Borders, Histories, Existences
Dedicated to . . .

Ranabir Samaddar
and
Willem van Schendel—
Chroniclers of other borders
Content

List of Maps ix
Preface xi
Acknowledgements xxii
Introduction: Histories and Historians of Borders xxiv

Section I: Borders and their Pasts

1. Aliens in the Colonial World 3
2. Borders as Unsettled Markers: The Sino-Indian Border 39
3. The Line of Control: Kashmir 62

Section II: Life on the Border

4. Circles of Insecurity: The Border People 87
5. Negotiating Differences: The Indian State and its Women in the Borderlands 137
6. Mobile Diseases and the Border 160

Section III: Law and the Border

7. Border Laws and Conflicts in North-east India 199

Epilogue 228
Bibliography 235
Index 246
About the Author 254
List of Maps

2.1 The Traditional Customary Boundary Line between India and China, as claimed by Peking 40
2.2 India’s Northern Border and the Nature of India–China Border Dispute 43
2.3 Pak Occupied Kashmir and the Aksai-Chin Region 45
3.1 Jammu and Kashmir 64
4.1 India–Bangladesh Border 116
4.2 India–Myanmar Border 118
5.1 North-east India 140
6.1 Indicative Routes for the Flow of Drugs and Precursors in the North-east of India 162
6.2 Map of Manipur 187
7.1 India’s Chicken’s Neck 210
7.2 Map of Nagaland 214
Borders, Histories, Existences
Preface

This book would not have seen the light of day, but for accidental encounters and incidental occurrences. A few years ago, I was invited to a seminar where I presented a paper arguing that historians in South Asia find it problematic to write on borders. My commentator, a historian, was livid that I had dared to critique his tribe. I was faced with the persistence of what Roland Barthes termed as the ‘doxa’ of historical opinion, in this case, about borders. The problem, of course, is that such an approach tends to leave the ‘normative’ discourse about borders uninterrogated. I completely failed to make my commentator realise that I too belong to the same tribe and my comment was in no way a personal attack on the people involved in the profession. Instead, I decided to write this book and hence, extend my gratitude to him for provoking this response. This is a historical work on borders and bordered existences, with a special emphasis on the gender dimensions of these existences. The work is replete with experiences of women, because I argue that the women that are geographically located in the borders define those very borders as well as themselves. Therefore, this work falls within the genre of critical feminist history. This is also a work on the security/insecurity of vulnerable communities living around the borders. Post-colonial societies everywhere are caught up in the politics of borders leading to extreme sensitivity about issues of security/insecurity around the question of population settled/unsettled in and across these borders. Added to this problem is the understanding that the ideological construction of the state is almost always weighted against ethnic, religious and other minorities who then are usually relegated to the borders of democracy. Democracy is affected
by the socio-spatial consciousness of those who construct it. Nationalistic democracies aim at being a hegemonic form of territorial consciousness. National identity links territory to culture, language, history and memory. The process of nation-formation legitimates national identity by tracing it back to fictional common pasts of specific groups. It also simultaneously privileges/marginalises certain territories. It is therefore crucial to reflect on how discourses of national identities are created by privileging certain spatial units, such as the borders. This forces us to reflect on the connection between territory, political community and democracy. It has been argued that the moral significance of a place becomes evident when places are conceived not as locations in space, but rather as related to individual subjects. Privileged/marginalised individuals and groups are associated with certain kinds of spatial units, which are often contested. The idea of national identity, therefore, enforces constructions of territorial inclusion and exclusion on various spatial scales. Borders, often, are such sites of exclusion/inclusion in the context of South Asia. This is because borders symbolise control and the urge to challenge and transcend that control. So if borders are markers of control these are also markers of resistance to control. Any resistance calls forth greater efforts of control. The medium of control changes over time, but what remains constant is the fact that control necessitates control of bodies. This is but one analysis of a border as a category of politics and there are others that are available.

The historical zeitgeist about border studies has at best suffered from processes of simplification (that have modified the official discourse in minor ways while leaving it essentially unchallenged), and at worst have colluded with forces that premeditatedly privilege some while constructing and delegitimising ‘others’. In this book I hope to portray how states construct borders and try to make them static and rigid and how bordered existences, such as in this case the women, migrant workers and people afflicted with AIDS, destabilise these apparently rigid constructs. My argument here is that borders are constructs that become problematic at different historical junctures; the rationale behind this problem needs to be studied in the wider political context. I also question why borders always contain seeds of violence, as human history provides eloquent
testimony to how hitherto trouble-free borders suddenly become troublesome, such as the Tacna–Africa in the Attacama in the nineteenth century, or the border between the two Koreas, or even the Malvinas Islands in the South Atlantic in 1983. South Asia is no exception to this general axiom. Perhaps the crucial questions for us are: what have political conditions made borders problematic in postcolonial South Asia? How do these borders become regions of extreme control/violence? How does such control/violence, in turn, affect the lives of the people, many if not most of whom are women? How do the bodies of the controlled change over time while they in turn change the border itself?

A century ago, in 1907, Lord Curzon, the governor general of India, had commented that borders (he called them frontiers) are the razor’s edge on which hang modern issues of war and peace. Since then, in the context of India, the politics of borders periodically raises itself like the mythological many-headed serpent. Many years after Curzon, Zulfikar Ali Bhutto—the great patron of Pakistan’s nuclear programme, argued that geography continues to remain the most important single factor in the formulation of a country’s foreign policy. Therefore, territorial disputes are the most important of all disputes. Thus, the borders of India seem to be intractable grounds of contests. There has been an effort to portray the borders as rigid and discursively stable even when they are actually being daily contested not just by the states, but also by the people living in and around them. This is because histories of borders were written by those who had a stake in keeping the borders immobile and rigid, such as Lord Curzon. Many, including Alistair Lamb’s work on the China–India border, fall within this genre. Lamb, while talking of disputes, finds India’s position untenable because he feels that China had never accepted the McMahon Line in the first place; however, the presence of a rigid border or the McMahon Line itself is never questioned. It is not portrayed as something that is constantly being negotiated and evolving. From the other side there are other apologists such as the memoirs by Indian generals and bureaucrats such as B. M. Kaul. Kaul tries to legitimise his own decisions, just as K. N. Menon legitimises the position of his country vis-à-vis the border. None of these works
questions the border itself, which is presented as rigid, static and immutable once it is constructed in their discourse.

Borders, perceived as a fluid and problematic category of politics and history, are a fairly recent phenomenon. Some of the widely discussed analyses of borders emerging during the end of cold war present borders as not merely a line but as a zone or as borderlands. Such a zone results in hybridity of people inhabiting this zone as Gloria Anzaldua, an exponent on the US-Mexico border experience, would have us believe. The Mestizas, as they say, are a creation of these borders. People living in these borders inhabit multiple worlds. What such theories often overlook is that borders are products of control and those inhabiting them are daily negotiating with that control. A sanitised thesis of many borders considers negotiating spaces of survival as ‘hybridity’. But such fluidities are often different from what is discursively known as ‘hybridity’ as these multiple identities are often marked by blood. They are more representative of Agamben’s bare bodies rather than hybrids as they are often beyond the pale of law.

There are others who consider borders as an ephemeral category that lacks an essence, which can be valid in ‘all places and all times’. To explicate the issue further, European authors and analysts have said that there is very little in common between the Schengen borders and the borders of eighteenth-century Europe. It is therefore recognised as a dialectical notion that defines a territory, delimits it and confers an identity upon it. Conversely, exponents of such views argue that to define a territory or identify it one does little else but to trace a border around the said territory. Therefore, a theorist who attempts to define a border is in perpetual fear of going around in circles. The border also has a reductive role that inscribes or privileges one type of identity rather than problematising it by recognising multiple identities.

It is said that since antiquity one finds the presence of borders. These are strips of lands that separate and/or unite, creating occasions for contact and/or confrontation. They are, therefore, an area of both blockage and passage. But the function of borders shift and it is never identical across time and space. In present day Europe these borders can be recognised as anti-citizenship as it is that site which juxtaposes police force and legal mechanisms of asylum. This is also the site that marks the state’s
ownership of individuals that inhabit it. Borders are markers or adjuncts to the principle of exclusion of foreigners. This reveals that even though the borders are different across time and space, there are some integral attributes of societal understanding and deployment of borders. Etienne Balibar lists these attributes as over-determination, polysemic nature and ubiquity. He says that even though each border has its own history, most of these are products and sites of over-determination. By sanctioning and relativising as well as duplicating it, states over-determine the border. The polysemic nature of a border makes it a repository of different meanings for different individuals. Not only do they draw different meanings from it, but also it becomes a marker for different treatment of different social classes. Therefore, borders are markers of difference. This leads to the heterogeneity and ubiquity of borders. According to Balibar, in the geographical politico-administrative sense, borders are often not in the borders at all. Balibar speaks of the creation of ethnic borders in the urban centres. Balibar correctly points out that borders are socially discriminatory. He calls them as the absolutely non-democratic condition of democratic institutions. His solution to the problem is democratising borders, which means democratising some of the nondemocratic conditions of democracy itself. He is of the opinion that by submitting borders to collective control, one can democratise it and put it to the service of women/men. However, whether Balibar’s proposal is a possibility in the context of South Asia needs to be explored rigorously.

In the context of South Asia the moment of departure came with Ranabir Samaddar’s *The Marginal Nation* (New Delhi: Sage Publications, 2003). Samaddar went beyond the security and immutable border argument and problematised the border by speaking of the flows across the border. He argued that such flows are prompted by historical and social affinities, geographical contiguity and economic imperative. People moved when their survival was threatened and rigid borders meant little. They questioned the nation form that challenged their existence. If need be they found illegal ways to tackle any obstacle that stood in their path of moving when that made the difference between life and death. Thereby Samaddar questioned ideas of nation state and national security in present day South Asia. This work was followed by Willem van Schendel’s work on borderlands
where he argued that borderlands are not merely margins of states, societies or nations, but a social and cultural system straddling international borders. He spoke of how border studies rediscovered the historicity of social space—that borders are not mere political markers and geographical expressions. They are in fact, borderlands. He asked the pertinent question about the contribution of borderland actors to the present round of global restructuring.

The most robust claim of looking at borders from the perspective of borderlands probably came from Africa. I too look at borderlands from a similar perspective and argue that these are not disembodied spaces, but spaces with bodies, particularly women’s bodies often resisting state control. This book deals with the histories of borders and the histories of people across these borders who constantly subvert the existence of the borders. It also deals with the superstructure of security that tries to control and harness these bordered existences leading to circles of insecurities across the border. A close ethnographic research reveals that at the epicentre of these circles of insecurity are women who are constantly negotiating with the borders for their survival.

The book is divided into three sections. The first section speaks about how historically borders are formed, how borders divide, and who becomes the definitive us and who are the aliens? The second section of my book deals with what I term as bordered existences and falls within the genre of history defined by Samaddar’s *The Marginal Nation* (New Delhi: Sage Publications, 1999) and Van Schendel’s *The Bengal Borderland* (London: Anthem Press, 2005). In this section I go into detailed delineation of the experiences of the border people, of whom many, if not most, are women. Women’s experiences, I argue are definitive of those of the vulnerable communities who are forced to pit their bodies against the border and the superstructure of state security. Their history is a history of negotiations with structures of control leading to insecurity, subversion, endurance and existence. The third section deals with the border and the laws that guide the borders and people who live around them.

The introduction of the book portrays how states and those who have written on state formation view the borders as static lines, non negotiable, and unchangeable. It also contends that
historians have failed to understand the significance of borders and left it to students of politics, thereby failing to grasp how borders are both products of history and also create histories of their own. In the first chapter, I discuss what borders represented in the colonial period and how the alien has been constructed historically based on such borders. It was the alien who was marked out, before a citizen was constructed in the colonial times. The chapter deals with categories of exclusion and how such categories change over time. For example, all through the colonial period ‘nationalists’ marked plantation workers as citizens, but on liberation the same plantation workers became aliens. In the second chapter, I discuss how borders create histories especially in the context of the Sino-Indian borders. I argue that Sino-Indian relations did not create border problems. Contrary to popular historical expostulations, I assert that the existence of the Aksai Chin and the McMahon lines constructed Sino-Indian relations. Whether India gave asylum to the Dalai Lama or not, the compulsions of the borders drew India and China inexorably into the vortex of a crisis. Nehru tried to wish away the border problem, but he could not do so. I contend that because the borders are constantly evolving they create their own histories. By making the borders immutable one can only securitise the border, which in turn creates its own problem. In the third chapter I take up the India–Pakistan line of control and analyse how states have historically tried to make borders rigid for the purpose of security. I postulate that at certain historical junctures certain types of control of borders and bodies inhabiting the borders become crucial, giving rise to certain forms of violence. National security has necessitated that borders become markers of control. Such markers have inevitably led to the increase in the extent of control and since control is denoted by control of bodies, more and more groups are marked as recalcitrant and hence necessitating greater control. Thereby, violence remains constant in the Indo-Pakistan border. The logic of violence is to designate alien status on certain groups of people. These three chapters argue that borders are a fluid category and constantly being constructed, yet state discourses mark borders as rigid. In trying to make borders rigid the state tries to control the borders which means controlling the bodies that inhabit borders, which in turn threatens and destabilises
that control and creates uniquely bordered existences. This goes against the traditional and received histories of borders that sanitise and stabilise the borders. It reveals how the history of borders bears witness to the fact that the category of the alien is as much of a definitive moment in state formation as designation of the citizen.

In the second section of the book I deal with bordered existences exemplified by women who are living across the border. Ethnographically these chapters are located in the Bengal, north-east India, Bangladesh and Myanmar borders. These are three substantive chapters dealing with the aforementioned borders. In the fourth chapter I speak of borders as circles of insecurity. The site of such insecurity is the migrant body, particularly the bodies of migrant women, hapless labourers and the trafficked. The irony is that while to the vulnerable, the condition and the consequence of migration is insecurity, the dominant literature on migration in the region insists that population movement is the cause for such insecurity of borders. My study of the relation between population flows and security aims to produce a critique not only of state-centric perceptions, but also a critique of the development of a language of care that arises from within the language of violence. In the fifth chapter I discuss how women located in the borders become the emblem of bordered existences. Their location adds to their vulnerability which to an extent is mitigated by their tremendous efforts to resist invisibility. Thus, at times the migrants and at other times the women become sites of violence/control and the resistance to that control.

The last chapter of this section deals with border diseases such as HIV and AIDS. It reflects that vulnerability leads to debilitating communities that then become sites for killer diseases. Location in border areas makes these groups more vulnerable and easy prey to diseases. In the garb of protection and security the state controls these bordered existences increasing their vulnerability. Thus, borders become sites of inordinate amount of violence. South Asian borders are often called post-colonial. But this is a post-coloniality that has come without substantive decolonisation. When one visits these borders one cannot wish away colonialism. The bodies that inhabit these borders are caught between the forces of decolonisation and post-coloniality
and hence they are relegated to the space of not belonging. The refugees who are forced in and out, the ‘infiltrator’ caught at zero point and the trafficked woman are all markers of that sense of not belonging. Borders therefore, are epicentres of insecurity because borders primarily are zones of control. The sheer bodily act of control through protracted and perpetual violence and the act of resistance to such control increases the quantum of violence. Both borders and bordered existences are players in this violent game of control and resistance leading to increasing vulnerability of the already vulnerable communities in the border, be they women, migrant labour or people afflicted with AIDS.

In the third section I deal with border laws. Beginning with the Defence of India Act, working around the Armed Forces Special Powers Act and leading to the National Security Act, I discuss its effects on border communities. This chapter critiques the politics of territoriality, asserting that it has deep roots in most of the South Asian region. By constructing the Northeast as an especially violent region, the Indian state has participated in this politics of territoriality. In such politics, peaceful solutions to questions of territory are difficult to come by. The border laws inevitably increased the geographical horizons of control of the border region and spread the violence further. Borders as markers of control, inevitably lead to the increase in the extent of control and since control is denoted by control of bodies, more and more groups are marked as recalcitrant and hence necessitating greater control. Thereby violence remains constant. Sometimes at the receiving end of this violence are sub-nationalists/rebels and at other times it is the migrant labour or the commercial sex-worker or any one inhabiting the sacred space that is meant to be controlled.

The borders that I discuss are markers of past bitter history, current separate, distinct, and independent existence and the sign of the territorial integrity of the states that share them. The bitterness of the past, the lack of mutual confidence at present, the security concerns of all these states, at the same time the existence of a thousand and one linkages make the South Asian borders unique. They are the lines of hatred, disunity, informal connections and voluminous informal trade, securitised and militarised lines, heavy para-military presence, communal discord, humanitarian crisis, human rights abuses and enormous
suspicion, yet informal cooperation. No wonder those living on the borders are perpetually threatened, controlled, cajoled and coerced. This is the saga of the threats that these bordered existences face and how they negotiate with them each day of their lives. But why should such a saga of the borders interest someone who is not from the borders? Borders do not stop at the borders. They percolate further into the interior, affecting lives of millions of people on either side, often even of those miles away from these lines on the map. In situations of heightened hostilities, tit for tat policies followed by hostile neighbours, especially so in times of a full-fledged conflict, the importance of borders multiplies. With the borders of South Asia we are perpetually living in such times and hence the necessity of such works on the borders.
Acknowledgements

It has taken me a long time to complete this book. Parts of the arguments in this book have been published in some of my previous writings but almost all of it has since been revised. Now I come to the pleasant task of thanking friends and colleagues who have made this work possible. I must begin with Ranabir Samaddar without whom I could not have written this book. His constant critique and challenges at times exasperated, but most often rejuvenated my thoughts. He will see in this work much of his own ideas albeit in a different format. I have to thank Meenakshi Gopinath for retaining faith in me when I almost lost it. Robert Cohen is another such person who never wavered in his support for me. A warm thank you to Asha Hans for being there for me through both the comedies and tragedies of life. My dear friend Kalpana Kannabiran is a source of tremendous inspiration and many new ideas. I thank her and Rada Ivecovic for happily reading and commenting on some of my chapters. The two women who have influenced me tremendously in this and many other works are Ritu Menon and Urvashi Bhutalia and I thank them both for being not just such superb social scientists but also for being my friends and reading my chapters. I am enormously grateful to Sanjay Chaturvedi for teaching me so much about the geopolitics of borders. My thank goes to Meghna Guhathakurta and Ameena Mohsin for patiently debating with me and giving me new ideas on my topic of research. My gratefulness to Meghna for taking me on a fantastic visit to the basti of snake charmers in Bangladesh. I also thank Itty Abraham, Pratap Bhanu Mehta and Madhavan Palat for commenting on my papers in different forums. And of course my heartfelt thanks to Benedict Anderson for reading and commenting on my work.
A number of institutions have helped me in my work. I have to thank Calcutta University and our Vice Chancellor, Professor Suranjan Das, for being such a source of support. My thanks go to Lipi Ghosh, Swapna Bhattacharya, Rajagopal Dhar Chakraborty and Parimal Ghosh for being such wonderful colleagues. Without their inspiration I could not have completed this work while working as the head of the department. I thank all my students, especially Nandini Basistha for having inspired me into thinking that this is a valid field for further research. Without their active support this book would not have been possible. I have to convey my indebtedness to all members of the Calcutta Research Group for being such a supportive group. Samir, Sabyasachi, Subhasda and of course Pradipda I thank you all for taking nothing at face value and always challenging me to do better. A travel grant from the Calcutta Research Group also facilitated some of my research. I have had some lovely research assistants such as Chitra Ahanthem, Sutirtha Bedajna, Debasmita Chaki and Sumona Bagchi who have helped me tremendously and I remain much indebted to them. Thanks are also due to Ishita Dey and Samaresh Guchait for all their help and support.

I take great pleasure in thanking Jean Luc Racine and the Advanced Studies Program of the Maison Des Sciences De L’Homme, Paris for giving me three blissful months of doing research and nothing but research. I thank Mohammed Wasim and Christophe Jaffrelot for being such a wonderful team. I am grateful to Sonia Dayan Hezbrun and the University of Paris VII for facilitating much of my research. Paule Gentot and Michel Gentot are my home away from home in Paris and I thank them both. I thank Juhani Kaponen and the members of the Institute of Development Studies, Helsinki University for making it possible for me to give a final shape to my research.

I am very fortunate in having a family that gives me unstinted support, total cooperation and unquestioned love. My obsession with borders has often baffled my father but he has always been there for me and retained his faith in my madness. My sister Purna is, as in most other cases, my first reader and to her I owe big time for this work. Many thanks to Elina and Manali for taking so much time out for editing this book. My thank you list should have been much longer as so many people have read the drafts and given me their comments. Without mentioning names I thank them all. Whatever flaws remain are, of course, mine alone.
The occupation of territory is fundamental to state sovereignty. But exclusive command over a territory also implies the unwillingness to share it with ‘others’. The state creates its own markers within which its ‘self’ disengages from the ‘alien’. Terms indicating the proclivity of social groups to engage with ‘others’ or to disengage ‘them’ (us) from the ‘others’ and hence the markers of that engagement/disengagement are as old as human history. At certain historical junctures these markers are called ‘frontiers’, ‘boundaries’ and ‘borders’. But all the three words have different meanings and historical significance. To compound the problem, etymologically-related words such as the French *frontière* and English frontier have widely different implications. To confuse us further, the Anglophone world is prone to using terms such as ‘boundaries’ and ‘borderlands’. In the United States, frontier is the widely used term. The task of defining frontiers and borders is indeed not without pitfalls.

The history of frontiers and borders are varied. Malcolm Anderson traces it to the Roman Empire. The density of population in the ancient Roman Empire meant a lack of uninhabited spaces and hence the necessity of markers. When the Romans extended their empire into Gaul, they took this practice of demarcating boundaries with them. Hadrien became famous for his markers or the wall. During the medieval times new trade routes necessitated demarcation and political control over them. Routes were divided into zones of control. But political control did not necessarily mean economic control. The trade in/of a zone could have been controlled by the city or a league, and politically the area may have been under a feudal lord.
borders were not distinctly marked. Charlemagne was aware of the problem of controlling the ‘rim lands’ or the *marches* in the periphery. Although he employed *missi dominici’s*, the periphery remained under the jurisdiction of the local counts. It was in the twelfth century that the dynasty of Hugh Capet consolidated their power under centralised monarchies which necessitated political boundaries. During the Renaissance cartography became popular and maps came into vogue which further aided centralisation. But it was the days of colonialism that elevated map making into a separate discipline. Without setting a foot on the mountains and rivers of the present Afro-Asian states, the imperial powers began using these as bargaining tools. Liberals and Marxists alike agree that boundaries are made to manipulate a certain distribution of power and that there are clear linkages between imperialism and the demarcation of state borders.

This is the story of the ideas on the borders in west Europe. In eastern Europe there were different ways in which borders were formed, but that is not important for the purpose of this chapter. This chapter is meant to portray how west European ideas of borders were imposed on and subsequently internalised in South Asia with very definite implications for state-formation in this region.

The Chinese wall epitomises boundaries in the Asian history. The Wall was the essential precaution against the ‘barbarians’, but the frontier lay beyond, which contained the trade routes. In South Asia the conception of borders differed in many respects from the European ideas. Large parts of the Indian subcontinent were bordered by seas and oceans. But there were no centralised regimes which ruled over the entire land area. One does not hear of a South Asian marker of frontiers. There was a singular lack of such markers. Pillar inscriptions were usually meant to spread the message of the Emperor throughout his empire. They were not constructed to mark frontiers. Further, unlike the Russian monarchs, the rulers of South Asia never had the ambition of controlling the oceans. It was the land routes which decisively influenced the history of India before the advent of the Europeans. Probably one of the reasons why traditionally the Indian *mentalité* never concerned itself particularly about political boundaries was because the unit of administration was not the empire but often the village. The kings largely confined their jurisdiction within the capital and the outlying provinces.
The village which was formed of kinsmen was governed, according to Sukracharya’s *Nitisara*, by the panchayat, who were treated with greatest respect by the king’s officers. The panchayat collected taxes and paid the government’s share. It was very difficult to say where one village ended and another began unless one knew about the kinship ties of these villages. Recent researches show how difficult it was to locate the boundaries of each village. Such a state of affairs continued until the British took charge of rationalising the Indian administration.\(^2\) Further, it was also the British who brought the whole of India under a centralised authority. Indians did concern themselves with frontiers which were largely areas impossible to govern. But they did not concern themselves with borders and boundaries in the West European way.

**Why Differentiate between Frontiers and Borders?**

Internationally, one of the first efforts to differentiate among frontiers, boundaries and borders came from political geographers. A. E. Moodie, in 1947, wrote that ‘Frontiers are areal, boundaries are linear…. The former may be correctly described as natural…. The latter are artificial.’\(^3\) A border, he argued, is a boundary line and frontiers are boundary regions. In common usage they are synonymous because until very recently the limits of state were ill-defined because of the lack of detailed knowledge of terrain and the absence of its exact cartographical representation. Even to a present day scholar of geopolitics, frontiers and borders, they are differentiated in similar terms. Frontiers are, to such a scholar, regions ‘….of varying widths which were common features of the political landscape centuries ago. By the beginning of the twentieth century most remaining frontiers had disappeared replaced by boundaries which are lines’, and the state made these boundary lines its borders.\(^4\) Frontiers, then, are zones at the periphery of a political division, which in the last two centuries have been slowly replaced by boundaries or lines of political control, which became the border. A differentiation of frontiers and borders is crucial for the argument that borders have a political connotation which it acquired as a result of historical specificities that necessitated its formations. In western Europe, borders had resulted
from political developments of the last three centuries when demarcation of states became a necessity. But if borders were simply lines to demarcate the limits of states why then do they appear as constructs that problematise the given history of states? Are borders problematic? To arrive at any conclusion one needs to sift through the existing histories of borders.

THE ‘CLASSICS’ IN THE HISTORY OF FRONTIERS AND BORDERS

Michael Berube once said about canons, that they are ‘at once the location, the index, and the record of the struggle for (cultural) representation; like any other hegemonic formation, they must be continually reproduced anew and are continually contested’. Classics become canons in the history of ideas. They are contested only to be re-ascribed with the status of classic and that is how they become canons.

The classics in this case understandably begin with frontiers—the psychology of an expansive push. By now it is apparent that frontiers and borders are two different phenomena with their own, though not very distinct, histories. Traditionally frontiers refer to territorial expansion of states into ‘empty’ areas. Such an expansionist view of frontiers found its most well known expression in the, by now well known, views of Frederick Jackson Turner. It was the time when the Populists were hard at work, filling the air with the cry for free silver. The revolt of the Western farmers which was to culminate in the Bryan campaign was growing. Also growing was the revolt of the West against the cultural dominance of the East. At such a conjuncture Turner delivered his essay on ‘The Significance of the Frontier in American History’, in the annual conference of the American Historical Association in 1893. Although the paper failed to create an immediate stir, according to Richard Hofstadter it has been ‘the most famous and influential paper in the history of American historical writing’. Turner argued that it was the frontier that produced American democracy and individualism. The frontier stripped the European man of most of his ‘cultural baggage’ and subordinated him to the ‘disciplines of wilderness’. He ascribed much of the impact of the frontier to the fact that it was a process of perpetual rebirth. American social development, to him, had begun time and again on the frontier.
The Turner thesis was not confined to the United States alone. Historians, in most cases quite unsuccessfully, tried to test the applicability of Turner’s thesis in other parts of the world, forgetting that Turner was inspired by certain specific historical developments. D. W. Treadgold's portrayal of the great drift of Russian immigrants into Siberia, as a similar movement is a case in point. Others found the relevance of Turner’s views in Latin America. It was said that in Brazil the frontier concept had found most resonance and relevance. Indeed, Brazilian history is replete with a number of sequential frontier pushes. It has been argued that:

The epitome of mobility were the *bandeirantes*. Brazilian historians have regarded them as their frontiersmen par excellence, exploring the interior, discovering gold and staking out political claims for the Portuguese crown. Other historians have...stressed their essentially democratic qualities which, transmitted to their descendants, became an integral component of the Brazilian national character.

The question which emerges from this kind of a comparison may be put like this: Is frontier expansion all that different under authoritarian military rule as opposed to democratic government? Present day social scientists and historians are still debating over this. More recently David A. Chappell has produced a variant of the Turner thesis. He has argued that frontiers are zones of transformative interaction between systems. But the last word has definitely not been said on the frontier push theory although, at present, social scientists in the United States are becoming more interested on borders and borderlands rather than frontiers. This is largely due to the utilitarian interest evoked as a result of the problems regarding the US-Canada and the US-Mexico border.

The psychology of expansive push, ironically enough is but a step away from the delimiting line—the boundary. The German geographer Friedrich Ratzel, the father of geopolitics, made the first determined efforts to produce a set of laws that might enable boundaries to be predicted. Ratzel believed that each state had an idea of the possible limits of its territorial dominion and he termed it space conception. This concept was similar to the theories of natural boundaries which Pounds later on explored
Ratzel's view followed logically from his belief that a country was like a living organism. The boundary and its adjacent territory, what he termed the border, was a dynamic feature and if it was fixed in position, that position was only temporary. It only meant a temporary halt in political expansion. Ratzel's views reflected the evolution of Germany from an amalgamation of small marches, kingdoms and principalities into the greater German empire. It is also significant that Ratzel produced his laws of expansion during the reigns of Wilhelm II. Ratzel made some strong assertions about the nature of the borders. He argued that political balance between countries is dependent on the characteristic of the borders they share.

Students of Geopolitik, about 30 years later, again popularised the view that a border was the area within which the growth and decline of the state was organised. Geopolitik, as we know, was the name of a school of political geography established by Major Haushofer who held that if Germany wanted to be strong again it should pay attention to its geography in policy making. What is significant is the kind of boundary he proposed. He said that a homogeneous population should have a cultural periphery beyond which should be the military boundary. Keeping in mind the next 10-year history of Germany, it becomes clear why geopolitics was discredited after the Second World War. Moreover, the German geopoliticians lost much of their prominence when it became clear that occupation was not the only mode of dominance. Between 1945 and 1989 most changes in the balance of power between adjoining states were not accompanied by changes in the international boundaries, though it has to be kept in mind that the post war boundaries were to change again within 50 years in central and eastern Europe and among Commonwealth of Independent States (CIS). In the new state formation in central and eastern Europe border-determination became crucial once again in the nineties. However that is a different history.

The French social scientists took up the mantle of boundary and border studies from the German geopoliticians in the late nineteen thirties and forties. It was around the time the French were discovering the connections between geography and history and the most creative works on boundaries and borders
began to be undertaken. A French lawyer Lapradelle identified a series of stages in the evolution of a boundary. He earmarked the stages as preparation, decision and execution. The process of preparation preceded delimitation. The boundary was first debated at the political and then at the technical levels. The process of execution consisted of demarcation of the boundary on the ground. Lapradelle propounded the view that laws were required to facilitate boundary changes. Apart from Lapradelle the two other social scientists who dealt with boundaries and borders were Ancel and Pounds. Ancel came just before the Second World War (1938) and Pounds after 1949. Ancel held that boundaries are temporary lines where opposed power of neighbouring states are neutralised. The French political geographer referred to international boundaries as isobars. Pounds acquired prominence at the time when the French were trying to reassert their virility and identity after their psychological castration due to the fall of the Maginot Line. He explored the concept of les limites naturelles in respect of France. He established that for much of history after the sixteenth century, successive French rulers had regarded France’s desirable boundaries as coinciding with the sea, Alpine watershed, the Pyrenees and the Rhine. He not only put the question of boundaries in a historical context, he also made the concept of natural boundaries fashionable. The assumption was that France may not have natural boundaries which are desirable but at least the French influence should spread until those regions.

From a review of classics on frontiers and boundaries it is clear that American writers have concentrated largely on the development of frontiers and west Europeans on boundaries and borders. This is not surprising since the political realities of the two were different, which encouraged this difference in ideas regarding markers. It was during the Cold War and the ever-increasing influence of the ‘realists’ in the realm of ideas that borders acquired a whole new political significance.

**SPACE AND STATE**

The Second World War revolutionised the understanding of the state as a territorial phenomenon and necessitated the examination of political space such as boundaries and borderlands
in relation to less tangible but readily identifiable ethnic and cultural elements. It developed into an increasing interest in what came to be known as the third world. In this period borders all over the world became crucial in new systems of states. Borders became markers of political control and revealed the consolidation of territorial gains. In most of the countries of the third world, their national borders were in large measure determined by economic, military and diplomatic policies of the imperial powers during the era of colonialism. European imperial domains were carved out with little regard for tribal boundaries and even less regard for the requirements of a viable nation-state. Great tribes such as Bakongo were split by the division of their land into the Belgian Congo and Portuguese Angola. The Somalis were divided five ways. On the other hand, Western imperialism enclosed people of different religions, languages and levels of development into colonies, which later became independent. The theories of border-making that were developed in western Europe were completely disregarded and new boundaries created in the third world. The state elites then tried to legitimise their hegemony by imposing control over these borders. According to Michiel Baud and Willem Van Schendel by ‘taking possession of disputed or unclaimed areas, state elites tried to resolve the problem of loosely defined border regions to which two or even more states might lay claim. In this way, they drew sharper lines between citizens, invested with certain rights and duties, and “aliens” or “foreigners”’. For such differentiations mapping became essential. It was an attempt made by the state elites to establish clear cut territorial and hence political jurisdiction. Thus, it was the joining of hands of former colonialists and the state elites that decided the borders of the third world at a time when control over space began to be deemed critical for political hegemony by the cold warriors. Hence land borders, at least in the realm of ideas was fast losing its significance. As so often happens, when borders were increasingly considered redundant in the West, it was becoming crucial for the third world.

According to S. B. Jones’ well-known study, the mapping of borders went through three stages: establishment, demarcation and control of the borders. Mapping necessarily meant that
conflicting claims of control could no longer be ignored.\textsuperscript{19} Precision in cartography led to the emergence of fully demarcated territorial states.\textsuperscript{20} Such ideas acquired significance during the span of decolonisation. It was in the former colonies that the relevance of such ideas was measured. Mapping facilitated modern political geographers to construct morphological models for states. These models impart cultural attributes to certain spatial structures such as core regions and frontiers. Such models have been the basis for theorisation both on the morphology of states and the spatial processes connected with it. These theorisations have led to redefinition of territoriality as a means to some end such as material survival and political control. Some argue that territoriality is an attempt by an individual or a group to affect, influence or control people, phenomena and relationships by delimiting and asserting control over geographical areas. Territory then becomes a justification for claims as opposed to occupation, though the latter may be a prerequisite for the former.\textsuperscript{21} Other theorists of territoriality describe it as a phenomenon happening when a bounded geographical space is ruled by an elite who wants to dominate not only within but also beyond.\textsuperscript{22} Boundaries and borders become markers of the power that states wield over the people. This has been particularly true of the post-colonial states which had to negotiate their borders and more importantly, also inter-community and intra-community demarcating lines.\textsuperscript{23}

The classical works on the frontiers and borderlands show us how borders become markers of sovereignty—an essential characteristic for modern state formation. Recent discourses on frontiers and borders, based on largely African and Latin American experiences, deal with this marker of territoriality and power from a different perspective. These portray how borders have constantly to be negotiated between communities. Through these processes of negotiations new identities are evolved. Astride Suhrke and Leila Garner Noble emphasise the relation between the domestic and external in border making.\textsuperscript{24} This is the kind of history that borders create. Within the question of identity there is a collapse of categories breaking disciplinary walls and making borders and borderlands the homesteading ground for ‘cultural determinism’.\textsuperscript{25} There is a growing emphasis on how socially constructed ‘fine lines’ determine, to a great
extent, who we are, what kind of identities we evolve. The focus in border studies, as a result, has shifted from territory to its influence on the identities of the people, be it political, cultural or any other. The border thus becomes a cultural zone shared by co-ethnics who may or may not be co-citizens. A study by W. F. S. Miles and D. A. Rocheforte portrays how this has given rise to irredentism and cross-border conflicts in sub-Saharan Africa. Asiwaju, a famous African social scientist, focuses on the human factor in the formation of borders in Africa. It is this human factor which transforms the received colonial baggage to evolve a border where there was none. This is how many of the third world borders acquire a unique non-Western characteristic. Recent exploration of this non-Western characteristic of borders portray that they are products of partition from above, often accepted by the state elites, but constantly challenged by ethnic resistance from below.

**Borderlands of South Asia**

Frontiers are indeed the razor’s edge on which hang suspended the modern issues of war or peace, of life or death for nations...

Curzon, Marquis of Kedleston

The history books on South Asia suggest that South Asian borders had remained undemarcated for years evoking little interest from the British colonialists and almost none from the Indians themselves. Merchants, traders and religious men crossed the frontiers at will because there was no rigid sense of the border. The ‘frontier idea was introduced when the East India Company’s expansion up to, and then beyond the Himalayas precipitated rivalries between Britain, China and Russia.’ The Durand Line and the McMahon Line were conceived within 10 years of one another. Frontiers were quickly reduced to lines with little knowledge of what it actually entailed. Thus, South Asia probably had one of the first borderlands in the world. Commentaries on the border followed soon. Initial border studies were conducted by British administrators such as Sir Mortimer Durand and Sir Thomas Holdich, who was, at the end of the nineteenth century the surveyor-general of India. Holdich made a study of the Himalayas and remarked that this was the finest ‘combination
of boundary and barrier that exists in the world...’. At the time when Turner was grandiosely speaking of frontiers, the British were shrewdly demarcating the borders with essentially political intentions. The great age of South Asian border studies had commenced with Curzon. As a geographer he had explored the Pamirs and Karakoram. He encouraged Younghusband’s mission to Lhasa in 1904 knowing well that Tibet had become a field of play for the Great Game. Curzon had very definite views about the ‘frontiers’ that he wanted for the British colonial empire. He advocated a scientific frontier which ‘unites natural and strategic strength’, and he was fully aware that as far as Asia was concerned the idea of a demarcated frontier did not exist. Thus demarcation had to take place under ‘European pressure and by the intervention of European agent’. Curzon coupled innate strategic and geographic senses and set the stage for the appropriation of a border monopoly by government agents, military personnel and secret service agents. Curzon’s influence can be well gauged when we realise that we are still unable to get out of the mindset that we inherited from him, so much so that even today many South Asian states continue to deny their own citizens access to maps of border regions, even outdated ones. South Asian borders began to be written about by those who were constructing them.

The next stage of border commentaries reaching us was during the forties. The Second World War generated interest in borders not just in Europe but also in Asia. This interest accelerated with the imperial decision to partition the subcontinent. When South-east Asian states fell to Japan one after another, the Assam frontier assumed enormous importance as the last British outpost. The British government was not just interested about the natural frontiers but also about those who peopled these areas. Studies were undertaken by government officials. One such classic study was by Sir Robert Reid who in 1941 wrote a note on the ‘Future of the Present Excluded, Partially Excluded and Tribal areas of Assam’. In that he declared that the British had at best only ‘the most shadowy control’ over this whole area and the importance of this region from the point of view of strategy and politics cannot be overlooked. Thus, history of borders was being written by those who were creating them and they were tying it neatly with the concept of power precisely at
the time when the Germans were doing the same in Europe. This kind of writing continued during the partition of South Asia. Following the colonial tradition, borders were legitimised on maps with great enthusiasm. People legitimising these borders themselves realised their unworkability. Thus, Sir Cyril Radcliffe confessed his inability and the impossibility of trying to construct contiguous boundary between the eastern part of India and east Pakistan. Maps which were both too static and too simple were drawn. Based on these maps and with an admixture of territorialism, cartographic absoluteness and frontierism the South Asian nation-states came into being, or to use a more fashionable phraseology, were ‘constructed’.

Frontiers hardened into borders and those at the ‘core’ vehemently denied that there were two sides to a border. Historians have also managed to retain this myopic view of borders. There are, of course, some efforts by historians, both Indian and European, to understand the formation of borders at the time of the Great Game. But clearly such efforts are inadequate. In the Bharatiya Vidya Bhavan series of the History and Culture of the Indian People we find detailed treatments of north-eastern and north-western frontiers of India with an effort to show that state formation followed the European imperialist hunger to be the ‘mistress of the east’. Few other Indian historians have also made similar efforts to analyse the frontiers and then the borders and borderlands of South Asia. About British historians, one scholar observes that they have assessed the frontiers ‘from practical point of view, that is, India’s defence’. The standard histories of India by British historians we know depend a great deal on the accounts of the government personnel for their source material and therefore could not be aware of the ‘other side’ of the emergence of border.

The Great Game converted frontiers into borderlands but it was the partition which changed them into borders. Although a continuation of the Great Game, the partition had greater role to play in the post-colonial state formation of South Asia. Still one must admit that the post-colonial borders of South Asia have not evoked so much interest among scholars. One reason for this lacuna is that the new boundaries were justified by state elites. What was lost in the process was the understanding that borders are not some innate traits of sovereignty but merely human
constructs built on an amalgamation of geography, cartography, theories of sovereignty and the prevalent system of power. By refusing to contextualise the history of border formation in South Asia we have lost sight of the fact that borders are not static but alive and they take different forms in different political and historical circumstances. To evolve such an understanding we need historians who can unearth the specific historical context of border formation. Fifty years of partition has evoked, if not enough, then at least some interest in the process.37

**Whither South Asian Discourses on Borders?**

It may be surprising to the readers why this emphasis on classical, imperial and largely Atlanticist discourses on frontiers and borderlands and then a probe into the historiography of South Asian borders. The two may seem completely disjointed but they are not. There is, I believe, a thematic coherence to this analysis. We have inherited our discourses on the borders from the imperial powers. There is an overlapping of the Atlanticist version of border history and historiography and our own writings that we cannot ignore. Do we as South Asians lack a sense of the borders? South Asians historically had more of a sense of the local than the national. Under strong emperors like the Great Moguls, Indians got a centralised form of government. But such empires were not marked by a precise demarcation of borders. When there were no strong emperors the country would revert back to a basic level of social organisation. Village economy would become localised, ‘communities tended to develop into self sufficient centres. This was to become the prototype of Britain’s picture of India...’38 Indians did not have a sharply demarcated political border before the advent of the British. In the pre-partition days the leaders of the nationalist movement had no precise understanding of political borders. In *Discovery of India* Nehru envisaged India to be within a regional network of states from Iran to Thailand. Nehru himself was against ‘geopolitics’ as a discipline influencing policies of governance since geopolitics aided most of the ‘realist’ school.39 Among Indian leaders of the period there was a growing sense of the region but not particularly of a politically demarcated South Asia. The British not only gave us our borders but also the
tools by which to study them. Instead of understanding our own historical specificity we have tried to emulate the imperial style of border studies. There remains much to be traced beyond such a history. Also histories of borders in South Asia have completely failed to understand the gender dimension of these borders. They failed to realise that women living in these borders in many ways defined them. Therefore, new histories of borders have become timely.

Our historiography is replete with interesting works on state formation which deals implicitly but never explicitly with borders. Rajni Kothari, in his *Politics in India*, described how the Congress system married dominance by the Centre and resistance from the peripheries into a consensus politics. Marxist accounts have done a better job of portraying how dominant classes have used the state as a site for dominance with the understanding that centralisation is the way for acquiring political hegemony.40 However, this does not explain the core/periphery dichotomy in South Asia. Rao and Frankel in their two volume collection discuss how Indian politics can be viewed as the rising power of the formerly low status groups and their clash with the elites. By extension this does deal with the resistance to centrist politics from the borders but the linkage is at best tenuous.41 There are a number of monographs on political dominance and resistance but none that deal exclusively with resistance from the borders as a phenomena resulting from partition and ongoing state formations in South Asia. Neither are there works that deal with the history that the borders have created.

By ignoring them we have begun to misunderstand the historical forces which shaped our borderlands. We have missed the complex realities of the states system in South Asia. This will be borne by the studies done on the wars that India fought with its neighbours. The 1962 Sino-Indian border war is especially notable for generating interest on the borders. Sadly most of these studies are meant either to blame a country for the war or to justify its position. The border appears only incidentally. Alistair Lamb’s work on the China–India border falls within this genre. Lamb finds India’s position untenable because he feels that China had never accepted the McMahon Line in the first place.42 From the other side there are memoirs by Indian generals such
as B. M. Kaul’s where he tries to legitimise his own decisions, or Menon’s which efforts to legitimise the position of India. That the South Asian borders have prompted a specific kind of state formation and a pattern of diplomacy is not apparent from these studies.

Dorothy Woodman’s accounts of the Himalayan frontiers also fall within the same genre. Woodman argues that it is the overwhelming geographical presence of the Himalayas that have shaped relations between Britain, Russia, China and India. Although with a thrust towards the international rather than a single country, thus much acclaimed, the author tries to justify the British action in the Himalayas by stating that all the other powers had similar intentions on the region and they actively supported British imperial policy when it suited them. Thus, Britain could not be blamed for the situation that India and China faced in the fifties and sixties. Such studies duplicate the tools used by the Atlanticist powers in understanding their borders and impose the same parameters for understanding South Asia which denies that the region shares a long history of movements which started long before any East India Company were born.

The last two decades have witnessed attempts at policies to make South Asian borders more rigid. Yet if we trace our own history of ideas we will see that the concept of demarcated borders, both inter- and intra-state was not considered viable. It still remains to be seen whether it is not true that South Asian frontiers can be at best organised as borderlands and cannot be dissected into rigid boundaries. Concepts of strategic frontiers were largely imperial and Western. When the British divided South Asia they did it often on paper. The ruling class have made those borders rigid due to power considerations. Only by making the borders static and rigid can the state hope to control them. This goes against the social, cultural and economic traditions of the region. We are still grappling with studies of the border and producing western imitations only because we have not been able to formulate a South Asian concept of borders. To us the borders remain ‘rim lands’ difficult to govern and western hegemony even in the realm of ideas has made it imperative that for the purposes of ‘sovereignty’ we convert the borders into watertight lines. A close study of Indian efforts for total demarcation of borders will show that even our best efforts
cannot be considered as a success story. Such rigid demarcation will work against topography, economy, kinship networks and any other linkages. In an effort to serve the political demands of the received theory of sovereignty we are breaking ‘utilitarian complementariness’ and denying the history of the region. It has to be recognised that borders of India are neither static and nor rigid and even discursively they cannot be considered as such.

The repeated changes in the borders in central and eastern Europe, in the Eurasian region, in the heartland of Africa have their own histories and these have also contributed to the politics of the region. If anything, then a historiographical review of borders in South Asia suggests that we need a fresh outlook to understand the complex histories of space and politics, realities and ideologies of the region. Mahnaz Z. Ispahani’s account of the politics of access in the borderlands of Asia is an example of such a study which is an analysis of the amalgamation of these forces. Ispahani focus geographically on South, Central and West Asia and on the major land routes through these regions. She observes that in an effort to master these routes countries converted ‘zones of transitions’ or peripheries into borderlands and then demarcated them. Technological innovations notwithstanding, the primary role of land routes in this region have historically shaped relationships and alignments between Afghanistan, Pakistan, India and China. Immediately after the Sino-Indian war, the Sino-Pakistani friendship treaty which resulted in the opening of the ancient silk routes is a case in point.45 Here is not geographical determinism but a fresh perspective into border studies of the region.

As I have stated before, there are other efforts on Latin American and African borders, where scholars with interest in sociological dimensions are entering the field and enriching it. In a ‘sub-regional dialogue’ held in Dhaka in February 1997 similar efforts were made to understand the India–Bangladesh borderland. Such efforts will go a long a way in giving us fresh insights into the core-periphery problems. It may also help us to understand the cross border linkages. Then we need to compare our experiences with that of the other regions such as sub-Saharan Africa and central and eastern Europe and see how other borders have faced post-coloniality, partition, and experiences of ‘state making’ and ‘state breaking’. For such studies comparative
historical perspectives are essential. In the last decade a few studies have tried to address these issues. Ranabir Samaddar’s *The Marginal Nation* is a case in point. This book is also meant to be part of that genre where borders are analysed not from the perspective of the state or security but from the perspective of the people who inhabit, who cross them, make them insignificant and try to appropriate the borders themselves. But whether they are able to transcend from being bordered existences is a later story. For now, in the next few chapters, we will see how borders are formed—be they geographical, ethnic at legal.

**Notes**

12. Ford Foundation has announced a five-year project grant under the rubric of ‘Crossing the Border’ in 1998.
19. The state elites could use maps to support their claims by creating discrepancies. According to Karunakar Gupta many such maps were interchanged between India and China during the Sino-Indian crisis of 1959–62. Karunakar Gupta, *The Spotlight on Sino-Indian Frontier* (Calcutta: New Book Centre, 1982), 18. On this see also Kuldip Nayar, *Between the Lines* (Bombay: Allied Publishers, 1969), 133–227. Some countries such as Ecuador double their land possessions in maps. Others in Latin America forbid anyone other than the military to make maps.
22. Such ideas were articulated by Lord Acton who said ‘Power tends to expand indefinitely and in so doing (to) transcend all barriers.’ For contemporary arguments of territoriality, borders and expansion see Geoffrey Parker, *The Geopolitics of Domination* (London: Routledge
Introduction


30. Sir Thomas Holdich, *Political Frontiers and Boundary Making* (London: Macmillan, 1956), 280–81. The odd coincidence is that the year when Turner published his thesis was also the year when Durand negotiated the line named after him with the Emir of Afghanistan which had serious implications for states in South and West Asia.


35. As a contemporary effort a group of historians came together for a colloquium on the Himalayan frontiers but their efforts were less than satisfactory. N. L. Roy, ed., *Himalayan Frontier in Historical Perspective* (Calcutta: Institute of Historical Studies, 1986).


Borders, Histories, Existences
1

Aliens in the Colonial World

A ny student of South Asian history knows that traditionally this history is divided into three periods: the ancient, the medieval and the modern. The ancient period began with the arrival of the Aryans, continued through the migration of the Scythians, Parthians, Bactrians and many others and moved into the medieval with the Arab invasion of Sind and the consequent arrival of the ‘slaves’ from Ghazni and Ghor. The modern period found its markers in the arrival of the Europeans. This in itself is a testimony to population flows that characterises the region. This is also a testimony to the disciplining of Indian history at a time when large-scale population movement was considered as a marker of history. In this chapter the endeavour is to discuss population flows and subsequent acculturation of groups who were markedly different from the native population into this part of the world in pre-colonial times. That pattern changed with the British administration that tried to harness population movement in the colonial period by branding such groups as aliens or foreigners on whom their control was tenuous. The notion of insiders was predicated on the notion of outsiders, which was built on the notion of difference. From this was born the category of aliens/foreigners who were different from subjects. This division of insiders and outsiders could be maintained so long as population movement could be harnessed.
Hence, a plethora of acts began appearing on immigration and emigration. If foreigners were the ‘others’ then refugees were the markers of that ‘otherness’ inside. Attitude towards refugees was evolved on this notion of difference/alien/‘other’. Thus even today asylum seekers are often convicted under the jurisdiction of the Foreigners Act of 1946. Therefore, to understand practices towards refugees it is essential to explore how notions of foreign and alien evolved and merged into the project of state building. This chapter is an endeavour in that direction.

