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The punitive gap: NRC, due process and denationalisation politics in India's Assam

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Abstract

The creation of the National Register of Citizens (NRC) in Assam is indicative of the sharpening tensions surrounding citizenship, belonging and integration in India. Officially aimed at demarcating the "legitimate citizens", its implementation is believed to have resulted in the partial exclusion of the so-called "Doubtful Voters" and denationalisation of the "illegitimate residents". These frictions associated with citizenship identity and rights are nowhere as acute as in the northeastern Indian state of Assam, where measures of retroactive revocation, administrative erasure and withdrawal of citizenship rights have been systematically deployed against religious and linguistic minorities. Using new research with some NRC rejected applicants in western Assam and other materials, this article identifies the central aspects of the implementation gap in the crucial, albeit problematic task of locating the rightful "Assamese-Indian" citizens. Linking our work to the idea of the 'process is the punishment', we conceptualise these conspicuous inconsistencies in the NRC citizenship determination processes and their results as the "punitive gap". We have identified the distinctive contours of this gap in terms of the massive economic costs, intensification of social (including gender and religion-based) inequalities, increased control through social suspicion and unpredictable outcomes for the marginal Miya Muslim community. The article highlights how this punitive gap has constantly eroded key components of due process, of procedural and substantive protections of the rights of individuals, during the NRC determination exercise and after the release of the final draft list.

Keywords Assam, Citizenship determination, Citizenship rights, Citizenship stripping, Denationalisation, Due process, India, Irregular migrants, National register of citizens (NRC), Xenophobia

Introduction

After being accepted in the first draft version, 80-year-old Jainul Biwi, an inhabitant of X village of X district in western Assam was excluded from the final draft list of that state's National Register of Citizens (NRC), which was released on August 31, 2019. The reason(s) for this omission remain unclear especially since she was able to locate her name in the 1951 Census register and several electoral rolls and additionally provided all necessary documents required to be added to this database of legitimate citizens. 8 of