

Book Review

Anupama Roy. *Citizenship Regimes, Law, and Belonging: The CAA and the NRC.* Oxford: Oxford University Press. 2022.

Reviewed by Adrita Gogoi

The NRC and the CAA has generated debates on Indian citizenship, more particular on the present regime who have, amidst widespread criticism from the public, have given effect to the same. While the process of updating NRC was carried out distinctively in Assam because of popular consensus, it was not viewed the same way in other parts of the country. Even CAA was criticized from different contexts. Anupama Roy brings out the genesis of the recent trend of citizenship in India in the most comprehensive manner. The book by Anupama Roy specifically engages with the NRC and CAA in India, bringing in another instance of understanding the regime and discourse of citizenship in India, the ideology and legal practices of the state, more importantly the specific shift towards the principle of *jus sanguinis*. Roy discusses the different strands of citizenship in the book- the hyphenated presenting the Assam's case and the NRC; bounded citizenship in terms of CAA, distinguishing citizens from the non-citizens; liminal citizenship understanding the LBTA of 2015; to dissident citizenship. All these presents the recent characteristics of citizenship in India when a particular regime defined and delineated citizenship in a *jus sanguinis* order. It is interesting to understand from the book how intrinsically legacy was connected to ethnic/cultural and religious identity giving way to exclusionary citizenship practices in India.

The introduction of the book begins with the bringing of the CAA in the Indian parliament and starts with the premise that the CAA must be studied as a law in its anthropological context- taking back not only to the historical ruptures but also the regimes where citizenship laws were amended and modified over ideas as to who belongs and how. Roy begins the book stating that citizenship laws in India must not only be seen as 'bare provisions' but also must be understood from the regimes from where these laws emerged giving it an ideological and political definition. These citizenship practices for Roy, emerged from three successive regimes which gave three successive amendments to the Indian Citizenship Act. The first was the Citizenship Amendment Act of 1955 which was characterized by constitutional democracy and republican citizenship, a kind of transformative citizenship where

Dr. Adrita Gogoi is Assistant Professor at the Department of Political Science, Lalit Chandra Bharali College, Guwahati - 781011, Assam. [Email- adritagogoi19@gmail.com]

people was the source of state authority and constitutionalism as the key feature; the second regime came in the wake of the Assam movement that led to an amendment in the Citizenship Act in 1985- making space for the Assamese citizen; the third regime was the 2003 amendment act for OCI which Roy argues have given way to the NRC and CAA putting in place a kind of documentary citizenship in India.

The first chapter, *Hyphenated Citizenship: The National Register of Citizens* is Roy's attempt to understand the NRC in Assam which marks a distinctive regime of Indian citizenship in establishing an 'Assamese legacy' in determining the citizens and non-citizens of India. The responsibility of the Central government to trace the legacy of the Assamese through supporting documents to prove their Indian citizenship generated a kind of hyphenated citizenship in the Indian context. The Assamese exception in the preparation of the NRC, given their long struggle against undocumented Bangladeshi migrants was traced to the historic Assam movement, the Assam Accord and the special amendment in the citizenship Act of 1985. Roy argues that the discourse of the debate around NRC drove the regional and electoral politics of Assam and the narrative of protecting the *Axomiya Jaati*, marked a clear departure from the Assam Accord where the NRC was more involved in identifying citizens instead of 'identifying and deporting illegal migrants'. The chapter intensely engages with the institutional, juridical and documentary practices in the preparation of the NRC in Assam, where many contestations and doubts arouse with the publication of the final draft.

