

What we have been up to IAGS, CAMBODIA, JULY 14-19, 2019

Two of our team members, Abantee Dutta and Anubhab Atreya, presented a working paper titled “Preventing Genocide? Contemplating the Role of the Supreme Court of India” at the 14th Biennial Conference of the International Association of Genocide Scholars (IAGS) at Phnom Penh, Cambodia on July 14-19, 2019.

The International Association of Genocide Scholars is a global, interdisciplinary, non-partisan organisation that seeks to further research and teaching about the nature, causes and consequences of genocide, and advance policy studies on genocide prevention. The theme of the conference was “Rethinking Genocide Studies and Prevention”. The objective was to identify those cases and issues which had not been examined sufficiently or left unexplored through engagement with diverse lines of enquiry. The intention was notable in its view to bring attention to areas of inquiry which had been “conceptually, disciplinarily, structurally” relegated to the margins of the discipline.

Studio Nilima’s presentation reflected on the question of whether the Constitutional Court, that is, the Supreme Court of India via the normative powers of the Constitution can be leveraged to prevent

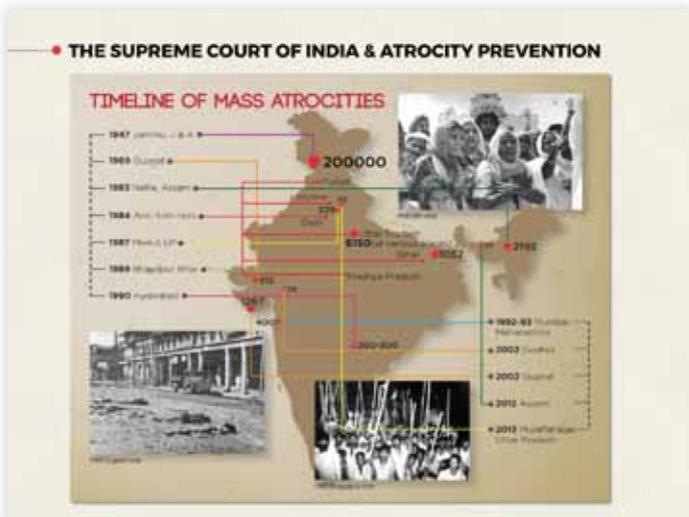
genocide and/or crimes against humanity. The presentation involved a description of the normative powers of the Supreme Court and its interaction with the idea of transformative constitutionalism. It argued that the Supreme Court’s actions in cases of mass atrocities could be mapped on a “spectrum” when examined through past case studies. This framework was then utilised to look at the unfolding



Abantee Dutta (centre) along with Anubhab Atreya (right) during their presentation at the IAGS conference.

humanitarian crisis in Assam, while dealing with the specific complexities that make it genocide prone to explore whether the Constitutional Court in India can prevent such a crisis?

The presentation was lauded for being measured and well balanced in its articulation and representation of the various perspectives. It was appreciated for



One of the slides of the presentation that was discussed by the team of Studio Nilima.

unveiling the nuances and complexities, particularly vis a vis the vulnerabilities that confronted both the irregular migrant community and the indigenous population. It was noted that this important nuance has largely been ignored by the dominant narratives in the international media that have



Left to Right: Anubhab Atreya, Abantee Dutta and Irene Victoria Massimino Kjarsgaard.

come to surround Assam. As noted by Dr. Henry C. Theriault, President, IAGS, "...while the portrayal of the alleged victim community is often essential in such situations of conflict, it should not be allowed to damage the objectivity of research."

