

# Citizenship Amendment Act 2019 in Assam: A Route to Complicated Multicultural Accommodation

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## *ABSTRACT*

The Citizenship Amendment Act 2019 (CAA) is one of the controversial citizenship acts passed in India. Despite many protests and opposition, the Act is passed with strong claims by the Indian government as a necessity to settle the immigrant issue in Assam. However, there are questions and talks over the laying out of possible rules to implement the Act. With the ongoing issues of immigrants and ambiguities of citizenship and its changing patterns through the recent development of the 2019 Act, there is a possible opportunity that policies of multiculturalism may increase the dominance of the majority groups, thereby raising questions of multicultural accommodation. To put it simply, the politics of citizenship and questions of accommodation in the light of the new Citizenship Amendment Act 2019, creates another multicultural problem. This leads to the fear of dominant group politics and minority politics as well concerning immigrants. In this paper, it is emphasized that the Citizenship Amendment Act of 2019 carries a lot of unanswered aspects regarding the smooth implementation of the Act. Further, it also complicates the accommodation process in Assam.

**Keywords: Citizenship Amendment Act 2019; Multiculturalism; Immigrants; Multicultural, Accommodation**

## **Introduction:**

The issue of citizenship in the northeast India is one of the continuous topics of debates since the times of independence.<sup>1</sup> However, the debate has largely been an active topic in the state of Assam through the recent Citizenship Act of 2019 as it has direct implications for Assam and the Northeast India. The changing history of citizenship and its transitions in the region through various constitutional amendments of the act of 1986, 2003 and 2005 has only intensified the problem rather than giving any fruitful resolutions and also have changed the outlook of many communities and groups about their own culture and others who potentially pose a threat to them through citizenship acts.<sup>5</sup> As a result, many groups and communities are only residing with culture consciousness and conservativeness. The identification of citizens in the region is a long postcolonial history that have changed from time to time thereby creating only dilemmas regarding the issue. Amid all this, the foreigner's question and the National Register of Citizens (NRC) has made the entire issue more critical and the question of multicultural accommodation more challenging.<sup>7</sup>

The ongoing debates on citizenship and migration in Independent India needs to be looked at through the legal understanding of the issue of various cultural groups.<sup>19</sup> Keeping in mind the history of Northeast India, one would agree to say that the region has been going through a crisis of citizenship that further challenges the traditional concept of common citizenship. And that is where the value of multicultural citizenship and question of accommodation starts to show its sign. Different communities and groups have different understanding of citizenship and accommodation which reflects through their claims of recognition on the basis of land, language, history, culture etc.<sup>2</sup> However, the existence of such immense diversity and corresponding cultural accommodation puts a lot of challenge in front of the Indian state. It becomes more problematic to deal with them when it is related to a multicultural region like Northeast India which has been a hotbed of continuous issues and conflicts since long. Differentiated citizenship can be seen based on demands of population. For that, a proper theoretical

analysis of how different groups view the issue, can provide a new viewpoint to approach this issue.<sup>3</sup> There might be a more multicultural problem or issue unaddressed properly in the Northeast India which if studied aptly, may answer the existing dilemmas and provides a framework to confront the existing entanglements. And the avoidance of it, may only lead to another multicultural problem.

### **What is Citizenship Amendment Act 2019?**

The Citizenship Amendment Act 2019 is a legislation which amends the citizenship act of 1955, and thus makes changes in the citizenship law. This act proposes granting Indian citizenship to the persecuted minorities such as Hindus, Jains, Christians, Sikhs, Buddhist and Parsis from the three nations of Bangladesh, Pakistan and Afghanistan.<sup>6</sup> This Act seeks to make it easier for non-Muslims refugees and illegal immigrants from three Islamic majority nations, to gain Indian citizenship from 14 years to 5 years and their cut-off date has been decided December 31, 2014.<sup>6</sup> So, this legislation is applicable to groups who arrived in India on/or before December 31<sup>st</sup>, 2014.<sup>7</sup> This means that a person belonging to any of these faiths, who have entered India on/or before December 31, 2014 will be granted citizenship for having faced religious persecution. They will acquire Indian citizenship if they have arrived India on/or before this cut-off date, legally or illegally.<sup>4</sup>

