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BANGLADESHI IMMIGRANTS IN ASSAM: THE CONSTRUCTION OF A FORCED ‘OTHER’

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Abstract

The politics of immigration manipulation in Assam has witnessed a gradual transformation from its economic roots, an aspect that has been often neglected in the quest for forming a historical trajectory of immigration instead. Further, the change in the debate from economy to polity as seen from the vantage point of a top-down approach also necessitates a deeper exploration in the context of 'othering' only a subset of the total immigrants to the state. The Hindu-Muslim divide has come under renewed focus with the question of citizenship rights to the Hindu migrants from Bangladesh, a direct result of the changing ideology of the power holders. In such a context, the debate on open versus closed borders have been relegated to the backdrop, and the idea of returning to one's homeland that characterizes one of the crucial constitutive factors of a diaspora have not borne fruit.

Keywords: Immigration; Other; Nationalism; Political Exclusion; Top-down Approach; Assam Accord.

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I. INTRODUCTION:

On the morning of 19th September 2016, several Muslims of a 'suspected Bangladeshi origin' were forcefully evicted from their houses in the Bandar Dubi and Deosursang villages of the Nagaon district in Assam. Denying them even the basic compensation necessary for resettlement and rehabilitation, the state government accused them of illegally encroaching upon the expanding area of the Kaziranga National Park. Despite the families producing documentation of land revenue paid from 1961-1983, when the very process of collection of revenue by the state ceased in several areas, the eviction was carried out on the basis of the judgment of the Gauhati High Court in the 'Kaziranga National Park vs. the Union of India and Others, 2015'. In this judgment, the court opined that the residents had encroached upon protected land and thereby were to be removed from their place of residence in a timely manner. In the ensuing scuffle, both the national parties- the Congress and the Bharatiya Janata Party (BJP) - that had promised help to their respective voter base were absent, and the Akhil Gogoi led Krishak Mukti Sangram Samiti (KMSS) was powerless to prevent the death of two people, a sixteen year old girl and a twenty five year old man.

The incident represented the completion of a full circle of the process of 'othering' that has been ongoing in Assam since the signing of the Assam Accord of 1985 and the emergence of the Asom Gana Parishad (AGP) as the ruling party. Despite changes in the structure of the government over time, the top-down process of the construction of a forced other has continued unabated. Hussain (2006; 2016) states as to how the Kaziranga Park was declared as a national park only in 1974, and has witnessed eight additions of land since, leading to

a rise in the number of Internally Displaced Persons (IDPs) and the creation of a fear psychosis of 'minoritization' among the Assamese elites. He attributes this to a loss in the traditional dwelling areas of immigrants, the 'chars' or riverine beds that have seen massive erosion and landslides because of which, "... the people displaced due to river-bank erosion cannot go back to their land. Because, their land has become a part of river's new/extended bed" (Hussain, 2006, p. 391).

In this context, this literature review is an attempt to chart the context of the 'othering' of a specific subset of immigrants from a top-down perspective, through a process of historicization of the idea of Assamese sub-nationalism, which has been juxtaposed against the idea of 'illegal (Muslim) immigration' from Bangladesh. The problem that emerges is that the idea of what constitutes being an Assamese is itself inherently fluid and defies definition, an aspect pointed out by Baruah (2009), in terms of the state's inability to define the term 'indigenous'. Thereby, when the issue went beyond the economic dimensions that led to its emergence to political manipulations by the Assamese elites, there was ensuing violence that has concretized the differences between various ethnic groups in the state.

II. WHAT AND WHOSE NATIONALISM?

Anderson (1983) lays down one of the enduring frameworks of the idea of nationalism, by terming it as 'imagined' because "... the members of even the smallest nation will never know most of their fellow members, meet them or even hear of them, yet in the minds of each lives the image of their communion" (Anderson, 1983, p. 6). While Anderson talked of his conception of nationalism in the context of new world colonies, he borrowed from Gellner (1964) by term-

