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Contents

Editorial Perspective	7
The Stir Over CAA/NRC and NPR Whither India?	
1. How is CAA Affecting North East; Why the Protests <i>Patricia Mukhim</i>	12
Tea Industry and the People of Tea Origin in Assam <i>M.P. Bezbaruah</i>	15
Not Migration, but Rapid, Large-Scale Migration is the Problem <i>Pradip Phanjoubam</i>	19
2. CAA: Connecting Past with Future Past Hostility to Future of Harmony <i>Abhijit Bhattacharyya</i>	22
3. Immigration and Demographic Composition of Assam: Is NRC plus CAB /CAA Solutions to the Concerns of the Indigenous People of Assam? <i>Amiya Sarma</i>	36
4. The Long Shadow of Partition and the Predicament of Citizenship in Post-Colonial Assam <i>Binayak Dutta</i>	45
5. CAA Undermines India's Secular Ethos <i>Harekrishna Deka</i>	56
6. CAA, NRC, NPR and their Impact on North East India <i>Subimal Bhattacharjee</i>	66
DIALOGUE, Volume-21 No. 1	5

7. Can Ethnicity and Nationalism Co-Exist: Making Sense of India's North East <i>Patricia Mukhim</i>	73
8. The Anti CAB/CAA Agitation in Assam: A Historical Perspective <i>Rajib Handique</i>	79
9. The CAB and the NRC: A Reconsideration <i>Bimal Pramanik</i>	92
10. The Coward and the Bully <i>Ramesh Chandra Shah</i>	98
11. A Synthesis of Indian and Western Philosophy in the Metaphysical Investigation of Descartes Inquiry <i>Chetan Kumar</i>	106
12. Symbolic Dynamism in Tagore's The Post-Office and Mukta-Dhara <i>Durgesh Ravande</i>	119
13. The Association Between the Work-Life Balance of a Working Woman, Family/Social Support and Organizational Support: A Review <i>Ambreen Khursheed Wani</i>	129
14. Analysing Terrorism, War and Media <i>Dr. Amita Pandey</i>	139

Editorial Perspective

Dr. Braj Bihari Kumar, Chairman, Indian Council of Social Science Research (ICSSR) and founder Secretary of Astha Bharati (1999) and editor of its two quarterly publications *Dialogue* (English-1999) and *Chintan-Srijan* (Hindi-2003), passed away on December 8, 2019. He was seventy-eight.

An erudite scholar in old tradition, he straddled both the worlds of science and social sciences, history and culture, but the latter being the main preoccupation of his scholarly journey. Academically, he retired as Principal, Kohima Science College and held degrees of M.Sc. (Chemistry) M.Sc. (Anthropology), M.A. (Hindi) and Ph.D. in Anthropology. Dr. Kumar was associated with a host of educational and social bodies including Nagaland Peace Centre founded by late Jai Prakash Narain. He spent over 25 years in North-East and had an abiding interest and expertise in the region. He left behind a formidable legacy of books, publications and over 50 monographs on various tribal languages. His two volume magnum opus. "India: Caste, Culture and Traditions" is an authoritative work. His last book is "Understanding Islam" a definitive treatise on founding of Islam till the death of the Prophet. He was an independent thinker and writer and did not conform to any isms and ideologies. Pride in India's past was a recurring theme in his writings. Academically low level of research work in India, particularly in respect of its history and culture, saddened him and he relentlessly wrote about it in his editorials and articles and deeply lamented our dependence on foreign scholars in this regard. This was an issue of concern for him and he tried to improve things for over two years he was the Chairman of ICSSR.

But this is not about his scholarly credentials which were considerable, but the man behind it. A self-effacing person, and a gentleman to the core. Though he did not easily suffer the fools, I had first met him in 1970 in Kohima (Nagaland) but we again renewed our contacts in 1990's, both having retired and our shared love of North-

East. It resulted in establishing Astha Bharati (1999), a registered non-profit society in Delhi with North-East tilt. Its two quarterlies *Dialogue* and *Chintan-Srijan* and a host of seminars on varied subjects from Naxalism, Central Asia and North-East etc. followed. For us, it was a 20-year journey of hardwork, commitment, selfless endeavour and working closely. Astha Bharati and its publications and activities were all due to Dr. Kumar. For me, the loss is both personal and academic. I learnt a lot from him and his association with me made me a better person. I find it difficult to write about a person whom I knew so intimately, memories overcrowd the mind and emotion makes one speechless.

Though he never got his due, but he did not care about it. He had fairly strong views on many issues, but was willing to accept contrary views also. Our hours of discussions and arguments, agreements and disagreements never became personal. He gave a lot of trust and affection to me. We became true friends. A man of simple habits and was always clad in his trademark *dhoti* and *kurta*. He did not care much about his health and personal matters. He has left behind loving and devoted family members, and a host of friends and admirers.

I will miss him both as a friend and an academic guide. A great mind with endearingly simple and selfless lifestyle is difficult to imagine in today's world of glitz and glamour. He has left a void among those who knew him and interacted with him. Good bye my friend. We all will cherish your memory and do our best to carry forward what you started. May your soul rest in peace.

The Stir Over CAA/NRC and NPR

This issue of *Dialogue* once again visits the contentious subjects of the Citizens Amendment Act (CAA) and The National Register of Citizens (NRC). Despite the CAA being passed by Parliament and its laudable objective, it has aroused considerable passion and opposition in a section of civil society and Muslims. Apprehensions, despite government denial, regarding NRC and NPR (National Population Register), have aroused social and political unrest.

The present political, if not, the communal polarization over the CAA, is based not on facts and realities, but on perceptions, apprehensions and fears. The CAA (December 2019) does two things. The period of waiting for citizenship of religious minorities from

Pakistan, Bangladesh and Afghanistan has been reduced from 11 years to 5 years. Secondly, it names the minorities viz., Hindus Sikhs, Parsis, Christians, Buddhists etc. It is this classification, which excluders Muslims, is being objected to. This avoidable course, instead of mentioning “religious minorities” is being resented by some, but cannot be the real cause of such a civil unrest, including the university students and civil society, though mostly in urban areas. This appears to be a cumulative result of perceived authoritarian trend and alleged communal bias. The ambit of opposition to the CAA has been widened to include the NRC and NPR. According to them, the CAA violates the basic secular tenet of the Constitution and finds in it an attempt to marginalise the Muslims.

The NDA contention that the opposition and others are trying to build-up an artificial fear psychosis and unrest, being unsettled by the government’s significant successes like the Triple Talaq, Article 370, Ayodhya, and CAA etc. NRC and NPR got clubbed because of the initial assertion by Union Home Minister to implement NRC across the country and later denial by the Prime Minister. It has now been officially clarified that there is no plan to implement the NRC. But it has not doused the fires and the impending elections to the Delhi assembly only added to the tensions. In all this truth and objectivity have become real casualties. Laudable objective of the CAA of conferring citizenship on persecuted minority refugees and the necessity of having some record of citizens in India are being jeopardized. The NPR and NRC have got embroiled in political contestation with distinct communal overtones. Even deletion of Article 370; a purely strategic and political action is being viewed through communal prism simply because J&K is a Muslim majority State.

While the constitutionality of the CAA will be decided by the Supreme Court, civil disobedience, is driven by a fear that the NDA government is pursuing an agenda to politically marginalise and isolate the Muslims of the country in its drive towards making India a Hindu Rashtra. This is what has brought together erstwhile left, liberals and seculars. Sections of Muslims in urban areas have also joined hands. While the government’s stand that all those jealous of NDA government’s successes are stoking artificial, opposition and tensions, is true to an extent. But it will be a mistake to dismiss it as insignificant. Following the controversy surrounding the NRC in Assam and economic slowdown, there is palpable unease in the environment. The political opposition

has little to do with the current civil protest. The political parties are only stoking and keeping alive the unrest by opposing the implementation of the CAA, NRC and NPR in the States they are in power. Despite allegations by the NDA, the opposition parties seem to be taking advantage of it, rather than driving it. NDA's righteous indignation over protests is understood, but characterising them as anti-national is not a rational reaction. Democratic response ought to be a dialogue with those opposing CAA and NPR/NRC.

Whatever may be the truth or apprehensions, the politics in the country stands 'polarised' and vitiated. What is not being noticed is a dangerous constitutional crisis building-up over the CAA a valid Act passed by Parliament and assented to by the President. No State or any body can refuse to implement it which is being done by a number of States, and at least two have a resolution passed against it in the State assembly. Over six States have refused to implement NPR and CAA. While dissent and opposition and a demand for revision are permissible, refusal to implement a constitutional and legal measure is a serious matter. The Centre would be within its powers to act against such State government's including dismissal for failure to carry out the constitutional obligations. But the number of such States and the BJP's declining footprint in States, makes such an action difficult. To say the least, it sets a contentious precedence and a deserving outcome under the CAA is suffering. In fact, the need is for everyone to step back, ponder, conciliate and build a working relationship. But it looks improbable in the current environment of political hostility.

As far as NRC and NPR are concerned, it has got entangled with the CAA imbroglio. Otherwise the country must have a reliable list of its citizenry. We have had census operations for more than a century and a half, but no reliable list. It is desirable but is mired in political controversy, with a communal and caste angles. The first experiment of the NRC in Assam, itself has run into controversy and BJP's own government in Assam has rejected it. This only underscores the actual problems and difficulties in a country so diverse, and divided. The result is that two desirable objectives of the CAA and NRC are becoming victims of politics of fear and mistrust.

In Assam, the NRC has a chequered history and is currently a victim of the historical rivalry between the Assamese and the Bengalis and their languages. The first attempt should be a reconciliation between the two along a pathway of Bengalis accepting to be Assamese Bengalis

and the Assamese giving up their linguistic jingoism. Given time and goodwill this can be done. Presently it requires cooling and patience.

Whither India?

This issue of *Dialogue* includes an article “The Coward and the Bully” by Prof. R.C. Shah, first published in *Seminar* in 1996 in the aftermath of the demolition of Babri Masjid (1992). We thought its timely and worth repeating. It brings out tellingly, the roots of the confusion and the problems we face as a nation. These are mainly due to deception created by the rhetoricians and sentimentalists regarding Indian nationalism and our collective identity as a nation. ‘Swaraj’ in ideas and historical and cultural roots and ideas, so dear to Gandhi and Aurobindo have become victims of suppression and distortions by our intelligentsia which is unconcerned about civilizational perspective or capable of facing truth and facts. Gandhi called them ‘hardhearted’ and philosopher K.C. Bhattacharya called such intellectuals “shadow-minds”. They are confused and influenced by Western ideas and unwilling to be themselves, viz. Indian and draw upon their own civilisational experience and imperatives. Apparently, we need Gandhian courage to face reality and not sacrifice truth at the alter of propriety and expediency.

—J.N. Roy

North-East Scan

How is CAA Affecting North East; Why the Protests

Patricia Mukhim

People across the county wonder why the North East is protesting against the passage of the Citizenship Amendment Act (CAA). There are several reasons which need to be dealt with one by one. First, the seven North Eastern States are home to about 238 ethnic groups (India's North East Resurgent; BG Verghese). Each of these groups see their homeland as a precious piece of the earth where their ancestors lived their dreams. They cannot ever imagine being divorced from this homeland or being displaced by non-indigenous settlers who would soon be declared Indian citizens if they have come to India on or before December 2014. They look at Tripura and are appalled by how the indigenous Borok people of that State have been reduced to a pathetic minority of just 31 per cent of the population. Today Tripura is ruled by Bengali speaking people who had been coming in waves from undivided Bengal, then East Bengal followed by East Pakistan and then Bangladesh. Their bureaucracy is run by Bengalis; so too every other institution of importance. The tribals have been completely marginalized.

Second, the CAA violates the Assam Accord which brought to an end the six-year long Assam agitation (1979-85) and which was a movement directed at pushing the State to update the National Register of Citizens (NRC), last updated in 1951, so that illegal migrant settlers in Assam are identified and deported. The Central Government then headed by Rajiv Gandhi signed the Assam Accord with the All Assam Student's Union (AASU) and agreed in March 1971 as the cut off year

*The writer is Editor, The Shillong Times.

to grant citizenship to illegal settlers in the State. At the time Meghalaya was still an integral part of Assam. It got Statehood in 1972. Hence, even in Meghalaya there was a sizeable Bengali speaking population that claimed they were Hindus who were persecuted by the Pakistan army. Indeed during the Bangladesh Liberation War of 1971, several thousands of Bengali Hindus fled East Pakistan and sought refuge in India. Indira Gandhi who supervised the war that led to the creation of Bangladesh allowed the refugees to settle in different parts of India, but they chose to settle mainly in Bengal and North East India because of the close cultural and language affinities with people there. Shillong the capital of undivided Assam and later of Meghalaya has a huge township called Rynjah or Relief and Rehabilitation Colony (RR Colony) which continues to house these refugee turned citizens.

When Meghalaya became a separate State the tribals – Khasi, Jaintia, Garo were paranoid about the silent influx that saw most jobs ostensibly going to non-tribals because often the tribals could not make it to the merit list despite the 80 per cent reservation granted to them. Banks and other establishments were populated by the Bengali speaking people. Many of them were doctors, lawyers, teachers and small businessmen. They lived amicably with the tribals and pursued their respective occupations. But the tribals were very insecure. They continued to feel that they too might become Tripura if they did not do something soon. In 1979, there was an anti-Bengali movement which turned violent and claimed lives. Many Bengalis had to leave their hearths and homes under coercion. Those who left Shillong and also their children and grandchildren still nurse deep hurt and pain at the humiliation and horror with which they had to leave, some overnight and after selling their properties at throwaway prices. Bengali homes in some localities were torched. The communal conflict broke the peace that existed between tribals and non-tribals who even today are called “dkhar” meaning “outsider.” The non-tribals feel outraged by this label but they have learnt to accept it just to keep the peace. Now, although the CAA exempts Sixth Schedule areas under which Meghalaya falls, there is a 10x10 sq km in the heart of Shillong called the European Ward which is exempted from the Schedule. In this area non-tribals can purchase land and it is a very over-populated space. There is no stopping people from overflowing into Schedule Six areas since there are no boundaries. Of course, non-tribals cannot buy and own land in Sixth Schedule area but they work as labourers and masons and what have you.

In Sixth Schedule areas non-tribals who run businesses have to get a Trading License from the autonomous district councils. These are renewable from time to time and have often become a source of harassment.

Thirdly, the NRC exercise in Assam that was completed this year saw about 19 lakh people who did not find their names on the list. The BJP had mistakenly assumed that these 19 lakh people would be mainly Muslims but it turned out that large numbers are Bengali Hindus. The BJP had promised to detect and deport illegal migrants in its manifesto in the 2019 elections. Elections were held in April-May this year. By that time the NRC exercise had not been completed. People voted for the BJP with the hope of ridding their State of illegal Muslim migrants who were given pejorative names such as Miyas etc. When the final NRC was published on August 31 this year, the large majority of people left out of the NRC were Bengali Hindus. So instead of deporting the illegal migrants as promised, the BJP trashed the NRC and said it had not been conducted with due diligence. Now those Hindi Bengali people will have to be given citizenship as promised by the Party. Besides, those will become dedicated voters of the BJP just as it is alleged that illegal Muslim migrants have been voting the Congress in Assam for decades. So this is the politics of citizenship in the North East.

People also wonder why the people of the North East, particularly those States with Inner Line Permit (ILP) and Sixth Schedule status should be agitated by the CAA. The point is that the States of Assam, Meghalaya, Tripura and Mizoram share a very long and porous border with Bangladesh. Of the 4156 km long border that Bangladesh shares with India, 1939 km is with the North Eastern States and 2217 is with West Bengal. Tripura shares a boundary of 856 km, Assam 262, Meghalaya 443 and Mizoram 180 km. A visit to the border will inform the visitor just how porous it is and how easy it is to cross over since the Border Security Force (BSF) on the Indian side and the Bangladesh Border Guard (BBG) on the Bangladesh side can hardly monitor that whole distance. Wherever barbed wire fences were erected they were so badly done that they have now collapsed because of the regular floods there. The borders with Pakistan are almost impenetrable except by hardcore militant infiltrators. The Bangladesh border on the other hand is so porous that even cattle are regularly smuggled from Assam and Meghalaya to Bangladesh.

The hill tribes and the indigenous people of Assam cannot be faulted for fearing a demographic change and the loss of their culture and tradition. After all, their identity is deeply linked to their culture! Also their tryst with India is only 72 years old. Before that they were independent tribes ruled by chieftains. They have not been able to negotiate the idea of nationhood or the idea of India. For them their homeland is the nation. Besides, the region has just come out of conflict in these past few years. The CAA is now making them wonder why India or New Delhi is trying to play with their lives vide the CAA. Those States that are exempted also know that the ILP or the Sixth Schedule could be scrapped at convenience for the larger idea of Indian unity as had happened in Kashmir. These doubts and fears are well articulated in the ongoing protests.

Tea Industry and the People of Tea Origin in Assam Today

M.P. Bezbaruah*

The year 1837 marks an important watershed in the history of Assam. Having freed Assam from the ruthless Burmese occupation in 1826 by executing the Treaty of Yandaboo, the British colonial rulers, then represented by the East India Company, did not first show much interest in annexing the Ahom kingdom into British India. Instead the Ahom king was restored on the throne. But the arrangement was terminated eleven years later after tea plants had been discovered in the jungles of Assam. The Ahom king was deposed from the throne and the kingdom was merged with the British Empire in India. The fertile lands of Assam plains were then liberally granted away to European planters to set up tea plantations. However, the planters were handicapped by labour shortage. Successive Burmese aggression in the first two decades of

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the nineteenth century left the State substantially de-populated. Moreover, the indigenous people of the State, who mostly had some access to land, were not prepared to take up wage employment in the gardens. Workers therefore had to be brought from Chotanagpur and neighbouring areas of eastern and central India by a combination of inducement and force to work in tea gardens of Assam. They worked as indentured labourers in the gardens and their living conditions were often comparable to those of the African slaves in America. The century from 1850 onwards was a period of rapid growth of the tea plantation and other colonial capital driven industries in Assam which yielded large profits to the colonial capital. But this industrialisation process did little for the socio economic uplift of the tea plantation worker community.

After independence, tea industry in Assam started facing new challenges. As colonial capital gradually withdrew, the tea estates passed on to the hands of Indian business houses. New competitors to the industry in Assam (and India) emerged from countries such as Sri Lanka and Kenya. The trade openness following WTO agreements and the Free Trade Area agreement involving India and Sri Lanka opened up even the domestic Indian market to international competition. Meanwhile, the yield from the old tea bushes started to stagnate leaving Assam tea with a productively disadvantage in the increasingly competitive global market. Recently, as consumer preference globally shifted towards organic products, Assam tea has acquired a bad name for its level of chemical residues. Climate change now poses further threat to tea plantation sector.

As large tea estates had become increasingly difficult to manage, the emergence of small tea growers in the 1970s and their consolidation by the 1990s gave a new lease of life to the tea industry of Assam. The small tea growers now contribute anything between 30 to 40 per cent of the total tea leaf produced in Assam. The emergence of small tea growers has enabled local entrepreneurs to emerge as planters, challenging the domination of estate sector production of green leaf. These new planters supply green leaves to factories of established companies and also to so-called 'Bought Leaf Factories', which are new establishments not linked to any plantations of their own. Some of the workers of traditional tea garden workers origin have been able to

find employment in these small tea gardens. However, employment in these small tea plantations does not ensure the same extent of social security which permanent workers in the estate sector get. Moreover, the small tea growers are yet to be able to devise the mechanisms of living with the ups and downs of price of green leaves in the market. Some of them have issues related to ownerships of the land on which they have established plantation.

The community of tea plantation workers origin is one of those communities of Assam which has lagged behind by indicators of socio economic development attainment such as literacy and infant mortality rate. While their population¹ has naturally increased over the years, their employment opportunities in the tea gardens have not increased proportionately. Deprived of suitable human resource development; occupational and upward mobility among the members of the community has been relatively limited. Even many of those who are still engaged in tea plantation do not get the full social security benefits, as proportion of non-regular non-permanent workers has increased over the years in the work force engaged in the tea sector.

The workers who are in regular employment in the tea estates are also unhappy as their nominal wages are well below the going market wages. As per the prevailing Plantation Workers Act; provision of shelter, education, healthcare and a part of ration to labourer households is responsibility of the planters. On the other hand these labourer households are unable to access the benefits of government welfare programmes meant for poorer households in general. Some of the workers associations are now demanding that such workers should be made entitled to government provided welfare facilities such as subsidised foodgrain, shelter, sanitation, healthcare etc. like any other citizen of the country and their employers should start paying them wages as per market rates. It will also be fair if the occupants of quarters in the labour lines are given ownership rights of the houses and homestead land under their occupation, as these families have been incumbent there for years and probably for generations.

For this community to move forward, its members would require access to capital – physical, financial, human and social. Human capital formation would require improving their health status, and even more importantly advancing the educational standards of their children. If the existing system is not conducive for the children from this community

to learn as effectively as by other children, it may be necessary to attune the lessons at primary level to their socio-cultural backgrounds. Convergence to the standard schools curriculum can then be achieved more effectively at the middle or high school level (This is not to suggest segregated schooling for children of the tea garden labourer origin). From within the community, leadership is required to help the community rid itself from the propensity to fall into traps of superstitions and engage the community in a social movement for better health, hygiene and educational outcome.

In the post-independence period, the tea garden workers community has largely been utilised as a vote bank by political parties. The community leaders are often used as intermediaries between political parties and the vote bank. Consequently, there has been little empowerment at grassroots. Individually, a handful of community representatives have managed to move up profiting from the political patronage. For this social-economically left behind segment of Assam's population to converge to the average State level standard and then move further forward, the government in the State and local levels, the community leaders and the civil society in Assam must engage with the issue confronting the community in a creative and constructive manner.

The tea industry in Assam today requires radical structural transformation. It needs to be freed from anachronistic regulations and encouraged to infuse the necessary investment to rejuvenate the plantations. Workers need no longer be tied to the gardens and their peripheries, but should be facilitated to be upwardly and geographically mobile to take advantage of opportunities wherever these may arise.

Notes

1. No estimate of the population of the community is officially available. Part of the problem in estimating the population arises from the heterogeneity within the community in terms of language, origin, location etc. Comparing various informal sources we have come to the conclusion that the community constitutes 18 to 20 per cent of population of Assam. In absolute term the population will be between 65 to 70 lakhs as of today.

Not Migration, but Rapid, Large-Scale Migration is the Problem

Pradip Phanjoubam

The outburst against the Citizenship Amendment Act, CAA in the Northeast has left many outside the region confounded. Unlike the objections to the CAA everywhere else in the country which is about the discriminatory and seeming Islam phobia attributes of the new law, they are bewildered that in the Northeast CAA is seen as a survival threat. This inability of those outside the Northeast to see as the Northeast sees somewhat betrays an ignorance and insensitivity to a stark reality the small marginalised communities here are faced with.

The truth is, going by UNESCO's definition of endangered languages, all of the 200 and more languages spoken in the Northeast, with the exception of Assamese and Bengali, are in the vulnerable category. Even in the case of Assamese, though the language of the majority in Assam, and still numbering 15 million speakers according to the 2011 census, when the larger region of Bangladesh, Bengal and Assam is considered, speakers of the language form a tiny minority. Bengali speakers in Assam, recorded in the 2011 census numbers about 9 million, however neighbouring Bangladesh alone has 164 million speakers of the same language. The fear in Assam of being overwhelmed by unceasing influx of population from Bangladesh therefore is nothing beyond imagination. This is a peculiar situation often described as "a majority with a minority complex" and its consequences have resurfaced in the region time and again, yet few take cognizance of it, perpetuating the phenomenon. In Bhutan, in the 1980s, when a lakh or so Nepali migrants were evicted from the country, and even in the current Rohingya crisis, it is this same largely ignored population anxiety which is at their roots.

Swiss journalist and author who has devoted an entire career in the region, Bertil Lintner, in a recent interview pointed out that the Rohingya

* The writer is editor, Imphal Free Press.

crisis is nowhere near the popularly projected binary of Muslim versus Buddhist. The ethnic Rakhines, numbering about two million, in the Rakhine State where also are settled the Rohingyas, were the ones feeling the pressure of continued population influx from Bangladesh expanding the Rohingya population. That the Myanmar government favoured the Rakhines was always obvious but it may be noted that the crisis precipitated when a previously unheard of militant organisation, Arakan Rohingya Salvation Army, made a coordinated attack on 30 Myanmar police camps on August 25, 2017, prompting the Myanmar government to begin its brutal ethnic cleansing campaign. Even now, Lintner says, the presence of seven lakhs Rohingya refugees in Bangladesh close to the Chittagong Hill Tract, is making small ethnic Buddhist communities, Chakmas and Marmas, in these hills uneasy as they can also easily become marginalised if the refugees were to be resettled among them. Indeed, these tragedies are multi-layered, but often only one is made visible.

A little elaboration on the UNESCO classification of endangered languages will illuminate further the reaction to CAA in the Northeast. If a language is vulnerable because of the smallness of number of speakers, it become more so if the language is spoken only in certain domains, for instance at home, but not at schools and offices etc. It becomes definitely endangered if parents speak the language and children only know the language but do not speak it as mother tongue. Critically endangered if grandparents' generation speak the language, parents know it but do not use it, and children do not know it anymore. Extinct languages are those which no longer have any speakers. In the UNESCO list, several languages in the Northeast have already become extinct and many more are critically endangered. And as Ganesh N. Devy, cultural activist and the man behind the People's Linguistic Survey of India campaign said in an interview, when a language dies, a worldview dies with it. Under the circumstance, the response of the Northeast to the CAA, is not merely tribal xenophobia as many have portrayed it to be with patronising condescension, but a desperate survival throe. A bureaucrat known for his love of the region and served it during India's troubled decades of Partition, Nari Rushtomji sensed this mood with empathy. In his *Imperilled Frontiers: India's North-Eastern Borderlands*, he observed that migration at a pace the host communities can absorb without detriment to their own social

organisms is unlikely to cause problem. Indeed, the ethnic and cultural diversity of the Northeast is testimony that migrants and their integration have always been a part of the historical reality of the region. Large-scale and rapid influxes therefore are the problem.

Provoked and compelled by the imperial ambition of Burmese Konbaung ruler, King Bagyidaw, whose army invaded and occupied Assam and Manipur starting 1819, the British intervened and took over Assam (which then was virtually the entire Northeast with the exception of Tripura and Manipur) and formally annexed it in 1826 after the signing of the Treaty of Yandaboo to make it a part of its Bengal province. Manipur was left as a protectorate State. Assam at the time being unfamiliar with British colonial administration and education, educated Hindu Bengalis from neighbouring Sylhet came to be the favoured agents to fill the colonial bureaucracy and carry forward the colonial project. From this position of power, the Hindu Bengalis dominated Assam's political as well as cultural spheres. This was predicted to ultimately provoke a reaction from the Assamese middle class, as it came of age. There were also Muslim Bengali peasantry who migrated to Assam, but the earlier among them found it much easier to assimilate and adopt the Assamese identity.

When Assam was separated from Bengal and made a separate chief commissioner's province in 1874 and then in 1912 after Curzon's 1905 partition of Bengal was withdrawn, a reluctant Sylhet which felt it was better off as part of Bengal, came to be affiliated with the new province. At the time of Partition, the equation changed and Sylhet's chance of remaining with India was for it to be treated as part of Assam. This, the then Assamese leadership refused, as Assam would then have become Bengali majority. Sylhet had to hence face a referendum separately and by a thin Muslim majority was awarded to Pakistan. The current migration issue is also a consequence of this bitter politics of antagonism of the past. Nobody is perfectly innocent or guilty in this sordid drama, and the way forward has to be on the path of truth and reconciliation that Nelson Mandela showed.

CAA: Connecting Past with Future Past Hostility to Future of Harmony

Abhijit Bhattacharyya*

From whichever angle one looks at The Citizenship (Amendment) Act, 2019 (47 of 2019), passed by Parliament of India on December 12, 2019, one is unlikely to get a unanimous or unified view, owing to sheer versatility of Indian pluralism in which every aspect of life emerges multiple and multipolar: the characteristic variation and variety of Indian ways; followed by vagaries of diversity and myriad road to resolution. All vying, in chorus, for drawing attention to the shortcomings: real or unreal.

Truly, therefore, multiplicity stands as the eternal reality of the idea of India! The idea which originates from geographical existence of historical “India, that is Bharat”, stipulated by Article 1 of the Constitution, as “Union of States”. “Union”, notwithstanding diversity and variety. The time tested India. Where numerous lives arrived, survived, thrived, demised and revived their identity since time immemorial. Prospered and petered out. An undeniable and indisputable fact, universally acknowledged. Even by those in the vicinity who may or may not feel comfortable with India, or may not even wish to have an iota of idea, of the “idea of India”.

Yet, despite the cyclical rise, fall and rise of history, India’s physical image and existence, along with her intellectual capability, as reflected by the unique and versatile Constitution, gives the people thereof an unprecedented freedom of action, thought, belief and movement across vast swathes of land. Unmatched in the world arena, as even the worst

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critic of India will concede, and envy, the unbridled freedom and rights bestowed on the citizens of Bharat, with or without the shenanigans of whichever the political party in power.

That said, one needs to recognise that Indian nation as a sovereign political entity is only in its 73rd year. And that, there exists today even a younger nation in its eastern wing, which is in its 49th year; and during these seven decades plus, three sovereign States were born from one indivisible history and geography of India. It's also a fact that once the Indian nation-state was born, citizenship constituted one of the most difficult and arduous of all tasks when it came to legal definition and incorporation thereof in the Constitution of India which was operationalised on January 26, 1950, after three years of intense debate and discussion by the members of the Constituent Assembly's drafting committee, Chaired by the redoubtable Dr. B.R. Ambedkar, himself an eminent constitutional jurist.

