

Mapping Exclusions from The National Register of Citizens in Assam

A Baseline Study of Applicants and
Excluded Persons in Bongaigaon and
Barpeta districts

June 2019

G1221, Ground Floor
Chittaranjan Park
New Delhi 110019
Tel 91 11 40105447
Email: info.daji@gmail.com
<http://www.daji.org.in/>



About this Study and the Report

The National Register of Citizens (NRC) and the impact it would have on those who will be excluded from the register has been of concern to us at Development and Justice Initiative (DAJI). In 2017 we conducted a research into how people of different parts of Assam were negotiating with the highly bureaucratic exercise of NRC. In the same year we documented and published into podcast stories of two families of tea plantation workers that were excluded.


The present Baseline study was conducted in February-March 2019 when persons excluded from the lists published in July 2018 had filed their claims and were going through the process of hearings. We aimed at understanding the profiles of the excluded persons and their families with a focus on women and children.

Field work for this study was conducted by a team of Tahreen Chaudhury, Iftikar Siddique and Tehmina Abbas. Data compilation and report writing is done by Tehmina Abbas.

We hope this becomes an important document that identifies persons, families and their communities that are vulnerable and are excluded from the NRC. The reasons for their vulnerability and exclusion are also documented. The report also documents and arbitrariness in the NRC process and their decisions. We hope this report is useful to the policy makers at the state and national level to understand how the stringent requirement of documentation going back to 1971 will exclude the poorest, women and children from citizenship.

Ravi Hemadri
Director


Photo credits: Iftikar Hussain Siddique, Tahreen Chaudhury



The Development and Justice Initiative (DAJI) works on issues of justice and protection with disenfranchised communities in India, including refugees and groups at risk of statelessness. It engages with communities to mobilise and train women and men to access government health, education and legal aid services. It partners with United Nations High Commissioner for Refugees (UNHCR) in strengthening refugee protection in India.

DAJI also conducts research into statelessness and migration. The organisation collaborates with other civil society actors and academia to advocate for protection and access to services for refugees, migrant workers and returnees.

Some of the earlier research conducted by the organisation pertain to Tribal Autonomous Councils in Northeast India, refugees, migrant returnees and their reintegration.



Contents

Executive summary	5
1. Introduction	6
2. A Background on Citizenship in India	7
3. Assam and the NRC	9
3.1 Migration in Assam	9
3.2 Events leading to the NRC	10
3.3 The National Register of Citizens (2015)	11
3.4 Key debates on the NRC	12
4. Baseline research study on the NRC	13
4.1 Characteristics of households with excluded members	14
4.2 Comparative analysis of included and excluded household members	16
4.3 Claims and objections	31
4.4 Impact on affected households	34
5. Summary of key findings	36
6. Conclusion	39
6.1 Recommendations for the National Register of Citizens Authority, Government of Assam	40
6.2 Recommendations for the Government of India	41
7. Annexure I: Research limitations	42
8. Annexure II: List of locations	43
9. Annexure III: Additional demographic information	44
10. Annexure IV: Access to identification documents	45
11. Annexure V: List of references	47

Figures

Figure 1: Distribution of households by size	15
Figure 2: Proportion of income earners and dependents in households	15
Figure 3: Sources of income of households	15
Figure 4: Distribution of household members by sex	16
Figure 5: Number of excluded household members	17
Figure 6: Distribution of household members by status	17
Figure 7: Patterns of exclusion in households	18
Figure 8: Distribution of household members by place of birth	18
Figure 9: Distribution of household members by level of education	19
Figure 10: Distribution of household members by occupation	20
Figure 11: Distribution of household members by List A documents submitted	21
Figure 12: Distribution of household members by number of List A documents submitted	22
Figure 13: Sources of List A documents submitted by excluded household members	23
Figure 14: Distribution of household members by List B documents submitted	23
Figure 15: Distribution of household members by number of List B documents submitted	24
Figure 16: Sources of List B documents submitted by excluded household members	25
Figure 17: Assistance received by household members for the NRC process	25
Figure 18: Reasons for exclusion from the NRC	27
Figure 19: Assistance received by household members for filing claims at LRCRs	32
Figure 20: National identification documents possessed by excluded household members	45
Figure 21: Type of national identification documents possessed by excluded household members	45

Acronyms

ASHA	Accredited Social Health Activists
BGB	Border Guards of Bangladesh
BLO	Block Level Officer
FGD	Focus Group Discussion
FT	Foreigners Tribunal
GP	Gaon Panchayat
IMDT	Illegal Migrants (Determination by Tribunal)
LIC	Life Insurance Corporation
LRCR	Local Registrars of Citizen Registration
NSK	NRC Sewa Kendras
NRC	National Register of Citizens
OCI	Overseas Citizen of India
ST	Scheduled Tribe

Executive summary

This report is a baseline study on the updation of the National Register of Citizens (NRC) in the north-eastern state of Assam in India. The NRC is an administrative exercise being undertaken by the Government of Assam under the oversight of the Supreme Court. Its objective is to recognise genuine citizens and to identify 'illegal' migrants living in Assam.

The report begins with a brief assessment of the Indian citizenship regime from the time of independence to present day. The review of the conception of citizenship in India illustrates how boundaries of exclusion are increasingly being defined on the basis of religion. This threatens the secularism of the Indian Constitution and legal system.

The next section provides a historical background of Assam and the events that have led to the NRC exercise. The notion of citizenship in Assam is complex, given the scale of immigration of Bengalis to the state from colonial times. The largest migrations to Assam took place during the partition of India and Pakistan (1947), and the Liberation of Bangladesh (1971). The perceived threat of this immigration has resulted in violent struggles in the past for the assertion of Assamese identity. Precursors to the NRC, in particular the Assam Accord (1985) and the Citizenship Amendment Act (1986) are outlined. According to these instruments, only those who had lived in Assam before specific cut off dates (prior to 24 August 1971) are to be considered Indian citizens. Migrants entering Assam after these dates are to be categorised as illegal. These provisions form the basis of the NRC exercise, which is then summarised. The latest NRC draft, published in July 2018, excluded four million residents in Assam. Excluded persons had the opportunity to file claims for inclusion in the NRC. Verification hearings for claims are underway at the time of writing this report. The key debates surrounding the ongoing NRC exercise are examined.

The findings of the study are then presented. The research was conducted in February and March 2019. Ninety-six households with at least one member excluded from the NRC were interviewed in the districts of Barpeta and Bongaigaon in Assam. This was complemented by focus group discussions with men and women, and interviews with key informants. An assessment of households with excluded members is first presented. Common characteristics are high numbers of dependents, low levels of education, and dependence on agriculture for income. Bengali was the native language in most households.

A comparative analysis of excluded and included (in the NRC) household members is then undertaken. Some members of households are included in the NRC, and some other members are excluded; in majority of the families only one member is excluded. Women and children are most vulnerable due to their lack of access to identification documents. Illiteracy impedes the access of families to documents required for inclusion in the NRC, and their ability to navigate the application process. Submission of applications is reported to be confusing due to unclear and varying instructions from authorities. Specific documents (to be submitted as proof of citizenship) were given precedence over others. Certain documents were considered suspect. This is seen in the case of Gaon Panchayat (village council) issued certificates, which led to a disproportionate exclusion of women from the NRC. A special category called D or doubtful voters, accused of being foreigners (prior to the NRC), have been further marginalised, at times along with their families, by their exclusion from the NRC exercise.

Several administrative and logistical aspects of the NRC process are close to impossible for poor and illiterate applicants. Small errors and misprints in forms can lead to exclusion. Verification hearings of claimants, which are currently underway, are located at large distances from their homes. Entire families are called as witnesses to hearings, sometimes several times a month. The findings of the section establish that the process of verification of documents by the NRC authority (to determine the NRC status of a person) is clearly flawed and arbitrary. There are also indications of discrimination against specific groups on religious grounds. Those who are likely to be excluded from the final NRC (2019) will have an uphill battle to prove their citizenship credentials in the foreseeable future. The financial and psychological toll on affected communities is enormous.

The report concludes with an examination of possible scenarios in the future as a result of the NRC, and the obstacles vulnerable people will face. A list of recommendations for both the State Government of Assam and the Government of India is provided, grouped into three themes:

independent oversight mechanisms, special measures for vulnerable groups and adherence to international law on the reduction of statelessness.

1. Introduction

India is home to a unique combination of ethnicities, religions, cultures and languages. While this diversity has often been a cause for celebration, tensions based on a multiplicity of differences are always abound. The development of the Indian citizenship regime from the time of independence in 1947 to present day has included multiple notions of citizenship. On the surface, this may appear to be a form of accommodation for the diversity in India. However, gradual changes have been made over the years to citizenship legislation and rules for the exclusion of people based on lineage and religion.¹

In the state of Assam in north-eastern India, large-scale migration from Bangladesh since colonial times has resulted in persistent clashes between the Assamese and Bengalis.^{2,3} The struggle to assert Assamese identity, and reject Bengali language and culture has led to several events in the history of Assam, eventually culminating in the National Register of Citizens (NRC).⁴

The NRC in Assam is an enormous government exercise to segregate people on the basis of ability to prove their (or their ancestors') residence in Assam prior to 1971.⁴ Between 2015 and 2018, residents of Assam were required to submit specific documents as proof of citizenship. Draft lists of names of people judged to be genuine citizens were published. The final draft, released in July 2018, left off four million residents of Assam.⁵ While excluded persons were given the opportunity to register claims for inclusion, there is a real risk that ultimately, millions may be stripped of Indian citizenship. Given that Bangladesh does not accept its citizens ever migrated to Assam, these excluded persons will effectively be rendered stateless.^{6,7}

There are other reasons for the NRC being mired in controversy. Reports indicate that the largely poor and illiterate communities of Assam have struggled with the application process. Women and children have been the hardest hit. The system has been accused of being too flawed and discriminatory to ensure due process.⁸ There are allegations that the exercise is being co-opted by the current government (led by the Bhartiya Janata Party), which has pledged support for Bengali Hindus in Assam. This is reportedly part of their broader agenda to advocate for the creation of a Hindu state, which by principle appears to exclude Muslims.^{2,9}

At the time of writing, the NRC in Assam is at a critical juncture. Verification hearings for people who have applied to be reconsidered for inclusion are underway. The final NRC is set to be published at the end of July 2019. After this date, persons excluded from the NRC will have to face challenging legal procedures to ensure they are not disenfranchised, made stateless and/or placed in protracted detention.¹⁰ Those that are excluded are likely to be at risk of their civil liberties being restricted, exploitation, internal displacement and communal violence.⁸

Up until now there has been no methodical examination of the reasons for the exclusion of people from the NRC, or of the difficulties that affected communities have encountered, and continue to face. It has been unclear whether there are systematic reasons behind exclusions from the NRC, such as specific characteristics of excluded persons or the types of documents they have submitted for their inclusion in the NRC. In view of these gaps in information, this study was undertaken by the Development and Justice Initiative to examine households with excluded members, features of excluded household members in comparison with those included in the NRC, and the main challenges of the ongoing NRC process. The objective of the study is to provide a baseline to assess the NRC process on the basis of fairness, transparency and robustness.

2. A Background on Citizenship in India

The Indian Constitution (1949)

The Constitution of India laid down the terms of citizenship (Part II Articles 5 -11) at the time of its commencement on 26 November 1949. Citizenship was to be determined by a *jus soli* (by birthplace) system, essentially a religion-neutral secular basis. This applied to those residing in India at the time of its partition from Pakistan and the thousands who were moving across the newly drawn Indo-Pakistan border.^{11,12} The criteria for citizenship are well summarised by Roy, A. (2010):

*“(1) those who were ‘found’ to be residing in India at the time of independence and automatically ‘became’ Indian citizens and (2) those who, unlike the earlier category, moved across borders, a category which again had different patterns of movement: (a) those who migrated from Pakistan to India after Partition and before 19 July 1948; (b) those who migrated from Pakistan to India after 19 July 1948 but before the commencement of the Constitution and registered themselves as citizens of India before the concerned authority; and (3) those who went to Pakistan after 1 March 1947 and returned to India under a permit for resettlement or permanent return issued by competent authority”.*¹¹

The Citizenship Act (1955)

Article 11 of the Indian Constitution mandated Parliament to develop laws pertaining to the attainment and termination of citizenship in India, beyond the limited terms provided in the Constitution.¹¹ The Citizenship Act was enacted in 1955. It laid down five provisions specifying how citizenship could be acquired in India: by birth, by descent, by naturalisation¹ by registration,² or the incorporation of territory.³ The Act thus introduced the *jus sanguinis* (citizenship by descent or blood ties) system of citizenship in India.^{11,12}

The Citizenship (Amendment) Act (1986)

The Indo-Pakistani War and the Bangladesh Liberation War in 1971 led to the formation of the state of Bangladesh, (formerly East Pakistan) separate from Pakistan (then known as West Pakistan). The result was large-scale, continuous in-migration of people from Bangladesh to India, particularly into northeast India. In Assam, an especially affected state from the region, massive demonstrations took place against the migration. This culminated in the Assam Accord between the Assam state government and the central government in 1985. It laid the terms for the recognition of migrants from Bangladesh as either Indian citizens (if they had come to India before 1966, or between 1966 -1971 and had registered themselves as citizens) or illegal migrants (if they had come to India after 1971).¹¹

A hierarchized model of citizenship (Roy, A., 2010) was thus put in place for Assam, and was further formalised by amendment 6A to the Citizenship Act in 1986.¹¹ A sixth category of citizenship was added through the amendment of the naturalisation provisions in the Act, to be applied exclusively to

¹ Naturalisation: “A person may become a citizen of India by naturalisation if he or she has resided in India for at least five aggregate years in the past seven years, and continuously for twelve months after that, does not belong to a country which disallows citizenship by naturalization, has renounced the citizenship of his or her country, has adequate knowledge of a language specified in the eighth schedule of the Indian Constitution, and intends to reside in India or serve in government or an international organization of which India is a member”.¹

² Registration: A person of Indian origin who has lived in India for seven years before their application for registration, a person of Indian origin who resides in any country outside undivided India and person married to an Indian citizen and who has lived in India for seven years, are eligible for citizenship by registration. This also applies to minor children who can be granted citizenship under special circumstances”.¹⁰

³ Incorporation of territory: “Persons living in territories that have become part of India can be considered eligible for citizenship by the government on the basis of their membership in those territories. Historically, this applied to Goa, Daman, and Diu by virtue of the Goa, Daman and Diu Citizenship Order, 1962, Dadar and Nagar Haveli by virtue of the Dadar and Nagar Haveli (Citizenship) Order, 1962, Pondicherry by virtue of the Citizenship (Pondicherry) Order, 1962, and Sikkim by virtue of the Sikkim (Citizenship) Order 1975”.¹

Assam. Crucially, the *'illegal migrant'* (a person had entered Assam after 1971) was first defined in legislation. These were persons who had entered India without a valid passport or travel documents, or had such documents upon entering India and their documents had expired. They were to be identified by the state for the purpose of deportation and could not attain Indian citizenship through naturalisation.^{12,13,14} Citizenship in India thus increasingly began to be associated with blood ties (*jus sanguinis*), and prioritised over birth right (*jus soli*) beginning with 1986.

Citizenship (Amendment) Act (2003)

This pattern was further solidified in 2003, when another amendment was made to the Citizenship Act. The category of overseas citizen of India (OCI) was introduced: a person of Indian origin and citizen of a specified country, or a citizen of India immediately before becoming a citizen of another country was recognised as an overseas citizen of India by the Indian Government.^{1,15} Another part of the amendment excluded persons born in India if one or both of their parents were illegal migrants. Thus, persons of Indian origin who may have never lived in India could become OCIs but children born in India (with one or both illegal parents) could not be Indian citizens.^{13,15}

Citizenship Rules (Amendment) (2004)

It is to be noted that religion was not explicitly a basis for inclusion or exclusion in the provisions made against illegal migrants in the 1986 and 2003 amendments.¹¹ According to Poddar (2018), amendments were made to the Citizenship Rules (which govern the Act) in 2004, to change the terminology such that minority Hindus with Pakistani citizenship were no longer under the definition of 'illegal migrants'. This signified the beginning of the explicit use of religion as a basis for granting citizenship.¹²

Changes to other legislations relating to citizenship

Since the time the Bhartiya Janata Party led government came into power in 2014, it has taken steps to regularise the entry and stay of Hindu minorities from neighbouring countries, in line with its election promises for humanitarian leniency towards persecuted Hindu refugees from neighbouring countries.^{2,16} Such efforts were extended to four religions in Hindu personal law, and eventually six in total, which crucially exclude Muslims.¹⁷ The terminology of 'illegal migrant' no longer applies to Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan. This began after notifications were issued by the government in 2015 and 2016 to exempt them from the provisions of Foreigner's Act (1946), and the Passport (Entry into India) Act (1920).⁴ The aforementioned religious groups were not subject to imprisonment and deportation as other illegal migrants.¹²

The Citizenship (Amendment) Bill (2016)

On July 15, 2016, the Citizenship (Amendment) Bill was introduced in the Lok Sabha (Lower House of Parliament) of India. It seeks to amend the Citizenship Act (1955) to allow the aforementioned six identified minorities from Afghanistan, Bangladesh and Pakistan to become eligible for citizenship by naturalisation. The justification by the government for this provision is the persecution of the communities in their home countries. While applicants for citizenship by naturalisation are required to reside in India for 11 years, the Bill proposes to relax the period to 6 years for the aforementioned groups. There is no such provision for Muslim immigrants including Muslim sects from Pakistan, such as the Shias or Ahmediyas, and the Hazara Shias in Afghanistan, who are also persecuted communities.^{12,18,19} Religion, thus became the seventh category through which a person could be granted citizenship in India, through the process of naturalisation on the basis of religion.²⁰

The Citizenship (Amendment) Bill (2016) was approved by the Lok Sabha on January 8, 2019, and remains to be tabled in the Rajya Sabha (Upper House of Parliament).¹² It has been met with protests and triggered debates in regard to its constitutional validity and impact on secularism in India.²¹

⁴ Immigration in India is regulated by the Passport (Entry into India) Act (1920), Passport (Entry into India) Rules, (1950), Foreigner's Act (1946) and the Registration of Foreigners Rules (1992).

