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Entangled contestations: transnational dynamics of contesting liberal citizenship in South Asia

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ABSTRACT

This paper investigates contemporary transformations of citizenship in India, Sri Lanka, and Myanmar in their historical trajectories. More specifically, we focus on the contestation of liberal aspects of the respective citizenship regimes, in particular principles of non-discrimination on the basis of caste, race, gender, religion, or ethnic belonging as well as a high degree of legal certainty about one's citizenship status. We advance two central arguments. Firstly, we argue that while often studied in isolation, the processes by which liberal citizenship is contested across the three countries bear remarkable similarities. We therefore develop a transnational comparative perspective to highlight the legal mechanisms and social logics by which citizenship regimes across the region are being transformed. Secondly, we argue that to capture these transformations, we need to complement the analyses of legislative changes with an investigation of socio-legal practices. This dual focus reveals how the interplay between seemingly innocent legislative changes and particular bureaucratic practices across all three countries produces zones of liminality, in which entire population groups experience increasingly precarious citizenship status. We theorise this production of liminal citizenship by focusing on the social lives of official documents and the proliferation of rules and regulations governing the respective citizenship regimes.

KEYWORDS

Citizenship; contestation; documents; India; Myanmar; Sri Lanka

Introduction

The citizenship regimes in India, Sri Lanka, and Myanmar have all undergone significant changes in recent years. In each case, we see the proliferation of laws, administrative bodies, and bureaucratic processes that create ever more complex citizenship regimes, in which specific population groups are systematically marginalised. While often discussed in isolation, this paper starts from the observation that the mechanisms of marginalisation bear strong similarities across the region. To capture these similarities, we develop a transnational comparative perspective on contemporary contestations of liberal citizenship regimes and their historical trajectories. By 'liberal citizenship', we

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mean citizenship regimes that are (a) based on a substantive prohibition of discrimination among (potential) citizens on the basis of race, class, gender, or religion and (b) that seek to institutionalise a high degree of legal certainty. In other words, rather than offering a comprehensive definition of what is (and is not) 'liberal citizenship', we foreground non-discrimination and the certainty to not be deprived of one's citizenship on arbitrary grounds as two essential components of any liberal understanding of citizenship.

In the following, we focus on the exclusionary effects that emerge from the contestation of liberal citizenship regimes in India, Myanmar, and Sri Lanka. In all three countries, ethnonationalist imaginaries fuel contemporary contestations of the existing citizenship regimes, targeting ethnic and religious minorities (Shahid and Lee 2024). We advance two central arguments: firstly, we argue that these contestations do not unfold in isolation but echo around the region, especially in those countries with substantial Muslim minority populations (Schonthal and Walton 2016). Secondly, to make sense of these contestations and their transnational reverberations, we argue that the analysis of formal citizenship law needs to be complemented by the scrutiny of citizenship practices. In particular, we focus on the interplay between legislative changes and bureaucratic practices to capture exclusionary tendencies across the region. While the gravity of these exclusionary effects unfolds along a spectrum, from outright production of statelessness (Jain 2022) to different kinds of 'marking' that leaves people in liminal zones of uncertain or irregular citizenship (Bhat 2022; Rehman 2021), it always involves the institutionalisation of filtration techniques. These techniques literally filter the population, demarcating insiders, outsiders, and those in-between. We focus on the production of a variety of zones of liminality, i.e. zones of unsettled and destabilised statuses of belonging which effectively suspends or threatens to suspend one's citizenship.

A central mechanism of filtration we identify is the systematic reversal of the burden of proof.[1] In a complex interplay of changing citizenship laws and correlative bureaucratic practices, specific groups are not only forced to prove their eligibility for citizenship but find themselves confronted with administrative apparatuses that render the production of the proof very difficult if not utterly impossible. These apparatuses shift the burden of managing documents as well as proving their veracity onto the individual. This mechanism operates across the region, regardless of the significant differences in the three citizenship regimes.[2] While the legal systems of all three countries have been significantly shaped by British colonialism, the postcolonial citizenship regimes they installed differ significantly. Whereas the Indian legislators institutionalised a large place-based *jus soli*[3] conception of citizenship, Myanmar's postcolonial citizenship regime much more firmly installed *jus sanguinis*[4] conceptions of citizenship. The Ceylon Citizenship Act of 1948, in turn, contains both elements but distinguishes between citizenship by descent and citizenship by registration. These formal legal differences combine with very different postcolonial political trajectories (civil war in Sri Lanka, genocidal violence in Myanmar, the transformation of liberal-socialist into 'ethno-democracy' in India (Jaffrelot 2021)). These differences notwithstanding, contestations and transformations of citizenship regimes between the three countries are deeply intertwined.

Firstly, there is an immediate empirical connection in the sense that changes of citizenship regimes in one country have frequently led to movement of people, which in turn has altered debates over citizenship in another country. There is thus a 'neighborhood effect' (Han 2019: 21), in which transformations of citizenship regimes, and processes of postcolonial state-formation more generally, across the region become deeply entangled.[5] These entanglements are missed in single-country studies, which treat both the emergence and subsequent changes of postcolonial citizenship as *sui generis*. As also noted in the introduction of this special issue (Bhat and Shahid 2024), regional affinities between polities and policies can lay the groundwork for the replication of undesirable citizenship practices. Thus, approaching transformations of citizenship regimes through a transnational lens, we find, secondly, significant similarities across the three countries. In each case, the exclusionary effects that result from contestations of existing citizenship regimes operate as a complex interplay of seemingly 'innocent' legislative changes and bureaucratic requirements. The resultant exclusion or marginalisation of specific groups is often discarded as the result of 'implementation problems' or other technical challenges and not portrayed as the result of structural discrimination. Writing in a different context, Shalini Randeria (2003) has aptly conceptualised this phenomenon of foregrounding the (seeming) lack of state capacity for the deliberate advancement of specific political projects as 'cunning states'. The contestations of inclusionary citizenship regimes that we observe across the three cases are 'cunning' in this sense. Thirdly, the similarity of techniques by which citizenship is contested, despite the rather different starting points, point towards transnational echoes, in which the 'cunning' ideas delineated above travel back and forth between different contexts.

