

## Debating '*Bongals*': Historicizing Notions of 'Foreigner' and Citizenship for Contemporary Assam

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*Recent passage of the Citizenship Amendment Bill, 2019 and the agitations and public debates around it in Assam have reinvigorated the foreigners issue in Assam, a frontier province in post-colonial India. While there is little doubt that creation of post-colonial states in the Indian subcontinent caused extreme violence, displacement and agony, few scholarly works that have located this tension within the larger debates of partition-citizenship interface. Thus despite sustained scholarships emerging on the history and politics of Assam, citizenship question remains a marginally explored area. Though some scholarships in recent times have tried to redeem this gap, but their engagement with contested citizenship in Assam remained limited, largely determined by ethno-linguistic and cultural factors and religious antagonisms. It is important to recover these experiences of Assam both in its longue duree perspective and its recent dimensions, more so in light of recent legal exercises such as the updation and in fact the creation of the National Register of Citizens in Assam and the passage of the Citizenship Amendment Act, 2019 through the creative re-reading of contemporary printed texts, parliamentary debates reports and court judgements. The paper seeks to undertake a preliminary attempt at such an exercise.*

**Keywords:** *partition, Hindus, Muslims, refugees, displaced, citizens, immigrants.*

### ***The Historical Antecedents***

Citizenship is one of the most powerful instruments in the construction of a political community and territorial belongingness in modern times. Connected to the idea of citizenship is a complex imagination and identification and definition of stake holders within this political community through a normative index which determines who are citizens and who are not. This process is even more complicated in a geographically liminal province such as Assam which has historically shared a border with diverse communities and yet had a long history of community antagonism and contested belongingness. Despite the existence of an elaborate communications network which linked the Brahmaputra valley and the outside world,<sup>1</sup> the "Assamese were averse to the admission of 'foreigners' into their country."<sup>2</sup> The common term for foreigners among the Assamese was '*Bongals*'.<sup>3</sup> The antagonism was more pronounced towards immigrants from Bengal. This idea of the Bengali as the 'foreigner' is clearly visible in nineteenth century periodicals. Discussed in an

interesting editorial article in a prominent nineteenth century periodical points out that the dominant Assamese idea of Bengalis was that of people who were from the “land located in the west of Assam,”<sup>4</sup> and who were “foreigners, uncivilized and impure”<sup>5</sup> and by that logic clearly unwelcome to Assam. S.K. Bhuyan points out that traditional antagonism against migrants was aggravated during the Ahom rule when the royal policy was to encourage a selective migration of people from different parts of India. Only people who were willing to sever all connection with their mother country and assimilate themselves with the Assamese “in language, manners and racial sympathy”<sup>6</sup> were welcome. The onset of colonial rule radically challenged dominant and popular ideas and practices on migration in Assam and fed to the Assamese antagonism towards foreigners.

### ***The Colonial Rule and the Bangal Babu***

While the overthrow of Ahom rule had already upset the traditional elite in the Brahmaputra valley, colonial administrative policies which had a far-reaching impact on both the politics over language and culture and politics of peopling created deep resentment against people who seemed to be the beneficiaries of the new dispensation. The ‘foreigners’ question assumed a new dimension in this period as the Bengalis from Bengal began to move into Assam to manage the colonial administrative offices. As early as 1836, Lieutenant Matthie pointed out that “on British conquest of Assam, ... numerous ... Bengalees ... came to Assam and under our system the Assamese were obliged to patronize them. They became the penmen of their petitions, accountants, and often spokesmen at councils.”<sup>7</sup> While the traditional elite lost their position, the administrative apparatus came to be dominated by the immigrants from Bengal. Colonial correspondence was replete with discussions about the colonial dependence on Bengali immigrants which is critical to understand how the idea of ‘foreigners’ came to be reinforced with the people of Bengal living in Assam. While the local traditional elite were representing their misery, “it is not myself alone whom Government has suffered to live in misery, but a great many old and respectable families amongst whom are the seven families of the Ahoms...”<sup>8</sup> the colonial state went on to assert that, “it becomes necessary to import men from Calcutta and other parts of Bengal,”<sup>9</sup> a process that began with the commencement of English East India Company government in Assam. When Francis Jenkins assumed his office of the Commissioner and Agent to the Governor General in April 1834, “he found that almost all amolahs were Bengalees from Sylhet, Dacca and Mymensingh”<sup>10</sup> By the mid nineteenth colonial administrators such as Hopkinson candidly observed that the “European community in Assam... entirely dependent upon the Bengalee community...”<sup>11</sup> While the Sylhetis, Dhakaiyas and the Mymensinghis took control of the administration from the early days of the colonial rule in Assam, the introduction of Bengali as the official language in Assam in 1838 by Jenkins only consolidated the dominance of the Bengalis in white collar jobs in Assam and “ill-feeling and deep resentment among those for whom hitherto there was no other means of livelihood than Government Service.”<sup>12</sup>

