

Nullification of citizenship: negotiating authority without identity documents in coastal Odisha, India

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Abstract

This paper discusses the case of a community of Bengali immigrant settlers along the coast of Odisha at the centre of a unique citizenship controversy. Families have arrived gradually over the years since 1947, and have generally acquired a range of identity documents by Indian state agencies. These documents certify to a range of rights that signal social and political participation within India: land ownership, voting rights and the receipt of official welfare subsidies. With little warning, a 2005 order by the state government following a high court directive led to the production of a list of 1551 persons. The list ostensibly comprises those who have entered India illegally after 1971 or born to parents who entered illegally. While no deportation, as originally intended, has taken place, the nullification of their various documents of citizenship has created a void in their lives. This paper examines the wider politics of the case, especially focusing on how those with nullified documents negotiate the authority of the local state and within their own society, and what this reveals about the ever contested nature of citizenship in post-partition India.

Introduction

In India, like much of the developing world, citizenship is a beleaguered idea. It is strained by a deep tension between an inclusive and progressive orientation and state attempts to prescribe and bureaucratise the terms of recognition of citizenship, with deeply exclusionary effects. These attempts are not new. Instead, their genesis lies in the birth of this country. The mass movement across nascent borders triggered by the Great Partition of 1947 created a minefield for the issue of legal citizenship. It also created an additional role for the newly formed Indian state to adjudicate claims arising from multiple border crossings. Central to this was the evaluation of ‘official documents’ held by individuals that had been issued by a plethora of different official agencies by Indian courts and bureaucratic officials in order to determine citizenship. From the very beginning then, ‘the relationship between documents and citizenship in post-Partition India inverts the standard expectation that it is the possession of citizenship that enables the acquisition of documents certifying it’ (Jayal, 2013, 71)¹.

The need for adjudication of citizenship relates to the broader character of the citizenship regime in India. It is a complicated regime that from the very outset has incorporated features both of the inclusive *jus solis* (citizenship by birth) as well as a more exclusionary *jus sanguinis* (citizenship by blood ties, descent) conception of citizenship (Jayal, 2013). This was manifest in the hostility shown towards returning Muslims who initially fled India to

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Pakistan, especially while negotiating questions of religious identity and property². It is held by scholars that in the later years since independence, the Indian polity has moved quite decisively towards the latter (Rodrigues, 2008; Sadiq, 2009). In this it has been especially provoked by the uncomfortable question of ‘large-scale illegal immigration’ from Bangladesh in the east which peaked around 1971. This problem has created palpable tensions especially in the eastern state of Assam, but not only, and elicited some remarkable departures from the original *jus soli* conception of citizenship through amendments to the Indian Citizenship Act of 1955. Bangladeshi immigration to India widely arouses majoritarian anger. Prime Minister Narendra Modi, while on the campaign trail in May 2014, openly pledged to expel Bangladeshi Muslims in particular from India’s north-east³.

From the beginning, identity documents in India have been marked by ‘affective burdens of identity and self-identification’ (Jayal, 2013, 53). To this extent, they are fragile and tenuous signifiers of citizenship, and have been subject to repeated judicial and bureaucratic scrutiny to determine their ‘evidentiary value’ (Kapur, 2010). While at first in the early years of independence it was visas and permits, as the years went on, these documents were mainly voting cards and ration cards. These were more frequently and easily obtained than passports. Since the 1980s, courts have repeatedly ruled that ‘registration on a voters’ list is no proof of citizenship’ (Jayal, 2013, 72). Ration cards and below poverty line (BPL) cards have been similarly suspect.

The problem lay with the mode of acquiring these documents. These are ostensibly mired within local ‘vote bank’ politics. The ensuing perception of identity documents held by immigrants is that these have been disbursed by self-serving political leaders. They are complicit with various local certifiers of the state; mainly revenue inspectors (RIs) that do land registration work and collect local taxes, sarpanches who are instrumental in the preparation of electoral lists and below poverty line lists, and PDS (public distribution system) dealers that are responsible for selling subsidised commodities (staple food grains as well as kerosene) to proper holders of ration cards. The rejection by courts of identity documents acquired through the regular workings of the local state does suggest a crisis of credibility of state certified documents. ‘What, if anything, can state documents testify to any longer?’ wrote Jayal (2013, 72).

The rather ‘devalued’ nature of identity documents in India does not however imply that these are worthless. Quite on the contrary, these are instrumental for the fulfilment of basic needs and livelihoods for an overwhelmingly impoverished population. Indeed, the materiality of these documents is expressed in the very goods that can be accessed through them: cheap food, water, electricity, land, government school, and so on. In addition, BPL cards enable their holders to benefit from a range of government poverty reduction

² The Evacuee Property Ordinance of June 1949 effectively nationalised at one stroke all property vacated by Muslims in India, outside Bengal, Assam and the north-eastern states (Chatterji, 2012, 1065). Pakistan acted along similar lines. In 1965, India and Pakistan fought a brief war, and in 1968, both promulgated enemy property ordinances which gave the state draconian powers to seize property ‘owned’ by an enemy.

