

## **GENERAL INTRODUCTION**

This research deals with the current national issues of NRC and CAA. It unravels the basic understanding of the NRC and CAA, tracing back to its origin and development, then move onto its causes and effects. It will also help to understand how it has impacted the nation and how one could tackle these issues individually and the nation at large.

### **CHAPTER 1: PROPOSAL**

**Topic: The Rights of Others: Aliens, Residents and Citizens: An Ethical Appraisal of National Registration of Citizens 2019**

#### **1.1. Statement of the Problem**

India is a multi-cultural and multi-religious country where different kinds of people with various ethnicities, races, colors, tongues co-exist together. Therefore, the recent introduction of NRC and CAA has triggered the resentment of people causing lots of commotion in the Nation.

#### **Elaboration**

The National Register of Citizens (NRC) is a register containing names of all genuine Indian citizens. 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 that borders Bangladesh. 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 March 24, 1971. Thus, more than 19 lakh people in Assam have been excluded from the final version of the National Register of Citizens (NRC) in Assam.<sup>1</sup>

Therefore, along with NRC the central government has implemented the Citizenship Amendment Bill which is to provide citizenship to religious minorities from Pakistan, Bangladesh and Afghanistan. The Citizenship (Amendment) Act grants citizenship to the Hindus, Christians, Sikhs, Buddhist, Jains and Parsis from Afghanistan, Pakistan and Bangladesh who had arrived in India before 31 December 2014. It is anti-Muslims and therefore is unconstitutional.<sup>2</sup> Thus, this CAA is generating chaos in nationwide where

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<sup>1</sup> India Today Web Desk, Assam final NRC list released: 19,06,657 people excluded, 3.11 crore make it to citizenship list  
New Delhi August 31, 2019 UPDATED: August 31, 2019 13:16 IST

<sup>2</sup> Citizenship Amendment Act 2019: All you need to know, Updated: 15 Dec 2019, 02:57 PM IST

several people had even lost their lives, properties were damaged, hundreds injured and detented.

### **1.2. Significance of the Research**

- The implementation of National Register of Citizenship and Citizenship Amendment Act has caused the nationwide to its agitation and commotion. It has triggered the anger of the people as the Act was unconstitutional by excluding the Muslims' minority from inheriting the Indian citizenship unlike any other religions.
- Therefore, this research will unravel some of the constitutional rights such as equality, justice, freedom of speech and expression and religion. Thus, it will help the people to take a proper and wise decision ultimately.

### **1.3. Research Objectives and Outcomes**

#### **Objectives:**

- It will give information regarding the prevailing NRC and CAA
- It will educate and broaden the people's understanding and help them to prudently handle the situation
- It will enable the citizens to act wisely in the given circumstances and take a precautionary measure

#### **Outcomes:**

- It has helped people to understand the notion of NRC and CAA
- It has educated and widen their knowledge by giving them a proper guidelines from the constitution
- It has enabled the citizens to undertake accurate decision and behave judiciously

### **1.4. Research Questions**

- What are NRC and CAA?
- Why are they unconstitutional?
- What are their objectives?
- Is it applicable?

### **1.5. Hypothesis**

- NRC and CAA are anti-Muslims and unconstitutional. It is against the rights of the minorities in India.
- The prevailing situation can be resolved by imbibing onto the constitutional rights

### **1.6. Research Methodology**

This research is based on secondary sources and for which the available books in the library will be consulted. Internet will be accessed to find the relevant sources to supplement the research work. Other sources such articles and dictionary will be referred if necessary.

### **1.7. Delimitations**

This is a library based research and will be confined within the library. However, this research is open to any readers.

## CHAPTER 2: REVIEW OF LITERATURE

**Benhabib, Seyla. *The Rights of Others: Aliens, Residents, and Citizens*. Cambridge: Cambridge University Press, 2004.**

This book examines the boundaries of political community. By political membership, it means mean the principles and practices for incorporating aliens and strangers, immigrants and newcomers, refugees and asylum seekers, into existing politics. Membership, in turn, is meaningful only when accompanied by rituals of entry, access, belonging, and privilege. Thus, this book will help the researcher to understand the right of the aliens, residents and citizens.

**Pisharoty, Sangeeta Barooah. *Assam: The Accord, the Discord*. Ebury Press, 2019.**

This book diligently chronicles the Assam movement that erupted in 1979 and the events leading up to the signing of the Accord on the intervening night of 14-15 August 1985 and after. It poignantly brings out the cost of politicking, indecision and the cynical games played by parties and politicians. The book highlights the crucial difference between the NRC and the Citizenship Amendment Bill (CAB). The NRC, with all its imperfections, is the logical endpoint of the Assam Accord, which is to detect all illegal immigrants, irrespective of religion and ethnicity, and deport them.

**Gowda, Gopala and Others. *Statelessness and Marginalization in Assam: The Citizenship Amendment Bill And The National Register Of Citizens*. Guwahati: Assam, 2019. 1-226.**

It describes the tense social and political climate in which the public hearing occurred, a climate not only persisting in Assam but across the North-East. It explores domestic laws, judicial opinions and international laws related to migration, the social and legal implications of the central government's divisive policies, and the false narrative of nationalism in India that is resulting in a practice tantamount to ethnic cleansing. Hence, this book will enable the researcher to acquire more knowledge about the Assam and the neighboring states regarding NRC and CAA.

**Deka, Kaushik. CAB done, over to Clause 6 of Assam Accord now, India Today Insight. Guwahati and New Delhi, December 13, 2019 UPDATED: December 13, 2019 10:30 IST**

This article will help to understand what the CAB aims to provide Indian citizenship to Hindu, Sikh, Buddhist, Jain, Parsi and Christian refugees from Afghanistan, Bangladesh and Pakistan. A person belonging to any of these faiths, who entered India on or before December 31, 2014, and has lived in India for six years, can apply for Indian citizenship.

**Singh, Bikash. Citizenship Amendment Bill: Why Assam is protesting? ET Bureau, Dec 17, 2019, 10.25 AM IST/Original: Dec 12, 2019, 06.56AM IST**

The Citizenship Amendment Bill (CAB) was protested in Meghalaya, Mizoram and Manipur in January, but the protests shifted to Assam when Parliament took it up again. This article explains why it has rekindled the anti-foreigner sentiment of the 1980s.

**Ranjan, Prabhash. CAA Violates International Customary Law. Review it. Updated: Dec 18, 2019 12:44 IST**

The writer points that Citizenship Amendment Act (CAA), 2019, aims to give Indian nationality to non-Muslim “illegal migrants” from Afghanistan, Bangladesh and Pakistan, who came to India before December 31, 2014, due to religious persecution, and who enjoy the benefit of waiver of Foreigners Act and Passports Act. As several constitutional lawyers have argued, the CAA violates the fundamental right to equality enshrined in Article 14 of the Constitution. This article will help to understand why CAA is unconstitutional.

## CHAPTER 3: THEORETICAL FRAME WORK

### 3.1. What is NRC and CAB or CAA?

NRC is an official record of those who are legal Indian citizens. It includes demographic information about all those individuals who qualify as citizens of India as per the Citizenship Act, 1955. The register was first prepared after the 1951 Census of India. The 1951 NRC list has been updated for Assam, which has had a longstanding foreigner problem, to remove out illegal migrants and save further inflow.<sup>3</sup>

The Citizenship Amendment Act (CAA) allows Hindus, Christians and other religious minorities who are in India as undocumented migrants to become citizens if they can show they were persecuted because of their religion in Muslim-majority Bangladesh, Pakistan or Afghanistan. They are considered as refugee and treated as secondary citizens in India.<sup>4</sup>

### 3.2. Who are the Aliens?

Where have all the foreigners gone? That is the question most people and political groups in the state are asking after only 19 lakh people were excluded from the final NRC released. They are a group of people who reside in India illegally. The Assam Public Works (APW), whose petition in the Supreme Court led to the beginning of the NRC updation exercise six years ago, had said there were at least 41 lakh foreigners in Assam and their names must be deleted from poll rolls. The number of NRC rejects is far lower than earlier claims about the number of foreigners in Assam made by leaders such as Union home minister Amit Shah (40 lakh), Union minister Kiren Rijiju (2 crore, in the entire country), ex-Union minister Sriprakash Jaiswal (50 lakh in 2004), ex-Union home minister Indrajit Gupta (40 lakh in 1997) and Assam ex-CM Hiteswar Saikia (30 lakh in 1992).<sup>5</sup>

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<sup>3</sup> India Today Web Desk: New Delhi: December 18, 2019, updated: December 18, 2019 11:13 IST

<sup>4</sup> News/Asia, India's Modi contradicts key aide on NRC in bid to douse protests, 23<sup>rd</sup> December, 2019.

