

Citizenship on Trial: The NRC, Exclusion, and the Making of Foreigners in Assam, India

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Abstract

This paper examines the evolution and enforcement of the ‘foreigner’ category in Assam, India, focusing on how the National Register of Citizens (NRC) has produced exclusionary citizenship and statelessness. It asks how and why the notion of the ‘foreigner’ has taken shape in Assam, and what sustains its persistence in contemporary state practice. The study shows that citizenship in Assam is determined less by legal rights than by descent, ethnicity, and documentary proof, resulting in the disproportionate exclusion of linguistic, religious, and gender minorities. Drawing on documentary analysis and ethnographically inspired fieldwork that foregrounds lived experiences, the paper traces how colonial, Partition, and post-Partition anxieties have crystallized into a regime of suspicion and surveillance. It demonstrates that bureaucratic discretion, legal ambiguity, and inconsistent NRC procedures have institutionalized widespread legal limbo and arbitrary exclusion, producing deep social and psychological harm. Assam’s experience illustrates how securitized citizenship regimes erode the “right to have rights” and signal broader patterns of democratic erosion in India and South Asia.

Keywords

Assam; citizenship; exclusion; National Register of Citizens; statelessness

Introduction

Citizenship in contemporary India is increasingly governed not only by constitutional law but also by everyday administrative practices that determine who belongs and who does not. In Assam, this shift is most starkly expressed through the National Register of Citizens (NRC), an official register maintained by the Government of India to identify and document individuals who are legally recognized as Indian citizens (Roy, 2022; Siddique & Ramachandran, 2024). This process transformed citizenship from a juridical status into a document-dependent claim subject to bureaucratic scrutiny. Although formally framed as a neutral exercise of verification, the NRC emerged from a longer history of migration control, legal exceptionalism, and ethnonationalist anxiety surrounding populations perceived as migratory or foreign.

Assam's experience reflects a distinctive historical trajectory in which colonial-era labor migration, Partition-era displacement, and post-Partition mobility from present-day Bangladesh were progressively recast as demographic threats. Over time, political mobilization and state policy converged to produce the 'foreigner' as a durable legal and administrative category. These logics resurfaced with renewed intensity during the updating of the NRC between 2014 and 2019, translating long-standing anxieties into a large-scale bureaucratic exercise of classification and exclusion (Baruah, 2020; Roy, 2022).

This manuscript argues that Assam constitutes a paradigmatic case of administrative citizenship – a regime in which rights are secured not solely through constitutional guarantees but through documents, procedures, and discretionary decision-making (Gupta, 2012; Mathur, 2020). Drawing on theories of bureaucratic power, legal exceptionalism, and precarious citizenship, it shows how law and administration together render citizenship conditional, negotiable, and perpetually open to reassessment. Moving beyond binaries of inclusion and exclusion, the paper situates Assam's citizenship crisis within broader theoretical debates on liberal, ethnonationalist, and non-statist conceptions of citizenship (Jayal, 2013; Kakar, 1978; Roy, 2010; Sen, 2020; Shani, 2010).

Conceptually, it locates Assam's citizenship regime at the intersection of liberal constitutionalism and ethnonationalist imaginaries of belonging, engaging with Arendt's (1951) notion of the "right to have rights" and Anderson's (1991) insights on imagined political communities. In doing so, it situates the Assam case within a wider global pattern of democratic erosion shaped by the politics of belonging and exclusion.

From a demographic perspective, the NRC was one of the largest population reclassification exercises undertaken in contemporary India. Of the nearly 33 million residents who applied for inclusion, approximately 1.9 million were excluded, resulting not only in individual legal precarity but also in a sizeable population formally rendered undocumented (Deb, 2025; Siddique & Ramachandran, 2024). Exclusions were uneven across districts and social groups, with a pronounced impact on women and Bengali-speaking communities (Baruah, 2020; Bhuyan et al., 2024). These patterns situate the NRC not merely as a legal process but as a population-level restructuring of citizenship.

The judiciary – particularly the Supreme Court – played a central role in institutionalizing this regime by reframing migration in Assam as a matter of national security and enabling extraordinary legal and administrative measures (Baruah, 2020; Raturi, 2020; Roy & Singh,

2009). Judicial supervision of the NRC entrenched bureaucratic discretion and weakened procedural safeguards, thereby facilitating a parallel legal order in which constitutional protections were applied unevenly. This paper demonstrates how citizenship in Assam has been transformed from a constitutional guarantee into a securitized and bureaucratic process of exclusion, situating the case within broader debates on statelessness, democratic erosion, and the governance of belonging. The sections that follow examine this transformation through historical analysis, legal and bureaucratic scrutiny, and ethnographic accounts of lived experience.

Framing citizenship: Concepts, contexts and core questions

Building on this framing, the study approaches citizenship not only as a legal status but as a lived and contested process, shaped by bureaucratic encounters, documentary practices, and institutionalized suspicion. While existing scholarship has richly analyzed the constitutional, political, and historical dimensions of citizenship in India, comparatively less attention has been paid to how exclusionary regimes are experienced and navigated in everyday life (Jayal, 2013; Mitra, 2013; Roy, 2010; Tiwari & Singh, 2021; Yesmin, 2024). This study addresses this gap by foregrounding lived experiences as an analytical lens for examining administrative citizenship.

The analysis combines historical inquiry, legal analysis, and ethnographic material. The central research question guiding the study is: how has the category of the ‘foreigner’ evolved in Assam, and what legal, bureaucratic, and political processes have shaped its contemporary form? In addressing this question, the paper examines how colonial constructions of the “outsider” were reworked in post-Partition and postcolonial contexts, how national narratives of Indianness intersect with regional anxieties, and how contemporary mechanisms such as the NRC and Foreigners’ Tribunals reclassify citizens as foreigners.