**THE NOTION OF DIFFERENCE**

One of the first notions of difference evolved from the African presence in the Deccan. Yet this sense of difference from the native community could not be equated with the notion of foreigner. From the sixth century AD Arabs were the masters of the Indian Ocean. They brought African slaves from Ethiopia and Somalia. Ethiopia was linked to Arabia by religion and trade. The Arabs brought many Ethiopian slaves to India. These slaves were called *Habshis*. They were particularly popular in India for their ability to throw the javelin. Rich merchants extensively employed them as soldiers. By the early fourteenth century *Ibn Batuta* reported on the presence of the *Habshis* in India during his visit from 1333 to 1342. However, even before that Malik Kafur, the *Hazardinari*, African slave of Allauddin Khilji rose to prominence. He conquered large parts of the Deccan for his master. Out of the area consolidated by Kafur grew the Bahamani kingdom. In the Bahamani kingdom there was the strong presence of a group called *Gharibu’d-diyar* or *Afaqis* meaning cosmopolitans. These *Afaqis* were formed of Arabs, Persians, Turks and others who were the recent immigrants. Interestingly enough the Africans who were either slaves (*ghulams*) or warriors (*Janhju*) were not part of the *Afaqis*. Although the fact that they were different was borne out by the name given to their offspring with Indian spouses called *Muwallads*. But the *Habshis* with their children formed part of the *Dakhni* group, who were the old comers. Although visibly different, the *Habshis*, according to one commentator, ‘never seem to have been considered as foreigners throughout the history of the Deccan’.
In the latter part of the Bahamani period the political atmosphere was vitiated by the quarrels between the Dakhnis and the Africans, on the one hand, and the newcomers on the other. The Africans became a political force and there was no taboo against their rise to high offices and to the ranks of nobility. Even the Afaqis, who could either be called the cosmopolitan or the foreign element, assumed increasing influence in politics. In fact as one commentator stresses, the whole system of political hegemony of the Deccan relied on the infusion of fresh blood from mainly Najaf, Karbala and Medina from the north and of Persians from Sistan, Khurasan or Gilan. A Habshi leader who rose to prominence at this time was Dastur Dinar. His chequered career portrays the tensions that existed among the Dakhnis, Africans and the Afaqis. A few years later another Habshi slave sought to preserve the independence of Deccan from the continuous encroachments of the Mughal rulers. Malik Ambar, who was a slave from Ethiopia, became the spearhead of a movement that sought to keep the Mughals away from Deccan. Under him the Nizam Shahi dynasty got a fresh lease of life.

Africans rose to prominence in all of Deccan. They were visible in the kingdoms of Bijapur, Berar and Khandesh. The Siddis of Janjira and Karnataka were largely Africans. They played a vital role in the Portuguese economy in India. Soon after Alfonso de Albuquerque wrested Goa from Adil Shah of Bijapur in 1510, the Portuguese started bringing slaves from Mozambique to India. Portuguese, Hindus and Muslims who cared to buy them employed these slaves. According to John Huyghen Van Linschoten several kings and rulers in India bought these slaves, ‘because they are the strongest in all east countries’, and did ‘their filthiest and hardest labour’. Unlike the African warriors of the Deccan, the slaves in Goa did not enjoy an easy life. They were, in the words of travellers such as Linschoten and Bernier, often underfed and had to put up with a lot of cruelty. Hardly any of them rose to prominence and they remained segregated from the native community until their emancipation in the nineteenth century. But such a state of affairs was not exceptional under Portuguese rule. The Portuguese persecuted both Hindus and Muslims with equal fervour. Political power remained largely with the Portuguese themselves and there was
a conscious discrimination faced by ‘others’. M. N. Pearson calls
the Portuguese military–political–religious presence in sixteenth-
century India as ‘exploitative, racist, distasteful’.\textsuperscript{6} The Portuguese
domination of parts of western India was a rule with a differ-
ce. The Portuguese efforts to uphold their superiority \textit{vis-à-vis} the ‘native’ population and their massacre of non-Christians
made their rule different from those prior to their arrival. How-
ever, the Portuguese Empire in India was too minuscule to have
a huge effect on the ‘native’ population.

Portuguese colonial rule in western India had tremendous
ramifications for people who were considered different. The
Portuguese were one of the first groups who considered them-
selves different from all those they ruled. However, it would be
incorrect to ascribe to them the credit or discredit of importation
of ideas for clear demarcation of borders on which were
predicated notions of insiders/outsiders. They did mark certain
groups as aliens or foreigners, but could not attribute to them
certain disabilities based on their territorial location. Actually
the Portuguese Empire was not a modern empire with demar-
cated borders. Although the Portuguese wanted to centralise
their rule they never quite succeeded. Yet they were probably
one of the first groups to claim superiority based on difference
from the people that they ruled.

It is true that various laws discriminated against the non-
Christians. These were designed to encourage conversion into
Christianity. By denying the non-Christians the right to practise
their religion freely, by denying them political rights and by
imposing certain limitations on their economic activities it was
hoped that conversion would seem more desirable to these
people.\textsuperscript{7} However, there was no effort to control the right of access
of these people whom they considered foreigners. In fact there
are evidences that efforts were made to appropriate and assimi-
late the rich among them. For example, there is evidence that in
the 1640s the municipal council of Goa wrote to the King of
Portugal ‘suggesting that he pass decrees that no Brahmin or
Kshatriya or member of any other caste who is rich or has pro-
property might marry his daughter to anyone except to a Portuguese
born in Portugal’.\textsuperscript{8} It was thought that the Portuguese population
would benefit from the dowry that these women would bring
in and of course they would be converted to Christianity thus
swelling the ranks of the true believers. Thus, the Portuguese did not mark the ruled as permanent outsiders.

Although it would be incorrect to say that the Portuguese did not have territorial notions of sovereignty. Their system of cartaza (passes) is based on the notion of territoriality. Before the arrival of the Portuguese, the Indian Ocean trade was brisk and unspoiled and all regions were interconnected. ‘It was a self-contained system and we come across no treaties between the kings or merchants regarding trading as far as this region was concerned. None of these communities possessed armed shipping. The seas were common and open to all until the advent of the Portuguese.’ The Portuguese and their pass system demarcated their authority over certain areas. Those who traded in those areas had to remit a certain amount of money. Yet there were many that evaded the cartazas. The Portuguese could not completely override the Baniyas or the Brahmins who traded in these areas and had to continue their rule in collaboration with these groups. Thus the Portuguese were unable to impose concepts of insider/outsider on the non-Portuguese who lived in these areas to any great extent. This becomes clear if one looks into the situation of Parsis in western India. It was not the Portuguese but the British administration that triggered the Parsi self-identification of difference. It was in the nineteenth century that the Parsis began to voice the idea of difference from the Hindu and Muslim communities.

The Khorasanis or the Parsis left their homeland in Iran as a result of religious persecution by the Arabs somewhere in the middle of the ninth century when they ‘traversed the seas and landed on the ever hospitable shores of India’. The Parsis came and settled in Sanjan in Gujarat. Perhaps one of the first references to Parsis within Gujarat is that of a French monk of the Dominican order who passed through Gujarat around AD 1322. He called them pagan; a term that does not denote any sense of superiority of the Parsis but merely of difference when compared to the other natives. In Akbar’s court there is the mention of the presence of a Parsi priest of Navsari named Dastur Meherji Rana. His primary role was to serve as the mediator to the Parsi community. According to one observer ‘while the Meherji family held positions of prestige, the offices they held were generally
secondary posts’. In the pre-colonial times Parsis were not associated with any exceptional commercial achievements.

In the colonial period Parsis were noted for their entrepreneurial skills. Yet European travellers in the sixteenth and seventeenth century do not speak of Parsis engaged in commerce. After 1700, there was a tremendous increase in the number of Parsis who involved themselves in commercial pursuits. According to one scholar this ‘increase took place in Gujarat, in the context of declining Mughal political authority and increasing British East India Company economic and political power’.

Initially the Parsis served the Portuguese and then the British. However, it was by attaching themselves to the English company that the Parsis got the knowledge of markets and supplies. It was through their association with the English company and its administration that the Parsis acquired their special status whereby they defined themselves not as minority but as foreign. Their foreignness was equated with being like Europeans. Their self-defined difference assumed two diverse trajectories. Some difference was good and others bad. Thus, if difference is equated with foreign then some foreigners were good and others bad. Some Parsis aspired to be good foreigners but that division came later. In the seventeenth and early eighteenth centuries their relation with the British was not very unproblematic as can be gleaned from the chequered career of one Rustum Manock and his family. At that time their identification with the Europeans was yet unformed and nebulous.

Some years before 1662, when Charles II acquired Bombay as dowry from his Portuguese queen, Parsis had migrated to Portuguese Bombay. There many Parsis began working as clerks for the Portuguese. By this time Parsis had ‘become assimilated in the larger community’. By 1685 Rustum Manock became broker to the Portuguese. Rustum also issued cartazas that non-Europeans required for shipping in the Indian Ocean. Rustum served the Portuguese so well that the Viceroy Conde De Villa Verde gave him a letter of commendation. He joined the New English East India Company in 1700. One reason why Rustum decided to serve a new master was that English sea power had broken the Portuguese naval domination of Indian Ocean. For many years Rustum served the English Company well but his sons got embroiled in a conflict with the company when they
lost their job as the broker. Rustum’s son Nowrosji had to go to London to get a favourable settlement. He presented his family’s case before the Court of Directors, thereby not only saving the family from financial ruin but also helping them to establish new alliances in London. The Manock family was reinstated as the Company’s broker but factional struggle within the company led to their downfall. At a time when the company was consolidating itself they used the services of the Parsis but never treated them as their own lot. Even the Parsis did not equate themselves with the Europeans until the nineteenth century. That the Parsis could have their own legal practice was granted by the Chattels Real Act in 1837.

The Parsis continued their economic exploits under the British. Their commercial success was legendary. Until the middle of the nineteenth century the Parsis had considered themselves as ‘natives’. Around the 1850s a renowned Parsi leader ‘Jamshetji Jeejeebhoy had still called himself a native of India. Around the turn of the century, however, protests against this term increased. This attitude is very much represented by the newspaper *The Parsi*, which was published since 1905. The majority of the community kept itself aloof from the ‘backward’ Indian society and some even began to consider themselves as belonging to a ‘purely white race’. This was the cause of much consternation among Parsi Congress leaders such as Pherozeshah Mehta and Dadabhai Naoroji. In his presidential address in the Indian National Congress in 1890 Mehta had said:

> In speaking of myself as a native of this country, I am not unaware that, incredible as it may seem, Parsis have been both called, and invited and allured to call themselves foreigners. If twelve centuries, however, entitle Angles and Saxons, and Normans and Danes, to call themselves natives of England, if a lesser period entitles Indian Mohamedans to call themselves natives of India, surely we are born children of the soil, in which our lot has been cast for a period of over thirteen centuries, and where ever since the advent of the British power, we have lived and worked, with our Hindu and Mohamedan neighbours, for common aims, common aspirations and common interest.

In 1906 Manchersha Barjorji Godrej, a brother of Adershir and Phirozshah Godrej, the founders of Godrej group of companies
addressed this dichotomy in a letter to *Indian Sociologist* where he asked: ‘Is the Parsi an Indian or Foreigner?’ He wrote that the Parsis:

...both mentally and morally ... has acquired the virtues and vices of those in whose midst he has been born and bred. His habits, manners and customs, his language, character and ways of thinking, his superstitions and even the very blood in his veins, for how many Parsis are children of intermarriages with Hindus!—clearly point out that the Parsi has done his best to identify with the native land. No doubt his present European environment has not a little modified his intellect and character, and it is likely that in course of time the ever pliable Parsi might resemble the European more than the Indian, but still his European education cannot change the fact that by *birth* and *residence* he is an Indian.20

M. B. Godrej clearly attributed the Parsi’s growing sense of difference from the ‘native’ community to their proximity to the Europeans.

Not just the Parsis themselves but even the representatives of the British Raj in the nineteenth and early twentieth centuries began to highlight this foreignness of the Parsis. According to one C. A. Kincaid:

There are two questions, I think, which sooner or later occur inevitably to any Englishmen who serves in the Bombay Presidency. (i) How is it that an eastern community like Parsis came to show such an extraordinary aptitude for cricket and other Western athletic sports? (ii) How is it that although for twelve hundred years resident in Guzerat, they have, while forgetting Zend, never acquired a proper knowledge of Guzerati? The readiest answer that will occur to the first question is that the Parsis were originally a nation of soldiers before they became traders. But although it would be idle to deny the bold and martial spirit that carried the Persian from Babylon to Athens, and from the Oxus to the Don, yet other communities as originally warlike as the Persians, have not taken to English games. Moreover, this answer is no reply whatever to the second question. The object of this article will be to establish that the solution of both problems is to be found in the Hellenisation of Persia before the Arab invasion.21

There was thus a conscious effort to highlight the difference of the Parsis from other Indian subjects. Also there was an effort
to equate this difference with foreignness and with being similar to the European. If we look into some of the acts passed by the Indian administration it becomes apparent how the idea of difference/foreignness came to dominate British administrative thinking in India from the latter half of the nineteenth century. However, this difference was of two kinds, the good and bad. The passage of new Foreigners Act was to harness the movements of the bad foreigner and to keep them away from the subjects. By controlling the access of the foreigners the British Empire encouraged the growth of the sense of insiders/outsiders on which both displacement and asylum of people is based in the present time.

**CONTROLLING MOBILITY**

According to Chris Bayly one of the modes by which the British administration tried to acquire political stability was through the control of mobility of itinerant groups.

Nomads and wanderers were seen as disorderly elements—carriers of roguery and dissidence. This stereotype was often applied to travelling groups as harmless as ironsmiths and potters who linked up areas of production and consumption. It is not difficult to see how attitudes like this derived from experience of the great increase in social control which had taken place in contemporary England.22

By the beginning of the nineteenth century then the British began in earnest to try to harness the mobility of such groups as the Banjaras, Mewatis and Rohillas.

It was also the time of the spread of Wahabi movement. The spread of Wahabi cult, though of little threat to the English rule, was attributed to ‘wandering adventurers’.23 The foreign department files of the same period are rife with tales of mobile marauding groups.24 Thus mobility or the ability to harness mobility of disorderly or alien groups became part of Britain’s state building mission in India. Difference became the ground on which was posited the idea of aliens or foreigners whose movements needed to be harnessed. The first Foreigners Act passed in 1864 is a testimony to such an effort.
In mid-nineteenth century John Russel had ‘instanced immigration as a matter which of necessity must remain subject to imperial control’.[25] The powers delegated to the governor general through the Foreigners Act were an effort in that direction. Such an effort was not the first of its kind. The Act XXXIII of 1857 contained in it many of the similar provisions that were reinforced by the Act I of 1862. Yet a new Foreigners Act became necessary because the previous acts were not being vigorously enforced. As it was mentioned during the introduction of the new Foreigners Bill that the previous acts were becoming defunct as the ‘Magistrates do not enforce its provisions and the police have been instructed not to molest persons travelling without a license’.[26] Thus, in order to monitor the movement of the foreigners, this Act became necessary. The Act clearly stated that ‘Whereas it is expedient to make provisions to enable the government to prevent the subjects of Foreign States from residing or sojourning in British India, or from passing through or travelling therein, without the consent of the Government.’[27] The Act was meant to harness the movement of certain groups of foreigners. The governor general in Council and any local government was empowered by this Act to remove any foreigner by issuing a written order. Article 4 of the act made it possible for the issuing authority to enforce the foreigner into taking a route of their choice. Among the foreigners, those who were wanted could be given a permit or a license. In case any foreigner violated this Act then he was to be apprehended, detained and kept in safe custody upon such terms and conditions as is deemed by the authorities to be ‘sufficient for the peace and security of British India, and the allies of Her Majesty, and of neighbouring Princes and States’.[28]

That the Act was meant to harness mobility of certain groups of foreigners was made apparent by the clause that any license given to foreigners should specify the routes they could take and the areas they could visit. If a foreigner violated it he could be apprehended without a warrant by an officer exercising powers of the magistrate or by any European commissioned officer. Here the racial dimension of the Act also becomes clear. The other important clause of this Act is Article 20 where it is stated that:
It shall be lawful for the Commissioner of Police, or for the Magistrate of the district … to enter any vessel in any port or place within British India in which all the provisions of this Act may for the time being, be in force, in order to ascertain whether any foreigner bound to report his arrival under the said Section 6 of this Act is on board of such vessel, and it shall be lawful for such Commissioner of Police, Magistrate or other officer as aforesaid to adopt such means as may be reasonably necessary for that purpose, and the master or Commander of such vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, Magistrate, or other as aforesaid, deliver to him a list in writing of the passengers on board, specifying the ports or places of their disembarkation, or intended disembarkation, and answer to the best of his knowledge all such questions touching the passengers on board the said vessel, or touching those who may have disembarked in any part of British India shall be put to him by the Commissioner of Police, Magistrate or any other officer as aforesaid.  

The Act not only highlighted that foreigners, or certain groups of foreigners were disorderly but also called for their constant surveillance. The Act also made it possible for the administration to exempt any ‘class of persons, either wholly, or partially, or temporarily, or otherwise, from all or any of the provisions of this Act’ This emphasised the fact that there could be positive discrimination for some groups of foreigners and certainly there was not meant to be equality before law. The importance of this Act is borne out by the fact that initially it was in force in those areas of British India which were outside of the Scheduled Districts. However, in 1898 Burma was brought within the domain of this Act and the next year the Santhal Parganas were included within its purview.

In the next decade after the passing the Foreigners Act of 1864 there were no Europeans who were charged or deported under this Act. Most of the deportations made under this Act were of people living in neighbouring areas. For example in 1867 one C. H. Grace, deputy commissioner of Nimar reported to Major H. Mackenzie, commissioner of the Narmada division, that:

[A]bout the beginning of the present month a gang of persons calling themselves natives of Cashmere arrived at Khundwa from
Hurda. They are all Mussalmans, however, and their appearance is more that of Baloochees, or some other frontier tribe than of Cashmeres. They possessed a Rahadari purwannah.

He went on to say that they were alleged to have created trouble at Borgaon. He requested Mackenzie to issue a warrant for their deportation not only because they were alleged to have committed crimes but also because they had ‘no tangible means of livelihood’. This group was eventually deported although none of their crimes were proved. In another case the officiating secretary to the Government of Bengal wrote to the secretary of the chief commissioner of Central Provinces. He said, ‘a band of persons in number about 40, believed to belong to Cabul, Herat or Khorasan, who have been for some time past wandering about British territories without any ostensible object’. Issuing a warrant for the deportation, J. T. Wheeler wrote that although the band did not in any way seem formidable, he still wished to issue a final order of deportation. Actually the Foreigners Act was an instrument by which the British government was legitimising their political power of making a choice, of allowing access to certain groups and restricting it from others. By marking some as outsiders/foreigners the state was legitimising its right to exclude.

One of the reasons given for marking outsiders and deporting them was that they did not posses adequate means of livelihood. It would be interesting to note that around the same time the members of the Legislative Assembly were vociferously supporting the emigration of Indians in search of jobs to foreign lands. One Mr. H. Sumner Maine had argued that if a labourer wished to emigrate then ‘no Government on earth had the right to prevent him’. But he was aware of the problems posed by such intent of Indian labourers. He said:

We, who are thousands of miles from our home, should proceed to deny to the Natives of India the right to go where they pleased to procure better remuneration for their labour would be a conduct which the world at large would regard, to put it gently as the most extraordinary of English eccentricities. But on the other hand nobody would really wish that the Natives of India should emigrate in large numbers, though he might not feel himself at liberty to refuse them the liberty of emigrating.
Sumner Maine’s argument brought the crux of the problems to the forefront. How could a state justify its right to control access when that state was created on the basis of individual’s right to be mobile? However the modern state was also a territorial state and so it was essential for such a state to appropriate the right to access. As Maine’s dilemma portrays that such control to access was more and more based on race, but the modality of legitimising it had yet to be perfected.

Also by deporting people without ‘tangible means of livelihood’ the British government was stressing how unwanted such people were for the state. In the present day it is these people who join the ranks of displaced and refugees the most. British vagrancy laws had attacked such people. They transported the same attitude to their colonies. But a roving labour force was a fact of life in this region. Such people were also held in suspicion. The emigration laws were meant to take care of such people who could be transported to colonies where there were demands for cheap labour.

At this juncture it seems essential to focus our attention to another act passed in the British Parliament. It was in 1870 when Germany had humiliated France and emerged as the leading power of continental Europe. The British Parliament passed an amendment to the existing Extradition Act. In it was stated that the following restrictions would be observed in respect of fugitive criminals:

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of political character or if he prove to the satisfaction of the police Magistrate or the Court before whom he is brought on habeas corpus, or to the Secretary of State, that the requisition for his surrender has in fact been made with a view to try to punish him for an offence of a political character.35

Thus, in the international scenario the exceptionality of a political prisoner was getting recognised. However, in a colony the state could not invoke such a policy, as then it would challenge the state’s supreme control over the territory and the individuals that reside within. That the political prisoner was a different category was perhaps accepted by the atate in the twentieth century. But the British state could not introduce the
idea of asylum to political fugitives within their colonies. With the Portuguese they signed extradition treaties knowing well how coercive the Portuguese state was. The state jealously guarded its prerogative of decision about foreigners and in the colonies they did not dilute this prerogative by introducing the idea of political fugitives. The state would create markers of difference and whether a ‘difference’ would be accepted or rejected was also the state’s prerogative. Thus, by the decision to appropriate the power to decide on who would be a political prisoner, the state reinforced its rights to control who would be inside and who would remain outside.

In the British project of state formation in India the importance of territoriality was borne out by another act and that was the Territorial Waters Jurisdiction Act of 1878. In this Act the British state tried to demarcate the seas surrounding India. It endeavoured to regulate the extent to which British jurisdiction could be exercised in the seas. The Act stated that, ‘an offence committed by a person, whether he is or is not subject of Her Majesty, on the open sea within the territorial waters of Her Majesty’s dominions, is an offence within the jurisdiction of the admiral’. With the growing importance of territoriality the question of who will have access to this territory became a question of increasing concern to the British Empire.

Another indicator of the growing importance of territoriality is the growth of Census that began to be calculated regularly from 1870s. The Census was used as a tool for assessing movement of population. In 1881 Bengal showed the presence of 3,546,918 people who reported that they were born outside the region. There was an effort to figure out how many languages were spoken in each region. There was also an effort to find out the birthplaces of people who were reported as having born outside the region. This data would later be used to mark foreigners present in any area. Such information began to be considered essential for governance. However, even those who were reported to have been born outside the region or spoke a different language than what was usually spoken could not be branded foreigners as yet. Such concepts were still hazy and foreigners could only be stopped while they were entering the region. To develop a regime of control over foreigners already in the region other acts had to be passed. This was a twentieth century development.
Access Controlled

By the beginning of the twentieth century the British Empire had established its right to control accesses into its territories by officially endorsing the principle that the Dominions had the right to restrict or prohibit the entry of Indian immigrants. In most other British colonies Indians were the marked outsiders. In the early fifties of the nineteenth century the Australian colonies began restricting the entry of the Asians. Mr Chamberlain had urged the Australian colonies not to use words that would hurt the feelings of any of Her Majesty’s subjects. At the same time he sympathised with their determination to protect their communities against an influx of people, ‘alien in civilization, alien in religion, alien in customs, whose influx moreover, would seriously interfere with the legitimate rights of the existing labour population’. Australia and New Zealand found in the education test the means of satisfying their own communities and the British government. Canada restricted Indian immigration by a different method. By empowering the governor general to exclude any class of immigrants that he found unsuitable for the Canadian climate and by insisting on continuous voyage from country of emigration they successfully stopped Indians. The legislation in the colony of Natal was also directed primarily against Indians.

The British government offered no opposition to such restrictive practices on the basis of race. In 1911 Lord Crewe dismissed the argument,

that every subject of the King whoever he may be or wherever he may live has a natural right to travel or settle in any part of the Empire. His Majesty’s government fully accept the principle that each Dominion must be allowed to decide for itself what elements it desires to accept in its population.

Thus, it was becoming common practice for states to control the entrance of ‘aliens’ in its territories. In this atmosphere the First World War erupted. According to one observer before 1914 there was hardly any distinction between a subject and an alien in the British Empire. But the First World War changed such a situation drastically. Britain passed the British Nationality and the Status of Aliens Act of 1914. This Act attached a number of disabilities on the so-called aliens in times of war including restrictions on their free
According to this Act an alien has no right at common law or by statute to be admitted into the United Kingdom. Aliens became a category about whom there was much uncertainty and suspicion. The policy of free movement that facilitated the growth of the British Empire in the first place became a matter of suspicion and state control. The other category whose relation with the state became tenuous as a result of this act was the category of women. The British Nationality and the Status of Aliens Act of 1914 portrayed that rights of nationality could be transferred only through the male line. Women were considered as subjects or aliens primarily through their association with men. Thus the case of Fasbender versus Attorney-General in 1922 showed that a female British subject could contract a marriage in good faith during war and lose her British nationality. Thus women were neither full subjects nor foreigners. Even when they were subjects they could lose their nationality through marriage to an alien. That such attitudes would be inherited by the postcolonial state among other things is portrayed by the Abducted Persons (Recovery and Restoration) Act, 1949.

Two other acts of the same genre followed this Act. They were the Aliens Restriction Acts, 1914 and 1919. The names of these acts portray that a state’s primary relation with an alien is one of restriction. Within these notions, particularly in the other British colonies was imbued a racial dimension. Thus, state control on the movement of those aliens who were considered racially inferior began to be legitimised. But there was hardly any evidence of state control of movement of European people as long as they were not belligerents. No wonder then the Parsis who had hitherto regarded themselves as Indians aspired to be of the ‘white race’. In such a situation the Passport Act was enacted in 1920.

The Government of India Act of 1919 confined the subject of aliens to the central legislative and executive control. The next year the Passport Act gave the power to the central government to make rules requiring that anyone entering India should have a passport. It gave the state the power to prohibit entry of any persons who has not in his possession a passport issued to him by prescribed authorities. The Act also made it possible for any police officer above the rank of sub-inspector to make arrests without even a warrant on the basis of this Act.
The Act empowered the government to remove any persons from India ‘who, in contravention of any rule made under Section 3 prohibiting entry into the Provinces without passport, has entered therein, and thereupon any officer of the government shall have all reasonable powers necessary to enforce such direction’. The Passport Act brought to fruition the process started by the Foreigners Act of 1864. It made the state’s control over foreigners even more stringent and also paved the way for controlling the mobility of the subjects as passports were meant to be identification for travel. And when a passport was desired from foreigners, it followed that subject’s of the state who wished to travel outside of one’s realm needed a passport. Thus it became mandatory that only those who bear their governments attestations regarding their identities were to be considered suitable for entry. Thus, those who did not have their own government’s endorsement could be treated on an ad hoc basis. This created the ground for state’s discretion regarding treatment of refugees.

The Passport Act of 1920 was predicated on certain other developments. It was at around the same time that the British colonial government embarked on a massive project of marking its borders. The Durand Line was demarcated in 1893, separating present-day Afghanistan from Pakistan and the McMahon Line between India and China were constituted within 10 years of one another. Such markings became possible because of the development of cartography in the eighteenth century. The demarcation of borders was predicated on state’s policy to control those borders. The proof of a demarcated border was in the state’s ability to regulate those borders. The Passport Act was a manifestation of such control on which rested the notion of a modern territorial and centralised state. And how can control be exercised but by identifying certain groups as outsiders and controlling their access?

Subsequent to the Passport Act came the Emigration Act of 1922. This Emigration Act codified the state’s authority to permit emigration of both skilled and unskilled labour to territories that the state considered suitable. The act also specified the ports through which such emigration could take place. It made it unlawful and a punitive offence for labour to emigrate without the permission of the state. In the Legislative Assembly
Debates prior to the passage of the bill N. M. Joshi, who was the nominated member for labour interest, raised the question that a state should not appropriate on itself the right to stop labour from emigrating. In his support Bhai Man Singh argued that a state has the right to stop emigration only under extraordinary circumstances. But from the government B. N. Sharma, the revenue member replied that:

[I]t is perfectly competent for any State to fix for itself the condition under which emigrants may proceed to other countries; it might prohibit emigration altogether: there is no such thing as a right of emigration to every individual or a natural right to emigrate from his own State.45

Therefore, the Indian colonial state had come a long way from the time when Sumner Maine had argued that the colonial state could not appropriate the right to stop emigration when they themselves have travelled far and wide from their country to establish their colonies. Another interesting provision of the Act was that the central government was authorised to make rules if it so desired ‘prohibiting emigration of skilled workers in any country’.46

The argument behind the passage of this Act was the unfair treatment meted out to Indians in countries such as Kenya, South Africa and some other regions. Yet nothing concrete was done to stop this unfair treatment. In New Zealand in the early 1900s there was an effort to create ghettos for Asians and force them to live in those. This effort was not fruitful at that time. In South Africa the same principle was legally endorsed. The Agent of the Government of India in South Africa reported that:

[O]n the main question of Indian occupation and residence then, the Municipal witnesses demanded either absolute segregation or a modified segregation in an area within the town. In either case, they asked for definite powers to compel Asiatics to take up their residence in whatever areas might be set aside for them.47

The question of discriminatory treatment meted out to Indians was a recurrent theme in the legislative assembly debates of the nineteen twenties and thirties. The Indians claimed that they had the right to speak about and redress the wrongs facing ‘two
millions of Indians all over the world. India cannot therefore sit quiet under those disabilities. We have been repeatedly reminded of the Great Empire of which we are component partners’. Indian representatives made claims for equality of treatment in these colonies, as they were parts of the Empire. Thus, in a debate on the motion of ‘Equality of Status for Indians in Africa’, H. S. Gour while replying to R. A. Spence (when the latter said the Government of India could not legislate claiming uplands of Kenya for Indians) said that ‘he tells us that India is the home of himself and me, but Kenya is his home but not mine’. Thus Indian members in the government made their claims on the basis of their being part of the British Empire. But their protests were of no avail.

The story of racial discriminations faced by Indians is now oft repeated. Here it will suffice to say that such discriminations also became a ground for the Indian state to consolidate its control of movement of both foreigners and subjects. The Emigration Act was followed by Act III of 1924. This was the Immigration into India Act. In the debate that followed H. S. Gour asked the Government to ‘enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country’. He further said that at the Imperial Conference it was decided that ‘the right of Indians to citizenship in the British possessions and colonies should be recognised and this right originated from the recognition of India as partner in the British Commonwealth’, yet little was done to help the Indian situation in other British colonies. Thus the Act was introduced on the basis of the principle of reciprocity. Most members of the opposition supported the principle of reciprocity and called for the support of the government, as this principle was legitimised by the Imperial Conference. When finally passed, the Act called for:

The Governor General in Council for making rules for the purpose of securing that persons, not being of Indian origin, domiciled in any British possessions, shall have no greater rights and privileges, as regards entry into and residence in British India, than are accorded by the law and administration of such possessions to persons of Indian domicile.
Although this Act may have appeased Indian sentiments and could have been taken as a corrective to wrongs done in other British colonies, the governor general never made any rules on the basis of this Act.

All through the thirties, Indians living in India claimed the right to speak for the Indians living in other British colonies in the legislative assembly debate. It became part of the nationalist project. It was considered that Indians who emigrated as labourers had the right of return. They were considered as victims of the colonial project and so their right to return was never questioned. In a legislative assembly debate in 1923 it was argued that:

[I]t is the duty of the Governor General in Council to make rules to provide for accommodation for the transport of emigrants, for the reception and the despatch to their homes of return emigrants and generally the security, well-being and protection of emigrants on their return to India.\(^{51}\)

Thus, it was considered natural for emigrants to wish to return to their homes in India. That Indians in India claimed to speak for all Indians and that birth, not residence, denoted an Indian was made apparent in a debate on Ceylon in 1930. In that debate Hriday Nath Kunzru argued that ‘public opinion and this House and the Government of India have all together insisted on India being consulted fully and freely before any decision was arrived at affecting the position of Indians in that colony’.\(^{52}\) This followed Ceylon government’s declaration that to become a citizen, a person had not only to be in residence in Ceylon for the last five years, but had also to sign a declaration that apart from the Ceylon government no other government had any claims on him. The Indians reacted very angrily to this and passed a motion that the Assembly:

[R]ecommends to the Governor General in Council that the proposals of the Government of Ceylon which have been accepted by the Colonial Office, in so far as they make possession of a certificate of permanent settlement and renunciation of protection of the Government of India by Indian emigrants a condition of eligibility to vote should be put into effect and that immediate steps should be taken to secure the adoption of the original recommendation
Thus, Indians were staking claims on not just all those who lived in India, be they foreigners or citizens, but also on those who were born Indian, no matter where they lived. At that juncture it was possible to do so, as all or most Indians were part of the former/present British Empire. But things were bound to change when Indians no longer remained part of that Empire. Thus, although nationalists were claiming independence from the Empire yet they were retaining their claims on Indians living in other colonies on the basis of their membership of the Empire that they were doing their best to overthrow. However, they were yet to define who an Indian is apart from the criteria of birth. Did that automatically mean that all those who were not born in India were foreigners? This was a question that was yet to be answered.

**CONSTRUCTION OF ALIENS THROUGH LEGISLATION**

The next round of acts concerning foreigners or aliens appeared during the next Great War. It was here that the post-colonial government inherited the British attitude to territoriality and made it a principle of its own policies of governance. As one commentator states, ‘all Commonwealth countries have consciously pursued a policy of administration of justice almost identical to the system inherited from British’. The Indian government also followed the same legal regime that the British had built to keep out the unwanted. But there were some caveats, and this perhaps enabled the rise of a peculiar regime of power and care in post-colonial India.

The Registration of Foreigners Act came in vogue in 1939. As the name suggests, it called for the registration of all foreigners coming to India. The Census Report of 1931 noted that there were some 572,000 persons living in India who had stated that they were born outside of His Majesty’s dominions. However, there was no information as to their nationality. The only law, which provided for the registration of foreigners as a different category was contained in Sections 6 to 9 of the Foreigners Act of 1864. ‘Those provisions, however, are intended for use in
emergency only, and apart from this even if they were brought into force, they would apply only to foreigners arriving, and not to those already resident in British India.55 By this time, in the majority of other countries both within and outside the British Commonwealth, foreign visitors and residents were required to report their movement. Excluding or restricting foreigners was an accepted mode of border control by now. Lord Atkinson had, in a Canadian appeal to the Privy Council, stated even before the First World War that:

One of the rights possessed by the supreme power in every State is the right to refuse to permit an alien to enter that State, to annex what conditions it pleases to the permission to enter it, and to expel or deport from the State, at pleasure, even a friendly alien, especially if it considers his presence in the State opposed to its peace, order, and good government, or to its social or material interest.56

After the war this principle was commonly accepted. Even Indian representatives to imperial conferences in 1918, 1921 and 1923 accepted this principle of exclusion of aliens.57

The Registration of Foreigners Bill evoked intense debate in the Legislative Assembly. Sir Reginald Maxwell introduced the bill on 8 March 1939. While introducing the bill Maxwell commented that ‘it is evident that the presence of foreigners in this country and the extent of foreign immigration are matters which are attracting an increasing amount of attention’.58 In trying to justify this Act the home member stated that in India there are no means of ascertaining where the foreigners are, how many of them have arrived in India and how many have subsequently left and among those who are present in India, how are they occupied? He said such information is important in peacetime and absolutely essential in times of war. He also said such a war might soon be imminent. However, more than these justifications what provoked the Indian members, particularly the opposition was the definition of the term ‘foreigner’ given by the home member. The government defined foreigners as all those who were not British subjects or members of the colonies. He also hastened to say that he was not in favour of registering members of neighbouring countries such as Nepalese and Afghans as ‘they are technically foreigners but they come from
countries contiguous to India with which India has, for generations, enjoyed close and friendly intercourse and they are not likely to become our enemies at any future time’.59

Many opposition leaders were fearful that just as the Foreigners Act of 1864 was used against freedom fighters from the princely states during the civil disobedience movements of the twenties and thirties this act would also be used for similar purposes. For example N. V. Gadgil stated that ‘during the days of the non-co-operation movement in 1921 and 1922 and also from the year 1930 to 1935 hundreds of people who came from Indian India to participate in the Civil Disobedience Movement were deported under the provisions of the Foreigners Act’.60 Therefore, many members vociferously opposed the inclusion of princely states into the spectrum of this Act. The Home Member ultimately clarified that he did not wish to include members of other Indian states within the jurisdiction of this Act. Ultimately subjects of other Indian states were kept out of this Act. By now the British government had a different enemy. They needed the support of Indians to fight that enemy, hence this concession about subjects of other Indian states.

A livelier debate ensued over the question of whether members of other British dominions could be regarded as foreigners. The opposition members, particularly the Congress members held that this Bill should retaliate against the wrongs perpetrated by racist countries such as South Africa against Indian immigrants. They questioned, ‘[W]hat do we want in this Bill? We want to indicate the way in which we should retaliate against them in the same manner as they have been doing to us.’61 Thus they wanted countries such as South Africa, British Guyana and Kenya to be included within this Bill. Some Indians such as Bhai Parma Nand felt that such actions on the part of the Indian government could provoke these countries into taking harsher methods against Indian immigrants in their own land. However, many others felt such a fear psychosis has stopped Indians from legislating against these racist countries for far too long. In the end Reginald Maxwell pointed out that even if subjects of British Dominions were brought within the jurisdiction of this act the Government of India would use its prerogatives to exempt them from the need to register. To him it was clearly a war measure against belligerent European countries. He was not
too interested in Indian sentiments. Maxwell insisted that this Act was merely to gather information about foreigners and not to exert any control on them.\textsuperscript{62} He also stated that if the members wanted retaliatory measures against racist countries they could invoke the Immigration Act of 1924 knowing full well that there was no rules framed on the basis of that act and without rules the act was defunct. Also Maxwell hastened to point out that there were a far greater number of Indians in these countries than there were 'colonials' in India. Much to the consternation of Indian members he completely overlooked Britain's own interest in emigrating Indian labour to these colonies.

Ultimately the opposition won a small victory of sorts.\textsuperscript{63} The Registration of Foreigners Act of 8 April 1939 stated that all British subjects who were not domiciled in either the United Kingdom or India were to be considered foreigners. Any foreigner moving from one place to another in India had to seek the permission of the government. When he arrived at any new place he had to register to prescribed authorities within a stipulated time. He had to mention his departure dates. And at all times he had to carry proof of his identity. The term of imprisonment for contravening this Act was increased from two months to a year. Even subjects who did not report the presence of foreigners in their keeping, particularly hotel keepers or commanders of ships, were liable to be fined.\textsuperscript{64} Thus, the state was empowered at all times to continue its surveillance of foreigners. This Act was signed at peacetime. It was not an emergency measure. It is obvious then that once the war was declared in September 1939 new and more stringent laws would follow.

By 1939 the term refugees had already appeared in the legislative discourses. There were questions in the Assembly about their status. In an answer to a question raised by Manu Subedar, the home member tried to clarify the government's position about Jewish refugees from Germany. The point that the Indian members raised was that do the refugees fall within the Passport Act of 1920? The home member replied that there were destitute people who did not have passports as passports were issued on the basis of nationality and not on the basis of race. Their case was referred to the government by Consular authorities. If they were accepted then they entered the country. They were however 'given no relief in any form'. But refugees were allowed to enter
India if they were not considered ‘undesirable’ and if a resident of India could produce evidence that they would not have to be provided for by the state exchequer. They were allowed to live in India for five years with the understanding that, if by the end of that time they remained jobless, then they would have to be repatriated to United Kingdom.\textsuperscript{65} By 1939 it was accepted that refugees would not be required to have passports but that they still fell within the purview of the Registration of Foreigners Act. However, the imperial government made it clear that although the refugees were foreigners their entrance into India depended solely on the discretion of the government. Also refugees were not to be treated as a group but on a case-by-case basis. Yet neither the Act of 1939 nor any previous acts established a regime of control over either refugees or foreigners but merely a framework of surveillance at all times. The idea of controlling foreigners came later the same year.

The Defence of India Act and the Defence of India Rules followed soon after the declaration of the Second World War. The Registration of the Foreigners Act called for surveillance of foreigners but this Act went much beyond that. It called for a complete control of movements of foreigners. Rules made on the basis of this Act imposed restrictions on the movements of not just foreigners but also on subjects. Severe restrictions were imposed on any person entering India. For foreigners it was also not permitted to leave India without the written permission of the government. It was said that for the efficient prosecution of the War any person could be detained. If the authorities so desired they could procure photographs, thumb impressions and specimens of handwriting of any person living in British India. The same Act made even more stringent rules for the foreigners. The state was empowered to stop completely the entrance of foreigners into India. Once in India all their movements were under surveillance. A foreigner could not just be detained but even confined to prescribed areas. The term of imprisonment for contravening these orders was increased to five years. The authorised persons for interrogating foreigners had the complete authority to accept or reject the reasons furnished by foreigners for coming into British India.\textsuperscript{66} It is interesting to note how these rules, which were made by a colonial government for emergency purposes, began to be appropriated by a post-colonial state for
legitimising its conscious efforts to keep out certain groups of people.

At the end of the War a new Foreigners Act was passed. However, before that Act was passed enthusiastic debates followed in the Indian Legislative Assembly over the repatriation of ‘Burma Indian Refugees’. These were people who had come to India as a result of the war and were now desirous to go back. The Government of India was keen to send back any or all who showed a willingness to go back. However, there were no cases of forced repatriation. In fact R. N. Banerjee, who was the secretary, Commonwealth Relations Department, was repeatedly questioned as to why people who wanted to return were held back? He replied that the civic situation in Burma did not warrant such repatriation. What Banerjee’s comments emphasised was that it was the responsibility of receiving states to ensure the safety and security of repatriating refugees. This principle was based on an ethics of care on which the Indian government stood. But such ethics of care was predicated on a power regime, which was portrayed by the government’s appropriation of power over any questions of repatriation. Such power was never delegated nor diluted through legislation.

The new Foreigners Act portrayed that the Government of India considered its hold over refugees as sacrosanct. It also portrayed that the nationalists appropriated the discourses of the colonialists when it suited their purpose. Thus what was at one time a colonialist project became a nationalist project when the nationalists were preparing themselves for the project of state formation. Sardar Vallabhbhai Patel introduced the Bill as the home member on 13 November 1946. He wanted a more comprehensive measure so that greater power over foreigners could be given to the government. The Home Department had taken up such a bill when the war intervened. Thus, an Ordinance was passed giving similar powers to the government. But since the period of the ordinance was over he wanted some permanent measures to be enacted. He said that the government had found the 1939 Act inadequate. He told the house that before:

[T]his Act was passed, you will remember that there was only one Act and the old one, known as the Foreigners Act of 1864. That Act instead of dealing with foreigners, probably was used or abused for treating Indians as foreigners in India. Therefore the definition was
revised in 1940 and the revised definition has been incorporated in this bill.68

The present act was considered necessary on two accounts. Greater obligations on masters of ships and hotelkeepers were to be imposed so that they inform the government at all times about the movement of the foreigners. Also the government was to be given the power to determine the nationality of the foreigner notwithstanding what the foreigner said to the contrary.

Although Sardar Patel insisted that this was not a wartime measure his actions proved that the new state wanted to legitimise actions taken in wartime by the colonial leaders as peacetime measures, thereby giving greater power to the state over the lives and movements of foreigners. The bill was passed without any amendment. Such stringent control over foreigners was considered natural by the post-colonial state. There were some questions raised regarding the status of people from other British Dominions such as South Africa. The problem was that there was no comprehensive definition of an Indian citizen but as a subject of the British Empire as per the Act of 1914. Therefore notwithstanding South African discriminations of Indians they were not discriminated upon by this act. However, questions were raised as to whether tribals could be considered as Indian subjects or as foreigners.69 Ultimately inhabitants of tribes living within the so-called geographical perimeter of India were recognised as Indians. However, most tribes remained in the periphery of the democratic project of India and their status became problematic. Further, the government was urged to take strong measures to repatriate Europeans domiciled in India or even European refugees in India. Manu Subedar’s opinion about the disorderliness of refugees and their potential to create law and order problems was a precursor of things to come.

The debate over the Foreigners Act portrayed how a post-colonial state defined its own positioning. The member’s comments revealed that often their inclusion depended on their ability to exclude others. One member voiced this clearly when he argued that under the British, India ‘was an open country. It had an open door; anybody could come here and do what he liked…and even if it was deleterious for the life of our own people we had no power or say in it, but that will not be the case
in future’. Often this inclusion/exclusion was based on an ideal type. Anyone visibly different were suspect. Thus the debate centred on Europeans and tribals.

The Foreigners Act of 1946 not only repeated most of the provisions of the previous acts but also added a few. Some of the provisions in the Defence of India Act were included in this Act even in peacetime. A foreigner was required to reside in prescribed areas and accept all ‘restrictions on his movement’. He could be asked to submit himself to medical tests. He could be prohibited from associating with any groups of people that the state decides. Even in peacetime he could be detained and confined. If a foreigner was so detained the state could control others access to him. Also if a foreigner was ordered to remove himself, the cost for such removal was to be borne by him. The state also appropriated power over areas frequented by foreigners. Impunity for anyone reporting or convicting foreigners was also given by the act. The Article 15 stated: ‘No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.’ This Act did not end but merely began a series of other acts for controlling access to India. Specific Acts of disallowing foreigners to settle in certain parts of India soon followed it.

The Foreigners Act of 1946 was not however foolproof. The only persons who could be externed under the provisions of Foreigners Act of 1946 were persons who were foreigners as defined in the Act. Therefore, it was possible for a person not to be a citizen and yet not to be a foreigner within the meaning of this Act. Such a caveat impacted on other groups who entered. As for the Foreigners Act, it portrayed that the onus of proof lay on the individual concerned. The first Foreigners Act had declared that if a person was brought within the jurisdiction of this Act then the onus of proving that he was not a foreigner lay on him. But the recent Act made even that onus of proof more difficult because it empowered the government to decide on the nationality of a foreigner notwithstanding what the foreigner himself said.

The evolution of the Foreigners Act portrayed that an Act passed by the imperial government could be appropriated by the nationalist leaders of the postcolonial state to legitimise
their policies of control. Till 1946 refugees were largely ‘destitute’
aliens who could be repatriated if the need arose although they
seldom were. In a legislative assembly debate in March 1946 the
government reported the presence of some 12,000 European
refugees in India over whom the government spent Rs 382,491.12
during the duration of the War. The government also reported
the presence of Asian refugees such as the Afghans. In the
legislative assembly debates often government representatives
were questioned regarding the whereabouts of these refugees.
Usually they warded off these questions. Other than one or
two odd demands neither the government nor the opposition
called for forcible repatriation these refugees. Until 1946 there
was hardly any forcible repatriation of refugees. However, the
experience of partition was destined to change this scenario.

FORGEIGNERS AND ALIENS

This chapter is an effort to portray how a colonial government
seized on the notion of difference to include some and exclude
others from the process of State formation. It was through
a conscious effort to exclude certain groups that the British
government created the category of foreigners and aliens. By
marking foreigners as outsiders they made it possible for the
government to control the movement of these foreigners at a
time when control over access was considered necessary for
governance. Once the Act was in the statute books they utilised
this to control all sorts of protests. The Act of 1864 was primarily
created to control protestors such as those in the Wahabi
Movement and the movement of 1857. In the next round this Act
was invoked to expel subjects of princely states from British India
when they were found involved in the non-co-operation and civil
disobedience movements. Thus, people of Indian origin became
foreigners in their own land. When the British government was
embroiled in another contest in Europe, they tried to increase
their control over other Europeans in India through the
registration of Foreigners Act. At that time they conceded that
subjects of princely states were no longer considered foreigners.
Initially when the concept of refugees came in legal parlance
they were considered as destitute foreigners. Although, in 1870
Britain had, in its mainland, conceded that political fugitives
were a separate category in colonies, they never did so. Thus when people appeared, as refugees in British India the only concern was whether they would be dependent on government money. If these refugees portrayed that they had an independent source of income or they were to be supported by other individuals within the country then they were often given permission to enter.

When the post-colonial state began to define itself, it adopted the Foreigners Act to suit its own purpose. For such a state the power to exclude portrayed its ability to include and create the category of insiders/subjects. Therefore, the Foreigners Act came long before the Citizenship Act. Yet what happened to those who were born Indians but lived elsewhere? Were they to be considered foreigners or did they have the right to return? These were questions that remained ambiguous. In a legislative Assembly debate on status of Indians in Africa the question of the return of these Indians were no longer addressed. In fact the question that arose was how best to support their claims of citizenship in the land of their residence. Thus these countries were considered their land of adoption. In an Assembly debate in 1944 N. B. Khare, the leader of the opposition, called the Pegging legislation in South Africa as the 'latest attempt at racial segregation of Indians is but one of the many discriminatory measures which have been forged by the Union Government to keep fresh perpetually the brand of racial inferiority on our own nationals in the country of their adoption'. Although he had sympathy for these Indians, he considered South Africa as their rightful place. Thus birth gave way to adoption. Unlike nationalists during the colonial period the leaders of the post-colonial state formation project no longer looked forward to the return of the emigrants who were slowly becoming foreigners.

The category of refugees emerged from within the category of foreigners. By making foreigners the ‘other’ of subjects, the state paved the way for making refugees also the ‘other’ of subjects. The understanding was that these refugees could be guided by the Foreigners Act since they were also aliens. But the post-colonial state claimed its superiority from the imperial states through its ethics of care. Since refugees were considered more powerless and vulnerable than foreigners were there was some sensitivity about repatriating them en masse. The government, through its treatment of Burmese and Afghan refugees, portrayed
that it had accepted the responsibility of first examining as to whether suitable conditions existed for the asylum seekers to return and then repatriating them. Yet the government never gave up, either through precedence or through legislation, its power to control the fate of refugees. Thus there is a constant tension in government policies towards asylum seekers between its ethics of care and its demonstration of power. As yet it has not been resolved whether these asylum seekers are to be addressed on the basis of Indian ethics of care or are they to be subjected to the state’s strong arm of power. What was resolved was that each case was to be treated on an ad hoc basis and the government retained the right to decide how best a group of refugees is to be treated. The fate of European refugees in 1946 portrayed that the government was prepared to deal with each case on an ad hoc basis. Since the refugees were neither subjects nor foreigners they became aberrations. Their fate was totally dependent on the will of the government. They lived under constant threat that they could be expelled at will of the state.

