



**CALCUTTA RESEARCH GROUP
2020**

NRC FACTSHEET

**Media Factsheet on Issues of
Citizenship in the Northeast**
(Educational Materials)

**Compiled and Introduced by
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INTRODUCTION

Immediately after the BJP-led NDA coalition returned to power in the summer of 2019, it began preparations to introduce a bill in parliament for amending the 1955 Citizenship Act that would help non-Muslims entering India before Dec 31, 2014, from Pakistan, Afghanistan and Bangladesh to qualify for Indian citizenship. With the updating of the National Register of Citizens (NRC) in Assam already leaving out nearly two million residents and leading to a huge outcry with apprehensions of a humanitarian crisis and large-scale statelessness, the passage of Citizenship Amendment Act in both houses of parliament has led to a countrywide furore and agitations, often violent after repressive state measures. This has snowballed into what easily is the country's worst-ever imbroglio on citizenship, about who is and will be an Indian and who will not be one.

The National Register of Citizens (NRC) is a register maintained by the Indian Government entering names & certain relevant information for identification of Indian citizens of the Assam state. The register was specifically made for Assam state in 1951 to draw up a list of citizens and close the doors on future illegal migration into the state. This became necessary due to pressure from Assamese leaders who were clearly unwilling to shoulder the burden of refugee influx from East Pakistan that was seen as impacting on Assam's demography. Demands to update the 1951 NRC resurfaced during the 1979-85 Assam agitation and the Indian government agreed to the demand but it was delayed for a host of reasons. Finally, The Supreme Court ordered the updating of the 1951 Assam NRC while ruling on a case filed by an Assam-based NGO. The process was completed in August 2019 and the final list of citizens was published that month. Nearly two million residents of Assam were excluded from the NRC, raising apprehensions of loss of citizenship for them.

Below is a brief timeline of events leading to the updating of the Assam NRC?

1951: First-ever National Register of Citizens (NRC) of India published.

1979: Anti-foreigners' movement started in Assam.

January 1980: All Assam Students Union (AASU) submitted the first memorandum demanding to update of NRC.

August 14, 1985: Historic Assam Accord was signed.

1990: AASU submitted modalities to update NRC to Centre as well as state government.

1999: Centre took the first formal decision to update the NRC as per the Assam Accord.

May 2005: The then Prime Minister Manmohan Singh chaired a tripartite meeting between the Centre, Assam government and the AASU where an understanding was reached that steps must be taken towards updating the NRC to fulfil the promises made in the Assam Accord.

The modalities for this were approved by the Centre in consultation with the Assam government.

July 2009: An NGO called Assam Public Works moved the Supreme Court pleading that the names of those migrants who have not been documented should be removed from the voters' list. The NGO requested the court that the process to update the NRC should be started. This is the first instance of how the NRC matter reached the Supreme Court.

August 2013: The petition filed by Assam Public Works came up for hearing.

December 2013: The Supreme Court directed that the exercise to update NRC should start.

February 2015: Though the Supreme Court had ordered updating the NRC in 2013 to identify bonafide citizens and weed out illegal immigrants, the actual exercise began in February 2015.

December 31, 2015: Deadline set by the Supreme Court to publish the NRC was missed and since then the apex court has been constantly monitoring the update

December 31, 2017: The government published the first draft of the NRC.

July 30, 2018: Assam government releases second NRC draft. Of the 3.29 crores who applied, 2.89 crores were declared genuine citizens. The draft NRC excluded over 40 lakh people.

August 1, 2018: The Supreme Court ruled that the Assam NRC was only a draft, and hence it cannot be the basis of any action by any authority against anyone. The Chief Election Commissioner O.P. Rawat clarified 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.

August 17, 2018: The Supreme Court asked the Assam NRC coordinator to submit the data of the district-wise percentage of the population excluded from the NRC draft in the state.

September 5, 2018: The Supreme court had ordered that any one of the 10 of a total 15 documents provided in List-A of the NRC claim form can be used by the claimants to prove legacy.

December 31, 2018: This was the deadline for the government to release the final version of NRC. However, the deadline could not be met.

June 26, 2019: An additional draft on exclusion list was published. This list had 1,02,462 names, taking the total number of those left out to 41,10,169.

July 31, 2019: The government was supposed to release the final version of the NRC. It could not and the deadline was extended by a month.

August 31, 2019: The government released the final version of the NRC, with over 19 lakh people in Assam left out from the list.

The fundamental legal bases of the two Registers - 1951 NRC and 2019 NRC - are distinct and separate. While the NRC, 1951 was completed under the Census Act of 1948, so it is a contemporaneous document prepared in course of census operation and legally “not open to inspection nor admissible to evidence” (ALR 1970, (A&N) 206 para 15), admittedly the current NRC is being prepared under the Citizenship Act 1955 read with the Citizenship Rules, 2003. Legal historian Binayak Dutta, whose articles appear in this compendium, contends that the Courts and the various orders and judgement have not as yet constructed any legal framework to reconcile the two Acts which have distinct origin and purposes. Neither has any legal framework been evolved to legitimize the use of the NRC, 1951 as evidence in matters governed by the Citizenship Act by any amendment or an enabling clause.

The matter is more complicated now as the district offices have not maintained the NRC-1951 data for all the districts as mandated in the Census of 1951. This has been admitted by the Assam government as well. While the government was forced to rely on other documents produced by the people, from those districts where the NRC 1951 was absent or fragmentary, to enlist their names in the NRC, 2018-19, Dutta raises ‘serious questions on the legality or legitimacy’ of ‘updating’ NRC, 1951 in the province of Assam as a whole.

At one stage, the BJP appears determined to go ahead with a pan-India NRC, despite being on the backfoot after more Hindus, mostly Bengalis, than Muslims were excluded from the NRC. After managing to get the amendment bill to the Citizenship Act, 1955 passed in both houses of parliament in Nov-Dec 2019, it felt the damage done by the Assam NRC could be. The Citizenship (Amendment) Act or CAA proposes to grant citizenship to the non-Muslims Hindus, Sikhs, Christians, Buddhist, Jains and Parsis – from Afghanistan, Pakistan and Bangladesh who arrived in India before December 31, 2014. In other words, the CAB paves way for Indian citizenship to tens of thousands of immigrants, who identify themselves with any of the given religions, even if they lacked any document to prove their residency or have been left out of the NRC in Assam. It also means that any immigrant who does not belong to the said communities would not be eligible for Indian citizenship if they have failed to manage inclusion in NRC. The Citizenship (Amendment) Act says any illegal immigrant from Afghanistan, Pakistan and Bangladesh who belongs to these said communities will not be deported or imprisoned if they are not carrying any valid documents for their residency in India. Earlier, the duration of the immigrants’ residency was 11 years. The amended bill has reduced it to five years. This means that immigrants from the three countries and from the mentioned religions, who have entered India before December 31, 2014, would not be treated as illegal immigrants. The CAA will not cover those areas/states of Northeast which are governed by the autonomy provisions of the Sixth Schedule of the Indian Constitution or

covered by the Inner Line Permit (ILP) system. This means the CAA will not cover Nagaland, Mizoram, Manipur, Meghalaya and Arunachal Pradesh.

The CAA has led to huge violence in Assam and Tripura since it was passed. Ethnic Assamese and indigenous tribal's in Assam and Tripura say they feel "cheated" by the BJP into accepting a law that would give citizenship to all Bengalis, Nepalis and other Hindus, Buddhists and Christians hailing from Bangladesh, Myanmar or Nepal. For the "sons of the soil" in Northeast, ethnicity is the issue, not religion – a Bengali, whether Hindu or Muslim or a Nepali is seen as an outsider capable of endangering the demographic balance in the state. For the ethnic Assamese, Tripura is a living example of what can happen to their state if the influx of migrants from Bangladesh is not stopped. They want an "error-free" NRC and are vociferously against the CAB. For the indigenous tribespeople in Tripura, who have been reduced to a minority in the four decades after the erstwhile princely state merged with the Indian Union in Oct 1949, the fight for NRC and against CAB is seen as the "last battle" to prevent further marginalisation. That goes against the religious binary propounded by the BJP which was reflected in Amit Shah's speech in the Rajya Sabha when he said": "Should we give citizenship to all Muslims who come to India – from Bangladesh, Pakistan or wherever? How will the country run if we do that"? Though both Assam and Tripura are ruled by the BJP, they have failed to sell the religious binary that "all Hindus can live freely in India because it is their natural homeland." BJP's regional allies are uncomfortable with the CAB. Most have threatened to withdraw from coalitions with the BJP in it. The Asom Gana Parishad of Assam broke off from BJP when the bill was first introduced in 2018 but finally agreed to go along with the saffron party during the voting on the CAB. Now the party is accepting its mistake and threatening to quit the BJP-led coalition in Assam. Other regional parties in the North-eastern states have threatened to withdraw from coalitions with the BJP in it. Amit Shah has managed some of them for now by ensuring the CAP does not cover Sixth Schedule Councils and states with ILP – a last-minute change to prevent a widespread conflagration across the Northeast. For the BJP, CAB has become crucial because of the large number of exclusions of Hindus in Assam from the NRC – of the nearly 2 million who were not included, more than one million are said to be Bengali Hindus and more than 100,000 are Nepali speaking Gorkhas. This could not only impact on the BJP's support base within these communities in Assam and elsewhere in the Northeast (Tripura's overwhelming majority are Bengali Hindus) but also adversely impact on the BJP's fortunes in West Bengal. Though the BJP caused a huge electoral upset winning 18 of West Bengal's 42 Lok Sabha seats in the 2019 polls, it lost all three by-elections to the state assembly in November 2019 in Kharagpur.

This compilation on NRC does not consist of any original essay or chapter – it is a compendium that seeks to understand the NRC process, along with the CAA through a collection of published articles in the media space, both in India and abroad. Much has been written on this issue in the last few years, especially in recent months – so it is physically impossible to scan all that has been written. And all that has been written cannot fit into the limits of space set for us by CRG. So we have tried to include articles in this compendium we

thought would bring out the manifold dimensions of the NRC exercise – political, humanitarian, legal, social and much more.

If media is the fourth estate and one of the strongest pillars of democracy, it will always be subjected to public glare on how it has covered contentious issues like citizenship and the agitation over proposed changes to the laws that regulate it. This compilation is thus not only relevant for social scientists looking at the great Indian citizenship controversy or students of media studies on how the media performed its tasks and whether it succeeded or failed to uphold the professional values of free media and those critical to the ethos of India's post-colonial democracy. It is relevant for the Indian people as a whole because this compilation covers a critical moment in the life of the Republic and because it throws a mirror on the citizenry's performance in upholding the core values of the Indian polity and the Constitution that holds it together. The debate is far from over. Though the BJP has backed out of an immediate all-India NRC, it is not excluded from their agenda. It may have retreated in the face of huge agitations and a federal crisis with scores of states refusing to implement either the NRC or the CAA. But it is determined to implement the CAA and at least use it to whip up passions to polarise the electorate on religious lines. How the divided Opposition and the Indian people as a whole ultimately face the issue will be something on which the future of the Republic lies. Too much is at stake for anyone to look the other way or take a "neutral stand." The future of India and what shape the Union takes in the future will depend on which way the citizenship issue is decided in the next few years.

The Compendium is divided into five sections.

The **first section** seeks to bring in articles that provide the appropriate perspective on NRC exercise.

The **second section** focuses on the NRC exercise in Assam in its entirety.

The **third section** looks at how the NRC-CAB issue has begun to influence the political discourse in other Indian states, especially in the Northeast and West Bengal.

The **fourth section** looks at how the NRC-CAB issue has been viewed outside India and the possible impact on India's image abroad.

The **fifth section** contents divergent views ranging from the extremes of opposition and support for NRC-CAA in Assam.

The BJP and its ideological allies see NRC, an exercise only done in Assam so far, as essential to weed out illegal migrants across India. Their main focus is on illegal migrants from Bangladesh. On the other hand, they see the CAB as essential to protect the non-Muslim, especially Hindu migrants from Bangladesh, Pakistan and Afghanistan and have therefore pushed ahead with it.

Opposition parties like the Congress see the entire exercise, especially the CAA, as part of the BJP's efforts to undermine the secular edifice of Indian polity and take the country towards a "Hindu Rastra" (Hindu state). They allege that the BJP is pursuing the dangerous politics of religious polarisation to consolidate its political grip on the country and divert its attention from failures in handling the economy and foreign policy. Some parties like West Bengal's ruling Trinamul Congress are opposed to the NRC and CAB, they have said that they will not allow the Union Government to conduct NRC and implement CAB in West Bengal. That pitches the state in direct confrontation with the Indian government. States like Left-ruled Kerala and Congress-ruled Punjab have already said they will not implement the CAB. Some other states may follow suit. A confrontation between the Centre and several states seems inevitable, considering the fact that the BJP controls not as many states as it did before 2018 – except UP, Karnataka and Gujarat, they don't rule any of the big Indian states any more. This could give rise to much stress on the Indian federal system, after the schisms over allocation and distribution of tax revenues and financial support for key projects to non-BJP states.

But the enormous procedural complications witnessed in Assam over the NRC exercise and that both the ruling BJP-AGP alliance, the Assamese and tribal regional groups and the minority organisations are unhappy – perhaps for different reasons – and have dubbed it as a 'failed exercise' makes it important to ask the key question – why try replicate all over India an exercise which has failed in Assam without spending enough time on an elaborate and comprehensive review of (a) whether it is essential to have such an exercise to identify illegals' (b) whether the exercise can ever be error-free and fair considering that India, especially poor Indians, lack a culture of documentation (c) whether the pain and cost involved for citizens justify the exercise (d) the impact of this exercise on our neighbourhood policy.

Assam is India's most fragmented state – Mizoram, Nagaland, Meghalaya and Arunachal Pradesh were carved out of it to pacify irate tribe-people who felt dominated by the Assamese power-holder elites. The NRC was typical to Assam and emerged out of its anti-outsider mindset that has dominated its politics since the colonial era. Is it fair to push India, a huge nation with mind-boggling diversity, into an exercise that could prove to be hugely divisive?

SECTION ONE

NRC: PERSPECTIVES

This section contains a number of published articles which provides the necessary background to the NRC exercise, first in 1951 and now the updated final list published in August 2019. It contains some longish pieces, especially those by Professor Binayak Dutta written for “East Wind” Journal are particularly exhaustive. There is also a chronological brief of major events in Assam linked to the conflict over citizenship.

The Illusive Indian

East Wind, December 11, 2018

By Binayak Dutta

Politics in Assam has for long been dominated by contestations over belongingness and citizenship, today, popularly intertwined with the process of ‘updating’ the National Register of Citizens. It is important to examine the history of this project of ‘updating’ the National Register of Citizens (hereinafter referred to as NRC) in Assam and how it came to find a place in the political imagination in the province. It would not be incorrect to point out that the Assam Accord signed in 1985, which marked the culmination of a six-years-long anti-foreigner agitation in the Brahmaputra valley of Assam was conspicuously silent about the ‘updating’ of the NRC, though it did provide that 24th March, 1971 would be the cut-off year for ‘regularization’ of foreigners in Assam. This led to the insertion of a new provision in the Citizenship Act, 1955, viz Section 6A which delineated special provisions as to citizenship of persons covered by the Assam Accord. While most of the other clauses of the Accord have been implemented, only those provisions related to illegal immigration of ‘foreigners’ still remained wanting, despite the rhetoric that rent the air since the signing of the Accord in 1985. It is probably because of this shortcoming, the three parties to the Assam Accord, viz, the All Assam Students Union, the Government of Assam and the Government of India decided to come back to the table to review the implementation of the Assam Accord which was also carried prominently in the press. The Hindu reported in its 8th May, 2005 edition that, “Prime Minister Manmohan Singh agreed to the AASU demands for implementation of the Accord within a timeframe; effective measures to seal the Indo-Bangladesh border in a year’s time; updating the National Register of Citizens with March, 2, 1971 as the cut-off date within two years’ time and issuance of photo identity cards after updating the NRC.”

The issue of the ‘updating’ the NRC therefore arrived into formal official narratives only with the Agreement of 2005 and not earlier as many would want to argue. It is interesting to note that neither the Assam Accord nor subsequent agreements clearly defined the term ‘foreigner’ though the primary focus of the Anti-Foreigner Agitations was focused on identification and deportation of the same. But this accord and agreement notwithstanding, the issue continued to drag on till, in 2008, the Government of Assam took up the matter of the construction of national Register of Indian Citizens in August, that year, with the Government of India.

Since 2005, the judiciary in Assam has become a pro-active arm of the state machinery in its quest of determination and construction of citizenry in Assam. By 2008, judicial anxiety on citizenship was out in the open as one of the judgement even went to the extent of pointing out that, “... large number of Bangladeshis present in the state of Assam... have become the king-makers.” The institutions of government were perhaps not immune to and insulated from the popular outpourings of society in which they were located. The ghost of partition came back to haunt the society, especially its politically sensitive elite who had felt that the foreigners’ issue had never really been buried for good despite the Accord of 1985. The Gauhati High Court judgment in WP (C) No.5696 of 2002 dated 25.7.2008 was only one of

the major judgements on the issue of illegal immigration from Bangladesh into Assam as it was widely reported in the press and generated wide public debates.

Many more judgements that came subsequently also reflected similar sentiments. It was evident that a broad consensus was emerging on the construction of a National Register of Citizens which would be the touchstone for citizenship claims with both the political and legal authorities. When the Government of India came out with The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 in their effort to prepare the National Population Register, it was perhaps only in time with the broad political atmosphere in Assam. The proposal under the rules was to make a National Register of Indian Citizens. (Order appended to clause 2 of the Rules, 2003). As the foreigners' issue again witnessed an upsurge in 2005 and the political situation became critical, the government of Assam and the government of India again sat in consultation with the All Assam Students Union (ASSU) which led to a formal proposal for the updating of the national register of citizens in Assam, 1951, for the first time as a possible solution of the popularly sensitive foreigners issue. The political leadership took shelter behind popular logic with the Chief Minister pointing out in a letter to the Prime Minister that “updating of the National Register of Citizens 1951 is looked upon as the solution to the vexed foreigners' issue in the State and there seems to be a consensus among cross section of people with regard to the updating of National Register of Citizens”. It is at this critical moment that a septuagenarian, Pradip Kumar Bhuyan prepared a draft of the writ petition and got Abhijit Sharma of the Assam Public Works, a voluntary NGO file the petition bearing W.P.(C) 274/2009 at the Supreme Court of India (The Assam Tribune, 31st July 2018) seeking to “delete the illegal voters from the voter’s list of Assam and in that process seeks an updation of the National Register of Citizens, 1951.” (para 18, S.C. Judgement dt. 17.12.14). By 2012, Assam was in the throes of another conflagration as, in public perception, nothing much had taken place to resolve the issue of illegal migration of foreigners either at the politico-administrative level or the political level. The All Assam Students Union was successful in organizing protest meetings and processions on the foreigners’ issue and the press reports indicated the reverberation of the slogans of the Assam Movement again in 2012. The match stick to the powder-keg came in the BTAD areas in 2012 which witnessed a conflict between Bodo inhabitants and Bengali-Muslim settlers who were pilloried as ‘Bangladeshis’. It is at this time of conflict and tension, that the project to prepare the National Register of Citizens received a fillip. The process of upgradation of the NRC was also not without its share of contests and controversies with civil society organizations like Assam Sanmilita Mahasangha Indigenous Tribal Forum and NDFB (Progressive) and political parties like BJP and AIUDF crossing paths on the issue. (Telegraph: 16th September 2012)

It is in this situation that the Supreme Court decided to take up the hearing of the Assam Public Works led writ petition. By 2012, many other organizations came together to form an umbrella organization, named Assam Sanmilita Mahasangha and intervened in the petition filed by Assam Public Works. By the time the Supreme Court of India began hearing of a writ petition on the issue in August 2013, the modalities for the NRC had not been finalized and neither was any fundamental legal framework identified for the process except the order

from the Registrar General of Citizens Registration for the same by 5th December, 2013. (Gazette Notification dated 6th December, 2013). However the matter acquired seriousness as the Supreme Court, like the Government of India also went about supporting the exercise and in its judgement on 17th December 2014 and directed that the upgraded National Register of Citizens (NRC) for Assam be published by the end of January 2016 on the basis of a prescribed time schedule. It is interesting to note that the judgement of 2014 was in response to the petitions which called for linking the current exercise of NRC with the NRC of 1951. This is where all the problems of the process came to be rooted. It is also important to note that the fundamental legal bases of the two Registers, viz the NRC of 1951 and the NRC of 2018 are distinct and separate. While the NRC, 1951 was completed under the Census Act of 1948 which makes the register a contemporaneous document prepared by field staff engaged in course of census operation and was legally “not open to inspection nor admissible in evidence” (ALR 1970 (A&N) 206 para15), admittedly the current NRC is being prepared under the Citizenship Act 1955 read with the Citizenship Rules, 2003. To the best of our knowledge, the Courts and the various orders and judgement have not as yet constructed any legal framework to reconcile the two Acts which have distinct origin and purposes. Neither has any legal framework been evolved to legitimize the use of the NRC, 1951 as evidence in matters governed by the Citizenship Act by any amendment or an enabling clause.

The matter is more complicated now as we know that the district offices have not maintained the NRC-1951 data for all the districts as was mandated in the Census of 1951 and the matter is today admitted by the government of Assam as well. While the government was forced to rely on other documents produced by the people, from those districts where the NRC 1951 was absent or fragmentary, to enlist their names in the NRC, 2018, it therefore raises serious questions on the legality or legitimacy of ‘updating’ NRC, 1951 in the province of Assam as a whole.

The institutions of government were perhaps not immune to and insulated from the popular outpourings of society in which they were located. The ghost of partition came back to haunt the society, especially its politically sensitive elite who had felt that the foreigners' issue had never really been buried for good despite the Accord of 1985.

It is also important to mention that the province of Assam in 2018 is surely not the same as it was understood in 1951. The new states that were formed on the debris of composite Assam since 1963 had surely not taken adequate care to maintain the NRC 1951 records which have since been destroyed. Thus despite repeated reminders from the authorities in Assam, they have not been very forthcoming with the information.

The Historical Antecedents

In popular perception of many Assamese elite, the NRC was a document that was inextricably linked to the goal of sanitizing of Assam from the scourge of ‘foreigners’ who are often synonymous only with people of east-Bengali origin and post-partition had become synonymous with the East-Pakistani/Bangladeshi. It is important to remember that when

post-colonial Assam was conceived and constructed by the dominant Asomiya speaking political leadership of the Brahmaputra valley, it was imagined as linguistically homogenous and insular with the transfer of the district of Sylhet to East Bengal, reflected in the APCC Election Manifesto of 1945 and the Governor's address to the first session of postcolonial Assam Assembly post-partition, as he declared that, "the natives of Assam are masters of their own house... The Bengali no longer has the power... to impose anything on the people of...Assam". But this attempt to arrive at an ethno-linguistically homogenous citizenship in post-colonial Assam appeared to be defeated as the flow of refugees soon turned into an unstoppable tide. As these immigrants became vote-banks of the ruling party in power, they became more assertive. In the backdrop of the Chinese invasion the government became wary of the immigrants and began to make a fresh security appraisal. A text of the draft prepared by the Intelligence Bureau in its background note stated that "the number of illegal immigrants into Assam from Pakistan over the course of the last 12 years has been very conservatively estimated about 250 thousand. Local unofficial estimates, however put this figure even higher." (Text of the PIP Scheme) The Intelligence Bureau, therefore, observed in a circulated proposal that, "The fact that such a large number of immigrants succeeded in illegally crossing the frontier and settling down unnoticed would prove that the measures so far taken have not been effective" and proposed for initiating the national registration of citizens as a means to tide over the vexed citizenship issue. This scheme which was drafted by the intelligence bureau officials proposed that a "National Registration System and the issue of Identity Cards should be adopted" for all the residents of Assam and the North-Eastern region. It is probably in this context that the government agencies began to assert the importance of documents like the National Register of Citizens as a document for verification of citizenship and identification of infiltrators from Pakistan.

The birth of Bangladesh on the partition of Pakistan in 1971 made the situation more critical. It added the 'Bangladeshi' dimension to the 'foreigners' imbroglio and gave a new lease of life to the existing resentment in Brahmaputra valley against the Bengali speaking population living in Assam. By late 1970s, the presence of foreigners in electoral rolls had come to become a major issue in Assam politics. The Assam Anti-Foreigners Agitations were launched in 1978 over a by-election and which came to a close with the signing of the Assam Accord in 1985. The NRC was also viewed in academic and political circles as a fulfilment of the vision of a sanitized Assam that promised to be free of 'Bongals'. It was therefore often misunderstood as part of the "mandate of the Assam Accord." (Dutta: Feb, 2018 EPW) and many academics working in the Brahmaputra valley thought of it to be a part of it as the Accord, signed in conclusion of the Assam Movement against 'foreigners'. It is pertinent to remember that the NRC, which today is believed to be extremely critical to the 'national' life of Assam did not find any mention in the famous Assam Accord signed in 1985. In fact, it was a process that was proposed administratively in 1965 and was politically sanctioned only in 2005, only to be constructed since 2015, after the division bench of the Hon'ble Supreme Court passed an order in favour of updating the NRC, 1951 in December 2014. While the process commenced in 2015, the final draft NRC could only see the light of print on 30th July, 2018 after a lot of delay. But this list again opened a can of worms as more than 40 lakhs applicants did not find their names in the list. The Supreme court therefore in recent

orders reopened the process of filing a fresh round of filing of claims and objections from the 25th of September up to 15th of December, 2018. While the schedule for the publication of the NRC has missed its original timeline, the NRC including the draft register is, in reality, far away from its completion and final publication to the satisfaction of the people of Assam even if the process of completing the formalities for the enrolment of names in the National Register of Citizens is completed according to the Supreme Court Schedule.

NRC Assam model: Some food for thought

In retrospect, it is probably important to reflect on the process and possibilities of the process itself. The process of NRC updating in Assam has been devised on the basis of 14 documents on the basis of which a person has to show his linkage with his ancestors or his existence within the territory of India prior to 25th of March, 1971.

Failure to produce such link would result in non-eligibility to have his name entered in the NRC and hence be stigmatized as a probable foreigner. It is important to look into the statistics which are available in the public domain in forms of various reports/writings, to understand as to how many people can produce these documents. The documents are publicized in the website of NRC Assam. The official notification states that:

“There will be two requirements for inclusion of names of any person in updated NRC

1. The first requirement is collection of ANY ONE of the following documents of List A issued before midnight of 24th March, 1971 where names of self or ancestor appear (to prove residence in Assam up to midnight of 24th March, 1971).

1951 NRC or Electoral Rolls up to 24th March, 1971 (midnight) or Land and Tenancy Record or Citizenship Certificate or Permanent Residential Certificate or Refugee Registration Certificate or Passport or LIC Certificate or any Govt. issued License/ Certificate or Government service/Employment Certificate or Bank/Post Office Accounts or Birth Certificate or Board/University Educational Certificate or 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, 1971) and ration cards issued up to midnight of 24th March, 1971 can be adduced as supporting documents. However these two documents shall be accepted only if accompanied by any of the documents listed above.

2. The Second requirement arises if name in any of the documents in List A is not the applicant himself/herself but that of an ancestor, viz, father or mother or grandfather or grandmother or great grandfather or great grandmother (and so on) of the applicant. In such cases the applicant will have to submit documents as in List B below to establish relationship with such ancestor, i.e. father or mother or grandfather or grand-mother or great grandfather or great grandmother etc whose name appears in List A. Such documents shall have to be

legally acceptable document which clearly proves such relationship. The documents listed in List B are:

Birth Certificate or Land Document or Board/University Certificate or Bank/LIC/Post Office Records or Circle Officer/G.P. Secretary's Certificate in case of married women or Electoral Roll or Ration Card or any other legally acceptable document.

Provided that any one of the documents of List A of ANY PERIOD up to midnight of 24th March,1971 shall be enough to prove eligibility for inclusion in updated NRC.”

In the first category of the documents the most important and most controversial are of course the NRC 1951 and the voters list till 1971. But before discussing these two documents, it is important to examine the statistics related to some of the other documents in the list and examine their validity. The second category of documents can be broadly classified under the head of literacy rate, employment, institutional births etc. The third set of documents are the Land & Tenancy Records. If we depend on the statement of Sri Arun Jaitley, the finance minister of India in the Rajya Sabha in 2015 April, 100 million households and 300 million people in India do not own land. (Livemint on 4.5.15) The Brahma Committee set up by the State Government of Assam in its report, as reported in the press, points out that 90% of the natives in Assam do not have permanent land ownership papers. (The Economic Times, 2nd May, 2017) It is important to ponder as to how many people can produce land documents as proof and which can make us wonder as to how one could depend on the same to construct the NRC. Though the figures are of 2015 and 2017 but the same nevertheless can reveal what the conditions might have been in 1971 or before. The fourth, fifth and the Sixth documents being Citizenship Certificate, Permanent Residential Certificate and Refugee Registration Certificate, which one could be sure were issued only to registered refugees from East Pakistan, who arriving before 1971, as is the mandate of the present exercise would be a defined number i.e about 21 lakh people out of a total of 3 crore 29 lakh applicants, as is discussed below. The PRC or Permanent Residential Certificate is only issued for educational purposes and it would overlap with the literacy figures which is discussed separately. The Seventh document is the Passport, about which the Business Today reports on 24.7.17, that only 5.5 per cent of India's population has passports. (Business Today Online, July 24th, 2017) The next set of documents is LIC policy. The Financial Express in its report dated 24.9.2006 stated that 20% of the insurable population is only covered in the country. The figures in 2006 were itself so small and one is left wondering what the number of such policyholders could be between 1951 and 1971. This brings one to the Ninth Document in the list which is any Govt. issued License/Certificate. If the figures of issuance of Driving License is taken, which is an accepted document for many purposes, the Times of India on 16.7.17 reported that there are 997 regional transport offices (RTOs) in the country with 1.15 crore license being issued/renewed every year. So in a population of more than 130 crore new license and renewals together comes to 1.15 crore, every year that too after Maruti revolutionized the automobile sector in India in the early 1980s. However, the document has to be prior to 1971 when only a minuscule per cent of the population owned motor vehicles in India.

If the scenario of self-employment is considered, the Indian Express on 18th March 2018 reported that eleven per cent of the adult population in India is engaged in “early-stage entrepreneurial activities”, and only five per cent of the country’s people go on to establish their own business as per a survey. If the employment statistics on the basis of figures released by the RBI are considered, it would show that only a small section of the people filing the NRC applications can produce such certificate. The next document is the Govt. Service/ Employment Certificate, the document No 10. The Indian Express report shows that in 2011-12 only 17.61 million or 1 crore 76 lakhs are in Government jobs, which was 13.13 million in 1974-75. So all over the country only 1.76 crore government job holders were available in 2011-12 and if one goes back further it was 13.13 million in 1974-175. Further, in 2011/12 there were 12.04 million (1 crore 24 lakh) formal private sector jobs, which meant that 2.3% of the work force are in formal private sector. Thus, the size of the formal sector, based on RBI data till 2012, is about 6% (government + private sector). The rest 94% are in the informal sector. Majority are farmers, farm labourers and daily wage workers. The figures that may be relevant here is the number of Government job holder, which even if relaxed to include the private sector would also not be sufficient to overcome the hurdle. Statistics of People below poverty line also is a big factor to understand as to how people are placed in their fight for survival.

The Planning Commission figures of 11-12 say 29.8% Indians are below poverty line. BBC News on 23.3.2012, through Soutik Biswas, Delhi Correspondent reports that 37.2. % of Indians were living below poverty line in 2004-2005 (i.e. earning less than Rs 28.65/- per day in a city and Rs 22.42 in village). The Telegraph on 11.4.17 reports that the Union Rural Development Minister Shri Narendra Singh Tomar in response to a question from Smti Rane Narah in Rajya Sabha in 2011- 2012 stated that 101.27 lakh people live below poverty line in Assam. i.e. 31.98 % of the total population. These figures are of 2011-12 and not of the seventies or the sixties, which could not have been any better. The Eleventh document is the Bank/Post Office Accounts. If one looks into the Jandhan Accounts opened as a part of initiative by the present Government, 30,71,10,972 accounts i.e., approximately 31 crore accounts were opened in India and 1,25,20,340 were opened in Assam alone. This literally means that 31 crore of Indians did not have any account even in 2014-15.

Birth Certificate is the twelfth in the list. If the Census of India figures of 2015 is any indication only 23 crore people in India have their birth registered at the national level and only 1005681 names have been registered for their birth in Assam in the same year out of a population of more than 3 crore. Considering that the figures are so marginal even after the making of compulsory registration of births and deaths in India in 1969, one can only imagine the percentage of people who could probably produce such certificates between 1951 and 1971. With regard to Registration of births, reports suggest that after 30 years since 1969 Act came into force, still less than 55 % the births were registered which means that even by 1999 standards 45% of the country’s population born in 1999 did not have a birth certificate. The figures also do not improve if an analysis of the people who can produce the 13th document i.e. the Board/University Educational Certificates, is made. Census figures from Assam reveal that only 18.53 % of people were literate in 1951 which rose to 33.94% in

1971. This means that more than 66% of the population were illiterate in 1971 and had no possibility of producing any such Board/university educational certificate even if it assumed but not accepted that these entire literates population had passed matriculation. The last document which is Court Records/Processes, which would cover only a minuscule percentage of population, considering the fact that people do not move to adjudicatory forums as a matter of every-day practice. Even if one were to take the records of crimes committed and registered, it is an acknowledged fact that the number of reported and registered crimes is substantially lower than that which is actually committed. If we were to go by the statement of Justice Deepak Mishra, about 3.3 crore cases were pending in different courts of India in 2017. While the figures, in itself are staggering, it has to be contrasted with the total population of 135 crore population of the country, which is only minuscule. If the said figure is any indication, it can be safely argued that the number will be even smaller till 1971, considering that 24th March, 1971 is the permissible cut-off date for any adduced document to prove claim for inclusion into NRC.

These documents apart, the Ration Card is included as a Link document. However, the document is a debatable one as the Times of India had reported on Jan 22, 2016 that nearly 3.75 crore bogus ration cards have been issued. Further, the linkage is not very clearly possible as the ration cards issued earlier did not contain names of family members in the 1970s. This brings one finally to the document at Serial No 1 being the NRC of 1951 itself which is being projected as the mother of all documents. The said document it appears is supposed to have been prepared in terms of the Census Act, 1948, though the said act does not provide for or envisage the preparation of any such national register. Further, what is more interesting to note that Section 15 of the Census Act, 1948 specifically says that any document, records prepared under the Act are not admissible in evidence, a proposition, which is also validated by the Hon'ble Gauhati High Court in 1970 (AIR 1970 Assam and Nagaland 206) which held the NRC, 1951 to be inadmissible in evidence. Even the Voters list of Assam cannot be said to be conclusive as the territorial character of the province has undergone a lot of change between 1951 and 1971 and in case of those constituencies which do not fall within the meaning of present state of Assam, most of the records are unavailable in Government offices of other states. Moreover, the linkage with these two documents must be shown by the other 12 documents. It is also pertinent to point out that if we are to go by the government statistics, most of the people who could have the possibility of their names in the NRC, 1951 or the voters' lists till 1971, would be dead by now. The average life span of an Indian is 67.5 according to the Census 2011. As per the census 2011 person above 60 in Assam is 20,79,000 of the population, which means that in the unlikely event that all of these people were in NRC 1951 they would make it without any supporting document assuming that all of them are alive in 2015, which too is the most unlikely.

In lieu of a conclusion

Analysis of the above parameters reveals the precarious condition of the majority of population of the country and the people of Assam, if they are to prove their belongingness or roots in this state on the basis of any officially sanctioned documentary evidence. Thus the basic question that arises is, whether, a person who cannot produce any of these documents

shall automatically cease to be a citizen of this country or not. It is also important to note that the Citizenship Act, 1955 does not state anywhere that persons who cannot or do not have documentary proof shall be considered as non-citizens. It is important to consider that we live in a country where sizable sections of people are still illiterate with the national literacy rate standing at 74% in 2011 and lives are prone to natural calamities and destruction. It is probably needed to pause and ponder about the fate of such person whose eligibility to be included in the NRC still remains doubtful. The main concern today is whether the NRC can be completed in a fair manner, however solemn and desirable it might be or would the term “Fair NRC” end up as an oxymoron for millions of genuine Indian citizens who to live a life of stigma in Assam or be haunted by the possibility of a life of statelessness in a ‘detention camp’. This is something that is unprecedented and we are yet to come to terms with till recent times.

The Great NRC Mess

Newslaundry, August 1, 2018

By Samrat X

The hashtags that followed the publication of Assam's National Register of Citizens (NRC) from which 40 lakh residents of Assam were excluded were suitably "nationalist", as hashtags on most channels tend to be these days. "India for Indians" screamed *Republic*.

Times Now, the place where *Republic* founder Arnab Goswami developed his infamous hectoring style, went – albeit belatedly – with a variant, "Indians First In India". The shows were to match. Rahul Shivshankar, the *Times Now* anchor who has acquired the spirit of Arnab, his job, and perhaps his salary too – it would be a shame to become cut-price Arnab – screamed that Indian taxpayer money, which the government spends so judiciously to provide us with wonderful roads, *sarkari* schools, hospitals and so on, is being wasted on these illegal migrants. Arnab, arguably the most famous Assamese in the world, suddenly discovered his secular side and, after offering the slogan of "Bangladeshis Go Home", followed it up by saying religion of the "Bangladeshis" in question did not matter, the reason for which I will explain further down in this article. Not everyone seemed to agree. *Aaj Tak*, less sophisticated than Arnab, chose to go with the headline: "*Ghuspetiya Musalman, Neta Pareshan*". The overall thrust of TV debates, generally, was to suggest that lakhs of illegal Bangladeshis – characterised in some cases as Bengali Muslims – were being thrown out, and this, of course, was quite a wonderful thing.

It would be all very well if that was all there was to it, but as usual, our television channels produced more heat than light, on a complex and sensitive issue that will affect the lives of at least these 40 lakh people, and possibly of many more, because such a huge attempt at disenfranchisement – the largest in the world – is certain to have ripple effects.

Instead of explaining and illuminating the complexities, the channels played highly slanted political propaganda, thereby misleading the public and potentially setting the stage for communal unrest.

The simple fact of the matter is that a vast number among the 40 lakh are likely to be Indian citizens who have been wrongly excluded from the list. There are some examples that illustrate this. For instance, an Assamese BJP MLA, Ramakanta Deori, did not find his name in the NRC draft. Another BJP MLA, Dilip Paul, found his wife's name missing. A retired soldier of the Indian Army, Azmal Hoque, is not in the list. This is to say nothing of the lakhs of people, Hindus and Muslims, Bengali but also from other communities such as Bihari and Nepali, who have been left out of the list. The reason Arnab discovered his secular side was probably because not less than 10 lakh of the 40 lakh are likely to be Hindus. The NRC required documentation from before March 25, 1971, the cut-off date agreed upon in the Assam Accord of 1985.

For poor, often illiterate people across communities, producing documentation from 47 years ago is anyway a difficult task. On top of that, the complexities of the paperwork may well be beyond them. The desire to throw out illegal migrants has unfortunately led to many innocents being victimised already over the years – and the victimisation is being fanned further by certain political outfits and their cheerleading news channels for electoral gain, at great cost to these people and the nation.

It is true that India and Bangladesh share a long, porous boundary of almost 4,100 km. People and cows have long moved back and forth across this boundary. The solidity of lines on the map is not reflected in the fluid realities on the ground. It is often hard to tell where one country ends, and the next begins. Nor is it easy to say where one ethnicity ends and the next begins – the people are often the same on both sides of the border. Even in places such as Meghalaya, where quite distinct ethnic groups live on either side of the boundary, it is common for villagers from border areas on either side to speak a shared local dialect. For instance, I have met Khasi villagers from Bangladesh in the area around Pyrdwah who spoke to me in fluent Sylheti. Khasi, Garo, Jaintia, Manipuri, and Assamese populations too exist in Bangladesh; they are Bangladeshis too. There are, of course, Hindu Bengali and Buddhist Chakma populations as well.

The stereotype of the Bangladeshi as a Bengali Muslim man with a beard and clad in *lungi* is really a caricature. Someone who has never seen a boundary except for on a piece of paper may imagine there is a neat line on the ground where one community ends and the next begins. That is the greatest error in thinking that maps produce. The reality on the ground is that there is not, and there never was, any place where such a line could be drawn, anywhere in the landmass of the subcontinent of India. That was why Partition affected so many lives and was such a tragedy: it was an attempt to draw a line separating Hindu and Muslim in a land where Hindu and Muslim were both there in villages all the way from Afghanistan to Burma.

The attempts at ethnic cleansing that have followed the drawing of lines on maps by an Englishman in 1947 continued through the decades in Northeast India, where a stream of refugees produced by the impossible attempt to physically separate the Hindu Bengali from the Muslim Bengali poured in with riot after riot in East Bengal, which had become East Pakistan. Most of the fleeing refugees moved to West Bengal, but a sizable number, particularly from Sylhet – a province of Assam that went, in a controversial referendum, to Pakistan – also moved to Northeast India. They found themselves unwelcome on either side of the border. Moves to evict them from Northeast India began in short order, and from at least 1960, when the “Bongal Kheda” or “drive out Bengali” movement picked up in Assam, it has been a central feature of the politics of the state and region. The “Bongal Kheda” riots of the 1960s eventually morphed in the 1970s into the Assam Agitation during which many lives were lost. 855 Assamese became martyrs to the cause of driving out foreigners.

On the other hand, in Nellie, in just one night, more than 2,100 Bengali Muslims were massacred in 1983 in a riot for which not a single person was ever convicted of any crime.

The rioting then too was “secular” in character, with Hindu Bengalis also being targeted. From 1979 on, many houses were burnt and many were driven out in bouts of ethnic cleansing that spread throughout Northeast India. The attacking mobs did not bother about fine points of citizenship. They simply labelled Bengalis as Bangladeshis. Now, the state itself seems set to complete the incomplete task of those xenophobic agitations.

There is a category for inclusion of “original inhabitants” in the NRC by which members of certain communities have found easy inclusion. Although lines on maps were redrawn multiple times, the popular idea of “original inhabitant” in practice takes no account of this. It is assumed that only the Assamese linguistic group and certain tribal groups are original inhabitants of Assam. However, until 1874 Cachar and Goalpara were parts of Bengal. They only became parts of Assam that year because of some map-drawing by the colonial British administration. Other territories appended to Assam in that bout of map-making included the Khasi, Garo, Jaintia, Lushai and Naga Hills, all of which have since separated from Assam to become the states of Meghalaya, Mizoram and Nagaland. However, members of the ethnic Bengali minority who remained in Assam have never been seen as original inhabitants of even those areas that were historically parts of Bengal. The term itself was, despite many appeals, never officially defined.

The separation of the Bengali and Assamese ethnic identities itself is a matter of some interest. The languages, scripts and cultures are similar in a great many ways, though stressing on the differences has been the fashion, at least in Assam. The people themselves are quite similar, and in Delhi or even Kolkata or Guwahati, it is often hard for anyone not Bengali or Assamese to tell one from the other. For instance, a lot of people used to be confused about whether Arnab Goswami was Bengali or Assamese. Many of the stalwarts of Assamese chauvinism bear surnames such as Goswami and Bhattacharya. It is likely that their ancestors were Bengalis who settled in Assam in the not too distant past. There is historical evidence to suggest that at least some prominent Bhattacharyas migrated from Nadia in Bengal to become priests at the Kamakhya Temple in Assam in the 18th Century. Over time they shed the Bengali identity, and acquired the Assamese identity.

The scholar Benedict Anderson in his book *Imagined Communities* has delineated the processes by which capitalism and the printing press created ethno-linguistic identities. Multi-ethnic pre-existing dynastic realms were reshaped into ethno-linguistic territories by print-capitalism. This process occurred around the world, including in Bengal and Assam. The Bengali and Assamese ethno-linguistic identities both emerged clearly only in the 19th Century, with the publication of the first grammars and dictionaries in these languages. The mass-produced printed map as a marker of territory, which could be imagined by vast masses of people, made its near-simultaneous appearance. In addition, the Census, first conducted only in the late 19th Century in these areas, force-fitted people into what were until then geographical rather than ethnic categories. Mass literacy, unheard of until the same period, and competition for jobs in the new bureaucracy, followed. The combination of all these – East India Company capitalism, missionary printing presses, British colonial maps and censuses, mass literacy – produced the Assamese and Bengali as sharply differentiated ethno-

linguistic identities during the 19th Century. The details of this process are beyond the scope of this article.

The separation and politicisation of these identities has still not ended. While chauvinist ethnic politics in Assam is well established, and has produced several chief ministers, it was entirely absent from West Bengal all this while. In East Bengal, though, the politics of religion that split Bengal and Bengalis in 1947 did eventually give way to the politics of language in 1971, when Bangladesh emerged after a civil war between East and West Pakistan. The political repercussions of the aggressive entry of the BJP into West Bengal and the exclusion of lakhs of Bengalis from the NRC may be felt for years to come.

The BJP is trying to characterise the whole thing as a case of illegal Bangladeshis being evicted, and this is the line being peddled by propaganda channels whose “paid media” reality show hosts work for their owners and their political masters to boost TRPs and ad revenues while helping particular parties. However, just like all the propaganda on demonetisation and GST eventually did not work, it is possible that all the propaganda on NRC too may not work, at least anywhere near Assam. The problem is not the NRC per se, because the borders of India were drawn through Partition at great human cost, and should be respected – illegal migration is not okay. The problem is the errors and inequities in the NRC process, which render the entire exercise less than credible. How many of the 40 lakh excluded are actually Bangladeshis, and how many, like the BJP MLA, are presumably Indians, is a question that nobody can answer. The 40 lakh people who are affected, and their friends and relatives, will not need news channels from Delhi and Mumbai to tell them what they suffered and how they were denied. Claims and objections may see the numbers reduced, but 30 or 35 lakhs are also momentous numbers, and it is likely that many genuine Indians may be left out even after September, when the deadline for appeals ends. Reports so far indicate that the vast majority of these people would be Bengalis, both Hindu and Muslim.

For a community that contributed massively to India’s freedom struggle, Independence has brought little but misery for Bengalis. India was not Partitioned. Bengal, Punjab and Assam – from which the Bengali-speaking area of Sylhet was broken off – were. The price of India’s freedom was paid by the million-odd people, mainly Bengalis and Punjabis, who died, and by the millions more who became refugees. The Bengalis again suffered genocide in 1971 when an estimated 2-3 million unarmed civilians, men, women and children, were massacred by the Pakistan Army in what is now Bangladesh. On this side of the border, the Bengali minority in Northeast India has never stopped suffering discrimination after 1947. This is now set to continue, as racial profiling of Bengalis as Bangladeshis is already spreading with the active support of the party founded by Syama Prasad Mookerjee. The flawed NRC, which disproportionately affects only one community, is being celebrated as creating an “India for Indians”.

Partition, after all its horrors, has failed the Bengalis.

<https://www.newslandry.com/2018/08/01/the-great-nrc-mess-nrc-assam-immigration>

What is National Register of Citizens (NRC) of Assam

Livemint, July 30, 2018

By Shaswati Das

On Monday, Assam released the final draft of the National Register of Citizens (NRC), seven months after it released the first draft on 1 January 2018, which included 1.9 crore names out of a total applicant pool of 3.29 crore. Monday's list however, left out 40.07 lakh people wherein 2.89 crore people were found eligible out of 3.29 crore applicants.

What is the NRC?

The National Register of Citizens (NRC) is the list of Indian citizens of Assam. It was prepared in 1951, following the census of 1951. For a person's name to be included in the updated NRC list of 2018, he/ she will have to furnish:

Existence of name in the legacy data: The legacy data is the collective list of the NRC data of 1951 and the electoral rolls up to midnight of 24 March 1971.

Proving linkage with the person whose name appears in the legacy data.

How did NRC verification begin in Assam?

The process of NRC update was taken up in Assam as per a Supreme Court order in 2013. In order to wean out cases of illegal migration from Bangladesh and other adjoining areas, NRC updation was carried out under The Citizenship Act, 1955, and according to rules framed in the Assam Accord.

How is verification carried out?

The updating process started in May 2015 and ended on 31 August 2015. A total of 3.29 crore people applied through 68.31 lakh applications. The process of verification involved house-to-house field verification, determination of authenticity of documents, family tree investigations in order to rule out bogus claims of parenthood and linkages and separate hearings for married women.

Who all have been left out?

Out of the 40.07 lakh applicants who have been left out of the final draft NRC released, on Monday, 2.48 lakh applicants have been kept on hold including the D-Voters (doubtful voters who have been disenfranchised on account of failure to prove citizenship), descendants of D-voters and persons whose cases are pending before the foreigners tribunal. The state however, has not revealed the reason for keeping others on hold.

What next?

The process of filing claims and objections will start on 30 August, during which people whose names have been left out of the NRC Assam, can once again appeal to have their case

reconsidered. Those left out are not yet being labelled as “foreigners” or being sent to detention centres. However, only those applicants who had submitted their applications in 2015 will be considered.

<https://www.livemint.com/Politics/q9a4WgZptGXE64r8jghD0L/Explainer-What-is-National-Register-of-Citizens-NRC-of-As.html>

National Register of Citizens: Assam has its own context, misrepresenting it won't help

The Economic Times, September 5, 2019

By ET Contributors

Get to the Root of the Problem- By John Thomas

A large section of the rights activists and scholars have been critical of the efforts to put together a National Register of Citizens (NRC) in Assam, and rightly so.

What they say about the rationale and the process that has gone into the making of NRC, and the concerns they raise about the prospects that await those excluded and rendered Stateless are real.

However, where their judgement has erred is in losing sight of the context that has compelled a large section of people in Assam to settle for NRC — a context that has worsened over the years thanks to the apathy and high-handedness of successive state and central governments.

To begin with, credit should not be given where it is not due. NRC is not, and has never been, a project of the BJP government, either at the Centre or at the state level.

BJP has tried to own it, fill it with communal rhetoric and make highly rash statements on the need to exercise it across the country. When everything failed, and on realising that the proportion of Hindus among those excluded from the draft list of NRC may be high, it even tried to undermine it by introducing the Citizenship (Amendment) Bill that would guarantee citizenship to a non-citizen, as long as he or she is a Hindu.

This was staunchly opposed by the people and BJP was forced to give that up too — at least temporarily. Now that the final list of NRC is out, and it has become clear that the majority of those excluded from the list are indeed Hindus, BJP claims how flawed this entire exercise has been.

Given that NRC hasn't provided what it wanted, the party is now calling for a fresh round of enumeration of citizens to rectify the 'anomalies', and for strengthening the border police to use its inherent powers to refer suspected 'foreigners' to tribunals.

While the entire process is monitored and supervised by the Supreme Court now, in principle, NRC was the outcome of the Assam Movement led by the All Assam Students' Union (AASU) from 1979 to 1985, and the subsequent accord they entered into with GoI on August 15, 1985.

Though the movement was spontaneous, it was anticipated, given the indifference and inaction of the Centre in addressing the constant flow of migrants from Bangladesh, and the resulting pressure on landholding.

The movement witnessed spontaneous protests by the local people, invited police repression and encounter killings, and triggered one of the worst communal carnages against Muslim peasants of Bengali origin.

One of the obvious shortcomings of the movement was that it could never go beyond generating an aggressive 'anti-foreigner' sentiment, and it nurtured a parochialism that persists even today.

It fell short of addressing the social contradictions within Assamese society and developing a critique of the various structural causes that led to pressures on land and livelihood besides the flow of 'illegal' migrants. Eventually, the leadership of the movement settled for something as unimaginative and short-sighted as NRC.

Following the accord, there were moments in Assam's history where more creative solutions were sought for securing rights over land and livelihood, and engaging more meaningfully with the question of 'illegal' migrants. But such attempts were systematically silenced by the successive state and central governments, since they called for certain structural changes that the ruling elites were not ready for.

Unfortunately, today, the local people seem to have only NRC to pin their hopes on. Their concerns continue to persist. The pressure on landholdings has only increased, thanks to the alienation of land to private companies and for the construction of mega-developmental projects.

Meanwhile, migrations also continue. The local communities, especially tribal villagers, fear that they will not only lose their rights over land, but they may even become culturally and politically disenfranchised.

They are familiar with how this has happened in neighbouring Tripura where the proportion of the local tribal population was reduced from 59.1% in 1951 to 31.1% in 2011.

This had eventually led to their community ownership over land being taken away and migrants being settled on those lands, their social status being reduced to the lower rungs of caste hierarchy, and their culture being either undermined or assimilated into the 'mainstream'.

NRC needs to be critiqued. But that should not be at the expense of forgetting that it is the unaddressed concerns of the local communities in respect of their land and livelihood that had desperately pushed them to demand some remedy.

Now that NRC itself is being discredited and disowned, more creative solutions that secure and defend the rights of communities over their land and livelihood have to be sought. Moreover, there needs to be a more imaginative policy of resettling, rehabilitating and caring

for the ‘illegal migrant’, rather than send the border police after them and build more detention camps.

(The writer is a Guwahati-based historian)

Despite, Not Because of, BJP- By Angshuman Sarma

Over the last few days, there have been commentaries arguing that the names of those included in the National Register of Citizens (NRC) may have to face the foreigners’ tribunal (FT) again.

Such an interpretation is misleading. By law, the final authority to declare someone as a foreigner lies with FTs. NRC was a process not to find foreigners, but to identify genuine citizens.

Declaring someone as a foreigner is the prerogative of FTs, not NRC. It is, however, technically still possible to file a case with the border police. The case will then be referred to an FT by anyone identifying someone as a foreigner under the Foreigners (Tribunals) Order, 1964, under Section 3 of the Foreigners Act, 1946, that’s applicable across India. This would be just like any person filing a (true or fake) case against another person accusing him of misdemeanour or crime in a police station.

It’s a different matter whether such a case will hold in court. Under the Foreigners Act, cases can be filed in any part of India at any point of time.

In Assam, accusing someone of being a foreigner and filing a case with the border police has been quite common since the scrapping of the Illegal Migrants (Determination by Tribunals), or IMDT, Act in 2005. More than one lakh people have been declared foreigners under the process.

But after NRC, accusing someone whose name has already appeared in NRC of being a foreigner will be very difficult, as this means challenging the very NRC process conducted under the Supreme Court’s supervision. So, such a referred case will be hard to sustain in an FT if the person’s name is in the NRC, as this will provide him or her with a strong defence.

This is not the first time something pertaining to NRC is being misrepresented. Very few outside Assam know that immediately after the publication of NRC on August 31, the Vishwa Hindu Parishad organised a symbolic burning of the register in the state, since the organisation believes that many names of illegal migrants have found their place in it. BJP leader and minister Himanta Biswa Sarma shares this opinion.

While many in ‘mainland’ India believe that NRC is a ‘ploy’ by the Narendra Modi government ‘to purge Muslims’, the fact of the matter is that BJP governments both at the Centre and in Assam made every effort to delay and derail the NRC preparation process from the beginning. On September 7, 2015, two notifications were issued by GoI to protect non-Muslim illegal migrants.

Subsequently, the Citizenship (Amendment) Bill, 2016, was introduced in Parliament, but died a natural death when the last Lok Sabha term ended in May. However, if reintroduced, as sections including RSS are demanding, and it comes into law, it will make the NRC updating process meaningless.

Time and again, the schedule for publication of the draft NRC was postponed. For these delays, the Supreme Court even pulled up the Registrar General of India (RGI) and the NRC state coordinator. The apex court also told the Assam government not to meddle in the affairs of NRC preparation.

A few days before the NRC final list, BJP went hammer and tongs against the NRC coordinator for organising press conferences. So, unlike what many believe, NRC has come about not because of BJP, but despite BJP. The BJP government at the Centre knows that if it 'threatens' NRC for other parts of India, enough people in 'mainland' India will be rattled to demand its scrapping and help BJP get out of a sticky situation in Assam in the process.

Among the total number of NRC applicants (3,30,27,661 minus 4,17,354 whose names did not appear in the draft and who did not claim they be included later), 14,89,303 have been excluded as of now. Repeated public notices have been circulated explaining that this exclusion does not amount to being tagged as a foreigner or being Stateless. The excluded include people from across communities. This 14 lakh-plus also includes those whose cases are already pending, due to pre-NRC procedures like D voter referral cases. Once these pending cases are cleared, these names will be included.

But tension and trauma will continue. What will be the solution for the foreigners' issue in Assam? GoI has ruled out the option of deportation to Bangladesh, while putting people in detention centres is not only inhuman but also bad optics and politically unfeasible for the ruling party.

Any solution will have to be sensitive to 'both' sides. Communities living in the Brahmaputra and Barak valleys and nearby sub-mountainous tracts from pre-1947 conduct their own pre-feudal mode of production, and maintain communal- and clan-owned lands. These communities are historically insecure about their land and language. They would want their lands, resources and livelihoods to be secured within a certain legal structure.

The other communities migrating to Assam during the British colonial and post-colonial period have been provided a cut-off date of 1971 to prove themselves as 'Indian'. Providing a photo identity card to those included in NRC will be a step to secure the 'right to have rights' of these immigrant communities.

(The writer is a research scholar, Centre for Informal Sector and Labour Studies, Jawaharlal Nehru University, New Delhi)

<https://economictimes.indiatimes.com/news/politics-and-nation/national-register-of-citizens-assam-has-its-own-context-misrepresenting-it-wont-help/articleshow/71000056.cms?from=mdr>

The Spectre of Citizenship: History & Politics of NRC in Assam

Raiot, January 22, 2018

By Debarshi Das

On the night of 31st December, 2017 the first draft of the National Register of Citizens (NRC) was released in Assam. This has set off a mini-storm in the political scene of Assam, Bangladesh and West Bengal. What is the NRC, why is it being updated and what politics is being played behind the curtain? These are some of the questions this article will address.

Why update the NRC?

The process of detection of foreigners has been going on for quite some time in Assam. The Illegal Migrants (Detection by Tribunal) Act and Foreigners Tribunals have been the instruments to identify and deport foreigners. The NRC updating is a more ambitious plan in this regard. The NRC stands for the National Register of Citizens of India. In 1951 the newly-independent India had its first population census. The data collected in the census were kept with the National Register of Citizens (NRC). The NRC has not been updated since then.

On the other hand, Assam has been recurrently rocked by agitations against infiltrators. The Assam Movement of the 1980s was the strongest expression of these sentiments. It demanded detection and deportation of foreigners. The Movement wound up with the signing of the Assam Accord in 1985. The Accord mandated that foreigners who entered the state after 24th March 1971 would be identified and deported. In reality, few people got deported. It's estimated that 2442 people were deported till 2012. The number of people declared as foreigners were about 54,000. Contrast this with the Minister of State, Home Affairs declaration that 5 million illegal Bangladeshis were staying in Assam in 2001 (1.2 crore in India). It is unclear how the figure was arrived at.

The Spectre of the Illegal Bangladeshi

Could it be that not many were declared foreigners because the foreigners, as defined in the Assam Accord, were not present in large number? Definitive conclusions are difficult. That would require extensive ground level data on a very sensitive subject. One can make rough guesses by comparing the growth rate of population of Assam and India. The assumption is, without mass infiltration population of Assam and India would grow at similar rates, if not the same rate.

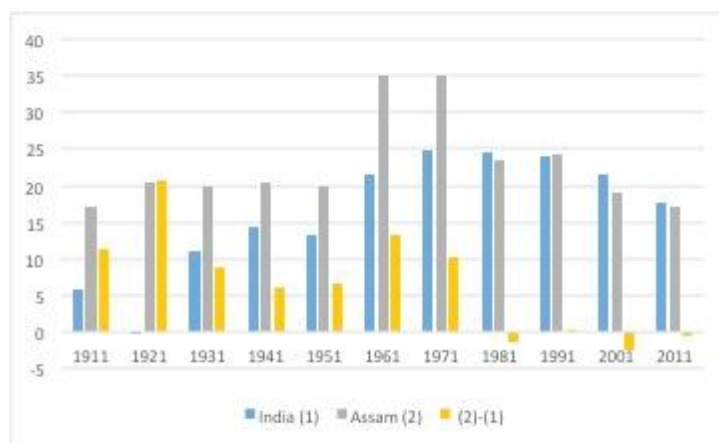


Figure 1: Decadal population growth of India and Assam (in %) [Data Source: Census of India]

If we rely on such a method, it's doubtful if substantial infiltration took place since 1970s (see figure 1). In the decades preceding 1971 population growth in Assam exceeded the national average by a big margin. This is true for all censuses since 1901. The reason could be mass influx of population from East Bengal (later East Pakistan), and other parts of the mainland. The growth gap between Assam and India persisted after independence. But since 1971 population growth of Assam fell. From 1971 to 2011 Assam's population growth rate was below the national average. Perhaps instilling of political stability after the birth of Bangladesh stemmed the flow. There can be quibbles that no census took place in Assam in 1981 due to agitation; the 1981 population figure is only a projection. If we compare 1991 to 1971, ignoring 1981, population growth of Assam is still less than the national average. There is not a strong case for massive infiltration after 1971.

One can argue that Assam's social and economic characteristics do not match with the all-India characteristics. Hence there is no reason to believe that without infiltration population of Assam and India will grow at similar rates. It is possible that given its special characteristics Assam population grows at a slower rate than Indian population. The fact that the growths are converging indicates presence of infiltration in Assam.

It is impossible to rule out low intensity infiltration. We are not arguing that there is no infiltration at all. But the objection above can be addressed by comparing Assam's population with a state of similar nature. This will ensure that apples are compared with apples, and not oranges. We take Jharkhand. Jharkhand and Assam had about the same per capita income in 2010. Their population size is similar. Both are East Indian states. There is no indication that infiltration is taking place in Jharkhand. If Assam is experiencing mass infiltration then Assam's population would grow at a faster rate than Jharkhand.

In figure 2 the decadal population growth data of India, Assam and Jharkhand are provided. We find that the population of Assam and Jharkhand has been growing at similar rates since 1971. In fact Jharkhand's growth is a bit higher. Growth rate of India, Assam and Jharkhand have been close to each other since 1971. This indicates a kind of normalization of Assam's demography with the all-India pattern. A comparison with Odisha will yield a similar picture.

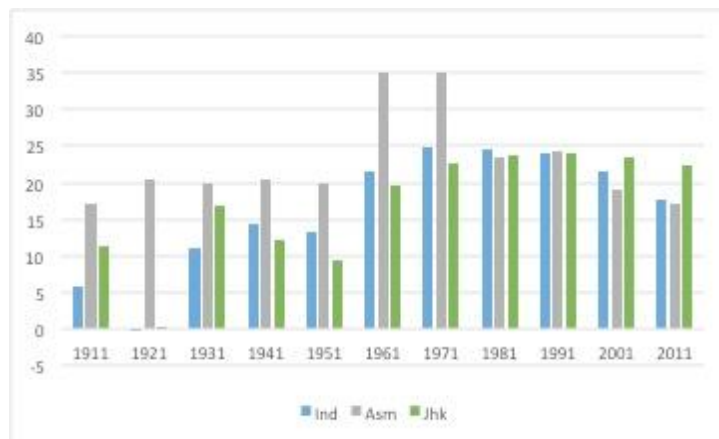


Figure 2: Decadal population growth of India, Assam, Jharkhand (in %) [Data Source: Census of India]

We can also compare Assam with West Bengal. West Bengal is a bigger state, and has a higher per capital income. On these parameters the two states are different. But these are neighbouring states hence their social mores are similar, and both were subjected to the influx of refugees after partition. The comparison can provide interesting clues concerning infiltration. The comparison is provided in table 3.

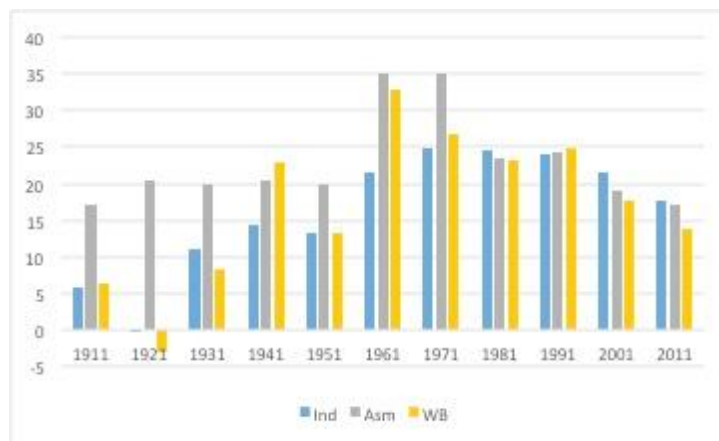


Figure 3: Decadal population growth of India, Assam, West Bengal (in %) [Data Source: Census of India]

From figure 3 it's clear that population growth of West Bengal has been lower than Assam in most decades. This trend is present since 1901. This perhaps indicates that in a relative sense Assam has been the recipient of more migrants than West Bengal. It's possible that West Bengal received more number of migrants than Assam. But since West Bengal's population is about three times bigger than Assam, the absolute increase of population did not register in terms of high percentage growth of population in Bengal.

Both Assam and Bengal had population growth higher than the national average from 1951 to 1971, indicating possible infiltration in these two states. After 1971 the population growth of Assam, Bengal and India have become similar (like figure 2). Assam and Bengal's population grew at a slower rate than India's population in the 40 years since 1971 (113%, 106% and 121% respectively).

In short, there is reason to believe that since 1971 the abnormal growth of population in Assam has subsided. Since 1971 Assam's population growth has been consistent with India, if not a bit lower. Assam's population growth has also been similar to its East Indian neighbours. All this indicates that migration from East Pakistan/Bangladesh has been checked. But, political rhetoric deployed to whip up nationalistic sentiments is often blind to cold facts. The issue lived on.

The NRC updation

After prolonged litigations, in 2014 the Supreme Court came out with the judgment that the NRC should be updated. Foreigners who came to the state before 25th March 1971 and their

progeny can register with the NRC. Those who came after are termed D-Voters, D for Doubtful.

Of all those who applied about 58% found their name in the first draft list. The final list is not out yet. The release of the first list has already jolted the political scene of Assam. The chief minister had to come out with the assurance that genuine Indian citizens need not worry.

Is there any reason to worry? Take the indigenous people first. It is doubtful if all indigenous people have their paper in order. For instance, how many poor people belonging to nomadic tribal communities would be able to produce documentary evidence that they lived in the state forty seven years ago? To calm nerves, the state coordinator of the NRC Mr. Prateek Hajela has assured, “It is my duty to note that no genuine citizen, that is, someone from an indigenous community is labeled as a D-Voter or a Doubtful Voter. I have personally tried to ensure that no such errors creep up in our listing process”.

The comment is notable. It implicitly proposes that “genuine citizen” implies “someone from an indigenous community”. The former does not imply a migrant, irrespective of when she entered the state. Understandably, the anxiety is palpable among migrant settlers. Incidents of harassment on the charge of being illegal Bangladeshi on flimsy ground, or no ground at all, are making the migrants nervous. To complicate matters, many indigenous in the Barak valley are Bengali speakers. A part of the erstwhile Sylhet district was cut off and merged with Assam during partition. Is Mr. Hajela’s assurance meant for the Bengali indigenous as well, or is there an assumed equivalence between Bengalis and settlers?

Migration history and politics

The migrants’ anxiety has roots in the “son of the soil” politics. This politics has a long history in Assam. One may not endorse it but it’s not hard to see where it comes from. Many waves of migration reached these shores after the British annexed Assam in 1826. In the 1891 census it was estimated that nearly one-fourth of the population of the Brahmaputra valley was of migrant origin. Tea garden workers were brought in as indentured labourers from the Chhotanagpur plateau region. Bengali traders, clerks migrated from East Bengal – Sylhet was a part of Assam since 1874. Marwari traders were some of the earliest migrants. Nepali grazers were attracted by the lush grasslands of the Brahmaputra. Most importantly, from the last decades of 19th century and early 20th century the colonial government embarked on a policy of encouraging migration of peasants from East Bengal. The aim was to settle the peasants on the so called “wastelands” by the river to grow jute. Jute area was saturating in East Bengal by that time, whereas demand for raw jute was rocketing courtesy the growth of the jute mills around Kolkata. These peasants were mostly Muslims from Mymensingh district. Notice the large gap between India and Assam’s population growth in the first decades of 20th century in table 1.

Trade and commerce grew in the colonial economy, but the commercial capital that grew in tandem was mainly in the hands of the outsiders. European tea planters were the biggest players of course. But merchants from the mainland were also numerous. Exploitation which

occurred through the route of commerce was bitterly felt by the local population. The anger would be often directed against commercial establishments owned by the outsiders. The partition of the country and the Bangladesh war of independence brought influx of refugees.

Meanwhile, the middle class among the local communities gained strength. Assamese nationalist sentiments, as well as nationalist sentiments of other indigenous groups, found articulation and grew. Competition with the settlers in land ownership, jobs, education and so on lent legitimacy to demands to protect the son of the soil. Government administrative jobs was a preserve of educated Hindu Bengalis during colonial times, it became a bone of contention. The indifferent health of the economy, evidenced in large scale labour migration to other states, bolstered these demands. Aside from economic conflicts, cultural anxieties heightened as well. Recalling this history would help us understand why there exists support for the NRC updating in some quarters. A hope against hope that the foreigners' issue would be settled.

Changing electoral politics of the state also needs to be put in the context. The party of Assamese nationalism, the Asom Gana Parishad (AGP), was born out of Assam Movement. Today it is a feeble shadow of its 1980s avatar. It is surmised that the militant form of Assamese nationalism has been on the wane. In the meantime there has been a remarkable ascent of Hindutvavadi nationalism. This change in political balance had the effect of subtly shifting the political discourse: from indigenous communities versus outsiders, to Indians versus illegal Bangladeshis, to Hindus versus Muslims. The coalition government in the state is led by the BJP. The AGP is only a minor ally in the coalition government. Difference between the two visions of nationalism often leads to frictions, like the one over the Citizenship (Amendment) Bill, 2016. The bill grants citizenship eligibility to Hindu refugees from Pakistan, Afghanistan and Bangladesh. The BJP general secretary Kailash Vijayvargiya has demanded that the AGP must support it. The AGP, on the contrary, is up in arms on the bill. But it is not walking out of the coalition.

What will the updation deliver?

Notwithstanding hopes in certain quarters, it is difficult to fathom what the mammoth and distressing exercise of updation of the NRC will deliver. One sees two possibilities, none of which is reassuring.

First possibility: few foreigners are detected at the end of the process, for, (a) the infiltrators got themselves enrolled in the NRC courtesy corruption and callousness, or (b) there were not many of them to begin with – we have seen that population growth of Assam has not been out of line with India after 1971. This is similar to demonetization when almost all denotified notes came back to the banks. In this eventuality one may ask, what was the point of it all?

One answer could be, “Now we know for sure that not many illegal Bangladeshis were present. So, no more bickering on this issue.” This invites two responses: (i) The population data indicated this anyway. Should not the political parties be studying facts to know the truth

instead of egging on violent nativist tendencies? (ii) Will political grandstanding over illegal Bangladeshis really stop if very few of them are found?

Second possibility: it so happens that a large number of people are identified as foreigners. What will the government do with them? Bangladesh does not acknowledge that illegal migration exists. While campaigning during the 2014 elections Mr. Modi assured that illegal Bangladeshis would be sent home if he wins. But diplomatic talks have not progressed on this front, despite Supreme Court's direction. If Bangladesh does not take them will the government forcefully push the detainees across the border? Or, will military tactics be deployed, like Myanmar does on the Rohingyas?

Amid all these unanswered questions there is a certainty: the BJP is solidly backing the NRC updating. BJP MP Mr. R. P. Sharma went to the extent to demanding NRC updating for the entire country so that the five crores illegal Bangladeshis can be sent home. Assam Governor, an RSS BJP old-timer, Mr. Jagdish Mukhi has declared NRC updation for other states. Why is the BJP so eager?

The two-stage game of the BJP

One reason is ideological. Citizenry purity drills and xenophobia are the fodder on which a right-wing nationalist party thrives. The humongous exercises we are trudging through in the last few years – Aadhaar, demonetization, NRC updating – have something in common. They give us a rude jolt and remind us our connection with the State. They invert the relation though: instead of people bestowing legitimacy on the State, people must prostrate before the state and plead for legitimacy. A muscular, meddling State is up the BJP's alley.

But there are important matters of practical politics too. It has to be conceded that the Hindu Bengali constituency of the party is worried. Silchar town in Barak valley has seen press conferences, citizen meetings. Less than 40% of the valley has got a place in the first draft. This disaffection will register on the cost side of the book. On the benefit side is the assurance given to indigenous groups: we are doing something about the foreigners. After the demonetization pains, the benefit the common man received was questionable. Yet, the party could successfully convey that they are serious about tackling black money. Something similar can happen here.

But what will happen to the D-Voter Hindu Bengalis? Forsaking them goes against the core Hindutva belief that India is the punyabhu of Hindus. Perhaps the answer lies in the Citizenship (Amendment) Bill. Mr. Vijayvargiya is confident that the bill will be passed before the 2019 general elections. If that comes to pass Hindu Bengalis would be inducted in the NRC, Muslims would be declared illegal. The march towards the Hindu Rashtra would advance a step.

<http://www.raiot.in/the-spectre-of-citizenship-history-politics-of-nrc-in-assam/>

Why we need to know the history behind NRC

Rediff.com, August 16, 2018

By Vivek Gumaste

The current high decibel brouhaha over the release of the final draft of the Assam National Register of Citizens being orchestrated by certain political leaders is an unscrupulous political shenanigan designed to garner transitory electoral advantage at the cost of long term national interest.

This malicious campaign, though couched in moral overtones, is basically a deceptive camouflage that attempts to debunk the realities of history, casts logic to the winds and puts the sovereignty of the nation in jeopardy.

To comprehend the importance of the NRC we need to go back in time -- to that tumultuous period prior to Partition wherein interests inimical to India jostled with one another to manipulate the demography of Assam by exploiting the widespread penury of the region so that it could be included in Pakistan.

In that story lies the genesis and rationale of the NRC.

The tragedy of the indigenous people of Assam (or for that matter the people of the north east) is a story of systematic marginalisation that has all the elements of a Shakespearean opus: A tale that has its origin in the economic penury of Bengal of the late 19th century, that metamorphoses into a conspiracy with communal overtones around the time of Partition and then, surprisingly and shockingly, is allowed to go unchecked in Independent India as a result of political expediency and now persists in its distorted form: Being projected post the NRC release as a humanitarian issue that is being unnecessarily communalised by the BJP.

In the 1800s, the British administration began transporting indigent Bengali Muslim peasants from the overpopulated regions of Bengal to Assam for labour.

The negative impact of this migration was soon realised by the British, prompting the then census superintendent C S Mullen to remark: '... the most important event in the province during the last 25 years which seems likely to alter permanently the whole feature of Assam and to destroy the whole structure of Assamese culture and civilisation has been the invasion of a vast horde of land-hungry immigrants mostly Muslims, from the districts of East Bengal.' (Sanjoy Hazarika, *Rites of Passage*, Penguin Books, 2000. page 72).

The colonial administration did, however, take measures to curb this problem by introducing the 'Line System' that demarcated specific areas for migrant settlers.

Muslim leaders of pre-Partition India viewed this uncontrollable deluge with a different perspective. They saw in this a golden opportunity that could be exploited to gain control of Assam with the ultimate aim of its amalgamation into Pakistan.

Not only did they encourage migration but consistently opposed moves to evict the illegal settlers in order to keep their plan on track.

Prominent among these politicians was Sir Syed Mohammad Saadullah, who was the first premier of Assam in 1935, and Maulana Bhasani, president of the Assam Provincial Muslim League during that period.

Find below some excerpts from the book, Assam Muslims: Politics & Cohesion by Bimal J Dev, Dilip Kumar Lahiri (Mittal Publications, 1985) which attest to this scheme:

'Saadulla ministry also found in the 'Grow More Food' campaign a convenient mechanism of striking at the root of the Line System and facilitating the ultimate inclusion of Assam in Eastern Pakistan Zone. In the name of 'Grow More Food' campaign the Muslim League dominated Ministry settled 160,000 bighas of land with immigrants and even the Viceroy of India felt tempted to characterise the ministry's programme as 'Grow More Muslims' programme...'

'In the middle of May 1946, Bhasani resorted to fast unto death 'unless the government of Assam stopped the eviction of immigrants' (page 49).

'Bhasani was elected president of the Assam Provincial Muslim League which marked the beginning of a new era in Assam politics... the Muslim League became increasingly militant for achieving the twin objective of Pakistan and abolition of the Line System' (page 42).

Over the years, the orchestrators of this devious game plan have changed labels, but the goal of displacing the natives of Assam by a demographic invasion has remained.

With the advent of an apparently friendly Bangladesh, this conspiracy did not fade away. Bangladesh continues to view India's north east, especially Assam, as its lebensraum.

Below are excerpts from an article written by prominent columnist Sadeek Khan in the Bangladeshi newspaper Holiday (October 18, 1991) and referred to by Governor S K Sinha in his report (Illegal Migration into Assam. Lt Gen S K Sinha, Nov 8, 1998. Report submitted to President of India) on illegal immigration into Assam:

'The question of lebensraum or living space for the people of Bangladesh has not yet been raised as a moot issue. All projections, however, clearly indicate that by the next decade, that is to say by the first decade of the 21st century, Bangladesh will face a serious crisis of lebensraum. No possible performance of population planning, actual or hypothetical significantly alters that prediction...'