### ***Colonial Rule and the Bongal Peasant***

In about the same time, the desire to maximize revenue from this new colonized land turned

colonial officialdom to engage in debates and formulate policies for encouraging settled cultivation in Assam which again opened the floodgates for the inflow of Bengali migration in the form of Bengali peasants. Summing up the situation, Jenkins observed that the ground was ready for “fruitful fields of sugarcane, mustard, mulberry, lac, tobacco and vegetables.”<sup>13</sup> As “immense quantities of land remained as waste and jungle”<sup>14</sup> Francis Jenkins, the agent to the Governor General pointed out that there was a necessity to encourage the immigration of Bengali cultivators into the lower districts of Assam to make the wastelands productive. Jenkins pointed out that “... unless small colonies of Bengalees are induced first to settle in Assam by making them advances or in some such measure, it does not seem probable that any but single and occasional individuals of that race could emigrate to so great a distance to reside among foreigners unassisted, for if they were not poor and requiring assistance they would not remove from their own village.”<sup>15</sup> Jenkins believed that the transformation of the Assam ‘wastelands’ could be effected by the settlement of people from the populous districts of eastern Bengal in the lower districts of Assam. In the same letter dated 23<sup>rd</sup> May, 1853, he strenuously argued in favour of improving road networks between Assam and Eastern Bengal so that “... some of the overflowing population of the three neighboring Bengali zillahs would find their way to the wastelands of Assam...”<sup>16</sup> Jenkins was not alone and many other officers came around to support his position.<sup>17</sup>

Between the decades from the 1850s to 1890s, the colonization policy also changed and concern with food deficit forced colonial officials to build consensus around the question of encouragement for the Muslim peasants of Bengali origin for reclamation of wasteland in Assam. Henry Cotton pointed out in his report of 1898 that, “It was shrewdly remarked by Mr. Portcous, one of my most observant officers, as long ago as 1890, that, ‘the best hope for colonizing the Dhansiri valley will be by colonization from Sylhet. The Muhammadans of Eastern Sylhet, who have opened out so much land under the Tippera Hills both in Sylhet and Hills Tippera and equally so the Manipuris who are even better as pioneer settlers...’”<sup>18</sup> Circulars were sent to the collectors of the populous districts of Bengal to initiate steps for facilitating the migration of people from the districts of Dacca, Tipperah and Mymensingh<sup>19</sup> into Assam. Colonial officials began to emphasize the necessity of extension of cultivation in Assam and facilitating infrastructural support in the form of roads and railways into the interior areas of the province.<sup>20</sup> It was felt that, the stout and fanatical Mahomedan of East Bengal may possibly be better material,<sup>21</sup> for extension of cultivation over wastelands in Assam. It was clearly pointed out in official correspondence that the workers of the Tea Gardens did not have the skill to bring the riverine tracts under cultivation,<sup>22</sup> unlike the peasants from East Bengal who “were used to such ecology.”<sup>23</sup> This perception was also shared by the colonial officials. It was argued that the Brahmaputra valley offered a favorable condition to the East Bengali immigrant for habitation and settlement.<sup>24</sup> Making an intervention in the Viceroy’s Council, Mr. Patrick Playfair, Member in the Viceroy’s Council argued that “...improved communication may ultimately advance emigration, but progress must be very slow, unless Government makes it a special business to move a population from the congested districts for settlement in Assam.”<sup>25</sup> By 1898, even the Chief Commissioner of Assam, Henry Cotton was in favour of improved railway communication between Assam and Bengal on the understanding

