



## **National Register of Citizens (NRC) in Assam: An Overview**

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### **Abstract:**

1951 NRC Updation process is going on in Assam. The purpose of NRC updation is to identify the illegal migrants residing in Assam who entered Indian territories after midnight on 24 March 1971 and to determine the citizenship of the applicants who have applied for inclusion of their names in the updated NRC. In this paper, an attempt is made to examine the background, importance and drawbacks of NRC updation process in Assam. Distribution and receipt of filled-in NRC application forms began in 2015. The verification process started on September 1, 2015. The final draft of NRC was published on 30 July 2018. The total number of persons included in the Complete Draft NRC is 2,89,83,677 leaving a total of 40,70,707 as ineligible for inclusion. NRC updation in Assam has many drawbacks. It is seen that the names of many genuine Indians were excluded from the final draft. It is also seen that the name of many people include in draft NRC with forged documents. Many people are of the opinion that in the entire process of NRC updation, there are harassments of genuine Indians. Many people are very confused and feel that there are complexities in the entire process. NRC authorities, on the other hand are of the opinion that all those who were excluded from the draft NRC will get ample opportunities to prove their Indian citizenship. Now, the NRC authorities are disposing the claim and objection cases. Hope, the final NRC will be errors free NRC and all the genuine Indians will be included in the Final NRC.

**Key Words:** *Illegal Migrants, Foreigners, Assam Movement, Genuine Indians, NRC, Citizenship*

### **Introduction:**

NRC stands for National Register of Citizens. It means the register containing the names of Indian citizens. The register was first prepared in 1951. The register included particulars of all the persons who were enumerated in 1951 Census. This register covered each and every person enumerated during the Census of 1951. It is a list containing the names of genuine Indian citizens. The 1951 NRC is now updating in Assam.

The NRC Assam is a product of long struggle by the Assamese people. The purpose of NRC update in Assam is to identify the illegal migrants residing in Assam who entered Indian territories after midnight on 24 March 1971 and to determine the citizenship of the applicants who have applied for inclusion of their names in the updated NRC. Things began on May 5, 2005 in a meeting among the Central government, Assam government and All Assam Students' Union. The meeting was chaired by then Prime Minister Manmohan Singh and the meeting decided to update the NRC in Assam. Distribution and receipt of filled-in NRC application forms began in 2015. Acceptance of applications ended on August 31, 2015. The verification process started on September 1, 2015. The final draft NRC was published on 30 July 2018. The total number of persons included in the Complete Draft NRC is 2,89,83,677 leaving a total of 40,70,707 as ineligible for inclusion. The final list excluded the names of around 40 lakh people. Out of 3.29 crore people who had filled in their applications, only 2.89 crore found their names in the draft list. It is seen that after the NRC draft publication, the names of many genuine Indians were excluded from final draft. It is also seen that the name of many people include in draft with forged documents. Name of many foreigners also included in draft NRC. During the updating process many people are facing problem as some people had objected to their names in NRC. Many people had to travel miles recently to appear before the authorities of National Register of Citizens (NRC) to prove that they are genuine Indian citizen. Many people are of the opinion that this is nothing but harassment. Poor people had to unnecessarily spend money on transport for the mischief of somebody. This means there are loopholes in entire process. Many people are very confused. Now NRC authorities are disposing the claim and objection cases. Hope, the final NRC will be an error free NRC and all the genuine Indians will be included in the Final NRC. Present paper will focus on the following objectives.

**Objectives:**

1. To examine the background of NRC in Assam
2. To examine the importance of NRC in Assam
3. To examine the drawbacks of NRC updation Process in Assam

**Methodology:**

This paper is completely based on secondary sources. Secondary data are collected from various web sources.

**Background of NRC, Assam:**

During the Bangladesh Liberation War, 1971, many illegal immigrants from Bangladesh came to India, mostly settled in Assam and West Bengal. The immigration continued even after the end of war. The Indian

Government had to spent huge amount of public money for those illegal immigrants. The immigration changed the demography of Assam. To compel the Indian Government to identify and expel illegal (mostly Bangladeshi) immigrants and protect and provide constitutional, legislative and administrative safeguards to the indigenous Assamese people, the influential students Union, AASU(All Assam Students Union) and All Assam Gana Sangram Parishad (AAGSP) led a series of a program of protests and demonstration, popularly known as Assam Movement. The Assam Movement (or Assam Agitation) (1979-1985) was a popular movement against illegal immigrants in Assam. The agitation programme ended in August 1985 following the Assam Accord, which was signed by leaders of AASU-AAGSP and the Government. The Assam Accord was signed between AASU, AAGSP, Central and State Governments on the foreigner problem issue on 15th August 1985, which determined 1st January 1966 as the cut-off date for the purpose of detection and deletion of foreigners and allowed for citizenship for all persons coming to Assam from “Specified Territory” before the cut-off date. It further specifies that all persons who came to Assam prior to 1st January 1966 and up to 24th March 1971 (midnight) shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1939. Name of foreigners so detected will be deleted from the Electoral Rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939. Foreigners who came to Assam on or after 25th March 1971 shall continue to be detected, deleted and expelled in accordance with law. The NRC is a product of this long struggle by the Assamese people. The purpose of NRC updation in Assam is to identify illegal migrants residing in the state who entered Indian territories after midnight on 24 March 1971 and to determine the citizenship of the applicants who have applied for inclusion of their names in the updated NRC. The NRC exercise, aimed at identifying illegal immigrants in Assam.

