



## ASSAM NRC DRAFT QUESTION OF CITIZENSHIP

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### ABSTRACT

*The final draft of the National Register of Citizens (NRC), Assam is published on July 30th, 2018, which declared over 40 lakh citizens 'outsiders'. The final draft of NRC included 2,89,83,677 people as 'eligible', out of total applicants of 3,29,91,384. Though it is critical to proving the Axomiya identity, however, the officials from NRC said that "exclusion of name from the list of state's citizens does not automatically make anyone a foreigner."*

**KEYWORDS:** NRC, Illegal Migration, citizenship.

### INTRODUCTION

The National Register Citizen seems to be the groundwork for the identification of citizenship of Assam to stop the illegal migration as well as a violation of the state. The accord was decided on a cut-off date of March 25, 1971, and those who entered the state after that were to be deported. The infiltration is still taking place and the sealing of the border is shoddy and incomplete. The sole purpose of NRC update is to detect illegal migrants living in Assam. This paper assesses the emerging issues of NRC and its impact.

The root of illegal migration has a long history in Assam. The state has been suffering from illegal migration since the colonial time, which has caused tremendous pressure on its territory. Assam was the major destination for migration from the then East Bengal to the fertile lands of thinly populated Brahmaputra and Surma valleys in the northeast corner of India and Pakistan was formed out of it after 1947 Bangladesh, as a country, was also created in 1971. The in-migrants and immigrants are classified into five categories. First, labourers to work in the tea gardens of Assam coming from Bihar, Orissa, Chota Nagpur, Madras, West Provinces, Central Provinces and United Province; second, farmers settling in the agricultural lands of the valley and coming largely from the districts of East Bengal; third, immigrants from Nepal (known as "Gorkha soldiers" or "grazers" who worked for the Indian Army) engaged in livestock and dairy farming. They came through Darjeeling district in West Bengal, largely through Gorakhpur and Deoria districts of Uttar Pradesh and, through Nepal bordering districts of Bihar. They occupied the wastelands of the valley, mostly in Darrang, Kamrup and Lakhimpur districts; fourth, traders and artisans; and, fifth, other migrants such as salary earners, planters, miners, administrators, labourers etc. who came from various parts of India and abroad. The local people also welcomed the outsiders as labour provided economy to the state. Assam's first Chief Minister GopinathBordoloi and BP Chaliha as the third chief minister of Assam also took stern steps to force out the post-1951 illegal migrants, much to the displeasure of Prime Minister Nehru who even threatened to cut central funds if Assam did not retain the migrants. On the other hand, in 1971, the Bangladesh Liberation Movement sent lakhs of refugees from then East Pakistan into Assam



and West Bengal. In 1873, the British introduced Inner Line under the East Bengal Frontier Regulations to restrict the immigrants, particularly Bengali Muslims. However, it remained ineffective. It was said that the All India Muslim League encouraged the migration to increase the Muslim population in Assam for political reasons. Because of this, the Bengali population became dominant and Bengali language was made the state language and, the language was used as a medium of instruction in schools. Sentiments against the Bengalis arose in the Assamese circles (Assamese was labeled as a dialect in 1937).

After the partition of Bangladesh, the situation became worst and threatened the Assamese people and other indigenous groups of Assam. As the migrants have changed the demographic character of the state, the six-year historic AomAndolon (Assam agitation) from 1979 to 1985 demanded the identification for deportation of illegal migrants.<sup>2</sup> This created an anxiety as well as competition towards the land ownership, education, and employment. In the post-independence period, the illegal migration became one of the major reasons behind the high growth of population in Assam. If the decadal growth rate of population in Assam is compared with that of India, the figures would look almost conclusive that such influx of illegal migration must have continued throughout the history of Assam. The districts like Dhubri, Goalpara, Barpeta, Morigaon, Nagaon, Dhemaji, Cachar, Karimganj and Hailakandi have been majorly facing the crucial problem of illegal migration. It is claimed that the political parties have always been influenced by the illegal migrants for vote bank politics or power politics. In 1979, during Mangaldoi assembly elections, near about 45,000 illegal migrant names were found which led to the first voter list discrepancy in Assam. In recent times, this has created fear among the people of Assam that the illegal migration would change the demographic profile of the state in the future.

The former Governor of Assam Lt Gen S.K. Sinha submitted a report to the President of India in November 1998, which stated that “the unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the state have been a matter of grave concern”. It threatens to reduce the Assamese people to a minority in their own state, as happened in Tripura and Sikkim. As per 2011 Census, 34.22 per cent of 31.2 million people constitutes Muslim population of Assam, making 11 out of 33 districts of Assam, Muslim-majority. The illegal immigration issues are not only a political problem, but it also created a tension in the sight of economic, social and security discourse and has destabilised the region of Assam. Prafulla Kumar Mahanta pointed out on the last two-term census reports that the indigenous people are becoming a minority in the state.

#### LEGAL PROVISIONS AND DOCUMENTS: NRC

[The NRC is updated as per the provision of The Citizenship Act, 1955 and The Citizenship (Registration of Citizens and Issue of National Identity cards) Rules, 2003 (As amended by 1. G. S. R. 803(E), dated 9th November 2009 (with effect from 9/11/2009.) 2. Ministry of Home Affairs (Office of Registrar General, India), Order No. S.O. 596(E), dated 15th March 2010, published in the Gazette of India, Extra, Part II. No. 504 S.3 (ii), dated 16th March 2010 p.1.]