Before proceeding to reality of independent India's image, existence and intermittent polity of turbulence, however, the philosophical aspect may be borne in mind and appreciated to follow the genesis of India's citizenship which today stands as a subject by itself. In fact, the best possible description of the evolution of the haunted, yet lofty, legacy of Indian citizenship was penned by none other than the poet Rabindranath Thakur in his inimitable rhythmic, lyrical stanza of/in the Geetanjali: "Keho naahi jaane, kaar ahobaane, koto maanusher dhaara; durbar srote elo kotha hote shomudre holo hara!" (Nobody knows where from or on whose invite did such vast, endless streams of human heads arrived here, only to be lost in the sea of humanity!). Thus, Rabindranath Thakur's endless stream of humans today consist of, and constitute, and continue as, the successors of all invaders, infiltrators, immigrants, migrants, and refugees; living along with inhabitants and sons of the soil. All in one. One in all. Down the ages. Today included. From the Black Sea to Baku; Buraydah to Basra, Bushahar, Bandar Abbas to Bristol, Birmingham and the British Isles; Central Asia to Asia Minor came heads of humans in hordes; and with passage of time a large number thereof turned from invaders/infiltrators/intruders to forced immigrants and migrants and ultimately to forced refugees; and now inhabitants and citizens of India.

In the process, however, though it cannot be said, with conviction, whether it made India powerful or powerless, the indisputable fact is that, for the variety of demography, which settled in the vast Indian geography, with all its fault-lines and failures, always remained "Saare

jahaan se achchha” (best of all nations). “Sab ke liye” (for all). Why? Again, there is no straightjacket answer. Except perhaps the reality. India was, is, and will continue to be a magnet. A mesmerising pull factor for all types: best and the worst. From deadliest of invaders to greediest of traders, sturdiest of adventurers, worst of diabolical infiltrators, cunning-most intruders, brightest of scholars, best of travellers, sharpest of intellectuals and miscellaneous fortune seekers. It has been the lure for Indian el-dorado. It’s the water civilisation of Bharat which attracts, and attracted, people from comparatively sterile, dry and arid zones of the globe. Else, India could not have been so populous and popular a place notwithstanding the criticism one hears of her inherent shortcomings and invasion, bloodshed, and internecine strife through the ages.

Here, definition of a few words will be in order. To understand citizenship, and move on. Thus, “invasion”, “a hostile or forcible encroachment on the rights of another,” has been repeatedly carried on India since ages. Forty major invasions have taken place during the last 1000 years alone, thereby making an average of one invasion every 25 years. “Infiltration”, on other hand, also is invasion, with mala fide intent, as has been happening across (whole of) eastern India since 1971 by the comparative unarmed, and in the north since 1989 by fully-armed foreigners from western neighbourhood. “Immigration” too is an act of entering foreign country to settle permanently. Though it implies recourse to legal route with documentation, there nevertheless comes time, as can be seen from recent happenings in several western countries, an irrationally fiery growth of counter or anti-immigration psyche, born out of apprehension of economic and financial loss resulting in social tension thereby giving rise to extreme right ideology.

“Migration” implies movement of people or animals from one country to another. Migrant worker in international law is “a person who works seasonally as an agricultural labour in a foreign country”. It also means a person who works seasonally as labour in different part of his/her own country. It is also happening when people are coming from Nepal, Bangladesh and Pakistan. Surreptitiously though mostly, as the latter two, have been reported to have come on tourist visa and gone “missing” or “drowned in the vast sea of humanity” in tune with the stanza of poet Rabindranath Thakur’s Gitanjali. And finally comes the widely used term “refugee”, who “flees or is expelled from a country, esp. because of persecution, and seeks haven in another country”.

Thus, began the journey of independent India with the journey of millions of refugees from “Indian homeland of yesterday to alternate

homeland of today and tomorrow". Yesterday's Indian soil overnight turns into foreign territory. August 14, 1947 "He/she was in the Indian cities of Dhaka and Lahore. Morning August 15, 1947 he/she has to trudge towards new India, which overnight becomes an alien land to him/her. He/she has to travel anywhere between 20 and 120 kilometres to save life and seek shelter, to begin afresh. On to new home in new city! Move from Lahore to Ludhiana. Downtown Dhaka to deep jungles of Dantewada or Dandakaranya. And if lucky, then to Dankuni, Dhanbad or Durgapur. Barisal in East Bengal to Bardhaman, in the remnants of Indian Bengal. Why? Because he/she has some relatives and friends there. Because, whereas his/her father hailed from Dhaka, his/her in law's are settled in Patna for more than 150 years. Similarly, his/her uncle is from Mianwali in West Pakistan, but he/she has to overnight move to Manali in India's Himachal Pradesh; his/her, maternal aunt house being perched in the Himalayan foothills".

This is a classic case, nay, real life story of YESTERDAY HE/SHE WAS IN INDIA. BUT TODAY HE/SHE WILL HAVE TO RELOCATE IN ANOTHER PART OF INDIA. YET, THERE IS NO GUARANTEE THAT TOMORROW HE/SHE WILL NOT BE ASKED TO PRODUCE ALL PAPERS WHICH HE/SHE HAS LOST, OWING TO SEVERE TURBULENCE AND UNPRECEDENTED VIOLENCE ALL AROUND, TO PROVE THAT HE/SHE HAILS FROM INDIA, BEING AN ORIGINAL CITIZEN AND INHABITANT, AND NOT MIGRANT, INFILTRATOR, ILLEGAL IMMIGRANT, PIRATE, CRIMINAL AND EATING AWAY THE JOBS OF SONS OF THE SOIL. HE/SHE TOO WAS, AND STILL IS, A SON OF THE SOIL. BUT HIS/HER CHANGE OF PLACE IS OUT OF COMPULSION, AND NOT BY CHOICE.

Thus, the unprecedented forced influx of India's millions of uprooted (Indian) citizens, who overnight became "religious refugees" in their own soil, simply because the line, called border/boundary of the State, accepted or rejected, Indians in India for being in the right or wrong side owing to their religious identity, did create a "great psychological divide." Whether one likes it, or dislikes it, the reality was, and is, that religion was passport to citizenship in 1947, both in India and Pakistan, in spite of weak-kneed contrary views of a handful prominent political leaders of India who were hallucinating a united and unified "Greater India." Even when it was clear that the distressed, distraught and destitute were desperately trying to depart for relocation, out of compulsion, not by choice, for safety and security. To save and

search for new lives. Any denial of this harsh fact would amount to brazen hypocrisy and travesty of truth. A shameful ignorance of low, and negligence of the highest, order.

The irony of India's partitioned independence stood stark. Whereas "Hindu Punjabi and Sikh religious refugees" from the Islamic State of Pakistan's western wing, entering India, were virtually settled in 300 kilometre (north and south) radius of Panipat, within a year, as hardly a few hundred thousands were allowed to remain in West Pakistan (being under constant stress, strain, fear and humiliation as third class religious minority citizens of an adopted State), under the transparently partisan leadership of the self-professed "secular" Muhammad Ali Jinnah; lady luck never favoured Hindu Bengali refugees entering India from the Islamic State of Pakistan's eastern wing. East saw one-way traffic of Hindu Bengalis streaming from all over East Bengal (East Pakistan in 1947 and beyond).

Prominent members of the then ruling party of India, however, in their eagerness to establish correct political tune, discouraged Muslim migration from Indian Bengal to East Pakistan/East Bengal. Nevertheless, when it came to Hindu Bengalis pouring from across the border into India, the same leaders did not extend empathy, sympathy or support to them. In fact, there did occur a shameless discrimination against Hindu Bengali refugees thereby permanently damaging the Bengali psyche and turning them against the ruling class of India operating from Delhi. The ember of that psychic flame burns even today in the battered, shattered and scattered mind of Hindu Bengalis. They often refer to the fact that whereas none of the other States in the vicinity of Bengal was divided or faced the catastrophic destruction of their livelihood, Government of India failed to stop anti-Bengali riots in some of these non-affected States of the partition of India which remained intact.

Thus, it would not be incorrect to remind that whereas the West Pakistan and Indian Punjab division (Hindu Punjabi and Sikhs to India and Muslims from India to West Pakistan) constituted a "jhatka" (slaughter in one stroke, hence instant death), in case of one-way traffic of hordes of Hindu Bengali refugees from the eastern wing of Pakistan, entering (over years) Indian Bengal in particular and a few pockets of the north-eastern States, constituted "halal" (slow-motion slaughter resulting in agonisingly time-consuming, painful death owing to oozing blood). Unsurprisingly, India's eastern problem took years to stabilise,

though never settled. It's still unsettled and there is little to think that it will get resolved any time soon.

Regretfully, the rulers of Delhi, during whole seven decades plus of India's sovereign existence, hardly grasped the delicate and complicated nature of the eastern problem. One wishes to ask: is it because the swathe of land, east of Mughal Sarai, was too far away (like that of what once East Pakistan was in the eyes of so-called martial races of West Pakistan before 1971?) for, and from, the creme de la creme of Lutyen's Delhi Durbar to realise how delightful or devastating the east possibly can be, depending upon the treatment meted out to it by the rulers of Hindustan? All the more, as things were deliberately allowed to drift for far too long, owing to gross negligence of duty and responsibility. Were the Delhi Durbaris, like the British, wary of the Hindu Bengalis as potential torch bearers of Subhash Bose's ideology of revolution and fighting to the hilt on/for ideology of sovereign India's awakened nationalism? One isn't sure, though one could suspect, because of the horrendous step-motherly treatment meted out to Hindu Bengali refugees, coming from East Bengal of pre-1947 India to the map of post-1947 new India. This author had had first-hand knowledge of a few genuine cases being treated like animals by the Union Government of Delhi.

Indeed, the demography of East and North-east India, which consists of a large part of genuine and bona fide Hindu Bengali refugees and their distraught successors, if not taken seriously even today, will surely find their way as, and into, a remnant or a lost chapter in the future school and college text books of India.

The reality, therefore, is too stark to be ignored, and too real not to be addressed. Even if delayed, the State of India certainly could not have had absolved of its responsibility and ignoring the historical mess of post-independent India wherefrom rose the citizenship issue.

Historically, however, India have had several types of "refugees" before, and after, (last) seventy-two years. First arrived the wholesale evicted six million Hindu Punjabi, Sikhs and some Sindhis from West Pakistan in 1947-1948, and between sixteen and eighteen million Hindu Bengalis from the east, during 1947-1971. Before that, however, had arrived 1920s onwards a few lac Han Chinese from mainland China to escape the travails and trauma of the brutal Mao Zedong and Chiang Kai Shek civil war and the Second World War, most of whom settled in West Bengal's Calcutta and around. Another category of three-four

lac Tibetan Buddhist refugees arrived India from/in 1950 onwards, owing to all out butchery, suppression, and organised, target killings of Tibetan Buddhists by Communist Chinese army in Lhasa and across the monasteries of Tibet. Thus, whereas India sheltered Tibetan Buddhists whom China hypocritically claims to be theirs, simultaneously the same China attacked and killed more than ten thousand Indian soldiers in 1962 and forcibly, and illegally, captured Indian territories from 1950s. Can Beijing ever be trusted?

The fourth type of “refugees” was the Tamils from Sri Lanka who arrived India from late 1970s onwards with initial signs of Colombo civil war. The oft-forgotten fifth type refugees again were the Sikhs and Punjabi Hindus from Afghanistan, arriving India in 1970s, when Kabul plunged into a civil war, followed by war. Though only a few thousands in number, nevertheless, Kabul turmoil virtually wiped out the Hindu Punjabis and the Sikhs from its society. The sixth category consists of three lac Hindu Kashmiris, derogatorily referred to as “internally displaced persons.” In a way both Hindu Bengalis and Hindu Kashmiris experienced similarities in distress; both becoming “refugees” in their own land and ridiculed mercilessly. Hindu Kashmiris moved from India to India, i.e. Srinagar to streets of Delhi; Hindu Bengalis too from linguistic Indian Bengal to Indian Bengal, i.e. Dhaka, which was in India, to Calcutta of India. The seventh category of neighbouring refugees were those uprooted from Burma (now Myanmar), when military leaders dethroned the civilian government in 1958.

Aside harmless uprooted refugees of Indian and Tibetan origins from Lanka to Burma; Afghanistan to Tibet; and Bangladesh to Pakistan, coming back from neighbourhood under duress, there are instances to show that India has been a safe haven even for invaders! Babur and Humayun ran from pillar to post as fugitives, to escape death from their own Muslim brethren in Central Asia. In India they got refuge, and from being foreign refugees soon turned themselves into rulers of Hindustan. Refugee rulers! Such has been the civilised, humane and generous nature of Al Hind/Hindustan and people thereof. Like Babur and his son, Afghans too were invaders and ruled for several years (in patches) over Indian populace. Afghans might have been friendly to Indians from time to time, but it would be important not to forget, but remember, that India faced recurring Afghan invasions on Indian soil, with the battle of Panipat in 1761 being the culmination of Indian failure in front of the Afghan warlord Ahmad Shah Abdali.

Although giving refuge is a humanitarian gesture, yet there could be several scenarios which must be borne in mind by the ruling class of India (irrespective of political party), owing to vast diversity of the country. Political collision and chaos. Economic disruption. Social unrest. Religious violence. Demographic imbalance. Geographical/territorial usurpation. Perilous safety. Threatened unity. Challenged sovereignty. Trampled Constitution. Unfair administration to uncontrollable anarchy. And the numerous attempts by inimical forces operating through “harmless” actors (refugee) and “harmful” factors (“renminbi/yuan and dollar”) to “divide India” into pieces.

The unfolding genesis, therefore, brings us to the Citizenship Act, 1955 (57 of 1955) which now stands modified as “The Citizenship (Amendment) Act, 2019 (47 of 2019).” Of the original Act of 1995 which contained 19 sections, post-amendment December 12, 2019, all sections remain intact, except those four sections that have been amended: 2, 6B, 7D and 18; and of the IV Schedules, the Third Schedule has been amended.

Thus, it’s the insertion of new section 6B which stipulates “Special provisions as to citizenship of person covered by proviso to clause (b) of sub-section (1) of section 2.” The moot point here is: the power of the “Central Government or an authority specified by it in this behalf to grant citizenship certificate.” There’s hardly anything new in the words or language of the sentence. It’s just like one of those numerous central laws. Nothing unusual.

Next comes the new section 7D which talks of “Overseas Citizen of India Cardholder,” in case of previous adverse situation being faced in Indian context, will now be getting opportunity to be heard before any decision. Thus, section “7D (da)” lays down: “Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard” thereby implying the introduction of the doctrine of “natural justice.” Clearly, this too cannot be disputed for its being brought into effect justice in its pristine concept and form. Justice, in any form, must listen to, and take into consideration, the arguments and views of both sides: petitioner and the defendant/respondent.

What, however, appears to have given rise first to curiosity, followed by passion, leading to potential conflict of politics between agitating actors and the State administrators, is the Amendment of Third Schedule.

Let’s, therefore, see as to which way the amendment has been carried out, with what possible consequences and ramifications, if any,

and how much does it conflict with the “basic features” of the Constitution of India which the Supreme Court has ruled to be inviolable.

To the makers of the Constitution, i.e., the members of the Constituent Assembly, which sat three years to finalise it, December 09, 1946 to December 09, 1949, the inherent complexity of citizenship was clear as all were witness to massacre, pogrom and mass migration of “refugees” crossing from one part to another part of the “Continent of India;” to three wings and sectors of two new countries, parcelled out therefrom. 1946 to 1949 surely was the worst period of Indian civilisation and culture. Civil war at its worst and humanity, or the lack of it, in its ugliest form, notwithstanding a few exceptions here and there.

Seen in this background, the members of the Constituent Assembly deserve kudos for giving arguably the most dynamic, sound, fair and far-sighted Constitution to blood-soaked (simultaneous) independence days of the new nation(s). In the said Constitutional document, one can find, both from the point of view of a citizen and law, that whatever might have been the nature, character or quality of citizenship or the act thereof, it could not have been an inflexible act with a permanent stamp. The demography and the movement thereof across South Asia have always been complex and too vast an issue, with or without any political party: CONGRESS, BJP, CPI, CPIM, DMK, AIDMK, TMC, RJD, SP, BSP, AASU, SHIV SENA, NCP, AIML, TDP, RJD, BJD, AKALI DAL, NC, MIM and what all you have in pan-India regional or sub-regional political space.

Citizenship, Fundamental Rights, and the “Basic Features of the Constitution,” the way pan-India scenario appears to be unfolding, to this author, therefore, are heading for Full Constitution Bench of the Supreme Court of India for fresh direction, decision, definition along with description and prescription. Why? Because, between political parties’ aim and objective and the people’s rights and responsibilities, is emerging an inevitable need for an enduring and long-term connect, with fresh debate and discourse. So it appears. More people need to be told and explained with logic and simpler language the legalities and nuances thereof with clarity, sans politics, by those erudite who are in the know of things, which may otherwise be beyond comprehension of vast populace, owing to its being a long festering issue which keeps cropping up ad hoc only on the eve of elections, when conflicting and competing polity hit the streets, vying for space in national or regional polls.

It's got to be remembered that the Constitution makers of India did not make citizenship part of Chapter III, "Fundamental Right", spanning Articles 12 to 35. Instead, they kept Articles 5 to 11 as Citizenship in an exclusive Chapter II. And that too, after lengthy deliberation and well thought out discussions, based on points and counter-points. During debate on "conditions of citizenship" Dr. B.R. Ambedkar succinctly opined that "this Article refers to, citizenship not in any general sense but to citizenship on the date of commencement of this Constitution. It is not the object of this particular Article to lay down a permanent law of citizenship for this country. The business of laying down a permanent law of citizenship has been left to Parliament, and as Members will see from the wording of Article 6 as I have moved the entire matter regarding citizenship has been left to Parliament to determine by any law that it may deem fit."

Dr. Ambedkar also added words of caution thereafter: "They must not understand that the provisions that we are making for citizenship on the date of commencement of this Constitution are going to be permanent or unalterable. All that we are doing is to decide ad hoc for the time being."

The far-sightedness of the erudite members of the Constituent Assembly of India, operating before and after Independence of 1947, during extraordinarily challenging times, stands as shining example of their genius. They had seen enough of venomous polity and bloodshed to realise the long-term complications born out of the harsh reality of religion playing spoil sport for the citizens on both sides of the border. Religion, rather than economics, unfortunately, consistently played a negative, yet effective, electoral role in some parts of India which now seems to have all the hallmarks for a harmful future.

Coming to Fundamental Rights, let's start with Article 14: "Equality before law." "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." Contextually, if one brings "The Citizenship (Amendment) Act, 2019," it says in "Amendment of Third Schedule"..... "Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government of India as required under this clause shall be read as 'not less than five years' in place of 'not less than eleven years.'"

Understandably, the absence of the word "Muslim" is the cause of political furore leading to the allegations of the violations of the

Constitution of India. It would transpire that whereas Article 14 talks of “any person” which includes foreign national/citizen too, the absence of “Muslim”, hailing from Afghanistan, Pakistan or Bangladesh, would run contrary to the Constitutional provision. From another angle, however, it could be pleaded by the CAA counsel that things do get restricted owing to the fact that what Article 14 says is that it has to be “within the territory of India.” Now, assuming that the State of India in its (lack of) wisdom resorts to non-application of Article 14’s “Equality before law,” and discriminates outside of the stipulated provision of “within the territory of India” and allows/grants selective citizenship to foreigners who reside abroad, and not “within the territory of India,” then the applicability of Article 14 definitely would be questionable, as it cannot necessarily be applicable on those minorities of Afghanistan, Bangladesh and Pakistan. It would simply be the discretionary power of the Government of India, irrespective of the fact whether it is giving citizenship to A, B or C. Equality, under Article 14 would be applicable for those only if it’s “within the territory of India.” If it’s argued that yes indeed, the State reserves the right to resort to selective justice pertaining to foreign nationals when it comes to giving them citizenship in its own self, and national, interest? All the more, if this “selective” act does not prove to be detrimental to the rights and interests of the citizens “within the territory of India”! Then how can the opponents of CAA plead the violation of Article 14? If the persecuted, or otherwise, religious minorities from Afghanistan, Pakistan and Bangladesh are given citizenship and not anyone else from those countries, they certainly would fall outside of the Article 14 stipulated words “within the territory of India;” as they all fall outside of and not “within the territory of India”!

Could it then further be argued that the Indian State, even otherwise, reserves the right to grant or reject any citizenship application of/from any foreign national? If so, then should it not be a matter of inherent discretion power of the State, which need not necessarily be seen as an in-built discrimination which is being resorted to, deliberately by the State? Thereby implying that law is required to put things in black and white which empowers the State with the discretionary power to decide where to apply or not to apply on the basis of the merit of each case.

Contextually, several cases come to mind wherein the Government of India gave wholesale citizenship to foreign nationals, though not as refugees per se. Thus, when foreign territory comes into the fold of the State of India, there comes into effect the Section 7 of The Citizenship

Act 1955 (57 of 1955): “Citizenship by incorporation of territory – If any territory becomes a part of India, the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India by reason of their connection with that territory; and those persons shall be citizens of India as from the date to be specified in the order.”

According to noted jurist, Dr. Durga Das Basu, arguably the “ultimate Constitution expert,” in his 14-volume magnum opus ‘Constitution of India’ asserts: “The Act thus obviates the need for applying common law principles for the determination of citizenship in such case. This section codifies the principle of English common law, adopted in India, that incorporation of a foreign territory by a sovereign is an Act of State and that on such incorporation, the inhabitants of the territory acquire against the new Sovereign only such rights as are recognised by the latter.”

Post-1947, the French territories were incorporated by India. Before the Treaty of Cession executed by France in favour of India on August 16, 1962, Pondicherry, Karaikal, Mahe and Yanam were French establishments. The territories of all these were collectively known as “Pondicherry.” By the above mentioned Treaty, France ceded full sovereignty over that territory to India, and as a result, that territory became a part of the territory of India by incorporation, under Article 1 (3) (c) of the Constitution. The Government of India then issued the Citizenship (Pondicherry) Order, 1962, by virtue of power conferred by section 7 of the Citizenship Act, specifying that the erstwhile French nationals of Pondicherry shall become Indian citizens, with effect from August 16, 1962, after complying with the conditions laid down in the aforesaid Order.

Similarly, Government of India issued two Orders, to provide for citizenship of residents domiciled in Dadra and Nagar Haveli with effect from August 11, 1961; and Goa, Daman and Diu, with effect from December 20, 1961, which were foreign territories before a certain date. All these territories were incorporated in accordance with the provisions of the Constitution of India’s Article 1, which stand thus: “Article 1: Name and territory of the Union. (1) India, that is Bharat, shall be a Union of States.....(3) The territory of India shall comprise.....; and (c) such other territories as may be acquired.” Pondicherry was “acquired”. So was Goa, Daman & Diu; Dadra & Nagar Haveli. And in 1970s came Sikkim within the territory of the State of India and the people thereof as the citizens.

The moral of the citizenship story is simple. If India acquires foreign territory the populace thereof easily and automatically becomes Indian citizens. However, that happened only after Constitution came into effect January 26, 1950. But, the pre-1950 and pre-1947 partitioned-independence is the main problem which continues to create turmoil.

Today, this author would pose a question. Why not give careful consideration to the fact that when foreign territory is acquired by, or incorporated into, India, the people thereof (virtually) automatically become citizens. But when India lost territory through partition in 1947, should the persecuted and distressed Indian people have been allowed to be lost to those who are not exactly adept in imparting fair play? To this author, that is the critical and crucial issue at this point in time which needs to be understood and broad-based. French, Portuguese and Sikkimese, all foreigners, could become Indian citizens overnight as their territories merged with India? And Indians, who were Indians in India for generations, suddenly become foreigners owing to loss of territory masterminded and organised by non-Indians? Foreign Englishmen? If that be so, then the Englishmen should have had borne some responsibility and taken at least 2 million Indian citizens from both wings of Pakistan, out of which one now is Bangladesh, and given citizenship in London thereby sharing responsibility for dividing people in religious lines resulting in bloodshed and mayhem! Didn't the British take their ex-subject citizens from African countries when they were persecuted and troubled by the successor native rulers of the British colonial masters in African countries?

Coming next to Article 15 of the Constitution: "Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth." Undoubtedly, one of the loftiest provisions which constitutes as pylon of the basic features of the Indian Constitution, the Article 15 essentially and exclusively is meant for, and applicable to, the "citizens" of India. Hence, if the Indian State gives citizenship to foreigners/foreign nationals, even if selectively, invocation of Article 15 to counter or nullify Citizenship (Amendment) Act, 2019 is unlikely to stand the scrutiny of law simply because "discrimination", if any, takes place beyond the frontier, in which "citizens" inside the country are totally untouched and unaffected.

Sequentially thereafter, Article 16 "Equality of opportunity in matters of public employment" and Article 19 "Protection of certain rights regarding freedom of speech, etc." are only for "citizens", and

will not, therefore, be applicable over citizens of Afghanistan Pakistan and Bangladesh who may or may not be given citizenship by the Indian State for the purpose of CAA. Articles 16 and 19 will be applicable only when foreign nationals get Indian citizenship. However, from Article 20 “Protection in respect of conviction for offences,” Article 21 “Protection of life and personal liberty,” Article 22 “Protection against arrest and detention in certain cases,” Article 25 “Freedom of conscience and free profession, practice and propagation of religion,” Article 26 “Freedom to manage religious affairs” both citizens and foreigners enjoy the rights bestowed by the Indian Constitution. Subject to condition, however, that they (the foreigners) happen to be within the territory of India as and when any cause of action rises.

Coming back to granting citizenship to foreign nationals by the Indian State, it stands to a combination of several complex factors, evolved over more than seven decades, leading to the present CAA of 2019. Constitution-empowered Fundamental Rights basically are for the citizens of India with certain specific aspects wherein foreigner/foreign nationals too are included by virtue of their chance presence in India.

Today, however, this author believes that NRC and CAA are distinctly incompatible with each other, and the introduction of two laws simultaneously has created contradictory and confusing scenario thereby leading to turbulence. Thus, whereas NRC pertains to detection and deportation of those people, who are living in India, but who do not fall under bona fide category with necessary prerequisites to get citizenship of India; the latter (CAA) appears exactly the opposite, wherein amended Indian laws have been made things easier for those who may or may not have been Indians once, but who now are foreigners in distress, thereby falling under specific category with requisite qualifications to be the citizens of India.

Hence, even if the intention of the State is considered bona fide, a sizeable sector of the polity of the nation seems unconvinced. Hence, restive. In this situation, the intervention of the apex court appears imminent and inevitable. The controversy created surrounding CAA Third Schedule, wherein one religion stands omitted could be covered by the apex court by inserting four words: “consider on humanitarian ground” on case to case basis by the Government of India. Except that, this author would be surprised if the Supreme Court of India either scraps the CAA or declares it void ab initio – being incompatible with the Constitution, the supreme and superior law of the land.

Immigration and Demographic Composition of Assam: Is NRC plus CAB /CAA Solutions to the Concerns of the Indigenous People of Assam?

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Abstract

Migration of people is as old as human history. The northeast Indian State of Assam has also a long history of immigration of people from its neighbouring nations. However, such immigration before independence did not create much ethno-social tensions but the State has witnessed pouring of outsiders in bulk afterwards changing its demographic profile. Consequently, in the later half of the twentieth century, some nationalist ideas and identity aspirations crop up among the indigenous Assamese people. These developments have led to various agitational programmes which at times are intensified in the last couple of years as manifested in the gigantic exercises like updating the National Register of Citizens (NRC) and announcement of the Citizenship Amendment Bill (CAB) 2016 (now an Act). The present paper tries to depict a brief history of immigration into Assam and discuss the reactions that emerged out of the NRC process and the CAB.

Migration is a human phenomenon. Since the existence of the *homo sapiens*, the world has been witnessing migration of people from places to places. Migration across countries is influenced by a set of diverse factors like demographic differences, socio-economic imbalances, environmental hazards, political dynamics, advancements

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in technology and social networking. Affected by such factors, as foreseen by the World Migration Report 2010, number of people migrating worldwide would increase from 214 million in 2010 to 405 million in 2050. These figures clearly indicate that migration of people across countries would be double in the years to come and, hence, countries cannot ignore the consequences that migration might impart to them. It is noteworthy that migration has both positive and negative impacts on both the destination and sending countries. For example, it may cause innovation and enhancement of economic attainments in the destination countries, while reduction of population pressure and alleviation of poverty in the sending country. On the flip side, migration to an already overpopulated country may create lots of socio-economic difficulties, leading to various anti-social and anti-economic consequences (Sarma 2015). Moreover, slow immigration in small numbers generally does not create much problem if the immigrants assimilate with the indigenous people of the receiving country. But rapid immigration in bulk has the potentiality to change the existing socio-economic patterns and, therefore, heavy pouring of outsiders always remains a matter of serious concern across countries of the world. In this context, the present exercise attempts to discuss the ethno-social upheavals that have been caused by the heavy immigration of people to the State of Assam as manifested in the process of updating the National Register of Citizens (NRC) and introducing the Citizenship Amendment Bill (CAB) 2016 (now an Act).

Assam, the northeast Indian State, has a diverse population mix of different origins living in harmony in its plain and hill areas. If we look back to the history of the State, we find that people from neighbouring countries and regions immigrated to the State from times immemorial and assimilated with the indigenous people in due course of time. Each group of immigrants contributed to the diverse tapestry of Assamese ethno-cultural, linguistic and religious identity. For instance, the Ahoms, an offshoot of Thai origin, penetrated Assam in the early thirteenth century, crossing the Patkai hills and started residing in the present Sivsagar district of Assam. Later on they established the Ahom Kingdom, ruled the State for almost 600 years (Barpujari 1980) and assimilated with the indigenous Assamese people and culture. The Mughals attacked the Ahom Kingdom several times though the Ahom kings, except a few times, were successful in expelling them out of the State. However, some Mughal warriors, mostly of Muslims, stayed back in Assam and

took Assamese culture, language and identity and became whole hearted Assamese. Again, as per historians, Maharaja Ranjit Singh sent a troop of Sikh soldiers to assist the Ahom king in his battle against the Burmese in 1820 who did not go back to their places of origin and resided particularly in the Naogaon district of Assam and gradually assimilated with the Assamese people (Singh 2018).

