



## Valley of flaws

New Delhi will have to engage with all stakeholders in finding a solution in Kashmir

The Jammu and Kashmir State government's decision to abruptly end the Amarnath pilgrimage, at least a fortnight ahead of schedule, citing terror threats, is intriguing. The announcement came close on the heels of an unexplained troop surge in the State, already one of the most militarised regions of the world. Governments usually tend to be miserly with information, and on questions related to national security they are more stridently so. By the very nature of the security apparatus, it is impossible for Parliament, the media or the general public to access information that is not voluntarily provided by the executive. Hence, it is imperative to accept the State government's position that the decision on curtailment of the yatra season was taken "keeping in view the latest intelligence inputs of terror threats, with specific targeting of the yatra, and given the prevailing security situation in the Kashmir Valley". There could be valid professional and tactical reasons for the limited transparency in security management. But the Narendra Modi government has stretched this principle to intolerance to request for transparency in general, often questioning the patriotism of those seeking meaningful information.

This government has been unequivocal and outspoken about its intentions to push forward with annulling the special status that Jammu and Kashmir is accorded in the Constitution through Articles 370 and 35A. The government is clear that there is nothing to negotiate with anyone in the Valley or about the Valley with anyone. An interlocutor appointed by the Centre is defunct. The BJP and the Centre have also been pursuing a policy of undermining the mainstream political parties in the State through administrative measures and political rhetoric. True, the governance track record of the Peoples Democratic Party and the National Conference falls far short of inspiring; nevertheless, these parties have been integral to the ways in which New Delhi engaged with the Valley. Pakistan may be puppeteering the separatist Hurriyat, but New Delhi will have to engage with all stakeholders in resolving the conflict in the Valley. Unfortunately, the first BJP government with a majority of its own in the Lok Sabha has instead upended the policy of the first Vajpayee-led BJP government which sought to strengthen the regional parties, engage the separatists and Pakistan to make progress towards peace. In recent years, the situation in the Valley has worsened and tensions between India and Pakistan have become aggravated. New Delhi quite rightly rebuffed U.S. President Donald Trump who, evidently in search of an arena for peacemaking after failing to make headway with North Korea, offered to mediate. But while dealing directly with the challenge in Kashmir, it must realise any misstep can be costly.

## At a crossroads

India's transport sector needs reform; changes to the Motor Vehicles Act are a start

India's Motor Vehicles Act, 1988 has remained in hibernation, unable to meet the needs of a large economy that is witnessing rising travel demand, fast-paced motorisation, major shifts in technology and deteriorating road safety. The amendments to the Act voted by Parliament seek to address some of these challenges, notably in forming a National Transportation Policy and a National Road Safety Board, providing for stiffer penalties for violation of rules, and orderly operation of new-generation mobility services that use mobile phone applications. Union Transport Minister Nitin Gadkari has countered the charge that the changes are anti-federal in character – the proposed amendments were reviewed by 18 State Transport Ministers, and the Bill reflects the modifications they suggested. Also, the Rajya Sabha introduced last-minute changes, making concurrence of, rather than consultation with States necessary when issuing fresh schemes for national, multimodal, and inter-State transport. This new provision also includes last mile connectivity, accessibility, mobility as a whole and rural transport. There is a dire need for reform in these areas, and State governments have tended to ignore these aspects. During the previous NDA government, Mr. Gadkari blamed obstruction by a 'corrupt' Regional Transport Office system for the delay in amending the MV Act. An amendment in the Rajya Sabha allows for RTOs to visit dealerships to register vehicles. This is not much of a change over the practice of dealers taking vehicles to RTO offices. The onus is on States to show that the purchaser will not have to pay a bribe.