3. Assam and the NRC

Assam is a state in north-eastern India, comprising of a multiplicity of people from different ethnic, linguistic and religious backgrounds. According to the 2011 census, the population of Assam was 31.2 million, the majority being Hindu (61.47 per cent), followed by Muslims (34.22 per cent) and other religions (4.31 per cent). Indigenous tribal communities amounted to 12.4 per cent. The state shares a border (spanning 262 kilometres) with Bangladesh, as do its neighbouring states in northeast India and West Bengal.²²

Assam's population, despite falls in the birth rate, has been rising at a higher rate than the national average, which has been considered by Assamese nationalists as a consequence of large-scale immigration.²³

3.1 Migration in Assam

The migration issue in Assam has a complex history mired with power struggles and bloody separatist movements against foreign outsiders. This is rooted in the fears of the Assamese people losing their language and culture to Bangla (Bengali) speaking 'foreigners' from Bangladesh, who have migrated to Assam since colonial times.^{2,3}

In the 1800s in colonial Assam, the British began large-scale tea production for commercial purposes and expanded other enterprises (oil, coal and timber) for which they required manpower other than the indigenous Assamese. Tribal and marginalised castes from the Chhotanagpur region (now the states of Jharkhand, Odisha, West Bengal, Telangana and Chhattisgarh) were brought to work on tea plantations. These populations, known as 'tea tribes' or 'Adivasis' settled in Assam and continued as seasonal labourers and peasants.²² The migration of Marwaris during colonial times and Nepali immigration in the 20th century to Assam have also been sources of contention.²²

Bengali Hindus from East Bengal migrated to urban Assam and generally took up colonial jobs. Tensions grew due to competition between them and the growing Assamese middle class over employment opportunities, and their imminent threat to Assamese culture and language (as perceived by Assamese nationalists). Due to their campaigning, Bengali was accepted as the language of the Cachar district in Barak valley, where Bengali Hindus were mostly settled.²²

Muslim Bengali migration began later, in the early 1900s, due to landlessness and land pressure in East Bengal. Due to anti-immigrant sentiments already on the rise, these peasants were not welcome in the main town areas. They subsequently settled in the low-lying wastelands of the Brahmaputra valley in Assam, also known as the Char area, and began to cultivate them. These areas are prone to floods and other natural disasters.²³ Muslim Bengalis were seen to usurp common property that belonged to indigenous tribes in these remote areas, and protests took place against their presence in the state.²²

Bengali migration, was in large part due to the transfer of the district of Sylhet (which had many tea plantations) from Bengal to Assam in 1874, with the view to increase colonial revenues in the latter state. About 75 per cent of the Bengalis in Assam were Sylhetis. Assamese leaders lobbied for Sylhet, along with Cachar, to be excluded from Assam due the perceived encroachment of Bengali language and culture in the state. In a referendum in 1945, Sylhet chose to join East Bengal (to become a part of East Pakistan), and left a small pocket of mostly Hindu Bengalis.²⁴ However, after Partition, scores of Hindu Bengalis began to migrate back to Assam over the newly carved borders, followed by another large influx of landless Muslim Bengalis.²² Assam's aims of a culturally homogenous state was threatened again.²⁴ The huge influx of immigrants (estimated to be 10 million by reports) from Bangladesh after the 1971 Liberation of Bangladesh further inflamed tensions, resulting in massive agitations against 'foreigners'.²⁵

Some scholars state that Hindu Bengali immigration has been a recurrent conflict in Assam, more so than Muslim migration from East Bengal.²² Others maintain that Hindu Bengali migration has slowed down, and the immigration issue is centred today around Muslim immigration from Bangladesh, which continues.²²

There are no official figures on the number of illegal migrants in Assam. There are, however, many calculations of the numbers of Muslims in Assam. The census report (2011) indicated that 34.22 per

cent of Assam's population is Muslim. This has led to claims that the ongoing immigration from Bangladesh caused this increase from 24.68 per cent in 1951. However, a White Paper on Foreigner's Issue (published by the Government of Assam in 2012), states that influx into Assam from external migration is in decline.²⁶

There is no consensus on the factors that have led to an increase in the Muslim population in Assam. Sharma (2012) states that the "sheer demographic strength" of Muslim illegal migrants has had an irreversible bearing on the politics of Assam.²² Manan (2017) argues that the Muslim population in Assam has increased because of high birth rates in the community, not because of illegal migration from Bangladesh. He compares the growth rate of the Muslim community in Assam to similar trends in other states in west and central India, and says that if done correctly, the NRC would show that Bangladeshi Muslims are only in the thousands in Assam.²⁷

However, there is hardly any analysis available that studies the impact of separation of states from Assam that were earlier a part of it such as Meghalaya, Nagaland and Mizoram that have very small Muslim populations. It is quite possible that Assam started showing higher Muslim population after these states separated from it.

There have been several ethnic conflicts over the years between the Assamese indigenous tribes and those they consider outsiders or "foreigners", including ones between Bodos and Muslims, and Bodos and Adivasis. These have led to large-scale displacements of people.²²

3.2 Events leading to the NRC

The issues of migration in Assam led to several historical events that preceded the National Register of Citizens.

The Assam Movement (1979 – 1985)

In response to massive flows of Bengalis after the Liberation of Bangladesh (1971) into Assam, a student group known as the All Assam Student Union called for elections to be postponed until the names of foreigners were taken off electoral rolls. This led to the 'Assam movement', which continued between 1979 -1985, and drew attention to the concerns of the Assamese on the impact of immigration to their political-cultural identity.²² Often taking a violent and bloody turn, the movement began with three demands: the detention, disenfranchisement and deportation of all foreigners.²⁵ Scholars estimate that, at the time, 48 per cent of Assam's population consisted of immigrants and their descendents.¹³

The Illegal Migrants (Determination by Tribunal) Act (1983)

The Illegal Migrants (Determination by Tribunal) Act or the IMDT Act was passed by Parliament in 1983, initially to be applied only to Assam and later, to the rest of India. It provided for judicial tribunals to preside over disputes relating to citizenship under the ambit of the Foreigner's Act (1949). The purpose of the tribunals was to establish whether the person in question was an illegal migrant, with the responsibility of proof on the prescribed authorities. Over 80 per cent of cases referred to the tribunals were rejected, and the Act was considered relatively protective of the interests of the immigrants. As such, immigrants tended to be in a space of suspect illegality but very few were actually deported. The IMDT Act was later repealed in 2005 for being unconstitutional.¹⁴

The Assam Accord (1985)

To end the Assam movement, the Indian Government signed the Assam Accord in 1985, which was a broad agreement on the cultural, economic and development concerns of the Assamese people. It included a commitment by the government to safeguard the heritage of Assam and its linguistic, cultural and social identity. As mentioned in the previous chapter, the Citizenship Act (1955) was amended in 1986 to include a sixth type of citizenship, essentially categorising people as illegal migrants or citizens on the basis of their date of entry into India.^{12,14}

In 1997, an electoral roll revision took place by district electoral authorities and police forces to single out 3.7 lakh people as 'doubtful voters' or 'D voters'. After their cases are judged in Foreigners Tribunals, if they are found to be 'foreigners', they are put in detention camps and are to be deported

to Bangladesh.²⁸ According to government statements, there were 1,25,155 D voters in Assam as of September 2017. Around 900 D voters and 2000 “foreigners” (as declared by FTs) were in detention camps in October 2017.²⁹

3.3 The National Register of Citizens (2015)

The National Register of Citizens (NRC) is a register containing the names of genuine Indians living in Assam. The first NRC was prepared after a national census in 1951, followed by increasing anxiety by Assamese nationalists over the changing demography of their state. Citizens, their houses and holdings were listed.⁴

The updation of the NRC was a key demand during the Assam movement. In 2005, an agreement between the central government, Assam government and the All Assam Students Union was reached for the implementation of the Assam Accord. In 2014, a Supreme Court directive was made in response to petitions seeking the implementation of the Assam Accord (pertaining to the clause on detection and deletion of foreigners from Assam’s electoral rolls). Thus began the new NRC in 2015, under the oversight of the Supreme Court of India and based on the rules of the 1985 Assam Accord and the 1986 amendment to the Citizenship Act.^{4,30}

The NRC exercise and timeline

Updating the NRC (2015) is the process of registering citizens whose names are in the 1951 NRC and electoral rolls (up to 1971) and/or their descendants. To assist applicants in the application process, 2500 help desks known as NRC Sewa Kendras (NSKs) were set up across the state of Assam.³¹

To be included in the NRC lists, the residents of Assam were to prove that they or their ancestors lived in the state before 24 March 1971.⁵ This was to be done through the submission of ‘legacy data’, from a list published by the Government, known as List A. These documents were to be in the name of the applicant or his/her ancestors, and included various identification documents and certificates (including passports, Aadhaar cards, land and tenancy records, birth certificates, and ration cards).³² The 1951 NRC and electoral rolls from 1951 - 1971 were digitized and published in March 2019. They were available online and at NSKs and notified polling booths, in Assamese, Bengali and English.³¹

The second part of the application process applied to those whose List A documents were their ancestor’s and not their own. These people, comprising the majority of applicants, had to submit a legally valid personal identification document (such as birth certificates, passports and electoral rolls). This ‘linkage’ or List B document had to establish a clear relationship with their ancestor in the List A document submitted.³¹

A total of 32.9 million applications for inclusion in the NRC were made by the end of August 2015. Thereafter began the verification process to determine the authenticity of documents submitted. This included office verification and field verification by NRC officials. The latter consisted of house visits for identify proof, collection of additional documents and collection of family tree details.³¹

Of note is the controversy relating to the use of Gaon Panchayat (GP) certificates by people, particularly women who had migrated after marriage. An order by the Guwahati High Court in February 2017, which invalidated the use of GP certificates as linkage documents. This ruling was on the basis that adequate verification is not undertaken before the issue of GP certificates. However, on 7th December 2017, the Supreme Court validated the use of GP certificates as sufficient proof of citizenship and linkage, “with due and proper verification”.³³

A first NRC draft list was published, including 19 million people of 32.9 million applicants, on 31 December 2017. The second and final draft list consisting of 28.9 million people was released on 30th

⁵ As outlined in the Citizenship Act, those who arrived in India from Bangladesh before January 1, 1966 are considered citizens of India, while those arriving between January 1, 1966 and March 25, 1971, are citizens if they had registered and lived in the state for ten years. Persons who arrived in Assam after March 25, 1971 are deemed to be illegal migrants who are to be deported. The date of March 1971 has been selected as the cut-off for the determination of citizenship given that the largest influx of migrants from Bangladesh to Assam was around the same time, towards the end of Bangladesh’s war of independence.⁵

July, 2018. It excluded four million people. D voters, persons with cases ongoing in FTs, and their descendants amounting to 248,000 people were also excluded from the final NRC list.^{5,32}

Excluded applicants could submit claims for inclusion of their names in the final NRC, while objections could be made against ineligible entries in the second NRC draft list. The process of receipt of claims and objections ended on 31st December 2018. A total of 3.12 million claims were filed and 260,000 objections were made against the inclusion of names in the second NRC draft.^{10,29}

After the processing of these applications, verification hearings for claims and objections began in mid-February. The final NRC is to be published by 31st July, 2019, as per the direction of the Supreme Court of India.³⁴

3.4 Key debates on the NRC

The NRC exercise has attracted significant controversy. The three main debates surrounding it are summarised below.

Disenfranchisement of excluded persons

It is widely understood that persons excluded from the NRC will be disenfranchised. Not only will voting rights be taken away, access to essential government services and welfare schemes are likely to be limited. There are risks of restrictions of other civil liberties and vulnerability to human rights abuses.^{8,35}

Risk of statelessness of excluded persons

The Indian Government has released no statement on the fate of those who will be excluded from the final NRC. In the absence of any legislation to prevent statelessness, excluded persons who are stripped of citizenship will become stateless. This risk is clearly indicated in the White Paper on Foreigner's Issues (published by the Government of Assam in 2012). The paper states that those declared to be 'foreigners' by the Assamese Government are to be deported. In cases of deportation, the Border Security Forces of India are directed to liaise with their Bangladeshi counterparts, the Border Guards of Bangladesh (BGB) and the Ministry of External Affairs of India. The BGB conducts a thorough verification process before accepting the foreigner(s) being handed over. If the BSB refuses to accept the person(s), they are then 'stateless'.⁷ Bangladesh has never acknowledged the migration of its citizens to Assam. Therefore, in effect, persons excluded from the NRC will be stateless.⁶



India is not signatory to the two key international instruments on statelessness: the 1954 UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness.⁹ (51) Nevertheless, it would be breaking international law should it strip anyone of citizenship, when they have no links to another country. Further, India is bound by the Universal Declaration Human Rights which prevents states from actions that result in statelessness, and the Convention on the Rights of the Child which requires the prevention of child statelessness.³⁵

The Citizenship (Amendment) Bill 2016

Assam has been considered a rare example in India where linguistic and cultural identities have precedence over religion. Ongoing movements and efforts for the identification and deportation of foreigners, including the NRC, have been supported by both Hindu and Muslim Assamese.²

The 2016 Citizenship (Amendment) Bill 2016 would provide for the eligibility of 'illegal' Hindu Bengalis in Assam, who would be otherwise be excluded from the NRC, for citizenship. The motivation behind

the Bill has been theorised, as discussed previously, to have a Hindu nationalist agenda for the prioritisation of Hindus in India. Fears have been expressed by the ruling party regarding the increasing Muslim population in Assam, which could overtake the Hindu community, unless Hindu Bengalis remained in Assam. The message given is that religious loyalties of the Assamese Hindus towards the Hindu Bengalis should be prioritised over their linguistic and cultural allegiances with Assamese Muslims.¹² The Bill suffers the risk of deepening religious and linguistic divisions in Assam.

Thus far, reports indicate that the Bill has faced intense backlash in Assam as it would dilute the NRC exercise. Further, there are concerns that the Bill, if passed, will encourage the migration of more Bengali Hindus from Bangladesh and further eclipse Assamese culture.² It has resulted in alienation of Assam's indigenous populations, and regional political parties have broken allegiances with the BJP.^{13,15}

4. Baseline research study on the NRC

A mixed methods research study was undertaken in February and March 2019 in two predetermined districts of Assam, with the aim to examine households with excluded members, features of excluded household members in comparison with those included in the NRC, and the main challenges of the ongoing NRC process.

There are two objectives of this research:

- To provide a baseline to monitor the progress and challenges of the NRC exercise.
- To explore how fair the NRC is and how the process is impacting women and children
- To use the findings for recommendations for the Indian Government and the State Government of Assam to ease the burden of the process for excluded persons, particularly those most vulnerable.

Methodology

The following questions are addressed in the study:

1. What are the characteristics of households with excluded members?
2. Are there any distinguishing features of excluded persons in households, as compared to household members included in the NRC?
3. What were the reasons given for the exclusion of people from the NRC? Are there discernible differences in the type, volume and sources of List A and List B documents submitted by excluded and included household members in the application process? Did they have different levels or sources of assistance?
4. Are there other indications of the marginalisation of excluded persons or their households?
5. What have been the experiences of excluded persons who have undergone hearings to reapply for inclusion in the NRC?
6. Who are the most vulnerable and marginalised in the NRC process and what challenges will they face in the future?

