

# **POLITICS OF IDENTITY, SUB-NATIONALISM AND CITIZENSHIP: A CASE OF NATIONAL REGISTER OF CITIZENS IN ASSAM**

Written by *Rimpi Borah*

*Research Scholar, Centre for the Study of law and Governance, Jawaharlal Nehru  
University, New Delhi*

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## **INTRODUCTION**

The multi-ethnic and multi-cultural setting of India and India's struggle to define its nationhood since the nationalist movement provided a fertile soil for the development of different forms of identity-quest. Assam has always been a multi-ethnic, and multi-lingual state. The histories of immigration and migration of outsiders to Assam is not a recent phenomenon. It is very difficult to say, who actually constitute the indigenous population. Almost all groups living here seem to have come to the region, from different places at different points of time. Historically speaking, Assam's inclusion into British India gave a new direction to the process of migration. A line of demarcation was drawn between the 'indigenous' and 'outsiders' and a cry for the protection of 'Assamese identity' began to germinate. Identity formation among the Assamese community did not take place as a result of mere self-discovery, but was propelled by a fear of being overwhelmed by demographic change. When they were threatened on economic and cultural front, the Assamese evoked their identity of language and culture, to feel distinct (Baruah 2014). This feeling of distinctiveness gave way to the political expression of *Jativotabadi* or 'sub-nationalism' (sense of belongingness to a nation within the nation as an imagined community). Noted Assamese scholar Sanjib Baruah uses the term to refer to "a dynamic essence that makes it inherently differently from nationalism, but describes a situation at a particular historical moment" (Baruah 1999). While Baruah usages the term sub-nationalism in the context of Assamese aspirations and assertion of separate identity around the Assam Movement the usage of the term has been contested by other scholars. Marxist scholar Hiren Gohain refers to it as "Chauvinism" while historian Amalendu Guha has termed

it as "Little Nationalism". For the purposes of this study the term sub-nationalism is used to refer and specify the feeling of distinctiveness within the Indian state.

Spread of popular sub-nationalism is a deliberate process. Politics plays a two-way role in ethnicity and rise of sub-nationalism. Firstly, politics of recognition and representation has encouraged the growth of the ethnic groups' demand for a distinct administrative set up which resulted in the formation of sub-nationalism or a nation within a nation. At this stage, it is important to recognize the distinctness of these groups. However, when it is perceived as a favour granted or a right acquired through a political struggle, the state policy of recognition of traditional institutions and representation of the ethnic groups in the decision-making bodies may nourish stronger sentiments and emotions of ethnicity among other groups. Its outcome is noticed at various levels. At the institutional level, the ensuing politics of 'recognition' employed by the federal state have fashioned a multiplicity of institutions which contest with similar institutions of other groups and also with the structures of the state and autonomous institutions (Baruah 2004). In such circumstances, Benedict Anderson's (1991) phrase 'imagined community' seems to find resonance. Ethnic sentiments, emotions related to their culture, language, symbols and politics of recognition or representation come together to give birth to an image of their communion or nationhood which can also be described as sub-nationalism.

## **UNDERSTANDING SUB-NATIONALISM IN ASSAM**

The history of sub-nationalism in Assam allows to situate the category of sub-nationalism and its meanings. While migration into Assam from Bangladesh has a long history, it was in 1971, in the course of the liberation war in Bangladesh, that several lakhs of Hindu and Muslim refugees fled to Assam. On 8 February 1972, the Prime Ministers of India and Bangladesh issued a joint declaration in which the Government of India assured "all possible assistance to the Government of Bangladesh in the unprecedented task of resettling the refugees and displaced persons in Bangladesh" (Baruah 1999:119). Not all refugees returned, and Bangladeshi migrants continued to cross the border into Assam and other parts of India in