ing it as an 'invention' of the idea of the nation where none existed. In the case of Assam, it is the aspect of ethnic nationalism that comes to the forefront, as the notion of an Assamese itself escapes any rigid categorization. By extending Anderson's work, it is an 'imagined other' in the sense of manipulation and misreading of statistical data to present a warped depiction of the inherently heterogeneous Assamese community. But what is this community of the Assamese? Here again, Anderson (1983) defines it as "... a deep, horizontal comradeship... fraternity that makes it possible... for so many millions of people, not so much to kill, as willingly to die for such imaginings" (Anderson, 1983, p. 7). However, this willingness to die during the phase of the Assam Agitation was gradually transformed to a willingness to persecute the (imagined) Muslims from Bangladesh. Hussain (1993; 2016) talks of the imagination of the stereotypical Muslim that continues to haunt the Assamese middle class- that of a bearded, lungi and skull cap wearing 'miyah'- and their willingness to classify anyone as an illegal Muslim immigrant from Bangladesh based on these preconceived notions.

Though Gupta (1997) differs from his starting point of differentiating the emergence of nationalism and nation-state in India from that of the West, he concurs with Anderson with respect to the "linguistic, nativist and regional" (Gupta, 1997, p. 230) basis for the idea of a community and a state. It is precisely this nativist strand that he picks up with respect to Assam, which falls under the second category of the "three great occasions in India's short history after independence" (Gupta, 1997, p.230). He sees the roots of the 'sons of the soil' debate within this framework, where the natives began to push for greater representation in the economic considerations of the state. While Assam was yet undivided at this point, the genesis of conflict was already sown in the linguistic movements in the state from the nineteenth century onwards, which Hussain (1993) details. In such nativist movements, the enemy always lies within the territorially defined boundaries of the state, with the role of the centre / the state machinery assuming centrality, because "... nativist movements acknowledge that it is only through the machinery at the Centre that their grievances can be redressed... if the Centre at all becomes the enemy it is not a generic one, and the hostility shown towards it occurs on the rebound" (Gupta, 1997, p. 235). The alliance between

the elites and the state is what forms the crux of this debate, as "Minoritizing, or ethnicizing, politics is a tool which the Centre is resorting to increasingly" (Gupta, 1997, p. 239).

On his part, Weiner (1978; 1997) too can be seen as an extension of the debate of Assamese sub-nationalism imposed from above, as he notes the decay in the political institutions from the eighties and the nineties of the twentieth century in India, due to rising altercations of an ethnic and minority characteristic. He talks of an "Indianization of minorities" (Weiner, 1997, p. 242) that is prevalent in the mainstream consciousness, predominantly a Hindu way of living in terms of holidays, historical past, heroes, events and an attachment to the soil of India. Weiner does not see the construction of an 'other' as a unique phenomenon; rather, he attributes the numerical minority of the Assamese in Gauhati and along the river Brahmaputra (where the immigrants from Bangladesh were settled post the Line Boundary Agreement of 1916) as invariably leading to increasing movements of a nativist kind. An extremely useful insight though emerges in his work, that of a minority being "... defined as a category by the observed rather than the observers" (Weiner, 1991, p. 243). This self-definition by the community itself is considered to be methodologically paradoxical, as it leaves the door open for social negotiations in the future, wherein any community can claim to be a minority on its own terms and with reference to a multitude of vantage points. Assam, on the other hand, succeeded in avoiding this trap as the idea of the other was constructed with reference to the notion of the Assamese, though that very notion itself is open to contestation. Thus, the debate on nationalism and ethnic minoritization in Assam presents a deeper problem that what Weiner would have envisaged.

Hussain (2016) presents an interesting point of departure here of seeing this fluid identity of the Assamese as a 'nationality' rather than as an ethnic identity. Assamese nationalism is multi-racial, though the common denominator is the Assamese language. He also points out two inherent flaws in this construction. Firstly, the immigrants too have picked up a degree of fluidity in speaking the Assamese language and the script over time. And secondly, the claim of the Bodo community as the original inhabitants of the region of Assam is

also negated as the race is itself of Tibetan origin. Kaviraj (2010), in his historical analysis of the emergence of the idea of nationalism in the Indian subcontinent, puts in place a similar picture to Hussain (1993; 2016) in terms of the regional linguistic identities being subsumed under the framework of national identities as a “second order” (Kaviraj, 2010, p. 326). This led to the collapse of the state apparatus in the post-independence period, when these internal contradictions of multiple linguistic identities started to pile up. This multiplicity of claimants to garner economic benefits to meet their own narrow community goals led to the “resurgence of new forms of Indian nationalism” (Kaviraj, 2010, p. 330). In Assam, the post Accord phase saw this very phenomena occur, when the newly formed AGP was given a mandate for two entire terms to carry out its political agenda of implementing the workings of the Illegal Migrants (Determination by Tribunals) Act of 1983.