³ <http://www.wsws.org/en/articles/2014/05/08/asam-m08.html>

programmes. In fact, the quotidian practices of citizenship lie precisely here, within the workings of the local state. It is here that the exercise of local authority actually enables the interface between a more abstract state, the repository of citizenship, and the individual, the aspiring citizen. Identity documents then are the basis of dynamic relationships of power: between the ‘official’ and the ‘recipient’, the ‘politician’ and the ‘vote bank’, ‘ouster’ and the ‘refugee’.

This paper takes a close ethnographic look at a rather unusual case of the uncertain citizenship status of a group of settlers from Bangladesh along the coast of Odisha, in eastern India⁴. They have been arriving into these parts at various points since 1947, compelled by a range of circumstances. Several thousand Bengalis live in scattered villages and hamlets intermixed with Odiyas, the local indigenes. Earlier arrivals in the 1950s-1960s left ‘refugee camps’ organized by the Indian state, often set up in inhospitable locations, and came to coastal Odisha attracted by similar habitat as in coastal Bangladesh. Many received *pattas* (formal land records) for landholdings given by the state government after the clearance of dense unoccupied forest land. A murkier period of ‘later arrivals’ before, during and after the 1971 war of liberation in Bangladesh followed. In 1985, the Indian state retrospectively outlawed those who arrived after 1971. Irrespective of this, people have continued to come and settle, an important part of which has been their inclusion into state electoral rolls. For all practical purposes, people have been living as Indian ‘citizens’, much like the Odiyas around them, exercising voting rights, buying subsidised rations from fair price shops, receiving pensions, owning land and paying land tax.

At the centre of this case is a 2005 order by the state government following a High Court directive that led to the production of a list of 1551 persons. This list ostensibly comprises people that have entered India illegally after 1971 or born to parents who ‘entered illegally’. The people on this list are labelled as *anuprabeshkari*, translated into English as ‘infiltrator’. So many years after, it has taken people by surprise and caused much anguish. It is hard to distinguish between those who came before 1971 and after, as identification largely depends on nebulous oral accounts and hearsay. The list itself is questionable and ridden with anomalies, but wherever people have been ‘identified’, their official documents have been declared void and their names have been struck off the electoral register and BPL lists. No deportation, as originally intended, has taken place, but their lives are in suspension without any legally valid documents.

Although peripheral and in some senses exceptional, this case does raise important questions of wider import. There is the somewhat comparable example of the Chakmas and Hajongs in Arunachal Pradesh in north-eastern India that continue to be denied all citizenship rights by the state government (Jayal, 2013). The difference is that Chakmas and Hajongs have remained unenfranchised from the start, whereas in Odisha, Bengali settlers did receive

⁴ This research is based on fieldwork carried out over 6 weeks in November-December 2012. Fieldwork methods were qualitative and comprised about 4 focus group discussions, 12 key informant interviews and more than 30 oral histories collected in two study villages in coastal Odisha. All interviews were in Odiya and translated into English for analysis.

documents which were then revoked later. It is necessary to grapple with the politics of nullification of citizenship, and to ask how the state turns ordinary life into an ‘encounter’. Moreover, by taking a close look at how- bereft of valid identity documents- people negotiate local authority and attempt to survive, this paper promises a fresh look at the workings of the local state in India. While this is a richly theorised area (Corbridge et al, 2005; Fuller and Benei, 2001; Chhotray, 2011; Pattenden, 2011; Veron et al, 2006), there is a dearth of research on how refugees and immigrants interact with local authority (Das, 2004; Jayal, 2013; McConnell, 2011 are a few notable exceptions). It is hoped that this analysis would contribute to the fairly sparse scholarship on what identity documents means to their holders within developing societies. Through this, it will also be possible to understand and question binaries between citizens, refugees and immigrants, and an even lower denominator, ‘infiltrator’.

2. The restrictive politics of citizenship in India

Any consideration of citizenship and citizenship politics in India must start at the Partition, the discussions leading up to the constitutional settlement, and the Constitution itself. As mentioned earlier, elements of *jus sanguinis* were present from the start despite the formal pledge to a secular *jus soli* conception of citizenship (Jayal, 2013; Rodrigues, 2008; Sadiq, 2009). The constitutional assembly debates can reveal much about enduring ideas ingrained within the Constitution. ‘A history of our Constitution is still very much a history of our present’, writes Bhargava (2008, 12). These show that there was little consensus on the normative grounds that should govern citizenship. One particularly hard line view was that the requirements for Indian citizenship should be extremely stringent, and not to be extended to those who had ‘deserted’ India for Pakistan on the eve of partition (Rodrigues, 2008, 178). A ‘fidelity’ view of citizenship reflected a deeply majoritarian sentiment and assumed an undifferentiated citizenry that would offer a ‘homogenous invocation of nationalism’ (ibid.).

