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In the shadow of displaceability: refugee and migrants in suburban Calcutta

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Chapter Four

From migrants to citizens (and back)? Status, entitlement and belonging of temporary people

In this chapter I am concerned with how citizenship is experienced by migrants, more specifically, by the *namasudra* East Bengali refugees and the peripatetic rural 'homeless' at the urban margins of Calcutta. Migration has been central in fashioning conceptions of citizenship. While movement has been an integral part of human existence, the figure of the migrant has always been an anomaly in the nation state system and the forms of membership accruing to the national community through citizenship. In India, successive modifications have been brought about in the principle of national citizenship from the initiation of the republic till now, effected primarily around issues of migration. While there has been tensions between the *jus soli* and *jus sanguine* norms from the inception of the citizenship regime in India, over the years the principle of majoritarian ethnic nationalism and membership has taken precedence over other norms. From around the 1980s with the ascendance of Hindutva politics at the national level, there is an attempt to construe a large majority of the migrants, specially coming through the country's eastern borders as 'illegal infiltrator', questioning their formal membership to the Indian nation. My chapter traces how the two different migrant groups have dealt with this legal apparatus over the years. I focus on two aspects of their experience of citizenship, first as a legal status and second as a set of social rights. Here I pose the following questions: how has the transformation in Indian citizenship from *jus soli* to *jus sanguini*, implicated the legal status of marginal members of the nation like dalit refugees and status-less peripatetic migrants and how have they responded to the situation? And how have the displaced groups claimed social rights associated with citizenship?

The chapter begins by tracing the shifts in *de jure* regime of citizenship from independence till now by looking into changes at the level of regional and national politics. It draws out how a rise of ethnic nationalism associated with Hindutva politics has led to a prioritisation of descent over domicile in citizenship discourse. In the next section I explore how these transformations in *de jure* citizenship have impacted the two migrant groups and how they have responded to the situation through shifts in their identity politics. In the final section I look into the substantial rights of citizenship for the peripheral migrants. This chapter concludes by assessing how such marginal experiences of the migrants shape the contours of post-colonial citizenship.

4.1 From birth to blood: transformation in *de jure* citizenship

The contradictions of India's colonial encounter ensured that assumptions of civic forms of membership co-existed in uneasy entanglement with myriad ethnic sense of belonging within the arrangements of the post-colonial state. The 'liberal-modern' strand of nationalism as represented by the mainstream leaders of the Indian National Congress (INC) became dominant and led the process of state formation in the initial years after independence. The laws of citizenship were shaped in relation to ceaseless migration after the partition in different directions between India and Pakistan. The boundaries between citizen and alien were constantly redrawn in relation to continuing movement of people. After the commencement of the Republic, when the Constitution became effective in 1950, Part II of the Indian Constitution, entitled 'Citizenship' containing Articles 5 to 11 addressed issues of citizenship. It was only in 1955, that the Citizenship Act was passed by the Indian parliament. Together the provisions of the Constitution, the Foreigners' Act of 1946, the Passport Act of 1952, and the Citizenship Act of 1955 brought about a legal apparatus which put into effect a liberal citizenship regime in the country. The years between the initiation of the Constitution and the passage of the Citizenship Act of 1955 saw large scale migration, conflicting claims surrounding the movements and ideas of national membership. Some facets of the debates in the Constituent Assembly on the provisions of citizenship show contemporary notions on migration and ideas about who among the different migrants rightfully belonged to the nation.

If we turn to the Articles 5 to 11 of the Indian Constitution, Article 5 ushered in a *jus soli* regime by providing for citizenship by birth or domicile. Articles 6 and 7 dealt with those migrating from the territory of Pakistan to India and in the opposite direction respectively. Article 8 was concerned with rights of persons of Indian origin residing outside India. Its descent based consideration was meant to compliment the *jus soli* regime, and not undermine it ("Part II, Citizenship, Constitution of India," *Government of India*, <https://www.mea.gov.in/Images/pdf1/Part2.pdf>). The markers of religious difference were not explicitly displayed in the articles of the constitution. But they are easily recognisable in the debates in the Constituent Assembly on what eventually became Articles 6 and 7. These revealed the religious identity of the displaced. Article 6 was concerned with those moving from Pakistan to India. In the Constituent Assembly the term 'refugee' was used to denote them. This implicitly meant Hindu refugees deserving shelter in the territory of India.

Article 7 was about citizenship for those who had fled to Pakistan from India during communal riots around the partition, usually Muslims escaping communal violence, but who chose to return to India

when communal hostilities dissipated. They usually came back under a permit of resettlement or permanent return issued by an Indian government official in Pakistan. These people were described as 'migrants' in the debates. Article 7 was the most intensely contested article on citizenship in the Constituent Assembly.¹ In the Assembly it was often referred to as the 'obnoxious clause' by its detractors, presumably for providing for people who proved their disloyalty to India by moving to Pakistan. In this Hindu nationalistic discourse, the first act of migration from India to Pakistan was construed as an act of disloyalty to the Indian nation and hence made these groups underserving of Indian citizenship (Jaya 2013, 58).

The disagreements within the Constituent Assembly were echoed outside it not just in civil society, but also in the practices of the bureaucracy, especially in their exercise of discretionary powers. *De-facto* discriminations based on ethno-nationalist allegiances remained in practical functioning of the laws of citizenship of the land (Anupama Roy 2010; Zamindar 2007; Jaya 2013). India's eastern border at that time had not become as contentious at the national level as the western border. Evacuee property belonging to the Muslims were not handed over to East Bengali Hindu refugees coming to West Bengal in the manner as was done in the western parts of the country. But the seeds of conflict had been carried over from colonial times and would accentuate from the 1980s.

The Citizenship Act was passed in 1955. It laid down the rules of membership to the nation through birth, descent, registration, naturalisation or through incorporation of territory and reflected principles of liberal democracies. It emphasised the criteria of *jus soli* meaning attachment to soil or land as the main criteria for belonging. Through the clause of citizenship by birth, everyone born in India after the commencement of the Constitution (on or after 26 January 1950), was to be considered a citizen of India. This civic form of membership has eroded over the years through the twofold process of contracting the possibility of citizenship by birth, and parallelly, expanding the scope of citizenship by descent for select economically powerful members of the Indian diaspora.

An ethnicisation of identity has taken place around the issue of migration. This happened first in the context of migration and regional politics in West Bengal's neighbouring state of Assam, located in the northeast of India. This has eventually entered national politics in connection with the ideology of Hindutva which made *anuprabesh* or infiltration into a politically charged issue. In order to understand the first amendment to the Citizenship Act brought in 1986, it is useful to take a brief look at the political developments in Assam. Migration from erstwhile East Bengal (present day Bangladesh) to Assam has continued from colonial times due to various reasons. Initially people

from different parts of India were brought to Assam to work as labourers in the tea plantations. From the early twentieth century, the British colonisers and their Indian counterparts engaged in practices of land colonisation. Rural Muslim peasants from East Bengal were brought to Assam, specially to large tracts of flat alluvial cultivable waste land in the Brahmaputra river valley to cultivate land there. A rapid increase of population had created pressure on land in East Bengal. Landless cultivators from districts like Mymensingh (in present day Bangladesh) were encouraged to migrate and settled in different parts of the Brahmaputra valley in Assam. They eventually spread to other parts of Assam. By the mid-twentieth century, the rapid flow of such migration mainly of Muslim Bengali peasants started generating tensions among the 'sons of the soil' in Assam. The Assam government introduced a 'Line system' in the early 1920s. The system aimed to isolate the migrants from the locals. In the districts with heavy presence of migrants, lines were drawn, beyond which migrants were not allowed to settle in order to keep them in segregated areas specified for their exclusive settlement. This system was resented by the migrants. After provincial elections were held in 1937 all over British India, the Muslim League gained influence in the provincial politics of Assam as the United Muslim Party formed government there. This government pursued a policy of patronising Muslim immigrants in Assam. From the 1940s, the provincial government encouraged fresh rounds of migration, in relation to the 'Grow More Food Campaign' as part of an imperial strategy during the Second World War. New migrants were being settled to bring more land under cultivation. Grazing and forest reserves were thrown open for cultivation, bringing Assamese and tribal people into conflict with the Bengali migrants. Other than the migration of Bengali peasants, from the late 1940s, particularly with increasing communal riots between Hindus and Muslims (starting with the riots in Noakhali district in 1946), Hindu East Bengali refugees fleeing communal violence from different parts of East Bengal also started arriving in Assam and neighbouring states. After the partition, the migration of Hindu East Bengali refugees to Assam reached new heights and has continued ever since.

Environmental factors like flood, cyclone, river bank erosion and Bangladesh's rapid land loss due rising of water level have all dislocated people who time and again found their way into Assam. All of this has generated a threat perception among the indigenous Assamese of becoming a minority in their own land. They fear losing land to 'foreigners', cut in employment opportunities and loss of Assam's distinctive language and culture. It is feared that such large presence of Bengalis is changing the demographic pattern of the state to the extent of having an impact on elections. Over the years, they have raised demands of sieving out Bengali speaking migrants irrespective of their religion from the electoral rolls of Assam. These demands came to the forefront of politics in Assam during the

anti-foreigners agitation led by the All Assam Students' Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) from 1979 to 1984. The AASU demanded that elections to the state legislature be postponed till the names of foreign nationals were removed from the electoral rolls in the state. In view of these demands, the representatives of the government of India and leaders of the Assam movement signed the Assam Accord in 1985. As per the Assam Accord, all those who had entered Assam after March 1971 were to be declared 'illegal migrants', stripped of their Indian citizenship and deported. The union parliament passed the Illegal Migrants (Determination by Tribunals) Act (IM-DT) in October 1983 and began its implementation in Assam, in order to identify recent migrants from Bangladesh and deport them. The Act also included provisions for securing economic development of the state and linguistic, social and cultural rights of the Assamese people.

Migration was thus bringing significant changes in the citizenship laws in Assam, and made way for a graded citizenship regime which accommodate regional differences. The situation in Assam also led to a reviewing of national citizenship in India. An amendment to the Citizenship Act followed in 1986. The amendment had article 6A exclusively addressed to the case of Assam. Under clause 6A, persons coming to Assam from Bangladesh before January 1966, were to be deemed as citizens of India. Persons of Indian origin who had entered Assam after January 1966 but before 25 March 1971 and had been ordinarily resident in Assam after their entry, could register themselves as Indian citizens. Those coming after 25 March 1971 were aliens. They were to be identified by the IMDT Act and deported. The conflict which came to foreground during the anti-foreigners agitation in Assam between 1979-84 was between the Assamese and the Bengalis (or non-Assamese people deemed as foreigners more generally). The IMDT Act which resulted from the agitation did not discriminate between 'illegal migrants' on the basis of religion.² Together with the new clause of 6A pertaining to Assam, other changes were also taking place by the amendment of 1986. According to the amended Act, everyone born in India could be a citizen of India only if *either of her parents was a citizen of India* at the time of birth, with minor exceptions. Thus, the principle of descent was brought in as a determining factor in what had earlier been a simple process of citizenship by birth.

Till this point, demands of citizenship in Assam were based on socio-cultural Assamese nationalism. It was anti-Bengali in nature and elements of religious nationalism were not significant. By this time certain changes were taking place in India's national politics as well. From the early 1980s, Hindutva politics was slowly gaining a presence at the national level. The Bharatiya Jana Sangha, the main Hindu nationalist political party in the post-independence period, did not have a strong political clout in the initial years after independence.³ It found it expedient to ally with other political groups

to create the Janata Party in 1977, which came to power in the 1977 general election by defeating the incumbent Congress party. It was later dissolved and many of its leaders re-organised as the Bhartiya Janata Party (BJP) in 1980. The BJP has grown in strength from the 1990s on the back of the Ram Janmabhumi movement.⁴ From just two seats in the Lok Sabha, the lower house of the Indian parliament, the BJP has increased its tally to 88 in 1989, 120 in 1991, 161 in 1996—at which time it became the largest party in that assembly and to 178 in 1998 (Jaffrelot 2009, 3). The BJP has taken Hindutva politics to a much wider base.

The BJP draws on the moral and cultural code of the religious epics of the Ramayana and the Mahabharata and the Hindu code of law propagated in the ancient Indian text Manusmriti. The Manusmriti is an ancient legal text of Hinduism which lays down the behaviour and moral codes to be followed by the Hindus, justifies the caste system and has influenced all aspects of Hindu thought. The Ramayana and the Mahabharata are two Sanskrit epic poems of ancient India, which contains the mythologies woven around Hindu gods and goddesses and teachings of Hindu philosophy.⁵ The story of Ramayana was popularised by a hugely successful TV series, Ramayana aired in India's national television between 1987-88. The series gained a record high viewership. The icon of Rama was utilised by the BJP with considerable success. Scholars have variously explained this 'saffron wave' from the mid-1980s, in terms of a breakdown of the Congress system of patronage and collapsing political order (Ludden 2005), disaffection of the Indian middle-classes with the idiom of mass politics, reaction against threats to upper caste dominance by lower caste social movements by women, tribals, peasants, and lower castes (Sarkar 2005). In its initial stage the 'saffron wave' was mostly confined to the urban middle-classes (Hansen 1999). It has expanded to dalit bases much later while retaining some tensions as discussed later in the chapter.