Going forward, the Centre must deliver on its promise that the amended Act will help reduce dependence on personal vehicles, and present its National Transport Policy without delay. States must be incentivised to provide clean, comfortable and affordable services for all users, including people with disabilities. It is relevant to point out that the National Urban Transport Policy of the UPA failed to achieve this. Mr. Gadkari's emphasis is on structural reform and an upgrade to subsidised electric buses for low-cost air-conditioned travel. But State Transport Corporations must adopt modern management practices. New regulation can certainly shake up the status quo, facilitating transparent investment by any intending operator and removing vested interests, particularly in inter-State and multi-State coach services. But some of the other amendments are less promising. A sharp increase in fines has little chance of improving safety. Studies show that sustained, zero tolerance enforcement of even small fines reduces violations, while stringent penalties are either not enforced or lead to more bribery.

# Explaining the Asian rate cuts wave

Policy makers across Asia should ensure enough ammunition to manage a prolonged economic downturn



RAMKISHAN S. RAJAN

The latest International Monetary Fund (IMF)-World Economic Outlook update in July 2019 has confirmed a growing belief that global growth has decelerated and dark clouds seem to be looming in the near term. Specifically, the IMF has downgraded global growth multiple times since October 2018 and now projects it to be 3.2% compared to 3.6% in 2018.

### The China factor

While the deceleration in economic activity is broad-based among both the advanced and developing economies, particular attention should be paid to China. The country has faced strong headwinds to growth both because of the ongoing supply-side reforms, including dealing with financial risks (reining in of shadow banking and hidden debt of local governments), as well as the negative effects of escalating tariffs and their consequent impact on its exports and investment. It is noteworthy that China is one of the few major economies that is expected to continue to decelerate into 2020 (along with Japan which is faced with acutely unfavourable demographics and seems unable to escape persistent deflationary pressures).

As corporates look to reconfigure their China-centric supply chains (both in response to the ongoing policy uncertainties and rising protectionist sentiments), many export-dependent Asian economies that are a part of the intricate production networks have also inevitably been hard hit. While there have been some short-term beneficiaries of the export and trade diversion from China to

countries such as Vietnam, the global external demand slowdown has more than outweighed these gains. For instance, given Singapore's small size and acute openness, it has often acted as a recession barometer for the rest of Asia. Latest data show that exports from the city state have collapsed and the Singapore economy is expected to face stagnation in 2019 on the back of a sharp slowdown in the manufacturing sector. This does not bode well for other trade-dependent economies in the region.

### Asian banks to the rescue?

In response to the global economic slowdown as well as generally subdued inflationary pressures, many Asian central banks (India, China, Indonesia, Malaysia, the Philippines, South Korea) have begun to ease monetary policy. However, this generalised loosening has happened largely following the recent signals from the U.S. Fed that it is set to embark on a new round of rate cuts in response to the slowdown in the United States and the rest of the world. In fact, in his congressional testimony on July 10, 2019, chairman Jerome Powell emphasised the slowing in global growth as the main reason for the Fed moving towards a more accommodative stance, leading some to suggest that he has become the "world's central banker".

The recent wave of rate cuts in Asia is consistent with research which suggests that emerging economies tend to be cautious about lowering interest rates when the base country (usually the U.S.) does not do so as they are concerned about potential capital flight and sharp currency depreciations which in turn could have negative repercussions on domestic firms and other entities with unhedged external borrowings in foreign currencies. However, when interest rates in the base country decline, while emerging



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economies may experience massive surges in capital inflows if they stand pat on interest rates, they can maintain monetary policy autonomy via a combination of sterilised foreign exchange intervention (leading to sustained reserve accumulation) as well as tightening of capital controls and/or use of macro prudential policies (MaPs).

Alternatively, if the emerging economies are themselves faced with an economic slowdown, they are comfortable lowering their interest rates along with the base country, as is the case currently in Asia. This said, it is wise for Asian policy makers to ensure that they have enough ammunition to manage a prolonged downturn given that 2020 is "precarious" with many downside risks, as the IMF's chief economist, Gita Gopinath, put it.