This act is the first case of religion politics as it is being used as a criterion for Indian citizenship. It violates constitutional secular principles and is a violation of Articles 13, 14, 15, 16 and 21 which guarantee the right to equality, equality before the law and non-discriminatory treatment by the Indian State. Thus, the development made in the citizenship policies in Indian context can be now seen not only as a much easier pathway to acquire citizenship from 14 years to 5 years through the process of naturalization, but this act also seems to introduce religion politics as it is considered to be discriminatory in nature towards Muslims for establishing citizenship laws only for six religious minorities and, by excluding them from this Act. The counter argument claims that Muslims are unlikely to face any atrocities in these three countries

as they are Muslim-dominated. But the government makes no special provision for Hindu refugees coming from Sri Lanka or the Rohingyas people from Myanmar.<sup>4</sup> It ignores the persecuted minorities from other regions such as Tibet, Sri Lanka and Myanmar as well as Hazaras, Ahmadis, atheists and political dissenters, who face persecution in Pakistan.<sup>8</sup>

As soon as the Citizenship Amendment Bill 2019 was passed by the Indian Parliament on Thursday, 12<sup>th</sup> December, 2019, a series of mass protests and oppositions occurred in the country that slowly and gradually turned violent across the nation. In the Northeastern states, especially Assam, protests broke out throughout region, with Guwahati as its epicenter.

### **Multicultural Accommodation in Assam and the Citizenship Amendment Act 2019:**

The term multiculturalism has a range of meanings in reference to different academic disciplines. Multiculturalism, the view that cultures, races, and ethnicity, particularly those of minority groups, deserve special acknowledgment of their differences within a dominant political culture.<sup>10</sup> In reference to Political philosophy, it enables people live their originality consciously and without authorization the other cultures. As a way of cultural diversity, it is the idea that different cultures can live together and make a way for intercultural communication. . It therefore, implies a positive endorsement or celebration of cultural diversities as people retain, pass down, celebrate, and share their unique cultural ways of life, languages, art, traditions, and behaviors. Multiculturalism as the name suggests holds cultural plurality, racial, ethnic and language differences. It seeks to promote the interest of the distinct cultural groups. At the same time, it studies the governmental responses to such differences in terms of making policies. According to Bhiku Parekh, multiculturalism is the perspective or a way of viewing human life in the diversity.<sup>13</sup> However, the co-existence of different cultural groups with their beliefs and practices are often in conflict with other groups. Basically, cultural accommodation in a multicultural environment can be quite challenging. Cultural Accommodation is the

integration of a culture into the dominant society without forcing that culture to fully assimilate and adopt all of the dominant culture's mores, beliefs, and values. And there are other groups in minority which can be excluded, marginalized, silenced, or assimilated. Thus, cultural minorities in a particular country can face various kind of threat to their culture. When a culture fully assimilates, they risk losing their cultural identity because they are adopting the dominant culture. This can result in cultural genocide as each generation born becomes less traditional and more invested in the mainstream environment. Such kind of challenges can be seen in Northeast India and a more entangled version of it related to the accommodation issue presents itself through the recent Citizenship development.<sup>7</sup>

The North-East hosts almost more than 200 indigenous tribes with their distinct culture, identity, and religion and governance system.<sup>15</sup> With about four percent of the country's total population and approximately eight percent of the total land area, the NE is a geographical region that comprised of eight states, numerous tribe and non-tribe communities. The region is known for its rich cultural, linguistic, administrative variations and history. However, such a presence of huge diversity often creates variety of accommodative and other political conundrums that both put a challenge to policymakers; and on the other hand, gives the scholarly world a huge responsibility to understand and analyze the matter.<sup>16</sup> The special protective measures and arrangements that is been made in the Northeast India is due to the felt necessity to preserve and protect the distinct culture and practices of different communities, particularly the indigenous tribes of the region. In short, that shows multicultural accommodation in the region. There are many special safeguards and provisions provided to ensure the cultural values and traditions of the tribes assuring that their cultural values will be respected and adequately protected. Different groups of North-East India have their own traditional customary laws and socio-political institutions to look after their own matters. However, many groups have gone through many challenges of migration, territory, internally displaced, refugees, identity etc. In addition, there are

