

AZAAD आजाज़

PUSHED INTO THE FRINGES OF POVERTY: THE D-VOTERS OF ASSAM





TABLE OF CONTENTS

3 ABOUT THE ISSUE

Pushed Into the Fringes of Poverty: The D-voters of Assam

7 AWAAZ IN FOCUS

The Legal and Bureaucratic Anomalies in Identifying the D-voters

17 VICHAAR

Unpacking Citizenship and Identity: Insights from a Discourse on Assam's Complex Landscape

19 SPECIAL SEGMENT

When Ends are Barely Met: Stories of D-voters from the field

23 NAZARIYA

The Vanishing Act: Identity Politics, Missing Voters and Taking on the Leviathan

27 TALK POINT

Human Rights Activist in Action: Working for the D-voters of Barak Valley region

33 SPECIAL MENTION

34 MEET THE TEAM

35 MEET THE ADVISORS

Azaad आवाज़ aims to tackle an erosion of empathy in our society. This monthly magazine (Patrika) aims to focus on the marginalized sections whose voices are often muted in the cacophony of flashy mainstream media discourse. When referring to marginalization, this platform does not aim to restrict itself to the traditional focus on social aggregates like caste and race alone but aspires to include a discussion on class, gender, sexual orientation, etc. Azaad आवाज़ sculpted as a digital media station focuses on issues that debilitate the “deliberately silenced”, drawing no boundaries and aspires to evolve and voice the needs of those silenced.

AN INITIATIVE UNDER



PUSHED INTO THE FRINGES OF POVERTY: THE D-VOTERS OF ASSAM

Assam, a state in the northeast region of India, is renowned for its diverse population and rich cultural heritage. Nevertheless, for several decades, the matter of 'D-voters' has afflicted the state, leaving numerous individuals in a state of uncertainty and vulnerability. D-voters, also known as 'Doubtful Voters,' are individuals whose eligibility to vote is questionable due to their inability to provide sufficient citizenship documentation. This contentious problem has deep historical roots and has remained a significant concern in Assam's political and social spheres for a prolonged period. In this article, we will explore the origins of D-voters, the process of identifying them, the challenges they encounter, and the impact of this issue on the state's socio-political landscape.

The problem of D-voters can be traced back to the early 20th century, when British colonial authorities introduced citizenship and identity concepts through different legal structures. Following India's independence, concerns about illegal immigration from neighboring countries, notably Bangladesh, became a major issue for the indigenous population of Assam. To address this, the Indian government introduced the Assam Accord in 1985, with the objective of identifying and deporting illegal immigrants who arrived in the state after March 24, 1971.

However, in the Citizenship Act of 1955 and the Citizenship Rules of 2003, the terms 'doubtful voter'

or 'doubtful citizenship' have not been explicitly defined. The Citizenship Rules of 2003 were framed under the provisions of the Citizenship (Amendment) Act of 2003. These rules outline the procedures for creating the National Population Register (NPR) and the National Register of Indian Citizens (NRIC). In sub-section 4 of section 4, which pertains to the preparation of NRIC, it is only mentioned that details of individuals with uncertain citizenship will be entered by the Local Registrar with an 'appropriate remark in the population register for further inquiry.'

Once a family or individual is identified as a doubtful citizen (D-Category), they are informed through a specified pro forma at the conclusion of the verification process. They are also provided with an opportunity to present their case before the Sub-district or Taluk Registrar of Citizen Registration before a final decision is made on whether their name will be included in the register. The Registrar has a period of 90 days to finalize their findings and provide justifications.

The process of identifying D-voters involves a complex legal procedure overseen by both the Election Commission of India and the Foreigners' Tribunals. As part of electoral rolls revision and citizenship verification exercises, individuals are categorized as D-voters when there are uncertainties surrounding their citizenship credentials. Initially, the verification report is

by the Electoral Registration Officer (ERO). If the ERO determines that an individual may not be an Indian citizen, the case is forwarded to the Superintendent of Police, who, in turn, refers it to the Foreigners Tribunal for its assessment. These tribunals were established under the Foreigners (Tribunals) Order of 1964. Depending on the tribunal's verdict, the Officer is required to include or exclude the names of individuals with doubtful citizenship. Nevertheless, there are no specific criteria mentioned for classifying an individual as a doubtful citizen. Moreover, the entire responsibility for this task lies with local officers, leaving room for potential misuse of power by these officials.

Identification as a D-voter can have profound implications on an individual's life. One major challenge is the deprivation of voting rights. D-voters lose their fundamental democratic participation right to vote. This disenfranchisement not only impacts the individual but also raises concerns about the democratic principles of inclusion and representation. In addition, D-voters encounter social stigmatization and are excluded from numerous public services and welfare programs. They frequently face marginalization and discrimination within their communities, leading to challenges in accessing education, healthcare, and employment opportunities.

Furthermore, after being classified as D-voters, individuals are often required to demonstrate their citizenship in Foreigners' Tribunals. The legal process can be complex and very lengthy, leaving many D-voters entangled in a seemingly never-ending cycle of hearings, appeals, and bureaucratic protocols. In situations where individuals fail to establish their citizenship, they are categorized as 'Foreigners' and may face detention in designated detention centers scattered across Assam. These detention facilities have

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According to a Lok Sabha response in October 2019, there were approximately 1.13 lakh people labeled as D-voters in Assam.

faced criticism for their conditions and treatment of detainees, raising significant human rights concerns. The prolonged detention can cause profound psychological and emotional trauma for those held without clarity regarding their citizenship status.

During the electoral rolls revision in 1997 by the Election Commission of India, individuals were classified as doubtful voters in Assam. The draft voters list contained approximately 3.13 lakh such persons. Subsequently, even after local verification, they continued to be marked as doubtful voters in the electoral rolls. According to a Lok Sabha response in October 2019, there were approximately 1.13 lakh people labeled as D-Voters in Assam, with over 70,000 of them being females.

The presence of D-voters has caused a significant exodus of individuals and families from Assam to neighboring regions or countries. Fearing detention or deportation, many D-voters, along

their families, opt to leave their homes and relocate elsewhere. This displacement has given rise to a humanitarian crisis, impacting not only the lives of those involved but also the social fabric of Assam.

Furthermore, the issue of D-voters has had a profound impact on Assam's socio-political landscape. While the Assam Accord aimed to tackle illegal immigration, it unintentionally created new challenges with the D-voters problem. The uncertainties surrounding citizenship have led to deep-seated divisions within the state, creating conflicts among different communities. Moreover, politicians and political parties have exploited the D-voters issue for electoral gains, further polarizing the population. As the problem remains unresolved, it continues to be a powerful tool for political manipulation, exacerbating existing tensions and hindering genuine efforts to find a comprehensive solution.

The issue of D-voters in Assam is a complex and longstanding problem with far-reaching implications for individuals and the state's socio-political fabric. The lack of clear definitions and the potential for misuse of power during the identification process raise significant fairness and human rights concerns. The deprivation of voting rights, social stigmatization, and exclusion from essential services exacerbate the challenges faced by those affected. Addressing this issue demands a comprehensive and compassionate approach, prioritizing inclusivity, democratic values, and the utmost respect for human dignity.

To unpack this complex issue, for Awaaz in Focus, we speak with Dr. Salah Punathil, who emphasizes that the concept of precarious citizenship is used to transcend categories like illegal migrants and refugees, allowing a focus on those with partial

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citizenship benefits. In Assam, the D-voter category represents precarious citizens - individuals neither fully stripped of citizenship nor granted its full benefits. He talks to us about how the history of Assam's citizenship crisis is essential to understanding current debates. The shift from IMDT Act to Foreigners' Tribunals altered the burden of proof, impacting the D-voters' citizenship claims. The reliance on documents for citizenship verification poses difficulties, given lack of access, discrepancies, and natural calamities like floods. Further, biases within state mechanisms contribute to arbitrary exclusion, affecting religious, ethnic, and gender groups. Instances of errors, deaths, and illogical categorizations underline the flawed nature of citizenship assessment. Lack of awareness, financial support, and proper legal representation compounds challenges for D-voters.