### RBI's monetary policy stance

Where does all of this leave India? On the one hand, since India has not been well-integrated with the Asian and global supply chains, it has not been as impacted directly by the China-U.S. trade war. On the other hand, given existing acute domestic bottlenecks, policy missteps and ongoing structural challenges, India has not been able to reap significant benefits as an alternative production and export platform to China.

On the back of a prolonged downturn in the capex cycle, the IMF has downgraded projected growth for India to 7% in 2019.

# The taproot of conservation justice

Cutting down the Forests Right Act will only weaken the conservation regime and affect the rights of forest dwellers



RAVI CHELLAM

I have had the good fortune to work in, visit and learn about protected areas and wildlife habitats across India since 1980. Beginning in the late 1980s, I have written and spoken about the ecology and conservation of Indian wildlife to numerous and varied audiences. One question that is invariably asked by foreigners is how India has managed to conserve such a diversity of wildlife given its large population and development challenges. To me it has always been clear that the tolerance and, in many cases, the reverence that local communities have for Nature has been absolutely vital for the sustained success of the conservation efforts of the government and other agencies. Not to forget the widespread and long conservation track record of the local communities; the state of sacred groves is a very good example.

The Forest Rights Act (FRA) is a

piece of social legislation which aims to address the historical injustice that our forest dwelling communities have had to face for nearly 150 years by providing them with security of tenure over land for cultivation and habitation through individual rights. It also provides access to a variety of resources through more than a dozen types of community forest rights. The FRA also empowers forest dwelling communities to protect, regenerate, conserve and manage any community forest resource which they have been traditionally protecting and conserving for sustainable use. It has the provision for creating critical wildlife habitats within protected areas which currently is the strongest conservation provision among existing laws of the country.

### Legal challenges

It is extremely unfortunate that the very constitutionality of the FRA was challenged in the Supreme Court in 2008 by about half a dozen conservation organisations. The court has tagged many other cases including from several High Courts which are currently being heard jointly. The court's order of February 13, 2019 since put in abeyance by its order dated Fe-



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bruary 28, 2019 highlights the very tardy implementation of the FRA by the State governments.

One of the key arguments of the petitioners has been that it is beyond the legislative competence of Parliament to enact the FRA as 'land' is a state subject. Tenuous as this is, if this argument of the petitioners is accepted, the Wildlife Protection Act and the entire architecture of forest laws will have to be dismantled as *ultra vires* as all of them deal with 'land', including the Indian Forest Act and the Forest (Conservation) Act.

The February 13 order of the Supreme Court directs the eviction of lakhs of forest dwellers whose claims have been rejected under the FRA. With recent media reports showing that many State governments have admitted to the Supreme Court that their implementation of the FRA has been incomplete and flawed – with due

This is broadly in line with the fore-casted range by the Reserve Bank of India (RBI). While this growth is admirable relative to other major countries, it is well below the country's likely potential growth of 7.5% and 8%.

In view of this "growth recession" and subdued inflation, along with a lack of fiscal space, and with the government having been distracted by the general election, the RBI moved much earlier than most of its Asian counterparts in taking steps to lower interest rates, having cut rate multiple times by 25 basis points since October 2018 to a nine-year low in nominal terms. The concerns here however have been threefold.

One, despite the rapid interest rate cuts, India's real interest rates are still higher than most other countries, though it remains unclear what the neutral real interest rate consistent with India's potential output actually is. The statement by RBI Governor Shaktikanta Das following the June 2019 interest rate cut that the RBI's policy stance "has again changed... from 'neutral' to 'accommodative'" presumably suggests that he views current real interest rates to be below equilibrium. This is rather odd in view of the fact that real rates have actually risen in recent times.

Two, more than most other countries in the region, an ongoing concern for India is that interest rate policy transmission to bank rates tends to be rather slow and limited. This is likely due to a combination of factors: the banking system has been faced with a deterioration in asset quality and remains saddled with bad debts; there has been and anaemic deposit growth; and there is limited scope to reduce deposit rates.