III. GOING BEYOND THE POLITICS OF LABOUR:

The signing of the Assam Accord on 15th August 1985 was a historic moment marking a formal agreement between the leaders of the movement and the Government of India headed by then Prime Minister Rajiv Gandhi. The agreement was a result of a concerted struggle by the leaders of the movement against the perceived rising number of illegal immigrants from Bangladesh. As the Memorandum of Settlement states:

... [The Accord] determined 1st January 1966 as the cut-off date for the purpose of detection and deletion of foreigners and allowed for citizenship for all persons coming to Assam from “Specified Territory” before the cut-off date. It further specifies that all persons who came to Assam prior to 1st January 1966 (inclusive) and up to 24th March 1971 (midnight) shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1939. Name of foreigners so detected will be deleted from the Electoral Rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939. Foreigners who came to Assam on or after 25th March 1971 shall continue to be detected, deleted and expelled in accor-

dance with law.

One of the core issues of the struggle was a revision of the National Register of Citizens, 1951. This was pushed as a mode to weed out the immigrants who had entered the country post 1966. However, what the signatories failed to note was that basis of the NRC Data was the 1951 Census of India, that contained an inherent criticism regarding the very process in which it was carried out. One of the foremost criticisms flowed from the policy of collecting information from village officials through ill trained enumerators. But, the most glaring drawback was the “categorization of individuals according to household that left the fray completely open to misrepresentation or even underrepresentation of all the members of a particular household” (Das, 2015).

To complicate the situation further, the personal biases of the tabulation officers also crept into the succeeding NRC as well. Roychoudhary (1981) notes as to how the names and places of birth of 558,833 people were recorded as East Bengal in the Census, paving the way for their inclusion in the NRC Data subsequently. An interesting point of analysis is given by SattwaKar (2013) in terms of how statistics are manipulated by those at the apex of the power-knowledge nexus for narrow electoral gains. SattwaKar gives the figures for the rise in the Muslim population in the Brahmaputra valley from 1911 to 1931; with the over-reliance on manipulated numbers continuing in the post-independence scenario as well. Upon the release of the data of the NRC, the AASU was quick to put forth these (discrepant) data in the public domain, moving away from a fight against the general problem of illegal immigration, towards one focused on targeting merely the Muslim ‘other’ among the Bangladeshi immigrants.

A precursor to this agitation lay in the passage of the Illegal Migrants (Determination by Tribunals) Act of 1983, which faced criticism from several quarters regarding the process of identification of illegal immigrants. Unlike the existing Foreigner’s Act of 1946, the IMDT Act shifted the burden of proving one’s citizenship status towards the hands of the accuser rather than the accused. In a move that reflected the political pressure that went into the framing of the Act, it was struck

down later by the Supreme Court in 2005 on the basis of a petition filed by the then leader of the AGP itself, the incumbent Chief Minister of Assam, Mr. Sarabananda Sonowal. This radical turn in its tactics shows in no uncertain terms the complete failure in the detection and deportation of a subset of the total illegal immigrants to the state. Roy and Singh (2009) see this terrain as a pitched battle on two fronts, both within the state itself as well as between differing interpretations of the state and the Centre.

As pertains to the manipulation of statistics itself, Agrawal and Kumar (2016) have come up with an insight into the flipside of the issue, that of the pitfalls of under-reporting data, perhaps hinting at the inevitability of manipulation itself. Borrowing from the works of Janus (2013), the authors contend that the process of misreporting by either party is a natural occurrence in a political backdrop; failure to do so placing them on the receiving end of the scale. As they state:

A community is worse off if it does not over-report its population while others do. There are two reasons for this. First, it unfairly loses share in public expenditure on development and electoral seats that are distributed on the basis of population. Second, the chances of fresh census are bleak when all others have over-reported their headcounts because the majority would prefer the new status quo. However, over-reporting population is costly because officials have to be bribed or forced to manipulate records. Moreover, there is a threat of subsequent detection and punishment by state authorities and more than that a threat of conflict with communities that are denied their fair share due to manipulation. The latter is reflected in the large number of objections to census-linked delimitation of electoral constituencies filed in courts. When all communities over-report their headcounts, each incurs the cost of manipulation to maintain its population share [...] they still risk detection by state authorities and conflict with rival communities (pg. 6).

