

“NRC: A Boon or a Bane for the People of Assam”

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ABSTRACT

What will be your reaction if you come to know that you are no more a citizen of a country where you had been living in for years? The people of Assam have been posed to the same risk after the updation of National Register for Citizen (NRC) had begun in the state following the order of Supreme Court in the year 2013. The First NRC was prepared in the year 1951 after the general census. The main object of NRC is to identify son of the soil in Assam and detect and deport illegal immigrants to their respective countries. NRC is the record of all the legal citizens of a particular State. However, there are many flaws in procedure of detecting the citizens of the State. As a result many legal citizens are excluded from the NRC including many ex-soldiers, president's family, etc.

NRC is the result of agitations which had been led by the citizens of Assam who alleges that their resources and culture is on the verge of extinction due to the exploitation by illegal immigrants.

This Paper seeks to address the issues and implementation of NRC, its background and suggestions which can proved to be a way to protect genuine citizens of the State of Assam.

Keywords: *Assam Agitation; Assam Accord, 1985; NRC; Citizenship Amendment Bill, 2016*

BACKGROUND

The background of NRC cannot be properly understood unless one analyses the political situation of Assam. The Britishers after its war with Burmese army in 1816 annexed whole of Assam with the signing of *Treaty of Yandaboo* in 1826 with then king of Burma. The treaty was reached on 24 February, 1826 by General Sir Archibald Campbell on the British side, and by Governor of Legaing Maha Min Hla Kyaw Hitin from the Burmese side. The treaty ended two-year long war between British Army and Burmese Army. Fifteen thousand European and Indian soldiers died including uncountables Burmese. According to treaty:

- Assam, Manipur and Arakan were ceded to British
- Burmese had to cease opposition in the Chachar Kingdom and Jaintia Hills
- Burmese agreed to pay a compensation of One Million Pounds Sterling to British
- Burmese decided to allow diplomatic ambassadors from British.

The arrival of British heralded the entry into Assam of several kinds of immigrants. There were tea garden labourers from Orissa, Bihar and other states who came to work on the newly established tea plantation. Then there were the Bengali Hindus, mostly civil servants and bureaucrats posted in various government departments. The Britishers ignored the interests of the local people in the execution of their policy of imperial expansion.

The infiltration of Muslims from undivided Bengal commenced with the introduction of railways to Assam in 1882. Most of them settled in Goalpara, Nowgong and Kamrup districts. In his research and study of problems thrown up by migration in Assam, *Myron Weiner* revealed in his book¹ that the growth rate of the population in Goalpara attained a high pace after the 20th century began. By 1911 there were 118,000 migrants in the district of Goalpara alone. They constituted almost 20 percent of the population. Myron Weiner also pointed that the census of 1961 revealed that the Muslims constituted 43.3% percent of the population in Goalpara district, 41.25% in Nowgong, 39.2% in Cachar and 29.3% in Kamrup. The higher counting of Muslims in the census of 1961 as compare to the census of 1951 was mainly due to following reason, (1) a large no. of Muslims had fled to East Pakistan during the communal clash in that year and were not available for enumeration in that year, (2) they came back after appeasement of the communal conflict in the wake of Nehru-Liaquat pact of 1961, (3) polygyny and fecundity of the Muslims have contributed to the comparatively higher increase in their population. The very presence of Muslims in Assam encouraged the Muslim League to demand that Assam should be included in Pakistan because they claimed that it was a Muslim Majority region. However the Muslim League's scheme was frustrated by Assam's man of honour, *Gopinath Bordoloi* who headed the first Congress Ministry in 1938 and served as Chief Minister in the critical period of 1946-1950.