Three, despite the interest rate cuts, India's real effective exchange rate (REER) has actually appreciated somewhat (around 7%) since October 2018, consistent with the fact that real interest rates have not declined. This lack of

price competitiveness boost is especially of concern given that external demand is expected to remain subdued and uncertain and other regional currencies may themselves face depreciations pressures following the dovish policy stances by their central banks which could possibly translate to further REER appreciation in the rupee.

### Sovereign bond issue

Going forward, if India is to succeed in its ambition of becoming a \$5-trillion economy by 2024-25, there can be no substitute for undertaking the necessary structural reforms needed to jump-start private investments and longer-term growth. However, in the short term, in all likelihood, monetary policy will have to remain accommodative (more so than what it is currently) and much greater attention will be needed to be paid on how to revive public capex without raising the cost of capital further.

In the face of constraints in raising revenues in a slowing economy, the government's preferred solution seems to be to issue overseas sovereign bonds rather than streamline subsidies and revenue expenditures. The proposed \$10 billion sovereign issuance is manageable *vis-à-vis* the countries stock of forex reserves, while India's sovereign external debt (as share of GDP) is modest at present. However, increases in external borrowings add an additional element of risk to the economy. Such a move also likely complicates monetary policy further, as any adverse exchange rate movements will lead to a ballooning of interest payments on government debt which is already eating up around a quarter of budgetary spending. It is not clear that the current policy mix is ideal for India.

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process not having been followed especially while rejecting claims – the misguided and unmeritorious nature of this whole legal challenge becomes very clear.

### What the FRA is

The FRA has been savagely criticised as a land distribution legislation, which it is not. The FRA very clearly states that forest dwellers who are either Scheduled Tribes or Other Traditional Forest Dwellers are only entitled to claim both individual and community forest rights through a clear process of submitting a claim and after its verification and subsequent approval or rejection. For the rejection cases, an appeal process has been outlined. The FRA aims to only confirm tenure and access rights which in some sense the forest dwellers have been exercising de facto but under severe restrictions and control especially by the forest department. In fact, it is the failure of the state to settle pre-existing rights under existing forest and conservation laws that created the situation of historical injustice.

The FRA does not sanction any fresh clearance of forest, as individual rights over land will only be granted if the forest dweller was in possession of that parcel of land

on December 13, 2005. It also limits the extent of land that can be granted to the area that was occupied on December 13, 2005 and places an upper limit of four hectares per claimant for individual rights. These provisions are often overlooked or deliberately suppressed by those who criticise FRA.

The FRA, by design, has tremendous potential to strengthen the conservation regime across India by recognising rights of forest dwellers over land and community forest resources, a key factor for conservation to succeed as shown both by research and practice in many countries. By democratising forest governance and conservation through the provision of rights and authority to local communities and gram sabhas for conservation and management of forests, the FRA will empower gram sabhas of the forest dwelling communities to halt the destruction of forests, as especially highlighted in the Niyamgiri case. Implementing the FRA in letter and spirit with empathy for forest dwellers will be a decisive step by India to achieve conservation justice.

Ravi Chellam is the CEO, Metastring Foundation

## LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

### Late intervention

The Supreme Court has finally intervened, but only after the Unnao survivor almost lost her life due to an 'accident' (Front page, "SC transfers Unnao cases to Delhi court," August 2). The Yogi Adityanath government failed miserably to bring justice to the girl and erred by not distancing itself from the accused MLA. The girl's situation reflects the helplessness and vulnerability of those who dare to wage a legal battle against the mighty. The Centre, meanwhile, seems to have no time to reprimand the State government. The Mahatma's statement that India would have achieved Independence only when women "can walk freely on the roads at night" seems wishful thinking more than seven decades after Independence. India has

not just failed the 19-year-old rape survivor but all its women as laws have not taken effect.

