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"Write me down, make me real": Nature of Citizenship, Legality of Documents, and Statelessness in "Ashraf Ali's Homeland", "Stateless", and "Mumbai"

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Abstract

Moloy Kanti Dey's "Ashraf Ali's Homeland," Prafulla Roy's "Stateless," and N.S. Madhavan's "Mumbai" address the legality and ambiguity of documentation with respect to Indian citizenship. The partition of India and the subsequent laws made to control the damage and confusion with respect to Indian citizenship complicated the process of legal documentation and the citizenship status of immigrants from Bangladesh. The paper examines the texts that depict the plight of the protagonists who face the threat of deportation because of the ambiguity and arbitrariness associated with the legality of documents. It analyses the state-initiated identification process of the immigrants and their perils of statelessness as depicted in the texts. The paper also addresses *jus soli* and *jus sanguinis* citizenship, the questionable authenticity of the official 'writing down' process, and how the texts expose the consequences of the problematic conception of Indian citizenship in the everyday lives of marginalised individuals across India.

Keywords: Citizenship, Partition, Immigrants, Legality, Statelessness, Homelessness

Introduction

The Partition of India problematised the idea of Indian citizenship. Partition rendered India the status as the host of the displaced people from Pakistan and Bangladesh. Jacques Derrida, in *Of Hospitality*, posits that the state maintaining individual identity and having control over its guests are prerequisites of being hospitable and that this could lead to a scenario where the guest becomes a stranger or a refugee. Hence, being hospitable could eventually lead to the closing of boundaries and exclusion of specific groups or ethnicities. The Constituent Assembly members, the framers of the Indian constitution, considered *jus soli*, citizenship by right of birth, more virtuous than *jus sanguinis*, citizenship by virtue of the right of blood, ethnicities, or culture. But the multitude of East Pakistani migrants who reached India after 1971, after the formation of Bangladesh, accelerated the infiltration of *jus sanguinis* way of defining an Indian Citizen, thereby closing India's gates to those who identified themselves as Indians. Moloy Kanti Dey's "Ashraf Ali's Homeland," Prafulla Roy's "Stateless," and N.S. Madhavan's "Mumbai" depict the infiltration of *jus sanguinis* mode through the protagonists, Ashraf, Asad, and Asis. The paper examines the changing

modes of defining the nature of citizenship, the history of the legality of documentation with respect to Indian citizenship, and analyses how the ambiguity surrounding the possession of documents, property, and/or their lack thereof leads the protagonists in the short stories to a state of statelessness and homelessness.[i]

The legality of Indian Citizenship: The Post Partition Scenario

Niraja Gopal Jayal, in *Citizenship and its Discontents*, traces the trajectory followed for the construction of Indian Citizenship as a legal status. The constitutional definition of citizenship under Articles 5 to 11 provided for the two groups that were most susceptible to violence on both sides of the border: "Hindu refugees fleeing Pakistan" and "sizeable number of Muslims who initially fled from India to Pakistan, later choosing to return" (Jayal 53). Although the elements of *jus sanguinis* visibly marked the Indian state, the "enlightened modern civilized" nature justified the preference for *jus soli*.[ii] The innate problems in the conception of the idea of citizenship in the Indian Constitution resurfaced decades later.

As an epitome of the continuing impacts of Long Partition, the 1980s witnessed an Assam marred by strong nativist movements against the excess of foreigners on the Indian side of the border which led to the Assam Accord of 1986. It made the following provisions: Citizenship status for those who migrated before 1966, directions to undergo an official process to register as a foreigner for those who migrated between 1966 and 1971, and the status of illegal migrants to everyone who migrated thereafter (Jayal 53). As Kamal Sadiq elucidates, "the networks of complicity" and "the networks of profit" associated with the provision of documentary citizenship, where an illegal migrant can buy fake documents of citizenship including ration cards and voter ids, further problematised the notion of Indian citizenship beyond a point of easy rectification (63).

Identifying an illegal immigrant involves confirming whether the immigrant is Indian as per the existing laws by verifying documents that prove one's citizenship. Niraja Jayal's words, within the context of Assam National Registry of Citizenship debate in 2018, resonate with the issues faced by Ashraf, Asad, and Asis in the late 1990s and early 2000s:

> The charge of illegal foreigners cannot be reliably validated because it is so heavily dependent upon documentation. We are not historically a highly documented society: even birth certificates are a relatively recent phenomenon. So genuine citizens may have no documents to prove their ancestry, while illegal citizens could have them, as documentary citizenship has been notoriously easy (Gopalakrishnan).