This bypassing of existing legal frameworks as in the case of the Foreigner's Act of 1946 was not a one-off too. The Nehru-Liaqat Agreement of 1950 was also shown the door by the IMDT Act. This agreement gave the people already driven out the 'legal' right to return to their earlier place of occupation in order to dispose of their property in a proper manner, as shown by Boruah

(1980). To go with this, the Gauhati High Court, in its 1971 judgment, has also struck down the status of NRC as 'evidence' in a court of law.

But what about the political economy of labour that framed the background of agitations in the post-independence period? SattwaKar (2013) and Upadhyay (2005) construct a historical process of migration in Assam because of the paucity of manual labour in the state, together with the existence of a rich and conducive climate for agriculture. For them, the Line System of 1926 presents a critical point of study. They argue that it is but a continuation of the process of Black Migration in Assam from the nineteenth century onwards. SattwaKar (2013) sees it as a product of the migration policies followed by the British colonial state. Das (2016) delves into this phenomenon in great detail, showing the emergence of one of the first systems of formal contract law in the form of the Workmens' Breach of Contract Act 1859, a product of an unholy alliance between the British government and the exploitative planters. It allowed the planters a free hand in formulating welfare measure for the labourers, in terms of punitive action for missing work and setting up a bare minimum wage standard.

Even though slavery was abolished in British colonies in 1834, this new system, for Das (2016), represents "a veiled system of indentured labour". Under this, the labourers were on a contract for a fixed tenure, usually of a period around four to five years, after which they were 'free' to return, a sharp deviation from the lifetime of commitments without the recourse to any formal law under slavery. But, due to the near impossibility of travelling back long distances to 'return home', together with the guarantee of at least a basic minimum wage under the 1859 Act kept the labourers entwined in the vicious circle of debt throughout their lives.

However, the idea of the eminent domain of the state starts to rear its head in a more concrete manner only in the beginning of the twentieth century, in the concrete field of land reforms. In the context of the Line System, the steady influx of immigrants from Bangladesh did not pose a concern to the general masses of society, as they were too disorganized and feeble. Also, the ryot sabhas were themselves opposed to any demarcation of lands for natives and outsiders, because these very

labourers fed into their constant need for agricultural labour. The colonial state in this regard took upon itself the prerogative of setting out well-defined territories for particular communities, an extension of the inherent Weberian logic, as well as the mantle of the state as the eminent domain. This process of state-led land allocation continued to influence the lives of the people of the state post-independence too. In fact, the state did not limit its role to the economic dimensions that characterized its starting point in the case of Assam, but continued to feed purely the interests of the elites of the society, culminating in the conclusion of the Assam Accord of 1985.

IV. OPEN VERSUS CLOSED BORDERS- THE POINT OF NO RETURN AND THE CITIZENSHIP QUESTION:

As in the case of the Workmen's Breach of Contract Act of 1859, where the point of no return first emerged within the larger public discourse on immigration, the Nehru-Liaquat Agreement of 1950 further buttressed this very dimension. Perhaps a way out of this dilemma can be witnessed in the works of Joseph H. Carens (1995) and his case for 'open borders'. Seeking to draw upon three broad streams of thought to bolster his assumption, Carens' work gains greater significance because in his analysis, the role of the traditional sovereign state becomes secondary to the primary concern of rights of the stateless and the aliens that forms the core of his writings. In his viewpoint, he first takes into consideration the Nozickian approach towards political theory, that places emphasis on the rights of the individual wherein the state remains merely as a 'night watchman' and need not (or rather should not) necessarily come into the picture at all. For Carens, this framework where two individuals develop a relationship on a one-to-one basis (not necessarily having any relevance to 'rights' as such) posits no instance where the state can interfere to deny any claimant to rights under such a relationship. Further, in his interpretation of the Rawlsian model of the 'original position', Carens argues that since individuals chose those principles of justice that work towards the betterment of those that are the least well-off in the succeeding society to be formed; and assuming that in such a society it is the aliens and the stateless who are in the least well-off category, then even when such a position is broadened to include the global society at

