



Limitations of Drawing Borders: An Analysis of the Indian Citizenship (Amendment) Act, 2019 in the Light of *The Shadow Lines* and *Cracking India*

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ABSTRACT

*This paper engages with the enduring legacy of the 1947 Partition of India through a literary lens, examining its lasting impact on contemporary socio-political contexts. Drawing on themes of displacement and boundary-making in Amitav Ghosh's (1995) *The Shadow Lines* (1995) and Bapsi Sidhwa's (1991) *Cracking India*, the paper explores the possibility that literature can shed light on the complexities of national identity, belonging, and citizenship. Ukil Babu's poignant question in *The Shadow Lines* (Ghosh, 1995), "Suppose when you get there, they decide to draw another line somewhere? What will you do then?" (p. 215), highlights the ongoing uncertainty created by borders defined along religious lines. This uncertainty, the paper suggests, parallels current debates surrounding the Indian Citizenship (Amendment) Act, 2019, which seeks to redefine national belonging based on religious identity. Rather than offering definitive conclusions, this paper serves as an invitation to critically examine the socio-political dimensions of partition, citizenship, and contemporary legislative acts through the interpretive lens provided by literary narratives. By juxtaposing historical and contemporary line-drawing practices, it seeks to foster a broader conversation about the intersection of policy, memory, and identity in the Indian subcontinent.*

Keywords: *Indian partition, Indian Citizenship Acts, Religious divide, Marginalization*

INTRODUCTION

The partition of India in 1947 was a traumatic event, marked by its dreadful nature and far-reaching consequences. The two predominant religious communities, Hindus and Muslims, were engulfed in mutual animosity during this period; the political leadership prioritized their own agendas, and a lack of farsightedness further ignited the pre-existing religious hatred, ultimately leading to an uncontrollable force akin to Frankenstein's monster. That violent hatred speeded devastating riots and massacres almost all over the Indian subcontinent. In particular, the worst victims of the Indian Partition were the people of the Bengal and Punjab provinces of colonial British India. These provinces experienced a 'double partition,' as they faced the cruel impacts of the Indian Partition and the partition of Bengal and Punjab by the infamous Redcliff Line. As Khan (2017) commented,

The partition plan itself was brought through acts of violence. Partition's elitist politics and everyday experiences are not as separate as they may seem at first glance because mass demonstrations, street fighting and the circulation of rumors all overlapped with the political decision-making process. (p. 7)

Both the Indian National Congress and the Muslim League were engaged in negotiations with the colonial British for their share in the partition process. The Muslim League remained inflexible in its demand for a separate Muslim majority country, recognizing it would be unable to achieve absolute authority in an undivided India. Similarly, the Congress leadership and the Hindu elite shared a common goal: establishing a homogeneous polity. They too understood that full control over the subcontinent would remain unattainable without accommodating the demands for religious and political separation. As Joya Chatterji (2007), a very prominent historian, observes, "Both had decided that a partition that rid them of Muslim majorities was the way to achieve such a polity" (p. 65).

It became evident that the leaders, motivated by their own interests, had abandoned the century-long collective desire for Swaraj (self-rule) and instead agreed to the colonial plan of dividing the country into religious lines. The decision provoked unprecedented violence, with riots and massacres, that caused almost two million deaths and almost 18 million refugees on both sides of the border. The situation rendered it nearly impossible to determine the precise number of total deaths and displacements at that time and just the aftermath of the partition. Uditi Sen (2018) remarks, "While no accurate numbers are available of Hindu and Sikh minorities who left Pakistan for India, or of Muslims who left India for Pakistan, the total number of refugees is estimated to be anything between 11 to 18 million" (p. 2). Those 11 to 18 million refugees were forced to leave their homeland only for the newly drawn arbitrary boundary line based on religion.

