# SCR





## 2021 EDITORIAL TEAM

#### **EDITORS IN CHIEF**

Professor Michelle Foster Peter McMullin Centre on Statelessness, Melbourne Law School (Australia) Dr Laura van Waas Institute on Statelessness and Inclusion (The Netherlands)

#### CASE NOTE EDITOR

Dr Katia Bianchini Researcher, Max Planck Institute for Social Anthropology, Department of Law and Anthropology, Halle (Saale, Germany)

## Critique and Comment Editor

Professor Jamie Liew Director, Institute of Feminist and Gender Studies, University of Ottawa (Canada)

## **BOOK REVIEW EDITOR**

Dr Barbara von Rütte Postdoctoral Research Fellow, Institute for European Global Studies, University of Basel (Switzerland)

#### Managing Editors

Maria Jose Recalde-Vela
PhD Researcher, Tilburg Law School and
Programme Officer (Volunteer), Institute on
Statelessness and Inclusion (The
Netherlands)

## Jade Roberts PhD Researcher, Peter McMullin Centre on Statelessness, Melbourne Law School (Australia)

## PRODUCTION MANAGER

Eliah Castiello Research Fellow, Peter McMullin Centre on Statelessness, Melbourne Law School (Australia)

## 2021 EDITORIAL TEAM

#### PRODUCTION EDITORS

Ingrid Bennett Bella Ruskin

JD Candidate, The University of Melbourne JD Candidate, The University of Melbourne

Law School (Australia) Law School (Australia)

Bree Booth Kalinda Scheef

JD Candidate, The University of Melbourne JD Candidate, The University of Melbourne

Law School (Australia) Law School (Australia)

CITATIONS MANAGERS

Peter Clynes Shruti Sudarsan

JD Candidate, The University of Melbourne JD Candidate, The University of Melbourne

Law School (Australia) Law School (Australia)

COPY EDITORS

Michael Bell Andy Kuoch

Ilaria Bigaran Inna Kuzminykh

Shyamni Chokshi Wilson Lee

Julia Despard Michael McArdle

Shi-Mei Ewig Alexandra McKinnon

Joy-Helena Ferrari Calin Miles

Jasmine Gan Victor Sun

Elle Henriksen Jonathan Ta

Andrew Herrmann Emily Tsang

Kaitlin Jempson Amelia Walters

Hannah Joyce Rachel Walters

Andrew Kembe Celene Wong

Eilidh Kirk

## EDITORIAL BOARD

#### Dr Edwin Abuya

Associate Professor at the School of Law, University of Nairobi (Kenya)

#### Dr Seth Anziska

Mohamed S Farsi-Polosnky Lecturer in Jewish–Muslim Relations, University College London (UK)

#### Professor Osamu Arakaki

PhD Professor of International Law at International Christian University (Japan)

#### Mr Fateh Azzam

Human Rights Consultant; Executive Member, Boston Consortium for Arab Region Studies (USA)

#### Professor Matthew J Gibney

Professor of Politics and Forced Migration, Refugee Studies Centre, University of Oxford (UK)

#### Professor Penny Green

Professor of Law and Globalisation, and Director of the International State Crime Initiative, Queen Mary University of London (UK)

#### Professor Dr Gerard-René de Groot

Emeritus Professor of Comparative Law and Private International Law, Maastricht University (Netherlands); Professor of Private Law, University of Aruba (West Indies)

#### Professor Linda Kerber

May Brodbeck Professor in the Liberal Arts and Professor of History, Emerita, University of Iowa (USA)

#### Professor Audrey Macklin

Director of the Centre for Criminology and Sociolegal Studies and Professor and Chair in Human Rights, University of Toronto (Canada)

#### Dr Bronwen Manby

Visiting Senior Fellow, Centre for the Study of Human Rights, London School of Economics (UK)

#### Dr Parivelan KM

Associate Professor & Chairperson, Nodal Centre of Excellence for Human Rights Education & Centre for Statelessness and Refugee Studies, School of Law, Rights and Constitutional Governance, Tata Institute of Social Sciences (India)

#### Dr Nando Sigona

Senior Lecturer & Birmingham Fellow and Deputy Director, Institute for Research into Superdiversity, University of Birmingham (UK)

#### Professor Julia Sloth-Nielson

Professor, Department of Public Law and Jurisprudence, University of the Western Cape (South Africa) and Professor of Children's Rights in the Developing World, University of Leiden (Netherlands)

#### Professor Kim Rubenstein

Professor of Law and Public Policy Fellow, Australian National University (Australia)

## ARTWORK: CRITICAL MASS

The featured artwork on our website was submitted as part of an open call for pieces responding to the *Review*'s focus on advancing understandings of statelessness and citizenship phenomena and challenges. 'Critical Mass' has been developed by architect and artist Wasim Z Habashneh. The artist's statement is as follows:

Using the traditional sand art practiced in Jordan to fill discarded fluorescent tubes with pixelated patterns.

This pattern reflects the critical mass, a term that indicates the sufficient number of adopters of innovation in a social system, so that the rate of adoption becomes self-sustaining and creates further growth. The layers of sand are positioned to resemble the transition phase of a critical mass affecting the existing mass.

The sand particles resemble the human presence and necessity in such an environment.

The piece questions the definition of a normal and healthy community: statelessness and citizenship are now an inevitable reality in our world, therefore finding ways to include them in our collective pattern is as important as retaining the current one.

## SUBMISSIONS

The Statelessness & Citizenship Review is an online, open source academic journal that publishes two issues per year. Please send an electronic copy of your submission, preferably in Microsoft Word format, to the Editors in Chief at:

<info@screview.net>

All articles, critique and comments and case notes published are refereed. Other pieces are refereed at the discretion of the Editors in Chief.

## Online Resources

All pieces in this issue are available from our website:

<statelessnessandcitizenshipreview.com>

All URLs cited in this issue are active as of October 2021.

## **CITATIONS**

This issue has been cited in accordance with the fourth edition of the Oxford University Standard for the Citation of Legal Authorities ('OSCOLA') as supplemented by the Review's House Rules on grammar, punctuation and citation.

### This volume and issue may be cited as:

(2021) 3(1) Statelessness & Citizenship Review

© Peter McMullin Centre on Statelessness and Institute on Statelessness and Inclusion 2021 All rights by all media reserved

## TABLE OF CONTENTS

#### India and Statelessness Symposium

lN	Т	R	O	D	U	C	T.	I	D.	١

India	and	Statelessness:	An	Introduction	n

Adil Hasan Khan 176

#### **ARTICLES**

The Meaning of 'Life' under the Indian Constitution and the Obligation Not to Render Persons Stateless: With Reference to the *NRC* in Assam

Andrea Marilyn Pragashini Immanuel 186

India's Citizenship (Amendment) Act: A Throwback to Debates around the 'Long Partition'

Manav Kapur 208

'Untrustworthy and Unbelievable': Women and the Quest for Citizenship in Assam

Trisha Sabhapandit and Padmini Baruah 236

#### CRITIQUE AND COMMENT

Statelessness, Detention Centres and the Otherisation

Aakash Chandran 259