**The Burden of Proof: Revisiting to the National Register of Citizens (NRC) Process of Indian State of Assam**

**Dhananjoy Biswas**

**Assistant Professor of Political Science**

**Mariani College**

**Mariani, Assam**

**Abstract:** Migration is a globally expected issue. The growing socio-economic disparities, demographic imbalances and political turmoil propel individuals to migrate from one place to another; sometimes from one country to another. Very often, it causes social tensions, ethnic conflicts and social movements where they migrate illegally. The historical Assam Movement (1979-1985) is a suitable example of such social movements based on illegal immigration issue. The movement subsequently comes into end with the signing of Assam Accord (1985) which mandates the government to detect, delete and deport the illegal immigrants based on 24th March, 1971 as the cut off year. The recent update of National Register of Citizens (NRC) is only one of the initial steps towards the fulfilment of Assam Accord. It identifies the genuine Indian citizens and illegal immigrants based on certain specific documents. However, the people of Assam face lots of hassles due to the NRC process. People from different sections of the society express their great concerns over the NRC issue. Thus, the paper efforts to provide a brief historical background which necessitate to update NRC in Assam. The paper also tries to focus on various issues faced by the people of Assam due to NRC update process and also to discuss other concerning matters associated with the entire NRC process.

**Key Words**: Assam Movement, Assam Accord, Illegal Immigration, NRC and Issues

**Introduction**: Migration of human beings as a dynamic issue is as old as human civilization. Gradually, it has become a more complex issue particularly after the formation of political boundaries of the modern nation-states. In fact, migration of human beings have emerged as a globally accepted issue and expected to continue in future. More or less, almost every country of the world is affected by the issue of migration. India is not exceptional to this situation. India’s north-eastern state, Assam is witnessed of being adversely affected by the immigrants mostly from Bangladesh. The British colonial immigrant policy, partition of India in 1947 and Bangladesh liberation war in 1971 have caused a large scale influx of Bengalis from East Bengal/East Pakistan (now Bangladesh) to Assam. People who have come to Assam even after the independence of India also granted Indian citizenship by fixing 24th march, 1971 as the cut off year under Assam Accord (1985). But the illegal migration from the neighbouring countries predominantly from Bangladesh is still continuing to the Indian state of Assam. Here, it is worthwhile to mention that both push and pull factor is working behind the large-scale influx of Bangladeshi nationals into India in general and Assam in particular. The push factors like political turmoil, religious persecutions, demographic pressures and environmental crises push them to migrate into India while the pull factors like plenty of land and opportunities like employment, health, education and similar cultural landscapes attract the Bangladeshi nationals to migrate into India.[[1]](#footnote-2) Besides, the geographical location of Bangladesh with that of Assam’s location contributes for the illegal influx of Bangladeshi nationals to Assam. India shares 4,096.7 km border with Bangladesh and out of which Assam share a total of 263km of border with Bangladesh including land and reverine border.[[2]](#footnote-3) Moreover, the Indo-Bangladesh border is also marked by lack of proper and adequate fencing. Thus, it becomes easy for the Bangladeshi nationals to cross the Indo-Bangladesh international border illegally and enter into Assam and other parts of north-eastern states as being located in the frontier sides of Bangladesh. As per the census of 1961, the number of persons born in East Pakistan (Bangladesh) living in Assam is 774,869 while the number increased up to 903,429 in 1971 census.[[3]](#footnote-4) The continuous influx of illegal migrants to Assam makes the people of the state scared of their cultural identity and afraid of being submerged with the people whom they considered as the outsiders. The massive mass movement popularly known as ‘Axom Andolan’ started in the late 1970s is the reflection of such fear and anxiety. Despite of the movement, the problem of immigration remains unsolved because of lack of timely precaution taken by the successive governments. As a consequence of inactive action, the illegal immigrants are now required to detect, detain and deport from their residence of Assam instead of from border while they were crossing the Indo-Bangladesh border. Now, it has become an established fact that many of them have settled in Assam for decades, their children are born in Assam, employed there and integrated into the local community.[[4]](#footnote-5) Even after, they have to prove their citizenship now and then whenever they are asked to do so. According to Harsh Mander (2019), the proof of citizenship in Assam involves in three processes. Firstly, an individual is identified as doubtful by marking ‘D’ against his/her name in the voters’ lists. However, it is worthwhile to mention that this process was started as a one-time solution by a resolution of T N Seshan, the Chief Election Commissioner (1997), as the voters’ lists was not completed on time but had to conduct election on schedule. After onwards, this process was frequently used. It is said that a lower civil functionary can identify a person as “doubtful” voter without giving any notice. Secondly, Assam Border Police refers a person to the Foreign Tribunal (FT) court whom they suspect to be a foreigner in case the person fails to produce required documents to prove his/her citizenship and thirdly, the very process of updating the NRC.[[5]](#footnote-6)

