Assam - The NRC Polarisation

What is the issue?

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- A draft of the updated National Register of Citizens (NRC) in Assam was released recently, leaving out 40 lakh of 3.3 crore applicants.
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- In this context, understanding India's citizenship laws and of Assam's unique case is critical to process the significance of NRC.
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What are India's citizenship laws?

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- Indian citizenship can be acquired in four ways – by birth, descent, registration or naturalisation.
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- **Initially -** A person domiciled in India, when the constitution was adopted (November 26, 1949) automatically becomes an Indian citizen.
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- In this context, a person was recognized to be domiciled in India if he/she (or his/her parents) was born in India or he/she has been a resident in India for more than 5 years before November 26, 1949.
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Citizenship by Birth:

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- **Initially -** For those born in India after the Constitution came into effect, the Citizenship Act, 1955, grants citizenship by birth based on birth dates.
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- Accordingly, anyone born in India between November 26, 1949 and July 1,

1987 is a citizen by birth irrespective his/her parental nationality.
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- **Other Amendments -** Subsequent amendments rendered that anyone born between July 1, 1987 and December 3, 2004 is a citizen by birth if either of his parents was an Indian citizen at that time.
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- Further amendments rendered that those born on or after December 3, 2004 is a citizen by birth if both parents are citizens of India at the time or if one parent is a citizen and the other is not an illegal migrant.
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- Notably, illegal migrant is defined as a foreigner who entered India without valid documents, or stayed beyond the allowed period.
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By Registration (Connections):

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- Citizenship by registration can be acquired by “Persons of Indian Origin” (PIO) who has lived in India for 7 years before applying.
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- This clause is also applicable for persons married to Indians who’ve resided in India for 7 years before application.
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- Further, any minor child can be registered as a citizen if the government is satisfied that there are special circumstances.
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By Naturalisation (Foreigners):

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- Through naturalisation any foreigner without any connection with India can apply for Indian citizenship, provided he is not an illegal migrant.
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- For this, he should’ve stayed in India for 12 consecutive months preceding the date of application, and for 11 years out of the preceding the 14 years.
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Grounds for Revoking Citizenship:

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- As India doesn’t allow dual citizenship, a person ceases to be a citizen if he/she voluntarily acquires the citizenship of another country.
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- Also, the acquired Indian citizenship of any non-PIO foreign national (through registration or naturalisation) is subject to cancellation in certain rare cases.
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What is the migration story in Assam?

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- **British Era -** Assam witnessed a unique migration pattern since the British times, as it was merged with Bengal Presidency for administrative purpose.
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- From 1826 to 1947, the British continuously brought migrant workers to Assam for cheap labour in tea plantations.
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- **Partition -** After British rule, the Partition in 1947 brought a major bout of migrants from East Pakistan (now Bangladesh) to Assam.
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- After this, there continued to be a considerable flow of persecuted minorities (mostly Hindus) through the porous borders of Assam.
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- **1971 War -** Subsequently, the Bangladesh liberation war in 1971 also saw many migrants pouring into Assam, precipitating a crisis of sorts.
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- This eventually led to an agitation during 1979-85, led by the All Assam Student’s Union that saw a demographic threat to ethnic Assamese.
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- All this culminated in the 1985 Assam Accord signed by the then PM Rajiv Gandhi, which called for the deportation of illegal migrants.
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- **Further -** Regular and sustained migrant influx into India is said to have continued over time since the 1970s in hope of better economic opportunities.
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- It is only after the completion of border fencing and enhancement in

border patrols in the last decade that this issue influx was curtailed.
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What were the provisions of the Assam Accord?

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- Under the accord, unlike the rest of the country, Assam was allocated a different cut-off date for determining citizenship.
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- Accordingly, those who entered Assam (from Bangladesh) on or before January 1, 1966 were to be deemed citizens and granted full rights.
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- For those who entered after this date but before March 25, 1971, as per "Foreigners Tribunal Records" were to be granted citizenship after 10 years.
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- Notably, March 25, 1971 marks the beginning "Operation Searchlight", in which the Pakistani army unleashed fury against pro-freedom Bengali masses.
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- This crackdown had triggered a massive rush of people to India as refugees, all of whom were supposed to be sent back after normalisation in Bangladesh.
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- But many Bangladeshi refugees have continued to live in India illegally, whom the accord has sought to send back to Bangladesh.
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What was the ground for the NRC update exercise?

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- The 1st NRC in Assam was updated in 1951 and recorded about 80 lakh citizens there, which also included some Bengalis who had opted to live in India.
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- As per a directive from the Supreme Court to identify and remove migrants from voters list, the exercise to update the NRC was commissioned in 2013.

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- The NRC exercise demanded that all current residents of Assam (3.3 crores) to submit official proof to assert their claim to citizenship.
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- For inclusion in NRC, applicants needed to prove that they — or their parents, grandparents etc — were Indian citizens on or before March 25, 1971.
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- Those who could not prove this, and their offspring, have been excluded from the recently released draft NRC – and it amounts to 40 lakh people.
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What are the other migrant related issues concerning Assam?

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- **What -** In 2016, the Centre introduced a new Citizenship Act to ease the grant of citizenship to religious minorities from neighbouring countries.
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- Notably, this would've provided reprieve to mostly Hindus from Pakistan and Bangladesh, who've been staying in India as illegal migrants/refugees.
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- The proposed law sough to relax norms for granting citizenship to the said groups by decreasing the residency requirement from 11 years to six years.
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- Further, it has sought to take the number of years already spent in India into account, which is almost akin to granting them immediate citizenship.
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- **Concerns -** This was flagged by Assam activists as a move to dilute the intent of NRC, which seeks to plug borders completely after 1971.
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- Notably, the mood in Assam is against migrants irrespective of religion as they fear that the Assamee identity is being undermined.
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- The Bill is currently pending with a "Joint Parliamentary Committee" that is currently studying the ground reality in Assam.
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What are the other complex citizenship questions in India?

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- In Arunachal Pradesh, a demand for citizenship to Chakmas has been pending for decades, which the central government is inclined to grant.
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- But the Arunachal state government has been blocking this initiative as it fears that the state’s political demography will suffer a change.
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- Similarly, in Kashmir, refugees from West Pakistan are allowed to vote in national elections but not in Assembly elections.
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Source: Indian Express

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