that it would “offer facilities for colonization...”<sup>26</sup> According to the Census of 1901, 5,10,672 immigrants in Assam in 1890-91, about 4,18,360 were from Bengal alone<sup>27</sup> with “stream of landless peasants started pouring from East Bengal through rail, road and waterways.”<sup>28</sup> This changing trend was first highlighted in the Census of 1911.<sup>29</sup> The completion of the Golakgunj-Gauhati extension of the eastern Bengal Railway was completed in 1911 dramatically increased the inter-provincial migration of agriculturists from Bengal to Assam. A colonial report pointed out that between 1905 and 1915, 70,000 migrants entered Assam from Dacca, Pabna, Rangpur and Mymensingh alone.<sup>30</sup> In view of the population pressure on land in Mymensingh peasants were forced to migrate from the district and settle in Goalpara where they brought about dramatic transformation in the population density of the district. In contrast to 89 persons per square mile in 1891, population density rose to 115 persons in 1911 and then to 193 in 1921.<sup>31</sup> According to the census of 1921, of the 300,000 cultivators who had migrated to Assam from the eastern districts of Bengal, 151,000 had settled in Goalpara and 44,000 in Kamrup alone. 78,000 among these settlers in Goalpara and 30,000 of these settlers in Kamrup were from Mymensingh.<sup>32</sup> By the next decade, the number of Bengalis in Goalpara rose to 170,000 of whom 80,000 were from Mymensingh. In Kamrup, their number registered a phenomenal increase with the Census recording the presence of 134,000 Bengali migrants in Kamrup of whom 91,000 were from Mymensingh.<sup>33</sup>

But it was only in the twentieth century that population trickle from Bengal turned into a tide. Whereas the census of 1921, pointed out that,

In 1911, few cultivators from Eastern Bengal had gone beyond Goalpara, those censused in the other districts of the Assam Valley numbering only a few thousands and being mostly clerks, traders and professional men. In the last decade (1911-1921) the movement has extended far up the valley and the colonists now form an appreciable element in the population of all the four lower and central districts...<sup>34</sup>

The Report of 1931 authored under the guidance of C.S. Mullan, the Census Superintendent. Mullan created a stir when he observed that,

by 1921, the first army corps of the invaders had conquered Goalpara. The second army corps which followed them in the years 1921-1931 has consolidated their position in that district and has also completed their conquest of Nowgong. The Barpeta subdivision of Kamrup has also fallen to their attack and Darrang is being invaded. Sibsagar has so far escaped completely but the few thousand Mymensinghians in North Lakhimpur are an outpost which may, during the next decade, prove to be a valuable basis of major operations.<sup>35</sup>

This Report of Mullan not only set the tone for a prolonged debate on settlement policy in Assam and inter-provincial migration, it also made the Assamese antagonism against the Bengalis more focused. Bengali peasants were now abused as greedy and land hungry and came to be hurled with pejorative epithets such as ‘vultures’ and ‘ants’.<sup>36</sup>

### ***The Moment of Parting and after***

At the moment of partition of India, in 1947, Assam shared a very large boundary with eastern

Pakistan. The transfer of power and the settlement of refugees migrating from East Pakistan to the various districts of Assam is a process that became a flashpoint in this construction of citizenship where migration of people across the borders was viewed as a threat to the idea of political homogenization of spaces. With partition of the country, post-colonial India began to seriously engage with the question of citizenship. Both the Constitution and the Census became statist instruments that reflected the anxiety of the new state towards the question of citizenship. Debates in the Constituent Assembly began to engage with the political realities of partition of the subcontinent and the creation of the two states of India and Pakistan. When debates commenced on the citizenship question in the Constituent Assembly, members of the Assembly were extremely concerned with the idea of citizenship and the fate of the migrants who had come to India from areas which formed part of East Pakistan before and after partition. Rohini Kumar Chaudhuri who represented a general seat from Assam in the Constituent Assembly articulated the predicament of citizenship in Assam when he asserted that,

I want citizenship to this class of people who have originally belonged to Sylhet in the province of Assam, who long before the partition, have come to the Assam Valley as citizen 'of that province and are staying in the present province of Assam... I want to make it perfectly clear that I want citizenship rights for those people of East Bengal who had gone over to West Bengal or Assam out of fear of disturbance in the future or from the sense of insecurity and – also for those people who have come over from Sylhet, who at the time of coming had no fear of disturbance or anything of that kind, but who on account of fear of disturbances now have decided to live here.<sup>37</sup>