**Objectives**: The paper intends to provide a brief historical background that necessitates to update NRC in Assam. The paper also attempts to highlight various issues faced by the people of Assam while updating the entire NRC. Besides, this paper makes an effort to discuss other concerning matters associated with the NRC project

**Methodology**: The present study uses historical approach to describe the circumstances that lead to update the NRC twice in Assam. The study relies on both primary and secondary sources for collection of information and data. The primary sources include unpublished written documents and government reports. The secondary sources have been collected from books, research articles published in different journals, Census reports of Government of India, News Papers and various government websites.

**Discussion:**

The historical Assam Movement (1979-1985) was the manifestation of anxiety and fear of indigenous people of Assam caused by illegal immigrants. The movement was started observing the sudden increase of around 70,000 suspected new names included in the electoral roll for the by-election following the death of Hiralal Patowary, the sitting M P of Mongoldoi Parliamentary Constituency.[[6]](#footnote-7) Seeing the seriousness of the problems, the All Assam Students’ Union (AASU) and All Assam Gana Sangram Parishad (AAGSP) called for massive protest to expel the illegal immigrants from Assam. The agitation popularly known as ‘*Axom Andolan’* received spontaneous supports from various sections of Assamese and tribal people of Assam and eventually turned into violent leading to loss and damage of public life and property. The six years Assam movement came into end with the signing of Assam Accord on 15th August, 1985 in New Delhi, by P. K. Mahanta (President of All Assam Students’ Union), B. K. Phukan (General Secretary of All Assam Students’ Union), Biraj Sharma (Convenor of All Assam Gana Sangram Parishad), R. D. Pradhan (Home Secretary of Government of India) and Smt. P. P. Trivedi (Chief Secretary of Government of Assam) in the presence of Rajiv Gandhi, the then Prime Minister of India.[[7]](#footnote-8) Among many other important issues, the expulsion of foreigners and lingo-cultural and economic safeguards of Assamese people of Assam were some of the vital issues placed in the accord. Accordingly 1st January, 1966 was set as the base date and year of detection and deletion of foreigners and 24th March, 1971 was accepted as the cut off year of deportation of foreigners. However, it is also mentioned that foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. Foreigners who came to Assam in the period between 1st January, 1966 to 24th March, 1971 would be allowed to stay in Assam but they would not have right to vote for 10 years and their right to vote would be renewed after the completion of their 10 years stay in Assam. Accordingly, the government will arrange for the issue of citizenship certificate in future only by the authorities of the central government. Besides, the Indo-Bangladesh international border shall be made secure against future infiltration for the protection of indigenous Assamese people. For the protection of lingo-cultural identity of Assamese people it was decided that 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. Overall, the accord was a complete package of safeguard of autochthonous identity of people of Assam. The accord was also considered as the suitable preventing measures in making the land to become further dumping ground of illegal immigrants. But the accord was not implemented in its letter and spirit by the successive governments and as a result of it illegal migration continues even after the accord signed which makes the indigenous and tribal people of Assam worried about their culture, language, identity, land and resources what they considered for their marginalization. Therefore, it appears as the utmost important to protect the lingo-cultural and ethnic identity of indigenous people of Assam by expelling the illegal immigrants from the state. Thus, it is the need of the hour to detect, delete and deport the illegal immigrants through updating the previous NRC and make Assam as the illegal immigrant free state. To say in other words, the civil society organizations of the state expect the project of updating the NRC as a reasonable solution of immigration issue of Assam.

**NRC Process:** The National Register of Citizens (NRC) is an official register of Government of India containing the name of genuine Indian citizens who qualify for their citizenship as per the Citizenship Act 1955. The first NRC exercise was carried out in 1951 following the census of 1951. However, this NRC of 1951 was not completed as the enumerators of the census could not cover all places of the state particularly the riverine, *char* and remote areas.[[8]](#footnote-9) The purpose of updating this 1951 NRC in Assam is to verify the genuine Indian citizens and to identify so called “illegal immigrants” as illegal immigrant issue is already there which threatens the indigenous identity and culture of the land upon which Assam Movement (1979-1985) was erupted and subsequently Assam Accord (1985) was signed. Although, there is no explicitly mention about the term NRC in the accord but certain provisions of the accord exclusively deal with to deport foreigners which necessitate to update the previous NRC in Assam. These provisions are[[9]](#footnote-10)

5.1. For the purpose of detection and deletion of foreigners, 1.1.1966 shall be the base date and year.

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

8.1. The government will arrange for the issue of citizenship certificate in future only by the authorities of the central government.

