelihood strategies that would affect production and income and provide further fillip to the living standard and lead to improved quality of life. The accessibility of financial capital requires basic education and resources, which can be monetised. As a result, it occupies the

most significant and dominant part in plantation sector in enhancing economies of scale. The deficiency of financial capital would slow down the labourers to achieve livelihood diversification. Therefore, it is imperative that the credit policies to farmers and labourers should be of easy access in order to strengthen the financial capital both of the entities; which may in turn promote private investment environment leading to further improvement and development of the livelihood strategies of farmers and labourers. Nonetheless, it is in expected lines that the livelihood capital strength of the tribal rubber farmers are much higher than that of tribal workers of rubber plantations. It may be noted that Viswanathan & Shivakoti, (2008) found that facilitating financial capital among tribal people has had a significant effect on the adoption of rubber-integrated farm livelihood systems.

Table 2: The effective value of measuring indicators

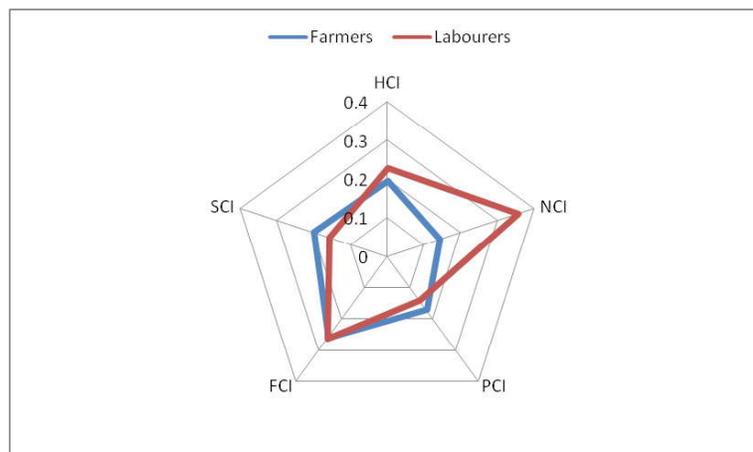
Type of Asset	Measuring indicators	Effective	Weight Farmers
Labourers			
HCI	1. Total labour ability of a family		
(3)	2. Labour force of one adult male &	0.352 (5)	0.474
	3. Education level of adult labour force		
NCI	1. Proprietary household average land resource area &	0.721 (2)	0.450
(5)	2. Average actual household infield area		
PCI	1. Housing instance &	0.556 (3)	0.450
(5)	2. Households assets		
FCI	1. Opportunity to obtain a loan	0.767 (1)	0.750
(1)	2. Opportunity to obtain unpaid financial assistance &		
	3. Household income		
SCI	1. Social activity and organizational participation		
	2. Financial assistance		
	3. Substance assistance &		
	4. Technological assistance	0.525 (4)	0.617
(2)			
Livelihood Capital Index	0.584		0.548

Source: Computed.

Notes: Figures in parentheses indicate rank.

Further, from Table 2, we find that among the five Livelihood capitals, FCI ranks at the top while SCI and NCI holds the second position for the labourers and farmers respectively, in terms of the index score. For the farmers, PCI comes in the third position, while HCI is ranked third for the labourers. The score of the SCI is fourth while the HCI is the fifth rank holder among the farmers. It is interesting to note that the score of NCI and PCI for labourers are identical and the joint least among the five indices.

Figure 1: Standard Deviations in the livelihood indices for farmer and labourers



Source: Computed by the authors.

The higher value of HCI among the labourer households is definitely an outcome of younger age and greater learning that is owing to the generational gap between the two groups. However, the higher index value for SCI among labourers is an outcome of several factors. Social interaction of the younger people are generally more as they are more involved in community life and enjoy greater interaction through clubs and groups. But more importantly, the labourer households are more focused on availing the various social assistance programmes and schemes run by the government and civil administration. Nonetheless, from Figure 1, we find that among the livelihood component indices,

the dispersion within the labourer households and farmer households are almost identical for FCI. The standard deviation among the labourer households for HCI and NCI is more than that of farmer households while the dispersion for PCI and SCI is more among the farmers as compared to that of labourers. The variation among the tribal labourer households regarding NCI is the maximum among all indices, because of the huge difference in the proprietary land.