<sup>5</sup> Prabin Kalita, Assam NRC: 19, 30, Or 50L? Chasing aliens or ghosts? Prabin Kalita | TNN | Sep 1, 2019, 3:24 IST

### **3.3. Residents**

(1) An individual is said to be resident in India in any previous year, if

(a) He/she is in India in that year for a period or periods amounting in all to one hundred and eighty-two days or more

(b) Having within the four years preceding that year been in India for a period or periods amounting in all to three hundred and sixty-five days or more, is in India for a period or periods amounting in all to sixty days or more in that year.<sup>6</sup>

### **3.4. Citizens**

Citizenship of India can be acquired by birth, descent, registration and naturalisation.

Indian citizenship by registration can be obtained when the applicant is of Indian origin, or to be married to, or have parents who are, citizens of India.

A foreigner can acquire citizenship of India by naturalisation. Applicants must have:

- Lived in India for 11 of the last 14 years prior to application.
- Lived continuously in India for a period of 12 months immediately prior to date of application.<sup>7</sup>

### **3.5. Historical Development of NRC and CAB?**

The history of ethnic tensions in Northeast India is a long story of violence and ethnic cleansing of Bengalis, both Hindu and Muslim, after the drawing of borders in 1947 turned what had been neighbouring districts and provinces into foreign countries. The parts of India which did not experience the Partition do not understand what this means.

The Bengali-speaking district of Sylhet in Assam went to Pakistan in a controversial referendum in 1947. The Bengali Hindus from there were displaced and moved to other parts of Assam, of which province they had been a part since 1874, when the territory had been taken out of Bengal and appended to Assam by the colonial British administration. They found themselves unwelcome in Assam. A large part of the subsequent history of tensions

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<sup>6</sup> [https://tin.tin.nsdl.com/pan/Section6\\_ITD.html](https://tin.tin.nsdl.com/pan/Section6_ITD.html) (Accessed on 05th February, 2020)

<sup>7</sup> <https://www.angloinfo.com/how-to/india/moving/residency/citizenship-residence> (Accessed on 05th February, 2020)

between the Bengali and Assamese linguistic groups, and the hostility towards Bengalis in Northeast India, resulted from the maps drawn in 1874 and 1947.

To understand what is happening with the National Register of Citizens and the Citizenship (Amendment) Bill today, some knowledge of that history is essential. The events of that tumultuous past include forced migrations not only in 1947 due to Partition but also in 1971 following the Bangladesh Genocide in which an estimated two-three million Bengalis, mainly Hindus, men, women, and children, were killed by the Pakistan Army in one of the worst massacres in world history.

The region had moved on from this very painful past and was on the path to recovery when the NRC and Citizenship Bill came along. Now, tensions that had subsided between communities are again high. The Assamese and tribal groups are opposed to the Bill, despite its exemptions for Sixth Schedule tribal areas and states covered by the Inner Line Permit regime that require Indians from other parts of India to apply for a special permit from the state government to enter certain states.

Many Assamese and tribal chauvinists support the NRC, despite the fact that it is quite clearly riddled with errors – so much so that the Assam BJP has rejected it and the officer in charge of the exercise is now facing FIRs – because they see it as a means of evicting “Bangladeshis”, a term often applied to all Bengalis of East Bengal origin, and especially to the Muslims among them. They oppose the Citizenship Bill because they see it as a backdoor for giving citizenship to the Hindu Bengalis, whom they also want evicted.

There is a considerable history of attempted ethnic cleansing targeting mainly Bengalis, Nepalis and Biharis in Northeast India, though other communities such as Marwari have also faced attacks and been subjected to extortion at times. Some accounts of this history can be found in a book called *Insider Outsider* of which I was one of two editors. The region had seemingly moved on from those dark days when we began work on the book, circa 2015. There was a sense of peace and what is usually called progress, and the talk was of things like music festivals in Shillong, fancy five stars opening in Guwahati, and the Act East policy in the region.

Those who live far away from the region and have no clue about its realities will not be affected by whatever happens. They may be benefiting from the cynical politics. This is just like the years leading up to Partition in 1947, when extremists among the Hindus and



Muslims who calculated that they themselves had nothing to lose pushed the two-nation theory. They were largely right in their reckoning; the price of India's freedom was paid by the one million ordinary folks, mainly in Punjab and Bengal, who died in Partition, and the millions more who lost their roots and became unwanted refugees. VD Savarkar, who first proposed the two-nation theory, and MA Jinnah, who took it forward, did not die or become refugees.

The NRC and CAB are now reopening many old wounds. They are doing so for no reason. The NRC as a process is impossible to execute in a country such as India with any degree of accuracy, especially when the cut-off date in question is from decades in the past, and this is clear from the experience of Assam. The CAB as a Bill to give citizenship to "persecuted minorities from Pakistan, Afghanistan and Bangladesh" is completely unnecessary now.

Had it been passed in the 1960s or 1970s, it would have made sense. This is 2019, and the Hindus displaced by Partition are mostly dead. Their descendants, like the descendants of those who arrived up to 1971, are citizens. Even those who arrived up to 2008 should have got citizenship by now, because the period of residency required currently to obtain citizenship is 11 years. CAB only proposes to bring this down to six years – not to give citizenship where none was being given.

There is no information at all about how many people will be benefited by this amendment. The only information available so far, from the Joint Parliamentary Committee report on CAB, suggests that the number of such people is 31,313 individuals, mainly Hindus from Pakistan, who are living in camps in Rajasthan, Gujarat and Delhi. However, District Magistrates in those places are already empowered under existing laws to grant citizenship and there is no need to mess with the basic structure of the constitution to help those people. They can be helped without unleashing the dangerously divisive politics of religion and community we are now seeing across the country, and most of all in its sensitive Northeast.<sup>8</sup>

Union Home Minister Amit Shah made his intentions clear National Register of Citizens (NRC) saying that it will be brought in soon. "National Register of Citizens (NRC) aur isko jodne ki zarurat nahi hai. NRC karenge tab spashta ke saath issi sadan mein issi prakaar se sabko iski bhi jankaari dunga. Maan kar chaliye NRC aane wala hai (There is no need to

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<sup>8</sup> Samrat, *Citizenship (Amendment) Bill, NRC: Why History of Partition holds key to our understanding of today's political views*, Dec 12, 2019 17:05:29 IST

connect Citizenship (Amendment) Bill with National Register of Citizens (NRC). I will explain it [NRC] the same way in the Parliament as CAB. Rest assured, NRC will be brought in soon)," Shah said in the Lower House.<sup>9</sup>

### **3.6. Who are eligible to get registered in the NRC?**

- Persons whose names appear in the NRC list of 1951
- Persons whose names appear in any of the Electoral Rolls up to March 24, 1971
- Descendants of the above persons
- People who came from another region on or after January 1, 1966 but before March 25, 1971 and registered themselves with the Foreigners Registration Regional Officer (FRRO) and were declared as Indian citizens by the Foreigner Tribunal
- All Indian citizens including their relatives who moved to Assam after March 24, 1971 (They need to provide proof of residence in another part of the country as on March 24, 1971)
- D' voters can apply for inclusion of their names in the updated NRC (Their names will be included only when the appropriate Foreigner Tribunal declares them as non-foreigners)
- Persons who can provide any one of the documents issued up to midnight of March 24, 1971 as mentioned in the list of documents admissible for citizenship<sup>10</sup>

### **3.7. What are the benefits being registered in the NRC?**

The NRC will form the basis for the detection of illegal migrants, inclusion will protect against harassment and a ticket to enjoying all the constitutional rights and safeguards and the benefits of government schemes.<sup>11</sup>

### **3.8. What happens to those excluded from NRC?**

The government says those who do not find their names on the final list will be given the opportunity to prove their citizenship first in quasi-judicial courts - known as Foreign Tribunals (FT) - and subsequently in higher courts. Those excluded would not be considered foreigners until they exhaust all their legal options. In the case of Assam, the state government has clarified it will not detain any individual until he/she is declared a foreigner by the foreigners' tribunal.

### **3.9. Controversies of the NRC and CAA**

We, the people of India" mean citizens of India. This citizen of India is defined, identified, verified and distinguished from infiltrators under a set of three laws: the Citizenship Act of

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<sup>9</sup> "NRC aane wala hai": Amit Shah makes his intention clear  
ET ONLINE | 10 DEC 2019, 02:12 PM IS

<sup>10</sup> <https://www.indiatoday.in/information/story/what-is-nrc-here-is-what-you-need-to-know-1552817-2019-06-20> (Accessed on 30th January, 2020)

<sup>11</sup> Ibid

1955 (amended many times; the latest version emerged in the recent Winter Session of Parliament), the Foreigners Act of 1946 and the Passport Act of 1920. Every non-citizen living in India is an infiltrator, if she is not a tourist or diplomat, because India doesn't have a law to define a refugee. Tibetans, Sri Lankan Tamils and some other named groups of foreigners are refugees as the government of the day accorded them that status. The Foreigners Act makes it a duty of the government to expel all infiltrators or illegal immigrants out of India. Since there is no law, there is no accurate estimate of how many illegal immigrants are living in India. Estimating the number of illegal immigrants is like guessing the amount of black money in circulation in the Indian economy -- the money exists, but it is out of official calculation and hence subject to speculation.