conflicts and confrontations over land use and control as well as issues of language, identity formation, demographic change and minority and majoritarian relations. It is not a hidden fact that the Northeast region has been witnessing constant conflict of insurgency and militants over the past few decades. This includes insurgencies in Assam, Nagaland, and Manipur etc. However, now with the introduction of recent developments in Citizenship politics, there have been violent protests in the north-eastern states.<sup>7</sup> With the ongoing issues of immigrant and ambiguities of citizenship and its changing patterns through various amendments after independence, there is a possible opportunity that policies of multiculturalism may increase the dominance of the majority groups thereby raising questions of multicultural accommodation. To put simply, the politics of citizenship right from the Act of 1955 till 2019 and questions of accommodation in the light of new CAA, creates another multicultural problem.<sup>18</sup> That leads to the fear of dominant group politics and minority politics as well regarding immigrants.<sup>19</sup> The identification of citizens in the region is a long postcolonial history that have changed from time to time thereby creating only dilemmas regarding the issue. The Citizenship act of 1955 and its transitions into amendments of the act of 1986, 2003 and 2005 has only intensified the problem rather than giving any fruitful resolutions. The politics of citizenship therefore continues to be an abated issue that has manifested itself in contemporary identity politics in Assam which can be seen in the recent protests and claims made by cultural or ethnic groups. Amid all this, the foreigner's question and the National Register of Citizens (NRC) has made the issue of Assamese-ness more critical and the question of multicultural accommodation more challenging.

The large parts of the Northeast States have been protesting against the Citizenship Amendment Act 2019 (CAA) as it has direct implications for Assam and the Northeast India.<sup>20</sup> The protesters are worried about the prospect of the arrival of more migrants irrespective of religion, in a state whose demography and politics have been defined by migration. The argument is that the all the citizenship laws and amendments were processed for dealing

with the migration and illegal immigrants residing in the region. Now, the question is – Is Citizenship Amendment Act (CAA) the answer?<sup>11</sup>

The changing history of citizenship and its transitions in the region through various constitutional amendments have changed the outlook of many communities and groups about their own culture and others who potentially pose a threat to them through citizenship acts.<sup>9</sup> As a result, many groups and communities are only residing with culture consciousness and conservativeness. Any kind of interaction that includes their cultural and ethnicity with other tribes bring a sense of fear among them.

The state of Assam, which was ruled by the Ahom dynasty for centuries came into the hands of the British East India Company in 1826. This placed Assam under the administration of Bengal and Bangla was declared as the language of the courts and education. In the late 19<sup>th</sup> century, inspired by English missionaries, Assamese people started the Assamese language movement. During the 1870s and 1880s, people demanded prominence of Assamese language in courts, official documents, schools, colleges etc. however, at the same time, there was a great realization that Bangla had already made its presence in the region. According to 2011 census, the total population of Assam is 3.12 Crore. From which only 48% seem to speak Assamese language as their mother tongue. Around 30% goes to Bangla, 7% for Hindu and the rest for other language in the region.<sup>13</sup>

However, the government has provided some exemptions to Northeastern states from the ambit of the Citizenship Amendment Act. The government have exempted four inner line permit states – Arunachal Pradesh, Nagaland, Manipur and Mizoram. Other than these, the areas under the sixth schedule have also been exempted from this citizenship act of 2019. Whole Meghalaya except the capital Shillong, 70% of Tripura, in Assam – Autonomous District Council of Bodoland, Dima-Hasao, Karbi – Anglong. Thus, the sixth schedule and ILP states have been exempted from this Citizenship Amendment Act (CAA) 2019. However, majority population and area of Assam, as doesn't come under the 6<sup>th</sup> Schedule will have direct

implications of this citizenship Act, and thus, give rise to many protests. Therefore, the state of Assam has been vehemently opposing this Citizenship Amendment Act of 2019.<sup>15</sup>

