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## **Assam’s National Register of Citizenship: Background, Process and Impact of the Final Draft**

*The release of the final draft of the National Register of Citizenship for the Indian state of Assam has created anxiety among four million people whose names are not in the final draft. It is not clear what will happen to those whose names may not appear in the final list, which will follow this draft. Where will they go? The Bangladeshi government has repeatedly maintained that there are no “illegal” Bangladeshi citizens living in India. After the release of the final draft, to allay the fears of those whose names are not in the draft list that they may be stripped of Indian citizenship status, the Indian government and its institutions have maintained that, for now, they are not going to take any such steps.*

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On 30 July 2018, the final draft of the updated National Register of Citizenship (NRC) was released in Guwahati in the Indian state of Assam. It declared more than 28.9 million out of about 32.9 million applicants from Assam as ‘eligible for [Indian] citizenship’.<sup>2</sup> The final draft left out the names of more than four million applicants<sup>3</sup> from different communities.<sup>4</sup>

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<sup>2</sup> “Assam citizenship list: Names missing in NRC final draft, 40 lakh ask what next”, Tora Agarwala, *The Indian Express*, 30 July 2018. <https://indianexpress.com/article/north-east-india/assam/assam-citizenship-list-names-missing-in-nrc-final-draft-40-lakh-ask-what-next-5283663/>. Accessed on 30 July 2018.

<sup>3</sup> Ibid.

Earlier, in the first draft which was published on 31 December 2017, the names of 19 million out of about 32.9 million were included.<sup>5</sup>

Like the first draft, the final draft also does not mention the community or religion of the non-included applicants. However, according to a list shown<sup>6</sup> on a television channel, *Pratidin Times* (Everyday Times), out of the nine Muslim-majority districts of Assam (Dhubri, Barpeta, Darrang, Hailakhandi, Goalpara, Karimganj, Nagaon, Morigaon and Bongaigaon), only five are in the top 16 districts where the maximum number of rejections have been made. The rest of the 11 districts have a Hindu-majority population.<sup>7</sup> The highest number of rejections is in the Muslim majority district of Darrang where about 31.95 per cent of the applicants did not find their names in the final draft list. This is followed by Hojai, a Hindu-majority district, where about 30.30 percent of the applicants have been excluded from the draft list.<sup>8</sup> Interestingly, districts like Morigaon, Karimganj, Goalpara, Barpeta and Cachar which have been seen as being dominated by illegal infiltrators or migrants from Bangladesh have relatively lesser number of excluded applicants.<sup>9</sup>

According to the NRC officials, on 7 August [2018], those whose names are not in the list will receive a notification on why their names are not the list.<sup>10</sup> They can then file claims and objections which can be submitted from 30 August to 28 September 2018. Forms for the claims, objections or corrections will be available from 7 August onwards at the NRC Seva

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<sup>4</sup> Here, the communities mean religious ethnic, and tribal groups living in Assam. For the communities living on the India-Bangladesh borderland areas and their reasons and ways of mobility across the border, see Malini Sur 'Bamboo, Baskets and Barricades: Gendered landscapes at the India-Bangladesh Border', in Kalir, Barak and Malini Sur (ed) 2012 *Transnational Flows and Permissive Politics: Ethnographies of Human Mobilities in Asia*, Amsterdam: Amsterdam University Press, 127-150. Also see Hussain, Delwar (2013) *Boundaries Undermined: The Ruins of Progress on the Bangladesh-India Border*. London: Hurst Publishers.

<sup>5</sup> "Assam publishes first draft of NRC with 1.9 crore names", *The Times of India*, 1 January 2018. <https://timesofindia.indiatimes.com/city/guwahati/assam-publishes-first-draft-of-nrc-with-1-9-crore-names/articleshow/62322518.cms>. Accessed on 19 May 2018.

<sup>6</sup> This list was prepared by senior journalist Mrinal Talukdar who said that this list may have a margin of errors between 5 to 10 per cent. "Both the BJP and the Trinamool Congress Are Stirring the Communal Pot in Assam", Sangeeta Barooah Pisharoty, *The Wire*, 5 August 2018. <https://thewire.in/politics/bjp-tmc-nrc-assam-communalism>. Accessed on 5 August 2018.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> "National Register of Citizens: Beginnings and endings", Udayon Misra, *The Indian Express*, 7 August 2018. <https://indianexpress.com/article/opinion/columns/nrc-assam-aasu-bangladesh-assamese-bengali-1971-national-register-of-citizens-beginnings-and-endings-5294784/>. Accessed on 7 August 2018.

<sup>10</sup> "Assam citizenship list: Names missing in NRC final draft, 40 lakh ask what next", op cit.