search of livelihood. Within Assam, the presence of large numbers of “outsiders” instilled a sense of unease at the change in demography, language and culture, and pressure over resources. A powerful popular movement erupted in the 1980s, led and steered by the All Assam Students Union (AASU) demanding the ouster of outsiders. The movement laid claim to a distinctive Assamese identity and based on this, a differentiated citizenship. Grounded in the principle of “different yet equal,” difference was articulated in the initial years of the movement in terms of the linguistic/cultural identity of Assamese people, and later with the United Liberation Front of Asom (ULFA) taking over the struggle, in terms of unequal development and discrimination. At the root of both was a powerful sentiment of crisis in citizenship in Assam. Yet the model of citizenship that the Assam movement invoked replicated the universal form that it was seeking to roll back in its own relationship with the Indian state. These contradictions played out in the articulation of citizenship at the national and state levels and within the state between the “ethnic” Assamese and the Bodos, the Assamese and the Bengalis, the Assamese and the tribals among others. The accord reached between the leaders of the movement and the Indian government in 1985, and the amendment in the Citizenship Act, 1955 following the accord in 1986, put in place a template of graded citizenship in Assam, and shifted the chronological boundary of citizenship for the state to 25 March 1971, from 19 July 1948, which was the constitutional deadline for the rest of the country (Roy 2016). The Assam Accord, signed on 15 August 1985, included the promise by the central government that it would ensure “constitutional, legislative and administrative safeguards...to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people” and the “all round economic development of Assam.” On the question of “outsiders” in Assam, the accord evolved a graded/differentiated system, categorising “the outsiders” on the basis of the date of their entry into Assam. It legitimised the citizenship status of those who had entered Assam from the (then) East Pakistan before 1 January 1966. Those who had entered the state between 1 January 1966 and 24 March 1971 were to be legitimised in phases, that is, they were to be disenfranchised for a period of 10 years from the date of identification, while others who had come after 24 March 1971 were to be deported as illegal aliens.

In understanding citizenship in Assam, it is important to understand that reinforcing dominant norms, the legal responses to the migrant expose how the ‘excess’ that which does not fall within the dominant norms and boundaries of citizenship is regarded as transgressive and justifiable subject to restrain, persecution, censorship, social stigma, incarceration and even annihilation. The migration of different communities to Assam led to strife between the Assamese and ‘bideshi’ (or foreigner)/‘Ona-Axomiya’ (or non-Assamese) over access to resources. The immigrant communities came to be associated with two terms bahiragota (outsider) and bidexhi (foreigner). These two terms were used simultaneously and many times interchangeably. The Assam movement was a call of the people of Assam to save it from the domination from the immigrants. The residence of Assam were dispersed into various identity groups like the Assamese, plain tribal, hill tribal, Hindu Bengali, and Muslim Bengali among others during the contestation on the question of citizenship. This work brings to light that to understand the issue of citizenship in Assam there is a need to understand the history of migration in Assam, formation of boundaries that defined Indian citizen and why migration of people to Assam was seen as a threat by indigenous people which led to the Assam movement.

### **ASSAM MOVEMENT: CONTESTATION FOR CITIZENSHIP**

In understanding sub-nationalism in Assam, it is important to understand Assam movement as the watershed event in the political history of Assam. It is one of the longest socio-political movements lasting for a period of six long years in Assam.

Sanjib Baruah in his much acclaimed work on Assam *India against Itself: Assam and the Politics of Nationality* (1999) has delved into the question of Assam’s identity in details. He calls the Assam movement a sub-nationalist upsurge. He locates the crux in the very idea of “nation” which subscribes that political entity should neatly coincide with that of a cultural formation. According to him the subnational conflicts of today are part of that bloody history of nation-building—of trying to create a global order of nation states. According to him “the fit between the formally federal structure of the Indian polity and the emotive power of these subnational narratives is hardly perfect”.

Yet these movements have led to serious and sustained albeit localized, political crisis. This has happened largely because, even though separatists may be a small or a fringe group, they have large



constituencies in their region. These movements are located in historically constituted subnational ideological fields and have a dialogical relationship with pan-Indian political institution, processes and values. Regional militants often raise issues that are intertextual in the sense that they allude to are continuous with the mainstream social discourse of a region. As a result there is often a pattern of complicity between insurgent groups and may supposedly mainstream political actors.

