

The Shifting Sands of Citizenship: Dispossessions, Constitutional Ruptures and Borderlands*

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journals.sagepub.com/home/sob**Kalpana Kannabiran¹****Abstract**

This article looks at dispossession through four trajectories—segregation/‘untouchables’; eviction/‘encroachers’; de-citizenisation/‘illegal interlopers’; occupation/‘anti-nationals’—each of which destabilise the foundational basis of citizenship, and contain gendered reverberations. Violence and structural inequalities lie at the core of state practice, temper constitutional prerogatives and fuel dispossession. Impunity lies at the heart of these processes. Each of these four methods speak to a historical specificity, have distinct consequences and afterlives, different affects and engender distinct modes of resistance. The articulation of the basic idea of dispossession in these terms I argue is itself recall of the tremendous corpus of writing from the borderlands and recall of border imaginings that help us make meaning of territories by dispossession. The four-pronged rupture of constitution-speak jeopardises the constitutional imagination of the nation and affects the very claim to citizenship in the borderlands as set out *within* the contours the constitution.

Keywords

Dispossession, citizenship, constitution, borderlands, occupation, eviction, segregation

Borders are set up to define the places that are safe and unsafe, to distinguish us from them. A border is a dividing line, a narrow strip along a steep edge. A borderland is a

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vague and undetermined place created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants. *Los atravesados* live here: the squint-eyed, the perverse, the queer, the troublesome, the mongrel, the mulatto, the half-breed, the half dead; in short, those who cross over, pass over, or go through the confines of the 'normal'. Do not enter, trespassers will be raped, maimed, strangled, gassed, shot. The only 'legitimate' inhabitants are those in power, the whites and those who align themselves with whites. Tension grips the inhabitants of the borderlands like a virus. Ambivalence and unrest reside there and death is no stranger. (Anzaldúa, 1987, pp. 3–4)

This article began as a reflection on citizenship and gendered states in India in the light of the fundamental right to privacy affirmed by the Supreme Court in the *Puttaswamy* case in 2017. In a nutshell this judgment affirmed the right to autonomy, integrity, dignity and freedom from surveillance and arbitrary state action even during times of Emergency. As the article began to unfurl, it kept shifting more and more towards what citizenship was not, and from the domains of judicial affirmation of the constitution to the domains of constitutional ruptures. The question before me therefore was how does the proliferation of borderlands inform our understanding of the constitution and its relation to citizenship and state practice.

What are the technologies of rule deployed in different locales and how might we thread these together to arrive at a better understanding of Indian state? And what of the borderlands incessantly resisting the drawing/sealing of borders? In my examination, I extend the meanings of borderlands to territorial spatialities not at the 'external border'—the frontier zones of the country—alone. The historical archive is replete with cartographies of borderlands *within*, physical and 'psychic borders' as well (Zia, 2019) that witness and experience the strong arm of the state through a convergence of domination and dominion in its exercise of the 'right to maim' (to echo Puar, 2017)—cartographies also constitutive of the constitutional archive. This then sets the context for our specific examination of the counter-constitutional trajectories of state action—that throw citizenship as we understand it (in law and as experience) into crisis calling for a fine-grained analysis of the intricately braided judicial assemblages that may shore it up in turbulent times. In a sense then, the fundamental right to privacy decreed in *Puttaswamy* is an anchor in stormy, turbulent weather.

I will dwell on three broad aspects: citizenship, dispossession and constitutional ruptures from the perspectives of the borderlands.

On Citizenship

Part II of the Constitution of India elaborates the constitutional position on citizenship in Articles 5–11. Briefly re-stated, it affirms citizenship by birth, descent, domicile and choice (in the case of Partition affected peoples). Valerian Rodrigues presents an illuminating elaboration of citizenship under the constitution, as consisting of the delineation of rights, privileges and obligations; recognition of group affiliation and cultural belonging as signalling differential treatment over

and above equal rights; and the composition of public institutions calibrated to the requirement of equal but differential citizenship. The bottom line is the principle of non-discrimination. In his view, the constitution ‘adopted an inclusive and generous approach towards citizenship qualifying territorial location and stressing on associational belonging’, upholding ‘the non-denominational character of Indian citizenship’ and did not reduce a person to her ascriptive location but treated her as one who exercised her choices with respect to her future, which ‘a free and fair society had to consider...with the necessary weight for the entitlements due to... her’ (Rodrigues, 2008, p. 167).

In her recent work *Birthright Citizens*, African American legal historian Martha Jones argues that citizenship is distinct from and deeper than political rights or voting alone, and embedded in birthright (as African Americans argued long before they belonged equally in the constitution). While I cannot elaborate here on the ways in which she maps birthright, in our contexts, we must ask, what is birthright? Is it Swaraj (freedom, *azaadi*, that has distinct cadences deriving from location)? Is it the elimination of untouchability (as Dr Ambedkar observed in an editorial in *Bahishkrut Bharat*)? Is birthright embedded in the undisturbed right of forest dwellers to the forest commons—*Maava Naate, Maava Raaj* (the figure of Dr Jaipal Singh Munda in the Constituent Assembly)? Or is birthright embedded deep within the right to dignity and self-respect of *los atravesados*, the migrants, the crossers that Anzaldúa (1987) speaks of in her stunning work on borderlands? Is it all of this? For after all, as Martha Jones observes pertinently, ‘sometimes citizenship was defined in constitutions and statutes, most of the time it was not’ (2018, p. 10). How do our shifting ideas of citizenship test ‘the borders of belonging?’ (Jones, 2018, p. 35).

Even as I move ahead, I underscore in cursory fashion, the question of gender as constitutive of citizenship and state practice. As Peterson has argued, it is important to re-vision the state in gendered terms, and delineate the constitutive role of the structural violence of gender hierarchy (in its intersection with other hierarchies) in the architecture of state systems. And of course in speaking of gender, we are stepping away from reductionist binary characterisations. How does ‘androgynous politics’ constitute state practice? (Peterson, 1992, p. 32). ‘*Chhappan inch ki chhati*’ (56-inch chest), as an attribute of the majoritarian masculinist state, for instance. Indeed, opening out the gendered scaffolding of ‘core constructs’ historically, tells us very different stories of who we are and how we came to be (Peterson, 1992, p. 32). Gender drives the momentum, causes the disturbance and destabilizes an otherwise stable zone of dominant assemblages. Anupama Roy argues that citizenship constitutes ‘a condition replete with possibilities of resistance and transformative change...[signifying] a continually reconfiguring field of ‘insurgent citizenship’...informed by conflict over who belongs, how, and on what terms. It is in this unsettled/disturbed zone produced by the paradox of momentum...and hierarchy...that new idioms and practices of citizenship are articulated’ (Roy, 2013, p. 11). The question of insurgent citizenship is embedded in dominant assemblages in a neoliberal era (that stretch from non-state to state and international states) that fuel the deprivations, vulnerabilities and abdications of responsibility that mark national governance in the era of globalisation,¹ where

‘affective militarized citizenship is one more afterward of democracy-proud states determined to ward off the ghosts and the blowback they have created, while listening to the music of boots on the ground and killer eyes humming in the sky’ (Sylvester, 2018, p. 195).