'There is no reason why Bangladesh should not insist on a globalised manpower market. There is no reason why regional and international cooperation could not be worked out to plan and execute population movements and settlements to avoid critical demographic pressures in pockets of high concentration. There is no reason why under-populated regions

in the developed world cannot make room for planned colonies to relieve build-up of demographic disasters in countries like Bangladesh.'

'We shall hope for the best in international cooperation. We shall hope for the best in accommodation from the developed world... The natural trend of population overflow from Bangladesh is towards the sparsely populated lands of the South East in the Arakan side and of the North East in the Seven Sisters side of the Indian subcontinent.'

So, what we see here is an ostensibly rational plea to accommodate the increasing Bangladeshi population, but also a fait accompli that Bangladesh will not attempt to prevent; in other words, India's north east is fair game for the land-strapped Bangladeshis.

On the diplomatic front, Bangladesh must be made to officially acknowledge this problem.

Pussyfooting to maintain a deceptive harmony with our neighbour may prove costly in the long run.

India may not want to appear as the neighbourhood bully, but neither can it allow itself to be taken for a ride by its weaker neighbours.

It is imperative that we take adequate measures to ensure the integrity of our borders and secure internal harmony.

There are enough illegal immigrants (nearly 40 lakhs not accounted by the NRC) already entrenched in Assam with enough clout to displace locals and transform the area into a fundamentalist terrain; another Kashmir in the making.

The writing is on the wall. We need to act now before it is too late.

The current political fracas is a calculated exercise in obfuscation; a deliberate attempt to create confusion, perpetuate indecision and maintain the status quo so that the politics of vote bank can continue unhindered.

Mamta Banerjee's shameless volte face is a classic example of this dirty vote bank politics.

In 2005, when the CPM was in power in Bengal, Banerjee, then an Opposition MP, wrote to the Lok Sabha Speaker stating: 'The infiltration in Bengal has become a disaster now... I have both the Bangladeshi and the Indian voters list. This is a very serious matter. I would like to know when would it be discussed in the House.'

Today when she speaks of a 'civil war' and 'bloodbath', it must be taken not with a pinch of salt but a tonne of the same.

National interest cannot be dictated by fickle politicians driven by parochial interests.

While not denying that there is a humanitarian element in the current crisis, it must be balanced against the norms of a nation-State; humanitarian concerns cannot be allowed to overwhelm the requirements of sovereignty to the extent that the fundamental framework of a nation is eroded.

The demographic alteration in the north east is a ticking time bomb which when it explodes will blow away the boundaries of a secular democratic nation.

The attempt to introduce a Hindu-Muslim element into the problem is repugnant.

Hindu immigrants from Bangladesh are not illegal immigrants; by international definition, they are refugees fleeing religious persecution.

The same cannot be said of Muslims from Bangladesh who are voluntarily seeking greener pastures across the border.

Need I remind the worthies raising the issue of Bangladeshi Hindus that the Hindus of Bangladesh bore the brunt of the Bangladesh genocide of 1971, when close to 3 million people were massacred. Therefore, to tag the Hindus as illegal immigrants is not only immoral, but also barbaric, cruel and callous.

We therefore need to crystallise our thoughts and delete those variables that have been deliberately interjected into the equation to skew the perception.

We need to see the problem in its pristine form.

Let us not give credence to the attempt to make it a wider, pan Hindu-Muslim conflict.

Let us see it for what it actually is: Illegal Immigration plain and simple, confined to the north east with a definite communal slant that poses a national security risk and one that needs to be dealt with firmly and promptly by stringent identification (and deportation).

Even if deportation is not practical, it will serve as a warning for future illegal migrants.

<https://www.rediff.com/news/column/why-we-need-to-know-the-history-behind-nrc/20180816.htm>

Non-citizens and history

Frontline, August 31, 2018

By Sanjib Baruah

There is a wide variety of reasons why a person's name may not have appeared in the draft National Register of Citizens (NRC) in Assam. In all, 3.76 million applications for citizenship have been rejected and a final decision has been put on hold in a quarter million cases. However, the final NRC is likely to have fewer exclusions than in the draft.

The complexity of what is involved in updating the NRC deserves close attention. Prateek Hajela, the State Coordinator for updating the NRC, describes the process as “technology-driven, transparent and objective”. But he is the first to admit that “computers only work for submitting the documents to us, and sending it to the issuing authority”. Beyond this, they are of limited use because the identification documents used in the process, except PAN cards, are not stored in any computerised database. The updating of the NRC, therefore, basically relies on paper documents of various kinds and old-fashioned manual verification of such documents by the NRC staff.

The NRC exercise exemplifies the fact that contrary to the talk of a paperless society, the growing use of electronic technologies has actually increased the need for paper documents and underlined their importance in people's lives. Legacy data are at the heart of the process. To be included in the NRC one has to identify an ancestor whose name appears in either the NRC of 1951 or a pre-1971 electoral roll, and provide documentary evidence of linkage with that person. Even with the substantial assistance available at the NRC Seva Kendras, this can be a challenge for many people.

Consider a person who lives in Assam but was not born in the State. In order to process his or her legacy data, NRC officials have had to make as many as 600,000 requests for “legacy verification” to various State governments. The response from them has been poor and tardy. Some States responded to fewer than 1 per cent of the requests. More than 100,000 requests for legacy verification were made to the West Bengal government, but the NRC authorities received responses only in 6.5 per cent of the requests. The history of the reorganisation of Assam has also complicated the process. The relevant records of some current residents of Assam, for example, could be in an office in Shillong, which was the capital of undivided Assam but is now under the jurisdiction of the Meghalaya State administration. In other words, the verification of legacy data would depend on the cooperation of an office under the jurisdiction of another State government.

The challenges can be especially daunting for poor people with limited literacy. The Assamese graphic novelist Parismita Singh, author of *The Hotel at the End of the World* (Penguin, 2009), has written touchingly of the experience of villagers near Biswanath Chariali, an area where she grew up. Many in that area spoke to her about a lot of kheli-meli, confusion. A different spelling of a name of a grand parent in a voters list of decades past was sometimes the source of anomaly. Women were particularly vulnerable since “their names almost never appear on land records, or family trees, or school enrolment lists”. A father and

a child do not always have the same surname: a woman with the birth-name Khatun may be Bibi after marriage. And for some people in the area “documents have scattered in the vicissitudes of displacement through floods and political disturbances, ethnic clashes, communal riots, violence”.

The updating process, however, has not been reliant on paper documents in every part of Assam. The administrative rules developed for this purpose allows for the use of the category “original inhabitant”. In the case of persons in this category, local administrators were able to determine his or her eligibility for inclusion in the NRC “through field verifications”. At least in the partial draft made public on New Year’s Day, the percentage of people included in it was much higher for areas with large numbers of people identified as belonging to the “original inhabitant” category than for some other areas. The procedure was a source of some controversy. A Supreme Court bench had to address complaints that the label creates and privileges certain groups of people.

Nevertheless, the efforts made by the two-person Supreme Court bench and those in charge of the process to make the final NRC complete and accurate are impressive; and they are likely to pay off. But it is crucial that we focus attention on those whose names will not appear in the final NRC.

The complexity of the process involved in the exercise should alert us to the fact that the burden of exclusions might fall disproportionately on the poor. The pernicious rhetoric of “infiltrator” being used by powerful politicians in Delhi underscores the urgency of the task.

While the NRC exercise may be a Supreme Court-directed process, the fate of those excluded from it will ultimately depend on our lawmakers. We need an informed public debate on policies regarding those who will be excluded from the final NRC.

Comparative lenses

It may be useful to place the long history of Assam’s political turmoil around questions of immigration and citizenship in a global and historical context. The language in which we now discuss these issues in India and elsewhere has a more recent historical provenance than generally recognised. For instance, in the United States it is now common to hear people make a distinction between the supposedly “legal” European immigrants who came to the country before the 20th century and the “illegal” Mexicans and Central Americans who came in the later part of the last century. The contemporary rhetoric surrounding illegal immigration and border enforcement is based on the idea that unlike the undocumented immigrants of today, European immigrants of the past, perhaps blood relatives of the typical Trumpian anti-immigration activist, had entered the U.S. “the right way”. However, even a cursory reading of the history of immigration to the U.S. shows that there was no legal process in place through much of the history of European immigration to the country.

Before the era of modern passports, millions of immigrants from Europe had simply arrived in the U.S., and were allowed into the country after only a cursory check for disease. According to one estimate, of the 25 million immigrants who arrived by steamship in New

York's Ellis Island—the major gateway to the U.S. in the late 19th and early 20th century—only 1 per cent were refused entry, and it was mostly on health grounds. This, of course, leaves out the exclusions of Chinese, Indians and others on racial grounds. In fact, once we focus on racial exclusions, the idea of the U.S. as a nation of immigrants, says Aviva Chomsky, the author of *Undocumented: How Immigration Became Illegal*, becomes “instantly darker than its proponents imagine”. To celebrate the immigrant beginnings of the U.S., she says, is to celebrate “settler colonialism and native displacement that made the United States that nation of immigrants—and this has important implications for immigrants today, many of whom are indigenous people from Mexico and Central America”.

Significantly, the most interesting insight on the racial exclusions of Indians comes from nationalist leader Lala Lajpat Rai. Historians of our anti-colonial struggle have long recognised the significance of the Komagata Maru incident of 1914 in faraway Canada. In May of that year, the Singapore-based ship's 376 Indian passengers—mostly Sikhs—were not allowed to disembark in Vancouver, British Columbia. Only 24 passengers—the ship's doctor and his family and 20 returning Canadian residents—were allowed to enter Canada.

The Komagata Maru was turned away and when it sailed back and reached India, the passengers faced a hostile colonial administration that viewed their travel to Canada as an act of sedition. In confrontations with the police at the harbour in Calcutta, 19 passengers were killed and many others were arrested. More convinced than ever that Indians will never have the same rights as the other subjects of empire; many of the passengers became lifelong activists in the struggle against British imperialism. On the 102nd anniversary of the incident in 2016, Prime Minister Justin Trudeau formally apologised for the incident in the Canadian Parliament.

Lajpat Rai's exceptionally prescient observation on the Komagata Maru—made when the ship was still docked in Canadian waters —continues to offer students of the global history of migration a lot to think about.

“A shipload of Indians is not, superficially, a matter of much importance,” he said, “and yet it is not impossible that if we could see the events of our time through the eyes of the historian of 2014” the significance of the Komagata Maru may lie in the “challenge thrown down, not only to the British Empire, but to the claim of the white man to possess the earth”.

Today, it is hard not to see that the incident played a significant role in the dissolution of European colonial empires in the last century. However, a less appreciated exemplary role of the Komagata Maru affair, says legal scholar Sheraly Munshi, was in the closing of borders “to exclude Indian immigrants, not just from Canada, but the United States and from white-settler territories across the globe”.

Lajpat Rai's wise words were perhaps more prophetic than he could have imagined. From the vantage point of today it is possible to see that Komagata Maru was an important benchmark in the global history of immigration controls. While Rai had only racial exclusions in white

settler territories such as Australia, Canada, New Zealand, South Africa and the U.S. in mind, the proliferation of borders and of illegality regimes that now govern immigration all across the world came to full flourish only with the end of empire.

The other side of decolonisation

Decolonisation carried with it the promise of a transition from colonial subject-hood to citizenship within independent nation states. But while celebrating this aspect of decolonisation it is easy to lose sight of the fact that it also created a new territorial order—with international borders and immigration controls—which ended a period of extraordinary mobility in human history. Indeed “modern citizenship in South and Southeast Asia,” says Sunil Amrith, a historian of global migration, “was built upon the disavowal of migration”. The NRC is an extension of this project that has grown out of the anxiety of incompleteness of India as a normal nation state with normal immigration controls, especially across the Partition’s borders.

The adverse impact of the postcolonial territorial order for Indians living in various parts of the world was quite apparent in the years following decolonisation. In countries in the immediate neighbourhood like Burma (Myanmar) and Ceylon (Sri Lanka), as well as in Uganda and Kenya in Africa, Indians became victims of what the historian David Ludden calls “post-colonial reprisals”.

We can better appreciate the adverse effect of post-colonial border controls on spatial mobility if we think of the migrations of the imperial era in more complex ways than simply that of the recruitment of poor Indians to work in overseas plantations. We know from the work of recent historians that the mass migration of Indian labour overseas was more than just the involuntary movement of un-free labour. Komagata Maru is an example of that.

Historians like Crispin Bates have shown that Indian migrants all across the globe “were able to build for themselves a space within the interstices of the colonial labour market, taking the initiative, saving money to support their relatives, resisting or otherwise adapting to their circumstances”.

The migration of Indians across British imperial spaces went well beyond what is conventionally thought of as labour migration. People of different occupations and social standings took advantage of opportunities that were opening up in those territories. Thus, the Myanmar scholar Mandy Sadan has Indian migrants in mind when she speaks of decolonisation being “complicated by the demographic layering of the colonial experience”. The expulsion of Indians from Burma in 1962 has to be seen in this context. The recent expulsion of Rohingyas has affinity with the expulsions of Indians in the past. The roots of some Rohingyas in the Arakan (today’s Rakhine) precedes British colonial rule, yet they came to be portrayed as descendants of colonial-era immigrants from the subcontinent. It is not accidental that the Burmese use the same racial expression “kala” to refer to Rohingyas as they once did to describe Indians.

When viewed from the perspective of migration across British imperial spaces, the history of Assam parallels that of its neighbour on the east. Not unlike many other frontier regions of Asia, Assam's population density in pre-colonial times was low and the local peasantry was not attracted to wage labour in plantations. It was only with the recruitment of workers from other parts of India that it became possible to produce tea on an industrial scale in 19th century Assam; and as early as 1921, tea workers and their descendants were as much a sixth of the population. When the growing demand for raw jute from Bengal's jute industry pushed the reclamation of the low-lying areas of the floodplains of the Brahmaputra, migrants from densely populated deltaic eastern Bengal were encouraged to settle there.

And not unlike Burma, opportunities opened up by British colonial rule also brought a large number of educated migrants from parts of India with a longer experience of colonial rule and exposure to English—in this case Bengal—who came to occupy various middle-class positions, including influential positions in the colonial bureaucracy.

Seen from the perspective of migration and empire, Assam's colonial experience had a demographic layering not unlike that of its neighbour on the east. It is to the credit of India's political and legal institutions and of Assamese civil society that demographic politics in postcolonial Assam did not take the xenophobic shape of postcolonial reprisals. In the case of the NRC, the wise guidance of the Supreme Court and a professional bureaucratic organisation led by a technically savvy Indian Institute of Technology-educated bureaucrat (Prateek Hajela) has managed to frame the task in strictly constitutional, legal and technical terms. But politicians blinded by the greed of narrow political gains can still mess it up.

Citizenship for our times

The economic spaces of the contemporary world do not correspond with national political spaces any more than it did in colonial times. Ironically, it was the mistrust of the circulation of migrant labour that led anticolonial nationalist intellectuals to believe that only political independence and the introduction of border controls—and stopping their nationals from migrating overseas— would end the exploitation of labour by colonial capital. In Sunil Amrith's words, they came to associate freedom with "imposed immobility". This was true of nationalist intellectuals not only in India but in other parts of the world as well—in countries that sent migrant labour as well as those that received them. It is time we revisited this nationalist consensus. It is a shame that our contemporary public discourse on amending citizenship laws, while seeking to relax immigration controls for certain groups, aims primarily at containing spatial mobility. India, with its many memories of the opportunities and challenges of mobility within imperial space, is in a good position to provide intellectual and moral leadership to a world that badly needs to overcome a highly problematic legacy of decolonisation. We need a prophetic vision for our times not unlike that of Lajpat Rai, who saw in Komagata Maru the harbinger of the end of Empire and the beginnings of immigration control and restrictions on spatial mobility.

<https://frontline.thehindu.com/the-nation/article24702054.ece>

NRC: The journey of a historical consensus

Northeast Now, September 1, 2019

By Kishor Kumar Kalita

Even though the national and international media, rights activists, scholars both from the right as well as left wing raised questions on the National Registrar of Citizens (NRC) update exercise and accused the indigenous people of Assam of being the perpetrator of expelling lakhs of Bengali speaking Hindu and Muslims, the process has finally completed its thorny journey under the direct supervision of the Supreme Court.

Without understanding the historicity of pain and apprehension of the local people, who are becoming minority on their own land in this frontier state of the country, a large number of journalists, columnists have dubbed the indigenous people of the state as xenophobic because of their demand to complete the NRC expeditiously within the time frame fixed by the Supreme court.

Despite the fact that the whole process has been carried out by fifty five thousand government staffers and contractual employees under the direct control of the apex court, the local people of the state is held responsible by these so called noninterventionist journo and intellectuals for not offering any counter argument against the NRC update process which, they believe, is an attempt to make huge number of people stateless.

Now the question is how one can censure the local people of the state for a process that has been carried out under the constant monitoring of the top court of this country?

Secondly, the NRC update exercise was carried out on the basis of a historic consensus. All sections of people of the state irrespective of their caste, creed, language and religion have accepted a timeline to detect the foreigner.

It is very unfortunate that the national and international media, rights activists and scholars from the outside the state, who don't have knowledge about the history of migration and the process of systematic minorization of the indigenous people of the state right in their ancestral land, labelled the people of Assam as intolerant and xenophobic.

It is quite complex to understand the motive behind such media exacerbation that negates the historic and political importance of the national registrar for resolving the centurial problem of illegal migration.

How the fear of illegal migration has resulted unprecedented socio-cultural as well as eco-political damages to the people of Assam could rightly be understood by the observation made by the Supreme Court in *Sarbananda Sonowal vs Union of India & Assam* case dated 12 July, 2005.

In this case the division bench observed, “This being the situation there can be no manner of doubt that the State of Assam is facing “external aggression and internal disturbance” on account of large scale illegal migration of Bangladeshi nationals.

“It, therefore, becomes the duty of Union of India to take all measures for protection of the State of Assam from such external aggression and internal disturbance as enjoined in Article 355 of the Constitution. Having regard to this constitutional mandate, the question arises whether the Union of India has taken any measures for that purpose.”

“The judgement also quoted the statement made by Dr. Nagendra Singh, India’s representative in the Sixth Committee of the General Assembly on the Definition of Aggression, wherein he said, “...The first consideration, in the view of the Indian Delegation, is that aggression must be comprehensively defined.

“Though precision may be the first virtue of a good definition, we would not like to sacrifice the requirement of a comprehensive definition of aggression at any cost. There are many reasons for holding this view. Aggression can be of several kinds such as direct or indirect, armed in nature or even without the use of any arms whatsoever. There can be even direct aggression without arms...For example, there could be a unique type of bloodless aggression from a vast and incessant flow of millions of human beings forced to flee into another State.

“If this invasion of unarmed men in totally unmanageable proportion were to not only impair the economic and political well-being of the receiving victim State but to threaten its very existence, I am afraid, Mr. Chairman, it would have to be categorized as aggression.

“In such a case, there may not be use of armed force across the frontier since the use of force may be totally confined within one’s territorial boundary, but if this results in inundating the neighbouring State by millions of fleeing citizens of the offending State, there could be an aggression of a worst order...

“What I wish to convey, Mr. Chairman, is the complexity of the problem which does not permit of a four-line definition of aggression much less an ad-interim declaration on it.”

Eventually considering the magnitude of migration to the state of Assam the matter was taken up by the Supreme Court of India and made an order while hearing two writ petitions by Assam Public Works and Assam Sanmilita Mahasangha & others.

The Supreme Court in 2013, headed by the bench of Chief Justice Ranjan Gogoi and Justice RF Nariman, directed the Union Government and the State Government to complete the update of NRC, to be implemented in adherence to Citizenship Act, 1955 and The Citizenship Rules, 2003, in all parts of Assam with the objective to rule out immigrants from the state.

Pursuant to the directive of the apex court, the Registrar General of India vide its notification number S.O. 3591 E dated 6 December 2013 notified commencing of NRC. That was the beginning of the gigantic task identification of illegal migrants and the Supreme Court thereupon took on the task of monitoring the entire process of NRC update in Assam.

It was heartening to see that the order was wholeheartedly accepted by the people of the state without casting any doubt on the proposed process.

Therefore, whoever intends to disturb this historical consensus by making unreasonable and unsubstantiated arguments, should first understand the endurance of fear and anxiety which has been haunting this frontier part of the country right from the colonial era.

<https://nenow.in/north-east-news/nrc-the-journey-of-a-historical-consensus.html>

By right of blood: how changes to India's citizenship regime put millions at risk of becoming stateless in Assam Province

The Torn Identity, July 24, 2018

By Jo Venkov

After 30 July 2018 the status of millions in Assam Province could change overnight. Al-Jazeera, the Hindu newspaper and The Independent, amongst others, have recently featured stories about the five million people at risk of becoming stateless in Assam Province, India, as they are now required to prove that they are Indian citizens. If they cannot prove that they or their families already lived in India prior to 1971 they face forced expulsion from the country they have called home.

Who are the minorities at risk of becoming stateless in Assam Province?

So how are so many people left at the mercy of a verification process that requires them to keep documents which reach back to before 1971? And why should those that came to India after 1971, but were born and resided there ever since, be expelled from their home?

The Southeastasian Monitor gives some background to this issue. As is so often the case, the root of the issue is the fallout from British Colonial Rule. In effect, there are two groups of Muslims in Assam state: those already established in the area in the 16th century and who call themselves indigenous. They form about 40% of the population of Assam. After the annexation of Assam in 1826 into British India and the Partition of Bengal by the British along religious lines in 1905, many Bengali Muslims move to what was then the province of 'East Bengal and Assam'. But the migration was not haphazard, in fact the British encouraged landless Muslim peasants to come to the province to cultivate the land.

The first Partition of the region which included Assam led to revolt and the East and West part of Bengal were reunited in 1911. At least until India's own Partition in 1947. Between 1947 and the creation of the State of Bangladesh in 1971 political and civil unrest drove many Hindus from then East Pakistan into India. Many Muslims from India went into East Pakistan. It was in this context that the first National Register of Citizens was prepared in 1950. At the time of the unrest between 1947, during the 1965 India-Pakistan conflict and leading to 1971, the Indian Constitution appears to have been reasonably flexible:

“The Constitution of India, adopted in 1950, the India Citizenship Act, 1955, and other laws had enough amplitude to keep the doors open for continued coming and going. Other measures, like the Prevention of Infiltration from Pakistan (PIP) scheme and the Foreigners (Tribunals) Order, both of 1964, were not seriously implemented and allowed to waste away.”

Assam's National Register of Citizens

The change in status for those at risk of becoming stateless in Assam Province is as a result of changes in India's citizenship regime. The changes will take effect after 30 July when the deadline for updating Assam's National Register of Citizens expires.

India's Supreme Court has ordered that the final register be published by 30 July 2018. This exercise is only carried out in Assam Province and not across India. The aim is to update the original register of 1951. For individuals to keep their names on the updated register, their names have to appear in the 1951 register, or in any pre-1971 electoral roll documents. If this is not the case, individuals can produce admissible documents to establish their linkage with those having their names in these the primary set of documents known as 'Legacy Data'.

The new National Register of Citizens is an attempt to limit the tolerated population exchanges to the period of unrest: to 1971. In effect, by updating the register, India is saying that anyone who came into a much-shrunk post-partition Assam after 1971 should have remained in East Pakistan, now Bangladesh. If they did come into India, they can be treated as a foreigner and stripped of citizenship and participatory rights in their home region. And if that happens to impact anyone who was in India pre-1971 but does not have the relevant documents to evidence this, then so be it. Currently, more than 2 million Muslims in Assam can trace their roots to Bangladesh.

What's next for the people of Assam?

The risk with updating the National Register of Citizens for the first time in over half a century is that it will render stateless many Muslim citizens and long-term refugees of Bangladeshi origin who cannot produce the right documents. And the risks are real. The first draft of the register published on 1 January 2018 listed 19 million people as citizens of Assam. Left out were 13.9 million people. Many, though not all, are Muslim. Reassurances were given that more than 7 million records were to be added after that first draft. However, there is no certainty that all who are entitled to be on the register will find themselves on it by the 30 July deadline given by the Supreme Court.

What does it mean to become stateless in Assam Province? The first stage will be a gradual and not-so-gradual erosion of people's rights, ultimately ending in expulsion from the Assam region. The Assam Chief Minister is quoted in the Guardian that the first step for the so-called 'foreigners' would be the loss of constitutional rights: "They will have only one right – human rights as guaranteed by the UN that include food, shelter and clothing."

Eventually, all those who cannot verify their entitlement to be on the Register will be left without proof of entitlement to be in India and face being sent back to Bangladesh. This issue has received limited coverage in the media, but where it has, authors and journalists have compared the situation to the Rohingya community in Myanmar: a grim prediction for a grim outcome.

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The Unending Conundrum: The Story of Citizens/Foreigners between Politics and the Law in Assam

PangSau, May 31, 2018

By Binayak Dutta

Politics in Assam has for long been dominated by contestations over belongingness and citizenship. Seventy years since the transfer of power and well into the twenty first century, the tenor and the dominant theme of politics is no different when C.S. Mullan, the Census superintendent for Assam for the Census of 1931 raised an alarm over the “army corps of the invaders” (Census:1931:49) invading Assam from East Bengal. The raging debate that was ignited in the last century has continued unabated in north-east India ever since with milestones such as the Assam Movement and now the construction of the National Register of Citizens for Assam along the way. A debate that was initiated in the official and administrative domains has today entered the common place and the current exercise over the NRC with more and more people affected by the process in diverse ways. If I could start with the personal in exfoliating the political, I can only remember the tag line of a famous multinational beverage chain store – ‘a lot can happen over a cup of coffee’. A visit to a regular café and a chance encounter with an old eminent acquaintance a few days back set me thinking about the most significant story in contemporary history of north-east India- the National Register of Citizens or ‘NRC’ in short. What emerged out of that chance encounter, for me, were four definite realizations. Firstly, it dawned on me that many people belonging to the middle class and upper middle class in the Brahmaputra valley perceived the ‘NRC’ as a definite positive closure to the uncertainty on the citizenship question in Assam, to their satisfaction; secondly, they were extremely appreciative about the proposal and process of the construction of this national register: thirdly, most people, even the most learned ones, did not have much idea about the historicity of the ‘document’ referred to as ‘NRC’ and its current legal basis and finally, NRC had reopened the old chasm between the Brahmaputra and Barak Valleys as people were oblivious to or even unconcerned about the anxiety and trauma faced by the common people in the Barak valley in the wake of the NRC exercise. In popular perception of many Assamese elite, the NRC was a document that was inextricably linked to the goal of sanitizing of Assam from the scourge of ‘foreigners’ and the construction of an ideal national space and a fulfillment of the “mandate of the Assam Accord.” [1](Dutta: Feb, 2018 EPW) It is pertinent to remember that the process of construction of this document, extremely critical to the ‘national’ life of Assam did not find any mention in the famous Assam Accord signed in 1985. In fact it was a process that began only in 2005 and came to be implemented in 2015, after the division bench of the Hon’ble Supreme Court passed an order in favour of updating the NRC, 1951 in December 2014.

The Flowing of the Tide

Today, it is only a matter of days when the final draft of the National Register of Citizens for Assam is scheduled to be released. When the first draft of the NRC for Assam was published on the 31st of December, 2017 it generated overwhelming emotions both among the government officials and the people at large. While the government officers were initially apprehensive about the outbreak of large-scale violence in Assam on the publication of NRC,

the people were apprehensive of their names being left out of this vital document. When the Supreme Court monitored the birth of the first draft of the NRC on the 31st of December, 2017, only 1.90 crore people found their names in the list, with 1.39 crore waiting for the second list to know their fate. Between 2012 and 2018, the citizenship question in Assam has witnessed unprecedented churning. On the 5th of December 2013 the Registrar General of Citizen Registration issued a notification to update the national register of citizens 1951 in the state of Assam.[2] Significantly, this was the first such attempt to update the document which first found mention in the Census of 1951. The first census operation in post-independent India that followed the Constitution engaged with peopling in post colonial Assam along with the rest of the country as it was a major step in preparing a data base for citizenship and a voters list in the nascent state in the run-up to the first general elections in independent India. The idea of the citizens conceived as stakeholders in the new state therefore assumed immediate importance. The process of census and the preparation for the document in Assam was extremely difficult and complex. The NRC or the National Register of Citizens was an important but a casual product of the census operation of 1951. It is important to appreciate that the NRC, 1951 is a document that emerged at a very critical period of history. On the one hand was the challenge of the cartographic reorganization of the new province of composite Assam in post-colonial India; on the other hand was the creation of the new states of India and Pakistan. For the purpose of a peopling project in Assam, the concern of the Indian state was only with east Pakistan which came to be carved out of colonial Bengal and the colonial state of Assam through a political and cartographic exercise called partition. Thus, while both India and Pakistan went about their own politics of peopling as new nation-states, as a new border province, Assam had her own share of experiences and anxieties between 1947 and 1951. The Census of 1951, set in motion according to the Census Act, 1948, acknowledged that both the processes of nation and province building in India and the nation making in Pakistan were interlinked. On the Pakistan situation, the Census report recorded that,

“...mass migration of Hindus from East Bengal and Muslims from West Bengal occurred in the eastern frontiers of the two new states, both before and after their independence. While, the Government and the people of the Brahmaputra valley thought that Assam escaped at that time these degrading and inhuman occurrences, but it could not do so for all time. The riots and communal massacres and the influx of refugees from certain parts of east Bengal to Assam did not fail to have their own inevitable repercussions.”[3]

Despite such difficult and critical a time, when the process of Census was undertaken both in India and in Assam, the NRC which was a product of the process, was surprisingly a casual affair as it was prepared without any planning, training or any organization. This register of 1951 when it was prepared was a secret administrative document prepared by the Census enumerators, who were “unqualified or ill-qualified persons”[4] on the basis of the Census slips and which had many shortcomings. Moreover, it was not open to inspection. As admitted by the then Census Superintendent then, the names of the displaced were consciously not included in the Register. While the Census Report of 1951 admits that “[a]n important innovation of this Census was the preparation of a National Register of Citizens in

which all important census data was transcribed from the census slips with the exception of the Census questions No.6 (displaced persons), No.8 (bilingualism) and No.13 (indigenous persons),”[5] it also details many shortcomings of this document which today has become proverbial to the construction of the ‘indigenous’ and the ‘foreigner’ in Assam. Though most of these shortcomings are today being overlooked by those supporting the NRC, they are vital to understand the unreliability of the document in the construction of citizenship in Assam.

While the process of enumeration was a hurried one – having been completed in only twenty days between 9th February and 28th February, 1951,[6] the enumerators were grossly untrained. In course of time, even the process of tallying the slips which formed the basis for the NRC and NRC itself was abandoned at the orders of the Registrar General of Census. As is evident from the Census Report, there were many moments of irregularities as the data entered into the NRC were copied into census slips contrary to the established procedure of the slips becoming the basis for the NRC. Over time, the courts which came to be seized of the citizenship question also did not accept the NRC as a document that could be a basis for citizenship claims. The Guwahati High Court as early as 1970 held that the NRC, 1951 was an inadmissible evidence according to the Evidence Act.[7] In this context it is important to refer to the judgement of (J) P.K. Goswami, of the Gauhati High Court on the NRC, reported in A.L.R. 1970 A&N 206 that,

“ ...it only shows that the National Register of Citizens is a contemporaneous register prepared by the officers appointed under the provisions of the Census Act in the course of Census operations. If so Section 15 of the Census Act will make such records of Census not open to inspection nor admissible in evidence... what is directly prohibited under Section 15 of the Census Act cannot be let in by an indirect method through the agency of a private organization...” (at pp. 208-209).

It is pertinent to mention here that though the Census 1951 evolved the document called NRC, by its own admission, the document was an irregular affair which had never been updated or regularly maintained, as was originally proposed, in the district offices. This was candidly admitted by the Government of Assam in a reply to a question in the Assam Legislative Assembly in 2015.

Located in this context, the project and process of ‘updating’ the National Register of Citizens is extremely problematic. It is important to examine the history of how this project of ‘updating’ the National Register of Citizens (hereinafter referred to as NRC) in Assam came to find a place in the political imagination in the province. It would not be incorrect to point out that the Assam Accord signed in 1985, which marked the culmination of a six-years long anti-foreigner/ anti Bengali agitation in the Brahmaputra valley of Assam conspicuously silent about the ‘updating’ of the NRC, though it did provide that 24th March, 1971 would be the cut-off year for ‘regularization’ of foreigners in Assam. This led to the insertion of a new provision in the Citizenship Act, 1955, viz Section 6A which delineated special provisions as to citizenship of persons covered by the Assam Accord. While most of the other clauses of the Accord have been implemented, only those provisions related to illegal immigration of

'foreigners' still remained wanting. In view of this shortcoming, the three parties to the Assam Accord, viz, the All Assam Students Union, the Government of Assam and the Government of India came back to the table to review the implementation of the Assam Accord. The Hindu reported in its 8th May, 2005 edition that,

“Prime Minister Manmohan Singh agreed to the AASU demands for implementation of the Accord within a timeframe; effective measures to seal the Indo-Bangladesh border in a year’s time; updating the National Register of Citizens with March, 2, 1971 as the cut-off date within two years time and issuance of photo identity cards after updating the NRC.”

NRC in Our Times

The issue of the 'updating' the NRC therefore officially came to be acknowledged only with the Agreement of 2005 and not earlier as many would want to believe. It is interesting to note that neither the Assam Accord nor subsequent agreements clearly defined the term 'foreigner' though the primary focus of the Anti-Foreigner Agitations was focused on identification and deportation of the same. But all these accords and agreements notwithstanding, the issue continued to drag on till in 2008, the Government of Assam took up the matter of the construction of National Register of Indian Citizens in August, that year.

The anti-foreigner sentiments had never really subsided from the political firmament in Assam though the focuses of such sentiments were the migrants from East Pakistan and Nepal. With the birth of Bangladesh, the broad term for Bengali speaking suspects was 'Bangladeshi'. Popular concerns on the foreigners issue also expanded across Governmental forums including the Legislature, Executive and the Judiciary. Judicial pronouncements now were candid in reflecting popular anxiety. By 2004-2005, as political debates reignited over the foreigners issue, the Judiciary also began to express “serious concern”[8] over the issue. One such judgement of the Gauhati High Court, which came to deal with it observed,

“It is no longer a secret or in the domain of ‘doubt’ that illegal Bangladeshis have intruded every nook and corner of Assam, including forest land. In some of the cases, the petitioners themselves stated before the police during investigation that they were occupying and living in Govt. and forest land. If reports are to be believed, they have intruded upon the most sacred Xattrra lands. Very often, they are protected by extending the protective lands of ‘secularism’ branding them to be Indian minorities in Assam. A strong political will to free Assam from illegal Bangladeshi is the need of the hour coupled with public activism in that direction” (2008(3) GLT 272).

Since 2005, the judiciary in Assam has become an aggressive arm of the state machinery in its quest of determination and construction of citizenry in Assam. By 2008, judicial anxiety on citizenship was out in the open as one of the judgment even went to the extent of pointing out that, “... large number of Bangladeshis present in the state of Assam... have become the kingmakers.”[9] The institutions of the government were perhaps, not immune to and insulated from the popular outpourings of society in which they were located. The ghost of

partition, Pakistan and Bangladesh came back to haunt the society, especially its politically sensitive elite who had felt that the foreigners issue had never really been buried for good despite the Accord of 1985. The Gauhati High Court judgement in WP (C) No.5696 of 2002 dated 25.7.2008 was only one of the major judgments on the issue of illegal immigration from Bangladesh into Assam. This was surely not the only one as many more followed. It was evident that in both political and popular perceptions, a broad consensus was emerging on the construction of a national register of citizens which would be the touchstone for citizenship claims with both the political and legal authorities. When the Government of India came out with The Citizenship (registration of Citizens and Issue of national Identity Cards) Rules, 2003 in their effort to prepare the National Population Register, it was perhaps only in time with the broad political atmosphere in Assam. The proposal under the rules was to make a National Register of Indian Citizens (NRIC) (Order appended to clause 2 of the Rules, 2003). A plain reading of the rules would inform us that the intention of the Government of India in 2003 was not to have an NRC as is understood today in Assam but to prepare an NRIC as is evidenced in Clause 3. However as the foreigners issue again witnessed an upsurge in 2005 and the political situation became critical, the government of Assam and the government of India again sat in consultation with the All Assam Students Union (ASSU) which resulted in a tripartite agreement which brought provided for the updating of the national register of citizens in Assam for the first time as a possible solution of the popularly sensitive foreigners issue as proposed by the AASU. The political leadership took shelter behind popular logic, with the Chief Minister pointing out in a letter to the Prime Minister that “updating of the National Register of Citizens 1951 is looked upon as the solution to the vexed foreigners issue in the State and there seems to be a consensus among cross section of people with regard to the updating of National Register of Citizens”[10]

With growing institutional support to popular vigilantism and the abdication of state institutions to discharge their designated roles, Assam was in the throes of another conflagration by 2012 as nothing much had taken place to resolve the issue either at the politico-administrative level or the political level. The match stick to the powder-keg came in the BTAD areas in 2012 which witnessed a conflict between Bodo inhabitants and Bengali-Muslim settlers who were pilloried as ‘Bangladeshis’. It is at this time of conflict and tension, that the project to prepare the National Register of Citizens received a fillip. The process of upgradation of the NRC was also not without its share of contests and controversies with civil society organizations like Assam Sanmilita Mahasangha, Indigenous Tribal Forum and NDFB (Progressive) and political parties like BJP and AIUDF crossing paths on the issue[11] (Telegraph: 16th September,2012). It is in this situation a Writ petition was filed at the Supreme Court by Assam Public Works, praying to “delete the illegal voters from the voters list of Assam and in that process seeks an updation of the National Register of Citizens, 1951. (para 18, S.C. Judgement dt. 17.12.14). By the time the Supreme Court of India begun hearing of a writ petition on the issue since August 2013, the modalities for the NRC had not been finalized and neither was any fundamental legal framework identified for the process except the order from the Registrar General of Citizens Registration for the same by 5th December, 2013 (Gazette Notification dated 6th December, 2013). However the matter acquired seriousness as the Supreme Court, like the Government of India also went about

supporting the exercise and in its Judgement on 17th December 2014 and directed that the upgraded National Register of Citizens (NRC) for Assam be published by the end of January 2016 on the basis of a prescribed time schedule.

It is interesting to note that the judgement of 2014 was in response to the petitions which called for linking the current exercise of NRC with the NRC of 1951 which since 2005 was a part of the political discourse generated by the Tripartite Agreement and not the Assam Accord of 1985, as many were to believe. While few would question the justification of the expulsion of foreigners from Assam, it's a mystery why the same yardstick could not be applied to the rest of India and the other provinces as well. That apart, it is also important to note that the fundamental legal bases of the two Registers are distinct and separate. While the NRC, 1951 was completed under the Census Act of 1948 which makes the register a contemporaneous document prepared by field staff engaged in course of census operation and was legally "not open to inspection nor admissible in evidence" (ALR 1970 (A&N) 206 para15), admittedly the current NRC is being prepared under the Citizenship Act 1955 read with the Citizenship Rules, 2003. To the best of our knowledge, the Courts and the various orders and judgement have not as yet constructed any legal framework to reconcile the two Acts which have distinct origin and purposes. Neither has any legal framework been evolved to legitimize the use of the NRC, 1951 as evidence in matters governed by the Citizenship Act by any amendment or an enabling clause. The matter is more complicated now as we know that the district offices have not maintained the NRC-1951 data for all the districts as was mandated in the Census of 1951 and the matter is today admitted by the government of Assam as well. While the government was forced to rely on other documents produced by the people, from those districts where the NRC 1951 was absent or fragmentary, to enlist their names in the NRC 2018, it therefore raises serious questions on the legality or legitimacy of 'updating' NRC-1951 in the province of Assam as a whole. It is also important to mention that the province of Assam in 2018 is surely not the same as it was understood in 1951. The new states that were formed on the debris of composite Assam since 1963 had surely not taken adequate care to maintain the NRC 1951 records which have since been destroyed. Thus despite repeated reminders from the authorities in Assam, they have not been very forthcoming.

In lieu of a Conclusion

While the schedule for the publication of the NRC has lapsed many times, the NRC including the draft register is, in reality, far away from its completion and final publication to the satisfaction of the people of Assam even if the process of completing the formalities for the enrolment of names in the National Register of Citizens is completed according to the Supreme Court Schedule of 30th June, 2018[12] (Supreme Court Order: 20/2/2018). With every delay the harassment of the people and their opposition to the process is far from subsiding and we are probably on the throes of another prolonged round of litigations over NRC by those who would find themselves adversely affected by the publication of the national register, 2018.

As of today, the NRC is a mixed bag of boon and curses as many families have lost their members to anxiety and suicide in many parts of Assam. NRC in Assam has been the harbinger of tension, trauma and anxiety. The Central Government attitude has only contributed to increase of antagonism and anxiety over citizenship in this region. The latest declaration of the government of India to grant citizenship to Hindu refugees and members of other minority community from Pakistan[13] and Bangladesh[14] who have come to India due to religious persecution has only contributed to more confusion as it has created mixed feelings. While this decision has antagonized the Muslim community in Assam, the life of the Hindus who are already residing in Assam over decades and who have faced the threat of eviction and the stigma of being doubtful citizens has not become any better. In fact most Bengali speaking people residing in Assam have come under the cloud of suspicion. This has also contributed to the revival of tension between the Brahmaputra and Barak valleys as the Bill faced protests in the Assamese dominated Brahmaputra valley while being welcomed in Bengali dominated Barak Valley (Indian Express, 20th May, 2018). Though the Central Government through a union Home Ministry Notification issued on September 2015 exempted the Bangladeshi and Pakistani nationals belonging to the minority community entering India on or before 31st December 2014 without proper relevant documents from being declared as illegal entrants or foreigners, and exempted them from the Passport (Entry into India) Act 1920 and the Foreigners Act of 1946, reports from the field indicate that “this failed to curb the harassment of Bengali speaking people by the police as more and more people are being loaded in detention camps. ‘People are being harassed in the name of detection and identification of foreigners.’”[15]

Citizenship continues to be a live situation of contested living in the age of globalization, grappling hard with the ideology of nationalism. It is probably in this context that the National Register of Indian Citizens has the possibility of collapsing into becoming the National Register of Assam, which in the current constitutional arrangement in India seems legally quite untenable, considering the fact that India does not have provisions for dual citizenship.

It is pertinent to mention here that the Asom Jatiya Mahasabha of Ambikagiri Roychoudhury had raised the demand for dual citizenship for Assam[16] along with the threat of ‘independence of Assam’ (Misra:2013:123). In Assam, the politics over citizenship is extremely ethnicized as an eminent academic Anupama Roy observed in one of her pieces, “[T]he register being prepared in Assam is indeed of Indian citizens. But the pedigree of Indian citizenship is traced to an Assamese legacy, which makes the NRC a register of Assamese-Indian citizens or Indian citizens who are legitimate residents of Assam. The identification of Indian citizens simultaneously as Assamese recognizes a hyphenated citizenship, hitherto alien to the political vocabulary of citizenship in India.”[17] It is interesting to ponder whether the NRC-2018 in Assam is only an indication of bigger structural changes in the Indian Constitutional structure. That is something which is in the domain of the future. But in India as well as in many other parts of South and Southeast Asia, extreme assertions of nationalism are perhaps seen as the few ways by the people to strike at the tide of globalization of which migration of people across countries and markets are

natural corollaries. While it is pertinent to point out that neither the Bengali Hindu Middle class nor the ‘stout fanatical Muhammadan’[18] came from eastern Bengal to Assam as a matter of choice or pleasure and were mostly goaded by the colonial officials to migrate to Assam, in the colonial period, (Dutta: 2014) in the post colonial period migration from across Bangladesh is probably attributed to threats to life and livelihood. The challenge today in this tussle is to historicize the process of citizenship and nation-making beyond the tide of either politics or passion. This is something that we are yet to come to terms with till recent times.

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SECTION TWO

NRC IN ASSAM

This section contains a collection of articles and feature stories on the NRC exercise in Assam, seeking to capture all sides of the exercise, especially the humanitarian aspects. Some of the articles focus on specific dimensions of the exercise or what it led to – like the one on suicides by traumatized residents who were excluded from the NRC. Some contain personal stories while others focus on problems. Rohini Mohan’s investigation is particularly detailed. There are several pieces by leading Assamese journalists Sanjoy Hazarika, Sangeeta Baruah Pisharoty and Arunabh Saikia that detail the many flipsides of the NRC exercise. This section is obviously more voluminous than others.

“Worse Than a Death Sentence”: Inside India’s Sham Trials That Could Strip Millions of Citizenship

Vice News, July 29, 2019

By Rohini Mohan

Dilip Biswas had lived in the small northeastern state of Assam for 40 years, growing rice on his land and cooking lunch at a local restaurant, when one day in 2009 the police came knocking on his door. Despite being an ethnic Bengali, a targeted minority in the state, Biswas had never doubted his Indianness. But suddenly he was told to prove it, leave the country forever, or go to jail.

Biswas was given the option to appear in a special court called a “Foreigners Tribunal,” a quasi-judicial system that orders the removal of so-called non-Indians from the country. The number of these tribunals has nearly tripled under India’s nationalist leader Narendra Modi.

Biswas says he sold his land to pay for a lawyer and certified documents dating back decades proving his life in India — and his right to stay. But the court was unmoved: Biswas was declared a “foreigner” and thrown in prison. What’s worse, his wife and two young daughters were also declared foreigners, and sent to a separate detention center for women. They were jailed for nearly a decade.

“I didn’t meet my father for nine years. Still they kept us there, separated,” Kalpana, now 17, said, her voice breaking as she cried quietly. Biswas, meanwhile, says he was held in a cell with 60 other men, some of whom were murderers.

In February, the state’s high court said that the tribunal had made an error: It was only Dilip Biswas, not his family, who should have been on trial. Furthermore, the tribunal had been wrong to reject land-revenue paperwork Biswas offered as proof his family had lived in Assam for at least one generation.

The Biswases are among tens of thousands of people who have been declared illegal in India’s Foreigners Tribunals, opaque courts that are unique to Assam. A VICE News and Type Investigations probe has revealed the tribunals to be rife with bias, inconsistency, and error.

Now, on the heels of a resounding re-election victory by Modi and his Bharatiya Janata Party (BJP), which ran on an aggressively anti-immigrant and anti-Muslim platform, the state of Assam is using these tribunals to embark on what may be one of largest purges of citizenship in history. The state flagged 4 million people as possible foreigners last year; on August 31, they will find out if they have to face trial in the tribunals that jailed the Biswases.

The fear in Assam is omnipresent. An agrarian state known for its tea and rhinos could soon be the site of a statelessness crisis similar to what Myanmar’s attacks on the Rohingyas have wrought, but with four times as many people in its crosshairs.

The effort to rout out illegal immigrants primarily affects Bengali-speakers, who make up about a third of Assam's population. While Hindu Bengalis like the Biswases are also targeted, Muslims are disproportionately impacted. In Assam, speaking Bengali and practicing Islam — the predominant language and religion of neighboring Bangladesh — have long been conflated with being foreign. In reality, Bengali and Islam are spoken and practiced by a large minority of Indians in the state. Many whose citizenship is under scrutiny are poor and illiterate, unprepared to deal with the tribunals' opaque legal process.

The anti-Bengali sentiment has roots in British meddling during the Colonial era. A resulting seven decades of tension between Assamese speakers, indigenous tribes, and Bengali speakers over land, forest and language have led to horrific massacres and toxic identity politics. Today, Bengalis may speak Assamese and celebrate local festivals like Bihu, but many Assamese nationalists see them as outsiders siphoning off limited local resources.

Over the years, local and national politicians have fanned the flames. And the groundwork for this latest purge has been laid at the highest levels of the national government.

Modi himself has explicitly targeted Muslim immigrants from Bangladesh; speaking at an election rally in West Bengal in 2014, the then-candidate for prime minister said: "These Bangladeshis better be prepared with their bags packed." The president of the BJP, now a minister in charge of national security, has referred to Bangladeshis as "ghuspetiya" or "infiltrators," and "termites" who are "eating our food grains that should go to the poor."

In 2016, Modi's anti-immigrant drive became even more starkly anti-Muslim, with the government trying to allow any non-Muslim illegal immigrants from Pakistan, Bangladesh and Afghanistan to become Indian citizens. Assam protested, seeing it as an attempt to accommodate Bengali Hindus in their state. The law did not pass, but it remains a BJP priority.

Most recently, as Modi and the BJP sought a second term in Parliament, they promised to implement the tool that's been used to flag the 4 million in Assam as possible foreigners — a registry of citizens — in other states. In May, the BJP was re-elected with their highest vote-share ever.

An investigation into Assam's Foreigners Tribunals reveals an ominous glimpse of what awaits the masses left off the citizens register who will soon be summoned to trial. Data gathered from several tribunals, and interviews with nearly 100 people who've faced the courts, illustrate a biased process barely resembling India's traditional legal system.

We requested judgements issued in the last six months of 2018 from all of Assam's 100 Foreigners Tribunals. Only five courts complied, although all were required to do so under India's transparency laws. Four were in the district of Kamrup [Rural].

In those tribunals, nearly nine out of 10 cases were against Muslims. Almost 90% of those Muslims were declared illegal immigrants — as compared with 40% of Hindus tried. While it wasn't possible to discern exactly how many people were Bengali speakers, every person VICE News found who had faced the tribunals was from that ethnic group.

Decisions made by those presiding over Kamrup's tribunals — who are not actual judges — were deeply inconsistent. The percentage of people declared foreigners varied dramatically from tribunal to tribunal. In one of the courts, every single person processed in six months was declared a foreigner because they weren't present at their hearing. Some people said the Assam Police Border Organization, a force unique to the state that files complaints and summons accused illegal immigrants to court, had never notified them in the first place.

It's unclear how many more people will be sent to the tribunals in the coming months, but Assam seems to be preparing for a major crackdown. Modi's government has approved the state's proposal to add 200 new Foreigners Tribunals to the existing 100, and plans for another 800 are in the works, according to a senior official at the Assam ministry for national security. The state is also building a new detention center and has proposed constructing 10 more, the official said.

The coming purge was set in motion in 2015, when Assam's government announced a "National Register of Citizens," or NRC. It required every person claiming Indian citizenship in Assam to submit proof that their ancestry in the country dated to before 1971 — the year Bangladesh was formed. Those who could prove their citizenship to the government's liking would be listed on the register. Citizenship is not a birthright in India; if an applicant's parents don't make the registry, the applicant wouldn't either.

By 2018, nearly 33 million people — more than the population of Texas — had submitted documents. In July of that year, Assam released an initial list of those it deemed Indian.

Over 4 million applicants — 12% of the state's population — weren't included. It immediately became apparent that the vast majority of those left off were Bengali.

Panic spread; people broke down in despair, spent their life's savings to gather more documents and file appeals, and went underground. Some committed suicide.

Those left off the list were able to appeal their exclusion. On August 31, the state will release the final list of citizens, and the appellants will find out if they were successful. If not, they face the tribunals — and the possibility of losing their liberty and country.

Ahead of the deadline, three United Nations special rapporteurs issued a statement expressing concern over the "potentially far-reaching consequences for millions of people, in particular persons belonging to minorities who risk statelessness, deportation or prolonged detention." They said they had sent three letters over the past 13 months and received no response.

The Biswases' case shows the potential devastation to come. Kalpana, her sister, and their mother spent nine years in a locked room with other "foreigners" from all over Assam. The conditions were abysmal; the girls say they washed floors in exchange for blankets and clothing.

If a friend hadn't challenged the tribunal order on their behalf, the family might have remained in detention indefinitely, stateless.

In February, the Biswases finally went home to a quiet village in the region of Mayong. From their elevated straw and mud house, Kalpana gazed at the hills and paddy fields around her. After nearly a decade behind high walls, it felt unreal.

"For nine years I was called a Bangladeshi, and not allowed to go to high school even," Kalpana said. "When I came out, I was told there was never a case against me. I'm angry. I'm angry about my fate and angry at the government."

Meanwhile, Dilip Biswas' freedom might be temporary. He was released on bail, pending a retrial. He'll soon have to face the Foreigners Tribunal again. This time, he will be tried alongside an untold number of people left off the NRC list.

A VICE News analysis of 515 orders issued by four of Kamrup's five tribunals and interviews with attendees of those tribunals, as well as courts in nine other districts, offers a window into what awaits them.

The judgements and witness accounts reveal a broken and prejudicial system where the burden of proof is on the accused.

Kamrup's tribunal judgments showed that about 82% of people on trial were declared foreigners. The numbers varied widely; one declared all its cases Indian, while another declared every person tried foreign. The judgements don't list the accused's religion, but names in Assam do indicate that heritage. We worked with an Assam ethnicities expert to confirm data on Muslims and Hindus in the tribunals.

There are many flaws in the system, but five stand out:

- Significantly more Muslims were being tried, and a much greater proportion were declared foreigners as compared to Hindus.
- Names in Assam don't reliably indicate ethnicity. But in addition to lawyers and tribunal members attesting to the focus on Bengalis, every one of the 113 people we found from those judgements were Bengali. Kamrup, meanwhile, is home to many Assamese speakers as well.
- Three-quarters of the orders were issued without the accused present, known as an ex-parte judgement. In one tribunal, this was the case in every judgment.
- The police investigations that form the basis of the complaint often appeared botched, superficial and biased.

- Some individuals who had managed to prove they were Indians received fresh summonses from the same tribunal.

The lawyers sitting as judges in the tribunals had differing views on what documents could be submitted, what statements should contain, and how much time the accused had to produce witnesses. Some accepted verbal explanations for variations in age or spellings of names on documents. Others declared people foreigners on the basis of what defendants called clerical errors.

Colin Gonsalves, a lawyer and the founder of the New Delhi-based Human Rights Law Network, said the tribunals force “poor and desperate people” to hunt down “documents of ancient vintage.”

People cobble together what they can. Many Indians do not have birth certificates, so they apply for copies of voter rolls that show their grandfather’s name, or bring proof of farm loans or government relief payments that are decades old. Elderly relatives come to testify on their behalf.

But still, many are declared “foreigners” because their paperwork is deemed insufficient, or because their documents have inconsistencies. And witness testimony is not weighted heavily.

“Sadly, because witnesses are grandmothers, neighbors or uncles, they tend to be from the same Bengali community [and] they are already mistrusted,” said a Gauhati lawyer who requested anonymity because he feared retaliation against his family. “Many tribunal members” — the term for the lawyers who preside over the tribunals — “don’t find their documents authentic or their word credible.”

Those under trial said the rules were unclear and that there was little clarity on why they were suspected in the first place — or what would happen to them if they were declared illegal immigrants. Even if they were ultimately judged to be Indians, while fighting for citizenship many could not vote or get food rations, loans, or jobs, and many spent money they didn’t have on lawyers.

Amrit Lal, a social worker who discovered that his mother had been declared a foreigner without trial only when their family’s food subsidy card was blocked, described the whole tribunal process as “*mazakiya*”— ridiculous.

A spokesperson for the national Ministry of Home Affairs asserted that Foreigners Tribunals provide “adequate opportunity” to accused individuals, and ex-parte orders are issued only if the individuals do not access these opportunities. Anyone who’s not satisfied with the outcome may also take their case to the Gauhati High Court. Moreover, the spokesperson added, “It is incorrect to say that working of FTs is flawed. These do function as per the procedures laid down and as per rules.” Assam’s Home and Political Department, also called

the Assam home ministry, declined to comment on the workings of the tribunals and whether there is bias in the system. The prime minister's office did not respond to multiple requests for comment.

Several Indian states share a border with Bangladesh, but Assam's resentment of Bangladeshis — and Bengalis and Muslims by association — is unique.

This hostility dates back to when the British wooed Bengalis through land and jobs to the largely Bodo- and Assamese-speaking region. As the Indian subcontinent's borders were drawn and redrawn over a century — creating East Bengal, then East Pakistan, and finally Bangladesh — relations between the groups soured.

In the past, Bengali-speakers who have lived in the region for generations have been targeted in riots. The violence reached its peak during the 1983 Nellie Massacre: In a single morning, machete-wielding Assamese youth killed about 2,000 Bengali Muslims they suspected to be illegal immigrants.

To appease nationalists, the government devised three major ways to detect, try, and deport suspected foreigners — with a focus on Bengali-speakers. One is a voter suppression campaign in which electoral officers flag people listed on voter rolls, supposedly without adequate Indian documentation, as “doubtful voters.” Another is the filing of complaints by police against people based on tips that they're Bangladeshi — which is what happened to Dilip Biswas.

The Foreigners Tribunals are currently processing the people affected by those efforts. Since 1985, the courts have declared more than 100,000 people foreigners, with a steep uptick since 2016. About 900 are in detention centers today.

The National Register of Citizens — which is actually an anti-foreigner reframing of a 1951 registry — is the latest and broadest effort.

INSIDE THE TRIBUNALS

At noon on a muggy June day, nine families had gathered outside the Hajo Foreigners Tribunal. The half-constructed building in Kamrup had four small usable rooms and no seating for visitors. A woman used a motorbike seat as a desk as she slowly etched her name in Assamese on a sheaf of documents.

A village headman who was there to give his eighth testimony for people in his village — “I know this person, she lives in my village, she is Indian” — frantically searched his record book for a name.

In the garden outside, Ayesha fixed her pink sari and patted her hair. She went over the details in Assamese with her lawyer in preparation for cross-examination. Switching to Bengali, she asked her nervous husband and older brother to recall dates and events from the

past 50 years. “I am confident, there is nothing to fear,” she reassured them. “We are only going to say the truth.”

It was her 20th wedding anniversary that day, Ayesha said, and the month of Ramadan. She was amassing as many good omens as she could.

Ayesha, whose name has been changed to protect her identity, was issued a summons alleging she illegally entered India after March 1971. But she was born in Assam in 1979, Ayesha says, holding out documents that prove an entire life in India: school, a master’s degree, marriage, and children.

Her cross-examination lasted about 15 minutes. Indians draw citizenship from their parents, so Ayesha had submitted voter lists with her father’s name and address on them from before 1971. This would establish that he was Indian.

Next, she had to prove that she was her father’s daughter. “I went to school, so I had a school certificate that mentioned my father,” she said. Her father had passed away years ago, so her brother served as a witness. But when the judge questioned him, the elderly farmer could not recall where their father had cast his first vote, Ayesha said.

She said the tribunal member had also asked Ayesha why she had not registered to vote until she was 26.

“Ayesha’s is a good case, I know it,” said Zakir Hussain, the Gauhati-based senior lawyer representing her. “But they are always under the apprehension that ‘I may be arrested at any time’.”

Women, who made up about a quarter of those on trial, often face special challenges gathering enough evidence.

In rural areas, especially in the Muslim community, “there is a tendency to marry daughters off very early, as teenagers, before the age of voting,” said Hussain. “Most women in these parts do not go to school either, so their only official record is the voter list or ration card, in which they appear with their husband.” They end up with no official document linking them to their parents.

Women can produce certificates from headmen of their father's and husband's villages vouching for their birth and marriage. But these certificates are admissible only if the headman brings a record of the life events for his entire village. More than 71% of women in Kamrup’s tribunals were declared foreigners; a headman not having sufficient record-keeping was often the reason given.

Ayesha's case is pending, but her education may be what saves her. Having gone to school provided crucial documentation. It also gave Ayesha the ability to understand and the confidence to face the tribunal.

Later that week Ayesha asked her lawyer to help three other women from her village. Her illiterate neighbor Laili was barely able to hold her voter certificate the right way up. "Everyone is poor," Ayesha said.

The tribunal system confounds most people. One tribunal analyzed accepted a card issued by the income tax department as evidence, while another considered that suspicious. One tribunal considered an ancestor's name in the NRC from 1951 valid, while another said a census document was not legal evidence.

Ayesha's lawyer, Hussain, said there should be a standard practice, but in reality, "all judges are not the same."

The members who declare people nationals or foreigners are, unlike in other Indian courts, not actually judges. It used to be that only serving and retired judges presided over the tribunals. But when 36 courts mushroomed to 100 in 2015, the Supreme Court approved the government's request to fill vacancies with lawyers who have at least 10 years experience.

A senior official at the Assam home ministry speaking on condition of anonymity said that members only get only one or two days of orientation before overseeing a tribunal. One tribunal member who is a retired district court judge, also speaking anonymously, said that some members were not experienced enough and made mistakes in gauging evidence.

One thing is consistent: The members expect record-keeping that few in Assam have.

Many people in the judgments knew their place of birth, but rarely the exact date. And the date of birth on school certificates often didn't match the ages on voter lists. In interviews, parents recalled that if they didn't know their children's exact birthday, a school headmaster would sometimes write down an estimate based on the child's height. The differences in Assamese and Bengali pronunciation of letters can lead to different spellings when documents were written in English. Some Muslims said government officials added names and titles, like Abdul, Sheikh, and Mohammed, to their given names, creating more confusion.

Members often disregard documents over discrepancies like these.

"If this parameter is applied on every Indian, almost all will become stateless," Aman Wadud, a Gauhati lawyer, said.

A former member in a Foreigners Tribunal now practicing in the Gauhati High Court criticized the tribunals' reliance on documents alone, ignoring the local context of illiteracy, poor record-keeping, and frequent migration during floods.

Speaking on condition of anonymity, the former member added he'd been led to believe that Assam was filled with unidentified foreigners, but the first few months presiding over his tribunal proved him wrong. "I thought, why am I not finding any foreigners? Then I realized that they are just not there."

A younger former member, also requesting anonymity because he works in the High Court, believed he was fired for being "too lenient."

Both were part of a group of 14 former Foreigners Tribunal members who in 2017 sued the Assam government in the High Court to be reinstated as they believed they had been wrongfully terminated. Among other allegations, they said the state had fired them for not declaring enough people foreigners. "In the latter part of our tenure, there was an undercurrent from the authorities that we should produce more foreigners," the younger former member said.

The Assam government responded in the High Court, "The performance of Foreigners Tribunals have always been an important topic of discussion." It also attached a telling annexure: A table with columns for the percentage of cases heard, and the percentage of those declared foreigners. When the latter was below 10%, the member was usually marked "Not satisfactory. May be terminated." One member who had heard 10% of cases pending in his court and found 59% of the defendants to be foreigners was recommended for a contract extension. Another who had heard 26% of the tribunal's cases and declared only 4% of people foreigners was fired.

In its official response to the members' petition, Assam's home ministry dismissed the allegation that they assessed the performance of members by their conviction rate. Two serving members also said they were not under any direct pressure from the state to declare people foreigners. After the petition was filed, a High Court monitoring bench took over the appraisals of members. The bench chair turned down a request for an interview.

In May, after the government of India approved 200 more Foreigners Tribunals, Assam decided to appoint retired civil service employees with some judicial experience as members.

"[Foreigners] Tribunals are the most important tribunals in the country," said the older of the former members, his voice rising in anger at the idea of bureaucrats deciding foreigners' cases.

"It's not a joke. Making a person stateless is worse than a death sentence."

LIVING IN FEAR

Many people don't even get a hearing. In the Hajo tribunal where Ayesha is fighting for her citizenship, in the last half of 2018, every single one of 299 judgments issued declared the accused a foreigner in their absence. Nearly 98% of those people were Muslims. Another Kamrup court, the Amingaon Foreigners Tribunal, declared 98% of the accused foreigners.

Across all four tribunals, more than three-quarters of the orders were delivered in the absence of a defendant.

When asked about the ex-parte decisions, a tribunal member who spoke on the condition of anonymity blamed the high number on people who live on islands moving homes often due to flooding and not updating their addresses on records. A senior officer in the border police station in Amingaon, also speaking anonymously, said that after being issued a summons, many people go into hiding. Both spoke on the condition of anonymity as they were not authorized to speak to the press.

But the tribunal member also acknowledged that when the border police cannot issue a summons, they routinely say they can't find the accused individual, without explaining how they tried.

Type and VICE News found 11 individuals who had been declared foreigners in their absence in the Hajo tribunal. They were living in their villages, all at the same addresses listed in the court orders.

Sarabari, a village of about 6,000 people under the Hajo tribunal's jurisdiction, is home to 18 people declared foreigners in absentia in the Hajo tribunal during the six months reviewed. One of them, Fatima, was unaware of the judgment against her until VICE News and Type Investigations knocked on her door.

Fatima, who is illiterate, struggled to explain the legal mess that she had been in for months. Her lawyer said that the judgment seen by VICE News and Type was actually the second time she had been declared a foreigner in an ex-parte order within two months.

He said police delivered the first summons alleging that Fatima was Bangladeshi to a different villager. That person lost the notice and only told Fatima about it later, according to the lawyer. When she went to court in October, Fatima found out that she had already been declared a foreigner in absentia the day before.

A person who has been declared a foreigner in absentia has 30 days to challenge that judgment, and Fatima's lawyer said he was able to have it thrown out. Fatima began fighting her case, attending hearings with receipts, voter lists, and certified photocopies of her grandfather's Indian passport with her childhood address.

But while that case was still ongoing, the police issued Fatima another summons in the same tribunal. It was the same accusation — that she was an illegal immigrant from Bangladesh — but opened up an entirely separate case. A December order says the police “could not serve a notice” upon her “personally” and that they pasted it “in a conspicuous place” in the village in late November. Someone told Fatima about this notice, but she was afraid and thought it was a mistake, so she didn't look for it.

In December, the same member chairing Fatima's ongoing trial once again declared her a foreigner in her absence in this second case. The order declared her "liable" to be deported from the country.

Fatima's son, Mustafa — both their names have been changed to protect their identities — left his job delivering water in Saudi Arabia to come home and help his mother fight for her citizenship. Mustafa is trying to win the ongoing case, while his mother said she had more faith in god than in the courts now.

Fatima is optimistic; she's sure it must be a mistake, or that her lawyer will find a way out.

That evening, though, when the family broke their Ramadan fast with a prayer, she could not stop crying.

Villagers said that in addition to not properly notifying them on a summons, police often don't do an initial investigation. Before officially filing a complaint and summoning a person to a Foreigners Tribunal, border police are supposed to visit their home, giving them an opportunity to present documents proving their nationality. But about two dozen lawyers and nearly 100 people who've been through tribunals said this initial inquiry wasn't done.

The second order against Fatima says the border police visited her to ask for identification, which she didn't have, but she says they never came for an inquiry.

Sarabari's elderly headman Yakub Ali said border police regularly file complaints without giving his villagers an opportunity to present proof of their citizenship. In fact, in all the decades Foreigners Tribunals have existed, and Ali has ministered to Sarabari, he said he's never been contacted by border police for an initial inquiry nor heard of one happening. Nazmul Islam Bhuiyan, a Gauhati lawyer who estimates he has worked on about 200 cases in six tribunals, said police had not done a proper initial inquiry in a single one of his cases.

This shoddy police work was recently exposed publicly. The Boko tribunal had declared a retired army serviceman a foreigner based on differences between his details and the police complaint and had him detained in May. The family of the accused man, Mohammed Sanaullah, told the media they were shocked.

Eventually, the policeman who filed the complaint admitted that he had investigated a different man, a laborer, but the policeman who served the summons had issued it to the ex-serviceman. The officer that it had been a mistake, as the two men had the same last name. Three witnesses named in the complaint have sued the policeman, claiming that he had never met them. The high court allowed Sanaullah out on bail in June.

In an interview, Sanaullah's son said that if this could happen to a retired Army servicemember, what about others with fewer resources? "I appeal to PM Modi," he said, who "should see the reality of what is happening" in the NRC process.

If Sanaullah had seen the original complaint against him, the mistake could have been caught. But the border police and tribunals, unlike other Indian courts, don't share complaints with the accused. Some tribunal members do allow advocates to petition for a copy of the police report, but lawyers said most don't.

Assam border police chief Bhaskar Mahanta said, "Police has been doing enquiries as per law." He acknowledged that there are cases where "they ought to have established it a little more properly," but he added, "This is not the rule. These are exceptions."

AN UNCERTAIN FUTURE

In March, the chief justice of India, Ranjan Gogoi, reprimanded Assam's state representative about the small number of detentions of those declared illegal immigrants.

"The existing [detention] centers are housing 900 people as against the so many who have been declared foreigners? Why are there not thousands?" Gogoi, who is Assamese, reportedly asked.

His comments were made during an activist's litigation against allegedly inhumane conditions in Assam's detention camps.

The chief justice also said that foreigners "had mingled with locals" and were part of electoral lists. The Commonwealth Human Rights Initiative, whose members include a retired Supreme Court judge and former Assam police chief, said in a statement that Gogoi's "unfortunate" comments "fly in the face of India's constitutional and international obligations."

Of the nearly 59,000 people who have been declared foreigners in the tribunals since 2009, the government of Assam said it had only 823 in detention at the end of January. Only four have been deported; illegal immigrants can be deported only if Bangladesh confirms their nationality. Since the chief justice's comments, the border police have detained about 125 more.

Some of the dozens of people we spoke to who had been declared foreigners in Kamrup's Foreigners Tribunals were challenging the order in the High Court. But most were simply living in fear, hoping the police wouldn't come for them. A few were not even aware that they had been declared foreigners.

Others had already been detained.

Two brothers were declared foreigners by the Rangia tribunal on the same day, then detained, according to their wives. The wives now live in their two-room house with their elderly mother-in-law, doing domestic work for a living. The orders declaring Asmot and Asgar Ali foreigners said that they did not have sufficient proof that their deceased father was Indian. Both had provided their mother's tribunal order, declaring her Indian, but the member dismissed it.

The Ali brothers, both of whom drove bicycle rickshaws in Gauhati, had gone to the tribunal on the day it delivered its judgment. As soon as they were declared foreigners, they were taken directly to a detention center.

Their mother, sitting with her wheelchair-bound grandson, said, “Do people know what it is like to lose two sons? Their father was dead, but now I am.”

Most advocates advise their clients to stay home on the day a tribunal is to deliver its judgement. “If they come to the tribunal and are declared foreigner, from that moment they lose all their rights as Indians,” said a policeman stationed in one of the tribunals. “We are under orders to immediately detain them.”

Even those who have won their cases could still be targeted. The Assam Home Ministry plans to go to the high court to challenge 430 tribunal orders declaring people Indian. An official said they would also file 551 new complaints against people already declared Indian. Their legal division was re-examining another 1,178 cases.

Several senior Assam state officials speaking anonymously admitted in interviews that the foreigner detection system suffered from inefficiency, lack of transparency and inconsistent databases. They have now devised what they call the Electronic Foreigners Tribunal, which the Assam home secretary says will integrate the police, Foreigners Tribunals, NRC and the state’s immigration office so “there is consistency of information.”

Border police chief Mahanta said, “This will make the border police functions more efficient and accountable.”

It’s unclear what the future holds for the millions of people who may soon be sent to the tribunals. The proposal of additional detention centers suggests many will spend long years imprisoned.

In May, Ashrab Ali, an elderly farmer in Assam, killed himself by ingesting pesticide a day after an NRC official indicated that he might not make the list. Ali’s son said the old man had “felt shame and guilt” about the future of his children and grandchildren.

As villagers joined the candlelit funeral, Ali’s wife showed them all the documents her husband had submitted to the NRC.

“See, we are Indian,” she said.

https://news.vice.com/en_us/article/3k33qy/worse-than-a-death-sentence-inside-indias-sham-trials-that-could-strip-millions-of-citizenship

Assam NRC: Are India's 'unwanted people' being driven to suicide?

BBC, 28 June, 2019

By Subir Bhaumik

Four million people have been effectively stripped of their Indian citizenship in Assam as part of a drive to rid the state of "illegal migrants". Some facing possible deportation have taken their own lives, relatives and activists say.

One day in May, 88-year-old Ashraf Ali told his family he was going to fetch food to break his Ramadan fast. Instead, he took poison and killed himself.

Mr Ali and his family had been included in a list of people deemed to have proven they were "Indian". But his inclusion was challenged by a neighbour, and Mr Ali was summoned to prove his citizenship again, failing which he would be detained.

"He feared he would be taken to a detention centre and his name excluded from the final list," fellow villager Mohammed Ghani said.

The National Register of Citizens (NRC) - as the list in Assam is called - was created in 1951 to determine who was born in the state and is Indian, and who might be a migrant from neighbouring, Muslim-majority East Pakistan, as it was known then. It is now called Bangladesh.

The register is being updated for the first time. It counts as Indian citizens those who can prove they were residents of Assam before 24 March 1971 - the day before Bangladesh declared its independence from Pakistan.

India's government says the register is needed to identify illegal migrants to the state. Last July, the government published a "final draft" of the list which left out about four million people currently living in Assam. They are overwhelmingly ethnic Bengali, both Hindus and Muslims.

Earlier this week the authorities announced that another 100,000 Assam residents, included in the NRC last year, had now been excluded from the register and must prove their citizenship all over again.

More than half of the total number are appealing against their exclusion, before the final version of the NRC is released on 31 July.

Added to the registration exercise, scores of tribunals have been set up in the state since the late 1980s. They regularly identify "doubtful voters" or "illegal infiltrators" as foreigners to be deported.

Both the citizen's register and the tribunals have sparked fears of a witch hunt against Assam's ethnic minorities.

At the heart of Assam's troubles is a debate over so-called "infiltration" by outsiders, which has led to ethnic tension between the indigenous population and Bengali migrants.

Changing demography, loss of land and livelihoods and intensified competition for political power has added a deadly potency to the issue of who has a right to live in the state.

Fearing possible loss of citizenship and detention after exclusion from the list, scores of Bengali Hindus and Muslims have killed themselves since the process to update the citizen register started in 2015, activists say.

Zamser Ali of the organisation Citizens for Justice and Peace provided a list of 51 such suicides in Assam, which he said were linked to "trauma and stress" over anticipated loss of citizenship. He said most of the suicides occurred after January 2018, when the first draft of the updated register was made public.

Prasenjit Biswas, another rights activist, called the register a "humanitarian disaster in the making, with tens of thousands of genuine citizens being turned stateless, defying all logic of natural justice".

Assam police admit the deaths are "unnatural", but say they don't have enough evidence to link them to the citizenship exercise.

Abdul Kalam Azad, a researcher, has been tracking cases of suicide since the process of updating the list began in 2015. "There has been a rise in such suicides since the publication of the final draft of the NRC last year," he said.

"I have been visiting people related to the victims. Those who took their lives were either declared 'doubtful voters' or dropped from the NRC. It is all very sad."

Samsul Haque, 46, a daily wage labourer in Assam's Barpeta district, killed himself last November because his wife, Maleka Khatun, was not included in the list, according to Zamser Ali, the rights activist.

Ms Maleka, declared a "doubtful voter" in 2005, had won her case at a foreigners tribunal in Barpeta, but she could not get her name included in the voter list or on the NRC.

In some cases, the shadow of the NRC has caused tragedy across generations. In March this year, Bhaben Das, 49, a daily wage labourer in the state's Udalgiri district killed himself. His family said he could not repay the loans he had taken to pay for legal fees.

Despite Mr Das's lawyers filing a case for his inclusion in the NRC, his name was missing from the list in July. Thirty years ago, his father killed himself, after a tribunal ordered him to prove he was not a foreigner. The tribunal eventually declared him Indian, several few months after his death.

When school teacher and lawyer Nirode Baran Das was found dead in his house in Kharupetia township, friends and relatives said they found three documents by his bedside - the NRC notification declaring him a foreigner, a handwritten note saying no-one in the family was responsible for his death, and a letter for his wife asking her to pay back some small loans he had taken from friends.

"He graduated from the local high school in 1968 and then taught there for 30 years. His school leaving certificate proves he is not a foreigner. The NRC authorities are responsible for his death," his brother Akhil Chandra Das said.

The BBC recently highlighted the case of decorated Indian army veteran, Mohammed Sanaullah. He spent 11 days in a detention camp in June after being declared a "foreigner", prompting national outrage.

"I risked my life for India. I will remain Indian. This process is totally flawed," Mr Sanaullah said after his release.

With the Assam state government rushing to finalise the list within the Supreme Court-ordered deadline of 31 July, hundreds of thousands of Bengali Hindus and Muslims face being made stateless.

"Many of the four million excluded from the NRC draft list will not be able to make it to the final list, maybe more than half of them," said Hafiz Rashid Choudhury, a local lawyer. "Their future is really bleak."

<https://www.bbc.com/news/world-asia-india-48754802>

We broke news to four Assam families: They must prove they are Indians again, for no fault of theirs

Scroll.in, October 21, 2019

By Arunabh Saikia

On August 31, the day Assam's National Register of Citizens was published, Amjad Ali recalls feeling a "peace of mind" he had rarely ever experienced in his 85 years of life. Ali, a farmer from a village called Barkurani on the banks of the Brahmaputra river in Morigaon district, had been included in the register, a list of bonafide Indian citizens in Assam.

The relief was particularly profound because it had come after a long struggle. Since 1997, Ali's citizenship had been under the scanner. He had been declared a "D" or doubtful voter by the Election Commission, and his voting rights taken away. The election watchdog had placed the letter 'D' next to the names of thousands whose citizenship was under doubt.

In January 2017, after twenty years, he finally got his name cleared at a foreigners tribunal, a quasi-judicial body that decides on matters of nationality in Assam. "The letter 'D' be deleted from his name in the voter list," adjudicated Morigaon's Tribunal Number 4.

The victory came at a price: the family had to sell off most of their farmland, two of their cows and an auto rickshaw they owned to pay for the legal expenses, which amounted to at least Rs 3 lakh, according to Amjad Ali's son, Asqar Ali.