3.3 The Gap Index

Table 3 highlights that the gap index is negative for HCI and SCI as expected from Table 2, while it is positive for the remaining three, NCI, PCI and FCI. The gap index score for Livelihood Capital Index is 0.036 in favour of tribal rubber farmer households. It may be recollected that gap index basically provides the difference between the mean scores of the two groups. The difference in the mean score is most prominent for NCI (0.271) and least for SCI (0.017). Table 3 further exhibits that the T-value for testing the difference between the mean score of the tribal farmer household and tribal labourer household are significantly different for all the component livelihood capital indices except FCI. It may be further noted that the difference between the two categories are significant at 1 per cent for NCI, PCI and at 5 per cent levels for SCI, HCI. However, the surprising feature is that though the tribal rubber farmers are ahead of the tribal rubber labourers in terms of the aggregated Livelihood Capital Index, the difference is not significant statistically.

Table 3: Gap Index between livelihood assets

Capital Indices	Gap Index	T- value[DF-29]
HCI	-0.122	2.289 (0.01)
NCI	0.271	4.002 (0.00)
PCI	0.106	2.709 (0.00)
FCI	0.017	0.254 (0.40)
SCI	-0.092	2.036 (0.02)
LCI	0.036	1.249(0.11)

Source: Computed.

Note: Figures in parentheses indicate the level of significance of the T Value.

4. Conclusion

The preceding section makes it clear that between the two major stakeholders of rubber plantations from the tribal community, it is the rubber farmers who are endowed with greater livelihood capital index currently. Such an observation is very much in the expected lines as the farmers owing to their better and stronger linkage to land assets are in a position to enjoy more livelihood assets. However, the lack of statistically significant difference in the index score between the farmers and the labourers attest to the fact that the farmers are also vulnerable in terms of livelihood security though they possess greater assets. In other words, we may say that there are not much differences in the livelihood efforts of the tribal rubber farmer and the tribal rubber labourer.

On the other hand, higher score of the tribal labourers in HCI and SCI is indicative of the fact that they have more scope to look for alternative livelihood opportunities in case of jeopardy within the rubber sector, as they can diversify with greater vigour owing to their better levels of learning and social interaction. Contrarily, the tribal farmers who are mostly beneficiaries of rubber based rehabilitation of the 1980s and 1990s have build up assets which are more physical in nature and can be of use during hard times of rubber sector. It should be noted that one cannot ignore the importance of NR in the study region as almost all economic activities are related to the crop, thus policy intervention to improve the livelihood capital for both the stakeholder group becomes warranted, particularly during the period of downward swing of the business fluctuations felt by the NR sector. The tribal households had been traditionally living in their own self-sufficient *jhum* way of life; however, exposure to rubber plantations has intertwined their life and livelihood to market. Thus, strengthening of the livelihood capital of the tribal populace of Tripura can ensure that they are more adept and capable to face the market vagaries that global plantations are cyclically exposed to.

The higher human capital component among the labourers should be utilised to make them more skillful in the art of tapping so that their productivity and production increase leading to rise in income. Moreover, for the tribal farmers, it would be prudent to reduce their dependence on rubber monoculture in favour of rubber based agro-forestry models such that the tribal farmers can diversify their risk against market failures which will ensure that they do not go for distress sell/leasing out of their physical assets.

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Aspects of Gandhi's Hinduism

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Gandhi's understanding of the relationship between Hinduism and other traditions like Christianity and Islam was at the heart of his approaches to religion and politics. One of the most important features of Gandhi's Hinduism was that it did not depend upon a strong notion of an 'other' which had to be opposed and contested. Nevertheless, it is evident that Gandhi's Hinduism evolved largely in a process of constant dialogue with religious and cultural traditions within as well as outside the Hindu fold over a set of issues and concerns which were regarded by him as central to Hinduism. This paper deals mainly with some of the issues involved in his understanding of the Hindu-Muslim relations, such as his approach to Muslim leaders, his responses to Islam in general and to pan-Islamism in particular, and to the issue of cow-protection. It needs to be noted that the paper does not attempt a comprehensive review of the Hindu-Muslim relations in pre-Independence era and Gandhi's role therein.