In this edition of Vichaar, we speak to Prof. Anubhav Dutt Tiwari, and we investigate the legal limbo, these individuals find themselves in, often facing disenfranchisement and restricted access to essential rights due to their unresolved citizenship status.

For the Special Segment, the team has conducted primary interviews with the D-voters of Assam to unpack the different ways in which the economic incapacity among the D-voters pushes them further into poverty. The field interviews were conducted in the town of Silchar in the Cachar district, and used as shreds of evidence to highlight how the legal battle proves to be expensive and the ways in which the D-voters manage their finances. While some interviewees share their experiences of selling off their livestock and assets such as mobile phones to meet their expenses, others claim to take loans from external sources at high rates of interest.

The Nazariya piece highlights the ways in which the linguistic and religious identities play a role in the identity politics. Mostly the Bengali Muslims have to face the full force of the ‘othering’ process enforced throughout the post-colonial history, continuing with the British policies of allowing ethnic tensions to foster. It outlines how the othering of the Muslim community comes at the backdrop of the global migration crises, coupled with the rising identity politics, which has led to questions of sovereignty and citizenship being taken place.

Lastly, for Talkpoint, we speak to human rights activist Kamal Chakraborty, who has been involved in helping the people affected by the ongoing citizenship crisis in Assam, for the past eight years. Given that he has worked mainly in the Barak Valley region and specifically the Cachar district, Chakraborty tells us about the condition of D-voters from that region. He claims that the D-voter tag is nothing but problematic, and hence, should stop being functional.

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Mostly the Bengali Muslims have to face the full force of the ‘othering’ process

The Legal and Bureaucratic Anomalies in Identifying the D-voters

IN CONVERSATION WITH DR. SALAH PUNATHIL

Q. In your article “Precarious Citizenship: Detention, Detection, and Reportability in India”, you bring up the concept of precarious citizenship. How can you explain the tag of Doubtful Voters through the lens of precarious citizenship?

So to begin with, the idea of precarious citizenship is now rightly used in the Western context, especially in the context of migration of the population from different countries to Europe more specifically. I have employed this idea of precarious citizenship in the Indian context, especially in Assam. Let me just briefly explain the concept of precarious citizenship. So, precarious citizenship is a term that I thought is important to use to address or overcome the categories which are already there in our context, let's say illegal migrants, undocumented migrants, refugees etc. While these terminologies are important since they are meaningful in many ways, sometimes they are used without having enough sensitivity to the context that we are talking about. So, precarious citizenship in essence allows us to transcend these sorts of binaries and allows us to look at categories of population who are having a certain notion of citizenship, but not having the full benefits of citizenship in a state. So, precarious citizens are those who are subjected to vulnerabilities of various forms and do not have a fuller participation in the social and political life in a national state, despite having certain citizenship status. This lack of access to resources in the society they live in characterizes precariousness, and this precariousness is experienced in multiple ways such as poverty, displacement, health crisis etc.



Dr. Salah Punathil
University of Hyderabad

Precarious citizenship as an idea also gives us a sense of the arbitrariness of state practices. Like say, sometimes identifying someone as a citizen, and then stripping off their citizenship rights, or keeping them in between status. So it makes sense in our context of D-voters precisely for this reason that D-voter is a status which is a liminal status, it is neither here nor there. This means, citizens or those who live within India, in Assam's context, don't have access to the resources. At the same time, they are not fully stripped of their citizenship rights, so they can't vote. This ambiguous and tricky status of a large chunk of the population in Assam could be best described as “precarious citizens”, and that's why I thought of using this term as a useful category to understand the plight of this population.



Q. The Citizenship Amendment Act (CAA), and the National Registry of Citizens (NRC) have garnered immense attention and led to an outcry among the public. From Shaheen Bagh to London, different places across the globe have witnessed anti-CAA and NRC protests. However, I feel it's quite surprising that the category of D-voters which was actually introduced in the year 1997, continues to silently function, as it renders innumerable people stateless. So my question to you is, while NRC and D-voters are mechanisms of the citizenship crisis in Assam, why have the former gained far more attention and the D-Voter issue is barely known?

This is a very interesting question because, in fact, my essay begins with this point that there is this humanitarian crisis in the contemporary Indian scenario, precisely because of the CAA NRC, and there's a lot of public attention towards it, and there have been protests and wider debate on the question of citizenship in India, and especially in the Assam context precisely due to the CAA NRC situation. But my point in fact in the essay was to look back in history, at least 20-30 years and see what has been happening in this region. In order to read NRC CAA, you need to have some sensibility of the history of the region in terms of the plight of the migrants. So, going back to the question that why D-voters as a category and the crisis of such a big population have not been widely discussed, because I think some of us people who are not from the region of Assam assume that the crisis of citizenship in Assam is something new in the current political scenario, and the question of detention or detection of people is something we encounter in the contemporary situation. But, we need to know the history of it, and in my view, there is a longer history of detection of people, and even detention of people. People have been kept in detention for years in Assam, and we need to get an understanding of the history to read the present scenario better.

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It is largely the D-voters who have and are still living in detention centres. Those left out of NRC are facing great difficulty, but an even deeper experience of rightlessness has already been in the region.

D-voters become quite an important category to understand history because it is largely the D-voters who have and are still living in detention centres. People who are left out of NRC are not actually living in detention centres. So, the ones who have experienced the actual crisis of citizenship are the D-voters.

Of course, those left out of NRC are facing great difficulty, but an even deeper experience of rightlessness has already been in the region. So why this is not sufficiently debated is an interesting point. I think to understand this, you need to talk about a slightly different concept called 'deportability'. Why is the NRC CAA around today? NRC has been there not only in the current political scenario, it's been a long process and culminated in this situation of a large part of the population losing their citizenship. If you read the recent context of NRC and the introduction of CAA, we need to see the idea of deportability, and what I mean here is the condition which creates a sense of fear

AWAAZ IN FOCUS

among the people that they might get deported. Or the states give the impression, there is a constant threat of stripping citizenship rights and sending them to a different country. Deportability is not about deportation per se, people do not actually get deported to a different place, but there will always be a looming threat of being displaced from their place.

So that is why when we say that a lot of people are left out of NRC, it means that the state is actually giving an impression that you will be taken away from this place, and with CAA the particular minority community would actually be displaced from the place. Why this gained a lot of political currency is because deportability helps certain vested interests of those in power. One of the important factors is how it helps to consolidate religious nationalism, the sentiments around the religious Hindutva politics in contemporary times which consolidate the vote banks in the name of religious division. When you invoke the question of

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The threat of deportability helps to consolidate religious nationalism, the sentiments around the religious Hindutva politics in contemporary times which consolidate the vote banks in the name of religious division.

illegal migration all the time, and talk about illegal migrants and the necessity to send them back to Bangladesh, that kind of discourse has a particular political effect that it would consolidate majoritarian politics. So this function of the deportability does not have a provision to deport back, but creates a condition of deportation. Deportability is also about other kinds of economic interests, like you can use the cheap labour of the identified illegal migrants because they are vulnerable, hence you can exploit them. I am talking about this specifically to indicate that the focus on NRC CAA and its wider attention today is precisely because of the intention of the state to create a particular kind of notion. Even if you talk about CAA, which gives an impression that certain sections of the population would be given citizenship status even if they are illegal migrants and they would be protected. But in an actual scenario, it is extremely difficult for people who belong to the majority to gain the status of citizenship because there are a lot of other legal and practical complications. It was just thrown to the people to give an impression that you are protected and invoking certain religious sentiments, to make the division clearer. In this process, as you pointed out, the history of this politics has been forgotten in Assam and that is where we have to go back to understand why and how D-voter as a category is important.

