Visa crackdown

Students should be made aware of the risks of falling afoul of U.S. immigration laws

The arrest of 129 Indians on the charge of wilfully violating immigration laws to stay and work in the United States sends a stark message to youth looking for better prospects abroad: their efforts should begin with due diligence and strictly follow the letter of the law. In the sting operation carried out by the U.S. Department of Homeland Security, which threatens to encompass many more Indians in the 'University of Farmington' case, the contentious issue is whether they fell victim to unscrupulous recruiters who offered to secure an I-20 student document that allowed them to undertake paid work using the provision for Curricular Practical Training, or knowingly engaged in fraud. Going by the indictment of eight recruiters of Indian origin, they knew they were violating U.S. immigration law when they enrolled students using fraudulent and unlawful means, and their profits included negotiated referral fees paid into their accounts by undercover agents. The prosecution has alleged that each student who enrolled in the 'university' was aware that there would be no classes, credit scores or academic requirements, and the intention was merely to "pay to stay" and gain access to employment. These statements are, of course, subject to scrutiny during the trial of the alleged recruiters. The Ministry of External Affairs has made the correct distinction between students who may have been duped and the recruiters. Students who are eligible to pursue studies at an authorised university in the U.S. should, therefore, get a further opportunity and not be subjected to summary deportation or humiliation. It must also not prejudice the prospects of such students who may apply in future for legal entry.

The University of Farmington case in Michigan is not the first instance of Indian students falling foul of U.S. immigration laws, although it stands apart as a racket exposed by a sting operation. Others such as Tri-Valley University and Herguan University were degree mills run by individuals that used false claims and documents to enable youth to unlawfully stay in the U.S. and, in many cases, pursue employment. These trends reinforce the need for good communication that would help students identify credentialed institutions that meet the requirements of the Student and Exchange Visitor Program, and highlight the serious nature of visa fraud. If the averments in the Michigan case are correct, the prospect of working in America attracted many of the 600 students who were recruited. This should serve as a reminder to India's policymakers that access to higher education, job-creation and raising of living standards to meet the aspirations of youth must receive priority. Talk of an impending demographic dividend is meaningless without creating opportunities at home.

The peace holds

A harsher penalty in the 2008 Assam serial blasts case could have led to wider trouble

ocked by protests against the Centre's proposed Citizenship (Amendment) Bill, Assam's Bodopopulated areas were on edge for another reason last week. Over a decade after nine serial bombs ripped through four towns, the clamour for the death penalty to be awarded to the perpetrators had put the State on alert, after a district and sessions court set up for the CBI case had convicted 14 of them. The October 30, 2008 bombings exacted a severe toll. Eighty-eight deaths, 53 of them in Guwahati, with 540 injured, it was argued, passed the Supreme Court's 'rarest of the rare' test. And yet, mindful of the "entire facts and circumstances of the case", the judge on January 30 sentenced 10 of the convicted, including Ranian Daimary, to life and handed out limited terms to the others. Most of the convicts belong to a faction of the National Democratic Front of Boroland, of which Daimary is the chairman. The NDFB(R) has had a ceasefire agreement with the Assam and Union governments since May 2005. The NDFB (Progressive), led by Gobinda Basumatary, is also in peace talks. Recent incidents in Bodo areas - including the May and December 2014 attacks against Muslim migrants and Adivasis, in which over 100 civilians were killed – have been attributed to the rebel NDFB faction, led earlier by I.K. Songbijit and now by B. Saoraigwra.

These groups and their predecessors, many of which have given up arms and joined the formal political process, espouse causes ranging from secession to a Bodoland State carved out of Assam. The violent phase peaked in the late 1980s and early 1990s, but ebbed with the creation of the Bodoland Territorial Council in 2003. It absorbed the likes of Hagrama Mohilary, formerly a Bodo Liberation Tigers militant, whose Bodoland People's Front has been an alliance partner of both the erstwhile Congress-led State government and the current BJP regime of Sarbananda Sonowal. While NDFB(R) supporters chanted slogans demanding Bodoland to protest against the judicial order, a death sentence for Daimary could have sparked wider convulsions, and pushed some of the fringe groups back into militancy, creating a 1990s redux. The BJP has backed the creation of smaller States, but Bodoland is unlikely to be realised any time soon. The Bodo case for statehood is also hamstrung by the fact that non-Bodos account for nearly 70% of the population in the Bodoland Territorial Area Districts that will comprise the core of such a State. New Delhi is focussing instead on devolving more powers with its constitution amendment Bill likely to be introduced in Parliament this week - to bring 10 autonomous district councils under the purview of the Central Finance Commission. Along with ideologically agnostic partnerships with the State government in Dispur, this is the way forward for now.