From around this time, migration became one of BJP's main item of political propaganda. Their brand of politics succeeded into turning migration into an issue of political contestation, with other mainstream national political parties playing in tune with the Hindutva agenda. While in Assam, anti-migrant sentiments had local social and cultural roots, migration entered public debate in other parts of the country mainly through Hindutva narrative of *anuprabesh* or infiltration. This narrative has several components. It is emphasised that Bangladesh is a poor country with a large population pressure and also one that pursues religious fundamentalism. This tends to push people out of the country to India. One group of people, religious minorities in Bangladesh, i.e. Hindus fleeing religious persecution have no option but to migrate to India. But another group that also comes are poor Muslims in order to reap economic benefits at the cost of India's national wellbeing. Thus, the

narrative poses the two incoming migrant groups in opposition to each other. The Hindus seeking refuge from religious persecution in a fundamentalist country like Bangladesh are sympathetically termed as *sharanarthis* or those seeking shelter. In this discourse they are rendered legitimate claimants for shelter in West Bengal and India. Their claims to shelter is premised upon the exclusion of the other group, poor Muslims coming to India to create a resource drain in an already overpopulated country. They are the *anuprabeshkaris* or infiltrators. The poor Muslims are deemed as circular migrants going back and forth between India and Bangladesh. They are accused of taking unfair advantage of dual citizenship. It is declared that in their unauthorised movement and in their connection to religious fundamentalism, they also pose a challenge to India's national security. This narrative has slowly gained wider support outside competitive politics. A host of academic research has come up, that feed into the political narrative of *anuprabesh*. According to these recent studies, India is already overcrowded, and the migrants who are having a positive impact on fertility should not be encouraged, but deported (Pranati Datta 2004). The narrative of *anuprabesh* feeds on a fear of numbers.

Two early manifestations of the Hindutva politics of migration around the issue of *anuprabesh* took place in two big metro cities in the country. In 1992 the Operation Pushback was launched in Delhi by the then Congress led government to oust alleged illegal Bangladeshi migrants. From the mid-1990s, a relentless campaign was carried out by the BJP-Shiv Sena combine in Mumbai to oust non-Marathis and alleged Bangladeshis. These incidents created ripples in West Bengal. The handful of migrants who were actually deported from Delhi and Mumbai were usually brought to West Bengal before being sent across the international border to Bangladesh. The Left Front government in West Bengal opposed such deportation. But as later events proved, they also participated in the anti-immigrant politics of the day, through their support to the amendment to the Citizenship Act brought in 2003 which was decidedly anti-immigrant.

The propaganda around infiltration had transformed the political atmosphere to a much greater extent by the turn of the millennium. The next significant amendment to the Citizenship Act came in 2003. Again, migration was the key driving factor behind this amendment. Not confined to Assam anymore, it became particularly contentious for a large number of refugees who had migrated to different parts of India from Bangladesh. By the Citizenship Amendment Act of 2003, the category of 'illegal migrant' which had been used in the IMDT Act in Assam, was first introduced in the text of the Citizenship Act itself. The category appeared in the sections on citizenship by birth (3C), citizenship by registration (5) and citizenship by naturalisation (6). The Amendment defined 'illegal

migrants' as 'a foreigner who has entered into India i) without a valid passport or other travel documents... ii) or with a valid passport or other travel documents... but remains therein beyond the permitted period of time.' 'Illegal migrants' were rendered ineligible to apply for citizenship. Citizenship by birth, already attenuated through the Amendment in 1986 saw further restrictions. Now a person could become a citizen of India by birth only where *both her parents were citizens of India* or one of her parents was a citizen and the other was not an 'illegal migrant' at the time of birth (section 3C of the Citizenship Amendment Act) ("The Citizenship (Amendment) Act, 2003," *The Ministry of Law and Justice, Government of India*, 2004).

Tied to the conception of the citizen is also an idea of the alien, which has transformed with shifts in the citizenship laws. In the original Citizenship Act of 1955, the category of alien was a neutral outsider. While the citizens possessed certain rights, the non-citizens or aliens also enjoyed certain rights of personhood, for example, the right to life guaranteed in the Article 21 of the Indian Constitution. Over the years, the successive amendments to the Act have generated the conception of an inimical other, in the image of the migrant-infiltrator, now portrayed as a drain on the nation's economy and a threat to the nation's security.

While citizenship by birth has been diluted, in a parallel process scope for acquiring citizenship by descent has been expanded. In the original Act of 1955, a person was considered a citizen by descent if she was born outside India after 26 January 1950 but before the commencement of the Citizenship Amendment Act (1992), if her father was a citizen of India by birth. Following the Citizenship Amendment Act of 1992, a person could be a citizen of India by descent if either of her parents was a citizen of India at the time of birth. Citizenship by descent received renewed importance in the Citizenship Amendment Act of 2003, with the introduction of the category of Overseas Citizen of India (OCI). This introduced a version of dual/transnational citizenship for persons of Indian origin in the form of Overseas Citizen of India. This benefitted sections of the well to do Indian diaspora.

When the Citizenship Amendment Act of 2003 was passed by the BJP led National Democratic Alliance (NDA) government at the centre, it was supported by the majority of the mainstream political parties including the Left Front in West Bengal. The All India Trinamool Congress (AITC) which was an opposition party in the Lok Sabha in 2003, fought the Left Front on the issue of immigration. Mamata Banerjee, the present Chief Minister of West Bengal, whose party now staunchly opposes the Citizenship Amendment Act of 2019, had back then said in the parliament that "infiltration into Bengal has become a disaster" and Bangladeshi nationals were included in the

voting list to benefit the Left Front (“2005 and Now: Mamata Banerjee’s U-turn on Bangladeshi Immigrants,” *Hindusthan Times*, 2018 <https://www.hindustantimes.com/india-news/2005-and-now-mamata-banerjee-s-u-turn-on-bangladeshi-immigrants/story-6b8nRlst7BjZs4QWSXi0jN.html>). Both the AITC and the Left Front who are political opponents in West Bengal supported the Amendment of 2003. This shows that by this time, the Hindutva agenda around migration had managed to establish a certain legitimacy in mainstream politics.

By this time political propaganda around immigration had escalated in the eastern Indian states of West Bengal and Assam. The terms *sharanarathi* and *anuprabeshkari* were being defined with more clarity, through the relentless campaign of the BJP. *Sharanarathi* came to include religious minorities fleeing religious persecution, like the Hindus and the minorities of a few other religions from the neighbouring countries of Pakistan, Bangladesh and Afghanistan. It may be noted that in all three countries the state religion is Islam. It excluded the neighbouring country Sri Lanka whose official religion is Buddhism and where religious minorities include both Hindu and Muslim Tamils. The *anuprabeshkari* were the Muslim migrants who had already been defined as a separate and inimical nation with renewed reference to the two-nation theory. Soon this political narrative will be codified in law.

While ‘illegal migrants’ first made legal appearance in the context of the IMDT Act and was later incorporated in the Citizenship Amendment Act of 2003, till this time, there was no *legal* discrimination between ‘illegal migrants’ on the basis of religion. This discrimination only existed in the propaganda of right-wing political parties who had been advocating for a long time that India is a land of Hindus. The most recent amendment to the Citizenship Act has been passed in 2019 which have fulfilled the promise to correct this ‘mistake’. The Citizenship Amendment Act (CAA) of 2019 has amended the definition of ‘illegal migrants’ of the 2003 Act. It has exempted six religious minority communities from India’s neighbouring countries of Bangladesh, Pakistan and Afghanistan—who have travelled to India fleeing religious persecution without valid travel documents from being treated as ‘illegal migrants’. They are Hindus, Jains, Sikhs, Parsees, Buddhists and Christians. It renders them eligible to apply for Indian citizenship. The amendment also relaxes a clause of application for citizenship by naturalisation. One religious community the Act does not mention are of course the Muslims, thus inscribing religious discrimination into the law. This is in clear violation of the Article 14 of the Indian constitution which ensures equality before law and Article 15 which prevents discrimination on the grounds of religion. The law represents an extreme example of

nation-states employing ethno-centric legislation in order to restrict citizenship and limit its full benefits.

Certain discrepancies in the Citizenship Amendment Act of 2019 may be noted here. While a person can apply for citizenship under birth, descent, registration, naturalisation, and incorporation of territory, the migrants from neighbouring countries will predominantly apply for it by the clause of registration and naturalisation. It is unclear what documents will be required to apply for citizenship by registration. A Joint Parliamentary Committee (JPC) report has been published in January 2019, which mentions that similar documents will be required to apply for citizenship as is required for application for Long Term Visa (LTV). Long Term Visas are granted to Hindu, Sikh, Buddhist, Jain, Parsee and Christians from Pakistan, Bangladesh, Afghanistan coming to India on short-term visas. For securing Long Term Visa they need to provide a copy of passport, a copy of visa and residential permit, besides other documents. So far Long Term Visas have been granted to a total of 31,313 people. According to the JPC report only these refugees are eligible to acquire citizenship under the new amendment (*"Report of the Joint Committee on the Citizenship (Amendment) Bill, 2016," Sixteenth Lok Sabha, Lok Sabha Secretariat, 2019*). "There cannot be too many Bangladeshis applying for the Indian nationality under the proposed new law. Otherwise, they would have already taken the LTVs for which criteria are the same," a Ministry of Home Affairs official was quoted saying ("Small number of Bangladeshis to be benefitted from Citizenship Amendment Bill: MHA," *The Economic Times* 2019, http://economictimes.indiatimes.com/articleshow/67612087.cms?from=mdr&utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst).

The new amendment also comes with a cut-off date. Only those migrants of the specified religion and from the specified countries who have come to India till 31 December 2014 will be eligible to apply for citizenship and not be treated as 'illegal migrants'. And citizenship will be granted to people after scrutiny and recommendations of district authorities and the state government. The local bureaucracy will retain significant power of arbitration regarding claims to citizenship.

A large number of people coming from East Bengal or Bangladesh who have been staying in India for a long time, have already acquired identification documents like Voters Identity Card, Aadhar Card, Ration Card etc. By the token of these documents, they are already citizens. But now they will suddenly become refugees or *sharanarthi*s again because they might not have crossed the border with *valid travel documents*. The amendment does not secure them citizenship. It only renders them

eligible to *apply* for citizenship after some years as *sharanarthis*. But the JPC report has pointed out, that only those who have been able to secure Long Term Visa will be able to secure citizenship under this new Amendment. Does that mean that a large number of East Bengalis and other migrants who already consider themselves as citizens and possess identification documents will become stateless? There is no definite answer to this question.

Along with the successive amendments to the Citizenship Act, a parallel process has been set in motion from the turn of the millennium which implicate citizenship for a large number of people including migrants. This is the updating of a National Register of Citizens (NRC) in Assam and prospects of its updating all over the country. While the Citizenship Amendment Act, 2019 (CAA) is a legal devise of inclusion of migrants, the NRC is meant to function as a parallel mechanism of exclusion. In the instrument of NRC, the importance of citizenship through blood ties or descent shows more clearly. Like the successive amendments to the Citizenship Act, this process also started as a regional experience in Assam. It has now been officially declared that the NRC will be updated nationwide. A National Register of Citizens is a register containing the names of citizens, which is also supposed to function as the sole national identity document, replacing all other documents as proof of citizenship. In Assam a NRC was first prepared in 1951 with the objective to filter out Bengali speaking migrants coming from East Bengal. During the Assam movement of 1979-1985, demands were raised for updating it in order to identify and deport 'illegal migrants'. After a long delay and court cases, a Supreme Court order authorised the updating of the NRC and the process started in Assam in 2013. This in effect meant that the state's nearly 33 million people were put to a 'citizenship test'. They needed to provide evidence to the effect that they were Indian nationals prior to March 24, 1971. The process of NRC in Assam meant establishing residency status through 'legacy data' of Indian citizens. The NRC of 1951 and the electoral rolls in Assam updated till 24 March, 1971 are collectively known as 'legacy data' and has been accepted as primary proof of citizenship for people in these lists as well as their descendants. In the absence of these, certain other documents issued up to the midnight of 24 March, 1971 were listed as admissible. Other than the legacy documents, the apex court also released another set of documents which would be considered 'admissible' in case of persons born after 24 March, 1971, if one is to prove one's 'linkage' with the persons in possession of the legacy documents. The second set of documents is labelled as 'linkage documents' (Das 2019). In the updated NRC in Assam, published on 31 August 2019, about 19 lakh people failed to make it to the list. The government has decided to prepare a National Population Register (NPR) all over India. The NPR will work as a foundation for rolling out a citizens' register across the country. Once the NPR is completed and published, it is expected to be the basis for

preparing the National Register of Indian Citizens (NRIC), a pan-India version of Assam's NRC as per the provisions of the Citizenship Amendment Act 2003 (Article 14 A, "The Citizenship (Amendment) Act, 2003," 2004). It is not clear what documents will be required to get enlisted in the nation-wide NRIC yet. If the experience of Assam is any indication, documents issued up to 24 March, 1971 may be required to prove that a person was an Indian national prior to March 24, 1971. 'Linkage documents' may be required for people born afterwards to trace their *descent* from people possessing 'legacy documents' in order to be eligible for citizenship. A stronger notion of *jus sanguini* principle has been introduced by the NRC. Without clearly declaring it, the process of NRC simply nullifies the criteria of citizenship by birth as provided in Article 3 of the Citizenship Act 1955, for all people born after March 24, 1971. The sole criteria of proving their citizenship might be through descent, traced through 'linkage documents' (unless a different process is followed for the nation-wide NRIC, than the one followed in Assam).