India became independent on August 15, 1947 and East Pakistan was formed at the same time. The Bengali Hindus started pouring into Assam and Tripura from East Pakistan. But along with Bengali Hindus a large number of Bengali Muslims also came to Assam. The Government of India brought on December 24, 1949 a bill which in 1950 became the Immigrants (Expulsion from Assam) Act, 1950 "which provided that any immigrant person excepting the displaced persons, who because of civil disturbance or fear of civil disturbance, entered Assam was liable to be deported." During the Indo-Pak war of 1965 large section of Bengali Hindus were forced to leave East Pakistan. Later in 1971 Bengali Hindus and Bengali Muslims came to India. There are certain factors responsible for settlement of these immigrants in Assam. Firstly, the states which were carved out of the British-Assam like Nagaland, Meghalaya, Arunachal Pradesh, etc got the protection of Schedule 6 of the Indian Constitution due to which non tribals were not allowed to possess land. Moreover these immigrants did not prefer to stay among the homogenous tribal

¹ Myron Weiner, *Sons of the Soil Migration and Ethnic Conflict in India* (Princeton University Press, Princeton, New Jersey, United Kingdom, 2015)

majority states where they feel insecure. There were many measures taken to check the migration, however none of these succeeded.

The second group of immigrants who entered Assam in large number were Nepalese. They did not come in waves like the Bengalese but infiltrated gradually. They came as cattle grazers and settled in Assam.

These foreigners succeeded in getting their name enlisted in voter list. There was fear among Assamese, of losing their cultural identity, of being exploited, neglected for the development projects along with the uncertainty of jobs opportunities, decreasing land-man ratio in rural areas. These factors forced the people of Assam to integrate and protest these cross-border infiltrations.

Decennial growth of population of North East Region²

	1901-11	1911-21	1921-31	1931-41	1941-51	1951-61	1961-71
India	5.72	0.30	11.00	14.23	13.31	21.64	24.57
Assam	16.84	20.19	20.04	20.45	20.12	34.99	34.71
Manipur	21.71	10.92	16.04	14.92	15.80	35.04	37.53
Meghalaya	15.71	7.21	13.83	15.59	8.59	27.03	31.50
Nagaland	46.76	6.55	12.62	6.04	8.60	14.07	39.85
Tripura	32.48	32.59	25.63	34.14	24.56	78.71	36.28
Arunachal	-	-	-	-	-	-	38.91

ASSAM AGITATION

The Axom Andolan or Assam agitation was one of the historic movement which was led by the students of Assam to protest infiltrations in Assam and to protect their identity and resources. The movement was started in 1979 under the leadership of All Assam Student Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP). Their motive was to compel the Indian Government to identify and deport illegal immigrants and provide constitutional, legislative and administrative safeguards to the indigenous Assamese people.

The movement started when re-election was going to be held in the Mangaldoi Lok Sabha Constituency to fill the seat of Hiralal Patwari after his death. It was observed by election officials that there was an abrupt increase in the number of registered voters. This matter was taken up by AASU led by Prafulla Kumar Mahanta. AASU asked the election to be postponed till the name of foreigners were deleted from the electoral rolls and they also demanded

² Statistical abstract of India 1972 (Published by Government of India)

permanent sealing of the Indo-Bangladesh border. AASU warned the political parties not to contest the election. On 27th November, 1979, AASU-AAGSP together called for a *bandh* of all educational institutions and central government offices. Mass picketing was organized in front of all polling offices. Many candidates were prevented from filing nomination paper. The movement was supported by all sections of the society except from the ruling government and a few others who would benefit from illegal Bangladeshis votes.

Some of the violent incidents of this movement are Nellie Massacre and Khoirabari Massacre. The Nellie Massacre took place in central Assam in the morning of 18th February, 1983. It claimed the lives of 1800³ people. The Khoirabari Mssacre took place on 7th February, 1983. It claimed the lives of nearly 100-500⁴ people.