While the findings of this study broadly reflect on the experiences of households with excluded persons across Assam, they are more specific to the districts of Barpeta and Bongaigaon, where primary research was conducted. Their selection was based on the high levels of poverty and large representation of minorities in their populations.

Three research methodologies were used for the study:

1. Quantitative interviews of households with at least one family member excluded from the NRC. Face-to-face interviews were undertaken with 96 households in the districts of Barpeta and Bongaigaon in Assam. A snowball sampling method was used to identify households to survey.

The details of both included and excluded household members were recorded. Thirteen households from this sample were interviewed (at a later date) after their members had undergone verification hearings to understand their experiences.

2. Focus group discussions (FGDs) with men and women excluded from the NRC. Six FGDs, three each with men (19 - 65 years) and women (18 - 60 years) were undertaken in Bongaigaon district. The number of participants in each group ranged from 9 to 14 persons.

A full list of the villages where the household interviews and FGDs were conducted is given in Annexure 2.

3. Qualitative interviews with key informants. Interviews were conducted with seven persons from Assam who work or have worked with communities in relation to the NRC exercise:

Source 1: NRC Sewa Kendra operator. In-person interview, Bongaigaon district. 20th February, 2019. (Name removed at the request of the source)

Source 2: Mr. Aman Wadud. Lawyer based in Guwahati defending Indian citizens accused of being foreigners. Email communication. 10th March, 2019.

Source 3. District verification officer, NRC Sewa Kendra. Phone interview. 11th March, 2019. (Name removed at the request of the source)

Source 4. NGO field researcher working with marginalised communities excluded from the NRC. 11th March, 2019. (Name removed at the request of the source)

Source 5: Mr. Abdul Bhatin Khandakar, President, Association for Citizens Rights. In-person interview, Guwahati, Kamrup Metropolitan district. 14th and 15th March, 2019.

Source 6. Mr. Akram Hussain, State Coordinator, Association for Citizen's Rights; former President, Hatishala-Balukabari Gaon Panchayat. Phone interview. 17th March, 2019.

Source 7: Mr. Shahjahan Ali Ahmed, General Secretary, Association for Protection of Indian Citizenship Rights. In-person interview, Barpeta Road, Barpeta district. 18th March, 2019.

Limitations faced in the research methodology have been detailed in Annexure 1.

Findings

4.1 Characteristics of households with excluded members

4.1.1 Demographic characteristics⁶

The study records the details of 587 individuals in 96 households. Twenty-six per cent of household members had been excluded from the second NRC draft, while the names of 74 per cent had been included. In six FGDs held in Bongaigaon district, each participant belonged to households with both included and excluded members.

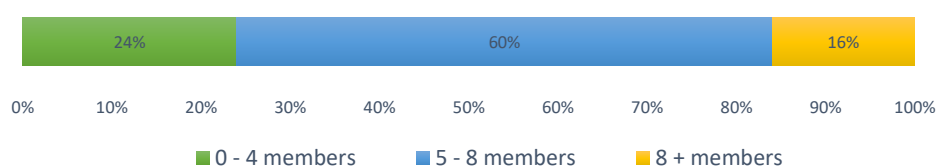
Sex. Females accounted for 49 per cent of the household members surveyed. Amongst adults, the proportions of men and women were approximately equal. Boys made up more a slightly higher percentage of children than girls in the study.

Age. The average age of adult household members was 35 years, while that of children was 11 years. Adults predominantly (96 per cent of them) belonged to the working age population of 18 to 64 years.

Household size. The distribution of households by their sizes is given below in Figure 1. **Most households had between five to 8 people.** The smallest household consisted of two members, while the largest had 13 members. The average household size was 6 people.

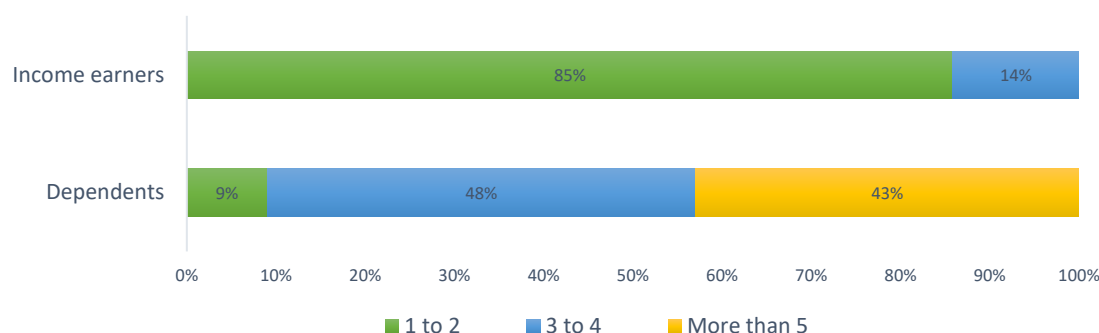
⁶ Households have been defined as persons in a dwelling who are living together on a daily basis and sharing food; or are financially dependent on the main income earner of the dwelling.

Figure 1: Distribution of households by size



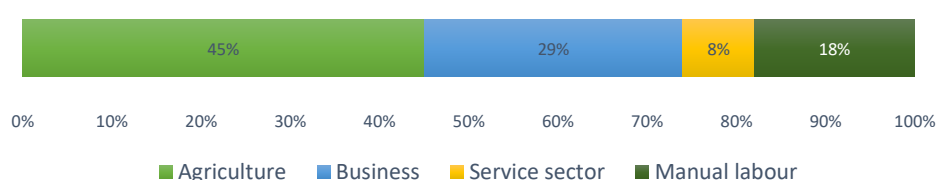
Household composition. The number of income earners in the households surveyed ranged from one person to four people. As can be seen in Figure 2, there were usually one to two income earners in households. Dependents in households numbered between one to 11 members. Only a small proportion of households had one to two dependents. The average ratio of income earners to dependents was approximately 2:5.

Figure 2: Proportion of income earners and dependents in households



Source of income.⁷ **The source of income of almost half the households was agriculture.** The second-most common livelihood was business, followed by manual labour. The income earners in a small number of households worked in the service sector.

Figure 3: Sources of income of households



Language. Bengali was the language spoken in 85 per cent of the households surveyed, and the remaining 15 per cent spoke Assamese. In one household, both Bengali and Assamese were spoken with equal frequency. Another had Khasi, a language spoken by the Khasi tribe in the neighbouring north-eastern state of Meghalaya, in addition to Bengali.

Religion. Ninety-two of the 96 households in the study were Muslim. The religion of only four households was Hindu.

4.1.2 Indicators of marginalisation

Discrimination in accessing government facilities. Government services, such as educational institutions and health facilities, were accessed by most households. This was confirmed by discussions in six FGDs held in Bongaigaon district. One 37 year old woman from Bogoriguri Gaon in

⁷ The livelihood of the main income earner of a household has been considered the source of income for the entire household.

Barpeta district mentioned being discriminated against on the basis of her language (Bengali) and clothing at a medical college she had gone to for treatment.

Additionally, two participants in FGDs mentioned being unable to access government schemes. For instance, a woman from Bhadaipara had applied for widow's pension, which had not been granted to her.

Other forms of discrimination. Two other forms of marginalisation were mentioned by households in the survey and in FGDs. Families with D voters stated that cases had been indiscriminately filed by the Border Police against them. In an FGD in Lengtisingha, a former D voter said he had been stigmatised by some members of his neighbouring communities.



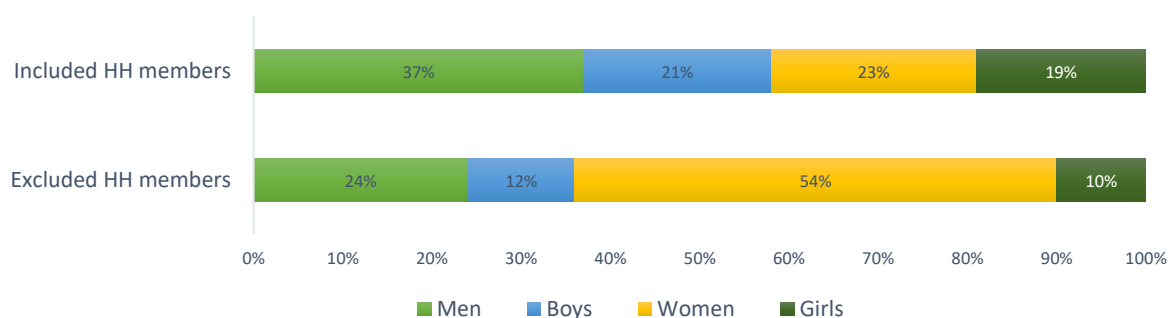
D voters among the households were denied ration cards and were not getting subsidised food from the government shops. This was reported to have had an impact on the households' economy and food sufficiency.

4.2 Comparative analysis of included and excluded household members

4.2.1 Demographic characteristics

Sex. Two-thirds of the household members excluded from the NRC were female. In comparison (as displayed in Figure 4), over half of the included household members were male. In the case of adults, this discrepancy becomes larger, with women accounting for 70 per cent of excluded household members and men amounting to 62 per cent of included household members.

Figure 4: Distribution of household members by sex

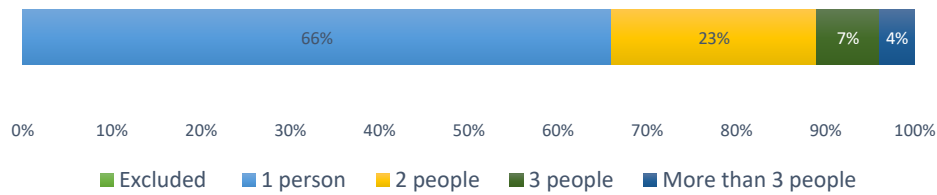


This finding correlates with observations shared by men in FGDs in Bongaigaon district. According to them, more women had been excluded in the NRC than men.

Number of excluded household members. Each household had at least one excluded member, which was the basis for their selection in the study. The distribution of households by number of excluded people is shown in Figure 5.

One excluded household member was most common, accounting for two-thirds of households. Around a quarter of households had two excluded persons. The remaining households had three or more excluded members. In one household, 11 of the 13 household members had been excluded from the NRC.

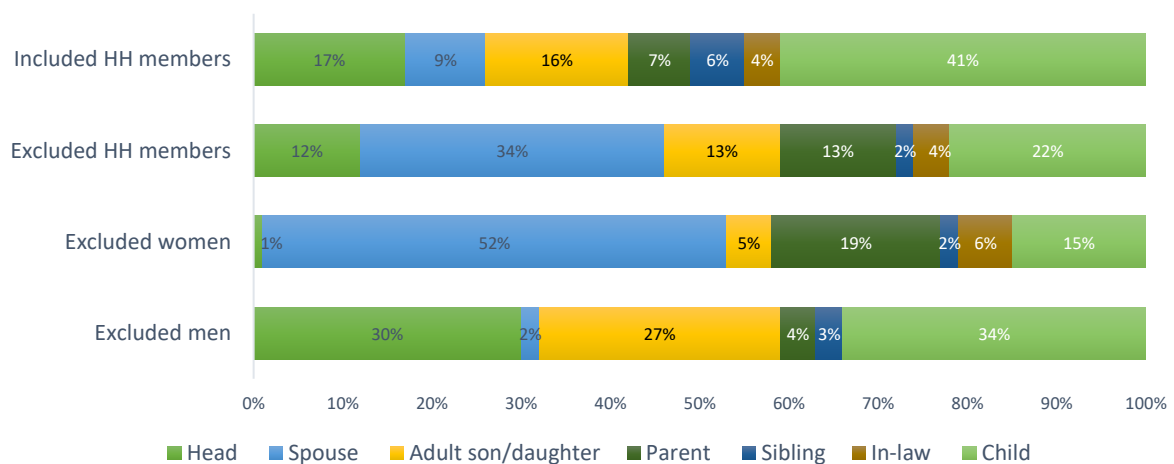
Figure 5: Number of excluded household members



Household status. Of the 154 excluded people in the study, 78 per cent were adults and the remaining 22 per cent were children.

The categories of included and excluded household members by their status in households⁸ is illustrated in Figure 6.

Figure 6: Distribution of household members by status



The largest chunk of excluded persons consisted of spouses, followed by children, adult sons and daughters, parents and heads of households. In-laws and siblings accounted for only 7 per cent. Figure 6 shows that almost all excluded spouses and parents were women. On the other hand, the categories of heads of households and adult sons/daughters were almost entirely male. Two-thirds of the excluded children were between the ages of 0 – 14 years.

There were found to be two distinct categories of household members:

- Adult women who had joined the household after marriage. These included mothers, spouses and daughters-in-laws (and other in-laws).
- Adults and children who could trace their lineage to the same person, i.e. they would use the same ancestor's⁹ (a father/grandfather/great grandfather) legacy documents for List A submissions. These would include fathers, siblings, sons, and daughters. Paternal aunts and uncles also fit this category.

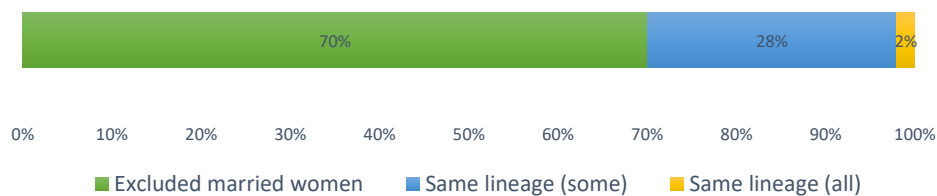
Within the households, three patterns of exclusion were generally seen in the study (illustrated in Figure 7):

⁸ All household members' statuses derive from the head of the household, who was as the primary income earner.

⁹ Whether paternal or maternal lineage documents were submitted by household members is beyond the scope of this study. According to Source 4, a field researcher working with excluded communities in Assam, paternal legacy data were primarily submitted as List A documents by people. Further, given the patriarchal leanings of traditional Assamese society and Indian society more broadly, and household structures (where wives join households and the family stays with the husband's parents), it has been assumed for this analysis that paternal legacy data was submitted as List A documents.

- One person or more from the category of married women, accounting for 70 per cent of excluded persons.

Figure 7: Patterns of exclusion in households



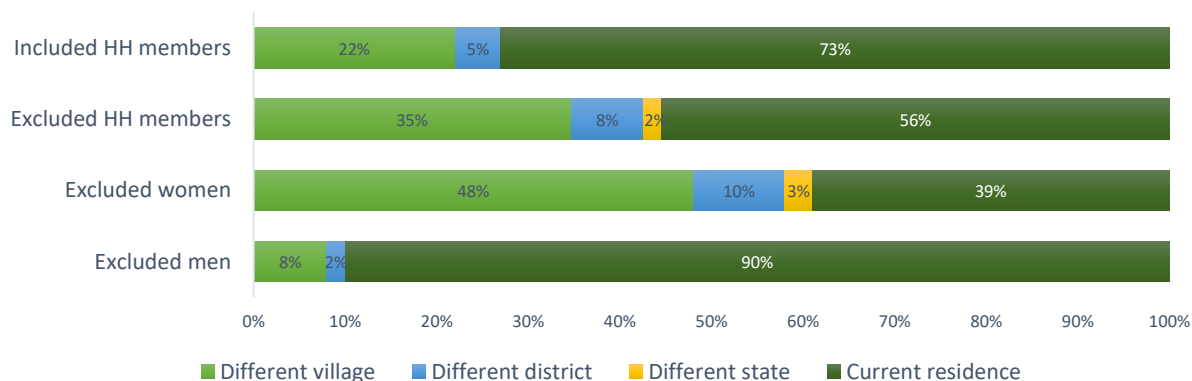
- One person or more from the same lineage, where others from their lineage had been included. These amounted to more than a quarter of excluded household members. In six of these 23 households, only one child was excluded while other siblings were included in the NRC. In four cases, the excluded child was the only household member whose name was not in the NRC list. In another four households, the male income earner was excluded but his children were included.
- All persons from the same lineage, which was found in only two households in the study.

Place of birth. Overall, 43 per cent of excluded adults, as compared to 27 per cent of included adults, were born in a location different from the one they resided in at the time of interview. These were overwhelmingly women, as is seen in Figure 8 below.

Close to two thirds of the women excluded from the NRC had been born in a location other than their current residence. Most had moved from other villages within the same district. A smaller proportion had been born in districts other than the ones they lived in currently. Two excluded women had lived in other states before marriage, namely Meghalaya and Tripura, both neighbouring north-eastern states in Assam.

In comparison, only 10 per cent of excluded men had been born in a different place.

Figure 8: Distribution of adults by place of birth



This finding suggests that women were more vulnerable to exclusion from the NRC because a large proportion of them had migrated from other places for marriage. This is based on the assumption that the process is significantly more difficult for them, in terms of acquiring documents from their previous residences, and getting family members for verification hearings. The problems faced are well illustrated by the following case study of a woman who was born in the state of Tripura.