The 1951 NRC is now updating in Assam, which has had a longstanding foreigner problem, to weed out illegal immigrants and deter further influx. The updating process is doing by the government machinery and this process is monitoring by the Supreme Court of India. Citizenship being a subject on the Union List, the Central government is responsible for the policy decisions, guidelines and funds for the NRC update. Updating the NRC has been a decades-old demand, with various modalities and cut-off dates suggested over the years and many rounds of talks held. Things on May 5, 2005, in a meeting among the Central government, Assam government and

All Assam Students' Union. The meeting was chaired by then Prime Minister Manmohan Singh and the meeting decided to update the NRC in Assam.

The Supreme Court got involved in 2009 after an NGO, Assam Public Works, filed a writ petition for the deletion of illegal migrants' names from voter lists in Assam. Pilot projects for updating the NRC started in two blocks (in Kamrup and Barpeta districts) in June 2010 but were stopped because of law-and-order problems. In July 2011, the state government set up a cabinet subcommittee to simplify the procedure. In May 2013, the apex court directed the Centre to finalize the modalities by July 16, 2013. In 2014, the court directed the government to resume updating the NRC and has been monitoring the process. Distribution and receipt of filled-in NRC application forms began in 2015. Acceptance of applications ended on August 31, 2015. The verification process started on September 1, 2015.

### **Legal provisions for citizenship in Assam:**

The major statutes governing NRC updating in Assam are: 1. The Citizenship Act, 1955, and The Citizenship (Registration of Citizens and Issue of National Identity cards) Rules, 2003. 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.) As per the two statutes, the eligibility status would be ascertained based on the NRC, 1951, Electoral Rolls up to 1971 and in their absence the admissible documents up to 24th March (midnight) 1971. The updated NRC shall contain names of persons eligible for inclusion in updated NRC by virtue of being original inhabitants of Assam. The modalities for NRC updation have been developed jointly by the Government of Assam and the Government of India in adherence to these statutes.

### **Criteria for inclusion in NRC, Assam:**

1. Persons whose names appear in NRC, 1951.
2. Persons whose names appear in any of the Electoral Rolls up to 24th March (midnight), 1971.
3. Descendants of the above persons.
4. Persons who came to Assam on or after 1st January 1966 but before 25th March 1971 and registered themselves in accordance with the rules made by the Central Government with the Foreigners Registration Regional Officer (FRRO) and who have not been declared as illegal migrants or foreigners by the competent authority.

5. Persons who are original inhabitant of Assam and their children and descendant who are citizens of India provided the citizenship of such personas is ascertained reasonable doubt by the registering authority.
  - a. 'D' voters can apply for inclusion of their names in the updated NRC. However, their names will be finally included only when the appropriate Foreigner Tribunal declares them as non-foreigners.
  - b. Persons who can provide any one of the admissible documents issued upto midnight of 24th March, 1971 are eligible for citizenship.

All Indian Citizens including their children and descendants who have moved to Assam post 24th March 1971 would be eligible for inclusion in the updated NRC on adducing satisfactory proof of residence in any part of the country (outside Assam) as on 24th March, 1971 . All the members of the Tea Tribes shall be covered under 'Original inhabitants of Assam' category provided for under Clause 3(3) of the Schedule of The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. All such original inhabitants shall be included on the basis of proof to the satisfaction of the Registering Authority. On establishment of the citizenship of such persons beyond reasonable doubt, their names shall be in the updated NRC.

The 1951 NRC is now being updating for Assam, which has a longstanding foreigner problem, to weed out illegal immigrants and deter further influx. The updating process is doing by the state government machinery under the Registrar-General of India. Updating the NRC has been a decades-old demand, with various modalities and cut-off dates suggested over the years and many rounds of talks held. Things began on May 5, 2005, in a meeting among the Central government, Assam government and All Assam Students' Union. The meeting was chaired by then Prime Minister Manmohan Singh and the meeting decided to update the NRC in Assam.