In October, 1983 the parliament passed the Illegal Migrants (Determination by Tribunals) Act, 1983 to implement in Assam. It described the procedures to detect and deport illegal immigrants from Assam. However this Act was applicable to the state of Assam only whereas in other states the detection of foreigners was done under The Foreigners Act, 1946. The act was expunged by the Supreme Court in 2002. The Supreme Court held that “*IMDT Act, 1983 and rules has created the biggest hurdle and is the main impediment or barrier in the identification and deportation of illegal migrants*”⁵. Some of the flaws of the acts were:

1. The burden of proving whether a person is an illegal immigrant or not was on the complainant and police whereas under The Foreigners Act, 1946 the burden is on the person alleged to be so.
2. A person can only lodge complaint only against maximum ten infiltrators.⁶
3. The infiltrators were not required to give information to police under this Act.
4. Where any person has been determined by a Tribunal or Appellate Tribunal to be a foreigner, the Central Government shall by an order direct such person to remove himself from India within such time period and by such route as may be specified in the order. Further, any police officer not below the rank of a Superintendent of Police shall have powers to obtain a bond from any person for the due compliance of such order and to arrest such person in the event of his failure to furnish such bond to the satisfaction of such police officer.⁷
5. Since infiltrators were living together, nobody was ready to lodge complaint against them out of fear.

³ <https://www.thequint.com/explainers/nellie-massacre-explained> (Visited on October 25, 2019)

⁴ <https://www.revolvy.com/page/Khoirabari-massacre?type=topics&cmd=list> (Visited on October 25, 2019)

⁵ *Sarbanand Sonowal Vs. Union of India*, A.I.R. 2005 S.C. 2920

⁶ Section 8A, IMDT Act, 1983

⁷ Section 20, IMDT Act, 1983

As a result of this Act, during 1983 to 1999, total 3,05,037 cases were brought before Tribunals out of which only 9834 were declared as foreigners and only 1470 were driven out of the country.

Therefore, the Act made it difficult to detect and deport illegal immigrants from Assam. It has been alleged to be one of the main reason for the rapid rise of Muslim population and demographic change in Assam. The failure of IMDT Act, 1983 led to the framing of Assam Accord of 1985.

ASSAM ACCORD, 1985

The Assam Accord of 1985 represents a Memorandum of Settlement (MoS) signed between Government of India and leaders of Assam Movement on 15th August, 1985. The accord brought an end to the Assam agitation. Some salient features of the accord are:

CLAUSE 5

- All persons who came to Assam before 1/1/1966 including those whose names have appeared on the electoral rolls of 1967 shall be regularized.
- Foreigners who infiltrated in Assam after 1/1/1966 and upto 24/3/1971 shall be detected under the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunal) Order, 1964.
- Name of foreigners who are so detected will be deleted from the electoral rolls. Such foreigners are required to get themselves registered before the Registration officer of the respective district under the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rule, 1939. On the expiry of ten years from the date of detection, the name of such foreigners will restored to the electoral roll.
- All persons who were expelled earlier but have re-entered illegally shall be expelled.
- Foreigners who came to Assam on or after 25th March, 1971 shall be detected and deported.

ACTION TAKEN:

- 75,489 no. of people has been declared as foreigners till 31st March, 2016. Out of this 33,186 are of 1966-71 stream and 42,303 are of post 1971 stream. Only 14,198 have registered their name with the respective Registration Officers.
- A total of 1432 re-infiltrators have been detected and deported during 1986 to December, 2014 and the same process is going on.
- After repeal of IMDT Act, 1983, following Acts are being used for detection and deportation of illegal migrants:
 - The Foreigner's Act, 1946 alongwith the Foreigner's (Tribunal) Order, 1964.
 - The Passport (Entry into India) Act, 1920.
 - Passport Act, 1967
 - The Immigration (Expulsion from Assam) Act, 1950

- The Citizenship Act, 1955

CLAUSE 6

Clause 6 of the Assam Accord grants constitutional, legislative and administrative safeguards for the protection, preservation and promotion of the cultural, social, linguistic identity and heritage of locals.