To develop our transnational comparative perspective, we proceed as follows: the following section develops the analytical framework through which we approach the production of liminality in India, Myanmar, and Sri Lanka. The subsequent section provides a brief overview of common trends and differences across the region, focussing on transformations in the 1940s, 1980s, and 2010s. These phases are not sharply demarcated, but are indicative and meant to serve as anchors for what we identify as key phases in the development of these citizenship regimes. We then sketch the trajectories of contestation of inclusionary citizenship regimes in Sri Lanka, India, and Myanmar to juxtapose the mechanisms of citizenship deprivation, hierarchisation, marker-production, and production of liminal spaces of belonging and the resultant everyday exclusion across the region. Drawing on the works of Neha Jain and Shalini Randeria, the subsequent section starts to theorise the processes of exclusion. It shows how states actively produce zones of liminality, ranging from precarious citizenship status to outright statelessness. This production of liminality is often obscured; it operates through the gradual reversal of the burden of proof and the exploitation of conflicting laws. It also heavily relies on bureaucratic practices of domination in which the administrative requirements for marginalised populations to assert their citizenship and correlative rights are unduly high. At the same time, the 'cunning state' elites relying on the contradictory effects of legal abundance and seemingly technical implementation problems politically benefit from the creation of zones of liminality: it allows for the creation of hierarchical citizenship regimes and ongoing reimaginations of the nation, in which assaults on minority populations can be mobilised at will. Overall, our transnational comparative perspective departs from the limitations of single-country and larger global comparative studies by

placing processes of postcolonial state-formation into a regional context. This includes the legacies of colonial bureaucratic practices that have been complicit in the production and subsequent management of 'dangerous minorities' (Berda 2020: 560), the profound ways in which ethnic and religious identities have been altered as consequence of colonial domination (Kaviraj 2010), and the colonial as well as postcolonial violence that underpins deprivations of citizenship (Shahid and Turner 2022).[6]

Analytical framework

Neha Jain (2022: 237) has recently shown that statelessness is not emerging accidentally, or as a byproduct of other political factors. On the contrary, the state is actively involved in producing statelessness, while simultaneously 'obscuring the production of statelessness'. A variety of 'ostensibly neutral' legal practices, such as changes of some criteria, can have the effect of *de facto* unsettling someone's citizenship status. As we will show later, states manipulate legal geography and temporality, as well as documentation practices, in order to continue this project.

The states chosen for this study do this by opening up spaces of liminality. By liminality, we refer to unsettled statuses of membership characterised by indeterminacy. Individuals can therefore be suspended in liminal spaces between citizenship and statelessness (Lori 2017; Roy 2010). It is in and through these liminal spaces that states exercise the greatest agency in unsettling citizenship. Through insidious changes, states continue to produce different degrees of outsideness that lie between official and settled citizenship, and statelessness. The notion of liminality, understood this way, then, becomes central to understanding the *modus operandi* of these states' contestation of citizenship.

The production, expansion, and maintenance of liminality is supported through the systematic reversal of burden of proof, the documentary practices that enable such reversal, and a proliferation of rules, fora, and documents. We place these strategies in the context of what Randeria has called the 'cunning state', i.e. states in which postcolonial elites 'capitalise on perceived weaknesses' (Randeria 2003: 28) of the state in order to mask the extent and impact of the agency that the state indeed exercises. This allows state elites to obscure their involvement in the production of statelessness by first characterising it as accidental and attributing it to technical and implementation problems, and second, by masking the active role that they play in altering laws and bureaucratic practices in a way that unsettles citizenship. Importantly, this does not mean that we treat all implementation problems as deliberately engineered by state elites. Rather, we highlight the interplay between pre-existing implementation problems and their deliberate escalation by state elites.

Both intentionally-engineered and unintentionally occurring implementations problems significantly destabilise people's life, especially when they coincide with what we analyse as the reversal of the burden of proof. This reversal takes place in two ways. First, citizens are often asked to prove the veracity of documents issued to them by the state – a task that the state is itself unable or unwilling to perform (Aiyar 2023). Second, as we will show below, states ask citizens to come forward to prove their status through these documents, as opposed to taking on the responsibility to verify the individual's status. The state, therefore, effectively reverses the practices of confirmation, a task that is substantially harder for the individual to undertake. These reversals

of the burden of proof are accompanied by an abundance of rules and fora that often contradict each other, or create confusion about different pathways to citizenship.

In what follows, we show how the reversal of burden of proof, the proliferation of conflicting rules and regulations, and the manipulation of bureaucratic requirements have been central to the production of zones of liminality. We also show how these technologies of producing liminality reverberate across a region comprised of countries who share a common colonial history, but whose initial postcolonial citizenship regimes were markedly different. Contestations of liberal citizenship are therefore entangled across the region. Making sense of these transnational entanglements, we argue, requires an historical approach that focusses on the complex interplay of constitutional principles, administrative rules and regulations, and quotidian bureaucratic practices.

Historical trajectories

Overview

The production of liminal zones of citizenship has caught widespread attention since the enactment of the Citizenship (Amendment) Act, 2019 in India. In this section, we show how this enactment is episodic rather than isolated. Despite different postcolonial starting points and historical trajectories, we argue that the development of these techniques has happened in three phases across the wider region. The three phases we identify are not strictly marked off, but serve as anchors to identify important phases in the development of these citizenship regimes. In each phase, legislative and bureaucratic changes were enacted that to different extents produced zones of liminal citizenship, chiefly by effectively reversing the burden of proof of citizenship and making it incumbent upon those in the liminal zones of citizenship to prove their belonging. We identify these phases as the 1940s, 1980s, and the 2000s.

In the 1940s, we see the setup of different constitutional structures, but similar processes of producing liminality. With the simultaneous creation of several new republics in the Indian subcontinent, violent partitions and associated flows of population, questions of ethnic and religious belonging animated the citizenship question in constitution-making. In all three countries, this led to the setting up of zones of liminality. In the 1980s, in contrast to global trends, which saw tendencies for citizenship regimes to open up (e.g. in Europe, see Soysal (1994)), we see the expansion of zones of liminality and hence ever more restrictive citizenship practices in India, Sri Lanka, and Myanmar.

Increasing political turmoil – including large-scale violence and civil war in Sri Lanka – and cross-border movements characterised the solidification of the citizenship regimes set up in the first phase, by moving them more closely towards blood and descent-based principles. The 1980s were marked by crisscrossing pathways to citizenship. Highlighting the cunningness of the states, we also see an increasing rise in 'implementation problems' of the citizenship regimes, with the states starting to differentiate between 'good' and 'bad' documents, as opposed to addressing loopholes in their documentary infrastructures. The 2000s started a period of consolidation of citizenship regimes, and were periods of escalating violence and exclusion in India and Myanmar. While zones of liminality continued to be solidified, the reversal of burden of proof got increasingly sophisticated. This was marked by entrenching the hierarchy between citizens and

quasi-citizens, disenfranchising the 'doubtful', and increasing venues for administrative discretion in perceiving doubt and regulating the doubtful.

Sri Lanka

The Sri Lankan citizenship regime had primarily been animated by the question of enfranchisement of Up-Country Tamils.[7] While the first Sri Lankan Constitution had already started to face allegations of discrimination against Ceylon Tamils (Jennings 1953), it avoided actively confronting the topic of citizenship for them. However, the Ceylon Citizenship Bill was introduced shortly after independence, and had the effect of excluding most Up-Country Tamils, who now had to *gain* citizenship by proving direct lineage from someone born in Sri Lanka. As we will later see, this already consigned Sri Lankan Tamils to a zone of liminality in which they had to documentarily prove their belonging.

