The National Register of Citizens (NRC) in Assam along with being a communal issue is also extremely gendered in nature. In the process of granting citizenship, the state ensures and renaturalises heteronormativity. A process of ascertaining citizenship through lineage can never be inclusive of people who are outside the norms of heterosexual familial structure.

The Assam Accord, signed for the purpose of detection and deletion of foreigners, considered 1 January 1966 as the base date. The issue of the foreign national died down after the Assam Accord but came up again in the context of the Illegal Migrants (Determination by Tribunal) (IMDT) Act, 1983 which was nullified by the Supreme Court in June 2005 (Ahmed 2006). The issue of illegal migrants, however, kept resurfacing as an agenda during assembly elections, previously in 2006 and more recently in 2014. The Bharatiya Janata Party (BJP) came into power in Assam in alliance with the Asom Gana Parishad (AGP) through the declaration that they will “deport all Bangladeshis from Assam.” The process of the National Register of Citizens (NRC) was fast-tracked after the BJP regime took over in 2016 (Raiot Collective 2018a).

Several people have done different calculations to prove that this mass frenzy created among the Assamese people against the Bengalis is untrue and that there has been no exponential increase in illegal migrants after independence (Ahmed 2006; D Das 2018).
Intellectuals have also historicised this phenomenon of migration and said that there has been a continued loss of tribal commons that was assisted by the movement of many communities by the British. The peasants of East Bengal were brought in with the allyship of the Hindu Assamese elite both pre and post independence and this continued even after the creation of Bangladesh (Raiot Collective 2018b). Rajkhowa and Phukan (2018) write that the current situation cannot be seen only through the situation during the 1980s as a lot has changed since then and the Bengali Muslim community can no longer be seen only as a “Bangladeshi problem” without taking into account the internal migration within Assam and migration from other Indian states due to development-induced displacement and ecological devastation.

The Exclusions

The final draft list of the NRC released on 30 July 2018 had about 40 lakh unlisted individuals. While officials continue to claim that the number will not be as high in the actual list, there has been no statement from the government about what would happen to those who do not get included in the list. I wish to argue that the NRC itself is not a viable method for ascertaining citizenship and such a method is a ploy of this government to safeguard the cis-heterosexual Hindu upper-caste family system. The process of the NRC will lead to exclusions and particularly impact the lives of marginalised communities. This can already be witnessed from the exclusions that have been most stark in the draft list. In the following paragraphs, I am listing out some of the major exclusions.

Assam is a flood-prone area and every year thousands of people lose their homes and possessions, including documents, in floods or other calamities like land erosion and conflicts between communities. As a result, the possession of documents and legacy data is a luxury available to only the privileged. The postal system is not the most efficient or reliable and neither is access to the internet. There are several instances of people not receiving notices for hearings by the Foreigners Tribunal in time and thereby being declared D-Voter ex parte (Raiot Collective 2018b).

A statement by the intellectuals of Assam also talks about how paperwork can be a dangerous thing. They write that the need for paperwork was generated by the colonisers for everything including land, people, and communities. These legal structures were alien to the local peasants and tribal communities (Raiot Collective 2018b). Many people still may not be able to understand or access the NRC process.

The districts of Nagaon, Bongaigaon, Darrang and Kamrup Metro that are most affected by the NRC are dominated by Bengali-speaking people, a majority of who are Namashudras, a Scheduled Caste (SC) community who were originally the inhabitants of East Bengal. The community was first brought into Assam to clear the dense forest and cultivate the land. The main influx of people occurred during partition and before the Bangladesh War in 1971 when about 10 million people came to India from Bangladesh to escape persecution (Mallik...
Further, the NRC has also been exclusionary of women. Azad (2018) writes how women were allowed to submit a panchayat certificate in the absence of birth or education certificates to establish linkage with the legacy holder. In some areas, child marriage is highly prevalent and hence, women do not have the required documents. While communities that have been given the status of original inhabitants have not had to undergo stringent verification of their panchayat certificate, Muslim women and Bengali Hindu women who provided the same were put through a stringent verification process (Azad 2018).

At the same time, the transgender community remains almost entirely unlisted in the NRC. As per the All Assam Transgender Association (AATA), there are about 20,000 transgender persons in the state (G Das 2018). At least 2,000 transgender women had applied to be enlisted, but their status is unknown. A large number of transgender women could not apply because they did not have the required documents to do so. Most hijras leave their biological families when they are young and are left with no contacts and it is hence practically impossible for them to get access to legacy data establishing their link. Some transgender people whose names have appeared on the list are mostly enlisted with their dead names[1] and they do not know the repercussion of this (Sitlhou 2018).

Rajkhowa and Phukan (2018) write that the Assam Movement has historically been exclusionary in character. This has been pointed out time and again by various ethnic groups; hence a consensus amongst all communities of Assam as claimed by the Assam Accord is questionable. The new political will has to be shaped by conflict and disagreements between the many voices that stand against this prevailing consensus. They further write that the NRC initiative does not actually draw its lineage from the Assam Movement but from the paradigm of depoliticisation adopted by the state throughout the 1990s and 2000s. For this purpose, it becomes extremely important to understand the political motivation behind the NRC process being reinstated by the current government. Saikia (2019) writes that the “language movement” overshadowed the problem of illegal immigration in Assam and the Bengali Muslims were politically allied with the Assamese against Bengali Hindus. The issue of illegal immigration gained prominence as it was re-appropriated by “political entrepreneurs.”

