

## **DECODING THE ISSUE OF CITIZENSHIP IN ARUNACHAL PRADESH**

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### **ABSTRACT**

Citizenship in a modern democratic society is a legal status granted by the government. It provides a universal set of rights, like the right to equality, right to freedom, right against exploitation, right to freedom of religion, and right of constitutional remedies. A few of the associated rights are the freedom of speech, expression, movement, residence, and work within any part of the country as a citizen. However, in the state of Arunachal Pradesh, a northeastern state of India, the case is unique. The idea of Citizenship in this region is somewhat different from the commonly established set of ideas about Citizenship. The state is safeguarded with various protective measures under the Indian Constitution. This empowers the tribal people and limits the rights of outsiders. The protective provision like Inner Line Permit System (ILPS) and Article 371(H), which have been used to protect the indigenous people from being exposed to or exploited by an outsider, is now being questioned. The abrogation of article 370 in Jammu and Kashmir and enactment of the Citizenship Amendment Act, 2019, has made the ethnic population suspicious about their future. This study explores the concept of Citizenship and its applicability in the state of Arunachal Pradesh through the available academic literature and commentaries on the empirical realities in the local newspapers, magazines, online websites, and other publications. This Article argues that prevailing primordial ethnic ties prevail over the idea of Citizenship in the state.

**Keywords:** Citizenship, Ethnicity, Indigenous people, Inner Line Permit, Protective Discrimination.

### **Introduction**

There is a growing body of scholarly writings and debate between 'us' and 'them,' 'insider' and 'outsider,' 'citizen' and 'denizen' more prominently in northeastern states of India. Theoretically, citizens of India should have been able to access provisions such as the right to reside, move or work in any part of the country without discrimination. However, this is not the case in Arunachal Pradesh. In Arunachal Pradesh, the rights of 'outsiders' or say 'non-tribals' are restricted. The restriction is in economic activities, land ownership, trade license, settlement, and business, basic rights that will give them recognition as equal citizens of the region. It is also worth mentioning that 'outsiders' for indigenous tribes are not confined to illegal immigrants from foreign countries. However, it also includes legal Indian Citizens and other tribal groups from other parts of the country.

Arunachal Pradesh is a homeland to 26 major tribes and 111 sub-tribes with Adi, Apatani, Nyishi, Galo, Koro, Monpa, Tagin, Mishmi, Rongrang, Singpho, Sherdukpen, Khamba, and so on according to Census 1981. The 1991 and 2011 Census did not mention the total number of tribes in the state. Thus the diversity of tribes is extraordinary. Tribes predominantly Mongolian in origin, having similarities in distinct ethnic and cultural identities, is tilted more towards people of South-East Asia than with the people of the rest of India (Rakshit, 1965). People of this region are believed to be migrated from river valleys of the north and east many centuries ago to settle in unoccupied areas up and down the longitudinal valleys (Singh, 2011). The diversity of cultures and languages seems to have resulted from this isolation. Each tribe has its particular traditional attire, folklore, and dialect within its exclusionary shell. Maintaining their mores, customary laws, and languages, they remain intact in their traditional setting with a touch of modernity in their lifestyle.

Why do these tribal people want no interference from so-called 'outsiders'? Why is such differentiation still prevalent in modern democratic society? Indigenous people of the region have their way of justifying their claims to all these why(s), which is explored in this study. This paves out a way for different insight or re-looks into the notion of Citizenship, which is far more complex and problematic.

Thus, this study aims to explore the concept of Citizenship in the context of Arunachal Pradesh. The study also deals with Inner Line Permit (ILP) as a system that plays an instrumental role in constructing the idea of exclusive or differentiated Citizenship. The methodology in this study incorporates secondary sources for data collection. Data are collected from journal articles, previously done thesis, books, newspapers, magazines, online websites, and other publications.

### **Conceptualizing of Citizenship**

In order to understand the complexity of 'Citizenship,' it becomes essential to look at how its definition has evolved with time. Aristotle defines a citizen as " who participates in public affairs" (Ackrill, 1981). Participation in the public domain was confined to a small number of people, based on necessary criteria, and stated that "citizenship nevertheless marked the emergence of the idea that man...was a political animal" but not woman (Carr, 1991). During the Middle Ages between the 5<sup>th</sup> Century to late 15<sup>th</sup> Century, the word 'citizen' now meant a resident of a town, instead of those who were subjects of feudal princes and kings in the countryside. Over the years, the word's urban connotations were removed, and it was gradually used as a synonym for and eventually as a replacement for the word "subject" (Ray, 2007). Eventually, the entire process of 'citizenization' was manifested in a nationalistic setting during the Age of Revolution (ibid.). This process was accompanied by several inclusionary and exclusionary practices centered on various forms of social control (ibid).