The two aforementioned instruments of citizenship, the CAA, 2019 and the NRC are intimately related and their full implication can be assessed by considering this interrelation. Other than strengthening the *jus sanguini* principle, the new legal instruments of citizenship also have a religio-communal agenda. The NRIC is an all India instrument with proclaimed religious neutrality. It promises to apply equally to all citizens of India irrespective of their caste, creed and religion. The CAA, 2019 promises to provide the status of *sharanarathi* to religious minorities of a select few religion from three neighbouring countries, and excludes the Muslims. The unspoken pledge of this instrument is that in case the Hindu *sharanarthis* and persons of a few other specified religions (Jains, Sikhs, Parsees, Buddhists and Christians) are excluded from the NRC due to lack of documents, they will be taken back within the national fold through the CAA, 2019. Muslims without documents will be excluded and face deportation.

The NRC exercise in Assam, however, has yielded paradoxical results which has left all of its proponents unhappy. The official record does not offer any data on the ethnic/religious background of the people left out of the list in Assam. Many organisations in Assam have claimed that out of the total number of those excluded from the NRC, a large majority, close to 12 lakhs are Hindus. And among the Hindus, a considerable section are dalit groups ("12 Lokkho Hindu r Naam Baad: Pyanch e BJP," *Anandabazar Patrika* 2019; "NRC Exclusion Spreads Panic in North Bengal Districts," *Times of India* 2019). No clear guidelines regarding the nationwide NRIC have been made available in the public domain as yet. The experience of Assam and the lack of information regarding the exact process has created fear in the minds of people in the neighbouring state of West Bengal, specially

among socially disadvantaged migrants who often live a paperless existence. It has surfaced as an important issue in the election campaign in the state. It has been declared by the state leaders of the BJP that West Bengal has two crore 'illegal migrants' and they will be identified and deported through initiating the NRC process in West Bengal ("NRC Hobe I Bonge: Baad Jabe 2 Koti: Dilip," *Anandabazar Patrika* 2019, 5). The BJP has made spectacular electoral gains in constituencies located close to the India-Bangladesh border in West Bengal on the basis of communal propaganda around the issue of citizenship. Significant among the Lok Sabha constituencies are Alipurduars, Coochbehar, Jalpaiguri, Bangaon, Ranaghat etc. The electoral promise that Muslim *anuprabeshkari* will be deported through an NRC and Hindu refugees from East Bengal will be given citizenship has stoked communal sentiments. All of this has created an atmosphere of fear. More than 12 people in West Bengal have committed suicide due to anxiety over prospects of an NRC in the state ("Kono Bhagabhagi Korte Debona, Rajye NRC Hobena," *Anandabazar Patrika* 2019 <https://www.anandabazar.com/state/mamata-banerjee-says-she-will-not-allow-nrc-in-bengal-1.1061297>). In this changed context a large number of dalit East Bengali refugees feel the necessity to engage in a new identity politics to respond to the transforming citizenship regime.

4.3 Between the *Sharanarathi* and *Anuprabeshkari*: Fixing migrant sense of belonging towards a Hindu Rashtra

For a long time, the urban middle-classes were the main supporters of Hindu nationalist ideas. The relation between the mainstream Hindutva parties and dalit political parties has been fraught with tension. Recent studies on dalit politics in Bihar and Uttar Pradesh show that in these states the BJP has appropriated dalit symbols within the narrative of Hindutva. On the one hand, BJP has been using the icon of Rama to enter into the villages in large parts of north India. On the other hand, they are endowing dalit heroes with a Hindu identity and posing them against Muslims. Dalit political parties in Uttar Pradesh like the Bahujan Samaj Party (BSP) had earlier pursued their own distinct identity politics which was anti-Brahmin in nature. Now these regional parties are looking to forge alliance between caste Hindus and Dalits (Badri Narayan 2009). Ambivalence in collective memory provide fertile grounds for their reconstruction by political contenders and the BJP has been saffronising the dalit past in these areas with some measure of success.

For a long time, the Hindu right wing parties did not have a significant presence in the politics of West Bengal. Here political mobilisation happened along the lines of class by a long ruling Left Front government. It posed an effective challenge to majoritarian ethnic politics. From the mid-1980s the

BJP in its successive election campaigns in West Bengal made *anuprabesh* from Bangladesh the central issue and slowly started gaining a presence in the border districts of West Bengal. Border districts are areas of clandestine and everyday trade between India and Bangladesh and myriad forms of state violence. Border areas are often the first point of residence for incoming Hindu migrants fleeing religious persecution in Bangladesh. Sometimes the Hindus are pushed more to the interior from the border areas by their Muslims neighbours, who settle in the border areas themselves. Here the BJP has harped on an imagined fear of a Muslim political design to demographically overwhelm West Bengal, and acquire political domination. They stress on the allegation of demographic change in the border districts in favour of Muslims. It is alleged that the Left Front government has supported migration from Bangladesh and has been issuing identity documents to these 'infiltrators' due to considerations of vote bank politics. It is suggested that Muslims are overnight changing their religious identities to Hindus in order to acquire benefits of citizenship. It is among the new Hindu migrants from Bangladesh, a majority of whom are dalits, that such political propaganda has acquired a significant hold.

As noted in chapter two, the *namasudras* had formed an organised group and mobilised for the removal of caste discrimination from the late nineteenth century. For the most part of the colonial period, their movement had been directed against caste discrimination perpetrated by higher caste Hindus. At the same time, the relation between the *namasudra* cultivators and their Muslim counterparts in rural Bengal had remained multifaceted and fluid. From the 1940s there was increasing communalisation of the rural peasantry in Bengal and the *namasudras* slowly steered towards the Congress and the Hindu Mahasabha. But a straightforward story of their communalisation belies evidence. One strand of the dalit movement under the Scheduled Caste Federation in Bengal led by Jogendranath Mandal, still continued with their alliance with the Muslim League in East Bengal against upper caste Hindus after national independence in 1947. These were people who stayed on in East Bengal as a religious minority after the partition. They were provided leadership by Jogendranath Mandal who stayed in East Bengal as well and became the Minister of Law and Labour. But this alliance was eventually fractured. Mandal resigned from his office in protest against religious discrimination towards the dalits in East Bengal and migrated to West Bengal in 1950. But instances of cordial relation between the *namasudras* and the Muslims continued. As noted in chapter two, the dalit refugees did not feel the need to assume an overtly Hindu identity. Their social identity and sense of belonging remained multidimensional and fluid.

The caste based mobilisation of the *namasudra* cultivators, which had continued from the nineteenth century was disrupted due to the dislocations brought by the Second World War, the

famine in Bengal and the partition in 1947. After the partition, a large number of them continued to migrate to West Bengal. From this time onwards, due to persistently being pushed out of East Bengal and continued dislocations in India afterwards in the face of government policy of 'dispersal', the geographical unity of the *namasudra* movement was scattered. Physical dislocation, and the nature of left political mobilisation in West Bengal displaced caste-based identity politics of the dalit refugees (S. Bandyopadhyay 2009; S. Bandyopadhyay and Basu Ray Chaudhury 2014). While the language of caste was removed from electoral politics, it remained a significant factor in their negotiation for resettlement in India and in their movement for social upliftment. Securing caste reservation benefits remained one of the main demands of the *namasudra* refugees as expressed through different organisations like the Matua Mahasangha, Namasudra Vikas Parishad, and much later by the Nikhil Bharat Bangali Udbastu Samanway Samity (NIBBUSS) etc. In the initial days after the partition their de-jure legal national citizenship was relatively less contentious. From the 1990s the *namasudra* East Bengali refugees have come under increasing strain in the face of the highly charged Hindutva politics around the issue of *anuprabesh*.

The accentuation of the *jus sanguini* principle of citizenship through successive amendments to the Citizenship Act has affected these groups adversely. The passage of the Citizenship Amendment Act of 2003 has increased the severity of harassments regarding creation of identification documents for the dalit refugees in West Bengal. Its definition of 'illegal migrants' has been their main cause of concern. As already noted, the amended Act defines migrants who cross the border without valid travel documents as 'illegal migrants'. It also renders the descendants of 'illegal migrants' ineligible to acquire citizenship by birth. Hindu migrants fleeing communal conflict in Bangladesh often simply cross the border with the help of middle men through informal understanding with the border guards. They are usually not in a position to carry any travel documents with them. The Amendment of 2003 has been branded as a *kala kanoon* (black act) by different dalit refugee organisations in West Bengal. A dalit refugee leader based in 24 Parganas, Sukriti Ranjan Biswas, President of the Joint Action Committee for Bangali Refugees and also associated with the Matua Mahasangha, summarised the situation after the passage of the 2003 amendment thus

... things have changed since 2003, the new law brands people coming without passport as illegal migrants and they are not eligible to acquire Indian citizenship... this was not the case earlier, there were some restrictions... sometimes the police used to harass the refugees, but those who challenged the authorities in court won because there was no law on this...

...90% of the East Bengalis in the state are excluded by the present law as infiltrators, because we have not come to India carrying passports and visas... during the rule of the Left Front.... after the

law (the amendment of 2003) was passed... 350 people were arrested as illegal migrants, arrest warrants came out against 1200 people...

...today when I apply for caste certificate, they say I need to show my records of land ownership of 1950 as a proof of citizenship, there is a government circular to this effect... does this mean in case I have not been living here from 1950, I am not an Indian? Many don't have their names in the Voter's list... after living here for 30 years why are their names not enlisted as voters?... when they go to renew their passports, their applications are getting rejected, this is the situation for so many people from East Bengal... ("Sukriti Ranjan Biswas Addresses a Meeting with Ambedkarite and Muslim Organizations at Harua against NRC." *Dalit Camera: Through Untouchable Eyes*, 2019)

The following comment by Mr Majumdar, chairman of a dalit refugee organisation in 24 Parganas, Bangladesh Udbastu Unnayan Sangshad also raises a similar point

At the time of independence, the minority in East Bengal were part of India... we were promised by our first prime minister Jawaharlal Nehru that if Hindu minorities from East Bengal migrate to India, India's door will always be open.... but there has been persistent national discrimination towards the Bengalis. Even after 70 years of independence, people from Bangladesh still live by railway lines, canal sides, they have not been provided for... Bangladesh is now made almost Hindu-less. Their lands are being snatched from them, their mothers and sisters are sexually harassed. We have highlighted these issues, but nothing has been done. We send a report every month to the central government on these issues... We don't even get the minimum benefits of citizenship. We don't have Ration Cards, Voter's Cards... but the government take advantage of the refugees and use their labour. But the promise of independence, their right to citizenship, has remained unfulfilled... the government has brought several amendments to citizenship all through the years... by the citizenship act of 2003, the people from East Bengal are now made undesirables ("Talk by Bimal Majumdar," *Displacements Kolkata*, 2018).

The Citizenship Amendment Act of 2003 did not mention a specific cut-off date from which time such migration from Bangladesh to India is to be considered illegal. During my interaction with the dalit refugees at Bahirdoba camps, two dates were pointed out to me. Some taking the example of the NRC exercise in Assam and referring to the provision of the Indira Mujib Pact of 1972⁶ opine that all who have migrated to India without valid travel documents after March 1971 have been branded as 'illegal migrants' by the Amendment of 2003. But the dalit refugee organisations like the Matua Mahasangha, NIBBUSS, Joint Action Committee for Bangali Refugees have been pointing out that people coming after 18 July 1948 will be considered as 'illegal migrants'. This threatens a large number of people and their descendants with dis-enfranchisement. From this time onwards the

repeal of the Citizenship Amendment Act of 2003 has been the single most important demand of the Bahirdoba camp refugees and the dalit refugees in West Bengal in general. However, for a long time there was no legal division between two types of migrants, *sharanarthis* and *anuprabeshkaris*. The law threatened everyone coming from Bangladesh and their movement was directed against the 2003 Amendment. Over the years, however, there has been a parallel process of communalisation of the dalit caste based identity politics in West Bengal. A section of them started building public opinion in favour of the newest amendment, the Citizenship Amendment Act (CAA) 2019. The communalisation of dalit politics can be traced by looking at certain shifts in demands voiced by some of these dalit refugee organisations.