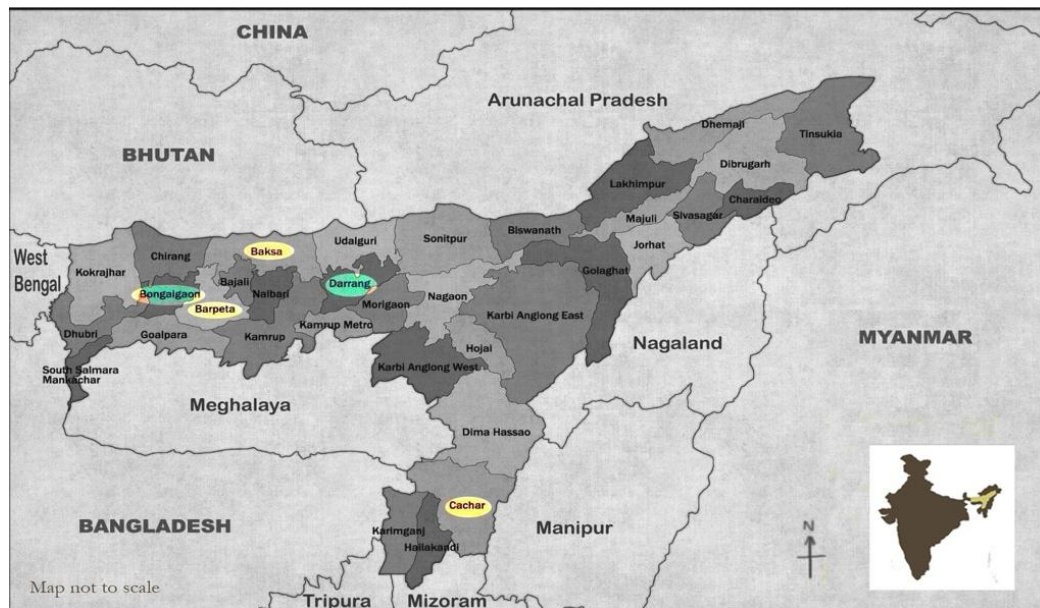
Methodology

This study draws on documentary analysis, key informant interviews, and in-depth, semi-structured interviews with affected individuals. Documentary analysis drew on scholarly works, archival materials, policy documents, media articles, and speeches, which together provide context for the evolving discourse on citizenship in Assam. Key informant interviews with experts and practitioners offered insights into the administrative and institutional practices underlying the reclassification of citizens as ‘foreigners.’

The core of this research lies in ethnographically inspired in-depth semi-structured interviews with affected individuals, their families, and key informants across selected districts in Assam, India (see Figure 1). Drawing on a “quasi-ethnographic” perspective (Johns, 2013), these interviews go beyond conventional question-and-answer formats to engage more deeply with the daily realities and meanings participants attach to their experiences. The resulting narratives reveal how bureaucratic and procedural tools function as instruments of disenfranchisement, particularly for vulnerable groups such as women (especially married women), religious and linguistic minorities, and people experiencing poverty. These lived accounts underscore the profound psychological, economic, and social costs of living under the constant threat of detention, deportation, or effective erasure of citizenship. Figure 1 highlights Baksa, Darrang, Bongaigaon, Barpeta, and Cachar—the districts covered in this

study – located within Assam’s borderland geography, adjoining Bangladesh to the south and west and Bhutan to the north. The inset shows Assam’s location within India.

Figure 1: Map of Assam Showing Study Districts and Border Context



Note: The base map was adapted from OpenStreetMap data (© OpenStreetMap contributors) and modified for analytical clarity. The inset map was adapted from openly licensed material available on Wikimedia Commons and redrawn by the author to ensure consistency of scale, orientation, and visual style. The figure is intended to provide geographic and border-contextual orientation rather than cartographic precision.

Ethical considerations

The fieldwork for this study was conducted with a strong emphasis on the ethical protection of human subjects. Before commencing interviews, the research secured Ethics Approval (COA. No. 2020/02-069) from the Institutional Review Board of the Institute for Population and Social Research, Mahidol University.

The evolution of the idea of a foreigner

The contemporary citizenship regime in Assam is best understood through the historical production of the ‘foreigner’ as a legal and administrative category. The experience of Shona Banu, a 58-year-old woman from Barpeta district, illustrates how this category operates today – not as an aberration, but as the outcome of a long genealogy of exclusion. Her summary detention, cross-border expulsion, and quiet readmission without acknowledgment reveal how the figure of the ‘foreigner’ has been institutionalized through overlapping legal, bureaucratic, and security practices.

On a sweltering day in late May 2025, Shona Banu reportedly experienced what, according to a legal-aid worker assisting affected communities, was a long-feared ordeal. Based on fieldwork documentation, she was summoned to the local police station on May 25, 2025, consistent with a prior summons issued after her declaration as a foreigner by a Foreigners’ Tribunal constituted under the Foreigners Act, 1946. On this occasion, however, events

departed from routine procedure. She was allegedly transported with approximately thirteen others to a remote border outpost and forced at gunpoint across the border into Bangladesh without formal procedure or explanation.

After two distressing days in detention, Bangladeshi officials escorted them back across the border, returning them quietly to Indian authorities, who released them without acknowledgment of error or explanation (legal-aid worker, personal communication, July 18, 2025). This account, while drawn from field documentation, reflects broader patterns of administrative precarity experienced by those rendered “foreign” through citizenship adjudication processes, quietly reaffirming their expendability within bureaucratic practice (Bhuyan et al., 2024; Schendel, 2004).

Banu’s traumatic experience is not an isolated incident. Across Assam, particularly among poor and marginalized communities, individuals face arbitrary detention, deportation, and a persistent threat of statelessness. Like Banu, many individuals find themselves caught in complex legal battles, asserting residence and ancestral ties predating the critical cut-off date of March 25, 1971 – a benchmark established under the Assam Accord of 1985, an agreement signed between the Indian government and leaders of the Assam movement to regulate migration by differentiating citizens from those deemed “illegal” migrants, and later incorporated into Section 6A of the Citizenship Act, 1955 (Hari & Nagpal, 2022; Paulose, 2019; Ranjan, 2021; Roy, 2016b).