The partition of India was to initially be thought a solution to the aspirations of the millions across the subcontinent; however, the religion-based partition created a permanent scar in the history and politics of the Indian subcontinent, especially in the history of Bengal and Punjab, as the partition pierced the two provinces very reprehensibly. Jeff Hay (2006) describes the chaos that ensued:

The border was revealed to the public on August 17, and those Punjabi villages whose residents had cautiously flown both Indian and Pakistani Flags on August 15, now know their status. The immediate effect was to vastly increase a torrent of migration toward India or Pakistan that had begun already within weeks, 11.5 million people were on the move. (p. 83)

Even the leaders of the Muslim League and the Indian National Congress were disillusioned when confronted with the new map of the subcontinent. They had their own vision, which was different from what they were forced to acknowledge by the colonial British Raj. William Dalrymple (2015) remarks, “None of the disputants were happy with the compromise that Mountbatten had forced on them” (para 23).

The disillusionment of the leaders of both parties, the Muslim League and the Indian National Congress, intensified while they were grappling with the challenges of rehabilitating almost 11 to 18 million migrants on both sides of the border. A critical question emerged in this context: What will be the identity of those migrants? “Are they citizens or refugees?” (Daiya, 2008, p. 18). The situation made the task of defining citizens very difficult in the post-partition period in India and Pakistan. To accommodate the huge influx of refugees, both nations were compelled to initiate a robust citizenship plan. Unlike Pakistan, which primarily received Muslim migrants, India became the destination for not only Hindus but also a significant number of other religious and ethnic minorities displaced during partition. These complexities contributed to India taking nearly eight years to formulate its first Citizenship Act, which was finally enacted in 1955.

Though the Indian government framed the Indian Citizenship Act in 1955, the act was not accommodating enough to address all the issues and difficulties regarding the complex situations of post-partition refugees and migrants in India. In 2019, the Indian government finally brought a bill to the parliament to amend the first Citizenship Act of 1955. The bill was passed, and the *Indian Citizenship (Amendment) Act, 2019* was initiated. However, the new Act has faced severe criticism for its overt religious bias and discriminatory provisions.

By focusing on two seminal novels—Amitav Ghosh’s (1995) *The Shadow Lines* and Bapsi Sidhwa’s (1991) *Cracking India*—this paper attempts to explore the discriminatory biasness of *line drawing* based on religious identity. The setting and themes of these two novels are associated with the worst consequences of the partition in two provinces of colonial

British India, Bengal and Punjab. The first novel centers on the effects of partition in Bengal, while the second one underscores the process and its aftermath in Punjab.

METHODOLOGY AND THEORETICAL ALIGNMENT

This paper employs a qualitative analysis method of Critical Discourse Analysis (CDA) to examine the limitations of line drawing and its impact on the lives of the underrepresented people who are yet to forget the violent memories and trauma of the religion-based partition. Drawing on secondary sources—books, articles, and various literary texts—this paper aims to examine how the *Indian Citizenship (Amendment) Act of 2019* impacted the lives of underrepresented people who are trying to move beyond the haunting memories of the Indian partition and secure recognition as citizens in post-partitioned India. The paper focuses on the depiction of partition discourses in two literary texts: Amitav Ghosh's (1995) *The Shadow Lines* and Bapsi Sidhwa's (1991) *Cracking India*. These texts illustrate the partition processes, consequences, and aftermath in Bengal and Punjab, and a qualitative text analysis method is used to analyze the sociopolitical implications of the *Indian Citizenship (Amendment) Act, 2019*.

The paper follows Widdowson's (2004) position, who, referencing Fowler (1996) and Eagleton (1983), argues “not to distinguish literary texts from texts of other kinds” (p. 130). Widdowson (2004) prescribed “to read texts in a certain way, for their purpose is to enquire not into the aesthetics of verbal art but into its socio-political significance, and prompted by such a purpose, all texts can indeed be treated alike” (p. 130). Analyzing the partition discourse and its related texts illuminates the minority and discriminatory discourse that complicates defining citizenship in post-partition India.