The uncompromising approach towards undocumented Bangladeshis taken by the Indian government in the period within which the stories are set directed all provinces to take "immediate steps…to identify them, locate them, and throw them out" ("Pakistanis, Bangladeshis"). Jayal posits that the relationship between citizenship and documents in the post-partition era "inverts the standard expectation that it is the possession of citizenship that enables the acquisition of documents certifying it" (71). The identification and deportation process, in several cases, depended on the possession of or the lack of documents that certified or authenticated claims to citizenship. I argue that the protagonists in the selected short stories are direct victims of complications regarding the legal validity of documents in an India where citizenship definitions were/are being redefined based on their ethnic backgrounds.

Bangladeshi Immigrants, State Initiated Identification, and Police Action

Sujata Ramachandran suggests a transformation in patterns of migration where the "Bangladeshis are moving away from the border into relatively prosperous parts of north and north-western India" (6). According to her, New Delhi and Mumbai (previously Bombay), two urban spaces that consistently demand cheap labour, were two such prosperous pockets in India. Asad, the protagonist in Prafulla Roy's "Stateless," is representative of the immigrant community from Bangladesh whose family opted to migrate to Mumbai, apparently before 1971. He gets deported after thirty years of being a resident of Mumbai, despite being an active part of India's labour force and having a potential family that would strengthen his ties with India.

Why is Asad deported? One of the answers lies in the documents, or more specifically, the lack of it. Asad's inability to produce a ration card on demand becomes crucial for his deportation. Roy narrates how the state-initiated rampant searches for people of Bangladeshi origin who did not possess a ration card. "They looked at the ration cards and left," and "made no more fuss" in cases where they possessed the document, the authenticity of which is almost always impossible to prove at one glance (Roy 268). When a police officer suggests that it is Asad's religious identity that has resulted in his identification as an illegal immigrant and the subsequent threat of deportation, it substantiates that the *jus sanguinis* mode of defining an Indian citizen plays a role in constructing his image as that of an illegal immigrant. The police mentioning his entire name that reveals his religious affiliations is a crucial piece of evidence to prove the force's bias against Asad. They enunciate his name as a slur: "Take this Asadul Mian away" (Roy 282). Here the image of a person who lived as an Indian for over three decades transforms into that of an illegal immigrant, because of the complications related to the legality of documents and his religious identity.

Moloy Kanti Dey's "Ashraf Ali Homeland," set in Assam's Barak Valley, assumes significance in the context of Indian citizenship as it represents how an individual perceived as the foreigner in the Indian territory experiences statelessness. The immigrant's claim over property becomes one of the central reasons for hostility from the host country in Dey's story. The immediate reason for the deportation of Ashraf and his family, according to the narrator, could be his victory in a lawsuit against Kader Mian, an influential neighbour, who coveted the land in Ashraf's possession. I posit Sujata Ramachandran's observation about the Indian hostility towards immigrants as a possible reason behind Kader Mian's action: "many Indians… believe that a country like India with a large population, limited resources and many poor citizens of its own simply cannot afford to assume the burden of outsiders" (Ramachandran 13). The words "foreigner," "Bangladeshi" and "bloody immigrant" can be associated with Ashraf in the story. Although the period of Dey's story is ambiguous, its setting in Karimganj in Assam's Barak valley and the neighbour's role in Ashraf's deportation directs to the Illegal Migrants (Determination by Tribunal) (IMDT) Act of 1983, passed by the Congress Government. Although IMDT act was projected as a measure to protect the rights of the citizens against the foreigner, the onus of deportation being on the neighbour indirectly favoured the immigrants in many cases. But Dey's story aligns with the projected purpose of the Act.

According to the Act, neighbours could file a complaint to report illegal migrants (from Bangladesh) in their area, detect, and expel them from Assam.[iii] The loss against Ashraf at the court could have triggered Kader Mian to report him to the authorities as Ashraf suspects Farjan Ali, Kader Mian's relative, to be the one who helped the police to identify his

house. As per the directions under the IMDT act, the immigrant would have to produce his ration card. But in Dey's story, Ashraf and his family members are taken to the India-Bangladesh border without a chance to claim their rights.[iv] Here, the issue around property triggers a legally validated deportation process by an act that preserves and protects Indians and their rights from the 'foreigner.' The quasi-judicial process available to people, which Sanjib Baruah considers to be precarious' pushes out Ashraf and his family from India in Dey's story which increases the ambiguity around the legality of documents as the issue becomes immaterial within the scope of Ashraf's deportation.