That the postcolonial state had inherited a shibboleth of power as the basis of governance from the imperial states is portrayed by their attitude to refugees and to women. In both cases while the legal position remained unclear the state fastidiously maintained its right to control both these groups. Women’s rights movements have forced the state to clarify its position regarding women but for the refugees there were no such pressure groups. Thus the state is yet to make a legal refugee regime. This is not to say that the treatment of refugees by Indian state is totally unjust. Certainly this is not the case. In fact the state’s claim to moral superiority from imperial states was based on its ability to make ethical choices. Thus, often the Indian state or for that matter other South Asian states, have meted out humane treatment to asylum seeking groups. However, this was not predicated upon any notion of individual or even human rights. It was in fact built upon the notion of charity. This attitude of state supremacy over refugees evolved from the state’s attitude to foreigners. In the nineteenth century the state legitimised its control over foreigners. Post-colonial states inherited these attitudes and merely guarded them jealously. Thus, even now, asylum is a matter of charity and not of right. In the next chapter we will explore the histories of lines that created these categories: foreigners and aliens.
NOTES


15. David L. White, 38.


23. Torrens wrote about a Wahabi leader named Khan-I-Alum Khan that he:

[I]s a Wahabee, and it would appear that, excited by the wild and extravagant ideas professed by other persons of the same sect in Southern India, has been ill-advised enough to trust the bearer of this missive, a wandering adventurer, with it under the impression that it would be taken to Ibrahim Pasha, a son of Mahomed Pasha of Egypt.

(Letter of H. Torrens, Deputy Secretary to the Government of India with the governor general dated 22 April 1839, Foreign Department Files, Miscellaneous, Vol. 331, p. 98, National Archives India [hereafter NAI]).

24. These reports typically are framed like this:

Some disturbances has occurred on the borders of the Colapore Country, and in the neighbourhood of the Goa frontier towards Sownt-waree, owing to the attacks of bands of depredators whom scarcity and some ill-grounded idea of the defenceless state of our Bombay Possessions, seems to have excited to actions. A formidable party of these marauders who are ascertained to have assembled in the Colapore Country received on the 23rd of March a severe check in an attack upon the Treasury of our Mamlutdar at Malwan.

(Foreign Department Files, Miscellaneous, Vol. 331, p. 62).


36 Borders, Histories, Existences


32. Letter from Officiating Secretary to Government of Bengal to The Secretary to the Chief Commissioner, Central Provinces, dated 27 June 1868, no. 3179, Home Department Files, Public Branch, January 1870, National Archives of India (NAI).

33. J.T. Wheeler, Assistant Secretary to the Government of India Foreign Department, Order dated 15 June 1869, no. 197, Home Department Files, Public Branch, January 1870, NIA.


38. For example it was reported that 2120 people living in India, a vast majority of who lived near Bombay, spoke an African language. It was also reported that about 40,258 Portuguese-born people were living in Bombay and 834 Afghan-born people were living in Bengal. The Indian Empire Census of 1881, Statistics of Population, Vol. II (Calcutta: Superintendent of Government Printing India, 1883).


44. For the evolving trajectories of this Act refer to Maneka Gandhi versus State. Maneka Gandhi vs. Union of India 1979. The case involved the refusal by the government to grant a passport to Gandhi, which thus restrained her liberty to travel. In this case the Supreme Court introduced


60. Legislative Assembly Debates, 30 March 1939, Vol. 4 (Delhi: Manager of Publications, 1939), 3053.


63. Legislative Assembly Debates, 30 March 1939, Vol. 4 (Delhi: Manager of Publications, 1939), 3149. The motion to exempt only British subjects who were domiciled in United Kingdom from the jurisdiction of this Act was accepted by a vote of 63 to 42.


The Defence of India Rules 1939 (Being Rules made under the Defence of India Act 1939, Reprinted as amended up to and including 30 September 1940) (Delhi: Manager of Publication, 1940), 41–49.


Within a few years there were some new rules of access. In 1950 The Immigrants (Expulsion from Assam) Act was passed to provide for the expulsion of immigrants from Assam. Any person whose residence was outside of India was forbidden to come and settle in Assam. The Central Government was empowered to give ‘directions in regard to his or their removal from India or Assam as it may consider necessary or expedient’. Such legislation did not stop with Assam. Soon there were special requirements for even citizen’s access to certain parts of India. The Immigrants (Expulsion from Assam) Act in *The Indian Code, Part V, Government of India, Ministry of Law* (Delhi: Manager of Publication, 1955), 23–24.


Even today, asylum seekers are often tried under the Foreigners Act of 1946. After Rajiv Gandhi’s assassination in 1991 many Sri Lankan refugees were rounded, charged and convicted under the Foreigners Act.
It was the age of the Great Game and Lord Curzon was at the helm of British affairs in India. In his now famous observation, he revealed the problem that confronted the British not just in India, but in the entire ‘modern’ world. Frontiers, he said were indeed the razor’s edge on which hung modern issues of war and peace. How could the British then bring back their 10,000 troops, deployed in Chitral, Tochi Valley, Landi Kotal and the Khyber Pass? Following Curzon’s principles, they could not afford to give up Quetta or any of the frontier posts. Ultimately the British constructed strategic railways up to Dargai, Jamrud and Thal, and frontiers were left to tribal levies. The borders became a problem.

Many years later, Zulfikar Ali Bhutto, the great patron of Pakistan’s nuclear programme, wrote: ‘Geography continues to remain the most important single factor in the formulation of a country’s foreign policy... Territorial disputes...are the most important of all the disputes.’

Borders, as markers of territoriality, have reared their ugly heads once again in South Asia. Are borders then a continuous problem in this region? This chapter seeks to examine the issue by taking up the Sino-Indian border as a case. The argument
MAP 2.1
The Traditional Customary Boundary Line between India and China, as claimed by Peking

Note: Map is indicative only and not to scale. Map drawn by Debasmita Chaki.
here is that borders are basically human constructs that become problematic at different historical junctures; the rationale behind this problem needs to be sought in the wider political context. Human history provides eloquent testimony to how trouble-free borders suddenly become troublesome, such as the Tacna–Africa in the Attacama in the nineteenth century, or the border between the two Koreas, or even the Malvinas Islands in South Atlantic in 1983. South Asia is no exception to this general axiom. But the crucial question is what political conditions make borders problematic in postcolonial South Asia? And how do borders, in turn, influence the politics of the region?

**BACKGROUND**

As with most other post-colonial constructs the origin of South Asian borders can be traced to the British. Their frontier policy between 1880 and 1920 resulted in the acquisition of a large area in South Asia, inhabited by numerous indigenous populations, without any clear-cut boundaries that separated one territory from the other. Speaking of Africa, Lord Salisbury had once made a telling comment about the principles that the British followed in general while constructing markers around territories all over the world, he said:

>We have been engaged in drawing lines upon maps where no white man's foot has ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where the mountains and rivers and lakes were.\(^3\)

Symptomatic of the British way of drawing borders was the Durand Line named after Sir Mortimer Durand, who negotiated it with the Amir of Afghanistan in 1893. The Durand Line was based neither on any clear physical feature nor on any distinct political organization.\(^4\) In the foothills of the Afghan Plateau, there was nothing to suggest that one watershed could be a better boundary than the other, especially when the main river flow transverse to the direction the boundary followed. The small tribal communities that inhabited the area were fiercely independent.\(^5\) The boundary that Durand had negotiated with the Amir was demarcated with extreme difficulty by May 1896,
with the exception of a section around the Khyber Pass, which was finally settled after the third Afghan War in 1921.

In the north, the British negotiated a satisfactory boundary with Nepal that was flanked by two areas in the Himalayas where they were unable to persuade China to settle for any boundary. The border remained contested. In the east, Britain persuaded China to settle for a line marking the limits of Burma, but entirely failed to prevent France from establishing posts in the headwaters of the Mekong Valley. With Tibet, the border issue was settled by the Treaty of Lhasa (1904). For India, perhaps the most serious British failure was their inability to persuade China to agree to any boundaries in northern Assam, east of Nepal and the Aksai Chin. In northern Assam, India at present relies on the McMahon Line, which was a product of British attempts after 1904 to limit Chinese expansion and define the precise area of British responsibility in the Himalayas. There are two versions of the McMahon Line and China considers neither mandatory. The Chinese maintain that the Simla Convention is not binding on them since they never ratified it. Both India and China agree that there is a traditional boundary in Aksai Chin, but disagree on its location. China at times even rejects the claim that a boundary was drawn at all. Unlike the Indo-Pakistan border, there is a lot more unanimity of ‘national sentiment’ as far as the Sino-Indian border is concerned. From time to time we glibly tend to portray the Chinese as evil and forget the greater problem—the border issue.

The end of the empire created a new set of boundaries and borders, but old problems persisted. Partition, which was supposed to resolve all territorial issues rationally, turned out to be an edifice of complete irrationality. The governments in the region largely emulated their colonial predecessors not only in methods of governing but also in rationalising territorial issues. The new boundary lines created political compulsions of their own resulting in a remorseless hunt for that spatial claim which would serve the political demands of sovereignty. The Great Game was not over; it was only converted into a number of smaller games waiting to erupt at any given movement. The terrain where the game was played remained disputed. The great actors disappeared from the stage, but the ones acted upon remained, confronting new specificities with outmoded methods.
Note: The map is indicative only and not to scale. Map has been drawn by Debasmita Chaki.
THE CASE OF THE SINO-INDIAN BORDER

The border dispute between India and China epitomizes the politics of borders in South Asia. It is not a product of partition but a relic of the days of the colonial times. It may not have the same emotional appeal as the Pakistani–Indian border, but it has defied a solution at any level. It is a remnant of the Great Game and yet it is, at the same time, a postcolonial political construction. According to the Indian view, the Sino-Indian border ran along the main crest of the Himalayas. The southern slopes of its ridges, including the independent kingdom of Nepal and the protectorates of Sikkim and Bhutan, constituted the Indian side. In the west, the boundary started from the Karakoram Pass along the watershed between the Shyok and the Yarkand, ran through the Oara Tag Pass, ascended on the Kuen Lun mountains, left the main crest along 80° 21’ east, and descended in a south-westerly direction. According to the Chinese, in the middle and the east their territory extended to the southern side of the Himalayan ridges. In the west, Chinese territory included an area of about 15,000 square miles from Lahul, the Spiti area, the Shepki pass, the Nilang, Jhadang and Barahoti areas; while in the east it covered the whole of the North-East Frontier Agency (NEFA) covering about 35,000 square miles. As for NEFA, though the Chinese did not accept the McMahon Line, the precise extent of their claim was never made clear. The Chinese refused to accept that the line was in any way legal.

There are some geographical problems with the Indian claims, but the political problems seem to be more serious. The western fringes of the British Empire, Aksai Chin, Kashmir and the northern borders of British India were territories that became bones of contention among three contenders—the British, the Russians and the Chinese. China was the weakest of the three contenders, extremely insecure about British and Russian designs on its frontiers. The Chinese were also traditionally the most interested in creating territorial markers and the contested area was not just a colony for them. The British were apprehensive of Russia’s new colonial interests on the western fringes of their empire. The more they doubted the impregnability of the Herat, Farah, Kandhar and Bolan routes, the more intransigent became their policies towards the north-west frontiers. By the time
Note: This map is indicative only and not to scale. The map has been drawn by Debasmita Chaki.
Captain Gromchevsky reached Hunza through a small route between the Pamirs and Xinjiang, as Mortimer Durand commented, the Great Game had already begun. Then onwards, aggressive designs of retaining a large empire kept all the players in a scramble for more land and creation of buffers beyond boundaries. And the Great Game continued until the Great War changed the politics of territoriality.

Partition brought border questions back to the centre stage of South Asian politics. Apparently the partition left the Sino-Indian borders untouched, but it created new identities, bringing in its wake new principles of nationalizing the peripheries that would leave their mark on all the borders of South Asia. China, from a weak third of the eighteen nineties, emerged as a strong first in the regional power structure by the late nineteen forties, with a traumatic memory of encroachments on its national frontiers; and the mighty British India was severely weakened by partition. Serious disagreements with India, however, did not surface until the late 1950s. This does not mean that the Chinese were reconciled to their borders.

Official Chinese maps after 1949 continued to ignore the boundaries of the Simla Convention. The international border with India in the eastern sector was shown as lying at the Himalayan foothills. In the western sector, there were wide differences between Chinese and Indian border demarcations. China claimed a huge portion of land both in the eastern and western sectors—around 32,000 square miles and 10,000 to 14,000 square miles respectively—which India considered her own; in the central sector the Chinese claim ran into a few hundred square miles. During discussions preceding the 1945 Agreement between India and China, neither side raised the frontier question nor did the Agreement specifically refer to the Sino-Indian frontier. That the Chinese were serious about their border claims became apparent the same year when they protested against what they termed as the intrusion of Indian troops beyond Niti Pass into Wu-ze. When Prime Minister Nehru visited China in 1954 he spoke about the Chinese maps apparently showing Indian territories as part of China, but Nehru did so without much alarm. On coming back Nehru wrote to the chief ministers on this:
I referred to Chinese maps which still showed portions of Burma and even of India as if they were within Chinese territory. So far as India was concerned, I added, we were not much concerned about this matter for our boundaries were quite clear and were not a matter for argument. But many people took advantage of these old maps and argued that China had an aggressive intent or else why continue to use these maps. In Burma also this caused apprehension.

Premier Chou replied that these maps were old ones and China had not done any surveying to draw new maps.14

Even after repeated requests from the Indian Government, the Chinese did not change their maps nor did they accept the boundaries given by the British. The Indians did not seriously question Chinese actions even after they abrogated the Tibet–Nepal treaty in 1956.15

In 1957, India first heard on Chinese Radio that China had built a road connecting Sinkiang and Tibet. Seeing the road demarcated on a Chinese map, questions were raised in India and the Indian government sent two search parties to find out the details. One party was taken prisoner by the Chinese and the other returned. Indians protested against the Chinese construction of a road that ran through Indian territory. In spite of these objections, China continued to advance in Ladakh and built more roads. In 1958, negotiations between India and China over border issues collapsed amid mutual recriminations. In 1959, the Chinese claimed the disputed territory. The controversy culminated in the 1962 Sino-Indian border war. India came close to fighting another war with China after 1965. Then in 1987, once again the border dispute came to the fore—this time the crisis began over the question of control of Sumdorong Chu in the Thagla Ridge.

**Border Politics**

How did a region located 17,000 to 20,000 feet above sea level acquire such significance in 1962? If the region had such strategic merit then why did the Indian leadership wait until the late nineteen fifties to bring it within its political agenda? Perhaps
the answer lies in the changing perception of borders in the nineteen fifties and sixties. During the euphoric post-Independence Nehru era, India, bolstered by its own ‘giantism’, considered itself a world power. India was confident of withstanding external pressures from the Super Powers in shaping its own foreign policy. In fact, Super Power rivalry led Nehru to conclude that India’s position was secure as,

It may be that some covet her, but the master desire will be to prevent any other possessing India … If any power was incautious enough to make the attempt, all others will combine to trounce the intruder. The mutual rivalry would in itself be the surest guarantee against all attacks on India.

However, India could not remain blind to the fact that it was flanked by a hostile Pakistan and an uncertain China. It sought to neutralise regional insecurities by acquiring the garb of a world power. Such a state of affairs called for political flexibility in the region, so that the borders could remain flexible. Nehru’s whole thinking and strategy at the regional level was to seek political solutions to conflict situations. ‘For him there was no alternative for a country like his own which, in his view, should have the ambition of playing an important role in the international system’. This is clearly reflected in all his actions at the regional level.

India’s decision to take the Kashmir question to the United Nations illustrates its approach to the Indo-Pakistani conflict. Further, Indian openness to dialogue with Pakistan over strategic issues is also a case in point. In contrast, the Chinese ‘trespass’ in Bara Hoti in 1954 evoked no stronger reaction than a note to the Chinese Embassy. The following year, when there was intrusion in the Dam-Zan area, the ‘Indian Foreign Office sent a mild note of protest saying that the unauthorized presence of Chinese soldiers …amounted to trespass’. Even as late as 1956, Nehru instructed the Uttar Pradesh government not to adopt an aggressive attitude towards China for disagreements between the two countries were being settled in conferences and ‘there was no major border issue’. All through this period Nehru openly talked about his admiration for the Chinese. He said: ‘Here is a vast country, unified for the first time in history under a strong and stable government, consisting of men who
know their minds…. Behind this basic fact of a strong China, likely to develop rapidly, all else is irrelevant.’21 After the Bandung Conference he commented that ‘The fact, however, remained that the two most important countries present at Bandung were China and India’.22 He constantly equated India with China and even though he was aware that, ideologically, the two countries were different, he often stated, pragmatically, their problems were similar.

One notices a similar attitude and approach with regard to the Tibet question. On Chinese actions in Tibet, India maintained benevolent neutrality. One reviewer has described India’s attitude vis-à-vis China as the ‘doctrine of defence by friendship’.23 Even when India gave asylum to the Dalai Lama, Nehru was extremely cautious. He never spoke of China’s oppressive attitude in Tibet. In fact he argued, ‘China naturally claimed Tibet as part of its inheritance. We could not in law or fact object because India had always considered China as the suzerain power.’24 Regarding Tibet, Nehru tried the impossible. He wanted to maintain friendly relations with China and yet be sympathetic to the Tibetan people. Thousands of Tibetan refugees came to India and were given asylum. Many Parliamentarians were also supportive of the Tibetan cause. Sucheta Kripalani declared that ‘the Tibetan issue was a question of human rights. The people of India could never reconcile themselves to the suppression of human rights’.25 Coupled with this were Indian efforts to assume leadership of the newly independent Asian and African countries with the vision of developing the Nonaligned Movement. Even the Super Powers believed that Nehru was the leader of the Asian and African countries. Thus, the United States first sounded India for an alliance and moved towards Pakistan only after it was made clear that India was unavailable. In 1953, Nixon advised the National Security Council to bolster Pakistan in an effort to neutralise Indian leadership of the Asian and African ‘block’.26 Nehru’s involvement in the Korean peace process further enhanced this leadership role.

In the nineteen fifties India’s hopes of becoming a world power faced serious challenges. The increasing interest of Super Powers in South Asia and their ‘more intimate consultations’ with other South Asian powers, the deepening economic crisis
in India and finally the emergence of China as a great power led to recognition of the fact that India, at best, could be a regional power. In the post-Bandung era, India realised that her self-avowed leadership of the Non-aligned Movement would not go unchallenged. The Indian leadership then began to look inwards towards the region. This led to a reconsideration of the Indian political, military and strategic situation, and a concomitant interest in good fences. With this heightened interest in borders, the Indian leadership responded to the increasing assertion of Chinese military presence on the border. As in the nineteenth century, a border game began as a result of regional insecurity, but unlike in the nineteenth century, India was on the defensive as far as its northern frontiers were concerned. The increased number of border patrols and the constitution of a special board to complete the building of roads in these areas reflected growing interest in safe borders. The Indian leadership felt that India had to acquire regional hegemony to deal with China. The situation was further complicated by western propaganda that India had to compete with China ‘for the leadership of the East, for the respect of all Asia’. The realisation that India’s goal of national security could not be met effectively through only political means led to a reorientation of Indian policies towards its neighbours in the end nineteen fifties. An important outcome of this policy reorientation was the Indian occupation of Goa by force. It was a bold signal that on territorial questions India would no longer be flexible.

Indian preoccupation with its borders was reflected in Lok Sabha and Rajya Sabha debates of the period. From 1959 onwards Nehru constantly reasserted in the Lok Sabha and the Rajya Sabha that India was not open to any discussion regarding its borders and that the borders had become a problem. Indian leadership became intransigent not only about Sino-Indian borders but also about Indo-Pakistani borders. There were indications that Ayub Khan was eager to reach a settlement with India on the border issue in the east Pakistan sector that Nehru disregarded. Evidence of this changed attitude towards borders was that instead of treating exchanges with the Chinese Government as confidential, the Indian leadership decided to place the entire correspondence before Parliament. The White Papers I–III also gave ample testimony to this changed Indian attitude. Premier
Zhou’s letter of 17 December 1959 carried an offer to the effect that both sides should meet and discuss the boundary question. Nehru showed total unwillingness to negotiate the boundary in its totality. His attitude is summed up by his official biographer as ‘a willingness to talk but an unwillingness to negotiate on the major question of the boundary as a whole, a strengthening of the Indian position in the border areas’. By 1961 Nehru kept reiterating that ‘our frontiers with China have to be continuously guarded’. It was not just the Chinese attitude then that had made the border a problem.

Indian military leaders feared that India was in no position to defend its borders against the Chinese. General Thimayya had publicly indicated two months before the outbreak of Sino–Indian hostilities that he could not, even as a soldier, envisage India taking on China in an open conflict on its own. General P. N. Thapar too had ‘categorically pointed out to the Government the inability of India’s forces to take on the Chinese and the inadvisability of such a step in NEFA and the possible repercussions in Ladakh, but Krishna Menon ignored what Thapar said’. General B. M. Kaul had also advised against fighting the Chinese either in the Dhola or the Thagla region. That the Indian army was pessimistic about the situation is also clear from such other sources as John Kenneth Galbraith’s secret memorandum to the US Secretary of State. But the Indian political leadership decided that India’s ‘traditional boundary’ and its vital strategic interests were at stake and, therefore, needed to be defended. When the war started Nehru wrote to his chief ministers:

…Chinese have attacked us with overwhelming strength and firepower, and this had led to a grave setback to our forces in N.E.F.A. where they have captured some of our posts and driven back our forces. In the Ladakh sector, some of our minor posts have also been captured by them. The position is a fluid one, rather to our disadvantage…. It is clear that the situation that have arisen is one of gravity and danger to India and its integrity.

The results of the war of 1962 are well known. India suffered a severe strategic defeat and could do nothing to stop the Chinese onslaught. Coming as a terrible jolt, this military humiliation acted as a catalyst and generated a new mood for evaluating
India’s concept of national security. Immediately after the war with China, Nehru wrote to his chief ministers:

We have learnt by our experiences and misfortunes and we shall take good care that they do not repeat themselves. The present position is, as I said above, that our armies, both in N.E.F.A. and Ladakh, hold their positions strongly and even if the Chinese attack them where they are, the positions would still be held. There is no chance, as far as one can see, of any further retreat by our forces. Assam, therefore, is safe from any invasion and, as the days go by, our strength increases. Meanwhile, we are not only raising additional forces of various kinds, but also adding as speedily as we can to our equipment and fighting apparatus. For the present, we have to get much of this fighting material from abroad and we are doing so. But, real strength can only come from our manufacturing and producing all this equipment in our own country.

It is of the highest importance, therefore, that our manufacture of munitions and other war material should be speeded up as rapidly as possible. At the same time, we shall continue trying to get such material as we require and as is available from abroad. There is a slight danger of the tempo of our work gradually becoming slower because the excitement of day to day fighting may not be there to keep up the sense of urgency. We have to guard against it because the danger that threatens us is not of today or tomorrow, but will last a considerable time, whether there is actual fighting or not. We can afford to take no more risks for the future.36

Such an evaluation further enhanced the importance of military preparedness and of an impregnable border if India wished to retain its regional hegemony; in that sense the 1962 defeat made Indian leadership even more inflexible. From then onwards, the issue of borders became a significant input in shaping India’s foreign policy within the region.

Throughout 1963, most of the Lok Sabha debates on foreign policy centred on the border issue. Naturally there were clarion calls to ‘intensify our defensive preparations to resist any further threat to our territorial integrity’, which was hardly surprising.37 What was surprising, however, was the extent to which the leadership was prepared to go for defence preparedness. In a confidential letter addressed to the Prime Minister, which T. T. Krishnamachari clearly stated was ‘intended purely for you [Nehru] to read and to be killed thereafter’, he discussed a plan to
keep 16 divisions ready on the borders at all times and urged the prime minister not to slacken defence preparedness because of the Chinese cease-fire. The priority that Nehru attached to the letter was apparent in that he answered it the same day. In his reply, Nehru wrote:

China, I think, is going to be our foe or adversary for a considerable time to come...we should...concentrate on strengthening our defence position. I think there is not much likelihood of China attacking us militarily... Even so...we have to strengthen ourselves to meet the Chinese menace.

These letters, if nothing else, are markers of the pervasiveness of the national security lobby and the extent to which border disputes would dominate the government's policies in the nineteen sixties and nineteen seventies. It was argued that the only way to exercise a strong centralised control over the borders was by increasing India's military clout in the region. This was highlighted by the then Indian Defence Minister, Y. B. Chavan. During his address to the Lok Sabha on 9 September 1963, Chavan declared,

There has not only been appreciable increase in the total quantum of Chinese forces in Tibet, all along our Northern borders, but the build [up] of these forces is concentrated at strategic points closer to our borders than they have ever done before...Although leaders of Pakistan are well aware that our defensive preparations are meant to safeguard security against the threat from our Northern borders they are carrying on baseless propaganda that these defensive preparations are a threat to the security of Pakistan. We have also learnt recently about certain deployment of Pakistani troops on Assam and East Pakistani border... In the current climate of hostility and tension...we have...to take necessary measures for defence [of] our territorial integrity against any aggressive threat...The first programme of our defence preparedness is, one of expansion of our Armed Forces.

The unresolved border disputes of the nineteenth century thus continued well into the present century and thereby initiated the political milieu of the South Asian region. In our times, the continuing insecurities over the borders led to the increasing importance and ultimate institutionalisation of the role of the
national security lobby. The innocuous Defence Committee changed into the Emergency Committee in 1962 and eventually became the Political Affairs Committee with the expanded task of looking after both internal and external security matters. India adjusted itself to ‘continuous tension along the border’. Henceforth, any border dispute was to be incessantly contested. Even the Colombo Proposals, which Nehru accepted as equitable, did not go unchallenged.

The Pakistani *entente cordiale* with China heightened India’s sense of insecurity about its borders and made its posture even more rigid. Kashmir became non-negotiable. Even within India, there were criticisms about this changed Indian attitude. Jai Prakash Narayan’s speeches are typical of such criticism. He criticised this change in Indian attitude towards Kashmir in the late nineteen fifties as well as the so-called ‘legal integration’ of Kashmir that began in the wake of the border disputes. India was prepared to discuss the Kashmir issue even in 1962–63, but by 1965 India shifted to the stand that Kashmir could not even be on the agenda. In a discussion with Andrei Gromyko, the foreign minister of Soviet Union, the then Indian Finance Minister stated, ‘We have always held the view that Kashmir is not a matter for discussion except in regard to aggression committed by Pakistan.’

India’s war with Pakistan may have been the result, at least to some extent, of this Indian rigidity over the border question. Even a seemingly undisputed stretch of land between Sind and Kutch that formed the international boundary between India and Pakistan was severely contested. India and Pakistan had differing views about the location of that boundary through the Great Rann of Kutch. It was agreed that the boundary extended from the mouth of Sir Creek in the west to the eastern terminus at the tri-junction of Gujarat, Rajasthan and Hyderabad. Further, they agreed that the western sector had been defined along Sir Creek to latitude 23° 58’ north and then eastward to its intersection with meridian 68° 41’ east. This segment of the boundary was disputed. India maintained that it was a proper boundary and that it was only necessary to draw the boundary between the northern terminus of this extension and the eastern tri-junction. Indian authorities proposed that the northern edge of the Rann—which is a salt-impregnated alluvial
tract—would be a convenient and direct boundary. Pakistan recommended a boundary that connected the meridian with the eastern tri-junction via the middle of the Rann. The two countries were completely unwilling and unable to resolve the dispute and it was settled only by arbitration in 1968 much to their mutual dissatisfaction. That was one of the last settlements of border disputes by arbitration, since from 1965 onward, Indian attitude towards third party mediation became extremely negative.

The connection between the Great Game and border disputes of the sixties is borne out by the Sino-Pakistani entente. In October 1967, China and Pakistan signed an unpublished agreement to open the ancient silk route by building an all-weather road over 500 miles from Xinjiang to Gilgit and Hunza in Pakistan-occupied Kashmir. The road ran through the Mintaka Pass and the Khunjerab Pass, from where another Chinese road led to Lhasa in Tibet. India perceived this activity as a threat to its security and an infringement of its legal borders. It lodged a strong protest against the Chinese actions. Despite this, the road was formally inaugurated in 1971. The unresolved Great Game thus, left the field open for smaller games. But these smaller games had logic of their own. Regional hegemonic compulsions reactivated the border issue that fostered national insecurities resulting in the growing importance of national security lobbies in the region. These lobbies could justify their existence and substance so long as the borders remained unstable. Thus there emerged vested interest groups who saw to it that border disputes were kept alive and borders remained in a constant state of flux.

There was another effect of this militarisation of borders and India’s north-eastern border is a case in point. This region is linked to India by a narrow 70-kilometre stretch between Bhutan and Bangladesh and shares an uninterrupted border of over 37,000 kilometres with Bhutan, China and Bangladesh. The majority of the population here belongs to Mongoloid groups with strong linkages with China and South East Asia. The border is porous with a long history of movements and exchanges between people, cultures, beliefs, ideas and customs. Conviction about the sanctity of the border is weaker here than elsewhere. Such shared ecology, geography and culture have given rise to linkages between tribes and communities on both sides of the
In fact, many of these tribes feel they have more in common with each other than with the nation-state of which they form a distant appendage. There is a growing feeling among the inhabitants that the entire far eastern Himalayas is peopled by marginalised communities that are peripheral groups, far away from the levers of central government. These areas have a long history of neglect by the rest of the country. Their demands for autonomy and independence can be traced back to the time of India’s independence. Enough evidence exists on the meaningful ties that most of the ethnic groups have established with neighbouring countries such as China, Burma and, what was then, East Pakistan. The corporatist ideology of nation-states as articulated by the ruling ‘elites’ failed either to counter the endemic in the development of the centre/periphery syndrome. To counter insurgency movements in the region, ruling ‘elites’ made the borders even more rigid. Here again, border disputes became an excuse for the national security lobby to militarise the entire region so that the area could become manageable. This is especially difficult in the Indian context as the colonial process created largely artificial borders in the region. The same ethnic groups inhabit both sides of the border with close cultural affinities. This has not only created porous borders but has also given rise to conflicting claims of control over bordering regions. Such militarisation merely destabilised the area even further and ensured that the disputes continue to fester.

The irony of the Sino-Indian border dispute of 1962 is that it was born out of political compulsions that disregarded the military clout ultimately leading to its complete domination of regional politics. In South Asia, regional politics had to address the issue of borders because unstable borders created their own politics. There was no clear regional arbiter who could dictate borders and so it had to be negotiated at every step. Once in the agenda, borders began to dominate the politics of the entire region. The situation continued until the early nineteen seventies when India decisively emerged as the regional hegemon in South Asia. From 1969 onwards China became engrossed in another border issue—the Sino-Soviet border along the Ussuri River. India endorsed the Soviet position as a way out to resolve differences over the interpretation of the Sino-Soviet border. India also signed a treaty with the Soviet Union. China’s rapprochement
with the United States on the basis of the principle ‘the enemy of my enemy is my friend’ changed the political and strategic co-relation of forces not only in the region but also in the entire world. The Chinese and Indian nuclear programmes further altered the situation. The politics of borders continued, but in a different format.

**Conclusion**

The above analysis argues that Sino-Indian relations did not create border problems. On the contrary the existence of the Aksai Chin and the McMahon Lines constructed Sino-Indian relations. Whether India gave asylum to the Dalai Lama or not, the compulsions of the borders drew India and China inexorably into the vortex of a crisis. Chinese leadership probably understood that before Indian leadership could. Nehru, for a while, tried to wish away the border problem, but he could not do so.

The Great Game had created the situation that India and China faced later. However, the position from which they confronted it was completely different from that which their predecessors had faced. During the Great Game, the actors scrambled for more land, but during the smaller games of the fifties and sixties, they tried to defend the border that they considered ‘historically’ given. But any border, either in the nineteenth century or even today is a deliberate political and psychological construct. Otherwise how can one justify the incessant contests over either the Siachen Glacier where the border dispute caused the sacrifice of about 300 men during 1996 or the Durand Line because, as geographical borders, they are both unfeasible and untenable? Even the northern terrains where the war of 1962 was fought are not easily accessible from either the Chinese or the Indian side. And yet, it has had enormous influence on the politics of the region.

Rigid borders in South Asia are geographically not viable, and so any policy of total demarcation is very difficult to implement. A change in the political situation carries within it a potential for change of the border situation and *vice versa*. The borders are active agents of politics in South Asia and the way the British demarcated and constructed borders, mostly on the diplomatic
table, has kept the issue fraught with potential conflict. Today we speak of Sino-Indian rapprochement, a thaw that has taken place since the late eighties. Regarding the Sino-Indian talks of 1991, it was stated, 'bilateral talks became possible at all because the two sides put border dispute on hold'. Instead of saying that the border issue has been put on hold, it is no longer crucial for regional stability and cooperation, it is important to recognise that borders once again constructed the relation, but this time by their absence as a war zone. This does not mean that borders have become non-issues in South Asian politics today. The politics of border is visible in other forms and in other kinds of relations and the people within the region negotiate it every day. As for great border disputes between India and China, after the Sumdorong Chu incident, when both sides reiterated the need to avert military confrontations, one observer has argued that the, days of the big wars are over but the days of little war are not. There are as the Chinese called it shadow battle fields on international borders particularly in our areas. Cutting it short the Chinese say it is peripheral defence doctrines. Cutting forward they call it the border build, which is closely connected with security of the country.

In the next chapter we will see how another border seem to have developed a life of its own. Here we speak of the Indo-Pakistan border.

**Notes**

7. I am grateful to Professor Ranabir Samaddar for drawing my attention to this issue.
10. Indian claims were based on the principle of ‘natural boundaries’. Further the McMahon Line does not consistently follow primary, secondary or tertiary watersheds or the crests where they form watersheds. ‘It is thus difficult to avoid the conclusion that the alignment of the McMahon Line was result of a series of ad hoc decisions,’ Prescott, n. 4, 111.
16. The term ‘giantism’ is used in the same sense as John K. Lewis has used it in his article. ‘Some Consequences of Giantism: The Case of India,’ *World Politics*, April 1992.


30. Gopal, n. 19, 128.


37. Nehru to Krishnamachari, 16 December 1962. TTK Papers, No. 2249/PMH/62, NMML.

38. Y. B. Chavan, *Lok Sabha Debates*, Fifth Series, Vol. xx, columns 5087–90; in his plans for expansion he talks of six divisions, and not sixteen as Krishnamachari did and which were probably meant to be secret.


48. On 15 August 1947, many of the tribes did not know to which side of the border they belonged. The Boundary Commissions, at times, further complicated the situation. For example, the Chittagong Hill Tracts People’s Association (CHTPA) petitioned the Bengal Boundary Commission, chaired by Sir Cyril Radcliffe, that since the CHTs were
inhabited largely by non-Muslims they should remain within India. But, on 17 August, Radcliffe awarded the CHTs to Pakistan since they were inaccessible from India. Two days later, the CHTPA resolved not to abide by the award and hoisted the Indian flag. The Pakistani army dealt with the protest but the problem has not yet been solved.


Perry Anderson once commented that in certain circumstances frontiers acquire a mythic significance. This is borne out by the emotions generated during India–Pakistan conflict over Kargil. It portrayed that the Line of Control (LOC) in Kashmir has become the mythomoteur of whole societies in the region. The divide resulted in at least three wars and numerous war-like situations. As recently as in the past decade there were two near-wars between India and Pakistan caused over the divide. The situation is particularly alarming because both countries now have nuclear capabilities. Etienne Balibar recently observed that ‘borders are no longer the shores of politics but have indeed become …. objects or, let us say more precisely, things within the space of the political itself’.¹ In this chapter I contend that borders should be treated as a separate category in political analysis of relations between India and Pakistan. Also I argue that borders are evolving and so there is no reason to accept them as immutable truths.

Borders and divides form an independent category in politics because every border has its own compulsion and a propensity to create its own history. By designating a line on the map, a border cannot be made or stabilised. Speaking of a different border, Joya Chatterjee argued that demarcating a border is not merely
a technical affair. It is, in fact, a political process and a border is ‘created again and again by a number of agencies on the ground through which it runs.’ But, once demarcated, a border can become ideologically sacrosanct even while remaining politically unstable, thereby containing seeds of dissensions, conflict and change. I argue this is what happened to LOC in Kashmir. In their efforts to stabilise the LOC, the powers disregarded the politics of borders and converted a provisional cartographic expression into an ideological baggage. Politically the line remained unstable, with control being the only justification for its presence. Control cannot be maintained unless it is visibly justified. A show of force is necessary to portray control. If a line is legitimised only through control then it contains potentials for further violence. This, and not the inherent ‘malevolence’ of the powers sharing this line, has made a Siachen, a Kargil or even an Akhnoor probable and possible.

Kashmir is a region with tremendous geostrategic consequences. It flanks China in the east and north-east and Afghanistan in the north-west. It is contiguous to the Tajik Republic, which formed part of the Soviet Union. Historically the region was of great security concern to the British Indian government. There are numerous passes in the Karakoram Mountains that link it to China. From Ladakh the region is linked to Tibet. It is in this region that the LOC is located. The location of the LOC has had tremendous political ramifications.

**THE BEGINNINGS OF A TENUOUS CONTROL**

In October 1947, a force of invading tribesmen, with some help from the Pakistani army crossed from the North-West frontier and invaded Kashmir. Even though Pakistan had signed the ‘Stand Still Agreement’ with the ruler of Kashmir it clearly aided and abetted the tribesmen. The Hindu Maharaja of this Muslim majority state signed a deed of accession with India to gain India’s help in repelling the invaders. Before accepting this accession Pundit Nehru sought the views of Sheikh Abdullah, the leader of the National Convention, which was the strongest political party of the state. The next day Indian troops landed in Srinagar and within a short time the situation had escalated into open warfare between India and Pakistan. India internationalised
Note: The map is redrawn, indicative and not to scale.
the problem by taking the question of Kashmir to the United Nations on 1 January 1948. In a letter to the chief ministers Nehru wrote:

We have referred the Kashmir issue to the Security Council of the United Nations….We have done so because we wanted to avoid, in so far as this was possible, any developments which would lead to war between the two Dominions. War is never to be lightly thought of though sometimes it becomes inevitable…we have requested the Security Council to call upon Pakistan Government to refrain from helping and encouraging invaders. Our reference is a limited one but the Pakistan Government evidently wishes to bring in all manner of things which have nothing to do with Kashmir. It is possible that the Security Council may send a Commission to India in the near future for an enquiry on the spot.4

A Plebiscite Administrator was nominated by the UN Secretary General (vide UNSC Resolution S/726 of 21 April 1948). While the war was on, Nehru made a special plea to the nation that:

there should be peace and order everywhere in India and that there should be in particular no communal trouble. Any communal disturbance will weaken our front against the enemy and discredit us before the United Nations. All those, therefore, who preach communal hatred, are doing a very grave disservice to the country. You will always remember that this Kashmir affair is not essentially a communal affair and that we are fighting side by side there with the Kashmir national movement under the leadership of Sheikh Abdullah.5

Therefore, conflict over Kashmir was viewed as a foreign policy issue with Pakistan as the aggressor. It had nothing to do with the people of Kashmir yet.

A ceasefire line was drawn under the auspices of the United Nations on 1 January 1949. Nehru declared that, ‘The war in Kashmir is thus ended or suspended after fifteen months. That is a major event for us and for others and perhaps a good omen for the New Year.’6 The ceasefire line left Pakistan in control of Gilgit, Baltistan and a narrow strip of the western part of the vale of Kashmir, Poonch and Jammu. India occupied Ladakh and the remainder of the vale of Kashmir, Poonch and Jammu. This line, more than any other, has bedevilled Indo-Pakistani relations for years leading to enormous antagonisms on both
sides. Pakistan has traditionally considered this line as temporary and provisional, but India desired to give it permanence. The differences in perceptions have led to three wars and numerous near war situations, with the latest being Kargil. After the three wars there were efforts to stabilise the line. But the format chosen contained roots of destabilisation which further vitiated the relationship. Today it is the question of terrorism that is vitiating relationships. Even though the new question is that of terrorism, the basic platform remains the issue of unwanted incursions across this line.

In the first few years, after the line dividing India and Pakistan was drawn, Pundit Nehru consistently upheld the provisional nature of this line. He reiterated, on a number of occasions, his desire to refer the issue to the people of Kashmir. On 30 October 1947 he sent a telegram to the Pakistani Prime Minister Liaquat Ali Khan, stating that:

Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision about the future of the State to the people of the State is not merely a pledge to your Government but also to the people of Kashmir and to the world.7

In a radio broadcast on 2 November 1947, during the trouble over Gilgit, he declared that the people of Kashmir will decide their political future through a plebiscite which may be held under the auspices of the United Nations.8 That Nehru’s sentiments had a wider base is apparent from Sheikh Abdullah’s comments that ‘the Dominion Government made it clear that once the soil of the state had been cleared of the invader and normal conditions were restored, the people would be free to decide their future by recognized democratic method of plebiscite or referendum’.9

While speaking of the Sino-Indian border in the last chapter, I had argued that this Nehruvian flexibility was born out of India’s perception of herself as a world power.10 In one of his first speeches Nehru had declared that India

…is a great country, great in her resources, great in manpower, great in her potential in every way. I have little doubt that a free India on every plane will play a big part on the world stage, even on the narrowest plane of material power.11
In such a scheme of things India had to be responsive to world opinion and flexible over regional issues. For this reason Nehru stressed, in his telegram to Liaquat Ali Khan, mentioned earlier, that his pledge to hold a plebiscite in Kashmir was made not only to him and his people but also to the world at large. One of Nehru’s biographers has said that Nehru was aware of ‘how much India was being judged by her conduct in Kashmir and Hyderabad’.12 This resulted in greater flexibility towards the question of mediation regarding the cease-fire line. Also, this resulted in Nehru’s repeated call to the nation of not treating Kashmir as a communal issue. It was also reflected in India’s attitude towards third party mediation as well. India showed a willingness to discuss the issue with representatives of United Nations Commission for India and Pakistan (UNCIP), be it McNaughton, Dixon or Graham. It was Dr. Frank Graham who initiated direct negotiations between India and Pakistan when he declared that:

Instead of the United Nations’ representatives continuing to report differences to the Security Council, may the leadership of over 400,000,000 people, with the goodwill and assistance of the United Nations, join in negotiating and reporting an agreement on Kashmir and thereby light a torch along the difficult path of the people’s pilgrimage to peace.13

Thus began a period of direct negotiations. This period was marked by Indian flexibility over discussions with Pakistan. For the Indian leaders the region was of little importance. They were making strides towards leadership of the post-colonial world. Pakistan’s knee-jerk reactions for defence preparedness spelt out by Liaquat Ali did not alter India’s position. On 8 October 1948, Liaquat Ali was said to have declared Pakistan would spare nothing for defence preparedness. Such declarations seemed of little consequence to India as it stemmed from Pakistan’s own insecurities. In this initial phase, the Indian leadership was confident of its own position under the sun. Even the mighty Americans were seeking an alliance with India. However, soon this optimism changed.

It was after Pakistan assumed the role of the most allied ally of the United States that the situation altered. Pakistan became a member of Southeast Asia Treaty Organization (SEATO)
and signed the Baghdad Pact. Soon, in 1955, the Indian prime minister made an offer to Ghulam Muhammad. He asked that the international boundary be stabilised at the ceasefire line. He said that India had no desire to take ‘the part of Kashmir which is under you (Pakistan)’ by force. The Indian offer may have come because of the fear that Pakistan might use its military alliance to change the course of the divide and China might accept such changes. Panchsheel notwithstanding, Bandung portrayed that a Sino–Pakistani pact was in the offing. Zhou Enlai went so far as to accept Pakistan’s US connections by stating that ‘the two countries had achieved a mutual understanding on the question’. Whatever the rationale the Indian leadership felt it was time to consolidate their position in Kashmir. They realised that by accepting the ceasefire line as the international border, the Indians would not only have taken care of their vital strategic interests but also increased their chances of controlling a Kashmir which was not as ethnically diverse as the undivided one. In fact the ceasefire line (CFL) marked an ethnic divide and the Kashmiri Muslims had little control over the territory beyond the border. Ethnically Muslim Kashmiris on the Indian side ‘are different from the Punjabis, Sindhis, Baluchs, Pathans, Mohajirs and Bengalis—the main ethnic groups in Pakistan—in spite of their common religious faith’. It was perfectly acceptable, then, for the Indian leadership to convert the CFL into an international border and consolidate that part of Kashmir over which they had already established control.

The situation was different for Pakistani leaders because, as Yunas Samad has argued, political failures of the post-independence decade in Pakistan led to the emergence of centrifugal tendencies. Heavy-handed attempts at centralisation by the state encouraged their re-appearance. Samad, like Ayesha Jalal argues that US aid at this juncture gave a boost to the centralising forces. As a result of this Ghulam Muhammad dissolved the Constituent Assembly and tilted the ‘equilibrium in the Centre’s favour’. But this equilibrium was tenuous. At such a time the Pakistani leaders could ill afford to accept Nehru’s offer and convert the CFL into a border. In fact they had to justify their centrist position through victories elsewhere. Accepting the CFL as a border would seem more like a defeat. And a defeat, even a symbolic one, at this juncture might prove catastrophic.
Therefore, over the next few years Pakistan made a number of proposals to change the status quo which the Indians did not want changed. Herein lay the crux of the problem. Hence, border issues between India and Pakistan remained unresolved and control over the divide remained unstable.

**WHO CONTROLS THE DIVIDE?**

In 1958 there was a change of government in Pakistan and the country went under military dictatorship. Ayub Khan usurped power and signed a treaty with the United States which agreed to provide Pakistan with non-conventional weapons and construct launching sites for missiles. Nehru’s official biographer is of the opinion that such a treaty completely changed the Indian posture towards Pakistan. The situation was further complicated due to China’s growing friendship with Pakistan. The Indian leaders realised that India was pitted against China in the eyes of the Atlantic powers. Such a situation was particularly problematic because the Indian leadership realised that they were not only losing control over the Non-aligned Movement but were also increasingly being threatened by Chinese friendship with a Pakistan that was already in alliance with the West. It became apparent that to retain their position of strength the Indians had to look inward or towards the region. As their leadership of Afro-Asian states was fast becoming a dream, the Indians had to assume the leadership of South Asia to justify their claim to fame. This shift in Indian policies was reflected in the hardening of the Indian stand not just regarding the Indo-Pakistan border but also regarding the Sino-Indian border. There were indications that Ayub Khan was eager to reach a settlement with India over the border in the east which Nehru disregarded. A settlement, which the Indian leadership was perfectly willing to have a year earlier, became unacceptable. Indian insecurity over its borders grew in proportion to Pakistan’s growing friendship with China. India could easily contend with Pakistan but contending with both Pakistan and China was a different matter. In 1961 Pakistan and China started negotiations over the demarcation of their borders, while Sino-Indian relations steadily deteriorated. Nehru kept warning that not just the frontiers with China but, ‘Our frontiers with Pakistan equally require watching and
guarding. The attitude taken up by Pakistan is an aggressive and even offensive one.\textsuperscript{20} The deterioration of relations with China culminated, as we have seen in the previous chapter, in the 1962 border war which had serious effects on India’s policy towards South Asia.

As I had stated previously, the defeat against China revealed that India could no longer consider herself a world power. It also increased Indian fear of a joint Sino-Pakistani attack across the borders. The Indian leadership became increasingly inflexible in their attitude towards the borders as control over the region became imperative for India to retain its power status. True, as a result of much prodding from the United States, India agreed to talk to Pakistan about border issues in 1962, but the talks floundered even before they commenced. The official rationale given was that Pakistan had concluded a treaty of friendship with China a day before Swaran Singh could meet the Pakistani emissary. The only thing that the talks could achieve was, ‘an appeal for the avoidance of any word or writing which might create ill will between India and Pakistan’.\textsuperscript{21} In such a situation, more than talks, defence preparedness was given priority. That there was a growing inflexibility in the Indian attitude towards the borders was made apparent by Krishna Menon, who was the Indian representative to the United Nations, a few months later. He said: ‘I think we have come to a position today that any attempt, any giving away under these circumstances will be used against us. We cannot subscribe to any resolution in the Security Council…”\textsuperscript{22} All efforts at compromise had to be shelved as the Indians tried to establish total control over the borders. Attempts by Western powers to persuade India on this were seen as undue pressurisation. Nehru explained it thus:

\begin{quote}
We are, of course, anxious and eager to put an end to our various difficulties with Pakistan. I think that no one can be more eager to bring about normal and satisfactory relations between India and Pakistan than we are. But any real understanding of our situation will demonstrate that this cannot be achieved by methods of blackmail and undue pressure taking advantage of the Chinese menace.\textsuperscript{23}
\end{quote}

Sheikh Abdullah’s efforts to initiate another Indo-Pakistani dialogue languished because of Nehru’s death. The instability of the divide in Kashmir increased.
The next important milestone on the question of the divide in Kashmir came in September 1965 when Pakistan fought a war with India. According to Ian Talbot, the normally cautious Ayub needed a success in Kashmir to bolster his generally failing fortunes and gambled on the Operation Gibraltar. Actually, Kashmir gave him a ready excuse since he could argue that Pakistan was never reconciled to the present status of the CFL. Therefore, crossing the line from the Pakistani standpoint was never unjustified. However, skirmishes started not on the mountains of Kashmir but in the mud of the Rann of Kutch. Then followed the incursions across the CFL and went on to a full-fledged war. The war lasted for 22 days. A ceasefire was arranged once again under the auspices of the United Nations. Indian disgruntlement over Pakistani action was on the rise. Pakistan, at best, did not alter the status quo and at worst lost face. They could not repeat the Chinese feat and neither did the northern second front materialise. China had issued an ultimatum to the Government of India to remove their military structures from the Tibet–Sikkim border. But before they could act on this the UN Security Council called for an immediate cease-fire. This portrayed that the international community would let the Chinese proceed thus far and no further against India. Thus, Pakistan achieved no tactical advantage from their alliance with China.

According to Chester Bowles, the American Ambassador to India the Government of India came away from the conflict with a new sense of confidence in its military power, its political unity and its ability to control communal sentiments. He said:

As a result of all these factors, the GOI is in no mood to present Pakistan, by negotiation, with a position in Kashmir which Pakistan failed to achieve by fighting. Nor does GOI agree that Pakistan should be rewarded by the UN for a last-minute willingness to water down a relationship with an expansionist China which Pakistan should not have entered into in the first place.

