

NATIONAL CITIZEN REGISTER AND ITS EFFECTS ON INDIA

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ABSTRACT –The government of Assam recently issued the final draft of the National Register of Citizens- A project monitored and done in guidance of the Supreme Court of India .The project aimed to identify the illegal Immigrants of the East Bengal origin or the Myanmar that have entered the national territories of India without the proper document and citizenship

This process of the national citizen register is the outcome of the demands put up the security agency and the local Assamese people to identify and initiate the process of sending the illegal immigrants back or deporting them to their home count

The major contention is this process is that the due to the dearth of a concrete legal doctrine in India for protection of Immigrations and the refigure in the face of blatant persecution .Even then the constitution can come forward to the rescue for the millions and millions of the vulnerable people in the Assam who are currently facing the possibility of complete disenfranchisement of the constitutionally guaranteed rights by the day government

This can be further stated as dearth of a concrete legal doctrine in India for the protection of the stateless people in the face of blatant persecution or arbitrary incarceration. Yet, India's constitution can come to the rescue for millions of vulnerable people in Assam who currently face the possibility of complete disenfranchisement of constitutionally-guaranteed rights by the day's government.

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CONTINUOUS IMMIGRATION, THREAT PERCEPTIONS, AND THEIR CONSEQUENCES

The NRC drive was initiated in December 2014 by the honorable supreme court of India order. The first list of the NRC was published by the Assam government on the 31st December 2017, which took the whole national by the tide as the names it featured 19 Million names and also left aside the few thousands of the long term residents of the state of Assam including the 15 main local parliamentarians.

The demand for such a national register for the citizen came out in the light first in the Assam Movement in 1979-80, which gave the Assamese people a collective bargain power to the popular demand to protect the 'Assamese Cultural' from the invasion of the outside people. Although the issue has always been in light even just after the independence during the 1970. Here then the Assamese mobilize the people against the anti-immigration of the people of the neighboring countries.

More importantly, the movement gained pace with the historic 1985 Assam accord which paved the route for the critical and important amendment in the India's citizenship Act of 1956². Article 6(A) was inserted into the act, which use to give the citizenship to anyone of the Indian riding entering the Assam from the specified neighboring international territories before the date of 1st January 1966,³

² <http://censusindia.gov.in/2011-Common/ActsAndRules.html>

³ <http://www.censusindia.gov.in/2011-Act&Rules/notifications/CitizenshipAct1955.pdf>

Therefore this 'stateless' is the term that not only found the bare mention on the narrative around the issue. It always remains in the ray of the India national politico-legal discourse with respect to the asylum and shelter policies.

INDIAN LEGAL DOCTRINE ON STATELESSNESS

In India the major problem is that of the absence of the legislation around the statelessness is scattered and insufficient. There is no legislation and constitutional provisions that directly deal with this issue. The absence of a unified and single refugee law further only deepens the state incapacity to effectively deal with the stateliness related situations.

For example in case of India. Even India treats the Tibetans who fled their homeland after the 1959 Chinese invasion and member of the Muslim group of rohingya community who fled theirs after the 2012 rakhine communal riots differently.

However India still has to ratify the 1954 UN convention relation to the status of the stateless person or the person seeking the asylum. However the convention contain section -8(2) (a) that allow state to deprive foreigners of the specify countries from the citizenship.

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Moreover, India has still not ratified the 1954 UN convention relating to the status of the stateless person, which is crucial directive instrument. At the same time however, the 1961 convention contains certain section – example 8(2)(a)- that allow state to deprive foreigners of citizenship in specific cases of deliberate misrepresentation .Therefore even if India had signed the convention of human rights. Then in that case these sections will apply to the Bangladeshi migrants in the Assam region

However it is crucial to note that condition of long term statelessness are often taken into consideration and triggered by certain inherent condition of the displacement of the refugee and illegal migrant .people who generally enter the national territory usually do it coz of the socio economic problem and political reason. Thus it is same with the Bangladeshi migrant who entered the Indian Territory without the documents in search of the economic activity and for a political precede shelter expecting such disenfranchised people to produce identity/legacy documents after a long period of stay is harsh and impractical.

THE ASSAM GOVERNMENT'S IMMIGRATION POLICY

As per the Supreme Court judgment and order that sanctioned the NRC drive, the follow up action to identification of the immigrates are the deport station to the specific territories, in this case present day Bangladesh⁴. However the India does not have a bilateral deportation treaty with present day Bangladesh which was Dhaka.

The lack of a statue and law relation to the asylum seekers, stateless people is what has created the situation of the quasi legitimate for the government to strip the illegal migrants off the entire economic, social, statuory rights

⁴ http://www.nrcassam.nic.in/wha_nrc.html#