Kendra (service centres).<sup>11</sup> After verification of the submitted forms and documents, the final list will be published.<sup>12</sup> On the release of the list, Prateek Hajela, the NRC State Coordinator, said, “that out of these 40 lakhs [four million] applications, 2.48 lakh [248,000] people are kept on ‘hold’ who belong to the following four categories: ‘D (doubtful)-voters, descendants of D-voters (those who have drawn descendancy from D-voters), people whose cases are pending at FTs [Foreigners Tribunals] and descendants of these persons”.<sup>13</sup>

## **Background to the NRC**

The NRC is the official register containing the names of Indian citizens. The first NRC in India was prepared in 1951. Its update is a process to enlist the names of those persons (or their descendants) whose names appear in any of the Electoral Rolls up to the midnight of 24 March 1971, the 1951 NRC or any of the admissible documents stipulated.<sup>14</sup> The update of the NRC is based on the provisions of the Citizenship Act, 1955 and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.<sup>15</sup> Although the word ‘National’ is added, the updated NRC draft list is only for Assam.

Essentially, the need for the update can be traced to the Assam Accord of 1985. It was signed on 15 August 1985 in New Delhi by P K Mahanta (President of All Assam Students Union), B K Phukan (General Secretary All Assam Students Union), Braj Sharma (Convenor of All Assam Gana Sangram Parishad), R D Pradhan (Home Secretary, Government of India) and P P Trivedi (Chief Secretary, Assam, Government of India) in the presence of Rajiv Gandhi,

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<sup>11</sup> “Receipt & Disposal of Claims And Objections”, Office of the State Coordinator of National Registration (NRC) Assam, Government of Assam. <http://www.nrcassam.nic.in/receipt-claims-objections.html>. Accessed on 5 August 2018.

<sup>12</sup> Ibid.

<sup>13</sup> “Assam NRC list: No person will be referred to Foreigners’ Tribunal or sent to detention centre based on final draft”, Abhishek Saha, *The Indian Express*, 30 July 2018. <https://indianexpress.com/article/north-east-india/assam/assam-nrc-list-final-draft-foreigners-tribunal-detention-centre-5282652/>. Accessed on 30 July 2018.

<sup>14</sup> “What is NRC”, Office of the State Coordinator of National Registration (NRC) Assam, Government of Assam [http://www.nrcassam.nic.in/wha\\_nrc.html](http://www.nrcassam.nic.in/wha_nrc.html). Accessed on 28 May 2018.

<sup>15</sup> Ibid.

then Prime Minister of India.<sup>16</sup> On the issue of immigration and immigrants the key provisions of the Assam Accord state:<sup>17</sup>

- 5.8. Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and practical steps shall be taken to expel such foreigners.
- 8.1. The Government will arrange for the issue of citizenship certificates in future only by the authorities of the Central Government.
- 8.2. Specific complaints that may be made by the AASU [All Assam Students Union]/AAGSP [All Assam Gana Sangram Parishad] about irregular issuance of Indian Citizenship Certificates (ICC) will be looked into.

According to Hiranya Kumar Bhattacharyya, former Deputy Inspector General of Assam Border Police, ‘the Accord was chalked out not to solve the problem but to defuse it. And that is where the student leaders of the agitation were taken up the garden path by cunning bureaucrats with the blessings of then Prime Minister Rajiv Gandhi.’<sup>18</sup> However, a number of Bangladeshis have been deported to Bangladesh in successive years. For example, in recent times, 5,234 “illegal migrants” were deported to Bangladesh in 2013 and 1,822 such deportation was accepted by the Bangladeshi government between 2014 and 2017.<sup>19</sup>

On the NRC, in 2005 the Indian government agreed to update the list of Indian citizens in Assam. Thereafter, in 2010, a pilot NRC project was taken up in two Legislative Assembly Constituencies – Chhygaon and Barpeta. The Chhaygaon project was successfully completed but the work at Barpeta was stopped mid-way after the All Assam Minority Students Union triggered violence in the region.<sup>20</sup> Later, in 2014, hearing a petition filed by the Assam Public

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<sup>16</sup> Accord between AASU, AAGSP and the Central Government on the Foreign National Issue (Assam Accord) 15 August 1985. [https://peacemaker.un.org/sites/peacemaker.un.org/files/IN\\_850815\\_Assam%20Accord.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/IN_850815_Assam%20Accord.pdf). Accessed on 25 June 2018.

<sup>17</sup> Ibid.

<sup>18</sup> “Assam Has Already Missed the Bus, Deportation of Immigrants No Longer an Option”, Sangeeta Barooah Pisharoty, *The Wire*, 4 July 2018. <https://thewire.in/rights/assam-illegal-immigrants-interview-hiranya-kumar-bhattacharya>. Accessed on 4 July 2018.

<sup>19</sup> “BJP Plays Politics on ‘Ousting Infiltrators’, Deportation Data Tells Different Story” *The Wire*, 3 August 2018. <https://www.thewire.in/politics/amit-shah-bjp-nrc-assam-upa>. Accessed on 4 August 2018.

<sup>20</sup> “Assam NRC: All happy with first part draft, but what happens next?”, Samudra Gupta Kashyap, *The Indian Express*, 3 January 2018. <http://indianexpress.com/article/beyond-the-news/assam-national-register-of-citizens-nrc-all-happy-with-first-part-draft-but-what-happens-next-5009742/> Accessed on 5 January 2018.

Works, the Supreme Court of India issued directives to the state government to start the NRC process.<sup>21</sup> Eventually, in 2015, the process of preparing a list of Indian citizens in Assam started.