... If nations and nationalities are “imagined communities”, subnational narratives, like national ones, are often premised on a poetics about a homeland and its people. It is a poetics that transforms the geography of an area into a primal, homelike, or sacred place and transforms a people into a collectivity with imagines ties of shared origins and kinship. Historically in India, subnational narratives arose simultaneously with—even sometimes predated—pan-Indian national narratives. Like nationalism, the cultural foundation of India’s regional based subnationalisms was the language of the region—to be precise the language that were emerging as, or were aspiring to become, regional standards (Baruah 1999: Xii-8).

Baruah’s idea of two tiered nationalism; one pan-Indian and the other regional, is not different from Amalendu Guha (1977) and Sudhir Chandra’s (1982) formulation that Assamese identity consciousness based on regional cultural homogeneity developed along with the all India cultural homogeneity and anti-imperialism in the beginning of 19<sup>th</sup> century. Baruah however succeeds in drawing attention to the fact that the conflicts in Assam are symptomatic of failed subnational aspirations in Indian nation building process. He refers to instances in which movements of self-determination have proved to be difficult and asserts that concept of nation is inherently unstable. Baruah work is significant as it details an account of the colonial policies of geographical demarcation which has today become the bone of contention among the various communities of Assam. In his book, he brilliantly argues how a piecemeal approach by New Delhi to problems in the North-East in general and Assam in particular had actually given rise to a built-in cause of sub-nationalist agenda in the region. Essentially, the main argument that permeates the entire book is that the government's response is a total failure in resolving the recurring sub-nationalist challenge to Pan-Indian constructs. Baruah confines his study to sub-nationalist conflicts in Assam. He has addressed three sets of issues raised by the politics of sub-nationalism, viz., (a) immigration and enfranchisement policy, (b) cultural policy and (c) developmental policy. He argues that if Assam had autonomous jurisdiction over these three policy arenas, perhaps the political history of Assam would have been critically different.

## **POLITICS OF CITIZENSHIP IN INDIA**

An analysis of the amendments in Citizenship Act of India since its inception in 1955 till the amendment in 2005 will help us to understand how the notion of legal citizenship in India has changed with various amendments revealing the underlying political interest to make space for several issues, including the response of Government of India to Assam Movement. The citizenship question in Assam has a long postcolonial history fraught with conflicts, and is reflected in the manner in which the citizenship law in India has responded to the contests over citizenship in Assam. It will also show the centrality of migration in enframing the lived experience of citizenship and reveal how the category of migrants has been integral to these amendments (Roy 2010). The word migration enters the Constitution of India in the chapter on Citizenship in the specific context of Partition, which incidentally is also the primary context in which citizenship is enframed in the Indian Republic (ibid.: 27). It is seen that migration after partition, the process of state formation and emergence of twin nation states of India and Pakistan, provides the context to define Indian citizenship as is enshrined in Citizenship Act of 1955. The Citizenship Act of 1955 followed an inclusive and generous approach in defining who is a citizen of India after the experiences of partition qualifying the territorial location and laying on associational belonging (Rodrigues 2005). Migrant as a category enters the Citizenship Act through an amendment in 1986, following Assam Accord and again in 2003 and 2005 resulting in the insertion of the category of Overseas Citizen of India (ibid.: 27-28). Unlike the Citizenship Act of 1955, in the latter two amendments of Citizenship Acts, the word migration was explicitly associated with illegality, where migrants were seen as threat, as 'others' (Roy 2010). The Citizenship Act of 1955 identified five types of citizen or in other words, Indian Citizenship can be granted on the basis of birth, descent, registration, naturalization and incorporation of territory (ibid.). In the wake of Assam Movement, sixth type of citizenship emerged as a result of signing of memorandum of understanding between the central government with leaders of *All Assam Students' Union* (AASU) and the *All Assam Gana Sangram Parishad* (AAGSP) (which is known as the Assam Accord) leading to amendment of the Citizenship Act in 1985 and adding article 6A according to which birth came to be emphatically qualified by ethnic belonging (Rodrigues 2005). According to amendment in 2004, a person born in India is a citizen of India, if one parent is a citizen of India and the other parent is not an illegal migrant at the time of birth (Abbas, 2016). We can see that from

