



TOPIC OF THE WEEK

AUG'18 (12 to 18)

Topic: NRC – A Fight of Existence

About

The National Register of Citizens (NRC) is the register containing names of Indian CITIZENS. The only time that a National Register of Citizens (NRC) was prepared was in 1951 when after conduct of the Census of 1951, the NRC was prepared by recording particulars of all the persons enumerated during that Census. The NRC will be now updated to include the names of those persons (or their descendants) who appear in the NRC, 1951, or in any of the Electoral Rolls up to the midnight of 24th March, 1971 or in any one of the other admissible documents issued up to mid-night of 24th March, 1971, which would prove their presence in Assam or in any part of India on or before 24th March, 1971. All the names appearing in the NRC, 1951, or any of the Electoral Rolls up to the midnight of 24th March, 1971 together are called **Legacy Data**.

Thus, there will be two requirements for inclusion in updated NRC – 1) Existence of a person's name in the pre-1971 period; 2) Proving linkage with that person. For getting their names included in the updated NRC,

Week: 12th to 18th August 2018

citizens shall have to submit Applications Forms (family-wise). Application Forms received by Government shall be verified and based on the results of verification of particulars submitted by the citizens in their Application Forms; the updated NRC shall be prepared. However, to afford another opportunity to the applicants before publication of the final NRC, a draft NRC shall be published after verification of the Application Forms and the citizens given chance to submit claims, objections, corrections etc. After verification of all such claims and objections, the final NRC would be published.

History

The demands to update the NRC of 1951 were first raised by the All Assam Students' Union (AASU) and Assam Gana Parishad more than three decades ago. The organisations had submitted a memorandum to the Centre on January 18, 1980, two months after launching the anti-illegal foreigners Assam Movement. On November 17, 1999, at an official-level tripartite meeting to review the implementation of **the Assam Accord** (The Accord, signed in 1985 to end the anti-immigration agitation in Assam, created an exclusive cut-off date of

March 25, 1971 for Indian citizenship for the residents of the state.), a decision was taken that the NRC would be updated and the Centre sanctioned Rs 20 lakh for the purpose and released Rs 5 lakh of it to start the exercise. Later, Prime Minister Manmohan Singh led government took the final decision to update NRC on May 5, 2005. Thereafter, the government created a directorate for updating the NRC and the process of computerisation of the voters' list up to 1971 and the NRC of 1951 began.

Purpose

The NRC of 1951 is being updated in Assam since 2015 to implement the Assam Accord as discussed during the 2005 tripartite agreement between the Manmohan Singh and Tarun Gogoi governments and the All Assam Students Union (AASU). The December 2014 Supreme Court directive in response to some petitions seeking implementation of the main clause of the Accord, which was the detection and deletion of “foreigners” or “illegal Bangladeshi” from the state’s electoral rolls. This is why a two-judge bench of the apex court, comprising Justices Rohinton Fali Nariman and Ranjan Gogoi, is monitoring the NRC update process. State coordinator for the NRC

Week: 12th to 18th August 2018

Prateek Hajela has to keep updating the Supreme Court on the exercise, which involves 3.29 crore people who have filled forms to establish their citizenship status.

Understanding the Assam Elections

On hearing that most Assamese people wouldn't like to view the issue of 'influx' strictly from a religious point of view (further proved true by the huge agitation Assam is witnessing against the Citizenship (Amendment) Bill 2016), the senior functionaries of the organisation (Jamiat-e-Ulema-e-Hind) seemed somewhat relieved. However, it was difficult for them – like most mainstream organisations and even Delhi newsrooms – to understand how the majority population, which chose a right-wing Hindu party a few months before, was not looking at the “illegal Bangladeshi immigrant” issue only through the Hindu-Muslim prism. Even more so because the BJP-RSS top brass in the country had by then begun projecting the party's big win in Assam as Assamese people's approval for their right-wing agenda.