Rohini Choudhury's arguments clearly brought out the difficult reality of citizenship in Assam, which like Punjab and Bengal also had its own experience of partition and traumatic decolonization. Therefore when the Constitution of India finally came into force, the idea of citizenship came to be encapsulated in Articles 5 and 6 which tried to accommodate these anxieties that members like Rohini Choudhury had brought out. The Constitution which came into force tried to navigate between the various crosscurrents of thought and the politics of the time by providing in Article 5 that "every person who has his domicile in the territory of India and who is born in the territory of India or either of whose parents was born in the territory of India or has been ordinarily a resident in the territory of India for not less than five years preceding the commencement of the Constitution. For those who have migrated to India from Pakistan Article 6 provided that a person shall be deemed to be a citizen of India at the commencement of the Constitution if 'he or either of his parents or any of his grand-parents were born in India as defined in the Government of India Act, 1935 or in case of such migration before the 19<sup>th</sup> of July, 1948 has been a resident of India since the date of migration or in case of such migration after 19<sup>th</sup> of July has registered as a citizen of India by an officer duly appointed in that behalf by the Government of India on the basis of an application made by such person in the form prescribed' subject to certain pre conditions.

While peopling was a difficult process, the politics over it was even more complicated. With Sylhet was amalgamated with East Pakistan, the Assamese elite perceived partition as a realization

of their desire of homogenized province. The official position of the government, articulated by the governor was that, “the natives of Assam are masters of their own house... The Bengali no longer has the power... to impose anything on the people of... Assam”.<sup>38</sup> With the separation of Sylhet, the number of people who returned Assamese as their mother tongue rose from 31.4 percent in 1931 to 56.7 percent in 1951.<sup>39</sup> The aim of carving a predominant Assamese state had almost come to reality. But refugee inflow from East Pakistan including the district of Sylhet was perceived as defeat of the fruits of partition. Partition of Assam and the separation of Sylhet had a major impact on the debates on citizenship in the Constituent Assembly more so with regard to the fate of those people who faced political adversity and persecution in East Pakistan.<sup>40</sup> While Choudhuri was one of the senior leaders from Assam who was articulating the unique predicaments of the citizenship issue at Assam, the other leaders who were located in local politics were not so open to the cause of the migrants.

Despite the Constitutional provisions, the citizenship question in Assam was far from becoming a settled issue. Antagonism between the Assamese elite and their Bengali counterparts, which had its roots in the colonial period, resulted in conflicting perceptions on citizenship in post-colonial Assam. It was further aggravated in view of the steady stream of Bengali speaking migrants from East Pakistan to the state. An immediate offshoot of this situation was the difference of opinion between the Central and State governments over refugee rehabilitation in Assam. Conflicts arose over the Assam government’s decision expressing its inability to part with any land for refugee rehabilitation. Nehru wrote to Bordoloi, the Premier of Assam that the decision of Assam government was earning it a bad name.<sup>41</sup> Matters came to a head when Nehru, as the head of the Central Government threatened to curtail the central financial assistance to Assam if the government did not adopt a favourable attitude to rehabilitate east Pakistani refugees.<sup>42</sup> Bordoloi’s reply to Nehru was firm and clear that it was not feasible for him to give more land to the refugees as the government of Assam had to accommodate the existing demand of land from local cultivators and “Assam was a purely agricultural economy, it was impossible for a popular government to ignore these facts in the face of continued industrial backwardness...”<sup>43</sup> On the ground public reaction to the presence of refugees were extremely hostile. Riots broke out in Guwahati on 18<sup>th</sup> May, 1948 which began as a clash between railway workers and students but acquired communal proportions. Pressure groups and political parties like the Asom Jatiya Mahasabha led by Ambika Giri Roychoudhury began to make demands for dual citizenship. Situation became more critical over the issue of unchecked illegal immigration from East Pakistan to Assam. The Government of Assam called for the introduction of a permit system as early as July 1948. As nothing came of these demands from the state government, the political situation in East Pakistan only contributed to the inflow of more Hindu refugees into Assam. In response to the tense political situation and the failure of the Pakistani government to ensure adequate safeguards for the minorities living in East Pakistan despite repeated requests from India and in response to the massive influx of minority community members from East Pakistan, the Government of India came out with the Immigrants (Expulsion from Assam) Act 1950 which further attempted to introduce an intelligible difference between victims of religious persecution and illegal