Case study 1. Problems faced by women who have migrated after marriage

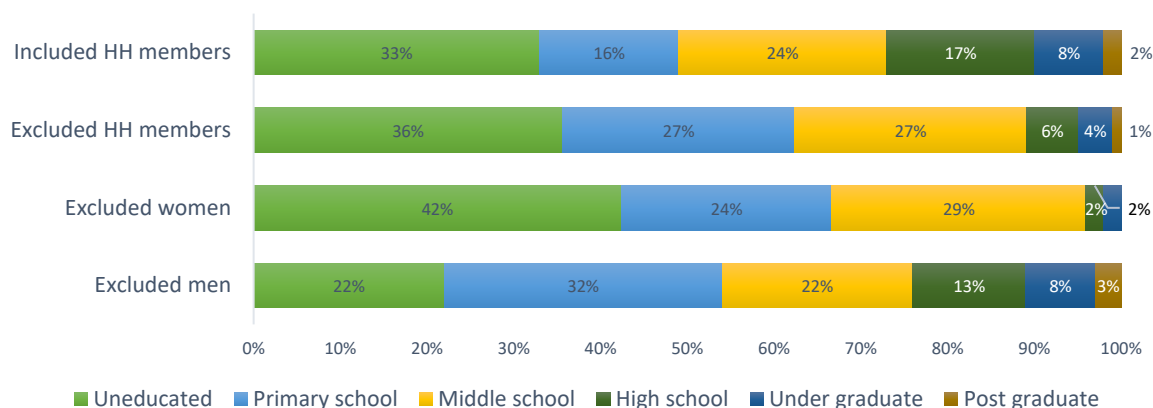
Asmina Bibi¹⁰ is a 21 year old from the village of Naljala in western Tripura, recently married to her husband whom she lives with in Bheraldi village in Barpeta district of Assam.

"We don't have anything like the NRC back in Tripura...I didn't know what is was. My father-in-law was running here and there trying to get my documents from my parent's home. But my name has been excluded. I submitted documents from my hometown but they were rejected...the reason given was weak relationship data. My parents have had to come for verification hearings and they need to come again. It is not always possible for them to travel as it is so far and very expensive. I am worried...this has created tensions at my home here and in Tripura."

Asmina was waiting for the notification of her next hearing, and was hopeful her name will be included, since she has all the documents necessary to show she is Indian.

Level of education. Over a third of both included and excluded adults had not received any form of education. **The proportions of included adults with higher education, however, was more than twice that of excluded adults.** This is shown below in Figure 9, in the categories of high school graduates and university graduates.

Figure 9: Distribution of household members by level of education



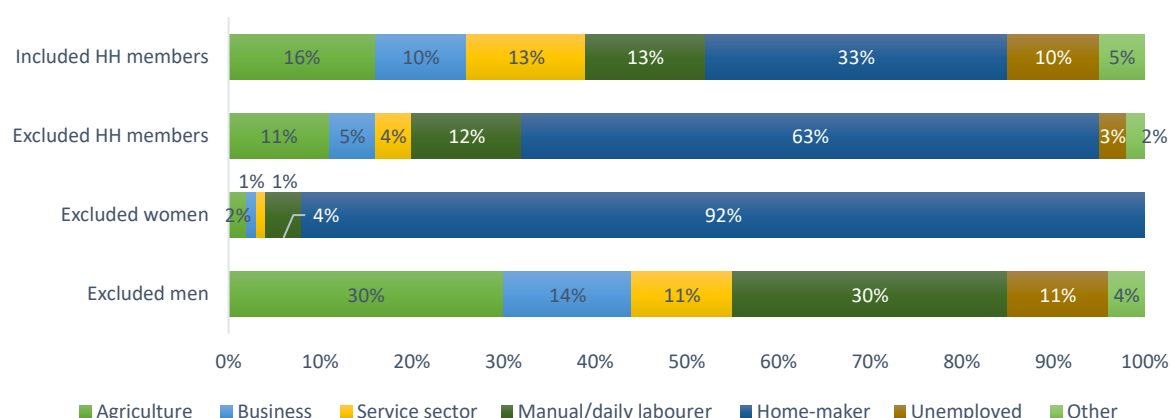
Further sex-wise breakdown of excluded members by education is also given. **The percentage of uneducated women is almost double that of uneducated men**, and smaller proportions of women had completed higher levels of schooling than men.

These findings imply that more literate people had better chances of being included in the NRC. Their education may have enabled them to navigate the NRC application process, the filling of forms and submission of documents better than illiterate people. However, an observation from the field during primary data collection suggests otherwise. One or two family members tended to be in charge of the application process for the entire household. Assistance (see section 4.2.3) was also sought from educated community members, relatives and agents.

Occupation. As shown in Figure 10 below, there are variations in the occupations of included and excluded adult household members. Homemakers amounted to two-thirds of the excluded population, as compared to a third of those included in the NRC. The sex-wise breakdown of occupations of excluded household members further shows that all homemakers were female (which is the same in the case of included women). Only a miniscule proportion (8 per cent) of excluded women were employed in formal professions (which is also comparable to included female household members). Other significant differences between included and excluded adults are found in the business and service sectors.

¹⁰ Name changed.

Figure 10: Distribution of household members by occupation



The category of 'other' consists of retired household members and students. The proportion of household members not bringing in earnings (categories of 'other' and 'unemployed') was found to be higher among included household members. This may indicate that members without formal or household work were in a position to spend more time on the NRC application process.

4.2.2 Submission of documents¹¹

There were two requirements for the inclusion of a person in the updated NRC.

The first was the submission of a document in a list entitled 'List A', which must have been issued before midnight of 24th March, 1971. Further, the name of the person submitting it or his/her/their ancestor must be on the documents, as proof of residence in Assam. Such documents are known as 'legacy documents' or 'legacy data'.³¹

In the event that the List A document was not in the applicant's name but in his/her/their ancestor's name, the applicant had to submit another document for inclusion in the NRC. This document was to be from a 'List B' published by the Government. Its purpose was to establish a relationship with the ancestor (whose legacy data had been submitted). The document had to clearly show the relationship of the applicant with the ancestor, who could be a parent, a grandparent or a great grandparent. These documents are called 'linkage documents'.³¹



List A documents

Type of document. According to the NRC website,³¹ the following 14 documents were admissible for List A or legacy submissions:

- 1951 NRC or
- Electoral roll(s) up to 24th March 1971 (midnight) or
- Land and tenancy records or
- Citizenship certificate or
- Permanent residential certificate or
- Refugee registration certificate or

¹¹ The study did not record documents submitted by children.

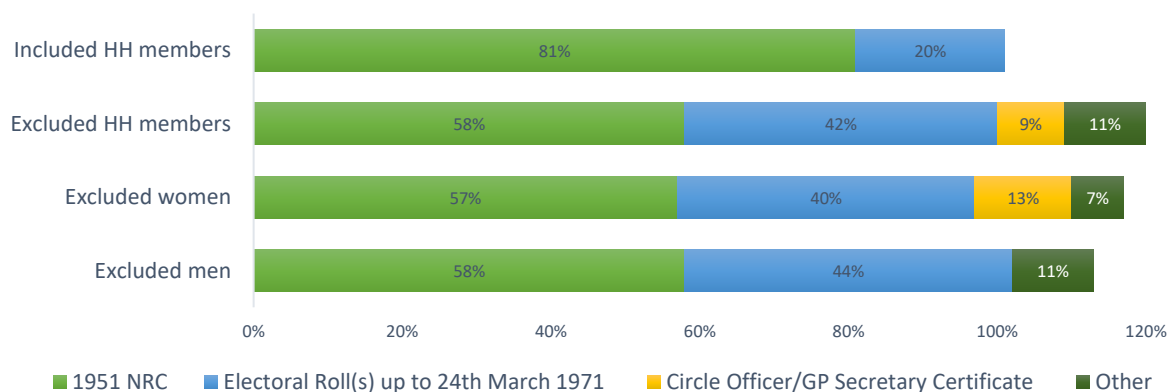
- Passport or
- Life Insurance Corporation (LIC) document or
- Any Government issued license/certificate or
- Government service/ employment certificate or
- Bank/post office accounts or
- Birth certificate or
- Board/university educational certificate or
- Court records/processes.

Each of these documents could be submitted on their own. The following two List A documents could also be submitted but had to be accompanied by one additional document from the list above³¹:

- Circle Officer/Gaon Panchayat (GP) Secretary Certificate in respect of married women migrating after marriage (can be of any year before or after 24th March (midnight) 1971), and
- Ration card issued up to the midnight of 24th March, 1971.

Figure 11 below shows the document types submitted by included and excluded adult household members in the study. The most commonly submitted List A documents (in descending order), in both groups, were the 1951 NRC and electoral rolls. These two documents were the only ones submitted by household members who had their names included in the NRC. Further, a significantly higher proportion of included members had submitted the 1951 NRC and a lower percentage had submitted electoral rolls, in comparison to excluded household members.

Figure 11: Distribution of household members by List A documents submitted¹²



Twenty per cent of excluded household members submitted other List A documents. A small portion of excluded women submitted Circle Officer/GP Secretary Certificates. The category of 'other' excluded members who had given the following documents: Land & tenancy Records; Government issued licenses/certificates; birth certificates; and court records/processes.

Several document types in the government list of admissible legacy data were not submitted by any of the household members in the study.¹³

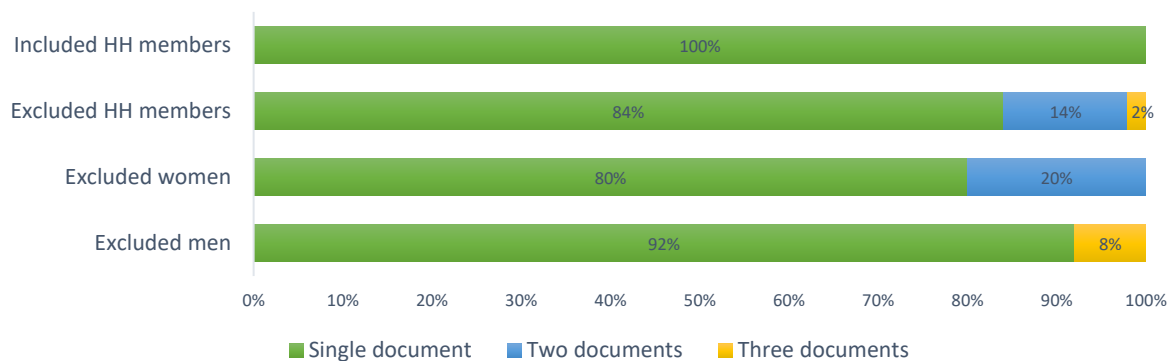
Number of documents. Almost a fifth of excluded adult household members, disproportionately women, submitted a combination of documents of List A for inclusion in the NRC. In comparison, there were only single document submissions by included household members. This is shown in Figure 12 below.

¹² The percentage amounts for the categories excluded household members, excluded women and excluded men add up to more than 100 per cent as they submitted more than one type of List A document.

¹³ These included: Citizenship Certificate; Permanent Residential Certificate; Refugee Registration Certificate; Passport; Life Insurance Corporation; Government Service/ Employment Certificate; Bank/Post Office Accounts; Birth Certificate; Board/University Educational Certificate; and Court Records/Processes.

Of the excluded women who had submitted two List A documents, 58 per cent had given Circle Officer/GP Secretary Certificate. These, as per instructions by the Government,¹⁴ had to be submitted with another List A document. However, the remaining 42 per cent of excluded women had submitted two documents when they did not have to submit more than one.

Figure 12: Distribution of household members by number of List A documents submitted



The following case study illustrates the confusion faced by an excluded household member that led him and two other family members to submit three List A documents when only one had been required.

Case study 2. Confusion over legacy document submission

Iftikar Hussain¹⁵ is a 30 year old man living in Koreya Pahar (Jogighopa) in Bongaigaon district of Assam. He and his 59 year old father earn money to support their household of five members. Both of them, along with his 18 year brother (who is a student) have been excluded from the NRC.

"My community members said to prioritise the 1951 NRC legacy document for List A submissions. But it had a misprint of my grandfather's name. So we submitted it, along with a court affidavit to verify the correct spelling, and another List A document - a 1966 electoral roll with the correct spelling. I don't know why we have been excluded...my father's brothers have submitted the same legacy documents and were included....Are these random exclusions of people in the NRC deliberate? There are so many exclusions of people that make no sense. We submitted the same documents as other family members and were excluded. There are problems in data entry by the NSK operators and sometimes the reason given is "computer failure". How is that our fault?"

His sister, who is married and living in another village was listed as a D voter by border police in 2005. She had her hearing at a Foreigners Tribunal in 2018, where she was declared to be Indian. The documents she submitted to provide her nationality were the same as those submitted by Iftikar, his father and his brother. Since she was successful at her hearing, he hopes that they will be include in the NRC after their verification hearings.

Sources of documents.¹⁶ Figure 13 shows the full range of sources of List A documents submitted by excluded adult household members. The Assam Government website was clearly the most popular source, followed by GPs and NSKs.

A fourth of excluded women were either not aware of the source of document or did not respond to the question. Three of them stated that male members of their families had located the documents for them.

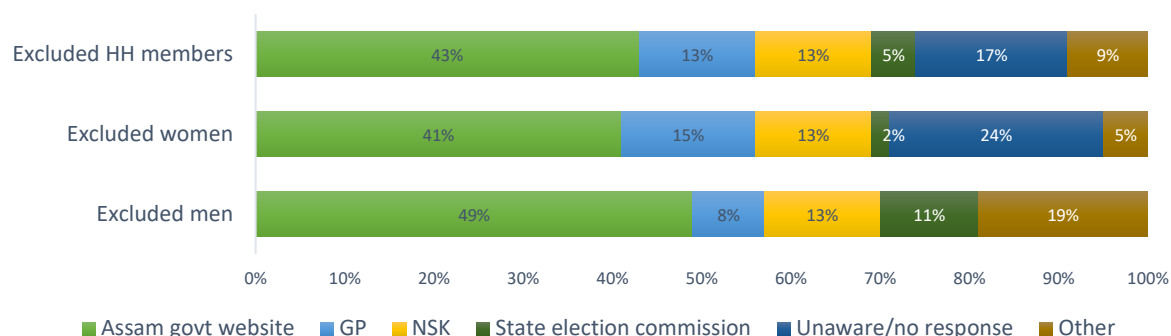
¹⁴ According to the instructions on the NRC website (and as mentioned previously in this report), only two List A documents had to be submitted along with another one: Circle Officer/GP Secretary Certificates (for married women) and Ration Cards.

¹⁵ Name changed.

¹⁶ Included household members were not asked this question in the survey.

1951 NRC documents had been sourced from, in descending order, the Assam Government website, NSKs and GPs. Electoral rolls had been sought from the same sources, along with the State Election Commission, which was the second most common source, after the Assam Government website.

Figure 13. Sources of List A documents submitted by excluded household members



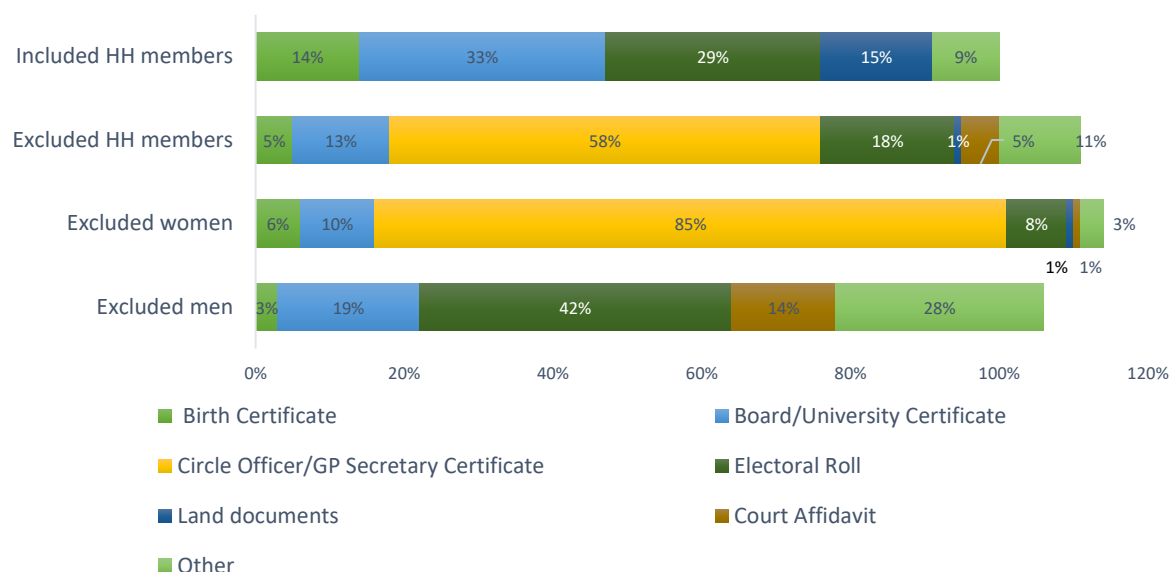
List B documents

Type of document. The NRC website lists the following List B or linkage documents as admissible:

- Birth certificate or
- Land document or
- Board/university Certificate or
- Bank/LIC/post office records or
- Circle Officer/GP Secretary certificate in case of married women or
- Electoral roll or
- Ration card or
- Any other legally acceptable document.