Banu’s experience reflects a longer historical trajectory in which citizenship in Assam has been progressively reworked through exclusionary legal and administrative practices. To fully grasp the significance of Banu’s story and those like hers, it is essential to trace the historical evolution of citizenship and the idea of the ‘foreigner’ in Assam. The trajectory of Indian citizenship in Assam diverges markedly from the liberal and inclusive vision articulated at independence in 1947. Shaped by persistent anxieties over perceived demographic incursions from Bangladesh, Assam’s postcolonial politics has centered on fears of “illegal infiltration,” framed as an existential threat to indigenous identity. Consequently, a citizenship regime rooted in ethnicity and descent gradually replaced the inclusive principle of *jus soli* (citizenship by birth) with a more exclusionary *jus sanguinis* (citizenship by blood), privileging ancestry over birthright (Dutta, 2015; Jayal, 2016; Khakhlyar, 2017).

These historical contestations over citizenship in borderland states like Assam are deeply entangled with binaries of “Us versus Them,” aspirations for ethnically defined homelands, and hierarchies of religion, caste, and class. Legal and political measures such as the NRC have only exacerbated the crisis. The exclusion of over 1.9 million people from the NRC subjected many to quasi-judicial Foreigners Tribunals (FTs), pushing them toward statelessness and detention. Rather than resolving citizenship claims, the Supreme Court-monitored NRC process entrenched ambiguity and administrative exclusion.

Assam’s citizenship framework now operates as an exceptionalist regime prioritizing ancestry and ethnic belonging over constitutional guarantees. This shift disproportionately affects communities of colonial and postcolonial East Bengali origin – particularly Bangla-speaking Hindus and Muslims, including those who identify as ‘Miya’ – who often cannot produce decades-old documents, thus exacerbating their vulnerability. The origins of this regime lie in colonial-era land and labor policies that encouraged Muslim peasant migration from East Bengal to Assam’s fertile riverine tracts and facilitated the entry of Bengali Hindu professionals into administrative roles (Guha, 1977; Weiner, 1983). These demographic

changes generated lasting anxieties, fueling identity-based politics and reinforcing narratives casting migrants as threats to Assamese language, culture, and land.

The colonial legacy of exclusion took concrete form in state interventions like the Immigrants (Expulsion from Assam) Act of 1950 and the Prevention of Infiltration of Pakistani Nationals (PIP) scheme, institutionalizing the legal treatment of outsiders as threats. Anti-immigrant sentiment, initially shaped by colonial characterizations of Bengali settlers as an “invasion of land-hungry immigrants” (Mullan, 1932), became further entrenched in post-independence Assam (Guha, 1977; Jayal, 2013; Schendel, 2004; Weiner, 1983). Assamese political discourse gradually adopted an ethnocentric conception of citizenship, privileging certain communities while systematically excluding others through legal and administrative mechanisms, reinforcing insider-outsider binaries.

Assam’s citizenship regime exhibits a distinctive pattern of exclusion that arises not solely from religion but also from the overlapping rivalries between Bengali and Assamese, and Hindu and Muslim identities. As Hossain (2013) observed, post-Partition contestations intensified exclusionary tendencies dating back to the late 19th century. Historical movements such as *Bongal Kheda* and *Bedikhi Kheda* (the “drive out foreigners” movement) demonstrate shifting narratives of exclusion (Bhattacharjee, 2018; Roychoudhury, 1981). More recently, protests against the 2019 Citizenship Amendment Act (CAA) in Assam highlighted enduring fears of cultural and political displacement, as encapsulated by slogans such as “Assam is not a dumping ground” (The Times of India, 2020).

The outcomes of the NRC process underscore the dual nature of exclusion in Assam: both Bengali Hindus (500,000–690,000, or 26–36%) and Bengali Muslims (approximately 486,000, or 25.5%) were excluded, indicating targeted exclusion across religious lines (Ali, 2019). In the absence of officially published disaggregated statistics, these figures nonetheless suggest that bureaucratic exclusion extended across religious lines. However, the post-NRC political response was not symmetrical: majoritarian forces sought to use the CAA to reintegrate excluded Hindus by recasting them as refugees eligible for citizenship. However, Assamese nationalist groups strongly resisted this, viewing it as a threat to linguistic and cultural identity. Many Bengali Hindus themselves rejected the CAA’s refugee framing and asserted their rightful citizenship.

The CAA introduced a religious criterion for expedited citizenship for persecuted minorities from neighboring Islamic countries, explicitly excluding Muslims. However, religion alone cannot account for Assam’s citizenship regime. Bhattacharjee (2018) observed the state’s “twin battle” against Bengali-speaking Hindu and Muslim minorities through complex legal and bureaucratic procedures. This exclusionary logic has been reinforced by a political landscape that increasingly mobilizes judicial tools for statecraft—what Bhattacharjee called the “politicization of the judicial.” Legal amendments to the Citizenship Act in 1986 and 2003 reframed migration as illegality, while the 1986 amendment introduced a sixth category of Indian citizenship applicable only to Assam, enabling parallel identification systems that delay or deny citizenship and reclassify individuals as “illegal” (Roy, 2010).

These legal and judicial developments were consolidated and given durable institutional form through the Assam Accord of 1985, marking the point at which extraordinary practices became embedded in the governance of citizenship. This decisive shift in constructing Assamese identity was formalized by the Assam Accord, which institutionalized categorization of migrants by date of entry and fundamentally altered India’s citizenship regime by enabling the concurrent application of the amended Citizenship Act and the

Foreigners Act of 1946. This dual framework disproportionately placed the burden of proof on communities of migrant origin.

The enduring legacy of the Accord includes the institutionalization of the Foreigners Tribunals, which have significantly expanded legal scrutiny and affected individuals far beyond their initial scope. It is precisely these tribunals that declared individuals such as Shona Banu foreigners. Her ongoing legal struggle in India's Supreme Court symbolizes the profound human costs of Assam's contested citizenship landscape. The Citizenship Amendment Act, 1986, amended Section 3 of the Citizenship Act 1955 by restricting automatic birthright citizenship and requiring that at least one parent be an Indian citizen and further reorienting Indian citizenship from *jus soli* to *jus sanguinis*, reconfiguring Indian citizenship to emphasize descent, strict timelines, and formalized registration processes (Jayal, 2013; Roy, 2010). This recalibration blurred distinctions between migrants and citizens and compromised constitutional protections for individuals such as Banu, whose status was ambiguous.

