



ORIGINAL RESEARCH PAPER

Political Science

NRC: AN EFFECTIVE MECHANISM TO IDENTIFY IRREGULAR BANGLAESH MI GRANTS IN INDIA

KEY WORDS: NRC, Irregular Migrants, India, Bangladesh.

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ABSTRACT

Identification and deportation of the Bangladeshi migrants who are illegally settled in different parts of India has become a contentious issue. The demand for the identification of the migrants emerged in Indian state of Assam in 1970s which ultimately subsided with the signing of the Assam accord in 1985. It is a well known fact that millions of Bangladeshi migrants are settled in different parts of the country who left their motherland due the combination of multiple factors. Migration is not a problem so long as it is legal and it takes place with the due permission of both the migrant sending and migrant receiving country. However voices of disaffection can be emerged if the migrants enter a destination country clandestinely or illegally which in turn create several problems for the destination country and its people. India has been the sole attraction of millions of Bangladeshi migrants and the process of the movement of people from East Bengal to Assam started since the time of British rule in India. Subsequently, after the independence of the country in 1947 the trend of migration from East Pakistan continued. Bangladesh emerged as an independent state in 1971 after its separation from West Pakistan. Since Bangladesh was not able to treat its religious minority i.e. the Hindu communities, there took place many state organised religious atrocities and torture which forced the Hindu people to seek for a safe place and they were finally forced to enter India. Keeping in view all these facts in consideration, in this research paper attempts have been made to briefly narrate the problem of identification of irregular Bangladeshi migrants in India through the mechanism of NRC (National Register of Citizens) followed by its effectiveness in operation.

Relevance of the Issue:

Pamela Geller the author of a famous article 'Greater Islamic Bangladesh is a serious threat to Indian Integrity, Sovereignty and Hindu majority' once observed that, the Inter Service Intelligence (ISI) of Pakistan and Director General of Foreign Intelligence (DGFI) of Bangladesh are trying to build a Greater Islamic Bangladesh which would include whole of present Bangladesh, West Bengal, Assam, Tripura, Meghalaya and parts of Bihar, Jharkhand and Odisha.¹ It is estimated by many agencies that there would be around 15-20 millions Bangladeshi migrants who are illegally staying in different parts of India. At present the migrants have developed new strategies to enter into India; they have chosen the legal routes to enter the India but ultimately vanished in different places without any intention to return back to their motherland. In the North East state of Assam there have been significant increases in the number of local population with is evident in the voter's registration list. Moreover, the increase in the number in the villages at the India-Bangladesh border from Assam side is also reflection of the demographic changes in Assam due to migrant influx from Bangladesh. The socio, economic, political as well as environmental pressure which India is facing have necessitated the task of identification of the irregular migrants so a humanitarian approach will be developed to solve the problem. In the past the Government of India developed many strategies to identify the migrants but all these attempts could not produce the desired results. The Assam movement of 1979-1985, however, ended with the signing of the famous Assam accord in 1985 which provided for the identification of the irregular Bangladeshi migrants.

What is NRC?

The first NRC in Assam was done in 1951 to register the genuine citizen of the country in the citizen's list. Due to continuous inflow of population from the neighbouring East Bengal which became Bangladesh later, people in Assam were, since long, demanding for the identification and deportation of the infiltrators from the state as the infiltrators were changing the demography, economy and culture of Assam.

Coming to the twenty first century, in the 2014 general election the BJP led NDA coalition declared in its election

manifesto to identify and deport all the foreigners from Assam. Subsequently, the party came to power and under the direction and supervision of the Supreme Court of India the Union government started the implementation of the NRC in Assam. The first draft of NRC was published in 30th July 2018 where the name of 40,00,000 people were missing from the citizen's register. Although, the publication of the NRC was a draft report, leaving opportunities for those whose name is missing from the list to file claim and objection to prove their Indian citizenship, it created serious resentment from many political parties mainly from the TMC of West Bengal. The chief minister of West Bengal alleged that the central government is trying to harass the genuine Indian Muslims. She also threatened the Centre not play with fire in the name of NRC. Despite such hues and cries the final report of NRC was published in 31st August 2019 where the name of around 19,00,000 people in Assam was missing. Quoting to the state NRC coordinator Mr Prateek Hajela, the Times of India reported on 1st September 2019 that "The NRC exercise is a mammoth exercise involving around 52,000 state government officials. All decisions of inclusion and exclusion were taken by these statutory officers. The entire update process has been meticulously carried out in an objective and transparent manner".² It is not that all the migrants have asked to leave the country but they have been given the opportunities to go the Tribunals to file petition and to prove their Indian citizenship with proper documents. The foreigner's tribunal have the authority either to declare person foreigner or overrule the NRC findings and declare a person as Indian citizen. The Home Minister of India Mr Amit Shah informed the Rajya Sabha on 20th November 2019 that the NRC will be implemented in all states throughout India. However, some political parties and organisations in Assam were not satisfied with final NRC report who called the final NRC a flawed exercise. Assam finance minister Himanta Biswa Sarma said, "The name of many Indian citizens, who migrated from Bangladesh as refugees prior to 25th March 1971, have not been included in the NRC because the authorities refused to accept their refugees certificates...Many names got included because of manipulation of legacy data, which many alleged".³ Dissatisfied with low exclusion numbers, the AASU, a prime stakeholder in the NRC case in the Supreme Court said that it will move the Supreme Court for rectifying the errors. Further the AASU said that the number of Bangladeshi