While not displayed in the formal provisions of citizenship, the markers of religious difference are recognizable in the constitutional debates that led to crucial provisions in Articles 6 and 7. Hindus fleeing the communal violence and their homes in Pakistan were euphemistically described as ‘refugees’; whereas Muslims who had abandoned their homes in India to escape the communal violence and gone to Pakistan, but returned to India under a permit of resettlement or permanent return issued by the Indian government, were called migrants. Claims about volition were central to the debate. Refugees left *involuntarily* for political reasons; migrants left *voluntarily* for economic reasons. This is echoed in contemporary international refugee law. Jayal argues that these terms- refugee and migrant served to conceal the religious identities they encoded; so Muslims could be typecast as opportunistic migrants whose loyalties lay with Pakistan (Jayal 2013, 59).

So while the Indian constitution did provide for citizenship for both Hindu ‘refugees’ and Muslim ‘migrants’, this was a battle hard won and revealed a deep tension within the norms of citizenship. It suggests that a relatively more straightforward *jus soli* could be ‘appropriated and transformed’ within the ‘rules, practices and discourses of official agencies,

courts of law and civil society' (Jayal, 2013, 62). There was a 'constitutional state' that was promoting a pristine legal conception of citizenship and a 'political state' that was presiding over a 'demotic version' of citizenship through its official agencies as well civil society (Baxi, 2010; Jayal, 2013).

While the western border between India and Pakistan caused much concern in those early years, it was in fact the in-migration of both Hindu and Muslim refugees, first from East Pakistan, and then, following the conflict of 1971, from the new state of Bangladesh that has been notable. In fact, it was when the scale of particularly Muslim immigration began to upset the demographic religious balance in the eastern state of Assam that the government moved towards a more restrictive regime (Jayal 2013, 63). In 1985, the Citizenship Act of 1955, which laid down the basis for citizenship, was crucially amended with the addition of Article 6A. This excluded persons born in India from Indian citizenship 'whose father possessed immunity from suits and legal processes accorded to an envoy of foreign power and is not a citizen of India, and whose father is an enemy alien and the birth occurs in a place under enemy occupation' (Rodrigues, 2008, 169). This amendment had the effect of inserting an ethnic belonging qualification to the basic principle of citizenship by birth or *jus soli*, with profoundly exclusionary implications, especially with respect to people associated with Pakistan and later, Bangladesh. Successive amendments to the Citizenship Act continued in this vein.

Moreover, in 1985, the Citizenship Act of 1955 that classified the various sources of citizenship in India was amended specifically to cope with in-migration from Bangladesh. The open-ended flows of people from Bangladesh after 1971 led to a massive student-led political agitation from 1979-85. This resulted in the Assam Accord (a political agreement) with the central government, according to which: a) all those who had migrated between 1966 could stay as citizens; b) those who had migrated between 1966-1971 could stay provided they had themselves registered as citizens; and c) all those who migrated thereafter were simply illegal immigrants.

More restrictions followed. Many of these 'illegal immigrants' had found ways to stay on by acquiring different types of state certifications- from ration cards to election cards. They constituted ready vote banks and were exploited by all political parties, though it is said that 'the avowedly secular Congress party was the immigrants' party of choice. The Illegal Migrants (Determination by Tribunal) Act or IMTD Act of 1983 was enacted by the Indian government, partly to prevent a witch hunt against illegal migrants, but also had the professed aim of making it easier to detect and deport illegal migrants (Kapur 2012, 152). The Act was subsequently challenged by a student leader in Assam on the ground that it had made it impossible to 'secure the detection and deportation of foreigners from Indian soil', and was struck down by the Supreme Court in 2005. The court took the view that the Act itself was 'the biggest impediment' against the detection and deportation of illegal immigrants, that large-scale illegal immigration from Bangladesh was dangerous both for the people of Assam who would end up being 'reduced to a minority' in their own state facing cultural jeopardy and also for the nation as a whole (Kapur, 2012, 154).

Many political commentators have noted that the question of illegal immigration from Bangladesh has triggered the most ‘egregious xenophobia and not only from political parties’ (Jayal, 2013, 65). The Supreme Court’s use of a 1998 report by the Governor of Assam asserted that the illegal migrants coming into Assam from Bangladesh were ‘almost exclusively Muslims’. The case demonstrated how Indian citizenship is deeply anchored within assumptions about cultural and religious identity and not confined to formal legal status. And though the IMTD Act was eventually struck down, the law on citizenship continues to reflect the issue of illegal immigrants from Bangladesh. In particular, a 2004 amendment to the Citizenship Act modified the ‘provision of citizenship by birth to exclude from it such persons born in India as have one parent who is an illegal immigrant at the time of their birth’ (Article 3 c (ii) cited in Jayal, 2013, 66).