immigrants among the migrants from East Pakistan.<sup>44</sup> But this attempt to define citizenship in post-colonial Assam could not be successful as the flow of refugees soon turned into an unstoppable tide. As against 273000 refugees in the Census of 1951, the number of refugees returned in 1961 Census was 628000. The matter became more difficult as the migrants came from both the minority and majority communities of East Pakistan indicating therefore that all the migration could not trace their roots to political persecution. This influx of refugees contributed to social tension in Assam as Assamese elite feared danger to their economic political and cultural life. Situation became more critical when the Census Superintendent observed in his report of 1961 that “[A]fter independence the Bengali Muslim immigrants into the Assam Valley have, almost to a man returned their mother tongue as Assamese whether they know the language or not.”<sup>45</sup> This was alarming as these immigrants had also done the same in the colonial period as “what they want is land in the valley, and if knowledge of Assamese language helps them to become ‘indigenous’ they do not mind about their mother tongue.”<sup>46</sup> The culture conscious Assamese elite who initially welcomed these Muslim immigrants subsequently began to be wary of them. As these immigrants became vote-banks of the ruling party in power,<sup>47</sup> they became more assertive. In 1962, they flew Pakistani flag with cries of Pakistan Zindabad in villages near Tezpur and Morajar area of the Nagaon district. In the backdrop of the Chinese invasion the government began to make a fresh security appraisal and therefore launched the Prevention of Infiltration from Pakistan Scheme (PIP) to check and deport infiltrators from Assam. A text of the draft prepared by the Intelligence Bureau in its background note was categorical in stating that, “the number of illegal immigrants into Assam from Pakistan over the course of the last 12 years has been very conservatively estimated about 250 thousand. Local unofficial estimates however put this figure even higher.”<sup>48</sup> Though the government of Shri B.P. Chaliha began to vigorously implement the scheme, cries of harassment by the Jamiat-ul-Ulama-e-Hind and opposition from two of the cabinet ministers of Assam, viz, Fakhruddin Ali Ahmed and Moin-ul-Haque Chaudhury ensured the slow death of the scheme.<sup>49</sup> By 1960s, the citizenship question and the problem of illegal immigration had become a major political problem in Assam for which there was no easy solution in sight. The draft of the Intelligence Bureau therefore observed that, “The fact that such a large number of immigrants succeeded in illegally crossing the frontier and settling down unnoticed would prove that the measures so far taken have not been effective.”<sup>50</sup> It is significant to note that the proposal for initiating the national registration of citizens as a means to tide over the vexed citizenship issue was first suggested in the PIP Scheme of 1965. This scheme which was drafted by the intelligence bureau officials proposed that a “National Registration System and the issue of Identity Cards should be adopted”<sup>51</sup> for all the residents of Assam and the North Eastern region. It is probably in this context that the government agencies began to assert the importance of documents like the National Register of Citizens as a document for verification of citizenship and identification of infiltrators from Pakistan. It was therefore suggested that

If somebody’s name appears in the register the presumption will be that he is a citizen. If anybody wants to rebut this presumption the burden will be on him to do so. On the other hand, if somebody’s name does not appear in the National

Register the presumption will be that he is not a citizen. If he wants to rebut this presumption the burden will be on him to do so.<sup>52</sup>

The birth of Bangladesh on the partition of Pakistan in 1971 made the situation more critical. It added the 'Bangladeshi' dimension to the 'foreigners' imbroglio and gave a new lease of life to the existing resentment in Brahmaputra valley against the Bengali speaking population living in Assam. By late 1970s, the presence of foreigners in electoral rolls had come to become a major issue in Assam politics. The Assam Anti-Foreigners Agitations were launched in 1978 over a by-election and which came to a close with the signing of the Assam Accord in 1985, leaving about 4000 people dead and thousands homeless.<sup>53</sup> But despite the signing of the accord, the question of presence of foreigners of Bengali origin or *Bongals* as they were popularly referred to in Assam had, never dissipated from Assamese popular imagination, taking the form of anti-Foreigner demonstrations from time to time. The threat to Assam from across its eastern border never really disappeared from popular and administrative debates in North East India. By 1998, the foreigners issue again came to the centre-stage of politics with a Report sent to the President of India by the then Governor of Assam, Lt. Gen S.K. Sinha becoming public. Lt. Gen S.K. Sinha's Report pointed out that,

"... It would be wrong to think that Kashmir is the only dispute that divides India and Pakistan, though undoubtedly the most significant. One at least is nearly as important as the Kashmir dispute that of Assam and some districts of India adjacent to East Pakistan. To these Pakistan has very good claims.

Even a pro-India leader like Sheikh Mujibur Rahman, in his book *East Pakistan: Its Population and Economics* observed, "Because East Pakistan must have sufficient land for its expansion and because Assam has abundant forests and mineral resources, coal, petroleum etc, Eastern Pakistan must include Assam to be financially and economically strong."