The propaganda of two dalit refugee organisations active in the Bahirdoba camp area, reflect some of the recent transformations in dalit refugee identity politics.⁷ The agenda of NIBBUSS have evolved over time. Their basic demands are the following: securing citizenship for all East Bengali refugees spread in different parts of India; securing legal ownership (*patta*) of land to the refugees in various refugee colonies; preservation of the Bengali language in refugee settlements outside the state of West Bengal in India and securing the benefits of caste based reservation for the dalit refugees. NIBBUSS publishes pamphlets and bulletins and maintains an active presence on social media handles. The newsletter of NIBBUSS, *Bhiteharar Lorai* (the Struggle of the Homeless), which is published at the interval of two to three months, declares it as a social organisation. In the early years after the organisation was created in 2005, their policy was to retain equidistance from all political parties. Their mode of agitation includes taking out rallies, sitting in *dharnas* (sit in protests) outside different state and central legislatures in session with their demands and handing memorandum to political leaders, and conducting meetings in different refugee colonies to create awareness and support for their demands. One of their first large scale national *dharnas* was called in November 2011 outside Jantar Mantar in New Delhi. In November 2015 they organised another large scale two-day protest in Delhi with demands for citizenship where their representatives from different states in India participated. Representatives from all political parties attended the meeting.



Figure 4.1. A page of the NIBBUSS Bulletin *Bhiteharar Lorai*, detailing their *dharna* in Delhi in support of their demand for unconditional citizenship.

They have articulated the oneness of the Bengali refugees through an appeal to the Bengali language. The NIBBUSS has agitated for the recognition of the East Bengali refugees' right to use Bengali as a medium of instruction in schools in different Indian states like the Kannada speaking state of Karnataka or the Maratha speaking state of Maharashtra (*"Adhikarer Dabite Nikhil Bharat Sangathan er Bhumika," Bhiteharar Lorai, Nikhil Bharat Bangali Udbastu Samanway Samity, March 2012*). Their strong support for the Bengali language is expressed through an initiative to celebrate the International Mothers Language Day or the Bhasha Dibas on 21 February all over India at different refugee colonies. In these ceremonies, they remember the *shahid* of the Bhasha Dibas who sacrificed their lives in Dhaka and connect their own struggle in India with the Bhasha Andolan in Bangladesh. They also celebrate their own success in preserving Bengali language in the refugee colonies in India. At an earlier time, they also took out rallies to voice support for political issues in Bangladesh which concerned the wellbeing of Bengalis. For example, a candle march was organised by NIBBUSS in Guwahati in March 2013 voicing support for protesters in Shahbag in Bangladesh.⁸ Their slogan was 'শাহবাগ এগিয়ে চলো, আমরা তোমার সঙ্গে আছি' (Move ahead Shahbag, we are with

you') ("Guwahati-te Candle March, *Bhiteharar Lorai, Nikhil Bharat Bangali Udbastu Samanway Samity*, March 2012). Their movement has a strain of Bengali nationalism which does not always toe the Hindu nationalist line. This has become somewhat muted in the past one year or so.

Most of their supporters are dalit refugees and one of their main demand remains securing caste reservation benefits. Sometime they invoke a dalit identity to articulate their demands. Subodh Biswas, the all India President of NIBBUSS spoke in a meeting held at the Calcutta university:

Our forefathers have sacrificed for the independence of the country. The memory of young martyr Namadas in the cellular jail in Andaman is our pride. ("Kolkata Biswabidyalay e Nikhil Bharat Bangali Udbastu Samanyay Samity r Sabha," *Bhiteharar Lorai, Nikhil Bharat Bangali Udbastu Samanway Samity*, February 2016)

Here Biswas refers to the contribution of a *namasudra* leader in the anti-colonial national movement. But in the face of a new politics of citizenship they have also started to assert a Hindu refugee identity. One of their most active branches has been in Assam, agitating for the rights of Bengali speaking Hindu refugees there. They have been agitating against the updating of the NRC in Assam, and fought for the release Hindu Bengali refugees labelled as Doubtful Voters and interned in detention camps in Assam. In the process they have been embroiled in conflict with 'sons of the soil movement' in Assam led by AASU among others. Of late, their attention has shifted to political developments in West Bengal.



Figure 4.2. Volunteers wearing NIBBUS T-shirts at the beginning of a big NIBBUSS meeting in June 2019.

From 2016 West Bengal has become their main area of agitation and citizenship has come to the forefront of their demands. In their newsletters they have started to present their demands for national citizenship in India in communal terms which was not the case earlier. *Bhiteharar Lorai* clearly states that they demand citizenship for Hindu Bengali refugees and for the Buddhists and Christians migrating to India (“Amader Dabi,” *Bhiteharar Lorai*, *Nikhil Bharat Bangali Udbastu Samanway Samity*, May-June 2016). Muslims are simply not mentioned. On prodding Pramatha of Bahirdoba camp no J, also a member of NIBBUSS about the Muslim question in the wake of the passage of the citizenship bill, I received the following response

I: If the citizenship bill is passed, it will exclude the Muslims, what is the position of your organisation regarding that?

Pramatha: Nikhil Bharat is not concerned about the issue of Muslims; they are only concerned with the Hindus. No Muslim organisations have joined this organisation....

I: but if you ally with the Muslims would not your movement get stronger?

Pramatha: the issue of the Muslims is different. Our organisation does not match with theirs.

I: what is the difference?

Pramatha: the difference is in their social and religious ideologies. The ideologies are different.

I: Muslims are also coming from Bangladesh and they will also be excluded from citizenship... they have also been excluded from the NRC in Assam.... But you are not thinking of any united movement?

Pramatha: Muslim organisations have not come to join us...

I: Have you tried to reach out to Muslim organisations?

Pramatha: not to my knowledge... (Pramatha, Personal Interview, April 2019)

From January 2016 NIBBUSS organised a series of *Jagarani Sabhas* (meetings to awaken) all over West Bengal to create awareness against the Citizenship Amendment Act of 2003 and seeking its amendment. In these meetings they attempted to garner support for the draft amendment bill of 2016 as well. Meetings were held in places like, Kolkata, Murshidabad, Kakdwip, Halencha, Noyapara, Patikabari and Sundarban. They have also held Jagarani Sabhas in Bahirdoba, which their newsletter describes as ‘the holy land of struggle’. Sometimes, they have participated in meetings organised by the Matua Mahasangha to voice their demands regarding citizenship. Their alliance

with the Matua Mahasangha has become stronger. The leaders of NIBBUSS have been trying to negotiate with the central leadership on the clauses of the proposed citizenship bill (“Nagarikotto kalo Ain 2003 er Songsodhan er Dabite Poschim Bonge Jagarani Sabha,” *Bhiteharar Lorai, Nikhil Bharat Bangali Udbastu Samanway Samity*, February 2016). From a position of equidistance to all political parties, they have moved to an express support for the BJP. This has generated some unease within the NIBBUSS. Strains of dalit unity, ideals of Bengali nationalism and Hindu nationalism remain in uneasy entanglement in their political proclamations.



Figure 4.3. A NIBBUSS meeting held at Palta, West Bengal on 30 June 2019 where the newly elected MPs from the BJP were congratulated and demands for unconditional citizenship for East Bengali refugees reiterated.



Figure 4.4. A NIBBUSS meeting held in Kolkata on 22 November 2019, with demands of unconditional citizenship in the wake of placing the citizenship amendment bill, 2019 in the Rajya Sabha, where it became a law.

A section of the All India Matua Mahasangha now functions in close alliance with the NIBBUSS and also the BJP. The present positioning of the Mahasangha becomes explicable in terms of the evolution of their political agenda from an earlier time. Matua dharma was given organisation structure by Guruchand Thakur, the son of the founder of the sect Harichand Thakur, in the early 1930s. After the partition, his grandson PR Thakur migrated to West Bengal from East Bengal and revived the Matua movement in West Bengal. He created a dalit refugee colony in Thakurnagar in North 24 Parganas. Thakurnagar emerged as the first dalit refugee colony and the headquarters of the Matuas in India. After the partition, thus there emerged two Matua centres, one at the birthplace of Harichand Thakur, Orakandi in East Bengal, and the other at Thakurnagar, the new residence of his family, which grew as a centre of pilgrimage for the Matuas in India.

There have been internal differences within the Matua leadership for a long time.⁹ The initial movement of Harichand and Guruchand Thakur had evolved around a strong dalit identity. Under their leadership the Matuas remained aloof from the mainstream Congress led anti colonial movement of the day. It was PR Thakur, who after migrating to India, joined mainstream politics by allying with the INC. He was elected from a reserved seat in 1962 to the West Bengal state legislature on a Congress ticket. But his support for the Congress was withdrawn in the context of communal riots in East Bengal in 1964 around the issue of Hazratbal in Kashmir, and retaliatory

communal violence in West Bengal. Around this time when *namasudra* communities in West Bengal came under police scrutiny, Thakur resigned from the assembly on the allegation that the Congress government has failed to protect the incoming dalit refugees from East Bengal (Bandyopadhyay & Basu Ray Chaudhury 2014, 14). After the Left Front came to power, the Matuas had lent their support to the left in the state. For a long time, they have been helping East Bengali refugees coming from Bangladesh. Through their religious preaching and social work, they have acquired a considerable support base among Scheduled Caste (SC) refugee population in West Bengal.¹⁰ From the turn of the millennium, by which time the issues of migration from Bangladesh, infiltration and citizenship have become central to electoral politics in West Bengal, the Mahasangha started making its political presence felt. As already noted, they have been agitating against the 2003 amendment to the Citizenship Act. Their first big political rally was taken out in West Bengal on 28 December 2010. The rally congregated at Esplanade at the heart of the city of Calcutta. They demanded unconditional citizenship for all East Bengali refugees. The NIBBUSS also participated in the rally. All political parties including the AITC, members of the Left Front, Congress and BJP attended the meeting ("Vote Game Brings Rivals to Same Dias," *The Telegraph*, 2010 <https://www.telegraphindia.com/west-bengal/vote-game-brings-rivals-to-same-dais/cid/458300>).

According to the census of 2001, West Bengal has a total of 18452555 SC population, which comes to about 23% of the total population in the state. They have a predominance influence in elections in the reserved constituencies and in a total of about 74 constituencies in West Bengal's state legislature. The Matuas, who are primarily concentrated in the districts of North and South-24 Parganas, Malda, Nadia and parts of Hooghly, can influence the results in a large number of these reserved constituencies. From their earlier support to the Left Front, the Matuas slowly moved closer to the AITC. Mamata Banerjee, the leader of the AITC and the present chief minister of West Bengal was granted a lifetime membership of the community and blessed by the Matua matriarch Binapani Devi (wife of PR Thakur) known as Boroma ("CPM, TC Leaders Share Dais at Matua Meeting," *The Indian Express*, 2010 <https://www.newindianexpress.com/nation/2010/dec/29/cpm-tc-leaders-share-dais-at-matua-meeting-214851.html>). P.R. Thakur's younger son, Manjulkrishna Thakur, was made a minister for Refugee Relief and Rehabilitation by the ruling AITC government. PR Thakur's elder son, Kapil Krishna Thakur was nominated from the Bongaon constituency. These events reinforced the importance of the Matuas in the electoral politics of the state. From around this time there has also been a clear political split between the community, first between the supporters of the AITC and the Left, and eventually after the left lost political power in West Bengal, between the AITC and the BJP.

The official website of the Matua Mahasangha now describes the organisation as a sect of the Hindu folk religion. But its relation to both Hinduism and Vaishnavism has been fluid and wavered between allegiance and opposition. The ideologues and literatures of the organisation have debated the question of whether to treat Matua dharma as a separate religion, or as a sect which is an integral part of Hinduism. Particularly its relation to Vaishnavism has provided ground for discussion and dissent.¹¹ In the early phase of the movement, an anti-upper caste dalit consciousness was stronger among the Matuas. At the present political juncture, they find it politically expedient to highlight their connection to Hinduism, rather than posing against it.