large, no justification exists for excluding and denying rights to this band of people in the society, regardless of a particular state's decision. Further, Carens states that even from a Utilitarian stand point, even when seen from a mere economic perspective, it seems hard to argue against free borders, as the entrance of this category of people within any territorially defined and state controlled area increases the size of the (economic) pie of the host country, thereby increasing the maximum pleasure over pain in the process.

From the above analysis, it becomes pertinent to point out that the very difference between the rights of the citizens and the rights that a certain state proposes to 'give' to the aliens itself collapses if the state itself is out of the picture. In reality though, the situation is not as simple and rosy as the above authors would like to believe, necessitating a move away from their philosophical foundations towards a more realistic and empirical look at the situation that each state is confronted with. Such an analysis can be seen in the works of both Stephen Macedo and Kamal Sadiq, who try to place the question at hand on a more empirical canvas.

On his part, Macedo (2007) tries to reinterpret the question of morality that exists in the writings of both Arendt (1962) and Benhabib (2004). His analysis presents a mixture of the 'moral dilemma' along with a good measure of utilitarian dosage thrown in. Macedo tries to tackle the question of a state resorting to open borders from a look at the U.S. immigration policy from the 1960s onwards, in the backdrop of a state having any sort of 'special obligations' towards the least well-off 'within' its own territorial borders (thereby resorting to limit the Rawlsian equation to within a well-defined context of a nation-state, rather than extending it to the global political community as Carens does). From such a vantage point, the previously unproblematic ground of arguing for a case of open borders assumes greater complications than previously envisaged.

As regards the work of Kamal Sadiq (2009), he locates this very debate in the examination of how illegal migrants can assume a certified citizenship status through the procurement of a layer of fake certificates. However, traces of a utilitarian vision can be found even in his work, as seen in his argument that the dilemmas of the problems of 'blurred membership' and their 'networks

of complicity' must be left to the state itself, dependent upon the state of the economic health of the state under consideration. In the case of India and the question of innumerable illegal Bangladeshi immigrants that this paper attempts to tackle (who would be gradually converted into permanent emigrants under the Sadiq framework), there exists an extremely fine line of differentiation between demarcating a person as a citizen or an alien in reality; though the politics of the IMDT Act does indeed set a definite dateline to address this very concern. Here, a similar theme can be deciphered in concurrence with Benhabib's assessment of the reality of these 'laws' being manipulated by those in power towards meeting their own particular narrow interests and aims, as seen in these very illegal immigrants later on turning out to form an extremely strong voter base for the ruling classes, regardless of their ideological differences at a political level.

The question of granting citizenship to a religious subset of the total immigrants thus is turned on its head, as there exists no concrete differentiation tool to perceive of someone as either an illegal immigrant or as an alien. The clamor of the political class to grant such a critical right to only the Hindu immigrants from Bangladesh is clearly deciphered as a mere political ploy in this context, devoid of any substance as to the workings that such a move would invariably entail.

V. PLAUSIBLE CONCLUSIONS- A CLASS ANALYSIS?

The crisscross between the economic and the political domains have become evident in the preceding section. But does the recent attempts to amend the NRC of 1951 to grant citizenship rights to only the Hindu immigrants connote the end of the politics of identity in the state of Assam? Naqvi (2016) brings a first-hand experience to the table here. Among several personal anecdotes, he notes the change in the perception of people towards him post the events of the demolition of the Babri Masjid in 1992, and further accelerated after the Gujarat state-sponsored pogrom of 2002. Ramachandran (2003), for her part, takes cognizance of the multitude of hurdles faced by the Bangladeshis in New Delhi post-1992, where a resurgent right-wing emerged finally from stasis and started to back the Congress into a corner regarding a tougher stand on illegal immigration. Srikanth (1999) also shows the caste-Hindu bour-

geoisie in the Assamese society as further dividing the already fragile links between the Hindus and the Muslims in precisely this period of the mid to late nineties. Does the narrative of being the 'other' then lie merely in personal narratives of oppression and subjugation through domination by a (largely) Hindu majority? In essence, perhaps yes; though not in its entirety. The push for citizenship rights for a section of a subset of the immigrants in Assam can also be seen as the result of a larger historical process of manipulation from above, due to which the 'lived experiences' themselves emerge as a contrast to the dominant narrative.