G.B. SIVANANDAM,  
Coimbatore

### More troops in Kashmir

The Centre's decision to deploy more troops in Kashmir reflects its insecurity and will only alienate the Valley's people more (Front page, "25,000 more troops being deployed in J&K," August 2). The pluralistic ethos of Jammu and Kashmir has been harmed not just by the ineffectiveness of successive State governments but also by the overbearing authority of the Centre. It is no coincidence that the new Unlawful Activities Prevention Act has been passed at a time when discontent among the Kashmiris is at a high. Neither guns nor ballots

will work in this scenario and the need of the hour is to create a forum where lives can be discussed instead of bodies.

MADHUR MOHAN SHARMA,  
Jammu

### Tipu's legacy

The writer has laid out her case with honesty and persuasion (Editorial page, "Marking Tipu's legacy to foster historical temper," August 2). It has been amply documented in relation to the actions of many kings, emperors and chieftains of the past that political opportunism and economic considerations had a bigger part to play than pure bigotry. Even the plunder of Somnath temple was more due to its wealth than its idolatry. As the writer says, understanding multiple perspectives and narratives of the past and learning from them would be a more intelligent way of

making peace with history than waging a perennial war with the era gone by.

ANILKUMAR KURUP,  
Thiruvananthapuram

The writer has rightly called for an unruffled discourse in the wake of misperceptions and misinterpretations of our very own past. This would help people understand the historical figures in a comprehensive manner and allow them to come to conclusion by themselves, rather than get guided by the premature judgments. Such historical temper will help everyone see the circumstances in which our forefathers acted. The principle of natural justice, *audi alteram partem*, will thus be respected as buried historical icons will be given a chance to present their arguments before us.

BITRA RAGHUVERR,  
Mangalagiri, Andhra Pradesh

Haider Ali, who wrested power of the Mysore kingdom from the Wodeyars and later offered strong resistance to the British forces, was a harsh dictator but was secular by temperament and mindful of the Kannadiga Hindu majority, its tradition and culture. His son Tipu, on the other hand, alienated the majority by his imposition of Persian language and Islamic culture. His finance regulations were in favour of Muslims and his officials were corrupt, extracting their pound of flesh from the poor. As for the treatment of women he forcibly brought into captivity, the less said the better. In the end, it was his tyranny and bigotry that led to his downfall.

NAGESH HAVANUR,  
Bengaluru

### IOC's threat

The Indian Olympic Association's threat to

boycott the 2022 Birmingham Commonwealth Games, to protest against the exclusion of shooting events, is a blunder and should be reconsidered. Such a decision will ruin the career of many budding/young sports personalities. Petty ideological differences, which led to some countries boycotting the 1980 Moscow Olympics and 1984 Los Angeles Olympics, had a negative impact on the career of many sporting legends. India's decision not to send its Cricket teams to the 2010 and 2014 Asian Games also affected its medals tally. Being the biggest Commonwealth country, India should pressure the federation to change its decision rather than make the hasty move of withdrawal.

VASISHT M.C.,  
Kozhikode

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# The registry test of citizenship

The chaos surrounding the National Register of Citizens is yet another example of Assam's long and difficult relationship with migrants. **Rahul Karmakar** reports on the many fault lines in the State that complicate the process

The sword did not get Ayesha 36 years ago but the judicial pen that launched the National Register of Citizens (NRC) exercise just might. Ayesha was five months old on February 18, 1983, when hundreds of people armed with machetes, spears, and guns descended on her village, Matiparbat, an hour after midnight. Matiparbat was the last of 14 villages, beginning with Nellie on National Highway 37, that a mob had laid siege to that night. Official records say the 1983 Nellie massacre claimed the lives of 2,191 people, mostly women and children. Survivors claim the figure would be no less than 6,000.

Matiparbat is about 8 km north-west of Nellie, now almost a small town 70 km east of Guwahati. Nellie, earlier in Nagaon district, is now in Morigaon district. "They set fire to the houses and chased our people with all kinds of weapons. I had nowhere to run but escaped by pretending to be dead. I smeared blood from the body of a woman and lay still next to it," says Iman Ali, 65.