There are also many who differ with the official position of the Mahasangha regarding its identification as a sect of the Hindu religion. Thus, Debendralal Biswas Thakur has authored a book called, *Matuara Hindu Noy: Dalit Oikyer Sandhane* (Matuas are not Hindus: In Search for Dalit Unity). He points out that the Matua Dharma provides an alternative spiritual space outside Brahminism. Sudhir Ranjan Halder's essay, *Dwicharitay Matua Dharma* (The Duality of Matua Religion) also points out that true Matua dharma is opposed to some of the basic tenets of Vedic Hinduism

Harichand Thakur... has gone against the Vedas and placed all human beings on an equal footing. This stand is clearly against the Vedic religion. The division of the whole society into four varnas and its strict adherence is the main tenet of the Vedic religion. The Matua religion that Harichand Thakur initiated is against this core value of the Vedic religion... it does not differentiate between human beings... the Matuas are now placing undue emphasis on Vedic rituals and avatar-ism and idol worship... they have become Hindus, this is the double standard practiced by the Matua dharma. ("Dwicharitay Matuadharma," Halder, 2016, <http://dalitliteratures.blogspot.com/2017/02/dwicharitay-matuyadharma.html>)

There are practicing Matuas still living in Bangladesh. And among the Matuas in West Bengal, there are many who do not look upon the neighbouring country of Bangladesh as a breeding ground of religious fundamentalism. This excerpt from a news piece discussing Matua religion carried in the NIBBUS newsletter *Bhiteharar Lorai* may be repeated here

The Matuas cannot survive away from Orakandi. If the Indian government would relax the barbed wired fence, then many devotees will be able to gratify themselves by touching the soil of the holy land of Orakandi. Both Bengals can build a bridge connecting their hearts through the connection between Orakandi and Thakurnagar. This will be better for both the countries. ("Orakandi Theke Thakurnagar," *Bhiteharar Lorai*, Nikhil Bharat Bangali Udbastu Samanway Samity, May-June 2016)

A longing for a unity of Bengalis in both sides of divided Bengal, and a sense of cross border fraternity is present in Matua dharma and politics.



Figure 4.5. A Matua Mahadharma Sammelan held at the Bahirdoba camp area in December 2019.

The recent campaign of NIBBUSS and the Matua Mahasangha (MM) (its BJP faction), on the issue of citizenship has acquired a communal overtone. Till 2003, there was no legal separation between who is a *sharanarathi* and who is an *anuprabeshkari* and vagueness surrounded their definition. *Anuprabeshkari* is a Bengali term and used inside West Bengal. Its Hindi counterpart is *ghuspetiya*. This blanket Hindi term *ghuspetiya*, literally meaning infiltrator or trespasser was so long used to label paperless migrants coming from across the international border irrespective of their religion. NIBBUSS had for a long time been protesting against this labelling of the East Bengali refugees. Their newsletters repeatedly condemn the derogatory tag of *ghuspetiya* used to label the incoming Hindu refugees. In the most recent Hindutva propaganda around citizenship there is an attempt to separate the Hindu refugees from this blanket labelling. There is an attempt to clearly mark out the incoming Hindus and Muslims from Bangladesh as internally homogenised and mutually opposed religious identities. Some excerpts of speeches by political leaders addressed to dalit East Bengali refugees on the differences between the *sharanarthi*s and *anuprabeshkaris* (or *ghuspetiya*) may be repeated here

Narendra Modi's language is very clear about who is a *ghuspetiya* and who is a *sharanarathi*. Those who are minority in Bangladesh are the *sharanarthis*... minorities in Afghanistan, minorities in Pakistan... are being cheated of their rights there, the Bangladesh government does not want Hindus to live there. There are terrorist organisations are working in Bangladesh and they are vandalising Hindu temples... the only country in the world for the Hindus is India. If Hindus living all over the world face deception there, this country will give them *sharan* (shelter)... they will be considered as *sharanarthis* and they will be granted citizenship here... But when people who are in majority there, in Pakistan, Bangladesh and Afghanistan, come here, they will be called *ghuspetiyas*. This country has no place for the *ghuspetiyas*. This is why we will bring the NRC. The *sharanarthis* may be poor, but they are *sajjan* (decent people) and they cannot survive there among hooligans. So they are coming here... West Bengal has two crore *ghuspetiyas*, NRC will help weed them out... you will get ownership of the houses they are living in, the land they are occupying, belonging to two crore people... (Speech by a BJP leader, Kailash Vijayvargiya, NIBBUSS Meeting, 30 June 2019, Palta)

A journalist and an associate of the MM observed on similar themes in a meeting organised by NIBBUSS in Calcutta in the wake of the passage of the citizenship amendment bill in Lok Sabha in November 2019

We are citizens of *akhanda Bharat*. This *akhanda Bharat* spans the entire subcontinent. Here people have only one identity, they believe in the Hindu culture, even if their religions are separate. But people were divided, our forefathers migrated to this side (India) in the face of threats to their lives and religion. Wherefrom appears the question of citizenship, now that we have come here and lived here for so many years?... we have to understand the difference between *anupradeshkari* and *sharanarthis*... who are the *anupradeshkari*? Those who had left this country (India) in order to go to that country (Pakistan), in the hope of living there in peace, but after some time they felt there is nothing much for them on that side (Pakistan), now they are trying to come back again to this side (India), they are the *anupradeshkaris*... (Speech by a Journalist, NIBBUSS Meeting, 22 November 2019, Kolkata)

Dr Subodh Biswas, the all India president of NIBBUSS highlighted the importance of an exchange of population for Bengal in the same meeting

we have been sacrificed at the altar of the partition. There was an exchange of population in Punjab, but in Bengal no exchange of population took place, we were abandoned with our arch enemies... we came to India empty handed in search of shelter... that day, we did not want to leave West Bengal, because Bengalis love the soil of Bengal. But we were forced to disperse and go to distant parts of India... this citizenship amendment bill will provide relief to the East Bengali migrants... till the time

there is torture on Hindus in Bangladesh, refugees will continue to migrate to India... we demand unconditional citizenship to all East Bengali Hindu refugees in India... (Speech by NIBBUSS President, Subodh Biswas, NIBBUSS Meeting, 22 November 2019, Kolkata)

In this propaganda, the Hindu refugees are now called *sharanarthis*, those who can rightfully seek *sharan* or shelter in a Hindu India. They may be poor, but are *sajjan* and can make for good citizens. As the above excerpts note, the idea of an *akhanda bharat* has returned in these discourses, one that spans the entire subcontinent, embraces Hindutva in a broader cultural sense as espoused by Savarkar, where other religionists can perhaps exist as second-class citizens. The other of this discourse are the *ghuspetiyas* or the *anuprabeshkaris*, who it is alleged had gone back to their co-religionists in the enemy nation (Pakistan or Bangladesh) after the partition, and now want to come back due to lure of economic benefits. Here is an uncanny repetition of the debates around citizenship which had taken place about seven decades ago in the immediate aftermath of the partition. It harks back to the two-nation theory. Displaced Muslims back then were called 'returnees', those who had committed a first act of disloyalty to India by fleeing to Pakistan, and their right to 'return' was disputed. Poor Muslims migrating from Bangladesh to India, the *ghuspetias* or the *anuprabeshkaris* are now equated with the treacherous 'returnees'. In a reminder of the communal political rhetoric surrounding the immediate post partition days, here is also an echo of the demand for an exchange of population between West Bengal and Bangladesh. A utopian promise is made by the advocates of communal politics that if the Muslims are ousted from India by means of an all India NRC, the land under Muslim occupation made vacant will be redistributed among the needy Hindu *sharanarthis*, another reminder of the post partition debates surrounding distribution of 'evacuee property'.

There is also a clear attempt to appropriate dalit identity within the Hindu fold. This observation of a Member of Parliament (MP) of the MM who has recently won the election on a BJP ticket, Shantanu Thakur, signifies the change in their political affiliation and associated discourse on dalit identity politics

The partition broke the backbone of the Bengalis... Bengal has been neglected for the past seventy-five years... refugees in Bengal and adjoining region face numerous hardships... the Matuas provided strength to the anti-colonial nationalist movement... Khudiram Bose, Netaji Subhash Bose, Binay-Badal-Dinesh drew their power from the grass root strength of the Matuas. Bengal was partitioned in a manner which excluded Khulna, Jessore... if we go by the two-nation theory, why were these Hindu dominated regions included in Bangladesh?... this was a big conspiracy... the East Bengalis did not

benefit from national independence, they could not migrate to India and were left behind in East Bengal to suffer... they were Indian citizens, they are Indian citizens and they will remain Indian citizens, this is our main demand... we will strengthen the refugee movement... the government made the mistake of passing the black act of 2003... in 2014 they have brought a solution to the refugee problem, an amendment bill has been adopted in the Lok Sabha in 2018, this is a historic moment.... Some people are worried that they will acquire citizenship only after six years, but don't worry... we will remain and continue in the same manner as we have done for years... those who are not Hindus, not Buddhists, not Christians, not Jains, not Parsee, will be ousted... if the All India Matua Mahasangha certifies that a person is Matua, that person will acquire citizenship in India... if the Nikhil Bharat certifies that a person is Matua and *namasudra* the Indian government will be forced to grant them citizenship... (Speech by Shantanu Thakur, NIBBUSS Meeting, 30 June 2019, Palta)

Here is an attempt to draw the lineages of the Matua movement from the mainstream anti-colonial nationalism in their effort to align with the dominant caste Hindu ideologies of the day and a covert assurance that all that is required for citizenship is political loyalty.

Their idiom of politics has a distinctly Hindu Bengali overtone. When prominent leaders of different political parties arrive at the meetings, women clad in white sari with red borders, welcome them by blowing the conch shell and garlanding them, signs of Hindu Bengali piety. In meetings organised by the NIBBUSS and MM, women are called to action as mothers. Thus, in a Matua meeting in Bahirdoba, Mr Biswas, a Matua leader living in Bahirdoba, called the mothers to action

Our mothers in India have something of their very own, the sound of conch shells and *ulu dhwani* (ululation). Are we about to forget that? Let us see how our mothers can give *ulu dhwani*? Shanti Harichand Guruchand, horibol... (Speech at Mr Biswas, Matua Mahadharma Sammelan, 8 December 2019, Bahirdoba camps)

Following this call on the mike, the women present in the meeting started ululation together.



Figure 4.6. Women clad in red saris waiting to welcome their political guests of honour with petals in hand in a NIBBUSS meeting, Palta on 30 June 2019.

In their public speeches the leaders are silent about certain discrepancies in the CAA 2019 noted earlier. Some of these concerns were expressed to me during a discussion with Bipul of NIBBUSS

Bipul: lakhs of people in Assam are in detention camp, it seems that unconditional citizenship may not be provided by the new act, you are saying that those who have come till 2014 will be granted (citizenship), but then why are you imposing conditions on that? The condition is that one has migrated due to religious persecution... proof in documents (need to be provided)... how will people show documents? My father came in 1953, but apart from the dalil we don't have any other documents, so according to them I am also be-nagorik (non-citizen)...

I: what papers are required?

Bipul: some papers will be needed, but our people... they don't have papers, they live on streets after coming here...

I: is there any clear guideline regarding what papers will be needed?

Bipul: no, they are not clear about that, our demand is unconditional citizenship... Dilip Ghosh repeatedly says, we will oust two crore people, are there two crore Muslims living here? Even if there are two crore Muslims, they have not come from that country (Bangladesh), they have preserved papers over thousand years, they will be able to provide all the documents... who don't have the documents? Us, we don't have... all the political parties play with us.... we will do a movement with all

the people here... we are happy to die, but we will break down detention camps... (Bipul, Telephonic Interview, October 2020)

Deben, a member of the MM who lives in the Bahirboda camp area, pointed out

...I saw in the newspaper yesterday, there are many gaps in it (the citizenship bill), who are the *sharanarthis*? people from East Bengal had been *sharanarthis* once in 1971, there weren't any *sharanarthis* after that... where is the mystery... what can I say... please don't mind, we the ordinary people... in order to support the party, are saying many vague things... I believe if we are not able to unite, our problems will increase in the coming days.... (Deben, Personal Interview, December 2019)

In a discussion at the side-lines of the aforementioned Matua Maha-dharmasammelan (big religious meetings of the Matua Mahasangha are called Maha-dharmasammelan) organised at the Bahirdoba camps, a local inhabitant and a Matua supporter shared with me on conditions of anonymity, how their leaders in Thakurnagar have an understanding with the BJP. Membership cards of the MM with a certain card number are being issued to people. Many Matuas from all over India, are coming to Thakurnagar in order to secure membership cards. More than a lakh of such cards has been issued in the past two months. He noted with confidence that people who possess those cards will be able to secure citizenship (Personal discussion reproduced from fieldnotes, December 2019). It is covertly communicated that people do not need to worry about the discrepancies in the CAA 2019. They will be provided citizenship on the basis of a personal understanding between the leaders in exchange for political loyalty. While the AITC faction of the Mahasangha also have a presence in the camp area, it is the BJP faction that has significantly gained in strength in the past year or so.