Primarily, due to the issue of migration in the state, the provisions regarding the determination of the citizens of India in Assam is different as compared to the other Indian states. Under Clause 6B(ii) of the Indian Constitution, people who entered into the Indian territory before 19 July 1948 from Pakistan are regarded as residents of India since the date of their entry and acceptance as Indian citizens is from the day of commencement of the Constitution. Those who came on or after 19 July 1948 had to go through a legal process to obtain Indian citizenship.<sup>22</sup> In the case of Assam, as immigration and migration remained a major issue, in 1950 Immigrants (Expulsion from Assam) Act was passed by the central government of India.<sup>23</sup> However, it was difficult to recognise and expel the migrants. The problems were further complicated after a large number of refugees entered India from East Pakistan in 1971. The central government found it difficult to decide on a cut-off date of entry into India in recognising individuals as Indian citizens or foreigners. Also, there were disagreements between the groups in Assam and the central government over the cut-off date to recognise the foreigners. Later, in 1985, under the Assam Accord, the signing parties accepted that:<sup>24</sup>

- 5.1 For purposes of detection and deletion of foreigners, 1.1.1966 shall be the base data and year.
- 5.2 All persons who come to Assam prior to 1.1.1966, including those amongst them whose names appeared on the electoral rolls used in 1967 elections, shall be regularised.

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<sup>21</sup> Ibid.

<sup>22</sup> For details, see “Part II-Citizenship” *Constitution of India*. [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf). Accessed on 9 August 2018.

<sup>23</sup> See “The Immigrants (Expulsion From Assam) Act, 1950”. <https://indiankanoon.org/doc/1523917/>. Accessed on 8 August 2018.

<sup>24</sup> Accord between AASU, AAGSP and the Central Government on the Foreign National Issue (Assam Accord) 15 August 1985 . op cit.

5.3 Foreigners who came to Assam after 1.1.1966 (inclusive) and up to 24 March 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order 1964.

5.8 Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and practical steps shall be taken to expel such foreigners.

Despite the accord, the debates on cut-off year continued. In recent times, in May 2017, the AASU and few other organisations accepted 24 March 1971 as the cut-off date.<sup>25</sup> After the release of the final NRC draft list, the AASU and the Asom Jatiyatabadi Yuva Chatra Parishad declared that they would help all those Indian citizens whose names have not figured in the list to file their claims.<sup>26</sup> The two organisations have even offered to provide free legal assistance to those who cannot afford it.<sup>27</sup> Due to this, the Assam Sanmilita Mahasangha, which has moved the Supreme Court for the year 1951 to be the cut-off year instead of 1971, has accused the AASU and other such organisations for helping foreigners to get citizenship.<sup>28</sup>

The first requirement to get one's name included in the NRC<sup>29</sup> was the collection of any one of the following documents issued before the midnight of 24 March 1971 where the names of self or ancestor appears (to prove residence in Assam up to midnight of 24th March, 1971):<sup>30</sup>

- 1951 NRC
- Electoral Roll(s) up to 24th March 1971 (midnight)
- Land & Tenancy Records
- Citizenship Certificate
- Permanent Residential Certificate
- Refugee Registration Certificate

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<sup>25</sup> "Support for 1971 cut-off", Avishek Sengupta, *The Telegraph*, 1 May 2017. [https://www.telegraphindia.com/1170501/jsp/northeast/story\\_149177.jsp](https://www.telegraphindia.com/1170501/jsp/northeast/story_149177.jsp). Accessed on 9 August 2017.

<sup>26</sup> "National Register of Citizens: Beginnings and endings", op cit.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> "What Are the Admissible Documents?", Office of the Coordinator of National Registration, Assam, Government of Assam Retrieved from <http://nrcassam.nic.in/admin-documents.html>. Accessed on 4 January 2017.

<sup>30</sup> Ibid.

- Passport
- Life Insurance Certificate (LIC)
- Any Government issued License/Certificate
- Government. Service/ Employment Certificate
- Bank/Post Office Accounts
- Birth Certificate
- Board/University Educational Certificate
- Court Records/Processes

Other documents are required if a name, in any of the above given documents, is not of the applicant but that of his/her ancestors, namely, father, grandfather or grandmother or great grandfather or great grandmother (and so on) of the applicant. In such cases, the applicant has to submit documents to prove the relationship with such ancestors whose name appears in the documents mentioned above.<sup>31</sup> These documents include:<sup>32</sup>

- Birth Certificate
- Land document
- Board/University Certificate
- Bank/LIC/Post Office records
- Circle Officer/GP Secretary Certificate in case of married women
- Electoral Roll
- Ration Card
- Any other legally acceptable document

Although the cut-off date is the midnight of 24 March 1971, there are individuals, whose names are not in the final draft list, who claim that their ancestors came to Assam in the 1800s.<sup>33</sup> There are also many whose names are not in the draft list but their ancestors' names are there in the 1951 NRC.<sup>34</sup> There are then a number of women whose names are missing

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> “Assam citizenship list: Names missing in NRC final draft, 40 lakh ask what next”, op. cit.