India played up the ramifications of Sino-Pakistani relationship internationally and justified its line of action. Even the state department urged President Johnson to recognise India as the great power of the region and ‘base future policies toward India and Pakistan on what seem to be the emerging power realities on subcontinent’. Thus, much of what India lost in the Indo-China
The war of 1962 was recovered in 1965. India could no longer hope to be a world power but could assert herself as a regional giant. The consequences of giantism were many. The Indian success in the Indo-Pakistan war of 1965 was put down to her military preparedness. Hence, it was the National Security lobby which began to achieve primacy in politics. The success of this lobby depended on its ability to maintain control and, where possible, stretch Indian borders further. The effects of this became apparent to international observers soon. The UN Secretary General U. Thant, in a report to the Security Council, described the Indo-Pakistan ceasefire as ‘precarious’ because of numerous incursions of the CFL. The lines became even more unsettled. There were numerous efforts by the international community to settle the unsettled markers of South Asia. The Soviet premier took initiative in calling the Tashkent meeting because, he said, ‘We should not be frank if we do not say that the military conflict in Kashmir arouses the Soviet Government also because it has occurred in an area directly adjacent to the borders of the Soviet Union.’28 The discussions at Tashkent resulted in the Tashkent Declarations of 10 January 1966. It was agreed that the two powers would withdraw their forces to the pre 5 August 1965 position. Thus the status quo was maintained. This was a good war for India. Pakistan could not change the CFL and that was what India had desired. The joint communique issued at the end of talks simply said that ‘the Pakistan side pointed out the special importance of reaching a settlement of the Jammu and Kashmir dispute’. By this Pakistan meant that Kashmir was a disputed territory but India maintained that its sovereignty over Kashmir was non-negotiable. The settlement had a further effect of highlighting India’s position of strength in the region. India’s emergence as a regional giant increased its pre-occupation with borders. India would now become pro-active where her divides were concerned.

**Control Legitimised**

The next war started on a different issue but ended predictably with efforts to stabilise the divide in Kashmir. India supported the secessionist movement of Bengalis in east Pakistan. Such support came on the wake of the inauguration of the ancient silk
routes between China and Pakistan. The Indian policy was so successful in the east that Pakistan declared war on India. At the end of this war Bangladesh was liberated and, according to the Ministry of Defence, India held 479.96 square miles of territory across the 1948 CFL in Jammu and Kashmir. Peace talks commenced at Simla on 28 June 1972, between the prime minister of India and the President of Pakistan. It resulted in the Simla Agreement of 3 July 1972. Peace, which eluded the region for years, was supposed to have been achieved in less than a week. Both the leaders had a personal stake in the matter. This was Indira Gandhi’s first experience in direct diplomatic dealings with Pakistan. As for Bhutto, he had to legitimise the position of a civilian President after years of military rule. In other words both were keen for some form of settlement. The two leaders made concerted efforts to stabilise the unstable markers. But the situation was so complex that the eleventh hour agreement was completely unexpected, so much so that Bhutto had to sign the treaty with a borrowed pen.30

The most important provision of the Simla Agreement for India reads like this: ‘That the countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.’ This has been the subject of widely differing interpretations. On the basis of this statement the Government of India (GOI) has contended that the issue will be settled bilaterally and not through third party mediation.31 Such a strategy had considerable advantage for a regional giant such as India. The Indian leadership could then avoid the internationalisation of contentious issues where she would have to reckon with many actors. But where the Indian leadership failed was in seeking an ambiguous no-war pact and converting the divide in Kashmir into a border.

About the divide it was stated in the agreement:

In Jammu and Kashmir, the line of control resulting from the ceasefire of December 17, 1971, shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.32
India's possession of some 354 square miles north and west of the CFL to the LOC was thus confirmed by Pakistan. This included strategically important points in the Tithwal region and at Kargil. In Simla, Indira Gandhi had bargained from a position of strength and successfully made the dispute over the divide a bilateral issue thereby robbing Pakistan of its ability to pressurise India through its alliances; where she failed was to stabilise the line by making it a border. It remained merely an LOC which is different from an international border. This difference was made more apparent because the clause on the LOC followed that on the international border. Therefore, the accepted justification for the divide in Kashmir remained control. If a country failed to control a line then theoretically, at least, the line could be altered as it was in 1972. Although there was a clause against unilateral alteration of the line by either of the powers, if anyone could foster a revolt within the territory of the other power then such alterations may be justified. In this context Bhutto's formal position of leaving it to the people of Kashmir to work out their own destiny acquires special significance. Bhutto made a jubilant speech on arriving at the Rawalpindi airport. He said this "is not my victory. Nor is it a victory of Mrs Gandhi's. It is a victory for the people of Pakistan and India who have won the peace". This was exactly what did not happen. Despite hopes there was no final solution to the Kashmir problem. The offshoots of the Simla Agreement, though not immediately apparent, were far flung. Efforts to stabilise the LOC contained within it roots of further instability. Henceforth, there will not be any more declared wars but constant incursions into each other's territories. Further, as it was an LOC, two hostile armies faced each other across a line. It ushered in an age of low intensity conflicts over where the control ends.

The Line That Defies Control

The LOC created its own history. Compulsions to control plagued the two powers. In the post-Simla Agreement period India's foreign policy became even more power- and region-oriented than seeking out a new global role. One commentator said India had no grand designs, no world visions, but placed a new emphasis on 'security, territory and prestige'. There was an increased preoccupation with the need for military power, and
the leadership had demonstrated a willingness to use this power boldly in their response to the Bangladesh crisis. That was their moment of glory and it happened because of their reliance on the National Security lobby. There was no reason to wear the garb of flexibility in regional dealings. What India attempted to do was to become militarily even stronger by buying sophisticated weapons abroad, by keeping the nuclear option open by conducting the first Pokhran test in May, 1974 and launching in space orbit an indigenously designed and built 35 kilogram satellite. Efforts to control a line led to further compulsions of control.

Internally, the borders were given highest priority. The Border Security Force was introduced in these areas. Acts like the Armed Forces Special Powers Act (1956) got its final shape in 1972 when it was amended. This Act was imposed on so-called Disturbed Areas which were largely the bordering states. Then came the National Security Act (1980) or the Public Safety Act and the Terrorist Affected Area Ordinance (1984). The national security lobby came to influence Indian external affairs in a decisive manner. According to one observer,

> the growing power of the Indian military-bureaucratic complex has also greatly contributed to the expansion of India’s military clout. India’s intervention in East Pakistan in 1971, compounded with other military interventions … has given the armed forces the appropriate bases to constitute themselves into a powerful lobby.

Tensions near the divide created occasion for the introduction of all the previously mentioned acts. But these acts could remain in operation only as long as the divides remained unsettled. The beneficiaries of these acts therefore could develop a vested interest in keeping these areas destabilised.

When Indira Gandhi came back to power in 1980 she once again embarked on an aggressive policy vis-à-vis the borders. Its effects were immediately felt. Since 1984 a small-scale undeclared war in the Siachen Glacier area began.

Siachen is an icy wasteland of no strategic value. In this highest battlefield of the world more soldiers have been killed by environmental factors than by military engagements. This meaningless and exceedingly costly military engagement in Siachen shows the absurdity of the policies followed by leaders of Pakistan and India.
Siachen portrayed that control over the LOC was anything but stable. It also showed that constant efforts would be made by the two countries to change the course of the LOC but it would not be called a war. Siachen talks were thus doomed to failure from the beginning. The defence secretaries of the two countries led talks over Siachen from 1986 culminating in the talks by the prime ministers in July 1989. The result was indeterminate and when the military commanders of the two countries met in August 1989 the talks completely failed. From that time on, at different international gatherings, Mrs Gandhi expressed concerns for peace but the border policies of India reflected a different reality.38

In those years India's stress on militarisation of the borders paid off. India–China military balances, as popular myths would have us believe, almost achieved parity. Rajiv Gandhi disregarded the Ministry of External Affairs advice over China. When Deng Xiaoping offered a package deal to India to discuss the Sino-Indian borders Gandhi refused to engage with it.39 There was a feeling that 'India's conventional forces had been strengthened through the 1980s .... as a result, India matched—indeed was perhaps superior to—China in the border areas'.40 This could be tested when India became involved in two crises in 1986–87. The first was with China over Sumdurong Chu and the second was with Pakistan over the Brasstacks exercise conducted by India. Although there were mobilisations on both the borders a stand-off ensued.41 Many thought it was because China and India had acquired some form of parity militarily. But this border crisis was a pointer for the future because it made it obvious how an aggressive policy regarding the markers of territoriality can result in further aggressions.42

An aggressive policy towards the LOC led to militarisation of areas around the borders which resulted in efforts to control this region by force, if required, leading to a sense of alienation among the people living in the area. This was not the only reason for what is termed as the 'Kashmir problem', but it definitely contributed to it. In 1989 Kashmir witnessed one of the worst outbreaks of secessionism. 'Islamabad has provided diplomatic and moral support to the Kashmiri secessionist and has publicised their cause internationally.'43 That Pakistan may provide covert material support to the Kashmiri secessionists
was apparent from the time of the Simla Agreement. However, it is erroneous to characterise the movement in the valley as a proxy war by Pakistan. Numerous sources reveal that Pakistan had tried to foment ethnic tensions in 1965 when they failed and Kashmiriyat appeared as stronger as ever. But this did not happen in 1989 and the onus of responsibility for destabilisation in Kashmir rests on India. ‘India remained primarily responsible for the continuing political crisis in the valley of Kashmir.’

Pakistani activities near the LOC caused some alarm. There was fear that if the Jammu Kashmir Liberation Front (JKLF) cadres crossed the LOC there could be war. However, the situation did not deteriorate into a war and Pakistan authorities prevented the cross-over. But Pakistan was successful in reviving international attention over the issue of Kashmir. In the nineteen nineties, Pakistan stridently complained against India's repression of a ‘just and legitimate struggle’, against an ‘Indian occupation force which now numbers 600,000.’

Ironically, by reviving international media attention Pakistan may have lost more in this round than it had gained. Its former allies have marked it as a state fostering terrorism in India. The Pakistani leadership has been more successful in engaging Indian forces in low intensity conflicts around the divide, therefore making it more expensive for India to hold on to Kashmir. India also has shown no inclination to look for a political solution to the border problem and its derivatives. It has persisted in using repression as an instrument of control. Small wonder, then, that the borders have remained unstable.

Then came India's efforts to fence the International Border in the Akhnoor sector in 1996. The GOI tried to raise a barbed-wire fence in that area. This was another effort to control the border. Pakistani Rangers raised objections to such fencing of what they called a ‘working boundary’. Apparently in a protest note in 1993 Pakistan had referred to the same area as an international border. While analysts ascribed various factors to the timing of this confrontation, it was apparent that this crisis had followed in the wake of, according to one Pakistani commentator: ‘Fears about a possible Indian nuclear test or the deployment of India's short-range Prithvi missiles on the Pakistan border.’

The area chosen was the one that was contested by the Indian forces during the 1971 war. This was popularly known as the Chicken's
Neck. That Pakistan had objected to fencing was nothing new since there were similar responses to fencing in the Punjab sector. It portrayed that, as a policy, barbed wires may increase destabilisation. Even Bangladesh had problems with Indian barbed wires. But these markers were deemed essential to Indian hegemonic role in the region. The incident reminded observers about ‘the trouble that has caused the Siachen Glacier to become the world’s highest, and most costly, area of military operations’. It was a sign that the scope of conflict may be enlarged.

After the end of the cold war the military imbalance between India and Pakistan was on the increase. In terms of conventional arms ‘India’s military arsenal is superior to Pakistan’s in all respects’. Even India’s inherent strategic superiority in nuclear weapons offers, ‘New Delhi a calculus in which it has an area of latitude in its military dealings with Pakistan’. However, Indian compulsions were based not on the reality of the situation but on a mythical fear of a loss of control. So in May 1998 India tested for the bomb followed closely by Pakistan. Some felt that weapons may stabilise relations between India and Pakistan but there were others who argued that ‘India and Pakistan are unlikely to be able to develop a stable deterrent relationship’. The sceptics were more accurate in their predictions and the nuclear programme heightened regional insecurities. A logical conclusion was that the borders would become more unstable. A Kargil, then, was within the logic of this highly illogical situation. Part of this area came to India when the CFL was stabilised into the LOC. It was ironic that incursions would occur here.

**CONTROL CHALLENGED**

When the undeclared war broke out in Kashmir, Pakistani officials defended their actions by saying that the LOC was ‘not intended to become a permanent line of division in opposition to the wishes of the people of J and K’. Pakistani Foreign Minister, Sartaj Aziz, repeated his country’s traditional stand that the LOC was not acceptable to his country as an international border. It was merely a temporary line in a ‘disputed territory’. He repeated that this divide was also not acceptable to the Kashmiris. The Pakistani stand was justified by a member of the Indian National
Security Council Advisory Board, who stated that an attack across the LOC ‘would not constitute an attack on the sovereignty of either nation’.\textsuperscript{54}

Indian reactions ranged from acrimonies about ‘the malign character of a hostile neighbour which defines its very identity in anti-Indian terms’, to more sentimental theories of stab in the back.\textsuperscript{55} The then prime minister, Atal Behari Vajpayee stated in a press conference in Lucknow that the ‘LOC is defined and identified in the maps of the two countries which are sealed and bear signatures of representative from both the sides. In this light, any change in the LOC is not negotiable’.\textsuperscript{56} He also stated that India was always open to talks, but if the purpose of these was to alter the LOC then ‘the proposed talks would end before they begun...’\textsuperscript{57} Therefore, what he said was that the GOI was prepared to negotiate only if status quo was maintained. But this response was more moderate than many from the official circles where it was stated that Pakistan should not be allowed any position near the Srinagar–Leh road.\textsuperscript{58}

Incursions in Kargil have made it clear that the Simla Agreement has defeated its purpose. There cannot be any peace in an area where two hostile armies face each other across a line. From the beginning, Pakistan has protested against the line dividing Kashmir. After fighting three wars, India tried to stabilise its position through the Simla Agreement. In the process, it had to embark on an aggressive policy of control because that was what legitimised the divide. Such a policy of control led to destabilisation of the whole region leading to growing disaffection among the people inhabiting this space. This brought on further repression and alienation, and then a loss of control. An unstable line led to the alienation of a whole group of people when military solutions were favoured over political negotiations.

Both India and Pakistan lived according to the letters of the Simla Agreement, thereby killing its spirit. Since war could not be declared they embarked on low intensity conflict, which was not quite war but it definitely was not peace. Both tried to maintain control over the LOC thereby stretching it to its extremes. Every bit of the territory had to be contested to legitimise control. Efforts were made to destabilise the region across the borders. But borders or divides are active agents of politics in South Asia. It binds the destiny of the two countries sharing it. Contests over
Siachen portrayed that control had to be established militarily. Pakistan legitimised Kargil on the same ground. Problems over Akhnoor portrayed that an unstable line can destabilise other borders. Amitabh Mattoo commented that problems over divides ‘cannot be resolved on the basis of absolutes’.\(^5\) This is what the South Asian belligerents have been striving to do. Instead of looking for political solutions to the compulsions created from the LOC, the powers were trying to legitimise their authority through control. Efforts to control led to efforts of negating other’s control. This created a vicious cycle of mistrust, war and destabilisation. In November 2008, when terrorists attacked Mumbai, this distrust between the two countries was palpably visible leading to extreme acrimony and sabre rattling. It is time that the two countries realise that lines are political constructs which have to be stabilised through a political process. Violent displays of control will only lead to greater violence resulting in overall insecurity that will often spill over and vitiate the entire political system.

**Notes**

3. Such views were reflected in Indian and Pakistani newspapers during the conflict in Kargil. See *The Telegraph*, 17 June 1999, Kolkata edition, pg 1.
6. Ibid., letter dated 1 January 1949, 256.
8. Ibid., 75.


15. Abha Dixit, ‘Sino-Pakistan Relations and Their Implications for India,’ *Strategic Analysis* (December 1987), 1068.


18. The Indian refusal to change the status quo was pointed out by Noon when he complained to the Security Council in 1957 that a number of proposals (11) were made by the United Nations to solve the Kashmir impasse, but India accepted almost none of these. Further, in 1958, Nehru made an offer to Noon to refer the disputes in the East to outside arbitration. But the initiative faltered when Noon refused to accept arbitration only on one particular border and pressed for arbitration over Kashmir. This reflected Indian unwillingness to discuss the status of a region over which they perceived that they had some control, albeit tenuous. See S. Gopal, *Jawaharlal Nehru: A Biography, Vol. III* (Oxford: Oxford University Press, 1984), 86.


29. *Kashmir Question*, 31 (see note 7).
32. Ibid., 265–66.
38. For Indira Gandhi’s speeches see an MEA (Ministry of External Affairs) publication entitled *Disarmament: India’s Initiatives* (New Delhi: Ministry of External Affairs Publications, 1988).

46. The Indian attitude is reflected in J.N. Dixit’s comments to British author Victoria Schofield that in politics legality and reality are two different things. While speaking of Kashmir he said: ‘To quibble about points of law and hope that by proving a legal point you can reverse the process of history is living in a somewhat contrived Utopia.’ So Indian control over the Vale of Kashmir was thus justified on the basis of realpolitik and not on grounds of legality or morality. This was a clear shift from the Nehruvian position. See Victoria Schofield, *Kashmir in Crossfire* (London: I. B. Tauris, 1996), 146ff.


53. Mr Ashraf Jehangir Qazi in an interview to PTI. Quoted in *The Hindu*, 9 August 1999, 1.


Borders, Histories, Existences
SECTION II

LIFE ON THE BORDER
Circles of Insecurity
The Border People*

This chapter intends to study population flows in the east and north-east of India from the South Asian sub-region of Bangladesh, Myanmar and parts of Nepal that borders India, and analyse in that perspective how human flows negotiate borders and boundaries, and impact on meta-discourses of security. This study of the relation between population flows and security will aim to produce a critique not only of state-centric perceptions, but also a critique of the development of a language of care that arises from within the language of violence. It will analyse how concerns for the displaced is born out of conflict and often remains hostage to conflict. I shall take the term ‘refugees’ here as indicative of forced displacement/migration, and of a situation of vulnerability. It will help us into taking into account the widespread phenomenon of external/internal displacement around the border and to show how violence produces internal borders and frontiers and an entire range of security issues faced by the victims—precisely the situation indicated by the

*I am grateful to Pratap Bhanu Mehta, Meenakshi Gopinath, Malavika Karlekar and Ranabir Samaddar for their comments. I convey my thanks to Sumona Das and Achan Mungleng, who helped me in this research.
notion of vulnerability. The irony is that while to the vulnerable, the condition and the consequence of migration is insecurity, the dominant literature on migration in the region insists that population movement is now only an aberration. Therefore, in course of writing on insecurities, I will at times redirect my examination into the existing literature. In this examination and re-examination, my site will be the north-east of India and the India–Bangladesh border and India–Myanmar border.

**THE NORTH-EAST AND THE MYTH OF ORIGIN**

The history of north-east India can best be described as a saga of movements of different communities of people. According to a leading historian of the region north-east India is situated in, ‘one of the greatest migration routes of mankind’, and so it has seen the advent of many different groups of people.¹ One student of geopolitics has summarised these routes as the following:

First, through the north or mountain passes of Tibet, Nepal and Bhutan, second—through the valley of the Ganges and the Brahmaputra from India and the west, third—by the sea on the Bay of Bengal, passing through Bengal or Burma, fourth—the Assam–Burma routes, one over the Patkai passes in the north-east; leading from the Lidu–Margherita road to China through the Hukawang valley in Burma and the other through Manipur and Cachar in the south-east or south of Assam.²

The region has even been termed as a museum of races. If one looks at the history of any part of north-east India it clearly portrays how communities were formed as a result of long-term migrations. It is perhaps best to begin with Assam as, in the known history of north-east India including the colonial period and for sometimes after, Assam constituted the major part of north-east India. Even today the politics of Assam affects most of north-east India and perhaps the first agitations against migrations also began in Assam. In the traditional discourse influx of people into north-east India is viewed as a prime security concern, yet from a non-traditional perspective the interesting point is that even Assam’s own beginnings are traceable to migration of different groups of people from the east and South-east Asia.

There are a number of myths regarding the origin of the Assamese people. One particularly interesting myth about the
people of Pragjyotisha, a name by which Assam was formerly known proceeds thus: A branch of people called Chao-Theivs of China migrated to India at a very early period. They came to be known as the Zuhthis. The word Zuhthis was subsequently transformed into the Sanskrit word 'Jyotisha' from where Assam came to be known as Pragjyotisha. But there is very little evidence to corroborate this myth. What can be corroborated however is that the Ahoms were the offshoot of the Tai race. Some believe that the Tai penetration into the Brahmaputra valley happened as early as in the eighth century.³ They argue that the conquest made by the Tai-Ahom was not an invasion but rather a peaceful penetration. But the official history states that:

Ahoms, a Thai-Buddhist tribe from the South-east, arrived in the area in the early 1200's. They deposed the ruler of the time and established a kingdom with its capital in Sibsagar. By 1353, the Ahoms controlled a major part of the area, which they renamed Assam. The Ahoms adopted the language and Hindu religion of the conquered people and ruled Assam for about 500 years.⁴

Historians such as Barpujari agree that the Ahoms started expanding their kingdom in around AD 1512 when they led a successful expedition into Panbari in the north bank of Brahmaputra. In 1523 the Ahom’s annexed the Chutia kingdom. In 1536 the Kachari kingdom of Dimapur fell into the hands of the Ahoms and slowly the kingdom emerged as a multi-ethnic entity. Meanwhile, in Kamrup the rise of the mongoloid Koch power marked a new epoch in history. But the Ahoms continued their conquests in the Brahmaputra valley. A conflict between the Koch and the Ahoms seemed inevitable. When war took place it led to significant movements of population.⁵ It was through the Koch that the Mughals got their information about this part of the world and hence the Muslim invasion began. After the Koch kingdom the Mughals led repeated expeditions against Assam until Mir Jumla concluded the Treaty of Gilajhari Ghat in 1663. Towards the close of the eighteenth century the frontiers of the expanding Burmese empire reached Assam. The Burmese expanded their authority over Arakan and Manipur by 1813. It was the weakness of the Ahom kings, due to numerous revolts of different groups of people such as the Moamaria uprisings that brought the Burmese to the frontiers of Cachar and Sylhet.
Successive Burmese invasions by the end of 1821 made them virtually the rulers of this region.

The Arakan refugees finally brought British attention to this region. These Arakan refugees were a point of dispute between the British and the Burmese governments. When the British intervened against the Burmese and annexed the territory in 1826 they ostensibly did it to safeguard the interests of those refugees but undeniably this was also the way they strengthened their frontiers. They constituted the region into an administrative division under a commissioner and started using the name Assam. Further, they added to it the southern hill, plateaus and plains, which they subsequently annexed. The whole territory was constituted as a province on 6 February 1874, as the province of Assam under a chief commissioner. By the time the British arrived, different branches of the Tibeto-Chinese family of languages, including the Tibeto-Burman and the Siamese Chinese, and also people belonging to the Aryan groups lived in this region. Therefore, a non-traditional reading of traditional Assamese history portrays that, even before the arrival of the British, not just Assam but most of north-east India was already a multi-ethnic region with no marked internal border.

At the time of the arrival of the British there were not just thousands of independent village communities in India but 'six major Hinduised states', including 'the Koch, the Tripuri, the Jaintia, the Kachari, the Ahom and the Meithei'. It was the British, as stated earlier, who brought the Garo Hills, the Naga Hills and the Jainthia Hills within the Assam province. The immediate consequence of the British rule was that some fresh groups of people entered north-east India and added to the cultural diversity of the region. The other consequence of British rule was the weakening of communal control of land 'through the payment of compensation for land acquisition to “owners”, chiefs and “rajas”'. In subsequent sections of this chapter both these developments will be discussed in greater detail. It will also reflect on the masculinisation of the region.

The British were in the region for less than a century and so it is said that they failed to develop a native base for the administration. Most of the commissioners or deputy commissioners in this region were British. Some of the other subordinates were from the plains including Bengal. The Bengalis were brought to the region not just by the British but also by the rulers of
Tripura who invited Bengali settlers into this territory from the sixteenth century. According to political historians such as S. K. Chaube, their lure was money that they paid to the rulers. ‘The same consideration led the other hill chiefs to settle Nepali cattle breeders in the hills in the early British days, and businessmen from the plains in the comparatively recent period.’ However, the movements of such groups of people will be discussed later. For now it might be interesting to see how the British administrators viewed people’s movements within the region.

There are a number of accounts by British officials that speak of their experiences in the north-east frontiers. One such account is by George Dunbar who was stationed in the present territory of Arunachal Pradesh. His reminiscences dealt with frontier people such as the Abors, the Mishimis, the Hill Miris, the Nishis and some of the Naga tribes. Quite unconsciously Dunbar recorded at least three types of movements of people in this region. They included movements for official purposes including movements by the army, and for non-official purposes such as movements for trade and movements as pilgrimages. When Dunbar went to the Dihang valley for the Abor expeditions in 1911–12 he found the area ‘rather densely populated with strangers’. He also found out that there were robust trade relations between these people, the Tibetans and people from the south. In one particularly lucid passage he describes how in some villages, ‘everything that could not be made locally was Tibetan stuff, brought down by traders’. He speaks of regions where, ‘trade comes almost equally from north and south. Along the foot-hills, of course, the Abors get all they need to buy from shopkeepers in the Plains’. He speaks of square blue porcelain beads that were used as mediums of exchange. But these beads were not made in the region but ‘Bori traders brought them down from Tibet’.

Dunbar speaks of different groups of migrants who had, in the recent past, migrated to these areas. One of them was the Kebangs, who migrated from Riu and established a powerful village. Another group interestingly enough were the Nepalis, whom he calls the Gurkhas. He speaks of ‘a hundred thousand Gurkha settlers, who mostly became graziers’. Dunbar is not the only person to speak of Gurkha settlements. There are others as well who speak of their presence in this region from a much earlier time. *The Gazetteer* of Naga and Manipur Hills, while
discussing the state of immigration into these areas, speaks of the Nepalese as the main foreign settlers in these regions. It describes the rest of the foreign population as ‘a few coolies and cart men from Bengal and the United Provinces, a few artisans from Punjab, and a few traders from Marwar’. The Gazetteer also mentions ‘emigration from the district could not be measured with any degree of accuracy, owing to the changes in boundary that had recently taken place’. Even though the Gazetteer mentions that migrations are few and far between but still among a total of 18 shops in Kohima, 13 were owned and maintained by Marwari merchants. In Imphal, among the existing 36 shops, Marwaris owned 29 of them. As if the presence of Marwaris seemed so commonplace, that their influx for trade did not seem exceptional enough for a special mention.

From the commentaries by British administrative officials another trend was apparent. It was to mark the frontier as a space very different from the civilised world. This sense of difference underpinned their attitude towards the frontier people. These people were considered less than human and so they could be treated with contempt. There was no need for a civilised response to them. No wonder then that these memoirs are replete with stories of how the frontier people deserved the violent response that was meted out to them. Allen’s Gazette discusses how the British felt that ‘the Nagas should be taught a lesson’, when they refused to submit to the British rule. Allen also discusses how some Naga villages opposed British advance in the early part of eighteen eighties and so the British officials felt that ‘it was necessary to open fire, and some 50 or 60 of the enemy were killed’. It was also remarked that the ‘punitive expeditions were a regular feature of the administration of the districts, as it was only by this means independent Nagas could be taught that the lives and property of those who had submitted to us must be respected’. Of course, respect for the lives and property of these frontier people were never felt necessary.

Allen’s account was not in any way exceptional. Even Dunbar, who wrote much later, felt how it was necessary to have a strong force to protect the frontiers. Dunbar spoke of different violent tribes such as the Daflas. He said that the threat from the Daflas made it imperative for the British to establish outposts in the Aka country. It was always threat from aggressive tribes that
made it imperative for the British to respond with violence and to militarise the region. Dunbar said peace in the borders was threatened by the acquisition of sophisticated weapons by transborder tribes. And for that purpose it became necessary ‘to re-arm the local forces, and issue better weapons to villagers in the administered districts than they had previously allowed them for their own protection’. British rule therefore played its part in not just making the north-eastern region multi-ethnic but also created borders and boundaries within frontiers and between different groups of people that they marked as civilised and uncivilised.

In another section of the frontier there were massive flows of migrant people with diverse consequences. Different hill tribes in Tripura came from upper-Burma. There is one school of opinion that the people belonging to the hill tribes of Tipperah were a branch of the Shan tribe of Burma. People from Bengal started moving to Tripura from the sixteenth century. The rulers of Gaur gave the kings of Tripura the title ‘Manikya’. ‘Ratna Manikya patronized the settlement of a good number of Brahmins, Vaidyas and Kayasthas from Bengal in Tripura. This was perhaps the first case of immigration of population into Tripura from the west as against all the earlier flows of immigration being from the east and the northeast.’ In the initial period, royal patronage encouraged migration from Bengal. The British government appointed their political agent in Agartala in 1871. Following this the rulers of Tripura were encouraged to appoint administrators from Bengal. Some of the first magistrates were from Bengal. The ruler of Tripura had his own zamindari called Chakla Roshnabad, which was situated in Province of Bengal. The ryots of this zamindari were all Bengalis. In the 1911 census it was estimated that 97,858 people spoke Bengali. They formed over one-third of the population of 2,29,613 people.

Migration from Bengal did not mean that other migrations from east and north-east stopped. In fact migrations of groups such as the Reangs, Kukis, Lushais, Mags, Chakmas and Tripuris continued. But these people did not come for administrative jobs. They arrived in search of jhum lands. In some cases community conflicts might have driven them to Tripura. Another reason for massive migrations into Tripura in the nineteenth century was that until 1880 there was no regular land revenue system.
in Tripura. In many cases the Maharajas granted land in perpetuity at a fixed rent and where no grants were made the usual custom was to farm out collections. In most cases grantees could get exemptions from paying land revenue by giving free service to the state. After 1880 a number of rules came into force for regulating the land tenure system. Yet fragmentation of holdings, the landlessness of a large part of the rural population and the illegal transfer of lands from tribals to non-tribals continued even after the passage of Tribal Reserve Orders of 1931 and 1943. Yet, since the migrants themselves constructed the discourse on migration, particularly the Bengalis, until recently the hills of Tripura were termed as the benign hills.

In most other parts of north-east India the migrant populations were not looked upon as kindly as in Tripura, and perhaps no history of Assam in the post-colonial period can be written without dealing with the contentious issue of migration. There is a school of thought that argues that British efforts to recruit labourers for tea companies ‘took the shape of a well-planned conspiracy’. The British, from 1770, decided to raise land revenue so high that it became impossible for common cultivators to depend on agriculture alone for their livelihood. But the Assamese cultivators were still not interested to work in British companies as wage earners. The British then had to import tea labourers. First, they looked towards China. But with the rising cost of labour they wanted to recruit locally. The problem became all the more acute during the boom in the tea markets in 1860s. The Assamese were still apathetic to plantation jobs and so the British turned to Bihar, Orissa, Madhya Pradesh, etc. The result of such a policy was that The Transport of Native Labourers Act of 1863 was passed. This opened the floodgates for migrants.

Government officials such as Hiranya Kumar Bhattacharya are of the opinion that most of Assam’s woes began with these migrants. Such a policy adversely affected the development of the tribal people. When Sir Robert Reid, the Governor of Assam (1939–42) prepared his note on the Future of the Present Excluded, Partially Excluded and Tribal Areas of Assam he stressed the differences between the people of the administrative areas of the Hills and Plains ethnologically, linguistically and culturally. He noted that over the excluded areas the British had, at best,
shadowy control. According to historians such as H. K. Barpujari this may have alienated the hill and the plains people of whom the hill people were largely tribals.30

Immigrants from neighbouring districts of Sylhet, Mymensing and Rangpur were populating the plains. The Bengalis were fast replacing the Assamese in officialdom. Bengali had to be made the language of the court in place of Persian, as there was numerous Bengalis in the administration and when a Persian scribe went on leave it was extremely expensive and difficult to replace them. The Bengalis also became indispensable because only they could teach in the newly established government schools. They continued to occupy most of the white-collar jobs much to the resentment of the Assamese. In other sectors such as trade, both wholesale and retail, the Marwaris enjoyed a monopoly. Beside trade, they acted as moneylenders and agents of tea garden managements. According to some social scientists, the ‘immigrants occupied in an organized way waste lands, grazing and forest reserves’.31 By 1931 most of the wasteland in the Brahmaputra valley was occupied by the settlers. Many felt that in their hunger for land the immigrants encroached on government land and land belonging to the local people. By 1941 the immigrants ‘penetrated the then Lakhimpur district. After Saadullah became the Premier of Assam for the second time in August 1942, it is alleged that he attempted a systematic settlement of East Bengal Muslim peasants in Assam’.32

To the Assamese opinion the situation after 1947 became worse. Between 1958 and 1961 the number of Hindu refugees from east Pakistan rose from 4,87,000 to 6,00,000.33 ‘The decade also witnessed a large inflow of migrants from other parts of India seeking economic opportunities in trading, construction work, and white collar jobs’.34 It is alleged that during 1971 a large number of east Pakistanis fled to Assam and many of them did not return to their places of origin even after the formation of Bangladesh. Sentiments regarding ‘foreigners’ started hardening after 1972. In 1979, during a bi-election about one-sixth of the voters were declared foreigners by the courts. The All Assam Students Union (AASU) declared ‘no revision, no election’, meaning that without a revision of the voter list no election could be held in Assam. They demanded detection, deletion and deportation of foreigners. They had support from organisations
such as All Asom Gana Sangram Parishad and (AAGSP) and Asom Sahitya Sabha (ASS). Violent clashes occurred all over Assam. The movement dragged on with the political parties divided in their opinion. For the next few years, communal riots recurred in a number of areas and violence spread across communities. Even the moderate Assamese opinion was moved by a ‘genuine fear that unending immigration across the border will reduce the indigenous people into a minority and the fate of Assam will be the same as that of Sikkim and Tripura’.35

Fear of immigrants did not stop with Assam. It spread to other parts of north-east India as well. Trouble with ‘foreigners’ started in the Mizo Hills much later and according to some social scientist it had a direct association to India–China relations. Initially the Mizos were more concerned with their ethnic kin left in Burma. For that purpose ‘the members of the hill tribes of Burma border lands were allowed to enter India without any passport, “provided they did not proceed beyond 25 miles” from the land border’.36 Hence most of the immigrants came to the Mizo hills from Burma. However, even before that, the Nepalese had settled in this area. The Nepalese or the Gurkhas, as they were known, came to the region from the beginning of the nineteenth century. But according to official records their settlements began in 1891 ‘after permanent forts were constructed in Aizawl and Lunglei’.37 Gurkha settlers continued to remain in Mizoram until 1980, when their identity question cropped up. Initially the state of Mizoram agreed to confer some citizenship benefits to Gurkhas who had settled before 1950 but that notice was later rescinded. Some social scientists of Mizoram, who might even be sympathetic to the case of the Gurkhas, still consider them as ‘illegal immigrants’.38

The case of the Chins was even more bizarre. Historically, people inhabiting the Mizo hills were considered part of the Kuki-Chin tribes. Thus, the Chin people had close connections with the Mizo people. But in the majoritarian Mizo discourse when, in the early seventies, the Burmese government started taking actions against the Mizos, apparently even the Chin people did not give them refuge and became belligerent. Hence these Mizos living in Myanmar had to move back to Mizoram.39 When, in 1988 a military regime, the State Peace and Development Council (SPDC), came to power after brutally crushing the
pro-democracy movement the Chins faced enormous problems. The predominantly Buddhist SPDC embarked on a campaign to ‘Burmanize’ the ethnic minorities in the country and a large number of Chins had come to India to escape the religious, cultural and political persecution in their state, where the majority of the population is Christian. When the initial influx of refugees came to India, the government set up camps for them, but the camps were closed in 1995 as ties improved between India and Burma. Since then the Chin people have been scattered all over Mizoram state and, in the absence of any humanitarian support, have been surviving by doing whatever work they can find. In early 2003 the number of Burmese in Mizoram was estimated to be at least 50,000. According to human rights activists the way the Chins ‘were treated by the Mizoram government and the local people discourage them from claiming their refugee status’.

The attitude towards immigrants in most of north-east India is negative. Tripura, for certain groups of immigrants, was an exception until the eighties. Since the discourse here is shaped largely by the Bengalese, there is some recognition that Bengali migrants have had both positive and negative impact. Not just after 1947 but also in 1971, a large number of Bengalis from east Pakistan came and settled in Tripura. Two factors encouraged the heavy influx of refugees into the state. ‘First, there was no perceptible local resistance to the immigration of the refugees. Secondly, a sizeable Bengali-speaking population already living in the State provided all help and assistance to their incoming brethren.’ In the case of Tripura, refugees are considered in the Bengali discourse as growth boosters and the main source of labour input. Although it is recognised that they are responsible for the rise in population and tremendous pressure on land, however, they are still considered to have contributed substantially and positively to the politics and economy of the region. But the fact that migration is a problem is recognised by even the majoritarian discourse in the post-1980 period. For example, recently a leading Bengali newspaper from Agartala named Tripura Darpan, even while criticising tribal sub-nationalism is forced to admit that the Indian government had two options of addressing the socio-economic problems in Tripura—by stopping migration completely through force
or by diverting adequate resources for development. But the Government, in their opinion, failed to take any such actions leading to a sense of deprivation among the tribal people, who are slowly reduced to one-fourth of the population.

In most of north-east India today there is tremendous antipathy towards migrants, particularly from Bangladesh and Myanmar. In any given month there are a number of news items in newspapers from north-east India about the expelling of migrants from one or the other of the north-easter states. A random survey of some leading newspapers from north-east India in the month of August in 2003 portray that almost every day there are news that highlights how migration in north-east is a security hazard. Typically there is news on how Bangladeshi dacoits have penetrated Tripura, ‘clad in lungi and armed with country made guns raided the houses’. Other news items include information on how efforts are made to evict refugees. One such news item quoted the home minister of Mizoram stating that:

We guess there could be at least 30,000 Myanmar nationals illegally staying in Mizoram. Anybody found staying illegally would be deported or their applications for asylum might be taken up. The decision to intensify a drive to detect illegal settlers from neighbouring Myanmar follows an anti-foreigners uprising by local groups in the hill state of Mizoram.

There are other news items showing how migrations have led to the increase of police or security forces in the borders. They report on how the

Mizoram government has decided to deploy more police personnel at the Mizoram–Myanmar border hamlet of Zokhawthar even as mass exodus of the Myanmarese national continued and 4110 people including 2074 women crossed the border river Tiau till 3 PM Monday...Police said that one additional section of second battalion of Indian Reserve Police would soon be deployed at border to check illegal infiltration from Myanmar.

Such discourses clearly show that migration has become a security issue. It also portrays that what is considered threatening is not just the political status of a foreigner but also her/his ethnicity and religion. But perhaps a more important question in the context of this chapter is how securitising migration
has affected the vulnerable sections of the society including minorities, stateless people and women, and such a discourse is sadly lacking from most of the available written sources. However, a reading of traditional sources point to at least one corrective and that is migration into this region cannot be treated as an aberration. It has taken place over centuries and for most of that time it was accepted as natural. Slightly over the last 50 years has it been recognised as a security issue, but with little understanding as to what kind of insecurities are created by securitising migration. That such securitisation affects a large number of women is hardly ever recognised in mainstream discourses thereby blurring the gender dimensions of treating migration as an issue of national security. In the subsequent sections we address the question of whose security is affected by securitising migration in north-east India.

Questions of this sort become extremely important because the same newspapers of north-east India that report on illegal immigrants also carry news on how women are affected by such migrations, but these are not lead news. Their leaders, who are largely men, often threaten these women belonging to different indigenous groups so that they do not marry ‘outsiders’. The Khasi Student Union (KSU) and the Naga Student Federation (NSF) have issued such diktats. The NSF particularly has come down heavily ‘on illegal immigrants marrying Naga women.’48 Apart from such developments there are evidences also showing rising violence against women in some parts of north-east India.49 Further to this there is increasing proof of trafficking in these border regions including trafficking for sex and labour.50 Attention on illegal immigrants has often taken away attention from the local poor who fall victims to traffickers. In the perspective of the various cross-border movements in this region, we have to see what these movements have meant in terms of the security of the vulnerable sections such as refugees, minorities and women, which, as the foregoing accounts indicate, the traditional discourse on migration largely excluded.

**WOMEN’S INSECURITY IN THE NORTH-EAST**

One of the first known recognition that migration can affect the lives of women came from British administrators. B. C. Allen,
while discussing the 1901 Census *vis-à-vis* the Naga Hills wrote that:

In 1901, there was a preponderance of the male element in the population, there being only 982 females to every 1,000 males. This disproportion between the sexes is, however, entirely due to the foreigners, and amongst those born and censused (sic) in the district the number of women was almost exactly equal to the number of the men.\(^{51}\)

Studies undertaken, even in the contemporary period, show that male migration is higher into north-east India than in other regions. In one such study the authors state that, ‘as far as the mobility of males is concerned, both Arunachal Pradesh and Meghalaya have higher share of male migrants than that of males in the country as a whole’.\(^{52}\) This is because in many parts of north-east India infrastructure work necessitates the presence of skilled labour and technical hands, and so it attracts largely men. Also the inflow of security personnel in the region increases the share of male migrants. Such a situation affects the sex ratio negatively. It coincides with growing violence against the women in the region. It also reduces the negotiating power of the women in such an uncertain situation. In times of generalised violence, the marginalisation of women from public spaces continues unabated.

In terms of sex ratio, from an early period Manipur has been an exception. *The Gazetteer* noted that even though there is a preponderance of the male sex amongst the immigrant population, still, ‘the women in Manipur exceed the men in numbers’.\(^{53}\) *The Gazetteer* also noted that women among these hill tribes enjoyed a special status. Women in Manipur were said to have fullest liberty. ‘They are not exposed to the risks of infant marriage, or mewed up within the four walls of their houses, and the comparatively healthy life they lead is the cause of their longevity.’\(^{54}\) As a mark of their special status it is stated that during the Raja’s rule, ‘a criminal sentenced to death was occasionally reprieved if a sufficient number of women appeared to intercede for him’.\(^{55}\) While discussing the Naga tribes too *The Gazetteer* made similar observations. It was said that the Nagas pride themselves on the strength and endurance of their women. However, *The Gazetteer* also recorded that the Naga women lived a life of
continuous hard work that may have affected their reproductive powers. Therefore, it was recognised that women among many of the hill tribes may have enjoyed a special status, also reflected in the positive attitude towards girl children, but even then they had to work very hard in their daily lives.

Food was a primary concern of these women. For this concern, hill women of north-east India sometimes came in conflict with the immigrant population. One such case reportedly took place in Manipur in the early part of the previous century. The Marwaris who had migrated to Manipur for trade, controlled the main market of Khwairamband Bazar. They also controlled the food prices. Towards the end of the twenties food prices shot up. For this the exploitative dealings of trading communities were blamed. The people of Manipur established another market to counter such dealings. In 1938 an unprecedented event took place. There was an untimely flood before the harvest of rice and subsequently there was acute food shortage. To make matters worse the traders purchased whatever stock of rice was available for export that led to a further hike in prices. In December of that year, frustrated with food shortages and a price rise, some 50 to 60 women in Imphal stopped traders’ carts taking rice outside the region. Soon word spread and women all over Manipur started stopping carts and bringing these to local villages. A huge gathering of women then went to the State Durbar Office and demanded that the King ban any export of rice. The King was in Bengal and so the women surrounded British officers and some members of the Durbar and did not allow them to leave until the King came to town with his decision. In the ensuing intervention by an armed British detachment, about 21 of these women were seriously injured. However, the women who had gathered there did not lift the siege. The King soon returned from Bengal and realising the massive public outburst announced the ban on the export of rice. In this round, at least, the Nupi women outsmarted the immigrant traders.

In the period after 1947, the north-east witnessed huge population movements. There are hardly any studies that systematically chronicle the changes that took place in women’s lives and connect it to the population movements in this period. To analyse the changes that took place in women’s lives as a result of these movements one needs to understand what the general
perceptions were about women's status in these societies before impacts of such population movements were felt. Although it is extremely problematic to generalise the position of tribal and non-tribal women in north-east India there are a few realities that affect most of the women from these communities. One such reality is that men outnumber women in these societies. But the interesting thing is that when we compare them to the general population of India tribal women of north-east India often have a better numerical position. We find differing opinions regarding the relative position of women in north-east India. Some say that women here enjoy a much higher status in this region while others call them ‘primitive’. Verrier Elwin is said to have commented that tribal women in north-east India ‘is in herself exactly the same as any other women’. Although there are great disparities among women’s status in north-east India due to their different historical experiences, and hence different social construction of their roles recent researches show that since most of these women practiced jhum or shifting cultivation they enjoyed a better position in society. A noted woman scholar of Assam is of the opinion that, ‘because of the practice of shifting cultivation, women are considered as assets to the families and partners of men in jhum cultivation’. Population movements and pressure on lands have impacted heavily in areas where people practiced jhum cultivation.

In many such areas, because of increasing density of population and increasing pressure on land, there was an effort by the rulers to shift from jhum cultivation to plough cultivation. It is difficult to say when jhum cultivation was recognised as a problem. Today it is:

[C]onsidered by experts to be ‘primitive, wasteful and uneconomic’ and, ‘besides being a menace to forest wealth, it leads to soil erosion and the consequent decrease in fertility.’ This view seems to have gained currency after the rise of the concept of scientific forestry at the end of the last [nineteenth] century.

Such a view had a profound effect on the land system in most of north-east India, but particularly in Tripura. Almost all the known tribes in Tripura practiced jhum cultivation including the Reangs, the Lushais, the Darlongs, and so on. Even the Rupinis, who lived near the foothills of the Baramura range in
the Khowai subdivision and often worked as agricultural labourers, supplemented their incomes with some jhumming. But with the recognition that forests could produce raw materials for industries and thus become more lucrative for the traders and the state, there was a concerted effort to stop jhum cultivation. In 1930, the Tripura state census shows that the province had 2000 miles of jhum land, which was half of all available land in the state and four-fifths of all land that was cultivable. Even in this census it was commented that not withstanding the pressures from the King the indigenous people of Tripura insist on this wasteful practice but the King was trying his best to encourage these people to take up plough cultivation.60 Such a policy has had enormous impact on the lives of women.

A recent study by Walter Fernandes and Sanjay Barbora analyses how the shift in methods of cultivation has affected women’s lives in large parts of north-east India. They argue that as long as the community owned land and there was a strict division between the domestic and social spheres, women had greater control over resources. But with the shift from jhum to plough cultivation, there is a concomitant change from community to individual ownership of land. In tribes where this process has ‘developed further, as among the Dimasa and the Garo, access to land for women is becoming more contested’.61

Perhaps even more striking than the situation of the Dimasa or the Garo women in terms of land is the situation of the Reang women in Tripura. Women in Tripura are exceptional examples of how migration affects women in different ways. If one studies the Bengali settlers, one sees the vulnerabilities of woman who are part of an immigrant community, facing multiple problems, including the problems of displacements. The Reangs present a case from the other side. It is a classic case of land alienation, of women belonging to an indigenous community that now considers itself under siege. To understand the changing dynamics of the situation of women in Reang society, one can look into the evolving marriage practices within the Reang community. The prevalence of bride price in communities is often considered as indicative of the higher status of women in these societies. The Reangs of Tripura traditionally paid a bride price. Also it was the custom that the groom was expected to serve his brides family in jhumming for two or three years either before or after marriage.
According to the census taken by the Tripura state there was a practice whereby the groom had to spend at least two years in his bride’s house serving the family. The failure to perform these services led to his losing any claims to the relationship.\textsuperscript{62} Even in the recent past some social scientists noticed the same practice prevalent among the Reangs. They say ‘when a young man wished to marry a girl, he had to serve for some years in the prospective bride’s house. This practice was known as \textit{Jamai Khata}'.\textsuperscript{63} According to other anthropologists the boy serves for a period of three years or so in the father in law’s house only after marriage.\textsuperscript{64} More recently, in the nineteen eighties, Malabika Dasgupta, who has worked with the Reangs in Narayanbari village who were ousted in 1976 from their original homeland due to the construction of the dam and reservoir of the Gumti Hydroelectric Power Project, however, found that marriage-by-service had all but disappeared among Reang households of Narayanbari. ‘Instead, a bride-price in the form of cash has to be paid for acquiring a bride in Narayanbari.’\textsuperscript{65} But according to Gan Choudhuri the traditional system of marriage is changing and now educated men are going in for marriage by consent or even dowry.\textsuperscript{66} Thus, a short survey of available sources shows how the marriage customs within the Reang society have changed over time, perhaps, as most of my respondents in Tripura commented, this change is a result of their interaction with the immigrant community.\textsuperscript{67} Not just marriage customs but also, in certain ways, inter-personal relationships between men and women were more equitable among the Reangs than the settler community. A Reang could never leave his wife without her consent. Also bigamy hardly existed in the Reang community. There were almost no child marriages among the Reangs and women were not forced into marriage or a relationship with an older man without their explicit consent.\textsuperscript{68} The Reang women participated in \textit{jhum} cultivation equally with the men. But in the last fifty years the situation changed. This was another way how changes in the Reang society affected women and such changes can be considered a model for changes in many other groups in the north-east, particularly in terms of their relationship to land.

During the period of \textit{jhum} cultivation anthropologists agree that women shared in the modes of production. Hence, in this
agricultural system, women had an important role to play. But in the aftermath of India’s independence, Tripura witnessed, ‘a massive influx of non-tribals’, and so ‘they [the tribal people] have lost much of their lands’. If one considers the change in the demographic profile of Tripura, one can understand the magnitude of the problem. The 1941 census stated that 50.09 per cent of the population in Tripura were composed of tribal people. By 1981 this percentage went down to 24.88. Therefore, this massive influx of population

began to occupy and encroach upon the hilly lands earlier used for *jhumming*. As an inevitable result of the downfall of the *jhum* economy, the tribal women, who were once the backbone of agricultural system, found themselves at the crossroads of the arduous struggle for existence.