Despite of having these provisions particularly the provision of foreigners “... to be detected, deleted and expelled in accordance with law” and “Immediate and practical steps shall be taken to expel such foreigners” in clause 5.8 of Assam Accord, but the successive governments unable to implement the accord in its letter and spirit including the AASU out of which a new political party namely Asom Gana Parishad (AGP) was emerged and formed government in Assam twice.[[10]](#footnote-11) However, it is only in 1999 following the initiative of Pillai, a tripartite meeting was held in 2005 between the Central government, Assam Government and the All Assam Students’ Union, chaired by then Prime Minister Dr. Manmahon Singh to discuss about the implementation of Assam Accord.[[11]](#footnote-12) In order to examine the modalities of NRC process a cabinet Sub-Committee was set up in 2007 under the leadership of Dr. Bhumidhar Barman, the then Revenue Minister of Government of Assam. The recommendations of the cabinet sub-committee were submitted to the Government of Assam and sent to the union government in June, 2008. Meanwhile, the Assam Public Works, a non-governmental organization filed a writ petition in the Supreme Court for the deletion of illegal migrants’ names from the voters’ lists in Assam in 2009. By the time, based on the recommendations of the sub-committee, the Registrar General of India ordered to carry out a pilot project to update the NRC in Barpeta in Barpeta district and Chaygaon in Kamrup (R) district of Assam in June 2010 but fail to carry out the complete pilot project due to the protest led by the All Assam Minority Students’ Union (AAMSU) and law and order problems arised out of it causing the death of nine persons.[[12]](#footnote-13) After the failure of the NRC pilot project, the Government of Assam formed a new Cabinet Sub-Committee under the leadership of Prithvi Maji, the then Revenue Minister of Government of Assam on 21st July, 2011 to simplify the NRC update procedure. Observing the ambiguity of the situation, the honourable Supreme Court of India directed the Union government to finalize the plan of NRC upgradation action by July, 2013. In September, 2013, Prateek Hajela, an IAS officer was appointed as the Assam State Coordinator by order of Supreme Court of India to arrange all the necessary inputs to complete the entire NRC process. In 2014, the Supreme Court of India issued a ruling directing the Assam government to complete the NRC process by January, 2016.[[13]](#footnote-14) The apex court ordered to update NRC in all parts of Assam as per the Citizenship Act, 1955 and Citizenship Rules, 2003.[[14]](#footnote-15) Accordingly, the State NRC Coordinator of Government of Assam invited application for NRC from the residence of Assam from May to August 2015 following the approved modalities.

The applications were invited based on the approved modalities. Under the approved modalities, the documents required to include in the NRC were divided into two lists i.e., List A and List B. The documents included in List A testified person’s residential proof before 24th March, 1971 while documents included in List B testified person’s relationship with his/her ancestors.

|  |  |
| --- | --- |
| List A | List B |
| 1951 NRC or | Birth Certificate or |
| Electoral Roll(s) up to 1971 or | Land Documents or |
| Land & Tenancy Records or | Board/University Certificate or |
| Citizenship Certificate or | Bank/LIC/Post Office Records |
| Permanent Residential Certificate or | Circle Officer/GP Secretary in case of married Women or |
| Refugee Registration Certificate or | Voters’ Lists or |
| Passport or | Ration Card or |
| LIC or | Any other legally acceptable documents. |
| Any Government 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. |  |

Source: Khandakar, A. B. (2019). Updation of the NRC: A Brief Analysis. *Report of the Public Hearing on NRC and CAB, February.* Guwahati, p.71

The eligibility criterion of a person to include in the NRC was determined by the above mentioned documents. The applicant had to be furnished any one document from the List A issued before midnight of 24th March,1971 bearing the name of concerned person or his/her ancestor as a proof of residence of Assam before 24th March,1971. The requirement of documents in Listed B was conditional if the proof of residence (List A documents) didn’t bear the name of the concerned person but in the name of ancestor i.e., father or mother, grandfather or grandmother or great-grandfather or great-grandmother, in such cases the concerned person had to submit any one of the document from List B to prove the existence of his/her relationship with his/her ancestor.