<sup>34</sup> See “NRC update: Relatives of former President Fakhruddin Ali Ahmed, Sepoy Mutiny fighter excluded in final draft”, Rahul Karmakar *The Hindu*, 1 August 2018. <https://www.thehindu.com/news/national/other-states/nrc-update-relatives-of-former-president-fakhruddin-ali-ahamed-sepoy-mutiny-fighter-excluded-in-final-draft/article24566329.ece>. Accessed on 2 August 2018.

from the list who are from the Indian states of West Bengal and Bihar, and had been married in Assam. The technical reason for their non-inclusion is due to the Assam government's failure to get their legacy data from the two respective states.<sup>35</sup>

## History of Immigration and Population Movement in Assam

The terms immigrants, migrants and refugees are used interchangeably in Assam or in other parts of India because the official status granted to such categories of the population by the Indian state has kept changing.<sup>36</sup> At the local level, these people are called *bohiragoto* (outsiders), *bideshi* (foreigners), invaders, Bengali peasantry and land grabbers, among others.<sup>37</sup>

Historically, one of the early evidences of large scale immigration from East Bengal into Assam can be traced back to the late 1820s and 1830s when tea plantation<sup>38</sup> started at a large scale. By the 1850s, this industry expanded and required a large number of workers.<sup>39</sup> To facilitate the process of bringing workers to work in the tea plantation sector, the colonial government made a series of legislations from 1863 to 1901.<sup>40</sup> A few years after the tea plantation sector developed, oil was detected in Assam. This sector too attracted many labourers from other parts of India, including Bengal.<sup>41</sup>

Unlike the workers, the movement of the middle class Hindu Bengalis started before the early 19<sup>th</sup> century. Later, as the modern professions spread in Assam, such Bengalis migrated and entered the medical, legal and teaching related professions. A large section of the middle

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<sup>35</sup> "Former President Fakhruddin Ali Ahmed's Nephew Not Included in Assam's NRC", *The Wire*, 1 August 2018. <https://thewire.in/rights/former-president-fakhruddin-ali-ahmeds-nrc-newpew-assam>.

<sup>36</sup> Datta, A. (2013), *Refugees and Borders in South Asia: The Great Exodus of 1971*. London And New Delhi: Routledge.

<sup>37</sup> Shamshad, Rizwana (2017), *Bangladeshi Migrants in India: Foreigners, Refugees, or Infiltrators?*, New Delhi: Oxford University Press.

<sup>38</sup> Tea plantation in Assam was introduced by Scottish, Robert Bruce. He started company which expanded trade of Assam tea to the other parts of the world. When Bruce landed in Assam, he discovered tea plants 'growing wild in the upper Brahmaputra valley'. See "History of Indian Tea" *Indian Tea Association*. [https://www.indiatea.org/history\\_of\\_indian\\_tea](https://www.indiatea.org/history_of_indian_tea). Accessed on 3 August 2018.

<sup>39</sup> Gait, Edward (1926), *A History of Assam*. Calcutta and Simla: Thacker, Spink & CO.

<sup>40</sup> Ibid.

<sup>41</sup> Datta, A. (2013), *Refugees and Borders in South Asia: The Great Exodus of 1971* op cit.

class Assamese resented as they found themselves pushed out of plum posts in the colonial period by better-educated Bengalis.<sup>42</sup>

Socially, the immigration of both classes changed the demographic composition of Assam and it started to affect the local culture. To integrate with the local population, a number of immigrants, most of them from the working class, learnt the Assamese language and tried to adapt into the Assamese culture.<sup>43</sup>

The immigration, especially of the Muslims from Bengal, made C S Mulan, Superintendent of Census Operation of 1931, state that, “Immigration is likely to alter permanently the whole future of Assam and to destroy more surely than the Burmese invasion of 1820, the whole structure of Assamese culture and civilization”.<sup>44</sup> The Commissioner added that, “In another thirty years, it was not improbable that Sibsagar district will be only part of Assam in which the Assamese will find itself at home”.<sup>45</sup> This has been termed by Amalendu Guha as “mischievous and blatantly fallacious”, aimed at setting “the Assamese and the immigrants...against each other”.<sup>46</sup>

During the colonial period, the Muhammed Saadulla government in Assam was accused of settling a large number of Muslims from Bengal in Assam. In certain quarters, the ‘Grow More Food’ slogan turned out to be, as documented by many then officials as, ‘Grow More Muslims’.<sup>47</sup> In 1947, India was partitioned and a section of the Muslim population from Assam adopted Pakistan as its new home because of the partition of territory or due to its religious identity.

Highlighting the issue of immigration in the constituent assembly of India, Omeo Kumar Das, then-representative in the constituent assembly, said, “We know how mass migration into Assam has altered the very complexion of the population. It has disturbed the relative distribution in population. With the Communal Award and communal representation, it was

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<sup>42</sup> Ibid.

<sup>43</sup> Ibid & Hussain, Monirul (1993), *The Assam Movement: Class, Ideology and Identity*. Delhi: Manak Publications.

<sup>44</sup> Cited in Baruah, S (2015), ‘Partition and Politics of Citizenship in Assam’. In Butalia, Urvashi *Partition: The Long Shadow*, New Delhi : Penguin & Zuban p 78-101.