Another wave of influx of people to the State started since the Yandabo Treaty of 1826 between the Burmese king and the British by virtue of which the administration of the State of Assam went under the British (Devi 2017). The British encouraged immigration into Assam purely on economic considerations. They supplied cheap labour especially to the tea industries and railway construction works from areas like Jharkhand and Bihar. People were also imported for cultivating in the extensive wetlands. Immigration also occurred from Nepal during the British rule. Besides, trading communities like Marwari and Biharis also penetrated the State and settled as petty traders. Partition of Bengal during 1903-1905 also led to infiltration of mostly Bengali speaking people to Assam through the Bengal border (Basid 2016). At the initial stages, the middle class Assamese people did not mind the immigration; rather it was welcome on economic grounds since the immigrants predominantly Muslims from Mymensingh district of Bengal, settled in the barren wetlands and started cultivating there (Kar 2013). However, illegal immigration intensified in the later years of India's independence. Particularly, Partition of India made the Hindus insecure in Muslim dominated Pakistan and consequently Bengali Hindus from East Pakistan started entering into neighbouring border areas of Assam and Tripura which again became more intense during the India-Pakistan war of 1965. Again, the Muslim League Ministry of Assam led by Sir Sadulla encouraged immigration of Muslims under the camouflage of 'Grow More Food' campaign in the 1940s (Gohain 1982). Immigration in bulk up till this period resulted in a shift in the demographic pattern with much increase in Muslim population in the State from 9 per cent in 1921 to 23 per cent in 1941 (Kar 2013). Later on, during the freedom movement of East Pakistan and formation of Bangladesh in 1971, Assam witnessed another major inflow of Bengali people which has become continuous afterwards. The indigenous people of Assam have been increasingly losing at the numbers to the immigrants and thus an ethno-social sense of insecurity has emerged among them.

Apart from influx of people from the neighbouring province of Bengal, another problem surfaced in regard to the official language of

the State. Although Assam had a vernacular language 'Assamese' with its proud historical existence, it was not used officially. Prior to the British rule, the Assamese academicians were mostly under the influence of 'Sanskrit' but Persian language, later was the court language all over India. However, with the advent of the British, Assam was administered by the Government of Bengal which made 'Bengali' as the court language of the State in 1831 and also the medium of instruction in the Anglo-vernacular and vernacular schools of Assam (Basid 2016). Using Bengali instead of the State's own language Assamese in courts and schools had led to a long lasting resentment between the Assamese and Bengali people. Moreover, due to lack of indigenous people with knowledge of Bengali language, teachers and bureaucrats were imported and employed in the schools and government offices in large numbers. Since these people had their own social, ethnic and cultural identities, they were reluctant to assimilate with the Assamese socio-ethnic and cultural set up rather they retained their own identities. This had created a gap between the Assamese and the Bengalis. As result of untiring efforts by the Baptist Missionaries and Assamese leaders, Assamese language was introduced as the medium of instructions in the primary schools in 1872, but at the higher levels of schools and at the offices, Bengali medium was retained. This policy invited heavy resentment between the indigenous Assamese and the Bengalis specially since independence which resulted in the Official Language Movement of 1960 and, later on, the Medium of Instruction Movement of 1972. This language issue during the nineteenth century resulted in increasing awareness about the linguistic identity of Assam. With immigrants, mostly Bengali Muslims, stating their language to be Assamese, number of Assamese speaking people increased to nearly 57 per cent of total population in the census of 1951 which was 31.42 per cent in 1931 (Basid 2016). This sufficiently larger proportion of Assamese speaking people led the government to implement the Assam Official Language Act, 1960 provisioning Assamese as the official language of the State making provisions of using English and Hindi for official purposes in some situations.

It follows from the above that immigration to Assam before the British was slow not creating much problem to the Assamese demography and economy. However, during the British rule and afterwards, the State received series of inflows of immigrants in bulk numbers creating socio-economic, ethno-cultural concerns among the

indigenous people. Naturally, since independence, the indigenous people of Assam started feeling the threat that the influx of people might pose to their social and ethno-cultural identity. Consequently, the State experienced the emergence of 'nationalist' aspirations and a few regional and national organizations demanding identification and deportation of illegal migrants of the State. Such demands for identification and deportation of immigrants were first raised in the 1950s after inclusion of foreign people basically of Bengali origin in the electoral roll of the State. Thereafter, demands for deletion and deportation of foreign nationals from the State's electoral roll were repeatedly raised by some regional organizations which caught national attention during the 1970s by the time of election. General public were requested not to take part in the election, unless names of foreign nationals were deleted from the voter list. All these situations gave birth to the Assam Movement (1979-1985) led by the All Assam Students Union (AASU) and All Assam Gana Sangram Parishad (AAGSP). Regional parties like Purbanchalia Loka Parishad and Assam Sahitya Sabha also contributed to the movement by making people of Assam aware about the gravity of the problem of influx of illegal migrants into the State which helped it to acquire mass acceptance and support. The core demand of the leaders of this movement was to identify and deport the foreign illegal migrants from the State.

The six year-long Assam Movement came to an end at the expense of 855 lives through signing of the Assam Accord on 15 August, 1985 between the Government of India and the leaders of the organizations like All Assam Students Union (AASU) and All Assam Gana Sangram Parishad (AAGSP). As per the Clause 5 Section 5.8 of the Accord, illegal migrants who entered into Assam on or after March 25, 1971 would be detected and deported in accordance with the law. Moreover, Clause 6 of the Accord assures to provide appropriate constitutional, legislative and administrative safeguards "to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people". In addition, as per Clause 9, international border areas were to be secured by creating barriers like walls, barbed wire fencing, etc. as measures against future infiltration (<https://assamaccord.assam.gov.in/information-services/assam-accord-and-its-clauses>).

Even after three decades or so after signing of the Assam Accord, no remarkable action was taken for finding a solution to the infiltration

problem of the State. Although a few illegal people mostly Bangladeshi nationals have been identified, hardly any action seems to have been taken to deport them to their original places of origin. Even the border areas are not fully secured to the extent required to obstruct infiltration from the neighbouring countries. Additionally, the migration problem have been compounded after the Assam Movement. This is because the problem created by immigration before the Movement was basically linguistic, which have become multifaceted afterwards covering both linguistic and religious colours.

To the ease of the Assamese people, the Government of Assam under the supervision of the Supreme Court of India undertook the initiative to update the National Register of Citizen's (NRC) in the State to include all the Indian citizens in the electoral roll who reside in Assam on or before the midnight of March 24, 1971. On August 31, 2019, the final NRC has been unveiled including 3,11,21,004 citizens. It excludes 19,96,657 persons most of whom are thought to be indigenous people of the State. The Assam Public Works (APW), a non-governmental organization, in response of whose writ petition the NRC has been updated, remains completely dissatisfied with this final NRC and, hence, has filed an affidavit in the Supreme Court with the request of total reverification of the NRC.

In course of the preparation of the NRC, Assamese people thought that the entire illegal migrants basically the Bengali Muslims coming from Bangladesh would be excluded from the final NRC. But it has come out with manifestations that are contrary to such expectations. For example, among the three Barak Valley districts, while Muslim dominated districts of Karimganj and Hailakandi witnessed the highest numbers of inclusions, Hindu dominated district of Cachar witnessed the highest numbers of exclusions (The Hindu, 1 August 2019). The three Barak Valley districts, being in the close proximity with Bangladesh, are assumed to have the highest numbers of immigrants. But contrary to mass expectation, percentage of inclusion in NRC in these districts is higher than those in the Brahmaputra Valley districts of the State. Therefore, people have been raising questions on the fairness of the NRC process. Doubts on its preparation process have also been intensified by facts like detection of Bangladeshi-declared people working in NRC update process, exclusion of ex-MLA and ex-army personal, etc.

Apart from the common people, political parties and different regional organizations have also raised questions on the acceptability

of the final NRC. The ruling BJP government is not happy at all with the NRC, since the excluded Hindu Bengalis happened to be part of their vote bank. Himanta Biswa Sarma, Minister of Finance, Health & Family Welfare, PWD, Transformation and Development, Government of Assam, has expressed concern how people in the districts like Dhubri, Karimganj and South Salmara bordering Bangladesh have the lowest numbers of exclusion. The All Assam Students Union (AASU) condemns the government for their inability to prepare an entirely foreigner-free NRC. Dr. Samujjal Bhattacharya, Chief Adviser of AASU, has revealed his surprise before the media on the actual exclusion which is much less than the number originally estimated. The General Secretary of the organization has objected that the NRC was incomplete and full of inconsistency. Gaurav Gogoi, a Congress leader, viewed the NRC as a careless implementation, unnecessarily harassing genuine Indian citizens and assured the excluded to extend every help for their inclusion. Regional party Asom Gana Parishad is also not happy with the final NRC.

Announcement of the final NRC of Assam has also witnessed repercussions both at the national and international levels. Mamta Banerjee, Chief Minister of West Bengal, termed the whole process to be a conspiracy for making a few genuine Indian citizens Stateless. Congress leader Shashi Tharoor has condemned the NRC exercise which, according to him, may eventually lead to a situation where “hatred of the foreigner could later turn into a hatred of Indians different from oneself. Federal US Commission on International Religious Freedom (USCIRF) has reacted to the NRC quoting it to “target religious minorities and to render Muslims Stateless”.

It is to be mentioned here that the preparation of the final NRC of Assam took four years of gigantic exercise at the expense of substantial money and labour hours. The people of the State have to bear burdens of proving their legal existence through valid documents to make their names included in the NRC. Significant portion of people have suffered a lot because of lack of sufficient legal documents as the Assamese people are traditionally not good in documentation. After the publication of the draft NRC, the excluded were given chances to establish their legal existence, but that exercise was so traumatic that several death incidents and suicide cases were reported from different parts of the State. Eventually, the people of Assam got the much desired NRC but, except a few groups, still have doubts about its appropriateness.

Amongst the hue and cry regarding the NRC update process, the BJP-led government was trying to pass the Citizenship Amendment Bill (CAB) in the Parliament which is supposed to amend the prevailing Citizenship Act of 1955. This Bill intends to provide Indian citizenship to the Hindu, Christian, Jain, Sikh, Buddhist and Parsi refugees coming from the Muslim-majority nations of Bangladesh, Afghanistan and Pakistan living for six years in the country. The Bill was placed in the Parliament in July 2016 but was withdrawn due to objections by the opposition parties.

The endeavours of the ruling government to pass the CAB has invited much anti-CAB reactions from different political parties in opposition along with regional organizations of Assam and the entire northeast India. Number of rallies have been taken out and sit-in demonstrations have been held by the AASU and Asom Jatiyabadi Yuba Chhatra Parishad opposing the Bill. Such organizations have vowed not to allow the government at any cost to impose the Bill Act on Assam and to infuse a religious divide among the Assamese people. Social organizations like the Krishak Mukti Sangram Parishad have been trying to gather mass support to stand collectively against the Bill Act. However, the ruling BJP government has been reiterating its concern over the Stateless refugees barring the Muslim immigrants in the country and expressing its firm determination to for the Act to provide these refugees Indian citizenship.

With these two issues of NRC and CAB, social tensions have been resurfacing across Assam during the last four years which are not conducive at all to the overall development of the State. More recently, Union Home Minister has announced the Central government's agenda to conduct the NRC exercise in India as a whole to identify and weed out the illegal citizens from the country. If the NRC is updated nationally, the updated NRC of Assam would become redundant. Voices have been raised from different sections of the State to exclude Assam from this proposed exercise but urged reverification of the already updated NRC. Another issue gaining importance among different groups surrounding the question what is to be done with the people excluded from the NRC. The government does not seem to have a clear cut policy in this regard. For the fruitful solution of the prevailing ethno-social tensions of Assam, it is extremely important to identify the actual illegal citizens and also equally desirable to set plans for their lawful deportation thereafter.

Apart from taking lawful actions for deporting the illegal migrants, the government has also other responsibilities to deal with the identified illegal immigrants. In view of the nationwide agitations regarding the CAB Act, the government has the challenge to devise policies with a humane perspective that may ease a lot of the immigrants while securing the identity aspirations and concerns of the indigenous people of the country.

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The Long Shadow of Partition and the Predicament of Citizenship in Post-Colonial Assam

Binayak Dutta*

The Historical Antecedents

By 1949, 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 and the process of citizenship in Assam. 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 tried to reconcile the dominant antagonism of the Assamese society against the Bengali speaking population with post-colonial realities. Choudhuri attempted a difficult balancing act when he proposed that he wanted ,” ... 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...” He argued that, “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

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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.”¹

Rohini Choudhury’s arguments clearly brought out the difficult reality of citizenship in Assam which unlike Punjab and Bengal, had its unique experience of partition and traumatic decolonization. It is important to remember that citizenship question in post-colonial Assam was definitely more complex than hitherto appreciated because of the consolidation of ethno-linguistic sub-nationalism on the one hand and the tide of migrants/returnees, belonging to both the East-Pakistani minority and majority communities flowing into Assam from East Pakistan since 1950, on the other. It is in this very historical moment that politics across the border had immense impact on Indian administrative and legal history as it not only impacted the citizenship question being finalized within the constitutional structure, it also cast its shadow on the process of census enumeration as the first census of post-colonial India was also designed and implemented at the same time. The first census operation in post-independent India that followed the Constitution was an immensely significant process with far reaching ramifications on the citizenship question as it was a major step in preparing a data base for citizenship and a voters list in the nascent state in the run-up to the first general elections in independent India. The idea of the citizens conceived as stakeholders in the new state therefore assumed immediate importance in a frontier province as Assam which had emerged as a borderland between India and East Pakistan.

It is important to mention that the NRC or the National Register of Citizens was a casual product of the census operation of 1951 at a very critical period of history when India was facing the challenge of the cartographic reorganization at many levels – the first being the new province of composite Assam in post-colonial India and on the other being the creation of the new states of India and Pakistan. It is borne out by records that it was prepared by reluctant personnel who had to be threatened into participating in the enumeration process² through the process of random sampling,³ therefore belying it of any comprehensive character. For the purpose of a peopling project in Assam, the concern of the Indian state was only with East Pakistan which came to be carved out of colonial Bengal and the colonial state of Assam through a political and cartographic exercise called partition. Thus, while both India and Pakistan went about their own politics of peopling as new nation-states, as a new border province, Assam had

her own share of experiences and anxieties between 1947 and 1951. The Census of 1951, set in motion according to the Census Act, 1948, acknowledged that both the processes of nation and province building in India and the nation making in Pakistan 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. While, the Government and the people of the Brahmaputra valley thought that 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."⁴

This influx of refugees aggravated social tension in Assam as Assamese elite feared danger to their economic, political and cultural life ever more since the nineteenth century when the introduction of Bengali as the medium of instruction in the colonial districts of Brahmaputra valley set off ethnic political antagonisms, sustained for over a century. In the backdrop of the Chinese invasion when the Government of India began to make a fresh security appraisal, the Intelligence Bureau 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."⁵ The Director, I.B. proposed that a "National Registration System and the issue of Identity Cards should be adopted"⁶ for all the residents of Assam and the North Eastern region. He 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.⁷

The birth of Bangladesh in 1971 made the situation more complicated as it added the 'Bangladeshi' dimension to the 'foreigners' imbroglio. By late 1970s, the presence of 'foreigners' in electoral rolls had become a major issue in Assam politics. The anti-foreigner sentiments had never really subsided from the political firmament in Assam since 1947 though the primary focus of such sentiments was the

illegal migration of people from East Pakistan. As a result of deep cultural and historical roots underlying this anxiety it took the form of a popular political movement against immigrants, popularly known as the Assam Movement brought to a close only with the signing of the Assam Accord in 1985.

The NRC in the Present Discourse

It was only two decades since the Assam Accord when in 2005, the three parties to the Assam Accord, viz, the All Assam Students Union, the Government of Assam and the Government of India decided to come back to the table to review the implementation of the Assam Accord that the idea of the National Register of Citizens for Assam was officially agreed to be undertaken.⁸ It is interesting to note that neither the Assam Accord nor subsequent agreements clearly defined the term ‘foreigner’ who were the focus of both the agitation and the agreements. In 2008, the Government of Assam took up the matter of the construction of national Register of Indian Citizens with the Government of India. The NRC was also viewed in intellectual, academic and political circles as a fulfillment of the vision of a sanitized Assam with 1971 as the cut-off year. It is perhaps because of this cut-off year that many scholars often misrepresent the NRC as part of the “mandate of the Assam Accord.”⁹ (Dutta: Feb,2018 EPW) though the NRC, which today is believed to be extremely critical to the ‘national’ life of Assam did not find any mention in the famous Assam Accord signed in 1985, perceived as a closure to the vexed anti-foreigner struggle in Assam.¹⁰ (Hussain 1993: 153) The anti-foreigners sentiments re-surfaced in the first decade of the twenty first century and popular concerns on the foreigners issue which initially confined itself to political, Governmental and the Legislative forums gradually drew the Judiciary into it as well with judicial pronouncements reflecting popular anxiety. By 2004-2005, as political debates reignited over the foreigners’ issue, the Judiciary also began to express “serious concern”¹¹ over the issue. What started with the *Sarbananda Sonowal versus Union of India and ors*, at the Apex Court, (AIR 2005 S.C. 2920) were followed by many judgements of the Gauhati High Court. One such judgement of the Gauhati High Court, which came to deal with the issue observed, “It is no longer a secret or in the domain of ‘doubt’ that illegal Bangladeshis have intruded every nook and corner of Assam, including

forest land. In some of the cases, the petitioners themselves stated before the police during investigation that they were occupying and living in Govt. and forest land. If reports are to be believed, they have intruded upon the most sacred Xattras lands. Very often, they are protected by extending the protective hands of 'secularism' branding them to be Indian minorities in Assam. A strong political will to free Assam from illegal Bangladeshi is the need of the hour coupled with public activism in that direction." (2008(3) GLT 272)

Since 2005, the judiciary in Assam has become a pro-active arm of the state machinery in its quest of determination and construction of citizenry in Assam. By 2008, judicial anxiety on citizenship was out in the open as one of the judgments even went to the extent of pointing out that, "... large number of Bangladeshis present in the state of Assam... have become the kingmakers."¹² The institutions of government were perhaps not immune to and insulated from the popular outpourings of society in which they were located. The ghost of partition, Pakistan and Bangladesh came back to haunt the society, especially its politically sensitive elite who had felt that the foreigners issue had never really been buried for good despite the Accord of 1985. The Gauhati High Court judgement in WP (C) No.5696 of 2002 dated 25.7.2008 was only one of the major judgments on the issue of illegal immigration from Bangladesh into Assam. This was surely not the only one as many more followed. It was evident that in both political and popular perceptions, a broad consensus was emerging on the construction of a national register of citizens which would be the touchstone for citizenship claims with both the political and legal authorities. When the Government of India came out with The Citizenship (registration of Citizens and Issue of national Identity Cards) Rules, 2003 in their effort to prepare the National Population Register, it was perhaps only in time with the broad political atmosphere in Assam. The proposal under the rules was to make a National Register of Indian Citizens. (Order appended to clause 2 of the Rules, 2003). 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"¹³

With growing institutional support to popular vigilantism and the abdication of state institutions to discharge their designated roles, Assam

was in the throes of another conflagration by 2012 as nothing much had taken place to resolve the issue either at the politico-administrative level or the political level. The match stick to the powder-keg came in the BTAD (Bodoland Territorial Area District) areas in 2012 which witnessed a conflict between Bodo inhabitants and Bengali-Muslim settlers who were pilloried as 'Bangladeshis'. It is at this time of conflict and tension, that the project to prepare the National Register of Citizens received a fillip. The process of updation of the NRC was also not without its share of contests and controversies at judicial forums. It is at this critical moment that a septuagenarian, Pradip Kumar Bhuyan prepared a draft of the writ petition and got Abhijit Sharma of the Assam Public Works, a voluntary NGO file the petition bearing W.P. (C) 274/2009 at the Supreme Court of India (The Assam Tribune, 31st July, 2018). The writ petition filed at the Supreme Court by Assam Public Works, prayed to "delete the illegal voters from the voters list of Assam and in that process seeks an updation of the National Register of Citizens, 1951. (para 18, S.C. Judgement dt. 17.12.14). By 2012, when the Bodoland was in the throes of an anti-immigrant movement, civil society organizations like Assam Sanmilita Mahasangha, Indigenous Tribal Forum and NDFB (Progressive) and political parties like BJP and AIUDF crossing paths on the issue.¹⁴ By the time the Supreme Court of India begun hearing of a writ petition on the issue since August 2013, the modalities for the NRC had not been finalized and neither was any fundamental legal framework identified for the process except the order from the Registrar General of Citizens Registration for the same by 5th December, 2013.¹⁵ However the matter acquired seriousness as the Supreme Court, like the Government of India also went about supporting the exercise and in its Judgement on 17th 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. It is interesting to note that the judgement of 2014 was in response to the petitions which called for linking the current exercise of NRC with the NRC of 1951 though the fundamental legal bases of the two Registers are distinct and separate. While the NRC, 1951 was completed under the Census Act of 1948 which makes the register a contemporaneous document prepared by field staff engaged in course of census operation and was legally "not open to inspection nor admissible in evidence" (ALR 1970 (A&N) 206 para15), admittedly the current NRC, 2019 was being prepared under

the Citizenship Act 1955 read with the Citizenship Rules, 2003 and there was no legal framework to reconcile the two Acts. Neither has any legal framework been evolved to legitimize the use of the NRC, 1951 as direct or supplementary evidence in matters governed by the Citizenship Act by any amendment or an enabling clause. The matter is more complicated now as we know that the district offices have not maintained the NRC-1951 data for all the districts as was mandated in the Census of 1951 and the matter is today admitted by the government of Assam as well. While the government was forced to rely on other documents produced by the people, from those districts where the NRC 1951 was absent or fragmentary, to enlist their names in the NRC, 2019, it therefore raised serious questions on the legality or legitimacy of 'updating' NRC, 1951 in the province of Assam as a whole. It is also important to mention that the province of Assam in 2019 was surely not the same as it was understood in 1951. The new states that were formed on the debris of composite Assam since 1963 had surely not taken adequate care to maintain the NRC 1951 records which have since been destroyed thus denying the genuine Indian citizens living in India since 1947 valuable back-end verification and documentary support for no fault of their own. Thus despite repeated reminders from the authorities in Assam, such support from the other state governments have not been very forthcoming, seriously jeopardizing the possibility of a satisfactory NRC exercise.

In Lieu of a Conclusion

When the first draft of the NRC for Assam was published on the 31st of December, 2017 it generated overwhelming emotions both among the government officials and the people at large. While the government officers were initially apprehensive about the outbreak of large-scale violence in Assam on the publication of NRC, the people were either apprehensive of their names being left out of this vital document or jubilant on discovering their names in the list. When the Supreme Court monitored the birth of the first draft of the NRC on the 31st of December, 2017, only 1.90 crore people found their names in the list, with 1.39 crore waiting for the second list to know their fate. When the final draft was published on the 30th of July, 2018, 28.9 million out of a total of 32.9 million people who had applied for enrolment in the NRC, 2018 found themselves included in the list. This left four million

people outside the list. Now that the final NRC has been published, 1.9 million applicants find themselves outside the list, it has let loose an unprecedented humanitarian and historical crisis. Between 2012 and 2019, the citizenship question in Assam has witnessed unprecedented churning.

While the schedule for the final publication of the NRC had to be revised many times, the NRC is, despite its publication, far away from its completion to the satisfaction of the people of Assam. While the former supporters of the process including the All Assam Students Union have joined the chorus in denouncing the final product and calling for its cancellation, those left out face an uncertain future as the process of filing an appeal against their omission is yet to commence. With every delay the harassment of the people and their opposition to the process is far from subsiding and we are probably on the throes of another prolonged round of litigations over NRC by those who find themselves adversely affected by the publication of the national register, 2019. As of today, the NRC is a mixed bag of curses as many families have lost their members to anxiety and suicide in many parts of Assam. NRC in Assam has been the harbinger intertwined with the process of 'updating' the National Register of Citizens and the conundrum over the Citizenship Amendment Bill 2019 now an Act, (herein after referred to as the CAA) which was believed to be a succor to the NRC left-outs belonging to certain specified communities believed to be approximately about 1.2 million. It is interesting to note that the CAA arrived on to the political centrestage in the context of the uncertainties created by the NRC process both bearing their respective historical baggage rooted in the partition of the country. While those initially advocating the NRC such as the All Assam Students Union drew sustenance from their own memorandum of February 1980 which inter-alia demanded that "The National Register of Citizens (NRC) of 1951 should be made up-to-date...",¹⁶ those supporting the CAB fell back on the assurances made to the refugees from East Pakistan by Jawaharlal Nehru himself who announced in parliament in 1950 that "there is no doubt of course that those displaced persons who have come to settle in India are bound to have their citizenship. If the law is inadequate in this respect, the law should be changed..."¹⁷ A plain reading of the two positions would inform critical readers that either side had not done their necessary readings of history. It is important to note that the Government of India had created the legal infrastructure to fulfil this promise in 1950 itself

with the promulgation of the Illegal Immigrants (Expulsion from Assam) Act 1950 which was an almost mirror image of the Citizenship Amendment Act of 2019. This Act of 1950, incidentally was also applied to the province of Assam and was reaffirmed as the law governing the question of illegal immigration in the province of Assam by the Hon'ble Supreme Court of India as recent as 2005 in its judgement in Sarbananda Sonowal

It is therefore important to examine this history of the citizenship question in Assam before analyzing the ongoing project of 'updating' the National Register of Citizens (hereinafter referred to as NRC) in Assam and the current Citizenship Amendment Act and the politics of how it had come to find a place in the political imagination in the province with its own share of tension, trauma and anxiety. The Governments at the Centre and the province, over time have only contributed to increase of antagonism and anxiety over citizenship in this region. The declaration of the government of India to grant citizenship to Hindu refugees and members of other minority community from Pakistan,¹⁸ Bangladesh¹⁹ and Afghanistan who have already come to India due to religious persecution before 31st December, 2014 and who are already living within the territory of India since, has created contested feelings. While this decision has antagonized some of the communities 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 has not become any better. In fact most Bengali speaking people residing in Assam have come under the cloud of suspicion and renewed attack. This has also contributed to the revival of tension between the Brahmaputra and Barak valleys as the Bill, now an Act, has faced protests in the Assamese dominated Brahmaputra valley while being welcomed among the Bengali Hindu in the Barak Valley. 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 31st 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, reports from the field indicate that "this failed to curb the harassment of Bengali speaking people by the police as more and more people are being loaded in detention camps. 'People are being harassed in the name of detection and

identification of foreigners.²⁰ Citizenship continues to be a live situation of contested living in the age of globalization, grappling hard with the ideology of nationalism and sub-nationalism. In Assam, the politics over citizenship is extremely ethnicized as an eminent academic Anupama Roy observed in one of her pieces, “[T]he register being prepared in Assam is indeed of Indian citizens. But the pedigree of Indian citizenship is traced to an Assamese legacy, which makes the NRC a register of Assamese-Indian citizens or Indian citizens who are legitimate residents of Assam. The identification of Indian citizens simultaneously as Assamese recognizes a hyphenated citizenship, hitherto alien to the political vocabulary of citizenship in India²¹ making an exception to *Jus soli* which is the governing principle in the rest of the country till 1987.

It is interesting to ponder whether the NRC-2019 in Assam was only a precursor to bigger structural changes in the Indian Constitutional structure. That is something which is gradually being unfolded. But in India as in many other parts of south-east Asia and its national peripheries, extreme assertions of nationalism are perhaps seen as the few ways by the people to strike at the tide of globalization of which migration of people across countries and markets are natural corollaries. While it is pertinent to point out that neither the Bengali Hindu middle class nor the ‘stout fanatical Muhammadan’²² came from eastern Bengal to Assam as a matter of choice or pleasure and as a reading of the archive would inform us that, were mostly goaded by the colonial officials to migrate to Assam, in the colonial period.²³ The challenge today in this tussle between an almost defunct NRC and a volatile Citizenship Amendment Act, 2019 (C.A.A.) is to historicize the process of migration and citizenship and nation-making beyond the tide of either politics or passion and to understand the political and international ramifications of the process. The look-east policy of the Government of India which is now upgraded to the act-east policy is in the imminent danger of being jeopardized if grassroots anxieties continue to express itself in its current form. While the state and its institutional representatives and the political activists juggle with the rhetoric of NRC and CAA, the region is staring at a persisting humanitarian crisis with people being driven to death at the prospect of losing their citizenship and consequent entitlements. The recent cases of Binay Chand hanging himself from a mango tree at a village at Baksa and late Nirod Baran Das at his residential study in Kharupetia, two hours away from Guwahati, on the one hand and the recent reported deaths of five

innocents in the anti- CAA agitations in Assam on the other are grim reminders that the process is far from coming to a peaceful conclusion. This violent contest is something that is unprecedented and we are yet to come to terms with or can justify in modern times.