The screams stopped two hours later and Ali mustered the courage to look around for survivors. He found his wife Manowara Begum and daughter, Ayesha, emerging from Basundhari Beel, a 2 km-long wetland beside which Matiparbat is located. Five other members of his extended family and a few neighbours lay dead, some with their heads smashed, some with their throats slit, some with bullet marks.

"The mob did not spare those who hid amid the water hyacinths in the beel. My wife had her nostrils above the water level while holding our baby's face up just enough to let her breathe. She controlled her urge to scream but it was a miracle that the baby did not cry as some members of the mob kept spearing the beel and slashing the water hyacinths around them," Ali says.

Ali believes Ayesha, a mother now, will need more than a miracle to be included in the final list of the Supreme Court-monitored NRC with an August 31 deadline for publication. "Convincing the authorities about the citizenship documents we possess is tougher than appeasing God," he says. Ayesha is one of the six members in Ali's family belonging to the list of 40.07 lakh people excluded from the draft NRC published on July 30, 2018. Ali's younger daughter Hazara Bibi too is among the excluded. A barely literate farmer, Ali fails to understand why the same set of documents that established his citizenship did not work for his daughters.

At Basundhari, another of the 14 villages attacked on that fateful day, Azeemuddin lost seven members of his family, including his wife, sister, and daughter. On June 26, when an additional list of 1.02 lakh people found ineligible for inclusion in the NRC was published, he felt history was repeating itself with a non-violent but a "deadlier" twist. Azeemuddin, now 64, relocated to Nellie soon after the carnage although Nellie is closer to where the assailants had allegedly come from — the hills across NH37. Most of his kin stayed back to pick up the pieces of their shattered lives. "We are a large family of 93. Just seven of us were included in the draft NRC only to be put in the new reject list. This is as if the clock has turned back to those horrific days. This time, not to kill us but erase our existence as Indians."

## 'Already a dead man'

There is no debate over why the Nellie bloodbath happened. The violence was seen as the fallout of the government's decision to hold the election to the 126-member State Assembly in 1983 during the peak of the Assam Agitation seeking the ejection of illegal immigrants. Organisations such as the All Assam Students' Union (AASU) that spearheaded the agitation saw the "forced election" as then Prime Minister Indira Gandhi's bid to legitimise "millions of immigrants from Bangladesh" as voters.

The turnout at the controversial election was 32% and most of the voters were believed to have been Bengal-origin Muslims, usually referred to by the pejorative 'Miya' for distinguishing them from the "acceptable" Assamese Muslims. Another set of migrants, the Bengal-origin Hindus, living within a 10 km radius of Nellie, did not feel the heat in 1983. "We knew something bad was going to happen when, ahead of the 1983 election, groups of people kept visiting our area telling us not to vote. Given the situation, we thought it best to stay away from the polling booths," says 83-year-old Pradip Das of Ganesh Valley.

The Hindus-only Ganesh Valley was established in 1951 to settle 80 families who had fled present-day Bangladesh in August 1947. The colony now has about 170 houses, the increase attributed to the descendants of the refugees. Ganesh Valley is about 2 km beyond the Nellie market on the southern flank of NH37, almost opposite Shilchang Ward No. 1 on the highway's northern flank from where the Muslim areas start along a road — much of it submerged under waist-deep water — arcing westward to Matiparbat. Houses of a dozen Gorkha



"The agitation, some say, may continue in a different form if the National Register of Citizens turns out to be flawed." NRC officials verify documents as security personnel stand guard at a NRC centre in Morigaon district of Assam on August 2, 2019. (Below): Girin Biswas of Soru Matiparbat with his family. Biswas is among four in a family of six to have been excluded from the NRC. •RITU RAJ KONWAR / RAHUL KARMAKAR



am not a suspected foreigner. In 2018, the High Court cleared my case but my family and I were excluded from the NRC. This was all because my name Surja Lal Das was entered as Surja Kumar Das in the voters' list of 1995 and I have been voting since with 'Kumar' as my middle name," he says. A fortnight ago, Das, his wife, and daughter spent a week in the Morigaon district jail allegedly for trying to cheat his way through to the NRC. "People say I will have to spend a longer time in jail after August 31. I will probably not survive there, but then I am already a dead man," he says.