The current story began with the **Narendra Modi** government pushing the Citizenship Amendment Bill (now an Act) in Parliament, which passed it on December 12. During the discussion on the Citizenship Amendment Act, Union Home Minister **Amit Shah** announced that the government would bring a nationwide NRC (National Register of Citizens). The Assam experience has been bad with reports about a large number of bonafide citizens having been left out of the NRC, and there is still no clarity about how many illegal immigrants were identified in the exercise, which essentially asked every resident to prove her Indian citizenship.

### **3.10. Focus Shifts: CAA to NPR**

While the row over the Citizenship Amendment Act brought thousands of people to the streets -- with protests turning violent at many places -- a fresh controversy erupted over the updating of the National Population Register (NPR). The West Bengal and Kerala governments announced suspension of NPR work. The NPR is a register of residents of India where the enumerator collects demographic and biometric data of individuals living at the place of enumeration for six months or more.

Now, this turn of events where non-BJP ruled states (which are no longer a handful) started to halt an ongoing enumeration of residents (NPR) process left many confused, with the time to begin counting for the Census approaching fast.

Is the recently passed Citizenship Amendment Act related to NPR? The answer is both yes and no. There is no direct link. It depends on how the government decides to use data collected for NPR.

### **3.11. NPR, NRC and a Law**

Now, let's see the connection that troubles those skeptical of the government's move. It takes us to 2004, when another Citizenship Amendment Act had been passed the Citizenship Amendment Bill 2003 when the Atal Bihari Vajpayee government was in power. In the amendment to the Citizenship Act of 1955, a Section 14A had been inserted. Section 14A relates to issue of national identity cards. According to Section 14A of the Citizenship Act, "the Central Government may compulsorily register every citizen of India and issue a national identity card to him." The same Section 14A of the Citizenship Act says, "The Central Government may maintain a National Register of Indian Citizens and for that purpose establish a National Registration Authority."

### **3.12. Protests over CAA**

The nationwide NRC, though announced by Union Home Minister Amit Shah in Parliament recently, is not yet notified by the government. Prime Minister Narendra Modi signaled a backward step on NRC saying there was no discussion on NRC in the cabinet. The current NPR exercise was set in motion after the Narendra Modi government decided to update the NPR originally created after the Census 2011. Seen in the context of the Citizenship Amendment Act of 2003, the NPR may lead to an NRIC.

This is where the Citizenship Amendment Act 2019 adds fuel to the fire. Critics of the Modi government allege the latest amendment will shield non-Muslim illegal immigrants while making large number of Muslims stateless people with an uncertain future.<sup>12</sup>

Huge protests in India against a citizenship law seen by many as anti-Muslim have wrong-footed Prime Minister Narendra Modi and sent the Bharatiya Janata Party (BJP) scrambling to douse the anger. In PM Modi's biggest challenge since taking office in 2014, hundreds of thousands have rallied against the law offering citizenship to immigrants from non-Muslim minorities who have fled Afghanistan, Bangladesh and Pakistan. At least 21 people have died in clashes with police.

It is perhaps a first in independent India's political history. The protest against the Citizenship (Amendment) Act (CAA), 2019 has spread to almost every corner of the country, yet the reasons for the protest vary with the geography. Some are protesting because the CAA

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<sup>12</sup> Prabhaskar K Dutta, CAA, NPR and NRC: Confusion and connection explained, New Delhi December 26, 2019  
UPDATED: December 26, 2019 12:10 IST

allegedly violates the secular identity of the country while others fear that it will endanger their linguistic and cultural identity. Yet others believe that while the CAA itself is innocuous, combined with the proposed nationwide National Register of Citizens (NRC), an exercise that has run into controversy in Assam, it will become a tool to exclude the Muslim population of the country. That the Union government has been hit hard by this allegation is evident from the fact that Prime Minister Narendra Modi has publicly contradicted home minister Amit Shah's assertion that a nationwide NRC will be prepared by 2024.

So why has the country against the NRC, which has made even the Modi government do a volte face? How is it connected to the CAA? If implemented, what will be their implications for the aam aadmi, irrespective of religion or geography?

### **3.13. PROTEST AND POLITICS**

The connection is that a number of civil rights activists, particularly in Bengal to begin with, started protesting the collection of demographic and biometric data for updating NPR. They alleged that the NPR was the first step towards the National Register of Citizens (NRC) in Bengal.

The BJP has been campaigning for NRC in Bengal with the Mamata Banerjee government opposing it vehemently. Bengal, by the way, is estimated to have over 1 crore illegal immigrants, most of them crossing over from Bangladesh over decades. Mamata Banerjee was quick to respond to the allegation, putting the NPR process to a halt.

### **3.14. Detention Camp**

Prime Minister Narendra Modi's claim in a speech on December 22 that no detention camps existed in India whipped up a bit of a political storm in New Delhi, triggering allegations and counter-allegations by the ruling dispensation and the opposition. Oblivious to the political back and forth, workers are trying to finish the construction of India's biggest detention centre in Assam. Spread over 25 bighas, the detention centre, being constructed at a cost of Rs 46 crore, is located at Matia in Goalpara, 129 km from Guwahati, and will be able to house 3,000 inmates.

“We were to finish construction this

month, but due to suspension of work during monsoon, we got delayed. My concern is to get the raw materials on time to finish construction soon,” said Mukesh Basumatary, one of the senior workers at the site. Modi’s statement at a Delhi rally came in the context of the debate currently underway over the Citizenship (Amendment) Act, which seeks to fast-track grant of Indian citizenship to Hindus, Sikhs, Christians, Parsis and Jains from the Muslim-majority countries of Afghanistan, Bangladesh and Pakistan. Modi said “the Congress, its friends, and some urban Naxals are spreading rumours that all Muslims will be sent to detention centres”.

In Matia, Basumatary, who belongs to Assam’s Karbi Anglong district, and his team are erecting housing quarters at the detention centre, which will have 15 four-storey structures, each able to house 200 inmates. Work on the detention centre started in December. Besides the housing quarters, the facility, which is surrounded by 20-22 feet high boundary walls, will contain a staff quarters, hospital, school, an office complex, kitchen and dining and community space.

In another part of the compound, Mohammed Rafiq and his team are busy giving finishing touches to a toilet complex. There are six toilet blocks; each has 15 toilets and an equal number of bathrooms. To cater to the construction workers and the steady stream of visitors to the facility, a couple of makeshift tea shops have sprung up nearby. Local residents are hopeful that the facility will generate employment for them.

“Since the centre has been constructed close to our village, we expect that the fourth-grade jobs would go to our youth,” said Bipul Kalita, a local resident. According to state government officials who didn’t want to be quoted, construction of most of the housing quarters would be over by March; inmates of other detention centres in the state would be shifted here initially. Plans are underway to construct 10 such detention centres in Assam, where an exercise to update the National Register of Citizens this year excluded over 1.9 million people — 6% of the state’s population.

### **3.15. The Other Centres**

Besides the one under construction, Assam has six other detention centres (at Goalpara, Kokrajhar, Jorhat, Dibrugarh, Tezpur and Silchar), set up inside district jails between 2009 and 2015 on the direction of the Gauhati high court to house those declared foreigners by the 100 foreigners tribunals (FTs) in the state—till they are deported or released.

“Detention centres were set up under order of the Gauhati HC. The Prime Minister is correct when he says that the central government hasn’t constructed any detention centre,” said senior Bharatiya Janata Party leader and Assam minister Himanta Biswa Sarma earlier this week.

Congress leader and former Assam CM Tarun Gogoi agrees that the detention centres inside jails were set up under HC orders during his tenure, but says Modi lied about construction of new detention centres. “In 2018, Narendra Modi government at Centre sanctioned ~46 crore for constructing the largest detention centre at Matia in Goalpara district. Suddenly he says there is no detention centre,” said Gogoi on Friday.

As per government records, from 1985 (when the Assam Accord was signed) till October 2019, nearly 129,000 people have been declared foreigners by FTs. Around 73,000 of them have gone missing and have not been deported or kept in detention. According to Assam government records, until November 2019, a total of 988 people were lodged in the six detention centres. While 957 of them were declared foreigners, 31 were children lodged along with their mothers. Since 2016 until October 2019, 28 detainees have died.

Inmates of these centres are those who were marked D-voters (doubtful voters without proof of citizenship) in electoral rolls and those suspected to be foreigners by the state police. These people have to approach FTs to prove citizenship, failing which they are sent to detention centres. Though 1.9 million people didn’t find their names in the final NRC, they are not being kept in detention centres. They would have to approach FTs to prove citizenship, and might be kept in detention centres if they fail. Assam is setting up 200 more FTs, in addition to the existing 100.

