



A national register of exclusion

Posted at: 05/02/2019

There are few parallels anywhere else of the state itself producing statelessness in the manner that it is doing in Assam

- By requiring long-term residents of Assam to prove their citizenship by negotiating a thicket made up of bewildering and opaque rules and an uncaring bureaucracy, the Indian state has for the past two decades unleashed an unrelenting nightmare of wanton injustice on a massive swathe of its most vulnerable people.

Distressing cycle

- The official presumption that they are foreigners has reduced several million of these highly impoverished, mostly rural, powerless and poorly lettered residents to a situation of helplessness and penury.
- It has also caused them abiding anxiety and uncertainty about their futures.
- They are required to persuade a variety of usually hostile officials that they are citizens, based on vintage documents which even urban, educated, middle-class citizens would find hard to muster.
- And even when one set of officials is finally satisfied, another set can question them.
- And sometimes the same official is free again to send them a notice, starting the frightening cycle afresh.
- It emerged that the names of many persons were dropped from the draft NRC only because of minor differences in the spelling of Bengali names in English in different documents.

Tougher on women

- Women are especially in danger of exclusion from the citizenship register.
- Typically, they have no birth certificates, are not sent to school, and are married before they become adults.
- Therefore, by the time their names first appear in voters' lists, these are

in the villages where they live after marriage, which are different from those of their parents.

- There were cases of being excluded from citizenship on this ground alone.
- Impoverished migrant workers often travel to other districts of Assam in search of work, as construction workers, road-builders and coal-miners.
- In the districts to which they migrate, the local police frequently record their names as illegal immigrants from Bangladesh.
- They receive notices from foreigners' tribunals located in districts where they might have worked years earlier, far away from their home districtsthey have to travel to for every hearing, adding further to their costs.
- The NRC is not the only institution through which the state challenges them to prove their citizenship.
- A third process empowers the Assam Police to identify anyone it suspects to be a 'foreigner'.
- Again, all that the police claim in most cases is that the person was unable to show them documents establishing his or her citizenship.

Opaque processes

- All cases referred by the police are heard by Foreigners' Tribunals (FTs).
- Earlier, retired judges were appointed to these tribunals.
- There are now FTs in which not a single person has been declared an Indian citizen over several months.
- Many allege that both the police and presiding officers in FTs work to fulfil informal targets to declare people foreigners.
- Even if a person finds her name in the NRC, the police can still refer her case to an FT; an election official can even deem her to be a "D"-voter.
- Article 20 of the Constitution includes as a fundamental right that "no person shall be prosecuted and punished for the same offence more than once".
- But this principle has been waived for FTs.
- We found that even after an FT had confirmed a person to be an Indian citizen, another FT and often the same FT can again issue notice to the same person to prove her legitimate citizenship once more.
- A person is never be allowed to feel secure that the state has finally accepted that she is an Indian citizen.
- With the entire burden of proving citizenship on their shoulders and the arbitrary and opaque multiple forums to which they are summoned,

- people deprived of both education and resources are caught in a Kafkaesque bureaucratic maze from which they find it hard to emerge.
- Trapped at the crossroads of history, their destinies depend on institutions that treat them with undisguised hostility and bias.
 - There are indeed few parallels anywhere in the world of the state itself producing statelessness on the scale and in the manner that it is doing in Assam.

The Hindu



SAHAYA IAS
www.sahayaias.com