



## National Register of Citizens (NRC)

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### Why in News?

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- The Supreme Court recently issued a notice to the centre and the Election Commission of India on a plea seeking that the National Register of Citizens (NRC) be updated to include Tripura.
- The final draft of the NRC in Assam was released, excluding four million residents of the state.
- This draft of the NRC is however not final and people can still appeal against the non-inclusion of their names in the NRC.
- Several religious and linguistic minority groups are also opposing the NRC as discriminatory and undemocratic.

**Purpose:** To separate “illegal” immigrants from “legitimate” residents of Assam.

**Nodal Agency:** Registrar General and Census Commissioner India.

### What is National Register of Citizens (NRC)?

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- National Register of Citizens, 1951 is a register prepared after the conduct of the Census of 1951 in respect of each village, showing the houses or holdings in a serial order and indicating against each house or holding the number and names of persons staying therein.
- The NRC was published only once in 1951.

### NRC in Assam

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- The issue of its update assumed importance as Assam witnessed large-scale illegal migration from erstwhile East Pakistan and, after 1971, from present-day Bangladesh.
- This led to the six-year-long Assam movement from 1979 to 1985, for deporting illegal migrants.

- The All Assam Students' Union (AASU) led the movement that demanded the updating of the NRC and the deportation of all illegal migrants who had entered Assam after 1951.
- The movement culminated in the signing of the Assam Accord in 1985.
- It set March 25, 1971, as the cut-off date for the deportation of illegal migrants.
- Since the cut-off date prescribed under articles 5 and 6 of the Constitution was July 19, 1949 - to give force to the new date, an amendment was made to the Citizenship Act, 1955, and a new section was introduced.
- It was made applicable only to Assam.
- There had been intermittent demands from AASU and other organisations in Assam for updating the NRC, an Assam based NGO filed a petition at the Supreme Court.
- In December 2014, a division bench of the apex court ordered that the NRC be updated in a time-bound manner.
- The NRC of 1951 and the Electoral Roll of 1971 (up to midnight of 24 March 1971) are together called Legacy Data. Persons and their descendants whose names appeared in these documents are certified as Indian citizens.

## Impact

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- An updated NRC is likely to put an end to speculations about the actual number of illegal migrants in Assam in particular and the country in general.
- It will provide a verified dataset to carry out meaningful debates and implement calibrated policy measures.
- Publication of an updated NRC is expected to deter future migrants from Bangladesh from entering Assam illegally.
- The publication of the draft NRC has already created a perception that staying in Assam without valid documentation will attract detention/jail term and deportation.
- More importantly, illegal migrants may find it even more difficult to procure Indian identity documents and avail all the rights and benefits due to all Indian citizens.
- Inclusion of their names in the NRC will provide respite to all those Bengali speaking people in Assam who have been, hitherto, suspected as being Bangladeshis.

## Challenges

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- Flawed Process - People who found themselves on the first list that was released on January 1, 2018, didn't find their names in the second. Even the family of a former President of India did not mention on the list.
- The parallel processes of NRC, the voters list of the Election Commission, and the Foreigners' Tribunals with the help of the Assam Border Police, have led to utter chaos, as none of these agencies are sharing information with each other.
- Though the draft provides a window for re-verification, due to large number of people being excluded from the list, it will be very difficult to physically verify all of them.

- Since such ‘non citizens’ can resort to judicial relief to substantiate their citizenship claim, it can lead to overburdening of judiciary which already reels under large number of pending cases.
- There is uncertainty about the future of those left out from the list.
- Expelling them to Bangladesh is not an option since Dhaka has never accepted that they are its citizens or that there is a problem of illegal immigration. In the absence of a formal agreement, India cannot forcibly push the illegal migrants back into Bangladesh.
- Moreover, raising this issue can also jeopardise relations with Dhaka. Such an attempt would not only damage bilateral relations but also sully the country’s image internationally.
- Apart from deportation, the other option is large scale detention camps - which is an unlikely option for a civilised democracy like India.
- Another option is instituting work permits, which would give them limited legal rights to work but ensure they have no political voice. However, it is not clear what will be the fate of children of such individuals.
- With no end to uncertainty, NRC seems to be a process without an end.

## **Way Forward**

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- India, as a country which follows the ideology of ‘Vasudhaiva Kutumbakam’, should not be hasty in taking decisions that can disenfranchise her citizens – contradicting its centuries-followed values.
- The need of the hour is that Union Government should clearly chart out the course of action regarding the fate of excluded people from final NRC data and political parties should refrain from coloring the entire NRC process through electoral prospects that may snowball in to communal violence.
- There is a need for a robust mechanism of legal support for the four million who have to prove their citizenship to India with their limited means.

## For Mind Map