3. Politics of labelling

A distinctive feature of illegal immigration in the South is that migrants belong to other developing countries, and are frequently not ‘ethnically distinct’ from the host society (Jayal, 2013, 83). In the North, illegal immigrants are often ethnically distinguishable from the host population, especially when they are from the countries of the South. In India, the onus of uncertain citizenship falls on people who are ‘neither migrants nor refugees in the standard sense in which these terms are defined in international law...instead, they are often part refugee, part migrant, but also part indigene, exemplifying precisely the particular characteristic of immigration in the South’ (ibid.). In any case, refugees in India have no access to the provisions of international humanitarian law because like all other south Asian countries, India has neither ratified the 1951 Convention on the Status of Refugees nor the Protocol of 1967 (Jayal, 2013). India’s ratification of the International Covenant on Civil and Political Rights (ICPPR), as well as the Covenant on Economic, Social and Cultural Rights does however place the country under an obligation to accord equal treatment to citizens and noncitizens wherever possible; though India has put in a reservation to the ICPPR, reserving its right to implement its law on foreigners.

This unclear legal, historical and social context has understandably generated a significant politics of labelling. Citizen, refugee, immigrant are not immutable categories, and instead lend themselves to a range of associations and attributes that vary from one place to another. In coastal Odisha, there is also ‘infiltrator’, a construct created by the state government in its order of 2005. Labels apart, it is impossible to distinguish one from the other. In coastal Odisha, Bengalis include both those who claim to be from West Bengal and not from outside India in the first place as well as those who openly admit to having come from East Pakistan, or former Bangladesh. They share a number of important similarities with the local Odiya population. Their languages are related, they share many cultural similarities and importantly, the Bengali immigrants here are all Hindus, like the majority population.

Popular narratives around here refer to the first wave of arrivals from East Bengal in the 1960s as *refugees* because they were given refuge by the state government. Narayanpur and

Ambapalli are two coastal villages in Mahakalpada block of Kendrapara district⁵. Their current population is 1100 and 2000 persons approximately. Like other villages in this coastal strip, these villages emerged from the clearing of dense forestland in the 1960s, mainly to accommodate the stream of Bengali settlers. ‘I think the people who came to India before Bangladesh was declared as a nation are known as refugees. They were being settled by the government and were given land to cultivate. It is at the time of the then Prime Minister Indira Gandhi’, said Nagen Mondal a resident of Ambapalli village. Yet, this could be a somewhat crude definition. Our interviews with others revealed that several people also arrived here from government refugee camps in dry and inhospitable terrain in central India (Chatterji, 2007; Kudaisya, 1997). By implication, villages and settlements around here grew organically, with the gradual clearing of forest land. Understandably, not all of this was via the revenue department that had initially awarded *pattas* (land titles) to a small group of refugees, but through informal payments and bribes to foresters over time. Not everyone here has a land *patta*.

The accounts we received (in over 30 oral histories collected in these two study villages) revealed a common pattern of arrival. In Ambapalli village, many persons spoke of connections with former East Bengal, as their fathers or grandfathers were born there, but clarified that they were either born and raised in West Bengal or arrived there when they were young. Several men (currently in their 60s or 70s) interviewed for this research, said that their families came to West Bengal in India in the early to mid-1960s. They left West Bengal for Paradip, a port town in Odisha, in search of better employment opportunities. As Paradip became crowded with a glut of immigrant workers, many left to set up new lives in these uninhabited coastal parts. They practised wage work and river fishing in the estuaries, and some limited farming on very smallholdings. We also met many households where people claimed to have no connection to Bangladesh, but to places in West Bengal, like 24 Parganas.

Historian Joya Chatterji writes that in the two decades after the partition of India and Pakistan, millions of Hindus crossed over into India, especially in the ‘turbulent wake of the Noakhali and Tippera riots in 1946 and the Khulna riots of 1960’; nearly another two million left ‘after the theft of holy Muslim relics from the Hazratbal shrine in Kashmir in 1964’ (2007, 111). In Narayanpur village however, many of our respondents openly admitted to arriving here in the 1980s and even later. They shared painful memories of Muslim atrocities meted out to the Hindu population long after the formation of Bangladesh. The demolition of the Babri Masjid in Ayodhya in 1991 reportedly triggered a religious vendetta against Hindus in Bangladesh. Women were particularly targeted in hideous acts of sexual violence. Preserving their religious freedom mattered a lot, and many risked their lives to cross the border between Bangladesh and India at night with the help of middlemen.