Through CDA, the paper explores the complex issues of defining citizenship based on religious identity, as well as the related social issues of power, hegemony, social inequality, and injustices. CDA focuses on the account of complicated interactions between text, politics, society, and religions. As Van Dijk (2006) asserts, CDA focuses on how power abuse, dominance, and inequality are perpetuated within the discursive practices of socio-political contexts. Similarly, the concept of intersectionality plays a crucial role in analyzing the challenge of defining citizens and drawing boundaries based on various identities in the Indian subcontinent. The legacy of British colonization and the political historicalization of violence and displacement make the task of defining citizens both critical and complex. Intersectionality offers insights into issues related to the minority discriminations and the policies and politics behind the discriminations. Smooth (2013) notes, “Intersectionality encourages us to embrace the complexities of group-based politics by critically examining the variances in social location that exist among those claiming membership in groups” (p. 11). Furthermore, Grzanka (2019) highlights that intersectional

research consistently demonstrates how contemporary societal structures are inherently unjust: they work to the disadvantage of people identified along certain interacting categories, such as race, ethnicity, gender, sexual orientation, disability, religion, or class, in manifold ways.

PROBLEMS OF DEFINING CITIZEN

The cross-border settlement of those 11 to 18 million refugees and defining their positions into the newly formed nation-states based on religion created immense complexities. What will be their identity are they “refugee or the citizen?” (Daiya, 2008, p. 18). These complexities, particularly regarding the status of refugees and their citizenship, became deeply entangled in the socio-political fabric of the newly established nations, especially in India. In India, many Hindu refugees asserted their claim to citizenship, aligning this with the notion that the country was intended as a homeland for Hindus. This assertion was further strengthened by the state’s official rhetoric, which implicitly favored their claims. Daiya (2008) offers a significant perspective on this issue, as follows:

Moreover, the status of Hindu refugees coming to India from Pakistan (and of Muslim refugees in Pakistan) was unique because they were not placeless like most refugees: The state’s official rhetoric offered them both national identity and a palace—a new nation—to come to. Thus they were simultaneously citizens and refugees. (p. 18)

Another significant challenge faced by the Indian authorities arose when many Muslims who had initially migrated to Pakistan after partition, driven by fears of riots and violence, returned to India and reclaimed their land and properties. To the authorities, these individuals were treated as migrants rather than citizens, and their claims to citizenship were heavily scrutinized. These returnees were rightful citizens of India, but their loyalty to the nation was questioned as their initial decision to leave the country, followed by their return after a few years, created doubts about their allegiance and integration into the newly defined national framework. Moreover, the situation of being “refugee” and “citizen” became more complex when most of the Hindus who had relatives or any other kinds of settlement in India had boldly claimed that they were not refugees in India.

The dilemma of being both a refugee and a citizen not only caused agony and anxiety among the dispersed, but it also made it difficult for the newly formed India to define the citizen. Roy (2020) comments, “Refugees shared with their hosts a notion, a form of subjectivity defined in relation to the sociocultural hierarchies of the ancestral place and one’s traditionally assigned place within that structure” (p. 116). In other words, the Hindu refugees were displaying characteristics and performing actions that seemed to be rooted in their identity as members of the Indian state as their homeland—whether they themselves were born in India or they are the descendants of those who were born in India. Almost the same situation

happened on the other side of the border with the Muslim refugees and their demand to be identified as citizens in the newly formed Pakistan.

Therefore, it became very difficult for the two countries, especially India, to clearly define who would be treated as citizens and who would be refugees. Sen (2018) remarks, “The refugees who sought shelter in India and Pakistan in the aftermath of partition claimed to be both refugees and citizens of their putative homelands. This allowed partition refugees to occupy a visible and central place in the post-partition polities of South Asia” (p. 3). So, to define citizen, Indian authority had taken the secular *jus soli* concept (Gopal, 2013, p. 53). However, this was not sufficient to resolve the complexity of defining a citizen, and India also needed to introduce the *jus sanguinis* concept.