Based on the above modalities, a total of 3,30,27,661 persons applied through 68,37,660 families to include their name in NRC.[[15]](#footnote-16) The verification of all application started in September, 2015. During the verification of documents a new technique known as “Family Tree” had been introduced by the NRC authority to establish relationship among the family members under one legacy data and also to detect the person who had used fraud legacy data. However, the concept of “Family Tree” was not mention in its modalities.[[16]](#footnote-17) The first partial draft of NRC covering 1.90 crore out of 2.38 crore applicants was published on 31st December, 2017 and remaining applicants were in various stages of verification. In the partial draft NRC published in December, 2017, around 13 million names were missing.[[17]](#footnote-18) The long awaited final draft NRC was published on 30th July, 2018. As per the data of final draft of NRC it is found that 3,29,91,385 applicants applied[[18]](#footnote-19) for the NRC and 2,89,83,677 applicants were included in the final draft NRC.[[19]](#footnote-20) A total of 40,07,717 applicants were excluded in the final draft NRC.[[20]](#footnote-21) It is stated that 37,59,705 applicants were rejected due to insufficient documents while 2,48,000 applicants were putted on hold due to their pending cases in the Foreigners Tribunals.[[21]](#footnote-22) However, the districts from where the percentage of people excluded in the final draft NRC were unexpected. According to the list furnished in the assembly by the Assam Accord Implementation and Parliamentary Affairs Minister, Chandra Mohan Patowary, the percentage of highest left out from the final draft NRC came from the district of Hojai followed by Darrang showing the rate of non-inclusion at 32.99% and 30.90% respectively.[[22]](#footnote-23) Surprisingly, both are the non-bordering districts of Assam while the Bangladesh bordering districts of Assam namely South Salmara, Karimganj, Hailakandi and Dhubri comparatively shows low rate of exclusion i.e., 7.22%, 7.67% 8.04% and 8.26% respectively.[[23]](#footnote-24) In Hojai district every third person was left out in the final draft NRC. The percentage of district-wise included and excluded of people in the final draft NRC shows as follows-[[24]](#footnote-25)

|  |  |  |  |
| --- | --- | --- | --- |
| Sl.No. | Name of District | % of Inclusion | % of Non-Inclusion |
| 1 | Nagaon | 85.88% | 14.12% |
| 2 | Barpeta | 86.60% | 13.40% |
| 3 | Cachar | 87.09% | 12.91% |
| 4 | Dhubri | 91.74% | 8.26% |
| 5 | Kamrup (R) | 94.68% | 5.32% |
| 6 | Karimganj | 92.33% | 7.67% |
| 7 | Dibrugarh | 93.12% | 6.88% |
| 8 | Tinisukia | 86.75% | 13.25 |
| 9 | Sanitpur | 83.29% | 16.71% |
| 10 | Golaghat | 93.19% | 6.81% |
| 11 | Lakhimpur | 90.36% | 9.64% |
| 12 | Goalpara | 89.66% | 10.34 |
| 13 | Kamrup(M) | 82.11% | 17.89% |
| 14 | Marigaon | 84.96% | 15.04% |
| 15 | Jorhat | 95.34% | 4.66% |
| 16 | West Karbi Anhlong | 84.53% | 15.47% |

|  |  |  |  |
| --- | --- | --- | --- |
| Sl.No. | Name of District | % of Inclusion | % of Non-Inclusion |
| 17 | Kokrajhar | 93.38% | 6.62% |
| 18 | Baksa | 84.41% | 15.59% |
| 19 | Nalbari | 95.22% | 4.78% |
| 20 | Udalguri | 85.26% | 14.74% |
| 21 | Darrang | 69.10% | 30.90% |
| 22 | Hojai | 67.01% | 32.99 |
| 23 | Sivsagar | 94.94% | 5.06% |
| 24 | Dhemaji | 90.26% | 9.74% |
| 25 | Hailakandi | 91.96% | 8.04% |
| 26 | Bongaigaon | 77.49% | 22.51% |
| 27 | Karbi Anglong | 85.69% | 14.31% |
| 28 | Biswanath | 88.36% | 11.64% |
| 29 | Chirang | 92.09% | 7.91% |
| 30 | Charaideo | 97.12% | 2.88% |
| 31 | South Salmara | 92.78% | 7.22% |
| 32 | Dima Hasao | 93.25% | 6.75% |
| 33 | Majuli | 98.38% | 1.62% |

The table shows that the exclusion rate in the districts where indigenous people are living such as Karbi Anglong (14.31%) and Tinisukia (13.25%) is higher than the Bangladesh bordering districts such as South Salmara (7.22%), Karimganj (7.67%) Hailakandi (8.04%) and Dhubri (8.26%) of Assam. The island district of Assam shows the lowest percentage (1.62%) of exclusion followed by Charaideo (2.88%) district. The average percentage of exclusion is calculated as 12.15%. In this backdrop, it is tried to illustrate the all Assam district-wise percentage of exclusion in the final draft NRC through this pie chart-