The leaders of the dalit refugee organisations are aware of the discrepancies in the CAA 2019. But these are not raised in public discussions. The dalit refugees have started to couch their demands in terms of their right to be included in a Hindu Rashtra. This demand is directly or indirectly pitched against the Muslims tagged as *ghuspetias* or the *anuprabeshkaris*. In spite of such shift however, the political space is still fluid and fiercely contested. Communitarian imagination which seek unity of Bengalis across India and Bangladesh and streaks of anti-brahmin dalit identity politics are also present.

The 'homeless' rural migrants by *khalspar* and *foot* have a much more uncertain *de jure* citizenship status. As already noted in chapter three, the majority of them have always been suspects to the law of the country and do not hold legal papers. A handful of leaders are aware of the new changes in the laws of citizenship and they are apprehensive that the changes will lead to renewed attempts to

brand them as Bangladeshis and evict them. But beyond a few of the leaders there is not much awareness regarding the transformations in the citizenship laws amidst this group. There has not been any significant political mobilisation on the issue.

4.4 Social citizenship: precarious life world of temporary people

Apart from legal status, citizenship also involves social right (Marshall 1950). A significant number of new research assuming a right based approach to citizenship, claim that social movement of the urban poor for right to the city, mobilised around redistributive rights claim of citizenship, expand citizenship to new social bases (Appadurai and Holston 1996). The experiences of social citizenship of the two different migrant groups studied here present a variegated scene. Both groups of migrants have faced challenges to their right to shelter and a host of other associated rights to different extent. A section of the dalit refugees have waged a prolonged struggle, staking claims on the state as 'displaced persons' and as dalits deserving protective discrimination. They have achieved some degree of formality of their personhood, dwellings and secured some measure of social rights. But for a large number of the poorer dalit refugees and most of the peripatetic rural migrants the experience has been one of perpetual deferral. Their right claims have gone through multiple fractures.

The dalit refugees articulate their demands for social rights through the official status of 'displaced persons'. A lot of the camp refugees have been dispersed and live through serial displacements. Those who have managed to stay on have improved their living condition over the years. Now most of them have built houses, even though many do not have legal ownership of their lands. They have electricity (sometimes acquired by illegally tapping electricity) and piped water. Most of my interlocutors in the camp areas have acquired identification documents like Voters Identity Card and Ration Cards. The possession of identity cards works as proof of citizenship. They also stake claims for protective discrimination through their dalit identity. They have struggled to secure caste certificates. This has consolidated a sense of dalit unity in them. Pramatha of camp no J reflected how difficult it was for them to secure caste certificates

Pramatha: there were a lot of hassles and we had to appeal to different individuals... it took five to seven years... in the process, what used to happen was the age for getting higher education or for applying for jobs would pass, their real intention was to stop us from being established in life and have decent jobs, we felt that they were doing this deliberately... in 2003 we created a committee, a Dalit Unity Centre... there is a government circular, we took help from the national commission...

A considerable number of the camp refugees also work in the informal sector. A majority of those employed in the informal sector work without basic labour rights. As per National Sample Survey's (NSSO) Employment-Unemployment surveys and the Periodic Labour Force Survey, conducted annually to complement the NSSO survey, in 2017-2018 more than 90% of India's workforce were in the informal sector ("*Periodic Labour Force Survey 2017-2018,*" *Ministry of Statistics and Programme Implementation, Government of India*, 2019). As per NSSO data for West Bengal in 2009-2010, the total proportion of workers engaged in the informal sector in the state came to about 80%. The coverage of social security schemes has been extremely sparse among the informal sector. About 74.8 % of the workers in West Bengal did not have any social security in 2009-2010 and about three fourth of the workers lacked any written contract for jobs and worked with very little job security ("*Factors Impacting Non-Agricultural Employment Growth: A Study in West,*" *Institute of Applied Manpower Research*, 2013, 11, 21-26). While there is a government scheme for rural employment generation in India, the Mahatma Gandhi National Rural Employment Guarantee Scheme, there is yet to be a parallel urban employment scheme for the urban poor. A large number of the dalit refugees in the Bahirboda camp area work as construction workers, in transport, and hawking and in small shops. Many women work as domestic help in the middle-class townships around. Like the informal labour in the rest of the state, they are largely deprived of social security schemes.

For both the *namasudras* and the Matuas, education has been an important component of their movement for social upliftment. A large majority of the dalit refugees I have interacted with have basic literacy. As already noted, they have fought for securing caste certificates which ensures reservation in educational institutions. They send their children to schools in the nearby areas. There are many schools close to the camps. In government or government aided schools the mid-day meal scheme is operational. It is a scheme launched in 1995 by the central government, which guarantees free lunches on working days for children up to eighth grade in government and government aided schools. Some of the dalit refugees possess Below Poverty Line (BPL) cards which entitles them to subsidised food grain. Public health care system is fraught with problems all over the state and the camp refugees are no exception to the trouble faced by patients in government hospitals in general.

The floating rural migrants at *khalpar* and *foot* have access to fewer social rights compared to the dalit refugees. As already discussed in chapter three, their hold on their homes is tenuous. Tied to this basic right to shelter are other social rights. This connection is understood and emphasised by

their leaders. Anwar who lives at the Kuldanga stretch of the Round Canal in central Calcutta, and is a local leader, emphasised this during a discussion

Anwar: We need an address, these work as proof of identity, people in Ultadanga don't have trouble anymore because they have been settled in a colony, they have a house number, what do people have here?

I: so you are fighting for an address?

Anwar: yes this is an important thing you have said... I have said this many times, there are big vacant areas, if they had created a colony for us there, that would have helped... (Anwar, Personal Interview, December 2017)

Due to lack of a fixed city address they find it difficult to apply for identification documents. Sometime they acquire identification documents through the help of their local political patrons. For example, the erstwhile ward councillor for the kuldanga stretch at Round Canal facilitated a small number of Voters Identity Cards for the families living there. Similarly at the Haria stretch of the Pali Nala, Ratan, a local leader informed me during a discussion that he used his own home address to secure identification documents for a large number of the dwellers by the Pali Nala. Alternately they use the address of a big house next to which the families reside and the name of the road on which the families are staying. The presence of a city address in their documents is seen as important. Successful creation of one identification document with a city address facilitates the creation of other documents and helps them secure some benefits from schemes targeted for Below Poverty Line (BPL) families. But many at the *khalpar* and *foot* still lack documents.

From 2003, NGOs like The Calcutta Samaritan (TCS), have worked with 'homeless' population located in different *khalpar*, pavements, dwellings under footbridges and other areas spread across Calcutta. They have fought to create identification documents for them. After conducting a Rapid Action Survey at the behest of the West Bengal government in 2011 to ascertain the number of 'homeless' people in Calcutta, applications for Voters Identity Card were filed for these groups. A large number of people from the areas studied here, from the Round Canal, Pali Nala and the foot locations had sent in their applications at that time. Two attempts by the TCS with the community members to secure Voters Identity Card were rejected by the Election Commission, stating that these were Bangladeshi migrants illegally residing in the city ("The Urban Alliance for Addressing Rights of Homeless in Kolkata, Programme Strategic Plan," *The Calcutta Samaritans*, 2007-2009, 10). During my interaction at the Kuldanga stretch of the Round Canal, Anwar, who had been working with TCS recalled

Anwar: When we submitted the applications for Voters Identity Card, the official said we are all Bangladeshi. I fought with the official, I said you are Bangladeshi...

I: how long did the conflict continue

Anwar: for about two years, I told the official that you are Bangladeshi, I can tell from your accent that your home is in Jashore... are not there Bangladeshis working in your office? You have a Bangladeshi accent, I speak very clear Bengali... I don't have an accent... afterwards we received the identity cards (Anwar, Personal Interview, December 2017)

One important identification document that provides the urban poor in India with some social security benefits is the Below Poverty Line (BPL) card, meant for families enumerated to be below the Poverty Line. The official Poverty Line in India is estimated based on a nutritional norm, which is, consumption of at least 2400 calories of food for rural areas and 2100 calories for urban areas per person per day. The Planning Commission has calculated the total expenditure required for this amount of calory consumption to be Rs 32 (approx. \$0.44) in urban areas and Rs 26 (approx. \$0.36) in rural areas per day per person. This has become the Poverty Line. Scholars have criticised the current Poverty Line as a 'destitution line' for being dated, for only considering food necessities and ignoring other basic necessities of life and grossly undercalculating even the basic minimum requirement of food. All of these function to exclude a large number of deserving poor from entitlements targeted for people below the Poverty Line (Drèze 2017, 54-68). If the estimates are low, exclusions are further entrenched through politics of deliberate non-enumeration. For example, there was an extension of the Public Distribution Scheme (PDS) in West Bengal in 1996.¹² The government of West Bengal was updating a database of families who could benefit from the PDS. It was revealed by a CMDA official, that they are deliberately leaving out the squatters from enumeration, because it would be tantamount to legally acknowledging their presence (Roy 2003, 26-27).

TCS has helped the 'homeless' communities in Calcutta with applications for BPL Cards. According to TCS's own estimate, with their help about 1569 'homeless' families have received BPL Cards, 877 families have received Voters Identity Cards, about 821 children have received Birth Certificates and 349 families have opened bank accounts ("Impact Assessment Report on Intervention under Project Titled: An Alliance to Address the Issue of Urban Homeless and Unregistered Slums in Kolkata," *The Calcutta Samaritan & Action Aid*, n.d., 12).

Only a small fraction of the total homeless population in Calcutta possesses identification documents. Some people in my field locale who possess identification documents, have been able to

tap some benefits from a few social security schemes. One such scheme is the Antodyay Anna Jojona Scheme meant for the poorest of all BPL families. The government issues them with the Antodyay Anna Jojona Ration Cards (known briefly as the Antodyay Cards), a category of BPL Card, which entitles them to subsidised food grain. Under the Antodyay scheme in West Bengal, their monthly entitlement comes to 15 kg rice per family and 20 kg wheat per family at the cost of Rs 2 per kg and 500 gm sugar at Rs 13.50 per kg ("Public Distribution System in West Bengal: An Overview," Report Compiled by Director of Rationing, West Bengal). At some of the field sites I have visited, a few families mentioned that they presently get about 10 kg rice and 5 kg wheat per family at Rs 2 per month. But some are getting less. Thus, Marina Bibi, a rag picker living on a pavement by the KP road in north-central Calcutta, has secured a Antodyay BPL card through the help of TCS. She responded upon my query

I: Do you receive rice at the rate of Rs 2 per kg?

Marina Bibi: yes, but the quantity has reduced, earlier they used to give us 10 kg rice and 5 kg wheat per month, now they are only giving 6 kg... this is not sufficient, if we ask for more, they misbehave... we have to buy the rest at higher prices... sometimes the quality is also very poor... (Group Interview, December 2017)

From 2015 the West Bengal government has initiated a process of digitisation of the Ration Cards. As part of the process, the Antodyay Card holders require to digitise their cards, which involves submitting fresh applications. Some of my interlocutors have managed to do this and they are still receiving supplies from the PDS shops. In four out of the five pavement dwellings that I have visited, Manosh Mitra Park area, Ambala street, Khayalipur and Nadirpur, the families have not been able to follow through with the process of submitting new applications for the digitised Antodyay Cards. The NGOs do not visit these areas any longer. Due to lack of literacy and bureaucratic know how, they have not been able to secure the new cards. Their supply has stopped. The cards still serve the purpose of identification documents. But many of them are wary that these may be nullified. There are many among these migrants who can barely afford two square meals a day.

There is paucity of drinking water. Their roadside makeshift homes usually do not have piped water. They collect water from what is known as *time kol*, which are roadside taps installed by the CMC where water comes at fixed times of the day. The dwellers stand in long queues and collect water in buckets. For example, at the Kuldanga stretch where tentatively 5000 families live, there are three taps in total and the water comes twice a day, once in the morning and once in the evening. It is usual for people to store water for use later (Imran, Personal Interview, December 2017). Bathing in

public at the street taps is often a problem for women. It exposes them to lewd comments by male passers-by. Due to lack of private bathrooms, defecating in the canals is all pervasive. There are often pay and use toilets nearby installed by the CMC, but few can afford these regularly.

Ill health and malnutrition are prevalent. Children suffer from diseases like malaria and diarrhoea. As per the estimates of TCS, more than 80% of the homeless, including men, women, adolescent girls and boys suffer from an inclination to various drugs and narcotics. A few of these are chemical adhesives (dendrite, rubber solution) and marijuana products. Many in the community, especially adolescent boys and girls are into some forms of addiction to kill the pangs of hunger. They sniff glue (dendrite) to avert hunger ("Being with Nothing: A Report on the Condition of Homeless Population of Kolkata," *The Calcutta Samaritans & Action Aid*, 2007, 4).