Although Citizenship was once restricted to a selected few based on their social standing. It is now the assurance of social status, rather than the other way around. Citizenship is commonly characterized by the responsibilities and expectations imposed on citizens. Citizenship is also described in a variety of ways in various political theories. Traditional Liberalist focuses on citizen rights and non-interference of the state's power or promotion of any particular set of values. One of the most acceptable definitions in modern industrial society is by T. H Marshall (1950), who defines Citizenship as "a status bestowed on all those who are full members of a community. All who possess the status are equal concerning the rights and duties with which the status is endowed". Turner (2014) also says modern Citizenship provides a sense of equality, emphasizing a universal set of criteria and a secular value to support claims and obligations. This principle emphasizes contract over status, secular reality over sacred reality, universalism over locality and particularity, and the value of expanding citizenship rights to all members of society. Communitarian, as the name implies, focuses on the citizen as a socially embedded unit of society and debates more on community rights, and asserts that the group is the defining center of identity. The 'independent' individual that Rawls and other liberals talk about has been criticized by communitarians like Sandal (1998), who claim that an individual's sense of identity is produced solely via relationships with others in the community of which she or he is a part. Like Communitarian, Republicanism defines Citizenship by ideas like the common good and civic virtue and advocates for a more active citizenry and widespread participation in political activities. Civic republicans like Oldfield (1990), contrary to the liberal tradition, argue that basic resources are required to promote participation in communal life rather than being considered basic rights per se. Additionally, looking at the far greater diversity of interest in modern societies, Miller (1988) proposes that Citizenship as a civic identity can help the citizens unite if

it is stronger than their identities as members of other groups, for example, ethnic, religious, and so on.

Given the variety of accounts of Citizenship, it is clear that there is no single definition of what Citizenship entails. The fact that nearly every state has a multicultural population has created a difficulty for the idea of Citizenship as a civic identity. People are becoming increasingly conscious that the notion of Citizenship, its qualities, and contents remain irrelevant for a large percentage of the world's population (Ray, 2007). Understanding Citizenship and the relationship between the various elements of Citizenship and their impact on the state's social, political integration, function, and structure becomes highly critical. Therefore, Citizenship requires a more conceptual, philosophical, and practical clarification.

### **Ethnic Identity over Citizenship**

We live in an era where multiple national and cultural states, though co-exist, it becomes difficult for ethnic identity and national identity to sit along with state identity (McCrone & Kiely, 2000). The question is, how do various communities relate to national and state identity given their ethnic circumstances? Whether they consider their nationality and Citizenship to be different from one another? Moreover, if they do, what are the possible variables? Given that we live in a modern democratic society, these are some of the questions constantly put forward by policymakers and academicians. People theoretically should have equal rights with a sense of common bond towards their state but require a more practical understanding of the situation. The trending discussions on identity how individuals view themselves as citizens and perceive themselves as one are frequently used to frame debates on the meanings of Citizenship (Isin and Wood, 1999). The topic of identity is at the center of today's contemporary debates surrounded by a group belonging, rights, and struggles for rights. One of the famous examples is Scots living in Britain, who might consider their nationality as Scottish but Citizenship as British, and similar is the case of Blacks (McCrone & Kiely, 2000). In the context of India, the significant population or at least 'mainlanders' would give a little thought to this distinction between nationality and Citizenship, since people consider themselves as Indian nationality carrying Indian passport and therefore a citizen of India. People of tribal society, however, might prefer their ethnic identity to be a better term to describe their nationality, especially in the case of Arunachal Pradesh.

People of this region place a higher value on tribal loyalties than on national allegiance as the geographical area favors the preservation of local identity. The tribal population wants no interference from outsiders from other countries and citizens from the rest of India. One of the reasons is that being an Arunachalee's sentiment was created through the notion of ethnicity. In

the present day, this has gradually led to the development of self-preserving tendencies and strong cultural sentiments in people's minds. The emerging ethnicity is also reflected in the activities of the student unions. In the context of Arunachal Pradesh, students' organization is instrumental in shaping the socio-political and economic dimensions has headed many social movements over the period. There are various political and social movements led by the students' bodies of All Arunachal Pradesh Student Union (AAPSU), All Arunachal Tribal Student Union (AATSU), All Nyishi Students' Union (ANSU), All Papumpare District Students' Union (APPDSU), and so on. The refugee issue, detection and deportation of foreign nationals from the territory, opposition to the granting of Permanent Residence Certificate (PRC), trade license to the non-Arunachalees, and adequate checks against further infiltration of foreign nationals are few movements led by these students' bodies.