However, those who were not included in the final draft NRC had given the chance to submit their claims and objections within 30 Aug-28th Sep, 2018 to include their name in the final NRC list. Around 36 lakh applicants submitted their claims and objections to include their names in the final NRC. Finally, on 31st August, 2019, the final NRC list was published showing 3,11,21,004 numbers of persons were included while 19,06,657 numbers of persons were excluded in the final NRC list.[[25]](#footnote-26) Again, the persons who were excluded had given a chance of 120 days till 31st December, 2019 to claim their citizenship in the established Foreigners’ Tribunal Courts of the state. However, the Supreme Court of India reserved its order on the issue whether the verdict of Foreigners Tribunal Courts of Assam declaring a person as a foreigner is final or there should be an appellate mechanism to challenge it.[[26]](#footnote-27)

**Issues**: It is doubtless to say that the people of Assam faced varieties of problems due to NRC exercise carried out in Assam. People throughout the state particularly the poor and illiterate section of the society suffered from different kinds of problems like physical, mental, psychological, financial and many more due to the burden of documents that frightens and confuse the marginalized section of the state. The issues associated with the entire NRC process can be discussed as below-

* The NRC authority published the residential proof documents like 1951 NRC, the voters’ list of 1966 and 1971 in digital form which were not uniformly available throughout the state. The poor and illiterate people especially the rural and *char* areas had to face lots of hassles to identify and collect their ancestral legacy documents since the authority had failed to publish the legacy documents in hard copies. Besides, the people had to travel far distances where their grandfather or the great grandfather used to live for collection of documents and verification. In some cases, they had to travel to other states to collect relationship certificate for married women from the parental residence of wife at their own cost by expending around Rs. 3000/- to 15000/- [[27]](#footnote-28) to collect their document which is likely equal to monthly income of the poor section of the society.
* In many cases, the NRC authority uploaded the date and venue of verification in their website which was very difficult for the poor and illiterate people of Assam to access on time. In some cases, the applicants hadn’t received the verification notice from the authority in advance. They had to travel from one part to another part of the state within a very short time by their own cost to prove their citizenship that created panic among the marginalized section of the state.
* Many families were excluded from the final list of NRC for varieties of reasons. Individuals were failed to submit required documents to the NRC authority due to lack of family record keeping habit, illiteracy and lack of financial support to go to government offices or to file legal claims. Many of them kept out of final NRC list because of minor spelling mistakes and differences in names.
* In many cases, it is alleged that one or two members from the same family were included while the other family members such as parents, spouses or children were excluded or vis-a-vis in the NRC final list using the same legacy documents.
* It is also said that women became more vulnerable to this NRC process. Women especially who did not have birth certificate, could not enrolled in school and got early married were unable to prove relationship with their descendant and thus they were excluded from NRC. Feminist scholar Amrapali Basumatary (2019) argued that women suffered a lot because they got early married, didn’t have school education, no property and no direct right that pushed them in difficult position to establish linkage with their parental house.
* Persons who haven’t included in the final NRC list will be given a chance to prove their citizenship in the Foreigners Tribunal Courts. But the crucial issue is that how many of them will able to access the legal aids. The poor have to expense their life’s earning to bear legal fees to prove their citizenship in the Foreigners Tribunal Courts. Many of them may not be able to afford the legal fees and thus, would bound to face the condition of statelessness without facing the legal fair trial.
* At last but not least, there is no clarity on what will happen of those who are excluded from the final NRC list. They seem to become stateless person. Currently, there is no repatriation or deportation policy/agreement between India and Bangladesh on those who are excluded from the final NRC list. However, the deportation agreement is only possible when the Bangladesh government will agree that those who are excluded from the final NRC are Bangladeshi nationals. The government seems to be silent except building up of a few detention camps. However, putting them all in detention camp will not be wise and acceptable on humanitarian ground.