Land alienation of the tribal people was so alarming a problem that the government in Tripura passed two Land Reform Acts in 1960 and 1974 respectively. These Acts called for a return of the land to its original owners or the tribal people. Predictably these Acts did not succeed because most of the tribes did not recognise individual ownership of land. The tribal people therefore lost much of their cultivable land and were reduced to marginal workers. Among the Reangs in the Narayanbari village, Malabika Dasgupta has noted that 22 out of 25 families reported that they worked as daily labourers for the forest department. Hence in the post-*jhumming* stage the tribal families have shifted from being cultivators to agricultural labourers. They faced a decline in traditional economic activity without any expansion in their roles in the modern sector. Thus, the Reang women were left with very few options but to come down the hills and become agricultural labourer. Also as a consequence of massive land alienation there is a noticeable exodus of Reang men towards the urban sectors. That has imposed a double burden on women because they have to look after the family now and also have to work as agricultural labourers. According to a noted anthropologist, J. Gan Choudhury, with the erosion of their economic status the Reang women have lost much of their traditional status in their society.

The Reang women are no exceptions. The same phenomenon is noticeable throughout north-east India among different
communities in the post-jhumming stages. Even in states like Nagaland women face increased poverty and loss of livelihood because they are being forced to give up jhum cultivation. An example from Nagaland shows that between 1981 and 1991 more than 4 per cent of the cultivators lost their land and joined the ranks of non-workers or unemployed. Considering that in Nagaland even in the latest census it is reported that there are 271,608 male and 272,825 female cultivators and so if the percentage of cultivators go down then more women are affected than men. Another interesting feature of Nagaland is that a large per cent of women cultivators losing land and joining the ranks of non-workers is occurring at a time when Nagaland is witnessing the highest regional population growth in all of north India (134.20 per cent from 1971–91).

Other researches have reflected on the fact that when tribal people lose land then women become more vulnerable even in situations of common resource management. A recent research shows that if on losing land tribes acquire any control on forests then it is men who assume control over such resources and women are pushed further back into the domestic sphere as is the case with adibasis in Assam. Here it is noted that it is men who involve themselves in trading firewood for cash whereas women, on procuring firewood, use it for their family. In this process it might be noted, ‘while men gain more power, it does not reduce women’s workload. Instead, what was once a part of community work-centred social sphere is now transferred to the domestic sphere’. In this connection, the situation of Herma tribes in Tripura might be mentioned. The Herma women in the post-jhumming phase take up jobs as agricultural labourers in non-tribal areas. In such areas women are preferred as labourers because the common perception is that men do not want to work. Hence, while men sit idle, women work both in the farms and at home. According to a noted anthropologist it is clear in the post-jhumming period that:

Women in Herma villages have been shouldering a disproportionately heavier burden of meeting the needs of the families, particularly poor ones. They work harder than men and get much less time for relaxation. Yet their dependent status in the society is marked by the fact that by custom, descent and succession it is patrilineal and only the sons, to the exclusion of daughters, inherit paternal
property. Even a childless widow does not inherit the property of her husband though she can use it without the right to alienate it.\textsuperscript{75}

From the patrilineal tribes of north-east India if one looks at matrilineal tribes one sees that women from these tribes too have not escaped the effects of migration. In north-east India the three matrilineal tribes Khasis, Garos and Jaintias are located in the state of Meghalaya. Although there are local variations generally among these tribes, descent is traced from women and they also inherit property. No man could inherit property in the Khasi hills though a man could own self-acquired property. But most often, on his death, it went to his mother and not to his wife and children. Among the Jaintias it is the mother who controls the earning of married sons. There is no caste system among these tribes and problems such as dowry, bride burning and female foeticide do not exist. Land and forest resources were historically communally owned among these tribes. According to noted social scientists, among these three tribes, ‘women’s independence was secured by her indispensable productive role. Particularly among the matrilineal Khasis and Garos the man was dependent on woman for the necessities of life which he secured in return for his role as protector’.\textsuperscript{76}

Even the Khasis and the Garos have witnessed erosion in the power structure particularly regarding women. The Garo society is constituted by a number of clans called \textit{machong}. Each \textit{machong} are composed of extended families on the female line. The inheritance is through the female line. The heiress is called \textit{nokna dongipa mechi} or even \textit{nokrom} or \textit{nokma} (big mother). The spouse of \textit{nokma} is also referred to as \textit{nokrom}. ‘Marriage also establishes a perpetual relationship between \textit{machong} of spouses.’\textsuperscript{77} Traditionally \textit{nokma}'s spouses could not dispose of property without the permission of \textit{nokma}'s own \textit{machong} members. But for emergencies a man had to depend on his own \textit{machong}. Although the \textit{nokma} inherits leadership of the clan ‘each of the grown up sons and daughters gets a small plot of land’.\textsuperscript{78} So, in Garo society women did not inherit land only symbolically but even got it as their personal property. Though there are many observers who comment that women in Meghalaya enjoy social and economic freedom, politics and administration are seen as man’s domain. They argue that traditionally women did not attend the \textit{dorbars} and men headed
village administration. Although they accept that ‘women can act as the moral force behind men and can give views and suggestions to men folk on different issues’. But the ‘focal point of power’, is actually the ‘male matri-relations of the principal female of the household’. Therefore, they argue that women from these tribes are not really the head of their families but it is the eldest brother or the maternal uncle who can be considered as the head of the family. But in answer to such criticisms there are feminist scholars who argue that it is perhaps incorrect to assume that *U KN* or maternal uncle of the Khasis, or *Nokrom* or husband of the heiress of the family, who is the youngest female member of the Garos, are the actual household heads. They argue that it is, ‘the habit of the early ethnographers and the overwhelmingly male anthropologists and other scholars of imposing their own notions of universal male supremacy whenever they encounter any new phenomena’. In the case of these matrilineal tribes they feel that these men were part of the total structure of authority which, in these cases, is collective. Women of these tribes may not have attended an assembly organised by the British but these cannot negate their leadership role considering their authority over the economy. There is a traditional Garo proverb where a man laments that though he toils hard for his wife and children his hunger is to be satisfied only by his mother and sister. Such proverbs portray that, traditionally, women were in control of at least the household property and hence the economy as, among the Garos, the basic economic unit is the family. Thus, Khasi and Garo women were certainly not completely in the hands of their men and they enjoyed some real power within the traditional structure.

There have been periodical efforts to change the law of inheritance in these societies. The veteran leader Rev. Nicholas Roy, during his time, attempted to bring about changes in the Khasi law of inheritance, but he faced strong opposition. Recently Khasi students groups are also agitating for such changes but this demand is made ostensibly to counter the ill effects of immigration of ‘foreigners’ and land alienation of tribals in this region. From 1951 onwards the population of Meghalaya has grown faster than that of India. But with this growth there was a noticeable drop in the sex ratio. In 1901 the sex ratio was 1,036 in favour of women and it dropped to 954 by 1981. In 2001 it increased to 975. By 1981 the total number of migrants to
Meghalaya was 321,660, which was second highest in north-east India of whom 57.34 per cent were male migrants. Among the migrant population female migrants due to marriage is found to be low. Yet male migrants who came to the region due to marriage were over one-fifth of the total male migrants. Marriage was the second most popular reason for migration of men to Meghalaya.86

There was evidently a growing threat perception that Meghalaya was being inundated with migrant people. In 1979 a premier women’s organisation was founded called the Ka Synjuk Ki Kynthei Riewlum or the Tribal Women Welfare and Development Association of Meghalaya, popularly known as TWWADAM. Among the main concerns of this organisation are the protection of tribal lands, foreigner issues, unemployment and other social problems. In the seventies, there were two other organisations whose memorandum portrayed how volatile the issue of immigration had become. The Meghalaya Students Union (MSU) began in 1975. Initially this was like any other organisation but it became violent by spearheading the foreigners issue in the late nineteen seventies. The students demanded the detection and deportation of all foreigners and especially those coming from Bangladesh. The Khasi Students Union (KSU) was formed in 1978. One of the main aims of this association is to, ‘fight against infiltration by people from outside the state and foreigners from other countries’.87 The KSU was a pressure group against migrants. From foreigners protests were directed against migrants from other parts of the country. The initial turmoil was against the Bangladeshis, but later it was transferred against all people considered alien. In 1987 severe protests were generated against the Nepalis and many of these Nepalis were displaced and ultimately they had to go to Darjeeling.88

Recently the perceived threat of migrants coming into Meghalaya and settling down in the region by marrying Khasi women has led to protest against the matrilineal system. In 1997, the Khasi Hills Autonomous District Council, which has constitutional jurisdiction over Khasi ‘customary law’, passed the Khasi Social Custom of Lineage Bill. It sought to codify the system of inheritance through the female line but it became highly controversial. The event brought forth a demand for change in the matrilineal system. This demand has fast become strident with the leadership role being played by an all-male organisation, the
Syngkhong Rympei Thymai (SRT), lobbying to mobilise public opinion on the issue. ‘We are just like refugees and the moment we get married we are at the mercy of our in-laws’, said Teibor Khongee, SRT executive member. ‘We are reduced to bulls and baby-sitters with virtually no role in society,’ he said. Backing the SRT campaign is the KSU. Paul Lyngdoh, the President of KSU, commented, ‘the matriarchal system does not fit into the present generation.’ He is of the opinion that traditional laws need to be modified so that all family members get an equal share of property. The SRT and the KSU are so indignant because there are an increasing number of cases of marriages of Khasi women to non-tribals. They say that outsiders are often attracted to Khasi brides because they come with a sizeable chunk of property. ‘There is frustration among the Khasi youth,’ said Peter Lyngdoh, a schoolteacher at Shillong, who had to move to his wife’s house after his marriage a month ago. ‘I think this should be changed. We have no land, no business and our generation ends with us.’ Many Khasi men have become strident critics of the matrilineal system. To rake up popular emotions they connect it to the issue of migrants. Although there are no such demands from either the Garo or the Jayantia people but the Khasi case portrays how nativism, or apathy and hatred against the alien can be refocused against other groups such as women.

That radical nationalism and hatred for ‘foreigners’ can lead to marginalisation of women was also revealed during the Anti-Foreigner movement in Assam. The Anti-Foreigner Movement was exceptional at least in one way as it brought forth huge support from Assamese women. There were even efforts to give a cohesive shape to women’s support to this movement because, after the Quit India movement, Assamese women took to the streets in such large numbers for the first time. Women responded by forming local and state-level women’s coordination committees. The Anti-Foreigner Movement brought to the forefront a new political party called the Asom Gana Parishad (AGP). The AGP rode to political power in 1985 to capture 65 seats in a House of 126. The AGP came to power, according to one observer, because it expressed the interest of the dominant classes in Assam. ‘This section of the Assamese middle class projects its own interest as the interest of the entire Assamese masses so as to gain their support for the purpose of acquiring capacity to bargain with the national elite for promoting its
own interest.’ Whether this is true or not is debatable. However, what can be accepted is the author’s assertion that this class believed, ‘that the influx of innumerable migrants from various parts of the country and even outside pose a threat to maintaining distinct socio-cultural identity’, of the Assamese people. Therefore the AGP came to power with a mandate to deal with the situation of the foreigners in Assam and implement the Assam Accord, but they could do neither.

Women, who had until then wholeheartedly supported the cause of the Assamese were first let down by AGP when the party did not give a ticket to any woman candidate in the Lok Sabha elections of 1985. According to one scholar, ‘this was a sad lapse on the part of the AGP who despite having whole-hearted support from the women of Assam in their historic movement against foreign nationals failed to share responsibilities equally with women’. After winning the 1985 Assembly elections the AGP made only one woman, from the Bodo community, a minister. Only three women won seats in this election, and of them two belonged to the AGP. It has been said that the AGP worsened the Congress….record, by allotting only two tickets out of 126 seats in the assembly to women….Moreover, both the candidates belonged to strong tribal communities, the Bodos and the Kacharis, who too had to be accommodated….Thus two birds were killed at one throw.

During AGP’s second term in 1996 there was hardly any change in the situation as there was only one woman who was the state minister for Social Welfare. The AGP therefore, totally ignored the sentiments of Assamese women who participated in the Anti-Foreigner Movement as equal partners. Like most other nationalist movements in South Asia the AGP, immediately after being victorious, pushed back women from the public domain. This reflects how leaders of north-east India and of South Asia, to garner women’s support, use the issue of migration and then marginalise the same women on the basis of whose support they acquire power from the body politic. The battle over migrant population has proved to be extremely problematic for the Assamese women. It not only led to their marginalisation from the political sphere but also plunged the people of Assam into a civil war where women’s social and civil space was progressively eroded.
In recent years the debate on cross-border migration in north-east India is not restricted to debates on economic and political vulnerabilities but it rests also on issues of health. Migrating people are considered a health hazard as they are looked upon as carriers of fatal diseases such as HIV and AIDS. The HIV/AIDS situation has assumed alarming proportions in north-east India and, for this, female migrants are largely blamed. In a report of *North East Reporter* it was stated that:

Assam may soon turn out to be AIDS capital of the northeast, if immediate steps are not taken to check the growing menace of flesh trade, especially by commercial sex workers who have migrated from Bangladesh.

These immigrant sex workers have posed a serious threat to the health scenario of Assam, causing an alarming rise in the number of HIV positive cases.

A survey conducted by the state AIDS control society indicates that there is an alarming rise in the number of HIV positive cases. Assam has a total of 334 registered patients out of which 90 are full blown AIDS cases.

Official sources said that 70 per cent of the victims had sexual contacts with prostitutes from the migrant population.

Sexual transmission is the main cause in more than three-fourths of the cases. 71.08 per cent of the patients are reported to have contacted HIV through sexual contacts, out of which 70 per cent of the individuals had regular sex with these immigrant prostitutes.

This report addresses the two most important issues of popular threat perceptions and these are: *(a)* the threat posed due to large-scale migration and, *(b)* the threat of uncontrolled sexuality of women. AIDS has thus become both an issue of control of migration/migrants and the control of women's sexuality. The report presented above went on to insist that ‘primarily prostitutes, who belong to the immigrant population, were the main carriers of the virus and persons coming in contact with them risks contracting the dreaded disease’.

A few days later there was some more news from Tripura that cases of AIDS are on the rise even there. In these news items it was stated that out of the 79 patients, 43 are security force jawans. Therefore, even in this instance it was the migrant jawans on whom the blame was apportioned. The report underlined that
'the AIDS graph has shown an upward turn in a state where there was no report of any such patient some years ago.' Therefore, it was obvious that the outsiders were responsible. In another report on the same event what was added is that, ‘special awareness programme should be undertaken among the women, especially those engaged in sex trade’. In one way or the other there is a design to implicate women and make them responsible for the spread of AIDS. Also in most advocacy programmes the target groups were migrant workers who were thought to be clients of these footloose women. In a report from Dimapur it was announced that migrant workers are particularly vulnerable, so for any awareness programme to succeed the state health department needed to bring these people on board. But there was another facet to these reports. The world over it is accepted that ‘women are more vulnerable to the infection biologically, socially and economically’. Yet these newspaper reports say that men are more at risk. Therefore, the trope here is that migrant men, through their sexual desires, bring in life threatening diseases of which these sexually lose women are the carriers. Fear of AIDS multiplies manifold when these migrants are women. There is a growing fear in this region that among women refugees from Burma, cases of unreported HIV/AIDS is spreading like an epidemic. We will discuss more on this in the last chapter. For here it will suffice to say that what becomes apparent is that there is a strong connection between AIDS, marginalisation of women and trafficking. Though liberal South Asian laws and constitutions guarantee people’s right to be protected from exploitation, and thereby prohibits trafficking too, no amount of liberal and humanitarian legislation has been able to stop this form of servitude or semi-servitude of large groups of women. One has to realise that it is not merely a question of more or less governance but a continuance of erosion of women’s physical, economic and social security by the patriarchal mode of national security that holds sway in the border areas. Violence faced by the trafficked women is the worst form of violence faced, perhaps, both by women as a social category and by the category of forcefully displaced people. As a group, victims of trafficking reflect the greatest insecurity of all vulnerable groups in the milieu of traditional security as categorised by the term national security.
MULTIPLYING INSECURITY

Newspaper reports from the borders of India and Bangladesh are rife with news of the growing trafficking of women and children in this region. If one looks at the history of the term ‘trafficking’ it can be traced back to ‘white slave trade’. Before the great wars it meant the coercion or transportation of Caucasian women to the colonies to service white male officers. At that point the term did not include indentured labourers from the colonies to the plantations where often they were coerced, cheated and abused. From 1904 there were efforts to stop ‘white slave trade’ leading to the Convention for the Suppression of the Traffic in Person and the Exploitation of Others in 1949. By that time trafficking had come to be associated with transportation of women for ‘immoral purposes’ such as prostitution. Social scientists believe that after the wars ‘women from developing countries and countries which were experiencing civil and political unrest… were migrating to the developed world in search of a better future’. Given the gender inequities in these countries women often entered informal sectors such as prostitution, where labour protection laws are minimal. The international community tried to combat these abuses by humanitarian legislation that addressed concerns of women’s vulnerability. The term used to describe the abuse of women in the process of migration was ‘trafficking’. Efforts to stop trafficking in the nineteen eighties and nineties went hand in hand with efforts to abolish prostitution. Therefore trafficking and prostitution came to be understood as two parts of the same process. In the context of the region under discussion, it is likewise understood and the push factors for women’s trafficking even now remain gender inequities in the country of origin, endemic poverty and political persecution.

In newspaper reports from the north-east India it has been stated that, ‘India was among the seven Asian nations put by US on its ‘watch list’ of countries involved in human trafficking’. This is not isolated news but such statements from the West keep recurring. In the same report it was also stated, ‘not only India is facing this huge problem but also has become a transit point for prostitution from nearby countries like Bangladesh, Myanmar and Nepal’. India was also marked as the destination for sex
tourism from Europe and United States. These reports portray that human trafficking is a thriving proposition and there are a number of routes through which women and children are trafficked into and out of this region. For a while the Assam–Siliguri route was identified as the main trafficking route through which the victims of flesh trade were transported across north-east India. But routes change and when one route is identified, traffickers begin using another. Through these routes in the north-east women from Nepal, Burma, Bangladesh, the north-east itself and Bengal are seduced, coerced or forced into the flesh trade and trafficked. This is both a procurement area and a transit area. Any report on migration in this region would remain incomplete without a stock-taking of trafficking that goes on in this region because it leaves enormous consequences, not just for the victims but also for the security of the region. Here we are not speaking of state security but security of people who are affected by trafficking.

To find out why this whole region is vulnerable to traffickers, one needs to realise that this is a region of endemic poverty, social imbalance and political violence particularly against vulnerable groups, of whom women form a large part. Each part of this region is undergoing certain social and political turmoil where more and more women are getting marginalised. In Bangladesh, for example, effects of globalisation, growth of fundamentalism, modernisation policies—such as building of dams, and so on—have all contributed to violence against ethnic and religious minorities, and against women. Of course women from the minorities are in a double bind. They are attacked both as minorities and as women. The fundamentalists who have increased their control in the political arena strive to maintain a predominantly male-dominant status quo. This strategy puts both minorities and women in general at the receiving end. Religion has come to be used by fundamentalist groups as one of the primary means by which male-dominant values and existing gender-oppressive ideology are imposed and perpetuated. According to Meghna Guhathakurta, ‘it was advantageous therefore for the fundamentalists to target women who step outside the bounds of social norms since they represented a potential threat to the male-dominant status quo’. To compound all of these developments there is endemic poverty and land alienation of
Note: The map is redrawn, indicative and not to scale.
poorer groups of people in *chars* (enclaves). Such developments have led to widespread control and destabilisation of women in the region leading to their displacement. A fallout of this is an increase of trafficking of women and children across the border.

To these, another cause can be added that directly affects the scenario of trafficking of women from Bangladesh. A number of governments in the last few years have embarked on a policy of brothel eviction. One of the biggest brothels in Bangladesh is in Tanbazar in Narayanganj. This brothel started during the colonial period. Later, many internally displaced women gathered in the area and were dependent on this brothel for their livelihood. In July 1999 sex-workers from this brothel were evicted by the government and sent to vagabond centres where there is evidence that they were severely mistreated. Other than brothels, the government has also embarked on a policy of slum eviction. In my visit to Bangladesh in 2004 I have had lengthy discussions with women directly affected by these evictions. A number of women have tried to resist these developments. But many have not been able to survive such attacks and joined the ranks of the displaced. These women are particularly vulnerable to traffickers. Although any definite data as to how many women are trafficked is almost impossible to gather, because of the nature of the problem, but the growing number of brothels in the border areas prove that this is a thriving proposition.

Women from Bangladesh are largely trafficked to India. From India they might then be taken to Pakistan or the Middle East. In a research by *Sanlaap* in two red light areas of West Bengal it was revealed that most of these women migrate from one place to another. Ninety per cent of the red-light areas that they have identified, as places that they have worked in, are situated in the states that border Bangladesh. Most of these are either in the north-east or in West Bengal. In one particular red light area named Changrabandha about 66 per cent women said that they have come from Bangladesh. In Dinbazar many of the sex-workers have said that their mothers came from Bangladesh. The report clearly states, ‘The rate of trafficking in Changrabandha is remarkably higher than Dinbazar. The red-light area of Changrabandha is adjacent to Bangladesh border and women are trafficked through this border like any other commodity.’ Most of the women in sex work were illiterates. Many of these
MAP 4.2
India–Myanmar Border

Note: The map is redrawn, indicative and not to scale.
women entered prostitution when they were younger than 18 years of age. Most of these women came from families of either, wage earners and cultivators or their mothers were sex-workers as well. The mothers who are themselves sex-workers find no alternative except letting their daughters take up the same profession because, as children of sex workers, they are stigmatised and discriminated. They are deprived of education or even a social environment with any promise or hope. The socio-economic profiles of sex-workers of at least Dinbazar and Changrabandha portray that these women and children did not have too many options to take up other professions.

Even while in the profession their lives are never secure. Basically there are three to four modes of operation. They can work independently, or on contract basis or even under a madam. Women in the third category had to give up all their earnings to the madam, and they were given room, food and some other necessities in lieu of their payments. Even on contract basis they give half of their payments to madams. The best of them earn about Rs 5,000 per month. This takes care of their necessities and their children. Some of them even send money home. Their insecurity is portrayed by the fact that they are trafficked often from one centre to another. These women are at the mercy of both criminals and the police. Being near the border, they are often forced to give shelter to criminals from either Bangladesh or India. Also, the police use them for sex without any payment. They often cater to truckers crossing zero point and to attract them they take to the roads.110

There are cases where women who are brought from Bangladesh to the metropolitan towns in India face tremendous brutality. One such case is that of Hamida, a young Bangladeshi girl, who was brought to India at the age of ten. She ‘suffered a series of brutal rapes at the hands of the man who brought her to New Delhi, along with some of his friends who were Delhi policemen... Only one of the accused men has served jail time’.111 That this is a region of extreme insecurity for men and women crossing the border has been dramatically portrayed by the case of one Jayanti Bala Das of Bangladesh.112 In January 2003, five Bangladeshi nationals, of whom two were minor children crossed the Indo-Bangladesh border and entered India. The Border Security Force (BSF) arrested them from a Baro Bridge across
the Ichhamati River. The area in which the incident took place is under the jurisdiction of the Basirhat police station in the North 24 Parganas. The Bangladeshi nationals including one Jayanti Bala Das were all taken to the Soladana BSF camp at around 5 pm. On the same night (10 January 2003) one BSF personnel allegedly raped Jayanti Bala. Thereafter these ‘infiltrators’ were put in a small boat with holes and efforts were made to push them back. Allegedly when the boatman refused to go he was threatened on the point of gun. The boat capsized in the middle of the river and only Jayanti Bala and her one-year-old son could save themselves. On 13 January the villagers of Bagundi, who had given her shelter, handed her over to the police of Basirhat. She was charged under section 14 of the Foreigners Act. On 21 January a dead body was found in the Brick Kiln Canal in South Basirhat. The man was identified as Jayanti’s husband Basudev. When a case was lodged against five BSF personnel, the BSF men were unwilling to hand over their personnel to the Basirhat police. Although the BSF disagreed that Jayanti was raped, the officer in-charge of this case stated that initial examinations proved that she was molested. On 27 January, the SDJM of Basirhat issued warrants against five BSF men. In July, Jayanti was handed over to the Sromojibi Mahila Samity for safe custody and on 15 September 2003, a writ petition was filed on her behalf. The cases are still pending.

Jayanti’s case reflects the situation of women who are trying to cross the border. Their status of being a foreign-born woman increases their vulnerability. No one is willing to shoulder any responsibility for these women. The state that they leave is glad to get rid of them and the state that they enter finds them unwanted. This has been proved when, in February 2003, 213 gypsy snake charmers who have always led a life of seasonal mobility, crossing borders at certain times of the year, were stopped in zero point in Satgachi in Cooch Behar. They had to remain there for days as both India and Bangladesh was unwilling to take them back until one night they just disappeared. No one knows what happened to them and the people care even less. From the Indian side we were told that they were pushed inside Bangladesh. No one even asked for evidence of what happened because this is a grey area. In such a situation woman can be exploited by anyone and are therefore particularly vulnerable to traffickers.
The border itself is a place of endemic poverty, substantial illiteracy among women and children and enormous violence against women. In a survey undertaken in three border villages namely Shikarpur, Charmeghna and Nasirerpara it was found out that most women in this area are illiterate. In Shikarpur out of 515 women only 190 had some forms of literacy, in Charmeghna out of 590 only 100 women are literate and in Nasirerpara out of 470 women only 85 are literate. These women have very few options to improve their situations. Their problems are compounded by increased militarisation and criminalisation of the area. Here, every other day, women and children are molested or killed. On visiting one such border near Charmeghna two chroniclers poignantly write:

To assert that the control of the border still belongs to them, the border security on both ends sporadically do a well-orchestrated show of national safety through aggression. It is then that one witnesses the elaborate flexing of muscles and the violent exchange of fire and mortar. On such occasions the border sky is lit up by man made conflagrations and the air swells with the sound of brutal human games. At the end of it all, what are lost on both sides, are the expendable lives of common people like Baba-Hasim, and Kanakchampa and the eyesight of 6-year-old Sonia, who paid the price for playing, foolishly enough, in her own front yard.

Women living in these borders live a life of extreme hardship. They are the quickest targets for both the security personnel and the criminals. ‘The robbers demand women during their raids and when they get none they leave threatening dire consequences: “you can hide your livestock in the camp. You can hide your money in the bank. But where will you hide your women?”’ Any study on traditional security pays no attention to such insecurities, which have become part of their every day lives.

Trafficking of women and children is on the increase in north-east India. This region is being torn apart by multiple levels of conflict. Our past experiences have shown that in such situations women and children become even more vulnerable. Also, attacks on women's land rights and social positions is on the increase in the north-east as is reflected in the previous section of this chapter. Hence, trafficking of women and children is also
on the increase from this region. In June 2004, a newspaper reported that ‘non-governmental agencies fighting against the malaise of trafficking of women and children have expressed grave concern that the evil is growing with increasing numbers women and children from Meghalaya and other north-eastern states being lured and deceived into the flesh trade in the metropolitan cities in the country’. The traffickers in this region are said to be working through local networks, yet governmental agencies seems not to be much concerned about the situation. In Meghalaya, the situation is further complicated because there is a ban on felling of timber. Such moves on the part of the government are commendable from an environmentalist’s point of view, but for the rural poor this robs them of a chance to earn their livelihood especially because they hardly have any alternative options of earning a living. Therefore they are forced to migrate and many of such women migrating to urban centres, because of increasing poverty, end up in the brothels.

A number of newspaper reports point out that women from northeast India are often found in brothels in Mumbai, which is still the capital of flesh trade in India. In Mumbai recently 34 girls from Meghalaya were rescued from these brothels. However, it is extremely difficult to bring these young girls back to the ‘social mainstream’. That is why, once in the profession of sex work, women tend to go back to it. On the same vein an Assam Tribune article quoted a survey sponsored by Women and Child Development Department, Government of India, that there are three million women involved in sex trade in India. The survey points out that poverty, illiteracy and societal stigmatisation all contribute to women’s marginalisation and the continuance of the sex trade. The survey also points to the fact that, in Assam, ‘prostitution around trucker’s points, industrial areas, and areas close to concentration of police, paramilitary and army camps’, is on the increase. Therefore, it seems that people who are responsible for enhancing the security of a particular region such as the northeast India are actually contributing to the growing insecurity of women living in this region.

The situation of women from marginal communities of Burma is probably worse. The case of Burma is much discussed, particularly the situation of minorities under successive Burmese governments face massive persecution by the Burmese regime.
Following the brutal crack-down of 1988 by the State Law and Order Restoration Council (SLORC), against democratic movements in Burma refugees came to Mizoram in large numbers. Refugee camps were set up, by the Mizoram government, in Champai and Saiha districts of Mizoram to accommodate the Chin refugees. However, these camps were closed down in 1994–95 when the Indo-Myanmar border trade talks began. One of the main reasons for closing down the camps was the request of the Burmese government, which believed that the Chin National Front (CNF), fighting for the independence of the Chin State, was operating from these camps. Since then, the Chin refugees have been scattered all over Mizoram and forced to find work for their survival. This has made Chin women vulnerable to traffickers in this region. The Government of India followed largely a hands-off policy regarding the Chin refugees. It has, so far, allowed the Mizoram government a free hand to deal with the situation. This has led to large-scale persecution of the Chins even in India.

Chin women come to India both for reasons of political persecution and to earn money. As one Chin woman told *Refugee International*,

> It is true that I have come to Mizoram to earn money. The Burmese army forcibly conscripted my son. I have not seen him for more than two years. My husband is sick and he cannot work. I try to earn enough to feed him and my three small children, and for my husband’s medical care; but each month, for many days, I am compelled to do labour for the State Peace and Development Council (SPDC). What alternative do I have but to come here, earn money and take it back with me to Burma? If I don’t come to Mizoram, my family in Burma will not survive.121

In the case of another Chin woman whose father was a Christian pastor, the weapon of push-back was used without any legal action. She said she was arrested in Burma in 1993 after she spoke against the government within earshot of an army officer. She said the officer beat and raped her. She fled to India, but last year was returned to Burma. The abuse that she faced was not ground enough to give her refugee status in India. She was never tried under the Foreigners Act and was merely pushed back.122 Although she did not end in a brothel, her fate was no better. She ended up in a jail in Guam, pregnant and with tuberculosis.
At the best of times, many of the Chin people have been able to live with the Mizo people and get some work to support them. At other times, however they are harassed for being foreigners and even deported to Burma. The Government of Mizoram has often targeted them in its campaigns against foreigners. In July 2003, tensions between the Mizo and Chin communities exploded following the rape of a young Mizo girl. A Burmese man allegedly raped her. A powerful youth group called the Young Mizo Association (YMA) began to go door-to-door telling the Burmese to leave their homes and warning landlords not to let foreigners stay on their property. A campaign was launched by the YMA, in collaboration with other organisations, to drive all Burmese across the border. These actions were sometimes carried on with the knowledge of state authorities. It is estimated that at least 10,000 Chin were evicted from their homes and the expulsion drive led to the forced return of over 5,000 Chin to Burma even in the face of forced labour and torture. In such an insecure situation, young Chin men become wanderers, or take up illegal production of liquor; and Chin women fall prey to traffickers. In the name of Mizo security, the Chin migrants are pushed into a life of insecurity.

The situation of the Rohingya women is even worse. These women are Muslims and are considered ‘resident foreigners’, even in their homeland. Their subordinate status within their own community discourages them from procuring education or working outside their homes. The state authorities and the army habitually sexually abuse them. Sayeeda, an 18-year-old Rohingya girl, who has had some education, was of the opinion that the state machinery used rape as a way to push women out of Myanmar. Forced relocation, especially without compensation, is also used to push women out of Myanmar. These women are first taken to Bangladesh. But after the United Nations High Commissioner for Refugees (UNHCR) repatriation programme started in Bangladesh, new arrivals were no longer admitted to UNHCR camps. They were often pushed across the borders to India and then to Pakistan. Women, in this process of displacement, are abused sexually and otherwise before, during and after displacement. In any stage of displacement they are soft targets for traffickers. The Government of Pakistan has largely ignored the issue of trafficking of Rohingya women. Besides the
risk of being sold, Rohingya women become victims of slavery through debt bondage. ‘Because of their undocumented status, Rohingya women constantly face arrest and imprisonment.’ As I have written elsewhere, the Chin and the Rohingya women epitomise the plight of stateless women in South Asia. Unwanted in their homeland, the women are victims of gender-based crimes, such as rape, which are hardly ever considered as grounds for refuge. In a foreign country, without any supporting documents, these women are disenfranchised and depoliticised. They are unable to protest against sexual crimes for want of a legal status. The abuse that had pushed them across international borders in the first place, often seems to follow them in their new settlements. Small wonder, then, that they end up in the hands of the traffickers and in brothels.

As for Nepal, ‘women, who make up 51 per cent of the total population in Nepal, have a secondary status in the patriarchic (sic) Hindu structure. Discriminated by the law and with the lack of awareness of rights and education, the majority of the women are socially oppressed’, says one report. Throughout their lives, women face reduced opportunities and discrimination. Literacy rates and life expectancy are much lower for women than men. Some say that lack of investment on education and development of women, which is an outcome of patriarchal predominance, is a major cause of vulnerability. The literacy rate for Nepalese women is considerably low. The 1991 Nepalese census shows that only 25.54 per cent women were literate. One of the reasons for such a low rate of female education is that ‘the traditional attitude of the family, which requires girls to work rather than attend school. The higher female work burden in rural areas demonstrates that girl children are an active labour force in agriculture’. Many laws are explicitly biased against women, especially those regarding property, citizenship and marriage. Women are frequently prosecuted for having abortions, which were illegal until recently. Women often face domestic violence and harassment, with no legal recourse, as paternalism and gender discrimination is deeply entrenched in society. Also the social system teaches women ‘subordination to males from childhood’. Such value systems deny women many options. Hence many rural women fall prey to the traffickers and trafficking of Nepali women has assumed horrifying proportions.
Political instability in Nepal until recently compounded the problem. The conflict between the Maoists and the state contributed to increasing instability. Now, with the end of the conflict, probably things would be better, but even in the recent past people faced great instability. In one report from Nepal it is stated that the People's War in Nepal has resulted in death and displacement of people from conflict areas. The report stated that, ‘people living in the remote places of Taplejung District are leaving their houses behind and moving to the headquarters, Kathmandu or India.’ Such reports also mention that both the Maoists and the state have been responsible for the harassment and displacement of people in the past. Newspaper reports also reveal how women are particularly vulnerable to such harassments. In a news item published in the month of May in 2004 in the Kathmandu Post, it was stated that one woman of ‘Tehrathum fled to Kathmandu after Maoists coerced her to join their militia. Her pursuit for secure life in the valley was wrecked after her colleagues sold her to a brothel in Mumbai.’ Although she was rescued with five other Nepali girls no one knows whether she could be rehabilitated in her own society. With the Maoists coming to power it is hoped that situation of Nepalese women will improve. The future will tell what happens but the past remains problematic.

When women are trafficked across borders, such as from Nepal to India, it makes them even more insecure. After crossing a border these women can become stateless if they are without any papers or proof of citizenship. Often they are coerced to travel without papers and follow agents of trafficking to repay their family loan. It has been stated ‘about 153,000 Nepali girls were in Indian brothels in 1990 and the number has been steadily increasing at a rate of 5,000 every year’. Nepal is considered as the most significant source of girl-child commercial sex-workers to India. The average age of Nepali girls entering into Indian brothels ranges from 10 to 14. ‘Economic stress and historical oppression coupled with immense profits which accrue to the trafficker leads to the rapid flow of girl children from Nepal to India.’ In this era of globalisation, tourism has become another occasion for child trafficking from Nepal. Although Nepal has passed the Human Trafficking (Control) Act of 1986, such Acts are hardly ever implemented. Trafficking of Nepali women to
India continues unabated. A very disturbing phenomenon within this process is that young Nepali ‘virgins’ are trafficked because people not only prefer their fairer complexion, but also there is a ridiculous but common belief among some communities that having intercourse with a young girl can cure many sexually transmitted diseases (STDs) as well as AIDS. So the price for these girl-children goes up. But the moment they contract the illness, they are thrown out of the brothel and come back to their homes where their family is often loathe to take them back. These children are oblivious of the risk they are in. According to one social worker in J. J. Hospital in Bombay ‘one 15-bedded women ward was occupied with 13 patients with HIV infection, out of this 11 were Nepali’. What people in the sex trade do not realise is that trafficking is not merely violence against women but against humanity. These young girls living in brothels are so powerless that they can hardly insist that their clients use safety measures. Once they contract the disease, they inadvertently infect many more and contribute to destabilisation and insecurity of the whole region. Once their illness is discovered, they are treated like pariahs. They are punished for something over which they had hardly any control and yet the process continues. Trafficking finds little space in traditional security discourse, yet it is one mode of migration that actually leads to physical insecurity of a region.

CIRCLE OF INSECURITY IS COMPLETE

In this commentary on migration and the border, I have tried to concentrate on insecurities of marginal people, because unless these insecurities are addressed no amount of border fencing can make the region secure. If there is any truth coming out of these fragmentary explorations it is that the problems of vulnerability are problems of gender as well. In most cases migration is used as a tool to dispossess women of their strength and power. What is noteworthy is that when migrants are blamed for impoverishment of tribal people, as in Tripura, then ironically it is the tribal women such as the Reang women who emerge as the poorest. When we talk of forced migration, it is women and children who are worst off in any given situation. Yet we hardly ever look at refugee groups as predominantly feminine groups
when we make policies for protection, care and relocation. Most often it is women’s mobility and independence that is the first casualty in any radical nationalist/sub-nationalist movements that draw their legitimacy from protests against immigration and trace their origins to reactions to migration, as we see in north-east India. Threats from migrants is juxtaposed with threats posed by women’s sexuality. This leads to not just efforts to control migration but also to control women’s sexuality. At the end of it all what the political class tries is to militarise the space by first connoting the geopolitical dimensions as the most fundamental to that space, and then to ‘securitise’ it. But in fact most of our traditional efforts to make geopolitical regions more secure are nothing but attempts to privilege a masculine definition of security that result in only feminine insecurities. Yet, in addressing questions of security the insecurities of women always remain in the back of beyond. The political class talks about the Inter-Services Intelligence (ISI), insurgency, terrorism, and never talks about how trafficking leads to HIV. Little does it realise that the threat posed by AIDS is much more than the one posed by ‘terrorism’. And, herein lays the fallacy in most policy decisions. When AIDS becomes an epidemic, migrant prostitutes are punished without any recognition that they are as much a victim of the system. It is the system that needs to be restructured with gender justice.

In times of crisis, women are controlled/victimised, not merely by power structures from outside, but also by power structures/systems that inhabit their own communities. Unless there is an effort to change such structures/systems with gender-just policies it will only result in cosmetic changes. As recipients of migrant groups women face destabilisation and men in power often make it an occasion to reconfirm their control of resources, as was evident in some developments in Meghalaya. As migrants, women become even more insecure because they are already destabilised from their moorings and such destabilisation is made an occasion for their sexual exploitation. Both migrant men and women are marked as aliens, but it is the women whose alienness translates into sexual vulnerability. By marking such women as sexually available, their sexual exploitation is facilitated. It is an endless cycle, as seen in the developments along the Bengal–Bangladesh, Bengal–Nepal
and Bengal–Myanmar borders. The exploitation of women by criminals and security personnel makes the border region a much more violent space. Located as the issue of migration in such violence, it is the masculine power structures that need to be first addressed to change the prevailing notions of security, so that it can address insecurities of women to make the region more secure.

Insecurities hover in a circle. Within a secure circle, there are insecure spaces; similarly there are insecure zones at the point where circles meet; within grand security little insecurities persist—little not to those who are insecure but to the custodians of grand security. A feminist perspective suggests a critical view of these grand perceptions, a concern for what passes as the small, and a willingness to stand the existing accounts on their heads. That can be done when women’s chronicles have been given priority in accounts of security.

**Notes**

4. This is the official version of Assam's history in *Assam—The Ancient Pragjyotishpura*, DestinationNE.com, Available online http://www.destinationne.com/assam/state-info.html#History (accessed on 10 January 2004).
9. Ibid., 44.
10. Ibid., 45.
12. Ibid., 212.
13. Ibid., 219.
16. Ibid., 59.
17. Ibid., 107.
18. Ibid., 23–25.
20. Ibid., 304–05.
43. Ibid.
54. Ibid.
55. Ibid, 32.


67. I accept that such a statement might exaggerate the role of the immigrant community but I thought it worth mentioning particularly because all the respondents from Tripura (about 50 in number) from both the indigenous and the Bengali community, that I have spoken to between May 2004 and January 2005, have made similar comments.


70. Anirban Bhaumik, ‘At the crossroads,’ *North East Sun* (August 1–14, 1997), cover story.


76. Aparna Mahanta, ‘State and Gender Relations In Tribal Societies of North East India,’ in *Political Dynamics of North East India*, ed. Girin Phukon (New Delhi: South Asian Publishers, 2000), 76.


83. This is a popular Garo proverb: *mana nona ok, jikna dena kok*.


88. Discussions with Utpalla Sewa, Lecturer, North-eastern Hill University (NEHU), Shillong, March 2002.


91. Ibid.


96. Ibid.


104. Ibid.


107. Ibid.


109. *Project: Linkage, A Situational Analysis on Trafficking and Prostitution in Dinbazaar (Jalpaiguri) and Changrabandha (Cooch Behar)*, A Sanlaap Initiative Report, supported by Gana Unnayan Parsihad and Human Development Centre (unpublished), 18.

109. Ibid., 25.


112. The case was registered in the Basirhat police station on 13 January 2003, under section 376 (B)/280 of the Indian Penal Code.


115. Survey undertaken by Subharati Banerjee under my supervision for her unpublished M. Phil thesis ‘Bharat Bangladesh Simanta Samasya: Charmeghna, Shikarpur o Nasirerparar Porjalochona’ (Problems in Bengal Bangladesh Border: A discussion of the three villages of Charmeghna, Shikarpur and Nasirerpara), Department of South and Southeast Asian Studies, University of Calcutta, 2000–01, 73.


117. Ibid.


122. ‘Hundreds of Destitute Burmese Asylum-seekers Marooned on Guam,’ South China Morning Post, 6 February 2001 (Source: Europe Intelligence Wire).
123. For a more extensive report see J. H. Hre Mang, Report on Chin Refugees in Mizoram State of India (New Delhi: Other Media Communications, 2000).
130. Yubaraj Sangroula, Condemned to Exploitation: Trafficking of Girls and Women in Nepal; Building a Community Surveillance System for Prevention (Kathmandu: Kathmandu School of Law, 2001), 5.
132. In 1999, 22 women were convicted for abortion, many more were killed when they went to unskilled people for abortion. (Nepal: Human Rights Yearbook 2002 [Kathmandu: INSEC, April 2002], 142).
133. Ibid., 7.
134. ‘People Displaced From Village,’ Human Rights Situation Report (INSEC) 10, no. 2 (1 August 2002), 23.
137. Ibid.

139. Ibid.

Almost 200 years earlier Immanuel Kant had envisioned a democratic zone of peace. In many ways prophetic Kant was clearly wrong in his presumption that democracies are inherently more peaceful. The Indian experiment in democratic state formations has neither led to social justice for all nor has it facilitated conditions of peace. In fact it has shown that in a multi-ethnic and multi-cultural state democracy may lead to the reinforcement of traditional cleavages based on religion, language, ethnicity, caste and gender and transform them into newer inequities. In such democracies there is a continuous effort to create a homogenised identity of citizenship that supports the central role of the ruling elite. Such an identity is forged through the state’s privileging of majoritarian, male and monolithic cultural values. According to one observer of South Asian democracies, monolithic state ideology is ‘designed primarily to legitimise control’, over diversities, either local or regional.¹ This control is further validated through liberal and democratic discourses of state formations that camouflage the political will which consciously decides who belongs and who does not.²
Borders become the site where this contest over inclusion and exclusion is played out. They demarcate the inside from the outside, sovereignty from anarchy and the singular from pluralistic space. They construct ‘the space of agency, the mode of participation in which we act as citizens in the multilayered polities to which we belong’. Hence borders are not merely lines. They are zones that situate the grey areas where the jurisdiction of one state ends and the other begins. They are the common ground of two or more states that share them and also interpret its meanings ‘in very different ways to its citizens in their national narratives, history writing and collective spatialized memories’. In the case of South Asia, these borders are also peopled by groups that have linkages to both sides of the borders. Yet in their efforts to emphasise the national identity, state sovereignty demands a severance of those linkages that ‘encourages difference’ leading to a conscious exclusion of the recalcitrant from privileges. This results in conflicts. Hence, borders of democratic states, as the kind found in South Asia, often emerge as conflict zones. This chapter deals with women living in these borderlands that Edward Said calls ‘the perilous territory of not-belonging’, and discusses how they negotiate their differences with a state, albeit democratic, which denies space to difference based on either ethnicity or gender.

A legitimate question at this juncture is why privilege women’s experiences? This is because women who are the subject of this chapter not only belong to these perilous territories or the borders but also form them. According to Yuval-Davis, the universalistic nature of citizenship that emanates from traditional liberal and social democratic discourses is extremely deceptive as it conceals the exclusion of women from national identities of citizenship. Thus, the ideological constructions of the state are weighted against women who remain on the borders of democracy. Yet, in moments of conflict, at times they assume centrality. This is because in areas of civil conflict men withdraw from civic life for compulsions of war and self-defence. In such a situation the public sphere retreats into the private and women form the civil societies. They assume roles that are completely new to them and confront and negotiate with the massive power of the state machinery in their everyday lives. Further, as transmitters of cultural values, women construct differences
that shape the future of democracy. This is reflected in the roles assumed by women in the three border regions of Assam, Kashmir and Nagaland. Yet the narratives of borders given to us are male narratives privileging male modes of discourses and power compulsions. There is hardly any work that deals with women’s engagement in the borderlands. This chapter deals with women from these three conflict zones and discusses their negotiation with a state that traditionally privileges values that maybe alien to them. I analyse how by their engagements these women transform the traditional definitions of democracy, nationalism and resistance.

**OF BORDERS AND CONFLICT**

The two states of Assam and Nagaland are critically located on the north-eastern borders of India, and Kashmir is situated in the northern and north-western borders. Assam and Nagaland share borders with Bangladesh, Bhutan, China and Myanmar. Kashmir forms the border between the two hostile states of India and Pakistan. Sir Cyril Radcliffe created both the borders in merely five years. Yet it took India and Pakistan 25 years and many more thousands of lives to designate a part of this divide as the Line of Control (LOC).\(^7\) There is a rationale behind discussing these three bordering states. These three states are diverse in a number of ways. Kashmir is a Muslim majority area, Nagaland is Christian majority and Assam is a Hindu/Tribal area. In terms of women’s education Nagaland leads the other two states yet Kashmir has a tradition of women rulers. However, not withstanding the differences, these areas exemplify the border crisis faced by South Asian democracies and the failure of the state to contend with this crisis. Assam portrays how a seemingly stable democratic system suddenly becomes a cauldron of unrest at a specific historical moment, for a specific socio-political reason which then later developed into a separatist movement. Nagaland portrays how ethnic divides create irredentism and Kashmir shows the interplay of external exigencies and internal compulsions (in which religion is an important variable) in a secessionist movement. Simplistically, conflict in Assam was generated out of economic and linguistic compulsions, in Nagaland it was generated from ethnic compulsions and in
MAP 5.1
North-east India

Note: The map is redrawn, indicative and not to scale.
Kashmir from religious compulsions. Yet once these conflicts began many new variables came into play and complicated the political process. But, taken together, these three conflicts form major flash points in the history of state versus community conflicts in India. They also portray failure of social democratic state formation processes to contend growing sub-nationalism.

The three states share some common features. What is common to them is a history of exclusion. Kashmir was a princely state in colonial times and Assam and Nagaland were administered as excluded or partially excluded territories, by the British. Their integration is a fairly new phenomenon as it took place during the time of Indian independence. The three areas witness three different stages in state versus community conflicts. In Nagaland, where the conflict started even before independence in 1947, there is a ceasefire in operation. But the conflict is definitely not resolved as is apparent from the Indian states’ ambivalent attitude to T. Muivah and I. Swu the leaders of National Socialist Council of Nagaland—Isak-Muivah (NSCN [IM]). In Assam, where the problem started in the late nineteen seventies, there is a partial accommodation of demands raised by the rebelling groups with different peace accords in operation and yet the conflict re-emerges from time to time. Also, there is a massive lumpenisation of society due to the ongoing conflict. In Kashmir, the situation is slightly different. Neither Assam nor Nagaland faced direct foreign aggressions, but the war in Kargil was probably the fourth major foreign incursion faced by this region. From the late nineteen eighties this region also witnessed growing state versus community conflict and the situation became acute in 1989. Neither a ceasefire nor a resolution of conflict is in sight. To complicate matters in all these conflicts there are external compulsions that effect irredentism. In Kashmir there is the constant factor of Pakistan helping secessionists across the borders. In Assam and Nagaland help to secessionists are provided by not only Pakistan but also China.

The three states operate under a number of draconian laws. ‘The legitimation of various repressive laws and their judicial sanction are based on similar ideological patterns. Movements for self determination are seen as foreign inspired. Anti-state movements are defined as anti-national, terrorist and disruptive.’ Thus a statist understanding of national interest governs the
borders. After India's defeat in the Sino-Indian border war of 1962 most of these repressive Acts came in operation.\(^\text{10}\) Significant among these are the Armed Forces Special Powers Act (enacted in 1956 and amended in 1972), the National Security Act (1980) and the Public Safety Act (1978) (enacted especially for Kashmir), Terrorist Affected Area (Special Courts) Ordinance (1984) and the Terrorist and Disruptive (Prevention) Act (1985 and 1987). These acts are enacted for the so-called 'disturbed areas', with the state having the final authority to define any region as disturbed. Taken collectively these laws perpetrate the control of the borders by the National Security lobby about which we will discuss in greater detail in the next chapter.

The state pursues other methods for imposing control over border areas. Peace Accords concluded by the state often increases state control over these regions. To give but one example, in the 1985 Peace Accord with Assam, the Government of India (GOI) included the provision that, 'Government of India will undertake suitable strengthening of the governmental machinery.'\(^\text{11}\) Further, movements for self-determination are severely dealt with. All the three states at different junctures were handed over to the army. The army repeatedly violated even the extensive powers granted to them through extra-judicial deprivation of liberty, extra-judicial killings, rape, torture, looting and desecration of religious places. Increasing state sponsored violence inspires an equal increase in sub-national militancy. The militants commit grave violations of humanitarian ethos such as murder, extortion rape, and so on. As a result borderlands of India are reduced to a state of virtual civil strife. Women of all communities living in the borderlands negotiate with conflict and violence in their every day lives. When the state becomes a party to this conflict women have to negotiate with the state for their spaces of power. This chapter is on the different types of women's over-ground movements generated in the conflict zones of the Indian borderlands.