The citizenship politics is challenging and the issue of immigration further added different set of challenges to both the state and the existing groups.<sup>12</sup> There is no denying that heavy migration and demographic balance has been changed in Assam and to some extent West Bengal. Assam has seen large-scale migration during British rule and after independence. The two major waves of migration came after British rule – first one was after the partition from East Pakistan and the second wave of heavy migration came aftermath the liberation of Bangladesh in 1971. This in turn created a rising consciousness and fear of outsiders into the region which resulted in the long protests of six years from 1979 to 1985 by the All Assam Students Union (AASU). The agitation led by AASU was solely for the identification and then deportation illegal immigrants, predominantly Bangladeshi immigrants, from Assam. The presence of outsiders was a realization for the people of Assam that this was hampering the cultural importance of the region. And it would impact their political, land and language rights. Because of the growing fear and the ongoing protests, the Union made an accord with Assam that is famously known as the Assam Accord signed on 15 August 1985. The Assam Accord provided two cut-off dates – 1) January 1, 1966 and 2) March 24, 1971. On the basis of these cut-off dates, if someone entered Assam before 1966, they would be considered as Indian citizen. The second condition was that if anyone entered Assam between 1966 -1971, they would be considered as citizens but would not enjoy voting rights for ten years. And the third condition was if anyone entered Assam after the mentioned cut-off date of 24<sup>th</sup> March, 1971, he or she would not be considered as citizen and were to be deported. It is not new that there have been strong claims made earlier by the supporters of the Assam movement that the Union has failed to implement the Assam Accord. However, what seems to problematize the whole argument over the citizenship politics is that the Citizenship Amendment



Act 2019 undermines the Assam Accord of 1985. The famous Assam Accord sets 24<sup>th</sup> March, 1971 as the cut-off date for Indian citizenship, which is also the same for the National Register of Citizens (NRC) in Assam. Under the Citizenship Amendment Act 2019, the cut-off date is changed to December 31, 2014 for six religious minorities. Not only this, this Act of 2019 seems to violate Clause 5.8 of this Assam Accord that says foreigners shall continue to be detected, deleted and practical steps shall be taken to expel such foreigners. That's illegal migrants were to be identified and deported.

The National Register of Citizens (NRC) which is the demand of Assam Accord, has the same cut-off date to recognize and expel illegal immigrants. For inclusion in NRC, an applicants need to prove that they or their parents and grandparents were citizens before March 25<sup>th</sup> 1971. However, which is changed now under the Citizenship Amendment Act of 2019. As the cut-of date is now set on December 31<sup>st</sup>, 2014 for six religious minorities. The final NRC was released on August 31<sup>st</sup>, 2019 and an estimated 19lakh people were excluded from the final list. And this large number of 19 lakhs are said to be Hindus. The Citizenship Amendment Act 2019 gives a fresh chance to the Bengali Hindus left out to acquire citizenship, whereas the same benefit will not be given or available to a Muslim left out, who will have to fight out a legal battle. Apart from this, it provides for an exhausted and expensive affair for the people left out of NRC since they cannot get their names cleared at a foreigner's tribunal. They can use provisions of citizenship amendment act to apply for citizenship but this would mean that they have to prove that they came to India due to religious persecution. However, some would be reluctant to take advantage of the act because that would mean them accepting that they are a foreigner. This creates a lot of confusion as the NRC should exclude illegal migrants of all religions and the Citizenship Amendment Act 2019 (CAA) will provide citizenship to illegal non-Muslim migrants from three countries and who have entered India before December 31<sup>st</sup>, 2014. Indian Muslims could be badly affected by CAA and NRC, because those Muslims who do not have the documents required to prove

their citizenship in a nationwide NRC could be declared as illegal migrants and they would not be able to use Citizenship Amendment Act (CAA), like non-Muslim Indians perhaps could, to get citizenship by lying and claiming that they are illegal migrants from Bangladesh, Pakistan and Afghanistan.