Those who came later merged in with previous settlers, and like them went on to forge multiple relationships with the Indian state. Over time, they received various documents ranging from certificates of landlessness, voter cards, ration cards, BPL cards and receipts for

⁵ The actual names of the villages have been changed to ensure anonymity.

money given under a premier state housing programme largely meant for BPL families, the Indira Awas Yojana. These documents had conveyed a manner of citizenship. Until 2005, there was no separate label other than refugees either, and the documents while valuable, only signified some routine activities. One January morning, a local Revenue Inspector accompanied by the police arrived in these villages to notify approximately 25 families in each that they had been identified as Bangladeshi nationals and were given 30 days to leave the country. The ‘quit India’ notice had been issued by the Kendrapara district collectorate. There was no explanation offered and the notices were in English, so they were hard to read. While the written order did not contain the term ‘infiltrator’ (*anuprabeshkari* in Odiya), this is the term that was used by the state in its oral explanations and other accompanying written communication.

This episode had two principal effects, with a range of subsidiary effects: in one stroke, they were rendered from sort of citizens to ‘infiltrators’, a term that was initially met by incomprehension but has acquired currency here over the years, and two, created an ‘encounter’ with the state, machinery and social actors in their struggle to live, hold property, and earn their livelihoods. It is the purpose of this paper to characterize this encounter and the processes it engendered.

4. The creation of an encounter between state and ‘infiltrator’

The term ‘infiltrator’ evokes a sense of physical intrusion into the boundaries of a nation-state through illegal means. This could not be easily reconciled with the prevailing situation in Ambapalli, Narayanpur and other neighbouring villages, where Bengali immigrants had been living a settled life for over three decades. In the days and weeks after the notices were issued, the matter engulfed the entire cluster of villages in this corner of Odisha. People struggled to understand what ‘infiltrator’ meant. Fear followed incomprehension. One woman remembered that the Collector had come to their village, following an appeal by villagers (though others denied that the Collector had ever paid a visit here), and explained that infiltrator meant ‘terrorist’. Others tried to contrast infiltrator with refugee: whereas the latter had been ‘settled by the government’, the former ‘settled on their own’. But informality had not connoted illegality until this notice was served. People struggled most to understand why they had been targeted despite being Hindu. This bit just did not fit into the larger puzzle of majoritarian politics in India. It was also hard for locals to simply ‘blame’ the Bharatiya Janata Party (BJP), India’s leading Hindu nationalist party. There was anger that Hindus had been targeted, when ‘crores of Muslims’ are living in India. One ex-sarpanch went as far as to say, ‘Maybe the central government wanted to list the Muslim people who came to India after 1971, but the central government got it wrong’.

The immediate context to the order of 2005 appears to have been the 2004 amendment to the Citizenship Act that excluded children born of ‘illegal immigrants’. The District Collector of Kendrapara stuck to opaque official language about how ‘infiltrators came into this area without the prior permission of the “competent” authorities’. The Additional Tehsildar maintained that the list had followed a ‘proper’ enquiry and the checking of documents, and

only those who could not furnish any proof of arrival prior to 1971 or evidence of social relationships had been placed in the list. He did not respond to counter questions about seeming ‘anomalies’ like the inclusion of one brother, not another, husband, not wife, and minors (beyond asserting that the law only granted citizenship to those whose parents were not illegal immigrants at the time of their birth). He also did not provide any concrete evidence regarding the enquiry, or the actual survey. For a state encounter that relied so heavily on proof, the state was surprisingly unprepared for interrogation.

No one we interviewed in the two villages had any idea of what had caused the state to take such action or how the list had been arrived at. No open enumeration or checking of documents had ever been carried out by state officials in advance of the notice being issued. The ex-sarpanch of Ramnagar panchayat, which comprises a number of affected villages, put it mildly, ‘There was no open enumeration, or else we would have come to know. Perhaps, in order to avoid unnecessary political involvement, the enumeration was done confidentially. But we all agree that it was done wrongly’. His astute observation was also that there are many more than 1551 persons who had come to these parts from Bangladesh after 1971, and it was not really possible to know who they were or how many. The current sarpanch remarked that the list meant nothing, and the first he heard of it was from the officials who came to their villages with the notices. He recalled that some people from Ambapalli village had gone to the Collector’s office days before the notice with proceeds of collections towards the 2004 earthquake in Latur, and had come back with tales of how the state was preparing to evict ‘Bangladeshi people’ from these parts. The notice had followed days after, but he too confirmed that the state had not carried out any enumeration.