But with Assam in the middle of updating its NRC at the time, the family thought the investment would be worth it. After all, according to the NRC rules, neither D voters nor their descendants could be counted as Indian citizens. Amjad Ali is father to 11 and grandfather to more than 20 – all of whose fate was connected to his.

The tribunal clearance came in handy – everyone in the Ali family made it to the final NRC. "I thought my name is in the NRC, now everything will be good," said Ali, who walks with a stick and only steps out of home to offer prayers at the village mosque on Fridays. "My heart was filled with happiness that day."

Doubt, again

But all of that – the peace of mind, the happiness – now stands to be undone. On September 19, the Gauhati High Court set aside 57 orders of Morigaon's Foreigners' Tribunal Number 4. Amjad Ali's acquittal was one of them.

Scroll.in tracked down another four people from three families who face retrial in the wake of the high court judgement in September. When this reporter visited their homes, the families knew nothing about the high court judgment which made them suspected foreigners once again.

While they, unlike Ali, did not make it to the NRC in spite of the tribunal orders in their favour, they were hoping that the orders would at least spare them the ordeal of a fresh trial of citizenship like other NRC rejects.

In the past, the Supreme Court has ruled that the decision of foreigners' tribunals is binding on the NRC authorities – people once declared foreigners by tribunals were not eligible for inclusion in the citizen registry. Similarly, people who have not made it to the NRC can be declared non-Indians and sent to detention only by these tribunals.

The court, citing procedural lapses on part of the tribunal, has ordered a retrial in each of these cases. Which means 57 people will have to go through an arduous and expensive legal process again, even though the court blames the concerned member, as adjudicating officers of the foreigners' tribunals are called.

“We express our disappointment over the way the Member conducted himself. This was not expected,” the court said.

The ghost of an old order

According to the high court judgment, Amjad Ali's acquittal was unlawful because the member had failed to “vacate” or rescind an older tribunal order declaring him a foreigner before passing a new order. The older order, passed in 2007 by another tribunal in Morigaon, was an ex-parte judgment, delivered in Amjad Ali's absence. Foreigners tribunals are empowered to re-open a case adjudicated ex-parte, but the original order needs to be vacated.

The high court's judgement means that Ali's – and that of his children and grandchildren – inclusion in the NRC is liable to be revoked.

Legally, Ali is now back to being a “D” voter, his progeny “descendants of D Voter”, all of them ineligible to be on the NRC till Ali gets his name cleared at a tribunal once again, a proposition that his family insists they can't even think of. “I am still repaying my debts from fighting the previous case,” said his son Asqar Ali. “There is nothing even left to sell anymore except for the house we live in.”

The three other families tracked down by *Scroll.in* get by on marginal farming. They had spent a fortune on getting their names cleared. Now, bureaucratic mistakes that lay beyond their control have made their acquittals redundant, putting them at risk of detention.

‘Not related to the case at all’

Take the case of Pachar Ali. In 2018, after being a “D” voter for more than two decades, the 60-year-old rice cultivator sold his cows and mortgaged his land to get himself cleared at the tribunal. His children and he did not make it to the NRC in spite of the favourable order – the lack of a centralised database means that Election Commission records often do not get updated in real time – but Pachar Ali was told he had no reason to worry. A tribunal had, after all, already declared him an Indian citizen.

But that the order is now no longer valid, courtesy the high court judgment. The reason: one wrong sentence in the three-page order where the member mysteriously refers to someone by the name of “Musstt. Anuwara Khatun, daughter of Akkash Ali...resident of Merorhabhi”, a nearby village. Khatun, the high court judgement points out, “is not related to the case at all”.

Pachar Ali agrees with the observation when informed of it by this reporter. Pachar Ali, unlettered, had never read the tribunal order, written in English. His lawyer, to pay whom he had sold his cows, probably did not either.

The fate of Pachar Ali, his six children and more than a dozen grandchildren now hang in balance – owing to what ostensibly appears to be case of a confusion between two different cases by the tribunal member.

An aghast Pachar Ali was at a loss for words. “Now I don’t know what to do,” he said. “Last time, I sold my cows. This time, I do not know what I will do if I have to fight a case once again.”

Dead man walking

A few kilometres away, in Kacharigaon, 47-year-old Abu Taleb is a dead man – at least according to the records. The case against him dates back to 2009. There exists a tribunal order dating February 2018 declaring Taleb an Indian. But its own records from 2009 also say the case was “undisposed since proceeded expired”. The high court ruled that the tribunal judgment clearing him had to be cancelled.

What explains the bizarre contradiction in the tribunal records? Abu Taleb’s lawyer, Naimuddin Ahmed, had an explanation: After his client was marked a D voter, he would have got summons from the tribunal through the border police, asking him to appear and defend his citizenship. “The border police probably could not locate him, and then, on the basis of some witness accounts, or on their own, reported to the tribunal that Taleb had died,” he said.

Years later, Ahmed said, Taleb approached him asking for help to get rid of his D-voter status. Evidently, Taleb’s name – or the “D” against it, for that matter – did not get struck off the voters’ list in spite of his supposed death. “Then when we enquired, we found out from the tribunal that he had been reported to be dead by the border police,” said Ahmed. “On the word of the gaonbura, that Taleb was indeed alive and a resident of Kacharigaon, the tribunal allowed a fresh retrial.”

While Ali managed to secure Taleb a judgment in his favour, it would turn out that the tribunal member failed to amend the false report about Taleb’s demise.

Morigaon’s border police chief, Swapnaneel Deka, said he was “not in a position to comment” on Taleb’s case. “The case records are still with the court,” he said.

Taleb, who does daily wage labour to supplement his meagre earnings from farming, is distraught by the prospect of a retrial. “I can do very little except go to the market and buy poison worth Rs 20 and inject myself with it,” he said.

Taleb said his son had paid for his legal expenses, which added up to over Rs 1 lakh, last time. But now the son had married and started a family.

“He works in Kerala but does not send us money anymore,” Taleb said.

“He has his own family to look after.” Taleb has no land to sell or mortgage either. “The river took away whatever we had,” he said.

Ex-parte orders not vacated

For Idris Ali, who lives some distance away in Barkurani, the high court judgement is only the latest in a series of bad news over the last few months. On August 31, the entire family found itself out of the NRC in spite of being included in the draft list published in 2018.

The only consolation was that both Idris Ali and his wife Aklima Khatun had finally shed their D-voter tag at Morigaon Foreigners’ Tribunal Number 4 – Idris Ali in 2017; his wife, last year.

But even that silver lining is gone: both their acquittal orders, the high court has now said, stand invalid. As in the case of Amjad Ali, the couple also had previous ex-parte orders declaring them foreigners. Once again, the member failed to vacate these before passing the new orders.

A landless labourer, Idris Ali does not quite understand what has gone wrong yet again. All he can think of is that he paid the lawyer as much he demanded, and got all the documents he asked for. “I worked hard to raise money to fight the case,” he muttered, head in his hands. “Now I might as well jump into the river.”

‘Mistake of the tribunal’

Akkal Ali, a local elder in Barkurani, said it felt like they were constantly on trial. “The government will find some way or the other to keep harassing us,” he lamented. “This is the mistake of the tribunal – why are people being made to suffer?”

Although, the court, also said that “in the ordinary course this would have called for some action, disciplinary or otherwise” against the tribunal member, it stopped short of calling for any punitive against him. “We leave it at that,” the court concluded.

But the 57 people who now have to fight fresh cases all over again cannot afford to leave it at that. As Idris Ali said: “After I got the degree [opinion declaring him an Indian citizen], I started going to the market again to buy fish, and my wife would cook fish curry and rice that we would eat peacefully. But now all that will stop again.”

<https://scroll.in/article/940352/we-broke-news-to-four-assam-families-they-must-prove-they-are-indians-again-for-no-fault-of-theirs>

The SC Is Exceeding Its Brief as the Apex Judicial Organ in the NRC Case

The Wire, April 26, 2019

By Gautam Bhatia

Previously, I have written about the multiple procedural irregularities that have characterised the Supreme Court's NRC case: the use of sealed covers, consequential decisions being taken in closed-door hearings, and the bench's disturbing disregard for due process rights.

In the course of this years-long proceeding, the court has far exceeded its brief as the apex judicial organ of the country, with its repeated stress on deportations making it appear more executive-minded even than the executive: more the Supreme Deportation Authority rather than the sentinel on the *qui vive*.

But yesterday's hearing in *Harsh Mander v Union of India* marks a low point even within this ongoing story.

According to accounts of the oral proceedings, the government of Assam brought forward a plan to secure the monitored release of foreigners who had been in detention centres more than five years. The plan entailed the detainees paying a hefty deposit amount of Rs 5 lakh, having their biometric details taken, and then set free from the detention centres.

The Chief Justice-led bench reacted to this with great anger, questioning the government repeatedly about its failure to deport individuals who had been held to be foreigners (this has been a common theme of every hearing). The Chief Justice claimed that the government was asking the bench to be "a part of an illegal order where a foreigner who has no right to stay in the country will remain and sign a bond and so on."

He further lectured the government about what it *should* have been arguing, noting that "the stand of the government of India and the state of Assam should be that the foreigners detainees should be deported as soon as possible. But we do not see that stand, Mr Chief Secretary."

When the *amicus curae* made the rather basic point that technically, deportation could hardly be carried out without the cooperation of the host country, the Chief Justice's only response was "we can say that the government has failed to do its job."

The chief secretary then promised to come up with "better measures."

Separation of powers and international law

There are a few things worth noting here. To start with, *Harsh Mander v Union of India* is a PIL about inhumane conditions in detention centres. How it has become a case about deportations is anyone's guess.

And there is a particularly cruel irony in the fact that a case filed to draw attention to inhumane conditions in detention centres has now brought us to a pass where the court nixes the government attempts to release a small class of detainees from those centres.

But leave that aside for the moment. The Chief Justice's repeated enquiries about deportation suggest not only an ignorance of the basic international law principles of *non-refoulement* and against statelessness, but also either ignorance – or contempt – of the principle of separation of powers.

Section 3 of the Foreigners Act is pellucidly clear: the entry, departure, or presence of foreigners in India is a matter for the central government. It is not for the Court to browbeat the government into taking a stand on whether or not to deport (notwithstanding some observations in *Sarbananda Sonowal*, which are not only *obiter*, but completely unsupported by any legal principle of authority). Matters are worse confounded by the fact that when a Foreigners Tribunal makes a decision on the status of an individual, its decision is limited to deciding whether or not the said individual is an Indian national.

The Foreigners Tribunal does not – and cannot – return a finding on whether that individual is a national of a named other country. The Chief Justice's reaction – “why don't you deport?” – therefore flies in the face of reality as well, because there will be – and there are – many situations where a Foreigners Tribunal declares an individual as a foreigner, but *there is no country to deport that individual to, because no country is claiming them as their national*.

In sum, therefore, the law on deportation is that it is a decision for the government to make, a decision that is constrained by principles of customary international law. What the Court is doing in these proceedings is taking a bludgeon to this legal structure, by ignoring both these core legal elements. This is damaging in many respects, but it is particularly damaging because the task of checking whether the government is exercising its discretion to deport in consonance with principles of customary international law is a judicial task.

However, when the court *itself* is acting in this fashion, to which forum are people supposed to appeal, if they think that the government is acting illegally? This is why the separation of powers exists: for courts to *review* the actions of the government, and ensure the government acts legally. And this is why the blurring of the line between the court and the political executive – of which the entire NRC case is an exemplar – is so profoundly dangerous.

Article 21

But let us come to an even more serious issue. As indicated above, the government set out a plan where detainees who had spent more than five years in detention centres were to be conditionally released. The conditions of release are so onerous that in my view, they rise to the level of being unconstitutional, but let us ignore that for the moment.

The court refused to accept this proposal as, in the opinion of the CJI, it amounted to sanctioning an “illegality”.

Why? Because the government should have been deporting them.

It is at this stage that it becomes necessary to revisit the text of Article 21 of the constitution – a provision that has come to mean everything to everyone in recent years, but which seems to mean nothing when it actually matters. Article 21 of the Indian constitution states as follows:

No person shall be deprived of his life or personal liberty except according to procedure established by law.

There is *no* law that authorises indefinite detention of an individual, whether citizen or foreigner. And if there was a law that did so, it would almost certainly be struck down as unconstitutional.

On what basis, therefore, does the court say that releasing detainees who have spent more than five years in detention would be endorsing an illegality? The boot of illegality, rather, is on the other foot: by refusing release, it is the court that is sanctioning a flagrant and continuing violation of Article 21, the provision that is supposed to be the heart and soul of the constitution.

And one can hardly ignore (once again) the almost brutal irony at the heart of this: it is the *government* that wants to release detainees from detention centres, and the *court* that wants to stop it. Which is the political executive and which is the sentinel on the *qui vive*? Who is the protector of rights, and who the encroacher?

It is impossible to tell any more.

Conclusion

Like every other legal culture, we too have our “never again” moment. For us, that “never again” moment is the notorious judgment in *ADM Jabalpur*, the *Habeas Corpus* case. The Supreme Court’s judgment in that case that sanctioned Emergency-era excesses – most of which were visited upon detainees – is what we hold up as the marker of that “valley of shadow” into which we’ve been, and into which we must not go again.

But when the Supreme Court prevents the government from (conditionally) releasing detainees who have been in detention centres (which, by all account, are inhumane places) for more than five years, thus condemning them to a continuing, lawless deprivation of personal liberty, then it is perhaps time to ask whether all we can do is keep saying “never again”, even as it happens all over again.

This article was first published on Indian Constitutional Law and Philosophy.

<https://thewire.in/law/nrc-case-article-21-supreme-court>

Why Is BJP Changing Tack on NRC in Assam?

The Wire, August 30, 2019

By Sangeeta Barooah Pisharoty

With just days to go before the final National Register of Citizens (NRC) is published in Assam, the ruling BJP has changed tack.

In July 2018, the party's national president Amit Shah called all the 40,07,007 applicants left out of the final draft NRC '*ghuspetia*' (infiltrators) in July 2018. But on August 27, the party's state unit president, Ranjit Dass, reportedly expressed "unhappiness" and "concern" over the updating of the NRC at a presser this past August 27, just days before the process comes to an official close.

Dass was flanked by BJP state general secretary Phanindranath Sarma and the president and vice president of the BJP minority morcha Muktar Hussain Khan and Toufik Rahman. Shiladitya Deb, a party MLA who has been particularly vocal for a long while about people from his community – Bengali Hindus – being left out of the final draft NRC, was by Dass's side at the press conference.

Dass told reporters, "We don't believe that the NRC is going to be an error-free document". He contended that "names of genuine Indian citizens" would be left out of when it will be published on August 31. This was a significant development because Dass and other top BJP leaders in Assam had previously insisted that Deb's opposition to the NRC update process was at "an individual level".

Political observers, opposition leaders and prominent civil society groups in Assam opine that the clear paradigm shift in the ruling party's stand – from taking credit for the NRC as a mechanism to sieve out "infiltrators" to running it down for excluding "genuine citizens" – is a strategic move.

BJP's Bengali Hindu voter base

Ajit Bhuyan, a Guwahati-based journalist and political commentator, said, "A section of the national and international press has been running a one-sided campaign that those who would be left stateless by the NRC would only be Muslims. But those with ground knowledge are aware that a large number of Hindus are also likely to be left out of the final NRC. There is a strong likelihood that most of them will be Bengali Hindus, who have been voting for the ruling party."

Bhuyan's assessment of the BJP's considerable base among the Bengali Hindus of the state is not far from the truth. Though the party supported Assam's anti-foreigner agitation, most BJP candidates lost their electoral deposits in the 1985 assembly polls. The party's maiden entry into the Assam assembly in 1991 banked on the Hindu Bengali voter base. The support was

also because of the BJP/RSS's established stand that Bengali Hindus migrating from East Pakistan/Bangladesh are "refugees" and only the Muslims are "infiltrators".

The party's 2016 win in Assam also marked a significant development because it signified a breakthrough in the Assamese heartland, the Brahmaputra Valley. This was possible through clever use of the slogan to protect the community's *jati, mati, bheti* (home, hearth and identity) from "illegal Bangladeshis".

Congress leader and Nagaon MP Pradyut Bordoloi, when asked about the possible reasons behind the BJP's sudden change of tack, agreed that it could be concerned about the Bengali Hindu voter base. "The BJP has been polarising the NRC update process on the basis of religion. However, after the final draft was published, they realised that a large chunk of their supposed vote bank, mainly Bengali Hindus, were also excluded. They were initially subdued about it and tried their best to delay the process by creating hurdles," he said.

He continued, "In the run-up to the general elections, the party tried to bring the Citizenship (Amendment) Bill (to give relief to the affected people from the Hindu Bengali community). But it couldn't get it passed by parliament. However, it did send out a message of reassurance to voters in West Bengal, Assam and Tripura that, 'rest assured, we will take care of it'."

Bordoloi said the BJP reaped the electoral benefit of this move. "Then we saw Assam's advocate general, as the state government's representative, and the solicitor general, as the Centre's representative, seeking sample re-verification at the Supreme Court to delay the process. But the honourable court refused to entertain it."

"Genuine citizens' being left out"

A top state BJP source who refused to be named said that the party is "questioning" the NRC based on its ground reports that "several of our voters don't have documents even if they are genuine citizens". "In some cases, even old documents were rejected by the NRC officers, which was injustice, particularly when we are hearing from the ground that legacy codes were misused by some members of minority (Muslim) community," the source claimed. "Our party state president also raised these points in the August 27 press meet."

He added, "But we will do everything to redress such injustice. We will not allow the exclusion of any genuine citizens, be it Hindu, Muslim or Christian. All our party workers have been instructed to help such people get legal aid."

Aside from the state government announcing on August 27 that it would provide free legal aid through the district legal services authorities to "needy" people (who earn less than Rs 3 lakh per year), Dass also reiterated it.

The Congress too has activated its legal cell to help those left out of the final NRC. Bordoloi defended his party's move, "There is every likelihood that many genuine citizens would be left out of the final NRC due to technical reasons. Many from religious minority

communities, Muslims and Hindus, may be left out for even an anomaly in their names in different electoral rolls or documents.”

He said it is the duty of a responsible political party, be it the BJP or Congress, to help them. “It can be a traumatic experience for those left out for such reasons; it is a human tragedy, so we want to provide support.” He also said, “The BJP is providing legal aid for sectarian interest, but Congress will reach out to all.”

District-wise data released

Several senior reporters and political observers that *The Wire* spoke to in Guwahati said the clear shift in the BJP’s strategy on NRC could first be gauged from the state minister Chandra Mohan Patowary’s statement in the assembly on August 1. Patowary, the minister for implementation of Assam Accord, disclosed on the floor of the house district-wise break-up of the final draft NRC. This was kept secret by the registrar general of India’s office until then and was only shared in a sealed envelope with the Supreme Court by the NRC coordinator Prateek Hajela.

To seemingly discredit the NRC update process, Patowary tried evoking an old contention among many in the state – that the districts bordering Bangladesh, which are Muslim-majority, hoard “illegal immigrants” and demanded 20% sample re-verification in those areas.

In the August 27 press meet, Dass also accused NRC coordinator Hajela of “carrying out the revision work based on his own opinion and those of two to three organisations, after the SC asked chief minister Sarbananda Sonowal not to interfere in the process.” Though Dass didn’t name the “two to three organisations”, the general contention in the state is that he meant the All Assam Students Union (AASU).

Two days later, at a press meet in Guwahati, the AASU reacted, “Political parties seek to protect their vote banks involving both Hindus and Muslims and these criticisms are just a ploy to confuse people.”

“Amit Shah, who is also BJP national president, and chief minister Sonowal had earlier hailed the publication of the draft NRC but suddenly they started criticising the process,” AASU advisor Samujjal Bhattacharjee told reporters.

Aside from AASU, Akhil Gogoi of the Krishak Mukti Sangram Samiti and Upamanyu Hazarika of the Prabajan Virodhi Manch also accused the BJP of playing vote bank politics by trying to “discredit” the NRC before it is published.

Bordoloi added, “Now, the latest strategy is to question the credibility of the NRC coordinator Hajela, pass the blame to him.” By doing this, he claimed, “The BJP is only trying to pre-empt any backlash from its vote bank post-August 31.”

Bhuyan asked, “Hajela is just a court-appointed officer, why blame him? He is following court orders. Earlier, the Congress called him a BJP/RSS man, and now the BJP accusing him of being biased.” He added, “The final NRC is yet to be published. I ask the BJP, how did you know that so many genuine citizens will be out? Let’s wait for August 31. I agree that people have suffered, there is a lot of harassment, but it is also across communities. Not fair to say only one community has suffered.”

Three-pronged strategy

Interestingly, Sonowal, on August 15, called the final NRC a “historic document”. A senior Guwahati-based journalist associated with a prominent Assamese newspaper told this correspondent, “I see the BJP embarking on a three-pronged strategy on the issue. One, the party’s state leadership is sending a message to its voter base, mainly Bengali Hindus and Hindi speaking communities, that we are concerned about you; secondly, the chief minister, often termed Jatiyo Nayak (hero of the community) by the Assamese, is reaching out to the majority Assamese community by calling it a ‘historic document’. He said this a day or two after meeting Amit Shah in New Delhi. This is to try and keep the party’s Assamese voter base intact and lay claim over the NRC. Sonowal also said that a law would be brought to protect genuine citizens. So, he too sent a message to the non-Assamese voter base of the party, that ‘we are working towards a solution’. Thirdly, the Centre, by extending the period of appeal from 60 to 120 days, seems to be buying time to bring some sort of legal relief to the people.”

He said, “I think when Parliament meets in early December, the BJP will try to introduce the Bill and get it passed or try bringing an ordinance to this effect. But it looks like the decision will be taken only after seeing how much damage has the final NRC caused to its voter base in Assam.”

Bhuyan, fresh from a meeting of Asom Nagarik Samaj (Citizens community of Assam) in Guwahati on the NRC issue on August 29, added, “I have stated this in today’s meeting. The BJP’s rejection of the NRC even before it was published is only a design to keep its Hindu Bangladeshi base intact. It is a conspiracy. There is a legal process in place for all those left out of the final NRC, which many others will also go through. What is the harm of everyone availing it, Hindus and Muslims? The Assam Accord doesn’t differentiate anyone based on religion.”

He said, “It is also an attempt to create confusion among the Assamese community and ensure that there is no social acceptance of the NRC by stating that a large number of foreigners (seemingly meaning Muslims) are included in it.”

Bengali Hindu leaders express concern

Shantanu Mukherjee of the All Assam Bengali Hindu Association (AABHA) told *The Wire*, “We are closely watching the scenario. Let’s see what happens on August 31. Though the national media has been covering stories only about Muslims affected by the NRC update process, we are equally affected. Even our people with pacemakers have been kept in

detention centres. We are sure that lakhs of people who voted for the BJP will be excluded on August 31; one of the most affected communities will be Bengali Hindus, aside from some Assamese and tribals.”

Amrit Lal from the Sara Asam Bengali Jatiya Parishad added, “The Bengali Hindu community in Assam is feeling dejected at the moment. They have been supporting the BJP and Narendra Modi. One of the most disappointed lot are those who came from Bangladesh post-1971 due to anti-Hindu riots in that country and banked on the BJP for relief. Not many such people are in Assam because of the 1971 citizenship cut-off date, but a few thousands are. They were hoping to get relief from the party they supported. Now they are told, go through the legal process of the Foreigners’ Tribunals. They don’t know what is awaiting them.”

Some Bengali Hindu leaders from the Barak Valley that this correspondent spoke to also pointed out that Modi, during his 2014 general election campaign, said at a rally that he would close down all the detention centres of the state. “People voted for the party. Instead, ten more are going to be made under his government,” one such leader said.

Mukherjee added, “We also demand that the conditions put in the earlier Citizenship Bill about proving cases of religious persecution in Bangladesh to be eligible for Indian citizenship be removed. How can they prove it? Were they supposed to look for safety first or go collecting proof of persecution?”

The Bengali Hindu leader, however, said, he didn’t support foreigners settling on Assam’s soil. “Assam is a small state, can’t take so much burden. The Centre has full majority. Why can’t it settle such people in different states?” The AASU has also been of the same view since the agitation days about those who might have entered the state after March 24, 1971.

On September 5, the AABHA will stage a dharna at New Delhi’s Jantar Mantar demanding justice for the affected people. “We are getting an overwhelming response to it already. People not just from Assam but other states will join us that day,” Mukherjee said.

Lal, from the Sara Asam Bengali Jatiya Parishad, added, “Politics aside, the biggest issue due to the NRC is at the social level; the delicate relationship between the Assamese and Bengali Hindus has come under threat. The opposition to the Citizenship Bill led to some unfortunate incidents. Over the last few decades, people from the two communities have developed good relations, have inter-married, mainly in the Brahmaputra Valley, where there are more Bengali Hindus than in the state’s Barak Valley. Now, the question is, how much can we allow that to be affected due to the NRC?”

<https://thewire.in/politics/bjp-change-tack-nrc-assam>

Assam and NRC — the struggle to belong where you belong

The Hindu, October 16, 2019

Shalim M Hussain

In 1994 my maternal aunt Amina Khatun married my paternal uncle and travelled across the Brahmaputra to live with his family. In doing so she broke two loose conventions. The first convention was that two sisters should preferably not end up as married women in the same household. Second, and this was a convention my mother also broke, a woman from the north bank of the river should preferably not choose a mate from the south bank. When the updated NRC was published in August 2019, my aunt's name was missing though everyone else from her family, including my mother, was included. Her three children, who traced their ancestry to their paternal grandfather, were included in the NRC.

Ever since the exclusion list of the updated NRC was published questions have been raised about the random manner in which people are included and excluded from the NRC but things become clearer when it happens in one's own family. My mother and aunt both submitted the legacy documents of their father, whose name was included in the 1951 NRC. Both provided similar link documents to show that they were daughters of the same man. And yet, one sister's citizenship was cleared while the other's was left in doubt. Many people have not found their name in the NRC because of tiny inconsistencies in their documents but my aunt's documents are all in order — her name is spelt the same in all her documents, her date of birth is correctly recorded in her school-, college- and university-leaving certificates, etc. In short, there is no reason why she should have been left out of the NRC.

My aunt's exclusion from the NRC is not an aberration. Take the curious irony of Shajahan Ali Ahmed. Ahmed is a popular grassroots activist who has instructed people on the NRC process since its inception in 2015. He put together a team of volunteers, trained others and went from door to door instructing people on the benefits of a fair and free NRC, telling them how to fill their forms, and helping them source their legacy documents. On August 31, Ahmed found out that 30 members of his family, himself included, were excluded from the NRC. In a conference titled 'Contested Citizenship in Assam: People's Tribunal on Constitutional Processes and Human Cost', which was held in New Delhi on September 7 and 8, Ahmed spoke about his personal experience with the NRC. "My great-grandfather had land documents dating back to 1934. My grandfather was 30 years old in 1951 and his name appeared in the NRC. Am I a Bangladeshi, a foreigner?" asked Ahmed.

The NRC officials should have no doubts about his or his relatives' citizenship if the documents were properly perused. Instead, out of a total of 33 people who traced their legacy to his grandfather only three people found their names included in the NRC. "Whenever we try to explain our problems with the NRC or about the injustice we have faced, we are accused of defaming Assam," lamented Ahmed. "When my house was burning you stood by and watched it burn. When people from a neighbouring village helped me put out the fire you questioned me: 'Why did outsiders help you put out the fire?' you asked me," says Ahmed. Ahmed was one of the ten Miyah poets and activists against whom an FIR was lodged in

July. The crime they were accused of was the same charge that is repeated every time someone raises their voices against systemic harassment in Assam — of collaborating with forces outside Assam and defaming the State and its people.

Sadly, the metaphor of his house being on fire is not merely figurative speech for Ahmed. In 1994, members of the Bodoland Liberation Tigers, an insurgent group in Assam, set houses in his village on fire. Ahmed's uncle took refuge in a shelter camp. This happened on July 24, 1994. The then Chief Minister of Assam, Hiteswar Saikia, visited the camp that day and on the night of his visit the BLT set the shelter camp on fire. Ahmed's uncle died in the fire along with more than forty other people.

Shakil Ahmed, who also offered a testimony at the Tribunal, had a similar story. During the NRC process an objection was filed against the inclusion of his father's name in the NRC. "On that day a question formed in my mind — are we really citizens of this country or has our citizenship always been in doubt?" he said. Shakil, a journalist by profession, investigated the matter and found that the person who had filed an objection against his father lived about 70-80 km away from their village. The objector didn't present himself during the verification process, but that's the general trend. A large number of objections were filed, mostly against Assamese Muslims of Bengal-origin and in almost all the cases the objectors didn't turn up for the hearing. Shakil says, "Most Assamese Muslims of Bengal-origin have more documents than the 'khilonjiyas' or indigenous people of Assam. These are valid documents, but the owners of the documents are accused of making the documents themselves through dubious means."

Doubt is a powerful weapon of fear and exclusion. In the case of Assam, when the citizenship of linguistic and religious minorities is doubted, few eyebrows are immediately raised. On August 3, notices were suddenly given to almost every family in my village Sontoli in Lower Assam and people were called for re-verification in districts of Upper Assam with a notice period of two days. My mother received a notice to present herself at a verification centre in Nagaon (Central Assam) on August 6. On my father's side of the family objections had been filed against two of my female cousins. We were asked to present ourselves as witnesses for their hearing at a verification centre at Hajo (in Lower Assam) on August 5. This meant that my family had to be on the move for two days. We had to provide evidence that our cousins were indeed members of our family and my mother had to travel the very next day to a different verification centre to prove that she was indeed her father's daughter.

The notices were served late into the night and the paranoia created was such that the whole village emptied itself in the marketplace to compare their notices and decide on the next plan of action. My aunt, who had not received a notice, called the Panchayat officials to check if they had misplaced her notice. Other families who had not received notices travelled the next day to the circle office to check if their notices had been left behind. In one family the parents and sons were called to one verification centre and each daughter-in-law was called to a different verification centre, all on the same day! We are talking about illiterate village women who had hardly travelled outside their village. Now all of a sudden they were

expected to travel hundreds of kilometres on their own to a completely unfamiliar district without a male escort and verify documents they couldn't even read.

Masuma Begum, a student who belongs to the Lakhimpur district of Upper Assam and lives in Guwahati spoke at the People's Tribunal about how her family's confidence in the NRC gradually eroded. When the first draft of the NRC was published on December 31, 2017, she was in Guwahati. She checked her family's Application Receipt Number (ARN) and was surprised to find that only her father's name was included in the draft list. Everyone else was excluded. When the 'final draft' of the NRC was published on July 30, 2018, it was again Masuma who checked the ARN number. This time around she was the only one from her family excluded from the NRC draft. "I didn't take it too hard because I knew that it could be corrected. After all, my parents and grandfather were government servants. We have all the necessary documents to prove that we are genuine citizens of the country." A few days before the exclusion list was to be published on August 31, Masuma received a notice asking her to present herself in Lakhimpur for verification. She was given a notice of two days. Masuma couldn't make it to Lakhimpur at such short notice and on August 31 she found that her name had once again been excluded from the NRC. Everyone else in her family, including her younger brother featured on the list.

Much has been said about the non-partisan, non-personal machine-like precision of the NRC. Precision aside, it is the apparent non-human aspect of the process that has disregarded the woes of the disadvantaged and exposed them to the full brunt of state power. It didn't help that a large section of the Assamese middle class didn't see any problem with re-verification hearings held at such short notice. If they could travel across Assam for work and leisure why couldn't the poor do it? Why did the applicants pack their whole families into buses while travelling for re-verification? It was specifically mentioned in the notice that if a family was called as witness to verify the identity of someone who had used their legacy data, one member from the family unit was sufficient representation. Why did they have to pack themselves like chicken? And why didn't they use the train? These questions, raised when there was a frantic search for vehicles to carry people to verification centres, were perfect examples of crass elitism.

On the morning of August 5, I rented a car from Guwahati and travelled to my village to take my mother and aunt for my cousins' hearing at Hajo. Every single vehicle was moving out of the village. People had rented every bus, truck and autorickshaw and even mini-trucks used for ferrying fish and chicken. Poorer families which had not managed to book a vehicle stood on the roadside waiting for someone to give them a lift. The village market was almost empty as was the school where my mother works. The paranoia and rush was rational because the NRC updating process was unprecedented and no one knew how much trust they could invest in the NRC machinery. Our entire clan booked six cars and turned up en masse for the verification of our cousins' citizenship. Who knows what would happen if even one person didn't make it.

The same process was repeated the very next day for my mother's side of the family. All my aunts, my uncle and their children left their villages at three in the morning and reached Nagaon hours in advance because they didn't want to take chances. It was a family reunion. The Brahmaputra is a massive river and in the days before modern means of communication a woman who married across the river lost touch with her family. Hence, the convention that the two banks of the river should not be joined in matrimony. Other families who had come from my mother's village met my mother and aunt after almost a decade. Nephews and nieces and cousins reconnected and there was a subdued joviality in the hot August summer. People who didn't have the means to a comfortable means of transport and who had to lose days of income and appear in an unfamiliar town to prove their citizenship didn't have the luxury of taking the exercise lightly. And yet, after all the care and all the hysteria my aunt's name was still excluded from the final NRC.

Amina Khatun, just like Masuma Begum and Shajahan Ali Ahmed will now have to appear before the Foreigners' Tribunals and participate in a drawn-out legal process to prove their citizenship. After so many rounds of application, verification and re-verification they will have to present the same documents they had submitted for the NRC.

Aman Wadud, an advocate with the Guwahati High Court, who has been fighting cases pertaining to D-voters and 'declared foreigners' over many years and who also spoke at the People's Tribunal highlighted the arbitrary nature in which Foreigners' Tribunals functioned in Assam. In the pre-NRC period if the Election Commission marked a person as a D-voter or the Border Police sent a reference to the Tribunal doubting the citizenship of an individual, the Tribunal was bound to send a notice to the person only if prima facie only if there was a real case against him. "The modus operandi is that randomly notices are being sent," said Wadud. "In an enquiry report on a school teacher who had a reference case against him it was written that he was not a suspected foreigner. Basically he was given a clean chit. The Tribunal, despite that, issued him a notice and the person was subsequently declared a foreigner." The incidence of judgments such as this shakes one's faith in the Tribunals. However, the citizen whose citizenship is under doubt has no option but to comply and hope for the best.

<https://www.thehindu.com/thread/politics-and-policy/assam-and-nrc-the-struggle-to-belong-where-you-belong/article29702277.ece>

Gorkhas up in arms against omissions from Assam NRC list

Hindustan Times, September 24, 2019

Sadiq Naqvi

When the updated National Register of Citizens (NRC) was published on August 31, more than 1.9 million applicants whose names were missing, were told they would have to file appeals at the more than 200 Foreigners' Tribunals (FTs) established for the purpose across Assam. But 60,000-100,000 of those left out of the NRC are angry and refusing to do so. These are the Gorkha, a community from an ancient kingdom in western Nepal, who were first brought to the northeastern state as workers and soldiers by British colonizers, when the latter annexed Assam in the early 19th century.

“Assam’s Gorkhas won’t go to the Foreigners’ Tribunals to prove their citizenship. Being tried thus is an insult for an Indian,” Sukhman Moktan, president of the Bharatiya Gorkha Parisangha (BGP) said.

So far, the state government’s indication that a decision on exempting the Gorkhas is yet to be made, has fallen on deaf ears. Since weeks, Gorkha groups have kept up protests for guaranteed inclusion in the NRC.

According to a Government of India gazette notification dated 1988 intended to reiterate the status of Gorkhas, those members of the community resident in India since at least 1950 are citizens, providing they hold no other nationality.

However, Prem Tamang, president of the All-Assam Gorkha Students Union (AAGSU) that has been holding protests across Assam since September 19, claims that the Gorkhas were left out of the NRC, despite providing documents of citizenship.

“It’s not their fault, but that of the authorities who failed to verify their documents,” Tamang said.

Assam’s Gorkhas first got caught in the citizenship tangle in the late 1990s, when Election Commission of India (ECI) officials launched a survey to trace illegal immigrants and marked more than 20,000 Gorkhas as ‘Doubtful Voters’ (D Voters, or, those whose claimed antecedents are doubtful). “It was done arbitrarily and we were tagged as Bangladeshi,” student union leader Tamang said.

By 2018, various Gorkha bodies had upped the ante. After meetings including with then home minister Rajnath Singh, an exchange of letters ensued.

A communiqué from the home ministry to the Assam government reiterated that Gorkhas who were citizens in 1950 when the Indian Constitution came into force, or Indians by birth or registration or naturalization according to the Citizenship Act 1955, were not “foreigners’ and could not be referred to the Foreigners’ Tribunals.

It also cited the India-Nepal Friendship Treaty of 1950, according to which even Gorkhas holding Nepalese nationality with documents, cannot be referred to the Foreigners' Tribunals. However, it pointed out that Gorkhas in Assam who do not fall into any of the admissible categories could be directed to the tribunals.

As far as Tamang and other Assam-Gorkha groups are concerned, most Gorkhas in the state fall under the first category cited in the MHA letter, while the remaining from Nepal, fall under the second and thus all qualify for the NRC. They should implement the contents of the MHA letter," said BGP national secretary, Nanda Kirati Diwan.

After receipt of the letter, the Assam government asked the Gauhati High Court for permission to withdraw cases of Gorkhas pending with the Foreigners' Tribunals, but given that the court is hearing several petitions relating to the Gorkhas, the appeal by the government is still pending.

"The MHA letter doesn't mention the NRC," argued an official on condition of anonymity. "We have dealt with Gorkhas like with all other communities. People who could prove they were here before the cut-off date are included in the NRC, those who could not, have been left out. This isn't about one community being favoured over the other," he said.

Despite their anger at members of their community being left out of the NRC, Gorkha leaders concede that some of the Gorkha applicants may not have had any documents to show at all, but suggest that district officials could easily deal with that conundrum.

Dewan said it could be easily done by involving district officials from various departments concerned. "It isn't difficult to identify a Gorkha. Many have Other Backward Caste (OBC) certificates which specify that they are Gorkha while others can be identified for they speak Nepali," he said.

Even as government officials attempt to fire-fight and come up with a solution, anger over the omission of Gorkhas is growing even among the Bharatiya Janata Party's own state cadre.

"The NRC authorities have ranked members of the Gorkha community even below the Bangladeshis," said Kishore Upadhyay, Gorkha leader and secretary of the BJP's Assam unit, which is sharply critical of the controversial exercise aimed at weeding out illegal immigrants.

<https://www.hindustantimes.com/india-news/gorkhas-up-in-arms-against-omissions-from-assam-nrc-list/story-FHSiSH0ZSC4g3FXflwfinN.html>

New NRC: ‘How many times do we prove citizenship?’

The Indian Express, November 29, 2019

Abhishek Saha

On August 6, as he was returning from a National Register of Citizens (NRC) hearing, Hanif Ali, a farmer, had an accident and died. Ali and 14 other members of his family, including an infant, had been given a day to appear for the hearing, held at a centre 450 km from their Achalpara village in central Assam.

When the final NRC list came out on August 31, the family took solace in the fact that all of them were in it.

However, last week, the state government said it was considering a fresh NRC. The ruling BJP has been raising questions over the NRC list that came out on August 31, particularly the exclusion of a large number of Hindus from it.

His despair evident, Ali’s 25-year-old nephew Monirul Islam, who runs a grocery store in Achalpara, says, “I was in the vehicle with my uncle. People like us put in our everything to participate in the NRC process and its multiple steps... How many times do we have to prove our Indian citizenship? Isn’t it better you kill us all rather than this non-stop harassment?”

A science teacher at Majortop Government High Secondary School near Achalpara, 37-year-old Samsul Hoque was a witness to the NRC process from both sides. Hoque worked as a Field Level Officer with the NRC authorities, and later struggled to get one of his five sisters, Abida Sidiqa (34), included in the list. Around 30 members of his extended family attended hearings during the “claims and objection” round in Rangia and Amingaon, around 100 km and 60 km away respectively, while another seven had hearings in Golaghat, 350 km away.

If the NRC is done again, Hoque says, there will be “heart attacks”. Talking about the stress on the illiterate and poor, he says, “Apart from the financial burden, there is the matter of prestige. We are genuine Indians, and yet, again and again, we are asked to prove our citizenship.”

With no word yet on what happens to the people who are not in the NRC, the family is simultaneously preparing for Sidiqa’s appeal at a Foreigners’ Tribunal (FT). However, official ‘rejection orders’ required to go to an FT are yet to be released by the NRC authorities. “Our lawyer charges Rs 1,000 for official certified copy of a document, say the Voters’ List of 1966. Our community leaders have told us to keep ready certified copies of all relevant documents,” Hoque says.

Amrit Lal Das of Bongaigaon town in lower Assam, who is also preparing for a long fight to get his and his four brothers’ names in the NRC, questions the futility of the earlier NRC exercise, that had stretched over years. “If another NRC is done in Assam with people submitting the same document to the same officials, it will mean wastage of around Rs 1,600

crore of public money. Also, this would mean disregard for the tribulations of those who participated in it. Many took loans, sold jewellery and lost working days to attend hearings.”

Das, who is associated with an organisation representing Bengali Hindus, says the errors due to which genuine citizens were excluded in the NRC should be addressed.

Guwahati-based advocate Aman Wadud, who has been fighting cases of the excluded, points out that the previous NRC had been a court-monitored process. “I know of many cases in which the NRC process caused immense pain to poor, illiterate people. Implementing it in Assam all over again is an outrageous idea. The Supreme Court monitored the NRC process, the BJP government executed it on the ground. Then how can the state government request the Centre that the NRC be rejected?”

On the other end are people like Manoj Das, 40, a businessman dealing in automobile parts in Assam’s Hojai town. His 70-year-old mother, Kamala Das, is not in the NRC. “Many of our people (Bengali Hindus) were wrongfully excluded. Even if we have to go through the NRC process again, we must do it without complaining because only then can genuine citizens like my mother be included,” he says.

The Bengali Hindus (who are a large support base for the BJP in Assam) are also counting on the Centre getting the Citizenship (Amendment) Bill passed in Parliament before the new NRC. The Bill makes citizenship easier for refugees from other countries fleeing religious persecution (barring Muslims).

Mintulal Namashudra (48), of Udharbond near Silchar in Assam’s Bengali-majority Barak Valley region, hopes this Bill will help his wife and him get included in the NRC — provided they can prove “religious persecution”. Amrit Lal Das of Bongaigaon points to the incongruity of people who had been seeking to be included in the NRC opting for CAB. “How can genuine citizens be treated as ‘refugees’?” he wonders.

<https://indianexpress.com/article/india/new-nrc-how-many-times-do-we-prove-citizenship-6142063/>

Children out, parents in: The real challenge begins now that final Assam NRC is here

The Print, August 31, 2019

By Aman Wadud

"A prophet is without honour in his own country. Substitute 'citizen' for 'prophet' and you will get the gist of the various writ petitions filed under Article 32 of the Constitution of India assailing Section 6A of the Citizenship Act."

These were the opening remarks of the judgment that set a timeline to update the National Register of Citizens or NRC in Assam. These remarks were made in favour of the petitioner who challenged Section 6A of the Citizenship Act alleging large-scale illegal immigration in Assam. Almost four years later, when the NRC has finally been published under existing laws, majority of the citizens who have been abused, dishonoured and persecuted for decades in the name of illegal migrants, proved their citizenship and are included in the final list of the NRC. A prophet was indeed without honour in his/her own country.

Today, 3,11,21,004 names have been included in the final NRC, while 19,06,657 names have been excluded from it. These excluded people are not foreigners; they have 120 days to appeal before the Foreigners Tribunal, except those whose cases are already pending before it. Many genuine citizens have not been included in the final list. Cousins have not made it, even though their parents have. I am getting similar news from various other places. Will Prophet still be without honour in his country?

Was illegal migration ever a 'grave threat'?

The updated National Register of Citizens is the first-ever exercise carried out in India to find out the exact number of citizens and doubtful citizens. No one knew the exact numbers of illegal migrants. But that didn't stop various groups and politicians from stating imaginary numbers. Even constitutional authorities gave exaggerated numbers. Then home minister Inderjit Gupta said in Parliament on 6 May 1997 that there were 10 million illegal migrants in India. Quoting the home ministry and Intelligence Bureau sources, the 10 August 1998 issue of India Today gave a breakdown of these illegal migrants. According to the report, Assam had four million illegal immigrants.

On 8 November 1998, Lieutenant General S.K. Sinha, then governor of Assam, submitted a report to then President K.R. Narayanan on the "grave threat" posed by illegal immigration. In the report, he said, "The dangerous consequences of large-scale illegal migration from Bangladesh, both for the people of Assam and more for the Nation as a whole, need to be empathetically stressed. No misconceived and mistaken notions of secularism should be allowed to come in the way of doing so."

Primarily on the report of S.K. Sinha and statement of Inderjit Gupta, the Supreme Court in 2005 in the Sarbananda Sonowal case went on to hold that Article 355 of the Constitution had been violated, as the Union had failed to protect the state of Assam against the external

aggression and internal disturbance caused by the huge influx of illegal migrants from Bangladesh to Assam. This judgment became a precedent and “external aggression” became a justification to decide cases under the Foreigners Act and declare many as “foreigners”.

On 14 July 2004, in response to an unstarred question on the deportation of illegal Bangladeshi migrants, then home minister Sriprakash Jaiswal submitted a statement to Parliament that said the estimated number of illegal Bangladeshi immigrants in India as on 31 December 2001 was 1.20 crore, out of which, 50 lakh were in Assam.

The statement was retracted in 2004 following this clarification:

“The clarificatory note made it clear that the reported figures were not based on any comprehensive or sample study but were based on hearsay and that too from interested parties.”

Despite the clarification, the statement of the home ministry made in Parliament was quoted in the judgment delivered by the NRC monitoring Bench of the Supreme Court in 2014.

The NRC final list has proved that S.K. Sinha was wrong, it proved the imaginary numbers of Inderjit Gupta to be exaggerated. Did they lie to the nation and stoke hatred against a certain section of citizens? If yes, didn't they betray the Constitution on which they took oath?

Criticisms by the BJP

After the final draft of the NRC was published in July 2018, leaders of the Assam unit of the BJP started casting aspersions on the NRC, by repeatedly stating that lakhs of Bangladeshis have been included in the draft NRC. BJP MLA Shiladitya Dev continuously attacked the NRC. He said the NRC would legalise illegal Bangladeshi Muslims. Comparatively lesser exclusion of people in the border districts was used by the BJP to discredit the NRC process. Himanta Biswa Sarma said, “Not enough names have been cut in Hailakandi, Karimganj, Dhubri, Goalpara [districts].... The whole point of the NRC has become futile.”

Assam CM Sarbananda Sonowal even went to the extent of saying that legislative measures could be explored in case of wrongful inclusion and exclusion. As the date of the publication of the final NRC list approached, the attack on the NRC by the BJP became more severe. The BJP state president Ranjeet Kumar Dass recently said, “Be ready for an NRC that has full of names of foreigners and excludes many Indians.”

It is pertinent to mention here that although the NRC is monitored by the Supreme Court, it is executed by government employees under the leadership of the state coordinator. Despite that, when the BJP realised the NRC won't serve their purpose, they started questioning it. But the majority in Assam, including those affected by the exercise, continues to support a free, fair and credible NRC.

I have been conducting awareness programmes on the filling of the NRC application forms in different districts of Assam. Although the process was complex, there was widespread support for the NRC as people wanted closure after decades of harassment and persecution in the name of illegal migrants. The fact that the entire process is monitored by the Supreme Court gave people confidence that it would not be like the earlier arbitrary exercises carried out by the Assam Border Police and the Election Commission.

It is a fact that the four-year-long process was not easy. Searching legacy data, filling up application forms, standing in the long queue outside the NRC Seva Kendra, attending several rounds of hearing, was painful and time-consuming. Productivity of people came down, particularly the poor were hit economically. People still peacefully took part in the entire process.

Unimaginable harassment

During the entire process, two episodes caused unimaginable harassment.

First, the false and malicious ‘objections’ filed by various organisations. Before the 31 December 2018 deadline, around 3 lakh objections were filed against people who were included in the final draft of the NRC. Almost all of these objections were filed on the last day of filing. Before the last day, the number of objections was less than 800. Objections were filed against everyone from 5-year-old children to old and ailing citizens.

Notices were sent to people against whom objections were filed, including their family members to depose as witnesses. Many families sold their cattle and savings to hire buses and attend the objection hearings. According to the SOP, both objector and objectee should appear in the hearing. But objectors almost never showed up and hearings were decided ex parte.

The second episode was when notices were issued to thousands of people in the first week of August, only 24-48 hours before their hearings at places 300-400 km away. Overnight people sold their cattle and ornaments to hire vehicles and attend it. Four people died in different accidents while travelling. On the midnight of 5 August, a bus carrying 24 passengers from Kamrup to Golaghat (around 300 km away) was hit by a truck carrying molten tar near Guwahati.

The passengers sustained burn injuries. They were treated at Gauhati Medical College Hospital. When I reached the hospital past midnight, a woman was holding her 3-year-old daughter, both covered in molten tar. She was crying and asked what will happen to her NRC hearing scheduled next morning. Few incidents depict the urge for an NRC more than this. Locals in upper Assam district, where they went to attend hearings, took care of them by providing food, medicine and places to rest.

NRC as a tool to correct historical wrongs

Most see the NRC as the final citizenship test and a potential tool to stop decades of harassment and persecution in the name of detecting foreigners.

Although it has been propagated that Assam is flooded with illegal migrants and people here don't have documents, history tells a different story.

All these decades, people who were abused as illegal migrants or Bangladeshis have migrated to present-day Assam from undivided Bengal and then East Bengal.

Migration started from Bengal to present-day Assam in the mid-19th century. There was large-scale migration after the Partition of Bengal. The British encouraged Bengali Muslims farmers to migrate to uncultivated stretched of the Brahmaputra Valley, after several districts of East Bengal had reached limits of cultivation.

These Muslim peasants worked very hard and brought previously uncultivated lands under cultivation. In the 1931 Census, the superintendent had said that more than half a million people had migrated. Radhakamal Mukherjee in his book, *Changing face of Bengal*, wrote that between 1900 and 1930, at least one million Bengalis peasants went to Assam and brought new land under cultivation.

The British adopted the 'Line System' in 1920 in the districts of Kamrup and Nowgong to stop Bengali Muslim immigrants from acquiring certain areas. In 1928, they came out with the 'Colonisation Scheme' that allowed immigrants to settle in large areas of the Nowgong district. These are proof of the scale of immigration, pre-Partition.

India's first President Rajendra Prasad toured upper Assam immediately after the 41st session of the Congress, which was held in Gauhati in the year 1926. In his autobiography, he writes:

"In my tour of Assam I found large tracts of uncultivated land in Nowgong district. There were no signs of human habitation for miles around, except a few huts here and there. There was no shortage of water and the land was covered with green foliage. There was no sign of the land ever having been ploughed. I was told that there was plenty of such land in the province and, according to the law of the land, anyone who brought the land under the plough and settled there became the owner.

The adjoining Mymensingh district of Bengal (now in East Pakistan) is thickly populated area. Many Muslim families migrated from Mymensingh to Nowgong and settled on the land and when they began cultivation became its owners. As more and more unused land came under the plough, the ratio of the Muslim population began to rise.

When I heard of all this, I had an idea. Chapra is one of the most densely populated districts of Bihar and its people generally have to go out of the province in search of work every year. Thousands of them go to Assam and work as labourers and after earning some money return

to their homes. They never thought of settling down in Assam. I saw Biharis and men from Chapra almost everywhere in Assam. I thought that if, instead of just going to Assam to earn something and returning to Chapra, they permanently settled down on the land there, not only would their future be assured, but also the pressure on the land would be reduced in Chapra.

I sounded the Assamese on this subject and they welcomed it. They told me that they liked the Biharis labourers and did not like the people of Mymensingh, whose treatment of local population was far from satisfactory. Some thought it better to have the Hindus of Bihar than Muslims of Mymensingh. The communal feeling was uppermost in men's minds then and Assam was no exception. They welcomed the idea also because by themselves the Assamese were unable to bring the land under the plough. But the influx of Muslims from Mymensingh was upsetting the population ratio and the Assamese wanted to retain a majority in the Brahmaputra Valley. The influx from Mymensingh could be countered only by allowing Bihar Hindus to settle down on the land." (*Autobiography*, Rajendra Prasad, Penguin India, Pg 252-253)

In 1951, the Muslim population in Assam was 24.7 per cent. The people, India's first president is referring to, are the one often abused as Bangladeshis. The NRC only proved history right.

What now?

Over 19 lakh names have been excluded from the NRC. Apart from people who couldn't prove their presence or their ancestors' in the territory of India before 24 March 1971, a large number of declared "foreigners", "doubtful voters" and their children have been excluded from the NRC list. Following the order on 13 August 2019, the Supreme Court and the state coordinator of the NRC issued a letter to all deputy commissioners stating that—

a) For any NRC applicants/claimants (irrespective of the year of birth), if parent/legacy person through who eligibility is sought to be established is doubtful voters (DV) or declared foreigners (DF) or pending before Foreigners Tribunal (PFT), then such persons will not be included in NRC irrespective of the status of the other parent.

b) For those persons born before 3 December 2004, if the parentage /legacy persons through whom legacy is drawn is not DV or DF or PFT and is found eligible for inclusion in NRC, but the other parents from whom legacy is not drawn is a DV or DF or PFT, then such descendants may be included in NRC.

c) For those persons who are born on after 3 December 2004, they will not be included in NRC if any of the parents is DV or DF or PFT even if the parent from whom legacy is drawn is clear from all angles.

In 1997, more than 3 lakh people were marked as "doubtful voters" overnight without any prior investigation whatsoever. More were added in later years. Majority of the "doubtful voters" were women, mostly newly-wed. Although many cases were already adjudicated,

some could prove their citizenship, others not. Many people marked as “doubtful voters” are still disenfranchised and didn’t receive any notice from Foreigners Tribunal to prove their citizenship. Their children are now not in the NRC list. Most marked as “doubtful voters” are poor and illiterate and have a high fertility rate. It is apparent that a large number of children have been excluded from the NRC.

All excluded people have to appear before the Foreigners Tribunal. So, it is more important than ever that the tribunal acts in a fair and judicious manner and adjudicate each and every case following due process of law.

On 19 July, in reply to unstarred question No-3804, the minister of state of home affairs stated in the floor of Parliament that up to 31 March this year, 1.17 lakh people have been declared foreigners by the tribunal, 63,959 people have been declared foreigners by an ex parte order. Those who contested the case claimed themselves to be Indian, very often people are declared foreigners because of minor anomalies or variations in names, age and place of residence in documents. Any contradictory statement or not proving documents as per evidence law could cost citizenship.

Fair trial is a part of the fundamental rights under Article 21 of the Constitution, and the tribunal has to ensure that fundamental rights of even a single person are not violated. The Constitution itself will be put to test in each and every case before the Foreigners Tribunal.

Deportation, detention and human rights

Although those excluded from the final NRC will not be detained immediately, but once a person is declared as “foreigner”, he or she may be detained, with an intent to deport. There are already around 1,100 detainees in six detention centres across Assam.

Before deporting a foreigner, the country of origin has to confirm the nationality of the foreigner. According to the affidavit by the state of Assam filed in February 2019 before the Supreme Court in WP (C) 1045/2018, only four declared foreigners have been deported since 2013. In a recent visit to Dhaka, external affairs minister S. Jaishankar said that the NRC is India’s internal problem. To date, India has not spoken to Bangladesh about deporting “declared foreigners”.

If a person is detained after being declared a “foreigner”, and if he or she doesn’t get any relief from higher judicial forums, he or she will be detained indefinitely, if he or she can’t be deported. Indefinite detention is inherently illegal and inhuman. A “foreigner” detained indefinitely is denied a dignified life, and also a dignified death.

The Assam government has said in the assembly that in the last 3-4 years alone 25 detainees have died inside detention centre. The Supreme Court vide its order on 10 May in WP(C) 1045 /2018 has directed to release those detenués who have completed more than three years in detention. This order has rightly put an end to indefinite detention. Although three years of detention without any chance of getting deported is not reasonable.

A large number of cases will be now tried before 321 Foreigners Tribunals. Many the NRC has excluded could be declared as “foreigners”. It has become apparent that Bangladesh will not accept “declared foreigners” as their citizens; this will make “declared foreigners” stateless persons.

Having been denied the right to a nationality by any state, stateless persons will be vulnerable to various kind of abuses. Stateless persons are at the risk of being deprived of access to basic rights, including access to education, health care, employment, the right to buy or sell property, open bank accounts, or even get married. India is not a contracting party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. But Articles 14 and 21 of the Constitution applies to both citizens and non-citizens.

The Supreme Court in *NHRC vs. State of Arunachal Pradesh* has held that rights under Article 21 are as much available to non-citizens as to citizens, and to those whose citizenship is unknown. In *Francis Coralie vs The Admn, Union Territory of Delhi*, the Supreme Court has held that it is the fundamental right of everyone in this country to live with human dignity, free from exploitation.

Article 21 of the Indian Constitution should be the guiding force to treat those that the NRC excludes or “declared foreigners” fairly under the rule of law. The four-year exercise of NRC has come at a huge social price already. Care must now be taken to ensure that the list does not unleash a fresh wave of anxiety and polarisation among the people of Assam.

<https://theprint.in/opinion/children-out-parents-in-the-real-challenge-begins-now-that-final-assam-nrc-is-here/284862/>

Assam NRC: Rights body says over one lakh tribals excluded

The New Indian Express, September 2, 2019

By Prasanta Mazumdar

Amidst the assertions by political parties and organisations that the National Register of Citizens (NRC), the final list of which was published on Saturday, was not error-free, human rights body “Rights and Risks Analysis Group” said over one lakh tribals, who are original inhabitants of Assam, have been excluded from the list.

“A preliminary survey states that about 25,000 Bodos, 12,000 Reangs, 8,000 Hajongs and thousands of persons belonging to other tribes have been excluded from the NRC,” the rights body said.

Its director Suhas Chakma said about 25 per cent of about 36,000 Reangs in Hailakandi district were excluded from the NRC. He said an overwhelming majority of the Reang women had been excluded as they were not able to prove legacy from 1971.

“The Reangs are shifting cultivators and have extremely low literacy rate and are identified as one of the particularly vulnerable tribal groups. With the exception of educational degrees and land documents, women do not have independent identity documents and always identified as daughter or wife of the male member.”

Once they are married, the legacy is lost as they are deleted from the family ration cards and for this reason alone, an overwhelming majority of the Reang women have been excluded,” Chakma said.

He said it was a travesty that none of the Scheduled Tribes of Assam had been listed as original inhabitants of the state but the Supreme Court, vide its order dated 21 July 2016, clarified that the expression “original inhabitants of the state of Assam” would include the Tea Tribes.

The human rights body urged the Assam government and the Centre to issue a notification to include all Scheduled Tribes in the NRC as the original inhabitants of Assam.

<https://www.newindianexpress.com/nation/2019/sep/02/assam-nrc-rights-body-says-over-one-lakh-tribals-excluded-2027904.html>

In Assam, many women, children fail to make NRC even as their family members are counted as citizens

The Scroll.in, August 31, 2019

Arunabh Saikia

It was almost 10 am. The final version of Assam's National Register of Citizens was to be published any moment. Samsul Hoque, a marginal farmer in Baksa district's Ata village, wanted to go to the "computer *dukan*" – the internet café – in the village market, but he had to wait. The rain was relentless. Meanwhile, the fate of his wife Rahima Khatun, and three daughters, Azmina Khatun, Sharmina Khatun, hung in the balance. They were yet to be counted as Indian citizens.

When this correspondent offered to check on his smartphone, Hoque nervously agreed. As the 21-digit Application Reference Number or ARN was keyed in and a Captcha code entered, the tension in the room was palpable. As soon as he was informed that it was good news, Hoque broke into a wide smile. "The tension is finally gone," he said, the smile still intact. The women joined in: there are giggles and a phone call was made to Rahima Khatun's parents to share the good news.

"Yes, yes, we are sure – it has come," Azmina Khatun told her grandmother. "Now some people have come, they will take our picture, we will call you back later."

But as the final version of the NRC was published on Saturday morning, there was also disappointment and anxiety. The registry is meant to be a list of bonafide Indian citizens of Assam. It was first published in 1951 and is being updated to exclude people who may have illegally entered Assam via Bangladesh after March 25, 1971. The final NRC left out 19.06 lakh people. A total of 3.29 crore people had applied to be included in the registry.

Since many applicants were born after the cut-off date, they had to show two sets of documents: "legacy documents" to prove their ancestors lived in India before 1971 and "link documents" to prove they were related to this ancestor.

Among those did not make it include several women and children, many of whose family members were counted as citizens. These women and children failed to convince the NRC authorities of their "linkages" with their family. Now, they have to face Assam's dreaded foreigners' tribunals to clear their names, failing which they risk being put into detention centres.

The rules governing the NRC claims process mention "special provisions" for children under 14 years of age whose parents have been included in the NRC but who lack "adequate documentary evidence" to prove their parentage. Anecdotal evidence, however, suggests this did not always translate into relief on the ground.

Among those who were left off the list was nine-year old Kulsuna Khatun, also from Baksa district. Though she had made it to the NRC draft list published in 2018, her name was dropped in June. She was among the 1.02 lakh people the NRC authorities claimed to have wrongly included in the draft NRC.

“Linkage with claimed legacy person not found acceptable,” her rejection note stated, implying that she was not the daughter of the person she was claiming as a parent. Her father has been included the NRC. On Saturday, her status remained unchanged: “Reject.”

Kulsuna Khatun’s parents had submitted a birth certificate for her. Curiously, her younger sister, Munni Akhtara, who had also submitted a similar birth certificate, has been included. “We have submitted all documents,” said her mother Nabiron Nessa. “Will her name really not come?”

Nabiron Nessa herself has also failed to make it to NRC, although, her parents and brothers have. She had submitted a village panchayat certificate to establish her connection with her father. It was not found acceptable despite her parents and siblings attesting to her identity at several face-to-face hearings. “So, there is no chance now that my name will come?” she asked.

In neighbouring Bajegaon village, Malati Bala Ghosh has the same problem to contend with. The village panchayat certificate she had submitted to establish her linkage with her father was found to be invalid despite it being counter-signed by a block-level officer.

The village panchayat certificates, used by tens of lakhs of unlettered women, have been contentious for some time. In 2017, the Gauhati High Court had declared them invalid. But the Supreme Court allowed them to be used after rigorous scrutiny. The authorities then appointed special officers for the sole purpose of verifying the authenticity of these certificates. While local officers had earlier hinted that these documents had been rejected en masse, the high-rate of rejection of women who were dependent on these documents confirms that now.

“I have never been to school – what other document can I possibly give to prove my parentage?” asked Ghosh in Bajegaon village. “We don’t have anything more to say or give; it is upto the government now to do whatever they want with us – help us with legal aid, or kill us or whatever.”

Certificates rejected

A few blocks away, Neela Ghosh’s family was going through its own nightmare. Four of Neela Ghosh’s five children had been left out of the citizenship roster even as both she and her husband had made it. After the children’s immunisation certificates were rejected, the family had birth certificates made as they filed fresh claims to be included. But the family claims they were unable to submit them as they were never called for a hearing.

“We never received a notice, “ said 18-year-old Indrajit Ghosh, the oldest of the four children. “When we checked on the computer, our date had already passed.”

When the family went to the address mentioned online, they were told they would receive a fresh notice. They never did. On Saturday, when they checked their status online at an internet café, it said “reject”.

“How is it our fault?” asked Indrajit Ghosh. “We went at least three times, but they did not even listen to us.”

In the adjoining commercial hub of Barpeta Road town, the landscape changes dramatically from paddy fields and large ponds to pot-holed roads and garish two-storeyed buildings, but the stories remained the same.

Fifty-five-year-old Durga Koch Mandai from the town had been rejected. She, too, could not prove that her ancestors had come to India before 1971, although, she claims to have been born before that herself.

Mandai belongs to the Koch-Rajbongshi community, one of the oldest settler groups in the region. From the 13th century, for almost 700 years, Koch-Rajbongshi kings ruled the kingdom of Kamatapur, which covered large parts of contemporary Bangladesh, West Bengal, Bihar and the North East.

“I keep hearing from other people that our name does not come in the NRC, they will let us stay here and send us away,” she said. “That prospect of leaving my home makes me really scared.”

<https://scroll.in/article/935823/in-assam-many-women-children-fail-to-make-nrc-even-as-their-family-members-are-counted-as-citizens>

Former President Fakhruddin Ali Ahmed's Family Among 2 Million in Assam Staring at Uncertain Future

News18, August 31, 2019

Among the 19 lakh people left out in final National Register of Citizens published on Saturday, the family of India's fifth president late Fakhruddin Ali Ahmed found their names missing from the list.

The family of Ziauddin, son of Fakhruddin's brother Lt Ekramuddin Ali Ahmed, who hails from Rangia in Kamrup district, was in for a shock last year as well when they did not find their names in the draft NRC list released in July.

"I am the nephew of former President of India Fakhruddin Ali Ahmed, and my name is missing in the NRC, since my father's name is not in the legacy data, we are little worried about it," Ziauddin Ali Ahmed had said then.

This time, a total of 3,30,27,661 people had applied to be included in the NRC. Of them, 3,11,21,004 have been included in the document and 19,06,657 excluded, a statement from the NRC State Coordinator's office said here. Those who have been excluded from the National Register of Citizens have 120 days to appeal against it at Foreigners Tribunals.

The Assam government has already ruled out detention of people who do not figure in the list "in any circumstances" till the time Foreigners Tribunals declare them foreigners. The final list was published at 10 am and the hard copies of the Supplementary List of Inclusions are available for public viewing at the NRC Seva Kendras (NSK), offices of the deputy commissioner and offices of the Circle Officer during office hours, a statement by the NRC authority said.

Assam is the first Indian state where the NRC is being updated after 1951, with March 24, 1971 as the cut-off date, to include names of "genuine Indian citizens".

<https://www.news18.com/news/india/nrc-list-2019-former-president-fakhruddin-ali-ahmeds-family-among-2-million-in-assam-staring-at-uncertain-future-2291967.html>

India publishes final NRC: All you need to know on citizens' list

Al Jazeera, August 31, 2019

by Saif Khalid

Authorities in the northeastern Indian state of Assam have published a citizenship list that aims to identify genuine citizens amid fears millions could be excluded.

A total of 31.1 million people were included in the National Register of Citizens (NRC), leaving out 1.9 million people, according to a statement from the Assam government.

The NRC list is unique to Assam and was first prepared in 1951. It will include those whose names appear in the 1951 document and their descendants.

The list will also include those who have been on India's electoral rolls up to March 24, 1971, or in any other document approved by the government.

The government says it wants to detect and deport undocumented immigrants from Bangladesh.

The work on the latest NRC list, a Supreme Court-monitored exercise, started in 2015. A draft citizenship list published last year excluded more than four million people.

Assam, with a population of 33 million people, is in a state of high alert and additional security forces have been deployed in anticipation of any law-and-order situation following the publication of the NRC list.

What happens to those excluded from NRC?

The government says those who do not find their names on the final list will be given the opportunity to prove their citizenship first in quasi-judicial courts - known as Foreign Tribunals (FT) - and subsequently in higher courts.

Those excluded would not be considered foreigners until they exhaust all their legal options.

People will get 120 days to appeal, the government announced earlier this month. Up to 200 more FTs are expected to be set up on top of the existing 100.

But rights activists say courts will be overwhelmed since the appeal period is short.

"Imagine FTs adjudicating two to three million cases and they have been given just 120 days," Suhas Chakma, director of New Delhi-based Rights and Risks Analysis Group, told Al Jazeera.

FT courts have been criticised for ex-parte judgments, a process of declaring people foreigners without trial.

Arrest and deportation

Human rights activists fear that the people who do not find their names on the list might face possible jail time or deportation, and their voting and other civil rights will be snatched away.

The government has already announced its plan to build 10 more detention centres. Nearly 1,000 people are currently lodged in six detention centres located in the existing district jails.

"If they do not win their cases in FTs, they [government] are going to put tens of thousands in detention centres. Do you want to create these kinds of concentration camps?" Chakma asked.

India has not raised the issue of deportation with Bangladesh and activists fear people might be held "indefinitely" in detention centres.

"Will they die in prisons for the simple offence of crossing the border?" asked Chakma. "It's a failure of the entire justice system."

'NRC will resolve the issue of migrants'

Experts believe that the NRC list will resolve the issue of undocumented immigrants in Assam.

"There was a broad consensus that this [NRC] is going to be a panacea to this long-standing problem," Sushanta Talukdar, a senior journalist based in Guwahati, told Al Jazeera.

Talukdar said the NRC will put a stop to the harassment of people in the name of identifying migrants and also address the fears of local people who believe they are being outnumbered by foreigners.

But he said the issues of inclusion of genuine citizens and exclusion of migrants will remain since determining the citizenship of an individual is a complicated exercise.

The NRC process has faced criticism for allowing third-party objections, which means people who figured in the 2018 draft list were again asked to furnish documents after objections from unknown persons.

People have also complained of harassment during the document submission and verification process.

Targeting Muslims?

Critics say Prime Minister Narendra Modi's Hindu nationalist Bharatiya Janata Party (BJP) has used the citizenship issue to target the minority-Muslim community, who form one-third of Assam state's population.

India's powerful Minister of Home Affairs Amit Shah, who wants to implement the NRC at the national level, once dubbed the migrants as termites, a remark later defended by a BJP leader on an Al Jazeera show.

But the BJP, which has accused the previous governments of failing to check migration, has denied that the party was targeting Muslims.

The state of Assam, which borders Muslim-majority Bangladesh, has historically witnessed migration first under the British colonial rule.

The enormous arrival of Bangladeshi refugees, both Hindus and Muslims, during the 1971 war for the liberation of Bangladesh sparked violent anti-migrant agitations called the Assam Movement.

The movement ended after the protesters, led by the All Assam Students Union (AASU), signed a deal with India's central government in 1985, which was dubbed the Assam Accord.

The agreement set March 24, 1971, as the cutoff date for people to be considered for Indian citizenship.

It also called for the detection and deportation of undocumented immigrants. But that process faltered due to legal hurdles.

Since 2015, the NRC body had been tasked with identifying Assam's undocumented immigrants.

Concerns are being raised on the BJP's plans to grant citizenship to Hindu immigrants, who will be excluded from the NRC list.

Journalist Talukdar said the Modi government's plans to change the citizenship law will "defeat the purpose of NRC".

<https://www.aljazeera.com/news/2019/08/final-nrc-list-india-assam-190829133456422.html>

Assam's Tangled Web of Citizenship and the Importance of a Consensus

The Hindu, October 18, 2019

By Sanjoy Hazarika

The demand for a National Register of Citizens (NRC) grew out of concerns voiced over decades in Assam and other North-eastern States that informal migration from Bangladesh would alter the area's demography and political representation, while damaging its cultural and social fabric. The Assam Accord of 1985 fixed March 25, 1971, the date of Bangladesh's creation, as the "cutoff" date: those who came later were "foreigners" (Bangladeshis) and therefore, to be sent back. Given the difficulties the task posed, an exercise which was put on the back burner by successive State governments was brought to life when the Bharatiya Janata Party (BJP) came to power in Assam in 2016, largely because it could be fitted into the party's ideological agenda, based on the assumption that a vast majority of those who would be declared foreigners would be Muslims. Instead, the number of Hindu "foreigners" outnumber their Muslim counterparts. As those who have not been able to make it to the NRC list fill insalubrious detention camps, the crisis has only grown.

In this article, noted journalist and human rights activist Sanjoy Hazarika, tracing Assam's history and politics from pre-Independence days, points out, that there is neither an agreement with Bangladesh on deportation, nor can anyone, by law, be declared a non-citizen until proven so. He also makes an impassioned plea for accepting all those already in the country as citizens, while securing the borders so that future migration is halted. He also cautions the central government against pushing through the Citizenship Amendment Bill that seeks to make a distinction on the basis of religion.

In that great novel in verse, *Marmion: A Tale of Flodden Field*¹, Sir Walter Scott penned many powerful and memorable lines of which, perhaps, the most widely quoted is "O what a tangled web we weave."

To quote Sir Walter in an article about the National Register of Citizens (NRC) in Assam, published 211 years after that epic poem, may cause surprise. But the issues out of which the NRC has grown are complex and tangled, made more so by its design, the manner of its implementation and the periodic directives given by the Supreme Court which has sought to drive this process.

The end result is that the "final list" of people published on August 31 this year is nowhere being such — it is not even a bucket list and has led to a volatile mix of outrage, embarrassment, more suspicion, defiance, stress and further confusion. Faulty documentation has made the task very complex, creating a conundrum for the State and central governments that are trying to deal with the confusion by taking positions completely at variance with earlier stated positions of the ruling party. How has this come to pass?

The NRC grew out of concerns voiced over decades by people and representative organisations in Assam and other North-eastern States about informal migration (widely

called illegal migration) from Bangladesh. Many believed that this migration would lead to demographic changes, and adversely affect the area's cultural and social fabric as well as political representation. That these concerns are not new is seen in gleanings of contemporary history which have been extensively researched and written about. It is important, therefore, to review the working of the NRC and the issues that have grown around it in a historical, political and social context. The narrative promoted by a handful of political parties on one side, and other parties and rights advocates on the other only promotes oversimplification, binaries and divisions and doesn't recognise the extremely sensitive complexities. My view has always been that it is the multiplicities of wide-ranging identities which lie at the heart of the current crisis. And without that comprehension, those involved are destined to make a greater mess and sharpen confrontations.

So, a few basic facts from history to start with:

- The British encouraged migration and labour from the former East Bengal (later East Pakistan and, then, Bangladesh) to clear the wastelands in the Assam valley for productive farm use and settlement as well as to build basic infrastructure such as roads and railways.
- Extensive in-migration followed the policy of successive pre-Partition Muslim League governments under Sir Mohammad Saadulla to increase the Muslim population of the lower Assam districts neighbouring East Bengal (I refer here to Sir Mohammad's letter of 1945 to Liaquat Ali Khan², then number two to M.A. Jinnah in the Muslim League hierarchy, boasting that "in the four lower districts of Assam Valley, these Bengali immigrant Muslims have quadrupled the Muslim population in the last 20 years"). Interestingly, Saadulla, himself an Assamese Muslim originally from Golaghat in Assam, unlike the settlers, chose to stay on in India after Partition, joined the Congress Party and was sent to Parliament!
- The in-migration led to a furore in Assam, triggered by the land settlement policy promoted by Saadulla. This policy was amended as a result of an all-party conference which put a ceiling on the land an individual could hold and redefined the concept of landlessness: those holding less than eight acres of land could apply for more if they were either 'indigenous' or migrants who had come to Assam before 1938. Migrants who were settled in forests were to be evicted.
- In-migration became an election issue in the pre-Partition poll in Assam. The Congress Party, at that time, campaigned and won an overwhelming majority on the basis of "Assamese nationality and culture" claiming in its manifesto that the "immigration or importation of lakhs of Bengali settlers on wastelands has been threatening to destroy the distinctiveness of Assam and has, in practice, caused many disorders in its administration."
- The Congress changed its policy in the post-Bordoloi years, and this led to a tumultuous period — 1979 to 1985— when the Assam Movement against "illegal migration" paralysed the State, toppled governments, propelled a student leadership into the limelight and ultimately to power. The movement set in motion a series of cataclysmic events such as the Nellie massacre, the Gohpur riots, the violence at Goreswar and elsewhere. Thousands died in those tragic times. The clashes pitted numerous ethnic and religious groups against each other. The key issue revolved

around identity rooted in land, the same concern that had sparked confrontation in the 1940s.

- The tripartite Assam Accord of August 1985³ between the Centre, the State government and the agitators sought to calm the waters by promising economic development, political protection and patronage. In a critical move, it redefined the notion and nature of citizenship as an exception for Assam by fixing March 25, 1971, the date of Bangladesh's creation, as the point of departure — anyone who had come before then was deemed to be an Indian while those who came after that "cutoff" date were foreigners (Bangladeshi) and therefore, to be identified and sent back. This was obviously easier said than done because legal formalities had to be designed for this unique situation. The Citizenship Act was amended to include this clause in December 1985 (known as Clause 6A when two pages of the entire Citizenship Amendment Act were given over to the special situation of Assam); later in 2003, children (from any part of India) could qualify for citizenship at birth if either of its parents was an Indian national and the other was not an illegal migrant (author's emphasis). But there was still no clarity on the number of 'foreigners' in the State. Some outlandish figures were floated, ranging from 'crores' of Bangladeshis to the more reasonable lakhs. Meanwhile, nationalistic and religious sentiments were stoked, especially by a jingoistic media. No one was clearer or wiser; instead, everyone was more stressed.
- That's why the NRC was deemed important, and nearly 30 years after the signing of the Accord, the ideas in it were revived, and a political consensus developed on the need for such an exercise as the All Assam Students Union (AASU) kept nudging the Centre on redeeming its promise.

'Be careful what you wish for'

Today, several years after the exercise began under a Congress regime, it was fast forwarded by the leadership of the Bharatiya Janata Party (BJP) once it came to power in the State in 2016, with vociferous support from the Centre. But the situation continues to be fraught with stress, irresolution and confusion. For decades, many in Assam and in other parts of India have believed that it is the Bangladeshi Muslims who have been making the illicit border crossings and settling down in the State. This narrative has driven the calls for protection of land, culture and society. Even the Supreme Court in 2005 spoke of such hotly contested political issues as "infiltration" and "unabated influx" in a judgement that many rights' lawyers and activists see as substantially problematic.

