



FROM ISSUETO CRISIS: A STUDY OF THE CRISIS OF CITIZENSHIP IN ASSAM FROM A POLITICAL DIMENSION

Ranandra Khaund

Assistant Professor

Dept. of Political Science

DDR College, Chabua

ABSTRACT: Citizenship is a legal status that enables an individual to participate in the affairs of the state. the status of being a citizen provides the right to a person to be a part of a political community and enjoy some rights. In context of India, the provisions related to citizenship are governed by the Constitution of India and the Citizenship Act of 1955 with its subsequent amendments. The state of Assam has been grappling with the issue of citizenship for decades. It has served as a source of tension in the society of Assam. The issue has manifested itself as a crisis. The crisis has been compounded by political, economic, and social factors. The crisis has led to tension between communities of the region and has disturbed the social fabrication of the state. The indigenous people have developed fear for their future generations and this fear has led to agitation demanding deportation of foreigners. The six-years long agitation in Assam paved the way for new legislations on citizenship. But it could not prevent the resurface of the issue in Assam. The crisis has been evident from the developments related to the process of updation of NRC and the enactment of Citizenship Amendment Act, 2019. This article attempts to study the crisis in Assam from a political lens. The analytical study based on secondary data studies the demographic changes in Assam as a result of migration, the ethnic clashes, the movement along the subsequent legal provisions and above all, the politics centered around the issue of citizenship. The study is also an attempt to offer an understanding of the way to search for a solution to the complex issue that has affected the lives of people in Assam.

Keywords: Citizenship, Immigration, NRC

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Introduction: Citizenship has always been a major area of discussion in the state politics of Assam. Citizenship is defined as a relationship between the state and an individual where the individual shows allegiance to the state and in turn the state provides them rights. Marshall (1950) defines citizenship as 'full and equal membership of a community.' According to Andrew Heywood (1994), citizenship is a relationship between the individual and the state, in which the two are bound together by reciprocal rights and obligations. With the advent of time, the meaning of citizenship has been broadened and has become complex. The concept is a contested concept, as it contains variety of disputed meanings. As a result, the term has been reinterpreted in various ways in the context of Assam too. Therefore, the issue gets resurface in the politics of Assam. Assam has been an ethnically diverse region in India. Migration has been a regular activity to this place rich in natural resources. The migration has in a way resulted in a tension between the original residents and the migrated population. The crisis has even resulted in tension between ethnic communities at various points of time. With the rising fear of losing their cultural identity, the indigenous ethnic communities have come forward demanding their protection. Laws have been enacted and rules are being framed to settle the issue of citizenship. But, in vain.

Objective:

The article is an attempt to understand the various aspects of crisis related to citizenship in Assam through political lens. It also attempts to search for some effective measures that would resolve the crisis.

Methodology:

This study is based on secondary sources. The data is collected from various books, journals, newspapers, and reports. The data collected is analyzed to understand the citizenship crisis in Assam and to suggest some new inputs so that the crisis can be resolved.

Discussion:

The issue of citizenship has manifested itself as a crisis in Assam. Moreover, the crisis has been compounded by political, economic, and social factors. While trying to understand the crisis, it is seen that politics seems to be a major factor, which has contributed to its shift from an issue to a crisis. As such, the discussion follows with various heads – crisis of Citizenship in Assam – various dimensions; an understanding of the crisis from a political dimension; an understanding of the way to search for a solution to the complex issue

The idea of citizenship:

To understand the crisis related to citizenship, an idea of the concept of citizenship is required. Justice Miller defines citizens as “the members of the political community to which they belong. They are the people who compare the state and in their associated capacity have established or subjected themselves to the dominion of a government for their protection of their individual as well as their collective rights.” The definition gives an idea of the present notion of citizenship. But, the idea of citizenship changed in nature from the classical Greco-Roman period to the present day of multiculturalism and community rights. The idea of citizenship is linked with the development of the ancient Greek city-states. The rights of citizenship were confined to the members of the *polis* who had a right to speak and to govern. This model was inspired by the writings of Aristotle. This citizenship excluded women, children, slaves, and resident aliens. As such, citizens constituted only a small part of the population. In the later course, The Republican Rome was divided into two classes- the Patricians and the Plebians. The Patricians were large landlords and they enjoyed political rights to hold office. But, the plebians were excluded from entry into political life. It included non-Romans as *civitas sine suffragio* (citizens without a franchise). The French revolution contributed a lot to the idea of citizenship. It gave an idea of the citizen as a free and autonomous individual. During the French revolution, Citizenship was to be the dominant identity of every Frenchman against the alternative identities such as religion, family, religion. With the development of capitalism, new ideas came up and it gave a new form to the notion of citizenship. It gave rise to an idea of citizenship, that is characterized by individual rights and individual mobility across social class. In recent times, with the development of plurality, multiculturalism there has emerged a new form of citizenship where people of different religions, linguistic identities have the common political identity of citizenship. In the more recent period, the transnational movement of population delink the relation between citizenship and nation-state and replace it with global/world citizenship. While tracing the origin of the word citizen, it is found that the term had its origin from the Latin word *civitas*. Later on, it developed into the French word *citoyen* to the notion of *citaine*. Accordingly, it was common to regard the inhabitants of a city as citizens, and those residing beyond the city walls were considered as subjects. In the present-day context, citizenship is the relationship between an individual and a state to which the individual owes allegiance and in turn, is entitled to its protection. But, the conditions under which a person is recognized as a citizen vary from state to state.

Citizenship in India:

The conferment of a person as a citizen of India is governed by Part II of the Constitution of India (Articles 5 to 11). Apart from the above Articles of the Constitution of India, citizenship is also deeply connected with the Citizenship Act, which was passed by the Indian Parliament in 1955. The legislations related to this matter are the Citizenship Act 1955, which has been amended by the Citizenship (Amendment) Act 1986, the Citizenship (Amendment) Act 1992, the Citizenship (Amendment) Act 2003, the Citizenship (Amendment) Act 2005, and the Citizenship (Amendment) Act 2019.

Citizenship in Assam:

Although, India has various provisions and dates for citizenship by birth, descent, naturalization, etc. Assam has a special provision when it comes to citizenship. This special provision is a result of a long process of migration and immigration. The Assam Accord paved the way for special provisions regarding citizenship in Assam. The cut-off date for citizenship in Assam was set as 1971. The amendment of the Citizenship Act in 1986 incorporated section 6A, a special provision as to the citizenship of persons covered by the Assam Accord.

The Crisis: Crisis of Citizenship in Assam – Various dimensions

NRC and The Crisis:

Assam had a National Register of Citizens (NRC) in 1951, but it was not maintained afterwards. The IMDT, 1983 created a separate tribunal to identify illegal immigrants. But the apex Court struck it down in 2005 creating the need of updating the register to identify the illegal migrants and deport them. The Brahmaputra valley welcomed the implementation of NRC, with an anticipation that it will bring an end to the question of citizenship. But, the NRC coupled with CAA has alienated a huge population of Assam and has dehumanized them by alienating them from various political rights and basic rights to live with dignity. The process of updating the NRC started in 2013 under the monitoring of the Supreme Court. The draft NRC excluded 4 million people and rendered them as non-citizens. In the alter course the final Draft excluded 19 lakh people. This has created a threat to the lives of the 19 lakhs people by the process that Peter Nyers calls ‘irregularizing citizenship’. The state thus questions the citizenship status and thus violates the expectations of the citizens. The population left out of NRC also includes a section of indigenous population who could not provide documentary evidence of their ancestor’s citizenship. Thus, the crisis continues.