“At present there are 366 inmates in Goalpara district jail. Of them 184 are those who have been declared foreigners by FTs and are lodged in a different section. Since a Supreme Court order allowed conditional bail to ‘declared foreigners’ who have been lodged for over three years, we released 56 detainees,” said AR Phukan, jail superintendent.

### **3.16. Life inside a Detention Centre**

Life in a detention camp isn’t easy. Mohammad Sanaullah, a retired Army veteran who spent 11 days inside one earlier this year before getting bail, agrees.

Sanaullah, who had served the Indian Army for 30 years before retiring in 2017, was declared a non-citizen by FT on May 23 and sent to the detention camp five days later. The 52-year-old was released after he was granted interim bail by the Gauhati HC.

“Nearly 40-45 people are crammed inside one room. We had to sleep on the floor, the food was inedible and the toilets were dirty. Mornings started with one roti and stale tea without milk or sugar, for lunch there used to be stale rice, watery dal and one subzi and a similar routine was followed for dinner,” he said.

“When family members come to visit, we had to talk to them from inside an iron grill while they stayed 5-6 feet away behind a fence. It was my fate that I had to spend time in detention despite being an Indian,” he said.

In January, the Union home ministry issued a manual for detention centres stating that living standards inside should be in consonance with “human dignity”. It stipulated that rooms should be airy, well-lit and hygienic and equipped with water, electricity and communication facilities.

It called for open spaces for detainees to move around, detention of family members in one facility, and special attention to the needs of women, nursing mothers and transgenders.

“We have tried to improve facilities in our detention centre. Two months ago all inmates were moved to a newly constructed building. The quality of food has improved and we haven’t witnessed hunger strikes in recent months. The SC order to give conditional bail to those who have spent three years has also given hope to those lodged,” said Goalpara district jail superintendent Phukan.

While life is tough for those lodged inside detention centres, their family members also have to go through difficult times. Kabita Kalita Mondal who travelled all the way from Guwahati to Goalpara on Friday along with her 10-year-old daughter to meet her husband Mrinal, who was lodged inside, says “We have no idea how my husband ended up here. My life has been shattered.”



Hailing from West Bengal, Mondal, was running a grocery shop in Guwahati when his name figured as a D-voter. Following a trial, he was declared a foreigner and sent to Goalpara detention centre in August this year.<sup>13</sup>

### **3.17. So what would a pan-India NRC mean?**

The Citizenship Act, 1955 clearly states that anyone born in India on or after January 26, 1950 up till July 1, 1987 is an Indian citizen by birth. Anyone born on or after July 1, 1987 but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is an Indian citizen at the time of his birth is an Indian citizen. And anyone born after the commencement of the Citizenship (Amendment) Act, 2003 and both of whose parents are Indian citizens at the time of his birth is an Indian citizen. The only exception to this was Assam where as per the 1985 Assam Accord foreigners who came to the state up to March 24, 1971 were to be regularised as Indian citizens. Seen in this context, only Assam was allowed to take in foreigners up to March 24, 1971. For the rest of the country, those born outside the country after January 26, 1950 and residing in India without proper documents is a foreign, illegal immigrant. Such persons are subject to laws like the Foreigners Act, 1946 and Passport (Entry into India) Act, 1920 and tribunals are already empowered to detect, detain and deport them. Taking the Assam model to the entire nation will be taken to asking 125 crore Indians to reapply for citizenship.<sup>14</sup>

### **3.18. What will be the basis of the proposed nationwide NRC?**

The Union home ministry had framed the rules for a nationwide NRC in 2003, following an amendment to the Citizenship Act, 1955. These rules categorically state that the central government shall, for the purpose of the NRC, carry out a house-to-house enumeration for collection of specified particulars relating to each family and individual residing in a local area, including the citizenship status. So, unlike what many are claiming, people will not be asked to submit documents related to their grandparents. Just like people present their identity cards or any other document for registering their names in the voter list or getting an Aadhaar

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<sup>13</sup> Utpal Parashar, India's biggest detention camp nears completion, Matia, Assam: Hindustan Times, Updated: Dec 30, 2019 12:01 IST

<sup>14</sup> "Understanding NRC: What it is and if it can be implemented across the country"  
<https://economictimes.indiatimes.com/news/et-explains/is-a-pan-india-nrc-possible-the-lesson-from-assam/articleshow/72454225.cms?from=mdr> (Accessed on 31<sup>st</sup> January, 2020)

card, similar documents will need to be provided for the NRC. Any document related to date and place of birth will suffice as proof of citizenship. However, the decision on what documents will be acceptable is still pending. They are likely to include voter ID cards, passports, the Aadhaar card, driving licences, insurance papers, birth certificates, school-leaving certificates, documents relating to land or home or other government-issued documents. If a person is illiterate and does not have the relevant documents, the authorities will allow them to bring a witness. Other evidence and community verification will also be allowed.<sup>15</sup>

### **3.19. Will the proposed NRC be like the one prepared in Assam?**

No. The Assam NRC has a different historical context. The first NRC in Assam was prepared in 1951, owing to widespread allegations of massive, unabated illegal immigration from Bangladesh. The first NRC was published by recording the particulars of all the persons enumerated in that year's census. The 1951 NRC found that nearly 1.5 million illegal immigrants—one-sixth of Assam's population—lived in the state. However, there is no account of what happened to those illegal immigrants. Three decades later, at the end of a six-year-long agitation in Assam against illegal immigrants from Bangladesh, the Union government and student leaders signed the Assam Accord in 1985. As part of the accord, the 1951 NRC would be updated. That's why people residing in Assam were asked to provide documents showing their connection to those whose names appeared in the 1951 NRC. Because the Assam Accord accepted any illegal migrant entering the state before March 25, 1971, as a legal Indian, documents showing connection to anyone whose name featured in the voter lists between 1951 and 1971 were also accepted as proof of citizenship.<sup>16</sup>

### **3.20. How is the CAA connected to the NRC?**

The two have no connection. The NRC is a count of legitimate Indian citizens. Barring the state of Assam, this exercise has never been done anywhere in the country. Union home minister Amit Shah has said he will frame a nationwide NRC by 2024 to detect illegal migrants. On December 22, Prime Minister Narendra Modi said his government had never said anything about NRC except in Assam.<sup>17</sup>

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<sup>15</sup> Kaushik Deka, Everything you wanted to know about the CAA and NRC | India Today Insight, December 23, 2019 UPDATED: December 23, 2019 15:04 IST

<sup>16</sup> Ibid

<sup>17</sup> Ibid

### **3.21. Is the NRC an exercise to exclude Muslims?**

No. Even in Assam, of the 1.9 million people excluded from the NRC, 1.3 million are Hindu and from indigenous tribes, as unofficial sources confirm. That also explains why the BJP has rejected the NRC in Assam. A scrutiny of the 2003 guidelines for a nationwide NRC reveals that there is no provision that can exclude a legal Muslim citizen from the NRC.<sup>18</sup>

### **3.22. But the CAA does exclude Muslims.**

The CAA excludes Muslim immigrants who have entered India illegally, not legal Indian Muslims citizens citizens. However, since the CAA will provide citizenship to non-Muslim illegal immigrants from three countries, only Muslims immigrants will be left out when the NRC is rolled out.<sup>19</sup>

### **3.23. Is it not a clever way for the RSS-BJP to realize their dream of a Hindu Rashtra?**

Partly true. The CAA will provide citizenship to illegal non-Muslim migrants from three countries and who have entered India before December 31, 2014. An honest NRC should exclude illegal migrants of all religions. That, however, will depend on the intent of the government and a framework that is flawless, a huge challenge for Amit Shah. There is nothing wrong per se with the exercise of detecting illegal migrants-irrespective of their religion-but to discriminate on the basis of religion is against India's secular ethos, especially when the CAA does not specify that it will cover people who have faced religious persecution.<sup>20</sup>

### **3.24. If the act is not only about people facing persecution, why are migrants from other countries -- such as Hindus from Sri Lanka -- not eligible to apply for citizenship under this act? Or Muslim (Rohingya) migrants from Myanmar?**

The government says this is a time-bound provision to provide relief to immigrants who have suffered in Islamic countries because India got divided on religious lines. India has, from time to time, provided citizenship to immigrants of all religions from different countries. Sri Lankan Tamil Hindus, too, were given citizenship in the 1970s and 1980s. The Union government has openly said that the Rohingyas are a threat to national security. Even an

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<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Ibid

Islamic country like Saudi Arabia has deported Rohingya migrants. The BJP's logic is that Hindu migrants have only India to fall back on while Muslim migrants have several Islamic countries to seek shelter in.<sup>21</sup>