So, to answer your question, D-voter has been there for a longer time and it has had a serious impact on those who have encountered that status. They have encountered a lot of problems and that has not been taken into account even when we have a critical debate about it. I think that aspect

AWAAZ IN FOCUS

is not taken seriously, but I believe that in the 1990s, 1997 precisely, when the D-voter was a category, definitely there were political debates but with not as much intensity as today. There was a different political party that was in power, but it was always a political issue, and at that time there was a lot of political turmoil around this question. It subsided over time, but I still believe that he has to read history to understand the present time.

Q. The IMDT Act places the burden of proof on the state to prove the citizenship status of individuals. However, in the year 2005, the Supreme Court scrapped the IMDT Act and shifted the onus on the alleged foreigners to prove their citizenship in Foreigner Tribunal Proceedings. Why was this shift made in the first place and what are the risks involved when the burden of proof lies on the accused, and in this case, specifically the D-voters?

Firstly we have to understand the IMDT Act and then what has happened to it over a period of time. The Illegal Migrants Determination by Tribunals Act is a response to the large-scale protests in Assam against the coming of illegal migrants into the region. IMDT Act was seen as a solution to this long crisis. When it was originally formulated, one of its major features was that if one is identified a person as an illegal migrant, the responsibility of proving their legality lies upon the accuser. Suppose in a village, someone reports someone as an illegal migrant, the one who accuses has the responsibility to prove that. There is some sort of financial aspect as well since some amount of money is required to register the case. Over a period of time, let's say a decade, it was proven that the IMDT Act is not effective to detect illegal migrants since only a handful of people were actually identified as illegal migrants since people don't really want to accuse somebody. IMDT is seen largely as an ineffective policy by people who are strongly arguing that there are a lot of illegal migrants. There was a strong political assertion over a period of time during the 1980s. When it came into force then, there was peace in the region since people thought it would actually help. However, after a period of time, there was soon a realisation that this would not work. This is the position of a dominant section in Assam. Due to political mobilizations and debates around this issue, there was also the simultaneous process of a legal battle. There have been political organizations who are actively involved not just to mobilize people, but also to legally contest it, saying that this is not the actual procedure that needs to be followed, and invoking the history of illegal migration in India and the process of deportation, detection, etc. There have been

When the D-voter started as a category in 1997, definitely there were political debates but with not as much intensity as today.

several other legal interventions in the past, not necessarily in Assam but in other parts of the country, for example, the India-Pakistan partition and then the process of detection and deporting back, etc.

So some of the earlier legal battles ensured that the responsibility of proving citizenship should not lie upon the one who accuses but upon the accused. So, it is such a legal battle that led to the termination of the IMDT Act. It was scrapped in 2005 and then onwards, it was decided that the responsibility is upon the accused. So if I am the one identified as an illegal migrant, then I have the responsibility to prove that I am a citizen. This has serious implications for the life of the people who are under the scanner of the state, especially the D-voter category.

In my work, I have interviewed people who lived in detention centres and I realized that a lot of them were detained after 2005, after the scrapping of IMDT.

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After the scrapping of the IMDT Act in 2005, there has been an accelerated process of state intervention to detect illegal migrants.

After this, there has been an accelerated process of state intervention to detect illegal migrants. A lot of people who were in the D-voter category turned out to be illegal migrants because they started getting notifications from the state to produce their proof as citizens in front of the state, and many have failed due to various reasons and there is a greater risk of being detected going forward. These people usually live in interiors and hardly have any exposure to education or awareness about their status. They didn't know it was their responsibility to prove their citizenship status. This has led to the detection of many of this population who ended up in detention centres that still exist in Assam.

Q. When you talk about the onus being shifted from the state to the people who are considered alleged foreigners, there is a lot of emphasis placed on documents. Foreigners' Tribunals base their citizenship inquiry on the documentary proofs of legacy and linkage provided by the alleged foreigners. Furthermore, simply providing documents does not confirm one's claim to Indian citizenship. The Foreigners' Tribunals have certain standards to determine which documents are valid forms of evidence. For instance, land documents are not accepted in most of the cases. So, my question to you is what are some of the documents that are acceptable in the process, how does the emphasis placed on the documents further risk the citizenship status of the D-voters, given that most of the people don't possess the documents in the first place?

We need to understand what is the basis of this documentation and proof of citizenship. In my view, the state takes the family as the unit of citizenship, even though it is about political status, the family becomes the ultimate unit. One has to prove their belongingness to the nation and the region through their ancestral relationships. There are two things involved: one is that you have to have documents that prove you lived in India before March 25, 1971. Those who have lived in India will have to show their documents which are prior to 1971 as the cut-off. This would involve several documents. There are actually 2 lists, List A and List B. List A is primarily about pre-1971, which will be like the electoral roll up until March 25, 1971, NRC of 1951 where your name is registered, land record, citizenship certificate, permanent residency certificate, passport, bank or LIC documents, education certificate, some form of court order, refugee registration certificate etc. These are some of the major documents to be processed, and if you are able to prove your identity, then you are considered an Indian citizen.

List B is for those born after 1971 since they cannot prove with their own documents that they belong to this region. So, they have to prove their linkage with their parents. That is why family as a unit and generational links become very important in establishing your identity as Indian. They have to show documents that would prove their ancestral connections, since the family tree has to be drawn. It can be through land documents, birth certificates, bank accounts, documents pertaining to LIC, ration cards, or electoral rolls. Some of these documents would prove your association with your parents.

This is how having these sorts of documents would enable you to prove your citizenship. This is an extremely difficult procedure for a large chunk of the population for the reason that they don't possess documents. If you look at other parts of the country, even in less educated places in Kerala, until recently, many people have not possessed proper documents because they never used them and didn't have to show them. It is only in the recent past because of the Aadhar Card and other documents that made people more aware of the necessity of using it. It is difficult to suddenly procure the documents because people don't have access to it, or how to make it. There are many other factors, such as even if you have the documents, there are errors in the documents. Your parent's name and your name might appear in different ways in different documents. Thus, it becomes extremely difficult to show the linkage because of discrepancies in the documents, and the absence of documents since many people don't even have land. Moreover, there are factors like displacement, for example, people who live in the riverine islands.

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AWAAZ IN FOCUS

Some of them are displaced due to the erosion of land. Thus, there are a lot of difficulties for people, especially D-voters to prove their citizenship because of the difficulty of showcasing the documents that the state is asking for.

Q. As you already mentioned about floods, the next question to you is also about floods. Assam with a large network of rivers is prone to natural disasters like floods. In fact, an article was published in “The Federal” and it highlighted how several people in the Cachar District lost most of their documents to the floods last year. How does the Foreigners Tribunal take into consideration the loss of documents to natural calamities such as floods? Is there any other way to prove one's citizenship status without the possession of documents?

In my understanding, there is absolutely no provision made to protect the people who actually lost their lands because of the floods. A lot of people suffered because of this crisis. If you look at the past scenario, the D-voters who happened to live in detention centres, in one of my interviews they said that one of the reasons was the multiple displacements that they had to encounter because of the floods. Land documents become an important criterion to show their belonging to the region. This is something the state has not taken into consideration, and because of this a lot of people actually lost their citizenship status.