The most commonly submitted List B document by excluded adult household members were Circle Officer/GP certificates for married women, followed by electoral rolls (largely submitted by men). Board/university certificates and electoral rolls were most frequently submitted by included household members. Sizeable amounts of included adults also submitted birth certificates and Land documents, as compared to almost nil excluded members. Figure 14 below displays these findings.

Figure 14: Distribution of household members by List B documents submitted¹⁷



¹⁷ The percentage amounts for the categories excluded household members, excluded women and excluded men add up to more than 100 per cent as they submitted more than one type of List B document.

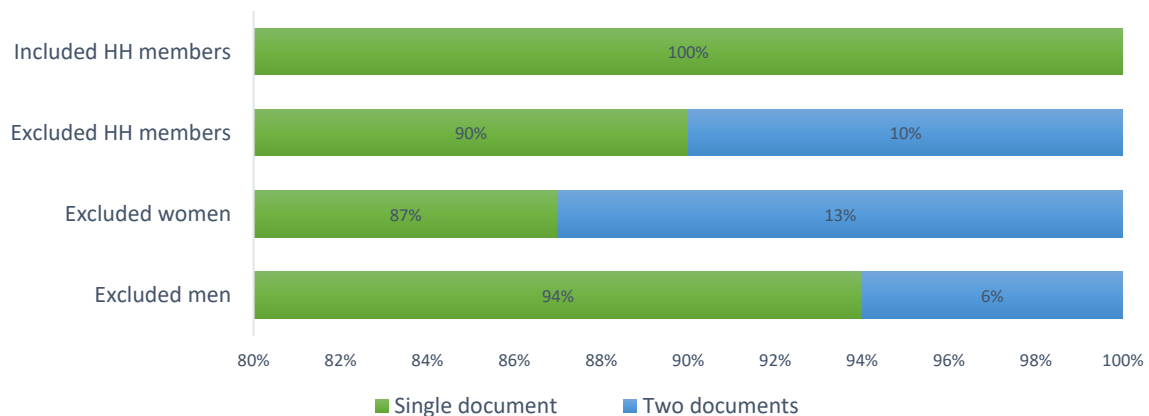
None of the included women submitted GP certificates, as compared to 85 per cent of excluded women. There is a correlation between the submission of GP certificates by women and their exclusion from the NRC. This relates to the conflicting orders regarding their admissibility by the Guwahati High Court and the Supreme Court. According to Mr. Abdul Bhatin Khandakar, President, Association for Citizens Rights (Source 5), NRC officials requested women for alternative documents during the verification phase of the NRC. This is despite the most recent Supreme Court order validating the admissibility of GP certificates, subject to special verification.

No included household member had submitted a court affidavit, which had been submitted by a small proportion of excluded household members.

In the category of 'other', the majority of documents by excluded household members were GP certificates (submitted by similar proportions of both included and excluded men), ration cards, PAN cards (only excluded household members) and self-legacy documents¹⁸ (only included household members).

Number of documents. As in the case of List A documents, no included adults had submitted more than one List B document. In comparison, ten percent (more women than men) had submitted more than two List B documents, as shown in Figure 15 below. There was no official instruction from the Assamese Government for more than one document to be submitted under any special circumstances, as there was with List A documents.

Figure 15: Distribution of household members by number of List B documents submitted



Sources of documents.¹⁹ Almost two-third of excluded adults, primarily women, had accessed their documents from GPs. The second-most popular source of List B documents were educational institutions, in line with the finding above that a considerable proportion (12 per cent) of excluded persons had submitted academic certificates.

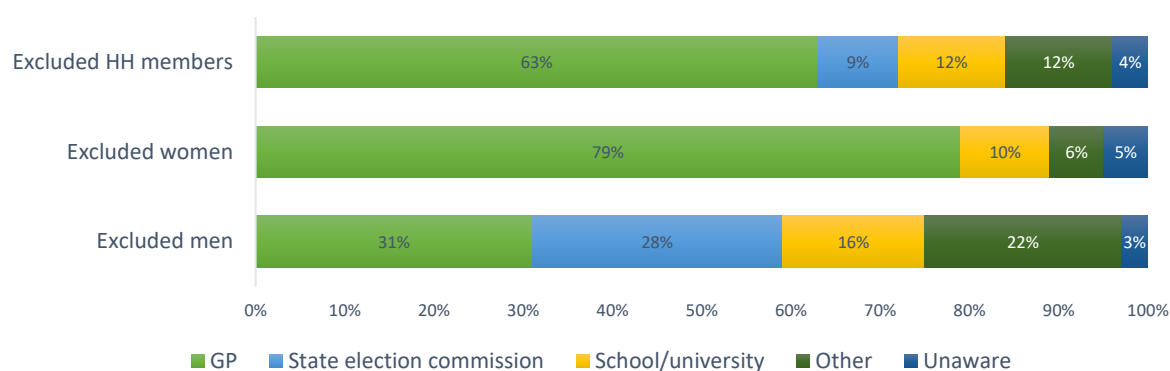
A small number of household members were not aware of the source of the documents they submitted. The category of 'other' include the Assam Transport Department, the Assam Food Supply Department, health facilities/hospitals, the Income Tax Department, courts and the post office.

The second-most common source of List B documents for men was the State Election Commission.

¹⁸ Self-legacy documents were submitted by applicants who had List A documents in their own names.

¹⁹ Included household members were not asked this question in the survey.

Figure 16: Sources of List B documents submitted by excluded household members



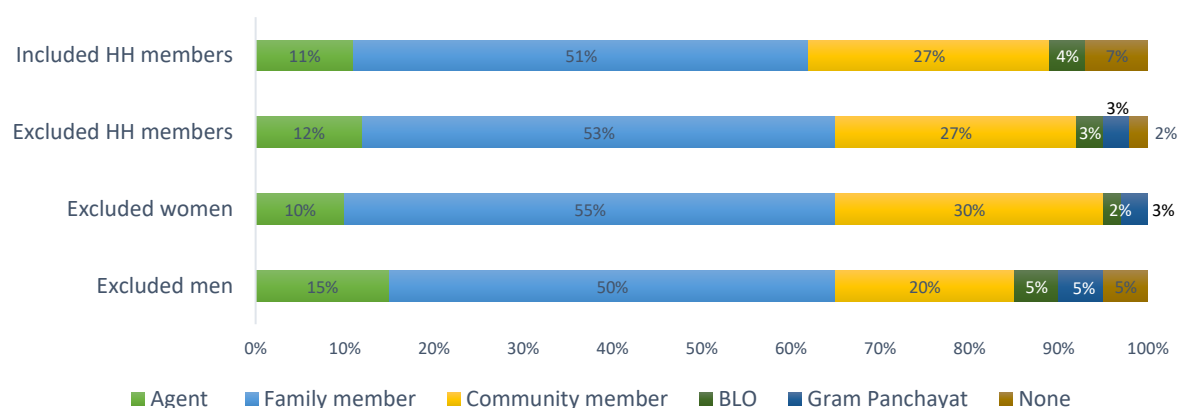
4.2.3 The NRC application experience

Assistance during the NRC process. Figure 17 shows the breakdown of included and excluded adult household members by sources of assistance. There is no significant difference between the two groups or between excluded men and women. This may be as all members of a household are likely to have been helped by the same sources, or one person in the household would have taken charge of the application process.

Over half, in each category, had been assisted by their family members. A large fraction of the respondents specified that they had been male family members helping them. These findings are consistent with the responses of **30 women in three FGDs in Bongaigaon district, who had said they they had limited awareness of the NRC process.**

The second-most commonly cited source of help were community members. A small proportion of these were community leaders. These tended to be the more educated persons in a village. In one case, the local NSK operator in a village had assisted 300 community members with the application process. Similar observations were made in six FGDs held with men and women in Bongaigaon. In Tilapara village, the All Muslims Students Union had also assisted villagers.

Figure 17: Assistance received by household members for the NRC process



Agents were employed by 10 to 15 per cent chunk of household members. Other rarer sources of help were Block Level Officers (BLO) and GPs. These agents were generally educated young men who did odd jobs or were unemployed before they took on the role of agents.

Only a minor percentage of included and excluded household members in each category had not received any form of help during the NRC process. These were all men, aside from one woman who had been included in the NRC.

Confusion and mistakes during the NRC process.²⁰ **Around a fifth of excluded adult household members said they found the NRC process confusing.** The proportion of excluded women who said this was lower than that of excluded men. This contrasted with statements by women in three FGDs in Bongaigaon district. There was a general consensus that the NRC exercise was complex and difficult to understand. This was not reiterated in FGDs with men.

Some respondents elaborated on what they had found confusing about the process:

- The types of documents to submit.
- How to fill up NRC forms.
- The process of submission to NSKs.
- The reasons for exclusion from the NRC.
- The inconsistent instructions given by the High Court and Supreme Court regarding the admissibility of documents.

An NSK operator (Source 1) who was interviewed for the study said that the NRC process itself was not confusing. **Most people applying for the NRC were illiterate, and that complicated the application procedures for them.**

Only 9 per cent of the excluded household members surveyed felt that they had made a mistake during the NRC application process. There was no significant difference in the proportions of excluded male and female household members in this regard. Three excluded women mentioned that the legacy data (List A document) they had submitted was wrong. In all cases, the legacy data of someone else (a second degree relative, such as an uncle) had been given by mistake.

Case study 3: Complications around the admissibility of GP certificates

Fahima Nessa is a 58 year old mother who lives with her son and his wife in Santipur village in Bongaigaon district. Her name was not included in the NRC list.

“The whole process of submitting documents again and again was very confusing....my son had to take time off work to fill out the NRC forms. I gave my GP certificate because the NRC website says that I can submit a GP certificate on its own as a List B document. But it was rejected.”

She said that she later found out that the Guwahati High Court had issued a directive that GP certificates on their own were not sufficient proof of citizenship, and that an additional supporting List B document was to be submitted along with it.

“This has made things even more complicated. How was I supposed to know that? How are we supposed to keep track of these changes?”

On the advice of an NSK officer, she then submitted a land documents where the legacy linkage with her List A document was clear. However, her name was still not included in the NRC. She was not sure about why she was excluded again.

“I don’t know what else I can do to get my name included. What if I don’t get ever included? I have lived here all my life and I have to prove that I’m not Bangladeshi?”

Mode of notification of NRC status. Three-fourths of the household members covered by the study had been notified of their NRC status through their local NSKs. Almost a quarter had checked the Assam Government website to know their status. Other less ways people had been notified of their status were Booth Level Officers (local representatives of the State Election Commission), and via SMS.

²⁰ This topic was restricted to excluded household adults in the survey. Further, only 43 household members were asked these questions as they were added later in the survey.

4.2.4 Exclusion from the NRC

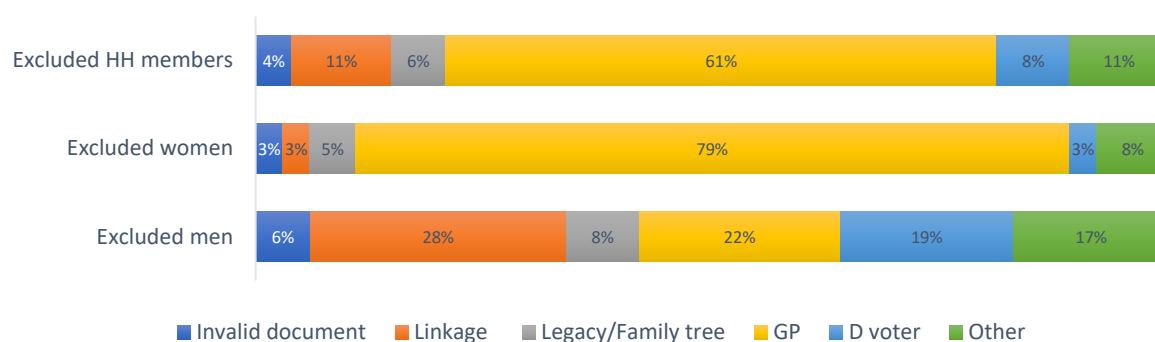
Mode of notification of reason for exclusion. As mentioned in the beginning of this chapter, 26 per cent of the household members in this study had been excluded from the second NRC draft.

There were two main ways people could find out the reason they had been excluded. The majority of adult household members (90 per cent) had gone to their local NSK to find out, and 7 per cent had checked the Assam Government website. Other sources, which BLOs and GPs. One household member said a local teacher from the local school had told her the reason she was excluded. She was not aware of the source of information that had been consulted, however.

Reasons for exclusion²¹

GP certificates and other linkage documents. The most common reason for the exclusion, of almost two-thirds of excluded adults, was the inadmissibility of GP documents. This pertains largely to excluded women and most likely married women, who had submitted GP certificates as linkage or List B documents.²² The second most frequently cited explanation for exclusion was problems with the linkage (List B) documents submitted. This affected excluded men disproportionately.

Figure 18: Reasons for exclusion from the NRC



Reflections from the ground: GP certificates and their role in marginalising women in the NRC According to Mr. Aman Wadud (Source 2), a lawyer based in Guwahati, the disproportionate marginalisation of women is rooted in their lack of access to identification documents, and their submission of GP certificates.

“Birth certificates have only recently become popular and are not possessed by many from previous generations. Women in Assam are largely illiterate or have dropped out of school before appearing for matriculation examinations. Thus, they do not have access to Board or university certificates, which are the only acceptable List B documents from educational institutions. Most women are married before becoming of age to vote (18 years of age) and their names in identification documents (such as Electoral Rolls and Ration Cards) are recorded in their matrimonial homes with their husband's surnames. Given these circumstances, it was proposed by the Cabinet Sub-Committee that an acceptable document would be Gaon Panchayat certificates issued by the secretaries of Gaon Panchayats in the place of birth/residence before marriage of. Around 48 lakh women submitted GP certificates as List B documents for inclusion in the NRC. However, these certificates were invalidated by the High Court and then again validated by the Supreme Court (source). GP certificates were subject to strict scrutiny and verification and many women were excluded as a result of submitting them.”

²¹ The study did not record reasons for the exclusion of children. There is a short note on the subject at the end of the section.

²² A small portion (13 per cent) of excluded women submitted GP certificates as List A documents. In comparison, 85 per cent of excluded women had submitted them as List B documents.

Source 1 (an NSK operator) disclosed the internal rules of the NRC authority in application processing.

“Some documents are given precedence over others. Electoral roll/voter ID cards were generally considered valid. In comparison, GP certificates were viewed with suspicion as they were ordered to be scrutinised by the Supreme Court. Several people only have access to GP certificates and that led to them being excluded.”

The study found that each excluded household adult interviewed had access to national identification documents (see Annexure IV for detailed analysis). Two to five documents were usually owned. The most common forms of ID were PAN cards, ration cards and Electoral photo ID cards, owned by both men and women.

An (anonymous) NGO field researcher (Source 4) said that a serious mistake people, particularly women, made was not submitting PAN cards as List B documents.

“PAN cards are the only documents that clearly establish a relationship between a woman and her father, negating the requirement for a GP certificate. The only reason people did not submit PAN cards was because they were not explicitly listed as a List B document, despite being admissible. Women then had no choice but to submit GP certificates. Their other documents, like voter cards (Electoral photo ID cards) and ration cards have their husband’s surnames and would not establish a linkage with the legacy (List A) document submitted. If there had been openness from the Government about the validity of PAN cards as List B documents, so many women would not have been excluded.”

D voters cases. Another small portion of excluded members were either D voters themselves or were family members of D voters. Again, excluded men were impacted more than excluded women.

The NRC website states that people with valid legacy documents could apply for inclusion in the NRC, even if their mother or father had been identified as a D voter.³¹ In the households of D voters, there was a mixed picture of the exclusion of their descendants. In one household, all 10 descendants of the D voter were excluded. In the case study below, the children of the D voter had been included in the NRC.

Case study 4: Exclusion of D voters from the NRC

Twenty-nine year old Sadam Kalam lives with five members of his family in Tilapara village of Bongaigaon district. His sixth family member, his mother, has been in a detention camp for the past three years. She is a D voter.