The defining legislation in the Sri Lankan citizenship regime is the Ceylon Citizenship Act of 1948, which required anyone wishing to obtain citizenship to prove direct lineage that would show that they were third-generation immigrants from someone born in Sri Lanka. This had the effect of excluding most Up-Country Tamils from gaining citizenship (DeVotta 2020), as many of them or their ancestors were born in India. Furthermore, for a person to be considered for citizenship, they had to be born in Sri Lanka before 15 November 1948 and their father, or both paternal grandfather and paternal great-grandfather had to be born there as well. The Act also provided for citizenship by registration, but given the regulations and the high costs of procuring the documentary evidence required – in addition to testimonies by three persons who were citizens of Sri Lankan descent – it rendered the pathway to citizenship for Up-Country Tamils almost impossible (Wickramasinghe 2015). The two kinds of citizenship noted by the Act – by descent or by registration – both set up zones of liminality.[8]

Addressing the status of Up-Country Tamils, the Indian and Pakistani Residents Citizenship Act was enacted in 1949.[9] Its stated purpose was to make eligible for citizenship those people who had origins in any part of what was British India prior to the passage of the Indian Independence Act of 1947. However, such a person or their descendants had to have had uninterrupted residence in Sri Lanka prior to 1 January 1946 for 7–10 years (depending on their marital status). Moreover, from 1 January 1946, they had to have had uninterrupted residence in Sri Lanka until the day of registration. Applications for registration needed to be submitted within two years from 5 August 1949, a short time particularly considering the remoteness of the areas that these applicants were likely to come from, the difficulty of accessing the bureaucracy there, and the economic costs involved in terms of taking time away from mostly daily-wage jobs (Ganeshathasan and Welikala 2017). In the case of Sri Lanka, we therefore see an early instance of seemingly inclusionary laws whose operation in practice is severely undermined by the bureaucratic requirements they impose. Although nominally eligible for Sri Lankan citizenship, large parts of the Tamil population *de facto* remained outside the postcolonial citizenship regime set-up in the 1940s. In the production of liminal citizenship (if not outright exclusion) the postcolonial state heavily relied on tested strategies of colonial governance. As Berda (2020) has shown, these strategies evolved around the interplay of group-specific legislation and bureaucratic mechanisms of population control. The nascent postcolonial state carries these colonial techniques of domination and exclusion into the post-

independence period. Most explicitly articulated in the Sri Lankan case, they start reverberating across the region.

In Sri Lanka, the 1980s were characterised by large-scale violence and outright civil war. This resulted in the emergence of a quasi-state in the North and Northeast of the island (Stokke 2006) with its own citizenship regime, de facto operating independently of the formal citizenship laws of the country. Legally, this phase started with the Constitution of 1972, which held intact the citizenship regime set up by the Ceylon Citizenship Act of 1948. Paradoxically, in the context of a protracted and bloody civil war, Sri Lanka started to slowly open up its citizenship regime, with effects only becoming visible in its period of consolidation starting in 2003. In 1986, the Grant of Citizenship to Stateless Persons Act of 1986 was enacted. It had sweeping effects with the promise of granting citizenship not only to almost half a million people who were supposed to get citizenship based on Indo-Sri Lankan agreements between 1964 and 1974, but everyone else who was left out of most of these groups[10] (Ganeshathasan and Welikala 2017). Again, however, 'implementation' of the act was complicated by the fact that it depended on registration and documentation which were largely unavailable to people (Wolozin 2014). In 1988, then, the Grant of Citizenship to Stateless Persons (Special Provisions) Act was enacted, which, for the first time, did away with documentation requirements and made registration contingent on an affidavit or self-declaration. In the 1980s, at the height of the war, the Northern Muslims were also effectively consigned to a zone of liminality. Displaced from their home provinces by the war, they had to register at the local offices of their new provinces in order to be identified as citizens. However, this demand to register was complicated by the fact that they also needed documents from their home province to complete registration in the new province, which was impossible due to the Liberation Tigers of Tamil Eelam's control over their home province which had displaced them in the first place. Faced with a towering burden of proof, they were assigned a new category of liminal belonging – that of Internally Displaced People (Imtiyaz and Iqbal 2011).

In 2003, Sri Lanka enacted the Grant of Citizenship to Persons of Indian Origin Act. This act granted citizenship to all those who had been permanent residents of Sri Lanka since 1964, or descendants of such persons (Ganeshathasan and Welikala 2017). While this was a relatively simplified procedure, it still placed a higher burden of proof on liminal citizens. For example, there was no recourse to appeals to courts, no recourse if the Commissioner failed to issue the certificate of citizenship within 60 days as stipulated, and the fact that proving permanent residence from 1964 was nearly impossible for those Up-Country Tamils who left the country in the 1980s due to the war (Vijayapalan 2014). Resultantly, the Grant of Citizenship to Persons of Indian Origin (Amendment Act) was passed in 2009 to address these gaps, targeting those who were compelled to leave Sri Lanka.

In each phase of the development of the Sri Lankan citizenship regime, we see changes made in response to the original citizenship regime, and to the movement and displacement of people that the regime's effects set off. First, the burden of proof was reversed onto citizens, and such a reversed burden unequally affected different populations. Second, those faced with such impossible burdens – Tamils and Muslims – were either forced to flee, or heavily restricted in their movements. In both cases, the travails of their belonging were determined by documentary requirements that they were faced with at each stage. Various attempts were made to narrow down the zones of liminality,

but that too was done through changing documentary requirements with new loopholes. Inevitably then, zones of liminality and reversed burdens of proof continued to remain entrenched. Although the regime 'opened up' over time by gradually adjusting its documentary requirements, it came in the context and aftermath of already having manufactured significant statelessness, violence and displacement, and when ethnocentricism and graded citizenship had in effect been embedded (DeVotta 2020).

India

The Indian Constitution took three years – marked by violence and traumatic partition – to draft. Animated by anxieties of both partition-related migration (Bhatia 2020) and the question of a widespread Indian diaspora (Roy 2010), the citizenship regime was built on two pillars: Part II of the Constitution of India, and the Citizenship Act of 1955. The former addressed immediate issues of citizenship in the context of the formation of a new republic as well as the partition. At the same time, the Constituent Assembly delegated to the Parliament the responsibility to enact a comprehensive citizenship law. Two categories were therein consigned to a zone of liminal citizenship – Muslims, and the Indian diaspora settled across the world through the networks of the British Empire (Jayal 2013). Ethno-religious bias aggravated Muslims' position within the new framework by making it much harder for them to prove 'Indian-ness' than Hindus or Sikhs (Roy 2006).