The ambiguity and arbitrariness associated with the legality of documents reach a state of absurdity in case of N. S. Madhavan's "Mumbai". P.K. Rajashekharan, a prominent Malayalam literary critic, points out how Madhavan's story demonstrates that the self is politicised to defend it from the societal attempts to institutionalise it. The Kafkaesque story explicates the absurdity of the social injustices that place the individual in incredulous circumstances. Madhavan's Asis, an IIT alumnus, born in one of the Southernmost states in India, working in Mumbai, preparing to apply for a passport, is a stark contrast to Ashraf and Asad in all aspects, except for being a Muslim residing in India. His personal history has no association with the issue of migration. But the agents of state find a singular loophole in his data to label him an illegal immigrant.

Neither he nor his ancestors had any history that is associated with partition migration. While it was the lack of a ration card that led to Asad's deportation in "Stateless," it is an application for a ration card that draws the State's attention to Asis. The events in the Supply office when the authorities summoned him to meet with the officer, Pramila Gokhale, indicate that the transition from being a citizen to an outsider is a far easier process than establishing the legality of an individual as an Indian citizen. Neither Asis nor his parents owned a property anywhere in India as his parents, now deceased, had sold all their property in Kerala for securing their children's future. Instances including Gokhale, supported by a group of henchmen outside her office, threatening him by pointing out her position of privilege by virtue of her name that indicates her position of importance within the majority religious community in India, expose the unjust grounds on which the instruments of state define an Indian citizen.[v] The injustices of the state become highly absurd when she forces Asis to answer if he was in India in 1970:

> Were you in India in 1970?' She started her questioning in a gentle voice.
>
> Madam I was not born then.
>
> In '71?
>
> I was born that year
>
> So you admit that you were not in India in '70?
>
> This is really absurd. Madam, I was not born then.
>
> Shall I record that you were not in India before the infiltration from Bangladesh started? (Madhavan 138)

The distinction between an illegal immigrant and a person of a religious minority in an urban space blur into non-existence and the legality of the documents appear absurd within the context of "Mumbai." The story exposes the arbitrary nature in which the instruments of state interpret its laws and documents that support the system and its infiltration by *jus sanguinis* mode of citizenship in the system.

Perils of Statelessness

The ambiguity associated with the legality of documents reflects the nature of statelessness the protagonists endured. Sujata Ramachandran suggests that many immigrants found crossing the border as easy as slicing butter with a knife. When Ashraf's and Asad's ancestors entered India, they were entering a state of *de facto* statelessness, as both sides of the border were culturally and geographically similar.[vi] When the police locate and identify them as illegal immigrants, on unjust grounds, they become part of the *de jure* stateless people, unwanted by both India and Bangladesh.[vii]

Roy and Dey expose the horrors of the stateless condition that the deported 'illegal immigrants' experience at the border. Ashraf and Asad belong to those groups of people who were stranded in no man's land, being pushed out of Indian territory, and denied admission by Bangladeshi government. The narrator in Dey's story raises concerns regarding the fate of the people denied home by India and Bangladesh: death in the forests and being food for wild animals being possible options. Ashraf realises that he is in a non-entity in a no man's land. Roy suggests that Asad migrated India before East Pakistan became Bangladesh and that intensifies the absurdity of the statement "back to Bangladesh", the words with which Indian police entrusts him to the Border police (283). His inability to answer questions regarding the names of his village and his relatives in Bangladesh, prompts a Bangladeshi officer to ask him to "Get back to India" (Roy 284). The official denial of citizenship to Ashraf and Asad makes them *de jure* stateless people.

Asis enters *de jure* statelessness directly as his nationality was never a question of concern before his application for the ration card. Madhavan exposes the horror of statelessness through Asis's plight, by representing him as an unsuspecting person who mocked Adam for not having childhood memories and who supported the deportation of illegal migrants only a while before the events of the story. The natural assumption that the *jus soli* mode of citizenship grants him the right to be an Indian citizen gets distorted when he is forced into a state of *de jure* statelessness, because of the infiltration of the *jus sanguinis* mode of defining citizenship. At the end of the story, Asis crawls under the bed and lies motionless like a still born baby, fearing the imminent police action and deportation. The statelessness that the state unjustly imposes on Asis, erases his history, thereby equating him with a navelless Biblical Adam with an absent childhood/ history.

Conclusion

The partition of India and the subsequent laws made to control the damage and confusion caused around defining the nature of citizenship in India ironically complicated the process of legal documentation and the citizenship status of immigrants from Bangladesh further. The stories expose the complexities associated with the *de jure* statelessness of the protagonists as the legality of the documents that forced them into the scenario remains highly questionable and ambiguous. The violence in the control that the state enforces over its guests, estranges the immigrants and makes them refugees, whose basic human rights are almost always overlooked. The authenticity of the official writing down process has become questionable. Ambiguity, as depicted in "Ashraf Ali's Homeland," "Stateless," and "Mumbai," exposes the extent to which the problematic conception of the idea of Indian citizenship affects the everyday lives of certain individuals across the country. The chances of any Indian citizen belonging to a minority category enduring a fate similar to that of Ashraf, Asad, or Asis becomes highly probable under the present social and political scenario. The 'enlightened modern civilized' mode of citizenship, which the framers of the

constitution envisioned the compassionate Indian state to possess, should guide and motivate the Indian legislature to protect the quintessential plurality of the Indian democracy.