As the economist Lord Meghnad Desai wrote⁴ presciently with regard to the NRC: "Be careful what you wish for. When you get it, you may not like it." He was referring to the issue of numbers — some feel that 1.9 million or 19 lakh is too large; others, especially in the BJP and its regional ally, the Asom Gana Parishad (AGP) as well as the AASU, that the figure is too small. "Alas, once you start counting, guesswork stops," Lord Desai continues, ending with the advice: "The easy (and statistically sound) way would be to say no one will be excluded whatever their papers."

This is the not-too-comfortable situation in which the Government of India, represented by the Ministry of External Affairs and the Ministry of Home Affairs, finds itself. Now, both ministries, led by close confidantes of Prime Minister Narendra Modi, have issued categorical statements that are at clear variance with the long-held position of the ruling party which is also in power in Assam.

For one, Bangladesh has been assured, not once but several times, that the NRC exercise is an internal matter and will not impact Bangladesh. This assurance was first given by the External Affairs Minister on a visit to Dhaka, and then by the Prime Minister himself in a conversation with his Bangladeshi counterpart Sheikh Hasina Wajed⁵ on the sidelines of the U.N. General Assembly meetings in New York as recently as in the last week of September this year. This rules out deportation because there is no such agreement between the neighbours.

The second assurance is that no one can become a non-citizen until proven so: if anyone is "excluded", that person doesn't automatically become non-Indian. There is now a 120-day period in which those who do not make it to the list can appeal against their exclusion before some 200-plus Foreigners' Tribunals, a quasi-judicial system which exists only in Assam and which have been set up to deal with such appeals. Several of these tribunals are to be headed by young lawyers with seven years of practice, raising questions about the depth and extent of their judicial knowledge. If an appeal is rejected, the affected person can appeal to the High Court, and finally to the Supreme Court. This is a stressful, long and arduous process which can go on for many years, given the backlog in the system.

The government⁶ has also pledged free legal aid through the accredited lawyers on its District Legal Services Authority (DLSA) across Assam and the State Legal Services Authority to all those who do not make it to the list. So has Assam Chief Minister Sarbananda Sonowal on a number of occasions. This is a significant development as many of those excluded are vulnerable, distressed and poor people who live a marginal existence and cannot afford legal representation. One hopes that the lawyers and researchers who have been supporting those persons who have suffered exclusion should also participate in this effort and hold the government to its word. Lawyers, from one side or the other, should not look at the religion of the victim. Some activist groups have over the past years campaigned extensively around the issue of victimhood of minorities. Unfortunately, this placed the same conundrum before several outstanding and highly respected rights' campaigners as those who were driving the campaign for exclusion on the basis of religion.

But the NRC results of August 31, 2019, flew in the face of long-established concepts and narratives: those excluded 'included' 11 lakh Bengali Hindus, seven lakh Muslims while the balance are local tribes and other ethnic groups. Consequently — and unsurprisingly — the process of appeals has run into a major challenge from Bengali Hindus, numerous tribal groups and the Gurkhas. Many of them do not wish to appear before the Foreigners' Tribunals since they say they are Indians and stress, as in the case of the Gurkhas, that many of their kin have laid down their lives for the land and nation. This has created a new legal

challenge: what will happen if lakhs of people refuse to go before the newly minted tribunals? How will their issues be resolved?

The Election Commission of India (ECI) has declared that those excluded will not be struck off the voters' list or be classified as the D (Doubtful) Voter, another unique category for Assam that has been in place since the 1990s. These are people who have been declared as foreigners; many of them have been forced to fight long battles to recover their lost identities and dignity. The ECI has taken the right decision for without resolution of one status, those who are off the NRC cannot be forced into double jeopardy.

While this process continues, there are other issues that need to be resolved. For what makes the case of Assam — and, indeed of West Bengal, Meghalaya and Tripura — truly unique is that they are contiguous to Bangladesh, a new country which came into being after a bloody birth in 1971 that tore Pakistan apart. There are those who are pressing for a cut-off date of 1950, when the Constitution came into place or 1955, when the Citizenship Act (and its subsequent amendments) — as exists for the rest of India — came into being.

There is no such comparable development on any of India's other borders except the one it shares with Tibet. When the Dalai Lama came to India in exile in 1959 and was followed over time by tens of thousands of his followers, they were issued refugee status papers and travel documents while some have become naturalised Indian citizens.

Yet, without the core issue of citizenship being decided by a Constitution bench, a two-member bench of the Supreme Court, headed by the Chief Justice — who happens to be from Assam — issued numerous directions to the NRC coordinator resulting in an extremely challenging situation. Perhaps, this was a job that could have best been left to the Registrar General of India, who heads one of the best data-gathering operations in the world, the huge and complicated decadal census, and whose office is technically equipped to do the job. Instead, it has been handled by an army of 50,000 amateurs, with a budget of above Rs. 1,500 crores that has eaten into not just taxpayers' money but time and energy, apart from creating high degrees of stress and a deep sense of discrimination and deprivation.

The political consensus in Assam was for an NRC that would help heal the fissures and address fears that go back several decades. That was perhaps too much to hope for, given the nature of politics and politicians.

Citizenship Amendment Bill: Different Takes

A new complexity has developed out of the declaration that the Citizenship Amendment Bill (CAB) will be raised again in Parliament. This is a piece of legislation that cannot pass muster in a Constitutional Court that is true to its salt for it seeks to divide illegal immigrants on the basis of religion. This flies directly in the face of the Citizenship Act (which does not stress religion) of 1955 as well as of fundamental rights enshrined in the Constitution. In short, the proposed amendment would fundamentally change the Citizenship Act, which has formed the basis of India's citizenship regime since it gained independence from the British.

The amendment, if included, will ensure that select "persecuted minorities" (Hindus, Christians, Parsis, Sikhs, Buddhists and Jains) from the neighbouring countries of Bangladesh, Pakistan and Afghanistan can become citizens in India after six years of residency. Other groups will have to wait 11 years to become naturalised citizens.

The Citizenship (Amendment) Act of 1986 specifically deals with Indian citizenship in Assam. The new CAB would negate the Citizenship (Amendment) Act of 1992 which allowed for persons born outside India to be considered as citizens of India by virtue of Citizenship by Descent if either of the parents was a citizen at the time of birth.

Already, representative groups and the Nagaland Chief Minister Neiphiu Rio have declared their opposition to such a measure: Rio made his objections clear at the fourth NEDA (the BJP- sponsored North Eastern Democratic Alliance), conclave in Guwahati in September 2019. The Centre's emissaries are working hard at hammering out some sort of a peace agreement with the major Naga political group, the National Socialist Council for Nagalim (I-M), which could alter the power equations in Nagaland. How this will play out in the rest of the region is unclear but the CAB could trigger old fears among small but powerful ethnic groups which have a long history of opposition to the idea of India.

There are other groups of unfortunates in the North East whose cases have figured in the media from time to time: for instance, last February, the Centre told the Supreme Court that there were 938 persons in eight detention centres, which are essentially designated spaces inside existing prisons. Many have struggled for years to get out. From various accounts, some are mental wrecks; a number have died after years of incarceration and some women, pregnant at the time of detention, have even given birth inside these centres. This is a bleak landscape not made any better by the announcement of and preparation for detention camps. Who will inhabit these camps? Who will decide who will be sent there? How long must they live there? A senior government figure in Assam told international diplomats in Delhi that one of the ideas is to transfer those living in very horrific conditions in the eight detention centres to the better facilities proposed in the detention camp being built in Goalpara. But the very idea of such detention camps should be anathema to anyone who believes in the rule of law and abhors impunity.

In addition, there are those who have been trafficked into India and, having been rescued, languish in the "no man's land" of prisons and protection homes as the researcher, Rimple Mehta, describes in her poignant book, *Women, Mobility and Incarceration: Love and Recasting of Self across the Bangladesh-India Border*⁷.

What is to be done? For a start, all groups should not make things worse than they are and rein in their rhetoric, especially with demands as far-fetched as detention camps in Karnataka and inflicting an NRC exercise there. Rumours are enough to fuel panic, stress and fear, create law and order problems and give opportunities to the venal and lawless.

There needs to be a political compact, no matter how fragile, in Assam on how to make the future of the region peaceful (and hopefully prosperous), anchored in an inclusive, not an exclusionary, approach. Otherwise, the toxic mix of prejudice and poor data in a multi-layered, highly sensitive region could drive the desperate into the ready embrace of violent extremism. Such a danger exists and lies within India as well as across the border. Media anchors, especially, need to tamp down their divisive rhetoric.

Sir Walter Scott's full quote rings true here:

O, What a tangled web we weave

When first we practice to deceive

Need for Consensus: A Round Table Conference

We are not a nation built just by laws, or even by just laws, but by concord, no matter how difficult the times. In looking at suggestions for a way forward, I turn to two great apostles and nation builders, Guru Nanak and Mahatma Gandhi. Guru Nanak, whose 550th anniversary is being celebrated had said, "*I am neither a child, a young man, nor an ancient; nor am I of any caste.*" And Gandhi, whose 150th birth anniversary is being commemorated, on the eve of his final fast in January 1948, had said, while urging people not to dissuade him: "*...all friends ... should turn the searchlights inwards, for this is essentially a testing time for all of us*".

It was Gandhi who gave strength and support to Gopinath Bordoloi when the latter advocated a certain degree of autonomy for Assam. It was a difficult time for Bordoloi as he was simultaneously having to resist pressure from the Muslim League, prevarication by the Congress leadership and British stratagems to divide the people. Despite ill-health, Bordoloi had a clear vision for his State and fought for it. New Delhi rebuffed him on key issues, setting a tradition for the unequal relationship between the Centre and Chief Ministers from the State and other parts of the North East. He had demanded a major share of the royalty accruing to the Centre from oil production and a substantial amount from taxes on tea, the key revenue earners for Assam. Both pleas were rejected, although Delhi's consent would have helped strengthen the State's economic base. Undeterred, Bordoloi built the foundations of modern Assam in a burst of energy during his brief tenure (1946 to 1950) by founding several major institutions that continue to serve the region well: Guwahati University, the Guwahati Medical College, the Assam Veterinary College, a radio station, the police training school and the Guwahati High Court.

In that spirit, I would urge the convening of an All-Party Round Table Conference to look at the issues of migration, citizenship, rights and identity. This work cannot be done just by legal experts, no matter how brilliant. The courts have not thrown light on the subject but, instead, created a legal tangle and acute stress on the ground. The Round Table needs to be attended by political actors and citizens with a stake in peace making, not creating further divisions, as well as a sense of empathy, equality and justice. The conversation must be built around rights, entitlements and the core Constitutional principle of equality. All groups need to be represented but given the differences which exist, perhaps there can be a convening of

several organisations at different times as has been done in the case of the ceasefire groups in Myanmar, before bringing all groups together.

(Although Myanmar is most known in recent years for the horror that its armed forces have inflicted on the Rohingya Muslims of Rakhine State, forcing over a million to flee to refugee camps in the Chittagong area of neighbouring Bangladesh, it has made significant efforts to reduce its long-enduring armed conflicts with ethnic insurgencies that have exacted a high human cost, stalled economic growth and broken political representation.

Over years of steady discussions, the previous military regime and then State Counsellor Aung Sang Su Kyi kept negotiations going with armed groups resulting in a ceasefire agreement in 2015 with 10 rebel factions. But the process has been patchy and some conflicts continue as do talks with one coalition of ethnic fighters).

Differences must be reduced even if they do not disappear altogether. There should be one cardinal rule: each side needs to give space to the other to speak without intimidation or fear of being shouted down. This is going to be the most difficult part — can there be frank conversation without confrontation? For this issue needs consensus — without that *madhyam*, things cannot move forward. It does not need brilliance and brinkmanship, political leverage or money power — it needs genuine consensus and open minds.

The Prime Minister and the Home Minister need to convene such a meeting to build consensus. It is a time for statesmanship of a high order which will balance the requirements of national security, regional calm and the strengthening of democratic institutions. Otherwise, both in the short-term and long-term, violent extremism emanating from different sides will have far-reaching consequences that will adversely affect both internal dynamics as well as the situation on the borders, placing a huge burden on the capacity of the Indian state to deal with another cycle of existential threats in distant, vulnerable areas.

There is need to reflect on what Rajmohan Gandhi has written about his grandfather, the Mahatma, "Exceptional though not limitless, Gandhi's embrace of dissent was at heart a recognition of human imperfection"⁸.

It is in that light that we need to view what could be the first agenda of such a Round Table Conference: the future of non-citizens after the long process of identity establishment is over. They cannot be deported, as Bangladesh and India have both made clear. They know only one homeland. Would not the best and most practical solution be that they continue to live where they have stayed for long? Many could be old or middle aged by the time their cases are resolved.

These groups and individuals cannot be said to be non-productive: they work hard in the fields, on the rivers and in the cities. Could a possible way forward lie in pursuing the example of the 1985 Accord when a group of 75,000 which had come from East Pakistan were struck off the electoral lists for a decade and then re-instated?

The Indian Constitution does not allow statelessness nor does the Universal Declaration of Human Rights which India has not only signed but helped draw up.

It is not just issues of citizenship and identity that should concern and engage us. A new Asian architecture is arising in our backyard. We talk of easier transport arrangements, travel and investments between BBIN (Bangladesh Bhutan India Nepal); we make efforts to Act East and connect to South East Asia, our natural neighbours. Yet, we seem steeped in the attitudes of an earlier era. We encourage international connectivity and investments, cultural events and business summits but are held back by old fears. These are contradictory processes which cannot go hand in hand.

Let there be a consensus on a cut-off date, whether it is 2014 or any other year. The only way of stopping illegal migration is by halting it at the border. It is also the only way that Dhaka will accept that these are its nationals. A better border management system is needed and the role of the Assam Border Police needs to be reviewed in that light. No other State has such a policing unit; the Border Security Force (BSF) should be enough.

We need to break the shackles of the past, of hatreds and prejudices which hold us back. New economic growth cannot come if we are bound by old attitudes. What is needed today is a process that bridges gaps, heals the wounds of the past and encourages dialogue. There is enough ill-will about. The greater need, now than ever before, is to build goodwill as the basis for a common future. The reality is that our neighbours are here to stay and it's up to all of us to make that partnership work.

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The citizens' register is the latest wound in Assam's long history of loss and hurt

Quartz India, September 17, 2019

By Sangeeta Barooah Pisharoty

The agitation days, and the succeeding army operations to eliminate insurgency, considerably impacted the generation growing up during that time in Assam through a multitude of anomalous experiences. Depending on which community one hailed from, the experiences were varied. The memories different.

I remember the intermittent “black outs,” nights when there would be electricity in my small town—a rarity those days—and yet we studied, ate under the flicker of candles or the dull glow of kerosene lamps because that was the diktat of the agitation leaders. It was to send a symbolic message to New Delhi that Assam had plunged into darkness because of the centre's failure to proffer a solution to the foreigners' problem. There was no question of flouting the orders. In fact, the feeling of being wronged only caught on and proliferated.

Neighbourhood elders, older cousins and their friends would repeatedly take to the streets, holding torches fashioned out of bamboo. Their shouts—“Aah oi aah, ulai aah!” (Come, come out all!). “Tej dim tel nidiu” (Will give our blood, not oil)—would pierce through the still of the night. The taal—the bell metal cymbals which are a religio-cultural instrument of Assam—became a symbol of protest. It was “jatir xonkot” (the crisis of the community) and each needed to stand up for its defence, that was the overriding feeling. In that bargain, even kids like us attending English-medium schools were also spurned. I particularly recollect a neighbour once pointing out a bevy of school girls in white and blue mekhela sador, passing by our house, saying, “They are the ones who will protect our jati.” The import of it was, not us but they, who don the Assamese traditional wear to school and had given up a year of study for their motherland, are the true representatives of Asomi Aai (Mother Assam).

I remember a lanky, soft-spoken bespectacled man called Majumdar often visiting our house on a bicycle. He and my father would have long conversations over rounds of khali sah (tea without accompanying snacks) before he would finally get up to go home. Since his house was in Bengali Patty, a short distance from my school, I would also often spot him at lunch break walking by the gate.

One evening, my mother rushed to my study table. Majumdar had been shot. I saw panic in her eyes.

“Is he dead?” I asked.

“No, in the hospital,” my father replied before darting out of the house.

Hours expired before my father returned home. Majumdar was stable but had to be shifted to the Dibrugarh Medical College for advanced treatment the next morning.

As soon as my father reached the hospital, the doctor on duty frantically asked for blood. Father called in three youth from the Islam Patty nearby. That night, Bengali Hindu blood mixed with Assamese Muslim blood at the behest of an Assamese Hindu. All this was happening in a communally torn Assam of the times.

The heady days of ULFA (The United Liberation Front of Assam) brought its own share of tribulations to people from several communities. Many non-Assamese traders fell to ULFA fire. The owner of the shop that provided us the monthly provisions was shot dead too. Many petty traders packed up bags and left the state. Several Assamese families also not only had to bear the brunt of army action against ULFA, but were killed by the armed outfit too for refusing to meet their demand for cash to purchase arms.

There was this sprightly young man, the local “Bruce Lee,” the karate champ with a black belt whose distinctive gait many youth in my home town loved to ape. To us, he was our “Sir,” our go-to man for all the worries of the world, not just the issues with English grammar that he came home to tutor us five days a week.

Naba Gogoi was a dropout of the Rashtriya Indian Military College (RIMC), Dehradun. One day, he told his father he couldn't carry on there as it was never his dream to see himself in uniform. He was more comfortable in Hara jeans and donning a Bruce Lee haircut. He was happy practising karate, listening to music any time he preferred, and teaching children in a small town for a living.

Naba did just that.

Then the army came to town to tame the ULFA. Young men stopped stepping out of their homes post sundown. Naba too hurried home those days.

One day, he didn't. News soon reached his family that he was taken to an army camp. Some days later, he was set free, but not before being tortured. He never fully recuperated from it, and passed away some years later. His dream of living life the way he wanted died with him. Crushed by army boots which he too would have been wearing had he finished his term at RIMC.

Not far from my house stood the bhoot bangla (horror house). Once called the Barooah Bungalow, it was a massive white concrete structure with a sprawling front lawn surrounded by tall walls and a formidable gate. Owned by a tea planter and an educationist armed with a degree from the venerable Oxford University, the bungalow had certainly seen better days. After many a death in the family, the house descended into darkness. Thieves began to break into it to steal what was inside. Piece by piece everything was taken, till the rooms were empty.

The CRPF (Central Reserve Police Force) occupied the bungalow during Operation Rhino and stayed on. It became its detention centre, rather a torture chamber, bang in the middle of

a residential colony. Night after night, people woke up to screams of those brought to the bungalow after arbitrary arrest by the security forces.

One night, the screams were especially loud. Some days later, the body of Jyoti Lohar, a young businessman from the town's periphery belonging to a tea tribe family, was found in a nearby area. The family claimed Lohar was brought to the bungalow after he was arrested along with two others. News spread about residents hearing Lohar's screams coming from the bungalow. Public anger grew. Some officers were suspended. A case was registered. Justice, however, eluded Lohar's family. The bhoot bangla is now an ashram, owned by the Manav Uttan Seva Samiti, run by Satpal Maharaj, the former Congress MP and tourism minister of Uttarakhand.

These slivers of my memory only hold up the larger fact that from the agitation days through the period of insurgency, the SULFA (surrendered ULFA) era and the unrolling of the NRC (National Register of Citizens) update process, loss and hurt have been all-pervading in Assam. A common factor that affected the lives of people from all communities.

Excerpted from Sangeeta Barooah Pisharoty's *Assam: The Accord, The Discord* with permission from Penguin Random House.

<https://qz.com/india/1709403/nrc-is-the-latest-wound-assam-has-suffered-after-ulfa-insurgency/>

NRC: The pain and struggle that never ends

The Federal, September 2, 2019

By Syeda Ambia Zahan

At the crack of dawn, on September 1, Shehnaz Begum, 27, held her six-year-old daughter Soniyara's hand and trudged along the muddy lanes of Batarbari village in Assam's Barpeta district. The mother and daughter then got inside the autorickshaw of a family friend, Soyeb, and set out on a journey to the Public Health Centre in nearby Daulasal in Nalbari district.

While walking to Soyeb's house, somewhere in front of her, Shehnaz fancied, lay the moon on the horizon, and she and her daughter walking on it. This isn't exactly Shehnaz's dream but her daughter's. Ever since Soniyara told her parents about her dreams of becoming an astronaut, Shehnaz has often 'seen' her little angel walking on the moon.

"Early in the morning today, I rented my friend Soyeb's autorickshaw and sent them to Nalbari to meet the health centre officials. I have asked them to show Soniyara's birth certificate and ask them what is wrong with it," says 33-year-old Subal Ali, Soniyara's father.

Parents in, children out

Born on February 9, 2013, Soniyara is one of thousands of children whose names were not in the final list of the National Register of Citizens published on Saturday, August 31. However, both her father and mother made it to the list.

As the clock struck 10 am on Saturday and the NRC authority released the final list on its official website, 19,06,657 people of the 3,30,27,661 applicants in Assam found themselves excluded from the final version.

According to the state Home Department officials, those 19.06 lakh would get the opportunity to appeal against their exclusion and establish their citizenship through courts. Each one will get 120 days to file an appeal at the Foreigners' Tribunals. There are 100 tribunals at present in the state while 200 more are to come up within a month. These FTs will have to dispose of the cases within six months. The appellant then will have the option of approaching the High Court and the Supreme Court.

While the Supreme Court-monitored exercise — that took four years and ₹1,220 crore — sparked widespread criticism of "witch hunts" against ethnic minorities, the publication of the final list saw a political blame game taking off over the number of people excluded.

But for those excluded, it's just the beginning of yet another long, drawn-out struggle to prove their citizenship, mostly in front of a system that fathers like Subal Ali feel is blind to people's pain.

"She was born at the Public Health Centre in Daulasal of Nalbari district. My wife's hometown. But the NRC authorities say her birth certificate is fake. We have even given

them the hospital records, but they don't listen to us," says Ali, perched on a log bench waiting for his wife and daughter to come home.

A freedom fighter's granddaughter

Hundreds of kilometres away from young Soniyara's village, 54-year-old Manju Devi, a resident of Tezpur, is tired of waiting for some good news to come her way. An otherwise patient Manju Devi, the granddaughter of Chabilal Upadhyay — a freedom fighter and Assam's first Congress president in 1921 — is today an angry woman. She could not keep her cool when asked about the reason for being excluded from the list of "genuine citizens".

"The reason for my exclusion is that I was tagged a 'D' (doubtful) voter. The names of my son and daughter are also not on the list. This list is not credible and a waste of time and money," says the mother-of-two. Multiple attempts, including an RTI application, by her to get rid of the D-voter tag have failed to yield any positive result so far.

Manju Devi belongs to the Gorkha community. According to the Bharatiya Gorkha Parisangh, one lakh Gorkhas living in Assam have been left out of the final list of NRC. The claim, as was expected, has already stirred political reactions from beyond Assam, especially in the Darjeeling hills and surrounding areas of north Bengal. On Sunday, West Bengal Chief Minister Mamata Banerjee tweeted: "Earlier I was not aware of the full NRC fiasco. As more and more information is coming in, we are shocked to see that names of more than 1 lakh Gorkha people have been excluded from the list."

Last year, the Union home ministry had said Gorkhas living in Assam cannot be sent to detention centres nor could their cases be tried at the Foreign Tribunals. The Gorkhas, the Centre had told the Assam government in a communication, who were Indian citizens at the time of commencement of the Constitution, or those who are Indian citizens by birth, or those who have acquired Indian citizenship by registration or naturalisation in accordance with the provisions of the Citizenship Act, 1955 are not "foreigners" and therefore, such cases will not be referred to the Foreigners Tribunals.

But all such assurances from the MHA don't exactly apply in Devi's case — an "Indian Gorkha". Like Devi's ancestors, many members of the community have lived in the country since before Independence. "My grandfather went to jail in 1921 during the freedom movement. So you can imagine for how long we have been living in the state. I can show you land documents that belong to my great grandfather dating back to 150 years ago."

Such an NRC, Manju Devi, feels is nothing but harassment. "I have gone for re-verification for five-six times and now I am anguished and tired. If people who have been living in India for centuries are out of the NRC why is the list even made? This is sheer harassment."

Refugee life — when the harassment never ends

On a wintry night of January in 1964, an eight-year-old boy had crossed the border of Mymensingh district in then East Pakistan and entered India following the violent communal riots. He was accompanied by 600 others from his district.

Sachin Barman, the child who was secretly crossing the border from Durgapur area of erstwhile East Pakistan, now lives in Bamunigaon of Chaygaon Sub-Division in Kamrup district, 60 km from Guwahati. The government had set up a refugee camp in the same year for these victims of religious persecution — Bamunigaon Permanent Liability Home — where at present 3,000 people live.

The ministry of rehabilitation issued refugee certificates to the people in between 1964 and 1968. But leaving the daughters-in-law, no other family members of the 274 families settled in Bamunigaon made it to the final NRC list. “Jawaharlal Nehru gave us the permission to live in India. It was he who gave us migration certificate. But the NRC authorities say these are not satisfactory documents,” says Barman, now 64-year-old.

Mostly belonging to Koch Rajbongshi, Hajong and Garo ethnic communities, these refugees are crippled by the fear of becoming stateless once again. “For the past 60 years, we have been fighting for citizenship and changing countries. Will we ever belong to any country? I don’t think in this lifetime,” says a visibly disillusioned Barman.

If Barman is disillusioned, Ataur Rahman Majhar Bhuyan, a former MLA, isn’t sure how to react. “Since early morning, people who couldn’t find their names in final list are coming to me for advice. When I tell them I myself could not make it to the NRC list, they look somewhat relieved. They tell me, ‘Sir, if your name is not there why would our names be there?’. I really don’t know what to feel,” says Bhuyan, a two-time MLA from Katigorah Assembly seat in Cachar district. He was elected to the Assam legislative Assembly in 2006 and 2011.

“All my children used my legacy data. I have used ‘self legacy’. Now, I and one of my daughters have been excluded from the list. The same documents but different results... At times, I’m forced to think this could be a conspiracy against me.”

“On August 18, the Deputy Commissioner’s office summoned my daughter Mariyam and me. They said her name was not in the list because of ‘changed’ legacy. But my daughter used the same legacy. This is frustrating. I was an MLA for 10 years. If I could not make it to the list, I am sure many genuine citizens are left out of it,” says Bhuyan, who was born in Dudpur village under Katigorah Police Station of Cachar district in 1952. He says his family tree goes to 300-400 years back.

“Now a long legal battle awaits me at this stage of life. If this is not humiliation, what is...I don’t know what to say.”

Back in Batarbari village, as the evening descends and conceals a brewing chaos, Soniyara's father starts revealing shadows of worry. Subal Ali is now worrying sick if wife and daughter will be able to return home before its "too dark".

Talking about his daughter's dedication to studies, the doting father says, "She never missed school this year. Even when the road becomes too slushy and slippery after rains, she refuses to stay home. Even when we ask her not to go, she says she has to go and see her baideo (teacher) and learn new things." Soniyara's school — Balartari Sikhsa Kendra — is almost 2 km away from the small mud hut where she lives with her parents in her village which is ravaged by floods every year.

One of the most flood-prone villages of Assam, Batartari has no proper roads connecting the town of Barpeta. While buses come from Barpeta till Majdiya village, from Majdiya to Batarbari, which is around 10 km, the only option is to walk. If you get lucky, you will find an autorickshaw lumbering on the roads pockmarked with giant craters like those on the moon. Perhaps, the only connection between Soniyara's dreams and her village, where a long struggle awaits her.

<https://thefederal.com/the-eighth-column/nrc-the-pain-and-struggle-that-never-ends/>

Deconstructing the NRC: With wrongful exclusion and inclusion of names, will the list do justice to the Assamese?

DailyO, August 11, 2019

By Kaushik Deka

On August 31, the National Register of Citizens (NRC) will be published in Assam.

The NRC will register the names of all Indian citizens living within the geographic boundaries of Assam.

No such legal exercise — which is likely to declare at least two million people stateless in a single day — has ever taken place anywhere in the world. Multiple opinions have been floating about on this unique exercise — a long-standing demand of the indigenous people of Assam.

A very coordinated campaign has been going on to paint this process as an attempt to strip only Muslims of citizenship, even though they may have entered India illegally.

However, the truth is that nearly 50% of those who will be excluded from the NRC will be Hindus and from other non-Muslim religions. These statistics are also making the BJP, which has been demanding the NRC to be expanded to all other states of the country, nervous about the publication of the NRC. That's the reason the Assam government and the Central government — both ruled by the BJP — have been seeking a re-verification of the NRC data. But the Chief Justice of India, Ranjan Gogoi, who has been monitoring the process and has been the singular driving force behind it, did not relent. That's making both the anti-BJP elements, who masquerade as human rights activists, and the saffron party, uncomfortable about the NRC.

Why Assam needs the NRC

Though the BJP has been trying to take credit for the NRC, with Union Home Minister and BJP President Amit Shah claiming that the government will throw out every foreigner from the country, this count of citizens is not the result of any anti-Muslim agenda — as most media narratives want to portray. The NRC is the second such exercise in Assam, necessitated by widespread allegations of massive, unabated illegal immigration from Bangladesh.

The first NRC was published in 1951 by recording particulars of all the persons enumerated during that year's Census.

The illegal immigration from Bangladesh — previously known as East Bengal or East Pakistan — has afflicted Assam from colonial times. Since a majority of these immigrants are Muslims, the influx gradually changed the demography of Assam, much to the anxiety of the local inhabitants. In 1931, CS Mullan, Superintendent of the 1931 Census wrote about the influx in Assam, “Probably the most important event in the province during the last 25 years, likely to alter permanently the whole structure of Assamese culture and civilisation, has been the invasion of a vast horde of land-hungry Bengali immigrants, mostly Muslims from the districts of eastern Bengal.”

His statement was backed by numbers. In 1881, Muslims accounted for a mere 9% — but increased to 19% in 1931 and 23% in 1941.

In 1939, provincial governments of Assam, headed by Sayeed Mohammed Saadullah, opened up grazing reserves of the state to settle immigrants under a “grow more food” campaign.

Lord Wavell, British Viceroy of India, during his 1943 visit to Assam, said, “The chief political problem in Assam was the desire of the Muslim ministers to increase the immigrant population into the uncultivated Government lands under the slogan of Grow More Food, but what they were really after was Grow More Muslims.”

The 1951 census estimated the number of migrants from East Bengal at around 1 million to 1.5 million — between one-tenth to one-sixth of the total population of the state.

That’s the main reason why the NRC was first prepared in 1951.

However, there is no account of what happened to those who were excluded from the 1951 NRC. Between 1951 and 1961, the state’s population leapt by 36% and by 35% in the next decade as against national decadal growth of 22% and 25% respectively. In his report of 1963, the Registrar General of Census said 2,20,691 illegal immigrants had infiltrated into Assam.

There was a big surge in this influx after the war between India and Pakistan in 1971 when Bangladesh was liberated. The 1971 Census revealed an increase of 8,20,000 Muslims in Assam — 4,24,000 more than what could be accounted through natural increase. Between 2001 and 2011, India’s Muslims grew from 13.4% to 14.2% — while in Assam, they grew from 30.9% to 34.2%. 14 of Assam’s 27 districts have shown higher population growth than the state’s average of 17% with Muslims as a majority in nine of them.

Just one statistic — voter numbers in Assam grew by more than 50% in less than a decade, from 5,701,805 in 1970 to 8,537,493 in 1979, triggered a six-year-long agitation, popularly known as the Assam Agitation, against illegal infiltrators. The immediate trigger was the discovery of more than 45,000 illegal names in the electoral rolls of the Mangaldoi Lok Sabha constituency. The agitation, which saw the death of nearly 900 Assamese youngsters, started in 1979 and ended in 1985 when the Assam Accord was signed.

According to that accord, all Assam residents who had entered the state until January 1, 1966, would be deemed citizens. Those who came between 1966 and March 25, 1971, would be disenfranchised for 10 years. But foreigners who came to Assam on or after March 25, 1971 would be detected and deported, their names deleted from the voters’ list. It was decided that the 1951 NRC would be updated to detect the illegal foreigners residing in Assam. While the existing rules, applicable across the country, provide for the preparation of the NRC strictly through house-to-house enumeration, the Citizenship Act rules have been amended exclusively for Assam to enable updating of its NRC by inviting claims from direct descendants of those figuring in the 1951 NRC or 1971 electoral rolls for Assam.

But nothing happened for the next three decades, though several reports recorded the steady growth of illegal immigrants in Assam. Indrajit Gupta, the Home Minister of India between 1996-98, said in Parliament in 1997 that there were 10 million illegal migrants in India. In the

same year, Assam Governor, Lieutenant General (Retd), SK Sinha, warned in a report to the President that the illegal Bangladeshi influx posed a grave threat, both to the identity of the Assamese people and to national security. In 2001, a report by the Task Force on Border Management, headed by Madhav Godbole, put the figure of illegal Bangladeshi immigrants at 15 million.

The then-Union Minister of State for Home Affairs, Sriprakash Jaiswal, in 2004 told the Rajya Sabha that there were 1,20,53,950 illegal Bangladeshis in India — Assam accounted for 5 million of them.

In 2005, a three-judge bench of Supreme Court comprising Chief Justice RC Lahoti, Justice GP Mathur and Justice PK Balasubramanyan, observed, “The presence of such a large number of illegal migrants from Bangladesh, which runs into millions, is in fact an aggression on the state of Assam and has also contributed significantly in causing serious internal disturbances in the shape of insurgency of alarming proportions.”

The current process of updating the NRC is the consequence of a 2009 PIL filed in the Supreme Court by a Guwahati-based NGO, Assam Public Works (APW), which claimed that 4.1 million illegal Bangladeshis had found their way into Assam’s voter list. Interestingly, the Election Commission of India did not dispute the figure in the court, which has been directly monitoring the NRC update since 2015.

Why can’t Assam accept the immigrants?

The advocates of human rights argue that immigrants — even if they are illegal — should be treated with compassion and should be given a life of dignity.

In this argument, mostly emanating from a deliberately one-sided view, they often ignore the basic rights of indigenous people — who are also equally human. If the people of Assam have been demanding a count of illegal immigrants, it’s because they have suffered an assault on their resources and culture.

In most of lower Assam, immigrants of Bangladeshi origin are mainly engaged in agriculture and other manual labour. Primarily landless, their hunger for owning a piece of land has often resulted in ethnic conflicts, like the 2012 violence in Kokrajhar. And, in various places, they are alleged to have caused law and order troubles. Take, for instance, Hatigaon area in Guwahati. Surrounded by Bangla-speaking immigrants, Hatigaon records the highest number of thefts and robbery in the city. Often, the perpetrators are traced to Chars — sandbars of the Brahmaputra river — in lower Assam, which are largely the settlements of immigrants from Bangladesh. This doesn’t, however, mean that all Chars are a hub of criminals. In fact, several of them have produced leading academics, sportspersons, writers and cultural workers.

In 2017, the interim report of a six-member committee for the protection of land rights of indigenous people of Assam, headed by former chief election commissioner HS Brahma, said that illegal Bangladeshis dominated in as many as 15 of the 33 districts of Assam. “Illegal Bangladeshis descend on the land like an army of marauding invaders armed with dangerous weapons, set up illegal villages, mostly on the char lands overnight, in the full view and with the tacit, if not active, connivance and encouragement of the corrupt

government officers as also with abetment of communal political leaders,” read the report. Since 2011, the Assam government introduced a transparent teacher appointment system based on Teacher Eligibility Test (TET). However, several women recruits refused to join work, following a series of brutal rapes and murders in areas dominated by Bengali-speaking Muslims.

The Brahma committee report also says that the identity of as many as 18 Xatras in Assam — a Vaishnavite monastery, which are cultural hubs in Assam — is under threat, following large-scale encroachment by illegal Bangladeshi migrants. In July 2012, a study by the Northeast Policy Institute found 5,548 bighas of land belonging to 26 Xatras encroached on by illegal settlers. “In 2002, my cousin was kidnapped by an illegal immigrant. In 2005, we had to shift our Xatra from Moinbari to Sarbhog, thanks to illegal encroachers from Bangladesh,” says Apurba Adhikary, who heads a forum to protect the Xatras.

It’s not just Xatras — illegal settlers have allegedly also grabbed forestlands.

Close to 4 lakh hectares of forestland has been encroached upon in Assam. The data, given in response to a Right to Information (RTI) application, reveals encroachment in 26 out of 33 districts in Assam.

The total encroachment adds up to 22% of the state’s forest cover.

Is NRC an anti-Muslim exercise?

Despite Muslim immigrants being the crux of the foreigner issue in Assam, the state’s crusade against illegal infiltrators did not have a communal distinction.

“Our position is very clear. Those who have come to Assam after 1971 cannot be Indian citizens. It doesn’t matter whether they are Hindus or Muslims,” says Samujjal Bhattacharya, patron of the All Assam Students Union, which has been at the forefront of Assam’s struggle against illegal immigrants. The biggest example of the non-religious nature of Assam’s fight against illegal immigrants is a petition filed in Supreme Court in 2012 by Motiur Rahman, working president of the Asom Sanmilita Mahasangha (ASM), an umbrella body of different ethnic and indigenous organisations.

Rahman, an Assamese Muslim, has demanded that the cut-off date for detection of an illegal immigrant should be 1951 as the 1971 cut-off date would ensure that millions of foreigners, who entered Assam between 1951 and March 1971, will get citizenship, threatening the existence of indigenous people. Ironically, Rahman’s demand finds support from the RSS and BJP leaders, such as Assam Finance Minister Himanta Biswa Sarma.

Apart from the fear of losing livelihoods, resources and political power to illegal immigrants, the biggest anxiety over illegal immigration is the dominance of the Bangla language.

When the British occupied Assam in 1826, they imported Bangla-speakers for clerical work from West Bengal. These people convinced the British administration that Assamese was a distorted form of Bangla and eventually got Bangla imposed as the official language of Assam. The Assamese language gained its rightful place only in 1873 on the intervention of the Baptist missionaries — but the insecurity of the Assamese people lingered. While Hindu

Bengalis dominated government jobs, there was the fear of losing land, especially in the rural areas, to ‘land-hungry’ Muslim immigrants of East Bengal.

After Independence, when the Assamese elite came to power, they began to assert their cultural dominance.

In 1972, Assamese speakers and Hindu-Bengalis got into a major language battle over the issue of making Assamese the only medium of instruction in state colleges. The Bangla-speaking Muslim immigrants decided to side with the Assamese. During the 2016 assembly election campaigns, when I travelled to certain locations in Nagaon and Dhuburi districts, dominated by alleged immigrants, a telling cultural paradox was immediately apparent. The leaders were felicitated with Assamese gamochas, speeches were delivered in chaste Assamese, and posters were in Assamese — yet, the locals spoke in a Mymensingh dialect of Bangla among themselves.

This difference in dialect and attire of the Muslims of Bangladeshi origin, even if they crossed the border before 1971, has resulted in lesser acceptance for them among the indigenous population. The emergence of Badruddin Ajmal (of the All India United Democratic Front) and his Muslim politics increased the alienation.

Take the paradoxical story of a 33-year-old lawyer in the Gauhati High Court. Dressed in Fabindia kurtas and clean-shaven, he speaks fluent English and Assamese. His great-grandfather came from what was then East Bengal and settled in Assam before Independence. He is well accepted as an Assamese, but his 27-year-old cousin, a rickshaw puller in Guwahati’s Hatigaon area, is routinely regarded as Bangladeshi.

In 2016, inside the state Assembly, BJP MLA Ramakanta Deuri reportedly called his Congress colleague Sherman Ali “Bangladeshi”. It’s a different matter that Ali scored top marks in Assamese in his 10th Board exam.

The linguistic data of the Census 2011 has also widened the already existing fault lines between the Assamese and Bengalis. The percentage of people speaking Assamese decreased from 58% in 1991 to 48% in 2011 — while Bengali speakers in the state went up from 22% to 30% in the same period.

The Assamese also fear that if Bengali Hindus and Bengali Muslims joined hands, they could be politically outnumbered, as happened in Tripura where Bengali-Hindu immigrants from East Bengal now dominate political power, pushing the original tribals to margins.

In Assam’s Barak Valley, dominated by Bengali Hindus, Assamese is still not accepted as the state language. What has added to this fear are campaigns such as ‘Miyah Poetry’ and ‘Chalo Paltai’. A section of educated Muslims of immigrant origin, who are fluent in Assamese but speak a Bangla dialect — locally called Miyah — among themselves, have started writing poetry in that dialect. These poems talk about their pain of living as a suspect in the place where they were born.

Ironically, Hafiz Ahmed, the most controversial among these poets, is the president of Char Chapori Sahitya Parishad, which has been promoting the Assamese language and literature

among the residents of Assam's over 2,000 Char Chapori areas mostly populated by Miyah-speakers.

This language assertion has earned extreme reactions from Assamese people. Even the most revered intellectual Hiren Gohain, who has often spoken against a chauvinist Assamese campaign against immigrants, took offence to these poems. Four FIRs have been filed against Ahmed for allegedly fanning communal tension.

And if Miyah poets were not enough to add fire to the already volatile situation, Garga Chatterjee, an Assistant Professor at the Kolkata-based Indian Statistical Institute and TMC sympathiser, has apparently launched a campaign asking all Bangla-speaking people in Assam to write their mother tongue as Bangla in the next Census, so that together, all Bengalis can overthrow Assamese dominance in Assam. Ahmed, however, opposed this and also wrote against it in Assamese in an Assamese daily.

What are Foreigners Tribunals?

To tackle the issue of illegal influx, Foreigners Tribunals (FT) were set up in Assam in 1964. These quasi-judicial courts adjudicate on cases referred to them by the local Foreigner Regional Registration Office, which itself works on the recommendations of the Assam Border Police Organization. The FTs are independent of the NRC process and are governed by the Foreigners Act, 1946. There are currently 100 FTs in Assam. The state government is in the process of establishing 200 more FTs by September 1, 2019, and another 200 in the subsequent three months to deal with NRC appeals and references.

Those excluded from the NRC will not automatically become foreigners. They have to be so declared by an FT.

The state government will refer to those who do not appeal on their own. Till March 2019, the FTs have identified 1,17,164 individuals as foreigners and of these, 29,855 have been deported.

The FTs have often been in the news for the wrong reasons — declaring supposedly bonafide Indian citizens as foreign nationals.

In March 2017, 11 descendants of the first deputy speaker of Assam, Moulavi Amiruddin, were served notices by an FT. Recently, an FT declared Mohammad Sana Ullah, who had served in the Indian army for 30 years, and is currently serving as assistant sub-inspector in border police, a foreigner, and sent him to a detention centre. He later got a reprieve from the high court.

Once declared foreigner by an FT, a person is sent to a detention centre.

Currently, Assam has six detention centres — which run out of district jails. The first exclusive detention centre, with a capacity to hold 3,000 persons, is being built in Goalpara. While the Assam government is preparing to construct 10 more detention centres, the Union Home Ministry has sent out a circular to all states to prepare detention centres with modern facilities.

At present, 1,145 individuals are lodged in Assam's six detention centres — in pathetic conditions.

In 2016, during my visit to the Kokrajhar detention centre, inside the premises of the district jail, I understood the inadequacies of the state's response to illegal migration and some of its absurd and tragic consequences. And, contrary to the widespread campaign, not only Muslims are lodged in these detention centres. Ramani Biswas, a 32-year-old woman from Mayong, had been languishing there since 2009 when she, along with her husband, Dilip Biswas, 40, and daughters Kalpana, 15, and Archana, 9, were picked up by the authorities. Her court records show the family ignored notices sent by the FT, based on complaints about their citizenship.

According to the court verdict, they will have to be deported out of India, but until the government can execute the order, they will stay in the detention centre. As the male and female detainees are kept apart, Dilip is in the Tezpur detention centre.

What makes the case curious is that both Ramani and Dilip's parents are Indian citizens, as are their siblings.

"What is my fault?" asked a distraught Kalpana. "Why have I been denied the right to education?" Her younger sister, along with five other children, were taken to a local primary school, escorted by two policemen. But, as the-then jailor P.K. Bharali explained, they took children to school only till they reach 10. "There is a risk of them fleeing when they grow up," he said. "We don't have enough manpower. Even to provide clothes and food for the detainees, we have to depend on public donations".

Giving Ramani company in the detention centre were Minara Begum, 32, from Udarband in Silchar; Momirunessa, 45, from Baghbar in Barpeta; Halima Khatun, 40, from Dhing in Nagaon; Gita Biswas, 50, from Shantipur in Baksa and Basanti Mahanta, 40, from Bongaigaon. These women were the only ones in their family who had been charged as or declared illegal migrants. Their husbands, parents and siblings remain Indian citizens.

Many of these poor, semi-educated or illiterate women seemed to be paying the price for having failed to understand and respond to notices sent by the FT.

In April 2019, the Supreme Court ordered the release of declared foreigners who had completed three years in detention provided they fulfilled certain conditions — two Indians will have to take surety, they will have to sign a bond of Rs 1 lakh, their biometrics will be taken and they have to furnish a verified address.

There are 335 individuals who have spent more than three years in detention — none has been released yet.

Who are D voters?

Another contentious issue has been the exclusion of D-voters from the NRC. On July 17, 1997, the Election Commission of India issued a circular directing the Assam government to remove those who did not have citizenship credentials from the electoral list. Known as Doubtful Voter (D voters), they were put on trial before the FTs. Inclusion of D-voters in NRC would be subject to the decision of the FTs.

Till 2019, the state has identified 1,13,738 individuals as D-Voters.

Critics have complained of randomness in tagging D-voters.

The D-voter tag has already taken several lives in the state — many of them are Hindus. In June 2018, a 40-year-old daily wage earner, Abola Roy, committed suicide in Dhubri's Hakakura area following a quarrel with his wife, Saharibala, who has been marked a D-voter. Saharibala blamed her husband for not being able to earn enough to fight her legal battle. In May, marginal farmer Gopal Das, 62, of Nichlamari in Udalguri district committed suicide after being unable to bear the financial burden of getting the D-voter tag removed from his name.

In 1997, Shah Alom Bhuyan, who later served as a security officer in chief minister Sonowal's residence, was marked a D-voter. In Tezpur, retired nayak subedar Dilip Dutta got tagged as a D-voter. A senior official from the border police offered an explanation on why several individuals from the police and armed forces got tagged as D-voters: If a person doesn't vote in several elections, he is likely to get a D-tag. Policemen and soldiers rarely get a chance to vote.

Will NRC solve the issue?

Several stakeholders have lost faith in the NRC, although for different reasons.

The BJP, which plans to roll out NRC in every state, is nervous about the publication of Assam NRC as it will exclude a large number of Hindus. The Union Home Ministry and the Assam government had approached the Supreme Court for re-verification of NRC data — a request that Chief Justice Ranjan Gogoi turned down, saying that 27% of people had already been freshly scrutinized. Assam's Parliamentary Affairs Minister Chandra Mohan Patowary cited some numbers in the state Assembly to make a case for fresh verification. He said that the rate of exclusion in the districts bordering Bangladesh was less than the state average, proving that people had wrongly been included in the NRC. While 12.15% of the total applicants were excluded from the final NRC draft, the corresponding figure for the bordering districts of South Salmara, Dhubri and Karimganj was 7.22%, 8.26% and 7.57% respectively.

These are the districts which have seen unusual population growth, primarily among Muslims. The low exclusion rate is not surprising as most immigrants, with help from corrupt officials and patronage from previous political regimes, who saw them as vote banks, got their paperwork done within days of their arrival in India.

In contrast, the indigenous people rarely care about paperwork to prove national identity.

That's the reason the rate of exclusion in districts such as Karbi Anglong (14.3%) and Tinsukia (13.25%), dominated by tribals, Assamese and Hindi-speaking people, is much higher.

“NRC has already taken so much time. What is the harm if it takes six months or three more months? Even Assamese people have been excluded,” said Ranjeet Dass, president of the Assam BJP.

That's also the reason why the BJP is desperate to amend the Citizenship Act, 1955 which aims at providing citizenship to Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan. Though the Citizenship Amendment Bill, introduced in the Lok Sabha in 2016 covers refugees from three nations, it was primarily aimed at protecting the Bengali Hindu migrants from Bangladesh.

The BJP tried to hard sell the Bill in Assam, projecting it as a strategy to protect the Hindu identity of Assam against the influx of Muslims from Bangladesh — but failed to take into account the fear among the Assamese of the cultural hegemony of the Hindu Bengalis. As the first Modi government could not get the Bill passed in Rajya Sabha, it lapsed. Prime Minister Narendra Modi and BJP President Amit Shah have, however, reiterated that the BJP is committed to passing the Bill.

Several bureaucratic loopholes have also marred the NRC exercise with the human rights brigade often highlighting the “wrongful” exclusions of Muslim individuals. There is unanimity in Assam in the acceptance that mistakes may have crept into the NRC process, but this is not targeted against any particular religious group. “Re-verification is of paramount importance if we want to have a document that is free from error. There is a strong possibility that the names of several illegal immigrants have already made into the NRC complete draft,” says Abhijeet Sarma, head of APW.

Whether the final NRC gets published on August 31 or not, there is no answer yet to this big question — what will happen to those who will be excluded from the register?

India doesn't have a policy on stateless people.

Several theories are floating around about the future of these stateless people. Some sources say the Centre has been considering a proposal to provide long-term biometric work permits to all those who may be eventually declared foreigners. These people would not have any political or land rights (there is no clarity on what will happen to those who have already bought property in Assam).

What can make matters explosive is that a substantial section to be excluded could be those who own farmland.

The BJP has also promised that it will implement the Clause 6 of Assam Accord, which talks about providing constitutional, legislative and administrative safeguards to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people. On July 17, 2019, the Union Home Ministry constituted a high-level committee to look into fulfilling Clause 6. The mandate of the committee is to determine the appropriate level of reservation of seats in the state assembly and local bodies for the “Assamese people”.

However, there is no consensus yet on who can be defined as Assamese.

Missing numbers

According to the Census of 2011, Assam's total population was 3.12 crores. Projecting the pattern of decadal growth of previous censuses, Assam's population in 2015 — the year of commencement of NRC work — was estimated at 3.39 crores. However, the NRC process

received 3.29 crore applications — 10 lakh less than the projected population. In the draft NRC published on July 2018, 40,07,707 applicants were excluded.

Though all of them could re-apply, 3,95,688 individuals chose to not apply. In June 2019, the NRC secretariat had published an additional list of exclusions, which had over 1,00,000 names. This list was published after verification under the NRC rules.

That means nearly 5 lakh bona fide “foreigners” have been roaming around in Assam.

That’s a little more than the total population of Tripura — and a little less than the total population of Himachal Pradesh. There is little chance of ever detecting them.

Just ponder over this number once again — the FTs have identified 1,17,164 foreigners till now, only 1,145, or 0.009%, are in detention.

If today, Assam is living with those illegal immigrants, tomorrow, entire India will have to share that burden.

<https://www.dailyo.in/politics/nrc-assam-is-nrc-anti-muslim-illegal-migration-bengali-hindus-in-assam-amit-shah/story/1/31754.html>

The report on “anti-NRC” journalists is an attempt to intimidate and target them

Caravan Magazine, August 31, 2019

By Samrat

A couple of weeks before the final National Register of Citizens, a list of Indian citizens in Assam, was scheduled to be published, a number of PDF documents—all titled, “NRC: The Other Story”—began to circulate on social media. The documents, which used the official NRC authority’s logo and were marked as “copy for circulation,” contained lists of individuals, mainly journalists and activists, who according to the list’s anonymous authors, opposed the NRC. One of these lists was titled, “Journalists involved in the anti NRC propaganda” and contained the names of ten journalists, among whom I was one. The list described me as “a vocal opponent of the NRC because he feels there are no illegal immigrants in Assam.” It added, “He is also planning to write book on NRC.”

This is entirely untrue. I have never said there are no illegal migrants in Assam, nor do I plan to write any book on the NRC. I became critical of the NRC exercise as it became clear that the process was causing great suffering to poor people across communities, many of them quite clearly Indian citizens, who are being victimised by a Kafkaesque bureaucratic process. There are lakhs of human lives at stake—the final NRC list published on 31 August excluded over 19 lakh applicants—and I have consistently maintained that this human dimension must be kept in mind. For this, I have earned the ire of the chauvinists who drew up the list.

The PDF list targeted nine other journalists, starting with Ipsita Chakravarty who writes for the news website *Scroll*. It described her as “a Bengali chauvinist.” The same descriptor—Bengali chauvinist—was used for the former BBC correspondent Subir Bhaumik and another *Scroll* journalist, Shoaib Daniyal. However, the *Scroll*’s Guwahati correspondent, Arunabh Saikia, who has done excellent and often highly critical reporting on the NRC, was left out of the list—probably because he is Assamese, and therefore cannot be labelled a Bengali chauvinist.

While Bengali and Muslim journalists were particularly targeted, two South Indians who are neither Bengali nor Muslim, freelancer Rohini Mohan and Praveen Donthi of *The Caravan* magazine, found mention in the list for not being sufficiently laudatory of the greatness and glory of the NRC exercise and failing to shriek about the dangers to Assam’s demography posed by the apparently unending streams of Bangladeshis swarming into the state. Both of them had done solid, detailed and unbiased ground reportage from Assam and uncovered flaws in the NRC process that are causing suffering to innocent poor people.

Assam has a long history of hysteria about being overrun by Bengalis, even though analysis of census data by the Rights and Risks Analysis Group, a Delhi-based think-tank, shows that from 1971 to 2011, the state had the lowest average decadal population growth in the Northeast. The irony in the situation is that it may have been overrun by Bengalis long ago.

The caste Assamese in the state today are Bhattacharjees, Talukdars, Goswamis, Chakrabortys and Choudhurys. Where did their ancestors come from?

Nonetheless, driving out “outsiders” has been the motivating force of politics in Assam for decades. At its most extreme, this sentiment led to the creation of the United Liberation Front of Asom, the militant separatist group that fought an armed insurgency to establish an Assam independent of India. This underground group enjoyed vast support from a network of over ground workers that had several journalists, including the likely authors of the current lists.

Some months ago, at a small gathering in Guwahati, I was stunned to see Anup Chetia, the general secretary of ULFA, publicly thank two prominent Assamese journalists in glowing terms for help rendered to the group in the past. Chetia also boasted that they used to receive information about planned police and army raids well before the raids took place. The two journalists he thanked were of course not the only ones to have rendered assistance to the underground group. There were others as well, who acted as informants, propagandists and overground workers for the group.

This close relationship between certain journalists, militants and government agencies in Assam has long been an open secret in the state. It has led to casualties on various sides. At least 32 journalists have been killed in Assam in the past 30 years. Many were shot dead by ULFA or Bodo militants. One, Parag Kumar Das, the editor of *Asomiya Pratidin* and a strong supporter of the ULFA, was murdered in broad daylight in a hit that may have been engineered by opponents of the militant group.

Given this history, the circulation on social media of a list of journalists for their reportage is a serious matter. It places those named in the list in some danger. Apart from being an attempt to silence and intimidate, it is also an attempt to target and vilify. The NRC authority has officially washed its hands off the matter saying it had nothing to do with the list. Who is responsible for it?

A number of journalists in and from Assam have suggested the list is the creation of the RSS or the state intelligence wing. Others have suggested that the list may be the handiwork of journalists associated with Assamese chauvinist groups. The RSS and the state government should come clean on whether they have anything to do with the creation of this list. If not, the network responsible for this targeting of journalists should be investigated and identified.

<https://caravanmagazine.in/politics/anti-nrc-journalists-report>

India Assam: 'I won't die before I prove my Indian citizenship' *BBC, September 3, 2018*

Some 1,000 people have been sent to detention centres in India's north-eastern state of Assam after being declared illegal citizens. BBC Hindi's Nitin Srivastava reports on what life has been like for some of them.

Ajit Das, 33, fears he may never recover from the three months he spent in a detention camp in the city of Silchar.

He was granted bail a few weeks ago to help his wife care for their four-year-old daughter, who is autistic.

During his time in the camp, Mr Das lost his job, his health deteriorated and his wife spent a large portion of their savings to visit him regularly.

"I lost 5kg in three months. The food was awful and often half-cooked," he says.

Mr Das was sent to the detention camp after he was declared an illegal citizen by a special court set up to identify illegal immigrants from neighbouring Bangladesh.

Since 1985, these special courts have heard some 85,000 cases of people suspected of being foreigners by India's border police. They have reached decisions on the cases of at least 1,000 people, who are now in six detention centres across Assam.

The government is yet to release information on the status of the remaining cases.

Illegal migration from Bangladesh to India's north-east, including Assam, has always been a serious concern. Estimates of illegal foreigners range from four million to 10 million - and they have a sizeable presence in at least 15 of Assam's 33 districts. Most of them are engaged in agriculture.

Mr Das says his parents arrived from Bangladesh in the 1960s and they died a few years ago. He says he was born in India but the court classified him as a "doubtful Indian citizen", claiming that his documents did not prove it.

Although the citizenship of Mr Das's wife has not been questioned, their two children have been found to be illegal citizens. The couple have hired a lawyer to challenge the government's decision but Mr Das says that is costing them a lot of money.

Although those who have been declared foreigners can appeal the decision, it will be a lengthy process that could take months or even years. Until they get a final decision on their legal status, Mr Das and his family will have to live in limbo.

However it is unclear what will happen to them even if they lose the appeal as India has no official treaty with Bangladesh in relation to cross-border illegal immigration.

Earlier this month, the Indian government published a list of Assam's proven citizens, which left out the names of some four million people. This has complicated the situation further as the government is yet to clarify if the two processes overlap in any way.

Meanwhile, Mr Das is afraid that his bail might be cancelled at any time, forcing him to return to the camp.

He says the camp was a large but cramped room in a red building that houses a prison. All the detention camps in Assam are located within a prison compound.

Mr Das recalls at least 35 people eating and sleeping in the single room that was the Silchar camp. And they all used one toilet which had no locks - they waited for 30 minutes every morning for their turn.

He was woken up each morning at 05:00 (23:30 GMT) by a thunderous shout. He had to be ready within the hour or he would miss the daily cup of tea served with two biscuits. Everyone was then ushered out of the room to spend the day out in the open ground surrounded by 40ft (12m) high brick walls.

Lunch comprised of rice, pulses and a vegetable, while dinner was hurriedly served before 17:00. They had to return indoors by 18:00, after which the doors would be locked.

Outside the camp, people can be seen queuing through the day to meet family members who were inside the walls. Most of them will meet for just 10 minutes, separated by a row of thick iron rods. Those who can afford it buy themselves some extra time.

Mohammed Yunus (his name has been changed on his request) says he has visited his father in the Silchar camp every week since he was sent there a year ago.

"Despite having the right to vote and owning a small piece of land, we are forced to prove our citizenship in court," he says.

Some people have been declared foreigners due to bureaucratic errors - such as Suchandra Goswami, a part-time music instructor.

She received a legal notice in 2011 to prove her citizenship. She says she did not respond since her first name was misspelt. But in 2015, she was arrested. She was in prison for three days before she was able to secure bail.

"Three days in prison for a spelling error was enough to destroy my confidence in everything," says Ms Goswami. "I was sobbing for three nights."

Ms Goswami says she was placed in a regular prison, not a detention camp. Mr Das, too, says he was first put in a prison cell with people who "were serving time for murder or rape" and he was moved to the detention centre only after he complained.

India's Supreme Court recently asked both the federal and state governments to submit reports on living conditions in the camps.

"Some [of those identified as "doubtful citizens"] have had to stay with prisoners in a common jail because of space constraints," S Lakshmanan, a district official, told BBC Hindi. "But we are committed to improving living conditions. We provide free medical aid and we are in the process of overcoming staff shortages."

Chandradhar Das, who claims he is more than 100 years old, could not escape the detention camp either. And he can barely walk without support.

But his name made it to the "doubtful Indian citizen" category and despite his age, he spent three months in a camp. He says he managed with the help of others in the camp.

"I won't die before I prove my Indian citizenship," he says.

<https://www.bbc.com/news/world-asia-india-45192701>

What happens to India's four million 'stateless' people?
BBC, July 30, 2018

By Soutik Biswas

Questions of identity and citizenship have long vexed a vast number of people living in Assam, one of India's most multi-ethnic states.

Among the residents are Bengali- and Assamese-speaking Hindus, and a medley of tribespeople.

A third of its 32 million residents are Muslims, the second-highest number after Indian-administered Kashmir. Many of them are descendants of immigrants who settled under British rule.

But illegal migration from neighbouring Bangladesh has been a concern for decades now.

A six-year indigenous protest - during which hundreds of people were murdered - led to a 1985 pact between the federal government and protesters. It was agreed that anyone who entered Assam without proper documentation after 24 March 1971 would be declared a foreigner.

Now, the publication of the controversial National Register of Citizens (NRC) reveals, according to officials, that some four million of Assam's residents are illegal foreigners.

Separate specially-formed courts in the last few years had already declared as foreigners some 1,000 residents - mostly Bengali-speaking Muslims - and interned them in half-a-dozen detention camps.

In an echo of US President Donald Trump's policy to separate undocumented parents and children, families have been similarly broken up in Assam.

The latest move to make millions of people stateless overnight has sparked fears of violence in what is already a tinderbox state.

Prime Minister Narendra Modi's Hindu nationalist Bharatiya Janata Party (BJP), which rules the state, has insisted in the past that illegal Muslim immigrants will be deported.

But neighbouring Bangladesh will definitely not accede to such a request.

Chances are India will end up creating the newest cohort of stateless people, raising the spectre of a homegrown crisis that will echo the Rohingya people who fled Myanmar for Bangladesh.

Stripped of their Indian citizenship, the affected people in Assam, many of whom have lived there for decades, will be suddenly unable to vote, access welfare or own property.

Those who already own property could easily become targets of envious neighbours. At a time when the UN refugee agency is vowing to end statelessness - there are some 10 million stateless people in the world - this will be a major embarrassment for India.

Mr Modi's government has already shown nervousness. A senior minister said people not listed on the NRC would not be kept in detention camps and would be given a last chance to prove their citizenship by the end of the year.

At the same time, there are plans to build a vast, new detention camp for people who are unable to prove their citizenship.

Also, according to lawyers, people whose names are not on the list can appeal to the special courts. It could take years, if not decades, to decide on the fate of tens of thousands of people.

"In short, this is a complete mess of affairs," says Subir Bhaumik, author of *Troubled Periphery*, a study of India's troubled north-east.

"The potential for chaos is huge. There will be panic among the minorities. Bangladesh will fear an influx of new refugees. Detention camps packed with stateless people will invite international attention, and bleed the exchequer."

Its population has grown at a much higher rate than in the rest of India, raising suspicions of substantial informal migration across the porous borders it shares with Bangladesh. Thousands fled to Assam during the 1971 war with Pakistan.

This has hurt the state in more ways than one: land ownership has declined, plot sizes have shrunk and landlessness has risen.

Estimates of illegal foreigners range from four million to 10 million. Most of them are engaged in farm work. According to one estimate, they have a sizeable presence in 15 of Assam's 33 districts. Some 100 special courts have already declared more than 85,000 people foreigners since 1985.

But many argue that Mr Modi's BJP has whipped up religious tension over the crisis for electoral gain - the party says illegal Muslims should be deported while illegal Hindus can remain.

"Rightly or wrongly the citizenship issue has become a crucial talking point and an issue in Assam politics. Unless it is settled, you cannot go forward," says Hiren Gohain, a leading Assamese author and social scientist.

"Who are the genuine citizens in the state and who are the aliens needs to be ascertained."

A hastily executed citizenship test which has cost India \$180m (£137m) so far and has ended up fanning xenophobia and distrust surely cannot be the answer.

<https://www.bbc.com/news/world-asia-india-45002670>

NRC: Supporters and opposers must engage each other with empathy

The Indian Express, October 4, 2019

By Minakshi Buragohain

In his article ‘Fakir in the detention camp’ (IE, September 9), S Gopalakrishnan argues that an administrative register based on material proof of origin won’t be able to record the nuances of the cultural roots of a land and its people. While it is true that an administrative register cannot be the base of identity, his views reflect only on one side of the story.

The National Register of Citizens (NRC) has evoked considerable discussion, and two persistent lines of argument have occupied centre stage: One that opposes the NRC tooth and nail; the other, appeals to look at the history and conditions leading up to the NRC. The first line of argument comes from mainstream civil society members who have criticised it, primarily on three fronts. The first is on the lines of “Hindutva”. The NRC came to be seen as a case of “xenophobia” against Assam’s Muslims in the light of the Citizenship Amendment Bill of 2016. However, this argument couldn’t sustain owing to the fact that the people of Assam have been protesting against “illegal immigration” not because of religion but on grounds of culture and geography. The Hindutva argument has been followed by another line of argument which looks at the global precarity of labour created by globalisation. It is based on the fact that globalisation benefits from the vulnerability of labour. Now, after the release of the final list, around 19 lakh people have been left out of it and they have to appeal to the Foreigners’ Tribunal in order for their case to be reconsidered: The excluded people will be given 120 days to file an appeal before the Tribunal. Finally, there is the issue of the composition of those Foreigners’ Tribunals as well as their capacity to solve those issues.

Another argument has surfaced, primarily from the civil society of Assam — who have been making appeals to understand the history and conditions leading to the NRC, conditions over which the Assamese hardly have control. They have also been pointing towards multiple layers of the issue while challenging the “ready made” structures which most of us use. Though there have been attempts at hijacking the process by a few politically motivated groups, yet, when it comes to sharing responsibility, people from the “mainland” can no longer afford to stay aloof from the concerns of scarce resources and land. Hiren Gohain, the renowned scholar, has pointed out that the NRC process was impersonal and its machine-like operation pre-empted the targeting of any particular community. While there may have been errors, he added, the allegations of bias are unfounded. One also needs to understand the colonial roots whereby migration from East Bengal took place in the early decades of the 20th century, and the conditions that led to 1971 being set as the cut-off year to verify citizenship in Assam.

Whose voices are we to listen to? We have to start by acknowledging that there has been an attempt to hijack the entire process by a few politically motivated groups. Yet, the many nuances of the problem need to be understood. Added to these nuances is another complexity: The 19 lakh people who have been excluded from the list. If rumours about detention camps being built are true, we need to not remain silent, and be vocal about it instead — something

like a detention camp evokes unpleasant, inhuman images that we have only read about in our history books.

Members of the civil society, instead of clinging to drastically different viewpoints, need to discuss the next concrete steps that need to be taken: The objective should be to solve the issue in a humane way instead of sitting in their respective cocoons and arguing out their cases. It is also important to note that while deportation is not an option, we need to work out viable solutions. If we are looking for a workers' permit, what would be the nature of that permit? If those excluded are to be settled in the country, then let not Assam bear the pressure alone, all the other states should come forward. And before all of these, it is important to frame a few common minimum points of agreement.

<https://indianexpress.com/article/opinion/columns/assam-nrc-citizenship-register-detention-camps-6052495/>

Those Excluded From Citizens' List Being Harassed Outside Assam: Congress

NDTV, September 17, 2019

By Ratnadip Choudhury

Assam Congress leader Debabrata Saikia, who is also the leader of the opposition in state assembly, has claimed in a letter to Chief Minister Sarbananda Sonowal that people from Assam are being harassed in other states after the release of final citizens' list last month.

"I would like to draw your attention to reports in the media that following the publication of the final National Register of Citizens (NRC), visitors from Assam are being harassed in certain neighbouring states, especially in Meghalaya, Nagaland, Arunachal Pradesh and Mizoram," Mr Saikia wrote.

"It has been reported that certain students' organisations of these states, with the cooperation of the respective police forces, are harassing visitors from Assam by seeking documentary proof of their inclusion in the final NRC as a pre-condition for allowing entry," he added in the letter, a copy of which is available with NDTV.

In the past two weeks, after the final citizens' list was published on August 31, several cases have been reported by local media about people from Assam being turned back from Meghalaya, Mizoram and Nagaland.

"For instance, the Chief Minister of Meghalaya recently revealed in the Meghalaya Legislative Assembly that 223 persons from Assam were evicted from Meghalaya because they could not furnish documentary proof of their inclusion in the NRC. Although relevant data is not to hand, yet the situation cannot be expected to be any different in the other neighbouring states," the 54-year-old opposition leader wrote to the chief minister.

"It must be borne in mind that the Union Home Ministry has gone on record to assert that non-inclusion in the final NRC by itself does not brand a person as a foreigner," he further added.

Nearly 19 lakh have people have been left out in the NRC. Over the next few months, those left out will try to prove their citizenship before 300 foreigners tribunals set up across the state.

In a notification, the Ministry of Home Affairs had earlier clarified that those who excluded in the NRC will not be declared foreigners and they would be given adequate opportunity to present their case before the foreign tribunals.

In a separate letter to NRC State Coordinator Prateek Hajela, Mr Saikia has referred to local media reports that say the list posted on the NRC website is "replete with misspelt first names and surnames".

<https://www.ndtv.com/india-news/those-excluded-in-nrc-being-harassed-outside-assam-claims-congress-debabrata-saikia-2102375>

Made it to the NRC? You may still have to prove your citizenship at a foreigners tribunal

Scroll.in, September 3, 2019

By Arunabh Saikia

Most people in Assam view the National Register of Citizens as a final test of their Indian citizenship. They believe inclusion in the register, meant to be a list of bonafide Indian citizens in Assam, has settled debates around their identity once and for all.

But the final NRC may not actually be final.

Appended to the list released on August 31 is a series of notes. One clause stands out: “Receipt at any point of time of opinion by any Foreigner Tribunal declaring any person a foreigner, will lead to exclusion of person from NRC.”

This means even those included in the NRC could be subject to future citizenship trials. If Assam’s border police, which is tasked with identifying “illegal migrants” in the state, suspects someone to be a foreigner, they could be summoned to defend themselves in foreigners’ tribunals, which are quasi-judicial bodies that adjudicate matters of disputed nationality.

Back to square one?

Already, the foreigners’ tribunals have been entrusted with re-examining the claims of those excluded from the register – they are allowed to file appeals over the next 120 days. The tribunals will then decide whether to uphold the NRC authorities’ decision and declare them foreigners, or overturn the decision and pronounce them Indians.

But as the fine print on the NRC list suggests, the tribunals can do more: they can annul the Indian citizenship of even those who have been included in the final NRC. This will lead to their names being struck off from the citizen register.

Himanta Biswa Sarma, a minister in the Assam government and the BJP’s key strategist, told *The Hindu*: “The NRC is one place, but our border police have the right to pursue enquiries against those with questionable documents and citizenship, for the detection of illegal foreigners, and that will continue.”

Bhaskar Jyoti Mahanta, the chief of the border police, said: “Whatever is written in the law will be done, I am sure.”

Nilay Dutta, a senior lawyer in Guwahati, said the law unambiguously allowed the government to re-examine the citizenship status of those included in the final NRC. He pointed to paragraph 2A of the Foreigners (Tribunals) Order of 1964, which allows the government to refer a person to a tribunal to determine whether he is a foreigner.

“Can a person whose name is in the NRC be referred to a foreigners’ tribunal? Of course, because there is nothing in the law that prohibits the government from doing so,” he said. “If someone has a problem they should challenge paragraph 2A in the court.”

A minority organisation is likely to challenge the provision, Scroll.in has learnt. “What is the value of the NRC if references in foreigners’ tribunals continue?” said a person associated with the organisation, who did not want to come on record for legal reasons. “The NRC then is a futile document.”

The legal framework

It is not just the border police, however, that can reopen cases against those who have made it to the NRC. The Foreigners (Tribunals) Amendment Order, which was passed in May 2019, allows district collectors to intervene in some cases.

According to the order, two sets of people can file an appeal in the tribunals, said Dutta. First, people who had failed to make it to the draft NRC released in July 2018, and had subsequently filed fresh claims only to be rejected again. These are people whose names did not appear in the final NRC.

In addition, even those who had filed unsuccessful objections against the inclusion of people in the draft NRC can make fresh appeals. Over the last year, nearly two lakh families in the draft register had faced objections. In most cases, the objector had failed to turn up at the hearings, leading to ex-parte disposal of their complaints.

“According to paragraph 3 (b) of the order,” explained Dutta, “if an objector does not file an appeal within 120 days, the district magistrate has the opportunity to file a reference against the person who had been objected upon but his name appeared in the NRC because the objection was rejected.”

‘Dangerous provision’

A senior official from the home and political department of Assam said the government had no immediate plans to use this provision. However, he conceded that the border police could still file complaints against a person, irrespective of their status in the NRC.

Syed Burhanur Rahman, a Guwahati-based lawyer who often represents people embroiled in citizenship entanglements, called the provision dangerous. “A person has been included in the NRC only after several layers of check, but this provision gives powers to the executive to completely undermine that and ask him to prove his citizenship all over again,” he said. “And most people are not even aware of this.”

<https://scroll.in/article/936012/made-it-to-the-nrc-you-may-still-have-to-prove-your-citizenship-at-a-foreigners-tribunal>

Humans of Assam: This soldier was dropped from the NRC – despite having all the documents

Scroll.in, September 2, 2019

By Arunabh Saikia

*Humans of Assam is a collection of stories of people living in the state who fear losing their Indian citizenship. It is part of the month-long reporting project called **The Final Count**.*

On August 31, Delbar Hussain, a sepoy in the Indian Army Medical Corps, woke up to the news that he was not an Indian citizen – at least in the view of the authorities who had drawn up Assam’s National Register of Citizens. He had failed to make it to the final version of the register, meant to be a list of bonafide Indian citizens in Assam. “Reject,” the status note against his name said.

Hussain, a resident of Barpeta district, was part of the NRC draft released in July 2018. But his name was struck off the list in June this year. A notice informed him that his inclusion had been a mistake because he was the “descendant of people having case pending at Foreigners’ Tribunal/other court.” The NRC rules stipulate the exclusion of those facing trial as suspected foreigners and their descendants.

While Hussain’s mother and two elder brothers, Rustom Ali and Sahidul Islam, had indeed stood trial in a foreigners tribunal, the cases had been settled in their favour. The tribunal had adjudicated that they were not foreigners. Still, the notice asked him to appear at a hearing conducted by NRC officials in a week’s time to defend his citizenship.

Hussain was then 1,200 km away – at his post in Lucknow. He had returned from home leave just a few days ago. That trip, too, had been made to attend an NRC hearing – his elder brother Rustom Ali had been excluded from the draft NRC and Hussain had appeared as a witness to support his fresh citizenship claim.

“It was very difficult to explain to my commanding officer that I had to go for another hearing since I had just come back from one,” said the 28-year-old soldier. “Such frequent leave requests are not taken kindly.”

The hearing itself went smoothly, said Hussain. “We flooded them with documents: my service records, police verification records from the time of recruitment, we gave them everything,” he said. “The officer said there was nothing to worry about anymore.”

Yet, on August 31, he was left out of the final NRC.

The case of five brothers

Hussain is one of five brothers. While his elder brothers, Rustom Ali and Sahidul Islam, made it to the final NRC, his younger brothers, Danish Ali and Mizanur Ali, have been

excluded from the list. All five brothers had drawn their legacy to the same person: their grandfather.

“It is some conspiracy against our family,” said Rustom Ali. “Our grandfather’s name is in the 1951 NRC and yet we are being targeted.”

What is upsetting for the family is that they have been subjected to this uncertainty despite having served the country as members of the armed forces. While Sahidul Islam is a subedar in the Indian Army – a Kargil war veteran – Mizanur Ali is a constable with a paramilitary unit of the Central Industrial Security Force.

Last year, the citizenship of both Sahidul Islam and Rustom Ali had come under the scanner when Assam’s border police suspected them of being “illegal migrants” from Bangladesh. They had to clear their name at a foreigners tribunal, an exercise that the family says was far from easy.

Delbar Hussain, who will now have to appeal before a foreigners tribunal, said he felt insulted and hurt. “When I was recruited, the border police did a background check on me and confirmed my nationality,” the sepoy pointed out. “How is it that they did not suspect me to be a foreigner then?”

“After having given so much to the nation, I cannot tell you how hurtful it is to not be able to call myself an Indian,” he continued. “What is the point of laying wreaths on our dead bodies if we are not even treated as Indian citizens in our lifetime?”

The family said it had initially supported the NRC but have been left bitter by the exclusions.

“To be honest, it is not about whether I am a fauji or not,” said Hussain, “why should anyone who has documents be harassed?”

<https://scroll.in/article/935935/humans-of-assam-this-soldier-was-dropped-from-the-nrc-despite-having-all-the-documents>

India's citizenship question and the never-ending Assam imbroglio

Al Jazeera, September 15, 2019

By Sanjoy Hazarika

The controversy, trauma and trouble over the National Register of Citizens (NRC) in India's northeast state of Assam does not seem to go away. The goal of the massive exercise which involved some 50,000 persons, lasting some seven years and costing close to 1.5 billion rupees (about \$220 million) was to scour the land for non-Indians, for the most part Bangladeshis who had come over quietly, informally and settled ubiquitously.

Nothing of the sort has happened. Dogged with controversy from the start, the register has been described by politicians, human rights and civil society critics as an exercise targeting Muslims of Bengali origin to disenfranchise and strip them of their rights. There have been sustained public campaigns on this issue by well-meaning individuals and groups who do not understand Assam.

