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Children Excluded from Assam NRC

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Why in News

The **Supreme Court** has ordered that children excluded from the **National Register of Citizens (NRC)** for Assam but whose parents/guardians/caregivers are part of the final list, should not be sent to detention camps or separated from their loved ones at any cost.

The Supreme Court's order is in response to an application which stated that the unreasonable manner in which children have been excluded from the NRC final list even when their parents are included is in **direct contravention with constitutional as well as the legal safeguards**.

Assam NRC

- The National Register of Citizens (NRC) is the register containing names of Indian Citizens. The only time that an NRC was prepared was in 1951.
After the conduct of the Census of 1951, the NRC was prepared by recording particulars of all the persons enumerated during that Census.
- The NRC in Assam is basically a list of Indian citizens living in the state. The citizens' register sets out to identify foreign nationals in the state.
- The process to update the register began following a Supreme Court order in 2013, with the state's nearly 33 million people having to prove that they were Indian nationals prior to 24th March, 1971.
- The updated final NRC was released on 31st August, 2019 with over 1.9 million applicants failing to make it to the list.

Related Constitutional Provisions

- **Article 15 (1)** provides that the State shall not discriminate against any citizen on grounds only of **religion, race, caste, sex or place of birth**. However, under **Article 15 (3)** of the Constitution, the State is allowed to make any **special provision** for women and children.

- **Article 39(e):** The State shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and **the tender age of children are not abused** and that citizens are not forced by economic necessity to enter occupations unsuited to their age or strength.
- **Article 39 (f):** The State shall, in particular, direct its policy towards securing that **children are given opportunities and facilities to develop in a healthy manner** and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
- **Article 45:** The state shall endeavour to provide **early childhood care and education** for all children **until they complete the age of six years.**
- **Article 47** directs the State to raise the level of nutrition and the standard of living and to improve public health.

The Juvenile Justice (Care and Protection of Children) Act, 2015

- The JJ Act, 2015 provides for strengthened provisions for both children in need of care and protection and children in conflict with the law.
- The State Government shall constitute for every district, one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to children in need of care and protection under this Act.

Source: TH