The defining factor then, as Hussain (2016) puts it, and which Boruah (1980) and Srikanth (1999) also refer to, is again a 'class analysis'. The absence of any upwardly-mobile middle class among the immigrants themselves is an indicator of the conditions of poverty that a majority of them live in. Put together with his contention that the majority of the immigrants have failed to be assimilated into the larger Assamese society, it comes as no surprise then that the markers of identity in terms of one's physical appearance are easily identifiable, perpetuating the 'othering' in the long run. It is precisely the existence of this middle class among the Assamese community that Boruah (1980) argues played a key role in negotiating with the British regarding maximizing land revenue in the initial stages, an aspect that they shared with their counterparts from Bengal. Konwar (2006) too sees this through the lens of class and the inter-linkages between "... the concept of middle class and the process of nationality formation" (Konwar, 2006, p.51).

In conclusion, Hazarika (2000; 2008) warns against the fallacy of falling into the trap laid by the political actors, whose sole role is to construct a manipulated narrative of struggle. The setting up of a National Immigration Council seems to be an optimistic note, though Hazarika himself notes that the idea might not necessarily bear fruit. A plausible answer can be gleaned from the works of Fassin (2005), who talks of the "moral economy of immigration policies" (Fassin, 2005, p. 2) in the context of France, showing a turn from security to a more humanitarian perspective. The 100th Constitutional Amendment Act 2015 ratified the 1974 Land Boundary Agreement between the two countries, but focused more on developmental goals of port connec-

tivity, imports and exports, transport and communication and the like, and less on the human conditions that frame these debates. The state of Assam in particular and the Indian nation-state in general thus, have a long road ahead to win back the trust of those that they have been complicit in othering.

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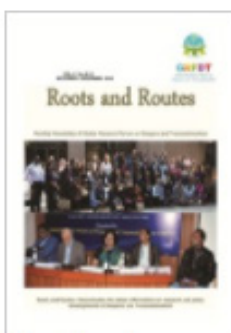
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GRFDT NEWSLETTER

***Roots and Routes* disseminates the latest information on research and policy developments in Diaspora and trans**

Newsletters



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2016



July-August



May-June 2016



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Roots and Routes is a monthly newsletter of the Global Research Forum on Diaspora and Transnationalism (GRFDT). It is inclusive of articles, book reviews and news analysis, which help in disseminating latest information on research and policy development in Diaspora and Transnationalism. The newsletter enjoys readership of academicians, policy experts, diaspora think tanks etc.

The regular columns of the newsletter are :

- 1. Article** : consisting of well researched articles of about 3000-4000 words on any aspect of diaspora, migration and transnationalism.
- 2. Short commentaries** : consisting of short write ups of about 1500-2000 words based on opinion, description or explanation of any event or situation related to the above mentioned themes.
- 3. News analysis** : consisting of analyzing current news in about 1000-1500 words
- 4. Book reviews** : 1000-1500 words.

We are pleased to invite your contributions to the above mentioned sections. Please send your contributions to the editors of the newsletter at editor@grfdt.com

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Global Research Forum on Diaspora and Transnationalism (GRFDT) is a consortium of researchers and policy makers drawn from national and international universities, institutes and organizations. GRFDT is presently based in India and is shaping as the largest such group focusing specifically on the issues related to diaspora and transnationalism.

The GRFDT works as an academic and policy think tank by engaging national and international experts from academics, practitioners and policy makers in a broad range of areas such as migration policies, transnational linkages of development, human rights, culture, gender to mention a few. In the changing global environment of academic research and policy making, the role of GRFDT will be of immense help to the various stakeholders. Many developing countries cannot afford to miss the opportunity to harness the knowledge revolution of the present era. The engagement of diaspora with various platform need to be reassessed in the present context to engage them in the best possible manner for the development human societies by providing policy in-put at the national and global context.