The syncretic background of Gandhi's early life, reflected both in the social and cultural world of the coastal areas of Gujarat and in the fact that his mother belonged to the Pranami sect is well-known. However, it is from his days in South Africa that Gandhi's understanding of Islam finds a clear expression. Thus, addressing the Theosophical Society at Johannesburg, South Africa, in 1905, Gandhi made some of his first public remarks on Islam. Here, he did not regard Islam as the religion of the sword. Rather, according to him, even though the advent of Islam was as an 'assault' on Hinduism, it was the simplicity and the egalitarian nature of Islam which helped in its spread.¹

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It is interesting that even at this early stage of his political life in South Africa, Gandhi was involved in settling matters between the Hindus and Muslims. In 1908, a section among the Muslims accused Gandhi of having 'ruined' the Muslims.² The same year some Pathans got a letter published in *The Star* which made the following comments on Gandhi:

Not only does Gandhi always make derogatory remarks about our religion and pass insulting remarks against our prophets, but he is always disturbing the peace of the land.³

In response to this, Gandhi got a letter published in the *Indian Opinion*, in which he said:

To charge me with insulting the prophets of Islam smacks of ignorance. I have not even dreamt of such a thing. It is certainly not in the nature of true Hinduism to insult the religion of others.⁴

Thus, we can see here that Gandhi was already visualizing himself as someone who believed in 'true Hinduism,' and was trying to cultivate it. During Gokhale's visit to South Africa in 1912, Gandhi said: 'If we want it to appear that he is a Hindu, Muslims should take the lead in honouring him, that 'being the only' way to promote fraternal relations between the two sections of the community.'⁵

One can see in the above statement that Gandhi wanted Hindu-Muslim relations to be based on reciprocity. He frankly admitted that there were different communities among the Indians, and he took it in a matter of fact manner, without trying to push it under the carpet. His attempts at forging Hindu-Muslim unity were based on this frank acceptance.

On his return to India, Gandhi pushed himself into the Khilafat and Non-Cooperation movements. The issue of the relationship between Hinduism and Islam again came to the fore because of his insistence on Hindu-Muslim unity. In 1920, Gandhi, commenting on the medieval period of Indian history, said:

The pre-British period was not a period of slavery. We had some sort of Swaraj under the Mughal rule. In Akbar's time, the birth of a Pratap was possible. In Aurangzeb's time, a Shivaji could flourish.⁶

Gandhi's involvement with the Khilafat Movement was looked upon with disfavour by certain sections among the Hindus who believed that Gandhi was consciously or unconsciously consolidating the pan-

Islamic feelings among the Indian Muslims. In response to these charges, Gandhi said:

Let Hindus not be frightened by Pan-Islamism. It is not, it need not be, anti-Indian or anti-Hindu. Mussalmans must wish well to every Mussalman state and even assist any such state, if it is undeservedly in peril. And Hindus, if they are true friends of Mussalmans, cannot but share the latter's feelings.⁷

In the wake of the Hindu-Muslim riots in 1923, Gandhi was again charged with having consolidated the Muslim community, so that it became more and more militant in its dealings with the Hindus. The outbreak of the Moplah rebellion was by far the most serious challenge to Gandhi's religious philosophy. The rebellion resulted in a large number of Hindus being killed or converted to Islam. Gandhi condemned the rebellion in the following words:

A verbal disapproval by the Mussalmans of Moplah madness is no test of Mussalman friendship. The Mussalman must naturally feel the shame and humiliation of Moplah conduct about forcible conversions and looting, and they must work away so silently and effectively that such things might become impossible even on the part of the most fanatical among them.⁸

It is clear from the above statement that Gandhi did call a spade a spade. Just as he would have blamed the Hindus for such an act, he blamed the Moplahs, too. In fact, he went a step further, and asked Hindus not to be 'cowards' and the Muslims not to be 'cruel.'⁹ He severely criticized Maulana Hasrat Mohani for defending the actions of the Moplahs in the name of religion. He said: 'That is no doubt a travesty of religion and morality. But to do irreligion for the sake of religion is the religious creed of the Maulana.'¹⁰

Despite the fact that Gandhi positioned himself strongly within the Hindu cultural fold, accusations of partiality towards the Muslims continued to be levelled against him. He tried to explain his position thus:

About Christianity and Islam, I do not claim to know as well as I claim to know Hinduism. Christians and Muslims, no matter how open I may be, are likely to misunderstand me, but there is no such possibility in Hinduism, and I have no fear of being misunderstood by my Hindu people ... Even as a skillful surgeon knowing his patient and knowing his defects ruthlessly uses the knife to cure the wound, as a reformer,

claiming to be saturated at least as well as the tallest among the Hindus, it would be totally wrong, if I out of false courtesy and false tenderness do not put emphasis upon defects and weaknesses that are ruining Hinduism.¹¹

