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India

# On the National Register of Citizens

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**The publication of the draft National Register of Citizens in Assam has been a major political gain for the BJP and its agenda of politically dividing the oppressed and exploited on the basis of religious identities, in this case by harnessing it to linguistic ethnic identity strife.**

The number of people excluded by the draft NRC is massive – out of 3.29 crore people who had applied for inclusion in the NRC the names of 40.07 lakhs have been excluded in the draft. There have been glaringly obvious omissions, and these have been highlighted, but beyond such cases there is the gross figure itself. Both the Central Government and the Assam Government have been repeating that this is only a draft and there will be scope for corrections. But certain fundamental issues need to be addressed, before we look at technicalities about how far the draft can be tweaked and so on.

As internationalists, we are opposed to aggressive nationalism, ethnic hatred, and other forms of divisions that weaken the working class and the broader mass of toiling people. In an era when capitalism claims to be capable of ignoring all frontiers, when every government in the past three decades has welcomed this huge movement of capital across borders, it is indeed terrible that the movement of humans is the only thing that will be blocked by vast shows of force. In an era when the Trump administration is seeking to treat some 500,000 Indians living in the USA as “illegal”, for an Indian government to treat people living in India in the same way shows how right-wing political goals damage the interests even of ordinary Indians.

The arguments made in defence of the NRC are the following:

â€¢ This was built into the Assam Accord

â€¢ This is the result of a Supreme Court directive

â€¢ This is necessary in order to save the jobs of Indians

â€¢ The influx of “illegal” immigrants from Bangladesh have skewed the population distribution of Assam.

Along with these there has emerged a communalisation of the issue by the BJP and all the Sangh forces. This has been shown by the massive online as well as word of mouth and other propaganda, claiming that it is not a matter of Bengali versus Ahomiya, but of Hindu versus Muslim. We do not support inter-ethnic conflicts any more than inter-community violence. But we draw attention to this vicious propaganda. By this portrayal, as well as the attempt to make a distinction between “refugee” and “illegal immigrant” based on religion, and making the conferring of citizenship linked to religious identity, the BJP has done what it does best – sowing hatred based on religious identity, drumming up Hindu majoritarian support, even among the poor, by pointing to the poor with different religious identities as the enemy, rather than the exploiting classes. We oppose such a divisive policy without qualification and reject the NRC or any segregation policy and classification based on such communal principles. Also, we reject the argument that once a province has a historic group, internal migration by others must be blocked when it is not specifically provided in any way constitutionally (as it is in the case of Jammu and Kashmir). This is crude, violent regionalism. Whether by the Shiv Sena in Maharashtra, or by the TMC sponsored Bangla Paksho in West Bengal, or any Ahomiya ethnic group, this is equally unacceptable, for carried to its extreme it can only lead to ethnic violence tending to ethnic cleansing. This is not simply a matter of mobilising a core constituency for the 2019 elections, as sometimes being portrayed, but part of the Sangh’s strategy of redefining the Indian nation. Should the imposition of

the NRC succeed, it will set up a dangerous precedent and open the door to legitimisation of ethnic cleansing. We need to remind all that the Nellie massacre was a consequence of exactly this kind of xenophobia.

Beyond this, we need to stress three or four fundamental points of principle.

First, we are opposed to the principle that it is the responsibility of the people to prove that they are legal citizens. Rather, it is for the state to produce evidence that they have been involved in any illegal action. To do otherwise is to damage the principle that all who are accused are presumed innocent till proven guilty in a court of law. They do not have to provide documentation of having been there before 1971 and if they do not have 'sufficient' identification papers as arbitrarily determined by the authorities no matter. It is for the government to disprove their citizenship with proper documentary evidence, while taking note of the fact that a huge number of Indians are not born in hospitals and have no birth certificates let alone passports, the two most reliable means of confirming citizenship.

Second, we reject the 1971 cut off date, regardless of the Assam Accord or anything the Supreme Court may have said. India's own citizenship rules say that anyone living in India for 12 years can apply for citizenship. Unless the state disproves their claim, it is not for them to "prove" they are not "illegal immigrants". So in 2018 to put the date to 1971 is completely unacceptable.

Third, regardless of whether the person is in fact an Indian falsely accused of being an illegal immigrant, an immigrant whose papers are being disputed, or an undocumented person, we reject any forcible return to Burma or Bangladesh. India has a record of permitting large numbers of Tibetans, Sri Lankan Tamils, Chakmas & others to reside in India. It is that honourable example that should be followed.

The NRC, or any process of identification of citizens, must not violate any human rights convention, under any pretext whatsoever. Since there is no possibility of deportation or repatriation, the NRC would render a huge population "stateless" which in effect would make them permanent second and/or third grade citizens of the country sustaining under the mercy of administrations. All left and democratic forces must oppose this. If there are genuine grievances about the potential or perceived adverse impacts of changing demographic patterns in Assam or the North-East, a framework of discussion and dialogue could be instituted rather than harassments or punitive actions against a section of the population.

It is after these principled issues that technicalities can be discussed. The present NRC updating exercise was raised by the previous Congress government in Assam as a step towards implementing the Assam Accord which had stipulated 24 March 1971 as the cut-off point for determination of 'foreigners' or illegal immigrants. The 1951 NRC and subsequent electoral rolls till 1971 have been made the main basis (legacy data) for inclusion in the updated NRC. The way electoral rolls are handled, tampered, etc., it is not difficult to make a serious case that the basis of the NRC thus has exclusion built in. Moreover, the fact that the 1947 Assam has since been repeatedly redrawn, and that this has involved repeated internal migrations, it is difficult for people to document all their moves. This is particularly true for the poor. The NRC has disregarded certificates issued by panchayats.

A special situation also exists for Assam's transgender community. Most are either abandoned at birth or disowned by their families later in life. Some start to feel differently from their ascribed gender identity. They leave their homes and start living with fellow transpeople. They live as families within their own community. As a result, the kind of documentation demanded from them is impossible to provide. At least 20,000 of them and possibly double that number if the closet transgenders are identified, may end up being ghettoised further and pushed into camps and declared illegal immigrants if the current NRC is finalized.

The BJP is playing a dangerous game. By amending the passport entry rules and introducing the Citizenship

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Amendment Bill, it has made it clear that it wants to deal with the issues of citizenship and immigration on the basis of a communal framework where Muslims will be excluded and treated as enemies.

At the same time, the Trinamul Congress and its intellectual allies in West Bengal are playing into the BJP's game, by presenting a Bengali chauvinist, rather than democratic, response. Meanwhile BJP leaders in Bengal are now demanding implementing the NRC in the state, attacking the Muslim community of the province, calling them all 'Bangladeshi infiltrators'. This is part of the BJP's strategy of polarisation in Bengal prior to the 2019 parliamentary elections.

We reject this, while also rejecting Bengali chauvinism. We do not equate Hindutva communalism and its politics of ghettoisation with the politics of minority community defence/self-defence. But we do not see the TMC and their adjutants as defenders of any democratic values.

Of the over 40 lakh excluded by the NRC in Assam, those who for whatever reason do not wish to stay in Assam must be enabled to be fully rehabilitated elsewhere with due compensation provided for any material losses wherever this may become necessary.

PS:

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