in Assam is more than the 40 lakh people who were excluded in the draft NRC published in the 2018.

A statistics can be given as follow to have a clear understand of the NRC update.

A total of 3,30,27,661 people had applied for inclusion in the final NRC list.
40,43,984 people were left out of the draft.
36,26,630 people had filed claims for inclusion.
This means 4,17,354 people did not file claims applications.
19,06,657 people who were left out included those who did not submit claims.

(Source: The Times of India 1st September 2019 Sunday page no.08)

The Ministry of External Affairs clarified that those people whose names are missing in the final NRC published in 31st August 2019, are not "state less" and will continue to enjoy all the rights as before till they exhausted all the remedies available under the law. The state government of Assam has set up hundreds of tribunals where the proposed foreigners can file petition to prove their citizenship⁴. The response of the MEA came after the UN High Commission on Refugees (UNHCR) made a statement that the NRC may render a large number of people stateless. The statement further cleared that while India has sovereign right and authority to try to establish who is an Indian national and who is not, UNHCR urges the government to take steps to mitigate the risk of any individual being left stateless as a result of the NRC update exercise in Assam or similar processes that may take place in other states in India. The MEA of India's spokesperson Mr Raveesh Kumar made it clear that those excluded can appeal for inclusion before foreigners' tribunal till 31st December 2019. Thereafter any one still aggrieved by any decision of being excluded will have the right to approach the High Court of Assam and then the Supreme Court.⁵ The Government of India also stated that no action shall be initiated against any person so long as the final decision of the Court does not come. So there is nothing to be worried for genuine Indian citizens about the NRC report.

Documents to be produced to be enrolled in the NRC of Assam:

1. Land documents like Registered Sale Deed, records of land rights up to March 24, 1971 (midnight).
2. Permanent Residential Certificate issued up to March 24, 1971 (midnight).
3. Passport Issued by the Government of India up to March 24, 1971.
4. Life Insurance Corporation of India Policy (LIC) of relevant period up to March 24, 1971 (midnight).
5. Any license/certificate issued by government authority of relevant period i.e. up to March 24, 1971 (midnight).
6. Document showing service/employment under Government/Public Sector undertaking up to March 24, 1971 (midnight).
7. Bank/Post Office Accounts of relevant periods i.e. up to March 24, 1971 (midnight).
8. Birth Certificates issued by the competent authority up to March 24, 1971 (midnight).
9. Educational Certificate issued by Board/Universities up to March 24, 1971 (midnight).
10. Records/ process pertaining to court up to March 24, 1971 (midnight) provided they are part of a processing in a judicial or Revenue Court.

(Source: The New Indian Express, 02nd September 2019, Monday page no.09)

Concluding Observation:

Although the mechanism of NRC aimed at identifying the infiltrators in Assam in particular, it does not seem to be realising the desired objectives. The Government of India

itself is confused regarding the application of the process. View of Ministers in the government differs from one another regarding the number infiltrators in India. Initially the NRC also excluded the name of 40 lakh people in Assam from the draft NRC, now it comes to 19 lakhs. So doubt arises regarding the proper application of the process to identify who are the citizens and who are not i.e. foreigners. There are many instances where the names of parents come in the NRC list leaving their children from the final list. So it gives enough chances to doubt the functioning of the NRC in Assam. In spite all these facts it cannot be denied that, in the end of the Covid-19 crisis in the world, if the NRC is carried out properly then it can be a suitable mechanism to identify the infiltrators in Assam and from other states of India.

References:

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3. The Times of India 1st September 2019 Sunday page 01
4. The New Indian Express, 02nd September 2019, Monday page no.09
5. The Times of India 2nd September, 2019, Monday page no.06