This report despite its lack of clarity on the estimated numbers of illegal immigrants entering and living in Assam since 1971<sup>54</sup> aggravated the dormant apprehensions of Bangladeshi aggression in Assam. Renewed interests led to fresh questions on the status of illegal immigration from Bangladesh and the efficacy of measures undertaken by the Government to check such immigration. As intensive revision of electoral rolls was initiated in Assam by the Election Commission in 1998, a new category of 'Doubtful Voters' or 'D Voters' or simply 'D' marked against the names of those electors who could not prove their Indian Citizenship during verification, was added to the idea of citizenship in Assam on the instruction of the Commission dated 5<sup>th</sup> January, 1998. But despite these measures the citizenship issue in Assam could not be resolved as official estimates began to vacillate between denial of illegal immigration and admitting the presence of about 5 million 'illegal Bangladeshis'<sup>55</sup> in Assam. By 2005, almost two decades after signing the Assam Accord, the Government of Assam again engaged the All Assam Students Union and the Government of India in a Tripartite meeting which agreed to upgrade the National Register of Citizens of 1951.<sup>56</sup> His observation found place in most of the judicial pronouncements and popular discourse on illegal migration in Assam.<sup>57</sup> In this background, the On the 8<sup>th</sup> of March, 2011 the

Assam Chief Minister Tarun Gogoi pointed out that he would seek refugee status for Hindus who fled East Pakistan (now Bangladesh) fearing persecution. Gogoi reiterated this position again in 2013 and pointed out that “we feel that their case should be considered on humanitarian grounds by the government of India.” But politics over people only became violent by then. The new wave of popular protests on citizenship issue led the people back to the street under the banner of the Assam Sanmilita Mahasangha, an umbrella organization of ‘various indigenous and Tribal communities’. In 2012, massive demonstration was organized at Guwahati to re-launch the anti-foreigners agitation. Violent clashes between the Bodos and the Bengali speaking Muslims broke out in Bodoland. The area was also a witness to large scale violence again in May, 2014 which also revolved around the ‘Bangladeshi- foreigners’ question. It is in this charged atmosphere the Assam Sanmilita Mahasangha filed a petition in the Supreme Court of India to examine the constitutional position of the laws of citizenship in India and to upgrade the National Register of Citizens prepared in 1951 for Assam as pointed out at paragraph 18 of the judgment which noted that, “In the year 2012 and in 2014 large scale riots took place in Assam resulting in the deaths of a large number of persons. It is in this background that the present writ petitions have been filed.” The judgment on this bunch of petitions delivered in December 2014 also gave credence to the popular perceptions about the centrality of NRC 1951 in the construction of citizenship claims in Assam, on the one hand and on the necessity of perceiving the NRC 2016 as a legitimate successor of the NRC, 1951, though the legal foundation of the two documents were separate and different. While the NRC in 1951 was a by-product of the Census Act of 1948, the NRC project of 2013-2019 was a process under the Citizenship Act of 1955.

### ***Citizens/Foreigners between Politics and the Law***

Between 2012 and 2019, the citizenship question in Assam has witnessed unprecedented churning. On the 5<sup>th</sup> of December 2013 the Registrar General of Citizen Registration issued a notification to update the national register of citizens 1951 in the state of Assam.<sup>58</sup> Significantly, this was the first such attempt to update the document since it first came into being in 1951. The first census operation in post-independent India that followed the Constitution engaged with peopling in post-colonial Assam as it was a major step in preparing a data base for citizenship and a voters list in the nascent state keeping in mind that India was preparing for its first election. The idea of the citizen as a stakeholder in the new state therefore assumed immediate importance. The process of census and the preparation for the document in Assam was extremely difficult and complex. The NRC or the National Register of Citizens was an important but a casual product of the census operation of the Census operations of 1951. It is important to appreciate that the NRC, 1951 is a document that emerged at a very critical period of history. On the one hand was the process of the constitution of the new province of Assam in post-colonial India, on the other hand was the creation of the new state of east Pakistan. Both these provinces were engaging with the process of citizenship making between 1947 and 1951. While the Census acknowledged one, it was silent about the other, though both were interlinked. On the Pakistan situation, the Census report recorded that, “...mass migration of Hindus from East Bengal and Muslims from West Bengal occurred in