**STATE POLICY, TRADITION AND GENDER**

Nira Yuval-Davis once stated that women have a dualistic relationship with the state:
On the one hand women are always included, at least to some extent, in the general body of citizens of the state and its social, political and legal policies; on the other—there is always, at least to a certain extent, a separate body of legislation which relates to them specifically as women.12

In the case of the borderlands of India such dualistic nature of women's engagements with the national and ethnic collectivities leads to further discrimination against them. This becomes problematic because social attitudes over time get transformed into legal provisions. Therefore, women have to live not only under draconian national laws, by virtue of their location, but also suffer other discriminatory traditions and practices by virtue of their gender. For example, in Kashmir once a state subject is issued for men it remains valid forever. But in the case of women it is valid till marriage only. If a girl marries a non-state individual she loses her state subject.13 In the case of Nagaland, women largely do not inherit parental property. Further, they do not participate in meetings of the village council. In Assam the men of the Rabha tribe marry as many times as they fancy because polygamy is recognised by the Rabha custom and has the force of law.14 All of these stipulations violate the fundamental rights of women but the state does little to change the situation. Yet it would be wrong to assume that women are passive victims of either state policies or their own traditions. The women, in fact, actively negotiate with both categories. It is timely to reflect on the contexts that lead to women forming alliances with the state—typically in the form of participating in elections and seeking the recourse of its laws—as well as resisting the state. Here we do not discuss women who completely reject the state as those involved in underground insurgent outfits. We address the question of women's negotiations with the state and analyse whether such negotiations affect either the character of the state or the situation of women within it in the three regions under review.

**Assam**

Assam has the longest association with the state of India. It came under British rule in 1826 by the Yandabo Treaty that ended the
Anglo-Burmese war. Assam, at one time was synonymous with almost all of north-eastern India, but today it is just one of the seven states. It is still the largest state in the northeast in terms of population but not of area. It is a multi-ethnic state and according to the 1991 Census of the GOI, Assam’s population can be divided into speakers of 68 languages and dialects. From times immemorial Assam has been the site of multiple immigrations which contributed to the Anti-Foreigner Movement of the late nineteen seventies. The two organisations that played a central role in the movement were the Assam Sahitya Sabha and the All Assam Students Union (AASU). The movement came to a head in the late seventies and early eighties. Women participated in great numbers. Over 70 per cent women participated in this movement. After 18 months of negotiations between the GOI and the Assamese movement leaders, an accord was signed on 15 August 1985. After the signing of the accord a new party came to power called the Assam Gono Parishad (AGP). This party was formed of former AASU members. However, although the AGP came to power on a wave of popular support, they could not establish peace. ‘A new force came to occupy centre stage in Assam politics: the separatist militant organization, United Liberation Front of Assam (ULFA).’

The coming of AGP marked some shifts in politics. Although the women overwhelmingly supported the AGP they got nothing in return. In 1978, there were 215 women contesting elections to the Legislative Assembly of Assam, of who 21 won. But after the AGP came to power and formed the state government in 1985, only 18 women candidates fought the elections and three won. In the Lok Sabha elections the AGP did not consider any women worthy of party tickets when, in the 1977 elections, there were two women candidates from Assam. Even the Congress, which was the main opposition in Assam, promised to field 30 per cent women as their candidates, but ultimately they sent none. This trend has continued even in later elections and neither the AGP nor the Congress has sent any women candidate to the Lok Sabha in the past few years. According to two observers most of the women candidates were reduced to the position of ad hoc functionaries who were used only in campaigning.

This situation in itself is not very surprising. ‘An almost universal phenomenon of successful national liberation movements
is that they renege on promises made to their female members during the struggle.’22 The Assamese movement, although a sub-national movement, was no exception to this general rule. The women were completely marginalised in formal representational politics. However, the women found other spaces of action. They joined public charity organisations in overwhelming numbers. Many of them joined terrorist organisations, but since these were neither women-led nor overwhelmingly supported by women we will keep it outside the purview of our discussions. However, when trouble started between the GOI and the rebels in Assam, women appropriated spaces in peace activities. The peace movements were overwhelmingly supported by women. Some of the exceptional peace groups are: The Kasturba Gandhi Memorial Trust, Anchalik Mahila Samitis, the Matri Manch and other organisations such as the Sajagota Samitis.

The peace interventions made by women are largely issue-based. During and after the army atrocities in Nalbari and north Lakhimpur in 1989 and 1991 respectively, a number of women’s groups for peace sprung up. The most outstanding of these was the Matri Manch based in Guwahati. This group became the rallying point for mothers whose sons have disappeared. Many women who were not mothers also joined the movement. They rallied around the issue of abuse of women. They took out protest marches against sexual abuse and violence against women. Initially, they were tolerated when they protested against statist acts of violence but when their protest became more general they were threatened by different insurgent groups. They did not have the patronage of the state which made it clear that they were considered recalcitrant voices of protest. Opposition from all quarters forced these women to withdraw from active campaigns.23 One of the disadvantages of this group was that due to their physical location in a city their protest marches acquired high visibility. Thus, when their protest assumed a political character they promptly lost support of the male political leadership. The fate of the Matri Manch shows that in Assam most of political leadership is in the hands of men. Therefore, when women’s groups aspire to make claims of any sort in the public sphere there is a knee-jerk reaction against them. They are often marginalised and themselves become targets of violence.
There are other women’s groups which are more successful in protesting against atrocities and campaigning for peace. The Chapar Anchalik Mahila Samiti for example has been able to make a mark in the political scene of the region. Chapar is largely a rural area. The members of Chapar Anchalik Mahila Samiti organise frequent meetings for women’s legal awareness. This group has had substantial influence on the lives of women in Dhubri. Although the women’s literacy rate is extremely low in Dhubri, women’s sex ratio is one of the highest in the state of Assam. There are 950 women to every 1000 men. In 1961 the sex ratio was only 895 women to a 1000 men. Such an upward mobility in sex ratio normally reflects an improvement in the social position of women. This, however, does not mean a corresponding improvement in the political situation of women. On the basis of an interview with a spokesperson of this group, we come to know that there is greater tolerance among the male leadership in the district for women’s activities in what they consider the social sphere. It may be because the Chapar Anchalik Mahila Samiti makes no political claims. They work towards greater legal awareness of women as well as towards an increase in the literacy rate. Such activities are deemed as social work which falls within the feminine realm. Only recently this group has started protesting against violence. As yet they are able to master the support of 50 to 60 women in a matter of hours. Although these protests do not last for too long, they are becoming a permanent fixture in the political life of women in Chapar, which means these movements are recurrent.

The Sajagota Samitis and other Mahila Samitis are also effective sporadically. Agitations organised by them are termed as ‘ten day protests’. These Samitis often remain in a dormant condition until some incident takes place that affects the lives of their own members or their families. It may be a security raid in their villages or a rape within their kinship network. Within hours they organise themselves, lead protest marches and agitate for restoration of normalcy. These women are ordinary women who often remain invisible. Yet sometimes their agitations acquire such intensity that the mighty machinery of the state is brought to a standstill. In 1994, after a three-day agitation and gherao by the women of the Sajagota Samiti, the state government was forced to initiate an enquiry in Nalbari on police atrocities. Samitis
such as the Sajagota are quite effective in small geographical areas. The women rally around each other during raids by either the police or the army. Sometimes, they negotiate with the security personnel to release women who are detained for questioning. They also form support network for abused women when sometimes even their own family refuses to give them any support. In Assam both the state and the rebel groups are not supportive of women or sensitive to their plight.

The situation becomes even more complicated when one considers the community versus community conflicts in Assam. The Assamese sub-nationalism is under significant challenge from Bodo activists. A classic ethnology of the Bodos, first published in 1911, describes the Bodos as ‘the original authoch-thones of Assam...largely Hinduised, they still form a large, perhaps the main constituent element in the permanent population of the province’. Historically, large numbers of the Bodo people have merged with the Assamese. ‘Underlying today’s Bodo upsurge is a determination to reverse the process.’ The Bodo demand for homeland has generated enormous political violence. The GOI signed a peace accord with the Bodos in 1993 but peace was not restored. That women get enmeshed within this violence is of little surprise.

The Bodo Women’s Justice Forum is a group that concerns itself with issues of peace and human rights. This forum was formally constituted on 20 February 1993. The group has initiated many state-, regional- and national-level meetings on issues of human rights. The group supports the growth of self-government for Bodos. The intensity of the Assamese–Bodo conflict, can be gauged when one considers the fate of the first secretary of this forum. Golapi Basumatary, was the founder secretary of this organisation. She was also a founder member of the North-east Coordination Committee on Human Rights. Golapi was active in trying to organise an Assamese–Bodo dialogue on peace. She, along with three of her friends, were gunned down by unknown assassins on 22 December 1996, while they were travelling by a hired car after arranging a public meeting in Barpeta. There were allegations and counter-allegations that Indian intelligence was involved in this. The government blamed the militants. However, Golapi’s assassins were never brought to justice. Golapi’s killing portrays that women who try to negotiate spaces of power in the public sphere pay a heavy price in Assam.
The community versus community conflict in Assam complicates the situation for women. They, as members of sub-national groups, face situations of deadlock when they try to negotiate for peace. The situation worsens if these women become more politically visible. Political invisibility gives women some flexibility for negotiations. But visibility often leads to repression from both the state and the rebel groups which are largely male centric and structured on the basis of male values. In conflict situations, agitations for human rights and women’s rights become politicised to such an extent that women working on such issues become political targets. In inter-community conflicts women who try to initiate dialogue between the two warring communities often acquire the hatred of both communities. Keeping such conflicts alive may serve many vested interests and some of these interests may even be statist. Therefore, these groups may target peace activists who are largely women, at least in the context of the borderlands.

Notwithstanding the targeting of peace activists, women in Guwahati organised the first regional women’s convention where 1500 participants from over a 100 tribal groups participated. The convention was held between 17 and 20 December 1997. The official slogan was ‘women for peace and progress’. According to a participant from the Khasi tribe the ‘convention is a new awakening for women to realise their power to heal the wounds of war and hatred and to work for unity and progress’. As a result of their growing political interventions women’s groups have started protesting against their marginalisation in formal politics. There was tremendous protest in Dhubri district over the failure of political parties to nominate women as their candidates. Through their activities for peace the women negotiated a space for themselves in the political protests and are trying to make inroads in formal politics.

Nagaland

The Nagas are composed of about 40 tribes living between the Chindwin and the Brahmaputra plains. Part of the land came under British rule in 1879 and the term Naga was also derived by the British. The state of Nagaland was the 16th state of India. There are about 16 major tribes and each tribe is distinct in
character with its own customs, language and dress. It is also a land of folklore passed down the generations through word of mouth. But this beautiful land is the theatre of the longest civil war in India. From 1953 the Government of India has introduced a plethora of laws which has curbed everything from the resources of the state to human rights, failing only to curb insurgency.

The Naga women have one of the worst sex ratios even in north-east Indian standards but the second best literacy rate. The sex ratio is 890 and the literacy rate is about 55.72 per cent. The sex ratio for women in rural areas is 912 and in urban areas 789. This shows greater out-migration of men from villages and the on-going conflict is the main cause for that. Although there were some outstanding women political leaders in Nagaland, such as Rano Shaiza, they were the exceptions and not the rule. In the recent Lok Sabha elections even Nagaland failed to send in any women. Among 41 senior officers of the Nagaland Secretariat only two are women. Such statistics may suggest that women are completely marginalised in Naga political life but that is not true. Women participate in large numbers in war and peace. All the Naga insurgent groups have women's wings. But the decision-making is in the hands of men. Here we will privilege narratives of peace. An outstanding feature of Naga women's interventions in conflict is the multiplicity of the peace movements that they have initiated. The best known among these organisations for peace is the Naga Mother's Association (NMA). The head office of the NMA is in the largely Angami city of Kohima. It came into existence on 14 February 1984, with a preamble that stated, ‘Naga mothers of Nagaland shall express the need of conscientizing citizens toward more responsible living and human development through the voluntary organisation of the Naga Mother’s Association.’ Membership of NMA is open to any adult Naga woman irrespective of whether she is married or single. Members can join through the women's organisations of their own tribes. The organisation encourages human development through education and it makes efforts to eradicate social evils and economic exploitation, and works towards peace and progress.

The NMA has rendered valuable service for the cause of peace. It mediated between the Government of Nagaland and
the Naga Student’s Federation over the age limit for jobs and came to an equitable settlement. An achievement of the NMA is the formation of the Peace Team in October 1994 to confront the deteriorating political situation. Their theme was ‘Shed No More Blood’. The NMA spoke against killings not only by the army but also by the militants. In a pamphlet released on 25 May 1995 the representatives of NMA wrote that ‘the way in which our society is being run whether by the over ground government or the underground government, have become simply intolerable’. The NMA celebrates the 12 May each year as Mother’s Day and renews their appeal for peace.

Apart from peace initiatives the NMA has worked for social regeneration. In Nagaland there is rampant alcohol and drug abuse. The NMA provides facilities for de-addiction. They collaborate with the Kripa Foundation of Mumbai to rehabilitate drug addicts. The NMA has also started anonymous HIV testing. They are probably the first women’s organisation in the north-east to test pregnant women for the HIV virus. The NMA is providing pioneering service for care of patients afflicted with AIDS. An important issue that is preoccupying the doctors of NMA is the increase in HIV positive cases among pregnant women. An NMA spokesperson is of the opinion that conflict in Nagaland is a result of chronic underdevelopment. Therefore the NMA believes that without addressing developmental issues there cannot be any peace in Nagaland.35

NMA’s greatest achievement is that most Naga women’s organisations are its collaborators. The members of NMA also collaborate with the Naga Women’s Union of Manipur. The rallies organised by NMA are always well attended by other Naga women’s organisations. The NMA works very closely with the Naga Hoho. That the NMA has assumed enormous influence in Naga politics is borne out by the fact that they are the only women’s group in South Asia who has participated in a ceasefire negotiation. In 1997 they mediated between the GOI and the NSCN (IM) faction and facilitated a ceasefire.

The NMA, however, is not the only women’s group. There are a number of others of which an important organisation is the Watsu Mongdung. An extraordinary case catapulted the Watsu Mongdung to fame. The incident took place on 27 December 1994, in Mokokchung town. Ten members of the Assam Rifles
Negotiating Differences

entered the town and carried out indiscriminate rape and arson. Innumerable women were raped. The Naga Human Rights Commission entrusted Watsu Mongdung to investigate and identify the victims. The Watsu Mongdung formed a special committee and investigated the matter. They identified eight victims and reconstructed the incident after a thorough discussion with them. None of the other social organisation wanted to take this up. So members of the Watsu Mongdung decided to litigate on behalf of the rape victims. The case is still pending. Although the Watsu Mongdung is largely an Ao organisation they have participated in protest marches organised by the Lothas and other tribes. However, they are one of the few women's organisations that do not collaborate with the NMA. This may be because of traditional Ao and Angami antagonisms.

The Watsu Mongdung is not the only group that provides such services. There are other women's groups such as the Tangkhul Shanao Long (TSL) which operate both in Nagaland and Manipur. In July 1997 after an ambush by the NSCN(IM), the Assam Rifles went on a rampage in Ukhrul town beating up men, including school teachers. People were so traumatised that life came to a standstill in Ukhrul town. The TSL not only spoke to the army and convinced them to release over 40 civilians but also tried to instil confidence among the people of the town and its adjoining villages. They helped the people of the area to return to normal life by requesting the shopkeepers to open their shops. They appealed to the stranded people to go back home which brought back some semblance of normalcy in the town.

In recent years groups such as the NMA, the Watsu Mongdung or the TSL have gained recognition as serious actors in the peace process. Their organised campaigns and rallies have facilitated the ceasefire. They continue working with other Naga organisations to reduce the violence and brutalisation of the Naga society. They actively participate in discussions on peace and human rights. Through their negotiations for peace they have created a niche for themselves in the public sphere.

Kashmir

Probably the most internationalised border crisis faced by India is in Kashmir. Apart from constant India–Pakistan skirmishes
over this region in 1989, there erupted a serious movement for self-determination that the Kashmiri Muslims termed as a movement for *azaadi* or independence. In the initial stages women were visible as protestors. They participated in militancy and formed two women’s organisations of eminence. These were the Dukhtaran-e Millat (DM) and the Muslim Khawateen Markaz (MKM). They were in the forefront of the resistance. The women protested as mothers, wives and daughters. In fact, another meaning for DM is the Daughters of the Nation. These women were in the forefront of the protest marchers to the United Nations Office, braving police brutalities and *lathi* (stick or cane) charge, setting up stations for food supply and raising money for those detained in jail. Yet, within 12 years of militancy most of these women have disappeared from the scene.

An interesting phenomena regarding the women’s movement in Kashmir relates to their close association with insurgent groups. From the beginning of the movement for self-determination in Kashmir there was an effort to impose the Islamic identity on women over a much more liberal Kashmiriyat identity. The veil which was only used by elite women of foreign origin came to be imposed on common women. Unlike women in Algeria and Iran, the Kashmiri women never took to veiling. However, women’s organisations such as the DM and the MKM supported the movement for veiling women. Pamphlets were distributed in women’s colleges exhorting Muslim women to wear the veil. A July 1990 report cited frequent threats to women ‘warning women that severe action will be taken if they do not maintain *purdah*’. Such threats continued, and women who challenged the militants were attacked.

The women’s groups in Kashmir never developed an independent space for themselves. The controversy over veiling portrayed that neither the DM nor the MKM could voice the demands made by majority of women in Kashmir. They were the feminine mouthpieces of the Hurriyat. That the Hurriyat needed such mouthpieces portrayed that women had a space in politics. Yet these women’s groups failed to fully capitalise on this. This may be because of a sense of loyalty towards the movement. They submerged their own gendered voice within the larger movement. In fact on 13 May 1993, DM issued warnings to women in Srinagar asking them not to come outside without
wearing burqas. The militants reportedly sprayed paint on women who defied the order. Four students who refused to wear the burqa were hospitalised as a result of eye injuries after the militants sprayed green paint on them. Although the MKM did not take such drastic actions verbally, they supported veiling. This alienated most women from either the DM or the MKM, which were looked upon as branches of different militant outfits without a voice of their own. This image was further emphasised when the insurgents boycotted the elections of 1996. Since, in the last two decades, the militants have persistently boycotted elections these women have not engaged in it either. They gave up spaces for their cause and that has not helped them too much.

The Kashmiri women's political initiatives have faced onslaughts from both the state and the insurgents. From the time of the crackdown by the GOI against militants in Kashmir in January 1990, 'both security forces and armed militants have used rape as a weapon', to punish, intimidate, coerce, humiliate and degrade women. Rape is used as a means of targeting women whom security forces accuse of being militant sympathisers. Rape occurs frequently during reprisal attacks on civilians following militant ambushes. Perhaps a more telling example of the gender bias in Kashmiri militancy is that Kashmiri militant groups have also used rape as a weapon of coercion against their own women. In some cases, militants have raped women whose family members were believed to be GOI informants. In other cases women have been raped or killed after being held as hostages for their male relatives. Sometimes the militants have forced young women into marriages without their consent. ‘Although some militant leaders have condemned these abuses and vowed to take action against those who have committed rape, few have been able to discipline their own members.’

The close alliance of Kashmiri women's organisation's with the insurgents did not help the cause of either the organisation or the women themselves. Over time, there were more desertions than recruitment and by the end of the last century these were almost defunct organisations. With the growing brutalisation of the movement, the women started withdrawing from it. This is not unusual as growing militancy may result in masculinisation of the movement with a concomitant reduction of
the women’s space in it. Yet the situation is not all bleak for women’s organisations in Kashmir. Displaced women formed an organisation called the Daughters of Vitasta, which formed the women’s wing of Panun Kashmir, a Kashmiri Pandit organisation that are helping the cause of displaced women. As one observer of Kashmiri women’s politics suggests, ‘formations of networks is itself a process of empowerment’. The last one decade of women’s movements in Kashmir gave women the experiences in networking that they did not have in the recent past.

THE POLITICS OF EMPOWERMENT

Women’s movements in Assam, Nagaland and Kashmir portray three different realities. In Assam women’s initiatives are constantly challenged by majoritarian male-centric power groups. In Kashmir women lost out because of their own association with the insurgents. In Nagaland the women’s initiatives have acquired certain legitimacy in the eyes of all power groups including the state, the army and the insurgency movement. Why this discrepancy? Kumari Jayawardena in her path breaking commentary on feminism and nationalism stated:

Women’s movements do not occur in a vacuum but correspond to and to some extent are determined by, the wider social movements of which they form a part. The general consciousness of society about itself, its future, its structure and role of men and women, entails limitations for the women’s movement; its goals and its methods of struggle are generally determined by those limits.

This is true in so far as the Indian borderlands are concerned. But there is also another reality. Women’s initiatives are not just determined by, but also determine wider social movements. In Assam active opposition to women’s initiatives have alienated women from institutional politics but they have channelled their energy into local movements for peace and empowerment. They undertake literacy campaigns, speak against marginalisation of women in electoral politics and organise income generation programmes. There is logic behind their sporadic movements. These are the types of movement that the majoritarian political power structures tolerate. Hence there is a constant recurrence of such movements. These sporadic movements occur in regular
intervals and this is how they negotiate with the state and ethnic collectivities.

The Naga women have been successful in creating an independent space in politics. They were able to convince all parties in the politics of peace that they are not dictated by any specific faction. Most of the Naga women retain their belief in their cause. But their actions show that they are on the side of peace. They want to achieve their goals through political actions and not through brutalisation of society. Their politics of peace have helped them to gain space even in formal statist politics. They have become an important and necessary component of the Naga Hohos. Yet even the state machinery is not averse to using them for purposes of peace. There are a number of reasons for the success achieved by the Naga women. The Naga women have been able to situate their political manoeuvrings within their traditional roles. Peace to them is not just a political phenomena it is also economic and social. They have coined a term which means ‘just peace’ or peace with equity. They believe that without development there cannot be peace and here they differ from the majoritarian attitude towards peace. They equate peace with progress. They entered the political space through peace activism. Now they are making an effort to alter the character of that space.

In the case of Kashmiri women the situation is completely different. Here the women's movement is considered a part of the insurgency movement. The women in the movement have become alienated from women outside it. The movement has lost out on legitimacy. This affects the women in the movement in a number of ways. They are unable to mediate for peace between the state and the rebels. Only in factional politics do they have some role to play. But, since the major conflicts are state versus community, they in no way influence the course of this conflict. Further, new recruitment becomes difficult as women feel alien to the value system highlighted by the movement. The women have no message of their own. As the male leadership has already appropriated the message of war, women articulating the same message are unable to negotiate a space for themselves in the political life of Kashmir. Yet the experience of forming a group sometimes empowers women as is portrayed by the Daughter's of Vitasta.
Taken collectively, these women’s movements lead to the democratisation of society. If by democratisation we mean only the space appropriated by formal and elitist political activities such as representational politics then none of these women have been successful in it. However, if we privilege informal, populist activities then the women have excelled in it. If democracy can be equated with peace and social justice then the women have made inroads there. Even when the sphere of public activity underwent a process of masculanisation as in the case of Assam, women did not necessarily acquiesce passively to this. They adopted various strategies to maintain their involvement in/with the public space. With their grievances they entered the non-governmental sector and niched themselves in public charity organisations. They transformed their societies by constantly engaging with state politics and other male-oriented politics, albeit through the mode of protest. But even protest is a mode of engagement. In places where women could carve an independent space they had greater flexibility of making a mark. In Nagaland by creating their independent and collective space they engaged successfully with other collectivities and successfully entered the space of ‘high’ politics.

The experiences from borderlands portray that in places where women have appropriated peacemaking as their realm they have been more successful. I, however, make no essentialist plea here. Peacemaking is often recognised by the male dominated society as women’s own work. The majoritarian leadership fail to recognise the political nature of the work of peace-making. The experiences of Nagaland show that through peacemaking women are able to negotiate spaces in the public sphere. This recognition then helps them in their other negotiations such as the reworking of property rights. Women’s negotiating for peace has the potential to change the situation of women even in traditional societies. Therefore, women not only redefine peace but their own situation is also redefined by the politics of peace.

**Notes**


17. Interview with Swantana Bordoloi, 26 December 1998, Guwahati.
24. For an extensive reportage of one of their meetings see *North-east Echo*, 20 June 1997.
30. ‘No Women Candidate in Dhubri District,’ *North-east Echo*, 19 April 1996.
35. Interview with Ms Kheseli, Secretary NMA, on 27 January 1999 and 10 October 1999, in Kohima and Calcutta.
37. Interview with Merenla Jamir, member of Watsu Mongdung, 26 January 1999, Dimapur.
39. The incident was reported by the South Asian Human Rights Documentation Centre, a human rights organisation based in New Delhi, dated


Mobile Diseases and the Border

AIDS is a travelling mobile disease. It is impossible to pin down its source. Wherever it is found the State claims it has actually appeared from across the border. The term AIDS came into existence only in 1981 and HIV, the virus that causes AIDS was not discovered until 1983. Although the discovery of both the virus and the disease is part of recent history its impact has been inordinately widespread. There is an entire industry today thriving on this and AIDS has developed its own vocabulary and discourse. There is a school of thought that looks upon AIDS as solely a biomedical reality. There are others however, who think of it as purely a product of social construction. In the latter group there are those who have developed cultural taxonomies in trying to analyse the risk factor. Of the various cultural models constructed of AIDS around the world some of the first were those done on American minorities such as gay men and Haitian men in United States. It is now being realised that both these extreme typologies have led to marginalisation of certain groups. Today there is an effort to look at AIDS from a more holistic perspective and analyse how and where such marginalisation has occurred. This chapter is an attempt on these lines and I try to explore how AIDS has impacted the lives of people, living in the margins, both geographical and social, in the east and north-east of India and how it came to be marked as
a border diseases affecting people living and travelling not just in
the border but also forming borders of the society.

**The State**

India has over five million people living with AIDS. According
to figures presented by UNAIDS, India has more HIV-positive
people than any other country. Although this figure has been
disputed by the Government of India (GOI) it is undeniable that
the number of HIV-positive people is one of the largest in the
world. The first known HIV-positive case was detected among
sex-workers in Chennai in 1986. These sex-workers were said
to have had contact with ‘foreigners’. Immediately HIV was
recognised as a foreign affliction. Calls to screen visitors were
issued but that resulted in a lot of negative publicity. Soon the
policy was abandoned and screening was concentrated on certain
‘High Risk’ groups. In 1987 a National AIDS Control Programme
(NACP) was launched to co-ordinate national responses. Its
activities covered surveillance, blood screening and health edu-
cation. By the end of 1987, around 52,907 people were tested,
and around 135 people were found to be HIV positive, of which
14 had full blown AIDS. Most of these initial cases had occurred
through heterosexual sex, but at the end of the nineteen eighties a
rapid spread of HIV was observed among the people of Manipur,
Mizoram and Nagaland—the three north-eastern states of India
bordering Myanmar (Burma), who were considered intravenous
drug users. At the beginning of the nineteen nineties, as infection
rates continued to rise, responses were strengthened. In 1992 the
Government of India set up the National AIDS Control Organ-
isation (NACO), to oversee the formulation of policies, prevention
work and control programmes relating to HIV and AIDS. In the
same year, the government launched a Strategic Plan for HIV
prevention for a more scientific response to HIV. By the nineteen
nineties HIV cases were reported from all states of India and it
became clear that the virus had spread to the previously known
‘low risk’ groups such as housewives.¹

By 2005, GOI estimation was that 5.206 million people in India
were HIV positive of whom 39 per cent were women. This meant
that 0.91 per cent of Indians were HIV positive. In 2005 it was
MAP 6.1
Indicative Routes for the Flow of Drugs and Precursors in North-east of India

Note: The map is redrawn, indicative and not to scale.
estimated that 1.7 million of the HIV-positive people also had sexually transmitted diseases. About 10.16 per cent of injecting drug users (IDU) were HIV positive around the same time. West Bengal, Nagaland, Rajasthan and Bihar were marked as states where sex-workers were most at risk. It is interesting to note that in the NACO reports the typologies of high risk group remained the same even as late as in 2005 (see Table 6.1). These groups consisted of IDUs, STD (sexually transmitted disease) groups, Tuberculosis (TB) patients, female sex-workers (FSW), MSM (men having sex with men) groups, migrant groups, and so on. Also antenatal clinics were routinely kept under surveillance.2 The states with the highest prevalence of HIV were found to be Gujarat, Maharashtra, Tamil Nadu, Manipur and Nagaland. All these states can be defined as border states and so the Indian state, without ever clearly stating it, designated AIDS as a border concern or a disease from the outside. Although the 2005 NACO estimation portrayed that there is a visible trend towards an increase in the number of females within the HIV-positive group, as Table 6.2 reflects, still there were no efforts to monitor this trend and plan intervention strategies.

<table>
<thead>
<tr>
<th>Site Type</th>
<th>Number of Sites</th>
<th>Number of Persons Tested</th>
<th>Number Positive</th>
<th>% Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANC Population</td>
<td>267</td>
<td>1,04,337</td>
<td>917</td>
<td>0.88</td>
</tr>
<tr>
<td>STD Population</td>
<td>175</td>
<td>40414</td>
<td>2288</td>
<td>5.66</td>
</tr>
<tr>
<td>Female Sex-Workers (FSWs)</td>
<td>83</td>
<td>19040</td>
<td>1607</td>
<td>8.44</td>
</tr>
<tr>
<td>Injecting Drug Users (IDUs)</td>
<td>30</td>
<td>6642</td>
<td>675</td>
<td>10.16</td>
</tr>
<tr>
<td>Men having Sex with Men (MSM)</td>
<td>18</td>
<td>4303</td>
<td>376</td>
<td>8.74</td>
</tr>
<tr>
<td>ANC Rural</td>
<td>124</td>
<td>48932</td>
<td>454</td>
<td>0.93</td>
</tr>
<tr>
<td>Tuberculosis (TB) Patients</td>
<td>4</td>
<td>1600</td>
<td>144</td>
<td>9.00</td>
</tr>
<tr>
<td>Migrant Group</td>
<td>1</td>
<td>250</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Eunuchs</td>
<td>1</td>
<td>82</td>
<td>36</td>
<td>43.90</td>
</tr>
<tr>
<td>Total</td>
<td>703</td>
<td>225600</td>
<td>6497</td>
<td></td>
</tr>
</tbody>
</table>

There was one study done on FSW. About 5572 respondents were questioned and the profile of this sample is thought to be reflecting certain realities of this group. Around 61 per cent of all the FSWs were illiterate. Around a fifth had studied up to primary school level (21 per cent) and 17 per cent had studied up to secondary school. Highest proportions of illiterates were observed in Uttar Pradesh (90 per cent), Bihar (84 per cent), Maharashtra (83 per cent), Madhya Pradesh (81 per cent), Assam (79 per cent) and West Bengal (78 per cent). Interestingly all these were brothel-based FSW except in Assam. The study concluded that brothel-based FSWs had greater propensity to use condoms than non-brothel-based FSWs. The study portrayed that the situation of non-brothel FSWs was clearly more vulnerable than those in a brothel.

That the effects of AIDS will soon be catastrophic for large groups of people was apparent to all observers. NACO began conducting studies on the economic effects of AIDS on India. These studies portray that AIDS has had impact on individual, sectoral and national levels, at least economically. These studies reflect that HIV/AIDS has adverse effects on population growth rate and on skilled labour supply. Workers with HIV were expected to have lower labour inputs. In sectoral terms AIDS is supposed to hit the unskilled labour-intensive sectors the hardest, such as tourism and small manufacturers. Also industrial gross domestic product (GDP) is predicted to decline as a result of the spread of AIDS thereby adversely affecting the national GDP. Since people were hardest hit by AIDS during

### TABLE 6.2
Comparative HIV Estimates in Various Subpopulation Groups 2000–05 (in millions)

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total estimated HIV Infection</td>
<td>3.86</td>
<td>3.97</td>
<td>4.58</td>
<td>5.10</td>
<td>5.13</td>
<td>5.21</td>
</tr>
<tr>
<td>Gender-wise distribution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infected males</td>
<td>1.94</td>
<td>2.04</td>
<td>2.58</td>
<td>3.22</td>
<td>3.13</td>
<td>3.18</td>
</tr>
<tr>
<td>(60.2)</td>
<td>(61.5)</td>
<td>(68.14)</td>
<td>(63.06)</td>
<td>(61.1)</td>
<td>(61.0)</td>
<td></td>
</tr>
<tr>
<td>Infected Females</td>
<td>1.24</td>
<td>1.24</td>
<td>1.21</td>
<td>1.89</td>
<td>2.00</td>
<td>2.03</td>
</tr>
<tr>
<td>(39.8)</td>
<td>(38.5)</td>
<td>(31.56)</td>
<td>(36.94)</td>
<td>(38.9)</td>
<td>(39.0)</td>
<td></td>
</tr>
</tbody>
</table>

their productive years the family income was sure to decline. It is also said that AIDS will increase the demand for child labour in view of scarcity within the labour force. Keeping in mind that this is also the age of globalisation, the vulnerable sectors face increasing marginalisation as a result of HIV/AIDS. There is a growing concern that AIDS will particularly affect women’s economic growth from international organisations such as the United Nations Development Programme (UNDP), but as yet no interventions have been planned by the GOI.4

There is a growing concern within the official discourse about newer groups becoming vulnerable to HIV/AIDS. Recently there are studies on planning interventions beyond high-risk target groups. One such NACO study focuses on the vulnerability of the tribal people to HIV/AIDS. India has the second largest concentration of tribal people in the world. According to the 2001 Census, 8.2 per cent of the Indian population is composed of indigenous people, and that makes their number 84.3 million. This study lists two major causes for greater vulnerability of the tribal people to HIV. The lack of awareness and knowledge about HIV and sexually transmitted infections (STIs) was considered one of the main reasons for increasing vulnerability of the tribal people and the other related to what was termed as the ‘widely varying sexual practices (high level of pre marital and extra marital sexual practices) and contact with external high risk population make them vulnerable’.5 Once again the myth of external risk has come to haunt vulnerable groups of people.

The report on the tribal people recognises that tribals are not a homogenous lot. Tribals are particularly vulnerable as they have poor access to health services. Also they suffer from high levels of poverty and ignorance. The awareness level of tribal women regarding AIDS is particularly low. Only 17 per cent of tribal women have heard of the disease says the report. What makes the situation even more problematic is that there is hardly any data on the prevalence of HIV among the tribal population. The report cited Verrier Elvin’s publication of 1964 to emphasise the sexual freedom enjoyed by the tribal people. But Elwin spoke only of the Muria tribe and their ghotul’s or mixed dormitories, which are already extinct. The report also stated that the vulnerability of tribal people is increased due to their mingling with the non-tribals, who might exploit them. But such
inter-mingling is almost inevitable due to out migration of these people. Whether their interactions with non-tribals are a negative influence in their lives or not seems to be subjects of future research. Such inter-mingling cannot automatically be castigated as bad and therefore many of the assumptions of the report seem hastily drawn.

Often official response internationally has more awareness of the gender dimension of HIV/AIDS. Most international reports recognise the specific vulnerability of women where HIV is concerned. One such UNAIDS report states that ‘poverty, social marginalisation, gender inequality and discrimination create conditions that increase vulnerability to HIV’." Most of these attributes are present in women’s lives in the developing world. The other factor that is highlighted by UNAIDS is the correlation of AIDS with the presence of conflict. In this regard the report talks about the vulnerability of the members of the armed forces of both sides to AIDS. It also discusses the vulnerability of people who are caught up in conflict. The report, in this regard, mentions the vulnerability of refugee groups to AIDS and the paucity of programmes for this group. According to UN High Commissioner for Refugees (UNHCR) only 65 per cent of national programmes on AIDS mentioned refugees and only 43 per cent called for specific interventions. India has done neither.

The official response of the GOI reflects that in its efforts to separate high risk groups from the general population it has increased the marginalisation of these groups whereby they are increasingly victims of discrimination. Also their inability to incorporate gender dimension into their programmes have proved fatal for large number of women. Even though their own data reflects that growing numbers of women are affected by HIV/AIDS, till date only lip service is provided to this factor. In its efforts to find out people who are potentially at risk the government policies have once again focused on the indigenous people who are easily identified and a marginal group. Also by insisting upon the ‘foreign routes’ of AIDS and by focusing on marginal groups the GOI has contributed to the myth of deviance of AIDS and thereby castigating HIV victims as a deviant and disorderly population. That has contributed to increasing stigma and discrimination that these people have faced.
The Media

The media perceptions of HIV/AIDS have further contributed to this myth of deviance. A study of newspaper reports from northeast and eastern India reveals the media perceptions of AIDS in this region. In most newspaper reports of the region, the spread of HIV is considered a result of porous borders and the carriers are considered as women who cross those borders. If one goes through newspaper reportage of the phenomena one can find clear evidence of such an attitude. A report of *North East Reporter* clarifies the issue by stating:

Assam may soon turn out to be AIDS capital of the Northeast, if immediate steps are not taken to check the growing menace of flesh trade, especially by commercial sex workers who have migrated from Bangladesh.

These immigrant sex workers have posed a serious threat to the health scenario of Assam, causing an alarming rise in the number of HIV positive cases.

A survey conducted by the state AIDS control society indicates that there is an alarming rise in the number of HIV positive cases. Assam has a total of 334 registered patients out of which 90 are full blown AIDS cases.

Official sources said that 70 per cent of the victims had sexual contacts with prostitutes from the migrant population.

Sexual transmission is the main cause in more than three-fourths of the cases. 71.08 per cent of the patients are reported to have contacted HIV through sexual contacts, out of which 70 per cent of the individuals had regular sex with these immigrant prostitutes.7

This report addressed the two most important issues inherent in the popular threat perceptions related to AIDS, women and borders. These issues are: *(a)* threat of uncontrolled sexuality of women and *(b)* women with different sexual mores crossing porous borders leading to a threat to male health and control over the nation. The corrupting influence is then quite easily designated as a foreign influence and women's bodies are considered as the contaminated vehicles of bringing the threat home. AIDS has therefore become an issue of the control over women's sexuality and it has thrown up new questions of justice in India.
The newspaper reports from north-east and eastern India can be classified into three broad groups. There is one group of news/speculations that deals with responsibility factor. These endeavour to establish who is responsible for the problem. The second group of news is on the situation of the victims. These are what might be known as human interest news. The third group deals with special occasions, seminars and workshops. Apart from these there are feature articles, which might encompass all the three groups or might be on scientific explanations and are often impersonal in nature. The first two groups are much more sensational. In the first group there is an effort to pin the blame on both the porous border and the resultant migrating hordes or on women’s sexuality. A sample survey of some of the news items appearing in these newspapers between 2004 and 2007 will bear this out.

In most of north-east India today, there is tremendous antipathy towards migrants, particularly from Bangladesh and Myanmar. In most newspapers of north-east India almost every day there is news that highlights how migration in the north-east is a security hazard. Typically there are news on how Bangladeshi dacoits have penetrated Tripura, ‘clad in lungi and armed with country made guns raided the houses’. Other news items include information on how efforts are made to evict refugees. One such news item quoted the home minister of Mizoram stating that:

We guess there could be at least 30,000 Myanmar nationals illegally staying in Mizoram. Anybody found staying illegally would be deported or their applications for asylum might be taken up. The decision to intensify a drive to detect illegal settlers from neighbouring Myanmar follows an anti-foreigners uprising by local groups in the hill state of Mizoram.

There are other news items showing how migrations have led to the increase of police or security forces in the borders. They report on how:

Mizoram government has decided to deploy more police personnel at the Mizoram–Myanmar border hamlet of Zokhawthar even as mass exodus of the Myanmarese national continued and 4110 people including 2074 women crossed the border river Tiau till 3 pm Monday...Police said that one additional section of second
battalion of Indian Reserve Police would soon be deployed at border to check illegal infiltration from Myanmar.10

The border area is looked upon as a site of pervasive threats. If it is not the threat of security, migration or terrorism then there is AIDS, a seemingly insurmountable threat to collective health. And the site of that threat remains the border, whether it is with Bangladesh or with Myanmar. One newspaper report from eastern India encapsulates this threat well. In it is stated:

AIDS, the most feared of modern day diseases, is stealthily spreading from villages along the Indo-Bangladesh border to other parts of the country. Its progress has so far been unhindered, thanks to the large migrant population. West Bengal has the longest border-sharing zone with Bangladesh, and there is a constant flow of infiltrators from Bangladesh to West Bengal.11

Attached to this threat of migration is the threat of AIDS. One workshop on AIDS received special coverage because it was a workshop designed for migrant workers. The participants were ‘35 migrant workers, most of who hailed from Bihar and Bangladesh’.12 The attendance of the workers was meant to seem almost as an admission of guilt. There are other news items that blame the porous border instead of only the migrants for the growing number of AIDS cases in north-east India. One such coverage stated that: ‘The northeast, which borders the heroin producing “golden triangle” of Thailand, Laos and Myanmar, has a major problem with intravenous drug use, and that is the most common cause for the spread of AIDS in the region.’13 In another report on Manipur, a state with one of the highest prevalence of HIV-positive people it was stated that:

[F]or this high incidence of AIDS in Manipur, the rampant use of intravenous drugs is cited as a major cause—a practice not so widespread elsewhere in the country. Manipur’s proximity to the notorious ‘Golden Triangle’ of South East Asia, a major narcotics centre, has led to the easy availability of intravenous drugs among the youth.14

Another report on the same lines states the following:

The first group that spread dread disease like HIV/AIDS includes the injecting drug users. As this region is nearer to the Golden
Triangle, drug trafficking is continuously going on through Manipur, Nagaland and Mizoram. The young people in these states have easy access to injecting drugs.

The second group includes the heterosexual promiscuity mainly through travellers and migrants.\(^{15}\)

The main purpose of the news becomes clear a few sentences down the line when the commentator states that, ‘problem arises from the fact that the society has to be made responsible for the problem which has evolved due to its own act of omission and/or commission’.\(^{16}\) It is this question of responsibility that concerns the media in north-east India and often there is an effort to place responsibility on marginal groups such as the migrants, IDUs or sex-workers who are easy targets.

That the FSWs are one of easiest targets is clear from a number of media reports. There is a plethora of reports that clearly blames FSWs for the spread of HIV/AIDS in north-east India. In one such report it was stated that:

\[\text{[F]lesh trade is fast spreading its net in Arunachal Pradesh. So are HIV positive cases. The impact of this double trend has made people of the state to sit up….The mission to check sex trade—which is more prevalent in Itanagar—was triggered by the detection of HIV virus in 38 blood samples out of 22,000 during a survey….With flesh trade expanding its base the situation can only become worse.}\] \(^{17}\)

Almost every month there are such reports in the media of the east and north-east. A similar report stated:

\[\text{An alarming rise to the HIV infected patients in Barak Valley of South Assam and a spurt in prostitution in Silchar town have set the alarm bells ringing. Several NGOs engaged in AIDS awareness campaigns in the region said the spread of the disease in Cachar district was highly alarming because it never been an HIV prone area. However the district recorded more than a thousand HIV positive cases in the past couple of years.}\] \(^{18}\)

The sex-workers are one of the most disempowered groups who are easy targets for anyone trying to ascribe blame. One report on interventions stated that ‘special awareness programme should be undertaken among the women, especially those engaged in sex trade’.\(^{19}\) FSW are already deviant figures and by casting
blame on their presence the media is able to maintain the myth that AIDS is a disease of the deviant. There is little understanding that the groups that are seen as threatening are all marginalised groups. This is a common phenomenon the world over. As one expert would have us believe HIV has the potential of becoming an explosive epidemic in places where there are highly mobile populations and gender inequality.\textsuperscript{20} Migrant workers or sex-workers are easy target groups. It is easy to spread a facile belief that if such groups can be controlled AIDS can be harnessed. But there is little effort to either find out or address the efficacy of such arguments.

In recent years there is a new threat perception arising out of the flesh trade. This relates to the security forces and their vulnerability to AIDS. Hitherto these security forces were considered invincible and they were the instrument for controlling the malaise of the borders, but now they are themselves falling prey to AIDS. From different parts of north-east there is a recurring concern that AIDS is the most important threat to security as it is affecting security forces themselves. From Tripura there was news that cases of AIDS is on the rise there among the forces. It was stated that out of the 79 AIDS patients 43 are security force jawans. In a more recent report it was the CRPF that was the cause for concern. The report stated that: ‘Forty CRPF personnel posted in Manipur and Nagaland have tested HIV positive, according to findings of a voluntary testing drive that the paramilitary force conducted among 11,000 of its men recently.’\textsuperscript{21} Worse still there are reports that ‘The Assam Rifles has received threats from militant organizations of this region that they would let loose HIV-infected women to spread the disease among jawans posted in Meghalaya, Manipur, Nagaland and Tripura.’\textsuperscript{22} So it seems that AIDS is winning the battle against security forces. Hence, the fear is centring more on unreported AIDS cases. There is a witch hunt for AIDS patients. At the receiving end of this witch hunt are gay men, women sex-workers or migrant workers.\textsuperscript{23} Even though the more knowledgeable people are aware that women with single partners are getting infected in large numbers and HIV is spreading to rural areas from urban areas yet, for interventions, easy targets are sought out. However, what remains constant is the perception of AIDS as a phenomenon of the borders, be they geographical borders or people in the borders of society.
THE TARGET

At different times different groups become the target of marginalisation as is apparent from the tale of HIV/AIDS. For example, in Thailand today it is the MSMs who are the targets of much of anti-HIV campaigns. It is said that in Bangkok, HIV prevalence has risen steeply among them—from 17 per cent in 2003 to 28 per cent in 2005. Among those 22 years of age or younger, prevalence rose from 13 per cent to 22 per cent in the same period, which indicates high underlying HIV incidence. Infection levels were 15 per cent in Chiang Mai and 5.5 per cent in Phuket. Among male sex-workers, prevalence ranged from 11 per cent in Chiang Mai, 14 per cent in Phuket and 19 per cent in Bangkok—implying low rates of consistent condom use during paid sex. In much of north-east India for the most part, as previous evidence suggests, intravenous drug users were in the focus of most anti-HIV campaigns. However, the one group that have perpetually faced the greatest condemnation in all societies are sex-workers. Any work on HIV/AIDS remains incomplete without focusing on the situation of sex-workers.

As a group that is particularly at risk to HIV transmission yet with limited access to public health facilities, sex-workers stand almost alone. According to NACO estimates infection among sex-workers might be decreasing in India. Among FSW the infection rate was 10.3 per cent in 2003, 9.43 per cent in 2004 and 8.44 per cent in 2005.

Yet there are three states that have shown proclivity of increasing infection of FSW and these happen to be Nagaland, West Bengal and Tamil Nadu. We will discuss the situation of sex-workers in Kolkata, the most important city in West Bengal, in greater detail later. But for now it will suffice to say that sex-workers in India are in a perpetual state of vulnerability. Their inability to control the risk of infection is fostered by a double bind. According to one study ‘sex-workers are more vulnerable to HIV infection than the general population because they participate in activities that expose them to a higher risk, and because they tend to be marginalised and ostracised from the rest of the society’.

Indian history reflects that sex-workers have always been considered as vectors of infection and disease. Hence targeting of
sex-workers in anti-HIV campaigns is nothing new but the virulence with which it is persistently pursued makes it exceptional. Although the Indian Constitution provides some protection to sex-workers through its fundamental rights, particularly Articles 14 to 21 wherein equality of sexes and non-discrimination of sexes is also stated, yet on ground zero the situation is very different. This is portrayed in many cases of which one is the Madhukar Narayan Mardikar (1991) case where the testimony of a woman, who was sexually assaulted by a police officer, was considered unreliable because she was having an extra-marital affair and so was deemed dangerous by the High Court. Although this decision was overturned by the Supreme Court and her evidence was accepted, yet the woman was marked as being of ‘easy virtue’. This portrays the gendered attitude of the Indian courts. In such a situation, the attitude to sex-workers would at best be paternalistic and at worst criminal. Even in the best judgements sex-workers never escape unscathed.

An example of an enlightened decision that resulted in further complication for women sex-workers is the VC Public at Large versus The State of Maharashtra and Ors (1997). The Bombay High Court, acting on newspaper reports ordered the state to rescue women who were kept in brothels in illegal confinement. This was an enlightened decision but the raids led to a discovery and that is the high level of disease of these women. Although the high level of HIV infection and the sexual slavery shocked the nation it also led to many sex workers being thrown out of brothels without any support. In the series of raids that were carried out it was revealed 70 per cent of the rescued girls were HIV positive and the remaining 30 per cent suffered from other venereal diseases. This portrays the vulnerability of women in sexual bondage. Yet courts have often marginalised these women in their decisions. In one such case, Sahyog Mahila Mandal and Anr. versus State of Gujarat (2004), the Court refused to acknowledge the right to prostitution as a fundamental right for women and rejected the contention that it should in any way help women to pursue prostitution. It in fact contended that prostitutes should not even be allowed to live in notified areas or areas which were otherwise sacred. Such an attitude of the courts has often made sex-workers more vulnerable and such
vulnerabilities have increased their risk of infection and even HIV. For a closer look we now turn to the situation of sex-workers in Kolkata.

**TARGET: SEX-WORKERS IN KOLKATA**

From a macro-level discussion on the entire east and north-east I will now turn to sex-workers of Kolkata. There are a number of reasons why this special attention on the sex-workers of Kolkata. Within the east and north-east, Kolkata is the largest metropolis. The city is close to the Bengal–Bangladesh border and I argue that the sex-workers herein form the borders of society. They are organised enough to be unionised and yet their agency is limited. West Bengal as such was not considered as a high risk state. However, among the sex-workers, HIV is growing alarmingly and it is over 6.8 per cent. *Vis-à-vis* sex-workers, West Bengal is among four high risk states and within the state the greatest concentration of sex-workers is in the city of Kolkata. In West Bengal and in Kolkata the prevalence is extremely high, especially among the flying sex-workers. As one of its results Kolkata itself has become a high prevalence area. Among other areas of high prevalence are the neighbouring districts of Howrah, Hooghly and the two districts of 24 Parganas.

In projects undertaken by the Government of West Bengal it was revealed that 93.3 per cent of commercial sex workers (CSWs) were aware that one should always use condoms whereas only 85.3 per cent truckers and 80.5 per cent migrant labourers were equally aware. Yet very few of these women could use their knowledge or agency in this matter. A study of the situation of CSW in Kolkata reveals this truth.