This historical trajectory shows that the 'foreigner' in Assam is not an incidental figure but the product of layered legal, bureaucratic, and classificatory practices. Shona Banu's experience reflects how individual exclusion is embedded within wider processes of verification and reclassification, through which citizenship becomes provisional and unevenly distributed across populations. These dynamics provide the analytical foundation for examining how exclusion is operationalized in practice.

Research findings and analysis

Building on this historical trajectory, the study illustrates the fluid and contested nature of citizenship in Assam by tracing how shifting definitions of identity and belonging have led to the systematic production of 'foreigners.' Through detailed analysis of legal, bureaucratic, and documentary regimes, it identifies the core drivers of exclusion that have rendered many long-standing residents stateless. The following subsections examine these dynamics—beginning with judicial exceptionalism and legal exclusion, moving through bureaucratic processes and documentation, and culminating in the lived realities and psychological impacts of exclusion.

Judicial exceptionalism and the legalization of exclusion

Assam's discriminatory citizenship regime is best understood through the legal production of the figure of the 'foreigner,' a process shaped by long-standing anxieties over identity, migration, and territorial sovereignty. These anxieties received formal legal sanction in *Sarbananda Sonowal v. Union of India* (2005), (*Sonowal I*), where the Supreme Court struck down the Illegal Migrants (Determination by Tribunals) Act, 1983 (IMDTA)—a statute unique to Assam that placed the burden of proof on the state—and characterized undocumented migration from Bangladesh as a form of "external aggression," invoking Article 355 and framing demographic change as a threat to national integrity (Baruah, 2020; Jayal, 2013). By constitutionalizing migration as a national security concern, the Court recalibrated citizenship verification from an administrative question to one of sovereign survival. Subsequent analysis has argued that the judgment validated a politically constructed narrative of large-scale infiltration and marked a decisive shift in the legal architecture of exclusion in Assam (Jayal, 2013; Roy, 2010; Wadud, 2019).

The striking down of the IMDTA effectively suspended procedural safeguards and the presumption of innocence (Rahman, 2020). The ruling further recalibrated the balance between individual liberty under Article 21 and state security by reinstating the colonial-era Foreigners Act, 1946, which shifted the burden of proof to the accused and eliminated meaningful appellate remedies. As Venkatesan (2019) noted, even non-citizens within Indian territory are entitled to principles of natural justice.

This trajectory was reinforced in *Sonowal II* (2006), in which the Court struck down the Foreigners (Tribunals) Amendment Order, 2006, thereby further entrenching the securitized framework while rejecting procedural reform. Banerjee (2021) critiqued these rulings for marginalizing minority rights and legitimizing exclusionary state practices through reliance on questionable intelligence claims.

Scholars have described this jurisprudence as producing a *sui generis* regime detached from procedural justice and minority rights (Bhat, 2021; Bhattacharjee, 2018). Rather than functioning as a neutral arbiter, the judiciary actively enabled an exclusionary citizenship regime in which legal ambiguity—rather than constitutional protection—became the governing principle.

Building on these judicial shifts, local rights advocates and scholars describe the *Sonowal I* judgment as “one of the worst in the history of the Supreme Court” (leading citizens’ rights lawyer, personal communication, September 6, 2020). They argue the ruling entrenched a false narrative of infiltration and enabled systemic exclusion. By striking down the IMDTA Act and reinstating the colonial-era Foreigners Act, the court dismantled a procedure specifically designed for Assam’s historical and demographic context. As Rahman (2020) noted, the revived Act proved ill-suited to adjudicating complex, long-settled citizenship claims while enabling exclusionary practices aligned with populist anxieties about migration. Mustafa (2019) characterized this transformation as a “court-enunciated crisis,” marking a decisive move away from procedural protection toward legal vulnerability.

These developments were further consolidated through the Supreme Court’s supervision of the NRC following *Assam Public Works v. Union of India* (2015–2019) (Paulose, 2019). By directly determining evidentiary standards and timelines, the Court entrenched a parallel legal regime in which citizenship became conditional on navigating an unstable documentary framework. Rather than resolving ambiguity, judicial intervention normalized administrative suspicion and arbitrariness, reinforcing a system in which citizenship remained perpetually contestable. The NRC itself—conducted only in Assam in 1951 and again between 2014 and 2019—added another layer of legal exceptionalism. Rooted in Rule 4A of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, it imposed a state-specific cut-off date of March 24, 1971. It advanced an ethnonationalist project aimed at identifying “legitimate” Assamese-Indian citizens (Roy, 2016a).

Operating alongside the Assam Border Police (est. 1962), the Doubtful-Voter (D-Voter) system, and Foreigners Tribunals (est. 1964)—institutions marked by inconsistent evidentiary standards and opaque procedures (Das, 2020)—the NRC rendered citizenship increasingly provisional, culminating in the exclusion of approximately 1.9 million residents in the final list (Office of the State Coordinator of NRC, 2014). For many, particularly those from historically marginalized backgrounds, legal protection gave way to institutionalized uncertainty. The following section examines how this paper regime operated on the ground, and how verification itself became an instrument of denial.

Bureaucratic exclusion and the NRC

The NRC in Assam is premised on the assumption that legal identity can be conclusively established through documentary proof. In practice, however, the NRC's implementation under Supreme Court supervision imposed an exceptionally stringent and unstable documentary regime that disproportionately disadvantaged marginalized populations. Applicants were required to submit two categories of documents (Table 1): *List A* documents to establish the presence of themselves or their ancestors in India before March 25, 1971, and *List B* documents to prove lineage to the individual named in List A. These requirements transformed ancestry into the primary determinant of citizenship.

Table 1: Categories of Admissible Documents under the Assam National Register of Citizens (NRC): Distinguishing Ancestral Legacy Evidence (List A) from Linkage Documentation (List B)

Sl.	List (A) Documents	List (B) Documents
1	1951 NRC	Birth Certificate
2	Electoral Roll(s) up to March 24, 1971 (midnight)	Land document
3	Land & Tenancy Records	Board/University Certificate
4	Citizenship Certificate	Bank/LIC/Post Office records
5	Permanent Residential Certificate	Circle Officer/GP Secretary Certificate in case of married women
6	Refugee Registration Certificate	Electoral Roll
7	Passport	Ration Card
8	Life Insurance Corporation of India (LIC) document	Any other legally acceptable document
9	Any Govt. issued License/Certificate	
10	Govt. Service/Employment Certificate OR	
11	Bank/Post Office Accounts OR	
12	Birth Certificate OR	
13	Board/University Educational Certificate OR	
14	Court Records/Processes.	