Notes

[i] "Write me down, make me real": Slogan for a global campaign on birth registration, launched by Archbishop Desmond Tutu on behalf of a leading International NGO, Plan.

[ii] Sardar Vallabhai Patel's words during Constituent Assembly debates

[iii] Niraja Jayal elaborates that the illegal migrants were believed to have "reduced the people of Assam to a minority in their own state and represented a threat of "external migration and internal disturbance". In other states detection of foreigners was done under The Foreigner's Act, 1946.

[iv] Although Dey does not clarify the year of Ashraf's initial migration from East Pakistan to India, his victory in the court is indicative of some proof of claim that he has over his land.

[v] Madhavan's narrative constantly refers to the presence of a crowd outside Gokhale's office. The presence creates a simultaneous ambiguous and ambivalent impact on the reader. The crowd could possibly be empathising with Asis who gets unjust treatment from the Supply office. But their loud presence after Gokhale hints a threat on Asis creates a sense of anxiety in the reader that can be associated with the overwhelming instances of the majority intimidating the minority.

[vi] The scenario is vividly depicted in Moloy Kanti Dey's "Ashraf Ali's Homeland", where Ashraf wonders "When did they cross the borders? Why was there no wall anywhere? It was merely like a stroll from one street to another. Is this how the two countries were divided then?"

[vii] According to Ramachandran: The Bangladeshi narrative of denial did not even blame the victims: it annihilated them. It stripped migrants to India of their Bangladeshi citizenship because they were in a national space where the Bangladeshi state elite found it inconvenient to acknowledge them. By turning the Bangladeshi diaspora into a numbers game, and by variously criminalising and disowning individual migrants, politicians in both countries gambled with the futures of millions of Bangladeshi livings, by force or by choice, beyond the territory of their state. (Ramachandran 234).

Works Cited

"Advani: Deport Overstaying Pakistanis, Bangladeshis." *The Tribune, Chandigarh, India - Main News*, Tribune News Service, 8 Jan. 2003, https://www.tribuneindia.com/2003/20030108/main1.htm.

Roy, Prafulla. "Stateless." *Set at Odds: Stories of the Partition and Beyond*, Shrishti Publishers & Distributors, New Delhi, 2002.

Butalia, Urvashi, and Sanjib Baruah. "Partition and the Politics of Citizenship in Assam." *Partition: The Long Shadow*, Zubaan, New Delhi, Delhi, 2015, pp. 75–98.

Derrida, Jacques. *Of Hospitality*. Stanford University Press, 2000.

Dey, Moloy Kanti. "Ashraf Ali's Homeland." *Barbed Wire Fence: Stories of Displacement from the Barak Valley of Assam*, edited by Nirmal Kanti Bhattacharjee and Dipendu Das, Niyogi Books, New Delhi, Delhi, 2012, pp. 117–122.

Gopalakrishnan, Amulya. "If Only Hindus Are Natural Citizens, It Is a Blow to India's Idea of Citizenship." *The Times of India*, 5 Aug. 2018, https://timesofindia.indiatimes.com/home/sunday-times/all-that-matters/if-only-hindus-are-natural-citizens-it-is-a-blow-to-indias-idea-of-citizenship-says-political-theorist-niraja-gopal-jayal/articleshow/65273321.cms.

Jayal, Niraja Gopal. *Citizenship and Its Discontents an Indian History*. Permanent Black, 2013.

Madhavan, N.S. "Mumbai." *Thiruth*, DC Books, 2007.
Ramachandran, Sujata. "Indifference, Impotence, and Intolerance: Transnational Bangladeshis in India." *Global Migration Perspectives*, Sept. 2005, pp. 1–19., doi: 10.1107/s0108270113015370/sk3488sup1.cif.
Sadiq, Kamal. *Paper Citizens: How Illegal Immigrants Acquire Citizenship in Developing Countries*. Oxford University Press, 2010.
United Nations. "Lack of Birth Certificates Deny Millions of Latin American Children Services-UN" *United Nations*, United Nations, https://news.un.org/en/story/2007/08/229432-lack-birth-certificates-deny-millions-latin-american-children-services-un.

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