Muslims were marked out as a distinct category of citizens through subjecting their 'intent' to settle in India to scrutiny. The Constituent Assembly debated heatedly over whether those who had, for instance, migrated to Pakistan after partition, had the right to acquire citizenship on their return. While Hindus and Sikhs migrating from Pakistan to India would be deemed citizens of India, Muslims were rendered liminal through Article 7 of the Constitution, which established that those who had migrated from India to Pakistan after 1 March 1947 – predominantly, if not exclusively, Muslims – would not be 'deemed to be citizens of India' upon return. They could, however, apply for permits for resettlement (Roy 2006). In addition, those who had migrated from Pakistan after 19 July 1948 and had stayed on for more than six months had to get registered. With the enactment of the Citizenship Act of 1955, however, all those born within the territory of India after the enactment of the Act were considered to be citizens of India. This period saw the beginning of a regime marked by uncertainty and a lack of affixed meanings, frequent amendments to legislation and changes to bureaucratic practices. We also begin to see legislative-bureaucratic 'marking', particularly that of Muslims, and of those whose 'intent' to stay in India was rendered doubtful by their movement to and from Pakistan between 1947 and 1950.

In India in the 1980s, the citizenship regime was determined largely by the Assam Agitation that began in the 1970s, culminating in the enactment of the Citizenship (Amendment) Act of 1986. In 1979, in a by-election in Mangaldoi in Assam, it was found that a large part of the electoral roll was comprised of 'foreigners'.[11] This prompted mass mobilisation, led by the All Assam Students Union (AASU), from 1979 to 1985, requiring the state to expel illegal immigrants from the state of Assam (Dutta 2012; Weiner 1983). The mobilisation ended with the signing of the Assam Accord between the AASU and then Prime Minister Rajiv Gandhi. The 1985 amendment to the Citizenship Act changed the

statement of objects and reasons that stated the problem as 'the foreigners issue', thereby cementing it in legal narrative and catalysing a shift to the *jus sanguinis* regime, as first reflected in the amended Section 3 of the 1986 Act. Section 3 of the original 1955 Act is a *jus soli* section, providing the general rule that anyone born in India is an Indian citizen. However, this section was amended twice – in 1986 and in 2003. In the 1986 amendment, the blanket *jus soli* rule of acquiring citizenship was delimited to those who had been born before 1986. For those born in India after the 1986 amendment, at least one of the parents had to be an Indian citizen, i.e. the person had to show a 'nexus with the territory through descent' (Ashesh and Thiruvengadam 2017). We see here a further expansion of the zone of liminality that was established but limited in the first phase. This zone now included anyone born after 1986 who could not prove – through documents – that one of their parents was an Indian citizen. While the pool of those who could be consigned to a zone of liminality was expanded, they were legislatively protected by the Illegal Migrants (Determination by Tribunals) Act [IMDT Act], which sought to nullify the effect by placing a high burden of proof on the authorities. This Act, was however, struck down later by the Supreme Court, thereby again reversing the burden of proof (Sarbananda Sonowal v. Union of India & Anr. 2005), in what was a firm shift in the 'legal common sense' of India's citizenship regime (Bhat and Shahid 2024).

The 2000s also marked a period of consolidation of zones of liminality in India, starting with the Citizenship (Amendment) Act of 2003 and its associated Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, which consolidated the liminal zone of the 1986 amendment by requiring that those born in India before 2003 could only be citizens if both their parents were Indian citizens. At the same time, the Rules mandated the preparation of the National Register of Citizens (NRC) and a National Population Register (NPR) – a comprehensive database of citizens and residents respectively (for an extensive discussion of the NRC, see also Gogoi and Sen 2024). While the NPR is an enumeration-based exercise, i.e. it is incumbent upon the state to calculate and tabulate the residents, the NRC is an application-based process. Currently in operation only in Assam, the NRC is meant to establish a list of legitimate and doubtful citizens with two purported aims – to remove non-citizens from electoral rolls who had made it through to the electoral rolls with the help of political patronage in exchange of votes (Baruah 1986), as well as to protect the cultural and linguistic identity of native tribal populations in Assam who fear demographic transformation and dilution. This move completely reverses the burden of proof by firmly setting it upon the citizens to prove their identity through a set of documents which are either largely unavailable, lost or damaged, or rattled with errors (Mathur 2020a; Das2024 2024). In addition, in the context of the striking down of the IMDT Act by the Supreme Court, the Foreigners Tribunals vested with the authority to make decisions on appeals of those who are left off the NRC accrue enormous discretionary power. The Supreme Court held that illegal migration was an 'act of external aggression', which the state is duty-bound to protect its citizens against. The judgment became foundational in the push for the detect-delete-deport strategy based on the Foreigners Act. The final NRC that was prepared was a result of this reversal of the burden of proof triggered by the Supreme Court's intervention and the striking down of the IMDT Act.

The final consolidation of the zone of liminal or quasi-citizenship was confirmed with the enactment of the Citizenship (Amendment) Act of 2019.[12] As the first NRC list was

published, 1.9 million people – of which a majority were non-Muslims – were left off the list (India Today 2019). These people were rescued from the zone of liminality through the enactment of the CAA of 2019, which effectively stated that non-Muslim religious minorities from Pakistan, Afghanistan, and Bangladesh would not be considered 'illegal migrants', the liminal category to which those of the NRC are consigned. Operating in tandem with the bureaucratic practices of the NRC and the NPR, the CAA turns from a piece of seemingly liberal legislation to an act of marginalisation and exclusion (on this interplay, see also Sharma 2024).

Myanmar

The making of Myanmar's first postcolonial constitution was closely linked to processes in the Constituent Assembly in India.[13] Yet, in contrast to India's outwardly liberal approach, Myanmar set up the basis for exclusionary citizenship regimes in the 1940s. While the early citizenship regime in Myanmar was not explicitly exclusionary (Lee 2019), it nonetheless privileged particular ethnic groups, for example by enlisting 'indigenous races' in the first Constitution of 1947 (Cheesman 2017). When operationalised in tandem with associated documentary requirements, the effects of these privileges were a reversal of burden of proof for specific population groups whose status could be unsettled. This combination established both a legislative framework as well as a documentary culture that would continue to have ramifications on the development of the citizenship regime across successive military and democratically elected governments.

Often labelled the 'Parliamentary Democracy Era', this period saw the enactment of the 1947 Constitution, Section 11 of which had four kinds of people who could be classified as citizens:

1. Children of parents belonging to 'indigenous races of Myanmar';
2. People born in Myanmar, at least one of whose grandparents belonged to one of those indigenous races;
3. Those born in Myanmar of parents both of whom are or would have been citizens at the commencement of the Constitution; and
4. Those who had lived in Myanmar for at least eight of the ten years immediately preceding 1 January 1942.

Then, in 1948, the Union Citizenship Act was enacted, which provided for automatic acquisition of citizenship for:

1. Permanent residents whose grandparents were permanent residents of Burma;
2. Children born in Myanmar after 4 January 1948, one of whose parents is a citizen; and
3. Children born outside Myanmar, one of whose parents is a citizen.

