


Microsyllabus: Citizenship and Provisional Belonging in South Asia

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India's controversial Citizenship Amendment Act (CAA) was signed into law on Friday, December 12th, 2019. It is the most recent amendment to the 1955 Citizenship Act and provides a fast-track to Indian citizenship for migrants belonging to minority communities from Afghanistan, Bangladesh, and Pakistan if they entered the territory of India before 31 December 2014. It reduces the required period of residence before naturalization from eleven years to five years. It also exempts them from any pending proceedings for "illegal immigration." Most perniciously, the Act redefines access to Indian citizenship on ethno-religious grounds, making it easier for Hindus, Parsis, Sikhs, Jains, Buddhists, and Christians to naturalize, while leaving out Muslims from these countries.

In response to the Act, India has erupted into weeks of protests, from Guwahati in the Northeastern state of Assam before the Bill was signed into law, to New Delhi for impassioned readings of the Indian constitution, to Kochi in the southernmost state of Kerala where thousands gathered on New Year's Day. Why has this law generated such a profound outpouring of popular dissent? Because of the Indian subcontinent's long history of mobility and exclusion. Ironically, these histories have been invoked both by the proponents of the Act and by its critics. The Statement of Objects and Reasons in the Citizenship Amendment Bill mentioned the "historical fact" of trans-border migration between India, Pakistan, Afghanistan, and Bangladesh that began with the partition of British India into the sovereign states of India and Pakistan in 1947. Critics also invoked this historical legacy and the dangers of using religion as a basis for citizenship. They point out that it was this legacy that had first led India's Constitution-makers to adopt a territorial, as opposed to an ethno-religious definition of citizenship. In addition, Legal experts have pointed out that the arbitrary exclusion of Muslim and non-Muslim communities that have a recognized track record of "persecution" – the Rohingya in Myanmar, Tamils and Muslims in Sri Lanka, or Buddhists in the Tibetan Autonomous Region – is evidence that the Act is in violation of the right to equality enshrined in the Constitution.

An important feature of the protests against the CAA has been the recitation of the Preamble to the Indian Constitution. The image above shows the original text of the Preamble.

The 42nd Amendment of the Constitution in 1976 changed the description of India from "sovereign democratic republic" to "sovereign, socialist secular democratic republic", and the phrase "unity of the nation" to "unity and integrity of the nation."

Understanding the long history of imperial rule, mobility, and itinerancy between India and her neighbors is necessary for making sense of why the Act has sparked such widespread protest and criticism. In the past, there were times when neighboring countries were not divided by international-legal borders and competing forms of citizenship, and periods when those borders were violently constructed. Below is a microsyllabus of key texts, commentary by their authors in other forms, oral history collections, as well as selected fictional works to help teach about the historical and regional forces that underpin the CAA and current protests. These texts provide elements of the historical context of migration and the regimes of citizenship-making in South Asia. We focus in particular on the liminal places and peoples constituted by newly drawn international borders, both across land and sea.

Niraja Gopal Jayal. *Citizenship and its Discontents: An Indian History*. Cambridge: Harvard University Press, 2013.

The ongoing debate over the CAA is predicated in part on the distinction between “ghuspetia” (infiltrator) and “sharanarathi” (refugee). This instance is only the most recent reminder that citizenship is as much about a state’s engagement with those wanting to be admitted into its fold, as it is about the legal status, rights and entitlements, and a sense of identity and belonging among its citizens. The latter three— status, rights, identity— are all sites for contestation in India, and comprise the three sections of Jayal’s book, which is as alert to their definition vis-a-vis the non-citizen, whether infiltrator or refugee. The book documents “the evolution of the Indian idea of the citizen” over the previous century, informed by colonial, constitutional, and postcolonial modes of thinking about the relationships among individuals, individuals and the state, and amongst states. Jayal shows that while India chose *jus soli* (citizenship by soil) as the formal principle of citizenship at Independence, and not *jus sanguinis* (citizenship by blood-based descent), the tensions between the two conceptions have endured, as has the divisive legacy of the Partition. Postcolonial Indian citizenship laws have increasingly revealed a bias towards a *jus sanguinis* conception. The accommodation of claims of wealthy diasporic Indians (mostly Hindus) is on one end of the spectrum, and the treatment of Bangladeshi (Muslim) immigrants on the other. Recent events have shown the uneasy relationship between democracy and citizenship, which are often assumed to entail each other. They have lent urgency to another important question in Jayal’s work: “under what conditions can democracy be an instrument for the realization of citizenship?”

Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories*. New York: Columbia University Press, 2007.

Many of the protests that have emerged in the wake of the Citizenship Amendment Act have taken as a focus the secular nature of the Indian Republic. In opposition to the religiously defined Pakistan, India has long prided itself on being a land of diversity and multicultural tolerance. However, the treatment of Muslims as a second-class minority in India is not new, but a practice rooted in the long process of the 1947 India-Pakistan partition itself. The Indian State has long used religious categories to define the relationships that individuals have to the State, both legally and culturally. Zamindar’s *The Long Partition* is an essential text in understanding how the 1947 partition was not a one time event but rather a long process that still guides relationships in South Asia today. Zamindar looks to how the new states of India and Pakistan dealt with migration and settlement, from the property that was often quickly abandoned as people fled one state for the other, to how nationality and citizenship would be determined in the future. The India-Pakistan Partition made not only new states and new borders, but a refugee population that continues to face barriers to inclusion through the ways that citizenship is legally and culturally constructed.

Jason Cons, *Sensitive Space: Fragmented Territory at the India-Bangladesh Border*. Seattle: University of Washington Press, 2016.

Although citizenship is often understood as an identity marker that travels with a person as they move throughout the world, the importance of territory to definitions of citizenship cannot be overstated. The border between India and Bangladesh, initially drawn in 1947 as East Pakistan, but re-negotiated after the liberation of Bangladesh in 1971, included, until 2015, almost 200 enclaves, or national territories nested within another national territory (51 Bangladeshi enclaves within India, 111 Indian enclaves within Bangladesh). These “stranded pieces of territory – holes in the net of sovereign territorial rule,” are the subject of geographer Jason Cons’ book *Sensitive Spaces*, which traces how these encapsulated micro-borders have become heavily securitized and militarized. By spending time on the border (at 4,096 kilometers, the fifth-longest land border in the world), amongst the makeshift refugee camps populated by people who are trapped between the two states, unable to prove their belonging in either one, Cons illustrates the messiness of claims to citizenship in South Asia, troubling concepts of national territory and arguments about who should have a legal claim to state belonging.

Sanjib Baruah, *In the Name of the Nation: India and its Northeast*. Palo Alto, CA: Stanford University Press, February 2020.

Before the CAA became law, popular mobilization against the Act began in the Northeast before they spread to ‘mainland’ India. The protests in the Northeast are a result of a different set of anti-government dynamics and histories of contested citizenship than those of the rest of India. To understand how those came to be, Baruah’s latest book (not even yet hot off the press) places ‘sub’ nationalist movements in Assam, Nagaland, Manipur, Meghalaya, and elsewhere in the region in conversation with ongoing issues of partition, citizenship, resource extraction, constitutional categorization, insurgency, and military-legal exception. Sections focus on the construction of the Northeast as a region, the interlinked issues of resource ownership and the constitutional categorization, as well as the continued use of the Armed Forces Special Powers Act of 1958 to place the military above the law. These chapters are tremendously useful for situating a ‘forgotten’ region into national and global debates on law, geopolitics, and citizenship. While the Northeast was made into a periphery by historical processes, it is central for understanding the limits of national belonging, as shown in its role sparking the protests against amending the criteria of Indian citizenship.

Sharika Thiranagama, *In My Mother’s House: Civil War in Sri Lanka*. Philadelphia: University of Pennsylvania Press, 2013.