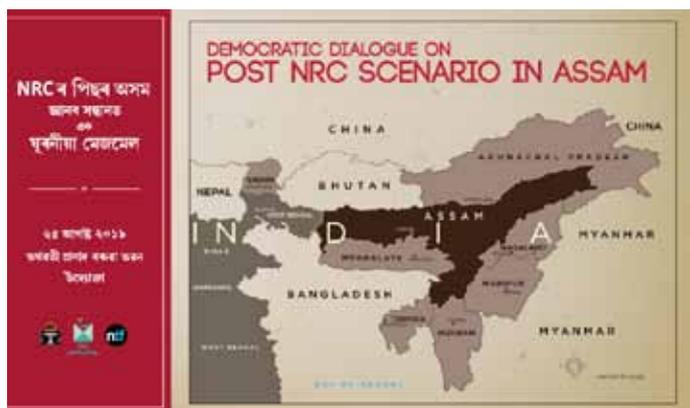
LOOKING TO THE FUTURE: DEMOCRATIC DIALOGUE ON POST NRC SCENARIO IN ASSAM

On August 25, 2019, Studio Nilima in a joint initiative with Axom Xahitya Xabha and Nanda Talukdar Foundation organised a democratic dialogue between various civil society stakeholders on the post National Register of Citizens (NRC) scenario in Assam. The roundtable titled "Assam After NRC: Quest for Knowledge" was held at Bhagawati Prasad Barua Bhawan at Guwahati and was attended by 23 stakeholders and experts.



Participants at the democratic dialogue.

Moderated by Mr. Nilay Dutta, President, Studio Nilima and Mr. Mrinal Talukdar, Secretary, Nanda Talukdar Foundation, the event saw a cross section of unanimous and divergent opinions on issues such as law and order implications after the publication of National Register of Citizens (NRC), detention procedures, rights of the indigenous vis-à-vis rights of the declared foreign national, legal aspects of the laws related to citizenship among others. The meeting also noted the biased portrayal of the Assamese community in the international media and digital news platforms in India and analysed the reasons for this state of affairs.



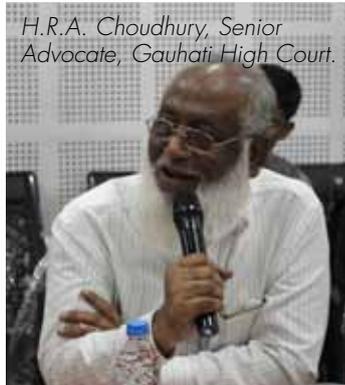
Aman Wadud, Advocate, Gauhati High Court.



Kamala Kanta Mushahary, Vice President, Bodo Sahitya Sabha.



Hemen Das, senior politician.



H.R.A. Choudhury, Senior Advocate, Gauhati High Court.



A.S. Tapadar, Advocate, Gauhati High Court



Shantanu Borthakur, Advocate, Gauhati High Court



Sangeeta Barooah Pisharoty, Deputy Editor, The Wire.



Tilottama Misra, Writer



Udayon Misra, Writer and Scholar

Noting that the coming days after the publication of the final NRC were crucial for the future of Assam, the meeting resolved to appeal to all sections of the people of Assam to maintain calm and harmony.

Groups which have come forward to assist the people who have been left out of the NRC in the appeal process should be welcomed. It also urged the government to take a final decision on the stateless people who will be declared foreigners by the Foreigners Tribunals in the upcoming days as they have the right to live with dignity as per the Constitution of India. Condemning the concerted attempt to portray the Assamese community as communal and xenophobic, the meeting urged the Assamese civil society to increase engagement with the international media to provide a clear and balanced perspective along with inputs based on Assam's unique context and complexities. The minutes of the proceedings can be accessed on our website via the link: <http://www.studionilima.com/pdf/DetailedProceedings.pdf>

ARUNACHAL CONFERENCE



Participants at the conference held at Itanagar, Arunachal Pradesh.

On August 31, 2019, the Arunachal Pradesh State Legal Services Authority (APSLSA) in collaboration with Studio Nilima organized a Seminar on Constitutional Rights of Tribes and Indigenous people of North-East India. The day long seminar, held at Itanagar, Arunachal Pradesh (AP), was attended by our trustees Justice (Retd.) B.P Katakey, Former Judge of the Gauhati High Court, Mr. Nilay Dutta, Advocate General of Arunachal Pradesh and Senior Advocate and Mr. Apurba Kumar Sharma, Executive Chairman of the Bar Council of India and Senior Advocate and our members Bonnya Boruah, Ankita Paul and Vedika Pareek.