As a Hindu, therefore, Gandhi could, in a sense, take his 'Hindu people' for granted, but not so the people belonging to other faiths. However, he continued his efforts at solving Hindu-Muslim problems on the basis of mutual cooperation, and held both the communities equally responsible for the sectarian strife. Whenever there was an attempt at putting all the blame on the Hindus and Hinduism, he tried to counter it. In 1928, Maulana Shaukat Ali delivered a speech at Kanpur, in which he called the Hindus 'slaves,' and made other charges against them.¹² Gandhi wrote to him, disapproving his action:

I would go all the way with you in accusing the Hindu of his many misdeeds; but I am unable to hold with you that he has been ever the aggressor, ever the tyrant, and his Muslim brother always the injured victim ... I simply want to tell you that, in my opinion, all your incitement is wrong, your judgement is one sided and that the Mussalman is equally guilty with the Hindu, if not, on the whole, more so.¹³

Thus, Gandhi did not hesitate in pointing out that it was 'one-sided' to blame the Hindus alone for the strife. This approach continued to inform his attitude. He blamed both the Hindus and Muslims for the Kanpur riots (1931), though he asserted that 'greater shame overtakes me when I find Hindus perpetrating butchery.'¹⁴ So, just as he expected the Muslims to feel ashamed of the Moplah violence, he felt greater shame at the violence committed by the Hindus. Gandhi, therefore, recognized the religio-cultural boundaries and shaped his behaviour accordingly. At the Karachi Session of the Congress (1931), he said:

I am sure that the Islamic and Aryan cultures are not mutually exclusive and fundamentally different. But I must recognize that Mussalmans look upon Islamic culture as distinctive from Aryan.¹⁵

That Gandhi regarded the Indian Muslims, in a sense, as a part of the Islamic world is clear from the above statement. What is more important is that he did not see it as a problem. On his way to London for attending the second Round Table Conference in 1931, Gandhi had a stopover at Aden. Addressing a gathering there, he said: 'I want the Arabs of Arabia to come to our rescue and help to bring about a

condition of things when the Mussalmans would consider it a point of honour to help the Hindu and vice-versa.¹⁶ ‘This great peninsula,’ he added, ‘the birthplace of Mohammed and of Islam, can help to solve the Hindu-Muslim problem.’¹⁷

The anti-untouchability movement led by Gandhi in the 1930s threw up many issues relevant for our discussion. Gandhi regarded the Depressed Classes as an integral part of Hinduism and warned the Hindus in general that if they did not change their attitude towards the former, they would form a new community or merge in other religions.¹⁸ This he saw as the most frightening of all prospects. Commenting upon his reasons for opposing the Communal Award (1932), he said:

Being a far-sighted man, I realized that since some sort of a constitution was coming, if the Government accepted the scheme contained in that agreement, our relations with Harijans would come to an end, and the Hindu society would be permanently divided. Harijans would either separate from the rest of the Hindus and form a new community or merge in some other community; but they would not continue to belong to the Hindu fold. I saw that this would mean the destruction of Hinduism.¹⁹

The Muslim leaders, of course, considered it problematic that Gandhi should insist on the Harijans remaining within the Hindu fold. In 1933, Iqbal issued a statement, in which he said: ‘Mr. Gandhi has made it a mission of his life to prevent a fusion of the untouchables with the other communities and to retain them in the fold of Hinduism without any real fusion even between them and the caste Hindus.’²⁰

Gandhi’s faith in the equality of all religions and his recognition of religio-cultural boundaries went hand in hand. A ‘great Muslim’ wrote to him raising certain issues. He asked:

Then, do you cherish their (Muslims’) culture as you would cherish your own Hindu culture.²¹

To this, Gandhi replied:

Of course I do. I cannot do otherwise, for I believe Islam and other great religions to be as true as my own. India is the richer for the cultures that Islam and Christianity brought with them.²²

In response to another question whether he, like Akbar, ‘aimed at fusing all religions into one and producing a new-faith,’²³ Gandhi said:

I do not know what Akbar dreamt. I do not aim at any fusion. Each religion has its own contribution to make to human evolution. I regard the great faiths of the world as so many branches of a tree, each distinct from the other, though having the same source.²⁴

In 1939-40, Jinnah repeatedly called upon Gandhi to admit that the Congress was a Hindu organization and that he himself was a representative of the Hindus.²⁵ It was only then that the League could come to an understanding with the Congress. In response, Gandhi denied that the Congress was a Hindu organization. About himself, he asserted, 'I am proud of being a Hindu, but I have never gone to anybody as a Hindu to secure Hindu-Muslim unity. My Hinduism demands no pacts.'²⁶