A national register of exclusion

There are few parallels anywhere else of the state itself producing statelessness in the manner that it is doing in Assam



HARSH MANDER

y requiring long-term residents of Assam to prove their citizenship by negotiating a thicket made up of bewildering and opaque rules and an uncaring bureaucracy, the Indian state has for the past two decades unleashed an unrelenting nightmare of wanton injustice on a massive swathe of its most vulnerable

Distressing cycle

The official presumption that they are foreigners has reduced several million of these highly impoverished, mostly rural, powerless and poorly lettered residents to a situation of helplessness and penury. It has also caused them abiding anxiety and uncertainty about their futures. They are required to persuade a variety of usually hostile officials that they are citizens, based on vintage documents which even urban, educated, middle-class citizens would find hard to muster. And even when one set of officials is finally satisfied, another set can question them. And sometimes the same official is free again to send them a notice, starting the frightening cycle

On February 2 and 3, I was in Guwahati listening to heart-breaking accounts from 53 people from 13 districts of Assam. This was as part of a people's tribunal on the National Register of Citizens (NRC), along with Justice Venkate Gopala Gowda, Colin Gonsalves,

Monirul Hussain and Sanjoy Hazarika. What emerged were numbing stories of unyielding official bias and arbitrariness, of the denial of elementary "due process" and, above all, the complete absence of public compassion. Even old men frequently broke down as they spoke of all that they had endured.

It emerged that the names of many persons were dropped from the draft NRC only because of minor differences in the spelling of Bengali names in English in different documents. We encountered several instances where the variation of a single letter, for example between Omar and Onar, was enough to rule that a person is a foreigner. Likewise, the rural unlettered are typically vague about their dates of birth. A person could be excluded from citizenship if she told the tribunal that she was 40 when her documents recorded her to be 42.

Tougher on women

Women are especially in danger of exclusion from the citizenship register. Typically, they have no birth certificates, are not sent to school, and are married before they become adults. Therefore, by the time their names first appear in voters' lists, these are in the villages where they live after marriage, which are different from those of their parents. They are told that they have no documents to prove that they are indeed the children of the people they claim are their parents. There were cases of being excluded from citizenship on this ground alone.

Impoverished migrant workers often travel to other districts of Assam in search of work, as construction workers, road-builders and coal-miners. In the districts to

which they migrate, the local police frequently record their names as illegal immigrants from Bangladesh. The police then mark them out as illegal immigrants. They receive notices from foreigners' tribunals located in districts where they might have worked years earlier, far away from their home districtsthey have to travel to for every hearing, adding further to their costs.

The NRC is not the only institution through which the state challenges them to prove their citizenship. A second process began in the mid-1990s when the then Chief Election Commissioner T.N. Seshan, as a one-time measure, directed officials to identify "doubtful voters" by marking a "D" against their names on the voters' list. This would temporarily bar them from voting or standing for elections, until an inquiry was completed.

But this temporary measure became permanent. The power was vested permanently with junior officials who could doubt the citizenship of any person at any time without assigning any reason. Those with the dreaded "D" beside their names had no recourse for appeal under the rules, with years passing without any inquiry.

The "D" also debarred them from

being included in the draft NRC. A third process empowers the Assam Police to identify anyone it suspects to be a 'foreigner'. Again, all that the police claim in most cases is that the person was unable to show them documents establishing his or her citizenship. People consistently deny that the police even asked them from documents. Why would they not show them these, when they all know the dangers of not allaying the suspicions of the police?

Opaque processes

All cases referred by the police are heard by Foreigners' Tribunals (FTs). Earlier, retired judges were appointed to these tribunals. The Bharatiya Janata Party government has appointed many lawyers (often members of the ruling party or the Rashtriya Swayamsevak Sangh) who have never been judges. There are now FTs in which not a single person has been declared an Indian citizen over several months. Many allege that both the police and presiding officers in FTs work to fulfil informal targets to declare people foreigners.

Even if a person finds her name in the NRC, the police can still refer her case to an FT; an election official can even deem her to be a "D"-voter. Article 20 of the Constitution includes as a fundamental right that "no person shall be prosecuted and punished for the same offence more than once". But this principle has been waived for FTs. We found that even after an FT had confirmed a person to be an Indian citizen, another FT and often the same FT can again issue notice to the same person to prove her legitimate citizenship once more. A person is never be allowed to feel secure that the state has finally accepted that she is an Indian citizen.

In this way, the sword permanently hangs low over their heads. Who will be challenged before which institution to prove that they are Indian citizens? Will they or their loved ones be stripped of their citizenship rights, and by processes that are opaque, unreasonable and discriminatory?