The entire thrust of a 40-year on-again, off-again movement against "illegal migrants" from Bangladesh in Assam state was based on a struggle to assert citizenship rights for "genuine" Indians and seek the detection, deletion (from electoral lists) and deportation of non-citizens to their parent nation, for the most part, Bangladesh.

The problem is that Bangladesh has never acknowledged outmigration to India especially in the northeast where Assam is situated. Independent experts and migration researchers assert that there has been influx over the decades, though the numbers are significantly lower than the four to six million figure the anti-immigrant lobby has brandished. All this in a small landlocked province of about 37 million people of bewildering ethnic diversity in the northeast of India.

The region's unique location makes the situation challenging by itself: It is surrounded by Bangladesh to the south and west, Myanmar to its east, China and Bhutan to the north, with only a sliver of land connecting it to the rest of India.

The concerns are old - going back to British colonial rule, when migration to the then frontier province was encouraged as part of official policy, triggering local fears for their religious, cultural and political identities.

Assam's demography includes Assamese-speaking Hindus and Muslims and a range of colourful indigenous groups which have viewed both the Muslim and Hindu immigrants with suspicion.

The figure of 1.9 million people who are off the list does not satisfy any of the groups which called for such a register to be established. Some of them have threatened to go back to the Supreme Court which oversaw the whole exercise.

For the most ardent proponents of the NRC update - the Bharatiya Janata Party and the Asom Gana Parishad and the All Assam Students Union (the last two have led anti-migrant campaigns over the past decades), the final announcement has been particularly embarrassing, not just as a result of the smaller number of people off the list, but because a majority of them are Bengali Hindus who came from Bangladesh.

Some 700,000 are said to be Muslims and the rest are ethnic groups. The angst is that not enough Muslims figure and that the border areas do not show the surge in population they had expected.

At the same time, there have already been reported cases of mistakes in the register, with many who fulfil the citizenship criteria being on the list because of misspelling of names or for other unknown reasons.

Those who are off the list are not foreigners till proven otherwise. The Ministry of External Affairs, in a virtual turnaround for the government but acting under good advice, declared that those off the list would be given official legal assistance to challenge their status.

By doing so, New Delhi has heeded Article 21 of the constitution which guides justice and affirms that no one living in the territory of India can be deprived of life or liberty without due process. The reference is not to any citizen but any person. Citizenship is not the ultimate test; it is humanness.

As a result of the NRC announcement, a three-step process now kicks in, which is far more easily said than done. People who have been excluded have to file an appeal with the foreigners' tribunal (of which there are now 300) which determines based on documentation whether an individual is an Indian or not. If that is unsuccessful, the next step is to go to the state high court. If that does not yield a positive result, people will have to turn to the Supreme Court.

This is a thankless and frightening prospect of prolonged litigation for even the well-to-do, which a large number of those off the NRC are not. How will they sustain their lives and families, not just the litigation?

The tribunals are known to make decisions *ex parte* when an accused has not turned up (he/she may not have received the notice, may be battling floods for survival, fallen sick or forgotten). There have been accusations that some tribunals decide cases hastily and appear to be prejudiced.

Legal competencies need to be developed, not just for the litigants but for those sitting in judgement on them. Many of them are lawyers with barely a decade of experience behind them; others are retired officials.

According to a state official I recently spoke to, the much-feared rush to building and shoving people in detention camps will not to be happening.

What is to be respected is that, despite high decibel levels of different activist and media groups, people have held the peace and disturbances have not taken place.

The three Ds of the Assam movement against "illegal immigration" remain as distant as ever: detection, deletion and deportation. The last is a non-starter, the first two, thanks to the NRC imbroglio, are wrapped up in complex delays. Frustration on one side and stress on the excluded is growing. Neither the state, nor the central government appear to have thought through this entire process.

The fissures are here to stay and could become worse if the Citizenship Amendment Bill, which would give citizenship rights to migrants from certain religious communities (including Hindus and Sikhs but excluding Muslims) and which has been on the backburner for some months, is pushed through. This would heighten the fears of small states about legalising large populations of settlers, changing demographics and deepening fault lines between "locals" and "outsiders".

<https://www.aljazeera.com/indepth/opinion/india-citizenship-question-assam-imbroglio-190914153846262.html>

In Assam, after the NRC, a new project is underway to protect the ‘Assamese people’

Scroll.in, November 3, 2019

By Arunabh Saikia

In Assam, the publication of the final National Register of Citizens was received largely with disappointment. Many Assamese nationalists found the number of “foreigners” detected through the exercise underwhelming.

To make matters worse, the ruling Bharatiya Janata Party has been insistent about introducing the Citizenship (Amendment) Bill again. The Bill seeks to grant citizenship to undocumented non-Muslim migrants.

Many ethnic Assamese, worried about migrants supposedly eating into their resources, consider these developments ominous. They are now banking on a committee set up by the Union home ministry in July to protect their rights.

The committee has been tasked with implementing Clause 6 of the Assam Accord, the agreement that Assamese nationalists signed in 1985 with the Centre. It brought to an end a six-year-long, often violent, anti-immigrant movement, that was sparked by anxieties over fresh migration into Assam in the aftermath of the Bangladesh War of 1971.

Using the war as the cut-off, the Accord defined anyone who came before the midnight of March 24, 1971 as an Indian citizen in Assam. Meanwhile, Clause 6 of the agreement promised “constitutional, legislative and administrative safeguards to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people”. But it did not define “Assamese people”.

Nearly 35 years later, this is the main question the newly formed committee must resolve: who is eligible for safeguards under Clause 6? Who is Assamese? For now, in its public notices, it seems to be falling back on the equally contested term “indigenous”, triggering fresh debate.

A new urgency

Samujjal Bhattacharya, adviser of the All Assam Students’ Union, a signatory to the Assam Accord, spelled out why implementation of the clause has gained a new urgency in certain quarters: “The government had a chance to prepare a proper foreigner-free NRC under the guidance of the Supreme Court, but they failed. It is because of that failure we are facing this situation today. Constitutional safeguard is a must.”

Bhattacharya is also part of the 14-member committee.

Most ardent proponents of the NRC seem to be thinking on similar lines as borne out by the flurry of responses the committee received while eliciting suggestions.

The mandate of the new “high-level” committee, according to the home ministry notification announcing it, is wide-ranging: examine the effectiveness of actions taken so far to implement the clause; hold discussions with stakeholders to assess the appropriate level of reservation of seats in the state assembly, local bodies and government jobs for the “Assamese people”; suggest measures to “protect, preserve and promote cultural, social, linguistic identity and heritage of the Assamese people”.

The committee members said they are still in the process of fleshing out the exact nature of protections. While electoral reservation was key to the project, they insist there was more to it. “I would say the core issues are preservation of linguistic and cultural identity,” said Dutta.

In addition, the group’s public notice states that it would also seek to protect the land rights of the eligible people.

Who are the ‘Assamese people’?

But before doing any of that, the committee has a more fundamental task at hand: define who the “Assamese people” are.

“The question is to understand, in the context of when the accord was signed and subsequent developments, who are the Assamese people,” said Nilay Dutta, a member of the committee and Arunachal Pradesh’s advocate general. “We are asking for people’s opinion and collating them at this stage.”

What was the spirit of the word “Assamese” when it was incorporated in the Accord? Political scientist Sanjib Baruah said he suspected the signatories did not put much thought into it. “Who the Assamese people are must have seemed self-evident, pretty much like the Bengali people, the Kashmiri people or the Tamil people,” he said. “But given the particular history of demographic politics in Assam, defining the Assamese people was not going to be simple.”

Unlike most other states in mainland India, Assam’s demography is not linguistically uniform. The Assamese identity has been shaped by multiple waves of migration of communities from various parts of South and South East Asia over the centuries. Most communities that may not be considered “indigenous” have lived in Assam for several generations. They have limited ties with the places their ancestors came from and consider Assam home.

Failed past attempts

This is not the first time a committee has been set up to implement Clause 6 of the Assam Accord. There have been several others in the past. They have achieved little. In fact, since the signing of the accord, very little of significance has been realised under its Clause 6 with the exception of the establishment of a few arts and culture institutes.

“So far as the central government is concerned, it has mainly been an issue of money,” said Baruah. “That is relatively simple, especially in post-liberalisation India.”

The current committee, set up in July, replaced another one constituted in January this year – a committee that did not even meet once. The reason: it had been set up as Assam was roiling with protests against the Citizenship (Amendment) Bill. The Bill’s stated aim seemed to run against the essence of the Assam Accord: to detect and deport anyone who came after 1971.

Most of those nominated to the January committee refused to be part of it. If the Accord itself was hollowed out, what purpose would a committee to enforce a clause in it serve, they asked. The committee had been set up to “appease the people of Assam,” wrote one of the members in his letter declining to participate in the committee, echoing a widely-heard sentiment in the state.

But it was clear that the Bharatiya Janata Party would not abandon the idea altogether. The party seemed to view it as crucial for the safe passage of the ideologically-important Citizenship (Amendment) Bill. In an interview in May, Chief Minister Sarbabanda Sonowal said that if Clause 6 of the Assam Accord were to be implemented “in letter and spirit”, Assam’s “indigenous people” would not be affected by the Bill at all.

For the majority, by the majority

Expectedly, the government re-constituted the committee in July. The composition of the current committee has come under the scanner, though.

Monirul Hussain, chair professor at the Centre for North East Studies and Policy Research in Delhi’s Jamia Millia Islamia university, pointed out that the committee was populated almost entirely by representatives from the majority Assamese community. “Everyone in the committee, I am sorry to say, is either a BJP sympathiser or a beneficiary of the party,” he alleged.

Among the 14 members, there is only one Muslim: journalist Wasbir Hussain. There are no Muslims of Bengal origin at all.

Indigenous or Assamese?

However, those apprehensions perhaps pale in the face of the larger question: safeguards for whom exactly?

The committee, for its part, seems to be using the framework of “indigeneity”.

The committee’s public notice seeking comments and suggestions divides the term Assamese people into three categories: indigenous tribal, indigenous Assamese and other indigenous people of Assam. “The signal is clear in the advertisement,” said Bhattacharya.

Another member of the committee, who requested not to be named, offered an explanation. The indigenous Assamese, he said, referred to caste-Hindu Assamese speakers. A separate category of indigenous tribals was deliberate as there were several ethnic tribal groups in the state who didn't identify themselves as Assamese, he explained. "The use of the distinct category of indigenous tribal has come from discussions that the All Assam Students' Union had had with several tribal outfits of the state over the years," the member said.

Other indigenous people of Assam, the member added, were "all other indigenous groups who are not covered in the other two groups". "We are trying to make it as inclusive as possible," he said.

A cut-off year for indigeneity

But then how would "all other indigenous groups" be defined?

The definition, according to committee members, is still in the works. In all likelihood, it would flow from how an older Clause 6 committee had defined it: anyone who featured in the 1951 NRC. The report of a one-man committee headed by former Assam speaker Pranab Gogoi had concluded:

"So as to implement the clause 6 of the Assam Accord, indigenous people shall be considered as Assamese people of Assam. So, for this we are to proceed with the time limit of the year 1951. Accordingly, National Register of Citizens of the year 1951 is to be accepted as the base year."

The report was tabled in March 2015, but the definition was not accepted by Gogoi's own party: the Congress. At the time, Gogoi had consulted 53 organisations. According to Gogoi, while there was no unanimous consensus on the 1951 cut-off, this definition was the closest to one.

Baruah said he was not surprised that the committee had chosen not to enter the "treacherous terrain of attempting an ethnolinguistic definition of the Assamese people".

"1951 always becomes the favourite base year in such discussions because that's when the original NRC was prepared," he said.

The 1951 consensus (almost)

For many Assamese nationalists, the 1951 cut-off is not enough. While some of the most influential groups representing ethnic Assamese interests like the All Assam Students' Union and the Assam Sahitya Sabha have backed it, the pro-talks faction of the banned United Liberation Front of Assam has mooted 1826 as the base year, when the British annexed Assam and its adjoining areas.

Bhattacharya of the All Assam Students' Union said while it was worthwhile looking into "historical perspectives" like the one offered by the ULFA, 1951 was a more "inclusive"

definition. “The Assam Accord says that people who came between 1951 and 1971 can stay and will be Indian citizens,” he said. “Clause 6 is for that – for the protection of people [who came] before that.”

Another member of the committee, who preferred to be anonymous, seconded Bhattacharya. He said, “It is our greatness that we have taken extra burden since the cut-off for citizenship for the rest of the country is 1948, so it is only right that that the 1951 cut-off is used.”

Minority view

But there are groups on the other end of the spectrum who insist that the committee’s attempt to define who is Assamese through the lens of indigeneity is problematic.

“Clause 6 of the Assam Accord uses the word Assamese – where has the word indigenous suddenly come from?” asked Ainuddin Ahmed of the All Assam Minority Students’ Union, an outfit that represents the interests of Muslims of Bengal origin. “We do not think it is right to create two classes of Indian citizens that the ’51 cut-off will lead to.”

The Islamic organisation, Jamiat Ulema-e-Hind, shares a similar stance.

But not all groups representing Muslims of Bengal origin are as rigid. Hafiz Ahmed, who heads the Char Chapori Sahitya Parishad, the largest literary body representing the community, said the Parishad had written to the committee saying that it was okay with the 1951 cut-off but since the document itself was incomplete, the 1961 Census should be referred to in case of any conflicts. “It is all about making compromises so that we can move ahead and live peacefully,” said Ahmed.

A ‘Faustian bargain’?

In any case, independent observers are less than enthusiastic about the committee’s scope, considering the past record of similar committees. “Whatever its recommendations, they will be controversial,” Baruah said. “It is unlikely that they will be ready to be translated into legislation on constitutional safeguards any time soon.”

The BJP, he contended, was hoping that the promise in the form of the committee’s recommendations itself would help them buy “political consent” for the Citizenship (Amendment) Bill.

“The Assamese are being asked to make a Faustian bargain,” Baruah said.

Members of the committee *Scroll.in* spoke to, however, insist that the timing of the exercise would ensure things would be different this time. “The time is ripe as the Citizenship (Amendment) Bill is inevitable so it is likely that the government will listen this time,” said a member, requesting anonymity.

But Monirul Hussain questioned the rationale of yet another exercise that sought to categorise the state's citizens. "Now that the NRC has proved that the fantastical figures of foreigners that used to float around is false, this has come," he said. "I think it's time, particularly in light of those deaths at the detention centres, we did a re-think about this issue."

<https://scroll.in/article/941949/in-assam-after-the-nrc-a-new-project-is-underway-to-protect-the-assamese-people>

SECTION THREE

NRC: IMPACT

This section contains articles about the impact of the NRC exercise in other parts of India, especially in the East – and reactions to the exclusions in Assam. It also carries articles, like the one by Pamela Phillipose, on how the proposal for Pan-India NRC fits into the larger political project of the BJP-RSS. There are articles on the NRC fallout elsewhere in Northeast and West Bengal.

Government will implement NRC across the country: Amit Shah
The Economic Times, September 18, 2019

Justifying implementation of NRC throughout the country, Shah said there is not a single country in the world where anybody can just go and live. Union Home Minister Amit Shah on Wednesday asserted that the NRC will be introduced throughout India and all illegal immigrants will be thrown out of the country through legal means.

He also said that people of the country have given its stamp of approval for the nationwide-implementation of the National Register of Citizens through the verdict of the 2019 elections.

"We had promised to the people of the country in our election manifesto that not only in Assam but we will bring NRC all over the country and make a register of the country's people, and for others (illegal immigrants) action would be taken as per law," he said at an event of Hindi daily Hindustan here.

The home minister said that the full abbreviation of the NRC is National Register of Citizens, not the National Register of Assam. "So this should be implemented throughout the country and I believe that there should be a list of people of the country. "I believe that the people in 2019 have given their views on this because I myself had raised this issue in every rally without fail that we are going to introduce the NRC and those out of the list would be sent out of the country as per law," he said.

Shah also said that those left out of the NRC in Assam have been given a chance to present their case before foreigners' tribunals and the Assam government has also made arrangements for providing lawyers to those who cannot afford their fee to put forth their case. "But I firmly believe that there is not a single country where anyone can just go and settle. I am asking you, can you go and settle in America? No, you cannot settle. Then how can someone else can settle in India? It is very simple to understand," he said.

The home minister wondered where politics comes in this. "You go try to settle in England, the Netherlands, and Russia no one would allow you. Then how come anyone comes and settle down in India. Countries do not function like this. This is the need of the hour that people of the country get a national register," Shah added. The final NRC in Assam was published on August 31 excluding names of 19 lakh residents of the state.

<https://economictimes.indiatimes.com/news/politics-and-nation/government-will-implement-nrc-across-the-country-amit-shah/articleshow/71185805.cms>

The NRC's spillover effect

Himal Southasian, October 14, 2019

By Suraj Gogoi and Rohini Sen

The National Register of Citizens (NRC) is an exceptional register of citizens in the state of Assam in Northeast India. Sanctioned by the Supreme Court in 2014, the process aimed to identify “illegal immigrants” from Bangladesh who entered Assam on or after 24 March 1971. The final NRC, published on 31 August 2019, excluded a total of 1,906,657 persons, effectively calling into question their citizenship and leaving them in a state of limbo.

According to Citizens for Justice and Peace (CJP) Assam, a human-rights organisation in India, 57 cases of suicide relating to NRC were reported in various police stations across the state even before the final NRC was published, pointing to the incredible anxiety and anguish the process has caused. Meanwhile, this Supreme Court mandated process has harvested and legitimised feelings of hate and xenophobia, refuelling the anti-migrant and anti-foreigner narrative that culminated in the Assam Movement a few decades ago.

The effects of the NRC are also being felt in the neighbouring and contiguous states. As soon as the second draft of the NRC was published on 30 July 2018, the areas bordering Assam and its contiguous states were on high alert, fearing that people left out of the NRC might cross over. On 1 August 2018, the Khasi Students' Union in Meghalaya decided to erect ‘infiltrator gates’ at several points of entry from Assam into Meghalaya, in the districts of East Jaintia Hills, West Khasi Hills and Ri-Bhoi. After two days they called off this action, which had been allowed to proceed unchecked by the authorities. The anti-infiltration unit of the Meghalaya police then began to carry out ‘routine checks’ on people to ascertain whether they had the necessary documentation that proved their right to reside in or visit the territory.

The All Arunachal Pradesh Students' Union (AAPSU) also launched a similar campaign called ‘Operation Clean Drive’ to identify and deport “illegals”. The then convener of the AAPSU, Tatung Taga, in an order issued to the District Students' Union on 2 August 2019, highlighted the need to launch a joint effort to weed out “illegal immigrants” in the state. Following this, a 15-day window – from 2 August to 16 August – was provided for “illegal people to leave the state.” Operation Clean Drive would come into effect immediately thereafter. As part of this process, the union stressed the need to carry out strict checking of the Inner Line Permit (a special travel document issued by the government of India to control entry into certain regions of the country) and directed the District Students' Union to comply and “launch” the order.

Such activities are not new to student unions in the Northeast, but following the NRC, there is fresh impetus as well as apparent state acquiescence. This is unsurprising given that the process has succeeded in dehumanising large numbers of people and labelling them as foreigners.

Apart from these unfettered acts of vigilantism, legislative steps have also been taken. In particular, two bills have been tabled in Manipur and Mizoram: the Manipur People's Protection Bill 2018 and Mizoram's Maintenance of Household Register Bill 2019. The implications of these bills are far-reaching and can be characterised as part of a spillover effect of the NRC.

Manipur: original inhabitants vs illegals?

The social and political context that led to the Manipur People's Protection Bill 2018 is complex in nature. The state assembly passed the bill on 23 July 2018 with the stated objective of protecting 'indigenous people' against an influx of 'illegal migrants' from across its various borders. Having obtained approval of the governor, the Bill is currently pending before the President for assent. The Bill is comparable to the NRC process in many ways and makes a distinction between Manipur and non-Manipur persons. The Manipur people category includes the Meitei, Pangal (Meitei Muslims) and Manipur Scheduled Tribes listed under the Constitution, as well as individuals who have been living in the state since before the year 1951. Those not on the list, are expected to register themselves within a month; additionally, all outsiders visiting the state will now require an Inner Line Permit (ILP).

The internal divide created between Manipur and non-Manipur people is analogous to the Original Inhabitant (OI) category used during the initial phases of the NRC process. The OI category, meaning 'original inhabitants of Assam', is a product of Clause 3(3) of the Schedule of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003. Although NRC officials later clarified that the OI category shall no longer be used to differentiate between individuals under this category and those included in the final NRC, the Foreigners' Tribunals (FT) continued to use it as an official category. The Gorkahs and Tea-tribes, among others who were not considered as OI, challenged this category, and were considered as part of OI henceforth. However, the OI category continues to be ill-defined and consequently highly discriminatory and divisive.

While the Manipur People's Protection Bill 2018 was brought in purportedly to protect the interests of the indigenous, various groups in the region have opposed it on grounds that it is a subterfuge that will result in the discrimination of the Scheduled Tribes and deny them of their land rights and citizenship claims. The All Naga Students' Association Manipur (ANSAM), the Bengali-speaking people from Jiribam district, and Tribal Rights Vigil Manipur (TRVM) are some of the groups that have protested against the bill.

The bill is the successor to three draft bills of 2015 – Protection of Manipur People Bill, Manipur Shops and Establishments (Second Amendment) Bill, and Manipur Land Revenue and Land Reforms (Seventh Amendment) Bill. Tribal communities were particularly suspicious of the latter two, which they felt would provide the Meitei community with greater leeway to engage in land-grabbing.

Opponents of the 2018 bill have also taken issue with the 1951 cut-off year that it provides for; they find it to be arbitrary, particularly because Manipur attained statehood only in 1972.

This could lead to additional challenges in obtaining the necessary documentation to prove a claim to residence; 1972 is therefore the preferred cut-off year. Further, the TRVM contends that the data in the 1951 NRC and Village Directory is inaccurate and unlikely to include the tribal community because it would have been difficult for the government to document the then out-of-bounds interiors of the state. Hence, they see the bill as an expression of Meitei hegemony over Scheduled Tribe land rights and citizenship claims.

The bill also introduces an ILP, a British-era requirement that demands documentation from 'outsiders' for entry, exit and movement within a territory. The ILP is currently operational in Arunachal Pradesh, Mizoram and Assam, and issued under the Bengal Eastern Frontier Regulation 1873. The ILP was originally enacted to protect the Crown's trading interests and prohibited the entry of "British subjects" into certain territories. The Citizenship Act 1955, replaced the term "British subjects" with "citizens of India" and the ILP has since been adapted as a bulwark to safeguard tribal cultures and interests in the Northeast.

The demand for an ILP system operates on the assumption that an exponential influx of tourists and 'illegal immigrants' from Bangladesh, Nepal and Myanmar has caused a severe strain on resources and competition over employment. However, it is interesting to note that the impetus for the ILP agitation comes from the Meitei community who are the most powerful in the state; other tribal communities and Pangals are neither included in nor supportive of the movement. The Pangals, a native community of Manipur, with ancestry that can be traced back to over four centuries ago, have always distanced themselves from the Meitei. Consequently, the Pangals' place and rights as an indigenous community have also been contested, as has their inclusion within the category of 'indigenous communities'.

Clause 2 (b) of the bill defines 'Manipur People' as "Persons of Manipur whose names are in the NRC 1951 (as Manipur was part of Assam then), Census Report 1951 and Village Directory of 1951, and their descendants who have contributed collective social, cultural and economic life of Manipur." The Guwahati High Court, however, has declared the NRC 1951 as an inadmissible document. Justice P K Goswami in a judgement of the Guwahati High Court, states:

It only shows that the National Register of Citizens is a contemporaneous register prepared by the officers appointed under the provisions of the Census Act in the course of Census operations. If so, Section 15 of the Census Act will make such records of Census not open to inspection nor admissible in evidence... what is directly prohibited under Section 15 of the Census Act cannot be let in by an indirect method through the agency of a private organisation.

Additionally, the definition of 'non-Manipur person' is also of paramount importance. Anyone living in Manipur who does not belong to the above three categories is reduced to a visitor, a 'non-Manipur person', who will be issued a pass for a maximum duration of six months provided they satisfy Clause 4 (4) of the bill: Clause 4 (4) states that a pass will be issued to a 'non-Manipur person' if the person is a "bonafide citizen of India" and on

specification of place of origin and a stay in the region not exceeding six months. As Manipur is not a tribal state, there are constitutional limits to applying the ILP. It is, therefore, seen as an imposition pushed for by the Meitei communality that would lead to the branding of certain groups as ‘non-Manipur persons’ and others who settled in Manipur after 1951 as foreigners.

Mizoram: revisiting a violent past?

In line with the NRC and the Manipur draft legislation described above, the Mizoram Maintenance of Household Registers Bill 2019 also aims to create a similar register of citizens and non-citizens. The register is to include all relevant details, including photographs of every single resident of the state, in an effort to “detect illegal foreigners staying and eating away benefits of development schemes.” There will be two distinct registers for citizen and non-citizen residents and the bill encourages all government departments and the police to use them for administrative purposes, law enforcement and development schemes. The registers will be updated every three months and understands the term ‘citizen’ to be the same as the definition of citizens under the Citizenship Act 1955. The rationale behind this bill is not dissimilar to that of the NRC and Manipur People’s Protection Bill. However, the spirit of the law carries wider implications within the state of Mizoram, especially for minorities like the Chakma and Reang communities.

In August 2017, Buddha Dhan Chakma, the only Chakma minister in the Mizoram government, resigned citing increased discrimination against students from his community. Chakma notes in his resignation letter the case of four Chakma students who had cleared the National Entrance and Eligibility Test, but were denied seats in medical colleges.

In the past, the Chakmas in Mizoram have faced numerous instances of exclusion and violence: many faced cancellation of trade licences, denial of the right to employment, removal from electoral lists in 1995 and 1996 (2886 names were deleted from Aizawl district alone), and the withdrawal of healthcare and educational facilities. Students belonging to the Chakma community, who qualified for various competitive exams, were also denied counselling in 2015 and 2017. The Mizo Zirlai Pawl (MZP) – that spearheaded a communal attack along with the Young Mizo Association, leading to the exodus of 30,000 Reang (or Brus) to neighbouring states in 1997 – also carried out vigilante acts such as the checking of documents of people entering into Mizoram, similar to its Meghalaya and Arunachal Pradesh counterparts, following the publication of the draft NRC in 2018. Notably, the MZP, like their counterparts in Assam, had also launched an anti-foreigner movement in the 1990s. The Reang and Chakma tribes found themselves at the receiving end of violence during that period; their houses were burnt and thousands were displaced.

The Mizos do not consider the Reang to be an indigenous community of Mizoram. However, they have resided in Mizoram for centuries. In the 1990s, the Reang, citing historical oppression and political exclusion, made the following demands: inclusion of a Reang programme called Aizawl in All India Radio; reservation of jobs in government services; nomination of the Reang in the legislative assembly; and creation of an autonomous district.

Given this history, the new bill cannot be read in isolation and devoid of this exclusionary and violent history, where Mizo civil society and religious organisations consistently ill-treated the minorities.

Institutionalising exclusion

The ‘illegal migrant’ discourse is very popular in Northeast and is the prime driver behind many claims of identity. Although Tripura is the oft-cited example, the Assamese case equally influences the discourse. In both Assam and Manipur, such migration is seen as a threat to ‘local’ communities, and as contributing to the erosion of a ‘historically significant identity’. Assam is also seen as a ‘dumping ground of naturalised citizens’ who have historical roots in present day Bangladesh.

Oinam Bhagat, in his paper ‘State of the States: Mapping India’s Northeast’, observes that there are parallels between the Assamese and Meitei cases: in both instances the ‘illegals’ are seen to have merged into the local culture, making them difficult to be identified. In Assam, ‘Bangladeshi migrants’ speak Assamese and their identities have amalgamated with the larger Assamese identity. In Manipur, the ‘Bangladeshi migrants’ – sheltered by their fellow Muslim brethren – are taught Meeteilon (the official Manipuri language), so that they can be easily absorbed into the category of ‘Manipur Muslim’. This has created a typical ‘fear of small numbers’ scenario, where minorities are presented as a threat to the majority.

Such an idea forgoes the possibility of a shared socio-economic and political life among the multiple communities of Manipur. It gives rise to a ‘concrete other’ that mirrors the self. In other words, the creation of an ‘outsider’ or ‘illegal’ strengthens the notion of who an ‘insider’ is. Thus, the 2018 Manipur Peoples’ Protection Bill not only divides communities within Manipur, but also legitimises the racial gaze on the ‘non-Manipur person’. Bimon Akoijam, a professor at the Jawaharlal Nehru University, notes that this outlook, together with the divisive politics that bolster it, is inherently ‘communal’ in nature and runs contrary to the modern political ethos of a life based on the civic rights of citizens. It also results in mistrust and leads to violence amongst different communities. This is true for Assam as it is true for Manipur and Mizoram.

The history of violence and bloodshed in the region – for instance the Kuki-Naga conflict and the idea of Greater Nagalim – that was fuelled by the Indian state, has increased its vulnerability. The threat of violent outbreaks remains constant and adds to the tremendous hardships that the people already face due to economic blockades.

Meanwhile, Temjen Toy, chief secretary of Nagaland, on 29 June 2019, through an official notification said that the government of Nagaland would set up a Register of Indigenous Inhabitants of Nagaland (RIIN) with the aim of preventing the proliferation of false indigenous inhabitants certificates. Notably, indigenous inhabitant certificates have been issued with a cut-off date of 1 December 1963. Since 1977, the three conditions for a person to obtain the certificate are: a) persons who settled permanently in Nagaland prior to 1 December 1963; b) persons whose parents or legitimate guardians have paid house tax prior

to 1 December 1963; and c) persons or their parents or legitimate guardians with proof of acquiring property and a *patta* (land certificate) prior to 1 December 1963. RIIN, a replica of the NRC of Assam, has been targeted for release on 10 December 2019.

Double exceptionality

At the heart of NRC and the bills in Manipur and Mizoram is the spirit of exclusion. The various legally sanctioned formulations of the outsider category, result in different degrees of restrictions in relation to entry, exit, movement and livelihoods, and drawing such artificial distinctions on those who have been residing in a location for decades is completely unmindful of the continuum of their identities. The law is thus being used as a tool here, to shroud – in licit, technical requirements – the human question.

The NRC, the bills in Manipur and Mizoram, RIIN and the FT Amendment create sufficient grounds for what Catherine Besteman calls “racialised apartheid”. The other or outsider here is primarily a ‘Bangladeshi’. If in Assam and Manipur the Bangladeshi is primarily a Muslim, in Mizoram and Arunachal Pradesh the Bangladeshi is the Buddhist Chakma with historical roots in the Chittagong Hill Tracts. There are, of course, anti-immigrant sentiments held against people from other parts of India such as Uttar Pradesh and Bihar as well. However, the profiling of the ‘Bangladeshi’ has stood out for its racial and communal overtones.

The NRC process has demonstrated that there has been targeted discrimination against Bengali-speaking people in Assam. This shouldn’t come as a surprise, given language is both a dominant and sensitive agenda in the state, revealing fault lines and social boundaries. The focus on biometrics and other ways of documenting individuals, as evident in the NRC, RIIN and the bills in Manipur and Mizoram, is also an indication that the Indian state is moving towards new regimes of sanction, disposable labour and mobility control. In order to exercise the necessary control needed for such systems, containment areas are necessary – like the detention centres in Assam. The creation of such areas not only helps to segregate ‘unwanted people’, but also allows the state to exercise complete control over them.

Segregation, however, is not new in the region. Assam had a ‘line system’ in place in the early decades of the 20th century to segregate new settlers from older residents. Additionally, the region is also acutely militarised and seen as a playground for military excesses. The vigilante acts of the various student unions in Northeast, only exacerbates this state of affairs.

As with Kashmir, the Northeast has always been a victim of exceptionality at the hands of the Indian state. This exceptionality is seen in the special laws such as AFSPA, which allows the armed forces to control the Northeast with absolute impunity. Now, the NRC as a process, which has already influenced structural changes in other neighbouring states, creates yet another layer of exceptionality from within the Northeast, by a legitimisation of othering practices. This double exceptionality has therefore already created the ideal settings for apartheid. It is no longer only a remote possibility.

<https://www.himalmag.com/the-nrcs-spillover-effect/>

Citizenship Bill push demand for NRC in North East

Deccan Herald, November 18, 2019

By Sumir Karmakar

The demand for an Assam-like NRC and Inner Line Permit (ILP) system in the entire Northeast intensified on Monday as most parts of the region erupted in fresh protest against NDA's Citizenship (Amendment) Bill 2019.

Students' organisations under the banner North East Students' Organisation (NESO) staged protests in state capitals of Assam, Meghalaya, Manipur, Mizoram, Nagaland, Tripura and Arunachal Pradesh demanding the scrapping of the bill. The organisation also submitted memoranda to Prime Minister Narendra Modi and home minister Amit Shah.

"The Northeast will bear the maximum brunt if the bill is passed by the Centre to give citizenship to the post-1971 migrants from Bangladesh, Pakistan and Afghanistan. A large number of illegal migrants are already living in the region as we share over 1,500km border with Bangladesh and so the indigenous people will become minorities in our own land if those migrants are given citizenship through this bill. Through the Assam Accord of 1985, Assam agreed to accept illegal till March 24, 1971 and we can't accept more migrants now," NESO chairman, Samuel B Jyrwa told DH from Shillong.

The bill, which has been listed for the winter session of the Parliament beginning on Monday, seeks to allow the "the "persecuted minorities" from Bangladesh, Pakistan and Afghanistan such as Hindus, Christians, Buddhists, Jains, Parsis and Sikhs, who had migrated till December 31, 2014 to apply for Indian citizenship through naturalisation, after a stay of six years.

NESO demanded that NRC exercise should be carried out in rest of the Northeast with a cut-off date acceptable to all to detect the illegal migrants. They also demanded that the indigenous people be granted safeguards to protect their rights over and over natural resources. "The ILP system, which is now in force in Nagaland, Mizoram and Arunachal Pradesh must be introduced in rest of the states to prevent illegal migration," he said.

Under the ILP, outsiders are now required to take travel permit ranging between one week to six months.

Adviser of All Assam Students' Union, Samujjal Kumar Bhattacharyya said the bill was unconstitutional as it seeks to give citizenship on religious lines.

Manipur People against Citizenship, a citizens forum and an umbrella body of six left parties also staged protests in Manipur and Assam respectively.

<https://www.deccanherald.com/national/east-and-northeast/citizenship-bill-push-demand-for-nrc-in-north-east-777456.html>

'CAB: Assam Accord's Clause 6 will bring stability'

Deccan Herald, December 13, 2019

With Assam on the boil over the citizenship bill, state minister Himanta Biswa Sarma on Thursday sought to allay people's fears saying the proposed law won't have an adverse impact and asserted that implementation of Clause 6 of Assam Accord will usher in northeast new hope of "political stability".

Protests have erupted across Assam and other north-eastern states including Tripura after the Citizenship (Amendment) Bill was passed by Rajya Sabha on Wednesday.

Thousands of people from all walks of life defied curfew and came out on the streets in Assam to protest against the bill. At least two persons died due to bullet injuries after police opened fire on protesters.

Sarma, BJP's key strategist for the northeast, said there is some resentment in Assam against the bill, but expressed confidence that there will be no "long-term political fallout" due to the proposed legislation, which he described as a "historic one".

Incidents of stone pelting on the residences of Chief Minister and Union Ministers have also been reported.

"This bill will help various refugees who came because of religious persecution from Pakistan, Afghanistan and Bangladesh will get citizenship. Of course there is some resentment in Assam but I am sure that this bill will not have an adverse effect," Sarma told PTI.

He further said Home Minister Amit Shah has promised the implementation of Clause 6 of the Assam Accord will pave way for new hope of political stability in the state.

"...implementation of Clause 6 of Assam Accord which promised by Home Minister Amit Shah will create a new hope of political stability in Assam. So I believe that there will be no long term political fallout," he said.

The Assam accord is a memorandum of settlement signed in 1985 by the representatives of the f the All Assam Students Union (AASU), the Assam government and the Centre.

The accord was the culmination of the six-year long Assam Movement, an agitation led by AASU demanding identification and deportation of illegal Bangladeshi immigrants.

As per the Clause 6 of the Assam Accord, the "constitutional, legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people."

Sarma, who was present in Parliament on Wednesday when the bill was passed by Rajya Sabha, claimed that all regional parties of the Northeast supported the legislation, even those which are official with Congress-led UPA.

"Important to note that in voting in Rajya Sabha on Tuesday all the regional political parties of Northeast voted in favour of the bill. There was speculation that parties belonging to NDA from Northeast may not vote in favour. But in the end, parties not only belonging to NDA even the party which is officially with UPA like NPF also voted in the bill's favour," he claimed.

Sarma, who is also the convener of the BJP-led North-East Democratic Alliance (NEDA), said this bill will help the party to come.

<https://www.deccanherald.com/national/east-and-northeast/cab-assam-accords-clause-6-will-bring-stability-785080.html>

ABSU demands centre to allay fears of tribals post CAB

Deccan Herald, December 13, 2019

The All Bodo Students Union (ABSU) on Thursday demanded that the Centre take immediate steps to allay fears of tribal and indigenous people of Assam and the North East post the passage of the contentious Citizenship Amendment Bill.

The ABSU in a statement demanded that the Centre also take appropriate steps to ensure fool proof constitutional safeguards for the tribal and indigenous people of Assam and the North East to protect and preserve tribal and indigenous people's identities language, land and rights.

ABSU president Pramod Giri appealed to the central and Assam governments to find an amicable solution by taking all stakeholders into confidence and through the process of dialogue before it is "too late".

"We will not acknowledge any move which destroys language, identity and culture of the tribal and indigenous communities of Assam and North East India," he said.

Giri also appealed to the students and general people protesting against the bill to to maintain peace and harmony while demanding their rights.

Expressing ABSU's solidarity with the students of the state, Boro said, the union is deeply concerned about the future of thousands of students who are forced to come out to the streets during examination time to protest against the CAB.

"We appeal to the government not to indulge in any violence against them (students) as they are the social capital of our nation and are fighting democratically for their rights.

"We also appeal that bullet should not get priority in resolving any crisis," he said adding that people should be careful that no anti-social elements destroys the social fabric and provoke for more violence.

"This is our country and we must get justice and protection," he added.

<https://www.deccanherald.com/national/east-and-northeast/absu-demands-centre-to-allay-fears-of-tribals-post-cab-785077.html>

Two Weeks After Promising Karnataka NRC 'Soon', Yediyurappa Govt Rolls Back Decision

The Wire, October 22, 2019

The Karnataka government has decided to put its earlier plan of implementing an exercise similar to the National Registry of Citizens (NRC) in Assam on hold and instead focus only on creating a database of immigrants who have entered the state without necessary documents.

The decision, according to media reports, was taken partly because of the practical difficulties in preparing and maintaining an exhaustive registry. *Times of India* has quoted the state home minister Basavaraj Bommai as having said, “We are considering compiling details of citizens [which will] help the government in tracking down illegal and overstaying foreign nationals.”

Only a fortnight ago, Bommai had claimed that an exercise to compile the NRC would soon be taken up in the state. In his announcement Bommai had also claimed that similar plans are underway in other states too and that the NRC is a pan-India plan.

The B.S. Yediyurappa government in Karnataka was one of the first states to have taken a cue from Assam’s NRC drive and announce a similar one. It has also set up a detention centre in Nelamagala in rural Bengaluru.

The Bengaluru detention centre, according to a report in *The Federal*, is apparently considered to be the first step towards the larger vision of the BJP, which said in its 2019 election manifesto that it would compile NRCs across the country and deport undocumented immigrants, particularly those from Bangladesh.

Karnataka, particularly Bengaluru, has a large settlement of Bengali-speaking Muslim labourers. In Thubarahalli village located along the tech corridor of East Bengaluru is home to over 5000 Bengali-speaking Muslims, says the *Federal* report. Their living conditions have been precarious and most migrant Muslims in the state live in constant fear of police harassment and persecution.

Like Karnataka, Maharashtra too has started scouting for a detention centre in Mumbai. In Nerul, Navi Mumbai, the state has already identified a space to build a detention centre to accommodate 50 inmates at a time. The struggle of Bengali-speaking Muslims in Mumbai is not new. *The Wire* has reported on challenges faced by the community living in Mumbai.

National Crime Record Bureau (NCRB) data indicates that after West Bengal, Maharashtra and Karnataka have most numbers of cases registered under the Foreigners Act. Police officials claim that suspected Bangladeshis outnumber other foreigners migrating to these states. Among these suspected Bangladeshis, almost all are Bengali-speaking Muslims.

Meanwhile, Uttar Pradesh, where chief minister Adityanath has already expressed eagerness for an NRC plan, has ordered police at all levels to identify and document illegal immigrants living within its borders.

<https://thewire.in/government/yediyurappa-karnataka-nrc>

As NRC fear engulfs West Bengal, Mamata says 11 committed suicide *The Week, September 26, 2019*

With the NRC becoming a political hot potato in West Bengal, Chief Minister Mamata Banerjee claimed on Wednesday 11 people have committed suicide fearing loss of citizenship. Senior BJP leader Kailash Vijayvargiya asserted the exercise will be undertaken in the state but no Hindu will be deported.

Last week, Banerjee called on Union Home Minister Amit Shah and raised the issue of NRC. "He [Shah] did not say anything about NRC in West Bengal. I have already clarified my stand that the NRC is not needed in West Bengal," Banerjee told reporters after the meeting.

"I handed over a letter to him, told him that of the 19 lakh people left out of NRC [in Assam], many are Hindi speaking, Bengali speaking and local Assamese. Many genuine voters have been left out. This should be looked into. I submitted an official letter," she further said.

On Wednesday, Banerjee asked Block Development Officers and public representatives to visit every household to assuage the concerns of people about getting stripped of Indian citizenship.

BJP general secretary Vijayvargiya, however, insisted a National Register of Citizens (NRC) will be prepared in the state but no Hindu will be left out.

"So many people have died. 11 people have died so far over this NRC panic. I would ask government officials and public representatives to visit every household in their respective areas and allay public fear," she told an administrative meeting at Debra in West Midnapore district.

"There will be no NRC in Bengal," she declared. The state's TMC government has also started issuing advertisements to television and print media asking people not to panic.

A 4-minute audio-visual clip being aired by local TV channels shows Banerjee asking people not to panic or be misled by "false claims" about NRC.

BJP chief Amit Shah had repeatedly said during the Lok Sabha poll campaign that the NRC exercise, which was limited to Assam, will also be extended to West Bengal.

Banerjee said her government's programme to issue, replace and update ration cards had nothing to do with the NRC, as some people apprehended.

Though the Centre is yet to decide on whether to replicate the NRC exercise in West Bengal, large queues of people are being seen outside the offices of BDOs, borough offices and civic body offices across the state for the last few days to procure documents that could prove that the state has been their place of residence.

"Be 100 percent sure about NRC in Bengal, but Hindus have nothing to fear as we are soon bringing Citizenship (Amendment) Bill in Parliament (to give Hindus who escaped religious persecution in other countries Indian citizenship)," Vijayvargiya told a gathering here.

Without naming Banerjee's TMC, which has accused the BJP-ruled Centre and Assam governments of botching up the NRC exercise, as reflected in the exclusion of a large number of Bengali-speaking Hindus, he said some parties and politicians were spreading canards about the same happening in West Bengal.

"As the national general secretary of the BJP, I want to assure all of you that NRC will be implemented but not a single Hindu will have to leave the country. Each and every Hindu will be given citizenship," he asserted.

As long as India's Prime Minister is Narendra Modi and Union Home Minister is Amit Shah, Hindu refugees have nothing to worry about, Vijayvargiya said.

"India is not a charity house that those who are the majority community in Bangladesh, Afghanistan and Pakistan [Muslims] can just infiltrate, spread terror and take away the livelihood of our citizens," the BJP's Bengal minder said.

Out of the over 19 lakh people omitted from the final NRC in Assam, which was published on August 31, about 12 lakh are Hindus. NRC was one of the provisions of the Assam Accord which was signed in 1985. The accord envisaged identification and deportation of illegal immigrants, especially Bangladeshi settlers.

"The TMC has been opposing NRC to protect Bangladeshi Muslim infiltrators who are its vote bank in West Bengal. But after many Hindus were omitted from the NRC list in Assam, it is trying to project us as anti-Hindu and an anti-refugee party," said a senior state BJP leader, who did not wish to be named.

Amit Shah is scheduled to visit Kolkata on October 1 to address a seminar on NRC and the Citizenship (Amendment) Bill.

<https://www.theweek.in/news/india/2019/09/26/as-nrc-fear-engulfs-kolkata-mamata-says-11-committed-suicide.html>

Trouble is brewing again in the East

The Telegraph, August 15, 2019

By Subir Bhaumik

The year 1971 changed the map of post-colonial South Asia with the emergence of Bangladesh after the breakup of Pakistan. This year did not merely establish the supremacy of the Indian military in the region within nine years of its humiliating defeat at the hands of the Chinese army; it also marked the ideological victory of the Indian idea of a secular, inclusive polity over M.A. Jinnah's two-nation theory. When the Baloch rebellion broke out in 1973-74, it only justified the apprehensions of Maulana Azad about the unsustainability of Pakistan. The founder chief of the Research and Analysis Wing, R.N. Kao, could not oblige Indira Gandhi with a sustained covert operation to support the Baloch rebellion the way he could orchestrate the takeover of Sikkim under the nose of the Chinese. But India did emerge as the *prima donna* in South Asia after 1971.

The creation of Bangladesh removed the military threat posed by Pakistan to India's Northeast, tenuously linked to the mainland by the Siliguri corridor. It put an end to Pakistan's covert offensive in the east through its sustained backing of the Naga and then the Mizo insurgencies in collusion with China. It revived the possibility of restoring the pre-Partition transport linkages of Northeast India through Bangladesh. Last, it left Pakistan deeply vulnerable to threats of Balkanization.

The 1975 military coup in Bangladesh and the return of Pakistan-style military rule temporarily undid some of the gains, but only for a while. The restoration of democracy in Bangladesh in the 1990s and the return to power of the pro-India Awami League under the leadership of Sheikh Mujibur Rahman's daughter, Sheikh Hasina Wajed, has helped India reap the benefits of having a friendly neighbour to its east. Wajed has decisively addressed India's security and connectivity concerns — the northeastern rebels have been driven out or handed over to India and rail, road and coastal shipping links through Bangladesh are giving a huge boost to India's 'Act East' thrust. The loss of transborder bases has forced most rebel groups to the table.

But now, a Pandora's box appears to be opening up in the region. The updating process in Assam for the National Register of Citizens has ignited the citizenship issue in a way that may have a deep impact on our relations with Bangladesh even as it unsettles the large Bengali population — both Hindus and Muslims — in Northeast India. With millions left out of the NRC on the verge of being rendered stateless, with no clear policy pronouncement from Delhi about their future and with media reporting more than fifty suicides among Bengalis so far, India's image as a rising responsible power is likely to take a beating. This is happening at a time when Delhi is intensifying its efforts to secure a permanent seat in the United Nations security council. Suddenly, India is not seen to be in the same league as Germany or France, which accept refugees gracefully, but as a nation that is mercilessly — and often erroneously — denying citizenship to those who have lived on its soil for more than five or six decades. India's solicitor general, Tushar Mehta, announced with a touch of

disdain: “India cannot be the refugee capital of the world.” The irony becomes inescapable when the media baron, Raghav Bahl, reveals in his latest book, *Super Century*, that the prime minister, Narendra Modi, has had a tough time deflecting pressure from Britain over 1,00,000 illegal Indian immigrants in the United Kingdom. Worse, the Union home minister, Amit Shah, who had called Bangladeshi migrants ‘termites’ in pre-poll speeches, announced in Parliament that ‘infiltrators’ on ‘every inch’ of the country’s soil would be driven out. Wajed has insisted that she has faith in Modi’s promise that none will be deported to Bangladesh, but her foreign minister, A.K. Abdul Momen, recently expressed apprehensions over the NRC process when he asked: “Where would all those left out of NRC be deported to?”

The Centre’s decision to extend the NRC is likely to run into stiff resistance from West Bengal’s ruling Trinamul Congress, which will doubtlessly highlight Bengali suffering to counter saffron inroads into the state. Mamata Banerjee may not be the most popular person in Bangladesh on account of her opposition to the Teesta waters treaty, but the saffron efforts to encourage Hindus in Bangladesh to organize stand-alone platforms for electoral bargaining is not going down well across the country’s political spectrum. If public discussions, media reports and social media are considered reliable indicators, then public opinion in Bangladesh over the ‘ill-treatment’ of Bengalis — not only Muslims — is turning hostile. Many ask why half a million Indians should be allowed to work in Bangladesh.

The ruling Awami League is also concerned about the fallout of the citizenship amendment bill, not only because of its divisive religious binary but because it threatens to denude Bangladesh of its Hindu population. The latter are the party’s most loyal voters and, if allowed to vote freely, decisively influence poll outcomes in at least 50 of 300 parliamentary seats. The Awami League also fears that surging anti-India feelings will help its opponents in future polls and make it difficult for the party to be seen as being ‘too friendly’ to India.

Indira Gandhi reorganized India’s Northeast by carving out new states and Union territories to placate ethnic populations unwilling to remain in Assam immediately after the military victory of 1971. The present dispensation, by its decision to expand the NRC exercise in Assam, may unsettle the region, through which India has ambitious plans to ‘Act East’.

<https://www.telegraphindia.com/opinion/trouble-is-brewing-again-in-the-east/cid/1697621>

Why India doesn't need NRC

The Print.in, November 22, 2019

By Shivam Vij

The Narendra Modi government wants to update India's National Register of Citizens, and may soon ask every Indian to prove not just their citizenship but even that of their grandparents. That is what just happened in Assam.

We don't know what cut-off date the Modi government may set for the all-India NRC. Let's say it says 1971, and you weren't born in 1971, it'll ask you to show proof that your parents or grandparents were born in India before 1971.

Here are seven good reasons why the NRC is a bad idea.

1. Is illegal immigration a big problem? The government wants to waste a lot of time and money identifying illegal immigrants among 130 crore people. But it hasn't made the case that India is over-run by illegal immigrants.

Whenever the government is asked about this in Parliament, the Home Ministry gives a stock reply: "Since entry of such Bangladeshi nationals into the country is clandestine and surreptitious, it is not possible to have accurate data of such Bangladeshi nationals living in the various parts of the country."

There are two kinds of illegal immigrants: those who cross the borders without passport and visa, and those who arrive with a visa and stay on even after the visa has expired. In a country which gets an estimated 1 crore foreign tourists annually, and many more under other visa categories, only about 50,000-70,000 overstay their visa. Around 6,000-7,000 are deported every year. Only around 1,000-2,000 are convicted under the Foreigners Act.

Here's another stock answer the MHA often offers: "Detection and deportation of such illegal immigrants is a continuous process. Details of such deportation orders issued by the State Governments/UT administrations are not centrally maintained." So, if this is a continuous process, why doesn't the central government actually collate this data to see if the number of such illegal immigrants has grown exponentially?

In 2004, the Home Ministry said there were 1.2 crore Bangladeshi immigrants living in India. In 2016, the Home Ministry said the figure stood at 2 crore. These figures cooked up in thin air sound ludicrous when one notes that the entire Bangladeshi diaspora is said to be less than 80 lakh in number. The total population of Bangladesh is a little over 16 crore. To say that 2 crore Bangladeshis are living in India is a white lie, recently exposed by the Assam NRC. "Let me tell you," the outgoing Bangladeshi High Commissioner to India said recently, "that a person of my country would rather swim in the ocean and reach Italy instead of coming to India."

The state said to be the worst-hit by illegal immigration is Assam. The recently-concluded NRC updation exercise in Assam found that only 1.9 million or 19 lakh people were unable

to prove their ancestors were Indian citizens, as opposed to the expectation that the list would run into many more lakhs. Out of these 19 lakh, a large number were non-Muslims, as against the hype that most illegal immigrants in Assam are Muslim.

Since 1985, Assam has had Foreigners' Tribunals. Between 1985 and 2014, the Foreigners' Tribunals looked into the citizenship of 9.4 lakh people. Out of these, the Foreigners' Tribunals were able to declare only about 61,000 as Bangladeshi until 2014. Less than 2,500 of them have been deported to Bangladesh.

So, where is the evidence that illegal immigration is such a huge problem that 130 crore people must prove the citizenship of their grandfathers/ancestors?

2. Needle in a haystack: Surely, there must be illegal immigrants in India. Most countries have some. But the NRC process is like looking for a needle in a haystack. The data, or the lack of it, shows there are so few illegal immigrants among 130 crore people that it is simply not practical to go around checking the family tree of every Indian.

3. Guilty until proven innocent: The principle of natural justice is that one is innocent until proven guilty. But the NRC exercise presumes every Indian to be a potential 'illegal immigrant' until they can prove otherwise.

What will be the fate of those who refuse to submit documents, for instance? Do I become a stateless citizen despite having Aadhaar, passport, PAN card and myriad other documents, just because I can't find my dead grandfather's documents? Such are the anxieties the government is about to impose on 130 crore people to solve the non-existent problem of large-scale illegal immigration into the country.

4. Cost benefit analysis: Given the government's inability to show that illegal immigration into India is a big problem, we also need to think about the waste of tax-payer's money. In Assam alone, the NRC cost Rs 1,220 crore. At that rate, an all-India NRC might cost more than Rs 2 lakh crore. Is illegal immigration really such a big problem that the Indian government should be spending so much money checking documents of every Indian's grandparents?

If even 0.5 per cent of the population is excluded in an all-India NRC, that would be 65 lakh people. That's double the population of Jaipur. It's insane to build detention centres to hold so many people in them for years, possibly forever. For comparison, India's largest jail, Tihar in Delhi, has a capacity of roughly 6,250 prisoners.

5. NRC's proven track record of failure: External Affairs Minister S. Jaishankar recently joked that Albert Einstein would have been known for his definition of insanity had he been a political scientist. Insanity, said Einstein, was doing the same thing again and again and expecting different results. Jaishankar may well have been talking about his own government's persistence with the National Register of Citizens (NRC).

Despite its spectacular failure to produce the desired result in Assam, the government wants to implement the NRC across India. The very people who demanded an NRC in Assam have rejected it twice. How does Amit Shah justify scaling up a failed idea?

6. Are illegal immigrants a threat to India? There could be Pakistani terrorists in Kashmir who the Indian security forces are already hunting down. But are poor Bangladeshi immigrants in India — to that extent that they may be present — really posing any threat to India's security and sovereignty?

If they are stealing jobs, why don't we feel the same way about Nepali citizens who are legally allowed to walk into India and find work?

If a few thousand illegal immigrants here and there are a burden on the limited resources of a populous developing country, why are we so eager to import non-Muslims from Afghanistan, Pakistan and Bangladesh with an amendment to the Citizenship Bill?

7. Designed to target Muslims: India has already assured Bangladesh it won't deport anyone excluded in the NRC. Why is it that the government wants to identify illegal immigrants but not deport them? Does it not speak of mala fide intent?

The real intent is to disenfranchise Muslims. Non-Muslims who can't prove their citizenship will be just presumed as refugees and given citizenship under the new Citizenship (Amendment) Bill (CAB). Muslims excluded in NRC may continue to live in India as stateless citizens, fulfilling the Sangh objective of making Muslims second-class citizens. Officially and legally. The NRC's real name should thus be MDS, the Muslim Disenfranchisement Scheme.

Sabka Vinash

NRC is the opposite of Sabka Saath, Sabka Vikas, Sabka Vishwas. It is neither about inclusiveness, nor development, nor trust. The mayhem it will cause can better be described as Sabka Vinash, all-round destruction.

While the NRC exercise will be disastrous for the nation, it may be useful for the BJP. It will make sure it's all we talk about, and not the sinking ship called the economy. How will you have the time to complain about unemployment when Modi is making you run around to find your grandfather's birth certificate?

The xenophobic fear of illegal immigration, together with the NRC-CAB plan to disenfranchise Muslims, will be used to polarise voters for many elections to come. Modi can't give Hindus jobs, but he may be able to give them the schadenfreude of reducing Muslims to second-class citizens.

<https://theprint.in/opinion/why-india-doesnt-need-nrc/324771/>

A National Register of Citizens for India: A Tool Kit for Hindu Rashtra?

The India Forum, November 3, 2019

By Pamela Philipose

One of the more curious paradoxes of contemporary Indian politics is the seemingly contrasting stances of the two most powerful men in the Republic on a pan-Indian National Register of Citizens (NRC). Union Home Minister Amit Shah's narrative is emphatic and insistent, and his statements designed to strike fear in those being targeted. A day before Gandhi Jayanti this year, while addressing BJP workers at the Netaji Stadium in Kolkata, he publicly renewed his pledge to implement NRC in all the states of India so that "each and every infiltrator" is externed. He continued to make references to the issue during his election rallies in Maharashtra and Haryana, even informing an election crowd in Gurugram that by 2024 India would be rid of all "infiltrators and illegal residents". The timeline is significant, signalling as it does the intent to capitalise on the issue in the next general election.

In studied contrast, Prime Minister Narendra Modi, although he had referred to the NRC occasionally as a pre-election topic during the Lok Sabha campaign, has chosen not to dwell on the subject ever since coming to power for the second time. It was striking that the NRC did not figure in his Independence Day address this year, even tangentially, nor did it make it to the numerous speeches he made in the run up to the two state elections that have just ended.

Four days after Shah's public pronouncement on it in Kolkata, Modi underplayed the issue during his interactions with his Bangladeshi counterpart, Sheikh Hasina, on her state visit to India. Reiterating more or less what he had told her in New York on the sidelines of the United Nations General Assembly in September that the NRC was an "internal matter", he is reported to have emphasised this time that it was "a court-mandated process, which is ongoing", one that will have no repercussions on Bangladesh. This is curious. If the NRC is to be a pan-Indian policy, it would no longer be a "court-mandated process", and would presumably involve tracking and expelling so-called "Bangladeshi immigrants". Keeping Bangladesh out of the picture in such a context would seem impossible.

There is a carefully conceived strategy to expand the BJP/RSS footprint across the country through the calibrated use of emphases and silences; ambiguities and certainties.

How is this policy of double-speak to be interpreted then? Is there a genuine difference of political positions on the issue between the Prime Minister and Home Minister, or is it a mere division of political labour for the longer term project of ushering in a unitary Hindu majoritarian state?

The Narendra Modi-Amit Shah combination can by no means be categorised as a binary. Together they spell a rare unity of purpose and a cogent ideological vision developed through long personal associations with the Rashtriya Swayamsevak Sangh (RSS). Lance Price, in his book *The Modi Effect*, characterises Shah for good reason, as "perhaps the only person that

Modi trusts completely”. Shah may appear to have assumed an independent and elevated status after being appointed Union Home Minister, but he faithfully follows a template that bears the Modi stamp.

Theirs is a carefully conceived strategy to expand the BJP/RSS footprint across the country through the calibrated use of emphases and silences; ambiguities and certainties. Both men are extremely aware that their ultimate goal is promoting V.D. Savarkar’s twin tests for full citizenship — *pitribhumi* (India as the citizen’s ancestral land) and *punyabhumi* (India as the land of the citizen’s religion). They also understand the centrality of the Citizenship Amendment Bill (CAB) — which denies Indian citizenship to Muslim refugees and immigrants while giving Hindus who came into the country before 2014 a free stay-out-of-jail card — for consolidating the Hindu community along the axis of citizenship.

Nine months before Amit Shah had indicated to his Kolkata audience that the Government proposes to first bring in the CAB to segregate immigrants along religious lines, and only after that introduce an all-India NRC, Modi had told a Silchar audience at a massive pre-election rally in January that no “Indian” citizen will be left out of the NRC and that his government will pass the CAB to ensure this.

This NRC project, which is actually nothing less than the dismantling of the foundational principles of the Indian Constitution, must for appearance sake be seen as participative and democratic.

The reason for this continuous iteration that no “genuine” (read Hindu) Indian citizen will be deported indicates the delicateness of the task in rolling out the NRC nationally. On the one hand, they will have to pass the CAB into law while ensuring that it would not destroy the BJP’s carefully constituted political presence in the north-eastern states, where the people are bitterly opposed to the legislation.

The reason why the Government allowed the CAB to lapse during the last Parliament was driven by the anxiety that it could negatively affect its party’s prospects in the 2019 general election. On the other hand, it will have to rescue, or at least be seen to rescue Hindus, now entrapped in the NRC list in Assam, through a possible combination of court action and executive tinkering of norms like issuing notifications that specifically spare non-Muslim immigrants from incarceration. A tough proposition this, and explains the anger BJP functionaries have directed at Prateek Hajela, who had anchored the six-year NRC process in Assam, over his inability to ensure that most of those declared as non-citizens were Muslim.

This NRC project, which is actually nothing less than the dismantling of the foundational principles of the Indian Constitution, must for appearance sake be seen as participative and democratic. Shah, for instance, has already indicated that a nation-wide consensus on the cut-off date for an all-India NRC would be arrived at. The aim would be to keep to the minimum the political costs of such a step and would include addressing the fear within the majority community that they, or their children, would be caught in a citizenship maze in the future.

For the moment, the game plan seems to be two-fold. First, to create the institutional infrastructure to smoothly roll out an all-India NRC. Second, to allow political and election rhetoric on the CAB/all-India NRC to proliferate so that, over time, it emerges as popular common sense and a desirable outcome. Already the idea that the country needs to be protected from “infiltrators” (“*ghuspaithiye*”) – an inappropriate military term that is now widely used – has been internalised over the years, and hatred of the Muslim Other has become widespread as the random acts of vigilantism in the country would indicate. If the average citizen has to accept an all-India NRC, these attitudes, fears and hatreds within the majority community would have to be deepened.

The Government of India’s intent to roll out an effective institutional infrastructure was signalled by President Ram Nath Kovind in his address to Parliament in July, when he stated that his government “has decided to implement the process of National Register of Citizens on priority basis in areas affected by infiltration.” The foundation for building the required institutional infrastructure will be data-gathered at levels ranging from the local and sub-district to the state and national and which ranges from the demographic to the biometric.

One of the ways data will be aggregated is through the revival of the Congress-era National Population Register, which is a compilation of India’s “usual residents”. A gazette notification to this effect has been issued and the exercise will take place between April and September 2020 as part of the Census 2021 operations. Shah is on record for seeing this initiative as part of his favoured idea of a digitalised “one nation, one card” to promote citizen well-being and security in a democracy. But what is really being conceived of is a data-driven, document fact-checked surveillance state, recalling in a curious way the manner in which the British colonial government used the anthropological information of its subjects to understand, map and control them.

If the creation of an institutional framework for an all-India NRC has been proceeding without too many controversies so far, it is testimony to the success the BJP and its top leadership have achieved in selling the idea to the party’s core constituencies.

Another significant recent move to build the necessary institutional infrastructure was the decision taken by the Modi government, within a few hours of being sworn in on May 30, of decentralising the procedures for setting up Foreigners’ Tribunals -- quasi-judicial bodies which serve as the court of last appeal for those who stand deprived of citizenship. Earlier, the Centre had to notify them into existence, now state governments and even district collectors had the powers to set them up.

If the Assam experience is any illustration, the functioning of Foreigners’ Tribunals has been marked by not just blatant errors but strong communal biases. The Gauhati High Court recently set aside proceedings in 57 cases in Morigaon, central Assam that were being handled by a local tribunal. This should not come as a surprise, given that these bodies are presided over by poorly qualified people with no formal training.

If the creation of an institutional framework for an all-India NRC has been proceeding without too many controversies so far, it is testimony to the success the BJP and its top leadership have achieved in selling the idea to the party's core constituencies, who in turn are promoting it in their local circles. There is a certain virality to how stock phrases about the NRC now circulate in the public domain. In August 2018, Raman Singh, then chief minister of Chhattisgarh, had pronounced "India is not a 'Dharamshala'" in response to the NRC exercise in Assam. This September, Shah Nawaz Hussain, anxious to keep his place as party spokesperson even if he was denied a ticket to contest the recent general election, had the phrase at the ready. When asked about the NRC by the media, he remarked: "India is not a 'dharamshala' where anybody can enter." Within days, his party colleagues, Anil Jain, BJP general secretary in charge of Haryana, and Kailash Vijayvargiya, BJP general secretary in charge of West Bengal, were parroting the very same words.

A national NRC would keep the country free from love jihadists, criminals and terrorists, categories which have, over years of Sangh indoctrination, been made synonymous with the Muslim community.

The anti-Muslim kernel of the CAB/NRC discourse is wrapped in several rhetorical layers that aim to persuade the audience at various levels. There is the inevitable reference to the "unfinished business of Partition". What is also emphasised is that the BJP has won the right to take such steps because of its emphatic mandates of 2014 and 2019.

Another important trope is of course the focus on "development": it is a move motivated by the desire to benefit the "real citizens" of the country, so that resources and jobs go to them alone, especially the poverty-stricken, rather than the undeserving, all-consuming "Outsider". The analogy of the "termite" that Shah has used time and again has precisely such a connotation — this is nothing less than an insidious invasion that expands exponentially and hollows out the nation. Finally, there is the "security" argument. A national NRC would keep the country free from love jihadists, criminals and terrorists, categories which have, over years of Sangh indoctrination, been made synonymous with the Muslim community.

The potential dividends of such a discourse in polarising voters and expanding political constituencies have triggered a competitive cycle of state-level initiatives, most of them in states ruled by the BJP. The Chief Minister of Uttar Pradesh, Adityanath, who faces an assembly election in 2022, was among the first to praise the NRC exercise as "an important and brave" move. His police chief has been told to mount periodic "verification drives" and round up, on a priority basis, "illegal Bangladeshis" with fake IDs, videographing them if need be.

Meanwhile the Haryana chief minister, Manohar Lal Khattar, ahead of the recent Assembly elections, strongly committed himself to the step by announcing a NRC exercise "along the lines of Assam". How he will achieve this -- Haryana not being a border state -- is, of course, only a matter of detail. But to Khattar's "credit" he also took care to appoint as advisor to this

project a former judge of the Punjab and Haryana high court who came up with the concept of a “state-specific ID card”.

The existential fears unleashed by the NRC exercise in Assam have now spread to other regions.

Uttarakhand, whose labour force has itself been depleted through years of out-migration of the male and able-bodied, also has plans, but they have been put on hold for the moment until the time it is “found necessary”, according to its chief minister, T.S. Rawat. In Karnataka, the newly installed BJP government rushed to announce a schema for an NRC that involves data collection and a detention centre. Later, the detention centre was put on the backburner perhaps because it was pointed out that there were not enough people of Bangladeshi origin in the state to fill such a facility.

Some states like Maharashtra have years of experience in this field, with its police having developed a functioning network of informers who keep a close eye on the Bangla speaking population. Historically most of the cases involving these so-called “illegal Bangladeshis” have ended in acquittals. The BJP and the Shiv Sena, who are likely to rule the state despite their many differences, are perfectly united on ethnic nationalism and would likely keep this pot boiling.

What is on display, in effect, is a conjuring trick. Rather like a magician pulling out one card and replacing it miraculously with another, the ‘anti-Bangladeshi’ card that has been furiously waved before the nation over the past two decades and more, has now transformed into an ‘anti-Muslim card’. This is possibly why Modi informed Sheikh Hasina that the NRC is an “internal matter”. It flows from a realisation that just the threat of detention and removal of basic rights of sections of a targetted community, rather than the expulsion of supposed Bangladeshis, may be the more practical and politically expeditious route for a Hindu majoritarian party.

For a country of 1.35 billion, the looming crisis of citizenship is rife with dystopic consequences.

Expectedly, it is the ordinary Indian who is paying the price for this, particularly the ordinary Muslim. The existential fears unleashed by the NRC exercise in Assam have now spread to other regions. The frenzy that broke out in West Bengal recently with unending lines forming outside municipal corporations and people driven to suicide, reflects in a microcosm what could play out on a pan-national scale. The struggle is not just for an individual’s right to have rights in the country – which is what citizenship ultimately is about – but for their descendants in perpetuity as well. The law as it now stands deprives a child, even if born in India, of citizenship if one of its parents is an ‘illegal immigrant’, and there is no provision in the law which would allow such a child to become a citizen. Further, after the *Sarbananda Sonowal vs the Union of India* judgment of 2006 transferred the burden of proof of legality

from the State to the person marked illegal, it is the accused who has to now provide the necessary documentation.

For a country of 1.35 billion, the looming crisis of citizenship is rife with dystopic consequences. While the Modi government is unrelenting in the pace with which it is going about ushering in an all-India NRC regime -- there is every likelihood of the CAB being passed in the winter session of Parliament -- there has been no consolidated pushback from oppositional forces, including political parties and broader civil society.

Does this mean that the BJP/RSS narrative on citizenship has become mainstreamed? Could all this signify that there is now popular consensus on the rolling back of important constitutional guarantees of citizenship? Disturbing questions, but there is also another one thrown up by the recent verdicts in Maharashtra and Haryana: Would serious political reversals derail this project? Such a conclusion would be overly sanguine. There were moments in India's recent history when a Ram temple at the site of the Babri Masjid seemed impossible, politically speaking. This is no longer the case.

Today, with the nine-decade-old RSS and its Savarkarite vision embedded in the country's politics, the CAB/all-India NRC toolkit would appear to be an extremely serviceable one for re-engineering India into a Hindu rashtra.

<https://www.theindiaforum.in/article/national-register-citizens-india>

India: Fear among Muslims over planned nationwide citizens list

Al Jazeera, September 10, 2019

By Bilal Kuchay

On August 31, India excluded nearly 2 million people from a citizenship list in the northeastern state of Assam, and the ruling Hindu nationalist government's plan to replicate it at a national level has left many in the Muslim community worried.

Activists have criticised the Supreme Court-monitored National Register of Citizens process for anomalies and procedural flaws, with many cases where genuine Indian citizens, including former government officials, have been excluded.

Some leaders from Bharatiya Janata Party (BJP), including Home Minister Amit Shah, have demanded that the NRC be implemented across the country to identify and deport undocumented immigrants.

Many Muslims Al Jazeera spoke to believe the BJP has used the citizenship issue to target the community, which forms 14 percent of India's 1.3 billion population.

Mohammad Yehya, a student at New Delhi's Jamia Millia University, said due to the growing concerns, Muslim scholars and community leaders have advised the minority community to properly maintain all the documents that support citizenship.

"There is fear among Muslims that BJP might go ahead with its nationwide NRC plan so we have to be cautious and maintain all the certificates and documents so that nobody faces any problems tomorrow," he told Al Jazeera.

The rhetoric on the immigration issue has added to their fears. On Sunday, Shah reiterated his party's position saying, "Not a single illegal immigrant will be allowed to stay."

Shah, considered the right-hand man of Prime Minister Narendra Modi, has in the past called Bangladeshi immigrants "termites", a comment that was defended by a BJP spokesman in an interview with Al Jazeera.

Critics have also accused the BJP of undermining the spirit of India's secular constitution after the Hindu nationalist party said that it would amend the citizenship law to protect Hindus excluded from the Assam NRC list.

"If BJP wants to carry out NRC throughout the country, let them do it but when its leaders openly say that Hindus, Sikhs, Jains and Buddhists should not worry, what does that mean? It clearly means the process is aimed to target only the Muslims," said Arsheel Jamal, 30, who runs a grocery store in Delhi's Zakir Nagar area.

"The law should be the same for everyone whether the immigrant is a Hindu or Muslim or a Buddhist," said Jamal.

Deep-seated bias

Activists have accused the ruling right-wing party of a deep-seated bias against the minority community.

Delhi based activist Harsh Mander told Al Jazeera that a nationwide NRC would be a "disaster" as a large section of the rural population would find it very hard to "prove their identity".

"The motivation of the BJP is to particularly target the Muslim minority as part of their larger ideological scheme and for them the NRC can only work if they also bring an amendment to the Citizenship Act, which they already have introduced but [has been] unsuccessful so far," said Mander.

The citizenship amendment bill, if passed, will grant citizenship to religious group such as Hindus, Sikhs, and Buddhists from neighbouring countries - but not to Muslims.

"If the BJP brings the Citizenship Amendment Bill that will be a grave violation of the constitution," Asaduddin Owaisi, a member of parliament from southern city of Hyderabad, told Al Jazeera.

Owaisi, who has emerged as a leading voice for the Muslim community, said that there was a huge concern among the Muslims. "We will guide the community and if need, we will take a legal recourse also," said Owaisi, the president of the All India Majlis-e-Ittehadul Muslimeen.

India, a \$2.8 trillion economy, attracts economic migrants from Bangladesh who are engaged in low-paying jobs in big cities. But their numbers have been grossly exaggerated by politicians, with even the Supreme Court quoting false data in one of its judgements on NRC.

The ruling party leaders have continued to indulge in xenophobic rhetoric, with at least two BJP-ruled states planning to build detention centres for undocumented immigrants.

Babul Khan, who runs a small shop in south Delhi's Taimur Nagar, says he arrived in India during the 1971 Bangladesh liberation war and considers India his own country.

"I came to India as a young boy 48 years ago. My parents died in India. I got married here and now I have grandchildren as well," the 60-year-old Khan told Al Jazeera.

"India is our country. Our three generations have lived in India now and we don't know anything about Bangladesh. It will be an injustice if government decides to deport us," he said.

'India is not a dharamshala'

India hosts tens of thousands of refugees from Tibet and Sri Lanka as well as Bangladesh but since the BJP came to power, xenophobic rhetoric has grown, particularly against Bangladeshi immigrants and Rohingya refugees.

According to the UNHCR data from 2017, India hosted nearly 200,000 refugees and 10,519 as asylum-seekers.

However, the Modi government in 2017 informed the parliament that over 300,000 refugees were registered with various states as of December 31, 2014.

The NRC has caused anxiety among the 1.9 million people excluded from the citizens list, as their fate is uncertain with only 120 days given to appeal in courts.

On Monday, United Nations High Commissioner for Human Rights Michelle Bachelet appealed to the Indian government to ensure that the 1.9 million people excluded from the citizens list were protected from "statelessness".

But BJP spokesperson Shahnawaz Hussain assured that genuine Indian citizens need not worry about anything.

He insisted that "illegal immigrants" from Bangladesh or any other country would be deported. "India is not a dharamshala (charitable hostel) that immigrants from Bangladesh or other places come and reside here," he said.

<https://www.aljazeera.com/news/2019/09/fear-muslims-planned-nationwide-india-citizens-list-190910093358102.html>

The NRC and India's Unfinished Partition

The Diplomat, October 3, 2019

By Grant Wyeth

Over the past six years the Indian state of Assam has been scrutinizing the citizenship status of each of its 33 million residents. The goal of the National Register of Citizens (NRC) has been to identify those people residing in the state who can be designated Indian, and those who the government would prefer to identify as Bangladeshi. At the end of August the final list was published with 1.9 million people in the state unable to prove their Indian citizenship. Yet due to the complicated cultural, political, and structural forces of South Asia's history, being able to clearly define exactly who is an Indian is not such an easy task. In attempting to do so, the NRC process instead highlighted the persistent complications of the 1947 partition of India, and brought to the fore an ideological struggle over Indian nationhood.

In order to fulfil the requirements of the NRC, the people of Assam were asked to prove their presence — or that of their ancestors — in Assam or in any part of India on or before March 24, 1971. The date chosen is one day before East Pakistan declared its independence and the civil war between East and West Pakistan began. The war was concluded that December, with East Pakistan formally changing its name to Bangladesh on January 11, 1972. It is believed that many people crossed into Indian territory during and following the war.

One of the arrays of complex features of the partition of India was that it also partitioned two ethno-linguistic regions: Punjab on its western flank and Bengal to the east. The historical and cultural region of Bengal currently finds itself distributed between four jurisdictions: the country of Bangladesh, the Indian states of West Bengal and Tripura, and Assam's Barak Valley. The international boundary created in 1947 attempted to carve out an area of Muslim majority from the region's population.

Unlike the new border created with Pakistan to the west, the border with East Pakistan/Bangladesh was not initially heavily fortified. It was unencumbered by significant obstacles until the mid-1980s when the Indian government began putting up barbed wire fencing. Despite this, the border remained highly fragmented, darting in and out of neighboring villages and random plots of land in its attempt to map religious affiliation. Due to the historical religious integration of the region, this form of border designation created a number of geographical absurdities, including Dahala Khagrabari, a third order enclave: An area of India within an area of Bangladesh within an area of India within Bangladesh. In 2015, India and Bangladesh agreed to an exchange of enclaves in order to create a more workable situation.

While these incoherent border features created ample confusion as to exactly who lived in India and who lived in Bangladesh, this uncertainty was further compounded by the previously highly informal nature of South Asian societies. With large numbers of people existing outside of any state structures, the documentation on birth, ancestry, or residency needed to meet the requirements of the NRC may be rare and difficult to obtain. Documents

— if obtained — could also often be destroyed in a region prone to flooding. People who may, in fact, have qualified as Indian under the NRC stipulations may still not be able to provide the required proof.