While they are entitled to free medical treatment at government hospitals, they try to avoid going to the hospitals because of the unwelcome attitude of the staff and long waiting time. Lack of cooperation at government hospitals make them resort to private medical aid. They only go to government hospital for maternity care and childbirth. For other types of ailments, they resort to private treatment at much higher costs. Monirul who lives in the Kuldanga stretch of the Round Canal, shared with me

I: where do you go for medical treatment?

Monirul: nobody goes to the hospital (government hospital)

I: why?

Monirul: it takes a lot of time, sometimes there are no doctors and they don't give free medicines, people only go to the hospitals in case of extreme emergencies... poor people meet with accidents frequently, at the place of work, on the streets, something is always happening... those who meet with accidents.... in case of serious accidents, the condition deteriorates quickly... they are unable to get proper food for two to three months... will they pay for the medicines, or for the treatment or for the food at home? Accidents are scary... (Monirul, Personal Interview, December 2017)

In case of prolonged illness these dwellers incur huge debts. They are completely bereft of any health insurance schemes. In Calcutta, big NGOS like Self Employed Women's Association (SEWA) or Association for Community Cooperation & Rural Development (ACCORD) which provide health insurance to the poor in other parts of the country are not present.

Some of the homeless children have access to educational facilities in government schools or informal education centres nearby. There is a country wide scheme of Integrated Child Development

Services (ICDS), aimed at the overall wellbeing of children incorporating health, education and nutrition interventions. The programme provides some key services to children of up to six years and mothers including supplementary feeding, immunisation, health check-ups, nutrition education etc. Of all the field sites I have visited, I came across only one ICDS centre functioning at the Kuldanga stretch of the Round Canal run with the help of an NGO, Tiljala Shed. It works as a school for the very young. Immunisation is also provided here.

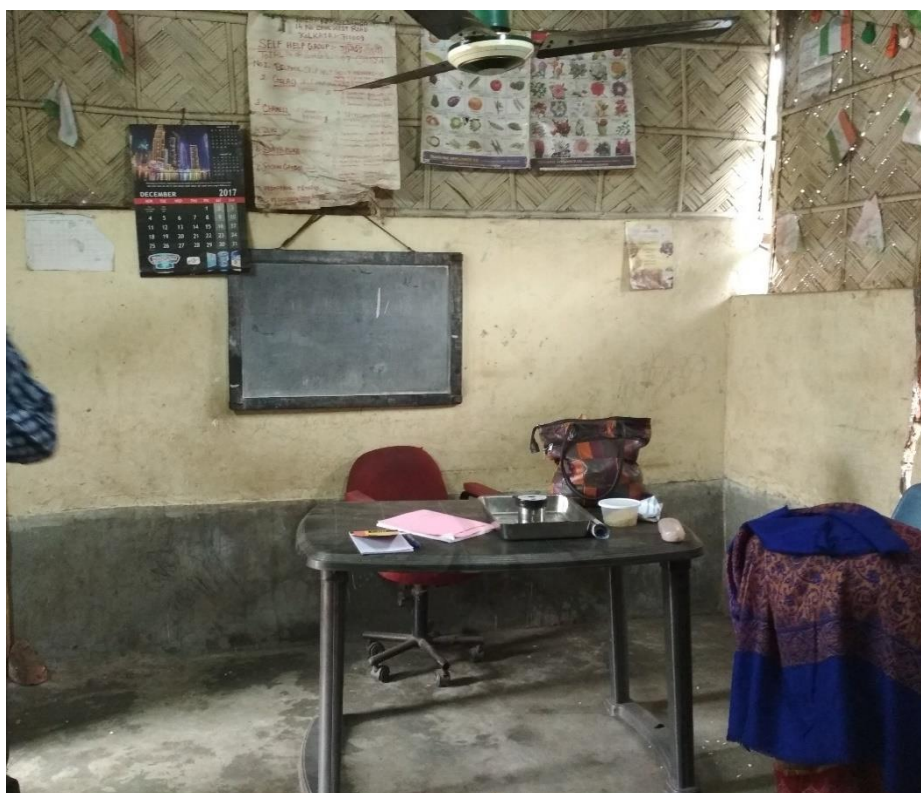


Figure 4.8. An ICDS centre at the Kuldanga area of the Round Canal run by an NGO, the Tiljala Shed

From 2010 the Right of Children to Free and Compulsory Education (RTE) has come into effect, which ensures that children from 6-14 years are entitled to free and compulsory education. Child labour (of those aged below 14) is prohibited in certain industries like construction, heavy manufacturing, in restaurants or as domestic servants etc. Child rights and education for the 'homeless' is again tied to their possessing identification documents. Many of the children do not have Birth Certificates. A TCS survey among homeless children carried out in 28 wards of the CMC in 2013 mentions, 60% of the child respondents did not have Birth Certificates at that time. TCS has worked extensively on securing Birth Certificates. Earlier the school authorities often treated the homeless children with contempt and refused to admit them because they lacked Birth Certificates. The situation has

improved through NGO activism. The same TCS survey mentions that about 66% of the children receive some form of education including formal and non-formal education. But less than one percent of these continue their education beyond fourth grade (“Our Homeless Children, Forgotten and Highly Vulnerable: Vulnerability Mapping of Homeless Children and Young Adults of Kolkata,” *The Calcutta Samaritans*, 2013, 15).

In most of the areas I have visited at *khalpar* and *foot* the very young children go to either formal government schools or informal education centres run by NGOs. They also receive their mid-day meals in schools. But they drop out early. They start working at an early age to substitute family income. Often the child’s labour is needed at home. With little hope of education leading to employment, dropout rates are very high among them.

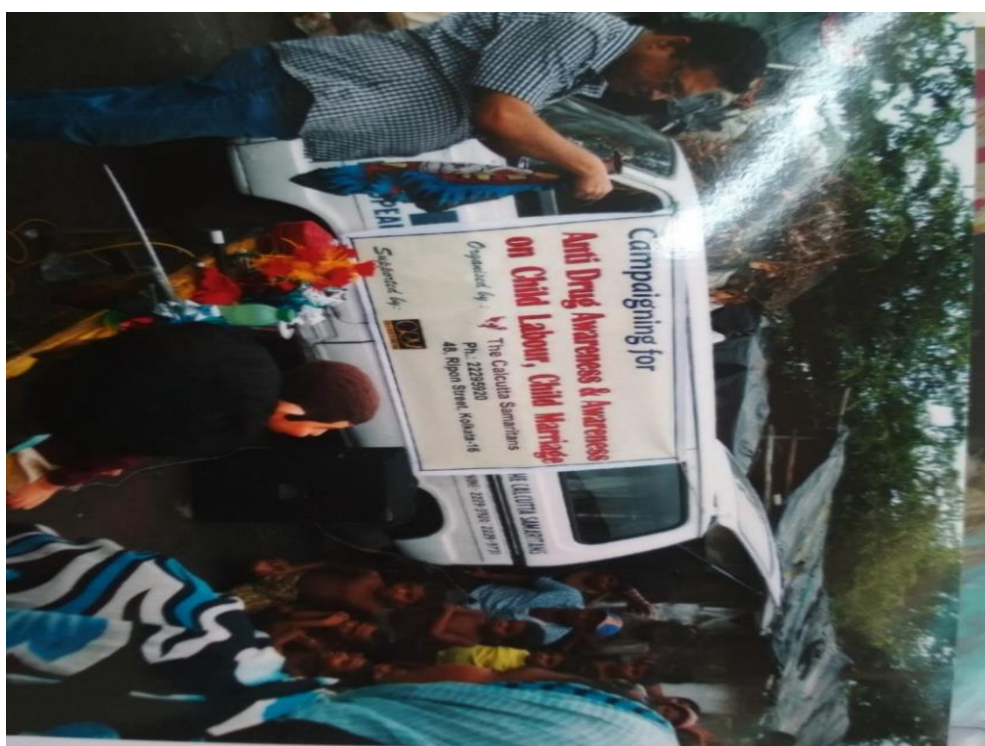


Figure 4.9. A street corner meeting organised by TCS with homeless children to increase awareness against drugs, child labour and child marriage. (Source: The Calcutta Samaritans Archive)

The women at *khalpar* and *foot* face extreme forms of gender-based violence. NGOs like the TCS and later the Kolkata Naba Jagaran Mancha (KNJM) have worked extensively to empower women and create awareness about their rights. A large number of the members of the KNJM are women. They have faced opposition from their husbands and families from attending meetings organised by the KNJM, but have persisted in spite of that. Violence against women come from both outside and

inside their homes. Outsiders ranging from the police and other civic authorities, local party boys, truck drives and a host of others harass them in different ways. They also face domestic violence from their own menfolk. It is very common for the men to get drunk and beat up the women and children. In cases of rape, the police often refuse to register cases against the offenders. In such cases, the staple reply of the officer in charge at the police station would be, that such crimes are bound to happen because the complainants live on open streets. They are advised to go away from the streets in order to avoid harassment. Now women at *khalthar* and *foot* protest more frequently than before against violence perpetrated by a range of people in their daily street lives. They have been sensitised against trafficking through NGO activism. But there is a lot more to be done regarding violence against women.

The migrants are exposed to extremely hazardous work conditions. They form part of the informal economy and work as headload carriers, rickshaw/van pullers, domestic labour and rag pickers on ad hoc terms and without any recognised rights. They work on very low wages.

Table 4.1. Findings of a sample survey on the monthly average expenditure of informal workers in Calcutta (Source: "Report on the Survey in Relation to Unorganised Workers," *Sristi For Human Society & The Calcutta Samaritan*, 2013-2014, 15).

Monthly Expenditure	Number of Families	Percentage
Below Rs 1000 to 1000 (approx. \$13.6)	140	4.66
Rs 1000 to 2000 (approx. \$13.6-\$27.2)	451	15.3
Rs 2000 to 3000 (approx. \$27.2-\$40.8)	651	21.7
Rs 3000 to 4000 (approx. \$40.8-\$54.4)	783	26.1
Rs 4000 to 5000 (approx. \$54.4-\$68)	400	13.33
Rs 5000 to 6000 (approx. \$68-\$81.6)	307	10.23
Rs 6000 to 7000 (approx. \$81.6-\$95.2)	147	4.9
Rs 7000 to 8000 (approx. \$95.2-\$108.8)	73	2.43
Rs 8000 to 9000 (approx. \$108.8-\$122.4)	12	0.4
Rs 9000 to 10,000 (approx. \$122.4-\$136)	16	0.53
Rs 10,000 to 15,000 (approx. \$136-\$204.1)	20	0.66
Total	3000	

The data in the above table comes from a sample survey of informal workers conducted by two Calcutta based NGOs in December 2013-January 2014, Sristi For Human Society and TCS. The sample included 3000 families of unorganised workers spread over 32 wards in Calcutta. Out of the total sample, 1867 families were slum dwellers, 764 families lived in shanties by canal banks and railway lines and 335 families were pavement dwellers. For about 80% of the sample, the monthly expenditure is below Rs 5000 (approx. \$68). According to the survey, about 70-80% of this expenditure goes to food, and next is clothing and room rent ("Report on the Survey in Relation to Unorganised Workers," *Sristi For Human Society & The Calcutta Samaritan*, 2013-2014, 15).

They lack access to dignified systems of social security. Only one of my interlocutors, who works as a van puller and is a local leader at the Ragbazar stretch of the Round Canal, mentioned that he has enlisted for a pension scheme for informal labour launched by the West Bengal government, Asangathito Sramik Der Jonno Rajya Sarkar er Sahajya Prapta Bhabishya Nidhi Prakalpa (SASPFUW), meant for people below a monthly income of Rs 6500 (approx. \$88.4) (Sanat, Personal Interview, January 2018). They often meet with fatalities. One of my informants, Roma lost her husband due to accident at his place of work and some others have talked about injuries during work (Roma, Personal Interview, February 2018; Monirul, Personal Interview, December 2017). Mother of young children are often put out of employment because their children are not allowed at the places of work. Their work is performed with bodily labour, and after incapacitation due to accidents, or reaching a certain age when bodies are naturally incapacitated, some of them fall back on savings, but a considerable number is reduced to begging and starvation.