Gender drives the momentum, causes the disturbance and destabilises an otherwise stable zone of dominant assemblages at different levels, where the state not just regulates and enables, but also destroys (Connell, 1990, p. 530). In attempting to set out the gendered terrains of state practice that undergird the delineation of the right to privacy, we return to Cynthia Enloe’s insistence on a ‘gender-curious investigation’ (Enloe, 2014, p. 5) that is focused on laying bare the workings of heterosexualised masculinity as a bulwark of the militarised political relations (Enloe, 2014, p. 7). Hussain’s account of the posting of ‘a young, beautiful woman officer’ whose arrival in Kashmir ‘swelled the blood of the young stone-pelters’ and made her ‘the hot topic of their discussions’ is particularly illustrative:

‘A few revolutionaries held the opinion that taking on a woman was below their dignity. Some saw a deep conspiracy in the deployment of a lady officer. Still others were of the view that once they don the uniform, men – or women – are all the same. Yet another school of thought pitied India for sending women to fight its wars’. (Hussain, 2011, p. 94)

Contrary to ‘gender neutral’ accounts of international relations, a feminist analysis helps us understand the specific deployment of state power—nationally and internationally; it helps us see the close interconnections between the national and the international, and helps us come to grips with the complexity of the embeddedness of gendered power and rule-making in the routine every day and the heightened exception. Saskia Sassen’s (2006, p. 4) examination of state assemblages—of territory, authority and rights—through processes embedded ‘deep inside territories and institutional domains that have largely been constructed in national terms in much of the world’ (Sassen, 2006, p. 3) is particularly apposite for our present reflection on citizenship and dispossession.² It is only through an investigation of this kind, therefore, that we are fully able to even imagine a cogent challenge to unlawful state action and the absence of due diligence by the state in ‘private’/closed spaces of family, caste, tribe, community and kin networks. Further, this helps us confront the preoccupation with militarised state security that predominates political realist discourses on international relations, foregrounding instead the idea of human security (Reardon & Hans, 2019, p. 1)—centred on human wellbeing, the recognition that wellbeing (and indeed human survival itself) is seriously jeopardised by interlocking patriarchies, and the understanding that war and armed conflict are fuelled by escalating human insecurity and suffering (Reardon & Hans, 2019, pp. 2–3).

Against this backdrop, I look at dispossession through four trajectories, each of which destabilise the foundational basis of citizenship, and contain reverberations of gender orders (in state and civil society). Violence and structural inequalities lie at the core of state practice, temper constitutional prerogatives and fuel dispossession—it would not be far-fetched to say that violence folds into constitutional ruptures. Impunity lies at the heart of these processes. How much of this violence,

we may ask after Upendra Baxi, is juris-generative? (Baxi, 2008, p. 93)—a question that informs our script.

On Dispossessions and the Precarity of Citizenship

Each of these four methods, in their ‘concrete particulars’ (Delaney, 2003) speak to a historical specificity, have distinct consequences and afterlives, different affects and engender distinct modes of resistance. The method may only be comprehended fully through the resistance, which lays it bare. Indeed the articulation of the basic idea of dispossession in these terms is itself recall of the tremendous corpus of writing from the borderlands and recall of border imaginings, epistemologies and philosophies that have persistently and tenaciously carved territories of resistance—tangible, intangible, psychic, emotional and political—that help us make meaning of territories by dispossession. The four-pronged rupture of constitution-speak, to anticipate my argument, jeopardises the constitutional imagination of the nation. The rupture is effected by the very claim to citizenship in the borderlands as set out *within* the contours the constitution. The territorial, cognitive and affective location of the constitutional court outside (and in opposition to) the borderlands precipitates the rupture in Indian constitutional jurisprudence, while stabilising and solidifying the constitutional imaginings within the borderlands (witness the public reading of the constitution in oppositional movements in recent times, for instance), now insurgent because they speak truth to power—power concentrated and congealed in the masculine, patriarchal (misogynist even) institutional apparatus of the state where powers no longer remain separate.

Each trajectory inscribes a specific notation on the citizen’s body; I will, therefore, name the process and the bodies it produces.

Segregation: ‘Untouchables’

Constitution of India, *Article 17: Abolition of Untouchability*: ‘Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law’.

The constitutional protection against untouchability presents a rupture in established socialities of caste by foregrounding life, dignity, liberty and non-discrimination through the abolition of untouchability. In an important sense, therefore, the anti-untouchability provisions are constitutive of constitutional sensibilities on the rule of law. At the time of the birthing of the nation, although this was a difficult (the most difficult) move in a society divided by caste, there was a consensus that the future of India lay in this move to annihilate caste. For how can a caste order survive absent ideologies and practices of untouchability? Although it was clear in the Constituent Assembly that while a special legislation might be enacted to enforce the protections guaranteed by Article 17, all practices that formed the ‘complex of disabilities’ that signalled untouchability would stand proscribed under the constitution (K. M. Panikkar cited in Rao, 1968, p. 202).

The recognition that the ideological and the material together constituted untouchability was embodied in the Protection of Civil Rights Act, 1955 (Act No. 22 of 1955) (PCA), enacted ‘to prescribe punishment for the *preaching and practice* of “untouchability”, for the enforcement of any disability arising therefrom and for matters connected therewith’ (emphasis added). The enumeration of the material expressions of untouchability in the religious, social, cultural and economic realms as well as the curtailment of socialities rooted in social boycott, spatial segregation and religious sanctions is extremely important; the PCA named and proscribed ‘psychic borders’ that held the ‘complex of disabilities’ firmly in place. Clause 7(c) and Explanation II following it are particularly relevant to our present purposes: Any person who

‘7c. by words, either spoken or written, or by signs or by visible representations or otherwise, *incites or encourages any person or class of persons or the public generally to practice “untouchability” in any form whatsoever*

Shall be deemed guilty of practicing untouchability; Further,

‘Explanation II—For the purpose of clause (c) a person shall be deemed to incite or encourage the practice of “untouchability” —

- (i) if he, directly or indirectly, *preaches* “untouchability” or its practice in any form; or
- (ii) *if he justifies, whether on historical philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground, the practice of “untouchability” in any form*’ (emphasis added).