Q. The Border Police is mandated to detect illegal migrants, and therefore, as a part of the process, they refer the names of D-voters to the Foreigners' Tribunals. However, a report by the Scroll

mentioned that the Border Police does not perform its duties as required by the law, as most of the time they do not complete local verification or are done at random. How do personal biases, prejudices, and motivations on the part of bureaucratic state members and legal officers affect the process? What are some of the other ways in which personal biases play a role in denying citizenship to some people?

The Border Police are interested in identifying the illegal migrants where they would procedurally take part in the process of taking away their rights. There is generally a cluster of villages that come under the purview of one Border Police and this has been until very recently. Even now, the Border Police is very active in the reference cases in Assam. Talking about biases and prejudices, there are a lot of stories that I came across in the course of my fieldwork. One is that these officials were given the instruction that you need to have a certain number of cases that should be identified in a month. So one has to fill in that quota and for that reason, the Border Police would randomly pick up people and register cases against them. This happens in heightened political circumstances and state agencies also want to

“*There is absolutely no provision made to protect the people who actually lost their lands because of the floods. This is something the state has not taken into consideration,*

showcase that they are doing this job of detecting illegal migrants. There are several other instances of biases that I gathered during my fieldwork, especially while talking to the detained individuals. For instance, religious identities do matter. Certain physical appearances, markers, or dialect of a particular community, leads to suspicion. The suspicion is not only on the part of the state agency or police, but there are also societal notions around it. Certain cultural markers and suspicion in everyday life about certain everyday populations as essential "other" of yours are also in a sense percolated in the official bureaucratic realm. So we can see how certain prejudices lead to the assumption or suspicion that a certain individual is a Bangladeshi or illegal migrant. There is an example I can give. When one Muslim man, Khalu Mia was identified as an illegal migrant, police went to his house and in the process of going through his documents, they identified his wife and she was also accused of being an illegal migrant. What happened over the period of time was that the husband proved his citizenship and he was not detained, but the wife was detained. She had to live in the camp for a couple of years. So here we can see the gender dimension where you assume that the male member is an alleged foreigner and the partner would also be one. In fact, both of them are Indian citizens and they have proven their citizenship over a period of time. Meanwhile, the wife went through a horrible situation while she was detained, living away from her family. Likewise, there was a border woman who married a Muslim man, and changed her name as she converted to Islam. After her first husband passed away, she remarried with a Muslim man. When the police came to inquire about the status, they found some form of incongruency in the records. Her current identity as a

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Certain cultural markers and suspicion in everyday life about certain everyday populations as essential "other" of yours are also in a sense percolated in the official bureaucratic realm.

Muslim woman was picked up by the police and that was used for suspicion as a doubtful voter.

The process of detecting people has been extremely arbitrary in nature. I have come across narratives that claim that from nowhere one got a legal notification stating or suspecting that they are illegal migrants, and now the individual has to produce a document or appear in front of the court or go to the police station. Then for a long time there would be no further action and then one fine day the police would come to pick them up for the detention camps. Some of the stories are very disturbing. The very fact that someone was leading a normal life, until the police came one fine day. In fact, the family members are also not informed and they get to know quite late. What I am indicating is that certain discrepancies in the documents, or the cultural and religious identities do matter in defining who is a migrant and who is a citizen.

Q. An article was published in The Hindustan Times last year that stated a Foreigners' Tribunal notice was sent against an individual who reportedly died six years ago, asking him to appear before the court. Meanwhile, there are reports of several cases where a person alone is declared a D-voter and not their siblings or parents. What do such instances reflect about the arbitrary and anomalous nature of citizenship exclusion? What do these demonstrate about the lack of transparency involved in the process and the lack of accountability on the part of legal authorities and bureaucratic state machinery? What according to you is the way forward for the D-voters?

As we have already discussed, there is arbitrariness involved in the way the bureaucracy deals with the question of illegal migrants. The arbitrariness has a huge impact on the lives of the people. When you consider the D-voters, it is a status that does not completely take away the rights of the people, but at the same time not give them the full benefits of being a citizen as well. So people learn to live with their citizen status, but suddenly the state comes up with stringent actions and policies. You first created a condition that people are not really conscious about keeping their documents, so it is okay to live with the status of a D-voter because beyond a point it does not matter. At worst one will not get the full benefits of being a citizen but will not be detained. That is the kind of impression people generally have. However, over a period of time, because of certain actions, you can see the police asking for documents or people asked to go to the Foreigners' Tribunals, and when they fail to produce the documents, they are sent to the detention centres. So coming to the

point of the consequences of the arbitrariness and the illogical dimension of detecting the illegal migrants. Even in the contest of NRC, a lot of parents are identified as illegal migrants, but their children are identified as Indian citizens, which logically can not be true. There are families where some members are illegal migrants and others are not. Husband and wife is one thing, but there are cases where children are not Indians while parents are. This hints towards some form of illogical or impossible situation. As you rightly pointed out, people who died, get notices from Foreigners Tribunals. These are clear evidence of how haphazardly NRC and D-voter cases are carried out, without proper documentation. Even people who have worked in the army, or served in government offices were also excluded from Indian citizenship. So how is it possible that people who have served the country are devoid of citizenship rights? What it points towards is the anomalies in the bureaucratic and legal processes, and a lack of scientific process in identifying the illegal migrants.

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D-voter is a status that does not completely take away the rights of the people, but at the same time not give them the full benefits of being a citizen as well.

When it especially comes to the D-voter, many of them do not have awareness of how to legally challenge it, or how to approach a lawyer and they do not have the financial capacity to go for a good lawyer. Even when lawyers take up their cases, some of them do not take them and the cases seriously and because of that they end up in jail. Or if you do not pay an adequate amount of money, the lawyers do not have the interest to fight the cases. There are a lot of narratives where the informants informed that the lawyers were not being very helpful. In fact, there are cases where people are bound to sell off their properties to fight the cases. People who have small pieces of land, sell them to fight the case for their partners or children or parents because ultimately you want to live with them, so you have to give away whatever you have to legally fight the cases. Financial support is very important to fight a legal battle. And this has been the plight of the D-voters for a long time.

I do not know how to suggest a way forward, but it is important for us to challenge this form of state practice by constantly hearing the voices of the subjects out there in the field, and suggesting possible solutions to the authorities in terms of how to handle the situation. With mere illegalization of people and detaining them in detention centres is humanly unnatural, and there has to be a viable solution and a viable solution can not be made in a haphazard way. There need to be deeper thoughts about how to deal with the question of citizenship rights in contemporary times.

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With mere illegalization of people and detaining them in detention centres is humanly unnatural, and there has to be a viable solution and a viable solution can not be made in a haphazard way.

Unpacking Citizenship and Identity: Insights from a Discourse on Assam's Complex Landscape

IN CONVERSATION WITH ANUBHAV DUTT TIWARI

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The economic implications of being a D-Voter extend to the job market, where fear of outsiders taking away opportunities creates further division within the society.



Anubhav Dutt Tiwari
Assistant Professor at Jindal Global Law School

In the tapestry of Indian society, the issue of citizenship, rights, and identity remains a complex and often contentious subject. Nowhere is this complexity more palpable than in the northeastern state of Assam. The classification of "D-voters" has sparked debates about identity, belonging, and the larger question of who is considered a legitimate citizen. The complexities surrounding this issue have led to a multifaceted discourse involving legal, political, and social dimensions, as stakeholders grapple with the intricacies of identity and inclusion within the state.

In this edition of Vichaar, we decided to investigate the legal limbo, these individuals find themselves in, often facing disenfranchisement and restricted

access to essential rights due to their unresolved citizenship status. Our speaker was Prof. Anubhav Tiwari, an expert in international humanitarian law, with extensive field experience in the citizenship issues in Assam.