The Ahmedabad and Dacca riots (1941) once more saw Gandhi criticize the actions of the rioters, especially the Muslims, as they were reported to have taken the lead and indulged in large-scale violence. As Gandhi put it:

From the accounts received it seems that Muslim fanatics from Dacca and Ahmedabad did their worst in inflicting damage on Hindu property by looting and burning with a deliberation that showed premeditation. Hindus, instead of boldly standing up and facing the mischief-makers, fled in their thousands from the danger zone. And where they did not, they were as barbarous as the assailants.²⁷

The expression of these views by Gandhi led to a lot of resentment in certain Muslim circles. However, Gandhi stuck to his position. He was, in a way, aware of the fact that despite his best efforts to project himself as a sincere friend and well-wisher of the Muslims, he had failed to do so. His speech at Bombay on 8th August, 1942, on the eve of the Quit India Movement, besides admitting his failure, mentioned one of the grounds for his support to the *Khilafat* Movement which was often cited as an example of Gandhi's tilt towards the Muslims. He said:

Had I any axe to grind in the Khilafat Movement. True, I did in my heart of hearts cherish a hope that it might enable me to save the cow. I am a worshipper of the cow. I believe the cow and myself to be the creation of the same God, and I am prepared to sacrifice my life in order to save the cow.²⁸

X

We have already discussed several important aspects of what Gandhi defined as Hinduism and who all could be included, according to him, within the Hindu fold. We can now move on to a discussion of how he related to the symbols operating within the broad realm of Hindu cultural fold. Here it cannot be gain said that the cow had by this time emerged as one of the most powerful and emotive symbols within that fold, notwithstanding the fact that a substantial number of people who were regarded as Hindus may follow practices that are at variance with the mainstream belief system. Therefore, we shall discuss in this section Gandhi's views on cow-protection, or, as he preferred to call it, 'cow-service' (Gauseva).

The issue of cow-protection was of great importance for Gandhi, in as much as it involved, according to him, one of the basic features of Hinduism and was intimately related to the question of Hindu-Muslim unity. In the wake of the *Khilafat* and Non-Cooperation movements, the issue of cow-protection came to the fore. Writing in *Young India* in 1921, Gandhi had this to say on the issue:

The way to save the cow is not to kill or quarrel with the Mussalmans. The way to save the cow is to die in the act of saving the Khilafat without mentioning the cow. Cow protection is a process of purification. It is 'tapasya,' i.e., self-suffering. When we suffer voluntarily and, therefore, without expectation of reward, the cry of suffering (one might say) literally ascends to heaven, and God above hears it and responds... I make bold to assert without fear of contradiction that it is not Hinduism to kill a fellow-man even to save the cow.²⁹

It is clear that Gandhi was deeply concerned about protecting the cow from being slaughtered, but he was not inclined to adopt a confrontationist approach towards the Muslims because of his conviction that only sincere cooperation on the part of the latter could be an effective check against the problem. For him, the Khilafat question had provided a good opportunity to the Hindus to earn the goodwill of the Muslims by helping them in their hour of need, which would automatically result in a change of heart on the part of the latter. Gandhi's assertion that it is against Hinduism to kill a fellow-man even to save the cow was primarily a manifestation of his deep-seated belief

in non-violence, though from a more practical point of view it was an attempt at conflict resolution between the Hindus and Muslims. It must not be imagined, however, that he put a man's life above that of a cow. For him the life of the one was as important as that of the other. This is amply borne out by the following statement:

I would not kill a human being for protecting a cow as I will not kill a cow for saving a human life, be it ever so precious.³⁰

Giving his presidential address at the Cow Protection Conference, Belgium in December 1924, Gandhi said:

I hold the question of cow-protection to be not less momentous but in certain respects even of far greater moment than that of swaraj. I would even go so far as to say that just as so long as Hindu-Muslim unity is not effected, Hinduism not purged of the taint of untouchability and the wearing of hand-spun and hand-woven khaddar does not become universal, swaraj would be impossible of attainment; even so, the term "swaraj" would be devoid of all meaning so long as we have not found out a way of saving the cow, for that is the touchstone on which Hinduism must be tested and proved before there can be any real swaraj in India.³¹

Then he went on to add that 'so far as the popular notion of Hinduism was concerned, its distinguishing feature was belief in cow-protection and reverence for the cow. I do not grant to be told as to what Hindus ten thousand years ago did. I know there are scholars who tell us that cow-sacrifice is mentioned in the Vedas.'³² 'Go to any Hindu child,' Gandhi asserted: 'and he would tell you that cow-protection is the supreme duty of every Hindu and that anyone who does not believe in it hardly deserves the name of a Hindu.'³³ However, he expressed strong disapproval of the methods used for cow protection:

But while I am a firm believer in the necessity and importance of cow-protection, I do not at all endorse the current methods adopted for that purpose. Some of the practices followed in the name of cow-protection cause me extreme anguish. My heart aches within me. Several year ago I wrote in *Hind Swaraj* that our cow-protection societies were in fact so many cow-killing societies. Since then and after my return to India in 1915, that conviction of mine has grown stronger and firmer every day. Holding the views that I do, therefore, I have naturally felt a great hesitation in accepting the

Presidentship of this Conference. Would it be proper for me to preside over this Conference under these circumstances? Would I at all succeed in convincing you of the soundness of my views—radically different as they are from the commonly accepted notions on this subject? These were the questions that filled my mind.³⁴

As discussed earlier, Hinduism, according to Gandhi, puts the animal creation on the same level as men, as far as the right to live is concerned.³⁵ For him, there was nothing wrong in the desire to save the cow, because it was a ‘sublime’ expression of Hindu tolerance. Thus, the motive behind cow-protection was a ‘sublime’ one, and there was an urgent need to make others realize this and give up cow-slaughter. However, this could be done only through persuasion and cooperation. Condemnation of the Muslims and Christians for cow-slaughter was alien to his scheme of things.

Nevertheless, Gandhi continued his efforts at cow-protection or cow-service (Gauseva) within Hinduism itself with a vehemence and determination which were unseen in his dealings on the issue with the Muslims etc. In the midst of a raging controversy in Mysore state over the issue of cow-slaughter, Gandhi even endorsed a possible legal ban on it, provided it had the support of the intelligent majority of the subjects adversely affected by it. Then he went on to say:

The title a Hindu king dearly cherishes is that of the defender of the cow and the Brahmin. The cow means not merely the animal, the giver of milk and innumerable other thing to India, but it also means the helpless, the downtrodden and the poor. ... But today, alas! Hindu princes are powerless and in many cases even indifferent to ensure this full protection.³⁶

During a visit to South India in 1927, Gandhi was surprised on being told that beef-eating was common among the Adi Karnatakas. He found it difficult to believe that the Adi Karnatakas who, according to Gandhi, claimed to be and were recognized as Hindus, and who ‘knew the Ramayana and the Mahabharata as well as any other Hindu,’ were given to beef-eating. He asserted that abstinence from beef-eating was a ‘fundamental truth of Hinduism.’³⁷ Therefore, any community, or even individual, located within the Hindu fold had to give up beef-eating and thus abide by this ‘fundamental truth of Hinduism.’ It was because of this belief that Gandhi called upon the Adi Karnatakas to give up beef-eating. This is further corroborated by his statement to the

Adi Dravids, who also practised beef-eating. Herein he said: 'Hinduism is a tolerant religion. But tolerant though it is, it is intolerant of beef-eating on the part of its devotees.'³⁸

Gandhi then went on to call upon the Adi-Dravids to give up beef-eating. Later on, during his visit to Calicut, he told the Adi Dravids there, too, to do so. He expressed his pleasure on being told that many of them were already doing so, and called upon others to follow their example.³⁹

In 1927 itself, Gandhi was also trying to broker a settlement between the Hindus and Muslims on the issue of cow-protection. In a letter to M.A. Ansari, the then Congress President, Gandhi promised to support a legislation by common consent which would make the Muslims forgo cow-slaughter and the Hindus stop playing music before mosques, and assured Ansari that he had the support of Madan Mohan Malaviya who, in turn, was confident of taking the Hindu Sabha with him.⁴⁰ Thus, Gandhi's approach to cow-protection involved reciprocal relations with the Muslims.