Clearly, what the anti-untouchability provisions in the PCA recognise and proscribe are not just the literal aspects of touch, and direct touch, but also its figural aspects and metonymic expressions (to borrow from Aniket Jaaware’s delineation).³ The complex of untouchability practices and its proscription dismantle the mind–body dualism in the very framing of the criminal legislation. There is a second aspect to this that is critical—the territoriality of untouchability and complete inversion of the territorial (im)possibilities of the ‘touchable’ and the ‘un-touchable’. Segregation is now replaced through the medium of the constitution with a prescription of association as the only way ‘regimes of touch’ (Jaaware, 2018, p. 53) can come to mean the mutual touching of/by citizens in the new nation, all equals of equal worth and standing. Further, these provisions, by specifically removing restrictions on free movement irrespective of caste location, reverse the territorial dispossession that untouchability practices necessarily entail through the drawing of borders detailing geographies of exclusion, or, to use Baxi’s words ‘geographies of (in)justice’ (2008).

The material part of this argument that is immediately relevant is contained in Article 23 of the Constitution and Section 7A (1) of PCA.

Article 23: Traffic in human beings and begar *and other similar forms of forced labour* are prohibited, and any contravention of this provision shall be an offence punishable in accordance with law (emphasis added).

PCA 7A (1): ‘whoever compels any person, *on the ground of “untouchability” to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove the umbilical cord or to do any other job of a similar unlawful compulsory nature*, shall be deemed to have enforced a disability arising out of Labour, deemed to be a practice of “untouchability”....

Explanation: for the purposes of this section, “*compulsion*” includes a threat of social or economic boycott’ (emphasis added).

These provisions of the PCA and the Constitution referring specifically to the forced performance of degrading labour were reinforced further by the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 and by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 that included manual scavenging in the definition of caste atrocity. We see in this string of enactments, a shift from a prohibition of employment and construction of dry latrines, to a recognition of classes of sewerage workers and other *safai karamcharis*, not limited to dry latrines, and finally to the legislative declaration of manual scavenging *as* atrocity, bringing it squarely within the ambit of Article 17.

Questions of dignity, autonomy, self-respect, and freedom—the signposts of the constitutional right to privacy—find their specific enunciation in these constitutional and statutory provisions that proscribe contrary conduct by both state and non-state actors (civil society) and enjoin the state to demonstrate due diligence.

And yet, the state has paid scant attention to the justiciable, non-negotiable legal regimes around untouchability in the context of labour extraction tied to ‘untouchable territorialities’. We will look specifically at the practice of manual scavenging and its conflicted relationship with the state via the Swachh Bharat Abhiyan (SBA) which metonymically prescribes the very borders proscribed by the constitution, thus putting back in place territories of dispossession and displacing the articulation of the right to human dignity and equal personhood with recourse to the rhetoric of a clean and sanitised nation. Absent the annihilation of caste, and in a caste-supremacist society like India, the vision of an open defecation free India, takes on the meaning of the territory free of open defecators, a sanitised nation has to be freed from bodies that sully it.

The most painful illustration of this is the case of the lynching to death of two children, a boy aged 10 and a girl aged 12 years, from the Valmiki community by dominant caste men in September 2019. The ‘provocation’—‘open defecation’, a sully of the environs that will not be tolerated by the ‘clean castes’. Valmikis as a caste are forced to perform the task of sweepers and *safai karamcharis*—and the family of these children was refused permission to build a toilet for their use.⁴ This case also brings to mind the sexual assault and murder of two young girls in Badaun, UP, in May 2014, who had gone out into the field at night—a case which triggered the demand for elimination of open defecation as a solution to women’s vulnerability to assault. Who are these children? Why are entire communities forced to defecate in the open? Their vulnerability to assault and murder—dominant rage—needs to be understood in the context of their incarceration by caste through the forced performance of degrading labour.

These murders represent graphically for us the direct connections between a flagship programme like the SBA and the stigmatised, segregated lives of communities engaged in manual scavenging, waste disposal and conservancy work in urban and rural areas. The question really is, what do we actually mean by Swachh Bharat? Translated into English as Clean India Mission, the slogan of the Mission, taking off from Mahatma Gandhi is *Satyagraha se Swachhagraha*. This is not as we see a simple transition, as Satyagraha conveys the sense of Soul Force (the insistence on truth) in the face of British colonialism. *Swachhagraha* conversely returns us to notions of forcing cleanness through the elimination of uncleanness that is tied to ideologies of purity and pollution fuelled by caste. The force of the ‘Clean India Mission,’ I suggest, is a somersault. In its formulation and its imagery, it draws on a troubled present (and its pasts) of dispossession and exclusions based on caste and is at its core about the territoriality of touch in supremacist casteways, and the attachment of a contingent citizenship. Apart from ousting Dalits yet again from the ‘clean’ India, the programme also erases the labour of millions engaged as sweepers, sewerage workers, and manual scavengers (a Dalit workforce that is overwhelmingly female and informal) thus effecting a dual dispossession. First they are dispossessed of the de-segregated constitutionally defined commons, and then from their material contribution through daily labour to the very task of cleanliness that the Mission advocates. This is notwithstanding the ceremonial and spectacular footbaths for chosen *safai karamcharis*, or the official photo-ops with boutique brooms—Patricia Williams (1991, p. 42) had decades ago reminded us poignantly of the negation of the suffering of the poor and the histories of violence by showcasing poverty as fashion! As Subhash Gatade points out, the catchy slogans and kitschy logo of the programme,⁵ obfuscate and erase the lives and the daily humiliation that conservancy work imposes on Dalit communities despite explicit constitutional frameworks to the contrary (Gatade, 2015, p. 29), leaving us with questions pertaining to state practice in relation to caste and the constitution—and the state’s exercise of its ‘right to maim’ with impunity. At another level, however, echoing Finney (2012), we ask how the formulation of ‘Clean India/Swachh Bharat’ rooted at the intersection of ‘environment’ and ‘sanitation’, draws on and reproduces the segregations of the caste order, and appropriates ‘Mother India’ (which stretches from the public space to private spaces) to construct caste-based privilege and prerogative—the oath administered by the Prime Minister on the participants in the SBA). Contrast this to Dr Ambedkar and Bezwada Wilson:

To preach that poverty is good for the Shudra and for none else, to preach that scavenging is good for the untouchables and for none else and to make them accept these onerous impositions as voluntary purposes of life, by appeal to their failings is an outrage and a cruel joke on the helpless classes which none but Mr Gandhi can perpetuate with equanimity and impunity. In this connection one is reminded of the words of Voltaire.... “Oh! mockery to say to people that the sufferings of some brings joy to others and works good to the whole. What solace is it to a dying man to know that from his decaying body a thousand worms will come into life”. (Dr Ambedkar, quoted in Gatade, 2015, p. 33)

How can one feel proud of cleaning the worm filled, stench producing shits of millions every day? Instinctively closing our nostrils, filling our chests with what fresh air we can muster before entering these toilets, we *safai karamcharis* suffer from the worst kinds of respiratory and skin infections...many would tell us how at the age of eight or eleven they were introduced to this work; how for many days they could not bring food to their lips; how the stench of shit was constantly in their nostrils; how they were constantly spitting out the shame and the indignity. (Wilson, 2011, p. viii)

We also need to ponder about the use of Gandhi as a brand by the SBA, in the light of the framing of the colonising of labour in the service of caste that Dr Ambedkar and Bezwada Wilson speak to so powerfully. Extremely relevant to this scrutiny is the ways in which the purported ‘mechanisation’ of sewerage disposal in urban complexes harnesses ‘untouchable’ labour through what Shreyas Sreenath calls the numbing of machines that are then compensated through ‘numb bodies’ even while it removes these bodies from the purview of protective legislation, since this is not manual scavenging any more but ‘sewerage maintenance and disposal’ systems that reproduce death without respite or redress (Sreenath, 2019). And if indeed Swachh Bharat is a mission that proliferates toilets exponentially, it also proliferates incarceration by caste, since the stigma of the untouchability of shit and its handlers remains untouched by cleanliness programmes. Is there any wonder then that there are in effect no boundaries or separations between the untouchable territorialities of the scavenging-sewerage-waste disposal complex, and the untouchable bodies of ‘scavengers’, both marked by absolute segregation of touch presenting the most aggravated constitutional rupture in its delineation of dispossession? Different regimes of surveillance power this regulative regime of caste—to echo Jaaware, ‘different regimes of looking, seeing and watching...operate depending on place’ (Jaaware, 2018, p. 111). Societies of inheritance (of privilege) are shored up by societies of dispossession—which are also, lest we forget, societies of resistance and disobedience that invite new imaginings and pathways of the constitution for the future that draw from Dalit experiences of casteways and its supremacist territorialisation.

Eviction: ‘Encroachers’

‘Can you tell me, we women being mothers, what kind of future we are giving to our children? Are we not passing on our past as their future? Have we undertaken these innumerable treks to do just that?’ (Santhal woman to anthropologist Narayan Banerjee, 1982, quoted in Mazumdar, 2016, p. 179).

In February 2019, the Supreme Court ordered the eviction of lakhs of people whose claims as forest dwellers had been rejected under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) (Kannabiran, 2019). The area marked for eviction for the most part falls under Schedule V and Schedule VI of the Constitution. What this in effect means is the dismantling of an entire constitutional architecture that prescribes the non-derogable boundaries to Adivasi homelands and institutional mechanisms that

promote autonomy and restrain interference in governance. This evisceration of cardinal constitutional protections for forest dwelling communities by the Supreme Court is examined in this section in the context of constitutional guarantees to autonomy, liberty, dignity and fraternity. Clause 5 of Article 19 of the Constitution places limitations of the freedom of movement and settlement by the general public in the interests of Scheduled Tribes.

The FRA protects homelands and habitats of forest dwellers and their right to residence and self-governance. And this demarcation of an area protected from interference sits at the core of the right to citizenship for forest dwelling communities.

The single most recurrent theme in accounts of Adivasi struggles, rights, assertions and counter assertions is 'land'—simultaneously, forest, grazing lands, homelands, villages (habitations/hamlets/settlements), commons, homes and territory (with demarcated boundaries and explicit jurisdictional and juridical characteristics). The land is also mobile with pastoral and other nomadic, peripatetic and foraging communities moving back and forth re-drawing their territories and intermittently settling into sedentary rhythms for varying lengths of time. In inhabiting land, there are specific relationships that are constructed between territory, identity and experience—lifeworlds that are the subject of collective memory, recalled in specific forms of ritual, kinship practices, sociality and forms of worship—as was evident in the case of Niyamgiri. Forestscapes frame the question of territoriality in ways in which space and imagery meld together blurring the lines between life and art (Devy, 2006, p. 71), with 'cultures [creating] and ["producing"] territories...through the process of reproducing and re-creating themselves...fundamentally *constitutive* of the social orders whose features they express...' (Delaney, 2005).

There are two aspects of territoriality that merit specific mention: residence and mobility. An important part of the relations to land has been the *inherent right* of mobile, nomadic communities to move without restraint—mobile territoriality. The forest itself has boundaries that are porous, the people dwelling in the forest carrying the boundaries with them in their incessant travels. The concerns of these communities are not limited to livelihood and residence alone, but spread out over issues of ecology, environment, conservation, regeneration and knowledge systems that are all part of the political economy of the forest. For peoples who live in a symbiotic relationship with land, water, forests, habitats and habitations, the death of water is a living, continuous dispossession (for instance, the distinction Padel and Das [2016, p. 226] make between 'living' and 'dead' water).

A central concern that arises from their location in the forestscape is that of governance, autonomy and self-determination. However, it is just this focus that poses a threat to the interpretation of sovereignty in relation to settlement by the colonising state. And yet, it is that very autonomy—the sovereignty of the people braided with their right to autonomy in their homelands that is embedded deep within the constitutional and statutory construction of citizenship in this instance.

We return to the innumerable treks of the Santhal woman through desolate landscapes of dispossession who speaks to Puar's notion of 'the debilitation of

generational time', a dis-entitled temporality connecting a dispossessed past with an anticipation of dispossession as the only future for her children. The critical question is, what is the move through which dispossession may be resisted? Jharkhand is a flashpoint even as we speak.