“My mother received notice to appear before a Foreigner’s Tribunal in 2015. Our family hired a lawyer who said he filed her papers in court and had won the case. He said the court declared her an Indian. But, police came to our house to arrest her shortly after, as the FT had actually ruled that she was a foreigner. Our family has paid the lawyer INR 20,000 for case at the FT, INR 35,000 at the High Court and INR 1,80,000 at the SC. She was declared a foreigner at every court. This is money we cannot afford. We had to sell our livestock, which has affected our earnings and pushed our family into more destitution. The papers that were filed in court were her father’s legacy electoral roll documents. They have been used by her father, brother and his family to register for list A of the NRC - and they were all included in the final NRC list. But the same documents, when used by her in the courts, were found to be invalid.”

He added that his family went to meet their mother every one and a half months, at the detention camp which was 60 kilometres away.

“She tells us about the horrible conditions in the camp, with bad food and unclean water. They are given a change of clothes only once a month.”

Sadam said that he had submitted her documents for inclusion in the NRC, but she was excluded, as was expected.

“Her verification hearing is on 27th February. Hopefully, we are able to secure her release somehow..... This is been a traumatic experience for our whole family.”

According to the NRC website, D voters could apply for inclusion in the NRC, but their inclusion can only happen after they are cleared by the FT and their names are taken off the D voter list.³¹ However, the NRC status of a person is not secure even after an FT had judged them to be Indian. A male participant in an FGD (held in Bhadaipara) had been accused of being a foreigner and had a D voter case filed against him by Border Police in 2013. After trial at a Foreigner's Tribunal, his citizenship credentials were approved and he was declared an Indian. Despite being exonerated, he and his entire family were excluded from the NRC list.

Reflections from the ground: D voters in the balance

A total of 248,000 people were excluded from the NRC for being D voters or descendants of D voters. Their disenfranchisement includes not being able to vote or access the public distribution system²³. The children of D voters are denied permanent residential certificates, which are required for higher learning in Assam. There are widespread allegations that most cases against D voters are uninformed and random.^{28,31} 45) Two experts interviewed confirmed that the cases filed against D voters are largely arbitrary.

“The Election Commission officials frame citizens as doubtful voters without any investigation or giving them the chance to produce proof of citizenship. At times, proceedings are begun more than 20 years after marking a person as a D voter.” (Source 2).

“D voters have been deprived of their constitutional rights, including the right to vote. Till the year 2012, 83 percent of “D” voters have proven their citizenship in the courts. Only 17 per cent have been declared to be foreigners. What they have had to undergo each time to prove their citizenship is harassment.” Mr. Shahjahan Ali Ahmed, General Secretary, Association for Protection of Indian Citizenship Rights (Source 7).

According to Source 5, many people were charged as D voters after their had applied for inclusion in the NRC.

“To exclude more people from the updated NRC, a large number of voters have been marked as D voters arbitrarily, after applying for NRC with admissible and valid documents. The Border Police has referred thousands of NRC applicants to the Foreigner Tribunal without conducting any investigation just to keep them out from NRC registration. As they have applied in the NRC prior to the D voter cases, they should be verified under the NRC process instead of keeping them ‘on hold’ to be dealt with by Foreigners Tribunals.”

D voters and their families were also highly vulnerable to exploitation.

“There have been cases of collusion between NSK operators, LRCR officers and agents to swindle families of D voters. Such families are promised by the parties that their names will be included in the NRC and are charged money for their services. However, their names are not ultimately included.” (Source 1)

Legacy data. Problems with legacy documents of ancestors and family trees of applicants was another reason cited by respondents for exclusion.

Family trees are lists of family members descending from a common ancestor. During the second verification phase of NRC, family tree details were manually collected from households. These were matched with software generated family trees based on legacy documents submitted by people claiming to be related to the same ancestor. Mismatches were considered false claims.³¹

Reflections from the ground: The digital mess of legacy data

The Government of Assam undertook the massive exercise of digitizing legacy documents, primarily the 1951 NRC and Electoral Rolls (1951 - 1971). This was with the intention of making them publicly available to residents of Assam for the NRC application process.

²³ The public distribution system is India's food security welfare scheme.

However, experts working with marginalised communities excluded from the NRC say there were problems with the documents and their availability. These problems may have been responsible for the exclusion of people.

According to Source 5, the digitized documents were often in partial form, and full of errors and spelling mistakes.

“A significant number of poor and illiterate people, often belonging to minority communities, could not have access to digital documents. The NSKs did provide them to people but had long queues. Tracing them on websites was impossible for illiterate people. In some cases, illiterate people mistakenly selected the legacy documents of others, instead of their ancestor’s. No hard copies were available at NSKs to cross-check [the digital documents]. This led to an adverse impact in their inclusion in the NRC draft.”

Family trees were also a complex part of the legacy data collection.

“People who don’t know how to read and write had to depend on others. Many made a business out of it. Hence many people, even educated people end up committing bona fide mistakes in the form. Many have been excluded because of such mistakes.” (Source 2).

Another small proportion of excluded persons did not provide information beyond that they had submitted invalid documents, and are thus categorised under ‘invalid document’.

A number of other, less common explanations had also been given by the Assam Government for the exclusion of household members in the study. These included:

- Computer error during the processing of the application at the NSK.
- Non-submission of required documents.
- Incomplete submission of documents. For instance, an excluded woman had submitted her education certificate as a List B document, which had not been countersigned by the inspector of school, and thus was rejected.
- Name misprint in submitted documents. The NRC website states that applications would not be excluded on the basis of spelling mistakes in legacy data. It is unclear if this was followed in the processing of applications.
- ‘R awaited’, which meant that List B documents had not been approved due to poor quality and non-visibility of serial numbers.
- ‘Quality check no’, which indicated that the quality of the submitted document had not been approved.

Reflections from the ground: Other factors that contributed to non-inclusion of names

Experts and informants working in the field narrated other potential reasons for large numbers of exclusions from the NRC. The hardest hit were always the poor and the illiterate.

Application forms. Aside from the issues regarding legacy data, family trees and linkage documents mentioned previously, the application form itself was unwieldy and difficult to fill. People had to rely on agents and brokers to complete their forms for them. (Source 7).



Administrative procedures. Source 1 revealed that minor errors in applications could lead to the exclusions of applicants from the NRC. The smallest spelling mistake could lead to exclusion. Further, when documents in Assamese are submitted to NSKs for processing, they are to be converted to English. Pronunciations of names in English and Assamese are different, which lead to mistakes being made.

According to Source 5, verifying and supervising officers also arbitrarily disposed of NRC applications.

Discrimination. A number of informants said there was clear discrimination in the processing of applications submitted by specific communities.

“On the basis of caste, religion, name and title, NRC employees unjustly struck off so many names from NRC final draft. These people had valid legacy data but were given bogus reasons by the NRC authority.” (Source 7).

“NSKs have a set of guidelines for their operations and conduct with applicants. ‘No discrimination’ is part of these guidelines and we were trained [based on these guidelines] in 2015. But there is discrimination in the processing of applications by LRCRs. Applications by Assamese tribal communities, such as Bodos, Karbi, Garo and Rajbanshis are accepted automatically for inclusion in the NRC, even if they have mistakes. Such mistakes would usually lead to the exclusion of non-tribal applicants.” NSK operator in Bongagaon district (Source 1).

“Bengali Muslims are target by the Government in this exercise. Even Goriya ethnic Assamese Muslims in middle and lower Assam have been discriminated against.” Mr. Akram Hussain, State Coordinator, Association for Citizen’s Rights; former President, Hatishala-Balukabari Gaon Panchayat (Source 6)

“Most drop-outs [exclusions] are from Bengali Muslims and Hindu communities. It is apparent that they are the most vulnerable to discrimination. With the Government standing openly with Hindus, Bengali Muslims now will have to face more discrimination. BJP leaders are trying to drop as many Muslims as possible and they have openly advocated this²⁴.” (Source 2)

Exclusion of children.²⁵ According to Source 2 and Source 5, **many children did not have access to birth certificates or other adequate linkage documents that were required to establish a linkage with their parents. School certificates were not accepted as admissible documents.** Only Board certificates (that one could get after sitting for his/her/their board exams) were admissible.

Source 4 highlighted problems in the processing of admissible documents for children:

“The birth certificates and Board certificates which were possessed by some children often had spelling errors. When court affidavits to verify the correct names were submitted, these applications were put on hold.”

A Supreme Court Judgement has provided for measures to ensure that cases of excluded children below the age of 14 years receive special consideration. However, many children aged 14 to 18 years also lack birth certificates, Board certificates and other forms of identification needed to prove linkages with parents.

4.3 Claims and objections

The process of receipt of claims and objections at Local Registrars of Citizen Registration (LRCRs) ended on 31st December 2018. It has been reported that 3.12 million claims were filed. Further, 260,000 objections were made against the inclusion of names in the NRC.^{10,29}

4.3.1 Submission of claims

Filing of claims. The Standard Operating Procedures (SOP)²⁶ for the disposal of claims and objections were released in mid-December 2018. Of note were the following rules:

- The legacy person nor the family tree declared by an applicant, could not be changed at this stage. Source 5 said this had prevented 400,000 excluded people from being able to submit claims for inclusion in the NRC.

²⁴ Reference is made to the following article: Scroll.in (October 12, 2018) "Assam NRC: 'We must find a way to exclude more names in border districts,' says minister". Retrieved from <https://scroll.in/latest/898088/assam-nrc-we-must-find-a-way-to-exclude-more-names-in-border-districts-says-minister>

²⁵ The study did not capture the reasons for the exclusion of children in households surveyed.

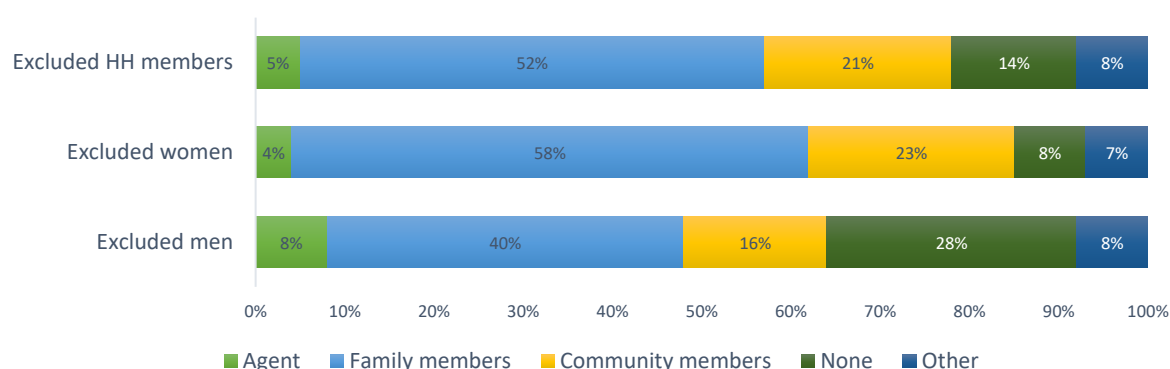
- Gaon Panchayat/Circle Officer/Lot Mandol certificates for males and unmarried women were not considered admissible documents.

Only one excluded household member had not filed a claim for reverification of documents for inclusion in the NRC at his LRCR. The 21 year old man from Tilapara village (Bongaigaon) had attempted to submit a claim form but it had not been accepted as he was the son of a D voter. However, other kin of D voters in the study did not report such a problem. Every other excluded member in the study had filed a claim form at their LRCRs.

Assistance in filing claims. Excluded adult household members reported receiving assistance during this process, as shown below in Figure 19. Overall, more than half had been helped by family members. This percentage was substantially higher for excluded women, over half of whom specified that male family members had helped them. Female participants of three FGDs had also been helped primarily by male members of their families and/or communities.

Community members were the second most common source of help overall in the survey.

Figure 19: Assistance received by household members for filing claims at LRCRs



A small proportion of excluded household members had hired agents to help them file claims. In an FGD in Borpara village (Bongaigaon district), also reported hiring agents, for a fee of INR 100 - 500 to fill their claim forms.

The category of 'other' included BLOs and GPs, who had assisted a small amount of excluded members.

Over a fourth of excluded men had sought no help in filing claims, as compared to only 8 per cent of women who had undertaken the process themselves.

4.3.2 Verification hearings²⁶

Verification hearings for claims and objections began in mid-February.³⁴

Thirteen excluded household members had undergone their verification hearings at the time the study was conducted. They reported being asked questions relating to the following topics: name and address; documents submitted for inclusion in the NRC; and relationships with family members.

Locations of hearings. The locations of each (surveyed) person's hearing was at a distance of more than 10 kilometres from their homes. Participants of FGDs and Source 4 mentioned that these distances went up to 30 to 40 kilometres in some cases.

Witnesses required. Each person had been asked to produce witnesses to orally testify before the verification officers that the claimant was indeed their family member. The number of family members required to attend the hearings ranged from one to 23, with an average number of 10 family members. These included first degree relatives (parents, brothers and sisters) and second degree

²⁶ Only 43 households were asked questions pertaining to their verification hearings as they were added later to the survey.

relatives (such as aunts, uncles and grandparents). Biometric data of these excluded household members and their families was not collected, although this process had begun in some locations in Bongaigaon, according to Source 4.

According to a district verification officer at an NSK (Source 3), only one witness is generally required at verification hearings. However, all family members who were linked to the List A legacy data submitted by a claimant were being called to testify. In some cases, they were called two to three times a month.

At times, family members (being called as witnesses) had to travel huge distances to attend the hearings.

“My sister lives in Nagerbera village in Kamrup district of Assam. She was called as a witness for my verification hearing to Sarthebari in Barpeta district, which 250 kilometres away for her. The entire trip will be 500 kilometres and is too expensive. It makes no sense for her to come just to give a signature to confirm I am her brother.” Noor Hussain²⁷, age 42, Bahari village in Barpeta district.

Source 4 stated that doctors, anganwadi workers and Accredited Social Health Activists (ASHAs) were being called as witnesses to verification hearings. Further, the GP secretaries who had issued GP certificates to people (mostly women) for their NRC applications were also being summoned to verification hearings. Such actions may lead to a reluctance on their part to issue identification documents to excluded persons in the future.

Children. The SOP provides for special hearings of children aged up to 14 years whose parents have been included in the NRC.²⁶ However, excluded children between the ages of 14 to 18 receive no such consideration, despite being equally impacted by limited access to birth certificates and other linkage documents.

Another clause in the SOP for the disposal of claims and objections states that birth certificates registered beyond one year, immunisation records and ration cards were also to be scrutinised vigorously before acceptance.²⁶ This would make excluded children aged 14 to 18 years even more vulnerable to exclusion from the NRC.



Confusion during hearings. Source 4 said he/she had encountered illiterate people who had found verification hearings extremely distressing.

“They had difficulty in understanding what the information was being collected for, and feared that they were going to be detained or sent to Bangladesh. Some people were hesitant to give their signatures as they did not trust that the verification officers would be noting down correct information in their applications.”

Notification and rescheduling of hearings. According Source 5, there were failures by the NRC authority in notifying people about their verification hearings.

In Tilapara village, several men in an FGD said that they had gone for verification hearings which kept getting rescheduled, which led to wasted, expensive journeys and prolonged their anxiety.

Discrimination. A rule in the SOP for disposal of claims and objections is that officers involved in the decision making at the stage of the draft NRC would not be in charge of processing claims and objections at LRCRs. This is with the intention of ensuring "fairness and objectivity".

²⁷ Name changed.

The expert interviewees, Source 2 and Source 7 alleged discrimination at verification hearings, despite this directive.

“There are indications from hearings that have taken place that the officers in charge are influenced by the government. They are empowered to make arbitrary decisions regarding the fates of people. People are asked confusing questions and are harassed and rebuked. It would be extremely difficult for anyone to answer questions without intensive preparation.”
(Source 2)

Among the claimants interviewed for the study, only one said that the verification officer assigned to his case was discriminatory and uncooperative. The remaining 12 excluded people reported their verification officers as patient and helpful.

Source 4 had encountered Hindu claimants who had been called to Muslim dominated areas for their verification hearings, while Muslim claimants had to go Hindu dominated areas. People from both communities had encountered discrimination and isolation in the locations.

Other problems. Two excluded persons complained that there was no drinking water or space to sit at the hearings, which was difficult for elderly people.

4.3.3 Objections

According to the SOP on the disposal of claims and objections, any person could file an objection against the inclusion of a name in the draft NRC. While grounds for the objection had to be provided in the form submitted, documents in support of the objection were not necessary. Nor was there no restriction on the number of objections that a person could file. There was also no penalty for the rejection of an objection filed.²⁶

A total of 260,000 objections were made against names which had been included in the draft NRC. Reports state that there had only been 600 objections raised before the last date to file claims and objections.²⁹(39) The experts informants interviewed for the study noted that the majority of objections filed on the last day were based on false reasons. Source 2 and Source 7 opined the these objections were largely filed by groups, such as the All Assam Students Union, on the basis of religion, caste and title. Many objections were also said to be filed due to personal differences (Source 6).