Legislations and the Crisis:

The Citizenship Amendment Act of 1986 incorporated section 6A, a special provision as to the citizenship of persons covered by the Assam Accord. As per the Act, a section of population who had been residing in India were to be identified and if found to be foreigners were to be identified and deported. The amendments of 2004 rendered a shift in the Indian citizenship law – from *jus soli* to *jus sanguinis* (from place of birth to descent). After the 2004 amendment, a person born in India on or after 1st July 1987 but before 3rd December 2004 would be a citizen only if both the parents are Indian citizen or if one parent is an Indian citizen and the other is not an illegal migrant at the time of birth. The Citizenship Amendment Act, 2019 gives citizenship to illegal migrants from Pakistan, Bangladesh, and Afghanistan and lowers the qualification period for Indian citizenship from 11 to 5 years, provided such migrants enter the country on or before 31st December 2014. The initiatives of the government in power

had been criticized for the violation of various constitutional provisions like Article 14 and impairing the Constitution's commitment to secularism. This legislation has created a threat among people who are residing in India for a long period of time, but do not fit the condition of religion. Thus, the crisis continues.

The crisis - Political dimension

The terms foreigner and illegal immigrants have been used as a political tool by politicians. This has led to various movements, insurgencies, discrimination, and xenophobia. Assam is home to various migrated communities. This has resulted in tremendous anxiety among the residents of the land, who consider themselves to be indigenous population.

The partition enabled Assamese to emerge as a dominant nationality in Assam. It was expected that it would bring an end to the influx of people from other areas. But, contrary to this expectation, Assam witnessed huge infiltration of Bengali Hindu refugees from East Pakistan in 50s and 60s. In the later phase, the Assamese identity identified a common enemy – the Bangladeshi immigrants. This set the stage for another movement – the Assam Movement of 1979.

The agitators demanded the central government to take measures for preservation of Assamese culture, language, and heritage. In response, the central government signed the Assam accord and Citizenship Act 1955 was amended in 1986. It resulted in the implementation of certain provisions to provide safeguards in order to protect, preserve, and promote the cultural, social, and linguistic identity of the Assamese people. The signing of the Accord was followed by the revision of the electoral rolls. In the election that followed, AGP, whose members were major players of the movement was elected to power. But, they failed to take any effective steps for detecting and deporting illegal immigrants. The SC categorized a section of the population as D-voters (Doubtful voters). Those identified as D voters were deprived of voting rights. In addition to it, they were sent to detention camps for inhuman conditions. They were deprived of various rights including the right to life and personal liberty guaranteed by the Constitution under Article 21. Lakhs of people who were included in the list of D others are fighting for their enjoyment of rights as Citizens.

Political parties have been manipulating the issue of citizenship for their vested interest. As such, linguistically defined ethnic solidarity has become a feature of the political agenda. AGP was formed after the Assam Accord, but it failed to take concrete measures for the purpose. During the advent of the movement, the Assamese people's view of citizens and foreigners was strictly secular, as the demand of the people were to prevent the cross-border migration irrespective of the fact that the immigrants belonged to Hindu or Muslim community. As govt changed, the narrative of illegal infiltration changed in accordance to the political agenda of the political party.

Way to search for a solution to the crisis: The political discourse framed is around the notions of identity and history. But, this has created a crisis of citizenship, which in turn has created turmoil in the state. Therefore, the issue needs serious discussion and measures to be taken to resolve the crisis. While searching for a solution to the crisis, some important aspects are to be taken into consideration-

- Politicization of the issue of citizenship must be stopped. The leaders, civil society, and non-political organizations must be cautious enough to prevent any such move.
- An effective mechanism to prevent immigration is needed. The issue of immigration is a major factor behind the crisis related to citizenship.
- Humanitarian behavior against the people identified to be foreigners.
- Separately address the issue of some sections of the population – marginalized section. Women and children are to be dealt with utmost care.

Conclusion:

Citizenship is important, as it covers fair treatment both in the home country and abroad. Moreover, one cannot fully participate in the functioning of society without having the status of a citizen. Citizenship is a significant tool to enjoy rights and to live a better life. The issue of citizenship has transformed into a crisis due to the use of concept for political gain. The crisis of citizenship needs to be addressed with utmost caution. A balance is to be established between the rights of the indigenous people and the migrated population while framing laws on citizenship.

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