**Matter of Concerns:** Since the release of draft and final NRC, a mix of reaction comes out in the state. From the political parties across the country to NGOs of both national and international have expressed their great concerns and considered that NRC is a targeted mechanism that attempt to disfranchise of Assam’s Bengali Muslim community and subsequently rendering them stateless.[[28]](#footnote-29) There are some other concerning matters related NRC issue which can be discussed as below-

* The word NRC is not directly mentioned in the Assam Accord but the very foundation of the Accord and especially the provision of 24th March, 1971 as the cut off year necessities to update previous NRC in the state of Assam. Thus, it can be said that NRC update process is a commitment of Assam Accord that segregates the genuine Indian citizens from that of illegal immigrants. But updating an error free and genuine NRC was a difficult and challenging task so as to no genuine Indian citizens should be left out from the final NRC.
* It is a historical project that inch towards the protection of lingo-cultural and ethnic identity of Assamese people of Assam. It is expected to work as a decisive document that will hold the fate of 1.9 million people who are left out from NRC list. Thus, the NRC update project upholds the utmost importance both from the perspective of indigenous people of Assam as well as so called “illegal immigrants”.
* Article 15 of the Universal Declaration of Human Rights (UNHR) provides that “[e]veryone has the right to a nationality” and that [n]o one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”[[29]](#footnote-30) Whereas the very process of NRC is seemed to declare a person as a non-citizen of India and subsequently making him/her stateless that tempts to compromise article 15 of Universal Declaration of Human Rights (UNHR).
* Many scholars are of the opinions that the output of updating the National Register of Citizens (NRC) in the Indian state of Assam seem to be very dangerous on humanitarian ground causing the deprivation of nationality, pushing to the condition statelessness and human rights violations.
* The NRC upgradation process has created tantamount tension and anxiety among the people who are excluded from the final NRC list. It has been said that they would be treated as foreigner and their citizenship right would be abrogated. However, they may be allowed to prove their citizenship before the Foreigners’ Tribunal court. There are 100 foreigners tribunal court, 64 of which were set up in 2015.
* While proving one’s citizenship especially from Assam, the problem of flood and river bank erosion has to be taken into consideration particularly for *char* areas. Hiren Gohain (2019) claims that one-third of the state population affects by flood and some of them have become landless due river bank erosion. Every year the mighty Brahamputra River changes its course causing large scale flood devastation and losing of properties, including documents. So, exclusion from the final NRC can also be logically link to the natural disaster of the state.
* The proof for citizenship in the Foreigners Tribunal Courts will definitely be a lengthy process. There are only 100 Foreigners Tribunal Courts while the number of excluded persons in final NRC is 19,06,657. Thus, each single Foreigners Tribunal Court has to dispose around 19,066.57 cases in average. If each court disposes 10 cases per day including Sundays and holidays then it will require more than 5 years to dispose all the cases. Moreover, in between the 5 years new child will born and their citizenship will be again a question. Ultimately, the NRC issue will seem to be a tedious process.

**Conclusion:** It is quite judicious for a sovereign state to identify its citizens and the illegal immigrants living in the state. The very purpose of updating NRC is itself an effort to identify illegal immigrants from that of Indian citizens. However, the people of Assam had to wait around three and half decades to segregate genuine Indian citizens from illegal immigrants residing in Assam. Their fear of submerge with so called “outsiders” is genuine. However, mere updation of NRC is not the sole solution of fear of their ethno-cultural identity and needs to facilitate confidence building among the different communities while implementing the safety measures in the state. The historical and culturally sound areas of Assam and especially the tribal areas need to provide rigorous protection and strict measures should be taken to stop any further demographic deterioration. However, people those who were excluded should be treated with human dignity and no further punitive action. If possible, their economic and civil rights should not be taken away. The government may reconsider the idea of putting them all in detention camps particularly to those who have been residing in Assam since decades. The government should focus on tight sealing of Indo-Bangladesh border. Moreover, the government of India can go for DNA test without violating the right to privacy and oral witnesses to the persons particularly the poor and illiterate persons who were failed to prove their citizenship due to lack of documents. Finally to say, the protection of autochthonous is utmost important at the same time the human rights of the excluded persons also cannot be ignored. Both these issues arise because of lack of serious political will of the successive governments to solve the immigration issue on time. The long term negligence of the governments and its inadequate timely measure turns the immigration issue more complex. As a result of this negligence, the burden of proof of citizenship lays on the people of Assam by which the marginalized section of the state suffered adversely to a larger extent.

References:

[1] Adjami, M. and Harrington, J. (2008). The Scope and Content of Article 15 of the Universal Declaration of Human Rights. *Refugee Survey Quarterly*. Vol-27. Issue-3. p.p.93-109

[2] Akins, H. (2019). The Religious Freedom Implications of the National Register of Citizens in India. *United States Commission on International Religious Freedom*. Washington DC, p.p.1-4

[3] Business Standard, Assam Government Releases in Assembly district-wise list of people excluded in NRC, Press Trust of India , Guwahat, August 01 2019, access on 08/05/2020 at <https://www.google.com/amp/s/wap.business-standard.com/article-amp/pti-stories/Assam-govt-releases-in-assembly-district-wise-list-of-people-excluded-in>-nrc119080101713\_1.html.