Note: The table reflects the official document categories specified by the Assam National Register of Citizens (NRC). Data were adapted from the official NRC Assam website.

The NRC process relied heavily on “legacy documents,” including the 1951 NRC and electoral rolls up to midnight of March 24, 1971, as the core evidence establishing prior residence and citizenship linkage (Office of the State Coordinator of NRC, 2019; Roy, 2022). To facilitate verification, the NRC office digitized approximately 66 million documents containing nearly 20 million names, creating the largest pre-1971 archival database in India (Chakravarty, 2019b). Applicants accessed this archive through a Legacy Data Code (LDC), which became a crucial—often determinative—marker of inclusion. While the absence of a name in the legacy data did not automatically disqualify applicants, the process nonetheless privileged those with documentary continuity, reinforcing structural inequalities.

This documentary regime unfolded within a historical context shaped by post-Partition anxieties and long-standing suspicions towards populations with ancestral ties to present-day

Bangladesh. Rather than functioning as a neutral verification mechanism, the NRC reproduced entrenched narratives of ethnic nationalism, religion, class, and migration. As Mathur (2020) observed, the process amplified the binary between *asli* (genuine) and *farzi* (fake) *kaghaz* (documents), paradoxically positioning the State as both the issuer and the skeptic of its own records. This suspicion led to frequent rule changes and arbitrary reclassification of documents, resulting in widespread exclusion.

The logic of suspicion did not remain at the level of discourse but was embedded within the very documentary foundations of the NRC. As a result, significant discrepancies emerged between the NRC's stated objectives and its actual implementation. Officially, the Assam Government acknowledged in the State Assembly that the 1951 NRC was unavailable in six districts and that hundreds of village records were missing in others, revealing significant gaps in the exercise's documentary foundation (Assam Legislative Assembly, 2010). The 1951 NRC was itself hastily compiled by undertrained enumerators and suffered from under-enumeration and inaccuracies (Roychoudhury, 1981; Vaghaiwalla, 1951). Notably, the Gauhati High Court had earlier, in the 1970s, ruled the 1951 NRC legally inadmissible as proof of citizenship, raising serious concerns about its subsequent centrality in the updated NRC process (Dutta, 2019).

These archival deficiencies were further exacerbated by procedural instability, as evidenced by frequent and opaque alterations to NRC rules and evidentiary standards. Documents officially designated as admissible were often rendered suspect or treated as illegible without prior notice, disproportionately affecting women, economically marginalized households, and communities historically associated with migration (Mathur, 2020; Tiwari & Singh, 2021; Yesmin, 2024). Interviews and field observations confirmed that refugee certificates, electoral rolls, and land records—though formally valid—were frequently rejected without explanation (Chakravarty, 2019a)—such procedural instability deprived applicants of meaningful opportunities to respond, undermining basic principles of fairness and transparency.

Rather than resolving these uncertainties, digitization introduced new layers of exclusion. While extensive, digitization imposed additional burdens on illiterate and economically marginalized applicants. Errors in names, ages, and familial relationships—often stemming from clerical inconsistencies across decades—proved difficult to rectify. In several districts, records had been damaged or destroyed due to floods, fires, or administrative neglect, further complicating verification. Even when original documents were produced, they were often disregarded during verification, revealing a deep mistrust embedded within the system itself.

These contradictions point to a fundamental paradox at the heart of the NRC. While documentation was treated as a definitive basis of citizenship, the process systematically undermined the credibility of those same documents. Supreme Court oversight, rather than safeguarding constitutional principles such as *jus soli*, reinforced extreme evidentiary thresholds, rendering citizenship contingent and precarious. The paradox of requiring government documents while simultaneously deeming them untrustworthy weakened the legal foundations of the entire process. As Bhat (2020) noted, the system repeatedly rejected the very documents it demanded as proof.

This mistrust of the documentary is further intensified in Assam's borderlands. Grey zones along the porous India-Bangladesh border complicate citizenship verification. These areas are often suspected of harboring networks that facilitate the acquisition of forged documents in exchange for money. As Sadiq (2008) highlighted, such "networks of complicity" blur the

distinction between genuine and fraudulent documents, enabling migrants to acquire what appear to be legitimate documents. These suspicions have amplified local anxieties and led to a hyper-documentary regime. However, even in the absence of deliberate forgeries, differentiating between citizens and non-citizens remains difficult due to the chronic lack of birth registration among marginalized and lower-caste populations—a problem that extends beyond Assam (Jaffrelot, 2020).

Activists and observers have consistently emphasized that the core problem lies not merely in documentation, but in the procedural framework itself (Field et al., 2019). Rather than a neutral administrative exercise, the NRC evolved into a one-sided mechanism with numerous inconsistencies. In doing so, it transformed the process into one of denationalization by presuming that citizens were potential outsiders. The presumption of foreignness directly undermines Arendt's (1951) notion of the "right to have rights," demonstrating how bureaucratic exclusion—legitimized through legal exception—translates into everyday precarity for individuals and families across Assam. When suspicion and procedural arbitrariness become the foundations of citizenship, exclusion is enacted not only through legal texts but also in the lived realities of ordinary people.

These practices reveal how citizenship in Assam has been transformed from a constitutional guarantee into a conditional administrative status—one whose consequences are borne most acutely in the everyday lives of those subjected to this regime. The following section turns to these lived experiences, examining how legal and bureaucratic exclusion translates into uncertainty, loss, and psychological hardship.

Lived realities from the NRC process

The NRC's verification regime reshaped everyday life for those subjected to it, transforming citizenship from a presumed legal status into a fragile and continuously contested claim. While officially presented as a finite administrative exercise, the process was experienced by individuals as prolonged uncertainty—marked by repeated summons, shifting evidentiary standards, and the constant possibility of exclusion. Rather than resolving questions of belonging, the NRC created a condition of suspension in which individuals were unable to plan their livelihoods, secure employment, or make ordinary civic claims without fear of scrutiny.