ACTIONS TAKEN:

- For the preservation and protection of culture of Assamese people the Srimanta Sankardeva Kalakshetra Society was established under clause 6 of the Assam Accord. For the project the Ministry of H.R.D. Govt. of India funded Rs. 18.85 crore and Gov. of Assam funded Studio Scheme (Phase-II & Phase-III) has been implemented for Rs. 8.79 crores.
- 219 Satras of Assam has been granted Rs. 21 crore as financial assistance.
- The Executive Council of the Jawaharlal Nehru University approved the establishment of an Assamese Chair in the Centre of Indian Language, Literature and Culture Studies of the University. The matter is taken up by the Jawaharlal Nehru University.
- The Government of Assam financially aid the establishment of an autonomous institution namely Anandaram Borroah Institute of Language Art and Culture Assam (ABILAC). It was established on 12th December, 1989. The purpose of institute is to research for the development of indigenous language, art and culture of the State.
- Suggestions and views of different political parties, Sahitya Sabhas, Youth Organization, All Assam Student Union and reputed NGO's have been invited for the preparation of definition of "Assamese Peoples" in the meetings held time to time.
- Jyoti Chitraban Film Studio Phase-III (Part-I) has been modernized. Rs. 10 crores has been sanctioned by the Gov. of India and works are currently in progress.
- Rs. 7 crores has been granted for the protection, preservation and development of historical monuments.
- Archaeological Survey of India has taken up the work of protection, preservation and development of 5 monuments. These are:
 - Singri Temple's ruins
 - Urvashi Archaeological Site
 - Poa-Mecca, Hajo
 - Kedar Temple

CLAUSE 7

Clause 7 provides for all round economic development of Assam. Special emphasis to be placed on education, science & technology through establishment of national institution.

ACTION TAKEN:

- A Rail-cum-Road Bridge over river Brahmaputra near Bogibeel has been constructed which connects North and South Banks (about 73 km.). Rs. 4996.19 had been passed in the budget of 1997-98.

- Numaligarh Refinery Limited (NRL) with its concern, commitment and contribution to socio-economic development of the state has been granted the status of Mini Ratna PSU.
- The Shil Ghat Jute Mill has been reopened from 1st January, 1986.
- Assam Gas Cracker Project (BPCL) has been inaugurated by the Hon'ble Prime Minister on 5th February, 2016 in Lapatkata, Dibrugarh.
- IIT has been established in North Guwahati along with two Central Universities.
- Guwahati Medical College and Hospital is upgraded to the level of a super-speciality hospital.
- As on 31/3/2016 the State of Assam had a Credit-Deposit Ratio of 50.42%.

CLAUSE 8

- Under this clause provision was made for the issuance of citizenship certificate by the authorities of the Central Government.

CLAUSE 9

- This clause provides for the security of international border. It made provisions for the erection of walls, barbed wire fencing and other obstacles at appropriate places. Patrolling on land and riverine routes all along international border shall be adequately intensified. To further prevent the future infiltration, an adequate number of check posts shall be set up.
- A road shall be constructed all along the international border to facilitate patrolling by security forces.

ACTION TAKEN:

- Out of 280.06 km. long Indo-Bangladesh border, 208.65 Km. of fencing work has already been completed. 71.41 km. fencing work still have to be done.
- At present 94 Border Out Post under BSF are existing in the Assam-Bangladesh border.

CLAUSE 10

- This clause provides for the prevention of encroachment of government lands and lands in tribals belts and blocks by foreigners.

ACTION TAKEN:

- Land administration in the protected belts and blocks is being done under Chapter X of the Assam Land and Revenue Regulation, 1886.

CLAUSE 11

- It restricts the acquisition of immovable property by foreigners.

ACTION TAKEN:

- The Assam Alienation of Land (Regulation) Act, 1980 has been formulated for this purpose.

CLAUSE 14

- According to this clause Central and the State Government agreed to withdraw cases of disciplinary action taken against employees in the context of the agitation and to ensure that there is no victimization.
- They also agreed to frame a scheme for ex-gratia payment to next kin of those who got killed in the course of the agitation.
- Give a relaxation in the upper age limit for employment in public services in Assam.

ACTION TAKEN

- Cases of disciplinary action has been withdrawn and a relaxation in upper age limit has been granted for public service.
- An amount of Rs. 5, 00,000/- each has been given on 10th December, 2016 to the next of kin of martyrs during Assam Agitation.