There were no objections filed against any of the persons in the study.

4.4 Impact on affected households

Financial and psychological effects. There has been a significant financial burden on families in relation to the NRC. The earnings of families with excluded members were used for lawyers, brokers and travel. Many were unable to take care of their livestock because the NRC process had been so demanding. Income earners lost out on daily wages to locate documents, fill up forms and attend hearings, and continue to miss work frequently, as the NRC process continues.

Aside from the economic burden on families, the psychological impact of the NRC exercise on people has been severe.

Men and women in the study said they faced extreme anxiety, with some comparing it to mental harassment. Sleeplessness and loss of appetite were common. Some excluded women mentioned being verbally harassed by their husbands in relation to the NRC. Others knew of cases of women being threatened by their husbands of being sent to Bangladesh.

“It's difficult to describe in words how the NRC has impacted our lives. It has made us outsiders in our own land. We are told we don't belong where we have lived all our lives....Is there anything worse?”²⁸

²⁸ Statements by participants in FGDs in Bongaigaon.

"My name is not there in the NRC list. The names of my sons are. How were they born without me? It makes no sense."^{xxii}

Many described the NRC as a tiring process, and it was unclear for them when the uncertainty and worry would end.

"Now objections have been raised against some people whose names have been included in the NRC. It feels like there is no respite from the anxiety."^{xxiii}

There had also been cases of suicides of excluded people in the villages of some respondents. Such unfortunate cases have been frequently reported in the media as well. (47)(48) There was confusion amongst families about the differing rules relating to the admissibility of specific documents and reasons behind exclusions, which were arbitrary to them.

Assistance the excluded need.

Male and female participants of FGDs acknowledged the role played by educated community members in helping them and others through the NRC process. Student organisations, such as the All Assam Minorities Students Union had also been active in assisting communities in Lengtisingha and Borpara in Bongaigaon district.

Men and women said the following forms of assistance would be helpful to them in the future:

- Legal guidance through appointed officials and trained organisations, like AAMSU, and NGOs.
- Educated community members and youth who had been mobilised and trained on the particulars of NRC procedures.

Legal options available. There was minimal awareness of the legal options available for excluded persons after verification hearings among participants of FGDs. Women had no understanding of what lay ahead, while men in one village knew that FTs could be approached to try cases.

Those left off the final NRC due on 31st July 2019 have the options of approaching the FTs, the Guwahati High Court and the Supreme Court.

Currently, approximately 100 FTs operate with the purpose of determining cases of D or doubtful voters, 64 of which were set up in 2015 to support the NRC exercise. It is reported that 13,205 people were declared foreigners within the 14 months from December 2016 to February 2018. Ten detention camps exist to detain those judged to be foreigners until they are deported. In 2018, they were reported to hold 1,000 people.^{36,37}

5. Summary of key findings

The NRC is a huge, complicated, administrative exercise which has been flawed in design and implementation from the outset.

The most vulnerable communities are Bengali speaking Muslims and Hindus.

Bengali Muslims are significantly more marginalised given that an amendment to the citizenship laws is proposed giving citizenship to Hindus.

There are low levels of education in the communities, which are primarily dependent on agriculture for survival. They are also characterised by high numbers of dependents.

On account of illiteracy and remote locations these communities suffer lack of access to government services and welfare schemes.

Household members most at risk are women and children, particularly those aged 14 to 18 years.



The role of women in the NRC process was negligible and their awareness of it was limited. The NRC has further marginalised women in Assam.

Education levels mattered as illiteracy made it difficult for people to comprehend and take charge of the application process.

Most of the communities marginalised by the NRC are uneducated.

The lack of literacy of people impeded their access to documents and increased their vulnerability to exclusion. For instance, accessing digital legacy documents was too difficult for many people who did not know how to use computers. They had to depend on others, including agents, to fill their forms and access their documents.

Verification hearings are also difficult for uneducated people as they have to sign documents and statements they could not understand.

The process of verification of documents is faulty and arbitrary.

The most obvious indicator of this is that most members of families are included. Excluded members tend to be few, and often just one person. Family members had often submitted the same legacy documents but some were excluded while others were not.

There was confusion about the differing rules relating to the admissibility of specific documents and reasons behind exclusions, which were arbitrary to them.

There was a preference for specific types of documents in the processing of applications. However, this was not made clear to applicants.

The two most preferred legacy documents were the 1951 NRC and electoral rolls (1951 - 1971).

More women were excluded as they have limited access to identification documents. They had to rely on GP issued certificates which were considered suspect in the processing of applications. No included woman had submitted a GP certificate as a linkage document. The most common reason for inclusion was the submission of inadmissible GP certificates.

Women could have submitted PAN cards, which clearly establish relationships between a person and their father, as linkage documents. However, their admissibility was not made clear by the NRC guidelines for document submissions. This led to very few people submitting them, although PAN cards were possessed by both excluded men and women.

Children have access to few documents to show linkages with their parents. Access to birth certificates are limited. Board certificates (which are the only admissible documents from educational institutions) are only available to those who have given their high school examinations. Special consideration, in the form of expedited hearings, is given to excluded children until the age of 14 years. The most vulnerable children now are aged 14 to 18 years.

There was a correlation between the number of documents submitted and exclusion.

People who were included in the NRC, tended to submit only one document. In comparison, a sizeable proportion of excluded household members submitted a combination of documents, even when they were not required to. Many did so because of conflicting information from authorities, including the Supreme Court, about which documents were admissible, and rumours and peer pressure regarding the validity of certain documents over others.

The possible reasons for this could be many - contradictory information or mistakes in one of the documents or confusion in the processing of documents due to volume.

D voters were excluded from the NRC across the board, in line with the Government's directive on their status.

The inclusion of their children, however, appeared to be arbitrary. Being exonerated by the FT did not guarantee inclusion for former D voters. It was reported that many voters have been marked as D voters arbitrarily by border police after applying to the NRC with valid documents. Instead of being verified by the NRC authority, their cases have been put on hold and are to be disposed of by Foreigners Tribunals.

There were administrative aspects and rules of the exercise that made close to impossible for illiterate, poor people to successfully navigate the NRC process.

The two most important legacy documents (1951 NRC and Electoral Rolls 1951 - 1971) were digitized and made available to the public by the NRC authority for use during the application process. However, many were in partial form and/or with errors, that the applicants may have been penalised for. Hard copies were not available at NSKs for cross-checking.

Some people had submitted wrong legacy data in their NRC applications. However, they were not permitted to change the legacy person when filing claims for reverifications for documents.

A complicated part of the verification process was the comparison of manual and computer generated family trees, which were highly complex and vulnerable to error.

The cost of small errors (including spelling mistakes or name misprints) was high, as they could lead to exclusions of applicants.

Errors in processing at NSK centres could lead to exclusions. The translation of Assamese documents to English at NSK processing centres led to such mistakes. "Computer errors" were causes of exclusions in some cases.

Issuers of birth certificates (doctors, ASHAs and anganwadi workers) and GP certificates (GP secretaries) were being summoned as witnesses to verification hearings. This may impact the ease with which they issue documents to people in the future.

The logistical aspects of verification hearings were often impossible for people and their families, in terms of distance and affordability.

There was a correlation between the exclusion of women and their migration for marriage. Many found it difficult to get documents from their parents' homes for the NRC process. Hearings were conducted at long distances (at times 30 to 40 kilometres) from the residences of people.

The family members of claimants (for reverification in the NRC) were called as witnesses to orally testify about their relationships. Entire families were called from huge distances (at times spanning hundreds of kilometres) instead of one family member. Sometimes, family members were called twice or thrice a month.

Another financial burden on families was due to the number of days income earners spent on the NRC process, instead of working.

There were long queues at NSKs and verification hearings which were difficult for the elderly and people with disabilities.

The main sources of assistance during the NRC process were family and community members.

There was no real difference found between excluded and included household members in terms of sources of assistance. Family members and community members were the most common sources of help to the households in the study.

Agents were also employed for a fee.

Marginalised communities need legal assistance through trained officials and organisations (such as AAMSU). There were suggestions that educated community members and youth be trained for assistance in future administrative NRC procedures. The marginalisation of women is recognised in the community and a need for empowered female community leaders in the NRC process was articulated.

There are indications that the NRC process discriminates against specific communities, particularly Bengali Muslims and Hindus.

The applications of Original Inhabitants or Assamese tribes were reportedly automatically accepted for inclusion without the kind of verification minorities were subjected to.

Key informants point to discrimination on clear religious and ethnic grounds in the NRC processing, verification hearings and objections.

The objections process appears to be faulty, with no penalisation of false objections made against the inclusion of people or requirement of submission of proof of their ineligibility for the NRC.

The impact of the NRC on excluded persons and their families is enormous.

The financial and psychological stress associated with the entire process has taken a huge toll on families. Women are particularly vulnerable in interfamily tensions. The future holds restrictions of constitutional rights and civil liberties. There is high risk of exploitation of marginalised groups and of communal violence.

6. Conclusion

The NRC is a contentious administrative exercise that seeks to identify genuine citizens and illegal migrants in the state of Assam in India. As a response to the continued unrest in the state against historical migration of Bengalis by Assamese nationalists, it is at high risk of undue influence and bias against Bengali communities. Bengali Muslims are particularly vulnerable given the support afforded to Bengali Hindus by the Indian Government.¹²

The findings of this study confirm reports of inadequacies in the NRC exercise. We find that the system to judge the citizenship credentials of NRC applicants is not robust enough to ensure due process.

In summary:

A study of 96 households (with members excluded from the NRC), six FGDs (with men and women from marginalised communities) and key informants (working in relation to the NRC process) in two poverty-stricken, minority dominated districts of Assam provides a useful baseline to assess the planning and enforcement of the NRC. Many exclusions make little sense, given family members of most excluded people have qualified for the NRC. Women and children are disproportionately afflicted. Administrative failures and unfairly rigorous standards for inclusion by the NRC authorities contribute largely to these arbitrary exclusions. The lack of education of marginalised communities restricts their ability to access the requisite documents and submit error-free applications. There is a lack of clarity regarding the validity of certain documents. Internally, the NRC authorities have preferences for specific documents, but this information is not available to the public. Further, there are reports of preferential treatment given to tribal communities in Assam. The consequences of the flawed process falls heavily on the most marginalised and vulnerable sections of Assamese society.



The Indian Government has yet to convey what is planned for those excluded from the final NRC. It is clear that the impact of the exercise will continue after the final NRC is published in July 2019. In the medium and long term, excluded persons will have to go through long drawn-out procedures to prove their right to Indian citizenship. It is unclear what parameters of disenfranchisement they will suffer. Similar to the cases of D voters, excluded persons will have their voting rights taken away in the interim period. The potential restrictions of other civil liberties, such as freedom of movement, and exclusion from government welfare schemes, will have devastating consequences. Livelihoods will be impacted, and the disenfranchised communities will be at high risk of exploitation. Social divisions are likely to deepen, and internal displacement and human rights abuses, such as protracted detention and hate crimes, are likely to increase.^{8,35} The impact that the NRC will have on the rest of India cannot be minimised, particularly given the increasing polarisation of the country's social environment.^{2,38}

There is an urgent need to ensure the system is overhauled to ensure neutrality and accountability. We conclude with the following recommendations for the Government of Assam and the Central Government.

6.1 Recommendations for the National Register of Citizens Authority, Government of Assam

Oversight

- Establish a state-level independent committee to oversee the NRC exercise. This committee should include representatives of Assamese communities, UNHCR, civil society organisations and legal experts. The committee should examine:
 - Reports of discrimination of specific communities;
 - Undue influence in the verification of documents;
 - The decision-making protocol regarding applications; and
 - The disproportionate exclusion of women and children from the NRC.
- Findings by the committee must be openly published. Public consultations with the Government should take place to establish strategies and models to improve the ongoing exercise, and ensure the hardships endured by citizens are minimised as far as is possible.

Policy and guidelines

- Establish clear policies and guidelines on non-discrimination and conduct, and publish them openly.
- Ensure regular training sessions are held for verification officers, NSK staff and LRCR employees on these guidelines.

Special measures

- Establish a mechanism to allow claimants to select NSKs closer to their residences for verification hearings.
- Establish a fast-track centre for exclusions that have taken place due to spelling mistakes and misprints.
- Include children between the ages of 14 to 18 years in the special fast-tracked verification hearings set up for excluded children under the age of 14 years.
- Permit the cases of D voters and their descendants (if excluded) at the ongoing verification hearings.

Admissible documents

- Establish clear guidelines on the admissibility of documents submitted.
- Permit the use of: GP certificates; post-dated birth certificate and immunisation records; ration cards; and school certificates (indicating past or current enrolment).
- Allow claimants to change the legacy person whose documents they had applied with initially.

Objections

- Put in place requirements of proof for objection applications, penalties for false objection applications and a cap on number of objections per person.

Verification hearings

- Call as witnesses only one included family member linked to the legacy data of an excluded claimant.
- Ensure verification hearings are comfortable for elderly persons, people with disabilities and claimants having to wait for long periods of time.

Legal assistance

- Appoint special legal officers to provide assistance to people at the block level.

6.2 Recommendations for the Government of India

Oversight

- Establish an independent oversight body with monitors from UN agencies, civil society organisation, lawyers and representatives of marginalised communities to oversee the

National legislation

- Extend the remit of the 2016 Citizenship bill to:
 - Confer automatic citizenship to all born in Indian territory, on the basis of the Constitution's jus soli system.
 - Included persecuted Muslims in the category of communities from neighbouring countries that are eligible for citizenship in India.

Conformity with international law

- Sign up to the UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness, and take the necessary legal steps to ratify them.
- Ensure India abides by its obligations under the International Covenant on Civil and Political Rights (for alternate protection regimes for stateless persons), Universal Declaration Human Rights (to prevent situations of statelessness) and the Convention of the Rights of the Child (to prevent childhood statelessness).

7. Annexure I: Research limitations

There were limitations faced in the research process, which are described below:

1. The study's findings are not representative of all excluded persons and households with excluded members. This is because a snowball sampling technique was employed and only two districts (Barpeta and Bongaigaon) of Assam were covered.
2. Attempts were made to interview each household member individually or to consult their individual NRC applications to ensure accurate data was recorded. However, in many cases, the main respondent being interviewed (who was always an excluded person) would respond on behalf of other household members. This may have impacted the reliability of the information collected.
3. Data collected on children was limited to age, sex and NRC status. The types of documents submitted by them in the application process and reasons for exclusion from the NRC (if applicable) was not recorded.
3. Of the 96 households covered by the study, only four were Hindu households. Field researchers reported that Hindu Bengali communities living in the districts covered by the study were not open to being interviewed when approached. This limitation must be accompanied by the following qualification of the research methodology: The two field researchers who undertook primary data collection identified households to interview for the study. Much of this access into affected communities was through the personal connections of one of the field researchers. This influenced the selection of the majority of households in the study. The field researchers had few personal relationships that would have allowed them more access into Hindu Bengali communities.
3. In 15 of the 96 households, no information on included household members was provided by the main respondents. Therefore, complete details of all household members were recorded in 81 households in total. Several respondents lost interest in participating in the survey after realising (despite initial clarifications about the scope of the study) that the field researchers were not involved in the actual NRC process and could not get their names included on the list.
4. The questionnaire was revised after interviews (53 in total) were conducted in Barpeta district. Questions relating to the following topics were included in the 43 households interviews in Bongaigaon only :
 - Document types and sources submitted (for lists A and B) by household members included in the NRC.
 - Reflections by excluded members on whether mistakes were made during the submission of documents and whether the NRC process was confusing.
 - Assistance received by included and excluded members during the NRC process.
 - Difficulties faced by excluded members in obtaining national identification documents.
5. There were several questions which received limited responses. These included:
 - Process of submission of claim and objection forms at LRCRs, with details of assistance received.
 - Sources of documents submitted for inclusion in the NRC.

8. Annexure II: List of locations

Household interviews. Ninety-six households were interviewed across Barpeta and Bongaigaon districts in Assam. Table X below lists the villages and blocks covered.