This condition of liminality extended beyond those ultimately excluded from the final NRC list. Entire families and communities internalized the possibility of being declared "foreign," producing a diffuse atmosphere of anxiety that persisted regardless of formal inclusion. Citizenship thus ceased to function as a stable legal status and became a conditional, revocable claim, continuously subject to bureaucratic reassessment. In this sense, uncertainty itself emerged as a governing technique.

The effects were intensified by the discriminatory deployment of the "Original Inhabitants" (OI) category. The term is not defined in the Constitution of India or in the Citizenship Act, 1955. However, Clause 3(3) of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 refers to persons "originally inhabitants of the State of Assam" and their descendants (Office of the State Coordinator of NRC, Assam, 2016). As a legal practitioner representing NRC claimants, noted during fieldwork interviews (field notes, personal communication, 2022), the absence of a statutory definition has rendered the category legally indeterminate and susceptible to uneven administrative interpretation. Field

interviews with lawyers assisting affected communities further indicate that this ambiguity allowed the OI category to operate in practice as a procedural filter, with certain claimants perceived to face stricter documentary scrutiny than others. Citizenship outcomes were thus shaped not solely by documentary sufficiency, but by how applicants were socially and administratively classified.

The case of an eighty-year-old Muslim woman from Kacharipeti village in Bongaigaon district illustrates the consequences of this discretionary regime. Despite submitting extensive documentary proof—including her father's 1954 Indian passport, land deeds, ration cards, and linkage certificates—she and her two sons were excluded from the NRC. In contrast, women designated as OIs in the same district were included despite lacking birth certificates or essential linkage documentation. Reflecting on her exclusion after a lifetime of civic recognition, she asked how documents that had sufficed for every other purpose could now be deemed inadequate. Her experience underscores how documentation no longer affirmed citizenship but instead became a site of suspicion through which belonging was perpetually deferred.

Field evidence confirms that such outcomes were not aberrations but structurally enabled. Senior NRC officials were observed exercising personal discretion, including ordering the immediate inclusion of individuals upon learning that they were considered OIs, thereby bypassing established verification protocols. During a visit to the NRC office in Guwahati, a senior official intervened directly to include a resident solely on this basis. Such instances reveal how informal decision-making reshaped official outcomes, reinforcing unequal treatment under the guise of administrative pragmatism.

Judicial interventions failed to provide substantive clarity regarding the constitutional status of the OI category, thereby entrenching discretion. Although the issue reached the Supreme Court through petitions seeking definitional clarity, subsequent judgments have been criticized for perpetuating selective protections rather than enforcing the principle of equality before the law (Bhat, 2020; Bhattacharjee, 2021). This judicial equivocation enabled the OI category to remain politically contested, with parties and civil society actors arguing that its ambiguity facilitated selective enforcement against minority groups (Deka, 2017). While formally affirming constitutional equality, this legal indeterminacy nevertheless sanctioned differential treatment, leaving individuals without lineage documents—disproportionately from marginalized communities—especially vulnerable.

Across districts, NRC exclusions followed a recurring pattern: identical documents produced divergent outcomes, often fragmenting families across citizenship statuses. In the Baksa district, a respondent described how he, his wife, and children were excluded despite possessing the same legacy documents as his brothers living in another district, who were included. Similar accounts emerged repeatedly across Baksa and Darrang, where families reported exclusion without explanation despite procedural compliance. These inconsistencies were not incidental but structurally embedded within the verification process.

District-level data reinforce these experiences. While Baksa, a Hindu-majority district, recorded a 15.6% exclusion rate and Darrang, a Muslim-majority district, reported 30.9%, fieldwork revealed that exclusion did not simply follow communal lines (Assam Legislative Assembly, 2019; Author's fieldwork, 2020–2021). Instead, they were concentrated among marginalized Bengali-speaking communities clustered in specific villages such as Dalgaon and Bornodi. In these areas, many Muslim households had at least one member excluded or marked as a D-voter, generating collective vulnerability rather than isolated harm.

Respondents frequently attributed their predicament to “selective treatment” and “systematic discrimination,” especially against minorities.

The cumulative toll of such exclusions is captured by the case of a 70-year-old woman from Bornodi (in Darrang district). Declared a D-voter, she lost her home to floods, her husband suffered a breakdown and subsequently died, and she now survives as a domestic worker. “I am old and weak. Floods destroyed my house, and all my savings are gone. Why this punishment? Is it because of our name?” she asks. For her, NRC exclusion was not merely a legal classification but a process that translated directly into material deprivation, psychological trauma, and social abandonment. Similar narratives across districts reveal how exclusion functioned as a mechanism of collective insecurity.

Women were disproportionately affected by these verification practices (Aiyar, 2018; Das, 2020; Mathur, 2020; Yesmin, 2024). Gendered patterns of documentation—name changes after marriage, lack of birth registration, and limited access to natal records—intersected with shifting judicial interpretations to weaken women’s citizenship claims systematically. The Gauhati High Court’s 2017 decision in *Monoara Bewa v. State of Assam* curtailed the evidentiary value of Gaon Panchayat (GP) certificates, a crucial link document for married women. Although the Supreme Court later permitted their use, NRC officials frequently disregarded them in practice, insisting on alternative documentation that was often unattainable due to gendered barriers in record-keeping.

Procedural requirements compounded these exclusions. Women were excluded because issuing authorities failed to appear in person at hearings or because minor clerical discrepancies remained unresolved. A 50-year-old Hindu woman from Bongaigaon, along with her two children, was excluded despite submitting a valid school certificate solely because the issuing officer was absent at the hearing. Minority women were also subjected to prejudicial questioning in Foreigners Tribunal proceedings, including presumptive inquiries about links to Bangladesh, irrespective of documentary evidence, as documented by Amnesty International India (2019).

Language barriers deepened this marginalization. Many women were compelled to testify in Assamese or English—languages they neither spoke nor understood—turning legal proceedings into extensions of patriarchal and linguistic exclusion. Legal aid workers repeatedly emphasized that these procedural demands were impossible to meet for daily wage laborers and poor rural women, effectively denying them meaningful access to justice. Despite clear statutory safeguards within the Citizenship Act, the NRC process consistently undermined legal certainty. Section 3(1) grants citizenship to those born in India between 1950 and 1987, while Section 6A protects migrants who entered Assam between 1966 and 1971. Nevertheless, appeals invoking these provisions were routinely dismissed and rendered provisional through bureaucratic discretion and judicial indeterminacy. Individuals sold land, borrowed heavily, and abandoned livelihoods to sustain prolonged legal battles, often over minor discrepancies such as spelling errors or inconsistent ages.