the eastern frontiers of the two new states, both before and after their independence. Fortunately, Assam escaped at that time these degrading and inhuman occurrences, but it could not do so for all time. The riots and communal massacres and the influx of refugees from certain parts of east Bengal to Assam did not fail to have their own inevitable repercussions.”<sup>59</sup> The NRC, 1951, though a product of such tumultuous times, was casual attempt as it was prepared without any planning, training or any organization. This register of 1951 when it was prepared was a secret administrative document prepared by the census enumerators, who were reluctant, “unqualified or ill-qualified persons”<sup>60</sup> on the basis of the Census slips and which had many shortcomings. The Census superintendent, in his Administrative Report points out that “the reaction of the supervisors and enumerators on appointment was one of general reluctance to accept. They could be made to work only on pressure.”<sup>61</sup> Moreover, it was not open to inspection. As admitted by the then Census Superintendent then, the names of the displaced was consciously not included in the Register. While the Census Report of 1951 admits that “[a]n important innovation of this Census was the preparation of a National Register of Citizens, it also details many shortcomings of this document which has today become proverbial to the construction of the ‘foreigner’ in Assam. Though most of these shortcomings seemed to have been overlooked by the political class supporting the NRC, they are vital to appreciate the unreliability of the document, prepared as a socio-economic survey through random sampling, in the construction of citizenship in Assam.

While the process of enumeration was a hurried one – having been completed in only twenty days between 9<sup>th</sup> February and 28<sup>th</sup> February, 1951,<sup>62</sup> even the process of tallying the slips which formed the basis for the NRC and NRC itself was abandoned at the orders of the Registrar General of Census. As is evident from the Census Report, there were many moments of irregularities as the data entered into the NRC were copied into census slips contrary to the established procedure of the slips becoming the basis for the NRC. Over time, the courts which came to be seized of the citizenship question also did not accept the NRC as a document that could be a basis for citizenship claims. The Gauhati High Court as early as 1970 held that the NRC, 1951 was inadmissible evidence according to the Evidence Act.<sup>63</sup>

Popular concerns on the foreigners issue also reflected itself in many judicial pronouncements of the Gauhati High Court, which came to deal with it in numerous cases filed before it in original or in appeal. By 2004-2005, as political debates reignited over the foreigners’ issue, the Judiciary also began to express “serious concern”<sup>64</sup> over the issue. Ever since, the Judiciary became an aggressive arm of the state machinery in the determination and construction of citizenry in Assam. By 2008, the number of cases on the question of foreigners and conversely citizenship before the High Court increased manifold in view of the Supreme Court of India judgment in the Sarbananda Sonowal Case. By this time judicial anxiety on citizenship was out in the open as one of the judgment even went to the extent of pointing out that, “... large number of Bangladeshis present in the state of Assam... have become the kingmakers.”<sup>65</sup> The ghost of partition, Pakistan and Bangladesh came back to haunt the politically sensitive elite who had felt that the foreigners issue had never really been buried for good. This judgment was only one of the initial judgments on the issue of illegal immigration from Bangladesh into Assam as many more followed. Despite these

discrepancies, in popular perceptions on the foreigners issue became the touchstone for citizenship claims with both the political and legal authorities. As the political situation became critical, the political leadership took shelter behind popular logic with the Chief Minister pointing out in a letter to the Prime Minister that “updating of the national Register of Citizens 1951 is looked upon as the solution to the vexed foreigners issue in the State and there seems to be a consensus among cross section of people with regard to the updating of National Register of Citizens”<sup>66</sup> though the process of updating of the NRC was also not without its share of contests and controversies with civil society organizations like Assam Sanmilita Mahasangha, Indigenous Tribal Forum and NDFB (Progressive) and political parties like BJP and AIUDF<sup>67</sup> participating in it. The Supreme Court of India which had begun hearing of a writ petition on the issue since August 2013 also fell back on the up gradation of the NRC as a mechanism for identification of and deletion of foreigners from Assam in its judgment on 17<sup>th</sup> December 2014 and directed that the upgraded National Register of Citizens (NRC) for Assam be published by the end of January 2016 on the basis of a prescribed time schedule.