The modalities for NRC updating have been developed jointly by the Government of Assam and the Government of India in adherence to these statutes. Rule 4A of Citizenship Rules, 2003 and its Schedule that is central to NRC updating works in Assam are also made applicable only in case of Assam. Rule 4A differentiates preparation of the NRC in Assam from the rest of the country by replacing house to house enumeration with invitation and receipt of applications from all citizens, for the collection of specified relating to each family and individual, residing in the state.

The NRC is updated by including the names of those people whose names appeared in the NRC 1951 or any Electoral Roll(s) up to 24th March 1971 (midnight) namely; (i) Land and Tenancy Records, (ii) Citizenship Certificate, (iii) Permanent Residential Certificate, (iv) Refugee Registration Certificate, (v) Passport, (vi) LIC, (vii) Any Government issued License/Certificate, (viii) Government Service/Employment Certificate, (ix) Bank/Post Office Accounts, (x) Birth Certificate, (xi) Board/University Educational Certificate, (xii) Court Records/Processes. Further, two other documents viz (1) Circle Officer/GP Secretary Certificate in respect of married women migrating after marriage (can be of any year before or after 24th March

(midnight) 1971); and, (2) Ration Card issued up to the midnight of 24th March 1971, can be adduced as supporting documents. However, these two documents shall be accepted only if accompanied by any one of the documents listed above.

In May 2005, the first step was forwarded towards the NRC between the centre and state governments and All Assam Student Union (AASU). It was decided in that meeting that within two years the Government of Assam can complete the process of updating the NRC of 1951 by including the names that appear in the 1971 voters' lists and those of their descendants. In 2009, the issue was again raised by AASU review meeting, based on which the Assam Government gave an assurance that it would start the process of updating the NRC. According to that assurance, in June 2010, a pilot project was initiated in two revenue circles i.e. Barpeta under Barpeta district and Chayagaon under Kamrup district. However, due the violent protest by the All Assam Minority Students Union (AAMSU), the project was suspended, it was alleged that there were numerous irregularities in the NRC. The application process started in May 2015 and in total, 6.5 crore documents were received from 68.27 lakh families across Assam.

### **NRC Draft**

The first draft of National Register of Citizens (NRC) of Assam was published on midnight of December 31, 2017. Out of 3.29 crore applicants, only 1.9 crores have been included in the first draft of NRC under the Assam Accord of 1985. According to the NRC verification department, many of the applicant's names were not made available in the first draft because the verification of their documents was pending. Several states like West Bengal, Uttar Pradesh, Meghalaya, Manipur, has also verified documents for an update of NRC in Assam which is sent by the National Registrar of Citizens authorities in Assam for verification. In this regard, West Bengal has verified 5,852 of the 1, 11,482 documents.

The second and final draft of NRC is published on 30th July 2018, where 40,07,707 people were not listed out of total applicants of 3,29,91,384. The preparation of the draft was a long and arduous task which faced many obstacles, mostly political. Even the published list is said to carry many mistakes and omissions. The process of filing the applications had ended in May 2017 and 6.6 crore documents were received from 3.29 crore total applications, averaging two documents per person. The officials from NRC said that "exclusion of name from the list of state's citizens does not automatically make anyone a foreigner." The government has decided on December 31, 2018, as the last date to complete the final process.

### **Way Forward**

The NRC of Assam has become one of the most discussed and touchy issues in India. It is believed that this is the only feasible solution to stop the illegal migration of Assam, which has led to many violent activities for a long time. It is expected that the updating of NRC would give clear pictures about the migrants who are illegally settled down in the state of Assam and provide a dignity to other religious, non-Assamese speaking people who continue to live under the shadow of being called as illegal Bangladeshis. The publication of the updated NRC is, indeed a positive step in so far as it puts to rest wild speculation about the extent of the illegal migrant population in Assam and the resulting polarisation that political parties have been exploiting to make electoral gains.

However, at the same time, the question arises amongst the border countries of India, especially in Bangladesh. It is found that a large number of peoples dropped out from the NRC list. Various intellectuals said that it will be next to impossible to deport lakhs of migrants to Bangladesh, especially when India does not have a deportation treaty with Dhaka. Even if the migrants are proved to be non-Indians, Bangladesh might deny they were ever from that country. It was believed that citizenship issue would be "another disappointment after the setback on the Teesta water sharing agreement between India and Bangladesh, if the process led to the exodus of a section of the Bengali population of Assam, it would trigger another Rohingya-like refugee crisis". India will not be able to put much pressure on Bangladesh on the issue as it is a strategically an important neighbour.

**Notes:**

1. Surma River is a major river in Bangladesh and part of the Surma-Meghna river system. It starts when the Barak River from North-East India divides at the Bangladesh border into the Surma and Kushiara River. Assam's Surma Valley (now partly in Bangladesh) had Muslim-majority population. On the eve of partition, hectic activities intensified by the Muslim League as well Congress with the former having an edge.
2. The Assam Movement (1979-85) popularly known as *AxomAndolan* or Assam Agitation against illegal migrants in Assam. The agitation led by All Assam Student Union (AASU) and All Assam GanaSangramParishad (AAGSP). It was revolution of the indigenous people of the state to protect their rights, their homeland against the illegal migrants who were penetrating the state for years.

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