But the real reasons behind the electoral results were different. Besides the anti-incumbency sentiment against

the three-term-old Congress government and the clever voter calculations for each constituency by BJP strategist Himanta Biswa Sarma, the party's 2016 win in Assam was driven by two other major factors. First was the BJP's clever alliance with the regional forces, the Asom Gana Parishad (AGP) and the Bodo People's Front (BPF), laced with the sharp sloganeering on 'Jati Mati Bheti (home, hearth and base, literally)'. Those three words strung together as a promise raised hope in a majority of Khilonjia (indigenous) voters that they need 'poriborton (change)'. They felt, at last, the long-drawn-out problem of 'illegal immigration' would be solved by a party at the Centre. After all, Modi had by then proclaimed that 'Bangladeshis' would have to pack their bags soon. The election results, therefore, were an assertion of the majority community's identity – but not in a way that fits the Hindutva or caste-based politics of mainstream India.

The other factor was the projection of Sarbananda Sonowal as the chief ministerial candidate. A former AASU president, Sonowal, was named Jatio Nayok (by the AASU) for challenging the Illegal Migration (Determination by Tribunal) Act in the Supreme Court,

Week: 12th to 18th August 2018

which finally scrapped it in 2005. The Indira Gandhi government brought in the Act, exclusive to the state, in 1983, which put the onus of proving that a person is an undocumented foreigner on the complainant and the police. The complainant not only had to prove with documents that the person in question was a foreigner, but also needed to pay a fee, besides following other rules. The Act was in violation of the Foreigners Act 1946, applicable in the rest of India, as per which the onus of proving one's citizenship lies with the accused.

Replacing the Act with the Foreigners' Act, the Supreme Court called it the "biggest barrier for deportation" of undocumented immigrants from Bangladesh. Deportation was one of the major conditions put forward by the AASU while calling off the agitation.

What will happen to people found to be the "illegal immigrants"?

Several flaws have been identified in this process, from the brief window of time given by the border police to produce proof of citizenship to the lack of legal aid to ex parte orders declaring individuals foreigners without

Week: 12th to 18th August 2018

even a trial. Those deemed to be foreigners are transferred to detention centres. Till date, there are six across Assam, carved out of local prisons. So-called foreigners have languished here for years in a legal limbo, separated from homes and families. While the Indian state has declared them foreigners, there is no repatriation treaty under which they can be deported to Bangladesh.

As of now, both state and Centre keep repeating, detention centres are far removed from the National Register of Citizens and those left out of it. A long process of proving citizenship lies ahead. But Assam has also got sanction from the Centre to build the first standalone detention camp in the state, capable of housing 3,000 inmates.

Conclusion

An exercise massive in scale, controversial in methodology and debatable on potential outcomes, the NRC update has divided Assam on religious and linguistic lines, sparked concerns over human rights and prompted a United Nations body to seek clarifications from the Centre. Monitored by the Supreme Court, many

Week: 12th to 18th August 2018

consider the NRC as the holy grail of all efforts to resolve an issue that has brutalised -Assam and structured its polity for years—starting with a six-year-long agitation against illegal immigration between 1979 and 1985. Assamese-speaking people have grown up with primordial fears of their land being grabbed, their jobs taken and their culture and language wiped out by Bangladeshi immigrants. For many people in Assam, this constitutes the core issue in politics. It's also an issue around which political fortunes have been made. Like the BJP riding to power for the first time in Assam in 2016, after PM Narendra Modi promised that “all Bangadeshis will have to leave Assam bag and baggage”, BJP would not want their first time Government to be tainted.

Suggested Reading:

- ✓ <http://nrcassam.nic.in/nrc-nutshell.html>

- ✓ <https://www.thewire.in/politics/assam-nrc-citizenship-bill-bangladesh>

Week: 12th to 18th August 2018

- ✓ <https://www.outlookindia.com/magazine/story/nrc-update-assam-grapples-with-fear-confusion-and-hope/300432>
- ✓ <https://scroll.in/article/888587/explainer-what-will-happen-to-the-40-lakh-people-left-out-of-assams-draft-register-of-citizens>