The Act introduced the Union Certificate of Citizenship (UCC) as proof of citizenship, of which only around 21,433 were issued, rendering a majority of Myanmar's population without any proof of citizenship (Arraiza and Vonk 2017). Practices of registration were further entrenched with the requirement for citizens to register as per the Residents of Myanmar Registration Act of 1949, and the introduction of the National Registration

Card (NRC) for citizens, and Temporary Registration Cards (TRC)[14] for those put on a path to citizenship. The latter were issued temporarily and with fixed deadlines, and remain to be held on to by descendants of original holders to claim belonging (Brinham 2019). As we can see, while pathways to settled status were provided by an ostensibly inclusionary regime, zones of liminality were nonetheless set up by first defining ethnicities that were 'Burmese beyond doubt', using markers of temporality – i.e. drawing boundaries of origin for doubtless belonging through marking certain dates. Exclusionary effects were not clear and explicit (Lee 2021), but the outcome of the interplay of the law and bureaucratic practice. As Lee (2019) has also shown, this framework allowed subsequent regimes to effectively operationalise state practices of domination and exclusion, as well as subject minority populations to violence and hardened burdens of proof.

The 1980s in Myanmar saw two significant enactments. First, the 1974 Constitution of the Socialist Republic of the Union of Burma, Article 145 which stated, 'All persons born of parents both of whom are nationals of the Socialist Republic of the Union of Burma are citizens of the Union. Persons who are vested with citizenship according to existing laws on the date this constitution comes into force are also citizens.' Keeping intact the 1948 framework, this period saw an increasing persecution of religious and ethnic minorities, and the solidification of Rakhine Muslims as a monolithic Bengali group of 'illegal migrants'. The zone of liminal citizenship was further expanded through the Citizenship Law of 1982, and the introduction of a variety of identity cards (Kyaw 2017). The 1982 law allowed the right to citizenship only to those who could trace their family residency in Myanmar prior to 1823, the year that marked the beginning of British control over the Burmese empire. The law created three categories of citizenship. 'Full citizens' referred to a specified list of Ethnic Burmese. 'Associate citizens' referred to children of mixed marriages (i.e. one parent falls in the first category), and 'Naturalised citizens' referred to those who did not belong to the recognised groups, but acquired citizenship after 1982.

In the aftermath of the passing of these laws, the principle of *jus sanguinis* was completely solidified. Moreover, the context was also characterised by a lack of adequate naturalisation procedures, which meant that several unrecognised communities were relegated to either holding TRCs, or being labelled 'foreign nationals' carrying Foreigner Registration Cards (FRCs), without any real opportunities to naturalise (Brinham 2019). The category of naturalised citizenship was left most open for acquisition, although the application processes are restrictive, with full citizenship being denied on unclear grounds (Arraiza and Vonk 2017). It also did not help that the documents required to settle one's citizenship were extremely rare, and that the documentary complex was constantly changing, increasingly complex, and information about highly inaccessible (UNHCR 2016). At the same time, pathways for associate and naturalised citizens to move from temporary to a clear citizenship status were made extremely complicated by lack of information, arbitrary rejection of applications, and a generally restrictive application process (Lee 2019) – i.e. by imposing a burden of proof riddled with obstacles. This complex was composed of documents with shifting meanings, arbitrary bureaucratic practices, and 'implementation problems' arising because of both implementation and the lack of it (Kyaw 2017).

Lastly, Myanmar in the 2000s further consolidated its citizenship regime through greater proliferation of documents without guidelines or clear information, and

increasing discretionary power for local authorities. Increasing demands for access to documentation and information pertaining to such documentation emerged from a consolidated zone of liminality created through an inaccessible documentary complex that enables local authorities to regulate, often violently, quasi citizens (Aung, 2007). The consolidation of this phase ironically meant decreasing clarity about the nature and number of cards and certificates informing the citizenship regime, which enabled large-scale violence against those whose cards did not signify a settled citizenship status, such as the Rohingya (Kyaw 2017; UNHCR 2016). With at least nine cards in operation and a general lack of clarity on processes and documentation, officials across the country were enabled to restrict the movement of people based on their own interpretation of what cards are necessary for people to have. In spite of this element of arbitrariness, the 'undocumented' highlight the importance of access to documents. The Maramagyi, an ethnic group frequently subjected to discriminatory policing practices, for example, reported to feel more secure with the Citizenship Scrutiny Card (CSC). Moreover, a report of the UNHCR (2016) laid out the essential features of a system that could maintain peace: easier access to appropriate documents and information about what documents are required to begin with.

This is also a phase of conflicting relationships with these documents themselves, with documents both used by the state and its officials to regulate movement, restrict livelihoods and enact harassment and even physical violence, and at the same time those subjugated seeking access to a clearer system of documentation, and more up to date documents for themselves to legitimise their status and residence in Myanmar. As the zone of liminality is thus consolidated, those lying within it must prove their belonging through the cards in their possession at every 'checkpoint'. These checkpoints then become points of unsettling citizenship by compelling certain card-holders to prove their belonging every day.

Transnational echoes in citizenship practices

Although moving in different directions, citizenship regimes and their corresponding practices in Sri Lanka, India and Myanmar bear the following similarities. States can now render citizenship indeterminate through denial and revocation of nationality, but also through suspending individuals in liminal space between citizenship and statelessness. As we have shown in the above analysis, the ways in which liminality, ranging from mild uncertainty to outright statelessness, is produced have historically reverberated across different countries in South Asia. The binary distinction between citizen and non-citizen is replaced by a gradience of liminal citizenships (Roy 2022). States do so by increasingly incorporating in their citizenship regimes techniques that tend to filter different populations, often by taking advantage of how their documentary infrastructures work.

Corresponding to different kinds of outsideness, there also exist two broad types of burdens of proof that are placed upon the citizen. First, there is a general and ostensibly one-time burden of proof placed upon the liminal citizen, usually by way of legally effecting the requirement to pass various tests. This includes, for example, using a list of officially enlisted documents to prove one's date and place of birth – or that of one's parents or grandparents – in order to satisfy temporal and (ethnic) lineage

requirements of a particular legislative enactment. This is usually done when new requirements are introduced by introducing 'freezing time' criteria (Jain 2022: 250) – i.e. the introduction of temporal markers on belonging that we see in various shapes or when new documentary practices of proof are instituted. Often, the two are combined to create an unduly high burden of proof. Second, there is an everyday reversal of burden of proof – e.g. having to produce documents in everyday life in Myanmar at checkpoints to prove what *kind* of citizen you are. By splitting its citizenship into a tripartite system and a corresponding hierarchy of certificates and cards, Myanmar effects a more insidious reversal of burden of proof. In India, the proliferation of and contestation over *Aadhaar* may institute a similar everyday burden of proof.[15]