THE CITIZENSHIP ACT OF 1955 AND ITS FAILURE

The complexities surrounding national identity and citizenship arose from the very beginning of the partition, stemming from the dual status of citizens and refugees. The Indian Government had taken almost eight years to formulate an act regarding citizenship, whereas Pakistan formulated the first Citizenship Act in 1951. The first Indian Citizenship Act was formulated in 1955, which is known as the *Indian Citizenship Act, 1955*. Despite the secular ethos upheld by the Indian constitution, the first *Indian Citizenship Act, 1955*, exhibited a conservative nature due to persistent attempts to preserve religious identity. Considering Joya Chatterjis’ observation, Uditi Sen (2018) comments,

Joya Chatterji has traced how the political crisis of managing partition refugees gradually and definitively shifted the contours of legal citizenship in India from *jus soli*, i.e., citizenship by birth, towards *jus sanguinis*, or citizenship by heredity. The result was a peculiar form of citizenship that combined these two principles and was designed to elevate Hindu migrants to full citizens while simultaneously reducing Muslim residents to second-class or abject citizens. (p. 16)

It was also evident that the question of religion was vital in the formation of the very first Citizenship Act of India in 1955, while the “Indian Ministry of Rehabilitation Reports until 1954 expressly state that only non-Muslim refugees are to be aided by the Indian government.” (Daiya, 2008, p. 18). Though the *Citizenship Act, 1955* had brought a kind of statutory solution for the partition refugees, the flood of refugees was not stopped. So, the act could not provide the solution to the situation, as Gopal (2013) comments,

The most consequential amendment to the statute was enacted in 1985 to cope with the in-migration from Bangladesh. An open-ended process of migration from 1947 onward, peaking in 1971, and continuing steadily thereafter, had resulted in large numbers of refugees/migrants, regardless of religion, getting enfranchised. (p. 63)

It was hoped that the leadership in post-partition India would be farsighted and recognize the immense loss of life and the displacement of millions on both sides of the border. This hope appeared to be realized in reality, as the Indian constitution upholds the secular ethos. The *Citizenship Act, 1955* had the potential to be very clear and distinctive regarding the question of national identity and citizenship. However, it failed because it violated the secular ethos of the Indian constitution by preferring Hindu refugees. This failure, along with the violation of the secular character of the constitution, further polarized not only the refugees but also the entire community.

THE CITIZENSHIP (AMENDMENT) ACT, 2019

The *Citizenship (Amendment) Act, 2019* did not come as a sudden upheaval, as the issue of national identity and citizenship was deeply complex from the onset, and the *Citizenship Act, 1955* was unable to provide a solution. The complexities arising from the partition and the intricate situations of post-partitioned India rendered the definition of citizenship extremely complex and problematic, as it disregards the secular ethos of the Indian constitution. The preference for the Hindu refugees was very much evident in the official treatment of the newly formed Indian government, and their preference made a very grave discrimination among the Sikhs and Parsi refugees. The issue of citizenship in Punjab was so acute that it remains crucial in today's Indian politics. In this regard, Pandey (2003) comments,

The 'Sikh problem' arose in 1947 and has remained a major factor in Indian politics ever since. Their homeland, Punjab, split down the middle, and with a large part of their property and pilgrim sites left in West Pakistan, the Sikhs as a political community have never been allowed to forget what they suffered at Partition. (p. 16)

The Sikhs had their own wound of the partition, and the preferential treatment granted to Hindu refugees in the *Citizenship Act, 1955* exacerbated these wounds. As Fazal (2015) observes, for the Sikhs, "religion and nation emerged as two distinct entities" (p. 178). Later, it was seen that the Sikh issue became very critical in Indian politics and even caused the killing of a Prime Minister of India, Indira Gandhi.

However, the issue lies in the *Citizenship (Amendment) Act, 2019*, which, instead of introducing a general asylum system, once again targeted the persecuted minorities, primarily Hindus, from Pakistan, Bangladesh, and Afghanistan, while excluding the Muslim minorities from neighboring countries. It does not include Rohingya Muslim refugees from Myanmar, Buddhist refugees from Tibet, China, and, very interestingly, Hindu refugees from Sri Lanka. Therefore, the new act clearly prioritizes religion. This amendment act also came under severe criticism from not only religious and ethnic minorities but also from the various civic and legal rights movements that did not accept it, as it pushed certain citizens to accept second-class

citizenship. The *Citizenship (Amendment) Act, 2019*, like the *Act of 1955*, primarily relies on religious bias, leading to yet another significant division in the Indian national identity.