The panel members of the seminar were Hon'ble (Retd.) Justice B.P. Katakey, Former Judge of the Gauhati High Court; Hon'ble Mr. (Retd.) Justice B.K. Sarma, Former Judge of the Gauhati High Court; Mr. Nilay Dutta, Sr. Advocate, Advocate General of AP, and President of Studio Nilima; Mr. Apurba Kr. Sharma, Sr. Advocate and Executive Chairman of the Bar Council of India; Mr. T.T. Tara, Advocate, Former Addl. Advocate General of the Govt. of AP; Mr. Budi Habung, Member Secretary, APSLSA. Each of the panel members addressed the audience on different questions concerning indigenous rights

of the people of Arunachal Pradesh. Through their speeches, the panelists explained the various sources of protection available to the indigenous people of AP apart from Article 371H and despite not being included in the Sixth Schedule of the Constitution of India. Addressing the fear surrounding the fate of the special provision for the state of AP, all members of the panel echoed the opinion that the safeguard for AP is a 'special' provision, whereas that of Jammu and Kashmir were 'temporary' and therefore the normal procedure of amendment under Article 368 of the Constitution of India will have to be followed.

The first speaker, Mr. Budi Habung highlighted the slow and troubled process of the separation of the judiciary in the State, the complex state of affairs of law and the lack of knowledge amongst



Hon'ble Mr. (Retd.) Justice B.K. Sarma (extreme right) and trustees of Studio Nilima.

all members of the society of the same. This was followed by an address by Mr. T.T. Tara who provided a comprehensive analysis of the indigenous rights in the international, national and local context. In his speech, Mr. Apurba Kr. Sharma expressed his concerns regarding the treatment of the people of the North East and gave his unwavering support to his fellow northeasterners. Retd. Justice B.P. Katakey gave a comprehensive explanation of the developments in the land laws of the State addressing widespread concerns regarding lack of ownership and title over land even for the indigenous people. In his address, Retd. Justice B.K. Sarma fleshed out the intricacies of various words used to describe indigenous people and drew our attention to the importance of the right nomenclature. The final address was delivered by Mr. Nilay Dutta who explained the complex history of North East laws



Members of APSLSA and Studio Nilima.

in general and AP in particular and explained the constitutional safeguards of the indigenous people of AP and its pre-constitutional history in addition to, and despite Article 371H and the Sixth Schedule of the Constitution of India. A comprehensive report of proceedings of the Arunachal conference can be accessed on our website www.studionilima.com

VISIT TO MANGALDOI



Inauguration of the book.

Two of our team members, Moon Moon Laskar and Bonnya Boruah attended the inaugural event of book titled 'Gambhir Chandra Nathor Jeevan Kotha' on the occasion of first death anniversary of renowned social worker and Retd. Junior Engineer, P.W.D. Department, Late Gambhir Chandra Nath. The memorial meeting was organised at the Mangoldoi Sanatan Dharmasabha premises by his son, Dr. Hiranya Kumar Nath, Professor, Department of Economics and International Business, Sam Houston State University, Huntsville, Alabama, United States and senior Journalist Shri Manoj Kumar Nath. The event also housed another attraction – the Darrangia Ojapaali performance by



Inmates of Mangaldoi District Jail performing Ojapaali.

the inmates of Mangaldoi District Jail. 'Ojapaali' is one of the revered folklore forms of Darrang district.

The book was inaugurated by renowned Assamese singer, Smti. Sudakshina Sarmah in the presence of Shri Idrish Ali, former Vice-President, Assam Sahitya Sabha; Dr. Bhabani Prasad Chakraborty, Retd. Principal, Barpeta Medical College and renowned doctor; Shri Phulendra Nath Saharia, Former President of Darrang Sahitya Sabha; Shri Niranjana Sarma and Shri Mayukh Goswami along with the local residents and well wishers of Late Gambhir Chandra Nath. There was another research based book published by Darrang Sahitya Sabha titled