We also see two further kinds of burden of proof. Soft burdens of proof offer a relatively easier pathway to settled citizenship. This includes, for example, the permit system in the first phase of the Indian citizenship regime, in which returning migrants from Pakistan were allowed to register as being resident in India and over time acquire settled citizenship. Burdens of proof start to become harder as they obscure pathways to settled citizenship, or intensify the administrative hurdles on the production of proof. Both soft and hard burdens of proof focus squarely on production of documentary evidence. It is here that we see some of the strongest similarities in the strategies advanced by these states, in that they prepare lists of documents that are often long, complex, and simply hard to obtain (Bhat 2021; Mathur 2020a). These problems are weaponised by the state to cast a perpetual shadow of suspicion upon citizens, by asking them to prove that they have reliably obtained documents from a regime with a propensity to produce suspect documents. Writing in the context of India, Yamini Aiyar (2023) argues that the state often indirectly admits 'that it doesn't trust its own documents'. Highlighting weaknesses in its own documentary infrastructure (Sadiq, 2010) such as bureaucratic corruption or poor quality of documents, the state accounts for these concerns by asking citizens 'to come forward and have the government 'verify' its own documents' (Aiyar 2023).

In all cases that we analyse here, there are 'implementation problems' arising due to complexity, abundance, and the combination of the historical background and the documentary complex in place. Compounded by the reversed burden of proof, these complications are bound to arise, inevitably leading the laws to be effectively unimplementable. In addition, the laws are often numerous and conflicting, creating pathways to citizenship and administrative exercises that conflict with each other. This conflict not only heightens the difficulty to comply, but also often actively produces the desired effects. While often portrayed as postcolonial predicament (or even pathology), we argue that the seemingly technical implementation problems are part of a larger logic of producing liminality and statelessness. They are part of what Shalini Randeria has aptly analysed as strategies of 'cunning states' (Randeria 2003: 28). Paradoxically, foregrounding implementation problems thereby becomes a key strategy of ruling elites to deflect potential critique of exclusionary practices while also catering to the majoritarian tendencies of some electorates (a point we return to below). Using a combination of manipulable documentary infrastructures and producing laws that produce conflicting effects, the cunning state destabilises legal certainty in its citizenship regime by instituting strategies that can be seen as being riddled with technical and implementation problems, thereby masking them as good governance issues.

Finally, the states' strategies in the production and sustenance of various kinds of liminality can be identified as cunning, and not accidental, in terms of the actual political effects of such engineering. Writing in the context of the CAA of 2019, Shaikh Mujibur Rehman (2021) argues that it is not desirable for ethnic majoritarian regimes like the one in India today to wish for a complete annihilation of the marked outsiders, or even for their complete removal from the territory of the country. What is desired, instead, is their subordination – a clearly structured way of belonging, which citizenship laws can help foster and further. The minority citizen so formed in such states is neither a full citizen nor a full outsider. Contrary to the clearly marked outsider, what we can see is statuses which neither clearly deem one an outsider, nor accord a clear status of belonging (Lori 2017). This also explains why the laws we discuss in this paper are not outrightly exclusionary, but create hurdles that heavily regulate the lives of 'minority citizens' (Chatterji 2012) being targeted. Therefore, it is more effective to consign them to a space of doubt, waiting and confusion, vulnerable to both social and state violence. The creation of a state in which political escalation is possible but not necessarily works for the cunning state in two ways. First, it is easier and cheaper to administer zones of liminality rather than produce outright exclusion, e.g. in the form of mass deportations (Mathur 2020b). Second, it allows ethnic majoritarian regimes – that all three of our examples have been – to project imaginations of the nation that cater to majoritrian sentiments and thereby enhance the political capital of incumbent elites.

Conclusion

Although departing from very different postcolonial citizenship regimes, we have argued that the techniques and mechanisms by which postcolonial states produce exclusionary effects towards specific populations bear strong resemblance across countries usually discussed in isolation: India, Sri Lanka, and Myanmar. Developing a transnational comparative perspective, we have highlighted the similarities that emerge underneath seemingly rather different citizenship regimes.

Moving our analysis away from an exclusive focus on formal citizenship law to the ways in which citizenship is enacted in practice, we identify three broad mechanisms by which liminality is produced. First, state elites frequently combine seemingly innocent legal changes and bureaucratic measures. It is thus not only in the primary legislation but also (and often even primarily) in the administrative laws and bureaucratic practices that systematic and *effective* violation of non-discrimination is produced. As we see in the above section, state elites perpetuate these strategies towards and through their citizenship laws. These laws and regimes are designed to have conflicts and contradictions – creating confusion, uncertainty, and precariousness; they are consistently found to be unimplementable – enabling their defence as otherwise perfectly good laws with 'implementation problems'; and the proliferation of a multiplicity of fora at play – documentation centres, local authorities, appellate authorities, citizenship determination tribunals and foreigner registration offices – that creates conflicting jurisdictions which increase the likelihood of embroiling the process of proving one's citizenship over elongated timelines with little chances of reaching a definitive end.

Second, these changes lead to the destabilisation of the citizenship regime by effectively marking out minority citizens and consigning them to zones of uncertain

citizenship by gradually placing increasingly complex burdens of proving belonging upon them. As seen in the cases highlighted in this paper, it is that liminal space of suspension that the three countries have the greatest propensity to work with. These burdens often become insurmountable, not by accident but by design: following Randeria's account of 'cunning states', we have shown how elites across the region repeatedly seek to capitalise on seemingly technical and non-intentional 'implementation problems' to advance the production of liminality. This production of liminality allows the state, in addition to capitalising on perceived state weaknesses, to hide the actual power and agency that they do exercise by relegating certain populations to these liminal spaces characterised by endless waiting, doubt, and even everyday violence and exclusion. By incorporating ostensibly neutral and stabilising criteria in citizenship laws and documentary practices, cunning states are able to in fact destabilise certainty, which is an important component of liberal citizenship regimes.

Lastly, this allows for the creation of hierarchical citizenship regimes and ongoing reimaginations of the nation, in which assaults on minority populations can be mobilised at will. Not only does this allow political elites to take advantage of destabilised and contested citizenship regimes, it also allows them to further legitimise and entrench citizenship laws premised on reversed burdens of proof, the creation of liminal zones of citizenship, and documentary cultures that they take advantage of, by using its effects, i.e. the subordination of minority populations, for political mobilisation with majoritarian constituents. Beyond constituting precarious populations whose citizenship status can be strengthened or weakened at will, the dynamics that we have analysed above in terms of 'cunning states' have a further effect: they enhance the arbitrary power of the state and thereby render it more fearsome, also to those whose citizenship status is not under direct threat. The practices analysed above thereby not only undermine the rule of law and processes of democratic self-determination by marginalising substantial parts of the population; they also undermine the overall capacity of all citizens to contest the power of the state.