This social informality is also tied to an understanding of the multitude of overlapping identities that have been historically present in South Asia, and that were further complicated by the partition. For most of the 20th century the vast majority of South Asia did not have access to new technologies that made communication and disbursement of information easy. India famously leapfrogged fixed-line telephones and moved straight to mobile devices, televisions were rare until recently, and while radio had some penetration, it was far from universal. This maintained a highly localized worldview, where people's regional, cultural, linguistic, ethnic, or caste identity would precede an Indian one. Indeed the concept of India itself may not have even been fully understood by some isolated groups even up to the 1970s. This combined with low levels of education and literacy may have prevented knowledge of exactly what — despite the upheavals of partition — the creation of a new country actually meant in practice, and what an international boundary suddenly appearing within an area of cultural, familial and trading networks would dictate.

New borders don't automatically erase these linkages. The borders defined upon India's partition were not able to establish neat and tidy packages of administrative certainty, they merely created impediments to traditional areas of movement and exchange. This is especially the case when a cultural region like Bengal is divided between two countries. Bengali art, literature, and entertainment still transcends the border, marriages are still arranged across it, and through local knowledge and ingenuity cattle can still be smuggled into Bangladesh in order to circumvent laws preventing the slaughter of cows in several Indian states.

All this interwoven complexity makes designating exactly who is Indian and who is Bangladeshi very difficult. However, for the ruling-Bharatiya Janata Party (BJP) there is an over-arching lens that makes this designation easy: religion. While Pakistan — including today's Bangladesh — was created as an explicitly Muslim majority state, India at the time remained steadfastly committed to the idea of a plural society, one in which all religions were welcome and respected. This was an idea of India defended by the Indian National Congress, the party of India's independence movement and the party who governed the country for most of the post-1947 period.

However, the rise of the BJP — from a fringe movement three decades ago to today the undisputed dominant political force in the country — has changed this. The BJP's political doctrine of Hindutva forms the delayed other side of the coin to the Muslim League's agitation for a separate Muslim state in the 1940s. It sees India as a Hindu nation-state, not a religiously plural one, and fosters a particular disdain for Islam, which it sees as an invasive force on the entire subcontinent.

During the campaigning for May's federal election, this perspective was highlighted by Amit Shah — the current Home Minister — when he stated “We will remove every single infiltrator from the country, except Buddha (sic), Hindus, and Sikhs.” As Dharmic faiths developed on the subcontinent, Buddhism and Sikhism get a pass in Hindutva's blood and soil religious nationalism.

The BJP has attempted to consolidate this religious conception of the Indian nation with an amendment to India's citizenship laws. The legislation is aimed at providing a pathway to citizenship for non-Muslims from Bangladesh, Pakistan, and Afghanistan. Although the bill passed the Lok Sabha (lower house of parliament) in January, it was stalled in the Rajya Sabha (upper house) where the BJP and its allies currently lack a majority. While the bill lapsed due to the end of the parliamentary term, the passage of the bill was a prominent commitment within the BJP's election manifesto and the party remains under pressure from its ideological fountainhead, the Rashtriya Swayamsevak Sangh (RSS), to reintroduce it by December (although if passed the bill may still be deemed unconstitutional).

This particular amendment to the country's citizenship laws is designed to provide a get-out clause to outcomes of the NRC that the BJP does not like. While the party had become an enthusiastic supporter of the NRC, it was not its original architect — its present iteration in Assam was launched with a pilot program by a Congress-led government in 2010 — and the process has been conducted by the Supreme Court of India along the lines of India's current *jus sanguinis* citizenship requirements. Yet this has led to a number of Bengali Hindus being excluded from the final NRC list, a situation the BJP hopes to change.

Despite the theoretical judicial independence of the NRC tribunals, their operations haven't come without political pressures. Alongside its large federal majority, the BJP governs in Assam in coalition with the Asom Gana Parishad, a party that was formed specifically to agitate against Bengali migration into the state. The political priorities of the two parties has provoked a culture of suspicion within the Assamese public which in turn created performance pressure on the work of the 100 tribunals dispersed throughout the state. This generated some perverse operational incentives within these bodies as they acted in competition to declare the highest number of foreigners; an aggressive approach has produced a series of nasty and disturbing results including the division of families, the harassment of children, and a number of suicides.

The 1.9 million people excluded from the NRC have been given 120 days to present their cases to these tribunals, with the ability to appeal to the High Court of Assam, and the Supreme Court of India. The Indian government has begun construction of detention centers to house those whose appeals are unsuccessful, yet without any process to allow these people to be formalized into Indian society this is only a temporary solution. It is also a solution that is unduly harsh toward people who could be easily deemed casualties of larger political and historical forces beyond their control. Those political forces are now making these people pawns in a present-day ideological battle over Indian nationhood.

The ideological battle and additional policies surrounding the NRC are also being played out within the ruling-BJP itself, with a struggle over what measures should be taken toward those people excluded from the NRC. Indian Minister of External Affairs S. Jaishankar informed his Bangladeshi counterpart that India will not attempt to push these now stateless people into Bangladesh. At the recent United Nations General Assembly, Prime Minister Narendra Modi tempered concerns from Bangladeshi Prime Minister Sheikh Hasina by stating that the NRC would have “no impact” on Bangladesh. However, Indian Home Minister Amit Shah has repeatedly stressed that the government will seek to deport those not included on the NRC, and the Assam state government is strongly advocating for the same.

This contrast within the BJP highlights the necessity for Modi to find a balance between the agitated passions of the ideologues he requires to maintain his authority within the party, and the calculations of responsible governance and regional stability necessary for a prime minister. Should the former prevail and shift the government toward deportations this will not only create widespread personal disruption, but would have highly destabilizing regional consequences as well. At best, this action would put significant stress on India’s friendly relationship with Bangladesh, and at worse it has the potential to create a redux of the violence of India’s partition.

Shah has also promised to expand the NRC from Assam to the rest of India, beginning with West Bengal; setting up a serious conflict with the state’s chief minister, Mamata Banerjee, who opposes the process. At a recent rally in the state capital, Kolkata, Shah informed the crowd that “The chief minister says she will not let NRC happen in West Bengal, but I am assuring you, each and every infiltrator in India will be shown the door.” Police in Uttar Pradesh have also been instructed to start identifying people considered to be Bangladeshi, creating fear and uncertainty throughout both these states.

The longevity and the rippling of this personal and regional destabilization could create serious ramifications not just for South Asia, but the wider Indo-Pacific as well. Bangladesh is already struggling under the weight of an intractable refugee crisis — the Rohingya fleeing violence in Myanmar — any added people movement would be beyond its capacity to facilitate and require a significant international response. This makes the NRC a process that other countries in the Indo-Pacific should be paying close attention to.

Since winning re-election in May, the BJP’s ideological impulses have exhibited a much greater influence on government action than the sober considerations of rational statecraft and the region’s delicate security balance. With the NRC working in tandem with the Citizenship (Amendment) Bill, the BJP is seeking to establish a new set of parameters for both Indian citizenship and national belonging, hoping to bring its religious conception of what it means to be Indian into further prominence. This is being done either without fully understanding what increasingly insecure conditions for the country’s estimated 200 million Muslims may create, or in spite of it.

There is a strong sentiment within the party that is unwilling to engage with the internal make-up of India as it is, and is instead seeking radical actions to reshape the country — and its history — toward its own ideals. When BJP politicians speak of a “Congress-mukt Bharat” (Congress-free India), this is not simply a democratic aspiration to remove India’s party of independence from political office, but a desire to eradicate the Congress Party’s initial vision for a pluralistic India from the public imagination. It is an ambition for a dramatic reconfiguration of India’s character, something that may lead to a shift in India’s overarching foreign policy, and that in turn may alter the country’s existing international relationships.

Rather than facilitating a separation of religious communities, the partition of India persistently highlights the realities of the subcontinent’s interconnected past; a past that the creation of new borders has not been able to eliminate. Yet the BJP’s resentful religious nationalism sees India’s partition as unfinished business; an event that should have created a much neater segregation of the subcontinent’s religious communities. How the party now approaches those excluded from the NRC will give an indication of how far the party is willing to go to try and finish the job.

<https://thediplomat.com/2019/10/the-nrc-and-indias-unfinished-partition/>

NRC: Once bitten, twice shy – Hindu immigrants in West Bengal

The Federal, October 9, 2019

By Samir K Purkayastha

A sense of anxiety and déjà vu hung like a dark cloud over Cooper's Camp, one of the oldest refugee settlements in India.

Hunched over a rickety table on the verandah of a small brick house, overlooking the marshland, stretching east towards the 2,216-km Bangladesh border, Ashok Chakraborty was busy rummaging through old documents.

A paltry group of people that had gathered in his house looked equally fretful. Rising from a bundle of old files and pale papers, Chakraborty, the general secretary of the refugee council, said most of them — he was pointing towards the crowd — had lost refugee cards issued to their families.

“Until now, they did not feel those old pieces of papers, issued to their parents decades ago, will be so vital for their identity. I am of not much help to them either as many old files in our office here too have been lost. We have had to shift base several times,” he rued.

Technically, though a refugee camp, the fence that once surrounded it has long gone and Cooper's Camp over the years has grown into a town, sprawling over 200 hectares, in West Bengal's Nadia district.

Established in March 1950 in what was a military base during World War II, Cooper's Camp is today home to over 20,000 people and has its own markets, medical clinics and schools. Most of the residents, including women, are menial workers.

Each resident here traced back their lineage to those who escaped the bloodbath in erstwhile East Pakistan to settle in this part of Bengal amid the horror of British India's Partition in 1947.

“I was eight when my parents were forced to leave behind their house, land and livelihood to make a new beginning from the debris of deaths. Initially, we put up in Bangaon (now in North 24 Parganas district), and then shifted here,” recalled Chakraborty.

The albatross of NRC

Tales of Partition and flight of their parents and grandparents to India have been part of every household's family lore here.

Sanjib Sarkar, 30, was not even born when the great exodus — the largest ever human displacement in recorded history — took place at the stroke of midnight on August 14, 1947, uprooting about 10 million people. But he could narrate the trials and tribulations of his

grandparents as if it had happened before his eyes. Well, he grew up listening to them, he said.

“My grandparents came here as refugees in 1948 from Dhaka after their house was burnt down and land was forcefully captured. My grandmother used to narrate the traumatic tale to us. They sailed to India on a cramped boat in the darkness of night,” he recounted.

Listening to those stories, Sanjib had never imagined that seven decades later, the same horror of displacement would come back to haunt him and others in Cooper’s Camp.

“Panic has gripped people here after they came to know that names of mostly Hindu refugees were dropped from the updated National Register of Citizens (NRC) in Assam,” said Pintu Dutta, a local councillor.

Failing to retrieve any relevant document — even after rummaging through tucked away old family materials — that would prove his parents had migrated to India in 1950, Amar Halder had come to the refugee council’s office hoping to find any relevant piece of paper that would establish his Indian identity.

Soon after its establishment, the camp was divided into several blocks and each resident was enlisted in the relief office and registered in the “Ranaghat transit centre records”. After this classification, the displaced were allocated a hut each but they were not given bhoomi pattas or land deeds.

“In the absence of land deeds and identity documents of my late parents, how will I prove my Indian citizenship,” asked Halder, articulating an apprehension that is gnawing in the mind of every resident in this refugee settlement and elsewhere in West Bengal.

Assam vs Bengal

Since the issue of illegal migrants has never been a hot topic in West Bengal until recently, not many people had bothered to preserve the identity documents of their parents long dead.

Even government officials admit they aren’t sure if they have the electoral rolls of all the elections held in the state since 1952, making the prospect of an NRC in West Bengal more complicated.

“Even I won’t be able to produce identity documents of my late parents. Many will not be able to do so,” West Bengal Chief Minister Mamata Banerjee had said recently.

Moreover, it is also not clear what would be the basis for the NRC in West Bengal and what would be the cut-off date to determine citizenship.

In Assam, the NRC was updated with March 25, 1971 as the base time to determine citizenship as agreed upon in the Assam Accord signed in 1985 to cap a seven-year long anti-foreigners agitation in the state.

Nevertheless, much like it happened in Assam, the fear swirling around the NRC has turned into a mass frenzy across West Bengal, as has been evident from eight suicides so far linked to the contentious proposition.

Nibhas Sarkar, committed suicide on October 4 in Ranaghat allegedly over the NRC issue, though his family denied it. Sarkar, an RSS functionary, had caught the imagination of BJP supporters in the state by actively campaigning for the saffron party's Ranaghat Lok Sabha candidate in 2019 general elections, dressed as Hanuman. His neighbours, however, told the local media that Sarkar, who was himself a migrant from Bangladesh, was concerned over the NRC development in Assam, where names of many Hindus were excluded from the citizenship list.

Amid fears that NRC could be implemented in West Bengal anytime soon, thousands of people, both Hindus and Muslims, had been queuing up regularly at government and municipal offices across the state, until the Durga Puja holidays began, for necessary documents.

This hard-pressed the state government to issue advertisements and video messages of Chief Minister Mamata Banerjee, asking people not to be panicked by "NRC rumours".

"There will be no NRC in Bengal," the CM assured. But not many are convinced.

"How can we be so certain when Union Home Minister Amit Shah has been repeatedly talking about conducting NRC throughout the country," said Tapas Debnath, who runs an eatery near New Cooch Behar railway station.

Interestingly, Debnath had voted for the BJP in the 2019 Lok Sabha elections.

BJP in tight spot over NRC

This fear over NRC among Hindu Bengali migrants, particularly those belonging to the Namasudra-Matua community, is increasingly becoming an Achilles heel for the BJP — something that many within the saffron party's state unit admit in private.

The 2.87-crore strong community had overwhelmingly voted in favour of the BJP in the last general elections, helping the Hindu right-wing party to win 18 out of the state's 42 Lok Sabha seats.

At least in seven seats — Cooch Behar, Alipurduars, Jalpaiguri, Maldaha North, Ranaghat, Bongaon and Bishnupur, the BJP's victory was attributed to this scheduled caste community's support.

It was then perceived that the NRC was primarily aimed at “weeding out” illegal Bengali Muslim migrants from Bangladesh as claimed by the Hindutva outfits.

What added to the BJP’s headache is the fact that most of the alleged NRC-related suicide victims in the state are from this community. They are in majority in 77 Assembly constituencies, out of 295 (294 elected + 1 nominated). The community also plays a vital role in deciding the fate of 21 other seats.

“There is no denying that our community had backed the BJP in the Lok Sabha elections. But the NRC results in Assam had come as a big shocker. As per some estimates, over 10 lakh Hindu Bengalis are on the verge of losing their Indian citizenship,” said Mukul Bairagya, a founding member of All India Namasudra Bikash Parishad.

He claimed that the BJP would be committing hara-kiri if it persisted with its NRC agenda in Bengal. “We are now holding village-to-village meeting to make people aware of the dangerous ploy of the NRC to make Bengalis homeless in their own state,” Bairagya told The Federal.

The All India Bengali Organisation (AIBO), too has upped its ante against the BJP. “We are contemplating to hold a dharna in front of the BJP’s and the RSS’s state headquarters in Bengal to protest against the party’s anti-Bengali stand on NRC,” said Manas Roy, the national general secretary of the organisation.

To allay the fears of Bengali Hindu migrants, Shah during his visit to Kolkata on October 2 had asked the party’s state functionaries to reach out to the people with the assurance that no Hindu refugees would be targeted.

“The NRC would be done in Bengal only after the Citizenship Amendment Bill (CAB) is passed,” he told party leaders and workers at Netaji Indoor Stadium.

The BJP is now trying to hard-sell the CAB as a protective shield for the Hindu Bengali migrants. But neither Bairagya nor Roy is convinced.

They argued, almost in unison, that if the BJP was so concerned about the Hindu Bengalis, why didn’t it declare this during its proposed NRC drive across the country — that no Hindu would be required to produce any archaic legacy documents to prove their Indian citizenship.

<https://thefederal.com/the-eighth-column/nrc-once-bitten-twice-shy-hindu-immigrants-in-west-bengal/>

Why Amit Shah's promise to extend a pan-India NRC to Assam will not be easy

The Scroll.in, November 22, 2019

By Arunabh Saikia

On November 20, Home Minister Amit Shah reiterated in Parliament that the government intended to prepare a countrywide National Register of Citizen. Responding to a query, he added that it was only “natural” that the exercise would be also be carried out afresh in Assam where the NRC update process came to a close less than three months ago.

In Assam, the only state to have a prior NRC compiled in 1951, the update exercise took over four years and reportedly cost the state exchequer Rs 1,600 crore.

The NRC is meant to separate undocumented migrants from genuine citizens.

One country, one cut-off?

Shah's statement was followed by a news conference in Guwahati by Himanta Biswa Sarma, a cabinet minister in the Assam's Bharatiya Janata Party government. Sarma said that the state government favoured one composite national NRC with a uniform cut-off year for the entire country.

Assam's NRC was updated according to the provisions of the Assam Accord – an agreement that Assamese nationalists signed in 1985 with the Union government to end of their six-year-long anti-foreigner movement in the state. The Constitution was amended to account for the Accord. Assam was to have its own special citizenship rule according to which the cut-off date for Indian citizenship in the state was set as March 24, 1971. Simply put: anyone who migrated before that would be an Indian citizen in Assam. The corresponding date for the rest of the country is July 19, 1948.

Apart from the obvious concerns about cost and hardship, Shah's clarification and Sarma's subsequent statement have stirred the citizenship pot in Assam yet again and raised several questions.

The peculiar case of Assam

The most important pertains to the uniform cut-off that Sarma referred to. “If the cut-off year is 1971, then it should be the same for all states,” he said.

But it is unlikely that will be the case since the 1971 cut-off flows from a special Assam-specific clause of the Constitution.

Conversely, the 1948 cut-off comes with its own set of problems in Assam. “That would mean you have to repeal the 1971 provision first,” said Santanu Borthakur, a Guwahati-based lawyer. That, Borthakur said, was easier said than done.

“Right or wrong, you have granted citizenship to people who came till 1971 to via that amendment,” he said. “To invoke their citizenship now is no mean task, you have to send individual notices to lakhs of people and give them a chance to put their case forward.”

A petition challenging the constitutionality of the Assam Accord is currently pending in the Supreme Court. Borthakur said even if the court struck down the Accord, it was likely to provide some sort of amnesty to the people who had been granted citizenship under it.

Citizenship by birth

While many hardline Assamese nationalist organisations argue in favour of a 1948 cut-off mirroring the rest of the country, a closer scrutiny of the fine-print of India’s citizenship laws may convince them otherwise. As lawyer Mustafa Khaddam Hussain pointed out: “A pan-India law would mean that everyone born in India till 1987 would be an Indian citizen.”

This is because India’s citizenship law grants direct citizenship to people born in the country between January 26, 1950 and July 1, 1987, except in the case of Assam where people born in the state between 1971 and 2004 have to establish their “linkage” with a pre-1971 ancestor on either their mother or father’s side. The NRC was updated following the same principle.

“One must remember,” Hussain said, “that for the purpose of the NRC in Assam, only citizenship by descent was considered. Other modes such as citizenship by birth and registration were not allowed.”

That, Hussain said, would not be the case in the rest of India.

Borthakur agreed, saying that a pan-India cut off could actually be counter-productive from the Assamese nationalist point of view.

Legal provision

The All Assam Students’ Union, one of the signatories of the Assam Accord, however, seemed to have no objections to the Centre’s plans to initiate a fresh process in the entire country including in Assam. “There is already a legal provision for an all-India NRC,” said Samujjal Bhattacharya, adviser to the outfit. “For Assam, though, it must be based on Assam Accord and done under the Supreme Court’s supervision.”

The legal provision Bhattacharya refers to flows from the Citizenship Registration of Citizens and Issue of National Identity Cards) Rules of 2003. But yet again, the NRC envisaged by these rules stand at odds with how the process played out in Assam.

For instance, the 2003 rules define National Register of Indian Citizens as a “register containing details of Indian Citizens living in India and outside India”. To create that database, the rules say that the Central government would “cause to carry throughout the country a house-to-house enumeration for collection of specified particulars relating to each family and individual, residing in a local area including the Citizenship status”.

Special rules for Assam

In 2009, an Assam-specific amendment to these rules, however, replaced the “house-to-house enumeration” with “invitation and receipt of applications from all citizens”.

Effectively, it put the burden of proof of citizenship on the residents of Assam whereas in the rest of the country the rules require the authorities to do their own verification first before demanding proof of the “doubtful” resident.

In line with these rules, the Centre put out a notification in August to prepare a National Population Register that was to serve as a base document for the NRC. Assam was exempted from the exercise as it was already in the middle of updating its NRC.

NRC for Muslims?

When the final Assam NRC came out on August 31, it impressed few in the Bharatiya Janata Party’s ecosystem. Complaints abounded about too many Hindus being left out. The state unit of the BJP went to the extent of rejecting it – Sarma repeated that sentiment on Wednesday. The new pan-India NRC would be rectifying the errors, he seemed to suggest.

This, in addition to the Shah’s promise to pass the Citizenship (Amendment) Bill that seeks to facilitate citizenship to undocumented non-Muslim migrants, before embarking on the NRC project. In other words, the new NRC as envisioned by Shah may just make undocumented migrants out of Muslims.

But Bengali Hindu groups in Assam are not convinced yet. “This [another NRC with a backdated cut-off] seems to be a ploy by the BJP to hold us hostage by making us foreigners first so that we are grateful to them for rescuing us through the Citizenship Bill,” said Kamal Choudhury of Assam Bengali Youth Students’ Federation.

But, Chaudhury asked, “What about the harassment of going through the process itself all over again?”

<https://scroll.in/article/944460/why-amit-shahs-promise-to-extend-a-pan-india-nrc-to-assam-will-not-be-easy>

Will Not Allow NRC In West Bengal: Mamata Banerjee

The Times of India, November 19, 2019

West Bengal Chief Minister Mamata Banerjee today challenged the Centre on the contentious NRC issue and iterated that she will never allow the exercise in the state.

Union Home Minister Amit Shah on Wednesday said a citizen's register on the lines of the NRC exercise in Assam will be implemented out across the country.

Stating that NRC in Assam was part of Assam Accord signed during the tenure of former prime minister Rajiv Gandhi, she said the exercise can never be implemented across the country.

"There are a few people who are trying to create disturbance in the state in the name of implementation of NRC. I want to make it very clear that I will never allow NRC in Bengal as long as I am power in the state," she said at a public meeting at Sagardighi in the border district of Murshidabad.

"No one can take away your (people) citizenship and turn you into a refugee. You are and will remain citizens of this country. There can be no division on the basis of religion," Ms Banerjee, who is also the TMC supremo, said.

Claiming that there is a "conspiracy" afoot to divide the state on religious lines, Ms Banerjee said if some one thinks that it will be easy to divide Bengal on communal lines then the person is "living in a fool's paradise".

Bengal shares a long and porous border with Bangladesh and has about 30 per cent Muslim population.

"A total 19 lakh people have been left out of the Assam NRC list. Those omitted include Hindus, Bengalis, Muslims, Gorkhas and Buddhists. They have been sent to detention centers. In Bengal we (TMC) will never allow any detention center," she said.

Ms Banerjee, who is a strident critic of the BJP, said that the BJP should answer why 14 lakh Hindus and Bengalis were omitted from the final NRC list in Assam before it talks about implementing the citizens' register in West Bengal.

Stating that there are some people who want to create fissures between people in the Darjeeling Hills, between Rajbanshis and Kamtapuris in north Bengal, between Sikhs, Muslims, Hindus and Bengalis who have lived here for generations, she said those involved in such conspiracies will not be successful.

"If you have one citizenship document that's enough. Even if you don't need rations that are provided (at a subsidised rate) by the government, ensure that you have digital ration cards.

Don't be misguided by people who want to divide communities, pit one against another," she told the gathering.

The proposed implementation of the National Register of Citizens in Bengal has created panic claiming 11 lives in the state following the omission of about 19.6 lakh names from the final NRC list in Assam.

Referring to the killing of five labourers from Bengal at Kulgam in Kashmir in October, Banerjee criticised the Centre for failing to protect non-Kashmiris in the valley. "You will find people from other states working in Bengal but you will never see that they have been beaten up or attacked. Then why are only Bengalis being attacked in Kashmir? We condemn it," she said.

Ms Banerjee said the West Bengal government has provided compensation and other relief to the family members of the five killed in Kashmir, besides making special arrangements to bring back hundreds of Bengali labourers from there. "We have also provided compensation to the the labourers who have been brought back," she said. Ms Banerjee met the family members of all the five migrant labourers who were killed by terrorists at Kulgam in Kashmir. Incidentally all of them hailed from Sagardighi area of Murshidabad district.

After Assam, Haryana Chief Minister Manohar Lal Khattar on Sunday announced that the National Register of Citizens will be implemented in the state. "We will implement NRC in Haryana," Khattar told reporters in Panchkula after meeting Justice H S Bhalla (retd) and former Navy chief Admiral Sunil Lanba at their residences here. Khattar met them under his party's "Maha Sampark Abhiyan" ahead of state polls in October. He had previously too supported NRC implementation across the country.

Interacting with reporters after meeting Justice Bhalla, a retired high court judge, Khattar said, "I met them under Maha Sampark Abhiyan where we meet prominent citizens."

"When we meet, the talk revolves around how to take country forward and other such issues," he said. He said Justice Bhalla has taken up many assignments after his retirement. "He is also working on NRC and will visit Assam soon. I said that we will implement NRC in Haryana and have sought Bhalla ji's support and suggestion," he said. On August 31, the final NRC in Assam was released, leaving out 19 lakh people. The process of NRC update was started in Assam following a Supreme Court order in 2013 and since then, the apex court has closely monitored the entire process. However, several political parties, including the BJP in the northeastern state, have voiced their dissatisfaction with the final document. On Sunday, Khattar also said the Haryana government will look into the feasibility of setting up a Law Commission. "He (Justice Bhalla) suggested that a Law Commission should be set up in Haryana. The government will look into the feasibility of setting up of this commission," Khattar said.

<https://timesofindia.indiatimes.com/india/will-not-allow-nrc-in-bengal-there-will-be-no-division-on-the-basis-of-religion-mamata-banerjee/articleshow/72142017.cms>

Islamic Clerics to Educate UP Muslims on 22 Documents in Preparation of Nation-wide NRC

News18, October 20, 2019

The 150-year-old Idara-e-Sharia at Firangi Mahali will now tell Muslims in Uttar Pradesh to keep 22 documents required for the National Register of Citizens (NRC).

The documents include certificates of inheritance, birth, education and bank, refugee registration, as well as family ledgers among other identity proofs.

Union Home Minister Amit Shah has already said that that NRC will be implemented in the entire country and Uttar Pradesh Chief Minister Yogi Adityanath has also indicated a phased rollout of NRC in the state.

"After the NRC programme in Assam, there is a definite fear among Muslims about its consequences if implemented in Uttar Pradesh," said Maulana Affan Atiq Firangi Maheli, General Secretary, Idara-e-Sharia.

"Muslims are usually careless about maintaining their documents and need to be pushed. Nobody had even imagined that they would, one day, have to prove their nationality. But we have to be prepared and keep the community prepared."

Printed handouts in Hindi and Urdu with details of the NRC history, the Indian Citizenship Act of 1955 and the performa will also be floated in social media for maximum coverage.

Mosques, madrasas and clerics will disseminate this information within the community.

The appeal from Maulana Abul Ifran Firangi Maheli will also request the poor and uninitiated in the Muslim community to keep the 22 documents ready but also make any changes required to be taken up in their voter cards and voter lists, Aadhar cards and other documents of identification.

"The exercise will also reduce burden of the government machinery when the listing is taken up. This will eliminate any last minute human errors that could put a citizen's nationality at stake," added Maulana Affan.

<https://www.news18.com/news/india/islamic-clerics-to-educate-up-muslims-on-22-documents-in-preparation-of-nation-wide-nrc-2352529.html>

How BJP lit the CAB fire that threatens to burn itself in Assam

The Federal, December 13, 2019

By Samir K Purkayastha

As expected, the Citizenship Amendment Bill (CAB) fire is burning Assam and Tripura while other north-eastern states are searing from its heat.

The controversial bill is another glaring example of the Narendra Modi-led BJP government's lack of understanding of the heterogeneity of India. The fiasco also manifested how the BJP and its government are getting entangled in its own false narrative.

No one community or creed can claim absolute dominance over any part of this multi-ethnic, multi-religious country, whose demography as well as boundary is a construct of several historical events.

So, any attempt to address the identity concern of any one section of the people without addressing the contesting claim of another, is bound to have serious repercussions.

The current CAB trouble has its root in the National Register of Citizens (NRC), undertaken on the premise that the north-eastern states are deluged with an influx of illegal Bangladeshi Muslim migrants.

History ignored

This hypothesis ignored some important historical facts. Firstly, the administrative reforms of 1874, transferred to Assam, Bengali dominated districts of Goalpara (erstwhile Goalpara is now divided into Kokrajhar, Bongaigaon, Dhubri, and Goalpara districts), Cachar and Sylhet (Karimganj district and other areas of present day Barak Valley of Assam form the undivided Sylhet of then).

Secondly, the British policy of 1891 encouraged peasants from East Bengal, who were mostly Bengali Muslims, to settle in west Assam to cultivate wastelands to grow more food. These developments naturally led to the swelling of Bengali population in Assam. Descendants of these migrants certainly cannot be termed as “ghuspetia (intruders)” as Home Minister Amit Shah may like to describe them as he conjures up astonishing figures of illegal migrants in Assam and elsewhere in India.

In BJP's discriminatory narrative, almost all Bengali-speaking Muslims in Assam are illegal migrants from Bangladesh. The claim of the party that a “Bangladeshi migrant”, Badruddin Ajmal (of the AIUDF) will become the chief minister of Assam if “illegal migrants” were not rooted out, is based on this biased narrative. The Ajmals have been living in Assam for generations, and can trace their origin to pre-partition Sylhet district.

Assam also had to bear the brunt of partition by sheltering a large number of Hindu Bengali refugees. But those people certainly cannot be described as illegal migrants.

It will, however, be wrong to claim that there is no illegal migrant from Bangladesh in the Northeast, particularly Assam. Taking advantage of the cultural and linguistic affinities across the border and a corrupt bureaucracy and political system, some people do cross over to India illegally from Bangladesh and then disappear into the burgeoning population.

But, to claim on the basis of such cross border movement that the migrants would outnumber the indigenous population is again a travesty of facts. If anything, most of the recent Bengali migrants in Assam came from erstwhile East Bengal and are not an influx from Bangladesh which was born in 1971.

Assam by Census

Comparative decadal population growth of Assam since 1911 till 2011 shows that the state's population growth rate started slowing down after 1971. In fact, the last three consecutive census reports from 1991 to 2011 shows that the population growth rate in Assam is less than the national average.

Now, let's examine the Census figures of Muslims in Assam. The state had 24.68 per cent Muslim population in 1951. In 1961, it increased to 25.33 per cent, a meagre rise of 0.65 per cent. In 1971, it dipped to 24.56 per cent, a drop of 0.77 per cent. Due to the anti-foreigner agitation, there was no census in Assam in 1981.

In 1991, after two decades, the population of the community increased by 3.87 per cent. During 1991-2001 period, Muslim population in Assam registered a growth of 2.49 per cent and in 2001- 11 decade, the size of the community grew by 3.3 per cent. These figures do not indicate any abnormal growth to suggest any large scale migration as claimed by the BJP.

Even the NRC exercise, carried out in Assam under the strict supervision of the Supreme Court, which went to the extent of scrapping the citizenship of people over clerical error or absence of legacy document of parents long dead, could not bring out several million illegal migrants, particularly from the Muslim community.

Key to Bengal

Having failed to establish its false narrative, the BJP quickly abandoned the Assam's NRC project and instead decided to enlarge the ambit of its "Muslim-migrant" detection scanner for the whole country. But the problem to this project was the politically influential Matua community of West Bengal, consisting almost exclusively of Namashudra Dalit immigrants from erstwhile East Pakistan and modern-day Bangladesh.

This community is in majority in at least 77 of the state's 294 assembly constituencies. Its support played a decisive role in the saffron party's spectacular growth in Lok Sabha elections in Bengal, winning 18 out of the state's 42 Lok Sabha seats. This support base of the BJP started eroding after the NRC final draft in Assam excluded many Hindus.

To win Bengal in 2021, the BJP needs to woo this community and hence it fast-tracked the CAB, which promises to give citizenship to Hindu, Sikh, Jain, Buddhist, Parsi or Christian minorities of Afghanistan, Bangladesh and Pakistan, who fled to India to evade religious persecution in their country.

Here, the BJP government miscalculated the popular resentment against any such move in Northeast, which perceived it as a threat to its identity. Maybe, the BJP's indifference was influenced by the popular mandate it got in the 2019 general elections despite promising to introduce the CAB.

Quick fixes don't heal

To quell the anger, it resorted to some quick-fix gimmicks like excluding the Sixth Schedule areas and the state's under Inner-Line-Permit (ILP) regime from the purview of the new law. It has also extended the ILP to Manipur and Dimpaur district in Nagaland, the only district in the state where the ILP was not applicable earlier.

Interestingly, during the course of debates in Parliament or outside it, the BJP did not clarify as to how these areas, which already enjoy some special protection in matters of land rights, job reservation, etc. would additionally benefit from this exclusion. The Congress MP from Assam Gaurav Gogoi rightly asked in Lok Sabha, "What more are you giving them?"

Moreover, extending ILP to Manipur could also lead to protest from the Kuki community of the state, who in the past had objected to the move.

For the injury caused to Assam, the Centre's latest balm is the assurance to implement clause six of the Assam Accord. It is a classic case of cherry-picking. Ironically, it is the same Assam Accord, which has been undermined by the BJP government while pushing for the CAB. Now, it is banking on this 1985 accord to bail it out from the tight spot it has landed into.

"Clause six will take care of all your concerns. I would like to urge the Clause Six Committee; please send the report as soon as possible," Shah said in Rajya Sabha on Wednesday (December 11).

The clause six of the historic accord promises: "Constitutional, legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people."

The problem in implementing the clause is the definition of Assamese in a heterogeneous setting. A 12-member committee was earlier constituted headed by justice (ret'd) Biplab Kumar Sarma to recommend how to provide the constitutional safeguards.

Some suggested that land in Assam should be reserved for indigenous people, that only local people should be allowed to buy and sell land in Assam, that outsiders should be barred from contesting elections.

But it's not yet clear what is the basis of defining outsiders and who the indigenous are in the state, which is historically a melting pot of migrants.

<https://thefederal.com/the-eighth-column/how-bjp-lit-the-cab-fire-that-threatens-to-burn-itself-in-assam/>

SECTION FOUR

NRC: REACTIONS

This section contains articles focussed on how the NRC exercise in Assam has been viewed outside India, both in the neighbourhood and elsewhere in the world. Some articles compare the NRC with anti-migrant politics of US President Donald Trump and Myanmar's pushout of the Muslim Rohingyas. Some see it as the "beginning of the end of secular India." But readers are warned that Pakistan's president Imran Khan, while attacking the NRC, has wrongly claimed the victims were wholly Muslims – as mentioned in the Introduction, more than half of them are Bengali Hindus and the more than 100,000 Nepali-speaking Gorkhas are mostly Hindus as well.

India election 2019: Echoes of Trump in Modi's border politics

BBC, May 21, 2019

By Courtney Subramanian

The outcome of India's general election may help determine a central question at the heart of the contest - what does it mean to be Indian? Prime Minister Modi and his BJP party, like US President Donald Trump, have focused on borders to shape a particular vision of India's future.

Shanti Chandri has lived in the small, impoverished village of Dimilapar, outside Assam's capital city of Guwahati, for half a century.

The diminutive 79-year-old says she fears her 50 years as a resident will be erased after the state publishes its updated National Registry of Citizens (NRC), a census created in 1951 to determine who was born in India and who might be a migrant from the neighbouring, Muslim-majority East Pakistan, now known as Bangladesh.

The census, conducted only in the north-eastern state of Assam, counts citizens who can prove they were residents of India before 24 March, 1971, a day before Bangladesh declared its independence from Pakistan.

Families are required to provide documentation to show their lineage, and those who cannot prove their citizenship are deemed illegal. But the process has been fraught, with some families unable to produce documents due to poor record-keeping, illiteracy or because they lack the money to file a legal claim.

Shanti and her son Vinay, Hindus from the Bengali-speaking minority, were among those left off the NRC draft issued last year. Why Shanti's elder son, Paritush, was included on the list is unclear.

Vinay, a 30-year-old day labourer, was overwhelmed by the 50,000 rupees (\$715; £560) needed to fight his case in court. He was among many in the village who feared being placed in detention centres where hundreds of residents suspected of living in Assam illegally have been held.

NRC officials have also begun holding "foreigner tribunals" to hear contested cases - much like the immigration court hearings under President Donald Trump at the US-Mexico border - while the draft list is being finalised to meet a 31 July deadline mandated by the Supreme Court.

In total some four million people who thought they were Indian were excluded from the draft list. Half of these people have filed claims to be included in the final census.

Vinay could not handle the stress of the uncertainty, Shanti says, and took his own life in May 2018. As she mourns her son, Shanti now worries about her own status if she is left off the finalised list.

"Where shall I go and why should I flee?" she says. "It would be better that I too should die. Nobody is helping us. We are poor and weak people. The government should help us."

The citizenship question

Mr Modi's Hindu nationalist Bharatiya Janata Party (BJP) has long railed against illegal immigration in India but has made the NRC a priority in recent years.

Local officials say the list has nothing to do with religion, but activists see it as targeting the state's Bengali community, a large portion of whom are Muslims. Their fears are set against rhetoric from a Hindu nationalist government whose leader has not hidden his preference for Hindu migrants over Muslim ones.

However significant numbers of Bengali-speaking Hindus have also been left off the citizenship list, underscoring the communal and ethnic tensions in the state. For local Assamese, the NRC is about deporting all illegal immigrants - not just one religious minority - in an effort to preserve their culture.

The question of identity is one echoed 13,000km (8,000 miles) away in the US, where a similar resurgence of nationalism has emerged under Mr Trump, the Republican president whose inflammatory rhetoric has stoked anti-immigration fears along the US-Mexico border and divided Americans on national identity.

"While Trump is building his physical wall, Modi is creating a figurative one through policies like the NRC," says Milan Vaishnav, director of the South Asia programme at the Carnegie Endowment for International Peace.

Though Mr Modi came to power two years before Mr Trump, the resurgence of his party's unbridled religious nationalism has come to define this year's election, and the struggle for India's identity as a pluralistic democracy.

'Infiltrators at the border'

BJP politicians have pointed to the NRC to amplify the threat of Muslim "infiltrators", while showing that they are curbing the tide of undocumented immigrants at India's borders.

The party has suggested that such citizens registers could be drawn up across the country.

"These infiltrators are eating away at our country like termites," BJP President Amit Shah said during rallies on 11 April in West Bengal. "The NRC is our means of removing them."

Mr Shah's anti-immigration rhetoric is similar to that of Mr Trump, who has been accused of fear-mongering, describing migrants from Central America as killers and criminals who threaten US security.

The US president has made a crackdown on America's 11 million undocumented immigrants a rallying cry in his 2020 re-election campaign. He continues to push hardline immigration policy, toughening requirements for asylum seekers and, more recently, proposing a reduction to America's family-based admissions system.

But while Mr Trump has indicated his plans to return undocumented immigrants to their countries, the future of people seen as illegal foreigners in India is less clear.

Once the final list is published, residents whose appeals have been denied will be stripped of their citizenship, forcing their deportation or leaving them stateless.

Vijay Kumar Gupta, a senior BJP leader in Assam, told the BBC the process was about separating migrants who fled religious persecution from those who sought economic relief, "damaging Assamese heritage".

He suggested the government would evict those deemed illegal foreigners, but Bangladesh has rejected claims that any of its citizens reside in Assam illegally, calling the NRC a "local internal matter".

Threatened by diversity

Michael Kugelman, deputy director of the Asia Program at the Wilson Center, points out Mr Modi's emphasis on nationalism in this election fits with the broader global trend of rightwing populist leaders using polarising rhetoric across Asia, Europe, the US and South America.

While nationalism is not a new sentiment in India, he notes, what's happening under Mr Modi has striking similarities to the political landscape in Mr Trump's America.

Mr Kugelman says the parallels extend to the cult personalities of the two men, both considered "straight shooters" who push conservative politics, have deep business interests and are perceived as hostile toward their country's media - while also embracing social media.

"There has always been these tensions festering underneath this veneer of India as a secular, pluralistic state, between those that think it's true and should continue to be a secular state, and those that think India is above all a Hindu state, and that identity should be promoted as much as possible," Mr Kugelman says.

Those in the latter camp have been emboldened under Mr Modi's leadership, he adds, much like the growing tenor of anti-immigrant sentiment under Mr Trump in the last two years.

Both leaders have used national identity as a crude political tactic on the campaign trail, catering to a constituency feeling threatened by diversity and minority interests.

Are Muslims being targeted?

Assam's Muslim population, about one in three residents, fear the NRC is being used as a device to deport them from India.

"The BJP is trying to divide society, and if they continue to do it, it will destroy the Indian identity," says Azizur Rahman, president of All Assam's Minority Student Union, a group advocating on behalf of those left off the NRC. "If they win, the next five years will be very tough for Muslims, and will be for decades to come."

During the drafting process, residents have been able to challenge the citizenship of names included on the NRC, and some critics say those complaints have largely been directed at Muslims.

"What was a process to segregate foreigners has so clearly become an anti-Muslim exercise," says Aman Wadud, a human rights lawyer based in Assam.

Mr Gupta of the BJP strongly denied the NRC was being used as a means to target Muslims, saying that Mr Modi's government worked on behalf of all Indians.

Ahmed Hussain, a science teacher at a government school in the village of Adabari, fears his family is among those ensnared in citizenship complications because of his name.

"These types of problems against Muslims increased in Assam after the BJP formed the government in 2016."

The 55-year-old teacher comes from a family that has lived for nine generations in the Assamese district of Dhubri, which sits next to the border with Bangladesh, nestled between pond-soaked fields, lush with water hyacinth, and the Brahmaputra river with its countless channels.

Ahmed claims his father was involved in preparing the original NRC while serving in the Dhubri District Commissioner office in 1951, yet his family's Indian roots have been thrown into doubt over a complaint against his 18-year-old niece Nazia's inclusion on the list.

The science student has just completed her studies in Guwahati, some 260km (160 miles) away from her hometown, with plans to become a medical doctor. But instead of studying, Nazia spends her time fighting the case against her, which implicates her entire family.

"I'm afraid for my future, my ability to find a job if I'm not declared an Indian citizen," she says. "If I apply for a government job, will they target me for my Muslim identity? Why only us?"

Among those lodging complaints against citizens are members of the All Assam Students Union (AASU), which has been a driving force behind the completion of the NRC and the anti-immigration movement since its inception.

AASU general secretary Lurinjoyti Gogoi acknowledges his members are filing complaints against citizens they believe come from "suspected areas", but blames NRC officials for any errors on the list.

"We want a foreigner-free NRC list. This is a one-time exercise," he declares, adding that if some Indian citizens are forced to endure legal difficulties, it is in the interest of the Assamese people.

The battle for India's soul

Last year the BJP government introduced the Citizenship Amendment Bill (CAB), legislation aimed at granting citizenship to religious minorities fleeing persecution from neighbouring Pakistan, Afghanistan and Bangladesh. It pointedly excluded Muslims, who the BJP contends do not count as a minority group.

The fact that the central government was keen to welcome Hindus, Christians, Sikhs, Buddhists, Jains and Parsis with no ties to the country while Assam's Muslims continued to fight for their right to stay in India angered many in the state and sparked violent protests.

Opponents of the legislation argued it violated India's constitution by establishing religion as a requirement for citizenship.

The BJP eventually soft-pedalled on the legislation, but if the party returns to power it may renew its efforts to push the legislation through India's parliament.

Whatever happens, Mr Kugelman says the damage is done, deepening divisions about national identity.

"Given the toxicity in politics and the nasty things that have been said and done, the discriminatory rhetoric and policies that we've had for the last two years in India and the United States, it's going to take a long time for both of these countries to recover."

While millions in Assam await the finalised NRC in July, which will determine whether they are accepted as Indian, the rest of the country will decide on 23 May if they agree with the BJP's conception of what that means.

Speaking at a rally in Mumbai in April, Mr Modi told the crowd: "This election is not just for choosing a government, it is an election to decide the direction of India."

<https://www.bbc.com/news/world-asia-india-48334689>

Foreigners' Tribunals creating 'havoc' in India's Assam: Amnesty *Al Jazeera, November 27, 2019*

Amnesty has accused Indian authorities and courts of lack of oversight on the functioning of Foreigners Tribunals' courts that have been accused of creating "havoc" in the northeastern state of Assam, where nearly two million people were excluded from a citizenship list in August.

"For the last 15 years, Foreigners' Tribunals have wreaked havoc in Assam by arbitrarily denying people their citizenship. They have not been held accountable by the courts, the Government of India and the Government of Assam," Amnesty International India said on Wednesday in a report titled *Designed to Exclude*.

The report alleges that the Foreigners' Tribunals, quasi-judicial courts that decide the citizenship of people, are "riddled with bias" and work in "arbitrary ways".

"Holding governments accountable for the human rights abuses they commit has always been difficult. However, in this case, it is the judiciary that has aided the government institutions and Foreigners' Tribunals in committing abuses with impunity," said Aakar Patel, Head of Amnesty International India, in a statement.

On August 31, the National Register of Citizens (NRC) - a Supreme Court-monitored bureaucratic citizenship exercise - excluded 1.9 million people from its final citizenship list in Assam.

Activists have criticised the NRC for anomalies and procedural flaws, with many cases where genuine Indian citizens, including former government officials, were excluded.

Those excluded from the NRC list have been given 120 days to appeal in the Foreigners' Tribunals. They can file cases in the High Court and the Supreme Court for redress.

'Riddled with bias'

An analysis of the affidavit filed by the Government of Assam in the Gauhati High Court, according to Amnesty International India, shows that on an average, a Foreigners' Tribunals member who declared people were foreigners in fewer than 10 percent of their disposed cases, stood the risk of being axed.

"The tribunals are riddled with bias and they have declared Indian citizens to be foreigners for minor spelling mistakes in their names, their inability to provide detailed documents or recall minute ancestral details dating back 50 years or more," the report said.

The report alleges that one Samina Bibi was declared a foreigner by the Foreigners' Tribunal and one of the reasons given by the tribunal was that she could not remember the constituency where her grandfather cast his vote in 1966.

Abu Bakkar Siddiqui was declared a foreigner because his grandfather's name was spelt Aper Ali in one document and Afer Ali in another, the report said.

"People appearing before the Foreigners' Tribunals are not afforded the fair trial protections and human rights guarantees that flow from Article 21 of the Indian Constitution, applicable to both citizens and foreigners," the report said.

Moreover, the eligibility criteria for tribunal members has been gradually lowered over the years and the members do not have fixed tenures and are recruited on a contractual basis.

The report said that the courts were "complicit" in "peddling a narrative" not based on facts.

"By labelling migration as a security threat and continuing to do so, the courts have created a system which is designed to exclude and wreck the lives of many in Assam," said Amnesty's Patel.

'Vested groups'

Amnesty has urged India to establish an appellate body in processes used to deprive people of their citizenship and ensure that a person is not deprived of their citizenship due to a lack of documentation.

The ruling Bharatiya Janata Party (BJP) spokesperson, Nalin Kohli, declined to comment, saying, "I don't have any knowledge of the report."

GVL Narasimha Rao, another BJP spokesperson, defended the fairness of India's courts.

"India's Supreme Court and High Courts enjoy [a] spotless image for their integrity, image and fairness," he told Al Jazeera.

"Some vested groups which are seen as foreign agents are driven by dubious agenda. We don't think it is worth our while to comment on their reports."

Last week, the Hindu nationalist government led by the BJP said it would implement NRC nationally to identify undocumented immigrants.

Assam will have to through the process again, raising questions over the fate of NRC list that was prepared after a decades-long bureaucratic exercise.

The United States Commission on International Religious Freedom, or USCIRF, has described NRC in Assam as a "tool to target religious minorities, and, in particular, render Indian Muslims stateless".

In July this year, the BJP government asked all states and union territories to set up at least one detention centre for undocumented immigrants.

"If the Foreigners' Tribunals replicate their functioning across the country, then we will probably witness one of the largest processes of arbitrarily deprivation of nationality in the world," said Patel.

Bilal Kuchay contributed to this report from New Delhi

<https://www.aljazeera.com/news/2019/11/foreigners-tribunals-creating-havoc-india-assam-amnesty-191127112920399.html>

USCIRF expresses concern over potential abuse of NRC in Assam *Business Standard, August 27, 2019*

Expressing concern over the potential abuse of the National Register of Citizens (NRC) in Assam, a US bipartisan body said on Tuesday that the verification process must not become a means to target the members of the Muslim community in northeastern India.

The US Commission on International Religious Freedom (USCIRF) is an independent, bipartisan US federal government commission created in 1998, that reviews religious freedom violations abroad and makes policy recommendations to the President, the Secretary of State, and Congress.

India has previously rejected USCIRF report while maintaining that its Constitution guarantees fundamental rights to all its citizens including the right to freedom of religion. India says the USCIRF has no locus standi to pass its comment on Indian citizens' constitutionally protected rights.

The comments were made in a statement issued by USCIRF Chair Tony Perkins and Commissioner Anurima Bhargava.

"We remain concerned with the potential abuse of the NRC in Assam and the resulting introduction of a religious requirement for citizenship, which are contrary to the ideals of religious freedom in India," said Perkins.

Bhargava said that the USCIRF remains "troubled by any government policies or actions that have the effect, whether intentional or not, of undermining religious freedom for vulnerable religious minorities".

"The National Register of Citizens verification process must not become a means to target and render stateless the Muslim community in northeastern India," she said.

External Affairs Minister S Jaishankar last week said the process of documenting and identifying illegal immigrants in Assam is India's "internal matter".

The NRC process is aimed at identifying illegal immigrants in Assam that borders Bangladesh. Assam, which had faced influx of people from Bangladesh since the early 20th century, is the only state having an NRC which was first prepared in 1951.

https://www.business-standard.com/article/pti-stories/uscirf-expresses-concern-over-potential-abuse-of-nrc-in-assam-119082701311_1.html

NRC is a tool to ‘render Indian Muslims stateless’, says US federal panel on religious freedom

Scroll.in, November 16, 2019

The United States Commission on International Religious Freedom, or USCIRF, has described the National Register of Citizens exercise in Assam as a “tool to target religious minorities, and, in particular, render Indian Muslims stateless”.

The commission on Friday said the NRC was one more example of the “downward trend in religious freedom conditions within India”. The remarks came a day after it appeared before the US Congress and criticised the Indian government’s actions in Jammu and Kashmir.

The panel, which is an independent, bipartisan entity of the US federal government, observed that the final NRC list released on August 31 excluded 19 lakh people, or around 6% of Assam’s population.

The commission pointed out the concern of many domestic and international organisations that the NRC is a “targeted mechanism to disenfranchise Assam’s Bengali Muslim community”, as well as establish “a religious requirement for citizenship”.

The USCIRF said the ruling Bharatiya Janata Party government had pushed for the implementation of the citizens’ database in other states, notably Maharashtra, Uttar Pradesh and West Bengal. It pointed out that Union Home Minister Amit Shah’s remarks about implementing a nationwide register of citizens. The commission alleged that “following the August 2019 release of the NRC, the BJP government has taken steps that reflect an anti-Muslim bias”.

The commission said that for many “impoverished families” presenting the required documents was a challenge because of inadequate family record-keeping, illiteracy, or lack of money to travel to government offices and file legal claims. “People were also kept off the list because of minor inconsistencies in paperwork, such as differences in the spelling of a name,” it added.

Monitored by Supreme Court

In a statement in September, the Ministry of External Affairs had said that the Supreme Court had mandated and monitored the NRC process. “The process is being monitored by the Supreme Court directly and the government is acting in accordance with the directives issued by the court,” the ministry said, according to PTI. “The apex court of the land has itself set the deadlines for all steps that have been taken so far.”

The ministry said the NRC was a process that “leaves no room for bias and injustice”. It pointed out that the NRC form did not ask for an individual’s religion. People excluded from the NRC have 120 days from the date of the list’s publication to appeal in the Foreigners

Tribunal. If they are not satisfied with the verdict, they have the option of moving the High Court and the Supreme Court.

<https://scroll.in/latest/943924/nrc-is-a-tool-to-render-indian-muslims-stateless-says-us-federal-panel-on-religious-freedom>

No NRC talks held with Bangladesh so far, says India's foreign ministry in RTI response

Scroll.in, October 2, 2019

By Arunabh Saikia

The Indian government has admitted that it has never discussed with Bangladesh the question of deportation of those declared foreigners by tribunals after being left out of Assam's National Register of Citizens. "Government of India has not held any meeting/discussion with Government of Bangladesh in this regard," the Ministry of External Affairs said in response to a Right to Information query filed by *Scroll.in*. The response was dated September 9.

So far, the government had been opaque about its efforts to deport undocumented migrants from Bangladesh. In political rallies, Home Minister Amit Shah has threatened to implement the NRC across the country and deport "infiltrators".

But on an official visit to Bangladesh in August, Foreign Minister S Jaishankar said NRC was India's "internal matter".

Last week, on the sidelines of the United Nations General Assembly in New York, reports in the Bangladeshi media claimed that Prime Minister Narendra Modi tried to assure his Bangladeshi counterpart, Sheikh Hasina, that the NRC would not affect Bangladesh. The external affairs ministry's statement on the meeting, however, made no mention of NRC.

Hasina is scheduled to arrive in India on Thursday to attend the India Economic Forum. A bilateral meeting with Modi is slated for Saturday.

Less than a week after Modi's supposed assurance to Hasina, Shah issued a fresh veiled threat on October 1 to deport Muslim migrants. The NRC, he said, would be replicated across the country, but non-Muslim migrants would be provided sanctuary irrespective of their legal status.

The final NRC list in Assam was published on August 31. The list excluded 19 lakh people, who will now face Assam's quasi-judicial foreigners' tribunals. In the absence of deportation, people declared foreigners by these tribunals would be incarcerated in detention centres.

<https://scroll.in/latest/939212/no-nrc-talks-held-with-bangladesh-so-far-says-indias-foreign-ministry-in-rti-response>

NRC Assam: UN refugee chief urges India to ensure no one left stateless
The Hindu, September 1, 2019

The top U.N. refugee official has urged India to ensure that no one is left stateless by the exclusion of over 19 lakh people from a citizenship list in Assam.

Filippo Grandi, the U.N. High Commissioner for Refugees, voiced his concern in a statement issued on Sunday in Geneva. He said that “any process that could leave large numbers of people without a nationality would be an enormous blow to global efforts to eradicate statelessness.”

About 31.1 million people were included on the list, according to a statement on Saturday from Assam’s government, leaving out 1.9 million.

<https://www.thehindu.com/news/national/un-refugee-chief-urges-india-to-ensure-no-one-left-stateless/article29314666.ece>

Disappointed over NRC being wrongly linked with issue of minority rights: India at UN

The Economic Times, October 24, 2019

India has voiced disappointment that the NRC in Assam is being "wrongly linked" with the minority rights issue and asserted that one should not jump to conclusions based on "incomplete understanding" after a UN expert raised alarm over a potential "humanitarian crisis" due to the exercise.

First Secretary in India's Permanent Mission to the UN Paulomi Tripathi said updating the National Registrar of Citizens (NRC) is a statutory, transparent and legal process mandated and monitored by the Supreme Court of India.

"The issue of National Registrar of Citizens in the state of Assam in India is not an issue of rights of minorities. We are disappointed that this issue (is) being wrongly linked with the issue of minority rights. Minorities in India enjoy Constitutional safeguards, which are part of our fundamental rights and which are justiceable," Tripathi said on Tuesday at a session of the UN General Assembly's Third Committee (Social, Humanitarian and Cultural).

Tripathi took the floor to respond to remarks made by UN Special Rapporteur on Minority Issues Fernand de Varennes, who spoke about the NRC exercise being undertaken in Assam to document and identify illegal immigrants in the state.

"...I am saddened to raise the alarm that statelessness may in fact be increasing significantly in the coming years and even months," de Varennes said in his remarks to the General Assembly committee.

It may contribute to "potential humanitarian crisis, destabilising situation because of the risk of hundreds of thousands and perhaps even millions of individuals who mainly belong to Bengali and Muslim minorities in India being deemed to be foreigners and potentially non-citizens in the state of Assam and who may therefore find themselves stateless," he said.

In her response, Tripathi said that "exclusion from NRC has not undermined the rights of any resident of Assam. Those who are not in the final list have not been detained. It does not make them an excluded or a stateless person or a foreigner."

She asserted that "judicial processes must be allowed to complete rather than jumping into wrong conclusions based on incomplete understanding."

"It is a non-discriminatory process, as can be seen from the application form for data entry," she said emphasizing that there is no column seeking religious affiliation of the applicant.

She said more than 31 million people have been listed in the NRC and a “meticulous verification process” has brought down the numbers who are not featuring in the NRC from about four million to 1.9 million.

She told the Committee that anyone excluded from the list at this stage has the right to file an appeal to the designated tribunals and individuals still aggrieved by the decision of the tribunal have the right to approach the High Court and the Supreme Court.

Further, provisions of free legal assistance have been assured by the state to any person excluded from the list and who is unable to afford such legal assistance.

"India, as the world's largest democracy, has firmly enshrined equal rights for all and respect for the rule of law in its Constitution. An independent judiciary and fully autonomous state institutions working for defense of human rights are an integral part of our political fabric and our traditions," she said.

In his remarks, de Varennes also said that apparently more than three-quarters of the world's 10 million recognized stateless people are persons who belong to minorities.

"The overall number of stateless and the proportion of the world's stateless belonging to minorities that appear to be at the receiving end of potentially discriminatory policies, practices and legislation further marginalizing minorities already vulnerable to human rights violations, may therefore be increasing, rather than decreasing."

He called on the international community, UN Member States and international organizations to assist in the development of guidelines for equal nationality rights for minorities “so as not to sideline one of the main causes of statelessness globally, as a matter of urgency in a proactive and preemptive way before they escalate into large scale humanitarian crisis, as there is a danger of occurring in Assam.”

Responding to Tripathi's remarks that the issue of NRC does not involve minority rights, de Varennes said “minority rights are human rights” and added that “I think we have to be clear that the situation in Assam does involve human rights, the human rights of minorities in different areas.”

He thanked India for highlighting some of the measures that have been taken to try to ensure that the rights of those who are involved are better protected. de Varennes however added that it would be “much better” if a Special Rapporteur was able to actually assess the situation on the ground.

He expressed hope that India will consider the possibility of inviting him to examine the situation in Assam "in order to have a better understanding of this complex situation on the ground," a response to Tripathi's reply that one should not jump to conclusions based on "incomplete understanding".

Special Rapporteurs are part of what is known as the Special Procedures of the Human Rights Council.

<https://economictimes.indiatimes.com/news/politics-and-nation/disappointed-over-nrc-being-wrongly-linked-with-issue-of-minority-rights-india-at-un/articleshow/71736402.cms?from=mdr>

NRC worries UN experts

The Telegraph, July 5, 2019

UN experts on Wednesday expressed “grave concern” at the ongoing update of the National Register of Citizens in Assam with its potential to harm millions of people.

They also placed on record that the Indian government had not responded to any of three representations they had sent seeking clarifications on the NRC process over the past one year, the latest as recently as May-end.

Independent experts are part of the UN Human Rights Council’s independent fact-finding and monitoring mechanisms that address country-specific situations as well as thematic issues across the world.

In a statement from Geneva, the UN experts detailed the NRC process and said it “may exacerbate the xenophobic climate while fuelling religious intolerance and discrimination in the country”.

They asserted that in processes to determine people’s nationality, the burden of proof should lie with the state and not the individual.

“We are seriously concerned over the current implementation of the NRC update in Assam and its potentially far-reaching consequences for millions of people, in particular persons belonging to minorities who risk statelessness, deportation or prolonged detention,” the statement said.

The experts took note of the Indian government’s reported intention to replicate the NRC model elsewhere in the country and Mizoram’s adoption of a bill to create a separate register for residents and non-residents.

They urged India to ensure that the process does not result in “statelessness, discriminatory or arbitrary deprivation or denial of nationality, mass expulsion, and arbitrary detention”.

<https://www.telegraphindia.com/india/nrc-worries-un-experts/cid/1693835>

NRC plays out on global stage

The Telegraph, November 14, 2019

By Gaurav Das

Raina Bhattacharya, a Guwahati-based independent theatre artiste, activist and essayist, who recently took part in the World Forum for Democracy, spoke about prominent issues of Assam such as the National Register of Citizens (NRC) and floods.

The Forum, organised by the Council of Europe, a leading human rights organisation of European Union, was attended by youth leaders from all over the world. Its theme this year, Is Democracy in Danger in the Information Age, was dedicated to democracy and information. The event was held from November 4 to 8 at Palais de l'Europe, the Council of Europe's principal building at Strasbourg, France.

During the informal training session, held on November 4 and 5 for youth leaders and their trainers (on the Forum's proceedings) to get acquainted with one another, Bhattacharya spoke about the NRC and how 1.9 million people had been left out of the NRC.

Bhattacharya, who arrived here on Wednesday, told The Telegraph that during the session, which was attended by about 20 youth leaders, she outlined the effect of NRC on people and told them how once, while providing relief to flood victims, she found that people were more worried about saving their documents than their lives and property.

"The youth leaders were acquainted with NRC and showed a keen interest in the issue since I hail from the place where it was carried out. I suggested that they acquire an in-depth understanding of Assam and NRC and have a balanced view on the issue," she said.

"During the main formal session, held from November 6 to 8, I spoke about flood-related problems and freedom of expression in Assam and in the Northeast," she added.

The secretary-general of the Council of Europe, Marija Pejcinovic Buric, former Prime Minister of Italy Enrico Letta, Facebook's Southern Europe public policy manager Laura Bononcini, journalists and academics from Hong Kong and many others took part in the Forum.

<https://www.telegraphindia.com/states/north-east/nrc-plays-out-on-global-stage/cid/1719037>

No Land's Man: Assam's NRC Experiment Amid A Search for Solutions to Global Migrant Crisis

News18, September 4, 2019

By Pathikrit Sengupta

It's a baffling problem rooted in the precarious territory where humanitarian crisis borders with a country's sovereignty. Even as you read this, about two million residents of Assam would feel the ground beneath their feet shifting after being left out of the National Register of Citizens (NRC) released on August 31 in a far-reaching bid by authorities to check illegal immigration from neighbouring Muslim-majority Bangladesh.

Stories of distress and despair have emerged and more will continue to pile up as the ramifications of this momentous step unravel over the years, with a resolution unlikely in the near future. While the residents excluded have the right to appeal, the final list has pleased no one, with those — including members of the ruling Bharatiya Janata Party (BJP) — who pitched for the process, appearing disgruntled at the lower-than-expected number of “infiltrators” unearthed and that many of them are in fact Hindus.

With deportation to Bangladesh apparently not an option, the prospect of holding tens of thousands of people in detention centres for years after stripping them of citizenship conjures up images of a logistical nightmare that could trigger insomnia even in the ablest administrator. Let's also not forget that advocates of the NRC want it to be replicated across India, with suggestions pouring in on social media about which part of the country needs it the most. “Kashmir,” say some. “West Bengal,” a few chime in. “No, no. Kerala,” others proffer with glee.

The NRC conundrum has surfaced at a time when repercussions of a swirling immigration crisis are being felt across the globe. United States president Donald Trump's efforts to tackle the problem at the Mexican border are driving his critics up the wall even as horror stories keep coming out of the internment camps established to hold the trespassers.

The number of asylum seekers also shot up across Europe in recent years, with ripple effects being felt across the Mediterranean region. The European Union declared in March that the migration crisis, which peaked around 2015 — following the Arab Spring of 2011 and the fierce civil war in Syria that forced millions to flee their countries — was over, though structural problems persisted. However, it continues to be a hot electoral issue in the EU and, indeed, the world.

Backlashes to the influx of immigrants can be ugly, but they are also entirely natural, human responses to sudden cultural changes. As an article in *The American Prospect* points out, migration will remain central to the politics of Europe, raising fundamental questions about its societies, challenging the legitimacy of the system, and increasing the political strength of the far right.

It goes on to argue that in 2015, Europe's reckoning with the hopeful, the desperate, the "wretched of the earth" was a reckoning with itself, with the contradictions and unresolved questions of capitalism, belonging, and national identity. Many European countries had long been accustomed to their own particular forms of immigration and nationhood. In this context, the year 2015 marked the end of an epoch and the beginning of a new one.

And despite optimistic assertions by administrators, close to 900,000 asylum seekers in the EU are waiting to have their claims processed, according to a report in *The Guardian* citing figures from the European statistics office. Factors leading to the continuing backlog include new laws from right-leaning governments and an increase in the number of rejections, leading to lengthy appeals processes. The rejection rate for asylum requests in Europe has almost doubled in three years, from 37 per cent in 2016 to 64 per cent in 2019, says the report. In Italy, rejections were at 80 per cent at the start of 2019, up from 60 per cent the previous year as the populist government also removed key forms of protection.

Observers say the problem is one of distinguishing between economic migrants and political refugees — and that's a hot potato no one wants to handle.

Immigration in the US is embraced more fervently by the free market right than the trade union left, but few would disagree that it has brought real benefits. Immigrants contribute to innovation — witness the number of foreigners in Silicon Valley. And they take up jobs that native workers refuse, such as sustaining Californian agriculture. Yet, a Gallup poll result revealed in June that Americans' concern with immigration continues to be heightened, as 23 per cent named it the most important problem facing the country.

This is by one percentage point the highest Gallup has ever measured for the issue since it first began recording mentions of immigration in 1993. Asked their preferences for US immigration levels, 37 per cent of Americans said it should be kept at its present level, while more said it should be decreased (35 per cent) than increased (27 per cent).

The spotlight in India is right now firmly focused on Bangladeshi immigrants amid concerns about a burgeoning population and paucity of resources even as a financial crunch looms. But it's also true that this is a multidimensional subject with several factors to consider: for instance a lot of Indians who had settled abroad have started to return from countries like the US, Australia and the Gulf nations following an economic revolution over the last two decades. And the number of Bangladeshis in India is actually falling, according to the census, as a *Mint* report underscores.

That, however, is unlikely to cause political parties to pass on the opportunity to ratchet up the rhetoric and communalise this hot-button issue. Union home minister Amit Shah notably once dubbed such migrants as "termites", and detractors have also raised concerns on the BJP's plans to grant citizenship to Hindu immigrants excluded from the NRC list.

So what could be some long-term solutions? Well, legislators can start by enacting a national refugee law so that refugees are clearly defined and can be distinguished from illegal

immigrants, and forging a bilateral agreement between India and Bangladesh that provides for taking back nationals who stay illegally in the other country after due verification, an article by former Research and Analysis Wing (RAW) head Sanjeev Tripathi suggests.

There also needs to be a framework of incentives and disincentives, it goes on to say. The incentives could be in the form of granting refugee status and work permits, permission to stay and work during the verification period, and some monetary allowances. An added incentive could be giving priority in granting Indian citizenship or a work permit to those who declare themselves voluntarily.

Similarly, the article says, disincentives could be considered in the form of penal actions under the amended Foreigners Act for harbouring a foreign national, concealing the person's presence, facilitating illegal immigration, and the like. Further, illegal immigrants could be barred from getting work permits if they do not voluntarily register themselves. Barbed wire fencing at the border should be completed expeditiously. In addition, under the bilateral developmental assistance programme, India should offer to provide financial and technical assistance to Bangladesh to introduce and implement a unique identity card system for its nationals, similar to Aadhaar. The process should preferably start in the border areas. India may also consider introducing a system of keeping biometric records of Bangladeshi nationals while granting them visas to visit India, Tripathi recommends.

While these ideas could be extrapolated to immigration from additional sources, India and other countries may also look to Spain for inspiration. A study by the European Council on Foreign Relations argues that it is possible to identify four key strands in the European nation's aspirational approach to migration diplomacy.

Firstly, it involves informality and close cooperation. The high frequency of visits by Spanish officials to sub-Saharan African countries rests on an understanding of the importance of face-to-face contact. According to one government official, the Spanish approach aspires to put oneself in the other's shoes, the report states. Sitting down with partners to discuss initiatives, understanding each other's interests, and listening to the needs of partner states is central to the process. Secondly, Spain strives to avoid a mere 'colonial', formally transactional relationship. This implies going beyond thinking that EU-African relations should focus on border control to something much more multifaceted.

Thirdly, Spain is committed to developing a common professional security community with third countries. Within this community, joint police stations in Spain and Morocco would enable officers from each country to work side by side on a daily basis. Spain has also set up joint police posts in Senegal, Mauritania, and Niger. Fourthly, Spain proposes continuity in partnerships. While the European Commission and certain member states tend to pursue cooperation as part of crisis management, Spanish officials stress the need to maintain relations over time, says the report.

Human migration isn't always triggered by misery, but also by ambition. So, reducing immigration, and selecting immigrants more carefully, will enable a country to more quickly

and successfully absorb the people who come there, and to ensure equality of opportunity to both the newly arrived and the long-settled, states an article in The Atlantic. And, it argues, the question before nations is not: immigration, yes or no? In a mobile world, there will inevitably be quite a lot of movement of people. Immigration is not all or nothing. The questions to ask are: How much? What kind? Clearly the answer cannot be a list. Or a wall.

<https://www.news18.com/news/opinion/no-lands-man-assams-nrc-experiment-amid-a-search-for-solutions-to-global-migrant-crisis-2296135.html>

Assam's NRC has echoes of Europe's refugee crisis

Hindustan Times, August 6, 2018

By Gulshan Sachdeva

In a strange way, the debate on Assam's draft National Register of Citizens (NRC) is echoing some of the tensions recently witnessed in the context of the refugee crisis in Europe. Although the history and contexts are different, the politics and possible solutions surrounding the issue are not entirely dissimilar. In the midst of arguments concerning "illegal migrants" and "infiltration", Bengal chief minister Mamata Benerjee is emerging as a strong leader in India. This is similar to the way German chancellor Angela Merkel stood firmly in Europe. When many centralist leaders in Europe were not able to counter the onslaught of Right-wing parties, Merkel showed the courage to defend her open border migration policy. Banerjee has confronted the issue head on. Knowing Assam's history, the issue she knows is more of anti-outsiders (read mainly Bengalis) rather than a Hindu-Muslim issue. She has been accused of playing vote bank politics as if other parties are innocently concerned only about migration issues.

Despite having a number of agreements with third countries and committing huge resources, the European Union (EU) is not able to deport any significant number of migrants to other countries. The 2016 EU-Turkey migration agreement included Euro three billion in aid and easier visa restrictions to 75 million Turks. The results are very modest so far and chaotic migration towards Europe has not stopped. When India does not have even an agreement with Bangladesh, hardly anything could be achieved on that front.

Some analysts are suggesting that once we know the final numbers of "illegal migrants", they could be distributed among different states. Despite having a Common European Asylum System, many countries within the EU have been strongly opposed to accepting refugees from frontline states like Greece and Italy. In India, it could be opening another Pandora's box. It is not that only Assam has a migration problem. Many other states have also received millions of migrants from Bangladesh, Nepal, Sri Lanka and other countries. So in this case, Assam may also need to receive migrants from other states.

Despite the Assam Accord, if we are not able to tackle just Assam problem in decades, is it feasible to expect any national policy in near future? The issue has been made more complicated with linking it with the pending Citizenship Amendment Bill 2016, which excludes Muslims from neighbouring countries. Even in Europe, some politicians were talking of accepting only Christians or non-Muslim migrants. Despite making some headlines, this never made it to any policy agenda. In India with a huge Muslim minority, this will only vitiate political atmosphere. It may not be acceptable even to the Assamese elite.

In Europe, the migration crisis created serious divisions between member states of the EU. When no centralised solutions were acceptable, free movement under common Schengen border system came under stress. At the height of the crisis, many countries re-introduced border controls. In India, Nagaland has already deployed additional troops at the Assam

border to check influx. There are reports that in Meghalaya vigilant groups have set up check posts to stop “illegal migrants” from entering their state.

Despite a mature institutional framework and resources, the EU has not still been able to find a reasonable and acceptable solution. One of the main reasons for this has been rising graph of right-wing political parties throughout Europe. Although many of them have not made huge electoral success, rhetoric has not subsided. In an election year in India, a sober political consensus on Assam’s migration is hardly expected. The only saving grace is that complexity of Assam’s migration issue may push us for a meaningful debate in the coming months.

<https://www.hindustantimes.com/analysis/assam-s-nrc-has-echoes-of-europe-s-refugee-crisis/story-ZNBtCCwxbijfiZT1g4ETpL.html>

Is India Creating Its Own Rohingya?

The New York Times, August 10, 2018

By Hartosh Singh Bal

On July 30, four million residents of the Indian state of Assam were effectively stripped of their nationality after their names were excluded from the recently formed National Register of Citizens.

Indian authorities claim to have initiated and executed the process to identify illegal immigrants from Bangladesh, which shares several hundred miles of its border with Assam, but it has exacerbated fears of a witch hunt against the Bengali-origin Muslim minority in the state.

Assam is the most populous of India's northeastern states. As part of a labyrinthine bureaucratic exercise, 32.9 million people and 65 million documents were screened over five years at a cost of \$178 million to ascertain which residents of Assam are citizens. The bureaucrats running the National Register of Citizens accepted 28.9 million claims to Indian citizenship and rejected four million.

The idea of such screening to determine citizenship goes back to the aftermath of the 1947 Partition of British India into India and Pakistan. A register of citizens set up in Assam in 1951 was never effectively implemented. Twenty-four years after the Partition, the mostly Bengali Eastern Pakistan seceded from Western Pakistan with Indian military help, and Bangladesh was formed on March 24, 1971. The brutal war that accompanied the formation of Bangladesh had sent millions of refugees into the Indian states of Assam and West Bengal.

Politics over illegal migration from Bangladesh into Assam has been a potent force in the politics of the state for decades. In 2008, an Assam-based NGO approached the Supreme Court of India claiming that 4.1 million illegal immigrants had been registered as voters in the state. In 2014, the Supreme Court ordered the federal government to update the National Register of Citizens.

The updated list defines as Indian citizens the residents of Assam who were present in the state before March 25, 1971, and their direct descendants. In keeping with this criterion, the N.R.C. asked for certain legal documents to be submitted as proof of citizenship — including the voter lists for all Indian elections up to 1971.

People born after 1971 could submit documents that link them to parents or grandparents who possessed the primary documents. So each person going through the process had to show a link to a name on the 1951 register and the only two voter lists — those of 1965-66 and 1970-71 — that were ever made public.

Such criteria, applied across India, left a good percentage of its citizens stateless. Front pages of Indian newspapers have been carrying accounts detailing the absurdities in the list — a 6-

year-old who has been left out even though his twin is on the list, a 72-year-old woman who is the only one in her family to be left off, a 13-year-old boy whose parents and sisters are on the list but he is not.

The Supreme Court, which had ordered the process underlying the National Register of Citizens, has now directed that no action should be initiated against those left out and that a procedure should be set up for dealing with claims and objections. A final list is expected at the end of an appeal process. And it is not clear what transpires at the end of that process, which is expected to be long and harrowing. So far six overcrowded jails doubling as detention centers in Assam house 1,000 “foreigners,” and the Indian government has approved building of a new detention center that can house 3,000 more.

The N.R.C. may well have set in motion a process that has uncanny parallels with what took place in Myanmar, which also shares a border with Bangladesh. In 1982, a Burmese citizenship law stripped a million Rohingya of the rights they had had since the country’s independence in 1948.

The Rohingya, like a huge number of those affected by the N.R.C. in Assam, are Muslims of Bengali ethnicity. The denial of citizenship, loss of rights and continued hostility against the Rohingya in Myanmar eventually led to the brutal violence and ethnic cleansing of the past few years. The excuses that majoritarian nationalists made in the context of the Rohingya in Myanmar — that outsiders don’t understand the complexity of the problem and don’t appreciate the anxieties and fears of the ethnic majority — are being repeated in Assam.

Throughout the 20th century, the fear of being reduced to a minority has repeatedly been invoked to consolidate an ethnic Assamese identity. If at one time it focuses on the number of Bengalis in the state, at another time it focuses on the number of Muslims in the state, ignoring the fact that the majority of the Muslims are Assamese rather than Bengali.

Ethnic hostilities were most exaggerated when they provided a path to power. Between 1979 and 1985, Assamese ethnonationalist student politicians led a fierce campaign to remove “foreigners” from the state and have their names deleted from voter lists. They contested elections in 1985 and formed the state government in Assam. In the 1980s, the targets were Bengali-origin Muslims and Hindus.

This began to change with the rise of the Hindu nationalists in India, who worked to frame the Bengali-origin immigrants as two distinct categories: the Bengali-origin Hindus, whom they described as seeking refuge in India from Muslim-majority Bangladesh, and the Bengali-origin Muslims, whom they see as dangerous foreigners who have illegally infiltrated Indian Territory.

The N.R.C. embodies both the ethnic prejudices of the Assamese majority against those of Bengali origin and the widespread hostility toward Muslims in India. India’s governing

Hindu nationalist Bharatiya Janata Party has been quick to seize on the political opportunity provided by the release of the list. The B.J.P. sees India as the natural home of the Hindus.

Prime Minister Narendra Modi has a long history of using rhetoric about Pakistan and Bangladesh to allude to Muslims as a threat. In keeping with the same rhetoric, Mr. Modi's confidante and the president of the B.J.P., Amit Shah, has insisted that his party is committed to implementing the N.R.C. because it is about the "national security, the security of borders and the citizens of this country."