<sup>45</sup> Ibid.

<sup>46</sup> Guha, A (1977), *Planter-Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947*. New Delhi: Indian Council of Historical Research.

<sup>47</sup> Nag, Sajal (1990), *Roots of Ethnic Conflict: Nationality Question in North -East India* New Delhi: Manohar.

not fair to us to allow mass migration on a large scale and in spite of the evictions that have been carried out in our Province, I still find a large number of people who are not people of the Province but only trespassers into government lands, still hanging on to the Province, living with their relatives...If Assam which is the homeland of the Assamese people, if they cannot be protected, for myself, I think I have no justification to come to this House. Assamese people have a culture distinct from other provinces. Assamese people have a language which is a separate language and which though Sanskritic in origin has got Tibetan and Burma influences and we must protect the Assamese people. In this view of the case, I appeal to the Mover of this [Union-State powers] motion to provide scope for action by the province.”<sup>48</sup>

In post-independent India, Assam witnessed the influx of a large number of refugees from (erstwhile East Bengal) East Pakistan after the Pakistani army started atrocities against the country’s Bengali-speaking population in 1971. According to the United Nations Human Commissioner for Refugees, somewhere between 7.5 and 8.5 million<sup>49</sup> people crossed into the Indian side of the border. Many among them sought shelter in Assam. After the end of the war and the liberation of Bangladesh in 1971, a process to repatriate the refugees began. In 1972, an agreement between India’s Prime Minister Indira Gandhi and the President of Bangladesh, Sheikh Mujibur Rahman, the two countries decided that those who crossed the border before 1971 were not Bangladeshi citizens.

By end of the 1970s, anti-foreigner sentiments rose in Assam and led to Assam movement/ Assam Agitation (1979-1985) under organisations such as the AASU and the AAGSP.<sup>50</sup> As the movement started, a number of migrants, mainly from the Rangpur district of Bangladesh who crossed into Assam in the mid-1970s because of famine in the region, returned to their land out of fear.<sup>51</sup> Also, during the years of the Assam movement, in 1983, around 2,000 migrant workers were killed in Nellie near Guwahati. They were attacked by the local tribes which included the Tiwas, the Karbis, the Mishings, the Rabhas and the Kochas.<sup>52</sup> An

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<sup>48</sup> “Report of the Union Powers Committee” *Constituent Assembly Debate: Official Report*, Second Reprint, Volume V, p 95. Reprinted by Lok Sabha Secretariat: New Delhi.

<sup>49</sup> UNHCR Report (1972), *A Story of Anguish and Action: The United Nations Focal Point for Assistance to Refugees from East Bengal to India*. UNHCR: Geneva.

<sup>50</sup> Kimura, Makiko (2013) *The Nellie Massacre of 1983: Agency of Rioters*. New Delhi: Sage.

<sup>51</sup> “The Story of Atabor the Bandit, or How the NRC Reinforces Divisive Narratives”, Malini Sur, *The Wire*, 2 August 2018. <https://thewire.in/rights/assam-nrc-bangladesh-border>. Accessed on 3 August 2018.

<sup>52</sup> Kimura, Makiko (2013), *The Nellie Massacre of 1983: Agency of Rioters*, op cit.

immediate reason<sup>53</sup> for the attack was the participation of a large numbers of Muslims in the 1983 elections which the AASU and others wanted to be boycotted.<sup>54</sup> After the Nellie massacre, a few of the Muslim members of the AASU left the organisation because of its growing anti-Muslim tone.<sup>55</sup> At that time, the Indian government enacted the Illegal Migrant (Determination by Tribunal) Act 1983.<sup>56</sup> Later, the Assam Accord was signed in 1985 and it ended the movement.

Not satisfied with the provisions of the Act and the work of the tribunal, a petition against the Illegal Migrant (Determination by Tribunal) [IM (DT)] Act was filed in the Supreme Court by the present Chief Minister of Assam, Sarbanand Sonowal. Hearing the petition in 2005, the Supreme Court struck down the IM (DT) Act. In 2012, during a hearing of another Public Interest Litigation on the issue of immigrants, the Indian government clarified to the Supreme Court that it does not support cross border immigration and will take steps to deport those living illegally in Indian territory. Later, in 2014, the Supreme Court directed the Union government to “enter into necessary discussion with the Government of Bangladesh to streamline the procedure of deportation”.<sup>57</sup>

## Impact of the Final NRC Draft

On the impact of the NRC final draft list on the different communities, Sanjib Baruah, an academician, writing for *The Indian Express*, stated, “While Hindus who are found to be ineligible for inclusion in the NRC will no longer be considered illegal immigrants, the rest of the people excluded from the NRC will remain in a state of ‘permanent temporariness’.”<sup>58</sup> On

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<sup>53</sup> In Assam, the tribals and the immigrants have tensions over land. See Mishra, U (2012) ‘Bodoland: The Burden of History’ *Economic and Political Weekly*, Vol XLVII No. 36, 36-42. & Hazarika, S (13 August 2012). ‘Illegal Migration has no role in the current conflict’, *The Mint*, Retrieved on 27 July 2015 from <http://www.livemint.com/Politics/Du3khRBMmLijh1dgNkSfgL/Illegal-migration-has-no-role-in-the-current-conflict.html>. Accessed on 12 August 2018.