Though the Accord bought an end to the agitation, some of the key clauses are yet to be implemented. The constitutional safeguards which the accord is supposed to provide is not implemented well because even after that a lot of people who came to Assam after 1971 have got voting rights.

NATIONAL REGISTER OF CITIZENS (NRC)

National Register of Citizens is a register which contain the names and all other particulars of Indian citizens living in Assam. The first NRC was prepared in 1951 after the general census. It is basically a list of house and property holdings in every Indian villages with the number of people residing in them along with their names. The government then instructed the records to be stored in the office of Deputy Commissioners and Sub-Divisional Officers. Later the data was handed over to police. The demand for updating NRC started during Assam agitation. People demanded to update the electoral rolls as has been discussed above. Though the Central Government made the promise to update NRC under Assam Accord but no action were taken till 1999. In 1999 the first formal decision to update NRC was taken as per the Assam Accord. In 2005, a tripartite meeting was chaired by then Prime Minister Dr. Manmohan Singh between Centre, Assam Government and AASU. The meeting was fruitful and it was agreed that the steps should be taken towards updating the NRC to fulfill the promises made in the Assam Accord.

It was 2009 when the Supreme Court came into picture. An NGO called Assam Public Works moved to the Supreme Court for the removal of the names of the illegal immigrants from voter list. The NGO requested the Hon'ble Court to start the process of updating NRC. The petition filed by Assam Public Works came up for hearing in August 2013. In December 2013 the Supreme Court gave orders to start the process of updating NRC. Though the Supreme Court ordered to update NRC in 2013, the actual exercise began in February 2015.

As citizenship is a Union List subject, policy decisions, guidelines and funds for NRC updation are provided by the Central Government but its execution is done through the State Government machinery under the supervision of the Registrar General of India.

The statutes governing NRC updation in Assam are:

1. The Citizenship Act, 1955
2. The Citizenship (Registration of Citizens and Issues of Nationality Identity Cards) Rules, 2003

PERSONS WHO ARE ELIGIBLE FOR INCLUSION⁸

1. Persons whose name appears in NRC, 1951.
2. Persons whose names appear in any of the electoral rolls upto 24th march (midnight), 1971.
3. Descendants of the above persons.
4. Persons who came to Assam on or after 1st January, 1966 and upto the midnight of 24th march, 1971 and had registered themselves with the Foreigners Registration Regional Officer and who have not been certified as illegal migrants or foreigners by the competent authority.
5. Inhabitants of Assam and their children and descendant who are citizen of India provided the citizenship of such persons is confirmed beyond reasonable doubts by the competent authority.
6. 'D' voters can apply. However they will be finally included only when the appropriate Foreigner Tribunal declares them as non-foreigners.
7. All Indian citizens and their descendants who have come to Assam after 24th March, 1971 would be eligible for inclusion in the updated NRC on producing satisfactory proof of residence in any other state of India as on 24th March, 1971.
8. The people of the tea tribes shall be included under 'Original inhabitants of Assam' category provided for under clause 3(3) of the Schedule of the Citizenship (Registration of Citizens and issue of National Identity Cards) Rules, 2003.
9. Persons who can provide any one of the documents issued upto midnight of 24th March, 1971 as mentioned below:
 - List A
 1. 1951 NRC
 2. Any Assam voter list up to March 24,1971
 3. Land and tenancy records.
 4. Citizenship certificate
 5. Permanent residential certificate

⁸ <http://www.nrcassam.nic.in> (Visited on October 28,2019)

6. Refugee registration certificate
 7. Passport
 8. LIC policy document
 9. Any government-issued license/certificate
 10. Any govt. service/employment certificate
 11. Bank or post office accounts
 12. Birth certificate
 13. Board/ university educational certificate
 14. Court records/processes
- If a person has no List A document that carries his/her name, he/she can furnish a List A document that carries the name of a direct ancestor (father, mother, grandfather, grandmother, etc.) alongwith with a List B document to establish his/her relationship with the ancestor. The List B documents are :
1. Birth certificate
 2. Land document
 3. Board/university certificate
 4. Bank/LIC/post office records
 5. A certificate from a circle officer or gram panchayat secretary in case of a married woman
 6. Voter list
 7. Ration card
 8. Any other legally acceptable document