## No house unaffected

The family of Jadhav Biswas is among the fortunate in Ganesh Valley to be included in the NRC. More than 40% of people in his area have missed out; they might be re-included or continue to be excluded after the exercise to update the list is concluded, says Biswas.

"One understands that everything boils down to the possession of documents, although some admissible documents have not passed the test mainly because of the attitude of some NRC officials. How else do you explain the fact that there's at least one member in almost every family in villages of Bengal-origin Hindus and Muslims in the rejection list?" says Suleiman Ahmed Kasimi, the Maulana of Nellie's Masjid-e-Umar.

In Matiparbat village, a person or two in each of some 700 houses are not on the draft NRC besides the families of 40 people who have been marked as D-voters or suspected foreigners. Between the Hindu villages of Soru Matiparbat and Borkhal, 27 families have little hope of making it to the NRC because of cases pending in the Foreigners' Tribunal 1 in the district headquarters, Morigaon. There are an average of two persons in each of the 420 houses in these two villages on the NRC rejection list.

Soru Matiparbat's Girin Biswas is among four in a family of six to have been excluded from the NRC. He had received a notice from the Foreigners' Tribunal on October 13, 2016, asking him to appear before it to prove his citizen-

ship. It was then that the marginal farmer began digging up documents, most of which were shredded by rats. A certified copy signed by A.C. Bhuyan, the Electoral Registration Officer of Nagaon district (from which Morigaon was carved out in 1989), says Biswas's grandfather Meghlah Biswas figured in the voters' list of 1965. The problem, he discovered, was in the name of his father who was listed as Kristo in the voters' list, Kisto in the NRC legacy data he had downloaded from a service centre for application, and Krishna in the notice that the Foreigners' Tribunal had served him. Even his name in the notice was Girindra, not Girin. "My lawyer says we had a favourable judgment four months ago. But we have not received the copy," he says.

Ganesh Biswas, a 30-year-old assistant teacher at the State-run Borkhal Anushchita Jati Prathamik Vidyalaya (SC primary school), is the only one excluded from the NRC in his family. All other members, who drew their lineage from his grandfather Ganga Charan Namasudra, were included, but he was not. "My father Dhiren Biswas was the youngest of four siblings. The others sailed through because they had voted before 1971, but I was stuck. I got tired of explaining that Namasudra is the name of a lower caste to which the Biswases belong. I hope my claim is accepted," he says.

The NRC updating process is that of enlisting the names of people or descendants of people whose names appear in any of the electoral rolls up to 1971, the NRC of 1951 or any of the other stipulated documents such as land and tenancy records, citizenship certificate, refugee registration certificate, and permanent residential certificate. The exercise is being done as per the Assam Accord of 1985 that ended the Assam Agitation of 1979-85. The accord prescribes the midnight of March 24, 1971, as the cut-off date for detecting foreigners or illegal immigrants.

"We want an error-free NRC. But it appears only people of Bengal origin, Hindus or Muslims, are being targeted and there is an attempt to disregard

documents in a bid to convey that most of them have entered Assam after 1971. And there seems to be a policy to target people who came between 1966 and 1971 too," says Utpal Dey, a leader of the All Assam Bengali Youth Students' Federation. The All Assam Minority Students' Union agrees, but feels the Muslims would be worse off if the Bharatiya Janata Party pushes the Citizenship (Amendment) Bill to let non-Muslim immigrants who entered India till December 31, 2014, to stay.

Dey says the Bill is a sham, and if it materialises, will require a beneficiary to first declare himself/herself as a foreigner and then get proof that he/she has been a victim of religious persecution in the country escaped from. Former Chief Minister Prafulla Kumar Mahanta, who was president of the AASU during the Assam Agitation, says a global campaign has been on to malign the Assamese people by painting the Bengali-speaking people in the State as victims of some kind of purge programme.