While the schedule has lapsed, the NRC including the draft register is far away from its completion and the process of completing the formalities of application for the enrolment of names in the National Register of Citizens continue even to this day, considering that the Supreme Court in its order dated 13<sup>th</sup> of August, 2019 has made the entire NRC List subject to the outcome of the Constitution Bench judgment on the validity of clause 6A of the Citizenship Act, 1955. But despite these delays the harassment of the people and their opposition to the process is far from subsiding. The Central Government attitude has only contributed to increase of antagonism and anxiety over citizenship in this region as the representatives of the Government of India have now expressed their intentions of conducting a similar exercise across the country. The latest declaration of the government of India to grant citizenship to Hindu refugees and members of other minority community from Pakistan<sup>68</sup> and Bangladesh<sup>69</sup> who have come to India due to religious persecution has only contributed to more confusion. While this decision has antagonized the Muslim community in Assam, the life of the Hindus who are already residing in Assam over decades and who have faced the threat of eviction and the stigma of being doubtful citizens have not become any better. Though the Central Government through a union Home Ministry Notification issued on September 2015 exempted the Bangladeshi and Pakistani nationals belonging to the minority community entering India on or before 31<sup>st</sup> December 2014 without proper relevant documents from being declared as illegal entrants or foreigners, and exempted them from the Passport (Entry into India) Act 1920 and the Foreigners Act of 1946 but reports from the field indicate that “this failed to curb the harassment of Bengali speaking people by the police. It just continues under a different convenient name. “People are being harassed in the name of detection and identification of foreigners.”<sup>70</sup> Neighboring states such as Meghalaya are also enmeshed in an anti-Citizenship Amendment Act agitations and the state assembly unanimously passing the proposal to recommend a proposal to bring the state of Meghalaya within the ambit of Inner Line Regulations. Inter-ethnic tensions have only increased in Meghalaya over the years with the non-tribal ethnic communities being distressed over demands in favour of the introduction of the Inner-line and the

latest being the proposed Meghalaya Residents Safety and Security Ordinance 2019 which seeks to impose compulsory registration of non-resident visitors to Meghalaya who proposed to stay in the state for more than 24 hours.

***The Burden of Partition: Some Implications beyond people.***

Recent political developments' surrounding the passage of the Citizenship Amendment Act, 2019 and its subsequent notification has unleashed a new wave of ethnic politics. It is apparent that the rationale for opposing the amendment act in Assam, once again led by the All Assam Students' Union is primarily different from its counterpart in the other parts of the country. The fear of being inundated by the Bengali speaking people from across the borders from Bangladesh and the marginalization of the indigenous people continue to sustain the debates. Agitations in Assam in the name of the 855 'martyrs' who lost their lives during the agitations from 1979 to 1985 appear to be completely oblivious about the loss of more than 3000 lives of people speaking Bengali in the same agitation in Nellie and elsewhere through kidnapping, murders, and arson.<sup>71</sup> The decision of the BJP led State Government to support the Amendment Act, toeing the party line on the one hand and setting up a high level committee headed by a retired Guwahati High Court Judge to recommend ways and means to implement constitutional, legislative and administrative safeguards to protect, preserve and promote cultural, linguistic identity and heritage of the Assamese people on the other, has only contributed to sharpening of the ethnic divide in Assam. When partition finally took place, it physically separated northeast India from the rest of the country but it was believed that the governments and governmental institutions in north-east India would be able to bridge the communal and ethnic chasms that emerged in the wake of partition politics. This has surely not been achieved. The refugees who migrated from East Pakistan since 1947 faced numerous agitations that broken out on numerous pretexts- to protect the 'indigenous' and to detect the 'outsider' and the foreigner – articulated in Assam as the *Bongal*. The recent agitations against the Citizenship Amendment Act, 2019 has contributed to reinvigorate the sentiments and violence breaking out against the settled Bengali speaking people in many parts of the Brahmaputra valley. A recent call in some quarters to reserve 'Assam proper' identified with the ten districts of upper Assam for the Assamese people is an interesting turn within this ethno-nationalist politics. Though partition of the country is more than seven decades old, it is evident that fault-lines that had once divided the Indian sub-continent and the state of Assam are far from being bridged. While there is no consensus on who is an Assamese despite numerous debates around it, there is also no security, therefore for the *Bongal*, initially identified as the outsider, but in recent times, acquiring a pejorative connotation to indicate the Bengali speaking residents in the Brahmaputra valley till recent times. Be that as it may, the debate on these categories is far from over; in fact we have not even begun to seriously engage with the process and move beyond the divisive legacy of the colonial period. In Assam, partition continued to faster the lives of the people like a phantom through the predicaments of citizenship in north east India. The observations of Gyanendra Pandey in a different context that, "there is something paradoxical about the rising crescendo of nationalism in an age of aggressive globalization" could aptly sum

up the predicaments of belongingness in the de-colonized Assam where despite the rapid tide of globalization, the idea of nationalism has continued to hold its own and assert against the idea of India itself.

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