The second chapter "Bounded Citizenship: The Citizenship Amendment Act 2019" presents a different regime of Indian citizenship which was brought through the CAA of 2019- where a notion of bounded citizenship was put in practice, where citizenship installs strict walls of separation, distinguishing citizens from the non-citizens on the basis of religion. The chapter brings out the way CAA and NRC brought about an ideological narrative in the country. It discusses the ideological framing of the citizenship in India through debates in the Constituent Assembly and the recent debates in the Parliament in December 2019 on CAA. The third chapter "Liminal Citizenship: The 'Returnees' and 'New' citizens" engages with the Land Border Agreement Treaty of 2015, between India and Bangladesh to resolve the disputes pertaining to the demarcation of boundary, where the exchange of land and population took place, presents a complex scenario of belongingness to the land and homeland. Though the LBAAT exchanged the population and attempted to solve the illegality and ambivalence of citizenship over borders, it never completely absorbed the belongingness tied to their land, with expressions of loss and betrayal. This is presented through lived experiences at three transit camps for Indian returnees in Dinhata, Mekhliganj and haldibari and two chits with new citizens at Balipukhuri and Dhabalsati Mirgipur. The last chapter "Recalling Citizenship: The Constitutional Ethic" discusses the democratic practice of constitutional citizenship that followed post CAA in India through popular rallies, sit-ins, street art, theatre, PIL etc. The protests and the movements in the country following NRC and CAA, for Anupama Roy, was the recalling of the constitutional ethic of citizenship and Indian democracy which was the spirit of the constitution. The many sites of protests in the federal states of the

country were sites of dissident citizenship to restore equality as a foundational principle of both the constitution and democracy.

The book thus traces the regime of citizenship in India which produces specific power structures; the NRC and the CAA giving in effect the principle of *jus sanguinis* more strongly in determining the citizenship of Indians, rooted in an ideology of majoritarian communitarianism. The shift from the popular consensus to an ideology of majoritarian communitarianism was strongly expressed in the recent NRC and the CAA. These two strands of citizenship emerged from the 2003 amendment act, bringing in ethno/cultural legacy and religion as modes of determining citizenship. The author brings these arguments with the help of extensive field surveys, government reports, depositions, parliamentary and constituent assembly debates, court judgments presenting a legal and anthropological analysis in understanding the contemporary regime of Indian citizenship. The author adopted a legal-analytical framework to understand the exclusionary practices in Indian citizenship- a trend more identifiable in a neo-liberal world where people's cultural and religious identity have become the primary sources of conflict. Looking back at the citizenship debates in the constituent assembly to the recent debates on the subject in the Indian parliament in December 2019, the author gives a striking contrast of the shift from republican democracy to majoritarian communitarianism.

From the book, it is indeed intrusive to reflect the way NRC and the CAA have strengthened and directed the nativist ideology, on the direction of religion. CAA is not just denying the Muslims the right to citizenship, but also a legal way to inculcate an ideology of anti-Muslim, who according to the present regime are not natives to this land and this is where the NRC was woven in the CAA narrative by the present regime. The NRC and CAA, most importantly have generated a kind of nativist legacy- of indigenous natives being the original citizens, indigenous meaning having ethnic and cultural practices as distinct from Muslims.

While dissident citizenship was reclaimed in the anti-CAA protests, which Roy says that it actually strengthens state sovereignty (Citizenship In India, 2016), how is it different from the popular cry and protests to detect, deport and expel out immigrants taking place in Assam over the decades. Is it appropriate to call the latter popular sovereignty? Can popular sovereignty be questioned when it comes to interpreting the NRC in Assam given that it was a popular appeal of the citizens themselves? The politics of NRC in Assam have been wielded to serve the ideology of *Jaati- Maati- Bheti* of the indigenous Assamese, which might not be the case in the other states of the Indian union. While it is interesting to see that the book brought out the different stories of the Indian states on the way they approached NRC and CAA, is there a need to contextualize NRC since it is based on a popular narrative or majoritarian communitarianism? Taking from this, perhaps, a strong point of the book would have been how cultural/ethnic and religious identity makes up the citizenship regimes in the neoliberal world. Though the NRC was not directly mentioned in the Assam Accord, much of it can be traced to its clause 5 which stressed on the need on detection, deletion and expulsion of foreigners in accordance with law.

While there is an argument that the bringing of the CAA made the NRC look like

a futile exercise, NRC was anti-foreigner and anti-migrant, CAA was anti-Muslim. At the same time CAA escaped some criticism because it included some sections of population unlike NRC (except for Northeast India). But the common thread of the two was that both were exclusionary. While these are some important points to reflect, the study is a breakthrough in understanding citizenship regimes, laws and belongingness under the controversial NRC and CAA from wide ranging parliamentary debates to field observations which presents complex scenarios. Under the veil of a liberal state, the present regime has changed the discourse of law-making in India.