

India has an obligation to those left on the ‘wrong’ side after Partition

Swapn Das Gupta, January 13, 2019

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The passage of the Citizenship (Amendment) Bill in the Lok Sabha last week has created convulsions in Assam and the rest of northeastern India. There have been protests all over the region, the Asom Gana Parishad — an ally of the BJP — has walked out of the Sarbanand Sonowal ministry in Assam and the Meghalaya chief minister has expressed his government’s displeasure to the Centre. Although home minister Rajnath Singh tried to allay concerns over the erosion of regional identity, there is concern over the implicit negation of the Assam Accord of 1985 and troubles in the whole region if the bill is passed in the Rajya Sabha next month.

As a member of the joint committee that examined the bill and visited Guwahati, Silchar and Shillong in this connection, I am aware that the committee had the daunting task of addressing some of the leftover complications of the Partition in 1947. This has involved exercising difficult options.

First, the bill proceeds on the assumption that religious minorities in both Pakistan and Bangladesh — and for that matter Afghanistan — are, in effect, unwanted citizens that look to India as the country of refuge. In (West) Pakistan the issue was resolved in the immediate aftermath of Partition when there was a near-total exodus of Hindus and Sikhs to India. However, the exodus of Hindus and Buddhists from what is now Bangladesh happened in phases. But the process has been uninterrupted since 1947 and Bangladeshi Hindus still constitute 11% of the population there. Their sense of vulnerability remains high, especially in the rural areas, and the flight to India has been triggered almost entirely by religious persecution, not the least of which involves the safety of women.

The bill, in effect, institutionalises the ‘right of return’ principle for religious minorities who were left on the ‘wrong’ side after Partition. The move, while not contesting the secular character of the Indian republic, establishes India’s obligation towards those excluded from the religious underpinning of Pakistan — either as a Muslim homeland or an Islamic state. In effect, the bill legitimises what is a de facto reality. The principle is not dissimilar to Germany’s obligations towards all ethnic Germans in eastern Europe and Britain’s towards those who can establish British-born grandparents.

Secondly, it is undeniable that the burden of Hindus and Buddhists fleeing East Pakistan and Bangladesh has been disproportionately borne by West Bengal, Assam, Tripura and Meghalaya. While West Bengal — despite the relative indifference to rehabilitation in the Nehru years — has experienced a near-seamless integration of fellow Bengali-speakers from the east, there have been enormous complications in Assam and the northeast. Tripura experienced a demographic overhaul that left the indigenous population in a woeful minority. In Assam, the

situation was complicated by the politically inspired influx of Bangladeshi Muslims. This was the trigger for the Assam anti-foreigner agitation in the 1980s.

There are fears in Assam that by granting citizenship to Hindus and Buddhists who entered the state till end-2014, the demography and political balance in the state will be further distorted and the rights of indigenous people negated. Indeed, before the BJP won power in 2016, the prevailing perception was that Assamese sentiments were at a permanent discount owing to the veto of minority vote banks.

The outcry over the National Register of Citizens and the hesitation over excluding non-Indians from the voter lists have revived Assamese apprehensions. The ferocity of the emotional backlash over identity is even threatening to overwhelm the enormous goodwill the Narendra Modi government has gained over its development of the region.

How can these two imperatives be met, without straining national unity? Among other things, the Assam Accord promised constitutional and administrative steps to safeguard the identity of the "Assamese people". In today's context, this involves affirmative action to ensure the political primacy of the indigenous peoples and insulating them against land alienation. Protective legislation undertaken by state governments in other northeastern states merits emulation in Assam.

In view of the complexities, it is worth making a distinction between citizenship and domicile. The principles governing Indian nationhood that the proposed citizenship bill articulates will be strengthened if there is no corresponding feeling of alienation among the people who have so far generously accommodated the victims of Partition. The Indian Constitution has never insisted on a one-size-fits-all approach for a diverse country. There is political space to accommodate the concerns of Assam without having to abjure people for whom India has always been the motherland.

(Swapan Dasgupta is an Indian journalist and a presidential nominee to the Rajya Sabha).