India has nowhere to keep the four million people declared stateless if it does not let them continue living their lives. The Indian government has already assured Bangladesh, which is already struggling with the influx of 750,000 Rohingya from Myanmar, that there will be no deportations as a result of the N.R.C. process.

Most of people declared stateless are likely to be barred from voting as well. While the Indian election commission has declared that their removal from the voter's list will not be automatic, in effect once their citizenship comes into question, they lose their right to vote.

Apart from removing a huge number of voters who were likely to vote against the B.J.P., the party has already shown that as Mr. Modi struggles on the economic front, the N.R.C. will be a handy tool to consolidate Hindu voters in Assam — the majority of the people rendered stateless are Muslims — and the rest of the country going into the general elections in the summer of 2019.

<https://www.nytimes.com/2018/08/10/opinion/india-citizenship-assam-modi-rohingyas.html>

Pakistan PM Imran Khan uses NRC to raise Kashmir issue once again
India Today, August 31, 2019

Pakistan Prime Minister Imran Khan took to Twitter to lash out at Narendra Modi-led Indian government on Saturday. The bone of contention was National Register of Citizens or NRC.

Imran Khan talked of "genocide of Muslims by Modi government". Pakistan prime minister further connected NRC with Kashmir saying "illegal occupation of Kashmir is part of a larger strategy against Muslims".

Imran Khan shared an Indian media report on NRC. The report mentioned that 41 lakh people are expected to be left out and the final list came out just days after India scrapped Article 370 in Jammu and Kashmir.

"The reports of the genocide of Muslims in the Indian and international media by the Modi government should raise alarm bells around the world that illegal occupation of Kashmir is part of a larger strategy against Muslims," Imran Khan wrote on Twitter.

People residing in Assam since March 24, 1971 have a legitimate claim to Indian citizenship. Assam has witnessed a huge influx of people from Bangladesh, both Hindus and Muslims, for decades, and one of the clauses of the Assam Accord of 1985 was expeditious identification and expulsion of illegal migrants.

On Friday, Imran Khan had warned that inaction over the Kashmir issue will lead to "direct military confrontation". Imran Khan wrote an opinion article for The New York Times on Friday where he said that the world cannot ignore Kashmir.

Tension between India and Pakistan spiked after India abrogated provisions of Article 370 of the Indian Constitution to revoke Jammu and Kashmir's special status and bifurcated it into two Union Territories (UTs).

Imran Khan in his opinion article on The New York Times said that the dialogue between India and Pakistan has to involve Kashmiris.

"With the nuclear shadow hovering over South Asia, we realise that Pakistan and India have to move out of a zero-sum mind-set to begin dialogue on Kashmir, various strategic matters and trade. On Kashmir, the dialogue must include all stakeholders, especially the Kashmiris," Imran Khan wrote in his NYT opinion article.

<https://www.indiatoday.in/india/story/pakistan-pm-imran-khan-nrc-assam-muslims-kashmir-modi-government-1593946-2019-08-31>

‘Keeping Our Eyes Open’: Sheikh Hasina Raises NRC Issue With PM Modi, Told It’s India’s Internal Matter

News18, October 5, 2019

Visiting Bangladesh Prime Minister Sheikh Hasina on Saturday raised her concerns with Prime Minister Narendra Modi over roll out of National Register of Citizens (NRC) in Assam, an exercise carried out to identify genuine Indian citizens living in Assam and weed out illegal Bangladeshis.

Bangladesh said it was keeping an eye on developments relating to NRC rollout even as India conveyed to it that the issue was an internal matter of the country. "Prime Minister Modi has explained to Prime Minister Hasina the process that India has put up in terms of making sure that everybody is eventually included in this (NRC)," Bangladesh foreign secretary Shahidul Haque said.

"We were told that this is an internal matter of India. Our relationship is best of the best at present. But at the same time we are keeping our eyes open (on the issue)," Haque said at a press conference.

Asked about Home Minister Amit Shah's comments that illegal Bangladeshi's from Assam would be deported, the Bangladeshi foreign secretary said: "We should not make a crisis out of nothing at this stage and we should be able to wait and see."

Government sources said the Indian side conveyed to Hasina that publication of the NRC was a court-monitored process and the final scenario on the issue is yet to emerge. Haque said Bangladesh is not worried about the issue at the stage.

The NRC has been prepared to identify genuine Indian citizens living in Assam since March 24, 1971, or before, and identify illegal Bangladeshi migrants in the state. Out of 3.3 crore applicants, over 19 lakh people were excluded from the final NRC published on August 30.

Prime Minister Hasina had taken up the issue of NRC with Modi during their bilateral meeting in New York last month on the sidelines of the UN General Assembly.

After the roll out of the NRC, the Ministry of External Affairs said people left out of it are not "stateless" and will continue to enjoy all the rights as before till they exhaust all remedies available under the law.

In New York last week, Hasina told Modi that the NRC has become a matter of "great concern" for Bangladesh. Modi is learnt to have replied that there is "nothing to be worried" about since India and Bangladesh have good relations.

During Saturday's bilateral talks, India and Bangladesh signed seven pacts including one for setting up of a joint coastal surveillance systems as PM Modi and his Bangladeshi counterpart held "productive and comprehensive" talks to further broadbase bilateral ties.

The issue of Rohingya refugees also figured in the talks and the two prime ministers agreed on the need to expedite safe, speedy and sustainable repatriation of the displaced persons to their homes in the Rakhine state of Myanmar, officials said.

A joint statement said Modi appreciated the zero-tolerance policy of the Bangladesh government against terrorism and commended Hasina for her resolute efforts to ensure peace, security and stability in the region.

Both leaders reiterated their strong commitment to eliminate terrorism in all its forms and manifestations, and stressed that there can be no justification whatsoever for any act of terror.

After the talks, Modi and Hasina, through video link, launched a project to import LPG from Bangladesh for distribution in the Northeastern states, inaugurated a Vivekananda Bhaban at Ramakrishna Mission in Dhaka and unveiled a skill development institute at Khulna.

"India accords priority to its ties with Bangladesh. The increasing cooperation between India and Bangladesh is a shining example of neighbourly relations for the entire world," Modi said in a brief media statement. In presence of Hasina, he said Saturday's talks will further energise bilateral ties.

The joint statement said Hasina highlighted that the people of Bangladesh are awaiting early signing of the Teesta water sharing agreement which was agreed upon by both the governments in 2011. The seven MoUs signed will provide deepening cooperation in areas of water resources, youth affairs, culture, education and coastal surveillance.

<https://www.news18.com/news/india/bangladesh-pm-sheikh-hasina-raises-nrc-issue-with-pm-modi-two-days-after-no-problem-claim-2334899.html>

Will NRC be a wedge in India-Bangladesh ties?

The Telegraph, October 15, 2019

By Sudipta Bhattacharya

A shared history, geographical proximity and cultural affinity are parameters that define cross-border relations. The visit of the Bangladeshi prime minister, Sheikh Hasina, to India earlier this month highlighted strong bilateral ties with an announcement upholding “the importance of effective border management for ensuring a tranquil, stable and crime free border”.

Of the 4,096.7 kilometre India-Bangladesh border, approximately 3,052.014 km has been fenced and the ongoing work in the remaining area is expected to be completed by March 2020. Both the Indian prime minister, Narendra Modi, and Hasina appreciated the positive impact of *haats* on the lives and livelihood of the people in remote border areas. At present, there are four border *haats* — two each in Meghalaya (Kalaichar and Balat) and Tripura (Srinagar and Kamalasar). Efforts are on to expedite the establishment of 12 border *haats*.

The sense of bonhomie and shared umbilical cord is more than evident at these *haats*. When I visited the one at Kamalasar, 60 km from the Tripura capital, Agartala, the Border Guard Bangladesh welcomed me warmly onto their side and insisted on a photograph. “Consider this your home,” was the common refrain. The Indian side of the border was much more guarded. Not only are permits of every Indian entering the *haat* stringently checked, one also did not notice the “won’t you walk into my parlour” invocation to Bangladeshis by any of the Border Security Force *jawans* on the Indian soil.

When the Centre decided to replicate Wagah’s beating retreat ceremony on the India-Bangladesh border in Tripura in 2016 and sanctioned 18.9 crore rupees for a stadium at Akhaura, west of Agartala, there were misgivings aplenty. Especially since the BSF on the western front and the Pakistan Rangers indulged in a symbolic parade of rivalry and brotherhood, watched from the galleries in India and Pakistan on either side of the iron gates in a frenzy of raucous patriotism and melodramatic display of animosity.

However, after having witnessed the flag-lowering ceremony on the Tripura-Bangladesh border, I realized the gulf between these boundaries. Agartala boasts of border gates and the relation between the neighbouring countries are generally cordial. In Tarapokhar village in the Sonamura sector, 87 km from Agartala, even crossing the zero line between India and Bangladesh proved to be a cakewalk under the benevolent gaze of BSF *jawans*.

Stories of Partition are ingrained in those rendered refugees on the whims of governments. And borders are often witness to some moving tales of reunion. At other times, the schism is underscored by families remaining out of reach only for want of a passport.

Last month, the eastern border played host to a tearful, cross-border reunion of a mother and daughter after 15 years. A colleague witnessed Lakshmirani Pal from Chunta in the Sarail

subdivision of Brahmanbaria district in Bangladesh reuniting with her daughter, Kanan Pal, who is married to a family in Agartala. Of Lakshmirani's six daughters, five are married in Bangladesh and only Kanan lives across the border, so the reunion at the flag-lowering ceremony was infinitely moving. Four days later, the Bengal chief minister, Mamata Banerjee, extended birthday greetings to Hasina. "Heartiest birthday greetings to the Prime Minister of Bangladesh, Sheikh Hasina. Let ties between #India and #Bangladesh strengthen with every passing year," Banerjee tweeted.

However, symbiotic relationships are prone to fray when governments turn hostile. One need only look at the Mexico-US border as an example. A decade ago, we could breeze into Juarez in Mexico from El Paso in Texas. But the scenario now, with the "wall" being erected, is so ominous that it is safer to clamber up the Franklin Mountains for a bird's eye view. Will the National Register of Citizens and Hasina's dogged detractors (now crying themselves hoarse over the recent student lynching) drive a similar wedge in Indo-Bangla bonding?

<https://www.telegraphindia.com/opinion/will-nrc-be-a-wedge-in-india-bangladesh-ties/cid/1711683>

'Brink of Crisis': Amnesty Voices Concern Over NRC, Urges Transparency

The Wire, August 31, 2019

One of the first human rights bodies to react to the release of the final National Register of Citizens, Amnesty International India has appealed to the Assam government to ensure that the foreigners tribunals function with utmost transparency.

It should function in line with the fair trial standards guaranteed under national and international laws, Akar Patel, head of Amnesty International India, said in a statement here.

“Several reports have demonstrated how the proceedings before foreigners tribunals are arbitrary, while their orders are biased and discriminatory,” he said.

Patel expressed deep concern over the functioning of the 100 and more foreigners tribunals.

“Although, the Government of India is within its sovereign right to update NRC, it must ensure that it is not depriving a person of his/her nationality on arbitrary or vague grounds, by diminishing procedural due process, or if such deprivation stands to render a person stateless,” he said.

According to the organisation, there were instances of foreigners tribunals declaring citizens as irregular foreigners over clerical errors, such as minor differences in spellings of names or age in electoral rolls, or slight contradictions between answers given in cross-examinations and what is written in the documents, which it termed “appallingly common.”

Patel cited media reports that alleged Assam government was applying “pressure on members to allegedly declare large numbers of people as irregular foreigners.”

“Assam is on the brink of a crisis which would not only lead to a loss of nationality and liberty of a large group of people but also erosion of their basic rights – severely affecting the lives of generations to come,” the statement added.

The organisation also pointed out what might be instances of unfair prejudice against women. “...the tribunals are heavily weighed against married women. Reasons stemming from deeply rooted patriarchal structures such as child marriage, non-inheritance of property and residence in other states before marriage have caused mass non-verification of their documents,” it said. The statement also highlighted the aftereffects of such discrimination on children.

The updated final NRC, which validates bonafide Indian citizens of Assam, was out on Saturday, with over 19 lakh applicants who failed to make it to the list staring at an uncertain future.

Those who have been excluded from the National Register of Citizens have 120 days to appeal against it at foreigners tribunals.

The Assam government has already ruled out detention of people who do not figure in the list “in any circumstances” till the time foreigners tribunals declare them foreigners.

<https://thewire.in/rights/brink-of-crisis-amnesty-voices-concern-over-nrc-urges-transparency>

SECTION FIVE

SELF GAZE

This section contains a collection of articles written by journalists and commentators hailing from Assam on the NRC-CAA conundrum. This contains divergent views ranging from the extremes of opposition and support for these exercises and legislations and some also treading the classic middle ground to explore the scope of balancing rival interests. This helps us get an idea about how the debate has played out in Assam or amongst Assamese living there or elsewhere in the country/world.

India's New Citizenship Law Reopens Wounds for Indigenous Populations

The Globe Post, January 13, 2020

By Uddipana Goswami

India's government recently enacted the contentious Citizenship Amendment Act (CAA) that provides fast-tracked citizenship to specific religious communities from select neighboring countries. Many Indians consider this against the country's secular ethos and are protesting. The world is watching as reports surface about repressive measures authorities are adopting against the demonstrators.

Some accounts mention that the rallies started in the northeastern state of Assam. However, these reports fail to detail that Assam's protests began a week before the CAA became law and for entirely different reasons.

These reasons shaped India's northeastern periphery – where Assam is located – as one of the most sustained conflict zones of postcolonial South Asia. They also highlight the differences between the Northeast and the rest of India. These differences align the region's struggles with those of marginalized and conflict-ravaged communities around the world.

Situating the Northeast in India

For most people, Assam is just a name on their tea. For people on India's mainland, Assam, along with its seven sister states, is a peripheral part of the Indian territory that is tenuously connected through a 13-mile wide land corridor. Rarely has it been integral to the Indian political or popular imaginations.

Colonized by the British a century after the mainland, the Northeast joined India's anti-colonial struggle and, in 1947, accepted the Indian Constitution. Before colonial and postcolonial politics shaped the Northeast as India's last frontier, it was a major global migration route.

As the meeting place of South, Southeast, and East Asia, it is peopled by hundreds of small indigenous, autochthonous, and settler communities. These communities have ethnic kin in the three Asia's but developed distinctive syncretic identities over centuries of co-existence. This distinctiveness often made their desire to belong to the postcolonial Indian nation-state suspect.

The region's continued militarization and imposition of laws that disregard human rights, such as the 1958 Armed Forces Special Powers Act, indicate a political ideology that treats peripheral – mostly indigenous – populations as savages who need to be tamed by force. That six people, including two teenagers, were killed by Indian armed forces within two weeks of the protests starting in Assam confirms this.

Mainland's Perception of the Northeast

The popular imagination on the mainland, in contrast, moves between exoticizing and ostracizing the Northeasterners with their polyphonic and multi-ethnic identities. Myths about a remote magical land that captivates outside visitors thrive alongside racial attacks and murders of Northeast people on the mainland.

The larger, more cohesive communities of India's heartland are unable to accept the distinctiveness of the small, transregional populations whose identities are characterized by fluidity and multiplicity.

That protests against an act that violates the secular character of the Indian Constitution should begin in Assam, at the heart of this "other" India, attests to the ability of the socially and politically marginalized everywhere to identify and challenge asymmetry of power.

Survival and Self-Determination

The central concern in Assam and the Northeast, however, is not religious secularism. The struggle is for survival and self-determination. As a borderland sharing porous boundaries with Myanmar, Bhutan, Bangladesh, Nepal, and China, the region provided sanctuary to millions of migrants since the Partition of India in 1947.

This overwhelmed the small populations, endangering their ways of life and overstressing their resources. In Tripura, the Northeastern Indian state bordering Bangladesh on three sides, indigenous people lost their language and identity to migrants.

Assam is among India's five poorest states, and its people are unwilling to share their limited resources with more migrants. Following the 1979 – 1985 Assam Movement, a civil disobedience campaign against illegal (mostly Bangladeshi) immigrants, the Indian government signed an accord assuring Assam would not have to host migrants who came in after the 1971 formation of Bangladesh. The CAA violates this accord.

A flawed document, the language and implementation of the Assam Accord created more problems than it solved. It led to violent conflicts between Assam's dominant autochthonous Ahami community and the smaller indigenous groups. It also revived the process of updating the 1951 National Citizen's Register (NRC) that has made vulnerable sections of the people stateless – irrespective of ethnicity and nationality – and condemn them to detention centers.

The NRC, though, was considered a necessity in Assam given the overwhelming fear of the outsider fueled by the absence of clear policies addressing continued undocumented migration. Successive governments have played on this fear to keep Assam in turmoil. A rhetoric of violence has developed around the figure of the "illegal Muslim Bangladeshi," the most visible "other." Depending on the occasion and intent, the number of these "invaders" "infiltrating" into Assam ranged from negligible to thousands a day.

Examined closely, the “Bangladeshi” for the people of Assam personifies the fear that small borderland communities globally have of being swamped and displaced from their land.

Migrants from Bangladesh, when it still was East Bengal (until 1947), were encouraged to settle in Assam to make up for population losses from epidemics and earthquakes. They were also welcomed as the neo-Axamiya in the literature and music of Assam. But as pressures on land and resources increased, hosting large numbers of migrants from neighboring countries – and mainland India – became untenable.

The demand to settle migrants in other parts of India was made in 1979 as it is being made today. But like previous governments, once voted to power, the current government also broke its promise to address the fear and, instead, passed the CAA.

Peace After a Violent History

The Indian State has effectively controlled its border populations by playing on this deep-rooted fear and has co-opted the ethnic elites to keep inter-ethnic conflicts alive. The CAA, too, attempted the politics of divide and rule, isolating autochthonous and settler communities from the indigenous. It did this by proposing to keep protected indigenous lands out of the purview of the act.

But throughout its “postcolonial” career, the Northeast experienced troubles fostered by the politics of ethnic fragmentation. Only in the past decade, the periphery was slowly emerging from its violent history of armed insurgencies, extra-legal killings, and ethnic cleansings.

The CAA protests demonstrate the desire for peace in the region; finally, the region is learning the power of standing together rather than standing against or above. Only the marginalized know and appreciate this power. Thus, the people of Assam’s sister states are opposing the act, although their respective governments are not. If it is Assam today, they realize, it will be us tomorrow.

This desire for peace, of course, has the specter of violence looming over it. On the one hand are powerful images of CAA protesters on the streets singing songs to voice their anger and lighting earthen lamps for peace. Parallely, though, there are reports of vandalism; at a few places, settler communities were targeted.

The artists, activists, and professionals who joined forces in this spontaneous and leaderless social movement are vigilant about efforts to derail it towards violence – a strong possibility since conflict-ravaged militarized societies are also criminalized, and Assam is no exception. Mainland Indians, therefore, have been quick to dismiss the legitimacy of Assam’s struggle, labeling the people ethnocentric, xenophobic, even anti-Muslim.

Solidarity and Sisterhood

This is Assam’s struggle, however, to maintain the fragile peace of the recent years by making amends for the mistakes of the Assam Movement that turned violent in certain

places, at certain times. In 1983, thousands of settler Muslims were killed. This inspired Islamophobic forces from the mainland to penetrate deeper into the region. Co-opted by these forces, Assam's dominant communities moved closer to the majoritarian ideology currently prevailing over the mainland.

Now is the time for them to remember that in Assam, institutionalized religions, indigenous faiths, and esoteric practices inform each other. Thus, Hindus in Assam revere Muslim holy men, worship sacred trees, and celebrate the earth's fertility equally. The languages and cultures of all communities living in Assam also borrow from and lend themselves to each other.

At this crucial historical and political juncture, the people of Assam need to recall the syncretic nature of their ethnic and religious identities with self-pride. This will help them to counter the fear of being overwhelmed because this fear makes them vulnerable. It also puts at risk the sisterhood in the periphery as a whole: this new-found solidarity holds out lessons for all marginalized peoples of the world.

<https://theglobepost.com/2020/01/13/india-cao-indigenous-populations/>

Anti-Indigenous Sentiment in the Citizenship Amendment Act

Berkley Forum, March 9, 2020

By Arkotong Longkumer

When the Citizenship Amendment Act (CAA) was passed in parliament in December 2019, there were protests all over India as it was viewed largely as an anti-Muslim act. Perhaps the most resilient and striking of non-violent protests against the CAA are in Shaheen Bagh, a neighborhood in southeast Delhi, led mainly by Muslim women, bringing together communities from all over the city to register their injustice to the CAA. While the CAA as discriminatory is understandable, it is important that we also examine the historical context of the demarcations of Indian citizenship, which leads us to look at the National Register of Citizens (NRC), its relationship to the CAA, and its impact more broadly.

The proposed “amendment” on the 1955 Citizenship Act, introduced by the Hindu nationalist party the Bharatiya Janata Party (BJP) in the Lok Sabha (the lower house of parliament in India) on July 15, 2016, seeks to provide citizenship to non-Muslim minorities from Muslim-majority countries like Afghanistan, Bangladesh, and Pakistan: Hindu, Buddhist, Jain, Parsi, Sikh, and Christians. It says these minorities “shall not be treated as illegal migrants for the purposes of this Act.” This “amendment” was part of the BJP’s election manifesto during the 2014 general election, where they promised to welcome Hindu refugees and provide shelter, with the *Hindu* labelling the bill as “communally [religious] motivated humanitarianism.” To adjudicate citizenship on the basis of religion, however, should not surprise those who are keen followers of Hindutva ideology—that is both a civilizational and a majoritarian assimilation of “India” as equivalent to “Hindu.”

The furor over the CAA must not only be viewed as anti-Muslim, but also as anti-indigenous. And, here, the debate over the CAA needs to be contextualized particularly considering where it began: Assam, a region of India that has now become marginalized in the timescape of the Indian political news cycle. We need to turn to the northeast, and in particular the crucial period in Assam’s history because the CAA is entangled with ideas of citizenship that go back at least a few decades.

On the August 31, 2019, the final National Register of Citizens (NRC) was published in Assam. News coverage in India estimated that around 1.9 million citizens were made “stateless.” The NRC is a culmination of decades of questions over citizenship around the Assam Movement (1979–1985), related to the complex history of bifurcation by the British into provinces, Indian independence in 1947 and the partition of Assam, and then the formation of Bangladesh in 1971. Following electoral boycott, protest, and violence on the streets, the Assam Accord was signed on August 15, 1985, between the Congress Government led by the Prime Minister Rajiv Gandhi and leaders of the Assam Movement. Central to the movement was the issue of how to deal with “foreigners” primarily from East Pakistan/Bangladesh who entered illegally or who came after a certain date (January 1, 1966 as the base year for inclusion and those who came after and up to March, 24, 1971 [the start of the Bangladesh War of Independence] were to be detected and removed from the electoral

rolls). While the accord essentially brought the Assam Movement to a close, it was just the beginning of the complicated ethnic and religious algorithm of Assam. It took another 30 years for the NRC to be released.

The NRC has been a fraught and haphazard process that laid the burden of proof on documents (the Assam model is now to be rolled out all across India through the National Population Register, NPR). What counts as evidence was fashioned by state-institutional frameworks—ration cards, birth certificates, and land records—that required a “certification of citizenship” (Chhotray & McConnell 2018). This method promulgated by the NRC excluded disenfranchised groups like women, who are unable to participate in, what Annelise Riles (2006) calls, the “artifacts of modern knowledge.”

When the NRC was released in 2019, many found themselves excluded. Some were Muslim, others were Hindu, and a few were also those classified as “indigenous” to the state of Assam, challenging the way in which written evidence works against oral narratives of land and belonging. These classifications and particularly religious affiliations were largely considered unimportant in the original design of the Assam Accord. It was simply an exercise in determining citizenship based on dates of entry into Assam and not on religious indices. The CAA, on the other hand, works with the latter, allowing an easy alternative for those whom the BJP deem legitimate. The CAA’s emphasis on religion and promise to include Hindus and other “minorities” undermines the intent of the NRC (and the Assam Accord!) and demonstrates the Hindu right’s larger territorial vision of *Akhand Bharat* (undivided India) that stretches all the way from Afghanistan, Pakistan, present-day India, to Bangladesh, Myanmar, and parts of Southeast Asia, an idea that is encapsulated in their vision of “Greater India” (Longkumer 2020).

Such a vision however is fraught with territorial anxiety in the northeast due to the large presence of indigenous peoples whose cultural identities are shaped very much across the trans-Himalaya and Southeast Asian regions rather than with those in the heartlands of India. Incorporating indigenous peoples of the region into the vision of Hindutva as an “indigenous principle,” grounded in the soil, not only has implications for their assimilative projects of envisioning a Hindu nation, but threatens the very autonomy and sovereignty that many indigenous peoples have fought for.

The state of Tripura, for example, has large numbers of Bangladeshi migrants. These migrants are Hindu, Muslim, Buddhist, and Christian, though largely dominated by “Bengali Hindus” (a designation widely used by indigenous peoples of the state). So much so that the “Bengali Hindus” outnumber the indigenous Tripuri population. Questions surrounding land, resources, jobs, and belonging have acquired a certain edge since the CAA will legitimize the “Bengali Hindus” in Tripura, making them the dominant group. For this reason, there is large opposition to the CAA in the northeastern states, not solely because it is anti-Muslim but also because it is anti-indigenous. Customary laws around land, agrarian practice of farming, hunting, and access to resources play a crucial role in how indigenous peoples frame their independence and sovereignty. Capitulating to the CAA with its desire to legitimize certain

citizens over others, and introducing variables such as population migration, highlight the challenging ways in which land and belonging still pervade much of the emotionally charged discussions around livelihood and citizenship. Hindutva forces and the implementation of the CAA attempt to create a “comradship” based on religion but crucially through a centripetal dissemination of ideas grounded in the BJP’s idea of one nation, one language, and one religion. Undivided India might seem utopian, but in the current climate of political will, anything could be possible.

Religion thus plays a central role in policymaking, shaping political publics in a country that always prided itself as a secular republic. The CAA includes many of the “minority” Indic traditions but curiously also includes Parsis and Christians. Christianity in particular is seen as a foreign missionary force the Hindu right has always undermined and one that has no place in the civilizational space of Hindutva. Yet, by including Christians in the CAA, they play on the idea of a “persecuted minority,” while all the time disenfranchising them in their own backyard. A worker of the Hindu-right group associated with the Rashtriya Swayamsevak Sangh (RSS) in Tripura even told me that the prime minister is keen to protect Christians from further violence in Bangladesh. Including the Christians of this region, where they have significant numbers, with three of the eight northeastern states professing a majority, is a delicate matter for the Hindu right. They openly show solidarity with Christians (hoping that this might lead to further alliances) in portraying a common enemy: “the Muslim,” who is the other within.

The shift to the right and the rise of populism across the world says something about the current political zeitgeist. The polarization of identities might win elections and in a certain sense one can see that happening in India too, but Hindu nationalism and their argument for a “Hindu” India, materialized in numerous ways, is a long-term project that is here to stay. The diversity of feelings, and the spectrum of views that feed into the idea of Hindutva, means that we understand the distributed nature of Hindutva and take care in trying to appreciate the many ways it is forged, disseminated, and consumed away from the heartlands and into the frontier regions of the Indian state.

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Roll of Contention

Frontline, December 20, 2019

By Sushanta Talukdar

The Narendra Modi-led government is keen on creating a National Register of Citizens (NRC) for the entire country, but it has refrained from announcing a cut-off date. It is also keen on passing the Citizenship (Amendment) Bill (CAB) ahead of the planned nationwide exercise. Parliament has listed the CAB as one of the Bills for introduction and passing in the current winter session.

Assam appears to have become the desired demographics laboratory for the Modi government to test the waters for both exercises.

The government also wants to use the north-eastern State to manufacture consent for a nationwide NRC and proposed amendments to the country's citizenship laws. The State already has an updated NRC list with March 24, 1971, as the cut-off date for determination of Indian citizenship; the exercise cost the ex-chequer Rs. 1,600 crore.

Some 19.06 lakh of the 3.30 crore applicants were excluded from the updated citizen's register in Assam. The persons excluded allegedly failed to establish their citizenship claim during the paper-based citizenship verification carried out by executives for updating the 1951 NRC under the supervision of the Supreme Court.

Home Minister Amit Shah's announcement in the Rajya Sabha that the NRC process would be conducted afresh in Assam during the countrywide exercise has created additional anxiety among lakhs of applicants included in the final NRC list in the State. It has also added to the trauma of the 19.06 lakh persons excluded from the final NRC list in Assam who are pinning their hopes of Foreigners' Tribunals and the higher judiciary to establish their citizenship claims.

Amit Shah has not spelt out the cut-off date or the procedure to be followed for the nationwide NRC exercise. However, the Bharatiya Janata Party (BJP) and the rest of the Sangh Parivar in Assam have been pushing the campaign of "one nation, one cut-off date" and making 1951 the cut-off year for updating the NRC afresh. Such a campaign has triggered fears of more exclusions, particularly among migrants from erstwhile East Pakistan to March 24, 1971, who acquired Indian citizenship by virtue of the provisions of the Assam Accord.

Existing provisions of the citizenship laws and rules separate the NRC exercises in Assam and the rest of India. Rule 4 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, deals with the preparation of the NRC in the rest of the country through house-to-house enumeration while Rule 4A incorporates special provisions in the matter of preparation of the NRC in Assam by inviting applications.

Rule 4A(2) specifically provides that the NRC in Assam shall be prepared by inviting applications from all the residents calling for specified particulars relating to each family and individual, including the citizenship status based on the NRC 1951 and the electoral rolls up to the mid-night of March 24, 1971.

The Supreme Court has explained why there exist two separate rules for NRC preparation in Assam (under Rule 4A) and the rest of India (under Rule 4).

“The above said procedure was necessitated on account of a large number of persons who acquired citizenship by virtue of Section 6A of the Act without being actually born within the territories of India. Yet, as Section 6A of the Act confers citizenship on such person(s), a special procedure, indicated above, has to be devised for inclusion in the NRC in the State of Assam. This is what was agreed upon under the Assam Accord, which led to the introduction of Section 6A in the Citizenship Act, 1955, with effect from December 7, 1985,” states the August 13, 2019, order of a Supreme Court division bench on updating the NRC in Assam. The division bench comprised the then Chief Justice Ranjan Gogoi and Justice Rohinton Fali Nariman.

The updated NRC in Assam is a list of Indian citizens who were found eligible on the basis of papers submitted to establish their citizenship and residency claims as well as descent. The NRC is not to have the final word on the citizenship claims of the excluded; those claims are to be decided by the courts. But if the CAB is passed, it will be the final word on who can be a citizen of India.

Senior BJP leader and Assam Finance Minister Himanta Biswa Sarma said that the State government had urged the Centre to discard the updated NRC as it included several names that should be excluded and excluded several that should be included.

However, the Assam government has not yet formally written to the Central government in this regard.

The Modi government, on the other hand, has defended the NRC exercise in Assam to be a “fair process based on scientific methods”. Amit Shah also announced on the floor of the Rajya Sabha that the Assam government would extend financial assistance to excluded persons who do not have the money to file an appeal.

Amit Shah’s statement clearly indicates that neither the Centre nor the Assam Government is in favour of discarding the updated NRC in Assam. Statements by Sarma and the State BJP on discarding it are seen merely as a campaign aimed at keeping the MRC and citizenship issue alive in the State.

“If the cut-off date is 1971, then it should be the same for all States. We are not asking to scrap the Assam Accord,” Sarma told mediapersons after Amit Shah’s statement in the Rajya Sabha on the proposed nationwide NRC.

Writ Petition

A writ petition (No. 562 of 2012) filed by the Assam Sanmilita Mahasangha challenging Section 6A is pending consideration by the Constitution Bench of the Supreme Court. The organisation has been maintaining the NRC list updated in Assam.

However, neither the Centre nor the Assam government has submitted any affidavit in the apex court in support of this petition, indicating that the two governments officially favour continuation of two separate rules for NRC preparation in Assam and the rest of the country although the BJP has been pushing the “one nation, one cut-off” campaign for public consumption.

The order of the Supreme Court passed on August 13 made it clear that the NRC in Assam would be updated “subject to orders as may be passed by the Constituent Bench” in the writ petition challenging Section 6A and in the writ petition (No. 311/2015) which challenges Section 3 of the Citizenship Act.

While Section 6A is critical to deciding the cut-off date for the NRC in Assam, Section 3 is key to the disposal of claims and objectives for updating the NRC. The issue pending in respect of Section 3 is whether the expression “every person born in India” would apply only to persons born to Indian citizens and whether the expression “either of whose parents is a citizen of India at the time of his birth” in Section 3(1)(b) of the Citizenship Act, 1955, would apply to only a person one of whose parents is a citizen, the other being a foreigner provided he or she has entered India lawfully and his/her stay in India is not in contravention of applicable Indian laws.

Samujjal Kr. Bhattacharjee, adviser, All Assam Students Union (AASU), said that the NRC was not a new thing in Assam. “It was compiled in 1951 and has now been updated in accordance with the provision of the Assam Accord under the constant monitoring of the Supreme Court. We have not rejected the final NRC list, but we have moved the apex court to re-examine it to remove the errors to ensure compilation of a correct list, free from the names of illegal Bangladeshi migrants. The errors would not have occurred if all the directives of the Supreme Court were followed. Instead of removal of the errors in the updated NRC, the BJP-led government at the Centre wants to make the updated NRC irrelevant by bringing the CAB and for granting citizenship to illegal Hindu Bangladeshi migrants,” the AASU leader told *Frontline*.

The Congress party allergen that the BJP-led government wanted to include Assam in the nationwide NRC exercise as it wanted to exclude genuine Indian citizens belonging to religious minorities and include illegal migrants belonging to a linguistic minority. Assam Public Works (APW), the original petitioner in the NRC case in the Supreme Court, has welcomed Amit Shah's announcement.

APW alleged that the final NRC list was flawed as it included the names of illegal migrants and excluded genuine Indian citizens and had sought 100 per cent reverification of the final NRC list.

All Assam Minorities Students' Union (AAMSU) has opposed the inclusion of Assam in the nationwide NRC exercise. AAMSU advisor Azizur Rahman said that the State had already undergone a long-drawn exercise under the monitoring of the Supreme Court and that there was no justification in subjecting the people to a fresh exercise.

“Instead, the government and others should approach the Supreme Court to ensure that genuine Indian citizens are included and illegal migrants excluded,” he said.

Renewed Anti-CAB protest

Amit Shah insisted in his statement in the Rajya Sabha that the NRC and the CAB were different processes and were not linked. However, he himself has been assuring Bengali Hindus and other non-Muslim "refugees" excluded from the final NRC list in Assam that the Modi government will introduce the CAB and pass it before compiling the nationwide NRC.

For parties and organisations Opposed to the CAB in north-eastern States, this assurance by the Modi government reveals its real intention of determining citizenship On the basis of religion and targeting only Muslims among the "illegal migrants" in order to create a vote bank of Bengali-speaking Hindus from Bangladesh and erstwhile East Pakistan.

These parties and organisations insist that all illegal migrants need to be identified and expelled irrespective of religion. They have expressed fears that the CAB will not only facilitate granting of Indian citizenship to Hindu and other non-Muslim migrants from Bangladesh who have been illegally staying in the region but also encourage more migrants to come to the region. This will further alter the demographics of the region and pose a grave threat to the identity and culture of smaller nationalities in the region, according to them.

The BJP has been trying to garner support for the CAB by claiming that the cut-off year of 2014 means that no migrants would be eligible to acquire citizenship after this year. However, the BJP and the Sangh Parivar have not changed their position that a Hindu of undivided India cannot be treated as an "illegal immigrant" in the country. This position keeps open the option to amend the CAB to extend the cut-off year beyond 2014.

In the CAB, 2019, which lapsed, the government proposed to reduce the residency period for non-Muslim migrants from Bangladesh, Pakistan and Afghanistan from existing 11 years to six years in order to be eligible to apply for citizenship. The December 31, 2014, cut-off date as mentioned in the proposed CAB will mean that any non-Muslim migrant from Bangladesh who entered before this date will be eligible to apply for citizenship from January 1, 2021, onwards. Assembly elections in Assam are due in 2021. The BJP's campaign to push this date is being seen as a bid to neutralise opposition to the CAB in Assam and other north-eastern States.

The CAB, if passed, will be reduced to an exercise in segregating Muslims from among the "illegal immigrants" from Bangladesh, Pakistan and Afghanistan as well as from among immigrants from erstwhile East Pakistan who have acquired Indian citizenship by virtue of the Assam Accord.

The Modi government's move to introduce and pass the CAB in the current session has revived the anti-CAB agitation in the north-eastern States. Political parties and organisations across the region have taken to the streets opposing the CAB. Amit Shah assured the fourth conclave of the BJP-led North East Democratic Alliance that Concerns expressed by the States in the region would be incorporated in the new Bill. However, the assurance has failed to cut much ice, and protests seeking the withdrawal of the CAB are growing. For the Modi government and the BJP, gathering support for the CAB may be harder than imagined.

<https://frontline.thehindu.com/the-nation/article30149030.ece>

Trauma of Exclusion

Frontline, October 11, 2019

By Sushanta Talukdar

Fourteen years after New Delhi gave its commitment to update the National Register of Citizens (NRC) in Assam, the State has got the final list of the updated register. However, politicisation of the citizenship issue has become the stumbling block to the updated NRC being accepted as the document to be relied upon for identifying Indian citizens in Assam.

The Narendra Modi government has promised to bring the Citizenship (Amendment) Bill to grant citizenship to Hindu and other non-Muslim migrants among those excluded from the final NRC list in Assam. The NRC has been updated with the cut-off date of March 24, 1971. The cut-off date proposed for granting Indian citizenship under the Citizenship (Amendment) Bill is December 31, 2014.

This means that those who migrated between March 24, 1971, and December 31, 2014, will be eligible for Indian citizenship through the Bill but they will not be eligible to be included in the updated NRC list in Assam. Therefore, it will lead to the creation of two classes of Hindus and other non-Muslim religious groups in Assam—one class that is included in the NRC and the other class that is excluded from it despite the fact that both classes will have Indian citizenship.

If the government pushes for the NRC project along with the Bill in other States where the cut-off date for compiling the NRC is 1951, a similar situation will occur.

A situation where Hindus are divided into two classes is not what the ruling Bharatiya Janata Party (BJP) and the Sangh Parivar want, which explains why the Modi government did not show the same will to commute the Bill into a law before publication of the final NRC list—despite having the numbers—as it did in scrapping Article 370 and bifurcating Jammu and Kashmir. Passing the Bill would have saved a large section of Hindu migrants from erstwhile East Pakistan and present-day Bangladesh the trauma of exclusion.

Wrongful Exclusion and Inclusion

Altogether, 19.06 lakh of the total of 3.30 crore applicants have been excluded from the final NRC list. The excluded allegedly failed to prove residency in the State or anywhere in India prior to the cut-off date of March 24, 1971, that was fixed for updating the citizens' register in Assam in accordance with the Assam Accord.

There have been allegations of wrongful exclusion and inclusion on grounds of deficiencies in the NRC methodology. As a result of this, the issue of identification of "illegal Bangladeshi migrants", which has remained unsettled for more than three decades, will likely be kept alive for several years.

There was political consensus in the State that an updated NRC on the basis of the Assam Accord was the panacea for the vexed problem. Now, the consensus seemed to have gradually receded and politicisation of citizenship on religious and linguistic lines has taken centre stage.

The BJP and the Sangh Parivar have been pushing the narrative that "illegal Bangladeshi Muslim migrants" managed to include their names with forged documents while the NRC authorities refused to accept the Refugee Registration Certificates issued by the Government of India to "Hindu refugees" who fled religious persecution in erstwhile East Pakistan as documentary evidence to support their claim of pre-1971 residency in Assam.

Minority organisations, on the other hand, accused the NRC authorities of rejecting "genuine documents" of many genuine Indian citizens belonging to religious and linguistic minorities. The All Assam Students Union alleged that both the Centre and the Assam government failed to check the inclusion of "many illegal migrants' names" and the exclusion of "many indigenous applicants".

Assam Public Works, a non-governmental organisation whose petition led to the Supreme Court-monitored exercise, said that it would move the apex court for 100 per cent reverification of the NRC data.

The publication of the final NRC list does not mark the closure of the process of identification of Indian citizens, which was expected to set the ball rolling for identification of "illegal Bangladeshi migrants" in the State. Rather, it signals the start of a long-drawn legal process for the 19.06 lakh excluded applicants which will further delay the identification of "illegal Bangladeshi migrants" in accordance with the Assam Accord.

Until the cases of all those who have been excluded are decided by the Foreigners Tribunals and subsequently by the Gauhati High Court and the Supreme Court, the politicisation of citizenship is unlikely to allow other issues to come to the fore in the State's electoral politics. Assembly elections in the State are due in 2021.

Abir Phukan, an advocate practising in the Supreme Court, told Frontline: "The NRC list is anything but final. When a Constitution Bench is yet to hear and decide the reference made to it to determine the constitutionality of cut-off date in Section 6A of the Citizenship Act, 1955, are we not staring at a possibility, however remote, that the entire basis of conducting the exercise of updating the NRC may be wiped out?"

He added: "Since this uncertain State of affairs is likely to exist for a while, is it appropriate to force those who have been excluded in the final list to approach the Foreigners Tribunal under Clause 8A of the Schedule to the Citizenship Rules 2003 to establish their citizenship? What is the scope of Clause 8A? To what extent the Foreigners Tribunal can interfere and reappraise evidence and what the scope of judicial review would be are some of the grey

areas to be settled by the court in due course. Until then, the hardships of all those excluded are likely to persist."

Politics of Migration

The political discourse and the question of settling the citizenship issue of the residents of Assam have prevented the collective memories of migration of people into the State from erstwhile East Bengal (erstwhile East Pakistan) from fading away. The numbers of exclusions and inclusions in the final NRC have become the new focus of this political discourse where facts have given way to perceptions shaped by the narratives and counter-narratives of migration of people, which will impact demographics and identities in Assam and other north-eastern States.

Disaggregation of NRC data into religion and language categories is not possible as such pieces of information were not collected from the NRC applicants at any stage. The NRC authorities have also not released district-wise disaggregated data of the final list. However, specific stories of exclusions reported by the media and allegations by political parties and organisations have given rise to the perception that Hindu and Muslim migrants from East Bengal as well as from erstwhile East Pakistan constitute the majority of those excluded. The ruling BJP has a large electoral stake among Bengali Hindus in the State, who include migrants from erstwhile East Bengal. And its allegation that the NRC authorities are not accepting Refugee Registration Certificates of many such migrants has shaped the public perception that Bengali Hindu migrants might constitute a sizable section of those excluded. Besides, a list giving a breakdown of migrants on religious and linguistic basis among the excluded, which has no authenticity, is also circulating through a section of the media, including social media.

Among the excluded are four lakh applicants who did not file claims for inclusion. This, coupled with claims of mismatch between the total number of applicants and the population figures projected for 2015 and the 2011 Census figures, has shaped the perception that many "illegal Bangladeshi migrants" who came to Assam after March 24, 1971, had not even applied for inclusion in the updated citizens' register.

Stories of exclusion of indigenous applicants as well as migrants from other States in India also are being used by defenders of the NRC exercise to question the justifications for replacing the binary of citizens and non-citizens with the binaries of Hindu and Muslim or indigenous and non-indigenous people while dissecting the exclusion and inclusion figures of the final NRC list.

The Supreme Court has yet to make its observation and issue a directive on the final NRC list as well. the Standard Operating Procedure to be followed for legal remedies of the excluded applicants. The Foreigners (Tribunals) Amendment Order, 2019, notified by the Union government, describes the procedure to be followed in respect of appeals to be filed by those excluded from the NRC list.

The appellant shall submit a copy of the rejection order from the NRC authorities along with the grounds of appeal to the respective Foreigners Tribunal. The appellant may appear either in person or through a legal practitioner or a relative authorised by the appellant in writing subject to the acceptance of such representation by the tribunal.

The District Magistrate may also refer to the tribunal for its opinion the question of whether an appellant is a foreigner or not within the meaning of the Foreigners Act, 1946. The tribunal shall examine the said reference along with the appeal. The amendment order states that persons against whom a reference has already been made by the competent authority to any Foreigners Tribunal shall not be eligible to file an appeal before the tribunal.

Besides, if any Foreigners Tribunal has already given an opinion about a person as a foreigner, such person shall not be eligible to file an appeal to any tribunal.

The final order of the tribunal shall contain its opinion on the matter of whether an appellant is eligible for inclusion in the NRC or not. It shall also contain the opinion of the tribunal on the reference of the District Magistrate.

The number of Foreigners Tribunals in Assam has gone up to 300 with the government setting up 200 new tribunals.

Himanta Biswa Sarma, a senior BJP leader and Assam Minister for Health, Finance and Public Works, said that the State government would move the Supreme Court for 20 per cent reverification of the NRC data in the border districts and 10 per cent reverification in other districts.

"If the reverification reveals no discrepancies, then we will accept the final NRC list as correct. We will also request the Central government to include Assam in the exercise of National Population Register," he told *Frontline*.

On July 23, the Supreme Court turned down pleas by both the Central and Assam governments for a sample reverification of the NRC data to address the issue of wrongful exclusion and inclusion on the grounds that the State NRC Coordinator, Prateek Hajela, in his report to the court, said, "In the course of consideration/ adjudication of the claims, reverification to the extent of 27 per cent has already been done" and also mentioned district-wise figures of such reverification.

A Rigorous Exercise

During the NRC exercise, applicants had to go through a rigorous verification process that included office verification for validating the documents submitted to support residency claim and field verification for identifying applicants and authenticating their claims. Altogether, 49.42 lakh Letters of Information were generated centrally using software wherein all the "conflicting descendants spread across NRC Seva Kendras, Circles, Districts

and States" were asked to appear before an Investigating Officer on a specific date and time at a specified venue.

Over a period of 80 working days from February 17 to June 6, 2018, a total of 9.15 lakh "family tree hearings" were conducted by 6,241 Investigating Officers across Assam. As many as 27.6 lakh "special verifications" were undertaken from April 2 to July 7, 2018, for verification of marriage certificates issued to 26.08 lakh married women by gaon panchayat secretary or lot mandal or circle officer as proof of linkage.

However, the verification venues were located far away from the residences of most of the applicants who were asked to appear for family tree verification and special verification. Many families had to sell their livestock or other belongings to meet the travel and accommodation expenses to appear at the hearings.

Alleging that the final NRC list was full of errors, Bijan Mahajan, the Assam BJP spokesperson and senior Gauhati High Court advocate, said that the remedial measures lay either in the court of law or in the legislative domain. "Undoubtedly, the errors are so many, the quantum is so huge, the best option is to seek remedy in the legislative domain," he added.

The legal validity of the final NRC list is critical to ending the arbitrary referring of names to Foreigners Tribunals by the border wing of the Assam Police and ending the trauma of lakhs of persons who have carried the "suspected foreigner" tag for decades.

In February this year, Assam Parliamentary Affairs and Transport Minister Chandra Mohan Patowary informed the Assam Assembly that between 1985 and August 2018, a total of 6,26,793 persons had been referred to Foreigners Tribunals after cases of being "suspected foreigners" were registered against them. The Foreigners Tribunals declared 1,08,815 of them as Indians and 1,03,764 as foreigners.

These figures show that allegations by minority organisations of harassment of genuine Indian citizens merely on suspicion are true. Prof. Nani Copal Mahanta, Director of the Centre for South East Asian Studies at Gauhati University and a political commentator, said that publication of the final NRC list was not going to have any impact on bilateral relations between India and Bangladesh. "India has never put the issue of 'illegal Bangladeshi migrants' on the table of bilateral discussion with the neighbouring country," he said.

"Prime Minister Narendra Modi said that India's Act East policy started with Bangladesh. Bangladesh also plays a pivotal role in two key regional sub-groupings critical to India's foreign policy initiatives for bilateral and multilateral cooperation with neighbouring countries. They are BBIN [Bangladesh Bhutan India Nepal] and BIMSTEC [Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation]," he pointed out.

According to him, India and Bangladesh have also set an example of peaceful resolution of border disputes. "The noise made by the ruling BJP as well as the Modi government over the NRC in Assam and the issue of Bangladeshi infiltrators is only for consumption in India's internal politics and it is not going to create any bottleneck in expanding India-Bangladesh relations," said Prof Mahanta, a keen watcher of geopolitics in the north-eastern region and in the neighbourhood.

The final status of the excluded applicants, after they have exhausted all legal remedies, remains uncertain. Even though the Central government has ruled out declaring the excluded applicants as "stateless" until they exhaust all available legal remedies, the fear of being declared stateless in the event of failure to establish their claim for Indian citizenship in court is going to grip thousands of applicants for a long time.

Amid the controversies over the final NRC list, Union Home Minister Amit Shah assured the Chief Ministers of the north-eastern States at the fourth conclave of the North East Democratic Alliance (NEDA) in Guwahati on September 9 that December 31, 2014, would be the cut-off date for the proposed Citizenship Amendment Bill to be tabled by the government.

However, the BJP is treading cautiously on the issue, taking care not to antagonise its regional allies in Meghalaya, Mizoram and Nagaland.

"In respect of the Bill, we may need to bring a new version of an amendment to ensure that it does not have an overriding effect on the Inner Line Permit system, existing protections under Article 371 and provisions of the Sixth Schedule of the Constitution in north-eastern States and other specific State Acts ensuring certain rights specific to the residents of that State," said Himanta Biswa Sarmah, the NEDA convener. However, since the Bill throws up the possibility of dividing Hindus in India into two classes, the BJP is expected to use it only as a tool to woo voters in West Bengal and other States. It will certainly not want to end up dividing Hindus in the name of a countrywide NRC.

<https://frontline.thehindu.com/cover-story/article29498496.ece>

A Tug of War

Frontline, March 15, 2019

By Sushanta Talukdar

The controversial Citizenship (Amendment) Bill, 2019, lapsed on February 13 after the Rajya Sabha, which was adjourned the same day without setting a date for resumption of proceedings, did not take it up for discussion. However, the issue is set to return as a major poll plank in the Lok Sabha election as the ruling Bharatiya Janata Party (BJP) has vowed to reintroduce the Bill if it is voted to power for a second consecutive term at the Centre. The Lok Sabha had passed the Bill on January 8.

There was jubilation all over the north-eastern States after the Bill lapsed, with people bursting fire-crackers, distributing sweets and dancing on the streets to rejoice.

Meghalaya Chief Minister Conrad Sangma and leaders of the Asom Gana Parishad (AGP) were given a rousing reception in Assam when they returned from New Delhi. Meghalaya's National People's Party-led coalition government had passed a Cabinet resolution opposing the Bill, and the Sangma-led NPP had threatened to quit the BJP-led National Democratic Alliance (NDA) if the Bill was passed in the Rajya Sabha.

Mizoram Chief Minister Zoramthanga was also at the fore-front of the opposition to the Bill and he joined hands with Sangma and AGP leaders to mobilise 10 regional political parties to put up a united front against it.

The celebrations reflected the relief that people in the region felt on hearing that the Bill had lapsed.

However, the celebration was short-lived as BJP national president Amit Shah announced in Assam on February 17 that his party would re-introduce the Bill and get it passed if it retains power at the Centre. Shah also said that the BJP would include the Bill in the party's manifesto for the 2019 Lok Sabha election.

Amit Shah's Speech

"Misinformation is being spread about the Bill. I want to clarify that the Bill is not for north-eastern States alone but for all refugees across the country," he said, while addressing a rally of youth workers in Lakhimpur. He added: "Going by the pace at which demographic change is taking place in Assam, we have to keep in mind that the people of Assam would be in grave danger without the Bill."

He pointed out that the Congress and the AGP had made the Bill an election issue during elections to the panchayats and three autonomous councils in the State but the people of Assam had defeated them.

Shah's statement triggered a sharp reaction. The United Democratic Party (UDP), a major partner of the NPP-led ruling coalition in Meghalaya, severed its ties with the BJP-led North East Democratic Alliance (NEDA) in protest. The UDP is the second regional party after the AGP to sever ties with the BJP and quit the NEDA over the contentious Bill. The BJP took the lead in the constitution of the NEDA by bringing regional parties together under this political alliance in 2016 for a "Congress-mukt Northeast".

The North East Students' Organisation (NESO) dubbed Shah's statement an "insult to the people's movement of the whole of the north-east against this Bill". NESO chair-man Samuel B. Jyrwa and secretary general Sinam Prakash Singh said in a statement: "This [Shah's] statement is also a clear reflection of the mindset which indicates that they don't have any regard for the sentiments, emotions and welfare of the indigenous peoples of the north-east but rather their design is to reduce the microscopic indigenous communities to a minority by flooding the region with illegal Bangladeshis to achieve their Hindutva objective. NESO would again like to reiterate our stand that we are against the illegal Bangladeshis and we do not differentiate them on the basis of their religion—an illegal Bangladeshi is an illegal Bangladeshi, whether a Hindu or Muslim."

NESO comprises the Khasi Students' Union, the All Assam Students' Union (AASU), the Naga Students' Federation, Mizo Zirlai Pawl, the Twipra Students' Federation, the All Manipur Students' Union, the Garo Students' Union and the All Arunachal Pradesh Students' Union.

Vote-Bank Politics

The AASU and 30 other organisations of ethnic communities of Assam, which launched a united movement against the Bill, also flayed Shah's statement and described it as "an exercise by the BJP to create a vote bank of illegal Bangladeshis at the cost of the interests of indigenous people of Assam and other north-eastern States and insult to the people of the region".

AASU president Dipankar Kumar Nath and general secretary Lurinjyoti Gogoi said in a statement: "The people of the region did not accept the Bill and will never accept it under any circumstance. Movements were launched against the Bill, which sought to protect vote-banks of illegal Bangladeshis and protect illegal Bangladeshi migrants in violation of the Assam Accord, and will continue against any such move."

The Krishak Mukti Sangram Samiti urged people to defeat the BJP in the Lok Sabha election, while Assam Pradesh Congress Committee president Ripun Bora called for a boycott of the BJP in the upcoming election.

The BJP's decision to make it a poll plank for the Lok Sabha election appears to be an attempt to prevent the issue of the National Register of Citizens (NRC) from returning to the centre stage of political discourse.

The lapsed Bill polarised the political discourse over the identification of "illegal migrants" on religious lines. The discourse over the NRC, however, centres around the identification of "illegal migrants" irrespective of religion.

Opponents of the Bill are pinning their hopes on an updated NRC, which would be critical to the protection of linguistic and cultural identities of the ethnic and indigenous people in Assam. There has been a growing demand in other north-eastern States too for the compilation of an NRC based on modalities to be decided by the respective States.

Hopes on NRC

The Supreme Court, which is monitoring the process of the updating the NRC in Assam, has fixed July 31 for publishing the final NRC list after the disposal of all claims and objections. Over 40 lakh applicants were excluded from the complete draft of the updated NRC published on July 30 last year.

The NRC is being updated on the cut-off date of March 24, 1971, which is also the cut-off date in the Assam Accord for identification, deletion of names from electoral rolls, and the expulsion of "illegal migrants" in Assam.

The lapsed Bill sought to remove the "illegal migrant" tag in respect of Hindus, Sikhs, Jains, Christians, Buddhists and Parsis from Bangladesh, Pakistan and Afghanistan. Even though the Bill did not mention any cut-off date, the Central government said that amendments would be applicable for those migrants who came to India until December 31, 2014.

Shah's announcement has posed a challenge for the NPP and other NEDA constituents, which may not find it easy to ignore it as a mere electoral promise by the BJP.

Regional party leaders will likely be under pressure to sever electoral ties with the BJP on the issue.

For the BJP, it will be a challenge to hold on to the alliance with regional parties under the NEDA banner for an anti-Congress front while simultaneously pushing for the Bill.

Assam Health and Finance Minister Himanta Biswa Sarma claimed that Meghalaya Chief Minister Conrad Sangma had met him recently and requested him to rethink the AGP-BJP electoral alliance.

He said that differences between the two parties widened after three AGP Ministers quit the government and the regional party fought the panchayat elections alone. State BJP president Ranjeet Kumar Doss recently wrote to Amit Shah that the party would like to go alone in Assam in the Lok Sabha election, which Sarma seconded, saying it was "our view".

The AGP quit the BJP-led coalition government in Assam headed by Sarbananda Sonowal on January 7. Assam accounts for 14 of the total 25 Lok Sabha seats in the eight north-eastern

states. The BJP won seven seats in Assam in 2014. At that time, the AGP did not have an electoral alliance with the BJP and failed to win a single seat.

The AGP has strongly opposed Shah's statement on the Bill and the party's executive committee decided on February 20 not to have an electoral alliance with any party that supported the Bill. It has constituted a nine-member strategy preparation committee headed by Atul Bora to take a final call on having an electoral alliance with any party or going it alone. Bora also clarified that he was not aware of the meeting between Sangma and Sarma.

The weakening of the NEDA over the Bill brings an opportunity for the Congress to revive its North East Congress Coordination Committee to regain the lost support base and explore electoral tie-ups—direct or tactical—with regional parties.

The party is expected to showcase its support to the NESO, the AASU and other organisations in their movement against the Bill and to op-pose the Bill in the Rajya Sabha when it goes to the people during the Lok Sabha election.

Regardless of the outcome of the Lok Sabha election, the region will likely see intensified protests if any attempt is made to reintroduce the Bill.

<https://frontline.thehindu.com/the-nation/article26373607.ece>

Battle of slogans in West Bengal as political parties launch election campaigns

Frontline, March 7, 2020

Suhrid Sankar Cattopadhyay

With the municipal elections just round the corner and the Assembly elections scheduled early next year, the political temperature in West Bengal is rising with the main political parties launching their respective political campaigns and slogans. After Union Home Minister Amit Shah announced on March 1 the Bharatiya Janata Party's (BJP) new campaign and slogan "Aar Noy Anyay" (No More Injustice), the ruling Trinamool Congress launched its own campaign – "Banglar Gorbo Mamata" (Bengal's Pride Mamata) on March 7 in each of the 294 Assembly constituencies in the State.

The "Banglar Gorbo Mamata" campaign kickstarted with a 'Trinamool Workers' Conference' in each constituency, and the sitting MLA or the Assembly constituency coordinator inaugurated the campaign with a press conference.

The campaign, which is believed to be the brainchild of the political strategist Prashant Kishor, makes it clear that the ruling party has to once again rely on the image of Chief Minister Mamata Banerjee to pull it through in the coming elections. With the Trinamool facing a stiff challenge from the BJP on the one hand, and rising anti-incumbency sentiment owing to rampant corruption and highhandedness of leaders at the grassroots level on the other, a tough fight lies ahead for the Trinamool. The incessant infighting in the party came to the fore even during the Trinamool Workers' Conference in Katwa constituency in Purbo Bardhaman district during the launching of the 'Banglar Gorbo Mamata' campaign.

The campaign was announced several days earlier and massive hoardings with the picture of a smiling Mamata Banerjee began to crop up at different busy locations in Kolkata. To counter this campaign, the West Bengal Pradesh Congress is coming up with a campaign of its own, in which it will highlight the historical and cultural icons of Bengal like Rabindranath Tagore, Kazi Nazrul Islam and Subhas Chandra Bose, who they say are the "true pride of Bengal". "We are urging people to not allow the concept of Banglar Gorbo (the pride of Bengal) to be diluted in this manner by the Trinamool's campaign," said Amitabha Chakraborty, West Bengal Pradesh Congress general secretary.

The Communist Party of India (Marxist)-led Left Front, in line with its opposition to the BJP rule at the Centre and the Trinamool government in the State, has come up with the slogan "Modi Mamata ek hai" (Modi and Mamata are one)—a two-pronged attack on both the BJP and the Trinamool. On March 2, the day after Amit Shah held a rally in Kolkata, the Left and the Congress hit the streets in protest against both the Trinamool and the BJP. CPI(M) state secretary and Polit Bureau member Surjya Kanta Mishra pointed out, "We do not get permission to hold rallies and take out processions in the city, but Amit Shah could hold a rally without any problem."

<https://frontline.thehindu.com/dispatches/article31009779.ece>

Making sense of Assam's NRC: A closer look at three factors that caused errors in register of citizens

Firstpost, September 11, 2019

By Rajeev Bhattacharyya

Barring foreign nationals who might have fraudulently enrolled their names in the National Register of Citizens (NRC) in Assam, nobody is happy with the list published last month. Plans are in place for the government and stakeholders to submit fresh petitions in the Supreme Court to eradicate anomalies in the list.

The evaluation of the project initiated late in 2014 reveals loopholes and faulty decisions at multiple stages committed not only by the NRC secretariat tasked with the onerous exercise, but by different departments.

Briefly, so far, three factors that caused the errors in the register are discernible:

Unprecedented exercise, but no preparation

The NRC was a unique and unprecedented exercise without a parallel in the world. So the task of compiling a list of citizens in Assam was bound to be complicated and controversial. Unlike other states in the country, the distinction between a citizen and a foreign national is blurred at many places in Assam.

In some western districts, as many as three categories of Bengali Muslims can be found: The early settlers who began to settle during the 19th Century, the second category includes those who settled between 1947-71 and then there are those who migrated after the cut-off date of 24 March, 1971. Identifying the migrants, without victimising the citizens, would require multiple strategies and deft handling, including taking citizens, who have always borne the brunt of being called illegal migrants, into confidence.

To make matters worse, the legacy data comprising the 1951 NRC and electoral rolls till the cut-off date was confusing since individuals were not allocated unique codes. The same names were found to have surfaced at different places with documents carrying different spellings that could be attributed to different reasons, including migration from one district to another.

In addition, the pre-1971 legacy records had the names of over 44,000 villages since the concept of the unique revenue village code did not exist earlier — thus, making the task of compiling the register more complicated.

The government was not only unprepared, but it could not have envisaged that the project would necessitate the marshaling of huge resources. It should have realised that a project to create a central database of all categories of foreigners and D-Voters by linking the Election Commission, Foreigners Tribunals and Assam Border Police Organisation should have been

completed ahead of the NRC. The project has been initiated only last year by the border police after being approved by Gauhati High Court.

Appalling role of MHA

The NRC was implemented by the Registrar General of India (RGI) which is under the administrative control of the Ministry of Home Affairs (MHA). The expenses of the project that engaged more than 50,000 government officials and 7,000 data entry operators were also borne by the ministry.

Early in 2016, in a series of meetings between the MHA and the Assam government, the latter proposed that the RGI ought to open an office temporarily in Guwahati for the supervision of the NRC. "But it was never accepted by the RGI. And it is not known why the suggestion was turned down," said Pallab Bhattacharya, who was then the additional director-general of the Assam Police in charge of the Special Branch.

It is also apparent that the MHA could not establish a system for the regular flow of funds for the exercise which was most apparent in the late payment of salaries to the data entry operators. Employees of Guwahati-based Integrated Systems and Services, which was tasked to recruit and pay salaries to the operators after an agreement with Wipro Limited, claimed that the disbursement of funds from the government was erratic.

"Our salary began at Rs 5,050 which was paid once every three months. What can you do with this meagre amount? We decided to accept the offer since we were unemployed," said Abdul Rashid who was engaged as a data entry operator with the NRC Seva Kendra at Goreswar near Guwahati. "After the media carried the news highlighting our conditions, we were strictly told not to speak to the media, [to] which we never agreed."

Excessive pressure from the Supreme Court

It cannot be denied that the NRC would never have been launched without the Supreme Court's intervention on the PIL filed by Guwahati-based NGO Assam Public Works (APW) in 2009. But a section of officials engaged in the exercise are unanimous in asserting that the 'deadlines' set by the Supreme Court were difficult to meet, which adversely impacted data compilation.

A circle officer in Baksa explained that the flaws in NRC could have been avoided if the deadline for completion had been set at four years instead of only one, as mandated at the outset. "There were multiple processes in a brief span for completing the exercise which only complicated the whole process. While some of us were able to comprehend the task assigned to us, many of my colleagues were confused," he said.

There were too many instances in the past four years for the Supreme Court to comprehend that the exercise would be fraught with complications. Last year in September, NRC coordinator Prateek Hajela submitted a voluminous report citing many examples how legacy data were deceptively utilised to claim citizenship. Several cases were detected through the

family-tree mechanism, but many must have certainly passed the test to get their names listed in the register with fake documents. On 7 September, the police arrested Miraj Ali in Jagiroad who had managed to get his name enrolled in the NRC even after being declared a foreign national by a Foreigners' Tribunal six years ago. This episode also lends credence to widespread allegations that there was no software to detect such cases of fraud.

Then, in September 2017, the Supreme Court slammed a *suo motu* contempt notice against Aabhijeet Sharma, president of APW, for alleging a financial scam in the exercise. He had also lodged a complaint with the CBI alleging misappropriation of funds in the NRC. While the truth is yet to be unravelled, there were enough indications that a raw deal had been given to the data entry operators whose vital role in the NRC cannot be overemphasised.

Pranjal Das, a data entry operator recruited for the Seva Kendra at Dergaon, alleged that he was sacked for lodging a complaint against the working conditions and irregular payment of salaries. Subsequently, a section among them filed a complaint with the commissionerate of labour in Guwahati, which has been registered. However, Wipro Limited has dismissed the allegation that the data entry operators employed for the NRC were exploited.

All these episodes should have been a wake-up call for the Supreme Court.

Officials and observers pointed out that the apex court could have appointed a monitoring committee to oversee the entire process. Such a committee would certainly have submitted regular reports recommending measures for quality control primarily at the level of circle officers for elimination of errors and the need for transferring data entry operators and other officials to different districts to eradicate all possibilities of fraud in the register.

<https://www.firstpost.com/india/making-sense-of-assams-nrc-a-closer-look-at-three-factors-that-caused-errors-in-register-of-citizens-7320561.html>

Assam NRC-rejects struggle to get passports and jobs – even as rejection slips are yet to arrive

Scroll.in, February 19, 2020

By Arunabh Saikia

In 2018, Jeherul Hoque narrowly missed being drafted into the Indian army. The 20-year-old resident of Barpeta in Assam had applied through an open recruitment rally organised by the force to fill up vacancies for non-commissioned administrative, technical and nursing posts. He was interviewed on the spot and shortlisted for a written exam. He subsequently cleared the exam but failed at the last hurdle of a physical test.

Hoque was disappointed but not dejected. He vowed to apply again the next year.

When the army announced an open recruitment rally in the neighbouring district of Bongaingaon in December 2019, he was raring to go. He had, after all, prepared hard the past six months. The rally was held from December 5-13. Candidates had to first register themselves online where they would be allotted a date and time. Hoque's turn came on the morning of December 12.

But he claimed he was turned away at the gates itself.

The reason: Hoque's name does not feature in Assam's final National Register of Citizens that was published last August.

No NRC, no entry

Updated in 2019 under the direction of the Supreme Court, the NRC is meant to separate Indian citizens living in Assam from so-called "illegal migrants" defined as anyone who came to the state after the midnight of March 24, 1971 and their descendants. The final list left out over 19 lakh applicants.

By the government's own admission, non-inclusion in the citizens register did not amount to a person being a non-citizen till declared so by the judiciary. "Exclusion from the NRC has no implication on the rights of an individual resident in Assam," the government had said in the wake of the publication of the final list. "They will not be deprived of any rights or entitlements which they have enjoyed before."

This is in accordance with the law: People who have not made it to the NRC can be declared non-Indians and sent to detention only by the foreigners tribunals, quasi-courts that adjudicate on matters of nationality in Assam.

But Hoque and many others claim exclusion from the NRC has come with consequences.

At the gates of the recruitment rally in Bongaingaon, Hoque said there were representatives from both the Assam police and the Army. "We were asked to queue up with documents in

our hands,” he said. “Anyone who did not have the NRC print-out copy was immediately turned away.” Hoque was referring to a printed document bearing an individual’s NRC status that can be generated online by keying in their application number.

An army spokesperson, however, denied Hoque’s version of events. “All candidates are asked to furnish certain documents,” said the spokesperson. “The NRC was not one of them.”

Legal status post-NRC

To enable those excluded from the NRC to file appeals, the Assam government expanded the network of foreigners tribunals in 2019. However, no NRC-related case has gone into trial in the tribunals even after nearly six months of the list being published. This is because the NRC authorities are yet to issue formal rejection memos known as “speaking orders” to people left out of the registry.

According to an internal memo issued by the former coordinator of the NRC process in Assam, Prateek Hajela, on September 18, 2019, the verification and digitisation of rejection orders was to be completed by October 30, 2019.

But the orders have been delayed, which has left several people, who wish to challenge their exclusion from the NRC, in the lurch.

NRC for police verification

If Jeherul Hoque claimed he was not allowed to take part in a recruitment drive of the Indian army, Imdadul Hoque from Darrang district alleged he was not issued a passport because his name does not feature in the final NRC.

In India, a passport is issued to a citizen only when the local police station where they reside green-lights it. According to Imdadul Hoque’s brother, Abdul Kadir, the police refused to clear Imdadul Hoque because of his NRC status. “The local police station told us that there are standing orders from the district police head not to verify people who are not on the NRC,” he said.

Darang police superintendent Amrit Bhuyan confirmed that that was indeed the case. “If a person is not included in the NRC, it is assumed that he is not an Indian citizen,” he said. “A passport is an important document. If they are issued one now, they can later use it one to claim Indian citizenship.”

At least two other people *Scroll.in* spoke to, who have recently applied for a passport in Barpeta district, claimed that they were asked to furnish details about their NRC status.

A recent report by the *TwoCircles.net*, a not-for-profit publication, had detailed the cases of several people being denied passports for pilgrimage to the holy Muslim sites of Mecca and Medina in Saudi Arabia as the police refused to give them clearances on the account of non-inclusion in the NRC.

Assam police chief Bhaskar Jyoti Mahanta claimed ignorance of such cases. “We do not deal with the NRC,” he said, when asked if there was any formal order refraining district police units from issuing clearances to NRC-rejects.

Changes of guard

In Assam, the publication of the final NRC was received largely with disappointment. Many Assamese nationalists found the number of “foreigners” detected through the exercise underwhelming. The ruling Bharatiya Janata Party, once a vocal supporter of the exercise, was particularly unimpressed: it went to the extent of “rejecting” the document. Party leaders said the NRC was unsatisfactory since more Hindus than Muslims had been excluded from it.

In court, the BJP-led state government filed a petition for the reverification of 20% of the names from border districts, home to a large community of Muslims of Bengali origin.

The BJP directed its ire at the NRC co-ordinator Prateek Hajela: the party’s state leaders accused him of having an anti-Hindu bias. As the attacks on Hajela escalated, the Supreme Court on October 18 ordered that Hajela be “immediately” transferred to Madhya Pradesh. The court did not, however, specify a reason, but added, “No order will be without a reason.”

Hajela finally relinquished charge on November 11. The state appointed an Assam Civil Services officer, Hitesh Dev Sarma, as his replacement. Sarma came in the eye of a storm almost immediately: his Facebook posts, to which he has since restricted access, seemed to betray an explicit bias against Muslims of Bengali origin. Moreover, several posts appeared to be an almost direct reiteration of the BJP’s position: that there were “lakhs and lakhs of Bangladeshis” in the NRC.

As the controversy raged, Sarma went on a month-long leave ostensibly for his son’s wedding.

Going slow

Amidst all of this, another significant development took place: Chief Justice Ranjan Gogoi retired. As the head of the Supreme Court bench hearing the NRC case, he had actively driven the exercise, enforcing strict deadlines for each step of the process.

The change in guard in the court, according to government officials involved with the NRC update, directly impacted the exercise, slowing it down considerably.

“This is like an interim period,” said a deputy commissioner of a Lower Assam district, requesting anonymity. “The court earlier gave very specific deadlines to the previous coordinator, and work at the district level happened according to that.”

In the two hearings since the three months of Gogoi’s retirement, the court has not delved into the rejection slips and the delay in issuing them.

If the court has not fixed a deadline, the NRC office in Guwahati, too, doesn't seem to have issued a clear blueprint of the timeline of the next steps in the exercise to ground officials. A second district official said there were "no clear instructions" from the state coordinator's office on issuing the speaking orders. "No work happened after Hajela left, till very recently," said the official.

It has not helped that BJP governments at the Centre and the state muddied the waters by speaking about shelving the Assam NRC and embarking on a fresh nationwide project.

"There is no clarity about the status of this NRC," said the deputy commissioner. "We still don't know whether the Supreme Court has accepted this NRC. It has not quite responded directly to the allegations of the NRC being compromised and demands of reverification. Only after that question is settled, the question of issuing rejection slips will come."

Another official involved in the exercise during Hajela's tenure blamed Sarma for trying to "debunk the project" at the behest of the BJP government. "The issue speaking orders was all set to be settled by the end of November," said the official.

In an interview on December 9, a senior official at the NRC office in Guwahati had told *Scroll.in* that "85% of the work" in relation to the speaking orders had been completed.

Sarma, for his part, said the work was ongoing. "Scanning work is currently going on," he said. "It is difficult to specify exactly when it will be over."

On February 18, Sarma told *The Telegraph* that he "hoped" to finish the "remaining work within one month, after which we will start issuing the rejection certificates."

An uncertain existence

The lack of a concrete timeline means the lives of those who have been left out of the NRC remain in limbo. For instance, both Jeherul Hoque and Imdadul Hoque claim their exclusions were a mistake – but they can do little even as long-term career and life plans have been thrown out of gear.

Jeherul Hoque claims his grandfather features in the 1951 NRC, but his family had been left out as an unrelated family also linked her ancestry to the same person. "It was a mistake that the NRC officials themselves acknowledged, yet we were rejected," said his elder brother Jahidul Hoque who is currently pursuing a PhD in economics from Gauhati University. "Now because of all this political drama, we can't even appeal at the tribunal court."

It is the same story with Imdadul Hoque. He also claims his grandfather features in the 1951 NRC. In fact, several of his siblings who had drawn their ancestry to the same person have made it to the NRC.

To add to the uncertainty, the NRC seva kendras or the help desks have shut shop after the publication of the final NRC. Most government officials manning these seva kendras were on loan from other state government departments. They have now resumed their original duties.

“We keep hearing all sorts of things, but we have no one to ask anymore what is true, what is not,” said Baksa’s Ajar Ali, who was left out of the NRC, though, four of his five children made it. “First, we heard that the NRC is going to be cancelled, then we saw in the news that the NRC data has vanished from the internet. They should at least tell us what is happening.”

Data related to the updated NRC has become inaccessible on the official site as the NRC authorities have failed to renew services contract with the IT firm looking after it.

“First, they cut our names for no reason,” said Ali. “Now there is no information on what to do next – this is all utterly irresponsible.”

<https://scroll.in/article/953552/assam-nrc-rejects-struggle-to-get-passports-and-jobs-even-as-rejection-slips-are-yet-to-arrive>

Why Assam's BJP government is counting members of four Muslim communities

Scroll.in, February 12, 2020

By Arunabh Saikia

On February 6, Assam government announced a meeting with representatives of certain Muslim communities to discuss a roadmap for conducting a census of “indigenous Muslims” in the state.

“We are setting up a development council for indigenous Muslims, so this survey is for that purpose,” said Ranjit Dutta, Assam’s welfare of minorities and development affairs minister. The official ministry memo also used the term “indigenous Muslims” in its subject line.

However, during the meeting held on February 11, it was decided that the word “indigenous” would be dropped. The Assam government now says it will carry out a census to count members of four communities: the Goriya, Moriya, Deshi and Jola Muslims.

In its 2019 budget, the Bharatiya Janata Party government in Assam had announced an “indigenous Muslims” development corporation and allocated Rs 100 crore towards “developmental activities” for those defined as indigenous Muslims in Assam. The state minorities development board chairman Muminul Aowal said “indigenous Muslims” were “deprived of benefits of the government welfare schemes in absence of proper identification”.

However, after the meeting on February 11, Aowal told *Scroll.in* the proposed development corporation will be renamed “Goriya-Moriya-Deshi-Jola Muslim Corporation”.

Despite the new nomenclature, the beneficiaries of the schemes announced for “indigenous Muslims” in the 2019 budget are likely to remain largely the same. Why was the term “indigenous” dropped?

More significantly, what is the politics shaping the government’s decision to focus on four Muslim communities?

Who is Assamese?

The initial government notices, which explicitly linked the enumeration exercise with “indigeneity”, had triggered a debate in the state.

Indigeneity is a highly contentious subject in Assam, whose demography has been shaped by multiple waves of migration of communities from various parts of South and South East Asia over the centuries. There is no consensus on who qualifies as “indigenous” to the state.

Most communities that may not be considered “indigenous” have lived in Assam for several generations. They have limited ties with the places their ancestors came from and consider Assam home.

Currently, a central-government appointed committee is engaged in formulating a definition of the term “Assamese” in order to implement Clause 6 of the Assam Accord. Signed in 1985, the accord was the culmination of a six-year-long anti-foreigners’ agitation in Assam. Clause 6 guarantees “constitutional, legislative and administrative safeguards to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people”. In order to define the “Assamese people”, the committee is trying to determine who is indigenous to the state.

A public notice issued by the committee, seeking comments and suggestions, divides the term Assamese people into three categories: indigenous tribal, indigenous Assamese and other indigenous people of Assam.

The committee is said to have wrapped up its report, containing a definition of the term “Assamese”. One proposal doing the rounds was to use the 1951 National Register of Citizens, meant to be a record of genuine Indian citizens living in Assam at the time, as a base.

Assamese Muslims

The Muslim communities listed as beneficiaries of the new fund – “Goriya, Moriya, Deshi, Jola” – trace centuries of history in Assam.