People, especially those who find themselves on this list, are convinced that somebody with local knowledge, in other words from their own village, had supplied names randomly to the block office in private. ‘How else would the state *know* these names, even of small children?’, said one respondent. There is a strong desire to mete out direct punishment, like through a good beating, to the ‘informer’ if he/she were ever caught out. More than seven years on, this is looking harder. Many people thought that local party politics must have produced informers trying to get back at the rival party, but nobody had any specific clues. Apart from those whose lives have been irreversibly altered due to this list, others in and around the village, as well as the state administration that issued this stern order, are inclined to forget about the episode. ‘The matter has gone cold’, said the ex-sarpanch.

Following the issue of notice in 2004, there was outrage and anger, but also fear at the possibility of actual deportation. Rumours were abound that a large police vehicle would show up after 30 days and pile people up and take them away. Nobody knew where. There was solidarity amongst the Bengalis in the ‘affected villages’ to stand together with those who had found themselves on this list by sheer misfortune. Heated discussions were held in many meetings, and letters were written to the Human Rights Commission. Even people who held official panchayat positions, like the village panchayat and the panchayat samiti at the block level, openly involved themselves in this agitation, writing letters, mobilising action against the higher reaches of the state administration.

Mobilisation was not restricted to Bengalis either. Several local Odiyas who were politically influential took a lead, especially in reorienting the perceptions of a minority section of Odiyas that were cynically taking pleasure at the prospect of occupying Bengali ‘evacuee’ property (to use a term reminiscent of the ugly post-partition tussles over property) were they to leave. Eventually a ‘united’ Bengali-Odiya front formalised into a body called the Utkal Banga Suraksha Samiti (translated as ‘Odisha-Bengal Security Committee) or UBSS that organised demonstrations, threatened road blockades in the event of police action and facilitated political attention into this issue. A number of regional politicians from different political parties made a representation to the then Union Home Minister (Congress leader Shivraj Patil) and to the leader of the Congress party, Sonia Gandhi.

Only a handful of around 18 families decided to pursue the case legally through appeals in the High Court. A local advocate cum social worker told us that this was because not everyone on the list felt confident to have their documents verified in a court of law. Unverified reports were that the Court put a ‘stay order’ on their eviction, and that put a break onto the deportation matter. Some locals observed that the whole thing was a creation of a disgruntled Congress party to create problems for a popular MLA from the ruling Biju Janata Dal (BJD) who had consistently ‘helped’ Bengali immigrants, which others cynically decried as vote bank politics⁶. Bengalis were hardworking people, and a few had become economically prosperous through marine fishing arousing the ire of the local Odiya population. Yet, perhaps there never was a serious intent for deportation, viewed the Collector, as the issue of infiltration was politically marginal in these parts. Bengalis are a minority as compared to the majority Odiya population, and still not economically preponderant compared to elite Odiyas in these coastal parts. The stakes are not high enough for any political party to seriously pursue the infiltrator issue.

Political action, both to marginalise and deport immigrants or to mobilise on their behalf, depends on the political capital to be made by leaders. In this case, collective action to pursue the rights of Bengali immigrants in Odisha has been present, though thin. There was an attempt to scale up the activities of UBSS into a larger body that would deal with the concerns of Bengali immigrants anywhere in India. A body called the Nikhil Bharat Udbastu Bengali Samanwaya Samiti was established shortly after this 2005 episode in Odisha, with its first meeting in Pune, and ‘branches’ have been formed in a few states including West Bengal, Maharashtra, Odisha, Uttarakhand, Uttar Pradesh and so on. The objective is to improve awareness of their ‘rights’ amongst the Bengali population, and to provide political support. In our research, I was not able to establish that any of the affected persons had any idea about this initiative, let alone any involvement. Even as they escaped deportation, those labelled as ‘infiltrators’ and their families have continued to live. This paper seeks to map their various acts of negotiating local authority.

4. Negotiating authority without identity documents

⁶ Sadly this MLA passed away in March 2012 and we were unable to obtain his viewpoint.

A state list designed to exclude 1551 persons from the citizenship rolls of India through the nullification of identity documents had the unsurprising effect of a popular demand for verification. They repeatedly urged their local representatives to request the Collector to send an 'unbiased' team to verify their documents. We were told that in 2007, the Collector ordered an enquiry through a team of 7 persons led by a local school teacher. People went with all their documents, carefully preserved in plastic bags, and they insist even now that the documents were declared to be 'appropriate'. It is not very clear what transpired since, as the teacher was not contactable during our time of research, but it is certain that none of this had any effect on the list. Some local functionaries tried to argue that not everyone went for verification because they were scared of being 'caught' as they did not have the 'right' documents.