a relatively inclusive approach to citizenship India had moved towards an overtly ethnic conception of citizenship where descent from parentage of Indian origin became an overriding consideration (Rodrigues 2005). The amendment in Citizenship Act of 1986 brought to light how the illegality of migrant became the node around which the Assamese identity and citizenship was constructed during 1980s. Gogoi (2013) argues that the inclusion of section 3(1) (a) through amendment to Citizenship Act in 1986 gave citizenship rights to the children of illegal migrants which was a step to destroy the Assamese '*jati*'. It is also from this period that constriction on citizenship by birth began, which found consummation in the amendment in Citizenship Act of 2003 & 2005 which reinforced the association of citizenship with blood ties and descent. According to Das (2014), there is deception in Citizenship Act of 2003, as it says that any person born after 3rd December, 2004 shall be an Indian citizen in case either of her or his mother or father is an Indian citizen. All Assam Students Union (AASU) points out that the amendment in the Citizenship Act allows children of illegal migrants born post-1971 to become citizens of India (AASU publication 2012). Thus, we have seen that legal citizenship in India is an exclusive category which is deeply embedded in the principles of governmentality to demarcate between the citizen and the outsiders, who falls outside the boundaries of citizenship and are subjected to harassment, restrain, stereotyping/ labeling, imprisonment and even annihilation as happened during Nellie massacre in 1983(Roy 2010; Kapur, 2007).

Apart from the legal or formal dimension of citizenship, it also has a substantive angle to it through the way rights are being realised or exercised by the people or have sense of belonging to a community (Glenn, 2011). One must be accepted as a member of a community to enjoy citizenship rights and the community draws the boundary as who should enjoy rights or may withhold recognition. But what happens to a community if it is socially constructed as outsiders/illegal migrants and debarred from enjoying citizenship rights which will be explored through the study focussing specifically on Muslim women socially constructed as '*Bangladeshi*'. Wherever women continue to serve as boundary markers between different national, ethnic and religious collectivities, their emergence as full-fledged citizens will be jeopardised, and whatever rights they may have achieved during one stage of nation-building may be sacrificed on the altar of identity politics during another (Kandiyoti,1996: 315). Most of times in India settlement of illegal immigrants are taken up as an issue by political parties to gain support from the indigenous people and play the card of indigenous identity politics. In

fact, the issue of migration and citizenship has become the pivot around which the entire politics of Assam has come to revolve- an issue on which elections to the State Legislative Assembly can be lost or won. These sentiments of identity and ethnic belonging is embedded in a larger politics that prevails across the North East, especially Assam where regional identities have often spawned sub-nationalisms, where citizenship is often imagined as belonging to a particular state rather than the entire country. The belongingness to a tribal state is often decided by the question of who is indigenous to it.

The outsiders' question that festered in Assam in the 1980s endures even today. However, its resolution is no longer sought in the violent elimination of the non-Assamese-speaking outsiders or solely through the legal mechanisms of the Foreigners Act, but through bureaucratic intervention, pushed by a political consensus on identifying those who belong. In recent years, the sub-nationalist movements have been replaced by projects of citizenship or proto-citizenship reaching deep into history in its search for the indigenous identification.