The new Act again violates the secular character of the Indian constitution by excluding the Muslim migrants, ethnic minorities of Assam and North-Eastern states, Tamil Buddhists, and many other religious and ethnic minorities. Therefore, critics accuse this new confrontational amendment act of violating both the constitution and India's secular attitude, leading to significant protests and chaos in numerous Indian states. According to Reyaz et al. (2023),

Driven by the survival instinct of now or never, Muslims feared losing citizenship like many did in Assam after the state-wide NRC process. Reyaz (2021a) notes instances of inhabitants of Assam such as the Assamese Muslims, Hindus with North Indian origin, ethnic Koch Rajbongshi also being “declared illegal immigrants” by the Foreigners Tribunals. (p. 183)

Given that India is widely regarded as the largest democracy in the world, the Indian government has the potential to establish a robust asylum system, provided they truly intend to provide shelter to all refugees, regardless of their race, creed, class, or religion. The *Citizenship (Amendment) Act, 2019* presents India with an opportunity to transform into a more secular and equitable nation. This act could provide a safe haven for refugees and migrants who struggled to become citizens after India's partition and faced persecution in neighboring countries due to their religious identity, ethnicity, caste, and creed. So, it is very evident that this new amendment act could introduce an asylum system for the people who are persecuted for their religious identity, race, ethnicity, and freedom of speech in the neighboring countries, and that might definitely give India a very honorable position in the world. Unfortunately, the new amendment act primarily concentrates on religious beliefs, and similar to the 1947 partition, it only grants citizenship to those who are religiously persecuted, particularly the Hindus. The amended act's exclusion of various communities hinders the representation of underrepresented groups. Leeuwen (2008) remarks about the exclusion of others as he states that “Some exclusions leave no traces in the representation, excluding both the social actors and their activities.” (p. 29) Thus, instead of providing solutions to the existing problems of citizenship in India, the *Citizenship (Amendment) Act, 2019* has drawn new, divided lines among the religious and ethnically persecuted minorities.

WHERE IS MY COUNTRY?

In *The Shadow Lines* (Ghosh, 1995), the narrator's father reminded Th'amma that she was a refugee in India as she was migrated to Calcutta from Dhaka, but Th'amma refused to be identified as a refugee, and she said, “We are not refugees” (p. 131) as they had relatives and part of the family in India who

came “long before Partition” (p. 131). She also indicated that refugees were those poor people who were living in places “as filthy as babui’s nest” (p. 131). Despite Th'amma's claim that she was not a refugee in India, she could not forget her old identity as a Dhakaian, having come from the ancient Dhaka of East Bengal. Therefore, Ukil Babu's question from *The Shadow Lines* (Ghosh, 2005) remains highly relevant, as leaders and statesmen continue to draw boundaries based on religion or race, disregarding the significance of one's own homeland, heritage, ethnicity, and national identity. Ukil Babu questioned the partition of 1947 as he asked, “I don’t believe in this India-Shindia. It’s all very well; you’re going away now, but suppose when you get there, they decide to draw another line somewhere? What will you do then? Where will you move to?” (Ghosh, 1995, p. 215). Therefore, it can be easily deduced that the newly drawn lines through the *Citizenship (Amendment) Act, 2019* will create again, as it has already brought, the same kind of massacre and riots in the subcontinent, and thus it has paved the way for further catastrophe and traumatic situations in the lives of the people of India.