Recently, events like Black Day, Cultural Protest March, sit-ins were witnessed, manifesting their emphasis on tribal identity, which was against Citizenship Amendment Act (CAA), 2019. Arunachal Pradesh is exempted from the CAA, 2019, which grants Indian Citizenship to five communities from three neighboring countries, Pakistan, Bangladesh, and Afghanistan, as the state is protected by Inner Line Permit (ILP) System under Bengal Eastern Frontier Regulation, 1873. Protestors claimed that CAA 2019 has the potential to jeopardize the cultural heritage and tradition of Arunachal Pradesh, and there is not much ILP can do (Rina, 2019). Thus, as the concept of ethnicity among the Arunachalees is very strong, any threat to their identity is unacceptable to them in any circumstances.

### **A Policy of Non-Interference: Historical and Institutional Context**

One of the significant areas of concern for the tribal people is the raising issue of immigrants and being swamped away by them. The fear of the Internally Displaced Persons (IDPs) from Assam to Arunachal Pradesh was highlighted in an agreement between the Assam Agitation Leaders (AAL) and the Central government (Prasad, 2006). In this manner, immigrants can be expected to look for residence in the plains of Assam and, through Assam, bit by bit, enter Arunachal Pradesh. The influx of immigrants, which has already affected the state's demographic profile, is due to weak governance and political instability. This fear of being influx by immigrants from neighboring countries and migrants from the rest of India has led to the feeling of hidden unrest in a suppressed form in the wake of controlling the natural resources and overpowering command over the same by 'outsiders.'

The reason that tribal people want no interference from outsiders also lies in the historical development involving various socio-political, economic, and cultural factors. This practice of

non-interference has its root as early as the time of British colonialism when a policy of exclusion of the state from the usual administrative measure was introduced. It is important to note that the state of Arunachal Pradesh was exceptional to the colonial administration; therefore, the term 'colonial' was used in the context of greater Assam when Arunachal Pradesh was priorly known as North Eastern Frontier Agency (NEFA), was submerged in Assam. Arunachal Pradesh was declared as the 'backward tract' where the applicability of laws by the Government of India was exceptional. 'Backward tract' was then classified as 'Excluded area' under a distinct administrative regime (Baruah, 2009).

One of the regulations introduced by British administrators that have promoted the restriction of outsiders in the region is Inner Line Permit System (ILPS) which persists even today with many changes in between (Singh, 2011). This is a Regulation for the Peace and Government of certain districts on the Eastern Frontier of Bengal, known as "Bengal Eastern Frontier Regulations, 1873" (BEFR) or "Inner Line Regulations of 1873". Section 7 of the BEFR states, "It shall not be lawful for any person, not being a native of the districts ... to acquire any interest of land... beyond the said 'Inner line' without the sanction of the state government" or unless the state government allows an exception. The ILPS and its provision apply only to Citizens of India. In contrast, the Protected Area Permit is required by the Foreigners under Bengal Eastern Frontier Regulation, 1873 and Foreigners (Protected Areas) Orders, 1958, respectively.

Another Constitutional provision by the Government of India is Article 371H, a protective law that acts as a foundation in protecting and preserving the state's tribal culture. A step was taken by the Government of India, keeping in view the distinct cultures, various ethnic communities, and history that has witnessed several socio-political and cultural conflicts with its neighboring states and within their community. This provides decentralization of government with some administrative autonomy. This also allows the state to resolve disputes using its local customary laws. Under this Article, the transfer of land to persons considered outsiders to the state is prohibited, similar to Jammu and Kashmir status under Article 370 (now abrogated under the Constitution (Application to Jammu and Kashmir) Order, 2019).

### **Protective Discrimination and Democratic Practice**

The system tends to protect the overall ethnic identity of the state providing distinct politics. On the contrary, such affirmative action or 'protective discrimination regime' in an era of a democratic society, which includes the Inner Line Permit that was once used to protect the indigenous people from being exploited by an outsider, has now become a question of democratic practice. It is often viewed that granting exclusive provisions to ethnic groups

negatively impacts and hamper the virtues and practices of democratic Citizenship. While supporting the tribal population of what was earlier known as NEFA (North-East Frontier Agency), Verrier Elwin (1959) believed contact with non-tribals may lead to their exploitation and unequal contest for the resources. Thus, the tribal people should be isolated from mainstream Indian society to conserve and preserve their ethnic identity, cultural, and tribal lifestyle. Ghurye (1943), on the other hand, was in disagreement with such policy and wrote, 'The acknowledgment of the so-called aborigines to follow their traditional pursuits... without any reference to the needs of the general community... was the most dangerous doctrine endorsed by the Commissioner' (cited in Baruah, 2003, p. 49).