### **3.25. Is it not unconstitutional and against India's secular ethos to discriminate on religious lines?**

Sixty-five writ petitions have been filed in the Supreme Court challenging the legal validity of the CAA. The apex court has asked the Union government to respond by the second week of January. Constitutional expert Subhash Kashyap says there are arguments both in favour of and against the act. "Article 14 says that all persons are entitled to equality, but there have been several Supreme Court judgments which say that reasonable classification can be applied to this principle of equality. Even all fundamental rights are subject to reasonable classification. Anyone can challenge the act in the apex court and the future of the act will depend on whether the Supreme Court accepts the classification made within this act as reasonable enough," he says.<sup>22</sup>

### **3.26. So, is the provision open only to those who have been persecuted in the three countries?**

No, the CAA itself does not mention the word 'persecution' anywhere, contrary to the BJP's assertion that the act covers only persecuted people. And since persecution is not the criterion, it does discriminate against illegal Muslim immigrants from these three countries.<sup>23</sup>

### **3.27. Why is Assam protesting against the CAA?**

Though this legislation covers refugees from three countries, the indigenous people of Assam fear it will primarily benefit illegal Bengali Hindu migrants from Bangladesh who have settled in large numbers across the state. The Assamese fear that if citizenship is granted to Bangla-speaking Hindu immigrants from Bangladesh, they will outnumber Assamese-speaking people in the state. They cite the example of Tripura, where Bengali-speaking Hindu migrants from Bangladesh now dominate political power, pushing the original tribal population to the margins. Unlike in the rest of India, where people are questioning the

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<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> Ibid

exclusion of Muslims, the Assamese don't want immigrants of any religion, whether Hindu or Muslim.<sup>24</sup>

### **3.28. Do we really need an NRC?**

On paper, there is nothing wrong with counting the legal citizenry of the country. But if it becomes a basis for discrimination or put to other uses, then it is certainly problematic. Besides, it will be an enormous exercise given the size of our population and other complexities. This was evident in Assam, where even genuine Indian citizens got excluded and many illegal migrants allegedly, got included. Before the government embarks on this exercise, it also needs to put in place a policy on stateless people. India does not have one yet, and keeping illegal migrants in detention centres is something the country can ill afford.<sup>25</sup>

### **3.29. Why do we need this new provision? Don't we have enough provisions to offer citizenship to outsiders -- Adnan Sami, for example?**

Yes, we do have, but they are applicable only to those who have entered India legally, that is, with a valid visa. Sami was in India legally. Illegal immigrants-who cross the border without any paperwork-can't apply for citizenship and, when caught, face prosecution. India is among the few countries in the world that has neither a national refugee protection framework nor an immigration policy. It is also not a signatory to the 1951 UN Refugee Convention, or its 1967 Protocol. India has also not ratified the 1954 UN Convention on Statelessness or the 1961 UN Convention on Reduction of Statelessness. It is under no obligation, therefore, to provide rights set out in the conventions to refugees. It takes decisions on granting long-term visas to refugees essentially on an ad hoc basis. It does have some laws that govern refugees, including the Registration of Foreigners Act, 1939; Foreigners Act, 1946; and the Passport Act, 1967.<sup>26</sup>

In India, while refugees from neighbouring countries (barring Myanmar) can seek protection directly from the government and are issued documentation by the Foreigner Regional Registration Officers (FRROs), non-neighbouring countries and Myanmar come under the UNHCR mandate that assesses each individual asylum claim and issues an ID card to those recognised as refugees after seeking biometric data for registration, followed by a

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<sup>24</sup> Ibid

<sup>25</sup> Ibid

<sup>26</sup> Ibid

comprehensive interview by a UNHCR officer. The whole process takes anywhere between six months and a year. The government currently allows refugees, including Rohingya, with UNHCR IDs to apply for a "long-term visa", which the government issues on a case by case basis. However, this doesn't make them Indian citizens.<sup>27</sup>

### **3.30. NRC timeline through the years**

The National Register of Citizens (NRC) was first prepared in Assam in 1951 after the Census 1951 was conducted. The main objective behind this endeavour was to check the illegal inflow of people. But, over the years, this exercise has emerged as a main reason behind innumerable incidents of violence and deaths in Assam. Here's the journey of NRC, down the years.

**1951:** First-ever National Register of Citizens (NRC) of India published

**1979:** Anti-foreigners' movement started in Assam

**January 1980:** All Assam Students Union (AASU) submitted the first memorandum demanding updating of NRC

**August 14, 1985:** Historic Assam Accord was signed

**1990:** AASU submitted modalities to update NRC to Centre as well state government

**1999 :** Centre took the first formal decision to update the NRC as per the Assam Accord

**May 2005:** The then Prime Minister Manmohan Singh chaired a tripartite meeting between the Centre, Assam government and the AASU where an understanding was reached that steps must be taken towards updating the NRC to fulfil the promises made in the Assam Accord. The modalities for this were approved by the Centre in consultation with the Assam government.

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<sup>27</sup> Ibid

**July 2009:** An NGO called Assam Public Works moved the Supreme Court pleading that the names of those migrants who have not been documented should be removed from the voters' list. The NGO requested the court that the process to update the NRC should be started. This is the first instance how the NRC matter reached the Supreme Court.

**August 2013:** The petition filed by Assam Public Works came up for hearing.

**December 2013:** The Supreme Court directed that the exercise to update NRC should start.

**February 2015:** Though the Supreme Court had ordered updating the NRC in 2013 to identify bonafide citizens and weed out illegal immigrants, the actual exercise began in February 2015.

**December 31, 2015:** Deadline set by the Supreme Court to publish the NRC was missed and since then the apex court has been constantly monitoring the update

**December 31, 2017:** The government published the first draft of the NRC.

**July 30, 2018:** Assam government releases second NRC draft. Of the 3.29 crore who applied, 2.89 crore were declared genuine citizens. The draft NRC excluded over 40 lakh people.

**August 1, 2018 :** The Supreme Court ruled that the Assam NRC was only a draft, and hence it cannot be the basis of any action by any authority against anyone. The Chief Election Commissioner O.P. Rawat clarified that the electoral roll is governed by a separate law and exclusion from the final NRC would not mean "automatic removal" from Assam's voters' list.

**August 17, 2018:** The Supreme Court asked the Assam NRC coordinator to submit the data of district-wise percentage of the population excluded from the NRC draft in the state.

**September 5, 2018 :** The Supreme court had ordered that any one of the 10 of a total 15 documents provided in List-A of the NRC claim form can be used by the claimants to prove legacy.

**December 31, 2018:** This was the deadline for the government to release the final version of

NRC. However, the deadline could not be met.

**June 26, 2019:** An additional draft on exclusion list was published. This list had 1,02,462 names, taking the total number of those left out to 41,10,169.

**July 31, 2019:** The government was supposed to release the final version of the NRC. It could not and the deadline was extended by a month.

**August 31, 2019:** The government released the final version of the NRC, with over 19 lakh people in Assam left out from the list.<sup>28</sup>

### **3.31. The Hindutva Nationalism (Ideology)**

- Hindutva brigade seeks to undermine the linguistic diversity that characterized the Indian culture. To make everyone to subscribe to Hindutva ideology, thus, they impose Sanskrit.
- To continue to keep the Hindu populace in religious fantasy, the Hindutva brigade arouse Hindu sentiments. For instance, to build a Ram Temple on the site of the Babri Masjid in Ayodhya led to the Ram Rath Yatra which succeeded in demolishing the structure on December 6, 1992.
- The Hindutva movement as fascist which is adhering to the concept of homogenized majority and cultural hegemony.
- They coerce the media and force them to report in favor of the RSS-BJP viewpoint.<sup>29</sup>

### **3.32. The Constitutional Rights**

The Rights and Fundamental Rights are sections of the Constitution of India that provides people with their rights. These Fundamental Rights are considered as basic human rights of all citizens, irrespective of their gender, caste, religion or creed, etc. These sections are the vital elements of the constitution, which was developed between 1947 and 1949 by the Constitution of India.

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<sup>28</sup> NRC timeline through the years

[https://economictimes.indiatimes.com/news/politics-and-nation/nrc-timeline-through-the-years/articleshow/70921378.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/news/politics-and-nation/nrc-timeline-through-the-years/articleshow/70921378.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>29</sup> S. Sobanaraj, "Understanding Paul's Concept of Nationalism in the RSS-BJP Era in India Today" K. Jesurathnam, Bangalore Theological Forum (Bangalore: United Theological College, 2019), 72.



There are six fundamental rights in India. They are Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies.

