

NATIONAL REGISTER OF CITIZENS

What exactly is the National Register of Citizens?

- ✚ The register is meant to be a **list of Indian citizens living in Assam.**
- ✚ For decades, the presence of migrants, often called “bahiragat” or outsiders, has been a loaded issue here. Assam saw waves of migration, first as a colonial province and then as a border state in independent India.

Background:

- ✚ The **first National Register of Citizens was compiled in 1951**, after the Census was completed that year. The Partition of the subcontinent and communal riots had just triggered vast population exchanges at the border.
- ✚ Since 2015, the state has been in the process of updating the 1951 register. One of the stated **aims of the exercise is to identify so-called “illegal immigrants” in the state, many of whom are believed to have poured into Assam after the Bangladesh War of 1971.**

Anti-Foreigners' Agitation.

- ✚ In 1979, about eight years after the war, the state saw an anti-foreigner's agitation. Assamese ethnic nationalists claimed illegal immigrants had entered electoral rolls and were taking away the right of communities defined as indigenous to determine their political future.
- ✚ In 1985, the anti-foreigner's agitation led by the All Assam Students' Union came to an end with the signing of the **Assam Accord.**

Assam Accord:

- ✚ Under this accord, those who entered the state between 1966 and 1971 would be deleted from the electoral rolls and lose their voting rights for 10 years, after which their names would be restored to the rolls. Those who entered on or after March 25, 1971, the eve of the Bangladesh War, would be declared foreigners and deported.
- ✚ The National Register of Citizens now takes its definition of illegal immigrants from the Assam Accord – anyone who cannot prove that they or their ancestors entered the country before the midnight of March 24, 1971, would be declared a foreigner and face deportation.

- ✚ This means you could be born in India in 1971 to parents who crossed the border in that year, and still be termed an illegal immigrant at the age of 48.

Why is the NRC being updated Now?

- ✚ The mechanism for detecting so-called foreigners had previously been delineated by the **Illegal Migrants (Determination by Tribunals) Act of 1983**.
- ✚ This was struck down by the **Supreme Court in 2005, on a petition** which argued that the provisions of the law were so stringent, they made the “detection and deportation of illegal migrants almost impossible”.
- ✚ The petitioner was Sarbananda Sonowal, now chief minister of Assam.
- ✚ That same year, the decision to start updating the National Register of Citizens was taken at a tripartite meeting attended by the Centre, the Assam government as well as the All Assam Students’ Union and chaired by then Prime Minister Manmohan Singh.
- ✚ In 2013, the **Supreme Court asked the Centre to finalise the modalities to update the new National Register of Citizens**. The project was launched in earnest from 2015, monitored directly by the Supreme Court.

How do the authorities establish citizenship?

- ✚ Most individuals applying for inclusion into the NRC had to prove not only that their ancestors had lived in Assam pre-1971 but also their relationship with the ancestor.

Why is the process so contentious?

Bengali Muslims

- ✚ Bengali Muslims, the community most often branded as illegal Bangladeshi immigrants, felt they were put under greater scrutiny than other groups.
- ✚ These fears were deepened with the sudden appearance of an “**original inhabitants**” category in 2017.
- ✚ State coordinator of the National Register of Citizens, admitted that people internally classified as original inhabitants faced less scrutiny.

Married women issue

- ✚ Gauhati High Court ruled that residency certificates issued by gram panchayats could not be used as a link document connecting people born after 1971 with their ancestors.
- ✚ This measure hit married women the hardest.
- ✚ The Supreme Court later overturned this decision and panchayat certificates were allowed, provided they were verified and submitted with additional documentary proof.

How many people have made it to the NRC so far?

- ✚ But over 40.7 lakh were excluded, including army veterans, government employees, families of former presidents and Assam’s only woman chief minister.

What happens to the people left out of the final list?

- ✚ Those who do not make it to the final list will have to appear before the Foreigners' Tribunals of Assam.
- ✚ These quasi-judicial bodies were originally set up under the Illegal Migrants (Determination by Tribunal) Act of 1983.
- ✚ The law has since been struck down by the court but the tribunals persist, tasked with determining whether individuals being tried are foreigners and should be deported.

What happens to those who lose cases at the Foreigners Tribunals?

- ✚ Neither the state nor the Centre has clarified what happens to those who lose their cases in the Foreigners' Tribunals, whether they will be detained, deported or allowed to stay on without the rights and privileges of citizenship.