The Gorias are considered native to Upper Assam. In *A History Of Assam*, Edward Gait, the colonial historian, contends that the Gorias claims to have “originally” migrated from Gaur, the ancient Muslim capital of Bengal. The Moriyas, according to Gait, are descendants of soldiers taken prisoner in medieval battles between Ahom kings and the armies of Muslim rulers. They later “took to working in brass”, Gait notes.

Deshis, on the other hand, claim their ancestors were the first people in the area to convert to Islam, back in the 13th century, following in the footsteps of Ali Mech, a tribal man widely regarded by historians as the first person in the region to have embraced Islam.

The Jolas, employed as tea garden workers or as weavers, are significantly smaller in number, tracing their origin to Uttar Pradesh and Bihar.

The 'new Assamese'

This leaves out two Muslim communities in the state.

One, Sylheti-speaking Muslims of Southern Assam’s Barak Valley, who trace their histories to the medieval Cachar kingdom. With a distinct linguistic identity, they refuse to be assimilated into the Assamese mainstream but present a competing narrative of indigeneity. Justifying the decision to leave them out, Aowal said the government’s focus in this survey was the Brahmaputra Valley. But this raises questions over the omission of another community that lives here: the Miya Muslims of Bengali origin.

Members of this community are often viewed with suspicion and branded as “illegal migrants” in Assam. Although they are among the newest Muslim migrants to Assam, most have lived in the state for decades. Many of their ancestors have migrated from the districts of colonial Bengal since the 19th century and settled in the Brahmaputra Valley.

“In my family, I am the fourth generation to have been born in Assam,” said the septuagenarian Hafiz Ahmed, who heads the Char Chapori Sahitya Parishad, the largest literary body representing the community. “There are lakhs of such families [of Bengali origin] who have naturalised as Assamese over the years. Why are we being arbitrarily left out of this so-called indigenous list when there is no definition of the term indigenous?”

For decades, many of this community have enlisted themselves as Assamese in the language census – partly to assimilate with the local population, but primarily to avoid persecution by the ethnic Assamese, who have always viewed migration as cultural invasion. They are often referred to as Na-Asamiyas or neo-Assamese.

'Identity crisis'

Monirul Hussain, chair professor at the Centre for North East Studies and Policy Research in Delhi's Jamia Millia Islamia University, was critical of the proposed survey. “This is the BJP's way of dividing society,” he said referring to the Bharatiya Janata Party, which governs both in Assam as well as the Centre. “There is already a division between Hindus and Muslims, now they are figuring out how to further divide the Muslims.”

However, Muslim communities who are considered native to Assam are enthusiastic about the survey. Their ethnic identity, they insist, is more important to them than their religion. “We don't want to be identified as Muslims, but as ethnic Assamese,” said Sadou Asom Goria-Moria-Deshi Jatiya Parishad president Hafizul Ahmed.

Hafizul Ahmed said there was an “identity crisis” among the “indigenous Assamese Muslims” because people often thought they were of migrant origin because of their religion. “We have become a minority within a minority,” he said.

This is a common complaint among Assamese Muslims who claim their ancestors were native to the state. Aowal spoke of a life under the perpetual shadow of migrant Muslims. “From government schemes to political representation, it is the migrant Muslims who get it all,” he said.

The Miya Muslims of Bengal origin are significantly larger in size than the so-called indigenous Muslim communities. According to Aowal, of the 1.30 odd crore Muslims in the state, around 80-90 lakh are of migrant origin.

Besides, as the Clause 6 committee works out who is Assamese in order to provide them special constitutional safeguards, the state's local Muslim community is anxious that they may lose out because of their Muslim surnames. “So far, there is nothing official to distinguish us from the people who trace their ancestry to Bangladesh, so it is important that

the indigenous Muslims are identified and we get to avail the benefits meant for indigenous Assamese,” said Aowal.

Smart political move?

Many political observers say that the proposed survey may have been announced keeping the state Assembly elections in sight – scheduled for 2021. In the 2016 edition, the older Muslim communities of Assam, swayed by the Bharatiya Janata Party’s anti-migrant rhetoric, had largely thrown in their lot with the saffron party.

However, the party seemed to have alienated the Muslim communities with the unapologetic Hindutva agenda it pursued ever since. In December 2019, the Central government amended India’s citizenship law expediting Indian citizenship for undocumented non-Muslim migrants from the three neighbouring countries of Pakistan, Bangladesh and Afghanistan.

A census of “indigenous” Muslims could be the BJP’s way of winning them back, said political scientist Sanjib Baruah. “It is a smart move that will allow them to say that they are not anti-Muslim but only against ‘Bangladeshis’, by which of course, they mean only Muslims,” he said. “But all this is bad news for Miya Muslims. The insecurity coming from being seen as Bangladeshi will receive official imprimatur.”

<https://scroll.in/article/952753/why-assams-bjp-government-is-counting-members-of-four-muslim-communities>

One month of anti-CAA protests in Assam: Will it give birth to a new political alternative?

Scroll.in, January 10, 2020

By Arunabh Saikia

Protests over the Citizenship Amendment Act in Assam began in earnest in the first week of December, much before the rest of the country. A month later, they continue to rage even as the media spotlight has shifted to other parts of the country. Almost every day, a well-attended rally – apart from several smaller neighbourhood protests – is witnessed in some part of the state.

But, increasingly, a question hangs heavy over the protest gatherings in Assam: what next?

Most protesters so far have marched under the banner of the All Assam Students' Union. As Jul Khound, the union's organising secretary, said, "People at these rallies are now starting to ask us: 'You keep saying everyone, from the BJP [Bharatiya Janata Party] to the Congress to the AGP [Asom Gana Parishad], is bad; who is good then?'"

Khound added: "Sooner or later, we have to give them some sort of an alternative."

The fear of the foreigner

The Citizenship Amendment Act expedites Indian citizenship for undocumented non-Muslim migrants from the three neighbouring countries of Bangladesh, Pakistan and Afghanistan.

While protests against the Act in the rest of India have revolved around the law's alleged anti-Muslim bias, ethnic groups in Assam and rest of the North East fear they will be physically and culturally swamped by migrants from Bangladesh.

In Assam, there is an added concern: a section of BJP leaders have suggested that Hindus left out of Assam's recently updated National Register of Citizens, meant to be a roster of bonafide Indian citizens of the state, would be naturalised under the new law.

This would effectively render the NRC redundant, even though the document took more than four years to compile – something that protesters have routinely pointed out.

The NRC was updated according to the terms of the Assam Accord, an agreement that Assamese nationalists signed with the Union government to end a six-year long anti-foreigner agitation that rocked the state from 1979-'85. Over 19 lakh applicants were left out of the final list and must now prove their citizenship at quasi-judicial bodies called foreigners' tribunals.

Déjà vu Assam Agitation

The current protests are perhaps the most widespread since the Assam Agitation of the 1980s, with demonstrations held across the state. The administration clamped down with an internet

ban and a curfew in several parts of the state, including the capital of Guwahati – unheard of in years.

The protests have witnessed several unusual alliances: While Muslims of Bengal origin – often vilified as aliens – joined hands with Assamese nationalists to protest in Lower Assam, the Congress also made common cause with student outfits, often antagonistic to the party, to organise rallies.

While there was no targeted violence in most parts of the state, unlike the Assam Agitation, a section of agitators in Upper Assam did attack businesses and homes of non-Assamese speakers.

Meanwhile, the BJP dispensation in the state refused to back down. While finance minister Himanta Biswa Sarma welcomed the new citizenship law and made communal remarks directed at Muslims, Chief Minister Sarbananda Sonowal struck a more conciliatory tone, trying to assure protesters that the Act would have negligible impact on the state.

'Cheated by everyone'

But few people have been convinced. With Assam heading to elections in 2021, many in the state seem to think the time is ripe for a political party built on the foundations of the current movement. Several people *Scroll.in* interviewed at protest meetings in different parts of the state over the past one month suggested as much.

If in Guwahati, a retired bank employee tearfully spoke of being “cheated by everyone from the BJP to the Congress to the AGP”, a farmer in Duliajan angrily emphasised the “need of a party that truly represents the interests of the Assam”.

The resentment against the BJP has done little so far to boost the Congress’s prospects. Mention Congress as the alternative to the protesters, and pat comes the reply: “There is no difference. BJP wants to bring in Hindus; Congress Muslims.”

Observers of the state say that the ongoing, almost relentless, protests mark a new phase of regionalism. “The anger is real and is not just about CAA, it is about the cultural invasion; the appropriation of Assamese cultural and religious figures [by the BJP],” said Udayon Misra, former professor at Dibrugarh University and author of *The Burden of History: Assam and the Partition*. “So, it is no wonder that people are saying that they don’t want to be dictated by Delhi and Nagpur [the headquarters of the Rashtriya Swayamsevak Sangh, the BJP’s ideological parent].”

The elusive alternative?

However, Misra said that the opposition to the BJP was still “in a very amorphous state”. “What shape it takes is too early to say,” he said. “Only one thing is certain: the BJP stands to lose from [the protests] as it has now lost the plank of identity politics it won the elections on.”

Indeed, there is very little clarity – or consensus, for that matter – even among the leaders of the agitation on how the street protests could be translated into electoral setback to the ruling BJP.

While the All Assam Students' Union seems to be the obvious choice for a leadership role, considering its role in the current protests and its general clout across the state, not everyone in the organisation is keen to take the mainstream electoral plunge.

Samujjal Bhattacharya, the outfit's long-time advisor and its most well-known face, told this reporter, "I have made this clear: I will personally not do [electoral] politics."

The trepidation may be rooted in a historical mishap. The Assam Gana Parishad, the BJP's ally in the state, is an offshoot of the All Assam Students' Union. It was born after the Assam Agitation.

Now, the party's reluctance to openly oppose the Act and withdraw from the government is, for many within the All Assam Students' Union, a reminder of an old adage: power corrupts.

As another senior leader of Union leader said, "A large chunk of the MLAs who now constitute the government started out in the AASU, so that doesn't inspire confidence in the electoral politics route.

The contenders

One section of the powerful students' group has left the door open to the option of joining electoral politics.

In an interview with *Scroll.in*, All Assam Students' Union general secretary Lurinjyoti Gogoi said that while there were no concrete plans to float a political party yet, the outfit was aware that that was what a section of people wished. "It is our moral responsibility to listen to them; otherwise it will amount to disrespecting their sentiments," he said.

As talks of a new political front gain traction in Assam, the Congress, too, has joined the fray. At a recent press conference, former chief minister Tarun Gogoi said the party was open to being part of a united opposition that was "anti-CAA, anti-BJP and anti-communal forces in the interest of Assam".

But many say that is a fantastical proposition. "The Congress is untouchable," said political commentator and author Mrinal Talukdar. "It will be suicidal."

Misra, though, was less dismissive. "Although many people are very anti-Congress, politics is a game of strange bedfellows," he said. "Besides, the Congress has a readymade organisational base at least in Lower Assam."

After the debacle of the 2014 Lok Sabha and 2016 Assembly elections, the Congress is slowly starting to gain back lost ground in the Muslim-majority Lower Assam districts.

Party for whom?

But perhaps a more pressing question at this juncture concerns not the periphery of this imagined political alternative, but the core itself. Whose interests will it represent, really? The protests, so far, have been loosely tied by a somewhat abstract thread of Assamese nationalism, but as Misra pointed out, “There is no unanimous definition even of what that even means, where the ethnic groups stand on it, etc.”

Talukdar shares a particularly bleak position on this. “After the previous experience with the AGP, I do not think any tribal group, with the exception of the Ahoms, will be willing to be part of any political alliance built on the foundations of Assamese nationalism,” he said.

Talukdar’s misgivings stem from a belief among a section of of the state’s ethnic groups that the Asom Gana Parishad alienated them after coming to power in 1985. This in spite of them backing the Assam Movement that propelled the Asom Gana Parishad to power.

The Bodos, for instance, wholeheartedly supported the movement, but the community’s relationship with the Asom Gana Parishad-led state government soured soon after, leading to a new movement among the community for a separate state.

The BJP, on the other hand, managed its spectacular election win in 2016 by stitching together a coalition of groups defined as indigenous to the region. Parties and civil society groups representing the Bodos, Misings, and several other smaller ethnic communities banded together with the BJP.

However, most tribal groups have rallied around the All Assam Students’ Union in protesting against the Citizenship Amendment Act.

An uneasy alliance

Then there is the elephant in the room: What about Muslims of Bengali origin, persecuted by Hindu nationalists as well as Assamese nativists?

Muslims of Bengali origin have made common cause with ethnic Assamese in opposing the Citizenship Amendment Act. But will they be included in a new regionalist, anti-BJP political alignment, the cornerstone of which is Assamese nationalism? After all, a major strand of Assamese nationalism revolves around anti-immigrant sentiments, the worst victims of which have been the state’s Muslim migrants from former East Pakistan.

During the Assam Agitation, for instance, at least 1,800 people, including hundreds of women and children, from the community were massacred in Nellie village by a mob of Assamese people. The community continues to face sporadic majoritarian violence: often they are the first targets of eviction drives.

Significantly, the All Assam Students' Union has been at the forefront of several such misadventures. In December 2018, the outfit filed thousands of objections, most of them without any verification, against the inclusion of the people included in the draft NRC. An overwhelming number of them were targeted at people living in the state's chars – shifting riverine islands on the Brahmaputra populated largely by Muslims of Bengal origin.

Such episodes have led to fears that any political formation spearheaded by the outfit could be plagued by majoritarianism.

Monirul Hussain, chair professor at the Centre for North East Studies and Policy Research in Delhi's Jamia Millia Islamia University, said the success of any new regional political imagination was contingent on "learning from the past". "Many people who formed the AGP, which was supposed to be that party [the political alternative], are now in the BJP," he said. "For that not to happen all over again, there needs to be a very strong commitment to democratic ideals and secular values."

'Assamese is not one community'

Gogoi claimed to be mindful of such apprehensions. "We need to strike a balance," he said, "between protection of indigenous rights and creating an inclusive atmosphere for everyone to live in. It cannot be a politics of exclusion."

"For far too long," Gogoi said, "politics in Assam has revolved around the idea of the foreigner. We want to settle that issue for once and all and move ahead."

He said the current agitation went beyond resentment against the supposed "illegal" migrant. "It is about the fundamental issues of federalism and Delhi's overbearing presence," he said. "It is about our right to preserve our distinct character within India's federal structure."

Hussain said he did believe that the current agitation was "on better secular footing" than the movement in the 1980s. But any regional formation, Hussain said, would have to acknowledge that "Assamese is not one community; it is a fusion of various identities who have made Assam their home."

<https://scroll.in/article/949096/one-month-of-anti-caa-protests-in-assam-will-it-give-birth-to-a-new-political-alternative>

Psychology behind NRC mirrors narrow, dominating side of Assamese language, and its fragile nationalism, cultural identity

Firstpost, October 20, 2019

By Suraj Gogoi

On 20 October, 1945, Gustave Gilbert, an American military officer and psychologist who was trained in Columbia University, arrived in Germany's Nuremberg to attend the trials of Nazi war crimes. He worked as a 'moral officer and translator' in the trials and later became known as 'prison psychologist'.

Gilbert was invested in studying the psychology of Nazism through his interactions with the defendants in their cells. He found them to be anxious as they found themselves in the middle of the trial. He summarised those conversations in the form of detailed notes which was turned in to a book called *The Nuremberg Diary* published in 1947.

During the testimony in the Adolf Eichmann's hearing, he noted in one of his statement that 'it apparently meant nothing to him (refereeing to Rudolf Hoess, the Commandant of Auschwitz) that he had murdered millions of people, he had no hesitation in describing everything in detail, and without any attempt to share blame, or to prepare a defence or anything'.

Racial superiority marked the ideology of Nazism, which was pushed in Germany by Adolf Hitler, found support of the intellectuals at that point. Gilbert found that Nazis lacked empathy and any kind of remorse. Even after killing millions of people, the officers who carried out the orders remained unfazed and sometimes even lacked any conscience of the crime they participated and committed. They were no more than 'murderous robots' for Gilbert. Anti-Semitism took over their life and they guided their ideology.

If psychology of Nazism shows us the savage part of that ideology, the sympathisers of NRC shows us a lack of moral compass, guilt, empathy for other humans and a fetish for a homeland which is no less anti-Semitic in terms of who it wished to exclude. Assertion of Assamese identity and how the outsider is framed in Assam is also blatantly racist in character.

One of the ways in which Nazi ideology was foregrounded was by misinterpreting religion. Hitler thought that by "standing guard against the Jew, I am defending the handiwork of the Lord". In Assam, we see a cultural and political distortion of who is an Assamese and what ought to be the measurement of culture, not just in theory but also in practice.

In order to understand the psychology of NRC, one needs to ask the question who are the sympathisers of NRC and what could be the economic and psychological basis of its appeal.

The illustrious list of sympathisers forms the basis of understanding the psychology of NRC. Like in the case with Nazism, they share immense hate for the outsider and the stranger.

Their very presence unsettles them and espouse a fixed and narrow idiom of culture, race, ethnicity and kinship.

NRC sympathisers are also captivated by a theory of scarcity, similar to how the Nazi's thought of scarcity. It is certain in their minds that the 'Bangladeshis', the aliens are the primary causes of landlessness, even ecological degradation. This notion of scarcity and purity is not just in terms of material things but perceived culturally and psychologically, too.

NRC psychology shares disturbing similarity with the history of Nazism whose sympathisers not only share similar profile with the well-wishers of NRC, but they shared the hatred against racial and political minorities, as well. They, too, showed comfortability with the idea of camps, confinement and reduced rights of people. The hate directed at the 'Bangladeshi' in Assam, even after NRC, is an example of how racial and political minorities are framed in the state.

The desire for domination, and marking who is an outsider, is evident in the push for a narrow caste Assamese identity premised on the hegemony of Assamese language. The opposition to Miyah poetry, even by the intellectuals in the state, shows the fragile Assamese ego and nationalism that centers on the fetish of one language. NRC mirrors the narrow, selfish and dominating side Assamese language and in turn, its fragile nationalism and cultural identity.

There were a significant group of working-class people, and others too, who did not share the optimism. Similarly, the working class, the liberals and the Catholic bourgeoisie also did not agree with Nazism, but at the same time, also never showed inner resistance, Erich Fromm noted.

It is possible that people in Assam who shared an ambivalent position about NRC, now rationalise their suffering of having been forced to be a part of the NRC process by blaming the presence of the 'Bangaldeshi', despite not wanting something like NRC. In other words, NRC amplifies the antagonisms between social classes and legitimises social stigma of being an outsider. Moreover, social stigma can never be erased through a bureaucratic and legal exercise because they reside deep in our consciousness.

One of the ways in which psychological literature justifies Nazism is through the use of sexual repression that gets manifested in the form of such a racist epithet ingrained in its ideology. In doing so, Gilles Deleuze and Felix Guattari refer to the 1933 book *The Mass Psychology of Fascism of Wilhelm Reich* in situating fascism at the molecular basis of fascism - in the family.

We were born and brought up in Assam and were told to hate the 'Bangladeshi' everyday of our life. Our introduction to the Bangladeshi is one filled with suspicion, an outsider, a migrant and a land grabber, among others.

The intellectuals and academicians in Assam also echo such a sentiment where they almost bureaucratically tell us to fear and hate the 'outsider'. With NRC, we even saw philistine practice in Assam where the current torchbearers of humanitarian gestures post NRC publication, earlier took grave offence when human right violations, numerous suicides and daylight injustice were spoken and written about.

Assam Movement and consequently, the Assam Accord, demonstrates a rhetorical and confessional politics of self-preservation of a singular identity that directed its anger against the outsider and instils this notion of scarcity in people's psyche. The 'Bangladeshi' became an everyday soft target, followed by a chauvinistic rejection of their claims of recognition sustains the project of Assamese nationalism to this date. The Assam Movement that largely mobilised the common people on the common grounds of understanding for the removal of the 'illegal migrants' ended up with a vicious cycle of violence between the self and the other. The psychology of NRC, and the intent of NRC, ought not to be read without considering such a psychology and history.

The liberating potential of NRC which was sold by the Left and Liberals in Assam is a contradiction which ought to haunt them. There cannot be a bigger fallacy of intellect or political calculations, because if there is liberation, there ought to be 'enslavement' and 'confinements', as well. The presence of people in detention camps and the confinements in minds that led to multiple suicides only show how NRC machine is also enslaving people.

The psychology of NRC, on the aftermath of NRC process, increases antagonism between social groups. The fetish that the Assamese nationalist share for NRC which are foregrounded through notions of language and scarcity is projected as collective consensus of the 'Assamese'. The idea of collective consciousness and support for NRC is manufactured to hide and erase the alienated citizens. It helps them to dream that there is no class character in that collective consciousness. NRC is nothing but a mutation of the Assamese psychology of hate towards the outsider.

<https://www.firstpost.com/india/psychology-behind-nrc-mirrors-narrow-dominating-side-of-assamese-language-and-its-fragile-nationalism-cultural-identity-7526031.html>

Re-imagining the Assamese identity under the shadow of NRC

Countercurrents, June 17, 2019

By Suraj Gogoi

Cultural worlds are fluid, and so are humans. Assimilation and migration are intrinsic to any society. Thus Assam is not an aberration. Anyone studying Assam knows how complex and layered its history is. So it is obvious that the articulation of Assamese identity has also undergone multiple changes.

The Assam Movement was primarily a cultural movement. It defined the measurements of the “son of the soil” and an outsider. On its aftermath, Assamese and Assam were viewed through certain fixed categories and a homogeneous self was projected through the movement. It also defined the migrant as an “illegal” or “alien” entity, who as a common enemy defined the Assamese self.

I wish to share some time with the idea of culture in general and Assamese culture in particular, as articulated by two stalwarts of Assamese cultural and social world, Jyoti Prasad Agarwala and Bishnu Prasad Rabha. In their articulation of cultural worlds, one finds a fine balance of political emotions and freedom.

In his novel *Our Village*, Agarwala writes: “Culture can distribute light in society.” For him, those deeds, those thoughts, those actions that make one’s contemporary life beautiful and meaningful are culture. On the other hand, those acts, thoughts, actions and behaviors that degrade people, that make people’s life sad, corrupted, sick, unhappy, one that turns humans into demons, are against culture.

The human journey is a cultural journey toward light and beauty. Agarwala thought that in worshipping that beauty we decorate our culture. “Worshipping beauty is culture,” he writes. In this context, he recognizes the role of an artist in creating beauty. In his definition of an artist, even an intellectual may find a place for opposing cultural forces, for in their opposition, they protect beauty.

Hemanga Biswas in his essay “Jyotiprasad, an Artist of Life” narrates about a meeting with Agarwala in Tezpur. In that meeting, Agarwala expressed the need for a new kind of “cultural conscience” without which freedom would not be possible. He insisted that every language is his mother tongue. In invoking such an idea of the cultural world and its association with people, he resonates with many humanists that we know of.

Agarwala’s celebration of beauty is pregnant with pluralism and devoid of religious distinctions. Instead of distinctions, he seeks to cultivate beauty and worship it. Only in the worship of beauty is full human potential realized. He bestows freedom in a human being to create beauty and happiness, even if it is at the cost of creating new norms of culture.

Rabha's understanding of the Assamese cultural world is not far from Agarwala's. Rabha recognizes a syncretic Assamese culture that embraces Satriya, Bhatiya and Janajati traditions. In his essay "Assamese Culture," he accepts with all humility the role of hills and plains, of rivers and wastelands, of tea gardens and mountains, of the great traditions and little traditions in constituting what we call Assamese.

In his understanding of Assamese, the Nagas, the Meiteis, the Mizos, the Khasis, the Jaintias, the many tribes of Arunachal and Assam and people from different religion find a place. He recognizes the cultural debts of all the groups and places alike, and frames Assamese as a cultural complex with its heterogeneous and accommodating nature. For him, Assam is a place of flow and a cultural landscape that is touched by various contiguous groups and in its practice, it lights up many cultural worlds.

The farmer, the daily wage laborer and the poor found a special place in the thought processes and activism of Agarwala and Rabha. For them, if a culture or society is to develop or become beautiful, we need to think of the downtrodden the most. Rabha writes in the same essay that "craft, culture and civilization are not in the hands of the poor ... but with the daily wage laborer and farmer, with the poor Assamese."

They were nationalist, of course, but they also celebrated humanity, and their measurements of social boundaries were as broad as they can get. They showed us that accepting cultural debts opens up a culture, enriches it, not the other way around. It saves us from being chauvinistic and fascist.

They belong to a state that later was torn apart by questions of language, ethnicity and uneven development. Under such a predicament, the cultural worlds also took a toll. The caste Assamese nature of the Assam Movement and everyday politics redefined the boundaries and measurement of the Assamese identity. That constructed identity is far away from what Rabha and Agarwala imagined. The identity that the All Assam Students Union or other cultural, literary and political organizations draw for us today is narrow and selfish.

Anthropologist Johannes Fabian notes that sharing time in the field, and with interlocutors, makes (ethnographic) knowledge possible. Many contemporary anthropologists see it as a political act of finding "possible worlds."

I believe such sharing of time "intentionally" with historical characters, their articulations, events and texts also carries the same potential of thinking about who we are and find possible worlds. Rabha and Agarwala offer such possible worlds, and re-articulate the measurements of Assamese identity, appreciate the cultural debts and imagine a culture that may distinguish itself from another, but doesn't necessarily turn that difference into hate.

Can we re-imagine an Assamese identity, a possible world and "cultural conscience," through these two stalwarts of Assam?

This article was first published in Asia Times.

<https://countercurrents.org/2019/06/re-imagining-the-assamese-identity-under-the-shadow-of-nrc>

NRC muddle: a vigilante student union and India's borderlands

Countercurrents, May 27, 2019

By Suraj Gogoi

Society cannot escape human influences, wrote philosopher and revolutionary Frantz Fanon. Student unions have played a significant role in shaping the contours of regional politics in Northeast India. The All Assam Students' Union, All Arunachal Pradesh Students' Union, and Khasi Students' Union, among others, have often defined the measurements and boundaries of all spheres of life in the region.

As expected, nationalists in Assam have credited the All Assam Students' Union for successful completion of the draft for the National Register of Citizens (NRC).

Poor people are caught in a labyrinth of social relations and ethnic politics that constantly dehumanizes them. The NRC has skillfully injected fear, trepidation, and abasement.

The border areas of Assam became a zone of surveillance and the student unions in contiguous states, most notably in Meghalaya and Arunachal Pradesh, beefed up their vigilante acts. Various state governments also put the borders on high alert and deployed extra force to monitor the border districts neighboring Assam closely.

The notorious Khasi Students' Union, after the publication of the draft NRC, erected its own checkpoints in different parts of the border areas. They called them "Khasi Students' Union infiltration gates." This created quite a ruckus as anyone going into Meghalaya was checked. If they didn't have proper documents, they were sent back.

Khasi Students' Union president Lambokstarwell Marngar claimed to have "detected" 1,000 persons in the districts of East Jaintia Hills, West Khasi Hills and Ri Bhoi without proper documents. He added that the measures taken by the Meghalaya Police was inadequate, so the union decided to jump in.

Anyone who has travelled to Shillong or to any other parts of Meghalaya would know that no such documents are required to go into the state. There is no Inner Line Permit in place. Such vigilante checking and marking of boundaries in the absence of Inner Line Permits by a non-governmental organization is unlawful and shocking. It is a serious case of harassment and against free movement of people.

The current convener of the All Arunachal Pradesh Students' Union, Tatung Taga, in an order dated August 2, 2018, issued to the District Students' Union, said a joint effort should be "launched" to weed out "illegal" immigrants in the state. It gave a period of 15 days from August 2-16, and from August 17 "Operation Clean Drive" would be "launched." The union seeks to carry out Inner Line Permit checking strictly and the District Students' Union is asked to comply and "launch" the order.

On August 14, the All Arunachal Pradesh Students' Union reached out to the All Assam Students' Union on the eve of Operation Clean Drive. A meeting was held between the two student unions under the chairmanship of North East Students' Organization coordinator Pritam Wai Sonam. The Assam Union members requested that All Arunachal Pradesh Students' Union members not harass indigenous Assamese people living in their state but at the same time extended their solidarity.

These two cases give a sense of how powerful these student unions are, which questions the legitimate security infrastructure of the state as they take matters into their own hands. This is no less than a parallel government that perpetually ignores labor history, restricts movement of people and dehumanizes them.

Arunachal is a historically labor-deficit state. Many wage laborers and sharecroppers belonging to multiple communities work in the state. They are there to work and not to own any property. Anyone not belonging to minority Schedule Tribe communities in Arunachal is not allowed to buy or "capture" any property.

There are millions of workers who are engaged in various state infrastructure projects, primarily roads, bridges and dams. There are even cases of workers not receiving their due or being intimidated by owners and contractors, among others. Many have left the state because of the tyranny of India's permit-license raj (rule).

Writing about Meghalaya, Obadiah Lamshwa Lamare in a mimeograph recalls the harassment of workers from Bihar, employed in the expansion of Mawlai Nongkwar Presbyterian Church, by local youth despite carrying valid documents proving their Indian citizenship. In that powerful essay, "Democratic Decline," he contextualizes the formation of class in Meghalaya and how a myth of tribal purity is propagated by the Khasi elite, an indigenous ethnic group of Meghalaya.

For him, it is also a mechanism to stop polarization of social class by projecting tribal unity. He reminds us that the Jaintia Hills also have a history of "cultural assimilation, symbiotic and resembling proto-cosmopolitanism" suggesting co-existence.

Lamare also rightly points out that the term "illegal" being attributed to a human body is demeaning and dehumanizing, for illegality is attributed to actions, not persons.

Fanon wrote that "all forms of exploitation are identical because all of them are applied against the same 'object': man.... Colonial racism is no different from any other racism." The reduction of people into non-citizens or doubtful citizens questions the very being of a person – of being human. It objectifies individuals by converting them into illegal bodies. The National Register of Citizens has shown that we are indeed a racist structure.

This devaluation of human beings is at the core of the National Register of Citizens, and the joint actions carried out by the student unions in various states are but its extension.

“Operation Clean Drive” and “infiltration gates” internalize such a philosophy by locating “illegal” bodies and restricting movement.

It is extremely shameful that such student bodies and organizations target the working class, and send them into cycles of poverty and destitution under various pretexts.

This article was first published in Asia Times.

<https://countercurrents.org/2019/05/nrc-muddle-a-vigilante-student-union-and-indias-borderlands>

How NRC legitimised xenophobia and chauvinism in Assam

Countercurrents, May 25, 2019

By Parag Jyoti Saikia and Suraj Gogoi

As soon as the draft of the National Register of Citizens (NRC) was released, an image went viral across media platforms in Assam. It was that of the All Assam Student Union (AASU) members distributing sweets and celebrating the publication of the draft.

With the bitter cries of millions who have been left out, the AASU decided to distribute sweets in their offices. We will leave it to you to decide the innate being and character of a student body that can celebrate the misery of over 4 million people.

The draft left out 40,07,708 individuals from the citizenship register. This is one of the largest marking of people in a 70-year-old democracy. We have failed—as a state, as a society, and as human beings.

In June, the Office of the United Nations High Commissioner for Human Rights (OHCHR) in their letter raised concerns about the potential web of contradictions and discrimination in the NRC process. Countless articles and narratives have been written, speaking of the anxiety, harassment, exclusion and social pain, all products of the NRC process.

Sahimoon Bibi, 45, took her life in April this year. She was originally from Bihar's Muzaffarpur district. Following the non-inclusion of her six siblings in the first list, published in December, and the notice served to her family by the Foreigners' Tribunal (FT), she ran "pillar to post" to prove their citizenship. She fell sick and was even admitted in the Dhubri Civil Hospital. Unable to handle the pressure, she committed suicide.

Subhash Chandra Kalita, 52, committed suicide on February 21. Kalita was a teacher at Sonapur Lower Primary School and a booth-level officer, and was reportedly depressed owing to work pressure related to the NRC related process. His death highlights how even people who can some part of the system are sometimes victims of the system too.

A few weeks ago, an online petition circulated on Avaaz went viral. The petition noted that the NRC process was a ploy to delete Muslim applicants' names. A counter-petition was launched by the NRC office, which emphasised that its sole aim was to detect foreigners, and the process is free from religious and linguistic biases.

The NRC office issued interesting remarks on online platforms, and also responded to the queries of various individuals. Some stated that "no difference on the basis of religion or language" has been made; D voters—or doubtful voters—are identified by election commissions and not by NRC process; there is no connection between the border police and the NRC; and, lastly, non-inclusion in NRC would not lead to any detention camps. However, all these statements have faultlines. The experiences of D-voters, who have been served notices, speak of different situations altogether.

Let us look at how this whole exercise works.

Oliullah Laskar, who practises in the Gauhati High Court, spells out how the NRC, border police and FT are organically related. He notes the following three aspects:

First, if a case has to be tried in the FT, the border police have to make a reference. During the pendency of any case, that person's name would not be included in the NRC. If the FT decided the case against the accused, then that person also gets excluded from the NRC register.

Laskar adds that in 2009, a new provision was added whereby after the claims and objection window is over, one can still go to the FT. If the case is cleared by the FT, that individual's name will be included in the NRC.

Second, the FT is a quasi-judicial body because of the nature of its civil proceeding. Although, it is not obliged to follow the rules of civil proceedings, under Section 30 of the Civil Procedure Code, the FT also holds the power to call and witness, and to use coercion.

Lastly, NRC authorities are administrative agents, but the manner in which they work is similar to FT members. Like the FT, the burden of proof is on the applicant. Such procedural similarities make them almost parallel bodies.

The links between the FT and the NRC becomes clearer when one considers the May 2 memo of NRC coordinator Prateek Hajela. Through this memo, Hajela asked all district magistrates to block the names of declared foreigners and their family members entering into the complete draft of NRC. According to the NRC coordinator, this was done following an order given by the Gauhati High Court in 2018⁶, but the fact that this was done retrospectively—about four months after the first draft list was published—led to speculation and fear among minority communities. It was also reported that a police officer and a deputy commissioner conceded to the fact that the D-voters lists were handed over to concerned authorities, which may mean exclusion from the NRC draft list.

However, Prateek Hajela denies that these institutions of border police and FT are linked to the NRC process, although we can see otherwise. The series of NRC-related suicides proves that the NRC, D-voters lists, FT, detention camps, and border police have an intricate web of relations, which allows for a legitimate bureaucratic infrastructure to function actively.

The only way, perhaps, in which these entities are not linked, is the absence of a central database of cases, as was pointed out by an article. It shows that due to the lack of a central database Mumtaz Dewan, a forty-plus housewife from Dhubri, who has been declared citizen in 2017 after a 19-year long struggle, still could not get her name registered in NRC since election commission website still lists her as a doubtful voter. Election Commission officials blame the EROnet software introduced in 2017. The new cases are not updated, so the old record remains and there isn't a separate provision for just Assam. This lack of updation in

the database also This leads to a duplication of the cases, resulting in a person getting re-notification or multiple notifications from the FT.

In an article, journalist Praveen Donthi mentions that Abdul Hamid, a 68-year-old Bengali muslim man from Nellie got notices three times from FT. He won the cases every time implying that he was declared a citizen three times. This shows that the NRC exercise has been happening on a faulty and outdated data.

Election Commission officials blame the EROnet software introduced in 2017. The new cases are not updated, so the old record remains and there isn't a separate provision for just Assam. This means Indian citizens declared as D-voters since early 2017 are still shown as D-voters in Assam's 2018 electoral rolls.

It also appears that many "sons of the soil" are also left out, along with the original target to identify "illegal Bangladeshis". Ziauddin Ali Ahmed, the nephew of India's fifth President Fakhruddin Ali Ahmed, could not find his and his family's name in the final draft of the NRC. Ananta Kumar Malo, the sitting MLA from Abhayapuri constituency in Assam, also does not figure in the final draft. Malo, a Bengali-speaking Hindu who won the SC-reserved constituency on an AUIDF ticket, told The Indian Express that his brother, who used the same legacy data as him, is there in the final list.

In the public sphere and a couple of media channels, it is being suggested that the number of 4 million is actually lower than the actual figure. Debaters and experts on TV media in Assam are already portraying these 4 million as Bangladeshis, even though NRC authorities admitted to names of many "sons of the soil" being excluded. Such is the prevalent xenophobia, insensitivity and heartlessness. Such questioning of the number actually being higher is also in reference to a reply which the central government gave in 2017, where Sriprakash Jaiswal, Union Minister of State for Home in the UPA government, mentioned there are 50,000 "illegal" immigrants in Assam.

Regional newspapers, on the other hand, have left no stone unturned to glorify this loss of citizenship for 4 million people. Some of the headlines of regional dailies like Asomiya Pratidin, Dainik Asom, and Dainik Janambhumi read as follows, respectively:

"New chapter to the life of the nation – Names of 40.07 lakhs not included"

"Government getting ready to look after foreigners with state treasury money – What measures after NRC: Government remains silent"

"Threat of Foreigners exposed"

There has also been a spillover effect of the NRC process. Ethnicity and nationalism have been ignited by the NRC process as we see the kind of views pouring in from the nearby states of Nagaland and Manipur. In Mizoram and Arunachal Pradesh, this kind of non-

citizen/non-permanent settler's frame already existed and is heightened through the NRC process. In Meghalaya, the Khasi Students Union has established infiltration gates to check "illegal immigrants" entering into Meghalaya from Assam.

Fascism is the other side of nationhood. The NRC as an exercise shows us its potential as a legitimate bureaucratic infrastructure that can shelter xenophobia and chauvinism, while acting as a machine to create anxiety and social pain. Intimidation, silencing and hounding are already at display in the streets and in newsrooms. Such acts can be closely associated historically with fascist political culture. What have we become? Whose kingdom of culture is it?

This article was first carried by Newslandry.

<https://countercurrents.org/2019/05/how-nrc-legitimised-xenophobia-and-chauvinism-in-assam>

The silence of the media: National Register Of Citizens in Assam

Countercurrents, May 21, 2019

By Parag Jyoti Saikia and Suraj Gogoi

Suicides, violence, persecution – why is the media not reporting the NRC process responsibly?

On June 11, 2018, four Special Rapporteurs of Office of the United Nations High Commissioner for Human Rights (OHCHR) submitted a letter to Minister of External Affairs, Sushma Swaraj addressing the racial bias and human rights violations resulting from the National Register of Citizen (NRC) process in Assam.

A passivity and racist and xenophobic contours inform the political and cultural milieu in contemporary Assam, and more importantly, the media, different civil and cultural bodies, and intellectuals have remained passive to the anxieties and fears of the marginal groups who are at the receiving end of the whole process.

Immediately following the publication of the first list of the NRC on December 31, 2017, the Chief Minister of Assam, SarbanandaSonowal made a public plea asking that no one be discriminated against during the process being undertaken for NRC identification. He also went on to add that the Central Government has to devise something “humanely” to deal with those who will be excluded from the NRC process.

As it stands, 1.9 crore of the 3.29 crore applicants were incorporated into the Register. Between the first publication of the NRC list and the OHCHR letter, a lot has happened. Yet, most of the media did not report on the many suicides that took place owing to the publication of the list. Neither have the setting up of detention camps been reported on beyond a point.

However, Hanif Khan was not the first or last of the suicides related to the NRC process. Prior to the declaration of the first list, Akram Uddin Barbhuiya of New Ramnagar area in Cachar District also committed suicide on December 6, 2017. On December 3, Anwar Hussain committed suicide in reaction to a notice served to his daughter for verification of documents. All the three individuals who died were under pressure owing to the formalities associated with NRC process. Subash Chandra Kalita and Ratan Rai were also victims of the same anxiety and fear of exclusion.

These deaths can be attributed to the failure to humanely implement the legislative, bureaucratic and legal processes that surround such a process and weight the effect that such a process and the inability to meet its demands, can have on individuals. The xenophobia that persists against the common enemy in Assam—the Bangladeshi—does not help either. This is in fact the mainstay of organised and insurgent politics in the contemporary Northeast. This affects civil society and cultural bodies which actively advocate the exclusion and expulsion of so-called “Bangladeshis”.

Within such an ambit, certain disturbing trends were observed in the media over deaths related to the NRC. A section of media reported that Hanif Khan committed suicide because of “not having proper document”. Public intellectuals like SanjibBaruah even made a mockery of his death.

In contrast to these NRC-related deaths, the KarbiAnglong incident gathered much media attention and solidarity. It proved that death is indeed not perceived equally for different individuals. Victims like Hanif Khan bear testimony to the almost indifferent political processes and ideology which surround the NRC process.

We would also like to highlight the importance of language as writer Moustafa Bayoumi reminds us, in reporting about the oppressed. He says that often in writing about the oppressed, they are first either killed by a bullet or by the language used to describe their deaths. A particular passive tonality and language which is used to describe the struggles of the oppressed, lends itself to victimhood. So much so that, the victim gets erased in the process of writing or reporting.

In the context of NRC, this was not an aberration. In fact, the language used to define and describe the process of NRC is not only misleading, but also aimed at creating an environment of fear psychosis and xenophobia. During the time when the process of NRC had begun, questions were raised about the basis of the NRC and there was confusion even within official circles regarding what is considered legacy data. Over a period of time though, the NRC has become the sole document forming a “protective shield of Assamese nationality”.

On January 1, the Asomiya Pratidin headline, stated: “*Four Decades long Struggle – First Stage of Results of the Self-sacrifice of 860 Martyrs – The National Doctrine Published Midnight – First Draft of NRC with 1.9 crore Names*”. The newspaper also carried columns from leaders of organisations such as AsomSahitya Sabha (Assam Literary Society), All Assam Students Union and others who lauded NRC as a step towards “safeguarding the national life of Assam” for the son of the soil. The association of NRC with national pride is ill-fated as this elevation ensures that the NRC process cannot be questioned.

In his article, Dr Dhrubajyoti Bora, then President of Asom Sahitya Sabha stated that the literary body had made a submission to the Supreme Court of India demanding that “in order to include and identify the *khilonjiya* (son of the soil, roughly translated) population of Assam in the citizenship register, all the communities listed in the Schedule Caste, The Schedule Tribe (Hills and Plains), Backward Classes, Other Backward Classes (OBCs), MOBCs lists, should be included in the citizenship register without any legacy data”.

While legacy data has been deemed as a cornerstone to be included in the NRC, relaxing these norms for certain sections while making it strict for others, dependent on language or religion, is another method of spreading xenophobia and practising racial discrimination as the OHCHR letter rightly pointed out.

On the eve of June 30, 2018, which was slated for the publication of the final draft of NRC (even though State Coordinator of NRC has stated that list will not be published on June 30) most regional newspapers had published a lead article pointing out the increasing number of Bengali speakers and decreasing number of Assamese speakers. But the numbers vary from newspaper to newspaper. The headline in *Amar Asom* on June 29, was “Number of Bengali Speakers increased to 30%”. On the same day, *Asomiya Pratidin*’s headline was, “Bengali Speakers number increased to 29% in the state – Number of Assamese speakers reduced to 48.38%”. The decline of Assamese speaking population is not new, nor is language switching, which played a crucial role in the Assam movement as Myron Weiner notes.

In fact, in the decade 1991-2001 the share of Assamese speakers went down by 9 percentage points as opposed to this decade’s drop of only 0.4 percentage points, notes Debarshi Das (unpublished). Similarly, the Bengali-speaking population rose by 6 percentage points in the last decade as opposed to 1.4 percentage points this decade. The Assamese dailies also did not consider it necessary to add the higher Total Fertility rate of Muslims which may be responsible for the high growth of Bengali speakers.

Writing about NRC in other languages such as in the Kolkata-based Bengali media also suffers from similar problems. Apart from being ill-informed about the Assamese language and grammar, a section also seems to highlight the Assamese versus Bengali binary, which at this point is totally uncalled for.

A section of commentators who claim to be alternate also fail to address the issue in the true sense of alternate. One of the mainstays of alter-politics as anthropologist Ghassan Hage points out, is the notion of hope. To hope is a very futuristic and objective thing. What we do need is to co-hope, hope with the other. With or without NRC, that kind of hope sharing hasn’t happened in contemporary Assam, particularly after the Assam Movement.

Alternate media platforms have been, both at the regional and national level, overtly generous in offering solutions to the NRC process. One such solution that has gained currency is the notion of work permits. Yes, perhaps the inevitability of the process does lead us to think practically, however, how can so-called alternate media and commentators ignore the gross human rights violations and continuing speaking with such passivity? The neutral language hides the perpetrators and also makes them what Sartre would call “passive complicit” to the process. What people in Assam need, irrespective of caste, creed and religion, is full citizenship, not a token that is the work permit.

“The passivity of language haunts us yet again with the nature of injunction to the OHCHR letter.” It is suggested that the letter was written on the pretext of information provided by “civil society bodies from India” and point to their “inadequacy”. Such shifting of attention from the main crux of the matter, which is racial discrimination during the NRC process, to other procedures drives more pressing issues into oblivion or makes one indeed ‘wait’.

Also, it is not easy to wait for a solution, given what is at stake – belonging and citizenship. (Real) People have been waiting to be reported, deported, identified, excluded, humiliated and perhaps, to be loved. They all hope to be included. The waiting and exclusion have caused deep trauma, anxiety and fear. Hanif Khan and Akram Uddin Barbhuiya and Anwar Hussain are memento moris of the effects of this exclusion.

In a *NE Live* TV debate on June 25, All Assam Student Union's (AASU) advisor Samujjal Bhattacharya labelled the UNHRC letter unfair. He even suggested that the United Nations is against the indigenous people of Assam. It's ironic that a "son of the soil" blamed the UN for reverse discrimination against the indigene, the same institution that they have approached multiple times for various reasons!

The state, too, is equally responsible for such fear. Paramilitary forces, army units and police officers were deployed across Assam before the publication of the first list. When the state makes such overt displays of legitimate force, the general public is obviously petrified.

In such a milieu, the presence of the Armed Forces Special Power Act (AFSPA) does not help the cause of the state. Given this situation, the media, intellectuals and civil bodies should show some sensitivity, which has sadly not been the case. A society reaches utmost decay when its intellectuals submit themselves to the popular and populist imaginations. We have arrived at those gates of decay, undeniably, as we wait for the final list.

In essence, the NRC has managed to reinforce social hierarchies and deepen social differences, and in the process integrated the dominant culture of the state. Of course, there are exceptions and there are certain *real alternate* voices that have maintained a robust criticism of the NRC and the state bureaucratic and legal processes. Mukul Kesavan, Prasenjit Biswas, Harsh Mandar, and Debarshi Das, among others, have regularly questioned the process through their opinions. But the voices are few and far between and more voices are required to highlight the ground realities of the NRC process.

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<https://countercurrents.org/2019/05/the-silence-of-the-media-national-register-of-citizens-in-assam>

Citizenship Amendment Act and NRC are two sides of same coin; both seek to alienate India's Muslims

Firstpost, December 17, 2019

By Angshuman Choudhury and Suraj Gogoi

If the National Register of Citizens (NRC) is the graveyard of Indian citizenship, the Citizenship Amendment Act (CAA) 2019 is the graveyard of Indian democracy. Both are organically related and cannot be read without. The citizenship crisis in Assam, now set to engulf the entire country, will forever change life, politics and social theory in South Asia.

The regime might understate and dismiss it on technicalities, but with the passing of the Citizenship Amendment Bill (CAB) 2019 by both houses of the Indian Parliament, we are being handed a new social contract. It is a new path, a new beginning for our democracy, one that makes our future an abyss. If the secular fabric of our Constitution is destroyed and the norms of citizenship are changed, which has already happened, we are no longer what we were.

The face of the crisis is this abyss. As once rightly noted by the historian Eric Hobsbawm, democracy is no measure for nature of states. Today Indian democracy seems to have proven that just right by showing how basic fabric of a democracy can be destroyed through the system itself.

There is an organic link between the NRC and CAA, which must be understood in the current context. In fact, they are two sides of the same coin with a similar political framework of exclusion. If CAA came out of the Hindu supremacist hearth of the Bharatiya Janata Party (BJP), Rashtriya Swayamsevak Sangh (RSS) and its allies, the NRC is the product of decades of xenophobia and chauvinism cultivated in Assam. Both have an inherently fascist, exclusivist logic. While NRC sought to exclude all "non-Assamese outsiders" from the citizenship framework, CAA aimed to exclude only the Muslims amongst them. One caters to pan-Indian Hindu nationalism, the other gives life to Assamese ethno-nationalism.

The leader of the Assam Movement (1979-85) galvanised all kinds of chauvinism and communalism that was already a part of our society and turned it into a mass movement. Decades later, NRC legitimised those mutual feelings. It is a well-known fact that the so called 'Bangladeshi' was the foreigner who was to be expelled, even exterminated. They say the Assamese were finally infused with some hope with the signing of the Assam Accord in 1985. However, what is often underplayed is that the events and outcomes of the 1980s injected Assamese nativism and the image of an "illegal Bangladeshi" in a much broader way into the public imagination. The curriculum around these found its way into classrooms, radios and streets before it found new meaning in the NRC machine.

Something similar happened as a result of the Ram Janmabhoomi movement in the late 1980s. The idea of India as an exclusive nation or 'homeland' for the Hindus took centre stage in the public discourse. It became a serious topic of discussion amongst the mainstream

intelligentsia and political class, particularly after the demolition of the Babri Masjid in Ayodhya. Even the so-called secular forces began emulating the Hindu supremacist impulse. That story of saffron mobilisation and proliferation now finds one of its greatest logical conclusions in the passing of the CAB.

In Assam, the opposition to the NRC is beyond the anti-secular or unconstitutional remit of the Act. It is a linear progression from the events of the 1980s, of the deeply-entrenched public imagination that Assam will be swept away by Bangladeshi immigrants. It is this absolutist position against immigrants that now stands pitted against the divisive Hindu-Muslim communalism of the BJP and Sangh. If the progressive Assamese ethno nationalists speak of the economic-cultural precarity of the indigenous people and the fear of the "Bengali outsider", the BJP and others push the idea of war of civilisations and the idea of the Muslim immigrants as "infiltrators". It is a battle between one template of otherisation versus another.

This hate for the bidexi (foreigner) has driven the protests to a point where we see a peculiar situation on the streets of Assam that mirrors the tumultuous days of the Assam Movement. From torchlight marches to slogans written on the gamusa (traditional Assamese scarf) with blood, history is being repeated with aesthetic precision.

The singular reason why the BJP's communal citizenship project is dangerous in the Assamese context is not because it will suddenly flood the state with "illegal Hindu Bangladeshis" (the CAA regularises only a section of the existing Hindu Bengalis, with a cut-off date of 31 December 2014). It is because the amendment threatens to tear apart the brittle stability of the state. It is not Narendra Modi, Amit Shah or Mohan Bhagwat who will suffer, for their fortunes are sealed safely in the larger national context, but the minority Bengali-speaking populations in Assam who will now have to live in a climate of fear, suspicion, uncertainty and simmering rage. It is not that they are new to such fatal churnings, but the tides of time had kept the lid on the bottle tightly fastened for sometime now. The CAA will now open this lid and let the ghosts of the past out. Fair to say that Assamese nationalism is entering a new phase of assertion and praxis, and so is the vulnerability that Assam's minorities reel under every day.

<https://www.firstpost.com/politics/citizenship-amendment-act-and-nrc-are-two-sides-of-same-coin-both-seek-to-alienate-indias-muslims-7781461.html>

Yogendra Yadav and Shekhar Gupta vouch for a monolithic Assamese identity; get history and politics around NRC all wrong

Firstpost, December 27, 2019

By Angshuman Choudhury and Suraj Gogoi

As India rises in rage against the anti-secular Citizenship Amendment Act (CAA) 2019, prominent intellectuals and activists are leading the charge. One of them is Yogendra Yadav, a leading liberal voice and critic of the Bharatiya Janata Party (BJP) government.

Earlier this year, Yadav, who currently heads the Swaraj India party, said that the Citizenship Amendment Bill (CAB) is the “most pernicious bills to be ever introduced in the Indian Parliament”. He has now called for a nationwide protest against the CAA, which came to life in the wee hours of 12 December with the President signing it into force.

Yadav’s fierce opposition to the CAA is appreciable. But, for someone who has unequivocally supported the National Register of Citizens (NRC) in Assam, it is a duplicitous position. In fact, it mirrors the narrow stance taken by certain progressive Assamese ethno-nationalists who oppose the CAA, but firmly back the NRC process in Assam.

Both the CAA and the Assam NRC are regimes of segregation, exclusion and discrimination. To selectively support one and oppose the other is disingenuous. Moreover, it is a logical fallacy to support NRC and oppose CAA, as both feeds into each other. Without the NRC, the CAA would be of little use to the BJP’s agenda of bolstering its Hindu voter bases.

In a July 2018 article for *The Print* titled *Does India care about the simmering volcano that Assam has become?* Yadav emphatically declared that the “NRC process must be continued and supported”. Such a bold assertion requires careful scrutiny.

In the article, Yadav gives in to the linguistic-cultural alarmism of the Assamese ethno-nationalists who fear “becoming a minority in their own state”. In the process, he commits the same epistemological crimes that Assamese ethno-nationalists routinely commit to justify the NRC, that is data obfuscation and causation error.

Statistical misassumptions

Yadav cites Census figures to show how “between 1991 and 2001, the Assamese speaking population had declined from 58 percent to 48 percent while the Bengali-speaking population had increased from 21 percent to 28 percent.” But, instead of citing the precise data from the next decade (2001-2011), which would reflect the most recent situation, he simply says that “going by this trend, the Assamese speaking population is currently around 40 percent while the Bengali speakers are estimated to be one-third of the population of the state.” Is that the case?

According to the 2011 language data, which is the most current available record, the percentage of Assamese speakers in Assam is 48.38 percent, which is, in fact, closer to

around 50 percent and not “around 40 percent” as Yadav assume. In 2001, it was 48.80, which is only marginally higher. Even the corresponding rise in the percentage of Bengali speakers from 27.54 percent in 2001 to 28.91 percent in 2011 was marginal. These stats essentially show that the rapid linguistic changes that Assam saw between 1991-2001 weren’t repeated in the next decade by any measure. Even the difference between the overall decadal growth rates of Assamese and Bengali (nationally) between 2001-2011 is slender. Bengali did grow faster than Assamese, but only by a tiny margin of 0.36 percent.

Yadav also pulls up the religion data to state that “the Muslim population of Assam had increased from 25 percent in 1951 to 34 percent in 2011.” Once again, he conceals the most recent figures. The percentage of Muslim population in Assam grew from 30.92 percent in 2001 to 34.22 percent in 2011, a marginal increase of 3.3 percent.

But there’s a bigger question here. Why does Yadav cite these data sets to justify the NRC? What link do they have with so-called “illegal immigrants” from Bangladesh that the NRC seeks to identify?

In this piece, Debarshi Das, an academic at the Humanities and Social Science Department, IIT Guwahati, notes that the increase in Bengali-speakers in Assam doesn’t necessarily indicate illegal immigration from across the border. It could be due to inter-state migration within India or other organic factors. Similarly, Abdul Mannan, former professor of statistics at Gauhati University, argues that the increase in Muslim population in Assam does not necessarily indicate illegal immigration from Bangladesh. He also notes how other communities in Assam, such as Scheduled Castes and Scheduled Tribes, had higher growth rates than Muslims during the same period.

Yadav makes another misleading assumption. He says that “these linguistic and religious changes in the composition of the population are most accentuated in the districts that lie next to the Bangladesh border”. There is no comprehensive data set to prove this point. In fact, the final NRC draft itself busted this myth by showing high rates of inclusion in the border districts.

Most importantly, beyond these minute statistical misassumptions, Yadav’s empirical obsession with linguistics in Assam doesn’t accommodate the complex history of migration and the politics around Census data. For example, large numbers registered as Assamese speakers in many censuses conducted by the government since the anti-Bengali *Bongal Kheda Andolan* days. This fact is noted on many occasions by veteran journalist Nirupama Borgohain.

Intellectual chauvinism

Yadav also directly falls into the nativist trap. He says that “Although there is little substance to the bogey of Assam turning into a Muslim majority state, yet the concerns of the ‘sons of the soil’ including the Ahomiya, Bodos and other tribal communities, cannot be dismissed.” To back this up, he references the frontline ethno-nationalist intelligentsia of Assam.

According to Yadav, “some of the leading intellectuals of Assam like Hiren Gohain and Apurba Baruah have taken a [...] saner line” that “supports the NRC process while providing for safeguards for the minorities”. This “saner” group “acknowledges that the linguistic, cultural and ethnic concerns of the pre-existing inhabitants of Assam are legitimate and that we need a robust process for identification of foreigners”.

This is a deeply problematic cue for Yadav to take. Intellectuals like Gohain and Baruah may not be ultranationalists, but have contributed significantly to the mainstream discourses of otherisation, chauvinism and cultural supremacy of the ‘Assamese’ that in turn legitimise discriminatory bureaucratic structures like the NRC. We have argued in our earlier pieces how intellectuals like Gohain espouse a narrow variant of Assamese nationalism by not just defending the NRC, but also imposing the Assamese language on minority groups, such as the Bengal-origin Muslims of Assam.

Yadav also offers a simplistic and monolith history of modern Assamese nationalism, conveniently glossing over inconvenient realities of the whole anti-foreigner movement.

According to Yadav, the Assam Movement (1979-85), which led to the signing of the Assam Accord in 1985, did not carry any communal sentiments, but only ethnic hues.

“There was an unmistakable anti-Bengali tinge to this ‘anti-foreigner’ movement, but the movement steered clear of anti-Muslim politics,” he asserts. This sentiment is echoed by noted journalist, Shekhar Gupta. In a video published by *ThePrint.in* in September, Gupta notes that the politics in Assam carries ‘secular ethnic impulse’. Both could not be more wrong.

The manner in which a Bangladeshi is othered in Assam carries both racial and religious overtones. It is a toxic mix of the nativist binary of “indigenous versus outsider” and caste Hindu anxieties about the stereotypical “Muslim Bangladeshi”. It is shocking that they believe that the Movement had a “secular” character when one of India’s worst anti-Muslim pogroms, the Nellie Massacre of 1983, occurred in the thick of it. Gupta himself reported on the incident as the *Indian Express*’s principal correspondent in Assam. But unfortunately, this is the season of selective amnesia.

Most importantly, both Yadav and Gupta gloss over how ethnic politics in Assam is characterised by xenophobia and chauvinism -- something that even the Assamese intellectuals whom Yadav quotes in his article have explicitly spoken in their writings. Yadav and Gupta also safely ignore the anti-minority impulse of nativist politics and its institutional manifestations.

A PUCL fact-finding report from 1980, of many other similar reports, shows the kind of dangerous environment the minorities and the targeted ‘outsiders’ found themselves in during the Assam Movement. It also records the many anti-minority killings perpetrated by the

Movement's agents. The anti-minority nature of the NRC has already been highlighted in the current context by various activists, academics and journalists.

The pluralism of Assamese identity

The politics that Yadav and Gupta espouse and the understanding they carefully carve for us mirror the caste Assamese politics in Assam. They hardly bring anything new to our understanding of society and politics in the state. Most worryingly, they uncritically perpetuate the same dominant discourse that constantly dehumanises the “Bangladeshi illegal immigrant” and treats their bodies as pollutants and scavengers in the land of the Assamese. By doing so, they end up re-propagating a homogenous Assamese self that is devoid of plurality and heterogeneity.

The specific Assamese identity that Yadav and Gupta end up promoting is amnesic to the multiple debts it owes to various cultural worlds from which Assamese, as a culture in itself, borrows its cosmologies. Assamese literature and culture embrace Xatriya, Bhatiya and Janajati, or both hills and plains and their traditions. Indeed, Assamese culture owes much to the tribal constituents of Assam, and not just to the Indo-Gangetic plains. As Bishnu Prasad Rabha, one of the prime cultural doyens of Assam points out, in the confluence of multiple cultures, we get what we call Assamese. One should accept this debt with all humility.

Assamese nationalists take us away from these heterogeneous understandings and shared cultures that make the very Assamese identity possible. One doesn't have to go far, but only ask why modern progressive intellectuals like Hiren Gohain take issue with the Bengal-origin Muslim and Adivasi communities of Assam expressing and writing in their own mother tongues.

Even the NRC legitimises a monolithic Assamese identity, which not only suppresses the cultures of multiple ethnic and tribal groups in Assam but turns collective majoritarian insecurities at the alleged ‘Bangladeshi’ who is made the concrete “other” who is to be expelled and even exterminated. In other words, it engages the lower classes, castes and tribes and turns them into armies for the caste Assamese middle-class project of exclusion, which continues to define regional politics.

Powerful civil society bodies such as All Assam Students' Union (AASU) and Assam Sahitya Sabha (ASS) are active agents in foregrounding such a xenophobic and chauvinistic character of Assamese nationalism. It is to be kept in mind that they are not just a student union and a literary body, but have functioned like institutions that mark and instruct the modalities of politics in contemporary Assam. Supporting the NRC amounts to supporting such agents and agendas of Assamese nationalism. But, neither Yadav nor Gupta cares to delve into the decisive role that these organisations have played in erecting the machinery of racist segregation in Assam.

They should remember that the NRC is part of that same citizenship determination regime of Assam that also includes the judicially-broken Foreigners' Tribunals (FTs) and the oppressive

detention camps. To support the NRC would be to not-so-latently support the tribunals and the camps, both of which have come under fire from the United Nations in the past.

For ostensible democrats like Yadav, such a position on mainstream Assamese politics and history only contradicts their self-professed image. As shown above, careful scrutiny of his position actually shows us he is actually closer to the Republican notion of citizenship when it comes to Assam -- the opposition to multiculturalism, reasserting Assamese nationalism which paved way for domination by caste Assamese middle class. Jean-Claude Milner's understanding of republican citizenship will support our claim here. Political theorist Jacques Rancier speaking about Milner notes: 'republican theory opposes all forms of multiculturalism and affirmative action, let alone any encroachments by social or cultural difference on its authority and its universality'.

NRC and CAB are complementary to each other. Creating an exception to NRC for specific areas of India will only produce more exceptions to the law and human life which already find itself in a very precarious condition. We ought to oppose both with all our beings.

<https://www.firstpost.com/india/yogendra-yadav-and-shekhar-gupta-vouch-for-a-monolithic-assamese-identity-get-history-and-politics-around-nrc-all-wrong-7830481.html>

What Hiren Gohain's bitter criticism of Miyah poetry tells us about Assamese nationalism

Firstpost, July 6, 2019

By Angshuman Choudhury and Suraj Gogoi

Recently, noted Assamese scholar and public intellectual, Hiren Gohain, wrote a brief note on 'Miyah poetry' — a vibrant body of literary work produced by Bengali-origin Muslims of Assam, often pejoratively called 'Miyah', in their own unique dialects.

In his one-page piece published in the Assamese daily *Asomiya Khobor*, Gohain, who is generally regarded as one of modern Assam's leading leftist intellectuals, presented a critique of the “discourse of Miyah poetry”. He asks, in a rather interrogative tone, as to why the new generation of Miyah poets use their own “artificial” dialect, rather than Assamese, to write their poems.

If they wrote in Assamese, Gohain says, their poems would appeal more to the Assamese-speaking majority. Using their own dialect, he argues, plays into the hands of “outsider forces” like the Bharatiya Janata Party (BJP) and its supporters.

Gohain cites the example of prominent Assamese playwright and novelist, Arun Sarma, to drive his point. Sarma, as he writes, penned a novel called *Ashirbadar Rong (The Hues of Blessings)*, in which an Assamese man goes out to save a Miyah family from violence and ends up marrying the “*hasina*” (woman) of the house. Gohain tells us how that — writing a novel in the Assamese language about Miyahs — won the hearts of the Assamese people and even got Sarma the prestigious Sahitya Akademi award (Gohain himself is a winner).

Gohain also calls out the younger generation of Miyah poets for writing about the Nellie Massacre of 1983 in their verses. Why? Because these poets were either yet to be born or were kids when Nellie happened.

In case you haven't heard of what went down in 1983, then it should suffice to know that on a late winter day that year, amidst the tumult of the Assam Movement, more than 2,000 Bengali-origin Muslims, including women and children, were slaughtered by members of the Lalung tribe and caste Hindu Assamese in just six hours around the central Assam town of Nellie.

Finally, Gohain ends on an unenviable note of whataboutery.

"If the Miyah poets are actually concerned about injustice and atrocities, then why don't they write a few lines about the ill-treatment of women in their communities due to religious bigotry?" Gohain asks emphatically in a post-script.

For a left-liberal intellectual who was once the most powerful voice against Assamese chauvinism (including chauvinism from the Left), Gohain's stinging rant is quite unusual. It

reads like a bitter letter written with scorn, not love. In fact, for many of us from the state who have looked up to him as a beacon of reason in the midst of virulent ethno-nationalism, it was a heartbreaking read.

But, what Gohain wrote is also dangerous — it directly panders to and legitimises the cultural-linguistic majoritarianism that mainstream Assamese *jatiyatabadis* (ethno-nationalists) patently practice in the name of preserving their “unique identity”. It pours fuel into that all-consuming machine of exclusion and xenophobia, which the dominant political class has run since the 1970s and still continues to produce discriminatory regimes like the National Register of Citizens (NRC) and the Foreigner Tribunals.

If that wasn't enough, Gohain's curt position establishes a narrowly-bounded, totalitarian, “Axomiya or nothing” imagination of the Assamese language in the minds of the “Assamese ruling class” (term borrowed from his own writings).

Despite its rare acidity, Gohain's position isn't out-of-the-blue. He represents a swelling group of *jatiyatabadis*, spread out evenly across the political spectrum in Assam, who argue that the emergence of Miyah poetry is a threat to the Assamese language and perhaps, even an affront to the Assamese identity.

In their nationalist imagination, the Miyah language is an irrelevant subsidiary of a larger, more important linguistic-cultural mainframe that is premised on the dominant “Axomiya way of life”, of which the Axomiya language is a key component. One must pledge loyalty to the latter to become a legitimate character in this national script. Any deviance is not just unnecessary, but also treasonous.

Unsurprisingly, yet funnily enough, the Assamese *jatiyatabadis* make it a point to flaunt their so-called multicultural tradition in the breath as criticising Miyah poetry, not unlike how all nationalists do so to sanctify their hegemonic biographies and ride the moral high horse. This the Assamese do by citing instances where the Assam Sahitya Sabha, the self-proclaimed torchbearer of the modern Assamese literary tradition, invited Miyah poets to hold audience and express themselves in the Assamese language.

In fact, Assamese nationalists ardently believe that it is because of their cultural largesse and tolerant attitude that the Miyahs have become an integral part of the Assamese society. This, in their unilateral worldview, reflexively implies that the younger Miyah poets should drop their own dialects and write in Assamese. If not anything, this is only a collective attempt at maintaining a so-called benevolent hegemony in a fissured society.

For the Miyahs, who originally settled in the riverine islands of the Brahmaputra basin when they arrived in Assam from some districts of what is now Bangladesh in the late 19th and early 20th centuries, language has been a key pillar of identity and assimilation. Many of them dropped their own dialects as Assamese linguistic nationalism gathered steam, reporting

Assamese as their mother tongue in the 1951 census. The Miyah dialects, thus, was relegated to the private space.

This has had far-reaching effects on not just how the Bengali-origin population views itself in today's Assam, but also how others view them. As shown by the current deluge of criticism against Miyah poetry, the Assamese-speaking majority, including left-liberals, take no issue with the Miyah dialects insofar as it is used in the private confines of a Miyah household and only to make “private”, not political, expressions. For this dominant class, only one language can be political, and that is Assamese.

So, it is the politicisation and the visibilisation of the Miyah language that the ethno-national majority in Assam fears. It is the act of giving the Miyah language prime agency in the “Assamese national discourse” that unsettles the dominant majority psyche of cultural hegemony. No wonder today's Assamese dailies are flushed with alarmist, and rather bizarre, headlines such as this: “‘Miyah Poetry’ is the blueprint for destruction of the Assamese language.”

The forced invisibilisation goes as far as the Miyah community's collective memory of trauma. The *jatiyatabadis*, much like Gohain, jeer at the young Miyah poets for talking about Nellie (or other instances of anti-Muslim violence). Some even argue that doing so “brings bad name” to Assam and spurs social tensions, much like how many mainstream Indian nationalists believe that talking about caste violence in India brings bad name to the country and flares up tensions.

To deprive a community of material and political benefits is one thing, but to rob it of its right to remember and grieve its losses is perhaps the zenith of apathy. If anything, it only reveals the textbook character of the Assamese national project where the victors write history, and the weakest are pushed to the darkest nooks.

The ultimate aim here, of course, is to preserve the sanctity of the Assamese nationalist utopia as a benevolent entity — one that militates reasonably, but does not kill.

Internal othering and mainstreaming produce exclusion of a variety. The opposition to Miyah language in fact questions their culture. By questioning their culture, what is indeed questioned is their being. Miyahs in Assam have been thrown inside out, yet again, by the Assamese *jatiyotabadis* by denying their language and celebration of their life-world. In doing so, the legitimacy of the critique itself is under attack, despite being apposite in their worldview.

The insolence by the powerful elites on the margins of Assamese society creates a rupture on the plural social fabric. It further alienates the already alienated by questioning the right to speak one's own dialects. By denying the freedom to speak and write, it creates rigid boundaries of culture and shows us that being Miyah in Assam is still horrific.

At the core of this opposition is the question of language. St Augustine thought that language lights up our world and we become aware of this world through language, without which there will be total chaos.

The native or the ordinary language as opposed to the constructed language of physics and mathematics inducts us into the emotional, moral and ethical life of a community, into one's culture. By refusing to acknowledge Miyah poetry, one indeed is refusing to participate in the moral and ethical life of the community.

It then becomes not just a question of nationalism, but something far more grave where the powerful elite simply refuses to participate and accommodate the other, and continues to set the terms of the dominant culture.

<https://www.firstpost.com/living/what-hiren-gohains-bitter-criticism-of-miyah-poetry-tells-us-about-assamese-nationalism-6931041.html>

Oppose the NRC, but Not Just for the Bureaucratic Incompetence Accompanying it

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By Angshuman Choudhury

Much has been written about the institutional and bureaucratic lapses in the National Register of Citizens (NRC) updation process in Assam. Even the most ardent supporters of the exercise, most prominently Assamese intellectuals, have noted the technical flaws in the headcount project.

For instance, a renowned intellectual from Assam, Hiren Gohain acknowledged that the NRC process was ridden with “errors and lapses” while arguing that it was unbiased.

These faults, often minute in nature, have had drastic consequences on the lives of real people, particularly the most vulnerable. A missing name here, a misplaced document there, and people found themselves stripped off their Indian citizenship. The latest of such administrative mishaps is the sudden disappearance of the NRC data from the official website before the start of the appeal process.

The key thrust of this bureaucratic critique of the NRC is that the process itself was necessary, but it wasn’t implemented well. In many ways, this mirrors the liberal criticism of the current government’s Jammu and Kashmir move – that scrapping Article 370 was much-needed, but not in the way it was done.

It is, however, important to move beyond a limited critique of the NRC.

It is absolutely crucial for us to question the very premise of the exercise. This entails three things – historical premise, judicial premise, and moral premise. It is only through a foundational and total critique of the NRC that one can step out of the core justificatory discourse around the exercise and see it for what it is – a majoritarian, xenophobic, counter-pluralistic project to forge a culturally and ethnically homogenous Assam.

Historical premise

The NRC has a fairly broad historical premise, going back to the immediate post-Independence years that saw the emergence of a popular nativist movement amongst the dominant caste Hindu Assamese groups in the Brahmaputra Valley.

But for all practical purposes, the core historical plank of the NRC is the Assam Movement (1979-85). It was during these five years of agitational anti-immigrant politics that the Axomiya ethno-nationalist civil society pioneered the very concept of identifying the so-called ‘*bidexis*’ (foreigners) from Bangladesh and disenfranchising, and even deporting, them.

The Assam Accord, which unambiguously lays down this segregationist agenda, forms the bedrock of the exercise as we see it today.

It is, thus, crucial to challenge the discourse around the movement while criticising the NRC. This is even more imperative because, in the eyes of the Axomiya nationalists and their allies, the NRC gains *de facto* legitimacy from the movement. They argue that since the demand for its updation was raised during the agitation and then woven into the Accord, it is a valid exercise. Both the movement and the Accord are widely deemed as sacrosanct and non-negotiable reference points in history from which the present derives all its legitimacy.

This framing needs to be critiqued.

We need to see the movement outside of the Axomiya nationalist rubric and call a spade a spade. The agitation and the Accord played pivotal roles in embedding anti-immigrant propaganda, chauvinism and xenophobia into popular culture and state institutions in Assam. Both precipitated the abstract concept of the “indigenous Assamese” within policy and legal discourses. Both also successfully transferred the ethno-nationalist anxieties of the Axomiya to the power corridors of New Delhi, spawning a toxic anti-immigrant policy discourse that lingers on till this date.

It is, after all, no surprise that the post-movement decades are littered with parliamentary debates, official reports, memorandums, and apex court judgments that employ the anti-immigrant language of the Axomiya nationalists to justify the unjust citizenship determination system operational in Assam since the 1960s and make a case for hardening the India-Bangladesh border. The oft-quoted 1997 report by the then governor of Assam, Lt Gen S.K. Sinha, is one glaring example.

Not just that, Assamese politics continues to be defined till date by discursive parameters set by the movement and accord. For instance, Clause 6 of the Accord, which demands “constitutional, legislative and administrative safeguards” to “protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people”, continues to feed into the Axomiya nationalist project to erect walls around the Assamese identity. This critical clause also continues to define the state’s approach to Assamese nationalism.

Following the final NRC’s publication and passage of the controversial Citizenship Amendment Act (CAA), the Axomiya have been up in arms against the Bharatiya Janata Party (BJP) government for ignoring their concerns. Many of them see the final NRC exclusion figure of 1.9 million as lesser than the actual number of “illegal immigrants” living in Assam, and the CAA as a ploy to settle Bengali Hindus in Assam.

In response, the government appointed a ‘high-level committee’ in January 2019 to assess the implementation of Clause 6 while also defining “Assamese people”. The 14-member committee, largely represented by members of the dominant Assamese-speaking demographic, recently submitted its final report to the Union Ministry of Home Affairs.

But it is crucial to question the very legitimacy of a provision like Clause 6 which encourages an exclusivist interpretation of the otherwise pluralistic Assamese identity. It is important to understand that the Accord not only fosters a majoritarian consensus that is designed to give preferential treatment to only one set of people in Assam, but also forms the cornerstone of demographic cleansing projects like the NRC. A critique of the NRC without a critique of the Accord, thus, is like draining out rain water from a house without fixing the leaking roof.

Legal premise

It is also absolutely critical to question the legal basis of the NRC. It doesn't suffice to say that the NRC is legitimate because the Supreme Court ordered it. One has to apprehend the court's 2014 judgment. Noted legal scholar, Madhav Khosla, has pointed out how the two-member NRC bench, consisting of the former Chief Justice of India (CJI) Ranjan Gogoi and Justice Rohinton Fali Nariman, sanctioned the register's updation without resolving key questions about Section 6A, the 1971 cut-off date and protection of the "Assamese" identity.

"After recognising the importance of the questions involved, the court rightly referred the matter to a larger constitutional bench. Yet, oddly enough, it proceeded to provide a remedy that was far-reaching and had serious implications. It did not merely assume Section 6A to be valid until the larger constitutional bench determined matters. Rather, it issued directions ranging from border guarding to establishing tribunals to the NRC being completed, all within a specific timeline," writes Khosla.

The legal critique must also cover the Supreme Court's role in monitoring the whole process. Several deliberations and exchanges between the bench and the NRC coordinator took place behind closed doors and through sealed envelopes. This kept the whole process opaque. The bench also failed to intervene during critical stages of the process that led to great miseries.

For instance, it stayed silent when, last August, the NRC authority sent last-minute reverification notices to hundreds of poor Bengal-origin Muslims in lower Assam for fresh hearings in upper Assam, despite the fact that this violated an earlier court order and the NRC's own Standard Operating Procedure (SOP). The court failed to establish a uniform, mandatory system of state-sponsored legal aid to the applicants, especially the poor who incurred great financial losses during the process.

Besides, the court has stayed persistently shut on the gravely unjust *modus operandi* of the Foreigner Tribunals (FTs) in Assam that have stripped thousands of people in the state of their Indian citizenship and ordered their detention, many times in an arbitrary way. It continues to turn its gaze away from the practice of FTs delivering *ex-parte* verdicts or disenfranchising "suspected illegals" in their absence. In fact, last month, the Guwahati high court had to pull up one of these FTs for serious misconduct.

Moral premise

Lastly, it is important to call out the twisted morality of the whole exercise.

One must ask whether it is fair or humane to ask an individual, who might have crossed the border decades ago due to economic or social compulsions and set up a family in Assam, to suddenly get up and leave? How can the Indian state ask some of the most pauperised people within its borders to prove their Indianness by furnishing archaic documents and pauperise them further? Why should people have a devious Hobson's choice of proving their antecedents or be detained? How does that bode for the collective conscience of Assamese society?

What does it all tell us about Indian democracy?

Hence, while institutional criticisms of the NRC process are necessary to keep the misery and hardships to a bare minimum, we must take a far more holistic approach so as to permanently dismantle the very foundations of that misery. In that sense, we must cut through the noise and get down to the question:

“Is an NRC even needed?”

<https://thewire.in/rights/nrc-cao-assam-accord>