Finally, on this point, in the present moment where citizenship hinges on 'legacy documents', the idea of legacy documents itself needs to be re-configured. The forests of this country and its habitats *are* the legacy documents for entire communities of forest dwellers. Are the 'encroachers' those that dwell in and regenerate forests from within or are they those that colonise it from without—sometimes in the name of eminent domain, at other times in the name of wildlife conservation? The ordering of the eviction of forest dwellers is without doubt violence that is juris-generative, involving a dual deployment of violence by a constitutional court: negating constitutional safeguards (at the normative level) and establishing biopolitical control by triggering physical expulsion and maiming bodies and environments (Puar, 2017, p. 129).

De-Citizenisation: 'Illegal Interlopers' (Avaidh Ghuspaitiye)

The Indian Parliament in December 2019, passed the Citizenship Amendment Act 2019 (CAA), that redefines the terms of Indian citizenship in far-reaching ways. Section 2 of the Citizenship Act, 1955 defines an 'illegal migrant' (a person who enters the country without valid legal documents or enters with valid legal documents but overstays the stipulated period of valid stay): These are the only two situations contemplated by the Act at its inception. Subsequent amendments, after the Assam Accord setting deadlines for migrants in Assam to qualify for citizenship and again introducing the OCI category stayed within the original non-denominational template. This section, as it was amended in December 2019 reads:

Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act.

The amendment to Third Schedule of the Citizenship Act, 1955, that stipulates a minimum time period for application for citizenship consists of the insertion of a Proviso that states:

Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as '*not less than five years*' in place of '*not less than eleven years*'.

The binary of citizen and non-citizen is officially morphed into a binary of refugee or *sharanarathi* and illegal infiltrators (*avaidh ghuspaitiye* variously

translated as illegal migrant, intruder and infiltrator) solely predicated on religious denomination:

I wish to make this clear. There should be no confusion among the people and no confusion in the media....*There is a distinction between ghuspaithiye and sharanarathi.* Any person who leaves one country and goes to another in order to protect his dignity (*maanyata*), his identity (*astitva*), his self-respect (*svamaan*), his religion (*dharm*), he is a *sharanarathi*. A person who enters a country illegally for livelihood or other reasons is a *ghuspaithiya*. There is no confusion at all in the mind of the Bharatiya Janata Party on this matter (emphasis added).⁶

The Citizenship Act, 1955 makes no such distinction. It is useful if only briefly, to return to the debates on citizenship in the Constituent Assembly, the only article according to the Chairman of the Drafting Committee, that gave them ‘such a headache’ (Rao, 1968, p. 150). Jayal points to the fraught nature of the debate on citizenship in the Assembly, where ‘[t]hrough the markers of religious difference were not openly displayed, they are easily spotted in the consistent use, in the Assembly, of the words refugee and migrant for distinct categories of people—Hindus fleeing Pakistan described as refugees, the returning Muslims described as migrants—subtly encoding religious identity in a shared universe of meaning’ and yet, in the final analysis, a ‘modern, enlightened, civilised’ definition was adopted (Jayal, 2019b). While several definitions were contemplated, Alladi Krishnaswami Ayyar drew the attention of the house to the two principles on which the law of citizenship may be based: *lex sanguinis* (blood and race regardless of place of birth) and *lex soli* (grounds of birth). The suggestion of the Advisory committee was to adopt the *lex soli* principle, which was commended by Sardar Vallabhbhai Patel who ‘referred to the struggle against racial discrimination in South Africa...and to the demand of Indians settled there on the ground of their birth. He cautioned members not to take a narrow view of the subject and introduce racial phraseology in the Constitution...“It is important”’ he said, “to remember that the provision about citizenship will be scrutinized all over the world”’ (Rao, 1968, p. 152). Given the backdrop of Partition, it was generally felt that the definition of citizenship must be broad enough to accommodate persons with ‘some kind of territorial connection with the Union, whether by birth, or descent, or domicile’ and who ‘had not made his permanent abode in any foreign country’ (Rao, 1958, pp. 158, 162). Clearly even while there was an animated discussion on how citizenship should be defined, the ethnic/racial basis and distinctions between religious faith of the seeker, did not prevail.

It is against the backdrop of these debates that we need to ask, if citizenship is a precondition for the right to dignity, self-respect and autonomy, what does dispossession as de-citizenisation entail? What are its determinants, its afterlives and its aftershocks? Dispossession in this sense consists of twin moves—‘the ousting of disfavoured groups and the simultaneous invitation to preferred groups’ (Jayal, 2019a, p. 1).

In official averments, we discern a clear shift from the principle of *lex soli* to the principle of *lex sanguinis*—from citizenship on grounds of birth to citizenship on grounds of race and descent that began in the mid-1980s but reached its

nadir in 2019. For even while the distinction between a refugee or *sharanarathi* and illegal ‘migrant’ or *avaidh ghuspaithiya* is deeply problematic, the selective sealing and opening out of refugee passage tell a story that rocks the founding premises of the country.⁷

The spectre of the potential or actual ousting from citizenship into statelessness along with its concomitant denial of livelihoods, dignity and fundamental freedoms and vulnerability to violence, especially but not only, state violence is particularly chilling. For the term *ghuspaithiya* already is a call to violence. The term used primarily with reference to infiltrators across the border from Pakistan locked in armed combat with Indian soldiers is now generalised to refer to migrants.

Samaddar draws our attention, very pertinently, to the constructions of the inside and the outside of the nation, and the derivation of the inside from the interiority of social similarity and an eschewal of difference and diversity, mirroring the logic of caste orders. The Other is dangerous and must be ousted both from the imaginary as well as from the physical environment (Samaddar, 2018). It is this homogenising of identities and the surveillance (through biometrics and camps) of the Other that acquires a particularly aggravated traction under right wing majoritarianism with specific consequences for women.

Within the construction of statelessness as well, religious identity, class and gender intersect to produce vulnerabilities that are rooted in post-marital relocation, absence of immovable property and forced mobility induced by precarity in the labour market or by absence of resources to stay rooted and claim an intergenerational presence in a particular place. Already forced to live in abject poverty, people struck off the lists travel endlessly between the foreigners’ tribunals, detention centres and various state authorities living in fear of being dispossessed of citizenship and trying to grapple with the meanings of that loss in material terms. Dispossession signals a disappearance of legitimate territory from their lifeworlds. We return to our earlier observations on regimes of territorialisation being a function of power and a way of reinforcing geographies of exclusion.

Lost in this debate is the legacy of labour that is built up by communities in the borderlands. It is labour that renders territories habitable and drives economies—local, regional, national and international. Their labour under often exacting conditions of unfreedom is then the legacy they bequeath to this country—we see here an inversion of the idea of legacy. It is not the migrants that fall short; it is the nation that is unwilling and unable to redeem its debt to people in flux.