PROCESS OF UPDATING NRC⁹

The entire process of NRC goes through following stages:

- **Legacy Data Publication Phase**

1. Copies of electoral rolls of upto 1971 and copies of NRC of 1951, known as legacy data, is made available at the respected LRCR office known as NRC Seva Kendra (NSK) and at notifies Polling Stations during the office hours from 10 AM to 6 PM.
2. Any person who found his name or parents' name or ancestor's name in the above mentioned documents can claim to include his name in the NRC by submitting an application which had been distributed from house to house.
3. Names of only those persons would ordinarily be available in the Legacy Data whom would have been of 21 years of age in 1971, meaning thereby that they would have been born around 1950 or before.

⁹ <http://www.nrcassam.nic.in> (Visited on October 28, 2019)

4. On discovering such records in the published copies, citizens are required to write down the unique combination of their entry as appearing in the stated documents by noting down the (1) Image ID (2) SI no. of the house and/or Serial no. within household and (3) the name of the person as stated in the document. After recording such data, the citizens would contact the officials at the NSK who would on receiving such data issues a Legacy Data Slip containing Legacy Data Code, which is required to be filled in the Application Form to support the claim of inclusion in updated NRC.
 5. Legacy data are also available in the computer records at the NSK. The computers are equipped with multi-lingual search engine to assist the public in finding their names easily.
 6. The Computerized Legacy Data is just a medium to facilitate easy search and by no means the only resort for finding proof of eligibility for inclusion in the updated NRC.
 7. Since the Legacy Database are old, torn and faded it is not possible to include whole record in the computer so if someone don't find his/her name in the computer records he/she can look for it in the published copies of Legacy Data available at the NSK or at polling stations.
 8. Even if the name can't be found in these records, still the claim can be made by finding the name in the anyone of the admissible documents mentioned above (List A or List B).
 9. For inclusion in the updated NRC, one need to furnish any one of the above mentioned documents, i.e., NRC of 1951 or electoral roll of upto 1971 or any other admissible documents (List A or List B).
 10. In case a citizen is having a certified copy of Legacy Data, then such certified copy can be considered after cross-examining it with records available with the government.
 11. If an image of someone's is found in the Legacy Data image, but his digitized records can't be found then a temporary image ID known as DLDD*ID will be issued. After verification of particulars a Legacy Data code will be issued against the DLDD*ID.
- **Distribution of Application Form**
 1. The government distributes the Application Form which is free of cost from house to house .
 2. The Application Form is also made available at the NSK and it can be also downloaded from NRC website (nrcassam.nic.in).
 3. One Application Form has provision for 6 members only. In case a family has more than 6 members, additional form can be provided.
 4. Forms will be available in English, Assamese and Bengali.

- **Receipt phase**

1. The Application Form can be filled by any member of the family.
2. In case of a minor/disabled person, the head of the family or the natural guardian/legal guardian may apply on behalf of such persons.
3. Copies of Legacy Data / Legacy Data Code Reference / Admissible documents are required to be enclosed with the Application Form.
4. The government also conducted community level meetings to educate people about how to fill these forms.
5. The form has to be submitted at the respective NSK. The form has to be submitted by the members of the family only and not by any outsider but in extreme cases the photo of the outsider is taken for verification.
6. On receiving the Application Form, the LRCR will check and receive the Form upon ascertaining its acceptability.
7. Then the NSK operator shall give a scanned copy of the Application Form along with a summary of documents submitted by the applicant as Acknowledgement Receipt bearing an Application Receipt Number (ARN) and a bar code.
8. For inclusion in NRC linkage has to be established with the ancestors whose name appears in Legacy Data or other Admissible Documents. For this documentary proofs are adduced which carry the name of both, the applicant as well the ancestor.
9. Such document can be Birth Certificate, Land Document, PAN Card, school or college certificate.
10. However in absence of these documents linkage should be established through collection of other evidence by the Verification Team.
11. The last date for submission of Form was 31st August, 2015.