Introduction

We began the thought-provoking conversation by shedding light on the intricate web of identity, rights, and politics that characterizes the state's discourse. The discussion delved into the contentious topic of "D-Voters" in Assam – individuals labeled as doubtful citizens due to unresolved citizenship status. Prof. Tiwari's insights



VICHAAR

unveil the far-reaching implications of such categorizations, highlighting how they impact civil liberties, human rights, and the socio-political landscape of Assam.

The conversation kicked off with us inquiring about the classification of individuals as D-Voters, emphasizing the disenfranchisement and restricted access to rights they face. Anubhav Tiwari underscores the dynamic nature of devotees' condition, linked to evolving legal identities in Assam. He illustrates how these identities, including suspected foreigners, declared foreigners, and those excluded from the National Register of Citizens (NRC), blur the distinction between first-class and second-class citizenship.

Prof. Tiwari offers a comprehensive view of the intricate identities within Assam, extending beyond legal classifications. He enumerates diverse ethnic, socio-economic, and cultural identities existing in the state. The conversation navigates through the delicate balance between these identities, elucidating the fluid nature of second-class citizenship. He emphasizes that while legal categories legally demarcate second-class citizens, the distinction manifests on a practical level, impacting access to essential rights such as Aadhar cards.

The discussion then shifts towards the social and economic ramifications of such categorizations. Prof. Tiwari expounds on the emotional and financial toll, outlining challenges individuals face in accessing documents, engaging with verification exercises, and dealing with uncertainty. The economic implications extend to the job market, where fear of outsiders taking away opportunities creates further division within the society.

Prof. Tiwari then underscores the complexities, acknowledging that while the Citizenship Amendment Act (CAA) provides a potential shift, the issue is far from straightforward. He explains the nuances of resistance and the implications of such changes in status for both D-Voters and the broader citizenship landscape.

Further, the conversation delves into the contrasting treatment of different refugee groups in India. Prof. Tiwari elucidates how ad hoc policies have led to differing classifications, such as persecuted minorities versus illegal migrants, creating confusion and lack of uniformity. He highlights the need for a more comprehensive approach to refugee policies to address the complexities and safeguard human rights.

The dialogue moves on to address the impact of governmental initiatives, such as foreigner tribunals and detention centers, on civil liberties and human rights. While acknowledging potential concerns, Prof. Tiwari asserts that Assam's civil society has grown vibrant, actively engaging with marginalized communities and assisting them in navigating legal challenges. He argues that while the state's focus is primarily on citizenship resolution, human rights movements continue to flourish, lending support to excluded groups.

The conversation concludes with an examination of how policy measures could prevent the misuse of power by local officers in identifying doubtful citizens. Prof. Anubhav Tiwari underscores the need for constitutional and legal clarity from the Supreme Court to guide policy decisions. He posits that only with a top-down clarification can meaningful and lasting policy solutions be formulated to address the intricate citizenship puzzle in Assam.



When Ends are Barely Met: Stories of D-voters from the field

By Samragnee Chakraborty



Pointing towards a government school, 58-year-old Shanti Nag says in despair- *“This is the school where I studied till the 8th standard, with my two other siblings. There were not too many buildings in this area back then. These were mostly barren lands and I used to play here as a kid. I have spent my entire childhood here, and now the government says I am not Indian, while my siblings are.”* The Northeastern Indian state of Assam has been subjected to contestation over the citizenship crisis in the past few years. While most of the countries in contemporary times detain illegal migrants immediately after their arrival, what sets the case of Assam apart is that the alleged foreigners are detected not on the borders, but rather at their houses. There have been different tools and mechanisms of the citizenship crisis put in place to detect illegal migrants. While mechanisms such as the National Registry of Citizens (NRC) and the Citizenship Amendment Act (CAA) have garnered much regional, national as well as international attention, the mechanism of the Doubtful voter continues to silently function as it renders innumerable people stateless and pushes them on the verge of precarious citizenship.

In the year 1997, the Election Commission of India categorized and disenfranchised more than 100,000 people as D-voters, under the suspicion of them being illegal migrants from Bangladesh. The state of being neither an Indian nor a foreigner pushed them to the periphery of rightlessness. The experience of being a D-voter is different for every individual, as it affects people to varying degrees. While the linguistic and

religious minority group of Bengali Muslims are more susceptible to being marked as doubtful voters, the experience also becomes especially challenging for the economically marginalized. Their financial precarity, coupled with other factors such as lack of education, limited amount of information, and absence of documents make their path towards claiming citizenship exceptionally difficult. This article aims to explore the ways in which the economic incapacity among the D-voters pushes them further into poverty. Field interviews conducted in the town of Silchar in the Cachar district are used as shreds of evidence to highlight the different ways in which the legal battle proves to be expensive and the ways in which the D-voters manage their finances. It is to be noted that pseudonyms have been used to maintain confidentiality of the informants.

“Eating fish or meat is only a distant dream for us.”

Rubesa Begum voted regularly till the 2016 Assam Assembly elections. However, when she went to cast her vote in the year 2017, Begum was told that she had been categorized as a D-voter. Owing to the illiteracy, she as well as her family, did not understand the whereabouts of the case and left the responsibility on a local lawyer who was handling her case in the initial few months. Begum’s husband Ibadur Mia then reached out to a lawyer in the Guwahati High Court after the former lawyer could not prove her citizenship. They recount how both the lawyers were of no help and charged high fees. Ibadur Mia sold the cow he owned for 9000 rupees, to pay the fees of one of the lawyers. Approximately 60,000 rupees were spent in the process, and the total expense involved fees paid to the lawyers and money spent on travelling as well as managing the documents. Ibadur Mia, who is a daily wage labourer, took loans from external sources that charged high-interest rates. The family could barely manage their expenses, and the D-voter notice made things worse.

Rubesa Begum’s case is currently being fought by a lawyer, who does not charge them money. However, the family is under a huge debt and continues to experience financial burden as they are still required to pay off the loans they took a few years back. Her 16-year-old daughter has dropped out of school because of financial reasons. Talking about her schooling, they say “We barely manage our expenses. In such a situation it is not possible for us to send her for schooling. Sending her to school does not only involve the school fees but also her pocket money for tiffin, books, and stationery items.” To pay off the debt, her smartphone has been sold as well. Ibadur Mia’s health condition does not allow him to work, but he can not afford treatment and is bound to work to sustain his family and pay off the loans. Towards the end of the conversation, when asked if there are good quality fish sold in the area, teary-eyed Rubesa Begum said “There are. But eating fish or meat is only a distant dream for us. We can not afford them.”

“He is paralysed, but we can not afford quality treatment”

Jitendra Das has been fighting the case for more than two decades. Das continues to live in a liminal state, where he is neither an Indian nor a foreigner, primarily because of the lack of documents. His house caught fire years ago, and he lost all the documents to the fire. The only document he has is the land document, which is, however, not considered an acceptable document by the Foreigners' Tribunal. In 2021, Das experienced a stroke that left the left part of his body paralysed. Since then, he has not been able to meet the lawyers or go to the Foreigners' Tribunal for hearings. His son Bijoy Das and daughter-in-law, Rita have taken up the responsibility. They have to meet the lawyer at least once a month and make payments to the lawyer. The amount ranges from 500 to 1000 rupees, for each meeting. Given that Bijoy Das does not have a stable source of income, the family is finding the long-drawn legal battle agonising.