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CAA Undermines India's Secular Ethos

Harekrishna Deka*

The Citizenship Amendment Act 2019 passed by the Parliament is now a part of the principal Act. For the first time after the enactment of the Citizenship Act 1955, 'religion' has been made a distinguishing criterion for granting Indian citizenship to a foreign national through registration/naturalization. The Act now provides that foreign nationals who are designated as 'illegal migrants' under the Foreigner's Act 1946 and the Passport (entry into India) Act, 1920 but who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Pakistan, Bangladesh and Afghanistan and allowed to stay in this country vide notifications dated 18.07.2016 and 07.09.2015 respectively without being expelled in view of their being 'persecuted' in those countries can become Indian citizens from the date of their entry into this country after completion of 5 year's stay here. The statement of object of the Bill moved in both the houses of Parliament generalises this objective in the following words, 'The Constitutions of Pakistan, Afghanistan and Bangladesh provide for a specific State religion. As a result, many persons belonging to Hindu, Sikh, Buddhist, Jain, Parsis and Christian communities have faced persecution on grounds of religion in these countries.' This criterion has been so liberal that even if such a foreigner has entered the country illegally (an illegal migrant) but is not a Muslim can become a citizen of India and they would be 'presumed' to be religiously persecuted. Moreover, 'many persons' mentioned in the statement of objects seem to have become generalized for 'all persons' of these religions that entered India till the cut-off date of 31 December, 2014. Rules framed by the government need to make it clear whether all

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foreign illegal entrants of these religions from these countries are assumed to be 'persecuted' or whether the government has a way of finding out if they really came here due to persecution.

A question raised in an interview before News 18 by Senior advocate and founder of the Human Rights Law Network (HRLN) Colin Gonsalves is relevant here:

"In Pakistan, there are Ahmadiyyas who are persecuted. In Afghanistan, there are the Hazaras who are persecuted. These two communities are also present in India as refugees. They have come to India and the United Nations Human Rights Commissions (UNHRC) has recognised them as refugees, which means that the UN has recognised that they are persecuted. The BJP started off by telling everyone that they are taking care of persecuted minorities but actually they are excluding persecuted minorities and ordinary minorities,"

Indian Constitution being foundationally secular, does not CAA violate a basic criterion of the Constitution if all illegal migrants of some communities are selectively assumed to be 'persecuted illegal migrants' leaving out Muslims on presumption that Muslims can't be persecuted in an Islamic State? What about the Ahmediyyas from Pakistan and Hazaras from Afghanistan as questioned by Mr. Gonsalves?

It has been said by some constitutional experts that CAA does not violate Article 14 of the Constitution of India, because that article allows reasonable classification of people on intelligible diffrentia. Let us examine this.

Despite defining a citizen through article 5 to 10 in Part II, the Constitution by Article 11 gives full jurisdiction to the Parliament to enact subsequent laws in this respect. The Citizenship Act was enacted in 1955, under this power and there have been many amendments after the enactment of the principal Act. There was no controversy during all the past amendments. CAA is the only amendment that has been questioned nationally and internationally. No doubt, the Parliament with the deciding majority of the ruling party and its allies has passed this new legislation and in the matter of enacting or amending the citizenship law the Parliament having being given full powers by the Constitution itself, the Court will not interfere unless it is challenged on solid grounds. The burden of proof is not on the Parliament but on the petitioners challenging the new law. The petitioners have to prove that it violates the Constitution and therefore the Act is liable to be declared ultra-vires the Constitution.

The constitutional validity of this law is being contested through a large number of writ petitions and they mainly rely on the law of equality as in the Article 14 which states, 'The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India.' It speaks of two specific protections (1) equality before the law, which is derived from English common law, which in a negative statement (not deny) speaks of treatment of each person (not just citizens) as equal implying that no person can have special privilege over another in the law, whether one is a Prime Minister or another is an ordinary peasant. And in English Law this principle of equality is binding on all officials dealing with the people. In this respect, Prof. Dicey said: 'every official, from the Prime Minister down to a constable or the collector of taxes, is under the same responsibility for every act done without any legal justification as any other citizen.' The second part of Article 14 implies that every person will get the same protection of law as any other within the territory of India, that is, there can't be favouritism for one person and discrimination against another, whether he or she is a citizen or a foreigner. Law has to treat everyone equally.

On the other hand, most legal experts agree that equality as stated in the Constitution can't be taken in absolute terms. They say that 'reasonable classification' can be made according to circumstances. Dr. Durga Das Basu is of the opinion that 'it is for the legislature to identify the class of the people to be given protection and on what basis such protection was to be given.' In *Chiranjit Lal Choudhury vs. The Union of India*, the Supreme Court held that (a) equal protection means equal protection under equal circumstances (b) The State can make reasonable classification for purposes of legislation (c) Presumption of reasonableness is in favour of legislation (d) The burden of proof is on those who challenge the legislation.

But if the law of equality under this Article is not absolute, can the power of the Parliament be so absolute that it becomes arbitrary in nature? Certainly not. It has to be rational and should be logically justified. When migrants from another country enter this country illegally and in very large number without establishing by proof that they came because of religious persecution, can the legislature treat them blanketly as 'persecuted' through a religious classification and disregard the secular foundation of the Constitution as is inherent in it? This will be a litmus

test before the Supreme Court once they take up the large number of writ petition/PIL moved before it.

‘Illegal Migrant’ is already a classification in the Foreigner’s Act distinguishing them from the foreigners who come to visit India with valid document. But now the CAA makes further two categories among them on the basis of religion i.e. those who are Muslims of Pakistan, Bangladesh and Afghanistan and those who are Hindus and some other minority communities. There is a further reasoning that these minorities are persecuted in those countries. If ‘persecution’ is a reasonable criterion, then why other persecuted minorities are being left out is a relevant question here. Why Hindus suffering ‘persecution’ in Sri Lanka, a Buddhist country, are treated differently? The ‘reasonable classification’ of the amended Act is not able to answer such questions. ‘Intelligible criterion’ claimed by experts supporting the government’s classification of foreigners is silent on such selective use of the criterion.

On the other hand, one of the government data base has a record of those foreigners seeking shelter in India. Citizenship Amendment Bill 2016 was the first attempt to give citizenship to the same illegal migrants but it failed to cross the hurdle of the Rajya Sabha in the last Parliament. Before introduction of that Bill, it was examined by a Joint Parliamentary Committee and in course of their examination the following data emerged from the Intelligence Bureau.

A total of 31,313 persons belonging to minority communities, including “25,447 Hindu, 5,807 Sikhs, 55 Christians, 2 Buddhists and 2 Parsis had been given Long Term Visa on the basis of their claim of religious persecution in their respective countries and want Indian Citizenship. Unfortunately, despite this specific number, CAA 2019 has generalised the term ‘persecution’ to include all illegal non-Muslim migrants of these countries and make them Indian citizens. This will be done on the basis of affidavits submitted by them without any enquiry. Since it will be granted on the basis of affidavits, anybody coming much later than 2014 would be able to claim that they entered 5 years before 2014.

The Act has drawn international attention due to its communally discriminatory nature.

In the strongest criticism from Geneva so far, a spokesperson for UN Human Rights Chief, Michele Bachelet said: “We are concerned that India’s new Citizenship (Amendment) Act 2019 is fundamentally discriminatory in nature.”

Speaking through her spokesperson, Bachelet noted that the Supreme Court would review the new law in the aftermath of a series of petitions filed. The head of UN's human rights body expressed hope that the apex court "will consider carefully the compatibility of the law with India's international human rights obligations." The point made here about 'international human rights obligation' is very relevant and hopefully the Supreme Court will keep this 'obligation' under consideration.

After the passing of CAA's, the number of illegal migrants from Bangladesh to be granted citizenship will be huge in the eastern States of Assam, West Bengal, Tripura. Assam is particularly concerned as it has been agitating against large-scale illegal migration from Bangladesh for several decades. Apart from Assam, the other North-eastern States have fear that the CAA will encourage large-scale infiltrations of Hindu Bangladeshis disturbing their demographic composition and squeezing their economic space. Presently, however, the Act gives some protection to the North-eastern States, but these protections leave out Assam and Tripura despite these two States bearing the brunt of illegal migration.

CAA and Assam

The case of Assam has to be examined in terms of the Assam Accord, 1985. The definition of 'Illegal migrant' came into statutes as a result of situations developing in Assam. It appeared in the Illegal Migrant (Determination by Tribunal) Act 1983 and it was then challenged by none other than Sarbananda Sonowal, who now welcomes illegal Hindu migrants without thinking of demographic destabilization they have made. While declaring the IMDT Act ultra-vires the Constitution, the Supreme Court called such large-scale migration equivalent to external aggression and pointed out the State's responsibility to defend the country from such migration.

The British encouraged continuous migration of immigrants from erstwhile Bengal, particularly land-deprived peasants, in order to increase colonial revenue from their labour on fallow land, then abundantly available in Assam. In 1874, Sylhet, a district of undivided Bengal, was added to Assam. Sylhet was rich in tea resources, which were promoted as a lucrative colonial revenue-generating industry in Assam. Significantly, the addition of the populous Sylhet to Assam increased the Bengali population virtually overnight in the province, to the

disadvantage of the Assamese population. The Bengalis became the majority population and remained so until Partition. This was a source of mistrust between the two communities and caused tension in the migration phenomenon even during the British Raj, until Sylhet went to Pakistan by a referendum during Partition.

It merits mention here that the Assamese had already felt insecure when the British introduced Bengali as the language of official correspondence, in court and for education in 1836. The Assamese language gained its rightful place only in 1873 on the intervention of the Baptist missionaries who had come to Assam to proselytise but took up the cause of the Assamese tirelessly. In this regard, Anandaram Dhekial Phukan, a progressive educated Assamese in the employ of the British administration, also played a pivotal role. An element of competitiveness emerged between the speakers of the two languages following the addition of Sylhet district to Assam. The Assamese speakers were apprehensive that the migration of land-hungry but hard-working Bengali-speaking Muslim peasants to the State would further increase the domination of Bengalis over the Assamese. The much-sought-after clerical-level employments in government offices were practically dominated by the Hindu migrant community and the Muslim immigrants from East Bengal spread over rural Assam, who first occupied fertile wasteland and then squatted over grazing and other reserve lands. For educated Assamese, job opportunities remained limited to the sectors of agriculture, tea plantation, primary and high school education, and so on.

In the 1930s, Basanta Kumar Das, a member of the Central Legislative Assembly from the Bengali-dominated Barak Valley, went to the extent of demanding a change in Assam's name, since at that point the addition of Sylhet had made Bengali-speaking people the majority. This move created further distrust in the Assamese psyche against the perceived design of Bengali speakers even during the British regime. However, the Brahmaputra Valley, geographically considered the main valley of Assam, continued to be dominated by the Assamese population through several censuses during the British regime. Once Sylhet became a part of Pakistan, the Assamese gained overall majority throughout the State.

Immigrant Muslims who had settled in Assam after Partition adopted Assamese as their mother tongue in census 1951 at the behest of the Jamiat Ulema-e-Hind, as a pragmatic approach for social reconciliation

with the mainstream Assamese. This helped Assamese speakers remain the majority in Assam for a considerably long time. After the Assam Agitation, a percentage of these immigrants, weary of Assamese mistrust, recorded their mother tongue as Bengali in the subsequent censuses, skewing the ratio in favour of Bengali speakers. This caused demographic insecurity among Assamese speakers and the apprehension that Bengalis would establish political hegemony in their land.

Often, the stressful, competitive relationship between the two communities degenerated into mutual mistrust in socially tense situations. However, culturally, particularly in art and literature, it was a completely different picture. Artistic exchanges took place without rancour. This later phenomenon did help create mutual respect for each other's culture and literature even when there were many ugly situations in the politico-social space.

After Independence, the phenomenon of internal migration within India changed to that of infiltration by people of a foreign country. The migrants took advantage of a very lightly guarded and improperly demarcated Radcliffe line. On India's side, political calculations of successive ruling parties found in immigrants eager to settle down in Assam a pliable community of people to use as vote banks. So, through successive census operations, demography continued to change in favour of non-indigenous people, with an alarming reduction in the percentage of the original natives who were the sons of the soil since before the time of British occupation. (The indigenous communities include not only the Assamese community but all tribal communities of this region from prehistoric times).

Censuses 1961 and 1971 show that there were large-scale migrations into Assam from across the border, particularly Mymensingh and Rangpur districts of what was then East Pakistan. Assam's population, which numbered 80,29,000 in census 1951, rose to 1,08,37,000 in 1961 and to 1,46,25,000 in 1971, the decadal rate of growth being 34.98 per cent and 34.95 per cent respectively. Even as early as 1931, the census report likened the exodus of people from eastern Bengal to Assam to "a mass movement of a large body of ants."

The subsequent census reports show that the movement continued unabated even after Partition. In the 1940s, the Muslim League, which was by then very active in Assam, made serious efforts to include the whole of Assam in Pakistan and brought in more Muslim migrants

from eastern Bengal in a planned way. This led to political friction with not only nationalist Assamese political leaders but also local villagers, since many of these newcomers had settled too close to the villages of the indigenous communities.

Assam Agitation and After

The Assam Agitation (1979 to 1985) was a reaction to such continuous large-scale illegal migration. The demand for detection, disenfranchisement and deportation of foreigners was raised mainly by the Assamese community; the tribal people kept away as they were seeking a solution to their aspirations differently through tribal concessions. Yet it was a major agitation with a direct impact on the socio-political sphere of the State. The agitation was largely peaceful, although by 1983 there were reports of violence.

When the Central government decided to hold elections in 1983 on the basis of existing voters' lists, disregarding the resistance of the agitationists, and when a section of the minority population decided to vote in a volatile situation, it generated strong communal tensions at sensitive places. This was further complicated by intercommunity issues over squatting on reserved lands by the so-called illegal migrants. Even after Independence, the squatters came too close to the villages of the indigenous people for comfort.

It was in this frenzied situation that the Nellie and Chawalkhowa massacres took place and were condemned worldwide. The outside world blamed the agitationists through a simplified rationalised reading of a complex situation. But the blame should partly be apportioned to the obstinacy of the Central government, which ignored the writing on the wall and held the election against stiff resistance. The election became a farce as only a few people voted.

Ironically, after the disasters of Nellie and Chawalkhowa, the Central government enacted the Illegal Migrants (Determination by Tribunals) Act, 1983, making the detection of illegal migrants extremely difficult and encouraging further illegal migration. Under the Foreigners Act, the onus of proof is on the person accused of staying illegally, but under the IMDT Act, the onus was on the complainant. Subsequently, in *S. Sonowal vs. Union of India* in 2005, the Supreme Court found it ultra-vires the Constitution and struck it down. This showed how the then Central government failed to understand the existential crisis of

the autochthons and acted in favour of dubious immigrants instead of protecting the rights of its own citizens in a sensitive border State.

Vote-bank politics gained precedence over questions of national security arising out of large-scale illegal migration of foreign nationals to a sensitive border State, not to speak of the future plight of the autochthons. When Rajiv Gandhi came to power in 1984, he brought a fresh outlook for solving the issues raised by the Assam Agitation. By that time, the agitation leaders, too, were faced with a situation where the long agitation affected the younger generation's educational prospects, with educational institutions remaining closed for a long time. Eventually, in 1985, the Assam Accord was signed.

It may be mentioned that the original demand of the agitation leaders was to detect, disenfranchise and deport all illegal migrants entering and settling in Assam after 1951, the year of the first census of Independent India. But when the Assam Accord was signed in 1985, it was agreed that 25 March 1971 would be the cut off date for detection and deportation as Bangladesh came into being from that date only. There was another cut-off date for disenfranchisement, for those migrants who came between 1966 and 25 March 1971. They were to be disenfranchised for 10 years and after that they would be given citizenship. The Accord meant that an entire migrant population from 1951 to 25 March 1971 was accepted as eligible for Indian citizenship in Assam. The census of 1961 and 1971 showed that there was an abnormal increase of population in Assam that can't be explained by birth and death rate. This was obviously the effect of migration. Thus, through Assam Accord, the burden of a huge migrant population was accepted despite its adverse demographic effect on the indigenous population of the State.

The indigenous Assamese holds Assam Accord as a solemn tripartite agreement between the Central and State Governments and the agitation leaders. The agreement found echo in the Citizenship Act 1955, e.g. Section 6 A of the Act.

CAA undermines the main provisions of this Agreement and forever introduces a communal angle into it. It has brought forward the cut-off date for non-Muslim illegal migrants to 31 December, 2014. This is the cause of much angry reaction among Assam's indigenous people. By one stroke CAA wants to make a huge number of mostly Hindu illegal migrants from Bangladesh Indian citizens that would disturb the demographic balance in favour of the migrant people. Assam Accord

was for detection and deportation of all post-1971 (25 March) illegal migrants, whether Hindu or Muslim or of any other religion, and CAA is for allowing citizenship rights to all illegal migrants of specified communities, but overwhelmingly Hindus, till 31 December 2014. In Assam, these migrants are also Bengali speaking and so there is a linguistic demographic imposition on the people of the State who either speak Assamese or an indigenous tribal language.

There is a fear in Assam that BJP's Hindutva will make Assam another Tripura, where indigenous Tripuris have become minorities and their language Kokborok has been replaced by Bengali as the official language.

CAA, NRC, NPR and their Impact on North East India

Subimal Bhattacharjee*

On 12 December 2019, the President of India gave his assent to the Citizenship Amendment Bill (CAB) that was passed by the Lok Sabha and Rajya Sabha on 9 December 2019 and 11 December 2019 respectively after detailed discussions. The official notification of the Citizenship Amendment Act (CAA) thus happened and now it is the law of the land. The passage of the CAA comes a few months after the National Register of Citizen (NRC) results for Assam were announced which itself was controversial. Also the union cabinet approval was granted on 24 December 2019 to conduct the National Population Register (NPR) to be conducted across the country alongwith the decadal census enumeration. Each of the CAA, NRC and NPR processes are being undertaken in their own perspectives by separate mandates and no way linked to each other.

The CAB was first introduced in November 2016 and after a Joint Parliamentary Committee report, reintroduced and passed in Lok Sabha on 8 January 2019. However, it couldn't become a law then as the Rajya Sabha didn't take it up. In the general elections in April-May 2019, the BJP had promised to bring in the CAB and has already kept its promise. With the notification of the Act, it is an enabler for the provision of Indian citizenship to people belonging to the six minorities communities- Hindus, Sikhs, Buddhists, Christians, Jains and Parsis from Afghanistan, Pakistan and Bangladesh who had entered India before 31 December 2014 and who were no more considered illegal in

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the context of the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920 ever since the two notifications of the Ministry of Home Affairs (MHA) of the union government was issued in September 2015 and July 2016. Such individuals would be now able to apply for Indian citizenship under naturalization after ‘the aggregate period of residence or services of a government in India after spending 5 years instead of the existing 11 years. The rules and regulations would now be notified soon and then the formal process will start.

There have been a lot of concerns and objections around the CAB and now CAA primarily on four counts. Firstly, it violates the principle of secularism and equality before law as enshrined in our Constitution. Secondly, it will harm the demography and culture in north east India, Thirdly, it will be a back door entry for the Bengali Hindus, those who are out of the NRC list in Assam. Fourthly, it will impact India’s global reputation and relations with Bangladesh and Afghanistan.

It is pertinent to mention that a lot of clarifications have been given on all these points above. The Prime Minister himself has clarified a few times that the move is a humanitarian move to give respect to those who fled persecution from those three countries because of their religious beliefs and it has nothing to do with Indian citizens. The Home Minister in his parliamentary interventions while dealing with the CAB and also in various media interactions have clarified that the CAA is in no way taking away the rights of Indian citizens specially the minorities. Various other ministers and officials have clarified at various levels on the purview of the CAA and its actual purpose. Yet there was a massive misguided campaign against the CAA that centred on rumours, misreporting and creating panic. The resulting protests also saw a lot of arson and violence resulting in destruction and damage to public and private properties and also loss of lives. Internet connections had to be suspended in a few States in a phased manner and a very important visit of the Japanese Prime Minister Shinzo Abe for the Prime Minister level summit to be held in Guwahati had to be cancelled. The losses to business and the disruptions in an emerging digital economy have been tremendous and disappointing to many sections of the society.

It is pertinent to dwell on each of the four points that has been mentioned above. Firstly, the principle of secularism as applied to Indian citizens is never in question as there is no change in Article 25 of the Constitution which allows a person to freely profess, practice,

and propagate his religion subject to public order, morality and health. The amended Citizenship Act is meant to address the issue of persecuted minorities from three neighbouring countries who have been living in India for quite sometime and wouldn't go back considering the reasons for which they have fled here. Also the amendment upholds the test of reasonable classification which was defined by the seven judge bench of the Supreme Court in the State of West Bengal vs Anwar Ali Sarkar case (AIR1952 SC 75) and thus Article 14 of the constitution is not violated. The Supreme Court has held 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." Also the Home Minister in his interventions in both the houses have reassured that Muslims from those three countries can also apply for Indian citizenship and in the last 5 years more than 560 applications have been granted to the Muslims from those 3 countries. Besides citizenship, Long Term Visa (LTV) are also granted after due security verification if any Muslim seeks refugee status in India as defined in the Standard Operating Procedure issued on 29 December 2011 by MHA to the State governments.

As for the north eastern region which has seen influx of illegal immigrants for a few decades, most of the concerns were factored in and addressed by the union Home Minister who personally met more than 140 groups before the union cabinet approved the bill. Many specific provisions have been incorporated in the CAA whose ambit is nationwide. All the tribal areas of Assam, Meghalaya, Mizoram and Tripura as covered by the Sixth Schedule of the Constitution as also the States under Inner Line Permit like Arunachal Pradesh, Mizoram, Nagaland and now also Manipur with the new gazette notification, have been exempted from the CAB. So the issue of demographic changes and culture being eroded doesn't arise. Moreover, even those people who would be able to apply for citizenship post this act, would not be confined to the region only and will seek greener pastures like anyone else is doing from the north eastern region. Also these people have already been living in the region and so the question of fresh influx or additional burden doesn't arise. Assam and Tripura has seen senseless violence and vandalism in the protests against the CAA. Much of the

fears have been fed by vested interests including the opposition parties. One has to understand that while Article 370 of the Indian Constitution that granted special status has been abolished in Jammu & Kashmir, but all the provisions under the subsections of Article 371 that apply to different north eastern States remain intact. With all these factors, there is no reason to think that various tribes and communities in the north eastern region will be robbed of their culture and land. Even the high level committee on Clause 6 of the Assam Accord that seeks to provide constitutional, legislative and administrative safeguards, as may be appropriate to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people is working at full pace and likely to give its report soon to the union government. What is important is to realise that the Modi government has been very active to look at the concerns of the region and also working to improve the economic capacity of the region, so that more youths are employed for gainful purposes. Improving governance in the region has also been a priority so that resources allocated are spent optimally and age old corrupt practices are stopped. Many of the problems in the region are being looked more realistically instead of stop gap arrangements. Clearly those opposing the CAA have no solution to offer as to how to rehabilitate those who have come to the region both as refugees as well as illegal migrants in search of greener pastures. Some have used this as a means to consolidate vote banks and keep the problem perennially alive to reap dividends at the cost of national security.

While the CAB has been projected as a major issue in the north east, in States like Punjab, Rajasthan and Gujarat, it has been welcomed by the people as they have seen how difficult life was for the refugees and migrants who were there for years without any identity. Even in Delhi there are more than 15000 Sikhs from Afghanistan living for more than 30 years and their children have grown up here and studied but unable to get jobs and benefits because of not having Indian citizenship. Likewise migrants from Pakistan who have faced persecution in Pakistan have also been welcomed in many parts of India and the CAA is being seen as a way to respect their human rights. Granting them citizenship helps them to be able to buy properties, send their children to schools and also gain livelihood.

Thirdly, the CAA is in no way a back door entry for NRC leftouts in Assam. The fate of the NRC exercise undertaken in Assam from February 2015 to its completion on 31 August 2019 under the watch

of the Supreme Court is uncertain in the face of massive anomalies. The final NRC list of Assam had 3,11,21,004 persons eligible for inclusion while 19,06,657 were ineligible including those who did not submit their claims. The forms for the NRC had no column for religion of the applicant and the legacy documents generated for the purpose also wasn't prepared on religious basis. After the final NRC list was made available fully on 14 September 2019 and the subsequent weeks, it is clear from all circles that more than half of the leftouts were those of Hindus and also indigenous people of the State. On the other hand, all the border districts had more inclusions than expected and the original applicant Assam Public Works (APW) has already gone back to the SC and prayed for 100 per cent re-verification of data published on 31 December 2017, 30 June 2018 and 31 August 2019 and also asked for the appointment of a Judicial Commission to enquire into the anomalies taken place in the process. Also the SC bench under the then honourable Chief Justice Ranjan Gogoi which monitored the NRC process all through, would have severely reprimanded the government if any communalising effort was there in the NRC activity.

Ever since the government has announced its efforts to bring in the CAB after taking into consideration the issues raised by the north eastern States, the new canard that was put across was that all non-Muslims leftouts of the NRC in Assam will be taken care of and accommodated by the CAB. Euphemistically this meant that the Hindus would thus brazenly be allowed to escape the impact of the exclusion in the NRC. Clearly the CAA is not meant to immunise the NRC leftouts. People who applied for the NRC updation needed two sets of documents for inclusion – the first requirement was to provide any one of the 14 documents of List A issued which was issued before midnight of 24 March, 1971, where name of self or ancestor appeared (to prove residence in Assam up to midnight of 24 March 1971) and the second requirement arose if name in any of the documents of List A is not of the applicant but that of an ancestor, namely, father or mother or grandfather or grandmother or great grandfather or great grandmother of the applicant. In such cases, the applicant had to submit one of the 8 documents as in List B to establish relationship with such ancestor i.e. father or mother or grandfather or grandmother or great grandfather or great grandmother etc. whose name appears in List A. Such documents had to be a legally acceptable document which clearly proved such

relationship. On the basis of submissions, verifications were done by officers assigned at various levels and the NRC list was published.

Both these sets of documents meant that the applicant was already residing in India or carrying the legacy of an Indian citizen under the above acts. So in no way they can claim the status of someone 'who was compelled to seek shelter in India due to religious persecution or fear of religious persecution' as required under the provisions of CAB. Here with the applications based on one or two of the documents as required, the NRC applicant had already claimed that he was a citizen of India and updating his records in the current NRC process. Rather they would be seen to be criminally culpable in the context of the documents they have submitted. Equally the government authorities who would have provided them these documents would also be liable for punishment. Clearly all the people left out of the NRC list will have to apply to the Foreigners Tribunal irrespective of their religion and the law stipulates that this should be done within 120 days of their receiving the notice from the authorities. It is a different issue that an exercise for rectification of the anomalies in the list will be prayed by the State and central governments to the SC as they had done even before the publication of the final list.

Fourthly, the NPR is a register that contains the list of the usual residents of the country. A person who is residing in a locality for at least six months or is intending to stay in the same locality for the upcoming six months will be registered in the NPR. It is a process of updating the residency identification of an individual. NPR also includes foreign nationals who are intending to stay or are staying for a long period in the country. The NPR will take place along with the census 2021 preparations in the country and will be executed along with the house listing process. It will be executed in local, district, State and national level. The NPR will be conducted under the supervision of Registrar General of India and will be executed between April 2020 and September 2020.

It will be pertinent to note that the NPR is not a new process as this was undertaken in 2010 under the then UPA government, so as to identify citizens and to distribute identification documents and an identity card after the fallout of the Mumbai attacks in 2008. Some initial pilot projects were also undertaken earlier from 2003 to 2009 in the border areas to understand the complexities of the NPR.

A few sections are also trying to draw a linkage among CAA, NRC and NPR. However, as CAA and NRC are unrelated, so also are NPR and NRC. NPR is far different from NRC as this process also includes the identification of the foreign nationals apart from the Indian nationals as it includes all who stay in the country irrespective of the nationality. Also the documentation of the NPR does not demand the legacy documents of an individual the registration whereas legacy documents are the prime evidence for registering in the NRC list. NPR primarily depend on the documents like Aadhar, Passport, Licence papers, voter cards, resident proof or Permanent Account Numbers while the NRC depends on documents like school certificates, family legacy data, voter lists and other documents that proves a person's identity that he/she belongs to a family who have settled in the country for decades. Although NPR will provide a base document for deciding who are residing in the country but this will not be enough for judging the NRC process.

It is very prudent to understand all these issues in the right context as the fallouts of partition of 1947 is still reflected in many situations in the north eastern region. The impact on inter community relations is still very fragile and many of the issues remain unsettled. Thus, it is imperative not to confuse people what all the CAA, NRC and NPR are mandated to do. Clearly they all impact the region and so have to be dealt with more maturely.

Can Ethnicity and Nationalism Co-Exist: Making Sense of India's North East

Patricia Mukhim*

The passage of the Citizenship Amendment Act (CAA) last week sparked spontaneous protests across the North Eastern States particularly in Assam, Meghalaya and Tripura. CAA or rather its prime architect, Home Minister, Amit Shah was able to tame the States of Nagaland, Mizoram, Arunachal Pradesh and Manipur, courtesy the old strategy of 'Divide and Rule.' Hence Nagaland, Mizoram and Arunachal Pradesh were exempted from the CAA by virtue of having the Inner Line Permit (ILP), while Manipur was promised the ILP regime and was granted that in great haste recently. This left Assam, Meghalaya and Tripura, three States sharing the longest borders with Bangladesh.

Bangladesh and India share a 4,156-kilometre-long international border, the fifth-longest land border in the world. Of this 262 km is with Assam, 856 km with Tripura, 180 km with Mizoram, 443 km with Meghalaya and 2217 with West Bengal. This happened on account of post partition separation of the province of Bengal. Since East Bengal has a Muslim majority population it was ceded to Pakistan and become known as East Pakistan. During the 1971 Indo-Pak war, where India involved itself in the liberation and creation of Bangladesh, waves of Hindu migrants entered India and settled down in Assam. At the time Meghalaya was part of the United Khasi and Jaintia Hills of Assam. Bengali refugees fleeing persecution from the Pakistani army were settled in what is now called the Relief and Rehabilitation Colony (RR Colony) in Shillong the present capital of Meghalaya which became a separate State in 1972.