### **3.32.1. Right to Equality** (Article 14, 15, 16 and 18)

Right to Equality ensures equal rights for all the citizens. The Right to Equality prohibits inequality on the basis of caste, religion, place of birth, race, or gender. It also ensures equality of opportunity in matters of public employment and prevents the State from discriminating against anyone in matters of employment on the grounds only of religion, race, caste, sex, and descent, place of birth, place of residence or any of them.<sup>30</sup>

### **3.32.2. Right to Freedom** (Article 19, 20, 21, 21A and 22)

Right to freedom provides us with various rights. These rights are freedom of speech, freedom of expression, freedom of assembly without arms, freedom of movement throughout the territory of our country, freedom of association, freedom to practice any profession, freedom to reside in any part of the country. However, these rights have their own restrictions.<sup>31</sup>

### **3.32.3. Right to Freedom of Religion** (Article 25, 26, 27 and 28)

Right to Freedom of Religion guarantees religious freedom and ensures secular states in India. The Constitution says that the States should treat all religions equally and impartially and that no state has an official religion. It also guarantees all people the freedom of conscience and the right to preach practice and propagate any religion of their choice.<sup>32</sup>

### **3.32.4. Cultural and Educational Rights** (Article 29 and 30)

Cultural and Educational Rights protects the rights of cultural, religious and linguistic minorities by enabling them to conserve their heritage and protecting them against discrimination. Educational rights ensure education for everyone irrespective of their caste, gender, religion, etc.<sup>33</sup>

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<sup>30</sup> M.P. Mehani, *Human Rights and the Constitution of India* (New Delhi: International Law Firm), 8-9.

<sup>31</sup> *Ibid*, 10-11.

<sup>32</sup> *Ibid*, 12-13.

<sup>33</sup> *Ibid*, 14-15.

### **3.32.5. Right to Constitutional Remedies (Article 32)**

Right to Constitutional Remedies ensures citizens to go to the supreme court of India to ask for enforcement or protection against violation of their fundamental rights. The Supreme Court has the jurisdiction to enforce the Fundamental Rights even against private bodies, and in case of any violation, award compensation as well to the affected individual.<sup>34</sup>

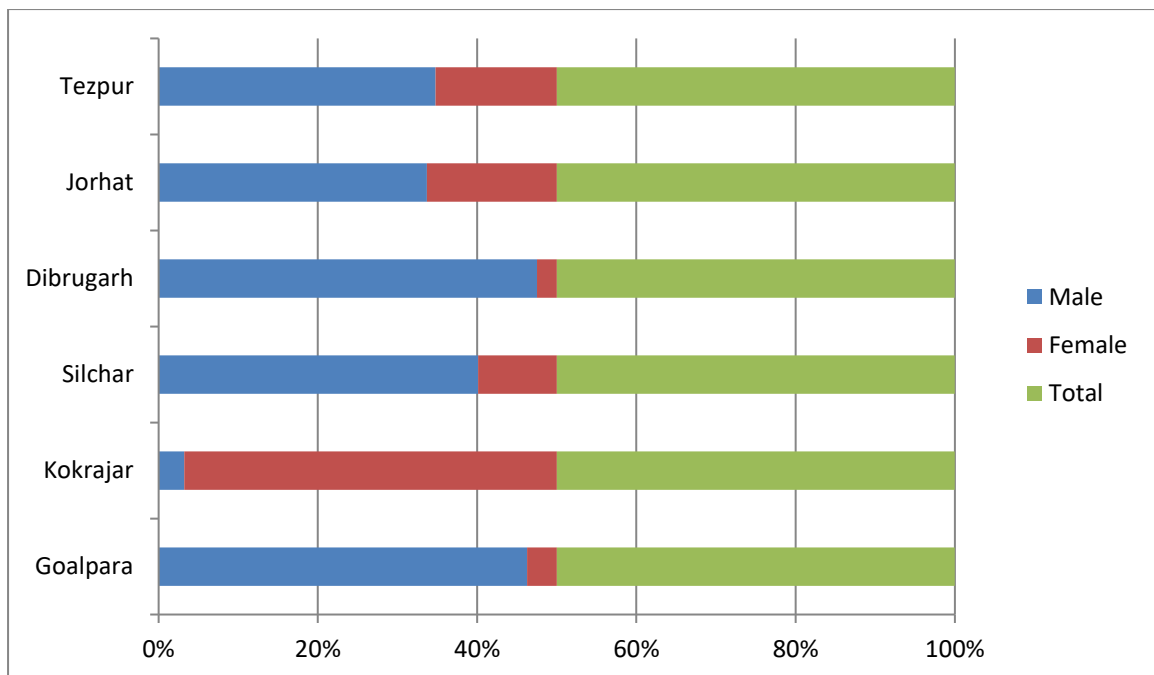
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<sup>34</sup> Ibid, 16-18.

## CHAPTER 4: DATA PRESENTATION

### 4.1. Detention Centers and numbers of detainees in Sex Wise

The six detention centres in the State house 970 detainees. In addition to the existing facilities in the State, the government has approved the construction of another detention centre in Matia in Goalpara at a cost of Rs 46.5 crore.<sup>35</sup>

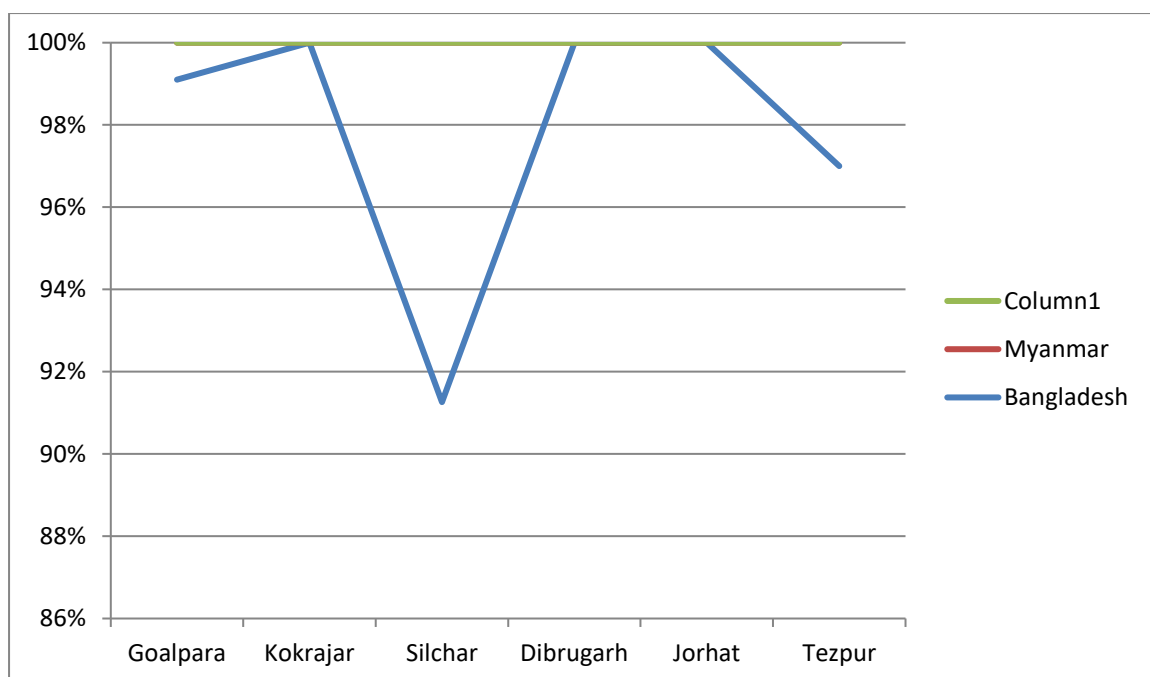


### 4.2. Nationalities in Detention Center, Assam

The construction of another facility in Assam which can hold 3,000 inmates is nearing completion. Over 98% of the detainees in Assam are from Bangladesh, while the rest are from Myanmar.<sup>36</sup>

<sup>35</sup> Sunmant sen and Naresh Singaravelu, The Hindu, Data: Where are Detention Centers in India? **JANUARY 01, 2020 16:30 IST PDATED: JANUARY 01, 2020 16:30 IST**

<sup>36</sup> Ibid



### 4.3. Total Operational Centers in India

A total of 10 detention centers are operational in the country out of which four are outside Assam. The government has approved construction of three others in Assam, Punjab and Karnataka.<sup>37</sup>

Center	State	Status
Goalpara District Jail	Assam	Operational
Kokrajar	Assam	Operational
Silchar	Assam	Operational
Dibrugarh	Assam	Operational
Jorhat	Assam	Operational
Tezpur	Assam	Operational
Lampur	Delhi	Operational
Mapusa	Goa	Operational
Alwar Central Jail	Rajasthan	Operational
Amritsar Central Jail	Punjab	Operational
Goalpara	Assam	Under Construction