Meanwhile, Gandhi kept doing the work which could more properly be called cow-service (Gauseva). In 1928, he published a list of books on the issue in *Young India*.⁴¹ The same year saw him establishing the Cow Service Society with himself as Chairman. According to Gandhi, it would have been pretentious to name it as 'cow-protection society,' as the members could only hope to 'serve' the cow.⁴²

The temple entry movement in the 1930s brought the issue of beef-eating to the fore, as sections among the Harijans were reportedly given to beef and carrion eating, which, according to the orthodox Hindus, was a disqualification for entering a temple. As mentioned earlier, Gandhi was, of course, opposed to beef-eating by any section of the Hindus. He, therefore, argued, along with the orthodox, that only those Harijans who had given up beef-eating were entitled to temple-entry.⁴³ Thus, the temple, one of the most important symbols of Hinduism, was, in Gandhi's view, available only to those who abided by another other important symbol, i.e. abstinence from beef. In the case of the Harijans, he also made a general appeal to them to give up beef-eating. As he put it, 'If Harijans can become vegetarians, nothing can be better; but if they will not, they should at least give up carrion and beef.'⁴⁴ Therefore, it might be said that from Gandhi's point of view, integration of the Harijans with the rest of the Hindu society was incapable of being achieved in the absence of the former giving up beef-eating.

We have seen in this paper that Gandhi was throughout his life engaged in efforts to reform, understand, define – and redefine – Hinduism. While doing this, he had a very broad conception of Hinduism in mind. Casting such a broad net for Hinduism was in itself instrumental in defining and strengthening the Hindu cultural fold, as it emphasized the inclusive and assimilative character of Hinduism. Far from shying away from the religio-cultural turmoil revolving around Hinduism and other traditions, he plunged into it. He associated himself with leaders and organizations working for what could be called regeneration or consolidation of Hinduism, though not without some important differences. His involvement in the cow-protection or cow-service (Gauseva) movement was clearly in accordance with his overall approach towards Hinduism, which supplied most of the cultural symbols used by him.

Significantly enough, Gandhi, in the process of reforming and strengthening Hinduism, remained equally concerned about maintaining friendly relations with those outside the Hindu fold, i.e. the Muslims, Christians, etc. His belief in the equality of all religions meant that all religions lead to the same divine truth. But it also meant that all religions had an equal right to maintain their existence as independent entities. His efforts to forge cordial relations between the Hindus and non-Hindus as also his activities within the Hindu cultural fold often provoked sections among Hindus to accuse him of partiality towards the non-Hindus, for example, Muslims. This criticism emanated, at least partly, from the fact that he was placed firmly at the centre of the Hindu cultural fold – which raised expectations from him within that fold some of which he could not fulfil, given his highly complex approach to Hinduism and other traditions as discussed in this paper.

Notes

- ¹ *Collected Works of Mahatma Gandhi*, Vol. 4, p. 376. However, Gandhi is reported to have acknowledged forced conversions to Islam and iconoclasm practised by the Muslim rulers. (His own words are not available) Ibid.
- ² Ibid. Vol. 8, p. 101.
- ³ Ibid. Vol. 9, p. 151.
- ⁴ Ibid. p. 152.

5. Ibid. Vol. II , p. 301.
6. Ibid. Vol. 19, p. 477.
7. Ibid. Vol. 20, p. 291.
8. K.N. Panikkar Culture and Consciousness in Modern India, Delhi, 1990. p. 25. Interestingly, Panikkar cites it as a case of Gandhi ‘drawing’ a ‘communal line’.
9. *Collected Works of Mahatma Gandhi* Vol. 23, p. 81-82.
10. Ibid. Vol. 22, p. 267. However, Gandhi insisted that the Hindus must not act in a similar manner. He said:
 “Does a Hindu love his religion or country more than he loves himself. If he does, it follows that he must not quarrel with an ignorant Muslim who neither knows the country nor the religion.” Ibid. p. 269. He also maintained: “We must not blame the Mussalmans as a whole, nor must we blame the Maulana as a Mussalman.” Ibid. p. 268.
11. Ibid. Vol. 34, p. 537. These comments were made by Gandhi in 1927 in a speech at Kumbkonam.
12. Ibid. Vol. 36, p. 129.
13. Ibid. In the same letter, Gandhi told Shaukat Ali that his claim that the Muslims had contributed Rs. 20 lakhs to the Tilak Swaraj Fund was wrong. He asserted that the Muslims had not contributed even two lakhs, and that there were ‘audited accounts’ to show this. Ibid. pp. 129-30. On the other hand, continued Gandhi, Hindus had contributed generously to the Khilafat agitation. Ibid.
14. Ibid. Vol. 44, p. 372-73.
15. Ibid. p. 372.
16. Ibid. Vol. 47, p. 390.
17. Ibid.
18. Ibid. Vol. 56, p. 203.
19. Ibid. p. 121. Later, in July 1936, in response to Ambedkar’s questions regarding Hindu scriptures and Hinduism which he was planning to raise at the Jat-Pat – Torak Mandal of Lahore, a conference cancelled because the Reception Committee found Ambedkar’s proposed address as President to be unacceptable, Gandhi wrote a two-part article titled Dr. Ambedkar’s Indictment, in which he said:
 “Can a religion that was professed by Chaitanya, Jnanadeva, Tukaram, Tiruvullavar, Ramkrishna Paramhansa, Raja Rammohun Roy, Maharshi DevendraNath Tagore, Vivekanand and a host of others who might be easily mentioned, be so utterly devoid of merit as is made in Dr. Ambedkar’s address? A religion has to be judged not by its worst specimens, but by the best it might have produced.” Ibid. Volume 63, p. 154.
20. Ibid. Vol. 56, p. 330.