No person in any one of the testimonies that we heard was given legal aid by the state, which is bound to deploy lawyers paid by the state to fight their cases in the FTs and higher courts. People instead spoke of panic spending, of enormous amounts of money to pay lawyers, as well as for costs of travel of witnesses who they bring with them to testify in their favour. For this, they have had to sell all their assets or borrow from private moneylenders. The large majority of them are poorly educated and very impoverished, doing lowpaid work such as drawing rickshaws, or working as domestic work or farm labour.

With the entire burden of proving citizenship on their shoulders and the arbitrary and opaque multiple forums to which they are summoned, people deprived of both education and resources are caught in a Kafkaesque bureaucratic maze from which they find it hard to emerge

Trapped at the crossroads of history, their destinies depend on institutions that treat them with undisguised hostility and bias. There are indeed few parallels anywhere in the world of the state itself producing statelessness on the scale and in the manner that it is doing in Assam.

Harsh Mander is a human rights worker,

An appeasement Budget

The Interim Budget makes clear the class hierarchy in the Modi government's scheme of populism



nterim Budget 2019 has sought to make amends for all the wrongs of almost five years of the Narendra Modi government. For example, the debilitating impact of demonetisation on the informal sector that employs nearly been suspected on the basis of anecdotal evidence. The findings of the National Sample Survey Office's surveys - leaked last week after they were approved by the National Statistical Commission show that unemployment rose to a 45-year high in the demonetisation year. The note ban, these findings suggest, has caused severe

Some social security

To reach out to the segment worst hit, the Interim Budget announced the Pradhan Mantri Shram Yogi Mandhan for unorganised sector workers with monthly incomes of less than ₹15,000. With a token allocation of ₹500 crore, a direct benefit transfer of ₹3,000 a month as old-age pension has been proposed. Pensioners will receive the payments once they attain the age of 60. To be eligible, workers will

have to start contributing ₹55 every month from the age of 18. Those over 29 will have to contribute ₹100 every month. The government will match these contributions. The scheme targets workers in sectors such as leather, handloom and construction which took a body blow from demoneti-

A possible inference can be that the Modi government does not expect - nor is it promising - upward mobility for this class to better quality jobs over the span of their working lives.

For the farmer

The Modi government's tenure has been marked by acute rural distress. Among the reasons to which it can be ascribed are legacy farm sector policy issues which no government has addressed in a meaningful way. In this, Mr. Modi's government has been no different. The minimum support prices and procurement policies it followed were more ineffective than is normal. In fact these policies reversed some of the corrections made by the previous United Progressive Alliance (UPA) government in the terms of trade for agriculture. The Modi government has also failed to respond adequately to the back-toback droughts of 2014 and 2015. The import-export policy errors it made added to the gluts caused by bumper harvests in 2017 and 2018, which further depressed market prices and increased farmer

The non-farming classes did profit to an extent from these policy failures. Falling food prices fited kitchen budgets in middleclass households that had suffered from severe inflation under the

The Interim Budget offers farmers a peace offering in the form of income support of ₹6,000 a year, or ₹500 a month, financed fully by the Central government. The Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) – inspired by Telangana's Rythu Bandhu – targets only landed farmers who own up to 2 hectares, while bypassing landless cultivators, the most vulnerable class in the agriculture sector.

In handing out these fiscal giveaways, Mr. Modi has bitten the bullet by reaching out to a class of voters who are traditionally not a constituency of the BJP. But these giveaways suffer from the same populist, rather than reformist, approach seen earlier with demonetisation which was planned as a

big bang intervention to downsize the black economy, and the design and implementation of the Goods and Services Tax (GST). These measures, which were not thought through properly, led to perverse consequences.

The downside In a similar way, the PM-KISAN

scheme is likely to encourage further fragmentation of already much fragmented landholdings. Farming households holding larger land parcels will try to split holdings to try to qualify for the benefits under the scl the scheme been dovetailed with a replacement of the highly distortionary fertilizer subsidy with a direct benefit cash transfer, not only would a long-pending reform have been accomplished but the income support offered to farmers could have been nearly twice as much as has been announced. Bureaucrats had made a case for adding the fertilizer subsidy as a cash component to the income support, but Mr. Modi showed no appetite for the reform.

Even so, the Interim Budget leaves no doubt about which class of voters Mr. Modi is most eager to please. The gifts showered on the middle class outstrip those to the poorer sections who have borne the brunt of demonetisation and an incompetently designed GST. The income-tax rebate for individuals drawing incomes of up to ₹5 lakh will leave nearly ₹1,000 a

month more in their wallets. This is twice the amount farmers will receive from the PM-KISAN

And, middle class Indians will not, unlike unorganised sector workers, have to wait till they are \bot 60 to receive the rebate or the other tax benefits announced, such as on fixed deposits and two selfowned houses.