- **Verification phase**

There are two types of verification which is carried by the government officials to confirm the eligibility of a person to be included in NRC

1. Office verification: The documents which is submitted to establish linkage is validated by the NSK officials during Application Form Receipt Phase.
2. Field verification: Field verification is carried out by officials to establish the linkage of the applicant with the person quoted in Legacy Data or other Admissible Documents. The verification is carried out in accordance with the provisions of The Citizenship Act, 1955 and the Citizenship Rules, 2003.

- **Part publication of Draft NRC**

Part publication of Draft NRC for selected villages was made at the expiry of midnight of 31st December, 2017.

- **Complete publication of Draft NRC**

Complete Draft of NRC was published on 30th July, 2018. This draft covered whole Assam. The Draft was available at the NSKs as well as on official NRC website (nrcassam.nic.in).

- **Receipt and disposal of claims and objections**

Applicants who failed to secure place in Final Draft of NRC could once again furnish any of the 15 admissible documents to prove their eligibility. They can submit either the same document that they had submitted with the application form or they can produce any fresh document. This process started from 25th September, 2018 and continued till 31st December, 2018.

- **Publication of Final NRC**

The Final NRC was issued on 31st August, 2019. A total of 3,30,27,661¹⁰ had applied out of which 19,06,657¹¹ people have failed to secure place in final NRC. 3,11,21,004¹² people have been found eligible to be included in the list. However, these people are still at the risk of being excluded in case any fact of misrepresentation of particulars or documents discovered by the authorities to be fake. The persons excluded from the final NRC will be given 120 days time to file an appeal before the Foreigners Tribunals. The government has setup nearly 300 tribunals in the state.

FLAWS IN THE NRC PROCESS

The final NRC raises a lot of controversy regarding its genuineness. All Assam Student Union which was a party to the Assam Accord, 1985 contended that there were some deficiencies on the updation process. Also according to a report prepared by Harsh Mander, who visited three districts of Assam when he was a special monitor for the National Human Rights Commission, due process is neglected during identification and the subsequent detention largely operates outside a proper legal regime. For example,

1. the Tribunals gives the ultimatum of 15-20 days to submit documents whereas the district administration takes two three months to provide the documents after applying for them.
2. there are many who even do not get a chance to defend themselves at all because they do not receive notices from the tribunal or cannot afford legal representation.
3. as India doesn't have any reparation arrangement with Bangladesh the people who are declared foreigners by the tribunals are incarcerated in detention camps often indefinitely.

¹⁰ <https://www.news18.com/news/india/nrc-national-register-of-citizens-final-list-nrcassam-nic-in-how-you-can-check-your-name-2286813.html> (Visited on October 28, 2019)

¹¹ *Id* at 18

¹² *Id* at 18

CONCLUSION

After NRC in Assam, all northeast states are on high alert as people who will not find his name in final NRC are expected to settle elsewhere in the region. For example the Nagaland government announced the RIIN (Register of Indigenous Inhabitants in Nagaland). The venture against illegal immigrants in Nagaland was first initiated by an NGO called Survival Mokochung and the Ao apex tribal students body Ao Kaketshir Mungdang in 2007. Nagaland Chief Secretary Tamjen Toy had expressed that the Register of Indigenous Inhabitants of Nagaland (RIIN) will strengthen the implementation of Inner Line Permit (ILP) in the state, especially in Dimapur district.¹³

As India doesn't have any reparation arrangement with Bangladesh government, the persons who are declared foreigners by the tribunals are confined in detention camps setup by the government for indefinite periods of time. Therefore, there are demands to hold a tripartite relation between the government of Assam, the government of India and the government of Bangladesh to decide the fate of these people.

¹³ <https://www.dailypioneer.com/2019/india/riin-will-strengthen-implementation-of-ipl-in-nagaland--cs.html>
(Visited on October 30, 2019)