21. Ibid. Vol. 68, p.323.
22. Ibid.
23. Ibid.
24. Ibid.
25. Ibid. Vol. 71, p. 371.
26. Ibid.
27. Ibid. Vol. 73, p. 26. Gandhi was so concerned about these riots and the Muslim reaction to his comments that he wrote a letter to Shuaib Qureshi, in which he said:
 “I assume that you have seen my statements on the riots. They have come in for much hostile criticism on the part of the Muslim correspondents. I would like your reaction to my statements. My remark that in Dacca and Ahmedabad the start was made by the Muslim ‘goondas’ has been specially resented. I wonder what you have to say to that remark. What disturbs me most are the indecent stabbings and the like.” Ibid. p. 105.
28. Ibid. Vol. 76, p. 386. In the same speech. Gandhi made a strong plea for Hindu-Muslim unity and single nationhood. He said:
 “Millions of Mussalmans in this country come from the Hindu stock. How can their homeland be any other than India? My eldest son embraced Islam some years back. What would his homeland be – Porbandar or the Punjab? I ask the Mussalmans: ‘If India is not your homeland, what other country do you belong to? In what separate homeland would you place my son who embraced Islam’.” Ibid.
29. Ibid. Vol. 20, p. 438. For Gandhi’s views on cow-protection, please see Gandhi’s Religion: A Homespun Shawl by J.T.F. Jordens, New York, 1998. And The Mind of Mahatma Gandhi edited by R.K. Prabhu and U.R. Rao, Ahmedabad, 1967.
30. Ibid. p. 110.
31. Collected Works, Vol. 30, p. 515.
32. Ibid. p. 516.
33. Ibid.
34. Ibid., pp. 516-17.
35. Ibid. Vol. 32, pp. 26-27. In response to a letter, Gandhi wrote an article in Young India (11-1 1-1926), in which he expressed this opinion. His actual words are being reproduced below:
 The philosophy of cow-protection therefore is in my opinion sublime. It immediately puts the animal creation on the same level with man, so far as the right to live is concerned. But it is no part of Hinduism to prevent by force cow-slaughter by those who do not believe in cow-protection.”
 Ibid.
36. Ibid. Volume 34. p. 125.
37. Ibid.

- ³⁸. Ibid. p. 517.
- ³⁹. Ibid. Vol. 35, p. 191
- ⁴⁰. Ibid. Vol. 35, p. 420.
- ⁴¹. Ibid. Vol. 36. p. 74. Gandhi had been carrying on such activities earlier also. During his stay at Juhu in Bombay in 1924, Gandhi faced problems getting cow milk. He ascribed it to the wretched condition of the cows, which, he contended, had resulted from the ignorance of the Hindus. He made several recommendations for the improvement of Gaushalas (cattle-farms). He suggested that these cattle farms should be located outside the city to house old as well as milch animals, and even suggested the use of machines in these farms. Ibid. Vol. 23, pp. 473-74.
- ⁴². Ibid. Vol. 37, p. 111. In 1933, Gandhi thus defined the concept of Goseva: "In Goseva of my conception, I include all living creatures ... the ideal of cow-protection was the most important gift of Hinduism to mankind" Ibid. Vol. 55, p. 407. Gandhi used the terms cow-protection and cow-service (Goseva) interchangeably; for at the same place he also said: "Those who slaughter cows are ignorant people. Their ignorance cannot be removed by killing them. To remove their ignorance efforts of a different kind, love and sympathy, are required." Ibid. p. 408. Gandhi also emphatically supported the feeling of reverence for cows. Ibid.
- ⁴³. Ibid. Vol. 53, pp. 36-37.
- ⁴⁴. Ibid. Vol. 54, p. 167. In a letter to Narandas Gandhi, the Mahatma maintained that it was a great thing that (Chamar⁴) children gave up buffalo flesh.' Ibid. p. 158.