The first part of draft NRC, known as the Part Draft NRC published on expiry of midnight of 31 December 2017 by the Office of the State Coordinator of National Registrar (Assam) in all the villages/wards where the Application Forms were issued & received. The total number of people included in the Part Draft NRC was 1,90,10,932 members out of 3.29 crore applicants. The final draft NRC was published on 30 July 2018 by the office of the State Coordinator of National Registrar (Assam) in all the villages/wards in all the villages/wards where the Application Forms were issued & received and also made available on the NRC official website. The total number of persons included in the Complete Draft NRC is 2,89,83, 677

leaving a total of 40,70,707 as ineligible for inclusion. The final list excluded the names of around 40 lakh people. Of the 3.29 crore people who had filled in their applications, only 2.89 crore found their names in the draft list.

### **Importance of NRC in Assam:**

A peaceful and secure living standard, health and education facility and good economical conditions are the major expects for every people and it has strong relation with the whole development of our nation. NRC is related with development of Education, Health, Economical, Cultural & Social, Political, Defence and Administration and other major issues of Assam. The NRC will form the basis for the detection of illegal immigrants. NRC updating basically means the process of enlisting the names of citizens based on Electoral Rolls up to 1971 and 1951 NRC. The purpose of NRC update is to identify illegal migrants residing in Assam who entered Indian territories after midnight on 24 March 1971 and to determine the citizenship of the applicants who have applied for inclusion of their names in the updated NRC. NRC updates has started for identify the actual resident of Assam who came up to 24 March, 1971. During the period of 1948-1971, a large number Bangladeshi people had come to Assam. By applying NRC update system they can be identified as a migrants people of Bangladesh. Now, the NRC updation process is going on in Assam. The updating process is doing by the government machinery and this process is monitoring by the Supreme Court of India.

### **Drawbacks of NRC, Assam:**

The NRC updating process in Assam has many drawbacks. It is seen that the names of many genuine Indians were excluded from final draft which was published on 30 July 2018. It is also seen that name of many people include in draft NRC with forged documents. Name of many foreigners are also included in draft NRC.

Many people, who were considered a ‘doubtful voter’, received clearance as an Indian citizen but excluded from draft NRC. People are of the opinion that they had submitted all required documents, followed whatever the authorities said, went through the verification rounds successfully and they were not included in the final draft list.

Many people are of the opinion that in process of NRC updation, there are harassments of genuine Indians. It is seen that many people are facing problem as some people had objected to their names in NRC. Many people had to travel miles to appear before the authorities of National Register of Citizens (NRC) to prove that they are genuine Indian citizen. Poor people had to spend money on transport for the mischief of somebody. Some

people are of the opinion that this is nothing but harassment. Many people are of the opinion that due to the drawbacks of entire process people are facing mental, physical, and financial and much other harassment. Many people are very confused and feel that there are loopholes in the entire process. There are fears among the people whether their names will be included or not in the final NRC.

NRC authorities, on the other hand are of the opinion that all those who were excluded from the draft NRC will get ample opportunities to prove their Indian citizenship. Non-inclusion in the final NRC does not necessarily make a person a foreigner. It is the foreigners tribunals that will decide who is a foreigner. The tribunal rulings can be challenged in the high court and then in the Supreme Court. Final NRC will be published only after resolving the claims and objections and making necessary corrections to misspelled names in the final draft NRC.

### **Conclusion:**

NRC means the register containing the names of Indian citizens. The register was first prepared in 1951. Now, the updation of 1951 NRC is going on in Assam. During the Bangladesh Liberation War 1971, many illegal immigrants from Bangladesh came to India, mostly settled in Assam and West Bengal. The immigration continued even after the end of war. The purpose of NRC update in Assam is to identify illegal migrants residing in the state who entered Indian territories after midnight on 24 March 1971 and to determine the citizenship of the applicants who have applied for inclusion of their names in the updated NRC. Things began on May 5, 2005 in a meeting among the Central government, Assam government and All Assam Students' Union. The meeting was chaired by then Prime Minister Manmohan Singh and the meeting decided to update the NRC in Assam. The Supreme Court got involved in 2009 after an NGO, Assam Public Works, filed a writ petition for the deletion of illegal migrants' names from voter lists in Assam. Pilot projects for updating the NRC started in two blocks (in Kamrup and Barpeta districts) in June 2010 but were stopped because of law-and-order problems. In July 2011, the state government set up a cabinet subcommittee to simplify the procedure. In May 2013, the apex court directed the Centre to finalize the modalities by July 16, 2013. In 2014, the court directed the government to resume updating the NRC in Assam and has been monitoring the process. Distribution and receipt of filled-in NRC application forms began in 2015. Acceptance of applications ended on August 31, 2015. The verification process started on September 1, 2015. The final draft NRC was published on 30 July 2018. The total number of persons included in the Complete Draft NRC is 2,89,83,677 leaving a total of

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