

THE MANY HURDLES IN PROVING CITIZENSHIP

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Apart from the floods in Assam, an annual event affecting thousands of families, [another humanitarian crisis awaits the State this year](#). The date is already set for it. It is July 31.

On that day, the final list of the National Register of Citizens (NRC) will be released, the culmination of a fraught process conducted since 2015 at the urging of the Supreme Court, and monitored by it.

National Register of Citizens update, or a dance of data

While reports of the many anomalies that dog the process of determining citizenship, including the constantly changing list of documents that are (or are not) accepted, are known, the sheer enormity of the crisis facing the State is yet to register in the rest of India.

Numbers alone do not indicate this. What is known today is that of the 32.9 million who have applied to be listed as "genuine" Indian citizens in the NRC, roughly 29 million have been accepted. The future of the four million excluded so far, a number that might reduce when the final list is published on July 31, provides the foundation for the impending human crisis awaiting Assam. Even if half of this number is excluded, we are looking at the future of two million stateless people.

The citizenry test: Assam NRC explained

What will happen to me and my family after July 31? That is the question that haunts hundreds of men and women as they wait hours in inclement weather, clutching plastic bags full of documents, to meet anyone willing to answer this question. This was the scene that confronted us as we travelled to three districts in Assam at the end of June.

The majority left out of the NRC so far are abjectly poor; many are unlettered. They cannot understand the legal complications of the process, nor do they have the money to hire legal help. As a result, thousands stand in danger of being declared "foreigners" even though they could be "genuine" Indian citizens.

The people affected by this process of verification of citizenship fall into three different categories. Those labelled as 'D voters', or doubtful voters, were categorised as such when the electoral rolls were revised in 1997 and thereafter. Their names are excluded from the NRC unless they can establish their credentials before a Foreigner's Tribunal. There are currently just under 100 such tribunals in Assam. The opacity that surrounds the way decisions are made in these quasi-judicial courtrooms is a part of this larger crisis.

India's shrinking democratic space

In the second category are people who have been picked up by the police on suspicion of being illegal immigrants. The border police, present in every police station, picks up people, often poor workers in cities, fingerprints them, and then informs them in writing that they must appear before a Foreigner's Tribunal.

In the third category are those who have registered with the NRC, but have been excluded

because there was a discrepancy in the documents they submitted. Two lists have been published so far: one with 4 million names last year and another with just over 0.1 million on June 26 this year. Their fate will be known on July 31.

In addition, there are people who have already been declared “foreigners” by the tribunals. In February 2019, the government informed the Supreme Court that of the 938 people in six detention centres, 823 had been declared foreigners. How long will they be held? Can they be deported? To which country? These questions remain unanswered. In this haze of numbers and judicial processes, the real and tragic stories of individuals often go unheard.

Take Anjali Das, 50, in Bijni, Chirang district. Dressed in a rust saree, Anjali cannot hide her anxiety. Her maternal home is in Jalpaiguri, West Bengal, where her father and brother still live. Anjali came to Assam in 1982 when she married. She has no birth certificate, like many in India. She has a school certificate that confirms she was a student up to Class 5 and gives her date of birth as June 1, 1969. She also has a certificate from the Panchayat and her father’s Aadhaar card as proof that she is Indian. But this will not suffice. Anjali’s name has been excluded from the NRC, the only one in her marital home.

Efforts to trace, deport illegal foreigners in Assam have been poor, unsatisfactory: State Chief Secretary tells SC

Anjali is only one of thousands of married women who have been left out of the NRC for similar reasons. Although disaggregated data is not yet available, it is estimated that more than half of those excluded from the NRC are women like her.

Then there are women who are struggling to understand why only some members of their families have been excluded. In Hanchara village in Morigaon district, Jamina Khatun pulls out a photocopy of the June 26 list of names excluded from the NRC. It has the names of her husband, her two sons, and her 11-year-old granddaughter. But not hers, or that of her daughter-in-law. Jamina’s son, Nur Jamal Ali, was referred to the Foreigner’s Tribunal based on a complaint by his landlord in Jorhat, where he worked as a construction labourer. As a result, Nur Jamal was fingerprinted by the border police, sent a notice to appear before a Foreigner’s Tribunal, and then declared a foreigner. His only daughter has also been excluded from the NRC.

After July 31, the focus will shift to the Foreigner’s Tribunals. The State government plans to set up 200 by the end of this month and eventually 1,000, as all those excluded from the NRC will have to present themselves before these tribunals.

Only the litigants and their lawyers know what happens within the four walls of these tribunals as neither the public nor the media are permitted there. I tried to get a peek into one in Guwahati. Foreigner’s Tribunal Court Room 3, Kamrup Metro district, Guwahati, is located in a residential colony on the ground floor of a building. The small room is arranged like a courtroom. A white railing separates the podium on which the tribunal member sits from the litigants. The railing becomes a small witness stand at one end. The tribunal member has the help of an assistant who sits on the side. According to him, cases are heard simultaneously, stretching out to five days. But a lawyer tells a different story. The case he has come for began in March. It is still being heard in July.

Assam begins deleting foreigners from NRC list

This then is the other problem. Poor people travel long distances to appear before these tribunals. Their cases stretch out over months. They have to spend on travel and lawyers’ fees,

unaffordable for most. If they give up, or cannot afford to make the journey, their cases will be judged “ex parte”. In a statement in the Lok Sabha on July 2, the Minister of State for Home Affairs, G. Kishan Reddy, said that from 1985 to February 2019, 63,959 people had been declared foreigners in ex parte rulings.

The citizenship issue in Assam is layered and complex. It is not easy for people outside the State to understand the multiple threads. What is clear though is that the brunt of the systemic problems of establishing citizenship in this manner, and in such haste, is being borne disproportionately by the poorest.

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