The D-voter tag of Jitendra Das has had other financial consequences for the family as well. Apart from being disenfranchised, the doubtful voters are also devoid of accessing substantive rights that the state offers. Being the head of the family, the ration card of the family was in the name of Jitendra Das. However, the family is no longer eligible to purchase food items at subsidised rates, because of Das' doubtful citizenship. Moreover, the family is not a beneficiary of the Arunodoi Scheme, a government scheme that provides monetary assistance to low-income families. The D-voter status not only pushes Das' family to spend money on the legal case but also restrains them from availing any of the benefits the state offers despite being a low-income family, thus making the situation worse. The financial burden has further caused the inability on the part of the family to access quality medical facilities for Jitendra Das' critical health condition. This has been captured in the statement made by Rita, *“He is paralysed, but we can not afford quality treatment.”*

One of the ways in which the finances are managed is the self-help groups. Rita is a part of an informal association, formed by a few women from similar economic backgrounds. They meet once every week and contribute 100 rupees to the collective fund. In times of crisis, Rita borrows money from the collective fund. The association has proved to be a major source of financial support for women, including Rita.

“I can't sleep at night, worrying about the loans I have yet to pay off.”

Rana Das and his wife Asha Das were served D-voter notice from the Silchar Foreigners' Tribunal in the year 2010. After their lawyer won the case on their behalf, they were declared Indians three years later, in 2013. However, a couple of years later they were once again sent a notice, doubting their citizenship. Two years later they realized that all the family members had been declared foreigners, because the lawyer Das had hired after receiving the notice for the second time, never appeared in front of the Foreigners' Tribunal

in the first place. The case was then passed on to the Guwahati High Court, where the lawyer ensured that Rana Das and his family members were not detained or deported. The bail was given on the condition that Das appeared before the Superintendent of (Border) Police every fifteen days and furnished a bail bond of 5000 rupees for each family member. The total expense on the D-voter case was about 50,000 rupees, Das claims. He had to spend on the fees of the lawyer as well as the bail bond for each family member. In fact, the case also incurred huge travelling costs because he had to travel frequently from Kathigora to Silchar, to meet the lawyers and go to the Foreigners' Tribunal. Being a fish seller, managing 50,000 proved to be burdensome for Das, and he resorted to loans from external sources. Even though he has not been spending money on the case lately, Das continues to be in debt. He said, "I can't sleep at night, worrying about the loans I have yet to pay off."

The financial incapacity of individuals has led to the process of claiming citizenship being arduous. Even if one member is marked a D-voter, the process has financial consequences for the entire family. While in some cases, people sell livestock, and assets such as phones or mortgage their houses to meet the financial requirements, in other cases, they take loans from external sources or self-help groups. However, several cases have been reported where the inability to cope and manage their finances has pushed individuals to the brink of committing suicide. The financial burden upon the D-voters is, therefore, much worse than has ever been brought to light, and demands urgent attention.

The Vanishing Act: Identity Politics, Missing Voters and Taking on the Leviathan

By Yashovardhan Chaturvedi

“*While the ethnic composition of the D-voters entails both Bengali Hindus and Bengali Muslims, mostly the latter has had to face the full force of the ‘othering’ process enforced throughout the post-colonial history, continuing with the British policies of allowing ethnic tensions to foster.*

INTRODUCTION

As India is on the cusp of its next general elections, the current administration will look back at its 2nd term as one of a mixed bag. One could be forgiven for failing to recall how the country was faring prior to the pandemic, but back in 2019, the BJP government was exercising its electoral mandate to push a series of contentious legislations in the parliament. Among them, that led to condemnation and large-scale protests, was the Citizenship Amendment Act (CAA) and the National Register for Citizens (NRC) bills.

Introduced with the purpose of identifying and documenting all legal citizens of India, these set of reforms intended to naturalize non-Muslim religious minorities, who had fled regions of former Indian provinces that now constitute modern day Bangladesh, Pakistan and Afghanistan.

While this was encouraged to grant clemency to those who have been persecuted in these countries on religious grounds, the exclusion of Muslim immigrants has led to their persecution within the Indian territory.

While the passing of the Bill in Rajya Sabha led to widespread protests against both CAA and NRC to be implemented nation-wide, a state-level implementation of the program was already underway. Assam, owing to a confluence of factors like a historically cosmopolitan heritage, colonial tampering, and simmering ethnic tensions, had provided a conducive testing ground for the NRC. What has resulted from the findings of the report was the rejection of around 1.9 million applicants who found themselves stateless.

Subject to legal proceedings at the Foreign Tribunals, instances of wrongful detentions and fear of being labeled as an “illegal” had stoked tensions in the region. One of the outcomes in failure of furnishing of the documents also means that such such persons are also disenfranchised, thereby being referred to as doubtful voters or D-voters. While the ethnic composition of this group entails both Bengali Hindus and Bengali Muslims, mostly the latter has had to face the full force of the ‘othering’ process enforced throughout the post-colonial history, continuing with the British policies of allowing ethnic tensions to foster.

The state has devised various policies over the years to identify and classify the status of these persons and groups, often without consultation of or regard for such groups. What these policies have resulted in is the marriage of identity politics and the issue of immigration, with the state's socio-legal machinations targeted towards minority groups, who have to contend with threats and actualised forms of physical and mental violence. But what has led to this situation in the first place?

The Long Road to Citizenship

The classification of people as doubtful voters or d-voters, who are disenfranchised on account of their lack of citizenship credentials, finds its origins in 1997, when Election Commission (EC) directed the Government of Assam to remove non-citizens from the electoral list. But the efforts towards creation of a citizen registry dates back to the post-independence period. While the first NRC project in Assam was undertaken in 1951, two laws pertaining to the issue of citizenship came into effect a year prior. The Immigrants (Expulsion from Assam) Act 1950 granted the Centre power to eject those who had entered the country after the law was passed. However, the provisions of the law still protected those who had fled from Pakistan on account of civil disturbance.

The issue of migrants didn't come to full force till the 1960s however, when the implementation of the Foreigners Tribunals Order 1964. This order added the dimension of identification documents to determine foreigner status under law. This however failed to characterize these identification documents that would prove sufficient to prove the citizenship status. The historically dubious process of documentation of identity in India only exacerbated the already complex process for determining the legal status of a person.

The migration that was prompted in response to the 1971 War has been a catalyst in the discourse on the issue of D-voter. While determining the status of persons who had come to Assam between 1966 and 1971, the policy in accordance with the Citizenship Act 1955 would grant them citizenship after 10 years. Even in this instance however, naturalization wouldn't entitle such persons to vote. The influx of the Bengali Muslims and Hindus, who had fled Bangladesh ended up settling in states like Assam.

This led to a growing anti-immigrant movement in the region, as natives called for segregated areas for the villagers and the immigrants who had come to settle there. The growing right wing movement in the region also called for protection of Assamese cultural identity, with the anger being directed towards the Bengali Muslim migrants. As ethnic tensions flared, protests and riots broke out, with it reaching fever pitch in 1983, when around 2000 Muslim immigrants were massacred in villages across 14 villages in Nellie.

In response to this growing political movement, dubbed Assam Agitations, peace was brokered between the Central Government and All Assam Students' Union, which led to the formation of Assam Accords in 1985. The government also passed the

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The government also passed the Illegal Migrants (Determination by Tribunals) Act (IMDT) making it essentially illegal for voluntary migration into India to happen without documentation.

Illegal Migrants (Determination by Tribunals) Act (IMDT) making it essentially illegal for voluntary migration into India to happen without documentation. It, however, recognised the existing laws were not suited for dealing with the question of an illegal migrant, and could unleash violence on Indian citizens.

Socio-cultural Dissonance

The Bengali Muslim community had immigrated from the erstwhile Bengal province of the colonial era dating back to the late 19th century. Referred to as *miyas*, a term usually meant as gentlemen in Urdu, the moniker has gained a notoriety for being used as a pejorative. After the post-colonial period, the Bengali Muslims were attributed as neo-Assamese. In the 1951 census, they had declared their language as Assamese. Despite this, they have not been an equal shareholder in the Assamese nationality or politics. The otherisation has merely ramped up in recent years, with questions of loyalty and allegiance of the community raised time and time again.