'Darrangor Ojapaali' which was inaugurated by Shri Idrish Ali. This book narrates "Ojapaali" which is the king of Darrang's cultural heritage. The richness of this particular form of folklore was presented fervently through a performance by the team of Mangaldoi District Jail inmates led by Oja - ArupJyoti Deka accompanied by Satram Nath, Iliyas Purti, Dhruvbjyoti Hazarka, Pawan Kumar Nath, Pitambar Nath, Achyut Saharia, Yagya Baruah, Naranath Deka and Gullu Tanti. This team's performance was facilitated by Shri Kartik Kalita, I/C Superintendent of Mangaldai District Jail; Shri Dharmakanta Kalita, Asst. Jailor; Shri Biswajyoti Bora, Pharmacist; Shri Manoj Sarma, KKHSOU coordinator for Mangaldoi District Jail and Shri Dilip Baishya. Studio Nilima team members were overwhelmed to witness such a grand performance by this group of members, some of whom have been incarcerated for life. It

was with the wholehearted support of Dr. Hiranya Kumar Nath that enabled this pool of talented performers to be brought to the notice of the society outside the four walls of the District Jail premises. This is one of the various rehabilitation and re-engaging initiatives undertaken by Mangaldoi District Jail.

LEGAL SERVICES

The team of Studio Nilima was overwhelmed and appreciated the gesture of Mangaldoi District Jail officials to have whole-heartedly facilitated this interaction with incarcerated members and to exchange their views with the team. Such exchanges help in opening avenues for incarcerated members to mingle with members of the society which otherwise is a distant dream.

STUDENTS ADDA



Students interacting at one of the adda sessions at Studio Nilima.

The monthly Addas at Studio Nilima serve as informal forums for students to engage and interact with one another. It seeks to encourage and foster a culture of dialogue amongst students to address their issues and concerns through an integrated approach. It is a space for discussion and reflection and hopes to become a place of active engagement curated by and for the students of the city.

Conversations at these addas helps us understand the perspective of the student community which range from their views of issues on the larger socio political

discourse to deeply felt everyday needs of the students community. Participants in our past two addas held on August 17 and August 25, 2019, have brought our attention to the plight of students from the north-eastern part of India. Concerns have been raised over the State grading system and the "missed opportunities" in disabling a student from the region to compete equally with their contemporaries in the rest of India. Proper disposal of garbage and lack of recycling waste in the city have also been discussed. We also screened the comedy-drama Tangerine directed by Sean Baker; which follows a transgender sex worker upon her release from jail.

Our addas will continue through the following months until December. We have some exciting things lined up! The addas are held every Sunday at the Lamb Road Office of Studio Nilima. Do join in if you are a student. For more information, reach out to our members Bonnya Boruah or Ankita Paul at info@studionilima.com.

CAPACITY BUILDING

The Reading Circle: Book of the Month

HOPE IN THE DARK: UNTOLD HISTORIES, WILD POSSIBILITIES: REBECCA SOLNIT



“joy sneaks in anyway,
abundance cascades forth
uninvited”

The writer Rebecca Solnit, winner of a national book Critics Circle Award for *River of Shadows* is one of the most eloquent and poetic cultural critics writing today. In *Hope in the Dark* she brings us a robust range of profound insights in spite of the darkness that inhabits us today. She brings us a particular kind of “hope” that demands us to act, albeit a caution against utopianism. She reflects in the crucial often unrecognized contributions of grassroots activists and makes a compelling case to engage in non violent activism. Just as we never know whom we will inspire by our activism, so too we never know at what moment our activism will have an effect, she argues. She writes of the “essential unknowability of the world, of the breaks with the present, the surprises.” This she urges, “is grounds to act”. She chides those of us who go around complaining of how terrible things are right now and urges us to get some historical perspective to “recognize what a radically transformed world we live in”. Her rousing celebration of people who work tirelessly and courageously on the ground striving for justice inspires the reader to understand where we stand as individuals and our interaction with the world. She writes, “the problem is not that we have so little power...the problem is that we don’t use the power that we have”.

A master weaver of poetic verses and blessed with an uncanny knack of aphorism: “Hope is an axe you break down doors with”; “history is like weather, not like checkers”; “joy sneaks in anyway, abundance cascades forth uninvited”- that by itself makes this very small book gripping and #unputdownable!

The Beautiful Struggle

AN ESSAY ON BRIDGING DIFFERENCES - Abantee Dutta

I. Introduction

In a largely connected world, we are increasingly experiencing differences. Encountering differences, however, remains a challenge. As someone from the periphery of a developing country and a person of color, being different has been an integral part of my existence. I am frequently met with indifference, which in turn mostly makes me angry, at times over polite and occasionally empathetic. “I don’t know

what to say when the differences are so stark!” sighed my colleague. Differences therefore present a problem and attempts to bridge such differences makes the process even more complex.