Of all the informal workers, two groups, the rag pickers and the domestic workers face particularly humiliating work conditions. Domestic work is exploitative and involves humiliation. The work condition of the waste pickers is also precarious. They are among the lowest earning groups of all the informal workers. A survey conducted by TCS in 2008 on ragpickers of a sample size of about 700, puts their average daily income between Rs 30-60 (approx. \$0.4-\$0.8). Their monthly average income comes to around Rs 1500 (approx. \$20.4) ("The Precarious Status of Ragpickers in Kolkata," *The Calcutta Samritans & Action Aid*, n.d.). They work under threat from stray canines and harassment by the civic authorities including the officials of the CMC and the police. They face humiliating and derogatory treatment, verbal abuse as well as physical assault on an everyday basis. Now the CMC is installing Solid Waste Compactors (SWC) and the rag pickers are apprehensive of becoming jobless. At one of the pavement dwellings I have visited, Kheyalipur in south Calcutta, the homeless population have christened their dwelling place as Kangali lane. This translates into

Beggars lane. It indicates the social stigma attached to their work as waste pickers. Interaction with people in this area provided me with a sense of disdain, a lack of claim on the city and strong irony about the hardships of life.

They live a precarious existence, largely deprived of the legal and social rights of citizens. They often couch their demand for life and livelihood in the language of universal human rights rather than the rights of citizens of a nation state. Some of the Supreme Court judgements (from the mid-1980s till the mid-1990s) on the question of 'encroachment' in urban areas, reveal the way footloose labour migrants at urban margins articulate claims by recourse to human rights. An important court case which brought the issue of 'encroachment' on public space and eviction to wide public notice was the *Olga Tellis and Others v. Bombay Municipal Corporation and Others* case in 1985. The petitioners, a group of pavement dwellers and squatters, who had migrated to Bombay from adjoining rural areas, resorted to a court case against an eviction order issued by the Bombay Municipal Corporation (BMC). They contended that they have no option but to flock to big cities like Bombay, which provide them means of bare subsistence. They only choose a pavement or a slum which is nearest to their place of work. Thus, they petitioned that eviction amounts to depriving of their right to livelihood, which is comprehended in the right to life guaranteed by Article 21 of the Constitution. The Article 21 provides that no person shall be deprived of his life except according to procedure established by law. In a landmark judgement, the right to livelihood was read into the right to life of the Constitution for the first time. The Supreme Court thus considered

The sweep of the right to life conferred by Article 21 is wide and far reaching. It does not mean merely that life cannot be extinguished or taken away as, for example, by the imposition and execution of the death sentence... That is but one aspect of the right to life. An equally important facet of that right is the right to livelihood because, no person can live without the means of living, that is, the means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live... ("*Olga Tellis and Others v. Bombay Municipal Corporation and Others*," 1985, <https://indiankanoon.org/doc/709776/>)

The Court held that the respondents, BMC, must provide with alternative shelter to the petitioners before eviction from the pavements. A few judgements in the 1990s followed in this vein which read the right to shelter and right to livelihood into the right to life.¹³ Other than the right to life, in different Supreme Court cases fought on the issue of 'encroachment' in urban areas, the petitioners have also invoked the Universal Declaration of Human Rights (UDHR). It may be noted that the

fundamental right guaranteed by the Article 21 of the Indian Constitution and the UDHR applies to natural persons and can be appealed to by citizens and aliens alike. In articulating their claims in this manner, their rights as human beings are emphasised and human right become their avenue through which the rights of the citizen are sought.

But legal redress is often outside the reach of floating rural migrants who lack literacy and means to access the juridical machinery. Unless assisted by NGOs, they fail to resort to court cases to claim their rights. As noted in chapter three, from the late 1990s, the judiciary has increasingly turned away from such an approach. Now their roles as 'pollutants' and 'criminal' are highlighted to nullify their demands of shelter in the urban areas. Eviction without rehabilitation follow. The 'vagrant', the 'destitute', the 'pauper', the 'encroacher' or the stateless person are not valued as citizen-voters. They perpetually relocate and constitute a residual category of citizen. In such condition, their vulnerable bodies become the vehicle of enacting the demands of a livable life.

4.4. Conclusion

The *de jure* citizenship regime in India is in a process of contraction and socially disadvantaged dalit groups or the urban 'homeless' are faced with many challenges. Dalit migrant identity politics has consolidated in the face of recent ethnicisation of citizenship. There is an attempt to appropriate dalit history and identity within the Hindu fold in West Bengal. Identity politics of many of the dalit refugees is mediated by the mainstream Hindu ethno-religious chauvinism in attempts to separate their lot from the *anuprabeshkaris*, now meaning Muslim infiltrators. But my attempt has been to highlight that the social identity of the refugees still remains fluid and multifaceted. They retain a strong sense of caste based and linguistic solidarity which pull in contrary directions. The other group, peripatetic rural migrants variously labelled as 'encroachers' 'infiltrators' or 'homeless' have much less political clout. For the longest period of time, they have lived a status-less and stateless existence at the margins of legal as well as social citizenship. Their right as citizen-voters is devalued and their political participation is eroded. In course of the past two decades, NGO activism has empowered them to a certain extent and they now voice demands for entitlements of the urban poor. But they are still far from securing the most basic necessities of life like food, shelter, healthcare and survive through long term structural violence of poverty. Their sense of belonging to the nation is rarely expressed in terms of rightful or useful citizens. What prevails is a strong sense of irony.

Notes

- ¹ The question of property left behind by the displaced was an important aspect of this conflict. The property left behind by the Muslims in India, were often allotted to incoming Hindu refugees and there was no question of a simple return of this property to their erstwhile Muslim owners. The properties left behind by those fleeing were taken over by a government agency known as the Custodian of Evacuee Property. Attempts to control movement between India and Pakistan first through a system of permits and then through the introduction of passports in India, and the related provisions of 'evacuee property' and the category of 'intending evacuee' through which the property of Muslims were appropriated by the state all show how ethno-religious discrimination operated on the ground against the Muslims in India. For a detailed discussion, see (Zamindar 2007).
- ² The IMDT Act was operative exclusively in Assam. Determination of illegal or alien presence in Indian territory in general is done by the Foreigners Act 1946 and the rules of 1964. These two acts prescribed two contradictory modes of defining citizenship and identifying an alien or a foreigner. The IMDT Act reversed the process of identification provided in the Foreigners Act. Under the Foreigners Act it was the responsibility of the person suspected of being a foreigner or an illegal migrant to prove his or her identity. The IMDT Act shifted the onus of proof onto the 'applicant' claiming that a person was illegal migrant (Roy 2010, 105). Eventually the IMDT Act would be scrapped in 2005 by the Supreme Court of India.
- ³ The All India Bharatiya Jana Sangh was established by Shyama Prasad Mukherjee who had earlier been a prominent leader of the Hindu Mahasabha. He left the Mahasabha to establish a new political party in 1951. Unlike the Hindu Mahasabha, the Jan Sangh aimed to widen its reach in order to strengthen their political clout. Its membership was not to be limited to the Hindus alone. It was to be open to all Indians and aimed to be the spearhead of nationalist forces in India (Andersen 1972, 725). From its inception, the Jan Sangh drew on Rastriya Swayamsevak Sangha (RSS) for its organisational cadre. The Jana Sangha reflected the aspirations of the Hindutva forces for a long time after independence. The plight of Hindu refugees in India and Hindu minorities in Pakistan became one of the main demands of the Jana Sangha. Another important demand was that Pakistan occupied Kashmir should be freed (K. Dasgupta 2020).
- ⁴ The Ayodhya or Ram Janmabhumi movement started in the mid-1980s, in a town called Ayodhya in Uttar Pradesh. Ayodhya is described in the Hindu tradition as the birthplace of god king lord Rama. The site was supposedly once occupied by a Rama temple, until it was destroyed in the sixteenth century by the first Mughal emperor Babur, and replaced by a mosque, now known as the Babri Masjid. In 1984, the Vishva Hindu Parishad (VHP) called for this site to be returned to the Hindus by destroying the mosque. The BJP supported the movement, eventually leading to the demolition of the mosque in 1992. This was followed by widespread Hindu Muslim communal riots in different parts of the country.

⁵ The epic Ramayana is tentatively dated to around 500 BCE to 100 BCE. It is traditionally attributed to the authorship of the sage Valmiki. The epic poem narrates the life of lord prince Rama of the kingdom of Kosala. The story of Ramayana has been retold many times in Sanskrit and regional languages. The Ramayana's characters now form part of the common speech and idiom in large parts of India and provide a religious ethical code of living for the Hindus. Ramlila or a short version of the epic of Ramayana is performed during the festival of Dussehra in North India. The epic has been adapted into TV series and films. Similarly, the other Indian epic, the Mahabharata, appeared in its present form tentatively between 400 BCE and 200 BCE (the dates of the epics are debated). While a text of the length of the Mahabharata could not have been written by one single author, traditionally the sage Vyasa is said to be its author. The story of the epic revolves around the struggle between two branches of a family, the Kauravas and the Pandavas. It is regarded as a text of Hindu moral law and one recording the history of the Hindus. The Mahabharata includes Hindu cosmological stories and philosophical parables which teach Hindu philosophy. The Mahabharata includes Hinduism's most widely read scripture, the Bhagavad-Gita.

⁶ According to the Indira Mujib Pact, all refugees who entered into India before March 25, 1971 were allowed to stay in India.

⁷ It may be mentioned here that, a considerable number of grassroots organisations are agitating against the new Citizenship Amendment Act and the NRC in West Bengal. These include a host of student bodies and small political outfits like the No NRC Movement, Joint Forum Against NRC, Bandi Mukti Committee etc. Some of these like the Manabikata Mancha and Joint Action Committee for Bangali Refugees, Namasudra Vikas Parishad are dalit refugee organisations. The AITC faction of the Matua Mahasangha led by Mamata Bala Thakur has been opposing the recent amendment to the citizenship act and the prospects of an NRC. My research draws on NIBBUSS and the BJP faction of the Matua Mahasangha as they have gained a stronger presence in my field site. It may be noted that NIBBUSS is the biggest contemporary all India Bengali refugee organisation which has branches in 18 Indian states. These two organisations also have a stronger presence in border areas like North 24 Parganas where BJP's agenda has been more successful.

⁸ In February 2013, protests were held in Shahbag, Bangladesh with demands for harsher punishments for those who have conducted war crimes during the Bangladesh liberation war against *mukti joddhas* (freedom fighters). More specifically they were demanding more severe punishments for Abdul Quader Mollah, convicted for war crime by the International Crime Tribunal of Bangladesh.

⁹ In the early 1930s the Matua organisation was known as the Sri Sri Harichand Mission. Pramatha Ranjan Thakur, was the first *shanghadhipati* or the organisational head of the institution appointed by Guruchand Thakur. He migrated to India after the partition and took the initiative to revive the organisation in West Bengal. But there were differences of opinion between Matua leadership in West Bengal. One group of the Matuas, formed a separate organisation, called the Harichand Seba Sangha in 1965. The two organisations functioned separately for over a decade. In 1980, the two

separate outfits merged to form the Harichand Matua Seba Sangha. In 1983, a change in the name of the central organisation was proposed and it was renamed as the Matua Mahasangha in 1986. The Mahasangha was registered in 1988, with its headquarters at Thakurnagar in North 24 Parganas (Sinharay 2015).

- ¹⁰ From the late nineteenth century, the untouchable and peripheral groups within the Hindu caste system were enumerated in the British decennial censuses as the Depressed Classes. Later these groups were renamed as Scheduled Castes in the Government of India Act of 1935. As noted previously, the Scheduled Castes were provided reservation within a joint electorate by the Government of India Act of 1935. This classification has been continued by the Government of India after independence. The Constitution of India guarantees the rights of the Scheduled Castes under several provisions. The Constitution provides for proportionate reservation of seats for the Scheduled Castes and Schedules Tribes in different legislative bodies including the panchayats, the municipalities, the state legislatures and the national parliament. Seats are also reserved for them in educational institutions and public offices under the State.
- ¹¹ The first book to be published by the community was a hagiography of its founder, Harichand Thakur, *Sri Sri Harililamrita*. In an interesting study of Harichand Thakur's hagiography, Sipra Mukherjee has shown how the text of the hagiography underwent significant changes between the first edition in 1916 and later editions running into the 1990s. The debates centred around the attitude towards Vaishnava and Hindu influence on Matua dharma. Later editions of the text, included a genealogical table of Harichand Thakur's roots that claimed a Brahman as Harichand Thakur's ancestor. It included a story of how Harichand's ancestor had a caste Hindu birth, but lost caste status due to a morganatic marriage, as a punishment for disregarding societal rules (Sipra Mukherjee 2018).
- ¹² The Public Distribution Scheme (PDS), is a rationing system that provides food grains at subsidised rates, specially targeted at households below the Poverty Line.
- ¹³ Mention may be made of the Chameli Singh and others v. State of U.P. and Another 1996 judgement, in the mid-1990s, which recognised that the right to shelter is integrally related to other basic rights to food, access to amenities which together constitute the 'right to life'; or the Ahmedabad Municipal Corporation v. Nawab Khan Ghulab Khan and Other judgement which upheld similar rights for the urban poor (Roy 2010, 168).