While given the history, ethnic sentiment is seen as the most powerful weapon for unity and vigorous conflict of tribal people of Arunachal Pradesh with the political elites over the issues such as the use of limited resources of the allocation of benefits. As commenting on the framework of Citizenship, Kymlicka and Norman (2003) claim, "...more often it has served as a cover by which the majority nation extends its language, institutions, mobility rights, and political power", and therefore, Citizenship is rarely neutral (p. 11). However, this rapid growth of ethnicity is viewed as a force that has threatened the very existence of national unity and harmony (Bhadra & Bhadra, 2007; Deb, 2013; Thompson, 1986). "Like a corrosive on metal," as Ward (1991) writes on policies that encourage one's ethnicity, "eating away all the connectedness that bind us together as a nation." Thus, the unfair advantage of this privilege among the indigenous people has created an idea of 'exclusive homelands,' resulting in a distinct politics than the rest of the country (Baruah, 2003).

Moreover, many critics claim that system of protective discrimination like Inner Line Permit prima facie seems discriminatory on the grounds of Article 14, Protection of Rights and freedoms; Article 15, Prohibition of Discrimination; Article 19, Freedom to reside and settle in any part of the country (although this right is neither absolute nor unconditional); and Article 21 that is Protection of Life And Personal Liberty of the Constitution of India. Based on these grounds of Articles 14, 15, 19, and 21, a petition was filed before Supreme Court claiming the ILP system dilutes the concept of 'citizenship' and demarcates the fundamental rights of the citizen of India (Singh, 2020). Another is the case of Chakmas and Hajongs in Arunachal Pradesh, who migrated during 1964-69 from Bangladesh. The petitioner filed a writ in the case of Committee for Citizenship Rights of Chakmas of Arunachal Pradesh (CCRCAP) vs. State of Arunachal Pradesh under Article 32 of the Constitution, seeking clarification on granting of Indian Citizenship. Though granting of Citizenship Rights was acknowledged by National Human Rights Commission (NHRC) but since it violates Inner Line Permit System, no necessary

action was taken ("NHRC directs home," 2022). Additionally, in the wake of the Citizenship Amendment Act (CAA) 2019, Union Minister Kiren Rijiju stated that no Chakma and Hajong refugee could claim indigenous tribal status and will be resettled outside the state (PTI, 2022). Thus, the case remains unresolved even after their settlement in Arunachal Pradesh for more than six decades.

The experience of having a regime of Inner Line Permit in Arunachal Pradesh has been a mixed packet. In Arunachal Pradesh, there are many immigrants from neighboring countries, whom the locals feel will outnumber them if unchecked. These migrants essentially move as laborers and are stuck on after that. The indigenous people have grown insecure due to dwindling resources, employment opportunities, and elevated crime rates. The influx of undocumented and illegal immigrants, in their opinion, will worsen the situation. This feeling of insecurity largely pervades the mind of its general population. It has been able to check the number of outsiders entering and settling down in the state to some extent, and it has not achieved its purpose to properly deploy them back after the expiry of their staying period. ILP for the tribal people of Arunachal Pradesh is a proof of concept to minimize, if not wholly check, the influx of illegal immigrants from the neighboring countries.

Additionally, there looms a possibility of the Inner Line Permit being suspended or removed altogether. Though its removal may bring opportunities, open new avenues in fields such as education, trade and commerce, industries, and drive a market-based economy in the foreseeable future, the people find no reason to do so, at least now. The mere possibility of ILP being suspended will have far-reaching implications for the newer generations.

### **Conclusion**

With the growing recognition that Citizenship is meaningless in practice for many people, concern regarding Citizenship as a form of identity has received new significance. People's perceptions of their rights and obligations and if, how, and why they participate are likely influenced by their understanding of themselves as citizens. Moreover, less is known about the realities of how different people identify or understand themselves as citizens and how this has effects on their various aspects of life. After all, Citizenship stands not simply in theory but is a reality of life. Understanding how citizenship rights and responsibilities are exercised in reality for various people, in different circumstances, and different dimensions of their life involves learning from citizens themselves.

It is necessary to develop an approach that enables people to understand realities and propose strategies for change, which cannot be obtained only by studying the available literature. It can



be highlighted by developing an understanding of Citizenship by emphasizing the experiences and knowledge of citizens themselves as the primary concern. A range of participatory methods for action research on Citizenship is beginning to emerge, an attempt to provide formal spaces for the inclusion of those whose voices are rarely heard. Applying such methodologies in analyzing various individuals and groups can improve our understanding of the realities of Citizenship for different people in different situations. Furthermore, by providing spaces for individuals to voice the opportunities and problems that Citizenship brings, such analysis can improve parts of citizens and the organizations that influence their lives.

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