This essay on “Bridging Differences” draws on observations and experiences that I gathered in Malta while studying a course on Migration in the Mediterranean. During the trip on multiple occasions

Malta.



differences were constructed, de constructed and (re) constructed. Navigating through such differences, whether they manifested in the classroom, while engaging with the migrant communities, at the airports while travelling between geographical latitudes and longitudes, manufactured some anxieties. The course postulated the challenge of resolving such differences. In this essay, I will reflect selectively on some such differences and the routes/strategies used for its resolution, which I observed or experienced.

II. Understanding Differences

Our cognitive abilities are wired towards safety. Differences therefore are perceived, as inherently threatening. We intuitively seek belonging and lean towards those who are most familiar. When asked to pair up to share rooms in Malta, the tendency to lean in towards safety was evident. Anyone whom we perceive as being different from us, who doesn't seem to share the same worldview or our values, become distant, at times, unreal and hence easy to be labeled as different and sometimes threatening. Understanding the construction of differences, therefore, foregrounds a discussion on bridging differences.

In the social set up of the classroom, some differences took on psychological forms (produced socially) whereas others seemed more structural. Both manifested during our interactions and in conversations. Psychological differences were easily discernable. Essentialists claim such differences as innate and biologically determined (Belhoste and Monin, 2013). They manifest as actual differences in cultures, religions, life rituals, language etc. that can be taken as an "objective difference" which

make the challenge of bridging differences understandable (Belhoste and Monin, 2013). However, such identification completely ignores the differences that exist within groups

and the similarities that we encounter across groups. Those tendencies were discernable during the trip as well, especially within the cohort. Such differences within groups came to be deliberately created by the "self" and in other situations were created in the social contexts and sometimes, simply by design. For instance, because of the design of the course where two groups were merged for the course, the beginnings saw sharp boundaries between the Malta cohort and the Arlington cohort. Assimilation between the groups was rare and the "in-group," "out-group" sentiments were strong.

Structural differences, as I observed, manifested as differences in nationalities. Such differences of nationalities define forms of belonging to an ethnic or a civic order and are perceived as an "imagined community" and a social phenomenon in which we believe and act. Differences of nationalities came up strongly as I moved beyond borders and also in conversations with the migrant community, particularly with members of Libyan society. Differences in nationalities determine who gets to stand in queues at the security check points and who gets "requested" to step aside. Such differences also mean what jobs are made accessible in an adopted country and which experiences count, the past experiences hardly ever considered.

Such differences become pronounced when I find myself in places where I am perceived as an "outsider" and/or where I feel I don't belong. I increasingly feel that the idea of nation and differences in nationalities is closely connected to the notion of "community." In an era of up rootedness, the question of "being part of a community" and "of belonging" assumes great urgency. What does



community mean to me? Perhaps nothing. The question most critical to ask is whom does it exclude? In every community, there is a tacit understanding of who belongs and who does not. In creating the sense of the self it emphasizes the other, as distinct from us.

Differences in nationalities also produce and perpetuate ideas of citizenship, of borders and national identity. Who may cross what boundaries and borders, reside and work within particular states and who may not? What perception do insiders have of outsiders? Additionally, engaging with the migrant community reveal that the impact of migration and integration depend crucially on who comes, where they come from, the circumstances of their departure and arrival, what local community they arrive in, what legal barriers and obligations they face, how natives own mobility is regulated and such other decisions. What would bridging such differences entail?

III. Bridging Differences

In the experience of the trip, bridging differences was a process. I experienced it as a slow, natural, at times deliberate path towards integration. Bridging differences particularly the psychological kind entailed strategies, which included facilitating shared spaces of exchange, building trust and a shared identity - an understanding of “we” and in listening to the stories of the perceived others. In each step along the path of integration, choice played

a critical role. Was I willing to share space and how? Was I willing to suspend my judgment and listen to the other? Was I willing to seek out the other? Each moment of affirmation lead to critical breakthroughs and each negation led to serious breakdowns. In resolving psychological constructs of differences therefore, as noted by my colleague change comes from within. And as I discovered staying curious, open and empathetic were key.