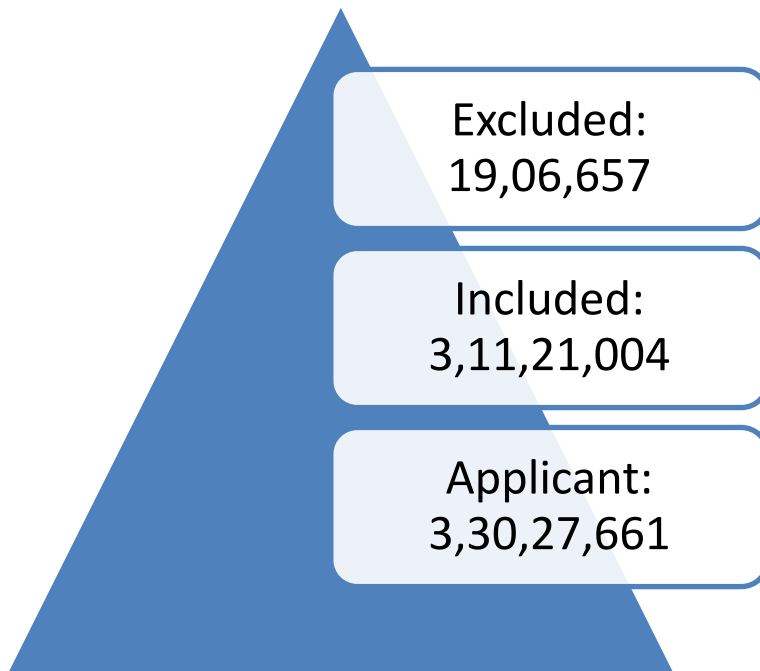
<sup>37</sup> Ibid, Sen and Sengaravelu

Tarn Taran	Punjab	Under Construction
Bengaluru	Karnataka	Under Construction
Nerul	Maharashtra	Location Identified
New Town	West Bengal	Location Identified
Bongaon	West Bengal	Location Identified

#### 4.4. NRC Final List

The final National Register of Citizens excluded 19, 06,657 persons. Assam is the only state to have the NRC which was first prepared in 1951.

A total of 3, 11, 21,004 names were included in the NRC out of 3, 30, 27,661 applicants.<sup>38</sup>



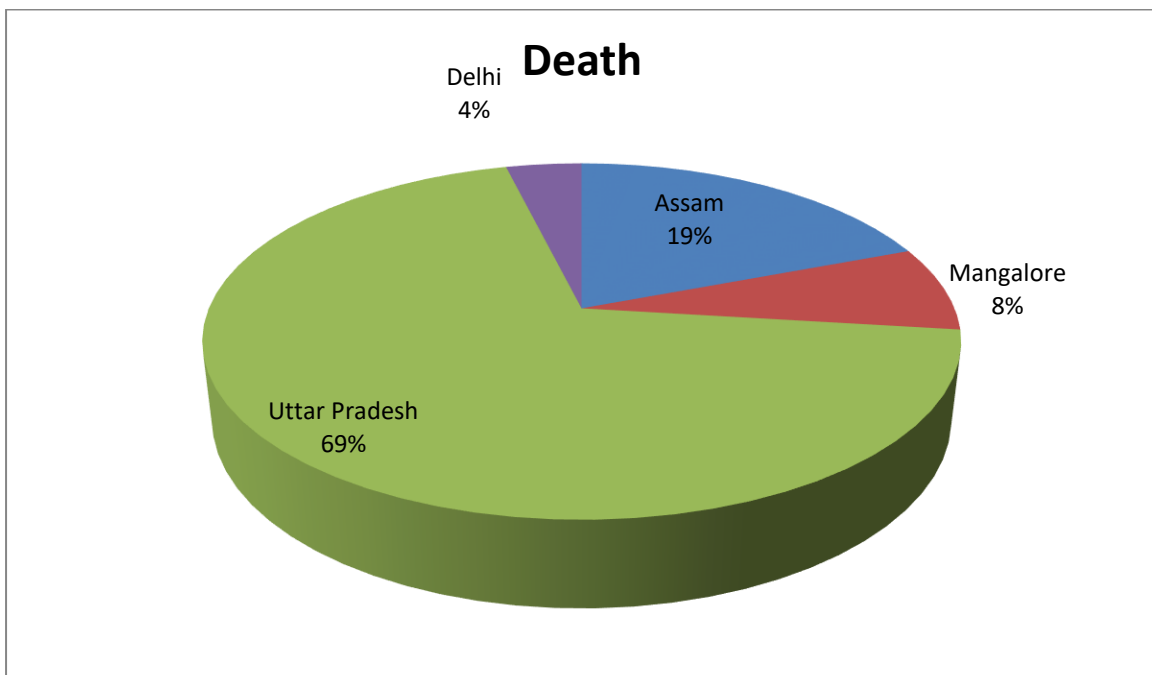
#### 4.5. People Killed during the Anti-Citizenship Amendment Act Protests

Twenty-five people have reportedly lost their lives in the ongoing protests against the recently passed Citizenship (Amendment) Act, 2019 (CAA) and the proposed nationwide National Register of Citizens. Most of the deaths have been reported in Uttar Pradesh (UP)

<sup>38</sup> NRC Final List: Many Genuine Indian Citizens Left Out, The Economic Times, PTI| Last Updated: Aug 31, 2019, 05.47 PM IST

after police allegedly fired on protestors. Though protests have been organised in almost all states across the country, deaths have been reported in only Bharatiya Janata Party-ruled states. Activists allege that huge gatherings in other states have been peaceful and without any incidents of violence, accusing the BJP of disproportionate police action on protestors.<sup>39</sup>

- 5 in Assam
- 2 in Mangalore
- 18 in Uttar Pradesh
- 1 in Delhi



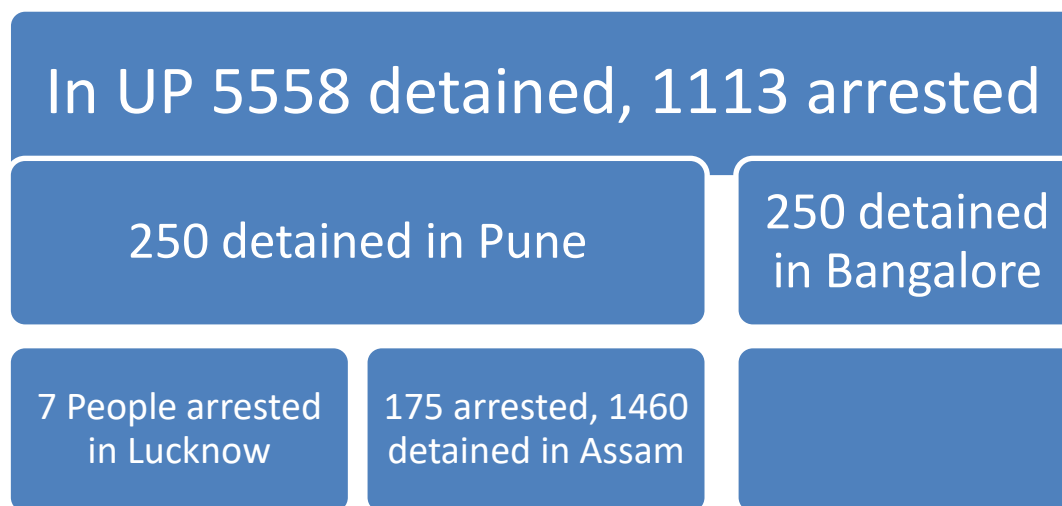
#### 4.6. People Detained and Arrested during the Protest

More than 5,558 people detained and 1113 arrested in UP, 250 detained in Pune, and 250 in Bangalore.<sup>40</sup> Seven people protesting against the CAA and the NRC at the Ghantaghar (clock tower) in Lucknow were arrested for taking out a candle march in violation of

<sup>39</sup> <https://www.thenewsminute.com/article/25-people-were-killed-during-anti-caa-protests-here-are-their-names-114764> (Accessed on 10th February, 2020)

<sup>40</sup> India Today, CAA Row: More than 5,500 people detained, 925 Arrested says UP Police, New Delhi | December 26, 2019 18:18 IST

restrictions imposed under section 144.<sup>41</sup> The Assam Police has so far arrested 175 people and detained 1,460 protesters for indulging in violent agitations across the Northeastern state.<sup>42</sup> 140 detained in Delhi after students, activists hold demonstrations in several parts of National Capital.<sup>43</sup>



#### 4.7. Numbers of People Died in Detention Camp

Government records show 1,145 “foreigners” were lodged in detention centres. Of them, 335 are eligible for release in accordance with a Supreme Court order that directs the Assam government to set free “declared foreigners” detained for more than three years. But there’s a catch. The detainees would have to submit two sureties of Rs 1 lakh each, besides a verifiable address, in return for their freedom. That’s quite steep for most detainees—mostly from lower middle class families.<sup>44</sup> Only three of the 28 people who died of various illnesses so far at detention camps in Assam had their addresses in Bangladesh.<sup>45</sup>

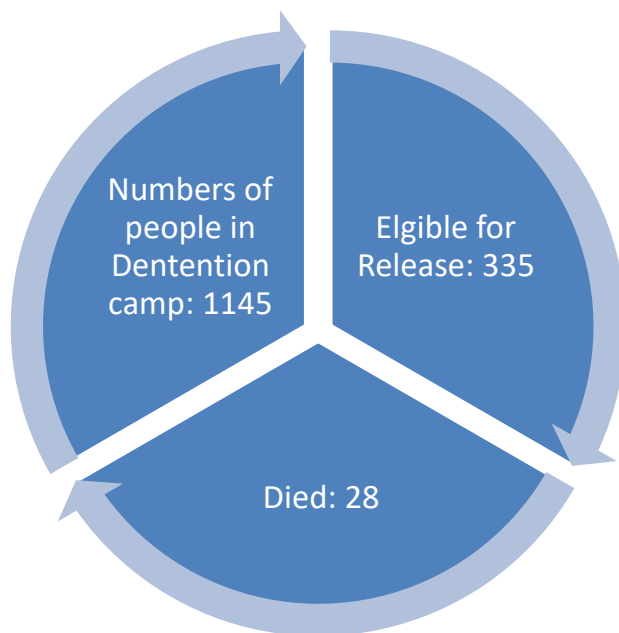
<sup>41</sup> Ahmedabad Mirror, 19 Dead, 1,113 Arrested, 5,558 Detained, Updated: Dec 27, 2019, 06:00 IST

<sup>42</sup> Munish Chandra Pandey Guwahati December 16, 2019 UPDATED: December 16, 2019 10:05 IST

<sup>43</sup> Dec 23, 2019 23:35:19 IST <https://www.firstpost.com/india/citizenship-amendment-act-protests-highlights-updates-cao-nrc-latest-news-today-violence-in-delhi-uttar-pradesh-assam-pan-india-police-people-dead-injured-narendra-modi-7815481.html>

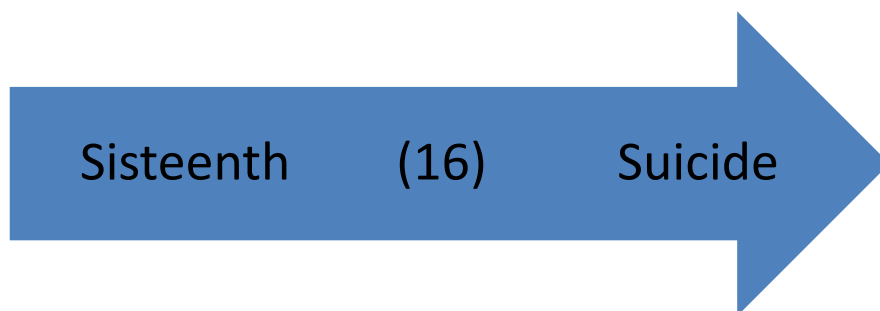
<sup>44</sup> Abdul Gani, Twenty-six Deaths In Assam's Detention Centres Magnify Fallacy Of NRC Exercise, But Who Cares, 04 November 2019 <https://www.outlookindia.com/magazine/story/india-news-twenty-six-deaths-in-assams-detention-centres-magnify-fallacy-of-nrc-exercise-but-who-cares/302284>

<sup>45</sup> Only three Bangladeshis among 28 who perished in Assam detention camps  
Press Trust of India | Guwahati Last Updated at November 30, 2019 21:49 IST



#### **4.8. Numbers of People Committed Suicide**

16 suicides linked to the citizenship verification process took place in 2018. Of these, four victims were Muslims, and 12 were Hindus, of whom only three were non-Bengalis. Most of the suicide victims were economically underprivileged.





## CHAPTER 5: FINDINGS AND RECOMMENDATION

### Findings

- It has come to an understanding that NRC is an official record of those who are legal Indian citizens.
- CAA is to grant citizenship to those religious persecuted minorities and undocumented migrants from Bangladesh, Pakistan and Afghanistan.
- Those refugees who got registered under the Indian citizens will be protected against harassment and a ticket to enjoying all the constitutional rights and safeguards and the benefits of government schemes.
- Those who failed to get registered under the India citizenship will be declared as foreigners by the Foreign Tribunals and will be put in the detention camp for further action.
- The Foreigners Act of 1946 and the Passport Act of 1920. Every non-citizen living in India is an infiltrator, if she is not a tourist or diplomat, because India doesn't have a law to define a refugee. Foreigners Act makes it a duty of the government to expel all infiltrators or illegal immigrants out of India.
- The NPR is a register of residents of India where the enumerator collects demographic and biometric data of individuals living at the place of enumeration for six months or more.
- Huge protests in India against a citizenship law seen by many as anti-Muslim have wrong-footed Prime Minister Narendra Modi and hundreds of thousands have rallied against the law offering citizenship to immigrants from non-Muslim minorities who have fled Afghanistan, Bangladesh and Pakistan. At least 21 people have died in clashes with police.
- India's biggest detention centre in Assam spread over 25 bighas, the detention centre, being constructed at a cost of Rs 46 crore, is located at Matia in Goalpara, 129 km from Guwahati, and will be able to house 3,000 inmates.
- In Assam as per the 1985 Assam Accord foreigners who came to the state up to March 24, 1971 were to be regularised as Indian citizens. Only Assam was allowed to take in foreigners up to March 24, 1971.

- For the rest of the country, those born outside the country after January 26, 1950 and residing in India without proper documents is a foreign, illegal immigrant.

### **Recommendation**

- Keep protesting peacefully by raising your voice on all platforms
- CAA being unconstitutional, people from different walks of life such as judges, scholars, intellectual and activists must raise their voice and fight against it.
- A committee must set up where the public voice can be heard, examples, Anti-CAA Committee (ACAAC), Preservation and Constitutional Safeguard Committee (PCSC), Against Unlawful Acts Committee (AUAC), Public Interest Group (PIG), Common People Group/Association (CPG), Protection of the Minor Communities (PMC), Oppressed People Committee (OPC), etc.
- Seminars and Awareness campaigns must be initiated
- Irrespective of any religious and economic background, all should come together in unity and oneness
- A debate should be organized between the opposition and the ruling party
- The right wing party should realize and work for the welfare of the entire nation without despotism and discrimination
- The Constitution must be respected without any loopholes
- Violation against the Constitution of India must be offensive and punishable
- Constitutional rights such as equality, freedom of speech and religion, etc must be respected

### **Ethical Response**

By going through this research, it has come to a picture that the situation in India is at tense. Protest is taking place in every nooks and corners of the country. Clashes between the Indian security and public are taking places. Some were killed, hundreds arrested and detented. People are in chaos and dilemma. Therefore, NRC and CAA have triggered the anger of the people where mostly the illiterate and the economically poorer people are affected. Since the poor and the illiterate do not possess legitimate documents, they will be the one getting eliminated from the society and the nation. They might have been living in India for many

generations but as per the requirements of the Government if they fail to produce their documents, will be declared as foreigners.

Therefore, the intention of the NRC is to find out the illegal migrants and to carry out this successfully the researcher believed that the BJP Government has introduced CAB where they really wish to assimilate some sections of people based on their religions. But, sadly, it has left out the Muslims community who migrated to India like any other people. This is unlawful and unconstitutional. Hence, the researcher believed that this has triggered the anger of the minorities which set the whole nation to agitation.

The nation will not come to rest until and unless justice is provided to all the people irrespective of any background. The Constitution of India cannot be overlooked and undermine as it is the pillar and backbone of the Indian Administration. India cannot administer as one wish because India is a diverse nation where different groups of people co-exist together. Respect and tolerance towards any other community is a must as it is the only means to remain in peace and tranquility.

The BJP Government led by the Prime Minister Narendra Modi and Amit Shah must realize the diversity and the uniqueness of India and grant peace and order in the nation. They are responsible for all the occurrences that are happening in India and must not be leveled at any cost, till the nation is restored. They are responsible for steering the nation to its restlessness and are accountable for the loss of property and the precious lives of the people. The BJP Government must either declare the CAA as null and void or grant citizenship to all the people irrespective of any religious background. They should stop spreading lies but promote peace and equality, respect and love to everyone as per the Indian Constitution.

Therefore, being a responsible Christian it is the foremost duty to treat everyone with love and compassion. One ought to love the neighbor as oneself. However, in times of oppression and discrimination, Christians must hold onto the truth and fight for it. Remaining silent will increase the flame of the problems and at the end; one has to face the consequences.

## **Conclusion**

This research has enlightened and added more knowledge to the researcher and the readers. It unravels how NRC and CAA are affecting the lives of the people and the nation at large. Lots of confusion and protests are going on in different parts of the country. Protesters were harassed, arrested and detained. Their voice of the common people goes unheard as the Government uses police personnel to stop the peaceful procession. The nation is still in chaos and not sure what situation will arise at anytime. Therefore, the need of the hour is to stand and fight for the right at any cost till justice and peace is delivered to all the sections of the people.

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