<sup>54</sup> Kimura, Makiko (2013), *The Nellie Massacre of 1983: Agency of Rioters*, op cit.

<sup>55</sup> Ibid.

<sup>56</sup> For details on the references on the IMDT, see <http://www.india-eu-migration.eu/media/legalmodule/Illegal%20Migrants%20Act%201983.pdf>. Accessed on 4 August 2018.

<sup>57</sup> Government of Assam, Office of the State Coordinator of National Registration (NRC) Assam, “Writ Petition (Civil) NO. 562 of 2012, Writ Petition (Civil) NO. 274 of 2009 & Writ Petition NO. 876 of 2014”, Government of Assam, Office of the State Coordinator of National Registration (NRC) Assam. <http://www.nrcassam.nic.in/images/pdf/01.pdf>. Accessed on 28 May 2018 , p 57.

<sup>58</sup> “The missing 4,007,707”, Sanjib Baruah, *The Indian Express*, 2 August 2018. <https://indianexpress.com/article/opinion/columns/assam-nrc-draft-list-names-citizenship-5287213/>. Accessed on 3 August 2018.

the class and caste composition of those not included in the final draft, columnist Debarshi Das wrote in *The First Post*, that, “Most of them are likely to be poor, working class, Bengali Muslims or Bengali Namasudra (a Dalit sub-caste) Hindus. The less-privileged, being uninformed and uneducated, were more vulnerable in this bureaucratic citizenry drill. A saner society would have decided what to do with its non-citizens before embarking on this distressful exercise. Moving forward, we need to consider their fate with clarity and composure, without doing violence to their human dignity. We also need to ask if this has been a show of sound and fury after all. Except that, in this circus, the poor and marginalised are being fed to the lions.”<sup>59</sup>

To allay any fear among those whose names have not appeared in the final draft, India’s Home Minister, Rajnath Singh, made a statement that, “Everyone will have full opportunity to file claims/objections as per provision in law. Only after the disposal of claims and objections, the Final NRC will be published”.<sup>60</sup> He added that, “I want to clarify that, even after the Final NRC, every person will get an opportunity to approach the Foreigners Tribunal. This means that, even those whose names do not figure in the Final NRC [list], will get an opportunity to approach the Tribunal. There is no question of any coercive action against anyone”.<sup>61</sup> On the status of the non-included people, talking to Karishma Mehrotra and Ravish Tiwari from *The Indian Express*, the state co-ordinator of the NRC, Prateek Hajela said that, “No, we can’t say all these 40 lakh [four million] are *ghuspethiye* (infiltrators).”<sup>62</sup>

Hajela and Census Commissioner Sailesh were later reprimanded by the Supreme Court bench, comprising Justice Ranjan Gogoi and Justice R F Nariman, for talking to media over the issue. The Supreme Court stated that, “Are you in any manner concerned with the claims and objections? What have you said and how are you concerned? All things you have said.

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<sup>59</sup> “Claim that updating NRC mandated by Assam Accord false: In this circus, poor and marginalised are being fed to lions”, Debarshi Das, *The First Post*, 2 August 2018. <https://www.firstpost.com/india/claim-that-updating-nrc-mandated-by-assam-accord-false-in-this-circus-poor-and-marginalised-are-being-fed-to-lions-4876881.html>. Accessed on 4 August 2018.

<sup>60</sup> Press Information Bureau, Government of India. [https://mha.gov.in/sites/default/files/PRESSRELEASE\\_NRC\\_30072018.pdf](https://mha.gov.in/sites/default/files/PRESSRELEASE_NRC_30072018.pdf). Accessed on 2 August 2018.

<sup>61</sup> Ibid.

<sup>62</sup> “This exercise touches lives and souls of every individual in Assam, should not allow any misinformation: Prateek Hajela, NRC state coordinator”, *The Indian Express*, 2 August 2018. <https://indianexpress.com/article/north-east-india/assam/assam-citizenship-nrc-final-draft-names-missing-sarbananda-sonowal-prateek-hajela-nrc-state-coordinator-5287276/>. Accessed on 2 August 2018.

Who are you to say? Your job is to complete the draft...On the one hand, we are asking the government to submit the Standard Operating Procedure...On the other, you are saying any document may be included”.<sup>63</sup> Earlier, soon after the release, the Supreme Court, under whose watch the monitoring of the entire process is going on, said that the draft NRC could not be the basis for any action since it is only a draft. The Supreme Court has asked the Centre to draw up a “fair” procedure to deal with the claims and objections of people left out of the list.<sup>64</sup>

O P Rawat, Chief Election Commissioner of India, said that “the electoral roll is governed by a separate law and exclusion from the final NRC would not mean ‘automatic removal’ from Assam’s voters list”.<sup>65</sup> Also, the Chief Executive Officer of the Ayushman Bharat, Indu Bhushan said, “The entitlements under the soon-to-be-launched National Health Protection Mission (NHPM) would be available to all – whether one is a ‘legitimate’ citizen of Assam or not”.<sup>66</sup> He added that, “For us, the eligibility criteria is deprivations, as listed under the 2011 Socio-Economic Caste Census (SECC). So we will give the benefits to whoever qualifies according to SECC data, NRC or no NRC.”<sup>67</sup>