The other significant process of dissolving differences was the art of storytelling. Stories, as I discovered had the capacity to transcend rigid boundaries of differences. As we were discovering each other as a cohort, I was particular disturbed by the energy of one young member amidst us. I sensed that she triggered in me an aggression and challenged me in ways, which made me shut down and disengage. At the world café however, at the women’s reception something shifted. As I sat listening to her story of growing up with immigrant parents in America, I found myself resonating with her. We were both bound together as “outsiders” in our homelands. An emotional connection formed, one of trust and intimacy without much words being exchanged between us. I realized that the human connections that we forge being in the same-shared space have the power to create transformations no matter how strong the differences. The other in her dissolved.

Bridging the structural differences of nationalities however seemed perplexing. Nationalism, could in principle embrace the other, arguing only that each nation had its own identity and tolerance for the other, equally valid nationalisms (Rothbart & Korostelina, 2006). However, in practice, nationalism deteriorated into negative identification both of the other and internal sub groups that do not fit into the nationalist vision (Rothbart & Korostelina, 2006). Racism further enhances nationalist beliefs in certain groups as inherently inferior, dangerous even unhygienic (Rothbart & Korostelina, 2006). Such hostilities began to matter more deeply when, with modern patterns of migration, travel

and communication, as different people began to encounter others more frequently.

These issues accentuate the meaning of borders. In Europe, we see a combination of drivers to create border free economic spaces and drivers for renewed border control to keep immigrants and refugees out (Sassen, 1999, Wohlfeld, 2013, Cesarani & Fulbrook, 1996). Governments and economic actors in highly developed countries are increasingly seeking to reduce the role of national borders in such flows, to create transnational spaces (Sassen, 1999). However, as rightly argued by Wohlfeld, in this discussion, the voices and perspectives of the poorer countries are either muted or overlooked (Wohlfeld, 2013). The European Community and the national governments of member states have found the juxtaposition of these divergent regimes rather difficult to handle (Sassen 1999). The emergence of a new economic regime sharply reduces the role of national governments and national borders in controlling international transactions ((Sassen, 1999, Wohlfeld, 2013, Cesarani & Fulbrook, 1996). Yet the framework of immigration policy in these countries remains centered on older conceptions of nation states and of national borders (Sassen, 1999, Wohlfeld, 2013, Cesarani & Fulbrook, 1996). Malta has recently implemented an integration policy for its migrant population. However, the concern in Malta remains that as policies on migration are aimed at protecting human rights and security of migrants, focus should also be maintained on the economic and security concerns of the developing nations, which absorbs most of the irregular migration (Wohlfeld, 2013). While bridging differences one needs to be cognizant of such complexities too.

If the idea of the imagined community as a nation is one of recent construct as argued by Anderson, a redefinition is overdue (Anderson, 1983). To puncture hostilities exacerbated in this hyper connected world, one needs to usher in a stronger and

competing form of humanitarianism, one that is committed to human dignity, value and rights and exudes a willingness to embrace humanity. A philosophy that was shared by Nico, the 13 year old I met on my flight to Malta. Perhaps only this inherent humanness in us can overcome the globalized differences and anxieties.



The path towards bridging differences, whether psychological or structural surely seems circuitous and shares overlaps. It is inevitably a slow process and requires a conscious shift in the mindset. Because it is only what's in the mind, which creates boundaries- "borders" which do not intersect and have no meeting points. But it's also the same mind that can dissolve the sense of the other, create transnational spaces of integration and collaboration. Bridging differences, to use as metaphor, therefore are like the "living root bridges." They are suspended crossings made of roots of imagination, of the mind, built over a long period of time, sometimes needing to be "twisted" and "encouraged" to dialogue with one another, to form strong natural pathways with are self-sustaining and self renewing.

Bhupen da's words serve as a timely reminder.

*Manuhe Manuhor Babe, Jodihe okonu nabhabe
Okonu xohanubhutire, Bhabibo kune nu kuwa*

*(If man wouldn't think for man, with a little empathy,
Tell me who will comrade?)*

Bhupen Hazarika, Assam, 1964

Poet, musician, vagabond.