Read together, these narratives reveal the emergence of an extra-constitutional regime in Assam, in which documentation does not resolve belonging but instead triggers recurring cycles of bureaucratic doubt. Bureaucratic design systematically disadvantages the population already positioned at the margins of the formal documentation system, rendering citizenship provisional and revocable. The exclusion of nearly two million individuals from the NRC exemplifies how legal frameworks have been mobilized to construct exclusionary

“imagined communities” (Anderson, 1991) or the “exclusive state” (Petcharamesree, 2023), in which minorities are cast as perpetual outsiders.

Rather than identifying “illegal immigrants,” the NRC disproportionately produced precarity among genuine citizens—particularly women, older persons, and marginalized linguistic communities. Documentation, instead of securing belonging, became the medium through which citizenship was governed by uncertainty rather than guaranteed by law. The lived realities of those subjected to the NRC thus expose a profound disjuncture between citizenship as law and citizenship as lived experience, confirming how exclusionary imagined communities and an increasingly exclusive state were produced through bureaucratic governance in contemporary Assam.

The game of documents

As Gupta (2012) reminded us, documents are not neutral administrative artefacts but instruments through which state power is exercised, negotiated, and contested. Mathur’s (2016) notion of the “dual state”—one orderly and rational on paper, the other discretionary and opaque in practice—offered a critical lens for understanding how documentary regimes simultaneously promise legality while producing exclusion. Assam’s NRC process exemplifies this convergence. Here, documents became both the formal basis of citizenship and the principal site through which arbitrariness, suspicion, and exclusion were enacted.

As demonstrated in the *Lived Realities* section, exclusion under the NRC was rarely a consequence of documentary absence alone. Instead, it emerged from a verification regime in which documents—often officially issued and carefully preserved—were routinely dismissed as “*nokli*” (fake). Legal aid workers repeatedly observed that “every document was viewed with suspicion,” a tendency exacerbated by the absence of archival records in many government offices. For poor applicants, who had invested decades in safeguarding fragile papers, this skepticism proved devastating. Documentation did not stabilize their claims; it intensified uncertainty, producing psychological distress and deepening their marginalization.

Field interviews across districts further reveal that acceptance or rejection of documents depended less on authenticity than on NRC officials’ subjective judgment. Bureaucratic authority thus became the final arbiter of citizenship, generating stark inconsistencies even within single households. A 52-year-old Muslim man from Baksa district described how his family’s documents were initially accepted, only to be rejected later “without explanation.” While he, his son, and daughter were excluded, his married daughters—using identical papers—were “included in another district.” As discussed earlier, such outcomes fractured countless families into divergent legal categories, underscoring that arbitrariness was systemic rather than incidental.

These inconsistencies cannot be explained solely through concerns about document fraud or bribery. However, such risks were frequently invoked to justify heightened scrutiny, and in practice, preconceived notions of “foreignness” often shaped official assessments, particularly against impoverished, illiterate, and historically stigmatized communities. Even applicants who produced documents dating back to the 1930s encountered persistent skepticism. Suspicion thus displaced verification, undermining constitutional principles of fair legal scrutiny while normalizing differential treatment along ethnic and linguistic lines.

Das (2019) contextualized these practices within a broader analytical framework. They extended Mathur's (2016) concept of the dual nature of the state—one on paper, efficient and democratic, and another in practice, corrupt and inefficient. Unlike contexts where the paper state and the practical state operate in tension, Das (2019) argued that in Assam's NRC process, the two converged. Documentary rigor was central both in principle and in execution, producing a hyper-bureaucratic environment in which marginalized populations were subject to unfamiliar legal languages, technical classifications, and procedural demands. This sudden intensification of bureaucratic discipline—imposed without corresponding institutional support—significantly exacerbated their vulnerability rather than ensuring procedural fairness.

The present study aligns with Das's (2019) analysis, while foregrounding the state's ruthless efficiency in practice. The NRC apparatus displayed meticulous commitment to evidentiary scrutiny even as it grew increasingly distrustful of the documents it administered. This paradox reflects Mathur's (2016) concept of the dual state. It captures the distinctive pathology of the NRC process, where bureaucratic diligence frequently devolved into arbitrary skepticism. Documentation did not function as a mechanism of inclusion; instead, it rendered citizenship endlessly contestable and perpetually deferred.

Gupta's (2012) insight into the power of written records further sharpened this contradiction. While documents are meant to anchor bureaucratic decision-making, excessive evaluation can paradoxically undermine their legitimacy. As Bhat (2020) observed, the state's insistence on ever-higher documentary thresholds can often coincide with the systematic erosion of trust in its own records. The NRC exemplified this contradiction through erratic rule changes, shifting interpretative standards, and inconsistent validation practices that repeatedly stripped documents of legal force. What emerged was not mere bureaucratic inefficiency, but a structurally sanctioned regime of exclusion.

Such a regime was consolidated through judicial leniency in interpretation. Supreme Court rulings like *Sonowal I and II* legitimized procedural irregularities and reinforced a securitized, ethnonationalist approach to citizenship. The resulting institutional symbiosis between bureaucracy and judiciary normalized discretionary excess, transforming citizenship from a legal status into an insecure privilege. As the preceding *Lived Realities* section illustrates, this convergence displaced thousands into prolonged legal limbo, imposing profound psychological, emotional, and material burdens on those rendered stateless or perpetually suspect.

If documentation functioned as the immediate site of exclusion, its consequences unfolded most starkly beyond verification itself—in detention, Foreigners Tribunal proceedings, and the long afterlife of precarity. Citizenship, once anchored in law, came to depend on the shifting judgments of an increasingly suspicious state, marking a decisive transition from legal recognition to governed uncertainty.