### **NATIONAL REGISTER OF CITIZENS: THE CITIZENRY TEST**

Haley Duschinsky (2009) writes "The demand for identification that opens possibilities of sanction and prohibition, is the moment at which state power is practiced and state subjecthood is formed." She has argued that identity documents are unpredictable and unstable enactments of state power, constantly oscillating between being a 'threat' and 'a guarantee' to their bearers, and traversing the uncertain geographies between arbitrary violence and the sanctity of law. Assam has decided to update its National Register of Citizens for the first time since 1951, in order to document the "original inhabitants" of the state and weed out "illegal immigrants". Towards this end, Assam has seen over the past two years an unprecedented bureaucratic exercise of identifying "citizens" to prepare a "National" Register of Citizens (NRC) for Assam. The absence of a "political" contestation in Assam over the NRC, and the approval it has among people across Assam, is symptomatic of the continuing appeal of an "authentic" Assamese identity, which is currently being officially debated in the state, and of trust in an "efficient" mechanism of identification of citizens, painstakingly developed by the NRC commissioner of Assam.



The register being prepared in Assam is indeed of Indian citizens. However, the pedigree of Indian citizenship is traced to an Assamese legacy, which makes the NRC a register of Assamese– Indian citizens or Indian citizens who are legitimate residents of Assam. The identification of Indian citizens simultaneously as Assamese recognises a hyphenated citizenship, hitherto alien to the political vocabulary of citizenship in India ( Roy 2016). Significantly, the cohabitation of what was a conflicting relationship in the 1980s has been achieved by marking out the illegal alien (“Bengali-speaking, Muslim, Bangladeshi infiltrator”), as the constituent other.

As mentioned earlier, in 1986, Parliament amended the Citizenship Act, 1955 by adding Section 6A which introduced a sixth category of citizenship in India along with birth, descent, registration, naturalisation, and by incorporation of foreign territory into India. This new category of citizenship was to apply exclusively to Assam. The amended act laid down that all persons of Indian origin who came to Assam before 1 January 1966 from a specified territory (meaning territories included in Bangladesh) and had been ordinarily resident in Assam will be considered citizens of India from the date unless they chose not to be. It also added that persons of Indian origin from the specified territories who came on or after 1 January 1966 but before 25 March 1971 and had been resident in Assam since and had been detected as “outsider” in accordance with the provisions of the Foreigners Act, 1946 upon registration will be considered as citizens of India, from the date of expiry of a period of ten years from the date of detection as an outsider. In the interim period they will enjoy all facilities including Indian passports, but will not have the right to vote. All other persons who entered the state on or after 25 March 1971, upon identification as illegal migrants under the Illegal Migrants (Determination by Tribunal) (IMDT) Act, 1983, will be deported. Roy opines that

With the signing of the Assam Accord, one can see the confirmation of a ‘hierarchized’ model of citizenship constituted by the universal “we,” the Assamese people, whose claim to citizenship was beyond any legal dispute. The universal “we” was superimposed on residual citizens, whose citizenship was rendered ambivalent by their linguistic identity and their religion. The government sought to resolve this ambivalence through law, by conferring deferred citizenship onto some, through the determination of their legality by the Foreigners Act ( Roy 2016).

The rest that is, those who arrived in India on or after 25 March 1971, were illegal aliens, confirmed as such by the IMDT Act, and deported from India. In actual practice, however

since both the Foreigners Act prescribed different modes of determining citizenship, in a context of continuing influx of immigrants from Bangladesh the residual citizens occupied a zone of perpetually indeterminate/liminal citizenship and suspect legality. Moreover, as far as the mode of identification of “illegal migrant” or “foreigner” was concerned, the IMDT Act was more protective of the interests of the immigrant, since it shifted the responsibility of producing evidence from the person identified as an “illegal migrant” to the “prescribed authority,” and demanded a locus standi from the applicant identifying the illegal migrant as such. The Supreme Court scrapped the IMDT Act in 2005 removing what was largely perceived in Assam to be an anomalous and unfair exception. In its judgment, delivered on 12 August 2005, in response to a petition seeking its repeal by Sarbananda Sonowal, a former president of AASU, former member of legislative assembly and Member of Parliament from the *Asom Gana Parishad* (AGP) and currently the chief minister of Assam, a three judge bench declared the IMDT Act unconstitutional. While the grounds for declaring the act unconstitutional were specifically questions of legal procedure, the general principles articulated in the process had ramifications for the way in which citizenship was defined and interpreted. The Court described immigration from Bangladesh not only as illegal entry, but as an act of aggression. Arguing within a notion of bounded citizenship, the Court stated that buttressing national territorial boundaries and protection of its population from infiltrators who posed a threat to national security was an essential function of state sovereignty (Roy 2016).