Table X: List of locations of household interviews

Barpeta district		Bongaigaon district	
Village	Block/Post office	Village	Block/Post office
Alipur	Mandia	Ambari	Srijangram
Bahari	Bahari	Baregarh	Srijangram
Barbhita	Chenga block	Bhadaipara	Lengtisinga
Bhella	Bhella	Borpara	Balapara
Bheraldi	Bhella	Janermukh	Lengtisinga
Bhugdiya	Bhugdiya	Jharpara part 2	Lengtisinga
Bogoriguri Gaon	Gobardhana Dev. Block	Koreya Pahar	Joghghopa
Bogoriguri Gaon	Gobardhana Dev. Block	Lengtisinga	Lengtisinga
Gumir pathar	Pakabetbari, Naligaon	Nasotra	Tapattari
Gurula Gaon	Situli	Piknapara	Tapattari
Haripur	Chenga block	Santipur	Balapara
Islampur	Mandia	Tilapara	Tilapara
Kakdhua	Chenga block		
Kalgachia	Kalgachia		
Kayakuchi Pathar	Pakabetbari, Naligaon		
Nisoporiya char	Chenga block		
Sidhuni	Mandia		

Focus group discussions. All six FGDs were conducted in Bongaigaon district. The locations of the focus groups discussions are listed below in Table X.

Table X: Locations of FGDs

Village	Block/Post office
Ambari	Srijangram
Baregarh	Srijangram
Bhadaipara	Lengtisinga
Borpara	Balapara
Janermukh	Lengtisinga
Jharpara part 2	Lengtisinga
Koreya Pahar	Joghghopa
Lengtisinga	Lengtisinga
Nasotra	Tapattari
Piknapara	Tapattari
Santipur	Balapara
Tilapara	Tilapara

9. Annexure III: Additional demographic information

Place of birth. Overall, the proportion of total women (56 per cent) who had been born in a different location was more than four times that of men (13 per cent).

Details of included people. Of the total 433 included, the details of 354 were taken in the study. The sex of three children was not recorded.

Of these 354 people, 211 (60 per cent) were adults and 143 (40 per cent) were children. The majority of included adults were male (62 per cent); while the sex ratio of children was more proportionate at approximately 50 per cent each.

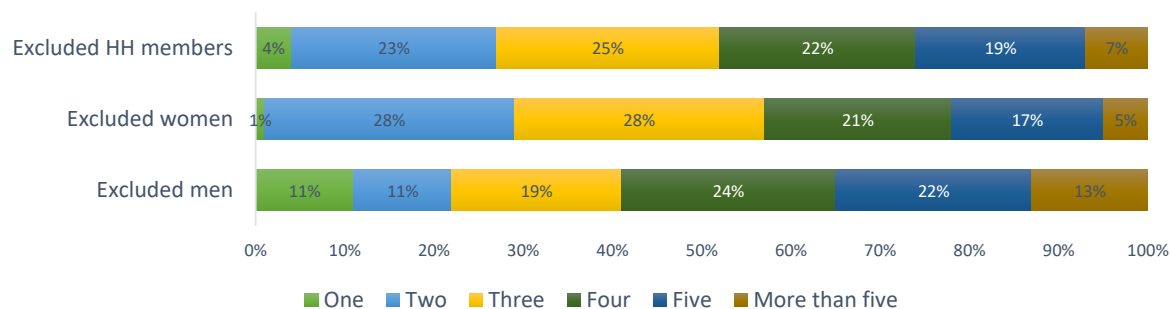
In comparison, the majority of included persons were male, at 58 per cent.

Overall, the proportion of total women (56 per cent) who had been born in a different location was more than four times that of men (13 per cent).

10. Annexure IV: Access to identification documents

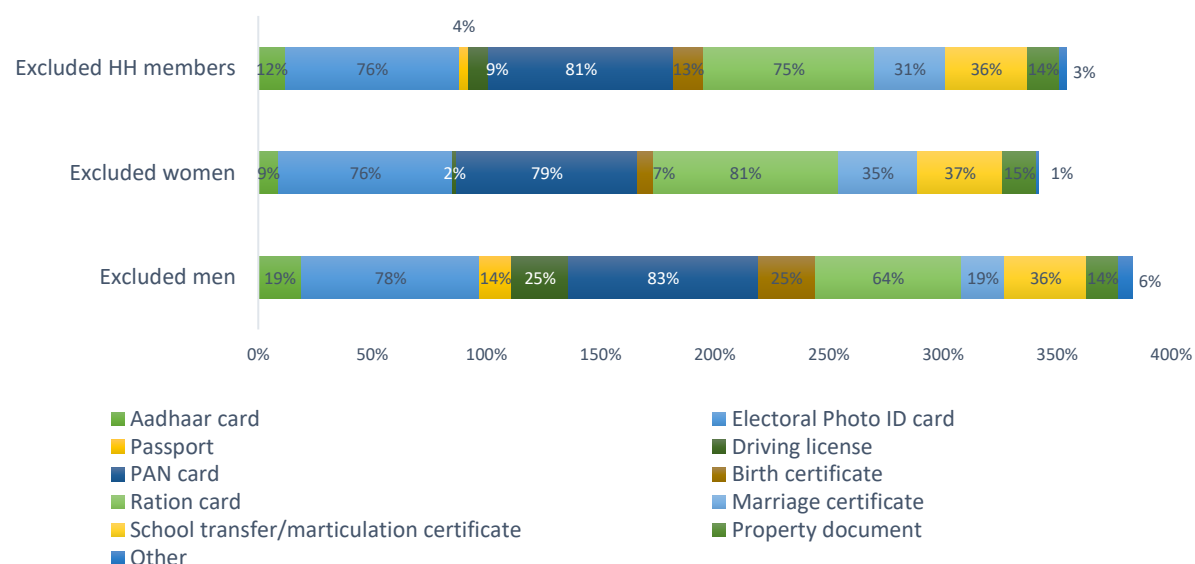
Access to national identification documents. The study attempted to ascertain whether persons who had been excluded from the NRC had faced obstacles in accessing national identification documents. As can be seen in Figure 20 below, every excluded household member had at least one such document, with the majority of them owning between two to five documents. Excluded men tended to have a marginally higher number of documents as compared to excluded women.

Figure 20: National identification documents possessed by excluded household members



As illustrated in Figure 17, the national identification documents most commonly owned by excluded household members were PAN cards, ration cards and Electoral photo ID cards. There were no significant differences in the levels of ownership of these documents between excluded men and women, aside from a higher percentage of women owning ration cards. Marriage certificates (possessed more often by women) and school transfer/matriculation certificates were also owned by more than a third of excluded household members.

Figure 21: Type of national identification documents possessed by excluded household members



Less commonly owned documents (in descending order) were property documents, Aadhaar cards and birth certificates. A fourth of excluded men possessed property documents and birth certificates, as compared to barely any excluded women. Passports were rarely owned by any excluded household members.

The small category of other documents include Permanent Residence Certificates (PRCs) (possessed by excluded women) and an Accredited Journalist certificate from the Government of Assam (owned by one excluded man).

These findings were confirmed by six FGDs with men and women in Bongaigaon district. Each participant possessed at least three documents, with PAN cards, ration cards and electoral photo ID cards being the most commonly owned.

Problems in obtaining national identification documents. In the survey, none of the excluded household members²⁹ had faced problems in accessing their identification documents. This was consistent with the responses of men and women in five FGDs in Bongaigaon district. However, in an FGD with 9 women in Borpara village, it was said that government difficulties officials would not give processed documents easily. Some of the women had gotten their identification documents made specifically to submit as a List B document for inclusion in the NRC. These processes had been undertaken by their husbands, who had also faced difficulties with costs of travel and long queues at the government centres.

²⁹ Included household members were not asked this question in the survey. Further, only 59 excluded household members were asked this question as it was added later in the survey.

11. Annexure V: List of References

1. Chhotray, V. (2018). Nullification of citizenship: negotiating authority without identity documents in coastal Odisha, India. *Contemporary South Asia*, 26(2), 175-190.
2. Bhattacharjee, R (2019, January 28). Citizenship Bill: Diluting India's secularism. *The Statesman*. Retrieved from <https://www.thestatesman.com/northeast/citizenship-bill-diluting-secularism-of-india-1502728177.html>
3. Encinas, M. (2017). Migrant Rights and Extraordinary Law in India: The Cases of Assam and Jammu & Kashmir. *South Asia: Journal of South Asian Studies*, 40(3), 463-480.
4. Census 2011. Assam Population 2011-2018 Census. Retrieved from <https://www.census2011.co.in/census/state/assam.html>
5. The Hindu (2018, July 31). The citizenry test: Assam NRC explained. Retrieved from <https://www.thehindu.com/news/national/other-states/the-citizenry-test-assam-nrc-explained/article24560028.ece>
6. Saha, A. (2018, July 31). What it means to be out of NRC. *The Indian Express*. Retrieved from <https://indianexpress.com/article/explained/assam-nrc-draft-citizenship-list-names-5283791/>
7. Government of Assam (October 20, 2012). White Paper on Foreigner's Issue. Home and Political Department. Retrieved from <https://bhrpc.files.wordpress.com/2017/10/white-paper.pdf>
8. Samaddar, Ranabir (October 25, 2018). The NRC Process and the Spectre of Statelessness in India. *The Wire*. Retrieved from <https://thewire.in/rights/the-spectre-of-statelessness-in-india>
9. 50. Convention relating to the Status of Stateless Persons. Retrieved from https://treaties.un.org/doc/Treaties/1960/06/19600606%2001-49%20AM/Ch_V_3p.pdf
10. Saha, Abhishek (February 15, 2019). Hearings for NRC claims and objections to begin today. *The Indian Express*. Retrieved from <https://indianexpress.com/article/north-east-india/assam/hearings-for-nrc-claims-and-objections-to-begin-today-5584727/>Jain, Mehal (January 24, 2019). SC Refuses To Extend Deadline To Finalize Assam NRC Beyond July 31. *LiveLaw.in*. Retrieved from <https://www.livewlaw.in/top-stories/deadline-to-finalize-nrc-beyond-july-31-142371><https://www.livewlaw.in/top-stories/deadline-to-finalize-nrc-beyond-july-31-142371>
11. Roy, A. (2010). Introduction. In *Mapping citizenship in India*. Oxford University Press, pp 33-91
12. Poddar, M. (2018) The Citizenship (Amendment) Bill, 2016: international law on religion-based discrimination and naturalisation law, *Indian Law Review*, 2:1, 108-118, DOI: 10.1080/24730580.2018.1512290. Retrieved from <https://doi.org/10.1080/24730580.2018.1512290>
13. Chhotray, V. (2018). Nullification of citizenship: negotiating authority without identity documents in coastal Odisha, India. *Contemporary South Asia*, 26(2), 175-190.
14. Roy, A. (2010). Chapter 2: The Citizenship Amendment Act, 1986. In *Mapping citizenship in India*. Oxford University Press, pp 33-91
15. Roy, A (2016, August 14). The Centre's plan to make religion a basis for citizenship reiterates the narrative of Partition. *Scroll.in*. Retrieved from <https://scroll.in/article/813882/the-centres-plan-to-make-religion-a-basis-for-citizenship-reiterates-the-narrative-of-partition>
16. Government of India. Ministry of Home Affairs. Press Information Bureau (2010, June 10) Norms Relaxed for Indian Citizenship to Certain Categories of Pak Nationals Staying in India. Retrieved from <http://pib.nic.in/newsite/PrintRelease.aspx?relid=62479>
17. The Indian Express (2015, September 7). India to allow minorities from Pakistan, Bangladesh to stay without papers. Retrieved from <https://indianexpress.com/article/india/india-others/india-to-allow-minorities-from-pakistan-bangladesh-to-stay-without-papers/>
18. Purkayastha, D (2018, May 26). What is the Citizenship (Amendment) Bill, 2016? *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/other-states/what-is-the-citizenship-amendment-bill-2016/article23999348.ece>
19. Hucal, Sarah (2016, June 27). Afghanistan: Who are the Hazaras? *Al Jazeera*. Retrieved from <https://www.aljazeera.com/indepth/features/2016/06/afghanistan-hazaras-160623093601127.html>

20. Mustafa, F. (2018, June 6). Who is a citizen — in Assam, India? The Indian Express. Retrieved from <https://indianexpress.com/article/explained/who-is-a-citizen-in-assam-india-citizenship-act-nrc-5205603/>
21. Ray, S (2019, January 9). Citizenship Amendment Bill 2019: All You Need to Know. The Quint. Retrieved from <https://www.thequint.com/explainers/citizenship-amendment-bill-2019-explained>
22. Sharma, C. K. (2012). The immigration issue in Assam and conflicts around it. *Asian Ethnicity*, 13(3), 287-309.
23. Coelho, S (2013). Assam and the Brahmaputra : Recurrent flooding and internal displacement. The State of Environmental Migration 2013: A review of 2012. Retrieved from <http://labos.ulg.ac.be/hugo/wp-content/uploads/sites/38/2017/11/The-State-of-Environmental-Migration-2013-63-73.pdf>
24. Daniyal, S (2018, August 12). NRC debate: How the 1947 Sylhet partition led to Assam's politics of the foreigner. Scroll.in. Retrieved from <https://scroll.in/article/889905/citizens-register-how-the-1947-sylhet-partition-led-to-assams-politics-of-the-foreigner>
25. Rozario, A.(2018, August 3). Explained: Why All Things NRC Lead to the Assam Accord of 1985. The Quint. Retrieved from <https://www.thequint.com/explainers/explained-why-all-things-nrc-lead-to-the-assam-accord-of-1985>
26. Government of Assam (December 15, 2018). Standard Operating Procedure (SOP)/modalities for disposal of claims and objections in the updation of National Register of Citizens (NRC) 1951 in Assam. Retrieved from <http://www.nrcassam.nic.in/pdf/SOP-claims-objections-final.pdf>
27. Ashraf, A (2018, January 16). Fact check: Are illegal Bangladeshi migrants responsible for increase in Assam's Muslim population?. Scroll.in. Retrieved from <https://scroll.in/article/864879/illegal-bangladeshi-migrants-are-not-responsible-for-the-increase-in-assam-s-muslim-population>
28. Karmakar, R. (2018, July 29). NRC investigation in Assam: The unbearable being of a D-voter. The Hindu. Retrieved from <https://www.thehindu.com/news/national/other-states/nrc-investigation-in-assam-the-unbearable-being-of-a-d-voter/article24547575.ece>
29. Singh, Bikash (January 1, 2019). NRC offices see flood of applications on final day to file claims and objections. The Economic Times. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/nrc-offices-see-flood-of-applications-on-final-day-to-file-claims-and-objections/articleshow/67339059.cms?from=mdr>
30. Pisharoty, S. B (2018, July 25). The NRC and Citizenship Bill Have Fuelled Old, Divisive Anxieties in Assam. The Wire.In. Retrieved from <https://thewire.in/politics/assam-nrc-citizenship-bill-bangladesh>
31. Government of Assam. Office of the State Coordinator for National Registration (NRC), Assam. Retrieved from <http://www.nrcassam.nic.in/admin-documents.html>
32. Government of Assam. Office of the State Coordinator of National Registration (NRC), Assam. What are the admissible documents? Retrieved from www.nrcassam.nic.in/admin-documents.html
33. Supreme Court of India. Civil Appeal No. 20858 of 2017. Rupajan Begum versus Union of India & Ors. With Civil Appeal No. 20863 of 2017; Civil Appeal 20859 of 2017; Civil Appeal No. 20861 of 2017; Civil Appeal No. 20860 of 2017; Civil Appeal No. 20863 of 2017; Civil Appeal No. 20864 of 2017; and Special Leave Petition (Civil) No. 16441 of 2017. Retrieved from [http://www.nrcassam.nic.in/pdf/RUPJAN%20BEGUM%20\(CA%20No.20858_2017\)%20Judgement.pdf](http://www.nrcassam.nic.in/pdf/RUPJAN%20BEGUM%20(CA%20No.20858_2017)%20Judgement.pdf)
34. Donthi, Praveen (July 2, 2018). How Assam's Supreme Court-mandated NRC project is targeting and detaining Bengali Muslims, breaking families. The Caravan. Retrieved from <https://caravanmagazine.in/politics/assam-supreme-court-nrc-muslim-families-breaking-detention>
35. Kumar & Vijayaraghavan (August 27, 2018). NRC Assam: India Is Obligated to Ensure That People Are Not Rendered Stateless. The Wire. Retrieved from <https://thewire.in/rights/nrc-assam-india-is-obligated-to-ensure-that-people-are-not-rendered-stateless>
36. Mohan, R. (2018, August 5). What's Going On Is Really Unfair': Inside The Foreigners Tribunals In Assam. The Huffington Post. Retrieved from https://www.huffingtonpost.in/2018/08/05/what-s-going-on-is-really-unfair-inside-the-foreigners-tribunals-in-assam_a_23496313/

37. Chakravarty, A. (2018, July 21). Assam has received sanction from Centre to build a detention camp for 'foreigners'. Scroll.in. Retrieved from <https://scroll.in/article/887351/assam-has-received-sanction-from-centre-to-build-a-detention-camp-for-foreigners>
38. Apoorvanand (2019, January 12). The new citizenship bill and the Hinduisation of India. Al Jazeera. Retrieved from <https://www.aljazeera.com/indepth/opinion/citizenship-bill-hinduisation-india-190110141421871.html>