Sri Lankan Tamils and Muslims are among those excluded from the fast track to naturalized Indian citizenship per the CAA. Anthropologist Sharika Thiranagama’s work explores the fate of these two minority communities in the aftermath of the civil war in Sri Lanka (1983 – 2009) as they were displaced from their homes. The process of minority-making in Sri Lanka (as in India) has its roots in colonial-era constitutional developments, which Thiranagama traces in

the first part of the book. She then traces its afterlives in the form of political violence – both by the Liberation Tigers of Tamil Eelam as well as by the armed forces of the government – and its effect on everyday lives of internally displaced peoples. Refugees from the civil war, and asylum seekers from Sri Lanka now live in India, North America, Europe and Australia. Thiranagama's book highlights two important themes in the context of South Asian citizenship. First, the postcolonial fates of citizenship were different in India and Sri Lanka, and each political context must be understood on its own terms. Second, in tracing repuncussions beyond its specific context, Thiranagama's work also shows how the categories of minority, refugee, asylum-seeker have to be thought of in global, diasporic, and transnational terms.

Sunil S. Amrith, *Crossing the Bay of Bengal: The Furies of Nature and the Fortunes of Migrants*. Cambridge: Harvard University Press, 2015.

Citizenship in South Asia is largely discussed from the perspective of the India-Pakistan partition in 1947, the liberation of Bangladesh in 1971, and the cross-border displacements that they created. In *Crossing the Bay of Bengal*, historian Sunil Amrith provides a historical perspective on India's maritime migrations to and from Southeast Asia in the 19th and 20th century. He traces how labor and trade migrations from southern India to Burma (present-day Myanmar) and the Straits Settlements (present-day Malaysia and Singapore) shaped the contours of diasporic citizenship in South Asia today. Critically, Amrith's work shows how the scale of migrant journeys across the Bay of Bengal (the eastern Indian Ocean) was comparable to the transatlantic crossings in the nineteenth century, although these histories are lesser-known. Although the narrative ends with the Japanese occupation of British colonial possessions in Southeast Asia in 1942 and only briefly considers the postcolonial period in South Asian history, *Crossing the Bay of Bengal* shows how histories of maritime migration are critical to understanding issues of citizenship, identity, and diaspora in South Asia today. Notably, the Malaysian Prime Minister Mahathir Mohammed was one of the first world leaders to critique the CAA.

Scholarly writing for a general audience:

- Angshuman Choudhury, "Crisis of Citizenship: A Critical Reading List on Assam's National Registry of Citizens and Beyond," continuously updated.
- Sanjib Baruah's longform articles on citizenship, protests, and Assam can be found [here](#) and shorter commentary [here](#).
- Niraja Gopal Jayal's recent short piece on "Faith-based Citizenship" can be found [here](#), and two interviews in the aftermath of the CAA protests are [here](#) and [here](#).

Oral histories for rich and diverse testimonies that students have integrated effectively into map projects and short papers:

Films & Fiction

- Jacques Audiard, *Dheepan* (2015, French/Tamil). Traces the life of a former Tamil Tiger and child soldier during the Sri Lankan civil war who seeks asylum in Europe. Pairs well with the Thirananagama text.
- Rudrani Sarma, *Ballad of the Grass/Kanhibunar Malita*, Guwahati, Assam: Purbayon Publication: 2017. English language excerpt translated by Dhriyoti Kalita of Assamese historical fiction featuring partition refugees in camps on the Chars, islands in the Brahmaputra River, whose precarious existence is further threatened by the earthquake of 1951. Pairs well with the Baruah text.

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*This microsyllabus is drawn from their ongoing research which will be presented on the panel *Beyond Decolonization: Making Claims from the Margins of Postcolonial South and Southeast Asia* at the Association for Asian Studies annual meeting, Boston MA, March 2020.*

El estado opresor es un macho violador // the oppressive state is a macho rapist