"I had suggested to the government that verification of citizenship is necessary only in the case of those who speak Bengali because Assam has borne the brunt of several waves of migration from present-day Bangladesh, first because of the British who brought them for agriculture, clerical jobs and petty trade. Partition of India and developments leading to the creation of Bangladesh in 1971 brought more people to put pressure on the land," he said after the draft NRC was published in 2018.

There was no logical reason to verify the people who speak Hindi or variants and the people from Nepal and Bhutan who are fewer in number than those from Bangladesh and who are bound by treaties with India, Mahanta says. Two cases in point are that of BJP leaders — Rajasthan-origin Pawan Kumar Rath and Gujarat-origin Shantanu Naik, both of southern Assam's Silchar — who have been excluded from the NRC.

A majority of those in the two NRC-excluded lists speak Bengali. Many are Nepali-speaking, some originally from the Hindi-speaking States and a few belong to indigenous communities who are expected to get in by virtue of being 'original inhabitants', a category many have contested by arguing that Assam has become home for several streams of migrants over time. One such community comprise the tea plantation workers or 'tea tribes' that the Supreme Court recognised as 'original inhabitants'.

## Colonial legacy

The perception of the outsider as a cultural threat and a usurper of land and its resources began in Assam towards the end of the 19th century when people from other parts of British India, specifically Bengal, came in waves to work in the paddy fields, tea plantations and the timber industry. In 1920, the British rulers introduced the Line System to segregate the indigenous people from settlers taking up shrinking tracts of vacant or

The NRC appears to be an unfinished business of the Assam agitation. It is just that the proverbial pen has taken over the job of the sword — to be a mightier eliminator of foreigners.

SULEIMAN AHMED KASIMI  
Maulana of Nellie's Masjid-e-Umar

forest lands. But what fuelled the fears that the indigenous communities would be marginalised by the settlers was British civil servant C.S. Mullan's observation in 1931. "Probably the most important event in the province during the last 25 years, likely to alter permanently the whole structure of Assamese culture and civilisation, has been the invasion of a vast horde of land-hungry Bengali immigrants, mostly Muslims from the districts of eastern Bengal," he wrote after conducting the 1931 census. Inadvertently, or otherwise, he gave a religious identity to the migrant threat.

Assam's former Director General of Police Harekrishna Deka, also a poet, blames the British for sowing the seeds of distrust between the Assamese and Bengali people. "Apart from encouraging continuous migration of people from Bengal, they added Sylhet, a populous district of undivided Bengal, to Assam in 1874. This led to the Bengalis becoming the majority until Partition," he says. Sylhet went to Pakistan in 1947, but its addition to Assam increased the insecurity that the Assamese felt when the British introduced Bengali as the language of official correspondence, in court and for education, until the Baptist missionaries intervened to give Assamese its rightful place in 1873. If that were not enough, Basanta Kumar Das, an elected leader from the Bengali-dominated Barak Valley, demanded a change in Assam's name in the 1930s. The distrust of Bengalis, Deka points out, coincided with the friction between Muslim migrants from eastern Bengal and nationalist Assamese, particularly after the Muslim League had in the 1940s made serious efforts to include Assam in Pakistan.

Large-scale migrations into Assam, as indicated by the Census of 1961 and 1971, worked on the psyche of the indigenous people culminating in the anti-foreigners agitation. "The NRC appears to be an unfinished business of the sword — to be a mightier eliminator of foreigners," Maulana Kasimi says.

Current AASU general secretary Lurinjyoti Gogoi says "vested interests" are trying to derail the NRC process. "All we want is an error-free NRC," he says. The agitation, some say, may continue in a different form if the NRC turns out to be flawed. This is a possibility given the fact that politics in Assam revolves around the issue of immigrants, illegal or otherwise, who usually call the shots during elections.



"I have virtually lost everything fighting a legal battle four times to prove I