By narrating case histories of a few CSW who are HIV positive it is possible to gauge the extent of their vulnerability. These case histories were collected in a study undertaken in Kolkata between August and December 2007, in and around the Tollygunge brothel area. Case A is of a woman who was trafficked from Bangladesh by her own husband. She was from an extremely poor family. She worked as a sex-worker in Khidderpur, Sonagachi and Monoharpukur road. In Monoharpukur she was gang raped by miscreants and her condition was so severe that she had to be
hospitalised for 10 days. In the hospital she tested positive but kept it a secret. However, three years later, while she was in the Tollygunge brothel, she underwent another test. Again she was told of her HIV status and received counselling. This time she was brought under medical care. The person she is living with now takes care of her and to that extent she is lucky. Also the government gives her free medical aid. For her living however she still has to take three to four customers a day and often faces substance abuse. Her customers often want to have unprotected sex. Although now she is uses protection she is constantly living with the dread of death at the age of 40.

Case B is that of a woman from Midnapore district. She got married at the age of 13 but her husband refused to keep her with him as she was unable to have sex. She came to Kolkata to work as a maid where she was abused by a 72-year old man. Later she was sold by her friend and worked as chukrikhata, which is one of the worst forms of sexual slavery, where young girls are forced to take multiple partners and usually without any protection. She suffered multiple injuries, including vaginal injury. She is now living in the Tollygunge brothel and she is 45 years of age. She was in a much weakened state when she tested HIV positive. Yet her partner was taking away all her money. She is suffering from severe malnutrition and TB. Among sex-workers it is common to find HIV-positive people suffering from TB. Even though she was of ill health she continued to have sex without protection as she was aging and often without clients.

Case C is that of a flying sex-worker who is at present 40 years of age. She got married at the age of 19. After marriage, she had a son but soon her husband died. She started working as an ayah in a private nursing home. While in the nursing home, she was sexually abused by the owner. She left that job and started supplying tea and snacks in an office. Here too she was sexually assaulted by the manager. Then she started working as a labourer in a building site. Here she was clearly told that if she refused to sexually serve the labour contractor she would not get further work. At this point she decided to become a sex-worker. In her interview she clarifies that she was not forced to become a sex-worker. But she decided to do it because she felt that, in the lower echelons, a woman’s body is constantly abused in the
labour market, so why not use her body to help herself? In the sex work she suffered constant substance abuse and because she is a flying sex-worker she is extremely insecure. She is often abused by miscreants. What is even more dangerous is that she said that she has been consistently abused by petty policemen who forced her to engage in sexual intercourse without protection. Her blood status is reactive but she feels that she has no alternative other than sex work. And so even after gang rape and abuse by the police she continues it without recourse to any other profession.

These cases portray the extreme vulnerability faced by women sex-workers. They start their lives at a great disadvantage because they are both, women and poor. Very early in life any adversity results in their gravitation towards the sex market. Once in the sex market their vulnerability increases by leaps and bounds. They face constant abuse of one kind or another and accept it as part of their lot. They are often abused by either miscreants or police. These people force them into sexual relationships without any protection. As young girls they are sold many times because the myth that unprotected sex with virgins cures diseases is still strong in people’s minds. This in itself makes them vulnerable to HIV. When they grow older they become even more vulnerable to the vagaries of clients and hence more vulnerable to HIV. Unlike in many brothels of Kolkata most sex-workers are not unionised. Even when they are, their disadvantage remains because it is their clients who dictate terms notwithstanding the fact that HIV attacks both the perpetrators and the victims alike. This is portrayed by our next case. This is the case of a taxi-driver who frequents the Tollygunge brothel.

He said he was working as a taxi-driver for the last 15 years. He has had multiple partners. In the Tollygunge brothel he has a live-in partner. He also has a wife who lives with his children in Bihar. He has a history of homosexual relationships. He is both dominating and violent. His partner in Tollygunge reported that he often forces her into intercourse. He often uses sharp instruments such as blades, and so on, on his partner in the brothel. He is also a habitual substance abuser and is a drug user. He has the habit of using intravenous drugs. He never uses any protection and is suffering from STDs. Even after all of this his partner in
the Tollygunge brothel does not leave him. His partner told the interviewer that even though he inflicts pain on her body she does not think of leaving him because getting a *babu* affords some protection and it is very difficult to have a live-in *babu.*

The last case portrays the insecurity of sex-workers and their vulnerabilities even further. Such social vulnerabilities make them further vulnerable to HIV. The profiles of the sex-workers interviewed portray that all of them cater to three to four clients, if not more, everyday. They are mostly separated but some live with regular *babus* and husbands. They often have children and often suffer from extreme anxieties about their children. They all report histories of sexual abuse and all of them have suffered substance abuse. Very seldom do they have caring partners or children and yet they often maintain these same people and feel responsible for them. It is interesting to note that their knowledge about HIV is not very poor. This is reflected by the findings of a survey undertaken by the West Bengal State AIDS Prevention and Control Society (WBSAPCS).

The survey by the WBSAPCS shows that sex-workers are largely not very ill-informed about the dangers of HIV. About 97.4 per cent of sex-workers participating in the survey had heard of STD and 56.3 per cent could mention at least three modes of HIV transmission. About 93.3 per cent CSWs mentioned that one should always use condoms and over 96 per cent said that STD treatment should be administered early. Only 17.7 per cent of CSWs reported that you can get HIV if you share clothes and food with an HIV-infected person. Over 88 per cent CSWs reported that condoms are used to prevent STD and HIV. However, they do believe in certain myths and misconceptions and over 52 per cent believe in one such myth that says that a person with one sexual partner cannot get HIV. Also 47.4 per cent believe that people with HIV should be deprived of their property. Compared to these numbers there is another that is both startling and needs analysis. More than 66 per cent of the CSW respondents who have contracted HIV reported that they recently had vaginal penetrative sex.

From the discussion above it is apparent that sex-workers in Kolkata are progressively becoming aware of the dangers of HIV. But it is their structural weakness that makes them so vulnerable
to the disease. In their profession what matters is what the client wishes. Their clients are overwhelmingly male who are always more powerful *vis-à-vis* decision-making about condom usage. The sex-workers inhabit social borders and that leads to their weakness in Kolkata. Only in the last elections, 40 sex-workers from one brothel in Kolkata were not allowed to vote as they could not prove their citizenship even though they have been living in those brothels for years. Their social positioning relegates them to a state of not belonging. From people inhabiting borders of society we will now turn to those in the geographical borders and see if that increases their vulnerability.

**The Vulnerable: Focus Nagaland**

We will now turn to a study of the situation of HIV in Nagaland. There are a number of reasons as to why this micro-level attention on Nagaland. Situated on the border of Myanmar, Nagaland is one of the four most HIV-prone states in India. In fact in the last two years Nagaland has seen quite a rise in the number of its HIV-positive people. From the sixth most HIV-prone state it has become the fourth. Among the high risk groups it has a huge proportion of IDUs and FSWs. Yet there are hardly any studies conducted in Nagaland. In the recent NACO study on social assessment of the tribal people although the Nagas of Manipur were reviewed, the people of Nagaland were generally ignored. Also Nagaland is an archetypal border state. Physically it is situated on the Indo-Myanmar border. In the west it shares a border with Assam. In Nagaland there is both a separatist and a patricidal conflict going on for a long time. In fact this conflict pre-dates Indian independence. It is remarkable that the two most AIDS-prone states in north-east India, Manipur and Nagaland are both facing state versus community conflict. Due to my previous research I have some familiarity with the state of Nagaland. Also as Nagaland faces both, an insecure border on both sides and hosts a very large number of HIV-positive people, I made this effort to analyse the politics of marginality and AIDS in the context of Nagaland.
TABLE 6.3
Age and Sex Distribution of AIDS Cases since 1994

<table>
<thead>
<tr>
<th>Age in years</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–5</td>
<td>4</td>
<td>13</td>
<td>17</td>
</tr>
<tr>
<td>6–14</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>15–19</td>
<td>1</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>20–29</td>
<td>62</td>
<td>44</td>
<td>106</td>
</tr>
<tr>
<td>30–39</td>
<td>44</td>
<td>5</td>
<td>49</td>
</tr>
<tr>
<td>40–49</td>
<td>7</td>
<td>—</td>
<td>7</td>
</tr>
<tr>
<td>50–59</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>60+</td>
<td>2</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td>67</td>
<td>187</td>
</tr>
</tbody>
</table>


In Nagaland one of the most AIDS prevalent districts is Dimapur. Dimapur is also known as the commercial capital of the state. According to a report by the Dimapur AIDS Control Committee the city ‘has a high floating population’. The report says that between July 2000 and July 2005, 295 cases of clinical AIDS were detected in the city. The majority of these cases were infected through sexual transmission, followed by injecting drug use and then from mother to child. The report states that: ‘Contrary to popular belief that HIV infects only immoral people, AIDS cases have been reported amongst all sections of the society including church leaders, politicians, healthcare providers, housewives, children and students.’ The report called for reduction of vulnerability of high risk groups such as women, young people and children.33

There are a number of other research works done on the situation of HIV in Dimapur. In one such survey undertaken by the Prodigal’s Home, a non-governmental organisation (NGO) responsible for many of the baseline research and attached to OXFAM, it is reported that a majority of the sex-workers came from out of the state. Among the sex-workers interviewed only 26.5 per cent were Christians and 45.6 per cent were Muslims. It is interesting to note that over 60 per cent of the sex-workers interviewed were illiterate with another 17.6 per cent studied until the primary level. Over 48 per cent of the sex-workers
were married and living with their spouse and 30 per cent were divorced. The sex-workers were considered as the most vulnerable community. A majority of them were between 15 to 24 years of age. An overwhelming per cent (73 per cent) of these women had no savings and they were habitually abused and assaulted by ‘goondas’, customers, insurgents, security personnel mainly for money. They are beaten up for being a sex-worker and get assaults from the customers, if they decline to conform to their sexual fantasies’. The study concluded that although a majority of the sex-workers wanted to use condoms 33.3 per cent did not push the matter for fear of losing the customer, or because the customer offered more money, or for coercion or for emotional attachment. The study concludes that sex-workers of Dimapur were among the high risk groups because of their vulnerability and the study calls for further research on women’s vulnerability and gender insensitivity in society.

Prodigal’s Home is responsible for undertaking ethnic community-wise baseline surveys. They have studied people from such communities as the Tibetans as they are known as a migrant community. Although this community was not a high risk community in terms of numbers, since frequent travel was considered as a reason for propensity to HIV this group was surveyed. The other reason why this group was brought within the purview of such research was that the males in Dimapur doubled the number of females; also the singles outnumbered the married. The results of the survey showed that most of the Tibetans migrated to Nagaland in the nineteen nineties. The group as a whole felt uncomfortable in giving specific answers. It was found out that women between the age of 25 and 34 had less knowledge about how to prevent STD. In fact women, in general, had less knowledge than the men. Both women and men of all age groups were more willing to use condoms than having single partners. The community, as a whole, had heard of HIV and within the community the age group of 15 to 24 thought the route for transmission was sexual practices. However, the age group between 25 and 34 blamed contaminated syringes for HIV. The group, as a whole, thought of AIDS as a social problem and had a negative attitude to HIV. For this reason they were more prone to going to quacks rather than doctors. The researchers
recommended, apart from condom promotion and more information on the issue, that ‘health seeking behaviour should be stressed among females’.36

In the year 2005 there was a sudden rise in the number of HIV/AIDS patients in Dimapur alone. Between January and June 2005 there were 179 new HIV/AIDS cases, that is, more than one every day according to the figures given by the District AIDS Control Society of Dimapur. According to newspaper reports there was one trend that was very noticeable. It was said that: ‘The number of married women infected with HIV has also shown a rise. So also the number of children infected with HIV.’37 In fact from the early days of this millennium this is the most glaring trend in Nagaland. ‘Previsously more commonly related to injecting drug use, the HIV/AIDS epidemic in Nagaland is swinging strongly towards the sexual transmission mode.’38

Apart from Dimapur there are other districts in Nagaland that are fast becoming vulnerable. In 2005 NACO listed Kohima, Mon, Phek, Tuensang, Wokha and Zunheboto as the other high-risk areas in Nagaland. NSAC initiated a research on mapping the vulnerability of different districts in Nagaland. It was found that Zunheboto has a high STD record; Wokha had high percentage of intravenous users (IVUs); while Wokha, Zunheboto and Tuensang had a high per cent of people who did not use condoms. Only Kohima reported enough condom users. It was found that among the men in Dimapur Phek and Zunheboto district over one-fourth male adults had not heard of HIV. ‘Cent percent of the women from Wokha in Wokha District, Wakching and Tobu in Mon District followed closely by Meluri (90.9 per cent) in Phek Districts have not heard of HIV.’39 More males preferred to have sex with casual partners and others such as sex-workers. Among the women only in Wokha District they reported to have a preference for other men than their spouses. The report mentioned that a dominant majority of people (82.3 per cent) believed that sex-workers were mainly responsible for the spread of HIV. This is crucial because it portrays the extent of stigmatisation of sex-workers. Most of the respondents (59.6 per cent) see HIV as mainly a problem associated with ‘immoral’ people. Also a majority (60.5 per cent) of the respondents did not know about pre-marital relationships in their
community and one-fifth maintained that there is no pre-marital relationship in the region. However, a majority of the respondents in the study noted that they preferred sex partners other than their usual partners irrespective of their marital status. ‘This points to the prevalence of pre- and extra-marital relations in the study area.’40

The district of Kohima is considered a high-risk area as it has a high percentage of HIV-positive people. Also most sexually active people in the city have a risky lifestyle. Often they have casual relationships and have penetrative sex with casual partners. In Kohima a majority of the men (76.9 per cent) and women (57.1 per cent) reported that they use condoms regularly. Many IVUs inject more than once a day and although most people do not share syringes some, however, still do. Often people do not use clean syringes while injecting.41 In Kohima there is one government aided hospice that is funded by the NSACS and administered by the Naga Mother’s Association (NMA) a women’s peace and human rights group. It is a 10-bed facility for HIV-positive patients. During the year 2005 and 2006 there were 30 admissions of which 19 were discharged, two had a relapse and nine continued their therapy. Although the hospice is for terminally-ill people of the discharged it is said that they are all living positively.42 By June 2007 there were 26 persons admitted to the hospice. A survey of these admissions might give us some idea about the emerging trends.

Of the 26 admissions there were 12 male and 13 female patients. The gender of one person cannot be determined from the forms. This reflected that the gender gap in the HIV graph was reducing. Since the number of female HIV people were less than the male (refer to Table 6.4) it can be surmised that there was a greater unwillingness to keep HIV-positive women at home. In terms of education all women admitted to the hospice were educated up to the primary school level. In terms of education there was more variety in the answers given by the men. Seven of these men were educated until the secondary level, two were graduates and two were educated up to primary level. One man did not receive any education at all. All men were within the age group of 25 to 35 years. The women were largely younger than the men. Most of them were in their twenties, two were 34 years
of age and one was 40. All men, barring one, reported that they had multiple sexual partners. As for the women, eight replied that they had multiple partners and three had single partners. Two respondents were too young to have any partners. Among the women a majority were married, two were separated and two were single. Among the men, barring one, all had multiple partners. Only three were married, one was separated and the rest were single within this group. Seven men said that they had contacted the disease through sexual contact and four said that it was through intravenous drugs. All the adult women said that they had contracted the disease through sexual contact. Among the two children (8 and 10 years) admitted, both were girls. All the men and women who were admitted claimed that they were heterosexual in their orientation.43

A study of patients in the AIDS hospice in Kohima throws up certain hypothesis. It shows that in the context of Nagaland people were getting afflicted with AIDS at a fairly young age or within their productive age. Women were within their child bearing age, which raises the disturbing scenario of the effect of AIDS on the demography. It was also clear that more and more people were becoming vulnerable to sexual contact. In the case of women this was even more significant because a few of them reported that they had single partners and so it was glaringly obvious that even with single partners women were contracting AIDS. Women’s greater vulnerability is reflected by the fact that women were less educated than men. Another

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>16.97</td>
<td>12.97</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>41.69</td>
<td>23.62</td>
</tr>
<tr>
<td>Karnataka</td>
<td>21.60</td>
<td>18.39</td>
</tr>
<tr>
<td>Manipur</td>
<td>12.40</td>
<td>11.40</td>
</tr>
<tr>
<td>Mizoram</td>
<td>13.69</td>
<td>14.00</td>
</tr>
<tr>
<td>Nagaland</td>
<td>4.44</td>
<td>10.80</td>
</tr>
<tr>
<td>Gujarat</td>
<td>9.20</td>
<td>8.13</td>
</tr>
<tr>
<td>West Bengal</td>
<td>4.11</td>
<td>6.80</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>4.00</td>
<td>5.49</td>
</tr>
</tbody>
</table>

important fact emerging from this sample group is that marriage did not necessarily mean a monogamous relationship. This is not exceptional in the context of urban experiences and a study conducted among middle-class working women in Delhi metropolis in the nineteen fifties and nineteen sixties shows that attitudes towards extra-marital relationships underwent identifiable changes towards permissiveness by the nineteen sixties.⁴⁴ Therefore, the situation in Nagaland is not extraordinary.

In the focused group discussions (FGDs), most people felt that IVU was no longer the primary threat. They were convinced that it was through sexual contact that AIDS cases were multiplying. People also felt that sex-workers alone cannot be considered responsible. Keeping the context of state versus community conflict in mind, a lot of people felt that poor young widows, without any income, were becoming bootleggers. During my field survey I was told by a number of people that there are some 50,000 bootleggers in Nagaland. In the context of prohibition in Nagaland these women are looked upon as immoral. These bootleggers were considered as people who were sexually available. There was a fear that these bootleggers were moonlighting as prostitutes. They were looked upon as contaminating influence on society. Because of their situation they are marked as deviants in society. Many people are now considering that sex with these bootleggers can be a cause for increasing numbers of HIV-positive people and people are therefore ready to condemn them. However, very few people ask the question as to what choices these women have.⁴⁵

For the Naga people it is not the border in the east that is insecure. It is the Indian state that finds this border insecure. For the Nagas the case is totally different as they share kinship networks with people across the border. In fact I was told informally by a number of respondents that unless the state is willing to work together on both sides of the border the situation cannot be controlled. That such an idea might have some merit can be corroborated from newspaper reports of another border area. One such newspaper report states that ‘Myanmarese citizens residing along the Indo-Myanmar border areas and other Indian States especially in Manipur have sought help for the treatment of drug addicts.’⁴⁶ The same report urges the GOI to make
available ART and some other medicines and mechanisms to HIV patients from across the border. For the Naga people the border in the west seems more problematic. That the Assam–Nagaland border has become a problem is also borne out by newspaper reports from Assam and Nagaland. One such report states: ‘Local people have alleged that extremist outfits, aided by international groups, have set up bases in the border areas from where they are running the illegal trade. Such antisocial activities have made life miserable for people living in the border town.’47 The conflict in Karbi Anglong can be seen as a conflict resulting problems in this border. In Nagaland when one talks about incursions of foreigners or alien people one thinks of this border. I was told by a respondent from the Baptist Church about incursions from across the border. By incursions she meant the entry of people from Assam and Bangladesh and not from Myanmar.48 That there might be truth in it is borne out by the survey done by Prodigal’s Home that shows that FSW in Dimapur are largely Muslims and Hindus. But what is scarier is the growing number of HIV-positive people among traditionally low risk groups.

**MANIPUR: AT RISK**

From Nagaland we will now turn to Manipur, a state with one of the highest prevalence of HIV in India. We will pay particular attention to the situation of women as we have by now stressed that women are under particular threat due to faulty planning on the situation of HIV. Manipur is a small land-locked state in north-eastern part of India.49 Even in Manipur women face an enormous threat from HIV. Manipur shares borders with Mizoram, Assam and Nagaland in India and with Myanmar of South-east Asia in the east. Manipur is comprised of nine districts—Churachandpur, Tamenglong, Senapati, Ukhrul, Chandel, Bishnupur, Thoubal, Imphal east and Imphal west. Among these nine districts, five are composed of hill areas and four are in the valley. The hills are inhabited by 29 tribes belonging to different ethnic groups and the valley people are largely Meiteis belonging to Vaishnavite Hindu groups. The literacy rate in Manipur is quite high with 66 per cent male and 59 per cent female literates. Yet it is a troubled state with weak
infrastructure and even weaker governance. Manipur is famous for its art and music on the one hand and sports on the other. Their women's soccer team is probably the best in the country. Manipur is also the state of the Meira Paibies, yet not much can be said about the general situation of women. Manipur is a conflict-torn area where a number of state versus community and community versus community conflicts are on. Here the Meiteis are in conflict with GOI on the one hand and with Nagas on the other; the Nagas are also in conflict with the Kukis and the Kukis with other ethnic groups such as the Paites and the Tamils. Experiences of conflict, with both the state on the one hand and the armed pressure groups on the other, are a reality that hundreds of Manipuri men and women are facing every day over the last few decades. Social problems such as unemployment, economic crisis, breakdown of the educational system, health problems, and so on, are common throughout the state. There are other problems too and Manipur's proximity to the Golden Triangle makes it particularly vulnerable to drugs. It is said that after the 2001 upheavals in Afghanistan, Myanmar has emerged as the largest source of illicit opium in the world. It is also said that opium enters Manipur through the border town of Moreh. Whether that is true or not Manipur has a long history of dalliance with drugs.

Locally brewed alcohol was popular as a traditional social drink both in the hill and in the valley of Manipur in pre-colonial times. It was only in the nineteenth century that such brewing of alcohol was stopped barring a few communities such as the scheduled castes. It is said that in the late nineteen seventies heroin was introduced in the state. Heroin was first used by mahouts to tame elephants. It was considered a substance that helped in solving problems instantly. People often took it to get instant relief from pain and worry. Drug users were often used as transporters or as carriers from production site to transit site, for which they got some amount of drugs and low incentives. In the process along the trafficking route consumption also significantly increased. By the early nineteen eighties, oral consumption gave way to injection of drugs. This shift was dictated by cost, economic usage and convenience of hiding the equipment. Often two to three peers in a group shared injectors and this proved to be lethal for infection of HIV. Drug peddling fetches huge amounts of money and people perceive it as a lucrative
Note: The map is redrawn, indicative and not to scale.
business. People looking for easy and fast money often get into drug peddling in Manipur. It is interesting to note that in spite of deployment of 70 to 80 armed personnel in the state to look after law and order, heroin is still available in abundance.

HIV and AIDS have emerged as a serious public health emergency in Manipur. The first HIV-positive case in Manipur was reported in February 1990. The blood samples were however collected in October 1989. As has been stated earlier HIV was first found among the IDUs in Manipur. It was also the first state to have a state AIDS policy. The Manipur State AIDS Control Society (MACS) was formed in March 1998 and has been active since, but the scenario for HIV/AIDS is still very bleak. Manipur is one of the six states with high prevalence in India. Manipur with hardly 0.2 per cent of the country’s population provides 8 per cent of India's total HIV-positive cases. There are an estimated number of over 40,000 cases of HIV-positive people in Manipur. MACS claims that since the intervention project among IDUs has been taken up successfully, HIV prevalence among this group is declining. The sero-prevalence rate of IDUs in 1998 was 72.78 per cent. It reduced to 39.6 per cent in 2002 and to 24.1 per cent in 2005. However, even this number is said to be the highest in the world. In the same report it is said that even though the number of IDUs is on the decline there are still a lot more people in the interior and the hill areas that are getting infected.

In Manipur out of 19,1793 blood samples collected until March 2007 the total number of HIV positives are 25,905 of whom 6,110 are women. As per the Sentinel Surveillance Report 2006, the rate of HIV prevalence among the various categories of high risk group is as follows:

1. Injecting drug users: 19.8 per cent
2. Female sex workers: 11.6 per cent
3. MSM: 12.4 per cent
4. Pregnant women: 1.4 per cent
5. STD patients: 4.8 per cent

The most worrying news gleaned from this report is that:

[T]he HIV/AIDS epidemic in Manipur has penetrated into the general population from the Injecting Drug Users through sexual
route, the situation among women and children become alarming day-by-day. The infection has now spread to the female sexual partners of IDUs and their children. We are now beginning to see waves and waves of HIV epidemic among women and children.\textsuperscript{53}

As has been discussed previously, the most vulnerable of all women are the CSWs. The CSWs in Manipur are under considerable threat due to HIV. Here some studies have been done on the situation of CSWs. In one such research, 230 CSWs were interviewed of whom 93 were Meiteis, 26 were Muslims and 111 were tribals.\textsuperscript{54} One of the reasons why tribal women are particularly vulnerable is because of the intermittent conflict in tribal areas. Because of this conflict often villages are burnt and hill people face different kinds of violence as a result of which they are displaced. Tribal women then might come to the valley where they might be faced with economic crisis. To cope with such crisis they may take up commercial sex work. The vulnerability of these women is revealed by the fact that 117, that is, 50.9 per cent of the respondents in this research on CSWs are unemployed. About 30.8 per cent own petty businesses such as pan shops or selling lottery or movie tickets. These businesses can also be used as contact point for commercial sex work. This shows that for these women their option for income is very limited. Among the respondents 45.2 per cent are divorced and 30 per cent are widowed showing that most women come to sex work from unstable backgrounds.\textsuperscript{55} There is however, one positive feature and that is 74.3 per cent of these women have had some kind of education. Perhaps this is the reason why the overwhelming majority of these women (226) are aware of HIV. In fact 108 of these women had tested for HIV even before this research had commenced. But the worrying thing is that 28 of these women had tested positive. What is even more worrying is that a large proportion of these women did not know how to prevent HIV.\textsuperscript{56} Even though the problem is so overwhelming I could trace only four NGOs working with sex-workers on the issue of HIV in Manipur.

Even though the situation of IDUs is improving in Manipur the situation of female IDUs is still precarious. It was in 1983 that the first study on female IDUs in Manipur was conducted.\textsuperscript{57} Then a cross-sectional study recruiting injecting drug users from the
community, women IDUs from addiction treatment centres, remand homes and jails revealed that 5 per cent of IDUs in Manipur were women. Another study on the interface between drug use and sex work in Imphal revealed that 55 per cent of women in this survey were injecting drug users, 80 per cent had sex with non-regular partners and two-thirds used sex work to get money or drugs. In that study it was found that HIV prevalence among female IDUs were as high as 57 per cent. Yet there are hardly any NGOs that are dedicated to female IDUs. Even when women were not IDUs themselves but lived with a drug-using family member the burden on them was very high. Women are often used to peddle drugs and support their husbands or their families’ drug supply. Even when they do not peddle they helped in procuring drugs for their drug-using family members. In the process a few of them also took to drugs themselves. Also, their financial constraints made it impossible for them to seek outside help. ‘There is increasing evidence that the non-injecting sexual partners of injecting drug users are becoming infected with HIV in places like Manipur, which highlights another aspect of burden on women due to drug use.’

The above commentary has stressed the fact that some groups of women are under particular threat due to the high incidence of HIV in Manipur. It can be argued that most of these women fall within the high risk group. But as in some of the other states surveyed there is increasing number of HIV positives found among women in the low risk group too. This is apparent when one looks at the prevalence of HIV among pregnant women in Manipur. In 1994, the percentage of HIV-positive cases among pregnant women was 0.8 per cent, but by 2006 that number had risen to 1.4 per cent. Women from low risk groups like most of the other places in the east and north-east were being threatened by the spectre of HIV in Manipur.

**Conclusion**

My work on the politics of AIDS in the east and north-east of India does not present a pretty picture. It reflects that marginal groups become more marginalised, such as women, children, migrants, sex-workers, and so on. Borders as zones of conflict impacts on state’s response and so-called ‘free floating’
people are marked as threats. The state constantly tries to control them and hence one understands the distinctions that are made between brothel and non-brothel or flying sex-workers. Since AIDS still falls in the realm of largely the unknown, the blame game encourages people to thrust such blame as could be apportioned on the alien or the migrants and commercial sex-workers. Most are not interested to find out other correlations, such as the correlation between education and AIDS, family income and AIDS, empowerment and AIDS, and so on. One just wants to be absolved of the guilt. This has some fallout such as vulnerable groups becoming more vulnerable to the disease.

Such a situation becomes clear when one looks at a newspaper report that evocatively states:

With a population of 2.4 million people, the north-eastern frontier state of Manipur, better known for its political unrest is also the state that has the highest HIV/AIDS infection in India….The latest transmission trend is all the more alarming as HIV/AIDS is no longer confined to injecting drug users. It has spread to the general population and increasingly the virus is taking the sexual route and women and children are being infected steadily. 62

It is true that women are getting more and more vulnerable to HIV. Not just women with multiple partners but even those with single partners. I have not gone into their lifestyles after AIDS where their victimisation becomes clear but even in terms of getting the disease, their vulnerable position in society is largely responsible. It is their vulnerability that silences them when questions of sexual and reproductive health are decided within a family structure. The border makes the situation even murkier. Securitisation and militarisation encourages masculine values. On separate occasions I have discussed how borders encourage a regime of control, violence and counter violence. Women have traditionally faced the brunt of such violence. Increase of the number of HIV-positive women can be understood within this framework. As partners they are often ignorant victims of the violence of AIDS and as sex-workers they are victims of the wrath of a community that uses them and then castigates them as immoral.

Women living in geographical borders and social borders are equally vulnerable. This is reflected in the co-relation between
female sex-workers of Kolkata, partners of IDUs in Manipur and vulnerable women such as widows and other HIV-positive women in Nagaland. In all these cases the women start off their lives at a disadvantage. They are often victims of abuse and violence. Often this violence is either perpetrated or supported by the state as is clear from the behaviour of the police in Kolkata and the army and insurgents in Nagaland and Manipur. This reflects a direct correlation between patriarchy and violence where female sexuality is concerned. Control of female sexuality becomes an agenda for the state regime of control. This agenda achieves greater immediacy when it is conflated with the control of borders, either social or geopolitical. The borders are sacred spaces and there regime of control is at its highest alert. It has to control sexuality, particularly female sexuality, as female sexuality has the capacity of fast becoming errant. Control of sexuality entails control of female bodies which are seen as carriers of such pollutants as HIV. This regime of control marginalises women further and makes them more vulnerable. This is because control necessitates harnessing, for the purpose of using the pliant body for the purposes and gains of patriarchy and hence the double bondage for women. Therefore, HIV not just marginalises women, but women get it because of their marginality and vulnerability. HIV therefore is the disease of the marginals of whom women are in the forefront.

Notes

16. Ibid.
23. A report in a newspaper well portrays this fear by stating that, ‘As the world hunts for preventive measures against the deadly HIV/AIDS Guwahati continues to contribute to the number of HIV positive patients with the detection of 11 more cases among the homosexuals in the city.’ The Sentinel, 10 August 2006, Guwahati edition.
27. Ibid., 736–37.
29. All the interviews are first person interviews taken by my research assistant Ms Sumona Bagchi.
30. Interview taken by Sumona Bagchi in Tollygunge.
32. My fieldwork in Nagaland, particularly in the AIDS Hospice in Kohima, that I undertook between 26 and 30 June 2007 portray this new reality. I am grateful to Khesheli Chishi, president NMA for helping me to gather information on the changing nature of AIDS in Nagaland that I undertook.
33. ‘Stop Aids, Keep the Promise,’ Issued by Dimapur District AIDS Control Committee in *Nagaland Post*, 1 December 2005.
34. ‘Community Response and Vulnerability to HIV Infection: A Baseline Assessment Study in Dimapur, Nagaland,’ conducted by Prodigal’s Home, Dimapur, Nagaland. Supported by OXFAM India Trust, Calcutta, 9.
35. Ibid, 22.
40. Ibid, 33.
41. Ibid.
43. Research conducted in AIDS Kohima hospice from 26 to 30 June 2007. The research was done with the permission and logistic support from NMA.
48. Interview with members of the Baptist Church, Dimapur, 29 June 2007.
49. I am grateful to Ruchira Goswami, Pradip Phanjoubam and Chitra Ahanthem for helping me with my fieldwork in Manipur.

51. Ibid.


55. Ibid., 28.

56. Ibid., 57–60.

57. ‘Drug Use in Northeastern States of India,’ a study by the UNODC Regional Office for South Asia and the Ministry of Social Justice and Empowerment, GOI, 2006, 12.


60. Ibid.


62. ‘AIDS Infection Rate Among Women Rising Alarmingly in Manipur,’ *Assam Tribune*, 4 December 2005.
SECTION III

LAW AND THE BORDER
In the early hours of 11 July 2004, a young woman named Thangjam Manorama was allegedly raped, tortured and murdered by members of the Assam Rifles, who had arrested her a few hours back. Protest against this heinous act took the character of a mass uprising. The Meira Peibies (women torchbearers) were in the forefront of this protest. In an effort to justify their act the Assam Rifles called Manorama an activist of the banned People’s Liberation Army and said that she was killed when she was trying to flee from custody. The Meira Peibies and other civil liberties organisations remained undeterred. They claimed it to be merely the most recent state action against people in north-east India, a border region, where people have faced multiple injustices from the colonial period onwards. They also claimed that the brunt of injustices came after the passage of the Armed Forces Special Powers Act (AFSPA) in north-east India in 1958. This Act passed through the legislature through a constitutional process but the purport of this Act makes it the occasion for some of the most gruesome human rights abuses in north-east India. This chapter, therefore, is concerned with a phenomenon that Michael Mann audaciously terms ‘the dark side of democracy’. Mann argues in his essay that liberal democracies have often embarked on projects of ethnic and political cleansing. In this he
is responding to the still dominant discourse that democracies are essentially pacific and rarely fighting wars.² In opposition to Mann’s arguments there are those who argue that ‘in liberal democracies hegemonic control appears less feasible than in authoritarian regimes’.³ Taking Mann’s logic to another trajectory I argue that, in the context of India at least, it can be said that democratic states, through a process of securitisation, often move towards hegemonic control over those that it marks as errant/deviant. In this process the state militarises the polity, thereby introducing extra-judicial methods and usage of force at the same time when it is involved in political dialogues ostensibly for power-sharing. Such extra-judicial methods are then almost invariably legitimised through a constitutional process. With examples taken largely from north-east India, particularly Nagaland, I argue that it is not a question of good or bad democracy but a problem of democracy that often involves states in conflict with its own people. Thereby democracy not only coexists with violence but also legitimises certain forms of violence. I argue that increasing political violence is not a failure of democracy but rather it’s a problem or, as an observant critic has termed it, the ‘deficit of democracy’.⁴ In this chapter I argue that the democratic space is not a homogenous space. Its interaction with the national space perforce makes it co-exist with other spaces such as spaces of conflict. The democratic space converts itself into spaces of security/insecurity. Such co-existence, which is common, at least in the context of India, securitises democracy.

Democracy means governance by the people. The deficit of democracy begins to reveal itself when we interrogate the term ‘the people’. According to Mann the people ‘described in the Preamble to the American Constitution has had enormous influence in the world. It now legitimates almost all modern states—and so is seen unreservedly and universally as a good and moral collectivity’.⁵ Even in the context of India, beginning with the colonial period, all draconian measures were legitimised in the name of the people. The people were obviously the citizen body. But during most of the colonial period this was a microscopic minority. The 1935 Government of India Act was one of the first efforts towards a representative body, which is a premier criterion for democratic governance. There was more than a fourfold increase in the number of voters. Franchise was given to almost
a fifth of the population and 14 per cent of the women became eligible to vote. According to analysts, however, what democracy came to refer was the slow process ‘whereby ruling elites co-opted into the functioning of the state successive layers of sub-elites who were to prove their responsibility by providing consensual support for the judgements of their masters’. Democracy thus came to denote the legitimisation of governance by a select group. The question remained as to who would become part of that select group.

**Questions of Law and Democracy under Colonialism**

One of the first elections under the Government of India Act of 1935 was fought in 1937 where the Congress won seven of the 11 provinces. ‘The standard contemporary official British explanation for the Congress success emphasized ... the party’s organization and its effective use of potent nationalist symbols.’ This appeal to nationalist symbols at the nascent stage of democratisation meant that the select group of leaders of the democratic system would adhere to an exclusive rather than an inclusive system. Nationalism portrayed the limits to the democratic possibilities available given the nature of power in this semi-colonial milieu. Rather than pursing social equality, the democratic system will then facilitate the functioning of the state and the maintenance of social order. The next stage in giving precedence to the maintenance of the social order came with the passage of the Defence of India Bill in 1939. This was not the first time that such a bill was passed. What made this bill different was that it was passed at a time when there was the much-hyped provincial autonomy. Even the Legislative Assembly was much more representative although the Congress had boycotted it.

Sir Muhammad Zafrullah Khan, while introducing the bill clearly stated:

> It is not pretended that the provisions of the Bill are not designed to give very wide powers to the Government but it will be realised that extremely wide powers are absolutely essential for the successful prosecution of the war and to control disloyal and mischievous tendencies which might do serious damage to the ability of India to make its due contribution towards the prosecution of the war.
There were numerous objections to the bill. Maulvi Abdur Rashid Choudhury from the opposition bench moved the House to send the bill to a select committee. He argued that war was announced without any consultation with this House and hence the members had the right to deliberate over the merits of the bill. European members from the government vociferously supported the passage of the bill without any reference to the select committee. A. Aikman even agreed that in ‘her fight for liberty and against aggression Britain has become overnight almost a totalitarian nation with the willing and almost eager assent of her people’.10 This was to be a prophetic statement in the context of India, as the Indian leaders passing all kinds of draconian measures will do so ostensibly through a democratic process and appropriate the same argument. At the beginning we had raised the question as to who were ‘the people’ in the Indian context. Probably they would come to be identified more and more with those who would be willing to surrender other’s rights for combating those who would be marked as errant/deviant and as such perceived as a threat to the social order. But this is a later story and now we will return to the objections made by the opposition to this bill. The bill was sent to a select committee and came back with four notes of dissent.

The select committee had tried to moderate some of the clauses. For example, sub paragraph B of sub clause 4 originally condemned the ‘acquisition, possession and publication of information likely to assists the enemy’. But the amendment changed it to ‘acquisition, possession without lawful authority or excuse and publication of information likely to assist the enemy’.11 However, the tenor of the bill remained the same. Akhil Chandra Datta, one of the leaders of the opposition, began the criticisms by pointing out that the Defence of India Act 1915 came to force nine months after the war had started specifically because the representatives of the state had argued that there was increasing internal disturbance, particularly in Punjab and Bengal. However, he felt there is ‘no internal disturbance, no lawlessness and no anarchist movement now in India to justify this measure’.12 N. M. Joshi made the objection on the grounds that the bill goes far beyond matters of defence. Joshi argued that the bill provides for, ‘maintenance of order: it provides for controlling of meetings and processions; it provides
for control over the press; and I feel that these restrictions placed upon the citizens of this country, at a time when the country is peaceful, are unjustified. P. N. Banerjea with other opposition members such as Sardar Sant Singh criticised the government for the enormous power that it was vesting on itself particularly because such powers would allow it to supersede the jurisdiction of ordinary civil courts and to create new offences. Banerjea complained that:

Indeed, the provisions of the Bill are of a very drastic character. In this county, even at the present moment, civil liberties are on a very low level, and it is sought to make serious inroads on these civil liberties….From our experience we know that when wide powers are vested in the executive and proper safeguards are not provided against an abuse of these powers, it often happens that the executive misuse these powers.

Many who criticised the Defence of India Act 1939 did so on the grounds that it was much more severe than the Act of 1915. That Act had been widely used to put down the Swadeshi movement. This Act might also be used for the same purpose. Yet the Act was passed within the month and without any major amendment.

The Defence of India Act 1939 was passed on 29 September. The Act provided for ‘special measures to ensure the public safety and interest and the defence of British India’. Although the Act was meant to relapse six months after the war ended, that was not meant to affect ‘anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule’. So the Act had a life much beyond that stipulated. Section 2 of the Act made it possible for the executive to pass orders that would regulate the ‘publication of news and information’, control ‘the conduct of persons in respect of areas the control of which is considered necessary or expedient, and the removal of persons from such areas’. The state could apprehend or detain anyone who was under suspicion of being of hostile intent. Security forces were given the power to enter and search ‘any place reasonably suspected of being used for any purpose prejudicial to the public safety or interest, to the defence of British India or to the efficient prosecution of war’. The Act also made it possible to regulate or prohibit meetings,
Assemblies, fairs and processions. The provincial governments were given the power to form special tribunals to try offences that were included in Section 2 and to give summary judgements. Punishments ranged from transportation and imprisonment to even death. A special tribunal was not bound to ‘adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interest of justice’.15

In Defence of India Rules some of the primary clauses were drafted under the title ‘Access to Certain Premises and Areas’.16 These rules stipulated that no person shall ‘without the permission of [the Central Government or the Provincial Government], enter, or be on or in, or pass over, or loiter in the vicinity of, any prohibited place’. It also stipulated that any police officer, ‘or any other person authorised in this behalf by [the Central Government or the Provincial Government], may search any person entering, or seeking to enter, or being on or in [or leaving] a prohibited place … and may for the purpose of search, detain such person’.17 These rules identified the areas that were considered threatened. What was threatened, therefore, was space. For the maintenance of order it was essential to control space and for that purpose it was essential to regulate people’s mobility around it. These apparently threatened spaces therefore encroached on the democratic space. For the cause of public safety certain spaces had to be protected and the only way to protect these places was by controlling people’s mobility. By that logic people’s safety in certain areas depended on their surrendering of their own rights to move, to meet or to access space freely, in the hands of the state. This was perceived of as the only way to maintain order. Threat perceptions depended on areas and anyone present in that area was considered a threat. The same principle would be operative in many parts of post-independent north-east India, particularly in Nagaland and this is how democratic spaces would be securitised.

**The Beginnings of a Constitutional Process and Emerging Notions of Security**

According to one observer, ‘India’s Constitution was born more in fear and trepidation than in hope and inspiration’. He further
comments that several members of the Constituent Assembly were in favour of granting the State the authority to proclaim an emergency whenever it was threatened by war, external aggression or internal disturbance. But it was interesting that nowhere was the term internal disturbance precisely defined. In this way the emergency provisions came to be sanctified within the Constitution much against the wishes of a few Assembly members who felt that this would corrode fundamental rights and provincial autonomies. H. V. Kamath clearly stated that:

I have ransacked most of the constitutions of democratic countries of the world—monarchic or republican—and I find no parallel to this Chapter of emergency provisions in any of the other constitutions of democratic countries in the world. The closest approximation, to my mind, is reached in the Weimar Constitution of the Third Reich which was destroyed by Hitler taking advantage of the very same provisions contained in that constitution.

Even Govind Ballabh Pant and H. N. Kunzru, who favoured a strong centralised government, had originally filed amendments to remove this part from the Constitution. But in majority were others such as B. H. Zaidi, who felt that ‘it may be a very dangerous thing for our country to be too democratic’. Also as Paul R. Brass has commented even the most vigorous critique of emergency provisions in the Constituent Assembly that was enshrined in Article 355 looked favourably towards the principle of strong centre. Some members in fact made it clear that if the Centre lacked the right to interfere in the governance of the state then there would be a tendency towards violence and revolt. Here we are faced with an interesting situation where the Indian Constitution while giving extensive rights to the people also made provisions to constitutionally abrogate these same rights.

A few days later, after the discussions on the emergency powers of the executive were held in abeyance, another debate on the provisions of the Sixth Schedule ensued. These provisions were intended to make areas under the scheduled tribes autonomous. It has to be remembered that while these discussions were on, the Nagas had already made claims to an independent state. When there were discussions of making the Naga Hills an autonomous council some of the responses of the members of the Assembly
reflect the attitude of the architects of the Constitution towards these people. Kuladhar Chaliha from Assam was particularly vocal. He said:

The Nagas are a very primitive and simple people and they have not forgotten their old ways of doing summary justice when they have a grievance against anyone. If you allow them to rule us or run the administration it will be a negation of justice or administration and it will be something like anarchy .... There are so many people of our country, so many Assamese, Punjabis and Sikhs—all people of the country. You cannot consign them to a misrule, to a primitive rule. It is impossible that they should remain such. It is said that they are very democratic people, democratic in the way of taking revenge; democratic in the way that they first take the law into their own hands. And it is threatened by some that they are so democratic that they will chop off our heads .... It is a threat which is useless and worthless. We should not be frightened by these threats of some people who say that they will come down on us. This is intended to be imposed on us by the threats of some people, and we should be aware of these interested persons. There is no need to keep any Tribalistan away from us so that in times of trouble they will be helpful to our enemies.22

Although not as vociferous as Kuladhar Chaliha there were many more who made it obvious that the Nagas did not belong. Brajeshwar Prasad from Bihar, during the same debate stated that, ‘responsibilities of parliamentary life can be shouldered by those who are competent, wise, just and literate. To vest wide political powers into the hands of the tribals; is the surest method of inviting chaos, anarchy and disorder throughout the length and breadth of this country’. He said he would never concede to the demands of the ‘tribals’ because he is ‘not in favour of the principle of self-determination’. He also added, ‘I believe in the principle of the greatest good of the greatest number. I will not jeopardise the interest of India at the altar of the tribals.’23 Speaking specifically on the Naga Hills A. V. Thakkar commented that even as late as 1926 the ‘Nagas were really naked Nagas’, and then there were other members who let it be known that they still continued their practice of head hunting.24 Even Gopinath Bordoloi who drafted the Sixth Schedule commented that currently hardly any of the tribes could be called self-governing but ‘the time may come when they may become fit to govern
themselves’. Jaipal Singh who called on other members ‘to be generous in what they say about the tribal people ... and not think as if they were enemies of India’, also felt that these tribals, particularly the Nagas, were different.

The members of the Constituent Assembly who were deliberating on the creation of a democratic constitution for India were not merely obsessed with the idea of maintaining order as Brass suggests. That was just one of the things that they concerned themselves with. They were also in the business of constructing a citizenship that would be loyal to the order that they were seeking to maintain. On the basis of such criteria they constructed notions and discourse of who belonged and who did not. They created a hierarchy of citizenship and in that hierarchy the Nagas were at the bottom rung because even before order could be established they had challenged that order. Their avowed difference was considered deviance and they were at best patronised and at worst vilified. At the back of everyone’s mind was the fact that these people were not ‘us’ and so unworthy of any autonomy or self-rule. To mark their difference it was necessary to create a barbaric past for the Nagas in the official discourse. Even as early as in the Constituent Assembly the nation’s leaders were using the language of their colonisers to deal with all that they considered as ‘other’/deviant. To be part of India the Nagas needed to be homogenised within the majoritarian culture, which they had refused. Their way of life was analysed by people, who avowedly knew that they were working on very little knowledge, and still found wanting. The Nagas came to be marked as different/deviant, violent/barbaric and therefore a threat to security. For reasons of security then it became imperative to harness that deviance/violence.

**Questions of Security during the Congress System and the Naga Imbroglio**

In the next few years the Indian National Congress (INC) under Nehru’s premiership came to follow what has often been termed as the Congress System. According to Rajni Kothari, in this system, while ‘continued dominance and a nationwide spread led to an impressive consolidation of power in the hands of the
Congress, this did not lead to authoritarianism. He is also of the opinion that, ‘one party dominance as found in India was based on consensual authority and not simply on civil or military power’. According to Gurharpal Singh, the Congress System was ‘a dominant one-party system in which the INC combined the function of political development with political competition by espousing a centrist ideology, adopting secularist leadership and allowing considerable autonomy at the state level’. Thus the Congress system incorporated both, elements of dominance and dissent. Congress dominance was emphasised by the fact that they defined the kind of dissent that can be tolerated.

Ranabir Samaddar argues that ‘it was not the decade of the nineteen fifties when the nation realised the need for virility and masculinity; rather, it was the nineteen sixties that was the decade of the evocation of masculinity’. Be that as it may, even in the nineteen fifties there were early warnings about the democratic/nationalist course that the Indian nation was poised to embark on. Samaddar himself points out that the final suppression of the Telengana rebellion was crucial for the process of masculinisation of the nation. For Gurharpal Singh the crucial moment was when the Congress, even after promising linguistic reorganisation of the Indian states, refused to grant statehood to the Punjabi-speaking people led by the Akali Dal. The denial was legitimised on the ‘grounds that it was a movement for a political recognition of a religious demand’, and so had to be couched in terms acceptable to the Nation. For the process of securitisation of the nation, the moment of reckoning came with the declaration of military rule over the Naga Hills in 1955 and the Declaration of the AFSPA in 1958.

Before proceeding with a discussion on securitisation of the north-east through Nagaland let us pause for a while and consider how the Naga issue emerged from the perspectives of the Naga’s themselves. Between 1845 and 1880 the British defeated a number of the Naga tribal chiefs. In 1892 a British political agent replaced the Manipuri king as the president of Manipur Durbar. However, the Naga areas were marked as excluded territories. For most of British rule the Naga Hills were either marked as excluded or as backward areas. From 1929, when the Simon Commission came to India, the Nagas have been making claims of independence. In 1946 the first all-Naga political organisation
was formed and it was named the Naga National Council (NNC). On 20 February 1947 the NNC submitted a proposal for interim government in Naga areas with India as the guardian power for ten years. On 26 June 1947 the Interim government of India and the NNC reached a nine-point agreement called the Hyderi agreement. It was under the auspices of Akbar Hyderi, the governor of Assam, that this agreement was reached. But soon the agreement fell through as the newly emerging Indian nation was in no mood to accommodate Naga aspirations particularly because one partition was a *fait accompli*. Being at the receiving end of a partition the Indians were unwilling to compromise on any other region. And the Naga problem was largely peripheral to the leaders deliberating on the Constitution in Delhi. Fearing a military take-over the NNC announced the independence of Nagalim on 14 August 1947, a day before Indian independence.

From 1948 onwards the Naga problem escalated. In 1947 the Naga Hills were divided between Assam and Manipur and the next year many Nagas, including Daiho Mao, were arrested following their efforts to blockade an entry point to the Naga Hills. Within the mainland it was widely held that Burmese Communists infiltrating into Assam were aiding the Nagas. By early 1951 the Nagas asked for a plebiscite and predictably were refused. Under the auspices of NNC the Nagas themselves called a plebiscite where overwhelmingly almost everyone voted in favour of independence. Massive forces were brought into Nagaland to subdue the ‘secessionist’ movement and the escalation continued.