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Notes

1. This reversal does not imply a historical starting point from which the burden of proof has become diametrically opposed, but reversal from conventional liberal understandings of how documents are to be managed. See also 'Theoretical Framework'.
2. This is not an exclusively Global South pathology. The importance of bureaucratic practices in the shaping of migration regimes has also been demonstrated in the Global North (Shachar 2020).
3. The right to citizenship by virtue of being born in the territory of a country.
4. Citizenship by descent, based either on ethnicity or the citizenship of one's parent(s).
5. We emphasise that we do not point out a monocausal link, but lay out sequences and similarities. By entanglements, we refer to '*sites in which two or more rationalities … enter a direct, or even indirect interdependence, whereby the actions of one agent have an effect on the other even without either agent's choice*' (Manjapra 2014: 288).
6. We emphasise that it is the techniques that are colonial heritage in strategies that are postcolonial.

7. Up-Country Tamils came to Sri Lanka from southern India during the colonial period (mid-nineteenth century onwards) to work on plantations (Vijayapalan 2014). Ceylon or 'Sri Lankan' Tamils are 'local' populations whose presence predates the plantation economy, and who historically exercised greater economic and political influence (Corea 1960, as cited in Ganeshathasan and Welikala 2017).
8. This act followed discussions between Prime Ministers Nehru (India) and Senanayeke (Ceylon), with Nehru proposing 'giving citizenship to all those who asked for it' and 'satisfied criterion of residence', while Senanayeke wished for more stringent conditions (Wickramasinghe 2015).
9. This act was meant to address the failed discussions (note 8) that had taken place earlier (Wickramasinghe 2015).
10. These years saw two pacts between India and Sri Lanka, in 1964 and 1974. 525,000 people were repatriated to India, with Sri Lanka to accept 300,000. Another 150,000 were promised citizenship later. However, the pacts were not fully implemented even until 1984 (Wickramasinghe 2015).
11. It was claimed that these foreigners were descendants of those who had illegally migrated from the newly established republic of Bangladesh.
12. It is estimated that at least 13,000 Rohingya refugees settled in India between 2012 and 2016 (Sullivan and Sur 2023).
13. BN Rau (1948) has written that he *had the honour of being associated closely with the framers of the Constitution [of Burma] at almost every stage. The Constitutional Adviser of Burma came to Delhi in April, 1947, for discussion and collection of materials; a first draft of the new Constitution was then prepared and he took it back with him to Rangoon in May.*
14. TRCs were used to document 'unrecognised minorities' in the 1990s (Arraiza and Vonk 2017).
15. Intended for efficient government service delivery, Aadhaar has evolved into a component of India's citizenship documentation, fueling apprehensions about its role in NPR and NRC (Chaudhuri & König, 2018).

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References

Aiyar, Yamini. 2023. "Paper Power: The State Rules by Files, Notices, Circulars, Orders." Deccan Herald. March 4, 2023. https://www.deccanherald.com/opinion/paper-power-the-state-rules-by-files-notices-circulars-orders-1197315.html.

Arraiza, José María, and Olivier Vonk. 2017. "Report on Citizenship Law : Myanmar." https://cadmus.eui.eu/handle/1814/48284.

Ashesh, Ashna, and Arun Thiruvengadam. 2017. "Report on Citizenship Law: India." https://cadmus.eui.eu/handle/1814/47124.

Aung, Tun Tun. 2007. "An Introduction to Citizenship Card under Myanmar Citizenship Law." *The Journal of the Study of Modern Society and Culture* 38 (1): 265–290.
Baruah, Sanjib. 1986. "Immigration, Ethnic Conflict, and Political Turmoil–Assam, 1979-1985." *Asian Survey* 26 (11): 1184–1206. https://doi.org/10.2307/2644315.
Berda, Yael. 2020. "Managing 'dangerous populations': How colonial emergency laws shape citizenship." *Security Dialogue* 51 (6): 557–578. https://doi.org/10.1177/0967010620901908.
Bhat, Mohsin Alam. 2021. *Irregularizing Citizenship in India.* Verfassungsblog: On Matters Constitutional, November. https://doi.org/10.17176/20211123-084931-0.
Bhat, Mohsin Alam. 2022. "Doubtful Citizens: Irregularization and Precarious Citizenship in Contemporary India." SSRN Scholarly Paper. Rochester, NY.
Bhat, M. Mohsin Alam, and Rudabeh Shahid. 2024. "Mutual Attrition of Citizenship, Democracy, and the Rule of Law in South and Southeast Asia." *Journal of Ethnic and Migration Studies* 50 (19): 4787–4808. https://doi.org/10.1080/1369183X.2024.2376403.
Bhatia, Gautam. 2020. "Citizenship and the Constitution." SSRN Scholarly Paper ID 3565551. Rochester, NY: Social Science Research Network. https://papers.ssrn.com/abstract = 3565551.
Brinham, Natalie. 2019. "Looking Beyond Invisibility: Rohingyas' Dangerous Encounters with Papers and Cards." *Tilburg Law Review* 24 (2): 156–169. https://doi.org/10.5334/tilr.151.
Chatterji, Joya. 2012. "South Asian Histories of Citizenship, 1946–1970." *The Historical Journal* 55 (4): 1049–1071. https://doi.org/10.1017/S0018246X12000428.
Chaudhuri, Bidisha, and Lion König. 2018. "The Aadhaar Scheme: A Cornerstone of a New Citizenship Regime in India?." *Contemporary South Asia* 26 (2): 127–142. https://doi.org/10.1080/09584935.2017.1369934.
Cheesman, Nick. 2017. "How in Myanmar 'National Races' Came to Surpass Citizenship and Exclude Rohingya." *Journal of Contemporary Asia* 47 (3): 461–483. https://doi.org/10.1080/00472336.2017.1297476.
Corea, H. 1960. *Freedom What Then? Ceylon since Independence 1947-1959*. Colombo: Swadeshi Printers.
Das, Sampurna. 2024. "Living with 'thin' Documents: A Note on Identity Documents and liminal Citizenship in the Chars of Assam, India." *Journal of Ethnic and Migration Studies* 50 (19): 4891–4904. https://doi.org/10.1080/1369183X.2024.2376413.
DeVotta, Neil. 2020. "Promoting Covenantal Pluralism amidst Embedded Majoritarianism in Sri Lanka." *The Review of Faith & International Affairs* 18 (4): 49–62. https://doi.org/10.1080/15570274.2020.1834980.
Dutta, Nandana. 2012. *Questions of Identity in Assam: Location, Migration, Hybridity*. New Delhi: SAGE Publications India.
Ganeshathasan, Luwie, and Asanga Welikala. 2017. *Report on Citizenship Law : Sri Lanka*. https://cadmus.eui.eu/handle/1814/46448.
Gogoi, Suraj, and Rohini Sen. 2024. "National Register of Citizens (NRC) in Assam: Within, Without and Beyond the Law." *Journal of Ethnic and Migration Studies* 50 (19): 4828–4849. https://doi.org/10.1080/1369183X.2024.2376408.
Han, Enze. 2019. *Asymmetrical Neighbors: Borderland State Building between China and Southeast Asia*. Oxford: Oxford University Press.
Imtiyaz, A. R. M., and M. C. M. Iqbal. 2011. "The Displaced Northern Muslims of Sri Lanka: Special Problems and the Future." *Journal of Asian and African Studies* 46 (4): 375–389. https://doi.org/10.1177/0021909611399733.
India Today. 2019. "NRC Final List: How and Where to Check Your Name on Assam's National Register of Citizens." https://www.indiatoday.in/india/story/nrc-final-list-how-and-where-to-check-your-name-on-assam-national-register-of-citizens-1593695-2019-08-31.
Jaffrelot, Christophe. 2021. *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*. Princeton: Princeton University Press.
Jain, Neha. 2022. "Manufacturing Statelessness." *American Journal of International Law* 116 (2): 237–288. https://doi.org/10.1017/ajil.2022.2.
Jayal, Niraja Gopal. 2013. *Citizenship and Its Discontents*. Cambridge: Harvard University Press.
Jennings, Sir Ivor. 1953. *The Constitution of Ceylon*. London: Oxford University Press.