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Illegal migration from Bangladesh is unstoppable and North East India is their natural destination. Assam has borne the brunt of this migration which is coined as 'The Silent War.' It led to the Assam Movement that lasted six years and ended with the Assam Accord in 1985. Over 855 people died during this period and the education of many suffered under this prolonged agitation. Life was hugely disrupted. The passage of the CAA has revived these old wounds. The day the CAA was passed, Assam, Meghalaya and Tripura erupted in massive spontaneous protests not fuelled by a political party as alleged by PM Modi and HM Amit Shah. Very old women who could hardly walk came to show their resentment for an Act which they believe has the potential to upset the demographic balance of Assam. Assam has seen migration first from East Bengal, then East Pakistan and later Bangladesh and people continue to cross over in the darkness of night by bribing the Bangladesh Rifles or the Border Security Force that guard the borders on both sides. That truck loads of cattle continue to be smuggled across the porous borders should tell us that crossing over is no rocket science. In fact a visit to Bholaganj, in East Khasi Hills, Meghalaya will reveal that the border fencing is a farce. The barbed wire fences in long stretches of the border have collapsed during the floods and not repaired. Over three hundred truck loads of limestone and some more through ropeways are transported legally to Bangladesh daily even while the hills around that area have come down one by one. In fact the areas around Bholaganj resemble a Bangladeshi settlement. It is this encroachment that troubles people of Meghalaya and in which politicians fish for votes by creating a fear psychosis that the Khasi people of Meghalaya would become a minority in their homeland. Nothing provokes as much anger and resentment in Meghalaya as the prospect of becoming another Tripura

In 1979, Meghalaya saw a communal conflict where Bengali speaking people were targeted. After that it became a regular feature to foment trouble especially closer to the Durga Puja celebrations. This phenomenon created a fear psychosis in non-tribals as they would be the soft targets every time a situation was created in Shillong and adjoining areas. The fear psychosis continues to date. Even today, when the CAA protests continue, some groups of miscreants would go on a rampage and burn vehicles or destroy public property and hit out at small vendors. For non-tribals at the receiving end of such hate crimes, the BJP became the muscular defender of their rights as Indian citizens

which – a right that is regularly violated in their place of residence. Hence it was not surprising that many supported the CAA which to them is a protective mechanism.

In Assam, the Movement that ended with the Assam Accord signed between the leaders of the All Assam Students' Union (AASU) and the Rajiv Gandhi Government at the Centre in 1985, has its share of disillusionment. The premise for that agitation was to identify and deport all foreign nationals taking March 1971 as the cut-off year. On October 15, 1983, the Government of India passed an Ordinance to set up tribunals 'for determination of the question whether a person is or is not an illegal migrant.' On December 12, 1983, IMDT Act was introduced and passed in Parliament and it applied only in the State of Assam. In other States, detection of foreigners is done under the Foreigners Act, 1946. Ironically, there was no member in the Lok Sabha from Assam's Brahmaputra Valley when the act was passed, since elections could not be held in the State in 1980. Under the IMDT Act, the onus of proving one's nationality or otherwise lay on the complainant, whereas under the Foreigners Act, the onus is on the accused. The IMDT therefore made it very difficult for any illegal migrant to be detected much less deported since the tedious process of following up complaints regarding suspected foreigners lay with the Police. In other words, illegal immigrants from Bangladesh escaped provisions of the IMDT Act for the simple reason that each time they were reported to the Assam police, they shifted to another location, becoming untraceable. Also, unlike the Foreigners Act, the IMDT Act didn't arm the State police with powers of search and seizure. According to this Act an illegal migrant is a person who: (i) entered India on or after March 25, 1971. (ii) was a foreigner (iii) entered India without being in possession of a valid passport or other travel documents or any other legal authority. Clauses 4 and 9 of the IMDT Act said those who came before March 25, 1971 would not come under the purview of the act as the issue of such cases 'has been left for negotiations.' In 2005, the IMDT Act was struck down and the Supreme Court ordered that all cases pending before the IMDT tribunals be dealt with by tribunals under the Foreigners Act, 1947.

Several attempts were made by the AASU to push for the NRC of 1951 to be updated in Assam but their efforts were rebuffed time and again. In 2013 a petitioner called the Assam Public Works petitioned the Supreme Court. That was when the apex court ordered that the

National Register of Citizens (NRC) 1951 be updated for Assam. It took several years and several missed deadlines before the final NRC was completed on August 31, 2019. Nine lakh people did not make it to the list for want of legacy documents. What's interesting is that the State and the Central Government then declared the whole exercise null and void. It cost the exchequer roughly 1220 crores, took 34 years and with over 855 lives lost in the six-year old Assam Movement. There are many reasons why the NRC was rejected. Figures floating around put the number of illegal migrants at 60 lakh and most of them Bangladeshi Muslims. But the figure of nine lakh with most of them Hindu Bengalis, the BJP's potential vote bank there was no way they would or could be deported. For the AASU however, every illegal migrant must be deported irrespective of religion. Hence the strong reaction to the CAA which seeks to give citizenship to Hindus, Christians, Sikhs, Parsi, Buddhists from Pakistan, Afghanistan and Bangladesh who are persecuted in their respective countries. There could not have been a more blatant use of religion for vote banks as has been done with the CAA. And the AASU already at the end of their tether would not accept it. Samujjal Bhattacharya who had given his youth and adulthood to lead and mentor the AASU is an amiable man. "We cannot allow CAA under any circumstances. They cannot play with the future of the indigenous people of Assam. We will fight CAA tooth and nail." The ongoing strikes, rallies and andolans actually speak tonnes about the goodwill that the AASU still commands among the masses.

To understand the North East – a geographical construct for seven dynamic States each populated by a variety of ethnic communities, each valuing its culture, tradition, food habits, clan and kinship ties etc., a reading of BG Verghese's "India's Northeast Resurgent: Ethnicity, Insurgency, Governance," explains much of the conundrum that the region is. With 238 ethnic groups each possessive of their culture despite the angst of modernity and juxtaposed to the idea of the "nation," one which is imagined as a huge country with a majority Hindu population, the complexities are difficult to negotiate. The tribes are largely Christian and insular. The pressure to find jobs pushes them to leave their comfort zones. Indeed, the world outside their cocoon is not full of promises but a place one must venture into for a "job" since the cocoon can only nurture them for a limited period. In this complex territory politicians have capitalized by promoting identity politics which narrows down

the prism of governance to, “conserving the identity and customary practices of the group which are under threat from the world outside the cocoon.” That is enough to win votes; people don’t ask for more; development does not fetch votes in the North East. People are voted for their ability to create emotive narratives and that always boils down to the fear of the “outsider.” The CAA is seen as one instrument which is a threat to the life inside the cocoon which now stands threatened of being blown apart by an alien religion. This is how ethno-centrism survives and is perpetuated. But it is also true that India’s North East is a country, nay several countries whose destinies are entwined with that of the Indian nation that is still sought to be understood and re-interpreted.

Benedict Anderson, in ‘Imagined Communities’ says that in an age when it is common for progressive cosmopolitan intellectuals to insist on the near pathological character of nationalism, its roots in fear and hatred of the ‘Other’ and its affinities with racism, it is useful to remind ourselves that nations can also inspire love and often self sacrificing love. Anderson avers that the cultural products of nationalism – poetry, prose, fiction, music exhibit this love. But this love also co-exists with fear and loathing of the ‘Other.’ It is in this conflicting cosmos that the North East and its people reside, continually negotiating traits about ‘India’ that they admire and certain other cultural aspects that they ridicule and would rather not imbibe. Indeed, North East India with a population of a little over 45 million which is just 3.76 per cent of the India’s population and only 8 per cent of the country’s geographical area is very little understood. For this region to be faced with the possibility of allowing aliens from other countries to settle in their territories is a devastating thought even if those persecuted could be fellow Christians or Buddhists and not necessarily Hindus.

For instance the people of Arunachal Pradesh are resistant to allowing citizenship for the Chakmas who live at the fringes of the State as refugees. The people of Mizoram have been resisting settlement of Brus and Reangs from the Chittagong Hill Tracts of Bangladesh in their State. The Brus and Reangs now live in refugee camps in Tripura. And Tripura itself is a State where the indigenous people are reduced to a mere 31 per cent of the population having been overrun by waves of illegal migration from erstwhile East Pakistan and later Bangladesh. Pradyot Debbarma from the royal house of Tripura has filed a case in the Supreme Court asking that an NRC be carried out in his State since

it is his firm belief that the present Chief Minister of Tripura, Biplab Kumar Deb is a Bangladeshi national; so is the Advocate General of the State and several other leading figures who run the State administration. He has also challenged the CAA in the SC.

The protests in other parts of India are different from those in the North East. The protestors have decided that their respective States have borne the brunt of migration and they don't care what religion the migrants belong to but the CAA should be exempted from their States. In Meghalaya and Assam the Sixth Schedule areas have been exempted from CAA. But in Meghalaya's capital of Shillong, there is a 10x10 sq km area under the Shillong Municipality and the Cantonment called the European Ward, where CAA would be applicable. Hence the State Government of Meghalaya is now demanding for the ILP. The argument is that if the new citizens settled in the European Ward it is inevitable that the population would spill over to the Scheduled areas too, as is happening today. This is what people fear the most.

Interestingly, what surprises the BJP about the protests is that CAB was in its 2019 election manifesto and people knew that BJP delivers the goods, so why did people in Assam vote BJP and why did people in the other tribals States vote parties that are constituents of the BJP such as the National People's Party (NPP) in Meghalaya or the Nagaland Democratic People's Party (NDPP) in Nagaland. Ditto Mizoram and Tripura. How did the BJP's master stroke of using religion to cultivate vote bank politics succeed in the North East? This is a difficult one to figure.

For a region that has just come out of the conflict mould driven by secessionist and other separatist ideas for decades since independence, the CAA has just rekindled the old issues of whether "India" really understands the North East and whether "India" cares what happens to this region connected to the country by a 20 km long chicken's neck. That sense of alienation has been revived and it will take some reassurance before the dust settles down. It is intuitive that PM Modi makes repeated claims that under his Government, the North east has received special attention. Perhaps it has. Many of the long pending projects have been completed. In fact, Guwahati was to be the venue for hosting a conclave on the much talked about Act East Policy last weekend where Japanese Premier Abe Shinzo was supposed to have come. Now the meet is deferred even as the people of the North East try to figure out their roles in the Act East Policy. For now the region is on the boil and Act East is a far cry.

The Anti CAB/CAA Agitation in Assam: A Historical Perspective

Rajib Handique*

The Citizenship (Amendment) Bill, 2019 or CAB as has been popularly known was passed by the Lok Sabha on 8th December, 2019 by 311 to 80 votes and by the Rajya Sabha on 10th December, 2019 by 125 votes to 105. With the Presidential assent to the Bill at midnight of 11th December, the Citizenship (Amendment) Bill, 2019 popularly known as the CAB became the Citizenship (Amendment) Act, 2019 or the CAA. The surgical precision with which the BJP government at the centre introduced and passed the CAB in the parliament and made it the CAA indeed reflects the resolve of the government. The CAA is also a fulfillment of an electoral promise made by BJP in the 2014 and 2019 General Elections. The CAA became effective with the gazette notification on 10 January, 2020.

In Assam, there was huge opposition to the CAB, since the time it was first introduced in the Lok Sabha on 19 July, 2016. The CAB, which sought to provide Indian citizenship to non-Muslim migrants (Hindus, Christians, Sikhs, Buddhists, Jains and Parsis) from Pakistan, Afghanistan and Bangladesh, who entered India till December 31, 2014, raised the fear that Assam would be physically and culturally swamped by migrants from Bangladesh.

There was quite a build-up to the anti CAB protests in Assam. All the major organizations in Assam have voiced their opposition to the CAB and had undertaken agitational programmes since it was first introduced in the Parliament. The bill was referred to a Joint Parliamentary Committee (JPC) on August, 2016. The JPC visited Assam

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but avoided giving more time to the Brahmaputra Valley. It submitted its report to the Parliament on 7 January, 2019 and the CAB was passed by the Lok Sabha on 8 January, 2019 and was pending in the Rajya Sabha after which it lapsed on dissolution of the 16th Lok Sabha.

There were widespread protests in Assam when the CAB was being passed by the Lok Sabha in January, 2019. The massive opposition to the Bill had built-up enough pressure to force the ministers from the Asom Gana Parishad (AGP) an ally in the BJP led government in Assam to tender their resignations. However, after the CAB had lapsed, they soon returned to the cabinet. The protests against the CAB were soon submerged by the din of the hustings in the run-up to the General Elections 2019 for the 17th Lok Sabha. The BJP manifesto included the passage of CAB as an electoral promise. However, the BJP manifesto also promised the implementation of the Assam Accord which was signed in 1985 marking an end to the anti-foreigners agitation that had started in 1979. The contradictions in both the electoral promises, i.e., implementation of CAB and the Assam Accord was not very clear to the people in the run-up to the elections. The BJP won the elections with a huge majority, winning nine of the 14 seats, thereby increasing its tally by two seats compared to the earlier Lok Sabha. For many party workers, it was an endorsement of the CAB.

The huge protests in Assam in the aftermath of the enactment of CAA in December, 2019, therefore raise many questions. The opposition to the CAB/CAA primarily rests on the violation of the cut-off date as marked out in the Assam Accord. As per Clause 5 of the Assam Accord, the foreigners who entered Assam after 25 March, 1971 irrespective of their religion would be deported. This goes against the December 31, 2014 cut-off date stated in the CAA. Over the years, the people in Assam cutting across community affiliation have developed a consensus on the Assam Accord and have reconciled to the 1971 cut-off year. The massive exercise of National Register of Citizens (NRC) which was carried on in Assam under the supervision of the Supreme Court was expected to settle the much vexed issue of citizenship finally. Such expectations were soon belied by the rejection of the NRC by the government of Assam.¹

The anti CAB protests in Assam erupted again when the government brought in the Bill in December, 2019. The protests began in right earnest in the campuses of the universities of Assam. Soon the All Assam Students' Union (AASU), Krishak Mukti Sangram Samiti

(KMSS), Asom Jatiyabadi Yuva Parishad (AJYCP) along with their supporting indigenous organizations took the lead in opposing the CAB. People from various walks of life including students, writers, teachers, artistes, retired bureaucrats, *et al* on their own jumped into the thick of the anti CAB agitation in Assam. The AASU launched a 3-day protest from December 4 claiming the CAB to be ‘unconstitutional, communal, anti-indigenous and violative of the Assam Accord’.²

It was Assam that took the lead against the CAB and CAA with the students, artistes and intellectuals playing a pivotal role. The protests have since continued for more than a month without much sign of abating. The North East Bandh on 10th December, 2019, called by the North East Students’ Organization (NESO) will go down as one of the most massive Bandhs in northeast India in recent history.³ Many organizations and individuals from Assam have filed petitions in the Supreme Court of India challenging the constitutional validity of the CAA.

The anti-CAB/CAA protests in Assam have so far claimed five lives in police crack-down including four in police firing while scores had gun-shot and other injuries. The youngest victim Sam Stafford was only 17 years old when he succumbed to a bullet injury. Guwahati and several parts of Upper Assam remained in a state of lockdown since December 10 for several days as massive protests raged against the CAB/CAA. Indefinite curfew and internet lock-downs were imposed to stop the protests some of which became violent and led to the destruction of public properties. Subsequently, broadband services were also snapped. All the news of the massive protests including some of the violent incidents in Assam could not make national headlines, though the same were of special ramifications. The happenings in Guwahati were big enough to get media coverage though those taking place in mofussil areas did not find media space. The extensive destruction of public property in Chabua, a town in Upper Assam is a case in point. Unprecedented and inexplicable events took place there as all government offices and the railway station were razed by protestors. Even the local MLA’s house was attacked and razed in the process. What is also noteworthy is that Chief Minister Sarbananda Sonowal as well as Paresch Barua, the ULFA’s Chief has their ancestral homes in Chabua. Some of the alleged perpetrators of this mayhem at Chabua included some BJP workers who have been apprehended. Situations like these need micro-level analysis and understanding.

Assam has undergone a period of trauma both in terms of demography and space since the colonial times. Assam is home to complexities that rests to some extent on the unique location of the area coupled with the diversity that it supports. The geographical position of Assam formed by overlapping mountain chains and the moist tropical climate has contributed in the setting up of a habitat mosaic. It is for such reasons that in a comparatively small area, we find the existence of a number of complementary habitat components such as hills and hillocks as well as water bodies, which successfully create the essential micro-habitats for a large variety of life-forms. This multiplicity of habitats also meant existence of multiple zones for man-nature interaction. Such interaction might definitely have led to development of different cultural traits, customs and traditions that prolonged living in a particular locale normally entailed. This might have also led to creation of exclusive societies with characteristics that differentiated them from the 'others'. This region is also very rich in natural wealth and there is no record of any history of famine.

Assam is situated in 'one of the greatest routes of migration of mankind.'⁴ It has thus witnessed migration from almost all directions throughout the ages. People came with their own historical and cultural baggage. Identity in Assam, therefore, is mostly multi-layered that rests on both recent and remote historical experiences. However, the pre-colonial migrations to Assam were not very massive and therefore did not constitute any threat to the culture of the people that were living there.

The history of the region is different and it is a fact that this region was politically never an integral part of any of the Indian empires that developed in the pre-colonial period of history, perhaps barring the short period of Mughal occupation in 1662-63. The Ahom kingdom established by Siu-ka-pha that survived the longest (1228-1826) gave not only political stability but also brought within its administrative limits most part of the Brahmaputra Valley. It had relations with the other kingdoms of the Northeast India like the Koches, Kacharis, Jayantia, Tripura and Manipur. From the very beginning, the Ahoms ran the administration with a policy of integrating the diverse communities. This was also combined with integration through administrative inclusion; making people of all communities participate in the State administration. Historians like Amalendu Guha referred to this policy as peasantisation and 'Ahomisation' of the tribals.⁵ The

political unity that was thus fostered helped the Ahom kingdom (which came to be referred to as Assam), withstand the might of the Mughal forces immortalized in the feats at the Battle of Saraighat (1671) under the valiant commander Lachit Barphukan. The neo-Vaishnavite movement under Srimanta Sankardeva tried to foster a cultural unity among the diverse populace. It was the administrative measures of the Ahom government on the one hand, and the neo-Vaisnavite movement on the other, that secured and facilitated mass involvement in the social process, and as a result, the people in general came to be identified as a stable community in the country of 'Assam', which was their permanent abode.⁶ This identity was inclusive cutting across belief systems and cultures.

Prior to the advent of the British colonizers, Assam had suffered heavy casualty and dislocation of population caused by the civil wars, often referred to as the *Moamaria* rebellion that took place in the late 60s and early 70s of the eighteenth century and the Burmese invasions, which took place in the second decade of the nineteenth century. As a result, there developed vast tracts of wastelands in the province of Assam. Finally when Assam passed into the British imperial control as per the provisions of the treaty of Yandaboo (February 24, 1826), the province with sparse population still had large forested areas.⁷

British policies initially led to establishment of the State's proprietorship of land (which was considered as communal property) followed by alienation of the same to imperial capital interests. This led to large-scale transfer of land to non-indigenous people. There was unprecedented transfer of 'wastelands' through the very liberal Waster Land Grants to tea planters which were funded by foreign private capital.⁸ At the same time, tea industry, being a labour intensive industry forced immigration of people from outside to serve the plantation industry. The plantation workers came to be categorized as a tea-garden community and over the years the tea-garden community and ex-tea-garden community came to constitute a large part of Assam's population.

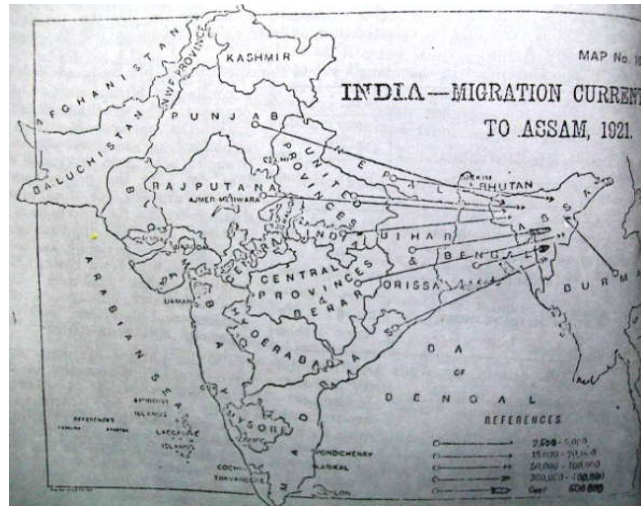
Extension of agriculture was actively pursued by the colonial government more as a means of augmenting the land revenue. The forests were considered as an obstruction to agriculture rather than otherwise and consequently a bar to the prosperity of the Empire.⁹ British authorities were conscious from the very beginning of the fact that unless the vast tracts of wastelands were brought under tillage,

neither the resources of the government, nor the condition of the people could be improved. As early as 1832, circulars were issued inviting settlers to Assam through respective collectors to populous districts of Bengal, viz., Dacca, Tipperah and Mymensing offering wastelands rent-free for a term of years after which, settlement would be made for the portion brought under cultivation.¹⁰ Assam's forests has always been put under new pressures when the influx of refugees from East Pakistan moved northwards into Assam. They used to have on their side the general British assumption that settled agriculture was a far more productive and stable means of land (forest) use. In the twenty years ending 1950, the immigrants from East Bengal had turned some 1.5 million acres of forest into settled agriculture.¹¹

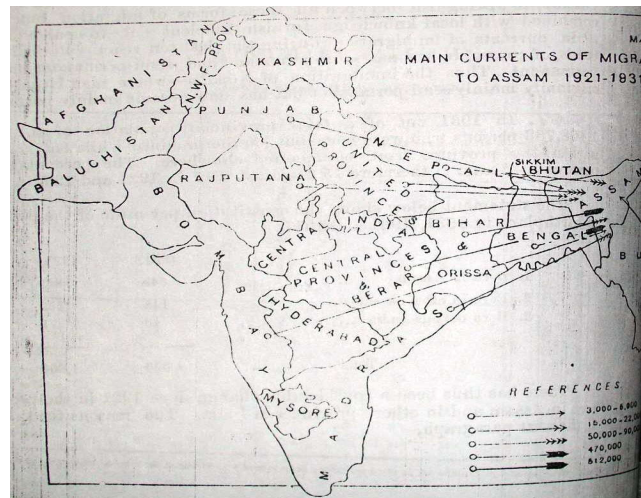
The tea plantations and agricultural extension apart, land alienation in large measures also took place after establishment of the Forest Department that categorized and fenced the forests (which so long were largely considered as common property resources) as Reserved Forests, Protected Forests, Village Forests, etc. Thus, the space necessary as *lebensraum* for the indigenous communities of Assam and for their cultural sustenance were slowly becoming constricted under the colonial regime. Scholars like Nel Vandekerckhove and Bert Suykens of the Ghent University contend that colonial forestry and tea plantations have created certain restrictive structures that changed the livelihood pattern of the involved communities and led to tribal entrapment.¹²

The Brahmaputra Valley and the Surma Valley especially were subjected to new population pressures during the colonial period. All these led to marginalization of the people. Parts of the hill areas of North East India were saved from this trouble by the Eastern Bengal Regulation of 1873, whereby an Inner Line Regulation restricting entry of outsiders without a valid permit. The necessity of Inner Line Permit (ILP) not only regulated inflow of people from other parts of the country and beyond, but also restricted persons from outside these areas to own land there.

The 'influx' of people from the other parts of India to the North East was a colonial phenomenon. The census reports are replete with statistics revealing the significant inflow of population from other parts of the sub-continent. The maps below which are peculiar to the Assam census reports are graphic representations of the demographic inroads during the colonial era.



(Source: Census of India, 1921 Assam Report, Shillong, 1922, p. 36)



(Census of India, 1931 Volume III Assam Part I.- Report, by C.S. Mullan, Shillong, 1932, p. 41)

The huge demographic inflow from other parts of the sub-continent to Assam was forced by the circumstances which the colonial imperial economy demanded. In a way all these immigrant 'new-comers' were part of the colonisers and might therefore be viewed as part of the 'other'. The trade and industry were carried on by people all drawn from outside. The national freedom movement helped in bridging the divides and there was already much assimilation through a process that normal living together entailed. Many of such erstwhile 'outsiders' were already making contribution to the cultural life of Assam. In this context, we may mention the name of Jyoti Prasad Agarwalla, whose contributions to the world of music, art and literature in Assam remains unparalleled. Moreover, the indigenous and the immigrants were all ranged against the colonial masters till independence. There was a nation making process at the regional level along with a larger nation making process at the national level. Both of them were supplementary and complementary to one another.

However, that there was problem brewing out of this demographic change is discernible from The Census Report of 1931 where Mullan, the Census Superintendent of Assam mentioned:¹³

“It will be of intense interest to observe whether the Assamese language itself against the inroads of which the tribal languages of the plains have, for hundreds of years, put up such a stout fight – will, in its turn, be able in the future to defend itself against a new and a very powerful invader in the shape of Bengali which, with the coming of the Eastern Bengal settlers, has established itself firmly in all the districts of lower and central Assam.”

Such a powerful portrayal of the emerging conflict at the regional level and its admission by the British colonial administrators did not indicate a peaceful future in any way. The irony remains that the same conditions persisted and the conflicts and ruptures discernible to the British escaped the attention of the leaders of the newly independent country. Such a demographic situation is not witnessed in any other part of India.

After independence, the same paradigm of development and influx of population continued. The economy remained extractive and the polity unitary. Securing the borders remained the responsibility of the Central government as was all matters of citizenship. In a polity

professing majoritarian electoral democracy, the marginalized seldom gets the opportunity to get their problems of development and identity addressed adequately, in spite of the growth of an elitist political leadership. The asymmetric power relations came to be emphasized profusely by critiques of the new Indian State who wanted a change in the existing structure and also by those who wanted secession. The ethno-national divide and feelings of marginalization remained as important factors in the post-colonial situation in Assam.

The unabated demographic influx for various reasons created a serious crisis in Assam. After an analysis of the population trends in Assam from 1901 till 1971, the 1971 Census Report concluded: "Taking the whole population of 3.29 million (3,289,680) of Assam in 1901 as 'indigenous' and applying the all India rate of increase of 129.67 per cent from 1901 to 1971 her population in 1971 would be 7.56 million (7,555,329) instead of 14.63 million (14,625,152).¹⁴ It has been estimated that by 1981 Assam's population at the rate of growth recorded in 1971 (34.95 per cent as against the national average of 24.80 per cent) would be 19,743,955; calculated at the national average growth rate, it should not be more than 14.6 million which would serve to show, demographically speaking, that Assam had an excess population of about 5 million in 1981.¹⁵

The 1971 cut-off year therefore had profound significance for the people of Assam and as already mentioned, there was a growing social consensus on the Assam Accord which got subsequently diluted by the CAA. The fear of the indigenous Assamese from the outsiders becomes more acute on the question of language. This is again informed by the colonial experience and the post-colonial realities. The proverbial Dark Age of the Assamese language (1836-1873) when Bengali was made the official language as well as the medium of instruction in Assam by the colonial rulers keeps the Assamese people apprehensive of an uncertain future. This was significantly interpreted as a Bengali conspiracy though it was done by the British to suit their narrow administrative convenience. The role of the British in the imposition of Bengali was exposed by the work of the American Baptist missionaries who worked for development of the Assamese language and script and its restoration in Assam to avoid it being completely overtaken by the Bengali language. The Official Language Movement of 1960 and the subsequent Medium of Instruction Movement of 1972 echoed the same sentiments of linguistic marginalisation.

The question of linguistic identity therefore takes centre stage in Assam when anything like CAB or CAA is introduced. The historical experience of the Assamese gets juxtaposed with the Tripura experience, where the indigenous tribal people got converted to a minority. Majoritarian electoral democracy opens up the possibility of Assam becoming another Tripura and this is what weighs in the minds of the Assamese community when they consider the possibilities with implementation of CAA.

However, this only might not provide answer to the unprecedented opposition to CAB/CAA in Assam. There were other factors that worked to mobilize the masses. One such sentiment that was clearly discernable was a feeling of betrayal by the leaders of the ruling dispensation in Assam. Almost all the cabinet ministers including the Chief Minister Sarbananda Sonowal were one time votaries of the Assam Accord. The finance minister Himanta Biswa Sarma happened to be minister in charge of implementation of Assam Accord earlier in the Congress government. Many of the MLAs were leaders of the Assam Agitation or were members of AASU and were not expected to support any violation of the Assam Accord. The AGP, an ally in government is in fact a product of the Assam agitation. The sense of betrayal was too stark as many voted for the BJP in 2019 expecting equal treatment for the Assam Accord. Thus, when the protests erupted against the CAB/CAA, the leaders in government became targets of people's angst.

The anti-CAB/CAA protests in Assam largely caught the government unawares. Not many knew the reason for such massive unrest and agitation and few people understood their context. As all efforts to quell the rising protests failed, the government adopted the old carrot and stick as well as the divide and rule policies to quell the protests. While extreme steps like firing was resorted to on one hand, on the other, the government went on an overdrive to win over the protesters by announcing doles to win them over. The more vociferous protesting organizations like the Lachit Sena or the one with strong rural base like the KMSS became targets of State repression as the leaders of these organizations were arrested and were put behind bars. The response of the government was also to create a perception of bonhomie with some other organizations.