This is precisely the paradox however. People we met and saw possessed documents aplenty, mainly voter, ration and BPL cards. However, these had all been acquired in the mid-late 1990s or even later, and therefore failed the crucial retrospective deadline of 1971. Officials had been instructed to check if people had 'relief eligibility certificates' issued by the Indian government to refugees arriving in 1970 from Bangladesh. Some testified to these being lost in the super-cyclone of 1999, while others said that their fathers had 'returned' to the Indian government as they had decided to go back to Bangladesh after the war, but had changed their minds and stayed on. There were also many who had no idea of such certificates. And then there were a handful that showed us these certificates but were still on the list. One revenue inspector remarked, 'In the early days after the list was issued, some people appealed to the Collector by *proving their citizenship status* from before 22nd December 1971, and he was able to use his discretion and make some changes. But once the list was finalised, it was difficult to make any changes. It did not matter what documents they showed us and in which language they were written'. He could not provide any details of what exactly 'proving' had entailed.

As the immediate threat of deportation waned and the rushed solidarity of the initial days gave way to everyday life, the first effects of being labelled an 'infiltrator' appeared. Sarpanches, PDS dealers, revenue inspectors, school teachers and any local functionaries responsible for any kind of service had all been duly informed in writing by the state government as to exclude 'infiltrators' from their lists. All the 'goods of citizenship' were suspended and people on the list were no longer able to buy essential subsidised rations like rice and kerosene, receive pensions or continue getting instalments of housing assistance from the Indira Awas Yojana (IAY). BPL card holders especially complained bitterly in the focus group discussion. However, in private, during longer household level interviews, many informants were more amenable to admitting that they did receive a few things from the PDS dealer, even if less than their usual share.

The Bengali sarpanch of the panchayat has come to an arrangement with the long standing PDS dealer for these parts, an Odiya man, to give one litre of kerosene to each household that has been marked as an infiltrator. The dealer explained that the sarpanch has given some 'documents' to these people, so that this concession may be made. For his part, he found the

whole thing to be a nuisance because rations were tight and insufficient even for the ‘regular recipients’. The main problem for him was that the government was no longer sending supplies for the households that had been struck off since the list had been issued, and with the sarpanch’s intervention, he was not able to ‘cover his margins’. This was because he had to cover costs of transport since he was not ‘a government employee’. The dealer said that he had even made a plea to the Block Development Officer to request for extra supplies for this purpose, but he was not successful.

While a lot has been written about the strategic and pecuniary incentives displayed by local officials and gatekeepers in the workings of the Indian state (Pattenden, 2011), there is not enough emphasis on the organic links that embed sarpanches and dealers within the wider community. This example reveals the very strong social and moral pressures experienced by local functionaries while dealing with an awkward case as this. It is especially difficult for these individuals to appear to be partial towards the ‘infiltrators’ for fear of enraging the others who do not want their portions to be reduced in anyway. Some people remarked acerbically that those ‘infiltrators still receiving goods must be of the same party as the dealer and the sarpanch’. Local party affiliations are a much flouted explanation, but are too casual in my view, and do not carry much weight in explaining the sarpanch’s actions. This is more a case of the sarpanch perceiving the improbability of the executive order, and showing his empathy for the small group of people arbitrarily caught out in this when so many Bengalis have arrived and settled here after 1971, including several from his own caste group. He also wanted to help in his capacity as a local political leader as he was flooded with requests for concessions.

Of course, there were other cases of more active subversion, like when those on the list tried to salvage damaged prospects for students from homes with the ‘infiltrator’ tag. Students were denied school leaving certificates because of the absence of an officially certified residence address. While a litre of kerosene may have been easy to give on an ‘un-official’ basis, it was much harder for local functionaries to bend the rules for certificates. One RI said, ‘I know a boy who received a first class in his class ten examination, but struggled to get a residence certificate as his name is on the *anuprabeshkari* list. He cried in front of me. Even though I want to help them, I cannot issue these certificates because they are on the list, and I am tied with the law and order. I am also really scared of the media. If I issued a residence certificate to a student whose name is on the list, the media will make it into a headline’.

But then a few people explained to me: ‘For a student, three certificates are really important; an income, caste and a residence certificate. And all three have to be issued from the RI’s office. So we are asking the families to buy at least 10 decimal of agricultural land and get it registered. Once the registration is done, we ask them to apply for a conversion to at least one decimal of homestead land for which there is a penalty of Rs 600. Once the person has two types of pattas, the process becomes easier to get these certificates. We request the RI to issue these three certificates on the basis of homestead land and agriculture land’. When I asked if the RI did not query if these persons were not on the ‘list’, then they said they bought his silence with a small payment.

Interestingly, land dealings go on binding ‘infiltrators’ in continued links with the Indian state. In principle, no new *pattas* or land titles can be issued to anyone on the list. This strictly implies that no ‘infiltrator’ can buy a plot of land and have it registered. We heard from an RI that he has seen many people on the list buying plots of land ‘legally’ from others, and through a process of ‘mutation’, the land ownership is transferred from the seller’s to the buyer’s name, and then the person starts paying land tax for possession. When pressed, he said, ‘I do not know how this is going on. I am just an employee and am following orders.’ I also heard that people on the list continue to pay penalties for encroachment of government land.