In the recent past, the contest over illegal migration and citizenship has played out yet again in the orders given by the Supreme Court in two sets of public interest litigations (PILs) questioning the constitutional validity of Section 6A of the Citizenship Act. One of these, brought before the Supreme Court by the *Assam Sanmilita Mahasangha*, Assam Public Works, and All Assam Ahom Association (in *Assam Sanmilita Mahasangha and Others v Union of India and Another*, 2014) focused on the provision in Section 6A that granted Indian citizenship to those Bangladeshis who entered Assam between 1 January 1966 and 24 March 1971. The second PIL filed by the nongovernmental organisations *Swajan and Bimalangshu Roy Foundation* in 2012, which is still being heard, focused on that part of Section 6A, which treated all Bangladeshi migrants who entered Assam after 24 March 1971 as illegal for deportation by the state. The PIL brought by *Assam Sanmilita Mahasangha*

and others raised anxiety over the dilution of the legal frameworks of citizenship which, they argued, promoted indiscriminate influx and put at risk the security of the state and people. The second PIL lamented the clubbing of all migrants who entered India after 24 March 1971 as illegal, and asked that illegal migrants be distinguished from displaced persons (primarily Hindu and other minority groups fleeing persecution), who must be given the legal status of citizens (The Telegraph 2013).