The State government found the artistes in the forefront of the anti-CAB/CAA agitation. Perhaps, the announcement to provide an amount of Rs 50,000 as a one-time grant to 2,000 artistes and technicians

of the State was made to win them over. To assuage the protesters whose prime concern seem to be the linguistic and cultural threat, the Sonowal government announced its decision to introduce a legislation in the State Assembly to make Assamese language a compulsory subject in all English and other medium schools, including Kendriya Vidyalayas up to Class X. Further, the State government announced that it would request the Central government for grant of Constitutional status to the six Tribal Development Councils viz., Mising, Rabha, Thengal Kachari, Sonowal Kachari, Deori and Tiwa, so that they could receive funds from both Central and State governments. The State Cabinet also decided to create three new autonomous Councils for three communities of Assam viz., Koch Rajbongshi, Matak and Moran. Moreover, it was stated that the Rs 500 crore special package announced in the State budget for Moran, Matak, Chutiya and Ahom communities would be divided equally among them and each community will get Rs 125 crore.

The government also took measures to appease the literary bodies in the State. In a meeting with the representatives of 22 literary bodies of the State on 31 December, 2019, the government announced a package of Rs. 75 crores towards corpus funds of the various bodies. The Assam Sahitya Sabha the largest literary organization in Assam was to receive Rs. 10 crore as corpus while the Bodo Sahitya Sabha would receive a corpus fund of Rs. 5 crores, while other indigenous literary organizations like the Tai-Ahom Sahitya Sabha, Mising Sahitya Sabha and others would receive a corpus of Rs. 3 crores each. The interest accruing out of the corpus would be used by the literary bodies. The Chief Minister also announced that the State government would provide a one time financial grant of Rs. 50,000 to one thousand new writers belonging to various communities of the State under 'Bhasha Gaurav' scheme. The government also organized pro-CAA peace rallies as a counter to the anti-CAA protests. These rallies held in Assam with government sponsorship too are having significant attendance. How far these steps of the government succeed to stem the tide of the protests only time will tell.

Meanwhile, the anti-CAA movement in Assam continues in full vigour under the stewardship of the AASU. However, the leadership issue of the anti-CAB/CAA protests has baffled many. There has emerged a new student forum, the 'Chatra Samaj,' a conglomerate of student

leaders belonging to different student organizations from different universities and colleges of Assam. They have been largely instrumental in mobilizing people for the anti-CAB protests in the initial phase. The role of the Nagarik Mancha (Citizen's Forum) has also been immense. Support to the anti-CAB/CAA agitation also came from teachers' associations of the universities and the Sadou Assam Karmachari Parishad, an association of the State government employees. The AASU and AJYPC has been at the forefront of the agitation and is getting maximum support of the artistes and actors like Zubeen Garg and Barsha Rani Bishaya. At the same time, the anti-CAB/CAA agitation in many places of Assam also appear 'leaderless' and has been taking place as spontaneous events.

Many in Assam try to compare the anti-CAB/CAA movement in Assam as Assam Agitation 2.0. Some of the slogans of the anti-foreigners agitation (1979-1985) are being chanted and repeated in the new phase of protests. What have changed are the discernible fearlessness of the students and the role of the news media. Where all of these will finally lead to only time will tell.

Much will also depend on the judgement of the Supreme Court that is seized of the matter regarding constitutional validity of CAA. Meanwhile, the AASU leaders are vouching for a political alternative to AGP, BJP and the Indian National Congress and have already hinted at the possible formation of a new regional political party in Assam in February, 2020. The anti-CAA agitation in Assam is already moving on a different trajectory and the outcome will perhaps be clearer only in 2021 when the State will go to the polls.

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The CAB and the NRC: A Reconsideration

Bimal Pramanik*

In order to get a comprehensive idea of the Citizenship Amendment Bill (CAB) 2016 (now an Act) and the National Register of Citizens (NRC) in Assam, we can revisit events of the 1947 partition of India episode and the reorganization of Indian States in independent India in 1956. First, the very basis of partition of India was the two nation theory. Bengal partition was also on the basis of two nation theory and distribution of districts, sub-districts and even police station areas on the basis of Hindu-Muslim population share. There was a perception that if religious minorities from Pakistan and India migrated to their respective countries, they would be rehabilitated. In the case of divided Bengal, religious minorities did not entirely migrate to their respective countries. The entire period of Pakistani rule (1947-1971) witnessed the migration of Hindus, and other non-Muslims from East Bengal/East Pakistan to India, particularly to West Bengal, Assam and Tripura, and even in the Bangladesh era, minority migration has been still continuing, and minority population has declined to around 9 per cent (2011) from 29 per cent (1947). On the other hand, Muslim population has been increasing unabatedly in eastern India, after partition, particularly in West Bengal, Assam, and Tripura. Actually, they did not migrate en-masse after partition (1947), and we learn from the 1951 census that even in the district of Murshidabad, Muslim population declined by only 1 per cent, i.e. 55 per cent in 1951 from 56 per cent in the 1941 census. In 2011, the percentage of Muslim population in Murshidabad was 66 per cent. In each district of West Bengal and Assam, Muslim

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population significantly increased during the entire period (1951-2011). Now the question is, after the 1947 Partition of India, States were reorganized mainly on the basis of language and ethnicity. But the Muslim community in this sub-continent always believed in, and practised the culture of, the two nations theory, which was the rationale of the 1947 Partition. They parade themselves as having a separate identity, ignoring Indian mainstream culture and history. Now-a-days, a number of those are even ready to identify themselves as radical Islamists due to the influence of the international radical Islamic movement. The preference for the two nation theory has been growing rapidly now in the community, though it was partially hidden in the last few decades. As a result, original inhabitants of Bengal and Assam feel insecure about the future of their culture, religion and population share. Already, some enlightened Hindu people are worried about the similarity of the present socio-political situation with that at the time of the 1947 Partition of Bengal. Studying the population pattern of the eastern region of India, one can raise the spectre of another partition, and it may not be baseless. If we consider the problem of Assam, firstly, the nationality of the Ahamia (Assamese) people must be protected. Identity, culture and a majority population share of the Ahamia people must never be compromised. Those who migrated to Assam after 1971, should be treated according to law. N R C and Citizenship Amendment Act – 2016, must be considered only in this context.

Some Bangladeshi intellectuals and academicians are re-thinking about Partition not only in 1947, but also in 1971 (Second Partition). Their thought on creation of a combined East Bengal and Assam province dividing Bengal is different from that of the Bengali Hindu intelligentsia in 1905. They are also unhappy about the event of re-unification of Bengal in 1911 (by the pressure of Hindu intelligentsia including Rabindranath), like their predecessors. It is mentionable that, non-cooperation of Muslims with Hindus in the freedom struggle in Bengal during the British era was the ultimate result of Bengal Partition repeal Act in 1911. But in the last quarter of the twentieth century they felt encouraged by the prevalent religious population pattern of West Bengal, Assam, Tripura, and Bangladesh, where Muslims enjoy an overwhelming majority (61 per cent) in the whole region. A composite population table is given below:

Table - Population of West Bengal, Assam, Tripura, and Bangladesh 2011

Total Population	265549750	(Per cent)
Hindus	99122635	37.33
Muslims	161127317	60.68
Christians	2374754	0.89

Source: Census of Assam, Tripura, and West Bengal, 2011, Government of India & Census of Bangladesh 2011.

They have started preaching that Partition of India was wrong in 1947, and Bengal region was the worst affected by this Partition. East Bengal was also exploited by Pakistan like a colony, so, Bangladesh was liberated. Now they need additional living space in India's North-East region.

But they were shocked, when the Supreme Court of India's verdict on NRC (National Register of Citizens) in Assam came to light and legitimate demands for NRC from other neighbouring Indian States were raised by the political and other social forces—which were beyond their comprehension.

It is important to note that those who will be included in the CAB are the minorities of their respective countries. They are hapless people now, but they possessed at least some immovable and movable properties which must not be lost for ever. Can the Government of India do something in this matter? An important point worth pondering is whether in the matter of moveable properties, e.g. cash or gold, migrants acquiring citizenship can be permitted to retain them on payment of requisite taxes—as is done with regard to normal citizens.

In the case of Assam, regarding NRC and CAB, it is unfortunate that all political outfits of Assam are against the CAB—except the ruling Bharatiya Janata Party (BJP). They have been trying to grant relief to Bengali Hindu migrants by implementing CAB. There is no other alternative for Hindus if they have to earn their livelihood in India.

Hindu Bengalis have a rich cultural heritage and a glorious past. Their contribution to the Indian nation building and freedom movement is undeniable. In the field of religion, culture, philosophy, literature and politics—their pioneering role in the Indian society can by no

means be ignored. Is it possible for a member of the elite Assamese society to feel equally comfortable with his history? Bangladeshi Muslims who entered into Assam do not inherit this rich Hindu Bengali cultural past. They present themselves as a part of the worldwide Muslim culture (Ummah). Hindu Bengali refugees always portray themselves as Indians, and assimilate with the greater Indian mainstream culture because they have cultural roots in India. There is a perception in the Assamese society that those who have infiltrated from East Bengal/ East Pakistan or Bangladesh, both Muslims and Hindus, have a cultural identity different from the Assamese mainstream culture. Bengali speaking Muslims are feeling more comfortable with their mother tongue. Basically, the agricultural skills of this huge population form the backbone of Assam's agricultural economy. They have supplied most of the labour force in Assam's agriculture. So, they are very much needed for Assam's development. The new generation of this huge alien population is now trying to assimilate themselves with the mainstream by accepting the Assamese language. Already, a large number of these people have enlisted their names in the National Register of Citizens (NRC). They are getting Indian citizenship in Assam.

In the case of Bengali Hindus, who had migrated to Assam after the Partition of India in 1947, and later, and even in the post 1971 period due to religious persecution and discriminatory laws against them in Bangladesh, it must be stressed that they are the real sufferers now in Assam. A large number of them are now victims of NRC and they are languishing in jail (detention camp). Though they are hopeful about the CAB due to the assurance of the BJP, they have to wait for getting relief.

Melting Pot or Salad Bowl

The most important aspect in any heterogeneous society is whether the society is a melting pot or a salad bowl. A melting pot is something where all the elements are mixed up, whereas in a salad bowl, every vegetable and fruit is distinctly identifiable.

It is evident that Muslims never try to mix up their identity with that of other religious communities in the melting pot, which we may call a nation. Indeed, Muslims do not normally want to join the mainstream of Indian culture; so they do not like to salute the national flag, nor do they sing easily the national anthem. Hence, it can be said

that the salad bowl strategy is the priority for Muslims in India. It is important to remember that in any Muslim country, the salad bowl strategy does not work as non-Muslims are brutally dominated by the Muslims, and not allowed to practise multiculturalism, they have to adhere to Islam. However, shamelessly and hypocritically, in any liberal and secular democratic country, like the United States and India, Muslims use the strategy of salad bowl and emphasize multiculturalism to develop their Islamic culture and identity.

In the case of India, this debate is extremely relevant because two radical Islamic countries, Pakistan and Bangladesh, are the immediate and untrustworthy neighbours of India, and the dream of these two Islamic countries is to make India an Islamic country. Therefore, Pakistani terrorist groups are continuously making chaos in Kashmir and other parts of India, and likewise, following the footsteps of Maulana Bhasani, Bangladeshi terrorists are determined to transform West Bengal into an Islamic State so that it can be included in Bangladesh.

Liberals and secularists always prefer to retain the salad bowl of multiculturalism, instead of a melting pot. Syed Ahmed Khan confirmed that the idea of salad bowl is the best strategy for the Muslims, and he negated the notion of a melting pot by claiming that the interest of Muslims are completely opposite to that of Hindus. Muslims always try to include non-Muslims in their Islamic melting pot by using the policy of forceful conversion and many other ways, and it is the prime feature of any Muslim country. Contrarily, in any liberal democratic and multicultural society, Muslims always utilize the salad bowl strategy, and by highlighting their Muslim identity, they always try to secure a minority status along with socio-economic benefits. Indeed, India is the biggest example of this Islamic salad bowl strategy, where Muslims are exploiting their minority status as a trump card to achieve demographic supremacy. In India or in any other secular country, Muslims always concentrate on the salad bowl strategy to achieve their ill designed ambition of transforming the secular States into an Islamic State by achieving demographic supremacy, e.g. Assam and parts of West Bengal. Whenever Muslims achieve a majority or near-majority population share, they throw out their salad bowl strategy and make every dirty effort to absorb the State into an Islamic melting pot by converting non-Muslims on a mass scale.

In Assam, Muslims are 37 per cent, and they are a majority in 9 districts. Similarly, Muslims are 27 per cent of the total population in

West Bengal, whereas they are a majority in 3 districts. Interestingly, wherever Muslims are in a majority, they occupy most of the important administrative positions, such as the Panchayat Pradhan or the M.P. Non-Muslims are unlikely to occupy important positions in a Muslim majority area.

The danger of salad bowl strategy lies elsewhere. Indian Muslims are using the salad bowl strategy to deny Indian culture but to embrace Arabic culture wholeheartedly in the name of their minority rights. In this context, it is very pertinent to mention here that assuming the impending danger of the salad bowl strategy of the Uyghur Muslims, the Chinese government is currently applying strict policies to absorb Uyghur Muslims in the mainstream of Chinese culture. As a result, China has banned the open practice of Islam to transform Uyghur Muslims into good Chinese. Perhaps, China observed the historical fact that Muslims enjoy all types of benefits in multi-religio-cultural societies, and as soon as Muslims achieve demographic supremacy in multi-religio-cultural societies, they alter the multi-religio-cultural society into uni-religio-cultural society, i.e an Islamic society.

Abolition of triple talaq and articles 370 and 35A are clear examples of how the Modi government's strategy is to destroy Indian Muslims' salad bowl strategy and maintain the territorial integrity of India. Consequently, the Modi government is trying to implement the strategy of melting pot to include Indian Muslims in the mainstream of Indian culture. The National Register of Citizens is also an attempt at identifying the non-citizens of India to strengthen the idea of a melting pot strategy. Although, due to their religious dogmas, Muslims focus only on their Muslim identity and negate any possibility of acculturation with non-Muslims, acculturation is the only way to successfully implement the strategy of a melting pot and transform Indian Muslims into Indians.

The Coward and the Bully

Ramesh Chandra Shah*

The average Hindu is coward and the average Muslim a bully, these words of Mahatma Gandhi (spoken in a context I cannot remember) should suddenly bob up in my consciousness as I settle down to articulate my reaction to the demolition of the Babri Masjid. The editorial expectation is quite explicit has the event signified some new thinking on the question of Indian nationalism and our collective identity as a nation?

One is inclined to believe it has, whatever rhetoricians and sentimentalists may say. The rhetorician deceives others the sentimentalist himself. And it is rather difficult to avoid these traps, because they are woven into the very texture of our living and thinking. In schools and colleges, the administrative machinery, institutions and media – everything seems designed to serve and promote collective amnesia and collective bad conscience.

Indian society appears to be the polar opposite of what it was at the beginning of this century. Recall that Sri Aurobindo had then emphasized the urgent need to correct the imbalance created by the undue predominance of the West in the realm of ideas. Gandhi's *Hind Swaraj* had also raised a powerful protest against what appeared to him a satanic structure; and our philosopher K.C. Bhattacharya, in his former 1927 speech delivered in Hooghly College, had passionately pleaded for a 'Swaraj in ideas'. This feeling continued through the early days of our national struggle, but the course of events since then appear to have taken a different turn.

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It is only towards the close of the century that we have begun to realize the need to thoroughly reevaluate our confused attitudes and actions and clear the muddle. 'Where is that vision of a young India?' There is not one leader today who can command nationwide respect and attention. Our political culture is at its nadir and the spiritual-religious domain too seems drained of inspiration. Political and organizational ability had seldom been our strong point; in fact, politics is a new addiction and seems to have gone into our heads. We seem condemned to witness today a rank politicization of everything – even in those spheres of life which must remain immune from it and which can maintain their creativity only when they can operate in an atmosphere. The current situation reminds one of those terrible words of Yeats: 'The best lack all conviction and the worst are full of passionate where things went wrong.'

'We never heard anyone call it 'Babri Masjid' – a friend of mine once told me, recalling his childhood and boyhood spent in his native town of Ayodhya' – 'it was invariably referred to as Janmasthan Masjid.' But now, thanks to the widely publicized controversy around the issue and the painstaking research that accompanied it. Everybody has come to know that even the muslim records often refer to it as masjid-e-janmasthan. Also, that of the thousands of such 'converted' sites spread throughout the country, Ayodhya happens to be the one instance where the local population not only refused to accept the conversion as a fait accompli, continuing to offer ceremonial worship in the courtyard of this janmasthan masjid for generations. Of course, there are historical accounts too of some armed conflict in the middle of the nineteenth century: but what is important is the way the memory of holding this plea against the rage of history. Against the necessary fate of 'forgetting' itself. It was the symbolic protest or satyagraha of the people and their civilization against the ever-present and recurrent threats of barbarism. The message was unambiguous and one wonders how it was missed or ignored so completely.

Viewed thus, the overnight induction of idols into the mosque in 1947 (?) appears to make some sense. Thus, the situation certainly called for some hindsight and foresight, delicacy and depth than the authorities could bring to it. Locking up the deity seemed the best solution to them. It is said that the Collector of Ayodhya had submitted a proposal that he could easily collect signatures of all the muslims in Ayodhya in favour of handing over the disputed site. Nehru turned

down the proposal, saying that this would be improper. The question that naturally arises is: Why was it improper? Considering the sensitivity of the issue, would it not have been proper for the most undisputed, most respected and most beloved leader of the Indian people at that time to take the initiative himself and to issue an appeal to Muslims to make such a gesture of goodwill towards their fellow countrymen?

Nobody could have questioned the secular credentials of Nehru's government. The only man who did so was a scholar-saint called Karpatri Maharaj. Who pointed out the glaring contradiction between the haste to pass the Hindu code Bill and the total unconcern towards even the idea of a common civil code. What sort of a democratic and secular State was it? Was it concession or denial? Was it a foretaste of the grand Orwellian design where all are equal but some are more equal than others? It is a widely known fact that, but for the intervention of the then President of India, he would have had his will even in the case of Somnath. It is only today that we find ourselves wondering whether it was good historic sense or even sound common sense on his part to take the majority for granted and ignore altogether their religio-cultural susceptibilities and vulnerabilities?

One also wonders whether Nehru was inspired by a genuine faith in the civilizational value of unity in cultural diversity or by just a subconscious acquiescence in the theory of two nations and two people that had led to the Partition of the country. No lessons were learnt, it seems, even after having paid the cruelest cost for the timid approach and failure of nerve. Such behaviour would have been inconceivable a couple of decades ago in the heyday of the Indian nationalistic upsurge.

Seeking to achieve communal harmony through willful suppression and distortion enterprise. But it appears to have become proper and prestigious in this country – considering the brigade of academics supporting it. Countless text books have repeated the blatant lie that cannot stand a moment's scrutiny. Facts stare you in other places of pilgrimage as well most notably Varanasi and Mathura suppressing or denying such evidence discredits one in the eyes of people who have now emerged from centuries of self oblivion; and whose innocence of history can no longer be taken for granted. Whoever had heard of the Inquisition at Goa, for instance? Today everybody knows about it along with the other realities of the imperialist-cum-missionary enterprise. It just won't do to go on paying lip service to the civilization thrust of a non-aggressive, non-violent way of life, admitting and even

encouraging on principle the widest diversity of views, ensuring as in-built secularism; and refusing to acknowledge and live by the very source of that strength at the same time. The hollowness and the hypocrisy of such cobweb attitudes cannot be concealed by inventing glib phrases and concepts like 'a composite culture', or 'a multi-national family'. They ring hollow, because neither can they explain the depth of religiosity nor the in-built depth of secularism. At most, they make dubious promises and lead to banning common expressions of greetings like 'Ram-Ram' or 'Jai Ramji ki' in the official network. They may satisfy the sentimentalistic and intoxicate the rhetorician: but what do they mean to the commonest as well as the most uncommon practitioner of that living faith and culture – to a peasant, for example, and to a pundit; to a Gandhi or to an Aurobindo? Surely nothing at all. Then, who do we seek to deceive in an era which has witnessed the exposure of such major scandals as the Dead Sea Scrolls deception?

Just review the series of events leading up to the event of December 1992. Just cast a retrospective glance at a few incidents that have hit the headlines in recent years: the court verdict on Shah Bano's case and the subsequent intervention of the highest power in the State to retract it: the banning of Rushdie's book which was banned in Pakistan itself; the related episode in Jamia Millia, involving the threat to the life of the senior professor who dared open his mouth; look at the drama often staged at the meetings of the Indian Council of Historical Research and remember the latest scene enacted at the recent Archaeological Congress in Delhi. What do they all point to? Some new version of the coward-bully syndrome? Or a slow transformation of it?

Why this chronic reluctance or inability to face facts as they present themselves? Why this abject compulsion to be anything but ourselves? We tend to think and act in a realm of disconnection. As if there is no living continuity between the ancient and the modern or the medieval and the modern experience of our historical existence. Do we not make ourselves thus the willing tools and accomplices of the imperialist and the missionary bullies – enacting and perpetuating their roles ourselves? Does not this lead to an effectual suspension or surrender of our own independent will and initiative to tackle our domestic problems? The communal divide continues intact and the so-called polarities are further sharpened by the very efforts that seek to reconcile or remove them.

One need not take the terms of that casual Gandhian categorization too literally; but they do make sense in a behavioural context. In fact, this categorization itself was obviously meant to expose the absurdities inherent in a relationship that has been made wholly unnaturally through the vagaries of history and through a self-inflicted mutual distrust. But precisely because of those conditions of its genesis. It is by no means of irremediable or irredeemable. Only the manner we have adopted to tackle our problems is crude and cowardly. It is like continuing to feed an adult on baby food.

And it is not just the slaves of the so-called secular ideologies among our intelligentsia who are responsible for this sorry state of affairs. A former Prime Minister availing himself of the national TV network to raise ad nauseam the daily spectre of a theoretic state. And he would be a political messiah purveying the belated wisdom of a wounded secular conscience are also victims of the same delusion. Both are equally unconcerned about the civilizational perspective. Can there be any respite from such public misfortunes with their killer instinct for publicity and power in a largely indifferent and ignorant milieu that is – in a demagogue's paradise?

Mahatma Gandhi could afford to be frank and forthright in his dealings with everybody. He had no use for half measures and subterfuge. His successors. However, proved unworthy of that legacy. 'Proselytization is the dead list sin that has sapped the very foundation of truth. He once told a group of missionaries that he had no illusions about their real motives although he appreciated their valuable contributions to the amelioration of human misery. Did he have any illusions about others? No; whatever one may think of the movements he launched, there is internal evidence to prove that he did not always think and act in terms of appeasing the bully and making room for the coward. After all, he was dealing with the very real insider and not with imaginery outsiders. He identified himself with the bully and chose to walk naked through the dusty and bloody corridors of history to redeem his conscience and his people. He had no illusions about the Hindu intelligentsia either. 'Hard-hearted' was the phrase he specially reserved for them. It is fair to say that he came to exhaust the limits of Hindu patience and tolerance in his own person and courted martyrdom in the process. Time and again he reminded his audience that he was a follower of the Sanatam dharma; his sheet anchor was the faith of his ancestors. He and Sri Aurobindo- apparently his political

adversary – are complementary aspects of the same tradition of the religion of the Self, the same common sense of the soul.

When and where then did things go wrong? Somewhere, somehow, a betrayal of that vision of *Young India*, opened up by men like Vivekananda, Sri Aurobindo and Mahatma Gandhi seems to have taken place. Somewhere, somehow we do appear to have forsaken that path and followed another – the path of the least resistance, dictated by expediency rather than the urge for self-realization. Who could have foreseen such lack of political will, such abject compromises, such failure of nerve and such proliferation of crises?

But why not? Had not there been signs of confusion and cowardice right from the beginning? The novelist E.M. Forster, who found Hinduism rather incomprehensible, but most profoundly enigmatic among the world religions, had, during his second visit in 1942, observed with deep dismay that ‘Indian intellectuals thought of nothing except politics; they hardly ever cared about economic and cultural issues and had no vision at all of national reconstruction.’

‘Our hard-hearted intelligentsia,’ Gandhiji once observed, ‘has been a constant nightmare to me.’ It is this hard-hearted and soft-brained intelligentsia then, which may be held responsible for the chaos that prevails today. They were hardly receptive to Aurobindo and for all the lip-service to Gandhi, they were never really with him. The Philosopher K.C. Bhattacharya had characterized these intellectuals as ‘shadow-minds’ who had buried their native soul within themselves and were content to live and act in an eternity of second-hand. ‘Swaraj in ideas’ – that was his prescription for national regeneration. He, too, was consigned to oblivion.

It would be foolish to thrust the whole responsibility for our tragic deviation on one particular leader. Of course, the dialectical challenge of the west had to be faced and coped with: there could be no easy way out. But hadn’t our most nationalistic and, at the same time, most visionary leaders taken all that into account? It was after all the patriot who pointed out the ‘foundations of Indian Culture’, and gave a resounding reply to the biased outsiders, who evolved into the sage, who wrote *The Human Cycle* and *The Ideal of Human Unity*. Wasn’t this mind at once the most Indian and the most universal? The values that the Mahatma struggled to exemplify and enact in his own life, which has a universal appeal and relevance.

In fact, these two complementary representatives of our tradition now appear to have been more radically and responsibly transformative of the human condition than Marx and Nietzsche – their European counterparts. True to that inheritance, Gandhi had declined to reduce his lifetime's work into what they call a clear-cut and well-defined ideology. Similarly, the luminous and lucid thought of Sri Aurobindo too yields its significance only to those who achieve a certain inwardness with his praxis, his sadhana. Life is too complex and mysterious to be capable of being reduced to a logical process. Reductionism and hatred-driven ideologies characterized our times. But our modern Indian sages, so free from the intellectual arrogance in their approaches to reality, cannot be reduced to a mere ideology.

So, Indian civilization, in spite of its lapses and loss of confidence, had indeed accepted the great dialectical challenge of the west on its own terms. Seventy-two years after independence, we are painfully learning the lesson that it is not enough to have had great leaders. It is the people as a whole – the average who have to raise themselves in moral and mental stature to be able to emulate such exemplars. There has to be a responsible and alert intelligentsia to bridge the yawning gulf between the sage and the masses. Obviously it is our intelligentsia that has failed to build the bridge and fulfil this role.

Let us remember that there have been several signs of conflict in the modern Indian mind. This was reflected in the controversy that had arisen between Tagore and Gandhi, Gandhi and Aurobindo, and Gandhi and Nehru. Sadly, the last and the most crucial of these dialogues was abruptly broken off by Nehru himself. Was it a marriage of incompatibles, foredoomed to failure from the very beginning? It is difficult to judge by hindsight. Perhaps Nehru was Gandhi's anti-self (alter ego) or creative mask, just as the West in general appears to be India's anti-self and creative mask. Clearly, Gandhi must have felt some elective affinity with Nehru. After all, the great leader of the masses had to come to terms with the leader of our divided and shadowy intelligentsia. Hadn't he himself declared his preference for independent personalities than mere loyal followers? 'The traditionalism of Indian civilization', Milton Singer observes, 'is not opposed to innovation and change, to modernity, to the foreign and the strange, Indian society has displayed a unique in-built resistance as well as resilience through the ages. Herein lies an interesting paradox: perhaps no people in the world community have shown such a sympathetic understanding of the

West as the Indians; yet, at the same time, no people seem to have offered it such resistance at the deeper levels.

So, in spite of the drift and disorientation, the omnipresent corruption and neglect of work-ethic, the optimistic view of an outsider like V.S. Naipaul – otherwise one of our severest critics-does not seem unwarranted. It is easy to achieve quick with a homogenous people accustomed to more or less coercive regimes, who can like the Japanese or even the Chinese combine feudal loyalties with modern technologies requirement. But the problem, the task of forging a modern unity and identity out of such complex diversity and plurality as we have fostered in our land is incomparably more challenging.

‘Each religion: as helped mankind,’ says Sri Aurobindo. ‘Paganism increased in man the light of beauty; Christianity gave him some vision of divine love and charity; Judaism and Islam taught him how to be religiously faithful in action and zealously devoted to god. Hinduism has opened to him the largest and the profoundest of spiritual possibilities. A great thing would be done if all the God-visions could embrace and cast themselves into each other; but intellectual dogma and cult-egoism stand in the way.’

Apparently, the life of Aurobindo himself as well as that of Mahatma Gandhi would appear to have been dedicated to precisely those possibilities. Gandhiji too had to contend, in his own way, with the same obstacles of dogmatism and cult-egoism. He too might have similarly expressed himself. That indeed is the destiny or the historic role which India as a nation-state or civilization state (whatever you choose to call it), would appear to be called upon to fulfil. India has to develop, therefore, into a strong, self confident and self-reliant country to be able to fulfil this civilization role, and realize the meaning of its existence among the world family of nations. To express it in this manner is certainly not to say that ‘India is a multi-national family’. No. Let us be beware of the traps that the ever-busy sentimentalists and rhetoricians have prepared for us.

A Synthesis of Indian and Western Philosophy in the Metaphysical Investigation of Descartes Inquiry

Chetan Kumar*

Abstract

Descartes' theory of mind and body is a western dogma of mental and physical distinction which confuses everyone in the riddle of causation of just two differently attributed substances. But it may be a mere confusion because if we take the example of yogurt, then we find that the yogurt is having the taste of sourness but milk has a sweet taste, though yogurt is manifested from milk. Indian philosophy follows the same analogy of milk to yogurt with mind and body, though mind is a more subtle entity or it has more abstractness where body is a rather cemented substance.