Finally, despite official constructions of binaries and classifications of citizens, migrants, patriots and anti-nationals, we see unfolding before us extremely complex histories of migration and settlement, each region, each state, each social class calibrated by gender presenting a very different history that requires specifically conceived resolutions.

At the heart of the citizenship debate is the refusal to acknowledge claims of Muslims to refugee status, and the insistence that it is only Islamic states that produce (non-Muslim) refugees. Bangladeshi writer Tasleema Nasrin, who has had to live in safe havens in India and abroad for over two decades now, although she has come out in support of the CAA, will not qualify for

refugee status, nor also university teacher Junaid Hafeez who has been sentenced to death for blasphemy in Pakistan. The exclusion of non-Islamic neighbours like Sri Lanka and Myanmar crystallises this blinkered definition of persecution by states, which is defined under this scheme in denominational terms that also do not include religious persecution of minority sects among Muslims, for instance. Mamdani's insistence on focusing on those excluded from the list of legitimate claimants to refugee status bears repetition, as it exposes the CAA as 'a demonic rather than a benign legislation' that refuses to acknowledge the Muslim as anything other than a perpetrator of violence, demonizing the community: 'The official discourse thus seeks to present Muslims as a politically and morally legitimate target for persecution by a government-mobilised majority' (Mamdani, 2019).

What then are the ways in which the CAA and its 'implementing mechanism' the NRC speaks to our understanding of denominational dispossession? In order to comprehend fully the implications of this denominational dispossession, it is also important, as Samaddar cautions us, to view the spectre of statelessness within a larger perspective of intersecting marginalities, and the machinations of state-driven politics of hate. Who are these *ghuspaithiye* that must be expelled? They are for the most part already people who inhabit the borderlands, and belong to communities with little recourse to any livelihood other than very precarious employment in informal labour on the edge. As Martha Jones observes in another context, 'What cost is there to be paid by a nation that permits people to work, create families, and build communities within its geopolitical borders, but then declines to extend them membership in the body politic?' (Jones, 2018, p. 35).

On the broader level, what is important, however, is to map the perspectives of the borderlands and the experiences of (the anticipation of) de-citizenisation to comprehend fully what this dispossession in fact means in terms of the right to dignity and freedom. And if the rejection of this mode of dispossession and resistance against it is as strong as it is, and evokes brutal violence by the state that has never been seen in this magnitude, especially against youth, we are forced to contemplate on the deep stakes we as citizens have in our country of birth, descent, domicile or permanent abode, as the case may be. And perhaps the resistance anticipates the danger of the dispossession of de-citizenisation disappearing our collective futures. We move in Samaddar's words from 'a century of partitions' to 'the century of stateless people' (Samaddar, 2018) and to dispossession through the politics of maiming and territorial enclosure trained to 'annihilate difference' (Hinton, 2002).

Occupation: 'Anti-nationals'

'The rivers of Kashmir, and across its lands, are the graveyards of our dead'.⁸

'For me, the bunker represents an occupation of memories' (Mir, 2011, p. 49)

The revocation of Article 370 and 35A of the Constitution of India and the fragmentation of the state of Jammu and Kashmir into two Union Territories—Jammu and Kashmir and Ladakh—in August 2019 bring into sharp focus the question of

Kashmir and our understanding of the dispossession. For as Delaney observes, ‘the strategic reinterpretation or rereading of the meanings inscribed in territories may be a highly significant strategy for restructuring the workings of power,’ and importantly to diminish the territoriality of *azaadi* and augment the spatial scope of policing (Delaney, 2005, p. 30).

We examine Kashmir here through the prism of occupation and attempt to map the ways in which statehood or its erasure constitutes a politics of masculinity in internal governance and international relations. For although the government has repeatedly averred that Kashmir is an internal matter for India, it has even more often than that invoked the troubles of ‘cross-border terrorism’ and a war—actual, ideological and ever-in-anticipation—with Pakistan. This is quite apart from the fact of demands for justice and peace in Kashmir and for the return of life untroubled by militarisation, securitisation and its dark perils on an everyday level.

While it is outside the scope of the present article to examine Kashmir at length, suffice it to say that the erasure of the state of Jammu and Kashmir has a long and troubled history, of the suspension of the rule of law through military occupation to quell insurgency authorised by the Armed Forces Special Powers Act, phases of heightened armed militancy, and the everyday resistance of the (extra)ordinary people of Kashmir, through public mourning, *kani jang* (war with stones), and tenacious non-cooperation, especially by women and young people (Kak, 2011, pp. xi–xii).

What are the ways in which the occupation helps us deepen our understanding of dispossession—a process rooted in the 60-year history of the region, with its early beginnings in the Kashmir Conspiracy Case. The reverberations of the judicial and statist discourses on conspiracy that travel from insurgent locales to the centre of the nation, setting up borders within, and proliferating borderlands through state action, into our present time to quell resistance, tells us the story of the fight of the borderlands for dignity and citizenship in the face of a string of regimes of excess.

How does one re-tell the stories of unimaginable violence in the everyday and in war, embedded alike in discourses of nation and state building? How does one open out to view the erasures and the intractable as well as conscious ways in which women are disappeared from the narratives on sexual violence? What is the place of law—the constitution, importantly, in social recognition of suffering? What do processes of redress and solidarities of fact-finding entail for the survivor especially in terms of her interiority and her dwelling within herself, her family, her neighbourhood/community. What is the place of ethics in the juris-diction of pellet guns, human shields, disappearances, half widows, sexual violence, internet shutdowns, concertina wires, drones, snipers, guns, boots, armed convoys, perennial curfews or a shutdown of the state? What do we understand of civic resistance if the groups that resist are Pellet Blinds Association, or the Association of the Parents of Disappeared Persons, or the Association of Half Widows? (Ganai, 2019). The interplay of territorial enclosure and virtual enclosure, as Puar notes in the case of Palestine, is ‘the epitome of an asphyxiatory regime of power’ (2017, p. 135). What might be the contours of an ethical constitutional interpretation in times of profound violence and conflict? The experience of occupation in

Kashmir places before us searing questions about how much we really understand about inhuman biopolitics and its debilitation of the futures survivors carry themselves into.

This is the dispossession of occupation, saturated with grief and anger, and ferocity and impunity.