[4] Das, P. (2008). India-Bangladesh Border Management: A Review of Government’s Response. *Strategic Analysis.* Vol.32, N0.3, p.p.367-388.

[5] Field, J., Tiwari, A.D., Hamadri, R., Singh, P. & Rastogi, T. (2019) Bureaucratic failings in the National Register of Citizens process have worsened life for the vulnerable in Assam. *O. P. Jindal Global University & Development and Justice Initiative*. p.p.1-8.

[6] Gonsalves, C. (2019). Stateless and Marginalized in Assam. *Report of the Public Hearing on NRC and CAB, February,* p.p.1-238

[7] India Blooms News Service, Assam discloses district-wise non-inclusion data, every third person in Hojai district excluded in NRC, 02Aug 2019, access on 08/05/2020, at <https://www.m.indiablooms.com/news-details/N/53322/assam-discloses-district-wise-non-inclusion-data-every-third-person-in-Hojai-district-excluded-in-nrc.html>.

[8] India Today: What is NRC: All you need to know about National Register of Citizens, access on 03/-5/2020, https//www.google.com/amp/s/www.indiatoday.in/amp/india/story/ What-is-nrc-all-you-need-to-know-about-National-Register-of-Citizens-1629195-2019-12-18.

[9] Jagaran Josh, 4th September, 2019, NRC Assam Final list out, first detention center to come up in Goalpara, access on 21/05/2020 at https://m.jagaranjosh.com/current-affairs/amp/assam-nrc-final-list-on-31auguest-2019-everything-you-need-to-know-15670715-12-1.

[10] Keot, R. & Gangaram, P. (2018). Review of Assam Accord and Updates of NRC: An Implication on the Demographic Transformation of Dhubri District of Assam, India Caused by the Illegal Immigration from Bangladesh. *International Journal of Research in Social Sciences.* Vol.8, Issue-12, pp-768-791

[11] Khandakar, A. B. (2019). Updation of the NRC: A Brief Analysis. *Report of the Public Hearing on NRC and CAB, February.* Guwahati, p.p.1-238.

[12] Mander, H. (2019). A Very Difficult Moment of History. *Report of the Public Hearing on NRC and CAB, February.* Guwahati. p.p. 1-238

[13] Report on NRC Updation in Assam: Prospects and Challenges, (2015), *Centre for Study of Society and Secularism.* Mumbai. P.1-17

[14] The Census of India, 1961,1971, Assam Part II-C Table D -II (Place of Birth).

[15] The Press Release, Office of the State Coordinator, NRC, Guwahati, 31st August, 2019.

[16] The Problem of Foreigners in Assam (1985) (Memorandum of Settlement), p.p.1-4.