The rising communal tensions between Bengalis and Assamese were nurtured during the colonial era. After the annexation of Assam in 1826 under the Treaty of Yandaboo, Muslim farmers from Bengal were encouraged to settle in Assam. The lucrative land and migration policies, as well as the advent of Indian Railways, meant that troves of migrants began arriving in the region. This was opposed by the native villagers, who called for segregation of villages for the settlers and the natives.

Another British policy that ended up creating ruptures was the administration's favoritism towards the Bengali population. The imposition of Bengali as

the official state language, at the insistence of Bengali-government workers. This dilution of the cultural identity of the region had created resentments, with the 2011 Census data validating this effect, where the percentage of people speaking Assamese decreased from 58 per cent in 1991 to 48 per cent in 2011, while Bengali speakers in the state went up from 22 per cent to 30 per cent in the same period. The preference given to Bengali workers in government and administrative position during the colonial period certainly added fuel to the fire.

The 1970s also saw the rise of anti-immigrant or *jatiyotabaadi* sentiments in the region that was initially targeted at both Bengali Hindus and Bengali Muslims. The Bodo community, one of the largest plains tribes of Assam, who felt the threat to the interest of Assamese people, led an armed uprising in the region. Their demand for a separate state for the Bodo community was followed up with targeted violence against and the displacement of the Muslim population in the region.

The Nellie massacre was one such incident where the 2000 Muslim peasants were killed in several villages on a single day. The alleged reason for this massacre was the culmination of this resentment reaching its boiling point in the aftermath of the 1983 state assembly elections. Due to the unresolved Bengali migration crisis, the local tribes decided to protest and even boycott the elections in large numbers. Other scholars have argued the involvement Hindu right wing organizations in accommodating the demands of Assamese subnationalism with the Hindu nationalism ideals, as a way to target the immigrant population. Even after the Bodo and Assam Accords were agreed, the violence against the Muslim community has been perpetuated in the region till date.

Conclusion

The othering of the Muslim community comes at the backdrop of the global migration crises, coupled with the rising identity politics, which has led to questions of sovereignty and citizenship being taken place. The discourse on the illegality of migrants had provided the given power to these cultural contexts, where the Bodo community felt that Muslims had encroached on their lands. In the aftermath of the Nellie Massacre, the police filed 688 cases, half of which were dropped due to lack of evidence. The rest of the cases were dropped by the Government of India as part of its Assam Accord negotiations. None were prosecuted.

However, the release of the Assam NRC list in 2019, which disenfranchised 1.9 million people, has also revealed the complexities in determining the status of the citizen. While many such cases still remain pending in the state Foreign Tribunals, a recent report from the CAG identified improper software implementation and selection of vendors had left space for data tampering. The alleged corruption and misappropriation of funds has also led to lawsuits being filed against the Assam NRC coordinator and Wipro Ltd. Moreover, the ruling government itself has rejected the report as incorrect.

This latest project to determine citizenship again highlights how the political and legal processes have been baked into the ethnic tensions of the region. The recent efforts to delimit the number of Assam constituencies have been pursued in the interests of the Indian citizen. For these purposes, state census data from 2001 is being employed as part of the Representation of People Act 1950. The speculated rationale has been to reduce the share of Muslim legislators in the Assembly.

Meanwhile the status of illegal migrants- who were either put in detention or in overfilled settlements and camps, that are affected by shortages of food and medicine- is still not getting a resolution anytime soon. Subject to the list being notified by the Registrar General of India, these voters will be excluded from the NRC and as such will not be able to contest or vote in the elections. Subject to pressures and threats of violence from neighboring communities, oppression from the state, and with no end in sight over the uncertainty of their citizenship status, the stateless remain lost in the bureaucratic quagmire.

It doesn't seem that there will be any resolution coming anytime soon either. As nationalist forces in the world have gained pace, it has also increased political and ethnic polarization. In the wake of the inconsistencies discovered in the data collection process of NRC, the burden of determination of these group's status has been delayed to another time. With the fate of the group tied to the benevolence of the state's own territorial ambitions, it remains to be seen how long can the politics of identity be sustained. For now, however, the immediate ramifications of these policies has been one of alienation of the people who have endured hardships both home and away.

Human Rights Activist in Action: Working for the D-voters of Barak Valley region

IN CONVERSATION WITH KAMAL CHAKRABORTY



Kamal Chakraborty
Social and Human Rights Activist

Kamal Chakraborty, is a social and human rights activist. He has been involved in helping the people affected by the ongoing citizenship crisis in Assam, for the past eight years. He works closely with the doubtful voters and the detained individuals. Chakraborty's work is centered in and around the Barak Valley region, especially the Cachar district. He is also the author of the book *Assam-e Nagorikottwo Horoner Dohonlipi*, which illustrates the experiences of different people affected by the citizenship crisis. In the conversation with him, Chakraborty tells us about the condition of the D-voters in the Barak Valley region and specifically the Cachar district and implies the importance of looking at the issue through a historical lens. He also highlights that the government plays a major role in the exclusion of people from Indian citizenship. Chakraborty further shares the real-world issues that the D-voters have been experiencing and how his work has made the procedures easier for the people concerned. He ends the conversation on the note that the D-voter tag is nothing but problematic, and should, therefore, be removed.



Q. To begin with, please tell us a little bit about yourself and your work.

Hello, this is Kamal Chakraborty. My work mainly lays focus on the D-voters. However, recently, after the NRC list was released and 27 lakh people were excluded from the list, I started to work closely with the people affected by the NRC process as well. With my years of experience in the field, I now have a better knowledge of the procedures as well as resources. Therefore, I try to show the right path to the new D-voters who get in touch with me. I ask them to go directly to the District Legal State Authority, which gives legal assistance free of cost. In that case, the individuals served with the notice from the Foreigners' Tribunal only have to bear the cost of transport. I stay in touch with them throughout the process. Every time they are summoned by the Foreigners' Tribunal, I accompany them to understand the status of their cases or whether any documents are required. This is how I have been working for all these years.

Q. Since your work has majorly been in Barak Valley, can you tell us a bit about the situation of D-voters in Barak Valley?

The situation of the D-voters of the Barak Valley region should primarily be seen through the economic lens. In most cases, female D-voters are housewives, dependent on the male members of the households, and the male D-voters are generally casual labourers, without any regular source of income.

While some of them are rickshaw pullers, others work at construction sites. Therefore, the D-voters who are most affected, are from the economically marginalized sections. Through my work, I try to make sure that they do not have to spend much money during the process of claiming citizenship and I send them to the District Legal State Authority for the same. I also help them get access to their documents such as voter cards, to prevent them from getting into the traps of middlemen who usually tend to charge huge sums of money.

Q. Barak Valley and specifically the Cachar district is one of the regions within Assam that has reported the greatest number of D-voter cases. From your years of experience, what do you think is the reason behind the same?

The reason behind this can be traced back to the year 1971, when Pakistan got divided into West and East Pakistan, the latter now being called Bangladesh. Innumerable Hindus migrated to India because of various reasons, including the fear of being persecuted, or even for financial reasons. The Indian state of Assam, sharing its border with Bangladesh, has witnessed the largest influx of people. It would have been a different case if the government tried to send them back right after their migration. However, years after they migrated, it was declared that people who came to India after 1971 are foreigners. Now that these people have already settled, started families, and lived most of their lives here, the government wants them to go back.