Despite such assurances, concerns remain. In order to maintain law and order in Assam, before the release of the final draft, the Union Home Ministry sent 22,000 central paramilitary troops in order to beef up security in Assam and the adjoining states.<sup>68</sup> At the time of writing this paper, there were no incidents of any violence reported in Assam or the adjoining states. However, in Meghalaya, a group of Bengali speakers were tortured by activists belonging to the Khasi Students’ Union (KSU). The KSU activists forced people to

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<sup>63</sup> “Supreme Court pulls up Assam NRC coordinator, Census officials for talking to press” Anantkrishnan G, *The Indian Express*, 8 August 2018. <https://indianexpress.com/article/india/supreme-court-pulls-up-assam-nrc-coordinator-census-officials-for-talking-to-press-5296817/>. Accessed on 8 August 2018.

<sup>64</sup> “Assam NRC Draft can’t be basis for any action, ensure process is fair: SC to Centre”, *The Indian Express*, 1 August 2018. <https://indianexpress.com/article/north-east-india/assam/no-coercive-action-against-those-who-se-names-are-not-in-assam-nrc-supreme-court-to-centre-5284630/>. Accessed on 1 August 2018.

<sup>65</sup> “Election Commissioner weighs in: Exclusion from NRC doesn’t mean automatic removal from electoral roll”, Ritika Chopra, *The Indian Express*, 1 August 2018. <https://indianexpress.com/article/north-east-india/assam/election-commissioner-op-rawat-weighs-in-exclusion-from-assam-nrc-doesnt-mean-automatic-removal-from-electoral-roll-5285551/>. Accessed on 2 August 2018.

<sup>66</sup> “NRC won’t determine eligibility: Ayushman Bharat CEO”, Abantika Ghosh, *The Indian Express*, 4 August 2018. <https://indianexpress.com/article/india/nrc-wont-determine-eligibility-says-ayushman-bharat-ceo-5291044/>. Accessed on 4 August 2018.

<sup>67</sup> Ibid.

<sup>68</sup> “Assam’s final NRC draft releases tomorrow”, Manogya Loiwal, *India Today*, 29 July 2018. <https://www.indiatoday.in/india/story/assam-s-final-nrc-draft-releases-tomorrow-1299814-2018-07-29>. Accessed on 4 August 2018.

get down from vehicles to check their nationalities. It has set up checkpoints in three districts and, has till now, detected more than 1,000 “immigrants”.<sup>69</sup> The KSU has already demanded a NRC-like list for Meghalaya.<sup>70</sup>

On 2 August 2018, members of the All India Matua Mahasangha, a backward caste organisation, blocked railway stations in North 24 Parganas and Nadia in West Bengal. According to a member of the outfit, “About 40 lakh (four million) people have been excluded in the final draft of National Register for Citizens in Assam. Among them, we have found out that about 4 lakh (400,000) people belong to our community. We cannot remain silent while the citizenship of our people has been snatched overnight. Today, we have resorted to a rail blockade to register our protest.”<sup>71</sup>

The most prominent voice against the final NRC draft has been that of West Bengal’s Chief Minister, Mamata Banerjee. A day after the release of the draft, accusing the Bhartiya Janata Party (BJP)-led Union government, she said that, “They’re trying to divide people, there will be bloodbath and civil war in the country.”<sup>72</sup> Expressing concerns over the non-inclusion of Bengalis in the list, Banerjee also said that, “If Bengalis say Biharis can’t stay in Bengal, South Indian people say North Indians can’t stay there and North Indians say South Indians can’t stay here. What will be state of this country?”<sup>73</sup>

After the release of the final draft, its echo was heard in the other Indian states too. In West Bengal, Sachindranath Singha, organisational secretary of the Viswa Hindu Parishad said that, “We demand that [the] NRC should be implemented in West Bengal like in Assam. We will soon start a state wide campaign over this.”<sup>74</sup> In Delhi, BJP’s Member of Parliament,

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<sup>69</sup> As reported in “Bangalees face abuse, threats in Meghalaya”, *The Daily Star*, 2 August 2018. <https://www.thedailystar.net/backpage/bangalees-face-harassment-meghalaya-1614733>. Accessed on 3 August 2018.

<sup>70</sup> “Nagaland, Meghalaya Send People Back from Assam Border After NRC List”, *The Wire*, 2 August 2018. <https://thewire.in/rights/nagaland-meghalaya-send-people-back-from-assam-border-after-nrc-list>. Accessed on 2 August 2018.

<sup>71</sup> “Rail blockade by backward classes outfit: ‘Four lakh names left out of NRC’” *The Indian Express*, 2 August 2018. <https://indianexpress.com/article/cities/kolkata/rail-blockade-by-backward-classes-outfit-four-lakh-names-left-out-of-nrc-5287517/>. 4 August 2018.