1. Das, P. (2008). India-Bangladesh Border Management: A Review of Government’s Response. *Strategic Analysis.* Vol.32, N0.3, p.371. [↑](#footnote-ref-2)
2. Ibid., p.369 [↑](#footnote-ref-3)
3. The Census of India, 1961,1971, Assam Part II-C Table D -II (Place of Birth) [↑](#footnote-ref-4)
4. Gonsalves, C. (2019). Stateless and Marginalized in Assam. *Report of the Public Hearing on NRC and CAB . February,* Guwahati. p. 18 [↑](#footnote-ref-5)
5. Mander, H. (2019). A Very Difficult Moment of History. *Report of the Public Hearing on NRC and CAB, February.* Guwahati. p.p. 20-21 [↑](#footnote-ref-6)
6. Keot, R. & Gangaram, P. (2018). Review of Assam Accord and Updates of NRC: An Implication on the Demographic Transformation of Dhubri District of Assam, India Caused by the Illegal Immigration from Bangladesh. *International Journal of Research in Social Sciences.* Vol.8, Issue-12, p.771 . [↑](#footnote-ref-7)
7. The Problem of Foreigners in Assam (1985) (Memorandum of Settlement), p.4 [↑](#footnote-ref-8)
8. Report on NRC Updation in Assam: Prospects and Challenges, (2015), *Centre for Study of Society and Secularism.* Mumbai. p.1 [↑](#footnote-ref-9)
9. The Problem of Foreigners in Assam (1985) (Memorandum of Settlement), p.p-1-2 [↑](#footnote-ref-10)
10. Akins, H. (2019). The Religious Freedom Implications of the National Register of Citizens in India. *United States Commission on International Religious Freedom*. p.2 [↑](#footnote-ref-11)
11. Keot, R. & Gangaram, P. (2018). Review of Assam Accord and Updates of NRC: An Implication on the Demographic Transformation of Dhubri District of Assam, India Caused by the Illegal Immigration from Bangladesh. *International Journal of Research in Social Sciences.* Vol.8, Issue-12, p.783. [↑](#footnote-ref-12)
12. Ibid.,p.783. [↑](#footnote-ref-13)
13. Akins, H. (2019). The Religious Freedom Implications of the National Register of Citizens in India. *United States Commission on International Religious Freedom*. p.2 [↑](#footnote-ref-14)
14. India Today: What is NRC: All you need to know about National Register of Citizens, Access on 03/-5/2020, at https//www.google.com/amp/s/www.indiatoday.in/amp/india/story/ What-is-nrc-all-you-need-to-know-about-National-Register-of-Citizens-1629195-2019-12-18. [↑](#footnote-ref-15)
15. Press Release, Office of the State Coordinator, NRC, Guwahati, 31st August, 2019. [↑](#footnote-ref-16)
16. Khandakar, A. B. (2019). Updation of the NRC: A Brief Analysis. *Report of the Public Hearing on NRC and CAB of February.* Guwahati, p.73. [↑](#footnote-ref-17)
17. Akins, H. (2019). The Religious Freedom Implications of the National Register of Citizens in India. United States Commission on International Religious Freedom. p.3 [↑](#footnote-ref-18)
18. Business Standard, Assam Government Releases in Assembly district-wise list of people excluded in NRC, Press Trust of India , Guwahat, August 01 2019, access on 08/05/2020 at https://www.google.com/amp/s/wap.business-standard.com/article-amp/pti-stories/Assam-govt-releases-in-assembly-district-wise-list-of-people-excluded-in -nrc-119080101713\_1.html. [↑](#footnote-ref-19)
19. Press Release, Office of the State Coordinator, NRC, Guwahati, 31st August, 2019. [↑](#footnote-ref-20)
20. Op.cit. [↑](#footnote-ref-21)
21. Keot, R. & Gangaram, P. (2018). Review of Assam Accord and Updates of NRC: An Implication on the Demographic Transformation of Dhubri District of Assam, India Caused by the Illegal Immigration from Bangladesh. *International Journal of Research in Social Sciences.* Vol.8, Issue-12, p.785. [↑](#footnote-ref-22)
22. Business Standard, Assam Government Releases in Assembly district-wise list of people excluded in NRC, Press Trust of India , Guwahat, August 01 2019, access on 08/05/2020 at https://www.google.com/amp/s/wap.business-standard.com/article-amp/pti-stories/Assam-govt-releases-in-assembly-district-wise-list-of-people-excluded-in -nrc-119080101713\_1.html. [↑](#footnote-ref-23)
23. Ibid. [↑](#footnote-ref-24)
24. India Blooms News Service, Assam discloses district-wise non-inclusion data, every third person in Hojai district excluded in NRC, 02Aug 2019, access on 08/05/2020, at https://www.m.indiablooms.com/news-details/N/53322/assam-discloses-district-wise-non-inclusion-data-every-third-person-in-Hojai-district-excluded-in-nrc.html [↑](#footnote-ref-25)
25. Jagaran Josh, 4th September, 2019, NRC Assam Final list out, first detention center to come up in Goalpara, access on 21/05/2020 at https://m.jagaranjosh.com/current-affairs/amp/assam-nrc-final-list-on-31auguest-2019-everything-you-need-to-know-15670715-12-1. [↑](#footnote-ref-26)
26. Business Standard, 28th March, 2019, Allow appeal against foreigners tribunal order SC urged, access on 16/05/2020 at https://www.google.com/amp/s/wap.business-standard.com/article-amp/news-ians/allow-appeal-against-foreigners-tribunal-order-sc-urged-119032800757\_1.html. [↑](#footnote-ref-27)
27. Field, J., Tiwari, A.D., Hamadri, R., Singh, P. & Rastogi, T. (2019) Bureaucratic failings in the National Register of Citizens process have worsened life for the vulnerable in Assam. *O. P. Jindal Global University & Development and Justice Initiative.* p. 5 [↑](#footnote-ref-28)
28. Akins, H. (2019). The Religious Freedom Implications of the National Register of Citizens in India. *United States Commission on International Religious Freedom*. p.1 [↑](#footnote-ref-29)
29. Adjami, M. and Harrington, J. (2008). The Scope and Content of Article 15 of the Universal Declaration of Human Rights. *Refugee Survey Quarterly*. Vol-27. Issue-3. p.93 [↑](#footnote-ref-30)