Psychological impacts of detention, deportation, and statelessness

The threat of detention, deportation, and statelessness in Assam has inflicted severe psychological and economic distress on individuals declared or suspected to be 'foreigners,' particularly among religious and linguistic minorities. Fieldwork indicates that the constant fear of exclusion disrupts daily life, erodes dignity, and breeds insecurity, especially for those without the literacy, resources, or legal access required to navigate the NRC and Foreigners

Tribunal processes. A Hindu Bihari manual scavenger in Barpeta described worsening mental health after being excluded from the NRC. At the same time, a Bengali Hindu man in Bongaigaon feared loss of employment due to his mother's D-Voter status—illustrating how stigma and material vulnerability intersect.

Elderly individuals experienced exclusion as particularly humiliating and destabilizing. A 70-year-old Muslim man from Darrang described it as an affront to his lifelong loyalty. Field interviews with older residents indicated that many internalize deep social stigma, while younger respondents reported constant anxiety over potential statelessness. The psychological toll has at times been fatal. A 30-year-old man recounted the suicide of 74-year-old Nirod Baran Das, a retired schoolteacher excluded from the NRC despite decades-old documentation (para-legal worker, personal communication, July 12, 2022). Media reports and research findings corroborate these accounts, indicating widespread mental health breakdowns among affected families, especially older persons (Das, 2018; Mujibi, 2020; Naqvi, 2019).

The economic consequence of prolonged legal uncertainty further intensified psychological distress. Families reported selling savings, livestock, or mortgaged land to pay for legal fees, travel, and documentation costs. A 60-year-old tea garden laborer from Baksa explained that the loss of livestock and income had driven her family “to penury.” Her son, missing work for NRC hearings, risked their already precarious livelihood. Social ostracism compounded this suffering. A 50-year-old Bengali Hindu woman noted that her son “has fallen into depression as neighbors avoided contact,” capturing the additional stigma faced by excluded families.

The entanglement of exclusion with detention has been especially traumatic. Even after the Supreme Court's March 2020 order permitting conditional release for long-term detainees, psychological trauma persisted. The case of 104-year-old Chandradhar Das—declared a foreigner and detained despite possessing a 1955 refugee card—symbolizes systemic failure; he died stateless in 2020 (author's fieldwork, personal communication, 2020–2021). Similarly, 58-year-old Basudev Biswas died shortly after a Supreme Court order for detainee release, and his family refused his body, questioning why a “foreigner” should be buried in India (citizens' rights lawyer, personal communication, September 6, 2020). Deportation remains largely unfeasible due to the absence of proof of Bangladeshi citizenship and discrepancies in official records (Saikia, 2019), leaving most declared foreigners trapped in indefinite legal limbo. Recent incidents, including the forced expulsion of Shona Banu, nevertheless indicate continued attempts to externalize this population.

This regime of exclusion turns citizenship from a source of security into one of anxiety, betrayal, and profound social and psychological harm. Scholars describe this condition as “precarious citizenship” (Bhat, 2020; Chimni, 2020; Punathil, 2022), in which belonging is insecure, unevenly distributed, and vulnerable to state withdrawal. As Samaddar (2018) observed, in Assam, “citizenship and statelessness have become inseparable twins,” with the burden of proof falling most heavily on those least equipped to bear it. The Assam experience thus demonstrates how citizenship law, when operationalized through presumptions and detention, produces harm that far exceeds bureaucratic statistics and is most acutely lived by those rendered rightless in their own homeland.

The citizenship dilemma – Concluding insights

This article has traced how Indian citizenship, once anchored in civic-liberal ideals, has been transformed into a regime of exclusion, with Assam as a defining site where migration anxieties, identity politics, and bureaucratic power converge to redraw the boundaries of belonging. The ‘foreigner’ is not merely a legal designation, but rather a powerful construct through which citizenship is redefined by administrative, legal, and political means, often targeting historically marginalized communities.

Assam’s layered migration history—from East Bengal’s Muslim cultivators and Hindu refugees to long-settled linguistic groups—has generated enduring anxieties that are now expressed through legal and bureaucratic mechanisms such as the NRC, Foreigners Tribunals, and the D-Voter system. Rather than resolving questions of belonging, these instruments have institutionalized suspicion, transforming long-term residents into perpetual subjects of verification. Judicial interventions, far from acting as robust safeguards, have often legitimized exceptional measures by sustaining colonial-era laws and securitized logics, thereby weakening constitutional protections. Assam’s identity politics are not reducible to Hindu-Muslim binaries but are shaped by ethnic nationalism, linguistic divides, and historical grievances. As Encinas (2017) argued, the embedding of exceptionalism within citizenship law renders exclusion structural rather than anomalous.

The findings demonstrate that NRC exclusions are neither accidental nor evenly distributed. They disproportionately affect women, minorities, the older population, and people experiencing poverty—those least equipped to meet escalating and unstable documentary demands. Citizenship in Assam thus operates less as a stable legal status than as a precarious condition contingent on ancestry, documentation, and administrative discretion. In this respect, the Assam case substantiates Jain’s (2022) observation that contemporary states increasingly manufacture statelessness through superficially neutral criteria—arbitrary cut-off dates, residence requirements, and documentary demands—rather than through explicit exclusionary laws. In Assam, the paradox is clear: those who have never crossed a border are rendered outsiders by shifting bureaucratic procedures and weaponized documentation.

Placed within a broader postcolonial context, Assam’s experience epitomizes a distinctive South Asian mode of exclusion. Samaddar (2018) reminded us that statelessness in the region is not produced by migration, but by denial of rights at home. The Rohingya crisis in Myanmar offers a point of comparison: while shaped by different historical and political contexts, both cases reveal how citizenship is hollowed out through legal reclassification, administrative coercion, and the withdrawal of political recognition rather than displacement alone. Ultimately, as Arendt (1951) warned, even the “right to have rights” becomes fragile when citizenship itself is progressively eroded through legal and administrative practices.

Assam’s experience offers urgent lessons: when rights become conditional, the very foundation of democracy is at risk. While the crisis is most visible in the state, similar exclusionary practices are now being used to target migrant families in other Indian cities, placing many in equally precarious positions. In this sense, Assam foreshadows a growing national dilemma—one that demands critical scrutiny not only to address ongoing exclusions, but also to defend citizenship as a right rather than a contingent administrative status.

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