Introduction and Definition

Descartes had investigated a large number of philosophical problems in which the problem of mind and body is the self-originated concept by him. It leads to most of the modern and contemporary philosophical problems of mind. All mental expressions or processes have some form and these forms always need some space to exist, but in Descartes' sense only body, an extended entity needs space, for every metaphysical explanation of the mind-body problem. So, it is famously known as the philosophical investigation of the mind-body problem. The mind-body problem is observed by the question that, "how can conscious

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experiences like pain exist in a world that is entirely composed of physical particles and how can some physical particles, presumably in your brain cause the mental experiences?"¹ It has further been stated by Nagel that consciousness is the main difficult part of the mind-body problem.²

The word mind is derived from the Latin word '*mens*', which probably comes from the Sanskrit root word '*mena*', which means to know or understand. In Greek philosophy, this word comes closer to the soul because rationality and sensitivity are qualities of the soul³ which are the properties of mind. In fact, before our birth in the physical world, our soul lives in a pure disembodied state. According to Plato, the process of learning is simply the process of remembering that knowledge was already present in our pure soul. Our body is a vehicle of our existence on Earth; it is the temporary phase of the eternal journey of our souls. So, the general idea on summation is that each of us have a soul because we are conscious, intelligent and rational creatures in the world, and in very strict sense we are symmetrical to our soul because we are consciously rational being and in similar way we all are a mind or mental substance.⁴ Mind is taken as a non-physical entity that has not any size, shape, but it is a thinking substance. As the mind is not a material substance, it cannot be affected (or caused) by the physical world.

Now come to the conception of body. Body is derived from the Old English word **bodig**, whose origin is not known, which is defined as the physical structure, including the bones, flesh, and organs like brain, heart, kidneys, liver and lungs. The most important part of the human physiology is the brain, which is the controlling center of the rest of the body. It receives and sends signals to other organs through the **nervous system** and through secreted hormones.

Mind and Body are two separate substances (of human beings), so the reason for the development of all the philosophical problems is the inability to show the relationship between the body and the mind. The solution of mind and body problem is diverse in nature, and no concrete solutions are usually given by any known Western philosophical school. Except by some philosophers like Searle and Hamilton, in the western tradition of philosophy, mind and consciousness are taken as a single entity. Moreover, mind is considered as an emergent phenomenon of brain. However, there is no such problem ever seen in Indian philosophy

because of a clear separation between the mind and consciousness. (Except for *Cārvāka* school, according to which consciousness arises from the complex structure of the body).

Some Suggested Theory and Solutions

The mind is understood by many of its functional phenomena, whereas consciousness is a single unit which is the source of the mind. The human being is the composition of the mind-body relationship, in which consciousness is embodied in the form of self-consciousness, which is the feeling of self-existence. This self-consciousness synthesizes both mind and body in human beings. There are three major theories in western philosophy of mind and body problem, Substance Dualism, Reductive materialism and Non-Reductive Materialism.⁵ The first point is related to **Substance Dualism**. Every substance has some property which is the essence of that substance and for Descartes each essence has a different mode in which it occurs.⁶ Descartes proposes substance dualism in which he has classified two types of substances; there is a physical substance in the form of a body and the other is a non-material mental substance such as mind. The body has an extension and shape, which reflects the properties of its '**space-iality**.' It has a complex structure that can be divided. The mind can have different and opposite properties from the body because it has not any shape, structure and complexity, it is a simple and thoughtful substance.

To stabilize the relationship between the mind and the body, Descartes rendered the theory of interactionism. In the theory of interactionism, the causes of bodily activities are considered to be mind, and the mental activities are caused by bodily functions that have transferred to mind from body. The interaction between mind and body occurs in the pineal gland which is located in the cerebrum of the human brain. Every physical activity, through the nerve current, enters in the pineal gland and causes the activities of the mental phenomena. Similarly, mental actions come out of the pineal gland and carry out all the effects on the brain which are responsible for each physical activity. But Descartes has not given enough information about the pineal gland, which is like a bridge between the physical and mental world. This mysterious nature of Descartes' theory invites the concepts of divine intervention to stabilize the relationship between the mind and the

body with three principles. – ‘Occasionalism’, ‘Parallelism’, and ‘Double Aspect Theory’. According to Double aspect theory which is given by Spinoza, nature can express itself in the large number of attributes but humans can cognize only two attributes – thought and extension. Both thought and extension are appearing infinite in itself but through infinite attributes of nature or god.⁷ The theory of parallelism is another variant of the principle of divine intervention, mind and body are not attributes of God but they are two different monads which reflect each other in itself parallelly by the means of appetition and the God monad. But this principle fails to give legitimate reason to stabilize any symmetry between specific (or general) physical and mental events. Moreover, these theories provoke divine intervention and at an age when modern physics had assumed a preponderance. Hence, rationalists faced a number of challenges by empiricists, who postulated the necessity and inevitability of sense perception for the very inception of knowledge because for the empiricist knowledge must be objectifiable, expressible and communicable. So in the nineteenth and twentieth century, large number of philosophers endeavoured to subsume mind under the materialistic domain to overcome the dilemma of dualism which resulted in an objectifiable understanding of mind.

Mental Causation and Epiphenomenalism

Two types of causal theories have developed through interactionism, one of them is ‘mental causation’ and the other is ‘epiphenomenalism.’ In the theory of mental causation, mental processes like belief, desire etc., are the cause of any bodily activity. On the other hand, according to ‘epiphenomenalism’, any kind of mental process is caused by physical activities. Both theories easily get justification of the body, but mind remains mysterious, because mind is a subjective substance which lies beyond the domain of objective perception for empirical understanding. For example, in general, many mental activities such as thinking, dreams, etc., cannot be understood by the activities or actions of the body and vice versa. For some philosophers it is still the main fundamental problem to establish the causal relation between mind-body.⁸ Searle has stated that it seems impossible to establish a causal relation between substances of two completely different meta-physical domains in which one is the physical realm of extended material objects and the other is the mental or spiritual realm of mind or souls.⁹

Reductionism

Now there is another theory for mind-body problems which is well known as reductive materialism. In the concept of reductive materialism the immaterial entities can be reduced to physical substances. This principle is based on two types of theories – ‘logical behaviourism’ and ‘identity theories.’ According to the theory of logical behaviourism; a ‘mind/mental’ -- ‘physical/bodily’ identity statement expresses that our mental phenomena is an expression of our behaviour. Expression of pain is ‘ouch’ which is a kind of expression of our behaviour and the behaviour is expressed by our body. So, the activity of the mind is known for a moment from the functions of the body. But more often, our mental activities have been expressed very vaguely by our behavioural dispositions. For example, many times our thinking cannot be recognized by our behavioural activities. Now the identity theory states that ‘mental state’ can be identified with the functions of the brain and the process of neurons. To criticize ‘identity theories’, we cannot interpret the quality of feeling through the brain process which leads to explanatory gaps¹⁰ between mind and body that has been formulated in the form of hard problems of consciousness.¹¹ The theory which is opposite to the above discussed theory is Non-Reductionism. According to this theory, one cannot reduce the ‘physical states’ into the mental states because only the physical substance exists in the world and ‘mental stuffing’ is formed from the physical substances. There are two types of theories present in the non-reductionism, one is functionalism and the other is anomalous monism. According to functionalism, all kinds of ‘mental state’ can be known by different roles of functional activities. If that happens then the function would be very ‘abstract’ to capture any (and particular) mental states. In anomalous monism, all activities, even mental activities, are physical events which are the parts of bodily activities. It means that physical substance is presented and mental substance is formed by the stuff of material object. Therefore, there is no such mental state that could not be described by a physical substance.

Some Contemporary Arguments

Now in the contemporary age, the problem of mind-body is being extensively extended, in which the ‘*qualia*’, ‘subjectivity’, ‘consciousness’ and ‘attitude of first-person perspective’ also come in

the area of problem. As according to Sydney Shoemaker we need to see how mind takes its parts in the physical world and in a more general sense we must see how our mental phenomena like consciousness, intentionality, subjectivity etc., can make their place in the naturalist world view. For him, mind is synonymous to brain which has evolved from a long biological physico-chemical process.¹² But it is just as the old wine in a new bottle, or the repetition of same physicalist *Cārvāka* thought in the new English word instead of old *Sāmsakṛòta* word.

Following the above principles, it has been observed that except substance dualism, all theories are trying to show that mind is an 'emergent phenomena' of the brain or few of them treat mind and brain as synonymous with each other and moreover, they advocate the theory which asserts that consciousness has emerged from the mind or brain as mentioned by Crick and Koch¹³ – consciousness is based on neuronal 35-75 hertz oscillation of neurons which is present in the cerebral cortex. It is feasible to say that, the mind is a physical entity; even pure consciousness descends through the physicality of the universe in the form of self-consciousness in human being. Hence, consciousness is related to materialism in humans and this is the reason that mind can develop from consciousness. So, three types of mistakes occur in western philosophy – Taking the mind as a non-physical entity, assuming consciousness develops from the mind or the brain, and treating the mind and the brain as a single substance.

These are the several reasons for continuing the debate over the mind-body problem in western philosophy. The 'Mind-body problem' is considered as the unsolved problem of philosophy from Descartes to contemporary time¹⁴ because in western philosophy consciousness and mind has been treated as a single entity or considering the consciousness as a product of mind and by accepting mind as an emergent phenomenon of brain like the *Cārvāka* school in Indian philosophy. According to *Cārvāka*, consciousness arises from matters in the brain and body in a similar manner in which alcohol is produced from fermented yeast. On the other hand, some western philosophers argue on the distinction between mind and consciousness. As it could be seen that John Searle assumes that consciousness is first-person ontology whereas brain is the third-person phenomena.¹⁵ In some way, we should take the sense of consciousness from awareness, and even Descartes argues that thinking means awareness and awareness of all mental, physical and

sensory activities.¹⁶ Now as we know that in a lot of cases we are aware of something, but it does not mean that we are in a thinking state at that time, for example, when a very fast running vehicle instantly passes in front of us, at that moment it is impossible to think but we have an awareness of it.

Solution of Problem

Our mind is a processing substance. At the internal level we have awareness of mental activities such as emotion, desire, etc., and at the outer level, we have awareness of the external world and we try to establish relationships at the inner and outer level through our mind as it happens in the process of perception. Moreover, Hamilton gave some more psychological arguments, for awareness, according to him, our mental phenomena such as knowing, desire and emotion are different from each other but there is a similarity between all these mental incidents, as “Can I know without knowing that I know? Can I desire without knowing that I desire? Can I feel without knowing that I feel? This is impossible.”¹⁷

Now this ‘I know’ is considered as ‘awareness of self’ and this self-awareness is assumed as self-consciousness, thereby, we know that first of all, I am aware of my-self as ‘I am’ – ‘I have my existence’ which is known as ‘*Vijñānamaya*’ then I get aware of the rest of the world. When we become phenomenal our awareness is related to worldly and bodily experiences. All these worldly and bodily experiences are in the form of a single unified consciousness and Kant termed it transcendental unity of apperception (or transcendental unity of self-consciousness).¹⁸ Now this self-consciousness appears differently in the function of mental phenomena, such as phenomenal consciousness, access consciousness, monitoring consciousness etc. The reason behind this is when self-consciousness is not in a functional state, then it remains in the situation of dreamless-sleep state which could not be treated as a phenomenal state. In this situation mind has dissolved in self-consciousness.¹⁹ But when a person is in a dream state or waking state then these states happen due to mind which manifests itself from self-consciousness. All cognitive faculties of *antaḥkaraṇa*²⁰ are led by self-consciousness. The ego and all other remaining faculties of *antaḥkaraṇa* create the ability of phenomena like perception, volition, affection etc. Perception occurs in the presence of an object of perception

but according to Kant it may not matter that the perceiving object exists in the physical world. Likewise, for the sake of argument if we take intentionality which means to be toward something and it is controlled by belief and desire of a conscious being. These beliefs and desires are the products of a process-full mind and its *samsakāra* (the mentality for belief and desire) which is condensed in *cit* and it would be treated as subconscious mind. It has not ever been seen in dreamless sleep because the content of intentionality like memory and desire get suppressed by *tamogūṇas* or mind gets diluted in self-consciousness with the continual feeling of 'I am'.

Now as it has been mentioned already these *samsakāras* have developed through the experience of past life which is condensed in our *cit* in the form of dense experiences. So the experience of quantity of pleasure and pain which is a known qualia or the hard problem of consciousness or the explanatory gap is resolved in the concept of *samsakāra* because pleasure or pain is presupposed by *samsakāra*. It is the subjectivity of a people. Each person has different experience of pain and pleasure due to differences in their mindset which is simply called as *samsakāra* in Indian thought. One person feels pleasure in a given situation but another one feels pain in the same given situation. Similarly, one feels more pain than others in the same situation of pain by the reason of difference in *samsakāra*. Moreover, according to Descartes, in each perception people feel either pain or pleasure and for Kant an object which is given to our sensations, we cannot be aware of it unless it cannot affect our mind. These affects happen due to a-priori forms of the mind. These forms are subjective and they connect with each other to formulate the concepts of understanding. The subjective pleasure and pain or *qualia* happen by these forms as if we feel pain then the form connects to a similar form which is the resultant force of pleasure of individual but if the form contradict each other then the pain could be created and reserved might also be possible but for all kind of qualia or quality-quantity of experiences are done by these connection of a-priori forms of mind which are mere *samsakāra*. These *samsakāras* contain all kind of representation like thoughts especially higher order thought, etc., which are the logical formulation of forms of representations. But these are synthesized in the manner through which a personality of a person would evolve in a unified manner as a memory of his self for western philosophers.

This is a reason that in western philosophy self is nothing but a stream of memory or mental impressions. They think so, because they correlate self with the impression which emerges a-priori by perceptions or sensation and the moment they cannot perceive anything then they treat self as void. As Sartre claims that the self is empty self and it connects to the external world by negating itself. It supports the idea of existence precedes essence and the essence of self is void with respect to external world. It advocates the idea of being for – itself and being in-itself, in which being in-itself represents unconsciousness external world and being for itself stands for consciousness self which witness the external world. Sartre’s explanation corrects for the concepts of witnessing property of consciousness but self-consciousness could not be void because according to *Chāndogya Upaniṣad*, everything manifests from self-consciousness so it is impossible to accept the reason according to which everything comes from nothing.

Now the question is: what is the source of self-consciousness? After investigating several solutions on the mind-body problem ‘Chalmers’ concludes that – It is hard to reject materialism because we do not have any alternatives to accept.²¹ The source of self-consciousness is founded in materialism, which is justified by the facts that “when the energy of the fundamental matter (*prakṛti*) gradually increases, it acquires the form of *caitanya* (consciousness)”²² (*Tilak*, B.G., 2000, p. 218). It may be reassured by a recent observation that consciousness grows out of the matter only when it becomes organic in the process of evolution²³ (*Singh*, S.P, 2012, p. 17). For the justification of facts, three ways are given in the *Sāṃkhya-yoga* and *Upaniṣad* philosophy we should look into them for the sake of an argumentative solution. According to *Sāṃkhya-yoga*, consciousness primarily exists in the form of pure consciousness which is known as *kevala Puruṣa* for *Vijñānabhikṣu*, and this *Kevala Puruṣa* is in a single centric form of *parama-atman*. After that when it descends in living-Soul (*Jīvātman*) then it becomes many-centric and that is assumed to be many *Jiva-atman*.²⁴ The transformation of *kevala Puruṣa* into *Jiva-atman Puruṣa* happens due to *Guṇas* of *Prakṛti*. These *Guṇas* make *kevala Puruṣa* from one to many through the process of connection to the *upādhis* (sense organs, etc..) These *jivātman Puruṣas* now associate with the connections of fourteen *Karaṇa* (three *Antaḥkaraṇa* and eleven *bāhyakaraṇa*) which unites internal and external *Jagata* in a synthetic manner. In other, worlds mind and body are synthesized by *Guṇas* of *prakṛti*.

Now come to the Upaniṣadas arguments, in which according to Chandyyoga Upaniṣada, the *Brāhmaṇ* (or *sat*) desires to become from one to many through the process of *kāma* or desiring force, thereby this *Brāhmaṇ* first of all manifests in white colour then white to red and then red to black²⁵. The property of white, red, and black is respectively similar to *sattva*, *rajas*, and *tamas guṇas* in *Sāṃkhya* philosophy. According to *Taittirīya Upaniṣadas*, there is no absolute difference present between physical and mental substance. It means that one subtle substance is relatively non-material to the substance which is less-subtle than that substance. As mentioned in one of the commentaries of *Taittirīya Upaniṣadas* – If *Ānandamaya* is considered as body, then *Prāṇamaya* simultaneously becomes its soul. If *Prāṇamaya* is considered as the body, then *Manōmaya* at the same time becomes its soul. If *Manōmaya* is taken as a body, then simultaneously *Vijñānamaya* gets converted into its soul. All these are conditional. We can see that it is hard to find absolute division of soul and body. In the place of division, we get a hierarchy for these entities. In this hierarchy if we see one end we find the body where as in the other end the Soul but the entire range transcends both mind and body to something else,²⁶ which is considered as pure consciousness.

Given that pure-consciousness descends in the form of self-consciousness in the human being through *Guṇas* of *Prakṛti* in *Sāṃkhya* Philosophy and through the conception of relative materiality/non-materiality of *Taittirīya Upaniṣadas*. Human being has always felt its being-ness. The feeling of world is felt by its own in form of being-ness (I am). In feeling of being-ness his own, he/she is aware about his actions and all mental activities. There is the presence of rationality in the background of every human action (or work). This rationality is the product of the human mind and the mind works in the domain of awareness. This awareness itself is the self-consciousness as mentioned above. Now every human being has sense of doer-ness in every rational action excepting habitual dispositions. The feeling of doer-ness in human beings is always present except in a dream-less sleep. All these feelings reside in the feeling of self-awareness. First of all, human being has the feeling of ‘I am’, and then the other things in the universe like mind or body evolves on the substratum of ‘I am’. This means that each substance like mind, body etc., gets recognized in the light of self-awareness or self-consciousness. These substances get acknowledged by their functions and its processing form which would be held in the

light of self-consciousness because every '**is-ness or being-ness**' is the essences of all subjective and objective feeling of every humans is related to the feeling and awareness of its own existence which is the 'I am'— self-consciousness.

We can solve the relation of Mind-Body in the concept of Time-Space. Human world is a composition of time and space, in which time is related to mental phenomena, and space is related to physical phenomenon which has extension. It is correct for time, but it is wrong for space through given argument. The concept of time relates to the memory of the past, the continuous experience of the present and the conceptions of the future. These factors of time are related with the mental activities which are the set of constant changes of space at mental level because we experience space by our mind through giving attention on present or past moment at a given time. This attention is a mental faculty and is not a physical property because attention has magnitude of changing periods of the time. Moreover, in a particular moment our mind gets filled with the one kind of the filling which shows the theory of spatiality of mind. Furthermore, if Descartes argue that thought is a mental activity then he had to think about that all thought become functional through the process of thinking and in every process of thinking mind gets indulged in the sequence of feelings which coincide with our thinking process. These feelings have some quality of spatial property but not temporal and our mind gets filled with one filling at a moment then other after sometime which play the role for understanding of time due to the continual change of feelings of space. These all are related to the human experiences, which exist in the realm of self-consciousness, which means 'I am' which is mentioned in the Indian *Upniṣada*. Other assumptions, whether thought-expansion, mind-brain, process-structure²⁷ and life get synthesized in self-consciousness of human being. This self-consciousness of human being is the greatest unity that not only unites the connection of the mind and body, but also unites the system of the whole universe in the contextual relation of space and time. Therefore, human is in the centre of the universe, which includes all types of interaction between mental and physical substances.

The problem of mind-body relationship will be solved only when we synthesize the process of mental phenomena (or mind), from its source, that is self-consciousness. The process of this mind is found in western philosophy and its source is found in Indian philosophy.

Therefore, not only for the solution of the mind-body relationship, but to form a systematic order of philosophical development for the more proper solution of metaphysical and epistemological problems, we need to synthesize Indian and western philosophy in the form of source and process (or functions) respectively.

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Notes

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Symbolic Dynamism in Tagore's *The Post-Office* and *Mukta-Dhara*

Durgesh Ravande*

A literary symbol writes an image and an idea or conception which that image suggests or evokes. —Northrop Frye

Abstract:

Rabindranath Tagore, a genius, lured the world with his poems, songs and stories. His plays are equally noticeable but could not reach beyond a borderline attention of the readers. The technicality of his plays may still be an issue of debate, but the aesthetic pre-eminence attained through ample symbols and metaphors as a language of allusion certainly formulates a distinct place of Tagore. The dramatic oeuvre of Tagore is broadly categorised as Realistic, Classical and Symbolic. In the limits of the present research paper; the researcher bounds himself to the study of symbols and their denotation in the plays such as *The Post Office* (1912) and *Mukta-Dhara* (1922). Symbolism in literature is using symbolic images to express mystical ideas, emotions, and states of mind. A semiotic study of these plays brings before us Tagore's introvert expression in a lucid but powerful language that connects the reader or spectator with Tagore's spiritual credence through his philosophical concern at large.

Rabindranath Tagore (1861-1941), a multi-faceted genius, a spiritual preceptor, has left his artistic distinction for the generations. Besides a poet, he is a known figure in the field of novel, short-story, prose and

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plays. His contribution in painting and other art forms as well recognised. Tagore, as a playwright, receives considerably a moderate attention of the researchers, scholars and general readership, though he produced a number of quality plays and gave a completely new style to Indian theatre. The plays of Tagore may be classified into eight groups such as musical, verse, poetic, symbolic, prose, comedies, nature and dance drama. The Western theatre was imitated in those days not specifically in Bengal but in different parts of the country but it was not Tagore's choice. His aspiration was to assimilate modernity with an integral spirit of Indianness. Therefore, a unique assimilation of eastern and western elements is the characteristic of his plays. The technicality of his plays may be an issue of debate, but the aesthetic pre-eminence attained through ample symbols and metaphors as a language of allusion certainly formulates a distinct place for Tagore. The dramatic oeuvre of Tagore is broadly categorised as Realistic, Classical and Symbolic plays. In this regard the paper is sent to the study of symbols and their denotation in the plays such as *The Post Office* (1912) and *Mukta-Dhara* (1922). Sudhir Kakar, a noted biographer of Tagore aptly mentions: "Artistic creativity is the translation of this truth into our own symbols" (10). Similarly, the symbols in the plays of Tagore transform the spiritual truth to reveal his artistic destination. Thus, in the overall exploration the signs or symbols receive a prominence. The contemporaries of Tagore such as Yeats and Maeterlinck were the prominent writers who propagated a skillful use of symbols in poems and plays respectively impress Tagore on the similar line. The common factor in these three is the use of natural surroundings to develop the plot. Actually, Semiotics is how meanings are made and how reality is represented through a sign system. The present research formulates the objectives such as exploration of the dramatic symbolism in Tagore, illustration of the message of spiritual freedom in the plays *The Post Office* and *Mukta-Dhara* and also an elaboration of Tagore's endeavour of gifting a new dramatic form amidst Western theatrical imitations.

The Indian English Drama of pre-Independence phase consists either the influence of Western canon or William Jones, H.H. Wilson, and Sylvain Levi which influence, the National Theatre of Hindus. The First Indian drama in English was written in 1831. Krishna Mohan Banerjee wrote the pioneering play *The Persecuted* or *Dramatic Scenes Illustrative of the Present State of Hindu Society in Calcutta*. It is a social play, depicting the Brahmin tricks to cheat the common people. Later on, Michael Madhusudan Dutta, the famous poet translated his

three Bengali plays into English. His translated plays are - *Ratnavali* (1858), *Sermista* (1859), and *Is This Called Civilization?* (1871). These translated plays procured the further development of Indian Drama in English. On the other hand, the history of Bengali drama can be conveniently divided into three periods—early, middle and modern. The year 1852 in which the first Bengali drama appeared with the establishment of the first Bengali public stage in 1872 in the early period. During this time, Bengali drama developed under the patronage of only a few amateur stages. Translations from English and a few Sanskrit, imitations and experiments were the characteristics of this period, though original talents like those of Ramnarayan Tarkaratna, Michael Madhusudan Dutta and Dinabandhu Mitra were not lacking.

Bengal became a centre of purely aesthetic activity. It's been shaped in such a way that the pleasure of audience was brought to the centre. Without crude scenic effect, Tagore strived to provide a living reality to Indian spirit, the struggle for freedom through the technical devices on the stage. For Tagore, it was an endeavour to restore the classical stage with a skillful acceptance of western theatrical practices to formulate a unique theatre which may not be technically sound but be unique in its own way.

According to Ernest Cassirer: "In a wider sense symbolism is a fundamental activity of the human mind – the power of actualizing inarticulate experience in some apprehensible sensible form" (Hough:129). It can be argued thus that art is nothing but a system of symbols and it "... is for evoking in our mind the deep sense of reality in its richest aspects"(Tagore:140).

The genius of Tagore as a symbolic playwright can be seen in his skill of bringing the character into action. It can be supported with Eliot's statement: "For character is created and made real only in an action, a communication between imaginary people"(Eliot:95). Tagore in his most productive dramatic phase sought theatrical experiments. In these experiments, his desire centred around creating an activity embodied drama. In this way, it is not unnatural to associate Tagore's experimental endeavours with a type of theatre which was not experimented before him.

Tagore is among a very few theatrical figures who revived the culture of modern India through plays. The phase (1912-1922) in which both these plays were written really incorporated a new sense of life in the minds of audience. His deliberation was associated with a new/different acceptance of the life experiences. He became more symbolic.

The influence might have, as stated earlier, borrowed from Yeats and Maeterlinck that encouraged him to write his plays in a symbolic language. Though there is a remarkable assimilation of symbolic expression in his poetry, particularly *Geetanjali* it strengthened his literary excellence and provided Indian drama with a new form of expression.

Spiritual ambit stands as the core of his plays. The symbolic ambience in the plays of Tagore seeks a spiritual destiny. Tagore himself reveals: "For each tackle dramatically a spiritual problem which concerns itself with man's fullness of growth in form of his identification with nature" (Chakraverty, 6). The plays of Tagore focus the process of evolutionary dynamism. Therefore, the characters of Tagore are not mere walking shadows on the stage as his characters are individualized as well universalized at one and the same time. Further, they stand either on the side of spiritually awakened or unawakened.

Weird sensationalism of Maeterlinkian sect was not Tagore's destination but combining it with the freedom struggle of the nation by arousing nationalist fervour in the minds of his fellow Indians was considered a moral responsibility as an artist. It was a message of transcendence, he desired to convey through his plays. There is a pattern of interrelated responses in Tagore through which the values of life are being conveyed. Though the plays of Tagore are being considered as an incomplete phenomenon; there is a sense of completeness in his plays and it comes through the deliberation of idea, its unique demonstration on the stage and its recognition as traditional and modern at one and the same time.

The first play of Tagore *Praktir Pratishodh* (1884) reminiscences the core message in the writings of Tagore i.e. the joy of attaining the Infinite with finite. Tagore believed in introducing the original dramatic forms rooted in Indian traditions or the forms which were not properly brought on the stage by his precursors in Bengal or in other parts of the country. Like most other dramatists, he believed that play comes to life only on stage. The plays, as Tagore believed, are based on reality and human being as their real subject. Unveiling the structure of his plays does signify the human spirit in them. As there cannot be a play without a conflict in it, the conflict in the plays of Tagore is an internal conflict between the mind and spirit.

Before discerning symbolism in the plays chosen here, it would be appropriate to emphasize a few characteristic of symbolization in the plays of Tagore. The driving force for Tagore behind the use of symbols

is spirituality. The uniformity in both the plays is the form of action – the overall development is reaching the state of awakening. Further, the diction formulates more than one level of reference to add more, the acting of his characters is natural and suggestive.

The play, *The Post Office* is momentous for its combination of elements. The play in two acts assimilates the facets of Amal's nature, his longing to get involved in Nature and her surroundings, symbolize his transparent character. The play also stands for a continuous conflict between values. Edward Thompson argues: "...a moving piece of work. It is full of feeling, and the handling is delicate. The language is of an unsurpassable naturalness, the speech of the streets purged of all its grossness yet robbed of not one drop of raciness" (Thompson: 214). The conflict in the play, on the other hand, leads ultimately to a realization. Tagore tracks a spiritual path through the tragedy of Amal and also strives to relate it with his childhood confinement. Amal's very peaceful transition from sleep to death is the most striking aspect of the play. Sudha's entry in the end with a cup of flowers in her hand symbolizes her tribute to Amal's generous, kind spirit. Though, they met for a very short period of time but a bond of affection between them was unshaken. Amal always wanted to mix with boys and girls of his age but the illness and forced confinement followed, trapped him in a cage-room. Yet his longing to cultivate the inner crop of joy stimulates to form a friendly relationship with whosoever comes across irrespective of their age and background. In his letter to Andrews, Tagore mentions: "Amal represents the man whose soul has received the call of the open road – he seeks freedom from the comfortable enclosure of habits sanctioned by prudent and from the walls of rigid opinion built for him by the respective" (Chakraverty, 233). Amal is confined within doors. He glances through half-opened window and strives to maintain a contact with the world in which he is unable to take any part.

He talks with the dairy man, the watchman, Sudha and a troop of children who stand at the other side of the world in which he cannot get involved. His interaction with these ordinary individuals, a frank and unintentional interrogations, encouraging the nature of their jobs symbolize a humanly innocence of the playwright towards laymen. Amal's conversation with the dairyman runs thus:

AMAL: Your village? Is it very far?

DAIRYMAN: Our village lies on the river Shamli at the foot of the Panch-mura hills.

AMAL: Panch-mura hills! Shamli river! I wonder. I may have seen your village (22).

His fearless attitude while talking with watchman connotes the freedom of mind he enjoys at the moment. He conveys his desire of becoming a postman to the watchman because according to him it is the sacred job ever.

AMAL: I'll be the King's postman when I grow up.

WATCHMAN: Ha! ha! Postman, indeed! Rain or shine, rich or poor, from house to house delivering letters – that's very great work! (35).

