NRC - The Moral Dilemma

What is the issue?

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- The ongoing Supreme Court (SC) monitored exercise on updating the “National Register of Citizens” (NRC) in Assam has created a political storm.
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- South Asia has seen many crises over citizenship and it is important for India to ensure that the Assam episode doesn’t become one.
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How did the current process commence?

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- A PIL was filed in the Supreme Court by “Assam Public Works” in 2009 for the removal of “illegal voters” from the electoral rolls of Assam.
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- Further, the PIL had asked for updating the NRC as required under the Citizenship Act, 1955 for honouring the Assam Accord of 1985.
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- Notably, the Accord was an outcome of protests by “Assamese students unions” for the removal of illegal migrants who entered Assam after 1971.
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- Though filed in 2009, the case really picked up steam in 2013 as the Supreme Court directed the Union and State governments to speed up the process.
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- Significantly, the first NRC was framed in 1951, but its subsequent iterations were recognised to be faulty and the present exercise is to rectify this.
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How did the exercise proceed?

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- A deadline of January 2016 was initially fixed for the draft of the NRC, but due to delays, an extended deadline was given till July 2018.
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- All 3.3 crore residents of Assam were required to submit documents from a list prescribed by the government to prove that they were Indian citizens.
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- While the process proved to be complex and fraught with confusion, the draft of the updated NRC was recently released.
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- The draft list of citizens was published recently, and it leaves out the names of approximately as many as 40 lakh residents of Assam.
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- While the political leaders have assured that everyone will be given a fair and patient hearing to prove their citizenship, this is unlikely to inspire confidence.
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What are the inconsistencies in the current NRC?

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- It was hoped that the Supreme Court's monitoring of the process would have ensured fairness and transparency.
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- But regrettably it has not been so, with "family tree verification" proceeding largely in a secretive and arbitrary manner.
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- Further, the invalidation of gram panchayat certificates as proof has predominantly affects women who change locations after marriage.
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- It was only recently that the Supreme Court clarified that the panchayat certificates could be relied upon, provided they are proven in courts.
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- Many instances of parents being included in the NRC but children being left out have also been reported.
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What the important moral issues that arise?

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- Preparing the NRC swiftly seemed more important than ensuring that there was legal clarity over the manner in which citizenship claims are verified.
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- Further, the larger question of what to do of the lakhs of people likely to be left out of the final NRC has remained unanswered.
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- While the immediate consequence is that they will lose their right to vote as demanded by the PIL, the future course of their lives remains grey.
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- Whether the government would ghettoise those rendered stateless (in line with communal rhetoric) or would it adopt more reconciliatory actions is uncertain.
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What is the way ahead?

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- During the Constituent Assembly debates, the provision relating to citizenship was a challenging one that also generated much international interest.
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- This was because Indian nationalism during the freedom movement had not attempted to define itself on exclusive racial or ethnic bases.
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- Seventy years later, India’s approach to citizenship is once again going to be scrutinised by the world, and our constitutional values are at stake.
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- All state authorities need to be prudent in their actions and ensure that good sense prevails to not commence another humanitarian tragedy.
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Source: The Hindu

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