Kaviraj, Sudipta. 2010. *The Imaginary Institution of India: Politics and Ideas*. New York: Columbia University Press.
Kyaw, Nyi Nyi. 2017. "Unpacking the Presumed Statelessness of Rohingyas." *Journal of Immigrant & Refugee Studies* 15 (3): 269–286. https://doi.org/10.1080/15562948.2017.1330981.
Lee, Ronan. 2019. "Myanmar's Citizenship Law as State Crime: A Case for the International Criminal Court." *State Crime J* 8: 241.
Lee, Ronan. 2021. *Myanmar's Rohingya Genocide: Identity, History and Hate Speech*. London: Bloomsbury.
Lori, Noora A. 2017. *Statelessness, 'in-between' Statuses, and Precarious Citizenship*. Oxford: Oxford University Press.
Manjapra, Kris. 2014. "Transnational Approaches to Global History: A View from the Study of German–Indian Entanglement*." *German History* 32 (2): 274–293. https://doi.org/10.1093/gerhis/ghu035.
Mathur, Nayanika. 2020a. "The NRC is a Bureaucratic Paper-Monster That Will Devour and Divide India." Scroll.in. https://scroll.in/article/948969/the-nrc-is-a-bureaucratic-paper-monster-that-will-devour-and-divide-india.
Mathur, Nayanika. 2020b. "'NRC se Azadi': Process, Chronology, and a Paper Monster." *South Asia Multidisciplinary Academic Journal* 24/25 (December): 20–29. https://doi.org/10.4000/samaj.6917.
Randeria, Shalini. 2003. "Cunning States and Unaccountable International Institutions: Legal Plurality, Social Movements and Rights of Local Communities to Common Property Resources." *European Journal of Sociology* 44 (1): 27–60. https://doi.org/10.1017/S0003975603001188.
Rau, Benegal Narsing. 1948. "The Constitution of the Union of Burma." *Wash. L. Rev. & St. BJ* 23 (1948): 288.
Rehman, Shaikh Mujibur. 2021. "Subordinated Citizenship: Muslims in the Hindu Rashtra." *PS: Political Science & Politics* 54 (4): 634–635. https://doi.org/10.1017/S104909652100072X.
Roy, Anupama. 2006. "Overseas Indian Citizen: A New 'Setubandhan'?" *Economic and Political Weekly* 41 (15): 1421–1424.
Roy, Anupama. 2010. *Mapping Citizenship in India*. New Delhi: Oxford University Press.
Roy, Anupama. 2022. *Citizenship Regimes, Law and Belonging: The CAA and the NRC*. Oxford: Oxford University Press.
Sadiq, Kamal. 2010. *Paper Citizens: How Illegal Immigrants Acquire Citizenship in Developing Countries*. Oxford: Oxford University Press.
Sarbananda Sonowal vs Union of India & Anr. 2005. Supreme Court of India.
Schonthal, Benjamin, and Matthew J. Walton. 2016. "The (New) Buddhist Nationalisms? Symmetries and Specificities in Sri Lanka and Myanmar." *Contemporary Buddhism* 17 (1): 81–115. https://doi.org/10.1080/14639947.2016.1162419.
Shachar, Ayelet. 2020. *The Shifting Border: Legal Cartographies of Migration and Mobility : Ayelet Shachar in Dialogue*. Manchester: Manchester University Press.
Shahid, Rudabeh, and Ronan Lee. 2024. "Saffron Ethnocracy: Conceptualising Ethnocracy in India, Myanmar, and Sri Lanka." *Journal of Ethnic and Migration Studies* 50 (19): 4924–4942. https://doi.org/10.1080/1369183X.2024.2376419.
Shahid, Rudabeh, and Joe Turner. 2022. "Deprivation of Citizenship as Colonial Violence: Deracination and Dispossession in Assam." *International Political Sociology* 16 (2): olac009. https://doi.org/10.1093/ips/olac009.
Sharma, Chetna. 2024. "National Register of Citizens and Citizenship Amendment Act 2019: Following the Logic of Citizenship Securitization in India." *Journal of Ethnic and Migration Studies* 50 (19): 4850–4866. https://doi.org/10.1080/1369183X.2024.2376411.
Soysal, Yasemin Nuhoglu. 1994. *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago, IL: University of Chicago Press.
Stokke, Kristian. 2006. "Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-Controlled Areas in Sri Lanka." *Third World Quarterly* 27 (6): 1021–1040. https://doi.org/10.1080/01436590600850434.

Sullivan, Daniel P., and Priyali Sur. 2023. *Shadow of Refuge: Rohingya Refugees in India*. Refugees International, May 18, 2023. https://www.refugeesinternational.org/reports-briefs/shadow-of-refuge-rohingya-refugees-in-india/.
UNHCR Myanmar. 2016. "Study on Community Perceptions of Citizenship, Documentation and Rights in Rakhine State".
Vijayapalan, Yogeswary. 2014. *Endless Inequality : The Rights of the Plantation Tamils in Sri Lanka*. Middleses: Mayan Vije Ltd. http://opac.cshr.cmb.ac.lk:8080/jspui/handle/123456789/2865.
Weiner, Myron. 1983. "The Political Demography of Assam's Anti-Immigrant Movement." *Population and Development Review* 9 (2): 279–292. https://doi.org/10.2307/1973053.
Wickramasinghe, Nira. 2015. *Sri Lanka in the Modern Age: A History*. New York: Oxford University Press.
Wolozin, Rebecca. 2014. "Citizenship Issues and Issuing Citizenship: A Case Study of Sri Lanka's Citizenship Laws in a Global Context." *APLPJ* 16: 1.