His yearning to message happiness to the people through a postman signifies his humanistic approach. On the other hand, it illustrates Tagore's liberal humanism at large. The headman who shows a little sympathy with the boy and his illness yet he is not in Amal's list of disliked people. Even he warns him of complaining to the King; Amal's response remains generous as he does not bother for headman's arrogance, dislike for his father Madhav. Amal does not speak with the outsiders to win their compassion but it is his inborn nature. His passionate dialogue with the girl of his age pronounces his calm and composite nature.

Amal is very much concerned with enjoying Nature than bothering about his illness. Madhav warned him not to stand by the window and should not talk with the passerby. But the innocent mind of Amal strives to escape the worldly restrictions and celebrate the freedom of mind. As he realizes very well that he won't be allowed to leave the room and participate in the celebration of life. Hence, he procures to celebrate the freedom through his imagination. He visits the hills and mountains and the other beautiful sites of Nature to fill the vacuum of bliss in his life. Though he is an orphan, adopted child; Amal does not want to lag behind in securing the paramount pleasure of life. Being a strong advocator of Naturalism, Tagore champions a need of pragmatic association with Nature and her beauty. Thus, Amal speaks the words of Tagore: "Oh, I will walk on, crossing so many streams, wading through water. Everybody will be asleep with their doors shut in the heat of the day and I will tramp on and on seeking work far, very far" (18). Amal counters the opposing forces such as Madhav, Physician, the headman who prohibit him from getting involved in the outside world and thus suppress his metaphysical dreams with sweet, delicate responses. A connectivity he strives to establish with the landscape which is beyond his reach still lingers in his imagination. It stands to rescue him from all kinds of worries, pains, and despairs. Therefore, he

strives to keep it alive through the window of imagination that opens to the other side of the world.

On the other hand, Thakurda, (The role played by Tagore himself), concerns Amal's dream. He encourages him to receive a letter from the king which may be received from newly established post office before his house, because the letter he wishes to receive from the king is the letter of his emancipation. Madhav's mundane passiveness and Amal's constant desire of freeing himself from the bondage of finite is the actual conflict in the play.

AMAL: Mayn't I be out of the courtyard at all?

MADHAV: No, my dear, no.

...

AMAL: Wish I were a squirrel it would be lovely (10-11).

Mystical yearning, aspiration for spiritual realisation, a conflict of values, and poetic sensibility are some of the prominent symbolic aspects in *The Post Office*. Amal is a symbol of a polar star-i.e. an absolute or relative truth. It would be worth to cite here that "He (Tagore) maintains, like Bridges and Wordsworth that spiritual elevation consists in man's loving response to the beauties of nature." (Sathiraju, K.:51). To put in nutshell, *The Post Office* is a thirst for an undefined destination.

The play *Mukta-Dhara* is an allegorical representation of the author's passionate belief in the freedom of the spirit as against the organised power of the state and the machine. It is about crisis of modern civilization and machine, temple, streams are the three major symbols in the play. The dam in the play symbolizes the free flow of water. A conflict between an urge to free an imposed imprisonment is the soul of the play. This conflict or urge of freedom symbolised through various symbols that become the glory of the play and also a poignant example of Tagore's dramatic skill where symbols find a unique significance. It is in his symbolical plays particularly *The Post Office* and *Mukta-Dhara*, Tagore presents the core message of Indian spirituality i.e. freedom with an integral meaning. The play was translated into English as *The Waterfall* by the dramatist himself in 1922 and it was published in *The Modern Review* but the English translation of the play in book form got published in 1950 entitled *Mukta-Dhara*. There is a least possibility of learning the covert aspects in the plays of Tagore if the essence of symbols has not been received well. Tagore

also derives from his days to associate his prolonged desire of freedom broadly a long lasting desire of freeing the soul after attaining the knowledge of the soul. The characters in the present play stand on two opposite poles – King, Ranjit, Bibhuti and the people of Uttarkut favour the construction of a dam whereas Abhijit, Dhananjaya, Vishwajit and Sanjay oppose its construction. The conflict between these two forces of idea symbolizes a continuous strife between two set of human minds. It is political in nature as two groups of people stand on two opposite fronts with their differing objectives. The political convictions in the play epitomize the essence of the play.

The dramatic design of *Mukta-Dhara* is unique as the play is a structure of distinguishing factors that formulate a compact and free flow of happenings in terms of different situations in the plot. The contrasting views of the characters from both the groups have different messages. “It (the dam) looks like a demon’s head, a griming skelton head, lying in wait to devour your city in its sleep. To have before your eyes night and day will dry up your souls like dead wood” (10). Tagore signifies the design of the dam as a sinister objective as he finds it a politically motivated decision. Construction of a dam symbolizes the hidden agenda of dividing the people in the name of the dam.

The conflict at multiple levels in the play is not overt but covert in nature at many places. Tagore has been a strong supportive of liberal humanism through his writings. In the sharp conflict between narrow nationalism and liberal humanism, Tagore favours the other. The ideological contrast is found in opposite objectives of two prominent characters in the play.

Bibuti: To them the gods gave only water, to me they gave power to imprison the water (12).

Abhijit: I realized the truth – the throne of Uttarkut is the dam which binds my spirit. I have taken the road in order to get it free (27). His realization symbolizes prince Siddarth’s realization of life. *Mukta-Dhara* is a conflict between humanity, development and nature. The play is also about man’s victory over machine, achieving an eternal freedom through a refusal worldly bondage – human salvation and the voices of royalty. Tagore speaks his ideological humanism through Abhijit standing on the pedestal of idealistic behaviour. The human virtues formulate his personality. His realization of life sets him to stand against the construction of the dam, as it was against the rights of the people of Shiv-tarai. The character of Abhjit is the most powerful spiritual force in the play. Even though he has least entrances/entries on the stage; his

actual effect is monumental and in no way can be surpassed by any other character in the play. “His life has a spiritual relationship with the waterfall; that its voice was the first voice greeted him with a message when he came to the world”. The playwright argues in the play that machine affects the human life, therefore, it should be demolished and without sacrifice nothing can be achieved in human life. The sacrifice as one of the prominent human values that shape an ideal personality is being symbolized in the end of the play through Abhijit’s flowing away with the current of the waterfall while demolishing the dam. He frees the flow of the water to its natural being and also frees himself from mundane through a willing sacrifice of life. Unification of the symbolic images, the involvement of human values in symbolic formation makes *Mukta-Dhara*, Tagore’s masterpiece.

It can, therefore, be observed:

- 1) Tagore strives to revive the traditional Indian theatre but with a concern for modernity.
- 2) Not like his predecessors; he consciously inherits the conventional dramatic form.
- 3) The roots of New Indian Theatre are there in Tagore’s theatrical experiments.
- 4) The plays of Tagore lack technicality due to their closet nature.
- 5) There are one or two occasions in Tagore’s literary career when he was completely associated with dramatic writings.

Conclusion:

Modern Indian identity broadly speaking Indianness has a very meaningful, logical acceptance in Tagore, because there is faith in our traditions but at the same time, it is linked with contemporary concerns.

Tagore’s spirituality as one observes in both the plays is not mere mysticism but a revival of connection with all forms of life. Therefore, one cannot associate his spiritual concerns with conventional spiritual faiths but profound meaning be added. His spirituality is not a day dreaming but a thoughtful acceptance of underneath changes in human personality. The revival of Indian spiritual values has a different connotation in Tagore. He is not rigid in the process of accepting the life values because he admits a combination of values irrespective of their place of origin. Therefore, there is no severe east-west conflict in Tagore but a very thoughtful acceptance or denial. The message of freedom in both the plays is common to discover but Tagore rather

speaks a different freedom altogether. Amal's freedom in *The Post Office* is his escape from physical pains and also from a forced confinement that stops him from the involvement in Nature and her beautiful landscape. He represents the pains of thousands of children like him who are not allowed by their parents to meet Nature with all openness of mind and body. Whereas, in *Mukta-Dhara* Abhijit's freedom in the end is symbol of sacrifice and also a political awakening of an individual. In this way, the symbolic freedom in the plays of Tagore transforms an individual from the state of darkness to light.

Indian identity broadly speaking Indianness has a very different acceptance in Tagore, because there is faith in our traditions but at the same time, it is linked to contemporary concerns. Tagore's spirituality as one observes in both the plays is not mere mysticism but a revival of connection with all forms of life. Therefore, one cannot associate his spiritual concerns with conventional spiritual faiths but anticipate a profound interpretation on the part of the reader. The plays of Tagore, in short, are the plays of ideas. There may be least political or any serious conflict in the play but the metaphysical, symbolic nature of his play rejuvenated Bengali theatre in particular and Indian theatre in general. Tagore stands at the isthmus where divert currents meet but provoke a philosophical, symbolic meaning that transformed the very nature of drama of his time. His aspiration of reaching the universal through the particular is being achieved through these celebrated plays.

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The Association Between the Work-Life Balance of a Working Woman, Family/ Social Support and Organizational Support: A Review

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Abstract:

The purpose of this paper is to examine the literature relating to work-life balance of working women and the role of family/social support in their ability to strike the right balance between the two important domains of work and life. The paper provides an overview of key work-life balance literature pertaining to women workers with specific attention given to the role of family/social support in helping achieve a good balance. The key findings emerging from this literature review focus on family/social support and the impact of this parameter on the work-life balance of working females. A proper family/social support can alleviate to a large extent, women's complaints about their inability to manage both the fronts effectively. The role of organizational support is also investigated and the results indicate a positive relationship between organizational support and work-life balance. The article offers a synthesis of evidence from sources that are rarely drawn together – embedding work-life balance experiences of working women in context of familial and social support. The paper expands the relevant literature in the given field and underscores the interconnected nature of a healthy work-life balance to family/social as well as organizational support.

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Introduction

A happy person is a happy worker. Maintaining a stable work-life balance is an important issue facing women who find themselves trying hard to strike the right chord between the antagonistic demands of work and career. In other words, they try to disentangle the question of whether women's increasing labour force participation has created a disharmony between her professional and personal life. Research into this area is ongoing and this article examines the findings from such research to put forward recommendations for industry consideration.

There are three key themes to the current article. Firstly, the paper examines the literature of work-life balance in general. Seminal work by researchers such as Kirchmeyer (2000), Greenhaus, Collins, and Shaw (2003), and Eby, et al. (2005) has underpinned work in this area. Schwartz (1989), Clark (2000), Hill, et al. (2001), Esther Otis (2009) and Asiedu-Appiah, et.al (2014) have also made significant contributions. Much of this research examines the role that constructs such as family/social support, family responsibilities, work load, organizational support etc. play in contributing to a woman's healthy work-life balance.

The second theme emerging from the literature mainly focuses on family/social support as an attribute and its impact of the work-life balance of working women. This section investigates the role and importance of a strong family/social support for a female employee. Noordhoek and Smith (1971) specifically focus on the effect of household activities, division of labour and family power structure on work-life balance.

Finally, the third theme points towards the importance of organizational support in helping an employee to attain a better blend of professional and personal activities esp., working women. Higgins, et al. (2000) research, for example, into the role of organizational support in identifying the factors that create a positive link between organizational support and work-life balance.

Theme 1: Work-Life Balance

Work-life balance and its constructs have been consistently found to influence how people cope at personal as well as professional front. Greenhaus, Collins, and Shaw (2003) also defined work-life balance as

'the extent to which an individual is engaged in – and equally satisfied with – his or her work role and family role.' Much of the debate in previous research has focused on the extent to which individuals are satisfied with multiple roles they are supposed to perform. Such issues have been examined in the literature cited here and other issues related to family/social support have also been incorporated into the study. For example, Kirchmeyer (2000) defined work-life balance as 'achieving satisfying experiences in all life domains and to do so require personal resources such as energy, time and commitment to be well distributed across domains.' Eby, et al. (2005) suggested that research related to work-life balance should focus on whether one's expectations about work and family roles are met or not.

Clark (2000) defined work-life balance as 'the extent to which individuals are equally engaged in and equally satisfied with work and family roles.' Research by Hill, et al. (2001) concur with this definition, mentioning work-life balance as the degree to which a person can synchronously balance the emotional, behavioural and time demands of work, personal and family obligations.

Many of these studies have discussed work-life balance in general. However, with changing times and increasing participation of women in labour force, work-life balance of working women has turned into an intriguing subject of study. Women's work force participation has increased by leaps and bounds. Women are coming forward not only to support their family but also to fulfil their career ambitions. This change has majorly altered the work place dynamics and has put women in spotlight. The involvement of women in income generating activities helps them to satisfy their domestic needs to a large extent. Women of today are financially more independent than their earlier counterparts. This independence does have positives but has also created many challenges for them at the same time. The biggest challenge for working women is to strike a balance between two antagonistic domains of work and life. Work by Kahn, et al., (1964) examines the role pressures from work and family and found that they are mutually incompatible in certain respects. The study is particularly interesting as it describes work-life balance as a form of inter role conflict. It must be noted that it was initially called as work-family conflict instead of work-life balance. Cinamona and Rich (2005) investigated work-family conflict among Israeli women teachers and examined the perceived importance of work and family roles. It was seen that teachers are a heterogeneous

occupational group which could be classified into three distinct profiles despite significant variation within each group: teachers who attributed primary importance to their family roles, or to their work role or to both role domains. The effects of stress and support variables were studied on work-family conflict were found to be different from other occupations. Level of school and years of experience were the major determinants that helped in explaining conflict between family and work.

Asiedu-Appiah, et.al (2014) found that a woman's domestic life has a negative impact on her career progression. The study suggests that organizations must chart out more flexible work schedules to help them balance work and life. In addition to these considerations, Schwartz (1989) also analyzed the cost of employing women and found that it's greater than the cost of employing men mainly because women face more career interruptions, plateauing, and turnover. Importantly the study stresses that women are no longer an idiosyncrasy of the arts and education but have always matched men in natural ability. Therefore, it is terribly important to draw the right conclusions from the studies now being done.

Theme 2: Family/Social Support

The second theme focuses on family/social support as a compelling factor to help women maintain a good balance between work and non-work activities. Effect of household activities, division of labour and family power structure were examined by Noordhoek & Smith (1971) and the support extended by the husband to wife was considered significant. However, most of the women apparently accept conventional gender roles in terms of division of labour and husband's participation overall remained low. To measure the support extended by the husband to wife, their study used a number of simple additive index questions like whether the husband helped with preparing breakfast, cooking dinner, housecleaning, making beds, doing dishes, washing etc. The authors found that on an average the husband helped with less than one activity. Employment patterns were also analyzed for four groups of mothers who were categorized on the basis of different phases of their family cycle. A drop in their employment level was seen in the category in which mothers had young infants to take care of. As the children grew older, an increase in employment level was noted.

The research by Grice, et al. (2010) tested the relationship between work-family conflict and woman's mental health after childbirth. Their study found that there was a positive relationship between social support from family/friends and mental health. This, in turn, positively affirmed a woman's belief on her family as a source of emotional support for her and the work she does.

The work by Esther Otis (2009), for example, was concerned with the guilt and career regret that working mothers experience; and the kind of emotional outcomes that they experience as a result of their choices. The study found that most women felt the presence of a social support network like a partner, family, friends etc. as an extremely crucial coping method for maintaining their work-life balance.

The final article discussed in this section is that by Forson (2013). While this article discusses work-life balance experiences of black migrant women entrepreneurs in the legal and black hairdressing sectors in London, it does elaborate on the impact family structures have on working mothers. In particular the author specifies the impact of egalitarian family structures on childcare, making it problematic for single mothers. Migrant women often tend to leave behind social support networks that could help them in successful management of work and home interface, indicating the importance of support networks in maintaining balance.

In summary, then, the pressures from work and home appear to be enormous to cope with. However, these challenges can be allayed considerably by the presence of robust support systems in form of spousal support, family support etc.

The importance of Organizational Support for working women and the significance of women friendly policies in the industries employing them are discussed in the next section.

Theme 3: Organizational Support

This theme, is to assist working women as well as organizations employing them. Many of the research studies focus on how the working women can achieve the desired balance between the two opposing fields of work and life. Research by Valk and Srinivasan (2011) examined the relationship between spousal support and work-life balance of women IT professionals in software sector in Bangalore (India). The findings suggest that women can achieve work-family balance by

prioritizing properly between their work and personal lives. This is highly facilitated by having a proper support system at work as well as at home. Related to the same concept of the idea of work-life balance is a dominant motivation for working females to achieve a feeling of independent, achievement and self-worth. A study by Kar, et al. (2019) explores whether the above statement is true and results indicate that the biggest motivation for women to work is independence and self-worth. Interestingly and contrarily financial independence and familial obligations were not the primary motivators. They conclude by stating that differences in perceptions regarding work-life balance, problems and challenges caused by work pressure had nothing to do with the intention for working. An important finding indicates that satisfaction with compensation is an important precursor of a good work-life balance. In this light, compensation must be an important human resource policy of modern organizations.

Another important parameter that receives attention in literature is amongst basic human resource activities such as workplace policy and its relation to employee well-being. Examples of this are from Thompson and Prottas (2006), Halpern (2005), Nomaguchi et al. (2005), Prottas (2005), Secret and Sprang (2001) and Wethington and Kessler (1986) who focus on the important role that appropriate human resource policies play in retaining good staff besides being concerned about their well-being. The image of any organization is in turn dependent on employee well-being which in turn depends on their work-life balance. Soo Jung Jang (2009) argues that employees who had a flexible work schedule reported higher levels of work-life balance which in turn was positively related to well-being. Recruiters need to be aware that perceived workplace support and perceived supervisory support were facilitated by work-schedule flexibility. Organizations which are sufficiently strategic in this area are able to create a more positive perception of the workplace which helps individuals maintain a balance between work and family responsibilities. Such employees feel happier and less stressed.

Studies strongly suggest that organizational support definitely helps an employee to attain a better blend of professional and personal activities. This in turn keeps the employees happy and motivated besides benefiting the organization employing them. A lot of research has been conducted to identify the factors that create a positive link between organizational support and work-life balance. The work by Ezra and

Deckman (1996), examining family-friendly policies and job satisfaction, in many ways confirms the findings of Milkie and Peltola (1999), as does that by Higgins, et al. (2000) who argue that a vital component of good work-life balance is a positive link between organizational support and work-life balance.

The approach taken by Peeters et al. (2005) in their research on home and work domains looks at the mediating role of work-home interference (WHI) and home-work interference (HWI). They argue that organizations must provide training and support for non-work-related demands in addition to work related demands. Work by Jang (2009) also supported a link between perceived supervisory support, perceived workplace support and work-life balance.

Conclusion

Recent literature on the subject focused on balancing work and non-work spheres, backed by robust organizational support such family friendly policies and programmes. In addition, the role that family and various components of social support play, has taken a more front-of-stage role in being identified as a significant factor in creating harmony between work and life of a working woman. Spousal support has frequently been incorporated into studies on work-life balance of female employees, but the literature presented here suggests that it is now being perceived as an issue/variable in its own right. This component has received greater attention than previously given. Such a focus suggest that family support and its various parts is a growing concern for both industry and researchers and its impact on work-life balance of women, is an area that demands more attention by both industry and the academic community. The most recent addition to the research into work-life balance is the role that organizational support in form of time management, employee programmes, socialization and productivity has in a working woman's decision to continue working. It would appear that the conflict between these two important dimensions of an employed female's life can cause both job dissatisfaction and stress and ultimately an intention to discontinue working, besides creating conflicts within her family. Strategies to allay these tensions have been introduced into a number of organizations but in order to ensure a better balance, there is still a long way to go. Organizations having no or poor work-life balance policies lag behind in providing employees an important element

in jobs they are working on. Sound work-life balance policies not only add to the credibility of organizations but ultimately increase the productivity by boosting employee performance.

Implications for the Workplace

The implications for the workplace in helping women attain a healthy work-life balance, from this review of literature; include a range of actions at both the governmental, organizational as well as personal level of the employee. Assuming that the previous research is correct in that work-life balance issues negatively impact working women, it is vital for governments to legislate, not only for minimum hours of work, but also maximum hours of work. Unless strong laws are put in place, nothing much will change on ground. A number of actions can be initiated at the organizational level that will help in assisting women in balancing work and family life. Providing flexible working hours in the form of rostered days off, family friendly working hours in terms of starting and finishing time, flexible work arrangements, working from home, job sharing etc. are some such practices. Determining adequate staffing levels so as to prevent staff work overload, allowing timely breaks during work, leave provisions, sabbaticals can go a long way in helping people balance between their work environment and their home life. These recommendations are strongly made to help organizations in retaining talented women and not only retain them but also prevent them from their quitting jobs. In doing so, various manifestations of work-life imbalance such as stress, work overload, job dissatisfaction and low organizational commitment can be alleviated and the quality of female staff can be improved.

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Analysing Terrorism, War and Media

Dr. Amita Pandey*

We must remember that in time of war what is said on the enemy's side of the front is always propaganda, and what is said on our side of the front is truth and righteousness, the cause of humanity and a crusade for peace.

—Walter Lippmann

Terrorism is an idea not an army. If you want to win the war on terror you have to fight it with ideas. As abstract as this may sound it is the only workable and morally justifiable solution. Terror is the absence of law. Terror is the dearth of justice. It is the child of anarchy. Terrorists are not born, they are made. If and only if people are pushed beyond desperation they will resort to terrorism. Terrorism is also a political tool employed by enemies of a society or nation. It can also have other motives but its roots will be embedded somewhere in someone's interests. Those who have been wronged fall victim to adulterated ideologies propagated by these very enemies. These ideologies can be religious or nationalistic, ethnic or communal. Killing the victims of these ideologies or movements is the problem by suppressing only become worse. The solution is to chop the roots of terrorism embedded in the roots of justice, lack of order and the ignorance of issues. If you want to destroy the terrorists, put out the fire that is making them do what they do. On the contrary, if you use shelter force and try to suppress them then the pressure cooker will eventually explode.

We have seen many such explosions throughout history but have failed to learn the futility of only using force. If force was the solution then the Israelis would have been able to get rid of the Palestinian

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Hamas militants. They have not and they will not because the people of Palestine do not see Hamas as terrorists but freedom fighters. "One man's terrorist is another man's freedom fighter" is an often quoted maxim. If there is no one there to protect Palestinian people from the atrocities of the Israelis then there lies the problem. Why would people not become terrorists when their children are killed in their very homes by bombs? No military operation alone has ever put an end to terrorism or rebellion.

If terrorism is to be purged then the feeling of deprivity has to be eliminated. In 1991, the Islamic Salvation Front (ISF) were not allowed to make their own government in Algeria, despite having won the elections. The result, they became terrorists. To this day warfare continues between them and the Algerian government which instead of trying to address their problems, the government went to war with the ISF. The Irish Republican Army (IRA) was coined a terrorist organization by the British, but it has been fighting for the people of Northern Ireland for more than a century and ended only in a negotiated peace. Terrorism by the gun is only one small channel of the big organism. Terrorism is the infection of concept. Terrorism breeds terrorists and not vice versa. The use of force cannot end terrorism if your own people are supporting terrorists and becoming terrorists.

The Pashtuns of Pakistan and Afghanistan were not born barbarians. It is not in their genes to spread chaos as some people would have you believe. They see the Americans and their NATO allies as foreign aggressors seeking to encroach upon their land. The Pashtun tribes have fought among themselves, but whenever they have been threatened by a foreign invader, they have united against a common enemy. Starting from Alexander the Great to the Mongols to the British and to the Russians, the Pashtun have resisted all of these to the point that the invaders have had to withdraw. All of these invaders have been superpowers in their own time. This is not religious extremism but Pashtun nationalism. This is the very nationalism that the Americans used to fight their proxy war against the Soviets. During the Soviet-Afghan war, the people of Afghanistan were told that the Soviets are evil and they, the Mujahedeens, are good, that the Soviets were a threat to the freedom of the Afghan. The children of Afghanistan were taught to live their lives in militant terms. The Americans provided texts to Afghan schools which taught the letters of the alphabet by representing them with ammunition and war machines. A simple question out of a

middle school level math book is “If a bullet is travelling at 2000 miles an hour and a Russian soldier is standing 10 meters from the bullet, how long will it take to hit him?” Books provided at that time are being used even now. Those children of Afghanistan see the Americans in the same way they saw the Soviets, as invaders trying to subdue the native people. It is juvenile to believe that there can be victory against them. The Pakistanis, have the most to lose from this region but before that they would have caused catastrophic and maybe even irreversible damage to Pakistan.

Rising death toll of American soldiers and resignation of key officials has led to a deep plunge in the popularity of this 18 year long operation among the American people. The Taliban still occupy more than 60 per cent of Afghanistan. After spending much more than a trillion dollars and gaining nothing except the hatred of millions. The American president has already given an exit date for American troops.

Now Pakistan is paying the price for aiding the Americans, which it has already started to experience. In Pakistan, we have been led to believe that the suicide blasts will stop if we can kill all the terrorists and we are asked to give our fullest support to the military operations going on in terrorists strongholds. Neither can one kill all the terrorists nor can one win this way. When ones uses F-16s and gunship helicopters to kill these terrorists, innocents also die with them because bombs cannot differentiate between terrorists and civilians. When someone loses a loved one because of the military operation being carried out in Pakistan by the Pakistan army or in Afghanistan by NATO forces, he has no court of law to go to for justice. That is why this movement is not abating. Chances are, he will pick up a gun and go fighting those who are responsible, in this case the Pakistani or NATO forces. This is radicalizing the population of these two countries. It is not religious extremism but the idea of injustice to the populace, injustice to liberty, injustice to the right to govern your own land and injustice to the freedom of concept.

Now that forces are in the very heart of terrorism, Waziristan, where the terrorists are known to breed, there were many attacks on Pakistan soil including attack on the United Nations food department office, the General Head Quarters of the Pakistan Army and the Islamic University in Islamabad?

By “their” I do not mean those who are bent upon killing innocents without the slightest remorse, because no sense can be knocked into

them and their intentions deserve punishment. I refer to those who are potential terrorists, those who are liable to fall in the hands of terrorist groups and train and suicide bombers. Stop them before they lose the battle of their hearts and join the ranks of those we call terrorists. Probably the only solution to the terrorist problem is to eliminate the existing terrorist networks and take precautions that more people do not enter their lines. How do we ensure that? Let us think who the suicide bombers really are? They are mostly uneducated people who come from deprived classes and go to Madrassas. The first step that needs to be taken is to educate these classes so that they can develop the capacity to distinguish between right and wrong. Currently the policy makers in Pakistan are diverting their total intention to matters of sugar, flour, gas and electricity while the politicians are committing farce and are corrupt. Unless there is paradigm shift in strategy, peace in this region will become a relic of the past. The American and Pakistani dialogue with Afghan Taliban has uncertain future and possibilities.

Probably every conflict is fought at least on two grounds: the battlefield and the minds of the people via propaganda. The “good guys” and the “bad guys” can often both be guilty of misleading their people with distortions, exaggerations, subjectivity, inaccuracy and even fabrications, in order to receive support and a sense of legitimacy.

Propaganda and War

At times of war, or built up for war, messages of extremities and hate, combined with emotions of honour and righteousness interplay to provide powerful propaganda for a cause.

The first casualty when war comes is Truth

-U.S. Senator Hiram Johnson, 1917

Many say that it is inevitable in war that people will die. Yet, in many cases war itself is not inevitable, and propaganda is often employed to go closer to war, if that is the preferred foreign policy option. Indeed, once war starts, civilian casualties are unfortunately almost a guaranteed certainty.

As Winston Churchill said during World War II:

“In wartime, truth is so precious that she should always be attended by a bodyguard of lies.”

Propaganda can serve to rally people behind a cause, but often at the cost of exaggerating, misrepresenting, or even lying about the issues in order to gain that support.

While the issue of propaganda often is discussed in the context of militarism, war and war mongering, it is around us in all aspects of life. Thus, propaganda and public perception plays an important role in war and combating terrorism, understanding its implications is crucial and media plays a significant role in it.

The list of tactics used in propaganda listed further above is also expressed in a similar way by Johann Galtung, a professor of Peace Studies and summarized by here Danny Schechter:

[Professor] Galtung laid out 12 points of concern where journalism often goes wrong when dealing with violence. Each implicitly suggests more explicit remedies.

1. **Decontextualizing violence:** Focussing on the irrational without looking at the reasons for unresolved conflicts and polarization.
2. **Dualism:** reducing the number of parties in a conflict to two, when often more are involved. Stories that just focus on internal developments often ignore such outside or “external” forces as foreign government and transnational companies.
3. **Manicheanism:** portraying one side as good and demonizing the other as “evil.”
4. **Armageddon:** presenting violence as inevitable, omitting alternatives.
5. **Focusing on individual acts of violence while avoiding structural causes,** like poverty, government neglect and military or police repression.
6. **Confusion:** focusing only on the conflict arena (i.e., the battlefield or location of violent incidents) but not on the forces and factors that influence the violence.
7. **Excluding and omitting the bereaved,** thus never explaining why there are acts of revenge and spirals of violence.
8. **Failure to explore the causes of escalation and the impact of media coverage itself.**
9. **Failure to explore the goals of outside interventionists, especially big powers.**
10. **Failure to explore peace proposals and offer images of peaceful outcomes.**
11. **Confusing cease-fires and negotiations with actual peace.**
12. **Omitting reconciliation:** conflicts tend to reemerge if attention is not paid to efforts to heal fractured societies. When news

about attempts to resolve conflicts are absent, fatalism is reinforced. That can help engender even more violence, when people have no images or information about possible peaceful outcomes and the promise of healing.

-Danny Schechter, *Covering Violence: How Should Media Handle Conflict?* July 18, 2001' (Emphasis Added)

In modern democracies visual media have become instruments for the reconstructions of political reality and play an important role in the socialization of children and young people as well as in shaping citizens general educational background and political and public discourse. It is thus of great importance for political education in democracies to find out in which way a proper and democratic behaviour of young people can be supported and to what extent their decisions are influenced by the given conditions.

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