There was something for the rich too. The most positive, and the only reforms-oriented announcement, was reserved for them – a promise of a complete experience dealings with the income-tax department. This could end the excessive harassment and the tax terror that have been unleashed in the past couple of years.

Compromising economics

Finally, apart from making clear the class hierarchy in Mr. Modi's scheme of populism, the Interim Budget provides evidence, if any more was needed, that Indian electoral politics is dependent even more now on schemes involving handouts and fiscal goodies. That the need to spend money on the voting classes is felt by successive governments confirms that no serious gains from economic reforms are reaching the non-rich. Politicians appear to be compromising good economics with increasing ease and relish.

Puja Mehra is a Delhi-based journalist

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Protest in Kolkata

West Bengal Chief Minister Mamata Banerjee has taken her political hostility towards the Bharatiya Janata Party to a dangerous level (Page 1, "Mamata goes on stir after CBI tries to quiz Kolkata police boss", February 4). The action of stopping Central Bureau of Investigation officials from discharging their duties is a serious breach of constitutional propriety because she has interfered in the due process of the law. It appears that she has embarked on a dangerous brinkmanship because of her inability to distinguish between Central agencies and the ruling party at the Centre. Victimhood loses its legitimacy when it turns into paranoia. V.N. MUKUNDARAJAN,

■ The showdown in Kolkata is a sad chapter in Indian

politics. Leaders such as Ms. Banerjee and Arvind Kejriwal, being the street fighters, subsequently continue to behave like what they were. In a democratic system, State governments should work within the framework of the Constitution and respect the Central government irrespective of party affiliations. Otherwise, it will result in anarchy and chaos. Why is Ms. Banerjee shying away from the Central Bureau of Investigation? Has she forgotten that this is an investigation into activities that siphoned off life-long earnings from the poor? SHALINI MURTHY.

■ If one knows Ms. Banerjee well, her reaction causes no surprise. When she was in the Opposition there were often calls for 'strikes' on even the flimsiest reasons, in turn disrupting normal life.

One feels sorry for the people of West Bengal. V.S. GIRI,

■ While Ms. Banerjee's angry response was a needless over-reaction to what is being made out to be a routine attempt to initiate an inquiry, one is left wondering why a little more decorum and protocol was not shown by the CBI. Had the Kolkata police commissioner cooperated with the inquiry, much of the sting in the action would have been taken out too. It is also very odd that a large posse of CBI officers landed up unannounced at the commissioner's residence late on Sunday evening. The ponzi scheme scam is certainly not one that warrants such dramatic action by the CBI. This oddity makes the episode appear to have been hatched

at the behest of the Central

the face of recent snubs that the TMC has inflicted on the BJP. One waits to see what the Supreme Court will have ANAND ARAVAMUDHAN,

government, especially in

■ As can only be expected, the Opposition has quickly rallied around Ms. Banerjee and wasted no time in lambasting the Central government for using agencies like the CBI to further its own ends. What supports the Opposition claim is that in almost all the cases so far, the targets have been States where the Opposition parties are in power and the spotlight is on leaders who could pose a threat to the BIP. C.V. ARAVIND,

A tradable commodity Beginning with "the caricaturing of scientific

crisis in public education (OpEd page, "Imagining alternative futures", February 4) tells us how fictionalised data are attempting to lull us into a dream of development from which we may never wake up. That education, far from being a right reinforced and guaranteed by a constitutional amendment, continues to be "a tradable commodity" is a nauseating truth being fed to young people, as public education buckles under the pressure to privatise being imposed by transnational capital. The implications for the quality and credibility of knowledge created in India are as unpalatable a truth as the subversion of facts being churned out to suit a regressive social agenda.

inquiry" that took place at

recently, the article on the

the Indian Science Congress

VASANTHA SURYA, Bengaluru

Derailment It is disconcerting that the

derailment of the Delhibound Jogbani-Anand Vihar Seemanchal Express happened just a few days after Union Minister Piyush Goval said in his Budget speech that Indian Railways "experienced the safest year in its history" (Page 1, "Seemanchal Express derails in Bihar; 6 dead, 30 injured", February 4). Funds must be devolved to restore and upgrade tracks, which is a basic necessity, instead of expending on luxuries such as bullet train projects. The accident, which took place in Vaishali district, Bihar, highlights the amount of work that still needs to be done to make train journeys accident-free and safe across the vast rail network in India. Y. MEENA,

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