If you have a look at the map of Silchar, there is Ashram Road, Malinibeel, Kalibari Chodh, Shyamiji Road, and Dudhpaatil. Most of the people who migrated in 1971, settled in these areas in the town of Silchar. In fact, the largest number of people post-1971 war settled in the Cachar district, including Karimganj, Badarpur, and Patharkandi, and that accounts for one of the major reasons why the region has witnessed the greatest number of D-voter cases and why people from these regions have been most affected by the citizenship crisis.

Secondly, mostly among the Hindu Bengalis maintaining records and documents back then was not a tendency. Very few people had their documents. This, however, never seemed like a problem before. The need and urgency for maintaining documents were realized only after Foreigners' Tribunals were set up and processes such as D-voters were initiated. Therefore, the lack of documents is another reason why the Barak Valley region, especially the Cachar district, has registered innumerable D-voter cases.

Q. How do you think the Government plays a major role in ensuring that a greater number of people are excluded from Indian citizenship in the form of D-voters? And why does the state do so?

The government here specifically refers to the Assam government. The Assam government most of the time upholds the demands and works on the interests of the majority Assamese population.

For years, every time they come to power, they have been presenting one issue, that of the foreigners. They presented the issue in such a manner for years that it gained international attention as well. If you look at other states, you will notice that none of them talk directly about NRC, but rather about NPR, which stands for National Population Register. The rule is to first get NPR done and then initiate the process of NRC. However, in the case of Assam, instead of NPR, directly NRC was undertaken. The majority of the Assamese population and various political parties of Assam claimed that there are about 20 million foreigners in the state. As a result, the Central government perceived this as a threat that if a state as small as Assam has 20 million foreigners, what would the number be in the entire country? This is why NPR was not undertaken in the state of Assam. However, once NRC was done, it was soon realized that the claims made were false, as 1.9 million people were excluded from the list. It was also realized that the majority of the people excluded were, in fact, Indian. For instance, it was declared that the documents of children below 14 years of age would not be required for the NRC process. The inclusion of the names of their parents would itself ensure the inclusion of the names of the children as well. However, about 1 lakh children, whose parents were declared as Indian in the process, were excluded. Moreover, there is the Harijan colony, which is inhabited by people who are originally from South India and have lived in the Barak Valley region, especially in the town of Silchar for years. Most of their names have been excluded as well, primarily because they did not understand the process. Therefore, the Central Government soon came to the realization that the number of people whose names have not been included in the NRC lists, is not even half the number of foreigners that the Assamese population and the regional parties of Assam claimed initially. The Assamese population has been doing this for years, and they will continue raising this issue even in the future. The Assam government perceives the issue of foreigners with utmost seriousness. It encourages as well as acts on the citizenship crisis primarily because it helps them stay in power.

Q. In your book *Assam-e Nagorikottwo Horoner Dohonlipi*, you mention that D-voter notices are mostly sent to the illiterate and helpless, and not to the middle class. What do you think is the reason behind the same?

Middle-class people usually have access to financial resources, and therefore, they somehow tend to workarround and get hold of documents. This is India, where you can get anything and everything if you spend money. The middle class also has networks and connections with government officers, which means that they are well-secured from that angle as well. In fact, I know a lot of people from the middle class whose names have been included in the NRC list, whereas they were not supposed to. This is the reason that most of the cases we have seen so far are that of the illiterate, economically marginalized, and helpless people. The lower class is targeted in order to create cheap labour.

Only about 2% of people who are served notice by the Foreigners' Tribunal get in touch with me. The rest 98% follow their own paths. Neither do they have the necessary information, nor are they ever told by the different stakeholders. The lack of information forces them to reach out to untrustworthy sources and

spend huge sums of money. Once they reach a point where they are no longer able to manage the money, they stop acting on the case. As the days, weeks, and months pass by, they are finally declared as foreigners.

Illiteracy and low economic status go hand in hand. I have come across a lot of people who possess the necessary documents. However, they failed to comprehend what the Foreigners' Tribunal notice said and failed to appear before the FT, resulting in their declared foreigner status. In fact, the Border Police also work on the basis of their own biases. It is easier for them to show power and dominance over the people from low economic status, rather than the middle-class, who they know would have stronger networks and connections. These are the main reasons behind the lower economic class facing the harshest consequences.

Q. How do you think your work has made the procedures easier for the D-voters?

I am sure that my work has made the procedures much easier for the D-voters, at least for the ones who get in touch with me. Firstly, I send them immediately to the District Legal State Authority, so that they get the required legal assistance free of cost. Secondly, for the individuals who contact me after being declared as foreigners, I send them immediately to the High Court. I share a close relationship with lawyers such as Aman Wadud, Debosmita Ghosh, and Darshana Mitra, who fight these cases at the High Court. They do not charge me or the parties involved, from weaker financial backgrounds, any money. What I do is I send the documents over courier to the lawyers and I bear that cost myself. Following this process, I have helped two individuals receive the tag of Indian from being declared as foreigners. However, the cases under the High Court are long-drawn, with no assurance of when they would get over. While in some cases, it takes up to six years, in others it takes about ten years. Thirdly, my networks are also quite strong. There are tea stalls near the Foreigners' Tribunals. I ask the shop owners to contact me if they find any D-voter without support or assistance so that I can take them to the right path.

Q. Lastly, you mention in your book that the processes involved in categorizing D-voters are problematic. What according to you is the way forward?

I believe that the D-voter tag should be removed. It holds absolutely no importance. This is India. Whoever has the money and power to manage the documents is an Indian. It does not matter whether you and your family have been living in India for 200 years. If you do not have documents, you are then a foreigner. This means that a person who has been living here for the most part of his life or has been born and brought up here, is declared a D-voter and his citizenship becomes questionable. In fact, the procedures involved are also inadequate and anomalous. What happens in a lot of these cases is that the FT notices are sent to the older addresses of the individuals.

These individuals, completely unaware of their doubtful citizenship status, fail to appear before the Foreigners' Tribunal, and as a result, are declared foreigners. Then how can one call the procedures accurate? Moreover, the procedures place immense importance on the value of numbers. The Election Commission or senior police officers ask the ones working on the ground such as the Border Police officers to go and mark 100 D-voters from a specific region. This leads to the Border Police randomly marking the people as doubtful voters, because of the pressure created. Therefore, most of the people marked as D-voters are in fact, Indians. And what should also be noted is that all the D-voters who are declared as foreigners and sent to the detention camps are not deported. They live in the detention camp for years, in some cases for four years, and in other cases for about ten years. In fact, according to one of the rulings by the Supreme Court of India, individuals who have spent three years or more in detention camps should be released. So my question is that if they are to be released and if these people are ultimately supposed to live with their families and within the Indian borders, then what is the point of all these? The creation of the D-voter tag and making people helpless in the process by forcing them to spend money and spend most of their time in the FTs or with the lawyers only give the individuals as well as their families trauma. I believe the processes only aim towards pushing people towards suffering, as there has been no real solution to the issues they raise. But who should I explain this to? There is no one individual responsible, but rather the entire system and there are multiple stakeholders. My fight is not only restricted to Assam. I do not want the D-voter, NRC, or NPR processes to be executed anywhere else in India, be it West Bengal, Tamil Nadu, or Manipur. For as long as I live, and for as long as I can, my fight will continue.

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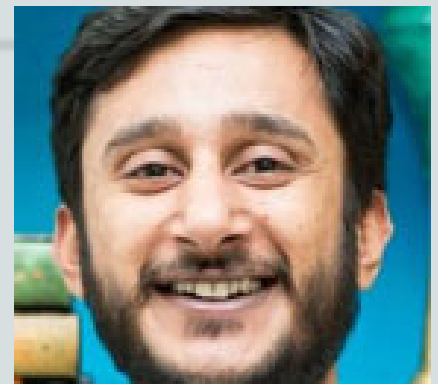
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