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Statement on National Register of Citizens in Assam



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THIS is for your kind information and necessary action

1. Yesterday, the office of the State Coordinator, NRC Assam released a press statement on the publication of the final NRC as on 31st August 2019.
2. Since then, there have been commentaries in sections of the foreign media about aspects of the final NRC which are incorrect.

3. Let me begin with the background. Government of India signed the Assam Accord in 1985 with the promise to take care of the interests of the citizens of Assam. NRC aims to give effect to the Assam Accord signed in 1985 between the Government of India, State Government of Assam, the All Assam Students Union (AASU) and All Assam Gan Sangram Parishad (AAGSP). Supreme Court of India mandated the government to deliver on the commitment in 2013. This led to the process of updating the National Register of Citizens in Assam in 2015.

4. Updating of NRC is a statutory, transparent, legal process mandated by the Hon'ble Supreme Court of India. This is not an executive-driven process. The process is being monitored by the Supreme Court directly and the government is acting in accordance with the directives issued by the court. The apex court of the land has itself set the deadlines for all steps that have been taken so far.

5. NRC is a fair process based on scientific methods. Inclusion in the NRC is a unique process, as it is based on “application” rather than “house to house enumeration”. It means that any person in Assam could have sought to be included in the list on the basis of having documentation to prove lineage from an entitled person, i.e. a person who was a resident of Assam as on March 24, 1971.

6. It is a non-discriminatory process, which leaves no room for bias and injustice. As can be seen from the application form for data entry in NRC, there was no column in the application asking for the religion of the applicant.

7. Anyone excluded from the list at this stage has a right to file an appeal within 120 days of receiving a notification of exclusion to the designated Tribunal. All appeals and excluded cases will be examined by this Tribunal i.e. a judicial process. This judicial process will commence only after the appellate period is over. Thereafter, anyone still aggrieved by any decision of being excluded will have the right to approach the High Court of Assam and then the Supreme Court.

8. Exclusion from the NRC has no implication on the rights of an individual resident in Assam. For those who are not in the final list will not be detained and will continue to enjoy all the rights as before till they have exhausted all the remedies available under the law. It does not make the excluded person “Stateless”. It also does not make him or her a “Foreigner”, within the legal meaning of the term. They will not be deprived of any rights or entitlements which they have enjoyed before.

9. The government of India will even assist in providing directions on how to deal with such appeals. Through the District Legal Service Authorities, the government has provisioned to extend legal aid to the needy. The State of Assam has assured provision of free legal assistance to any person excluded from the list and who is unable to afford such legal assistance. This is to enable people, especially the disadvantaged sections, to have access to the best possible legal assistance.

10. To expedite the process of receiving applications for inclusion, the State Government is further adding 200 tribunals to the existing 100 tribunals. A further 200 more tribunals will be set up by the State of Assam by December 2019. These Tribunals will be set up at Block level for the convenience of appellants.

11. India, as the world’s largest democracy, has firmly enshrined ‘equal rights for all’ and ‘respect for the rule of law’ in its Constitution. An independent judiciary and fully autonomous state institutions, working for the defence of human rights, are an integral part of our political fabric and traditions. Any decision that is taken during the process of implementation of the NRC, will be within the four corners of the Indian law and consistent with India’s democratic traditions.



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