<sup>72</sup> “Mamata Banerjee: With NRC they’re trying to divide people, there’ll be bloodbath and civil war in country”, *The Indian Express*, 31 July 2018. <https://indianexpress.com/article/india/assam-draft-nrc-list-mamata-banerjee-5284763/>. Accessed on 31 July 2018.

<sup>73</sup> Ibid.

<sup>74</sup> “West Bengal: VHP to campaign for NRC exercise”, *The Indian Express*, 2 August 2018. <https://indianexpress.com/article/cities/kolkata/west-bengal-vhp-to-campaign-for-nrc-exercise-5287508/>. Accessed on 2 July 2018.

Manoj Tiwari, raised the issue of “illegal immigration” of Bangladeshis and Rohingyas. He made a request to the Union Home Minister, Rajnath Singh, for similar campaign in Delhi to deport them.<sup>75</sup> In Mumbai, joining the chorus was several members of the BJP and Maharashtra Navnirman Sena. They demanded setting of the NRC on the lines of Assam to identify and deport the immigrants living illegally in cities like Mumbai.<sup>76</sup> BJP’s leader, Raj Purohit, made a statement that, “There are many Bangladeshis living illegally in Mumbai and Colaba (in South Mumbai)”.<sup>77</sup> However, Ram Madhav, BJP’s General Secretary said that, “Though [the] NRC had the word ‘national’ in its name, its mandate was only for Assam only as of now.”<sup>78</sup>

Besides the internal row on the NRC, there is fear that the exercise in Assam will affect India’s relationship with Bangladesh. Clarifying it, the Indian High Commissioner to Bangladesh, Harshvardhan Shringla, said that, “This [NRC] is entirely an internal matter of India”.<sup>79</sup> *The Indian Express* reported, “Weeks before its publication sparked a political row, India had quietly and informally briefed Bangladesh on the draft National Register of Citizens (NRC) in Assam, it is learnt, and assured them that there was no talk of ‘deportation’ to prevent a slide in bilateral ties”.<sup>80</sup> During his visit to Dhaka on 13 July 2018, India’s Home Minister, Rajnath Singh, briefed Bangladesh Home Minister Asaduzzaman Khan on the “broad contours” of the NRC.<sup>81</sup> Following the release of the final draft, Shringla met Bangladesh Foreign minister A H Mahmood Ali and Awami League’s general secretary and Transport Minister of the country, Obaidul Quade.<sup>82</sup> On this issue, Bangladesh’s High

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<sup>75</sup> “NRC echo in Delhi as Manoj Tiwari asks Rajnath Singh to identify, deport ‘foreign infiltrators’”, *The Indian Express*, 2 August 2018. <https://indianexpress.com/article/cities/delhi/nrc-echo-in-delhi-as-manoj-tiwari-asks-rajnath-singh-to-identify-deport-foreign-infiltrators-5287368/>. Accessed on 2 August 2018.

<sup>76</sup> “Maharashtra parties join chorus to ‘deport Bangladeshis’”, Shiv Kumar, *The Tribune*, 2 August 2018. <https://www.tribuneindia.com/news/nation/maharashtra-parties-join-chorus-to-deport-bangladeshis/630948.html>. Accessed on 2 August 2018.

<sup>77</sup> Ibid.

<sup>78</sup> “Ram Madhav: NRC limited to Assam, but all Rohingyas will be deported”, *The Indian Express*, 2 August 2018. <https://indianexpress.com/article/india/ram-madhav-nrc-limited-to-assam-but-all-rohingya-will-be-deported-5287307/>. Accessed on 2 August 2018.

<sup>79</sup> “No worries over Assam NRC draft”, *The Daily Star*, 2 August 2018. <https://www.thedailystar.net/back-page/nothing-worry-about-over-assam-nrc-draft-1614724>. Accessed on 4 August 2018.

<sup>80</sup> “Quietly, Delhi kept Dhaka in NRC loop: No deportation talk”, *The Indian Express*, 4 August 2018. <https://indianexpress.com/article/india/quietly-delhi-kept-dhaka-in-nrc-loop-no-deportation-talk-5291048/>. Accessed on 4 August 2018.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

Commissioner to India, Syed Muazzem Ali said that, “This is an internal matter of India. We do not have anything to say at this stage”.<sup>83</sup>

## Conclusion

Since the NRC list published on 30 July 2018 is only a draft, no action can be taken against those whose names are not included in it. Also, it must be noted that, even after the publication of the final list, those whose names are missing cannot be out rightly declared as “illegal” citizens or foreigners living in India. Any such status has to be established by the Foreigners Tribunals.

However, the question remains as to what will happen after the publication of the final list. There are speculations that India may grant work permits to those whose names are not included in the final NRC list<sup>84</sup> and allow them to live in the country. This could worsen the situation, as it will create a number of ‘right-less’<sup>85</sup> and stateless people in the country. If this happens, it may not affect many people from the dominant communities in Assam or India but it will certainly raise a moral question on the democratic conscience of the world’s largest democracy.

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<sup>83</sup> Ibid.

<sup>84</sup> “The missing 4,007,707”, *The Indian Express*, op. cit.

<sup>85</sup> Ibid.