

**ESSAY SERIES - ESSAY 10**

**NATIONAL REGISTER OF CITIZEN**

National Register of Citizens (NRC) in Assam has raised a number of issues pertaining to citizenship, migration and political mobilisation throughout the region but before coming to National Register of Citizens it is essential to understand the historical background that lead to the influx of illegal migrants and NRC. During the British rule, Assam was merged with Bengal Presidency for administrative purposes and from **1826-1947**, Britishers frequently brought migrant workers to Assam for cheap labour in tea plantation. The period between **1947-51** witnessed riots and turmoil post-partition after which the major influx of migrants took place from East Pakistan (now Bangladesh) and later in the aftermath of liberation of Bangladesh in 1971. With tension developing in both the nations, **Jawahar-Liaquat Pact 1951** was signed in April 1951 by the leaders of India and Pakistan with the objective to lessen the fear of religious minorities residing in these two nations and promote communal peace. **NRC unique to Assam was published only once after the 1951 Census that had details of all citizens in the State.** With inflow of large scale illegal migrants in Assam, **All Assam Students Union (AASU) and All Assam Gana Sangram Parishad (AAGSP)** led a popular six years long **Assam movement from 1979-85** to compel the Indian government to update the NRC in Assam so as to identify and deport illegal migrants and ensure constitutional and legislative protections to indigenous Assamese people. This Assam movement led to the signing of **Assam Accord in 1985**. The Accord mentioned **25<sup>th</sup> March 1971 as the cut-off date for the deportation of illegal migrants** but since the date prescribed under **Article 5 and 6 of Constitution was 19<sup>th</sup> July 1949, Citizenship Amendment Act 1955 was amended** to give effect to the new date. The new sections introduced in the Act were applicable only to Assam. **The 1951 NRC and the Electoral Roll of 1971 (till midnight of 24<sup>th</sup> March 1971) are together called Legacy Data** and individuals along with their descendants whose names appeared in these documents are certified as Indian citizens.

Though the NRC process started in 2013 under the direct supervision of Supreme Court when a **writ petition was filed before it by the President of Assam Public Works<sup>1</sup>**, an NGO, demanding the deportation of illegal migrants who entered the State after March 1971 and deletion of their names from voters lists in Assam which led the Division Bench to order for the NRC to be updated in a time-bound manner but the **actual ground work of updating NRC commenced in February 2015 with the setting up of NRC Seva Kendras** with more than 3.29 crore people applying for inclusion of names in NRC along with more than 6.6 crore documents. **To apply for inclusion**, the first step was to produce documentary proof issued before March 24, 1971 such as 1951 NRC or electoral rolls up to March 24, 1971 in order to prove that one's ancestors were residing in India before that date and the next step was producing documents for oneself to establish relationship with those ancestors. The first draft of the NRC released on 1<sup>st</sup> January 2018 containing 1.9 crore names followed by the process of verification of family trees or legacy data and the certificates issued to married women by Panchayat secretaries. Many fake and forged documents were detected in the process of verification and family tree verification proved to be a game-changer as large number of mismatch cases in family trees were detected. The second draft released on 30<sup>th</sup> July 2018 that found 2.89 crore people eligible while 40.07 lakh names were left out. Those whose names were left out were allowed to file objections before the publication of final list. The final NRC in Assam was released on 31<sup>st</sup> August 2019 that identified 3.11 crore applicants as citizens excluding names of 19.07 lakh.

The updated NRC is likely to put an end to speculations about the actual number of illegal migrants in Assam and provide a verified set of data to carry out meaningful debates and implement standardised policy measures. Consequently, publication of an updated NCR will deter the illegal migrants from entering Assam unlawfully as now it will be difficult to procure Indian identity documents and avail all the rights and benefits due to Indian citizens. However, the biggest fallout of NRC updating could be relations of India with Bangladesh being jeopardised as such an attempt would not only damage bilateral relations but also the image of the country internationally. The exercise of updating NCR in Assam has created a political and social storm. Many had to spend their life's savings in legal fees, in long process of submitting

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<sup>1</sup> Assam Public Works v. Union of India & Ors. Writ Petition (Civil) No. 274/2009

documents or challenging the declaration of their non-citizenship in courts. People who found their names in the first list didn't find it later in the second list. Though these drafts provides a window of re-verification but due to large number of people left out from the list it becomes difficult to physically verify them all and also judicial relief to claim citizenship can overburden the courts with huge pile of pending cases. **It was hoped that monitoring of process by Supreme Court would ensure fairness and transparency but regrettably it was not the case as from non-transparent family tree verification process to arbitrary rejection of gram panchayat certificates, the entire process was riddled with legal inconsistencies and errors.** Fate of several lakh individuals relying on these documents remains uncertain and the question of what will be the status of people who lost Indian citizenship with no recourse has remained unanswered. **Preparing NRC within a deadline seemed more important than ensuring legal clarity over the claims of citizenship.**

Approach of India to citizenship will be scrutinised by the world thus all state authorities need to act prudently so that good sense prevails and large-scale humanitarian crises do not erupt. Union Government should chart out a clear course of action regarding the fate of excluded people from final NRC data and refrain political parties from colouring the entire NRC process through electoral prospects that may escalate communal violence. There is a need for a robust mechanism of legal support for the four million who have to prove their citizenship to India with their limited means and also ensure that their claims are heard judiciously and humanely. India being a follower of **Vasudhaiva Kutumbakam** ideology, should not take haste decisions that may subjugate their citizens thus contradicting its values followed from centuries.