As far as illegal immigrants are concerned, India doesn't have a national policy on granting asylum or refugee status. The government has dealt with refugees on a case-by-case basis by either granting them work permit or long term visas. A multicultural state also acknowledges the history and injustice done to non-dominant groups. The multicultural politics shapes many of the social, political, cultural and administrative arrangement in the region. Also regarding stateless persons, there are about 2, 89, 394 stateless persons identified by the government as of December 31<sup>st</sup>, 2014. According to the figures of this data, majority of the registered stateless people are about 1, 03,817 from Bangladesh and about 1,2,467 are from Sri Lanka who can get citizenship through the Citizenship Amendment Act 2019 (CAA).

Within the context of multiculturalism, the Indian Union has taken several measures to protect the culture and interests of the indigenous group.<sup>13</sup> Here, the concern arises that with the citizenship act, will these immigrants after authorised documentation, bring another issue as a minority into the region or not. Not only this, in addition, granting identity and citizenship to immigrants also keeps a space for providing them minority rights. Many different communities and groups have developed a different idea of accommodation and recognition through the lens of citizenship.<sup>17</sup> Hence, the Northeast which is already diverse and dealing with many of its unsolved issues most of which is related to identity consciousness will have to deal with one more in such a geographical region which is perhaps right now not in a position to provide shelter to others. Assam has been criticised before to claim that it doesn't have enough land to accommodate refugees. But opening gates to many immigrants to the multicultural existence of the area makes scope for rethinking the claims and questions of territorial space. Among the states of Northeast

India, Assam especially, Tripura and Meghalaya are the ones facing this issue greatly as for the territorial connection with Bangladesh.

### Conclusion:

The ongoing debates on citizenship and migration in Independent India needs to be looked at through the legal understanding of the issue of various cultural groups. Keeping in mind the history of Northeast India, one would agree to say that the region has been going through a crisis of citizenship. Diversity in North East without any doubts, challenges the traditional concept of common citizenship. And that is where the value of multicultural citizenship and question of accommodation starts to show its sign. Different communities and groups have different understanding of citizenship and accommodation which reflects through their claims of recognition on the basis of land, language, history, culture, tradition etc. They have been given different categories of rights which goes beyond traditional allocation of rights. Since independence, various groups and communities enjoy group differentiated rights or in simple terms, differentiated cultural rights or differentiated citizenship. The protest of Assamese against the recent development of Citizenship Act 2019, can be seen as an example of how they perceive themselves as a group in the region and what understanding of citizenship they hold. Similarly, there are many different expressions of accommodation and understanding of citizenship that various indigenous groups, tribes and communities of Assam has shown. However, the existence of such immense diversity and corresponding cultural accommodation puts a lot of challenge in front of the Indian state. At this point of time, the state of Assam in relation to ongoing debates is undergoing through a huge demographic and political shift. It becomes more problematic to deal with them when it is related to a multicultural region like Northeast India which has been a hotbed of continuous issues and conflicts since long. Differentiated citizenship can be seen based on demands of population. But instead of taking stern actions against immigrants, which has been the source of many ethnic conflicts and agitations

(like setting certain restrictions & policies after 1971), it must be addressed in a different way by studying the nature of exclusion brought about by the debates on citizenship acts. For that, a proper theoretical and historical background of citizenship and how different groups view it, can provide a new viewpoint to approach this issue. There might be a more multicultural problem or issue unaddressed properly in the Northeast India which if studied aptly, may answer the existing dilemmas and provides a framework to confront the existing entanglements. And the avoidance of it, may only lead to another multicultural problem. The beneficiaries of the Citizenship Amendment Act 2019 (CAA) can reside in any state of the country and the burden of those persecuted migrants will be shared by the whole country.<sup>14</sup> However, accommodating immigrants to the multicultural environment of Assam which is already geographically diverse and often remains an active area of identity consciousness and ethnic conflicts may not be in a position accommodate others. Keeping in mind its political history and issues related, it will also not be wrong to say that the region perhaps right now is not ready to share the burden of those persecuted.

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