Inside Assam's Detention Camps: How the Current Citizenship Crisis Disenfranchises Indians

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Assam's detention camps violate both letter and spirit of the Indian Constitution and disregard basic human rights.

Dulal Chandra Paul, a farmer from Assam’s Sonitpur district, died in a detention camp on 13 October 2019 (Parashar 2019). The Tezpur Foreigners Tribunal (FT) had arbitrarily labelled him as an "undocumented foreigner," and he was lodged in Tezpur jail, which is commonly identified as one of the detention camps of Assam, since October 2017. According to Paul's family, his mental health became more fragile during his incarceration and eventually led to his death. Paul's story, however, is not unique: he is only one victim of the citizenship crisis which is currently unfolding in Assam. At least 29 people have died under incarceration in Assam’s detention camps (Naqvi 2020). Currently, Assam has six detention camps that incarcerate more than 1,100 people. One cannot make the distinction between detention camps and jails, as these camps are located inside the latter. Persons marked as illegal immigrants are therefore locked up with those who have been jailed for criminal offences, or who are undertrials. Except for the Kokrajhar jail, where women are kept, all other detention camps are earmarked to incarcerate men. With the publication of the final list of the controversial National Register of Citizens (NRC), which excludes more than 1.9 million people, the current government is preparing to incarcerate an extraordinarily large
number of people who, more often than not, are voiceless and come from the marginalised sections of society. The government is also currently constructing the country’s largest detention camp in the Goalpara district of western Assam, in addition to another 10 proposed camps in the state.\[2\]

**The Politics of Migration in Assam**

Many countries in the contemporary world detain people as illegal immigrants, however, most of them are “detained on arrival” (Bosworth 2014: 8). However, in Assam, people are being arrested and detained from their homes, villages, or from FTs, and usually not from borders. Thus, to comprehend the politics of detention camps, one needs to understand the larger picture of the politics of citizenship in Assam.

The immigration issue in Assam is political, and the notion of illegal migrants continues to shape Assamese identity even today. In the 1980s, the question of cross-border migration was used by the political elites to construct the Assam Movement. During this period, the “illegality/alienness of the migrant became central to the construction of the Assamese identity...” (Roy 2010:32). The Assam Movement turned extremely violent, and caused numerous deaths, including the infamous Nellie massacre (Hussain 1993; Mander 2008). It ended with the inking of the Assam Accord, and the leaders who had spearheaded the movement subsequently formed the government—led by Prafulla Kumar Mahanta—by winning the state elections in 1985. Since then, the issue of cross-border migration has remained a component of the sociopolitical and cultural discourse.

In Assam, the Bengali language has been used as a “marker of alienage.”\[3\] Political elites, together with the bourgeoisie media, invented the narrative that millions of illegal immigrants from Bangladesh had taken shelter in Assam. Propelled by this narrative, which critics term as a hyperbolic and xenophobic construction by the vernacular media, many natives turned hostile towards the minority communities residing in the state, especially towards poor Bengali Hindus, Muslims from East Bengal (Bangladesh), and Deshi Muslims.\[4\] These narratives were then fortified to the point that they began to trespass into the domain of government policies, which were then influenced towards countering the apparent influx of illegal immigrants.

**The Making of an ‘Illegal’ Migrant**

The apparatuses that have been instituted by the government to mark people as illegal are threefold: the “doubtful voter (D-voter)” mechanism, reference cases, and the NRC.\[5\] All the detainees locked up in detention centers are the victims of the first two political apparatuses, which fundamentally target social groups with a historical connection with erstwhile East Bengal.
Further, it would not be unwarranted to say that the government has been taking additional discriminatory and exclusionary measures, such as evictions, which directly affect Muslims and render hundreds homeless (Muktiar et al. 2018; Azad 2019). Protests have been brutally suppressed, and the dominant classes of the state continue to discriminate against minorities in multiple ways. “Miya,” “Bongal,” are just some of the opprobrious words used widely by many in the state to otherise, humiliate, and subjugate. Miya poetry, a vibrant and impromptu form of protest that emerged in the state, has faced much criticism, suppression and subjugation in Assam by the media, natives, and Asomiya student organizations (Gohain 2019). Except for a handful of Asomiya intellectuals, most have justified this crackdown of the poetry movement, which has gone to the extent of filing first information reports against the poets.

So far, those who have been put into detention camps are not there because of the NRC, but rather due to the D voter mechanism and reference cases. The process of sending people to detention camps starts with marking them as D-voters in the electoral lists. This is selectively done, and disproportionately targets Muslims and Bengali Hindus. Koch-Rajbanshis, who have names similar to Bengali Hindus, are also made to suffer due to this ad hoc process of disenfranchisement. There is no verification of any kind by the border police, and those tagged as D-voters are sent notice to appear before an FT in order to “prove” that they are Indian citizens, and not illegal immigrants. The state thus pushes the burden of proof completely on the individual, what Roy (2010) calls as the “reversal of a fundamental principle of law whereby an accused/suspect is presumed innocent until proven guilty.” The FTs rejection of papers submitted as proof of citizenship by the “suspect” prompts them to pass an order sending the latter to detention camps. This entire process has attracted massive controversy, and thousands of genuine Indian citizens have faced perturbing and continuous harassment from the structure of the D-voter (Siddique 2019).