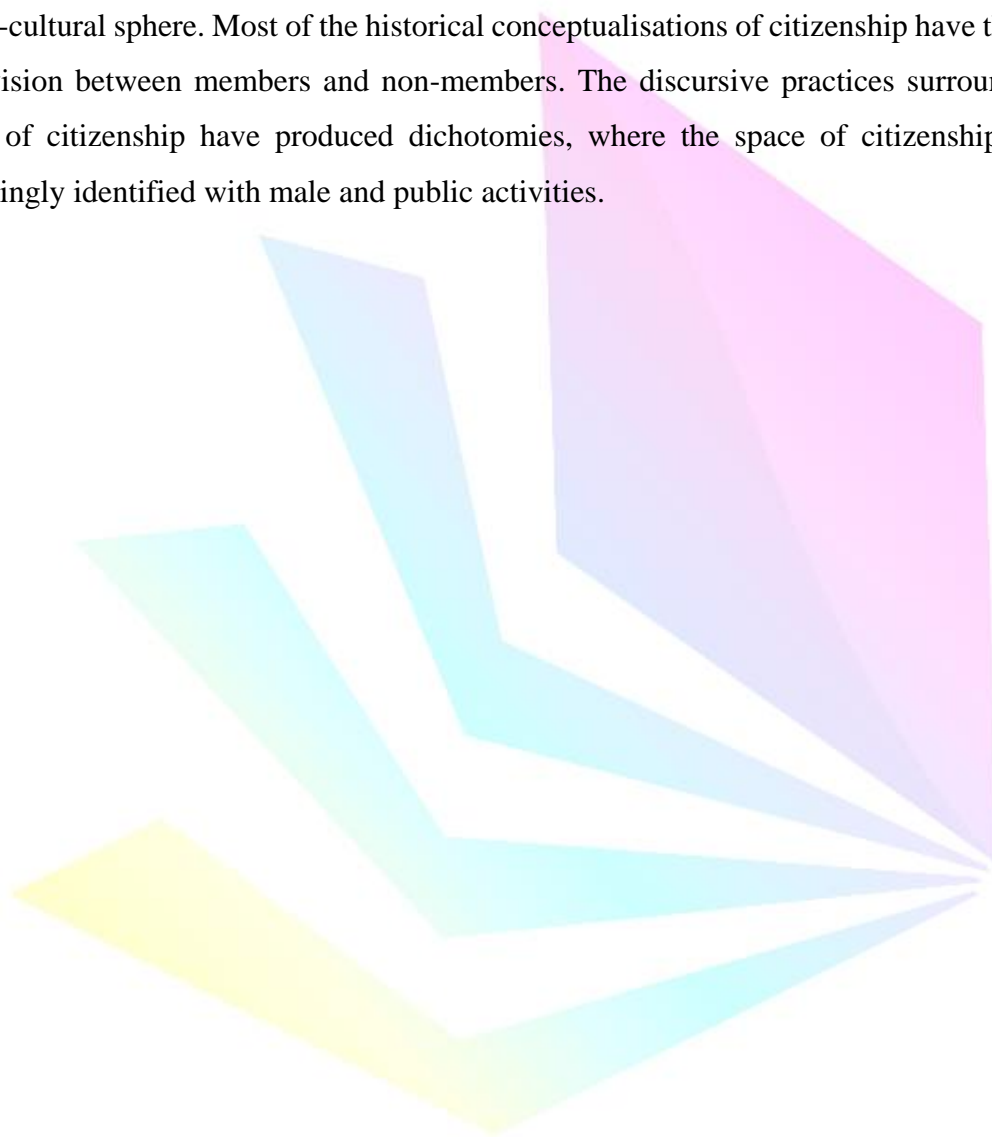
The trajectory of the NRC in Assam, however can be traced to the decisive moment in 2005, when the Supreme Court scrapped the IMDT Act. While delivering the judgment, the Court directed that all persons with suspect citizenship be brought under the purview of the Foreigners Act, 1946. The then Chief Minister Tarun Gogoi proposed that the NRC prepared in 1951 in the state be updated to resolve all contests over the foreigner issue, and also put to rest the apprehensions of the AASU and the AIUDF. A separate directorate was established by the Government of Assam to update the NRC. However, it did not make any progress beyond the computation of available data, partly because the NRC 1951 for all the districts of Assam was not readily available with the state government (Kashyap 2015).

As mentioned earlier, whereas in the rest of the country, the cut-off date for citizenship inscribed in the Constitution is 19 July 1948, with the 1986 amendment in the Citizenship Act, Assam became an exception to the constitutional deadline, with 24 March 1971 becoming the new cut-off applied exclusively to Assam. The NRC in Assam works on the principle of tracing citizenship to a legacy of Assamese descent going back to the 1951 NRC and to next signpost, 1971. The NRC is not only about integration and closure, or even the recognition of an Assamese identity by descent or through affirmation of legal residence in Assam. It is about a humongous bureaucratic exercise of identification and enumeration of citizens, of putting in place efficient and effective identification regimes and associated documentation practices, often associated with the exercise of state power, and state-formative practices. During the process to update the National Registry of Citizens, numerous people have ended up in state detention centres, often charged under an Act that no longer exists.

It is also very important to note that the Citizenship Amendment Bill 2016 allows illegal migrants from certain minority communities in Afghanistan, Bangladesh, and Pakistan to apply for Indian Citizenship. This is basically done to safeguard the immigrant community from the onslaught of anti-foreigner agitation. Cultural identity increasingly conflated with religious

identity and the principle of descent and blood ties has become central to the constitution of Indian citizenship. This renders the situation of the Indian Muslim, who is citizen increasingly suspect and unstable in Assam.

Thus, it is important to note that citizenship operates on the binary principals of public-private, productive-reproductive economic-cultural, whereby it relegates women to the reproductive-private-cultural sphere. Most of the historical conceptualisations of citizenship have thrived on the division between members and non-members. The discursive practices surrounding the notion of citizenship have produced dichotomies, where the space of citizenship became increasingly identified with male and public activities.





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