A similar question is raised by the novel’s narrator, the little girl Lenny in Bapsi Sidhwa’s (1991). She also questions the border drawing by asking, “There is much disturbing talk. India is going to be broken. Can one break a country? And what happens if they break it where our house is?”(p. 101). By posing this question, she is primarily challenging the abrupt boundaries drawn by the Redcliff Border Commission. This is now very obvious that the prophetic questions of Ukil Babu of *The Shadow Lines* (Ghosh, 1995) and the question of Lenny of *Cracking India* (Sidhwa, 1991) have proved that anyone can be a refugee and lose their home at any time for the illogical line-drawing based on race, religion, caste, creed, and nationality.

In *The Shadow Lines* (Ghosh, 1995), Th’amma bleeds for her ancestral home, and on the other hand, Ukil Babu would rather die in his ancestral home than be a refugee in India. In *Cracking India* (Sidhwa, 1991), Aunt Mini talks about “the Mountbatten plan to tear up the Punjab” (p. 121), and she comments, “And the vision of a torn Punjab. Will the earth bleed?” (p. 124). Surely, the earth bleeds with the bleeding hearts of millions of dispersed refugees; maybe that’s why famous cinematographer Deepa Mehta named the adaptation of *Cracking India* (Sidhwa, 1991) as *1947:Earth* (Mehta, 2005). After discussing the issues from the following two novels, Rita Chowdhury’s (2018) *Chinatown Days* and Monica Sone’s (1953) *The Nisei Daughter*, Himadri Lahiri (2023) concluded that:

Rooted only in the present and amnesic of the past, hegemonic groups forget that the current demographic picture of a nation is the result of the aggregated inflows of migrants who arrived in the interest of the nations at different points of time and gradually became an inalienable part of the demography. (p. 51)

CONCLUSION

The Indian Partition of 1947 left an indelible mark not only on the history and politics of the Indian subcontinent but also on the mindset of the people there. The partition, conceived as a solution to the age-long hatred among the two contesting religious groups, failed to achieve reconciliation. Instead, it initiated crises and enduring problems across the Indian subcontinent. As Pandey (2002) states, “There are many different stories to be told about 1947, many different perspectives to be recovered” (p. 44). The political leadership of the time was unable to foresee the catastrophic situation they were about to create, nor were they prepared for it. Their focus remained on securing their share in the partition process, while the unfolding ground realities eluded them. Sen (2018) comments, “The political leadership of India and Pakistan did not anticipate any large-scale movement of minorities. As a result, in both India and Pakistan, policy lagged behind ground realities” (p. 3). The violence, the killing, the rape and the loss of the partition will never be fully assumed as the inner psyches of the victims are yet to understand.

The millions of refugees and the partition survivors had the traumatic memories, and it was expected that society would help those to recover from the traumatic situation by providing a safe place to live in. But alas! The state did not adequately comfort the millions of refugees who were dispersed, nor did it provide them with an equitable identity. First of all, the *Indian Citizenship Act, 1955*, very severely failed to address the problems of those dispersed refugees and had put them in an unending limbo. Nandrajog (2018) writes, “The millions of people streaming in on both sides of the border had a tremendous impact on society...This set in motion retaliatory violence, leading to fresh instances of exodus as helpless minorities on either side of the border became the scapegoats” (p. 119). Finally, it was expected that the amendment of the Act of 1955 would provide solace to the thousands of dispersed refugees. However, the new act has not only caused division among the people but has also caused serious havoc in India, resulting in violence in many states such as Assam and Delhi. The partition of India raised more problems than it solved, and the new acts will also breed various problems, like religious fundamentalism. From the discriminatory bias toward the Hindu refugees and migrants, it is assumed that the newly amended acts will also have triggered the communal politics in India again. If this situation persists, it could potentially push the Indian union towards disintegration. As Nair (2011) predicted, “In recent years, the debate on loyalty and citizenship in South Asia has included historians who urge a reconsideration of the idea of the nation-state as it emerged in 1947” (p. 11). Therefore, by initiating the *Citizenship (Amendment) Act, 2019*, the Indian government, rather than providing relief, is exacerbating the issue of defining citizenship and further complicates the lives of those still recovering from the trauma of the partition.

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