These examples suggest that ‘infiltrators’ encounter local authority to get on to BPL lists, bargain for rations, get school certificates, and register land plots and so on. These are also the concerns of the vast majority of poor Indian citizens, who struggle to get the attention of local sarpanches and officials, and lack the resources to pay the requisite incentives. Is there anything distinctive then about the problems of those who are now labelled as ‘infiltrators’? As some others in the villages pointed out, they are free to live and find private employment, and indeed, many do, especially in the factories in neighbouring Paradip. Yet, there is a real sense of shame that has crept into their lives, with the gradual normalisation of the term *anuprabeshkari* in local parlance. My respondents frequently had tears in their eyes while describing how the term is now bandied about as an insult, used frequently at the time of a disagreement or even as an open abuse. Even children used the term to upset other children during fights. Several expressed concern that their daughters and sons were facing difficulties at the time of marriage. With no solution to this peculiar impasse in sight, people feared that the negative label would haunt their families for generations.

People tagged as infiltrators had to suffer loud, wayward remarks in public about how they should not be given any state help. When other Bengalis in their village say such things, it hurts more. As one said, ‘The only difference between us and them is that they came earlier, and we came later’. Another said, ‘We cannot demand anything and we feel isolated. If a person is continuously accused of stealing for no reason, then you can imagine how that person will feel. Most of us have proper documents and still we are not being recognised as the citizens of India’. A retired sarpanch observed that although people on this list and their families continue to live here, the whole incident has damaged any sense of entitlement that they may have had. The matter has largely receded from the state’s attention, but their problem remains unsolved, and they have had to adopt an attitude of servility to just get a few things done. He even said that these ‘luckless’ people even do menial jobs for others without pay and endure orders and rough talk from others in addition to paying unreasonable.

5. Conclusion

The epithet ‘documentary citizenship’ (Sadiq, 2009) captures the immense value of identity documents for immigrants seeking to establish ties with the political community. Much of this value is indeed instrumental, where aspiring citizens seek ‘meagre entitlements to

subsidised food grains, job quotas and entitlement schemes' (Jayal 2013, 99). Jayal goes as far as to say that 'identity, or any affective dimension, is irrelevant to these claims, and to the state's response to them' (2013, 98). This case suggests that while overwhelmingly instrumental in their purpose, the arbitrary stripping of a small group of persons of their identity cards has rendered these documents with even more meaning. Their nullification has made them valuable, as if symbolic of a relatively more inclusive existence, which now eludes them. A life on the margins without identity documents can produce the effect of reifying documents, as it has been known to in many other contexts⁷. However, in India, the irony seems to be that even as the instrumental value of identity cards has grown, their evidentiary worth has correspondingly declined.

The case also shows that being called infiltrator is definitely worse than 'immigrant' and 'refugee', and comes as close to non-citizenship as is possible. Although conventional political theory projects refugees as the 'archetypal other' when contrasted against citizen (Isin, 2008), there is yet a suggestion of deservedness of protection that ought to be accorded by the international community to persons who find themselves on the wrong side of history, even when such protection is frequently not provided. The term infiltrator however is utterly debasing. The dispossession of identity documents constitutes only one part of the nullification of citizenship that they experience, as evident in the various cancellations of goods and certifications from the Indian state. The label of 'infiltrator' serves as a more active reminder of nullification on an everyday basis and at a range of levels, from the material to the emotional.

The paper tries to understand the micro-politics of the case both through the 'encounter' as it happened, and its fallout on the lives and dealings of those affected. The strategies they adopt to influence local functionaries to overlook the nullification are remarkably familiar: persuasion, emotional appeal, subversion. And yet, the very features of the local state in India that make it inefficient, corrupt and even oppressive remarkably render a few kind spaces where these marginalised families can survive. A better aligned state apparatus, where central directives were enforced by local foot soldiers with perfect precision would have spelt much harsher consequences. However, as the paper also reveals, their survival is precarious and undignified, and laced with constant worry about a downturn in their prospects, in case the state revives the case, just as suddenly as it had issued the notices in January 2005.

Identity documents allow the state to see its citizens, but also allow the state to be seen by those who claim citizenship. This case complicates this relationship. Those tagged with the infiltrator do not really want the state to 'see' them for fear of attracting more (negative) attention. The documents they have can no longer serve as a guarantor of proper stay. Stripped clean of a shield of protection, they hesitate to come out in full view of the state, seeking the tacit compromise of lenient or greedy local functionaries but not much public protest or sustained mobilisation. Viewed against the larger context of a restrictive, and in

⁷ I am grateful to Steffan Jensen for his comments at ProCit Copenhagen, May, 2013.

many ways, regressive citizenship politics in post-partition India, a case as this also confirms that such shadows in its margins are not going away anytime soon.

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