Of Borders, Borderlands, and Citizenship

What are the meanings of ‘possession’? If we sidestep the articulation of possession as appropriation of property, and attempt as Butler and Athanasiou suggest, an elaboration ‘on how to think about dispossession outside of the logic of possession ... that is, not only avoiding but also calling into question the exclusionary calculus of proprietariness in late liberal forms of power...’ (2013, pp. 6–7) and simply take possession to mean usufruct—the right to reside, to be left in peace, and the right to life with dignity, at the bare minimum, how may we posit the *problem* of dispossession so that we have within a theoretical assemblage, the *idea* of what it means to be dispossessed? Can the experience of dispossession even be fathomed from the outside? What is the place of empathy in the understanding of dispossession? The ‘national’ in this imaginary is a residual category—not one that is stable and constitutive of the nation. The stability outside the borderlands—in the ‘inside’ of the nation, so constructed is an ephemeral one that is politically fragile. In the proliferations of borderlands how may we understand the ‘inside’ and the ‘outside’ of citizenship? Who has the prerogative to dispossess and from what?

Graded territorialities reflect graded social orders—and to the extent that gender is constitutive of social orders, deeply intersectional gender orders are expressed through the minutiae of territory, microprocesses of territoriality and the juggernauts of supremacist territorialisations and enclosures as well.⁹ Dispossession is rooted in territoriality and territorialisation and proliferates grave harms and human suffering.

The constitution of India navigates the minefield of territorialities of dispossession by framing dispossession and ‘touching’ the borderlands, drawing boundaries around the borderlands, thus reconfiguring dispossession around to its opposite—territories under the special protection of the constitution.¹⁰ In reverse order these are: Articles 370 and 35A, Part II of the Constitution and the CAA, Schedules 5 and 6 of the Constitution of India and the FRA 2006, and Articles 17 and 15(2) of the Constitution of India. Whether Kashmir, or the CAA, or protections to forest dwellers and Adivasis, or the proscription of practices of untouchability and supremacist casteways, exclusion and injustice in the social order is recognised as rooted in particular notions of hegemonic territoriality, and particular ‘modalities of maiming’, the reversion of which then forms the basis of claims to justice. Touch then, to extend Jaaware’s argument, is not limited to particular physical bodies alone nor to ‘literal touch’, but to [institutional] ‘bodies’ that govern bodies geographically rooted (Jaaware, 2018). We also suggest that the body itself *contains* territoriality through ‘regimes of touch’ (Jawaare, 2018, p. 53)—in specific ways. How then do we understand the body *as* territory?

The thing about borders is, that even while conveying a sense of permanence, of inviolability, borders—both tangible territorial borders and ‘psychic borders’ shift back and forth, through war, and ‘tactical government’ (Puar, 2017) but also through memory, mythology and affect. While borders signal *geographies of exclusion* (Sibley, 1995), there are borders that segregate, borders that evict, borders that deport/expel and borders that colonise/occupy—there are distinctive discursive practices around each of these, that convey distinct meanings of the inside in relation to the outside. It is the outsider—variously labelled ‘untouchable’, encroacher, ‘infiltrator’, ‘anti-national’—that signifies the attributes of the insider, presumed to be the legitimate bearer of full citizenship. In Delaney words, ‘[t]he border is not simply a line on a map. It and the territories it marks and separates are conditions of living and dying’ (Delaney, 2005, p. 4). Territories themselves may be seen in clusters of finely graded assemblages that define and delimit access, rights and ownership—the *velivada*, the forest village, the walled city, the mosque that was, detention camps, or an entire state and its people. These are subjugated territories, territories of dispossession held in place by dominant territorialisations fuelled by the state and delegated to majoritarian surveillance. Looking at territory and territoriality from the prism of dispossession helps us problematise territory and indeed the nation, forcing us to engage with questions of ‘national interest’, ‘national integrity’ and importantly ‘national security’—leading us directly back to questions of privacy, consent and surveillance that *Puttaswamy* raised.

Borderlands destabilise borders and inscriptions of territoriality in very different ways, evocative of the multiplicities of socialities, associations and habitations, rendering geographies of experience intelligible (Delaney, 2005, p. 2). Central to mapping these geographies, is the historical fact of the subjugation of knowledge and expropriation of resources that spring forth from the borderlands.

‘Gah chyoun pewan gatti, aki latti yeyam na?’
 [You illuminate my dusk; will you return to me once more?]
 (Habbeh Khotoon cited in Zia, 2019, p. 4)

Habbeh Khotoon’s melancholic longing for the return of her beloved, the Kashmiri King Yusuf Shah Chak imprisoned by the Mughal emperor in the 16th century is also a lament for the return of freedom to her land, Kashmir. Habbeh’s lament recovers its voice in the dirges and mourning and the quintessentially female protest traditions that drive the incessant search by Kashmiri women for their men—sons, husbands, brothers, fathers, who have been disappeared over the past three decades (Zia, 2019, among others). Collective mourning as resistance has since acquired a wider relevance in our national context. The re-instatement of this experience and ways of knowing interwoven with a resurgent public constitutionalism, might help us reclaim the idea of citizenship as birthright and reinscribe the territorial contours of the commons—constitutional and geographical—by ‘occupying’ them, signalling a way forward, ‘a gesture towards possibility’ in Toni Morrison’s words (cited in Finney, 2014, p. 16).

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1. We use ‘assemblage’ in the sense that Sassen uses it, that is, in its most descriptive, dictionary sense, to point to a cluster of practices—that either (a) draw legitimacy from legislative, executive, judicial and dominant non-state status positions or (b) represent the assembling of practices of resistance against state (in)action (direct and indirect) (see Sassen, 2008, p. 5).
2. ‘Territory, authority, and rights are complex institutionalizations constituted through specific processes and arising out of struggles and competing interests.... They are interdependent, even as they maintain their specificity.... Across time and space, territory, authority, and rights have been assembled into distinct formations within which they have had variable levels of performance.... Using these three foundational components as analytic pathways into the two distinct assemblages.... the national and the global, helps avoid the endogeneity trap’ (Sassen 2006, pp. 4–5).
3. For a more detailed look at untouchability and the law, as also a review of the relevant literature (see Kannabiran, 2012). We do not here revisit this entire debate but limit it to one aspect of the performance of forced labour.
4. “[Their] mud house has thatched roof and plastic sheets as walls. It does not have electricity connection. A functioning toilet would need a septic tank or a connection to a sewage network, enough water to clean and flush, and regular flow of water in flush tank. None of these are things the Valmikis look remotely close to being able to secure for themselves’ (Dutta, 2019). Also see Gatade (2015).
5. ‘Ab hamara kartavya hain ki gandagi ko dhoor karke Bharat Mata ki sewa karein’ (Now, it is our duty to serve Mother India by removing filth)—the oath administered by the Prime Minister on the participants in the SBA.
6. Amit Shah. Press Conference on National Register of Citizens (31 July 2018). https://www.youtube.com/watch?v=z5p85_d_IWE
7. As Niraja Jayal (2019a) observes, this signals an undermining of the idea of India at multiple levels—the erosion of pluralism, the shift to ethnic community, the divesting of human rights and dignity, and the unwillingness to engage with the problem of statelessness at an international level.
8. Woman mourning her son (Baramulla. 2009). Cited in *Buried Evidence*, p. 3.

9. While the question of territory is not limited to the territorial state, in this article, I look at territory in relation to the territorial state, that is, at two deeply contestatory ideas of territory and territoriality in each pairing.
- 10 We draw here on Jaaware's classification of touch into good-bad, literal-figural, altruistic-violent, and map the typology of touch onto territories of dispossession and geographies of exclusion (Jaaware, 2018).

References

- Anzaldúa, G. (1987). *Borderlands/La Frontera: The new mestiza*. Aunt Lute Books.
- Baxi, U. (2008). Outline of a 'theory of practice' of Indian constitutionalism. In R. Bhargava (Ed.), *Politics and ethics of the Indian constitution* (pp. 92–118). Oxford University Press.
- Butler, J., & Athanasiou, A. (2013). *Dispossession: The performative in the political*. Polity Press.
- Connell, R. W. (1990). The state, gender and sexual politics: Theory and appraisal. *Theory and Society*, 19(5), 507–544.
- Delaney, D. (2003). *Law and Nature*. Cambridge University Press.
- Devy, G. (2006). *A nomad called thief: Reflections on Adivasi silence*. Orient BlackSwan.
- Delaney, D. (2005). *Territory: A short introduction*. Blackwell Publishing.
- Dutta, A. (2019). What the MP children's murders tell us about caste and cleanliness. *The Wire*, 27 September.
- Enloe, C. (2014). *Bananas, beaches and bases: Making feminist sense of international politics* (2nd ed.). University of California Press.
- Finney, C. (2014). *Black faces, white spaces: Reimagining the relationship of African Americans to the great outdoors*. The University of North Carolina Press.
- Ganai, N. A. (2019). Is it Kashmirisation of India? Not by any stretch. *Outlook*, 22 December.
- Gatade, S. (2015). Silencing caste, sanitising oppression: Understanding Swachh Bharat Abhiyan. *Economic and Political Weekly*, 50(44), 29–35.
- Hinton, A. L. (2002) (Ed.). The dark side of modernity: Toward an anthropology of Genocide. *Annihilating difference: The anthropology of genocide* (pp. 1–40). University of California Press.
- Hussain, A. (2011). Respected Shobha Rani. In S. Kak (Ed.), *Until my freedom has come: The new intifada in Kashmir* (pp. 94–95). Penguin.
- Jaaware, A. (2018). *Practicing caste: On touching and not touching*. Fordham University Press.
- Jayal, N. G. (2019a). *Faith-based citizenship*. www.TheIndiaForum.in. 1 November.
- Jayal, N. G. (2019b). *The CAA and NRC together will reopen wounds of partition and turn India into a majoritarian state*. www.scroll.in. 29 December 2019.
- Jones, M. S. (2018). *Birthright citizens: A history of race and rights in Antebellum America*. Cambridge University Press.
- Kak, S. (2011). The fire is at my heart: Introduction. In *Until my freedom has come: The new intifada in Kashmir* (pp. ix–xxiv). Penguin.
- Kannabiran, K. (2012). *Tools of justice: Non-discrimination and the Indian Constitution*. Routledge
- Kannabiran, K. (2019, 23 February). Without Land or Recourse. *The Hindu*.
- Mamdani, M. (2019). Uncovering the CAA's larger stratagem. *The Hindu*, 31 December.
- Mazumdar, I. (2016). Unfree mobility: Adivasi women's migration. In M. Radhakrishna

- (Ed.), *First citizens: Studies on Adivasis, tribals and indigenous peoples in India* (pp. 178–206). Oxford University Press
- Mir, H. (2011). How I became a stone-thrower for a day. In Sanjay Kak (Ed.), *Until my freedom has come: The new intifada in Kashmir* (pp. 47–49). Penguin.
- Padel, F., & Das, S. (2016). Bauxite business in Odisha. In Nandini Sundar (Ed.), *The scheduled tribes and their India: Politics, identities, policies and work* (pp. 223–253). Oxford University Press.
- Peterson, V. S. (1992). Security and sovereign states: What is at stake in taking feminism seriously. In *Gendered states: Feminist (re)visions of international relations theory*. Lynne Reinner.
- Puar, J. K. (2017). *The right to maim: Debility, capacity, disability*. Duke University Press.
- Rao, S. (1968). *The framing of Indian constitution: A study*. Indian Institute of Public Administration.
- Reardon, B. A., & Hans, A. (2019). Introduction: Challenging patriarchal violence. In B. A. Reardon & A. Hans (Eds.), *The gender imperative: Human security vs state security* (2nd ed., pp. 1–4). Routledge.
- Rodrigues, V. (2008). Citizenship and the Indian constitution. In R. Bhargava (Ed.), *Politics and ethics of the Indian constitution* (pp. 164–188). Oxford University Press.
- Roy, A. (2013). *Gendered citizenship: Historical and conceptual exploration*. Orient BlackSwan.
- Samaddar, R. (2018). The NRC process and the spectre of statelessness in India. *The Wire*, 25 October 2018.
- Sassen, S. (2006). *Territory, authority, rights: From medieval to global assemblages*. Princeton University Press.
- Sibley, D. (1995). *Geographies of exclusion: Society and difference in the West*. Routledge.
- Sreenath, S. (2019). Numbing machines: Manual scavenging's reconstitution in 21st century Bengaluru. *Economic and political weekly*, 54(47), 55–60.
- Sylvester, C. (2018). Afterwards. In S. Parashar, J. A. Tickner, J. True (Eds.), *Revisiting gendered states: Feminist imaginings of the state in international relations* (pp. 191–196). Oxford University Press.
- Williams, P.J. (1991). *The alchemy of race and rights: Diary of a law professor*. Harvard University Press.
- Wilson, B. (2011). Foreword. In G. Ramaswamy, *India stinking: Manual scavengers in Andhra Pradesh*. Navayana.
- Zia, A. (2019). *Resisting disappearance: Military occupation & women's activism in Kashmir*. University of Washington Press.