Another apparatus that the government has used widely to put people in detention camps is the reference cases. A report on detention centres of Assam mentions,

“Each border police works in around 15-20 villages, which it surveys for suspected illegal immigrants, who they ask to produce citizenship documents in 15 days. If they fail to do so, they refer the case to FRRO (Foreigner Regional Registration Office), which sends the case to [the] Foreigners Tribunal for trial. The tribunal again issues notice, served by the police. If the person does not show up, the Tribunal passes ex-parte orders” (Citizens for Justice and Peace 2018)

The issue at this juncture becomes very complex: in some instances, the notices served by the FTs do not reach to the concerned person to whom the notice is served, while, in other cases, the migrant labourers who work in distant south and north Indian cities cannot afford
to attend the FT hearings, mostly because they do not have the financial resources to do so, or because they do not receive these notices in the first place. The FTs then pass *ex parte* orders against such “suspects,” classifying them as illegal.

People detained in these camps are not arrested while crossing the border, as many think, but rather are picked up from their homes or villages, where they have, for all intents and purposes, been residing as law-abiding citizens. Further, those who are arbitrarily declared “illegal” have their lives ruined. For example, Madhubala Mandal, a 59-year-old woman, was arbitrarily arrested, labelled an “illegal immigrant,” and was lodged in Kokrajhar jail for three years before she was released after the authorities accepted that they mistook her identity (Karmakar 2019). Another elderly woman, Khabiran Nessa, was lodged in a detention camp for three years and seven months before being declared an Indian by the Supreme Court. In order to fight for her, Nessa’s family was forced to sell their land, and also lost almost everything they possessed. She describes the detention camp as “Jahannam” and asks: “Who will punish those who made me go through this long, hideous time, and who will give me back the time, peace and property that I have lost?”

**Life Inside the Camps**

Detention camps were established based on an order by the Gauhati High Court in 2008, after a long spell of politics on “illegal immigrants” in the state (Dutta 2019). Since then, Assam has increasingly transformed into a carceral state, and the detention system is steadily emerging as a behemoth structure. The camps are horrifying spaces: no visitors except family members are allowed; they are overcrowded, and felons as well as the alleged illegal migrants are treated alike; the Assam Jail Manual is applied to both categories of detainees. Inmates are not permitted to leave, even in case of a death in the family, and children are separated from their mothers.

Most detainees are illiterate and are from very poor backgrounds. According to Zamser Ali, an activist whom the author interviewed, “family members of the detainees, by and large, cannot afford to meet them, for travelling long distances is something they cannot afford.” Moreover, the jail staff allegedly demands bribes to allow family members to meet detainees.

Detainees are neither provided with beds nor pillows. Medical facilities available are inadequate. Food provided is barely edible. Ratan Chandra Biswas, who spent two and a half years in a detention camp, fell seriously ill in the camp and was admitted to the Goalpara hospital, where he remained handcuffed to a hospital bed despite his health (Ali 2018). Even in illness, detainees are forced to live a life of humiliation and distress.

**The Future of the NRC Exercise**

The NRC has harassed millions in Assam, the result of which has pushed around two million
people to the brink of statelessness. Moreover, the current ruling party's rhetoric has been troubling: Union Home Minister Amit Shah has declared in Parliament that the NRC exercise will be extended to all states in India (Chaturvedi 2019), and Prime Minister Narendra Modi has denied the existence of detention camps (ANI 2019), despite overwhelming evidence to the contrary.

People languishing in the detention camps are powerless and destitute; many of them cannot afford legal support. The Supreme Court, in a recent order, has said that those who have spent more than three years in detention camps can be granted bail, on providing two sureties of Rs 1 lakh each (Rautrey 2019), but most inmates cannot afford such an amount. Moreover, the Assam government has recently been directed to release non-Muslims from Pakistan and Bangladesh from detention camps (Kalita 2020). These camps, which are now not limited to just Assam, must be closed immediately in order to uphold the dignity and liberty of the people guaranteed by the Constitution of India

End Notes:

[1] In this paper, I will use the terms “jail” and “detention camp” interchangeably, as there is no de facto difference between the two in Assam.


[4] Muslims residing in Assam are a heterogeneous community that includes Asomiya Muslims, East Bengal-origin Muslims (popularly known as Miya Muslims), and Deshi Muslims, among others.


[8] Khabiran Nessa said this in an interview with Nasiruddin Siddique, a co-researcher with the author, on 13 January 2019. Additionally, her story also appeared in the Wire, available at [https://thewire.in/rights/assam-d-voters-indian-citizenship](https://thewire.in/rights/assam-d-voters-indian-citizenship).

[9] Information sourced from the author's interview with an inmate.
References:


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