In 1953 the Indian Prime Minister Jawaharlal Nehru brought the Burmese leader U Nu to Kohima. There they both deliberated over the positioning of the Indo-Burmese border. Although they were dividing the areas claimed by the Nagas, these Hill people were never consulted or in any way involved in the decisions. Protests escalated in the Naga Hills when reprisals came in the form of the Assam Maintenance of Public Order (Autonomous District) Regulation Act in 1953. It was operative in the Naga Hills and Tuensang districts. The Act empowered the Governor to impose collective fines, prohibit public meetings and detain anybody without a warrant. While protests continued, those portions of Naga Hill districts that formed parts of Assam were
MAP 7.1
India's Chicken's Neck

Note: This map is indicative only and not to scale. The map has been drawn by Debasmita Chaki.
placed under military rule in 1955 on the basis of the recently formulated Assam Disturbed Area Act. The same year the NNC set up the ‘Federal Government of Nagaland’, which had a military wing. Before the year ended it was said that there were ‘nearly one security troop for every adult male Naga in the Naga Hills’.31

Between 1956 and 1958 there were tremendous disturbances in the Naga Hills. Thousands of people were killed in the conflict during these two years. This led to large-scale administrative violence in the state. The Government of India’s (GOI) efforts to set up a separate administration for Naga Hills and Tuensang Area (NHTA) proved of little value as by then the alienation of the Naga people was tremendous. According to two observers the NHTA writ was hardly operative even a few miles beyond district and sub-divisional towns. By night the administrations influence was barely felt even in those areas that were under curfew.32

On 22 May 1958, only 12 days after the Budget Session of the Parliament ended the Armed Forces (Assam–Manipur) Special Powers Ordinance was passed. This Ordinance was initially operative in both the Naga Hills and Manipur because by 1958 Manipur had also become a cauldron of conflict and violence. It started with what many Manipuri’s saw as the ‘illegal and illegitimate annexation’ of Manipur to the Indian State after the Maharaja of Manipur signed the ‘controversial merger agreement with the Dominion of India, under duress’.33 The popular assembly was dissolved when protests proved unmanageable. Manipur came under the direct rule of GOI that was often repressive. An undeclared state of emergency continued with the GOI coming down heavily on any protest. Ukhrul, Senapati and the other Naga Hills were already up in arms and now the Meitei areas also followed suit.

To contain these situations in the north-east, The ASFP Bill was introduced in the monsoon session of the Parliament in 1958. G. B. Pant, the home minister, introduced the bill stating that it was intended to quell ‘arson, murder, loot, dacoity, and so on, by certain misguided sections of the Nagas’. It was because of such violent actions of the Nagas that ‘it has become necessary to adopt effective measures for the protection of the people in those areas’. So it was in the name of the people that this Bill was introduced, which gave the armed forces almost unlimited
power over the life and death of these same people. There were some members who cautioned against such blanket powers to the army but their voices were generally disregarded. The deputy speaker of the Lok Sabha criticised the government by stating:

[I]t pains me that we have an occasion in this House to give our assent to martial law which was forced on us by an Ordinance …. Why have they (the Congress Government) smuggled this legislation in this way? It is really a challenge to the concept of democracy and freedom that we have’.34

Among the other critiques, there were some that felt the ‘Parliament is giving its seal of approval to a legal monstrosity to quell another kind of monstrosity’.35 Even the speaker asked the home minister:

Does the Honourable Minister feel that this is the procedure; he can shoot if it is a disturbed area, that is the procedure established by law? He can shoot [italics added]. Anybody can be killed or shot at, but is this procedure established by law, does it go to that extent? Article 21 says that no person can be deprived of his life. Here any person can be deprived of life by any commissioned officer, he can shoot (italics added).36

When the bill was being debated both the members of Parliament (MPs) from Manipur vehemently objected to it. Laishram Achaw Singh, MP from Inner Manipur Parliamentary Constituency argued:

In my humble opinion, this measure is unnecessary and also unwarranted. This Bill is sure to bring about complications and difficulties in those areas, especially those which are going to be declared as disturbed areas. I fail to understand why the military authorities are to be invested with special powers. I have found that these military authorities have always committed excesses in many cases, especially in the sub-divisions of Kohima and Mokokchung. In such a situation, I do not like that the officers should be invested with special powers …. This piece of legislation is an anti-democratic measure and also a reactionary one. Instead of helping to keep the law and order position in these areas, if they declare some areas as disturbed areas, it would cause more repression, more misunderstanding and more of unnecessary persecutions in the tribal areas. This is a black law. This is also an
act of provocation on the part of the Government. How can we imagine that these military officers should be allowed to shoot to kill and without warrant, arrest and search. This is a lawless law.\footnote{37}

Even after such ringing protest from MPs of the region The AFSPA of 1958 was enacted after a mere three hours of debate in the Lok Sabha and four hours of debate in the Rajya Sabha. The Act was meant to be in the statute books for only one year but it is operative even today.

The AFSPA was a take off, with certain modifications, from the Armed Forces (Special Powers) Ordinance 1942 of British India. Only it was much harsher than the previous Ordinance. Unlike the 1942 Ordinance, the AFSPA states that:

Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the Armed Forces, may in a disturbed area (a) if he is of the opinion that it is necessary to do so for maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in the disturbed area…

In the previous Ordinance, power to take action was authorised on an officer of the rank of Captain but in this Act power rested even with non-commissioned officers. Also the previous Ordinance was meant for the whole of India unlike the present one. The 1958 Act was meant for only the Naga Hills and parts of Manipur. But like the Ordinance the AFSPA was meant to suppress civil society, curb dissent and legitimise state violence. As one observer has maintained, ‘logic demanded that an India that fought against such powers would, when independent, get rid of such legislation. Events, however, have proved the contrary’.\footnote{38}

The AFSPA of 1958 gave the state government the power to define any area as disturbed. The home minister argued, when faced with the criticism that he was wresting power away from the state governments, that he was actually increasing the powers of the state as, by this Act, they had the power to summon the military whenever they wanted to do so. That this was hardly the case would become apparent when in 1972 this
MAP 7.2
Map of Nagaland

Note: The map is redrawn, indicative and not to scale.
provision was changed. For now the state government had the power to declare any area as disturbed. For the Naga Hills the authority remained with the Assam government. The AFSPA is a prime example of how democracy legitimises violence on the people that it considers errant/deviant. The evolving history of this Act will portray how a state, by institutionalising violence, securitises a certain area and how that leads to the securitisation of the whole region.

**NAGAS GET A STATE**

There are scholars who have noted that the nineteen sixties ‘signalled a realism which had till then been advocated only by a section of nation’s leadership but which had now gained the nation’s consensus. The nation had to be strong and virile’.39 In a previous work I had stated that the 1962 Sino-Indian Border war marked a change in Indian nation’s attitude to security. The military performance in the 1962 border war was considered a moment of shame for India. Large-scale militarisation seemed to be the only path to recovery of national glory.40 In the Lok Sabha Debates, militarisation became a recurrent theme. The Minister for Defence, Y. B. Chavan, often argued that Indians have ‘to take necessary measures for defence of our territorial integrity against any aggressive threat, the more so because of our experience of last year …. The first programme of Defence preparedness is, one of expansion of our Armed forces’.41 The Indian defeat had led to the development of a new Emergency Committee of the Cabinet. The committee introduced a system of morning meetings between the minister of defence and three service chiefs and the meetings continue even now to deal with the current defence situation. The cabinet secretary, the defence secretary and the scientific adviser to the minister of defence often attend the meetings among others. Also in the wake of the war, defence spending rose from 2.1 per cent of the gross national product (GNP) in 1962 to 4.5 per cent of the GNP in 1964.42

In terms of internal security also the war brought home certain realisations. There was a growing threat perception of the borders itself, particularly the borders in the north-east as a
result of its proximity to China. There was also a strengthening of ‘the image of a region inhabited by frontier tribes—an image which the dominant nationalist politics has always wanted to convey to the masses elsewhere and even in the North-east itself. It has been only a minor variant of the preceding head-hunting scenario’. The national response was two-fold: (a) to bring the northeast within a parliamentary form of governance that would give it administrative coherence and make it national and (b) to make responses against ‘irredentism’ even stronger. The tribes of the north-east needed to be nationalised, modernised, democratised and subjugated at the same time so that a new class of citizen-subjects could grow. Therefore, Nagaland became a state in 1963. The view from the centre is dramatically reflected in a pamphlet entitled ‘Bedrock of Naga Society’. The Nagaland Pradesh Congress Committee published it in 2000. The pamphlet argued that the creation of Nagaland in 1963 ‘gave the Nagas worth and significance in the eyes of the world’. Contesting the dominant Naga discourse it contended that the Nagas were never a nation. It stated that before 1963:

Each village was practically an entity in itself. The main contact between villages was through the savage practice of headhunting. Mutual suspicion and distrust was rife. Internecine warfare was the order of the day. There was no trust or interaction between different tribes. In these circumstances, the question of a unified ‘Naga nation’ did not arise.

Sentiments reflected in the pamphlet, albeit extremely controversial, perhaps portrayed well how the Nation viewed the Nagas in 1963.

Side by side with the political negotiations, military actions continued. The armed forces, through aerial bombing, tried to control guerrilla activities in ‘strategic hamlets’ in Nagaland. This was another first for India but not the only time when the Indian Security Forces bombed its own civilian population. In 1966, when armed militant groups captured the town of Aizwal in Mizoram, the army responded with air raids. As for the Naga issue in 1964 a cease-fire between NNC and the Indian state was signed. In three years the cease-fire ended and political negotiations broke down. By that time India had won a border
Border Laws and Conflicts in North-east India

war with Pakistan that was attributed to military preparedness. Militarisation of the political space continued unabated in the north-east and other border areas with a plethora of Acts on internal security being passed in the next few years.

In 1965 Mizoram (then Lushai Hills District of Assam) came under the jurisdiction of the AFSPA. In the official parlance ‘Disturbed Areas’ were spreading. The Unlawful Activities (Prevention) Act was passed in 1967 for the whole of India. It forbade individuals from taking part, committing, or advocating and inciting the commission of any unlawful activities. It also made provisions to stop unlawful organisations from raising funds. The Act however, unlike more recent legislation, provided procedures for a review mechanism. This Act was soon followed by the Civil Defence Act in 1968. The Act was meant for ‘areas which are tactically and strategically considered vulnerable from enemy attack points of view’. It is an Act to train Civil Defence volunteers during peacetime. In other words this was an Act to give military training to the civilian population, thereby further militarising the political space. In the north-east, efforts to find a military solution continued and, in 1970, the AFSPA was extended to Tripura.

The next important legislation from the perspective of internal security was The Defence and Internal Security Act of 1971. This Act was ‘to provide for special measures to ensure the public safety and interest, the defence of India and civil defence’. The timing of this Act portrayed that it was necessitated by the conflict over East Pakistan and/or Bangladesh, thereby further blurring the internal and the external in matters of security. This Act empowered the central government to ‘make such rules as appear to it necessary or expedient for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations’. The Act provided for ‘the safety and welfare of the Armed Forces of the Union, ships and aircraft, and preventing the prosecution of any work likely to prejudice the operations of the Armed Forces of the Union’. It called for ‘preventing or prohibiting anything likely to assist the enemy or to prejudice the successful conduct of military operations [civil defence or internal security]’ and ‘preventing the spreading without lawful authority or excuse of reports or the prosecution of any purpose likely to cause
disaffection or alarm'. It legislated on a number of issues relating to internal and external securities. It made internal security a part of external policy. Defence threat no longer meant threat from outside but also threat from inside. Since the border areas were the meeting points of these two threats that space was fast becoming a sacred space for reasons of security.

If it is a question of security can legislation on the AFSPA be far behind? The AFSPA was amended in 1972. This time K. C. Pant, who was the son of G. B. Pant, the home minister in 1958 moved the following amendments. They were as follows:

1. First, it was proposed that the Armed Forces (Assam and Manipur) Special Powers Act, 1958 may have uniform application in all the five States and the two Union Territories in the north-eastern region.
2. Second, it sought to state clearly that the governor of these states and the administrator of the two union territories would have the power to declare an area as disturbed.
3. Third, it was proposed to take that power also for the Central Government.

The 1972 amendments to the AFSPA conferred special powers given to armed forces in a few areas in 1958 to all the five states of Assam, Manipur, Meghalaya, Nagaland and Tripura and to the two union territories of Arunachal Pradesh and Mizoram in the north-east. Now the whole of north-east had the potential to be considered as a disturbed area. It portrayed that in the official discourse, trouble had spread far beyond Nagaland and Manipur as was envisaged in 1958. Also the power to declare any area as disturbed was removed from the hands of state governments and placed in the hands of the Centre. In the north-east the Centre now had the ability to overrule wishes of the state, if it so desired, and could declare any state as disturbed even when the local government opposed. That this was not merely a threat was revealed in the case of Tripura where, even when the state government opposed it, the centre declared it as a disturbed area. The whole of the north-east was considered a space under threat, both external and internal.

By 1972 Bangladesh, that was next door to north-east, had come into existence. Delhi looked upon Indian achievements
Border Laws and Conflicts in North-east India

there as the achievements of the military. As one report suggests, ‘success of the Indian military against Pakistan during their 1971 war contributed to restoring the morale and standing in society of the armed forces’. The politico–military nexus was fast defining National Security, meaning security of the national space, which seemed to be under constant threat, both from within and across the borders. Hence borders were crucial to national security. Helping Bangladesh come into being, the Indian government was determined not to have any Bangladesh within its own borders in the northeast. To ensure that, even when there was any suspicion of a threat, military action was considered as the necessary route to follow. After all, the space needed to be protected, even if it was from its own people. So although by the 1976 Disturbed Area Act it was decided that the state government could call in the military if it so desired, the AFSPA retained the power for the Central Government. In terms of National Security, the north-east was after all a special case.

In 1972 a few other interesting developments took place. The international boundary between India and Burma was officially drawn. More and more, national security came to mean demarcated and ‘secured’ borders. A recent report of the Ministry of Home Affairs defines national security and its relation to both internal security and the borders as follows: ‘Internal Security has, over the past few years, emerged as the most critical component of the national security’. And, ‘the proper management of international borders, especially in the light of infiltration through Indo-Bangladesh, Indo-Nepal and Indo-Pakistan borders, is vitally important for national security’. The trend started in the late nineteen sixties and early seventies when militarisation, or placing the borders in the hands of the Special Forces, became the chosen method for making these borders secure. There was a growing presence of Border Security Forces in the northeast that exacerbated the process of militarism. As a result in Nagaland NNC was declared unlawful and affairs of the Nagaland state was transferred from the Ministry of External Affairs to the Ministry of Home Affairs. The Naga issue was depoliticised and securitised in one go. From a political issue it became a problem of law and order and hence of security.
**Shillong Accord and the National Security Act: Two Paths to Securitisation**

The GOI signed the Shillong Accord in 1975 with a faction of the NNC. This Accord states that the Naga leaders will not merely accept the Constitution of India but also hand over their arms. The Accord may have been the GOI effort to recognise that the Naga issue as a political issue but in the days of growing militarism political solutions were often undertaken in the military spirit. This is in contrast to the spirit of dialogue, which ideally precedes an accord. As Gerhard Ritter had written around this time, ‘the problem of militarism is the problem of the correct relationship between statecraft and the technique of warfare. Militarism is an exaltation and over-estimation of soldierdom’. Therefore, the Shillong Accord did not bring in a political solution. Even if the NNC leaders, such as Phizo, remained silent, the new leaders under Th. Muivah rejected the accord as ‘work of traitors’. The Naga dissidents, predictably, reacted with violence.

The Shillong Accord was followed by an effort by the state to look for probable clients among the Nagas. This was a phase of the politics of clients. In this phase the GOI backed different groups at different times including a fragmented NNC, the Federal Army or the Peoples Militia of Nagaland. Almost all leaders of Nagaland, who did not support the Shillong Accord, were arrested. The Shillong Accord led to the break-up of the NNC. Violence erupted between the supporters and the dissidents of the Shillong Accord. Many Nagas felt that the NNC leadership failed in their task of carrying out the resistance. In the meanwhile, in another part of the north-east, there was increasing violence that led to further militarisation of the region. Assam was burning in the fires of the Anti-Foreigner Movement. State violence brought in other forms of violence at every level. The violence in Assam would continue for a number of years until the Assam Accord in 1985 after which the Assam Gana Parishad (AGP) formed its own government. But even then, the violence did not stop and continued under the United Liberation Front of Assam (ULFA).

For Nagaland too a similar situation was growing. The state’s failure to negotiate with other stakeholders in the Naga issue led to widespread rejection of the Shillong Accord. By 1980, the
Nagas realised that the GOI would negotiate only with its mirror images. The Nagas were fast constructing their own nationalism after the Shillong Accord so that they could respond to Indian nationalism. The birth of National Socialist Council of Nagalim (NSCN) in 1980 was a product of that nationalism. Militarism converted a movement for autonomy into a violent secessionist movement. The only mode of response seemed to be one of violence. Military and counter-insurgency actions eclipsed a political issue and converted it into a security issue.

The same year the National Security Act was passed. One of the main criticisms of the AFSPA was that under that Act it was not specified for how long a person could be detained without being handed over to the officer in charge in the nearest police station. In the Act it was stated any ‘person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay’. This led to detention for months. There were a number of criticisms. The National Security Act provided for preventive detention and legislated that;

The Central Government or the State Government, (a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India … make an order directing that such person be detained.

The maximum period of detention was fixed at 12 months and of course no representative of the Governments could be prosecuted for any actions taken in the pursuance of this Act. This Act was valid for the whole of India.

The Shillong Accord may have started off as a whole new and democratic way to deal with the Naga problem, but like all other previous efforts it ended with more violence. The moot point is that the Naga issue was defined as a national security issue thereby necessitating a nationalist response and evoking an equal reaction. Once an issue is defined as a security issue there seems to be no other response to it than violence. This sort of violence is pervasive and it infests all other institutions around it. To combat a nationalist response the Nagas created their own nationalism that was as exclusive as Indian nationalism. Those who decided not to belong, like the Kukis, were dealt with in
equally harsh terms. By 1980 the numbers game had definitely set in north-east India, as space became sacred. Thus, even though by granting statehood and accords to different warring people in the north-east, there was an effort to democratise polity, but the same political space was encroached upon by the national space that came to be defined as a national security space. Therefore, although the Shillong Accord and the National Security Act were two different ways of dealing with the Naga question it degenerated into one route, and that was one of continued violence.

Violence in Nagaland continued and spread. By 1988, the NSCN was divided into the Isaac–Muivah and the Khaplang faction, with Khaplang taking up his headquarters in Myanmar. During most of the nineteen nineties the Nagas were at war with the Kukis, with each other and with the Indian army until the rapprochement between the I–M and K factions and the NSCN ceasefire with the GOI on 1 August 1997. Unlike the cease-fire in Nepal, the Naga and GOI ceasefire still continues, but with innumerable problems. When the GOI announced that it was a cease-fire with the Naga people there was enormous protest in Manipur and Assam. There are Naga people living in all these states and such an action was considered as recognition of the concept of Nagalim. To Manipur and Assam this was interpreted as a threat to their ‘national’ space. The politics of territoriality has deep roots in most of north-east India. By constructing the north-east as a specially violent region the Indian state has participated in this politics of territoriality. In such a politics peaceful solutions to questions of territory are difficult to come by.

**Conclusion**

The question that motivates this chapter is how democracies construct difference. Another social scientist has argued, ‘states play a critical role in constructing social identities and differences’. In constructing difference, tolerating difference, recognising difference and shaping policies and political actions on the basis of such difference the role of state is significant. In democracies such as those in South Asia nationalisms motivate and shape democratic politics. Instead of targeting points where
difference is produced democratic politics often multiply them. In many cases democracies construct these differences and determine who belong and who does not. Once such differences are institutionalised, they are multiplied.

A number of groups in the north-east have internalised the same logic. In certain areas we have massive group-induced displacement. In Assam, Bodos displace Muslims; in Tripura, Bengalis displace the tribals; from most of the north-east, the Nepalese have been displaced in large numbers, because all of these groups are participants in the numbers game set up by Indian democracy. From time to time the GOI creates autonomous councils and recognises one language or the other. The most recent were the Bodo language and the Manipuri language. Last heard, the Nagas were developing Nagamese. But this does not alter the fact that in the state discourse these people are different. The state institutionalises methods of interaction with groups who are different. The same institutions are appropriated by these groups in their own dealing with minorities in what is perceived as their land. The land is always ours but people who live in that land are not us. Those who wish to be ‘us’ can be co-opted. One sees the number of Naga tribes growing. Fringe groups of about 3,000 to 4,000 members all over the north-east are now recognising their Naga roots. There are some who think that they do so because they are appreciative of the sustained fight put up by the Nagas for their own rights. The case might be slightly different. It may even be that by becoming Nagas these tribes can ensure some participation in the democratic process.

The Indian state has not just constructed hill tribes in the north-east as different but also as violent. The response of the Indian state has been institutionalisation of that difference through draconian laws such as the AFSPA of 1958. It has to be remembered that this Act passed through a democratic process at a time when the Congress system of co-option and appropriation was at its height. Yet the AFSPA passed both houses of Parliament without too much of a problem. According to a team of social scientists, when a state constructs its margins it does so by marking people inhabiting those areas as marginal. Often these ‘marginal populations are formed of “indigenous” or “natural” subjects, who are at once considered to be foundational to particular national identities and excluded
from these same identities by the sorts of disciplinary knowledge that mark them as racially and civilisationally “other”. They also try to manage or pacify these ‘unruly’ subjects through force or pedagogy. In the case of India it was largely done through force and violence. After all, this Act did not just mark population group as unruly but legitimised a reign of terror on them which they internalised and appropriated and used against their minorities as is apparent from Assam, Nagaland and Manipur where violence is the order of the day. Little did those who voted for this Act realise that once precedence is established it is very difficult to change it. Not far back we are all concerned with the Prevention of Terrorist Activities Act. An analysis of that Act will portray that probably the AFSPA is even more draconian than that and yet we have comfortably lived with it for many years. Some of the Hill people have ultimately learnt to play the game. But what is often forgotten is that both the rules and the agenda are still set by the State.

**Notes**

4. Ranabir Samaddar used this term in a conversation with the author.
9. Sir Muhammad Zafrullah Khan (Law Member), Legislative Assembly Debates (8 September, 1939), 397.
10. Mr A. Aikman (Bengal, European), Legislative Assembly Debates (8 September, 1939), 402.
11. Sir Muhammad Zafrullah Khan (Law Member), Legislative Assembly Debates (14 September, 1939), 540.
12. Akhil Chandra Datta (Chittagong and Rajshahi Divisions), Legislative Assembly Debates (14 September, 1939), 542.
13. Mr N. M. Joshi (Nominated Non-official), Legislative Assembly Debates (14 September, 1939), 552.
14. Dr P. N. Banerjea (Calcutta Suburbs), Legislative Assembly Debates (14 September, 1939), 561.
17. *Defence of India Rules*, Part II, ‘Access to Certain Premises And Areas,’ 29, paras (1) and (3).


29. Singh, n. 27, 86.


39. Samaddar, n. 28, 41.


43. Samaddar op.cit. p. 274.


45. For security reasons many Naga villages were forcibly relocated.


54. When the NSCN began as a party it might have been called National Socialist Council of Nagaland. The word Nagalim may have been a later addition portraying the growing assertion of Naga nationalism. See Sanjib Baruah, ‘Confronting Constructionism: Ending India's Naga War,’ Journal of Peace Research 40, no.3 (May 2003): 321–38. Baruah correctly points out that even if Naga nationalism was a later construction it was still no less real.

55. AFSPA of 1958 (as amended in 1972), clause 5, GOI.


57. There were three cease-fires that began at around the same time in South Asia. These were the Sri Lankan government's cease-fire with the Liberation Tigers of Tamil Eelam (LTTE), the Nepal government's ceasefire with the Maoists and the Indian government's ceasefire with the NSCN. Of these, the Nepal ceasefire led ultimately to a change of government and the two others have moved to some inconclusive peace talks. However, efforts for peace continue. In Nepal we have a move away from monarchy to democracy showing that changes do occur, though slowly and often infrequently.


59. Veena Das and Deborah Poole, Anthropology in the Margins of the State (Santa Fe: School of American Research Press, 2004), 9.
Epilogue

**AND THE SAGA CONTINUES**

This book deals with histories of borders and histories of people situated on the borders and borderlands. Women are at the centre of this narrative. The book contends that to understand borders one has to understand the lives of women living in these borders; however, it does not just stop there. It further argues that by creating and controlling borders, states create ‘bordered existences’, a new kind of marginality that entails women and; frequently; other marginal groups, such as, migrant workers, ethnic others, trafficked bodies and people with HIV and AIDS. In their struggle for existence lie the other histories of borders. Sometimes we get fleeting glimpses of those histories, but then they are made to disappear, often scorned and cauterised by the high priests of border studies who deem these marginal histories as superfluous to the hallowed doctrine of security. In the ephemeral stories of the insecurity infused bordered existences, lies the truth about security studies itself. It is sad but true, the pundits of security studies have often ignored people *vis-à-vis* territory, movements’ *vis-à-vis* fence, fluidity *vis-à-vis* rigidity, and coexistence *vis-à-vis* control. This book, therefore, is both a necessary corrective and another chapter in critical feminist history. It is a saga of violence and negotiations, as continues even today.

The narrative begins with how those who purport to ‘man’ borders construct them. We see how they constantly treat borders as given even while they are evolving. While constructing the borders they make choices that determine who belongs and who becomes the alien. This is a conscious choice. Border security is
translated into militarisation of borders and control of bodies. Border laws are passed to make such control possible. At certain historical junctures those who belong or belonged, can enter the perilous territory of not belonging. Such was the case of the colonial plantation workers who had travelled from India to Fiji, South Africa, Malaysia and Sri Lanka. All through the nationalist period they were considered as one of us, but with independence they became the alien. Then there are others who are of ambiguous identities, like women citizens of India who could not transfer their rights of citizenship to their children until 1967. They are often the permanent exceptions, banished to the borders of democracy. There are also those who symbolically form the borders and geographically inhabit the borderlands. This book is replete with the tales of these aliens and others. In order to situate these tales I have had to begin with histories of borders.

The two most contentious borders in this narrative remain the India–Pakistan and the India–China borders. To begin with, both these borders are colonial constructs that have been appropriated by the present state system. State discourses have marked these borders as rigid while history portrays that it is constantly being formed. The more fluid the borders, the greater are the efforts to control it. The book clearly portrays that it is in this process that a new narrative is formed and a new history is created. This history is one of fluidity, which the two sides often deny. Their effort is to make the borders rigid, but such rigidity is non-viable. The rigidity imposed by one country is inevitably challenged by the other. Thus, there is a constant tussle between the state-sponsored control or rigidity and the reality of flows (of which women and other marginal groups such as the Chakmas in Arunachal Pradesh or the Chins in Mizoram are often the embodiments). The aforementioned collision between the rigidity of the state and the mobility of the people results in endemic violence in/around the borders. For the women and other marginalised groups that are situated on the borders this violence forms a continuum. Women living in the borders symbolise such marginal existences. In a survey undertaken in three border villages in the Nadia district in West Bengal, namely Shikarpur, Charmeghna and Nasirerpara, it was found out that
most women in this area are illiterate. In Shikarpur out of 515 women only 190 had some forms of literacy, in Charmeghna out of 590 only 100 women are literate and in Nasirerpara out of 470 women only 85 are literate.¹ These women have very few options to improve their situations. Their problems are compounded by increased militarisation and criminalisation of the area. Here every other day women and children are molested or killed. It is they who, as widows, half widows, rape victims, victims of religious dictates, and displaced bodies are called upon to ensure that the pattern of life continues.

This book, however, refuses to view the histories of the women inhabiting borderlands as simply victims. Yes, women living in these borders live a life of extreme hardship and yet they survive. Women are the quickest targets for both the security personnel and the criminals. ‘The robbers demand women during their raids and when they get none they leave threatening dire consequences: “you can hide your livestock in the camp. You can hide your money in the bank. But where will you hide your women?”’² As this book reveals, no study on traditional security pays attention to such insecurities, which has become part of the every day lives of the people living in the borders. The book also portrays how women successfully negotiate such threats. The story of Naga Mothers and the Meira Paibies portray that, even as bordered existences, women work to break the circles of insecurity. This book, at another level, is also about the histories of survivors and agents of histories.

It has been argued by many political thinkers that violence and victimhood at the borders do not stop there. It infiltrates deep inside and then percolates, giving birth to histories of hatred. This is the reality of the two partitioned borders on the east and west of India. These are lines of disunity and hatred. In situations of heightened hostilities, tit-for-tat policies among hostile neighbours are followed. This is especially true in times of a full-fledged war, when people living on the borders are caught up in this unpleasant saga. People around the Line of Control are often treated as pawns in this tussle over control by India and Pakistan. The tragedy of the people living in these borders is far greater because of the continuum of violence that permeates their existence. The partition of 1947 created a violent uprooting, stemming from communalisation, forcing millions
to move from their homes into new surroundings and over the next 60 years that violence has not abated. In fact there has been an escalation in the violence due to the state’s efforts to control the borders and the people’s lives around these borders. Such efforts at control have resulted in the multiplication of borders and bordered existences. If one looks at Assam, it presents a classic case of multiplication of borders. On one side of Assam there is Bangladesh and on another side there is Nagaland. Both the borders are equally real and contentious, as the tale of Karbi Anglong clearly suggests. The border between the Karbis and the Dimasas are no less real than that between India and Pakistan or the Sunnis and the Pundits. The book also reveals how there is a propensity of borders and bordered existences to multiply.

While the Indo-Pakistan border, the Line of Control and the Indo-China border are in the eye of world’s attention, and therefore closely monitored; the border in the East, the Indo-Bangladesh, Indo-Nepal and Indo-Myanmar borders remain neglected in terms of attention. Security concerns overwhelm all other equally legitimate concerns and values. Just as in other borders, in these borders too military security dominates over human security. As a result of this, states often forget that borders are not only lines to be guarded, they are also lines of humanitarian management, because borders are not lines but borderlands—that is to say these are areas where people live, pursue economic activities and lead civilian lives attuned to the realities of the borders. Human security in the borderlands would mean first security for those who lead bordered existences; but such a security is never practiced. The borders are perilous zones where marginal groups and individuals are pushed.

If one is to inquire why these regions are so vulnerable to overarching presence of violence, first one must realise that these are regions of abject poverty, social imbalance and politically directed violence, particularly against vulnerable groups of whom women form a large part. Each part of these regions is undergoing certain social and political turmoil, where more and more women are getting marginalised. In Bangladesh, for example, effects of globalisation, growth of fundamentalism, modernisation policies, such as building of dams and so on, have all contributed to violence against ethnic and religious
minorities, and particularly against women. Of course, minority women are always in a double bind. They are attacked both as minorities and as women. The fundamentalists who have increased their control in the political arena strive to maintain a predominantly male-dominant status quo. This strategy puts both minorities and women, in general, on the receiving end. Religion has come to be used by fundamentalist groups as one of the primary means by which male-dominant values and existing gender-oppressive ideology are imposed and perpetuated. This is true of not just Bangladesh but of some parts of India too. In India, border regions are also regions of increasing violence against women as this book has clearly shown. In Nepal, there have been unabated political disturbances for years. The coming of Maoists to power has not solved the problem. In Myanmar too there are long standing ethnic disturbances. It is no surprise that the people living in these borders battle with daily violence. They become bordered existences fighting illiteracy, ill health, political violence and erosion of rights.

In the continuing saga of the borders and bordered existences, there is always the threat of security, migration, and terrorism and if it is not these that have come to define existence, then there is the always the spectre of AIDS. It is perceived as the seemingly insurmountable threat to collective health. In the narrative construct of histories the site of the threat posed by AIDS always remains the border, whether it is India’s borders with Bangladesh, Nepal or Myanmar. One newspaper report from eastern India encapsulates this threat well. In it is stated:

AIDS, the most feared of modern day diseases, is stealthily spreading from villages along the Indo-Bangladesh border to other parts of the country. Its progress has so far been unhindered, thanks to the large migrant population....West Bengal has the longest border-sharing zone with Bangladesh, and there is a constant flow of infiltrators from Bangladesh to West Bengal.3

Often enough the sexuality of migrant women is looked upon as transmitters of hazardous diseases like sexually transmitted diseases (STDs), HIV or AIDS. Those that become most suspect are women in the flesh trade. Thus, it is not too far a step from such a narrative to move to see how the battle for control over borders finds new lexical and political locale in the body of
people with HIV and AIDS (again, the bodies of women and female sex-workers are especially inscribed).

In recent years there is a new threat perception arising out of the flesh trade. This relates to the security forces and their vulnerability to AIDS. Hitherto these security forces were considered invincible, as they were the instrument for controlling malaise of the borders. However research shows that now they are themselves falling prey to AIDS. From different parts of north-east there is a recurring concern that AIDS is the most important threat to security as it is affecting security forces themselves. From Tripura there was news that cases of AIDS is on the rise among the forces. It was stated that out of the 79 AIDS patients 43 are security force jawans. In a more recent report it was the CRPF that was the cause for concern. The report stated that: ‘Forty CRPF personnel posted in Manipur and Nagaland have tested HIV positive, according to findings of a voluntary testing drive that the paramilitary force conducted among 11,000 of its men recently.’ Worse still there are reports that: ‘The Assam Rifles has received threats from militant organizations of this region that they would let loose HIV infected women to spread the disease among jawans posted in Meghalaya, Manipur, Nagaland and Tripura.’ So it seems that AIDS is winning the battle against security forces. Hence, the fear is centring more on unreported AIDS cases. What this translates into as a ground reality is that there is a veritable witch-hunt for the AIDS patient. At the receiving end of this witch-hunt are gay men, women sex-workers, and migrant workers. Even though knowledgeable people are aware of the fact that irregardless of the women sex-workers at the borders, women with single partners too are getting infected in large numbers. Furthermore, it is often seen that HIV is spreading from urban areas to rural areas (thus, questioning the whole premise of AIDS as only a border threat). Yet for much publicised interventions, easy targets are sought out, and what better place of vulnerability and otherness can one find than at the borderlands of existence. Thus, what remains constant is the perception of AIDS as a phenomenon of the borders.

The more the urge to control the greater is the number of bodies that needs to be controlled. This book tries to chronicle the process whereby the attempts to control the ethnic others
steadily transform into control of women, migrant bodies, the trafficked, people with AIDS, and others. But do they submit to such control? The negotiations for freedom continue and so too the tussle for ownership of the borders. Thus this is a book without a conclusion. The saga continues...

**Notes**

1. Survey undertaken by Subharati Banerjee under my supervision for her unpublished M. Phil thesis ‘Bharat Bangladesh Simanta Samasya: Charmeghna, Shikarpur o Nasirerparar Porjalochona’ (Problems in Bengal Bangladesh Border: A Discussion of The Three Villages of Charmeghna, Shikarpur and Nasirerparar) Department of South and South-East Asian Studies, University of Calcutta, 2000–01, p. 73.

2. Ibid.


6. A report in a newspaper well portrays this fear by stating that, ‘As the world hunts for preventive measures against the deadly HIV/AIDS Guwahati continues to contribute to the number of HIV positive patients with the detection of 11 more cases among the homosexuals in the city.’ *The Sentinel*, 10 August 2006.
Books, Journals and Newspapers


Indian Express. 1989. Indian Express, Delhi, 14 January.

———. 1999. Indian Express, Delhi, 12 June.


———. 2005a. ‘Stop Aids, Keep the Promise’. Issued by Dimapur District AIDS Control Committee. *Nagaland Post*, 1 December.


Index

Afaqis, or Gharibu’d-diyan, 4, 5
African presence in the Deccan, 4, 5
Ahoms
   and Koch, conflict between, 89
   expansion of kingdom by, 89
AIDS, 160
   in the east and north-east of India, politics on, 190
   in Tripura, rise in, 112
   as a public health emergency in Manipur, 188
   in India, 161, 164–65
   in Thailand, 172
   infection rate among female sex workers (FSWs), 172
   infections among commercial sex workers (CSWs), case studies, 174–77
   media perceptions of, 167
   patients in Dimapur, rise in, 181
   report on the tribal people on, 165
   response of the government to, 166
   security forces’ vulnerability to, 171
   spread of, 232–33
      in northeast India, 112–13
      among security forces, 233
   states with the highest prevalence of, 163
   typologies of high risk group, 163
   UNAIDS report on, 166
   vulnerability of women in sexual bondage to, 173
Aknoor sector, India’s efforts to fence border in, 77
Aksai-Chin region, 45
Aliens Restriction Act, 18
Ancel, xxix
Arakan refugees, 90
Armed Forces (Assam-Manipur) Special Powers Ordinance, 211
Armed Forces Special Powers Act (AFSPA), 199, 213
amendment to, 218
Armed Forces Special Powers Bill, 211, 212
Asom Gana Parishad (AGP), 110, 144
discrimination against women by, 111, 144
Assam Maintenance of Public Order (Autonomous District) Regulation Act, 1953, 209
Assam, 88, 143–48
   anti-foreigner movement in, 110, 144, 220
   attacks on, 89
   British occupation of, 90
   Kashmir and Nagaland, comparison between, 139
   peace groups in, 145
   women’s groups for peace in, 145–46
      Chapar Anchalik Mahila Samiti, 146
   women’s movements in, 154
Assamese people, origin of, 88
Assamese–Bodo conflict, 147
Bangladesh, liberation of, 73
Bedrock of Naga Society (pamphlet), 216
Bengalis
from east Pakistan, settlement in Tripura by, 97
in Assam, domination of, 94
Bodo activists, 147
Bodo Women’s Justice Forum, 147
border areas
poverty and illiteracy in, 121
reasons for vulnerability of, 231
border commentaries, interest on, xxxiii
Border Security Force, in the northeast, 219
border states
comparison between, 139–41
history of exclusion in, 141
repressive laws in, 141–42
state–community conflicts in, 141
state-sponsored violence in, 142
border studies, shift in focus of, xxxii
boundaries
and divides, independent category of, 62
as markers of political control, xxx, xxxi
definition of, xxviii
demarcated borders, viability of, xxxvii
destabilisation of regions across, 79
discourses on, xxxv
formation of, xxxiv
histories of, xxviii, 228
human security in, 231
impact of partition on, 46
importance of, 138
in South Asia, rigidity of, 57
Indian efforts for demarcation of, xxxvii
mapping of, xxx
militarisation of, 55
multiplication of, 231
neglect of, 231
politics of, 58
poverty and illiteracy in, 121
tragedy of people living in, 230
west European ideas of, xxiv
and borders, scientists dealing with, xxix
as markers, xxxi
Britain, status of women in, 18
British Empire, control of territories by, 17
British Nationality and the Status of Aliens Act, 1914, 17
British frontier policy of, 41
import of tea labourers by, 94
Russians and Chinese, problems among, 44
Burma, situation of women in, 122–23
Census Report, 1931, 23
Census, growth of, 16
China and Pakistan, relations between, 55
Chinese and Indian border demarcations, differences between, 46
Chinese wall, xxiv
citizenship, hierarchy of, 207
Civil Defence Act, 1968, 217
colonialism, law and democracy under, 201–04
commercial sex workers (CSWs), in Manipur, 189
communities, conflicts among, 147, 148, 186
Congress System, 207
costitutional process, beginnings of, 204–07
control over border areas, imposition of, 142
Deccan, African presence in, 4, 5
Defence and Internal Security Act, 1971, 217
Defence of India Act, 1939, 203–04
Defence of India Bill, 1939, 201–03
Defence of India Rules, 204
demarcated territorial states, emergence of, xxxi
democracy
deficit of, 200
legitimisation of violence in, 213
political violence in, 200
democratic state formations, Indian experiments in, 137
demographic profile of Tripura, 105
difference
construction by democracies, 222
institutionalisation of, 223
notion of 4–11
Dimapur AIDS Control Committee, report of, 179
discriminatory treatment of Indians, 20, 21
Drugs and Precursors in North-east of India, Routes for the Flow of (map), 162
Dunbar, George, 91
Durand Line, 19, 41
Durand, Sir Mortimer, xxxii
east Pakistan, refugees from, 95
Emergency Committee of the Cabinet, 215
Emigration Act, 1922, 19–20
emigration of Indians, support of, 14
ethnic and religious minorities, violence against, 115
ethnic groups, ties with neighbouring countries, 56
extradition act, amendment to, 15
far eastern Himalayas, inhabitants of, 56
female sex-workers, study on, 164
Foreigners Act, 11, 12–13, 30
deportations under, 13–15
misinterpretations of, 31
foreigners
definition by the British, 24
sentiments regarding, 95
surveillance of, 26
trouble with, 96
frontier people, atrocities against, 92
frontiers
and borderlands, classical works on, xxvi, xxix, xxxi
boundaries and borders, differentiations among, xxv–xxvi
expansions of, xxvi, xxvii
history of, xxiii–xxv
significance of, 62
Garo women, social situation of, 108
geography and history, connections between, xxviii
geopolitical regions, securitisation of, 128
Geopolitik, definition of, xxviii
Gharib'ud-diyan, or Afaqis, 4, 5
Government of India Act, 1919, 18–19
Great Game, xxxiv, 39, 46, 55, 57
Habshis, 4, 5
History and Culture of the Indian People, xxxiv
HIV
estimates of, 164
growth of, 174
in Dimapur, situation of, 179–80
infection by, 163
reasons for spread of, 167, 169, 170
situation in Nagaland, 178
vulnerability of tribal people to, 165
Holdich, Sir Thomas, xxxii
human security in borderlands, 231
Hyderi agreement, 209
Immigration into India Act, 21
India
and Bangladesh, border (map), 116
human trafficking through, 114
and Burma, international boundary between, 219
and China, border between, 39–61, 229
boundary line between, 40
military balances between, 76
relations between, 57, 58

and human trafficking, 114–15
and Pakistan, ceasefire line between, 65, 68
international boundary between, 54
military imbalance between, 78
inability to fight China, 51
militarisation of, 215
northeastern borders of, 139
northern border of, 43
India’s Chicken’s Neck (map), 210
India’s military clout, expansion of, 75
India–Myanmar Border (map), 118
Indian experiments in democratic state formations, 137
Indian preoccupation with its borders, 50
Indian claims on those born in India, 22, 23

Indians
in Africa, status of, 32
treatment of, as foreigners in India, 24–26
India–Pakistan talks over Siachen 76
India–Pakistan border, 229
shift in Indian policies on, 69
India–Pakistan relations, 62, 63
India–Pakistan war, 48, 71
consequences of, 71–72
India–Russia relations, 56
Ispahani, Mahnaz Z., xxxviii
itinerant groups, control of mobility of, 11

Jammu and Kashmir State, 64
jhum cultivation, 102–03
consequences of giving up, 105–06

jhum economy, downfall of, 105

Kafur, Malik, 4
Kargil, incursions into, 79
Kashmir, 151–54
alliance of women’s organisations with insurgents, 153
Assam and Nagaland, comparison between, 139
political initiatives of women in, 153
protest movements by women in, 152
raising the question of, in the United Nations, 65
self-determination movement in, 152
significance of, 63
use of rape as a weapon in, 153
women’s movements in, 154, 155
Khasi Social Custom of Lineage Bill, 109
Khasi Students Union (KSU), 109
Kohima
admissions to hospice, 182
AIDS situation in, 182, 183
Kothari, Rajni, xxxvi
Politics in India, xxxvi
Lamb, Alistair, on China–India border, xxxvi
Lapradelle, xxix
Latin American and African borders, xxxviii
law of inheritance, efforts to change, 108
Line of Control, 62–83
aggressive policy towards, 76
Lord, observation on frontiers by, 39

mahila samitis, activities of, 146
Manipur State AIDS Control Society (MACS), 188
Manipur, 185–90

- AIDS as a public health emergency in, 188
- conflicts and violence in, 211
- CSWs, threat from HIV to, 189
- drug use in, 186
- improvement of situation of IDUs in, 189–90
- map of, 187
- social and cultural situation in, 185–86
- women, threat from HIV to, 185

Mann, Michael, 199

- map making, as a separate discipline, xxiv
- matrilineal system, protest against, 109

McMahon Line, 42

Meghalaya Students Union (MSU), 109

Meghalaya, migrants to, 109

- migrants, sex ratio of, 100
- migration, as a security hazard, 98, 99, 168
  - as health hazard, 112
- Mizo and Chin communities, tensions between, 124
- monolithic state ideology, 137
- morphological models, construction through mapping of, xxxi

Muwallads 4

Naga Hills, disturbances in, 211

Naga issue, Naga's perspectives of, 208

Naga Mother's Association (NMA), movements of, 149–50

Naga National Council (NNC), 209

Naga problem, escalation of, 209

Nagaland, 214, 148–51, 178–85

- AIDS cases, age and sex distribution of, 179
- Assam and Kashmir, comparison between, 139
- Federal Government, setting up of, 211

- marginalisation of women in politics in, 149
- military rule in, 211
- peace movements in, 149
- physical location of, 178
- secessionist movements in, 209
- sex ratio in, 149
- state–community conflicts in, 178
- violence in, 222
- vulnerability of different districts in, 181
- women in politics in, 155
- women's movements in, 154

Nagas

- attitude towards, 206, 207, 216
- claims to independent state by, 205
- nationalism of, 221

National AIDS Control Programme (NACP), 161

National Security Act, 220–22

- national security
  - definition of, 219
  - relation to internal security and borders, 219

National Socialist Council of Nagalim (NSCN), 221

Nationalism, 201

- nationality, transfer of, 18

Nehru, Jawahar Lal, xxxv

- conflict situations, strategy on, 48
- Discovery of India, xxxv
- leadership role of, 49
- letter to chief ministers, after war with China, 52
- on holding plebiscite in Kashmir, 66–67
- on India-China relations, 53

Nepal

- political instability in, 126
- status of women in, 125–26

Nepali girls in Indian brothels, 126

- newspaper reports, classification of, 168
- non-Christians, discrimination against, 6
North-east India (map), 140
attitude towards immigrants in, 97, 98, 168
effects of migration in, 107
group-induced displacements in, 223
hill women and immigrant population, conflict between, 101
history of, 88
increase of trafficking in, 121–22
migration of Gurkhas to, 91
military actions in, 216
population movements in, 91–92, 101
spread of AIDS in, 112–13
women’s insecurity in, 99
women’s status in, 102

occupation of territory, importance to state sovereignty, xxiii
Official Chinese maps, 46

Pak Occupied Kashmir, 45
Pakistan and China, relations between, 69
Pakistan and United States, treaty between, 69

Parsis
and native Indians, differences between, 9–11
Dastur Meherji Rana, 7
in Gujarat, 7
or Khorasanis, history of, 7–11
relationship with the British, 8
relationship with the Portuguese, 8–9
Manock, Rustum, 8–9
social status of, 8

Partition, impact on borders, 46
Passport Act, 19
political atmosphere, Bahamani period of, 5
political fugitives, introducing the idea of, 16
political violence in democracy, 200
Portuguese rule in India 5–6
Portuguese system of cartaza (passes), 7
Portuguese territorial notions of sovereignty, 7
Pounds, concept of natural boundaries xxix
Prodigal’s Home, surveys by, 180
prostitution
health hazards of, 127
modes of operation, 119

Ratzel, Friedrich, xxvii–xxviii
Reangs of Tripura
bride price paid by, 104
downfall in traditional economic activity of, 105
refugees
Burma Chin refugees in Mizoram, 123
from east Pakistan, 95
state supremacy over, 33
status of, 26–27, 32–33
regional women’s convention, 148
Registration of Foreigners Act, 23
Registration of Foreigners Bill, 24
Rohingya women, situation of, 124–25

secessionists across the borders 141
security
concerns of, 231
notions of, 204–07
studies in border areas, 228
Sentinel Surveillance Report, 2006, 188
sex-workers
attitude to, 173
in Kolkata, 174–78
Shillong accord, 220–22
Siddis of Janjira and Karnataka 5
Simla Agreement, 73–74
Sinkiang and Tibet, road between, 47
Sino-Indian Border war, 51, 56, 215
realisations on internal security
due to, 215
South Asia
borders in, xxxii–xxxv, 138
efforts to settle unsettled markers
in, 72
histories of borders in, xxxvi
population movements in, 3
problem of borders in, 39
South Asian border studies, xxxiii
South Asian history, division of, 3
South Asian markers of frontiers,
lack of, xxiv
South Asians, lack of a sense of
borders of, xxxv
State Peace and Development
Council (SPDC), 97
state rigidity and people’s mobility,
collision between, 229
State, authority of, to proclaim
emergency, 205
state
creation of markers by, xxiii
extra-judicial methods by, 200
state-community conflicts, 186
state-wise positive FSWs, estimation of 183
Syngkhong Rympei Thymai (SRT), 110
Tangkhul Shanao Long (TSL), 151
Tashkent Declaration, 72
Territorial Waters Jurisdiction Act, 1878, 16
territoriality
definition of, xxxi
growing importance of, 16
third world, national borders of, xxx
Tibet question, attitude to, 49
Tibetan refugees in India, 49
trafficking
history of the term, 114
in north-east India, 121–22
of women from Bangladesh, 117, 119
reasons for, 115
Tribal Women Welfare and Development
Association of Meghalaya (TWWADAM), 109
Tripura
change in the demographic
profile of, 105
Land Reform Acts, 1960 and
1974, 105
migration from Bengal into, 93,
94, 95
regulating land tenure system
in, 94
rise of AIDS cases in, 112
Unlawful Activities (Prevention) Act, 217
violence, in neighbouring countries, 232
Watsu Mongdung, 150–51
West Bengal State AIDS Prevention
and Control Society (WBSAPCS),
survey by, 177
West Bengal, survey in Nadia dis-
trict, 229–30
Women and Child Development
Department, survey by, 122
women
as bootleggers, 184
discrimination against, 128, 143
dualistic relationship with the
state, 143
erosion in the power structure
of, 107
exclusion of, from national
identities, 138
experiences in borderlands, 138
in Meghalaya, social and eco-
nomic freedom of, 107
in Tripura, consequences of mi-
gration on, 103
insecurities of, 128
marginalisation by courts, 173
protest movements in Kashmir
by, 152
role in agricultural system, 105
status in Nepal, 125–26
violence against, 115, 232
vulnerability to HIV, 191–92
women’s movements, democratisation of society due to, 156

Woodman, Dorothy, Himalayan frontiers, accounts of, xxxvii
Young Mizo Association (YMA), campaigns against Burmese by, 124
About the Author

**Paula Banerjee** studied in University of Cincinnati, Ohio, after which she joined the Department of South and South East Asian Studies, University of Calcutta. She is currently the Head of the same department. She has authored numerous papers on women in conflict situations in north-east India. She is the recipient of a number of international fellowships including the Advanced Taft Fellowship (1991–93) and the Indo-French Cultural Exchange Fellowships. She has been the recipient of the WISCOMP Fellow of Peace Award (2001) and the SITRA Award (2008). She is an editorial board member of a number of international journals including *Forced Migration Review* and *Refugee Watch*. She is currently the vice president of the International Association for Study of Forced Migration, which is the international apex body on forced migration. She is a member of the Calcutta Research Group.