If one is to understand how the “language movement” was appropriated by “political entrepreneurs,” understanding the NRC with the Citizenship (Amendment) Bill (2016) is important. The Citizenship (Amendment) Bill lapsed as it could not be passed in the Rajya Sabha. The proposal was to amend the Citizenship Act, 1955 to provide citizenship to “illegal migrants” from Bangladesh, Afghanistan and Pakistan who are of Hindu, Sikh, Parsi, Buddhist, Jain or Christian origins. It, however, denied citizenship to Muslims from these countries. While the government claims that this has been done on humanitarian grounds because they are persecuted minorities, the same humanity has not been inclusive for other persecuted minorities such as the Rohingyas in Myanmar or Shias of Pakistan. This bill
created tensions among the Assamese communities, including the AGP, political allies of the 
BJP, the intellectuals and artists of the state as well as the militant separatist groups. The 
AGP also broke its alliance with the BJP government. Several protests ensued across the 
north-eastern states, and other regional parties also threatened to sever alliances with the 
BJP in the event that the bill was passed.

Both the NRC as well as the Citizenship (Amendment) Bill (2016) attempt to protect and 
validate the heteronormative upper-caste Hindu family in the name of giving protection to 
marginised groups. This trend of upholding of the heteronormative family system while 
进一步 marginalising certain identities can be seen in other legislation proposed by this 
government as well. In the Trafficking of Persons (Prevention, Protection and 
Rehabilitation) Bill 2018, for instance, in the name of raid and rescue, sex workers are made 
more vulnerable. Pai, Seshu and Murthy (2018) write about infantilisation, loss of agency 
and human rights violations faced by sex workers during raid and rescue operations, due to 
the absence of income. The Surrogacy (Regulation) Bill 2016, in its aim to end the 
exploitation of women who become surrogates, pushes the business underground and 
makes them vulnerable. It also promotes archaic ideas of familial relationships by 
mandating only “close relatives” as surrogate mothers and prohibiting homosexual couples 
and non-married couples from commissioning surrogates (Yamunan 2019). The same has 
also been seen in the drafts of the Transgender Persons (Protection of Rights) Bill, 2016 
which denies self-determination of gender identity, does not provide any affirmative action 
policies, does not provide for protection from violence, but ends up delegitimising the hijra 
gharana system and criminalising begging and sex work that have been the traditional 
livelihood options for transgender people.

Queering the Idea of Citizenship

Richardson (2000) writes that the idea of citizenship has been gender-blind. She shows that 
in all the different ways in which citizenship is defined, women, queer people and 
marginalised groups have been excluded. If citizenship is a set of civil, political and social 
rights, then queer people are only partial citizens because they are excluded from several of 
these rights. Richardson writes that the greater visibility of lesbian and gay people in 
mainstream culture is less an acknowledgement of citizenship rights and more their 
commodification and assimilation into the dominant culture. When queer people do not fall 
into this framework of the consumer, they will not be included in the paradigm of 
citizenship. Hence, for women as well as people belonging to marginalised genders, 
citizenship can only be conditional.

White (2014) traces the “performative contradictions” in two examples of queer migrant 
justice organising from United States and Canada—Let Alvaro Stay and We’re here, we’re 
undocuqueer. White writes that fighting for “fairer” immigration policies is not a solution to 
the violence that is produced and organised through the nation state form as a motor for 
global capitalism. According to the author, the continuous deportation of the undocumented
migrant becomes necessary for the sustenance of global capitalism because it provides for “exploitable labourers” who are included in the category of migrant labour through the process of criminalisation. Since citizenship by definition is exclusionary, it is impossible to formulate citizenship for all. If everyone gets included, then the concept of citizenship becomes obsolete.

Citizenship is based on the principle of exclusion of some people who are deemed as undesirable to the state. While queer persons are not complete citizens, they may get included in the idea of citizenship if they are seen as being desirable, respectable, and having the capacity of being a consumer.

Bora (2011) writes that although the North East is legally included in the Indian state, its inclusion has always been deferred. In the post colonial period, there has been an emergence of several armed insurgent groups in the region demanding political sovereignty. The Indian state’s response to this, on the one hand, has been “to accommodate difference through institutions of liberal democracy, whether it is through elections and law or through constitutional and administrative measures” such as giving autonomy to the north-eastern tribes through tribal laws and customs; on the other hand they have used the strategy of militarisation by institutionalising different extra-constitutional and marital laws like the Armed Forces (Special Powers) Act (AFSPA). Kikon (2009) writes that colonial discourse also represented the North East and the rest of India as binaries and the tribes of the North East were portrayed as the Mongolian other. It is this exceptional legal status of the North East that provides for the inhabitants to be seen as “incomplete citizens” and “incomplete national subjects.” Within such a context, the conflict between different marginalised groups has been reinforced by the Indian state’s policy of exclusionary inclusion for political gains.

The NRC, in the garb of appeasing the indigenous people of Assam and assimilating them into the Indian nation, is actually an attempt to increase the rift between groups residing in the region while also creating further vulnerabilities for those who do not fit into the heteronormative way of life by tracing citizenship through lineage. Those who do not fit into the heteronormative way of life have been excluded from the time the idea of a modern state came into existence. This was institutionalised during the colonial period when the British enacted the Criminal Tribes Act applicable to a number of communities, including the “eunuchs,” among whom there was a prevalence of sexual non-conformity and disregard for personal property. This law came to be used as a surveillance mechanism for them (Narrain 2004). Although the Indian state legally recognises the transgender community after the NALSA judgment was passed in 2014, there have been continued attempts to fit them into the heteronormative family life through the drafts of the transgender bills as discussed earlier.
In Conclusion

Deportation of thousands of people who have been living in a place for almost half a century is both inhuman and impractical. The least that can be done now is to ensure the rights of the people who are currently residing in the country. Substantial work is required towards eliminating conditions that push marginalised groups to migrate across borders amidst and despite so much risk.

End Notes:

[1] The names that transgender people are given, and which they stop using after they change their names.

References:


