

FOREWARD

I as part of the fact-finding team and being associated with its day-to-day work – from field work to preparation of the report – can say with confirmity that Assam is sitting on the tip of a volcano that can erupt if the injustices meted out to Bangla-speaking Muslims and Hindus on the basis of language and religion in the process of upadation of National Register of Citizens (NRC) are not checked and stopped in time.

The are complaints that people are not being given a fair chance to defend and prove them as Indian citizen before the Foreigners Tribunal. They are not being served notices properly just because it is sent to their temporary addresses or the places that have been washed away or relocated because of the massive erosin caused by the Brahmaputra river every year but only exist official records.

The concept of ‘D-Voter’ is completely illegal and has no place in the Constitution. There can be citizens and non-citizens but not doubtful citizens.

In majority of the cases, we found people being declared foreigners ex-parte. And therefore, they end up languishing in jails in the name of detention camps. We also found that people were declared foreigners but they have not been provided with a copy of the judgement so that they can challenge the verdict in superior courts.

A large number of people while interacting with us said Justice Ujjal Bhuiyan who is heading the division bench of the Gauhati High Court is “partisan”. All cases related to the alleged foreign nationals land in his court only after the Foreigners Tribunal and the roster of the division bench is not being revised. At a time when a crisis is looming large, it is the responsibility of the court to fix the judicial accountability by paying heed to the allegation being levelled on such a large scale.

With the final draft scheduled to be out by July 30, lakhs of people will be rendered stateless and there is apparantly no plan what is to be done to them. Deporting such a huge number of people appears to be practically impossible. If it happens, it will create a crisis rather an anarchy. Depolyment of additinal security forces is an inditication to the upcoming chaotic situation.

The government, authorities and other stake holders must act before it is too late.



(SR Darapuri)
Former Inspector General
Uttar Pradesh Police

INDIAN OR FOREIGNER? DOUBTFUL OR BONAFAIDE?

BETWEEN THE NATIONAL REGISTER OF CITIZENS AND THE CITIZENSHIP (AMENDMENT) BILL: THE IDEA OF INDIA AND THE LOOMING CRISIS IN CONTEMPORARY ASSAM

A FACT FINDING REPORT BY UNITED AGAINST HATE

A GIGANTIC AND DIFFICULT TASK: SO WHO IS AN INDIAN CITIZEN IN ASSAM? AND WHO IS AN ILLEGAL FOREIGNER?

Assam is on the threshold of a crisis. Its lush-green, pristine and beautiful landscape, annually ravaged by the fiery floods in the Brahmaputra Valley by the great river with endless shores, is in the midst of a social, political and emotional crisis. With massive erosion of land, which happens year after year, villages and geographical locations get eliminated or mark a decisive paradigm shift, along with shifting local populations who have coped with this nature's fury for decades. The state is currently stalked by insecurity, uncertainty and trauma. There is grave possibility of huge fissures which will decisively impact the social and political fabric of this sensitive and strategic border state in the Northeast of India in the days to come.

The crisis is centred around two issues: the National Register of Citizens (NRC) and the Citizenship (Amendment) Bill, first tabled in Parliament on July 15, 2016. The Bharatiya Janata Party (BJP) backs the bill. It is being vehemently opposed by All Assam Students' Union (AASU) and its political front, the Asom Gana Parisad (AGP), which is in alliance with the ruling regime led by the BJP in the state. The NRC is backed by both the BJP and the AGP.

Prafulla Mahanta, founder-president of AASU and twice chief minister of the state, told the fact-finding team in Guwahati on June 29: "The AGP will break the alliance with the BJP if it pushes the Citizenship Amendment Bill."

The Citizenship (Amendment) Bill, 2016, seeks to change the classification of 'illegal migrants'. The Bill will amend the Citizenship Act, 1955, to provide citizenship to 'illegal migrants' from Bangladesh, Afghanistan and Pakistan, who are of Sikh, Parsi, Buddhist, Jain, or Christian origin. Muslims, or its various sects and communities, are not included in this Bill, including those who are facing persecution in Pakistan, such as the Shias and Ahemediyas.

The NRC has been fast-tracked by the BJP-led regime, since it took over in 2016. It is currently operating under the supervision of the Supreme Court. The NRC released its first report on December 31, 2016, in which 1.9 crore of 3.29 crore applicants were declared as 'Indian citizens'. The second and final report (to be reportedly revised after claims and verifications again in December 2018) was slated for release on June 30. However, it has been postponed till **July 30** due to floods, as stated by the authorities.

The midnight of August 24, 1971, is the cut-off date under the tripartite Assam Accord (between the then Rajiv Gandhi-led Congress government, the state government and the AASU in 1985). All citizens registered in India before this cut-off date are legitimate Indians citizens. All individuals who have entered Assam after this cut-off date will be legally declared 'foreigners'.

It is a gigantic, complex, sensitive and difficult exercise. Unofficial and unconfirmed estimates claim that as many as 35 lakh people might be directly or indirectly involved. Already, according to official estimates, **1.25 lakh voters have been presumed ‘Doubtful Voters’**– otherwise known as ‘D-Voters’. Thousands are under the scanner of the Foreigners Tribunal (FT) and the Assam Border Police. There are 100 tribunals. People have to reportedly supply 16 valid documents to prove their Indian identity. If they wish to appeal – they have to approach the **one-judge divisional bench of the Gauhati High Court**, led by **Justice Ujjal Bhuiya**. Most of the people, especially the poor and illiterate living in distant villages and rural interiors, and those who seem to be directly affected, find this entire exercise difficult and hard. If the high court bench rejects their appeal, they have to go back to the tribunal.

If their appeals are rejected in the final instance, they are declared as **‘Doubtful Voters’ (D-Voter) with a ‘D’ marked** next to their names in the electoral list. They are, often, also thereby branded as a ‘foreigner’ and packed off to jail – which serve as detention centres. In the six ‘Detention Centres’ in Assam, they have no prison rights and are treated as ‘undertrials’. They are condemned as ‘foreigners’ – **even though doubtful voters are legitimately under scrutiny because of alleged technical or official anomalies in their documents.** Local lawyers call their detention in the prisons/camps “illegal”.

There are six detention camps which are not separate camps but a part of district jail. There are approximately 1,000 people in the detention camps in Tezpur, Silchar, Jorhat, Goalpara, Dibrugarh and Kokrajhar (only for women). The inmates have no prison rights; they are treated as undertrials. According to local sources, in the Goalpara District Jail there are 239 ‘foreign nationals’ in the detention camp – of which 195 are ‘D-Voters’. The lawyers are of the opinion that declaring a ‘D-Voter’ as foreigner, whose case is still being verified, is “illegal”. **Thereby, this detention is a constitutional violation.**

Most affected are allegedly **Bengali-speaking Hindus and Muslims**. Presumably, the NRC process is directly having an impact on specifically **religious and linguistic minorities in the state.**

In the rest of India, according to local activists, the NRC is governed by **Rule 4** of the Citizenship Rules. The NRC staff thereby has to go door-to-door to verify citizenship documents and testimonies. **Under Rule 4A**, which is specific to Assam, in each area (gram panchayat) NRC Seva Kendras are set up where residents have to take a form, fill it up and submit with documents. The onus is on those who are ‘doubtful’ etc, to prove their citizenship.

The Foreigners Tribunal has added the requirement of mapping a **family tree history**. As many as **16 documents** were accepted earlier, but now, activists allege, the family tree legacy is an addition.

The foreigners’ detection is done by the Foreigners Tribunal according to Foreigner Act, 1946 (Act didn’t have much amendments).

How many NRC Seva Kendra are there in Assam?

NRC Seva Kendras (NSK) are help desks set up in each district covering approximately 2,500 households by each NSK. A total of 2,500 such NSKs have been set up in Assam. The NSKs assist the public in searching for Legacy Data, issuing of Legacy Data Code and the receipt of NRC application forms.

Anyone can visit any NSK to search his or her legacy document as these help desks have the database of the entire state. However, for submission of application forms, one is required to visit only the NSK designated for current area of residence.

How are notices served to ‘doubtful’ citizens?

The Assam Border Police has been working since 1962 and the Foreigners Tribunals came into existence in 1964. During surveillance, if the Border Police finds anyone’s citizenship ‘doubtful’, it chargesheets the person and sends the case to the concerned Superintendent of Police (SP) (Border) who refers the matter to the Foreigners Tribunal and the tribunal summons the person to prove his or her citizenship.

There are **allegations** in the current scenario that they randomly pick up names which are declared doubtful without any investigation or verification.

There are other ways in which people can end up before the tribunal. The Election Commission introduced the ‘D-Voter’ category in 1997. During revision of electoral rolls, EC-appointed LVOs (Local Verification Officers who generally work on contract basis) can declare a person doubtful. Their report goes to the ERO (Electoral Registration Officer) who sends it to the concerned SP (Border) who refers the case to the tribunal that serves a notice to the ‘doubtful’ citizen.

During preparation of the NRC, a report can be made of person(s) not being able to provide paperwork/documents. This too goes through the SP(B) and the person finally deposes before the tribunal, which serves notice to the person concerned. There are allegations that hundreds of people have not received official notices and they can’t access internet in rural areas.

What is Legacy Data Code?

Legacy Data is the 1951 National Register of Citizens and all the electoral rolls up to March 24, 1971. These are digitized and available. If someone wants to establish citizenship today, he/she has to locate their ancestors in the Legacy Data. Once the documents are found, they are uniquely identified by an 11-digit Legacy Data Code which is like a PNR number (as in rail or air travel booking). It contains all the information about any person whose name appears in the Legacy Data. Once a match with the name of the ancestor is found, a Legacy Data slip is issued to the applicant. It is required to be quoted by the applicant who wants his/her name included in the updated NRC.

(There are allegations that this data is being fudged. For instance, two families can claim the same Data Code. Indeed, the officials seem hand-in-glove, as in this case. Here’s a news story regarding

this below:)

[Assam's NRC Officials 'Fudging' Data to Make People Indian or Foreigner?](#) (Newsclick)

MAPPING THE JOURNEY OF NRC IN ASSAM: GROUND SITUATION

According to Civil Society groups, villagers, lawyers, civil rights activists, intellectuals etc. and as per independent investigation, these are the broad issues which came up during the visit by the fact-finding team across lower Assam – Barpeta, Goalpara, Kokrajhar, Bongaigaon, and Guwahati – from June 26 to June 30, 2018.

The concept of D-voter is only found in Assam.

Earlier, it was the complainant who used to bear **the burden of proof**, but, now, the burden of proof has shifted on to the accused.

People complain that they have not **received** notices. Most have no access to internet. If, thereby, they miss the hearing, since they have not got a documentary/written notice, they can be declared 'D-Voter' ex parte.

There was a reported case in Tarapur village of Cachar district. A married woman died in 1982 at the age of 32-33 years. The Border Police probed in 1984 and said in 1996 that she is a foreigner. She had died two years before the probe and was declared foreigner four years after her death. Similar cases verging on tragic absurdity stalk the rural landscape, according to locals.

The Foreigners Tribunal member **can only give opinion**, according to human rights activists in Guwahati. They can't pass a judgement. In many cases, this principle is being flouted, they alleged.

In Nalbari District, the divisional bench of the high court reportedly sent 84 cases back to the tribunal for review, according to activists.

It has been informed that **tea garden labourers**, some of them tribals, or people from Bengal/Bihar/Jharkhand, others of Assamese origin, were not included in the NRC draft on in the enquiry process. **Their 'citizenship' remains intact.**

Many locals don't have valid documents, due to various reasons: shift in geographical location, **erosion** of villages, floods, theft, the ravages of time etc. **Many women don't have birth/school/electoral evidence/certificates**, especially when they move to other villages after marriage. Their families might have authentic documents, though. Hence, they rely on **Panchayat certificates, which has given using magisterial powers and has been ratified by the Supreme Court with verifications.** This can be based on evidence of family tree, local testimonies by elders, neighbours and the panchayat, among others.

For instance, a father may testify that a particular woman is his daughter, which is ratified by village

elders, relatives, neighbours and the panchayat.

The tribunal and high court rejected the panchayat certificate. On appeal, the Supreme Court agreed that it is a valid document with verifications. However, in the current scenario, several cases seem to have come up whereby **the panchayat certificate is still not being accepted or is being rejected. People believe it is a gross miscarriage of justice, whereby a certain official bias, prejudice and partisanship is in full display.**

NRC Seva Kendra is sending notices for re-verification but many people are not getting notices. So the Seva Kendras are marking them absent and the status of case as pending. There are apprehension that thousands might be left out of the second NRC draft.

Civil right activists say that when they assisted some people and met the concerned officials, some cases got corrected.

Prateek Hajela, an IAS officer, is the state coordinator of the SC-mandated NRC. He is working under the supervision of the Supreme Court. Locals argue that his task is difficult, but he should be unbiased and objective, and thereby check out micro details and anomalies. He should be cautious against presumed prejudiced behavior on the ground by officials and police, especially those sections who are driven by partisan agendas, or vested interests, due to loyalties with the ruling regime, or this party or that, argue activists.

He has given the impression that people can appeal and the process will be fair and foolproof. However, security forces have been deployed in some areas. There have been flag marches and mock drills. Activists argue, that if the process is fair and foolproof, why this show of military power?

Even **former Chief Minister Tarun Gogoi** of the Congress told the fact-finding members that this kind of deployment is unprecedented in the history of democratic Assam. He said that Prime Minister Narendra Modi had declared in his election speeches before the assembly elections that all 'Bangladeshis' will be deported.

"So why has he failed to do so?" He also said that those who are bonafide Indian citizens according to the Assam Accord should not be hounded and harassed. NRC is the most democratic product on the migration issue. It was his brainchild, he said. It has consensus from all groups. Everyone believes in it. NRC was welcomed and celebrated by all groups and stakeholders, he said. If the NRC process can be done fairly and successfully, it will lead to the resolution of identity politics of BJP/RSS and Muslim groups. Only then, development issues will come into focus. However, there have been many cases of harassment, fear and trauma, he said. "Officials have been found to be partisan and prejudiced. They are harassing innocent and bonafide Indians. If so many Bangladeshis are coming, what is the Border Police doing? People will not take it lying down. If they are pushed to the wall, they will fight back," he said.

Former Chief Minister Prafulla Mahanta of the AGP told the fact-finding team that he agrees with the NRC process. “However, some officials might have made mistakes,” he said.

Land documents (settlement office certificates) are often 100-150 years old. They are often not accepted or difficult to prove with revenue records shifting/getting lost etc.

Seasonal migrants face the difficulty of proving their identities. Similar problems are faced by flood-displaced people and other migrant workers. Their temporary address is used to declare them foreigners. In Jaipur village in Barpeta, the team met at least three people who work in Bongai Gaon, who were attacked by militants in 1990s, and who live in a refugee settlement there. Their wives were declared ‘D-Voters’.

Bengali-speaking Muslims and Bengali Hindus, including Rajbanshis, original inhabitants and tribals, have allegedly been targeted in the ‘D-Voter’ category, often with 1997 as the cut-off date.

The work of NRC slowed down after massive protests against it and police firing in 2019 during the Congress regime when four students were killed and 50 injured in Barpeta town. Enquiry committees were set up, but the process was literally stalled.

According to activist and lawyer Abdul Batin Khandakar in Guwahati, his organization conducted 100 awareness meetings since 2015 so that the people can submit their correct documents and the foreigners issue can be resolved once and for all.

Up till March 2016, the verification process was deemed to be fair and objective, according to widespread perception, including within the civil society. Its rules and guidelines were apparently being followed. Post April 2016 elections, with the BJP coming to power, difficulties, problems and accusations of bias began to stalk Assam.

THE HUMAN CONDITION: STORIES OF CONDEMNATION AND INJUSTICE

Case Studies: Based on people’s testimonies, confirmed by neighbours, activists, sometimes lawyers, and local citizens. Not verified through government sources, though there are documents to substantiate the claims of the people who are ‘victims’.

Bakkar Ali: He was a teacher in a government school, used to vote in elections, as did his parents, according to his testimony. A chain of events since 2016 has destroyed his life. For the last many months, he, his brother and his mother have been declared foreigners. They live underground and invisible, fighting an uphill battle for justice so as to prove that they are Indians.

It all started when the Superintendent of Police (Border) referred a matter to the Foreigners Tribunal No. 1, Bongaigaon, stating that Ali and his family are ‘foreigners’; that they entered Assam after March 25, 1971.

Ali and his family contested the case by filing “valid documents” such as certified copy of the electoral roles of 1966, 1979, 1997, 2005, 2016 and 2018 in which he and other family members are mentioned, his ECI voter’s identity card, copies of admit card and passing certificates of 10th and 12th standards to prove his date of birth as January 15, 1985. In addition, he also submitted his college documents.

The tribunal in its judgement dated April 16, 2016, citing a Gauhati High Court verdict in Maslem Mandal & others Vs Union of India & others case reported (2010) 3 GLT 393, held that while documents submitted by Omila Bewa (Bakkar’s mother) and Md Abdul Hussain (Bakkar’s brother) were valid and hence these two were not foreigners, Bakkar Ali’s documents did not establish that he was Indian. So, according to the FT order:

“...I am of the considered opinion that the OPP (Opposite Party who is Bakkar Ali in this case) is a foreigner in between 1-1-1966 to 25-03-1971 stream, but not deportable. However, the OPP’s names are liable to delete from all the voters lists for a period of 10 (ten) years and the OPP is required to get his name registered with the appropriate authority within 2 (two) months from this judgement and order. The OPP is specifically directed also to take redress of the required registration with the F.R.R.O. (Foreigner Regional Registration Office), Bongaigaon failing of which the OPP is deportable.”

So what is Bakkar Ali’s case? Why is he a foreigner while his brother and mother are Indians?

As per Section 9 of the Foreigners Act, 1946, the burden of proof lies on the OPP to substantiate that he or she is not a foreigner. Three categories are defined: 1) those who came to India before 1-1-1966 - they are not foreigners; 2) those who came to India after 1-1-1966 and before 25-3-1971 - they are foreigners but not deportable. Their names are deletable from all voter lists for a period of 10 years from the date of judgement and order. They are required to get their names registered with the appropriate authority, who is SP (Border) of the area within two months of the order of the tribunal so that they can enjoy the rights as Indian citizens; and 3) those who came to India after 25-3-1971 -- they are foreigners and deportable.

When Bakkar approached the FRRO, as directed by the tribunal, the authorities concerned allegedly fudged his documents by changing his year of birth from 1985 to 1970 and his residential address. He was threatened of arrest if he refuses to sign, according to him.

“I was asked to sign a form in which my year of birth was mentioned as 1970. The form said I entered Assam’s Vill. No. 2, Patkata, P.S. Manikpur, Distt. Goalpara, from Koraimari village, P.S. Gaibandha, Dist. Rongpur, East Pakistan (now Bangladesh). And, now, I reside at Vill. No. 2, Patkata, P.S. Manikpur, Dist. Bongaigaon (Assam). I was asked to give these fudged details only while deposing before the Superintendent of Police and other authorities concerned. When I objected and told them I was born in India in 1985 and have documents to prove it, I was threatened with arrest and detention. Even then I did not sign the paper for three days, but, at last, I had to succumb,” alleged Ali.

Rashminara Begum: She was served notice in 2016 that asked her to present herself before a Foreigners Tribunal as she was suspected. She submitted all necessary documents and was shocked when the tribunal ruled that she was a foreigner.

The ruling was based on an error in her date of birth. Two different school leaving certificates gave two different dates of birth. However, she had submitted many other documents, including the one from the Secretary of the Gram Panchayat that stated she had moved to her husband's village after marriage.

The village where Rashminara grew up had been washed away by the Brahmaputra along with her school in the 2004 flood. She lost all her family's documents from the pre-Independence days, including a certificate saying that her grandfather was a freedom fighter and a Congress leader.

She had no way to get additional documents to prove that the discrepancy in the date of birth was just a clerical error by the school authorities. She was promptly moved to the Kokrajhar Detention Camp in North Assam on November 9, 2016.

"I was three months pregnant and prison was no place for a woman in my condition. I begged and pleaded, but the cops dragged me away," she said, recalling the horror. She has three other daughters. "My daughter Mariyam was just about four-years-old. She was so traumatised that even if she sees a policeman today she hides under the bed, terrified that they will drag her away, the way they took me away," she said.

Rashminara's husband, who stitches clothes in Meghalaya, had also got a notice, but was declared an Indian citizen by the FT.

"The front part of the prison complex houses the male criminals and the back portion is for women who have been convicted of crimes as serious as murder. 136 of us so-called foreigners and even some doubtful voters were packed together. It was overcrowded. We were also not allowed to gather in a large group and talk. Also, they did not keep the criminals and foreigners separate, so those women often bullied and terrorised us," she recalled.

"I got two meals a day and there was a prison doctor. But a pregnant woman needs so much more. The food was barely edible but I had to eat as there was a little life growing inside me," she said.

Her husband and other daughters visited her in prison and while they were not allowed to give her cooked food, they provided her with fresh clothes, soaps and fruits, whenever they could. Meanwhile, she also appealed against the FT's ruling in the Gauhati High Court.

"My pregnancy advanced and I was taken to the Kokrajhar R&D Hospital to deliver my baby in May 2017. I stayed there for a month after the delivery," she said.

Rashminara was given a three-month reprieve by the High Court to nurse her newborn. Meanwhile,

the leader of an opposition party intervened and filed a petition on her behalf, praying that the court take into account her special circumstances. Finally, the Supreme Court ordered that Rashminara could stay at home until the final judgment in her case.

“My grandfather fought for Independence. My brother Zakir Hussain has a government job. How can I be a foreigner,” asked a perplexed Rashminara.

Zakir Ali: He and his family hail from Ward No. 4 of Howly town in Barpeta district. Three years ago, he was picked up and put behind bars after his lawyer failed to produce valid documents in the FT.

His wife Zaigun Nessa said, “My husband received a notice roughly six-seven months ago. I don’t remember the exact date of the notice. Though we have all the papers to establish that we are Indians, yet, our lawyer presented my husband’s maternal links to establish the ancestral legacy which the court rejected. When the lawyer sensed that we are on the verge of losing the case, he warned him that he could be arrested. One day, he was in the market when he got an anonymous call and the caller asked him to come to a place. He had forgotten the lawyer’s warning and went to the place from where he was taken into custody.”

Now, Ali’s family (his wife and four children) barely survive as the only earning member is his only teenaged son who works with a plywood firm in Kerala.

One of his daughters had to drop out of her school as there was no money to pay her tuition fees. They live in a thatched house with literally no belongings on someone else’s land. Their neighbours said they live in abject poverty, surviving on cutting supari. Zaigun Nessa broke down many times during the meeting.

“I used to study in Howly Girls High School. I have not been to school for three years because my family cannot afford it. My father does not get proper food to eat in jail. He is forced to live in very unhygienic conditions. I feel very sad when I see him that way,” the daughter said.

Abdul Kaddus Talukdar: Another eye-opening case is that of Abdul Kaddus Talukdar – a resident of Kalgachia village of Barpeta district. He was a clerk at the district’s Nabajyoti College.

“My name was listed in the list of doubtful voters in 1997. and since then my voting right has ceased. I got a notice in 2015 and submitted all records. I started my service in 1982 and retired in 2016. I am getting pension. I got a permanent resident certificate from the then SDO of the erstwhile Kamrup district (now Barpeta) in 1978. Last year, I was given a senior citizen certificate of the Assam government by the deputy commissioner of Barpeta. My father’s name is in the NRC list of 1951. Moreover, I passed lower primary school in 1965 from Assam. I passed middle school in 1967, matriculation in 1972 and higher secondary school in 1974,” he said. “And, yet, I have no constitutional rights as an Indian.”

Hari Das, 60, Rajbangshi family. Bamanvita village, Barpeta. Had his name in the voters list.

Declared D-voter in 1997. Went to court. But they said you have to wait until you get notice. His wife got notice two years ago, fought the case and got a court decree clearing her as Indian. His brother **Buddeshar Das**, 51, got D-voter notice 9 months ago. The case is in the district court. His wife Gitarani Das also got notice 9 months ago.

Panchanan Roy, a resident of Anchorbari village in Chirang district, is a Rajbangshi and Indian citizen. His elderly wife, **Annabela Roy**, was forcibly picked up by the police and declared as foreigner. He was heart-broken. The police had asked him to come to the police station. The entire village and its people were shell-shocked. “We are original inhabitants of this land. How can they do this to us,” he said. His wife was released later.

There are several other substantiated and unsubstantiated cases, based on testimonies. Not recorded in this report.

Sukur Ali of Noonmati village, Barpeta, was declared ‘D-Voter’ in 2017. His father had name in the 1951 voter list, also in 1997. Ali himself had his name in 1989 and 2010 voter list. He has PAN card and voter ID card.

It is possible that he did not receive verification notice and so was declared ‘D-Voter’. He has not filed a court case yet. A similar process reportedly happened with his wife Mayfel Nessa who was declared ‘D-Voter’ in 2017.

Sadada Khatoon, 45, was declared ‘D-Voter’ in 2007. She has PLC, voter ID. Her father’s name is in voter lists of 1951, 1966, 1971 etc till date. In 2005, she filed a case in the high court.

Tahiran Khatoon, 55, was declared ‘D-Voter’ in 2011. She said she did not receive any notice. She does not have a voter ID but her name is in the voter lists since 2000. She has PLC. She has not yet filed any case.

Shona Banu, 45, was declared ‘D-Voter’ three-four years ago. Her husband was also declared ‘D-Voter’. She has voter ID and PLC. She voted in 2013. Her father’s name is in voters list of 1951, 1966, etc.

Ismail Hussain, an agricultural labourer, had been voting since 1985 till 2008. He was declared ‘D-Voter’ in 2011. He has been fighting the case since 2011.

Bulitan Nessa, 50, (Son Haider Ali, 29)

She was sent a notice in 2015 and since then she has been fighting the case and reporting to authorities. Then lawyer reportedly died.

Mominul Talukdar’s sister Subha Khatoon, 35, was declared a foreigner. She has been lodged in Kokrajhar detention camp since 10 months. She was declared ‘D-Voter’ 10 months ago.

She was married before 1997 in Mamdia, Barpeta. It is claimed that she had her name in the voters list since 1997. Her father's name is in voters list of 1966 (Baraktal Talukdar). Grandfather's name is also there in the 1951 voter list. Her case is in the Gauhati HC.

In Khandalapara/Khatalpara village (Hindu dominated), there are 2,000 voters; 30-40 of them have been declared 'D-Voters' and one declared foreigner, say villagers and activists associated with the All Assam Minority Students Union (AAMSU).

There are 360 homes with 1,400 voters, all Hindu, in Balabita, Barpeta. Around 70 have got notice but none is in detention centre.

Sheikh Idris Ali Ahmed, who is a history teacher at a higher secondary school at Kalgasia. The 58-year-old man was declared 'D-Voter' in 1997 and no notice was served to him. He filed a case in 2012 and got clearance decree in 2013. His father's name was in the NRC list of 1951. His name was in voters list till 1997.

Md. Barhan Ali, who voted in 2017, contested a local election as an independent candidate in 2017. He was cleared in August 2015 but he again got a notice asking him to prove his citizenship.

Barhan Ali's brother Md Hayed Ali got clearance decree in November 2015. But he too got second notice. His case going on and he has not been cleared so far.

Hazrat Ali, a businessman from Ghugubari village in Barpeta district, was declared a foreigner in 2017. He claims he has land records of grandfather and father from 1958. Their names are in the 1951 and 1970 NRC.

His name is in the voter list of 1989 and 1993. He said despite submitting all valid documents, he was declared a foreigner in 2017. He has challenged the verdict in the HC.

His wife was first declared 'D-Voter' but was cleared. Their children are Indian but their names are not in the voters list because their father has been declared foreigner. **His two brothers are in the Assam Police.** The court did not admit this evidence.

According to Goalpara Bar Council members, about four months ago, one Bodo and 1 non-Bodo Muslim appeared before the court with exactly the same documents. The Bodo was declared Indian and non-Bodo Muslim was declared foreigner.

Christian missionaries have been quiet. Several Christians too are under the scanner.

Lawyers questioned the bias

Testimony of **Shahjahan Ali** – president, Goalpara Bar Council, in the court premises in the presence of 30 plus lawyers.

- Tribunal members are unnecessarily asking for additional documents
- Only name in voters' list and linkage with parents is required
- Gauhati HC is not taking cognizance of demand for demand for additional documents
- Earlier government enumerator would go to village headman's house and take all names with evidence in the village so there are some discrepancies; in the current scenario, however, the accused individuals have to prove their identity and citizenship.
- Besides the officials refuse to often understand the difference between Khatoon (unmarried), Begum (married) and Bewa (widow). It is a cultural practice to write surnames like this, but the tribunal is not taking cognizance of these practices. Tribunal members are saying we are under pressure from the top to cut out names.
- The Border Police sits in police station with voter list and does not investigate on the ground. So eliminating names has become a norm. Some people are 'framed' – religious and linguistic minorities are targeted.
- A police case filed against him, his wife and daughter in 2005 saying they are 'illegal migrants'. Withdrawn in 2018.
- Advocate Jabbar Ali Khan (also present in our meeting) also has an illegal migrant case against him.
- To safeguard minorities, FT members should be appointed from outside Assame and should not be appointed by High Court. Many current appointees are former AASU/BJP members and so bias is suspected.
- Many cases are illegal, causing economic and social crisis
- Many D-voters are those who are temporarily displaced due to floods
- Ujjal Bhuyan, presiding over the divisional bench of the Guahati High Court, is a senior judge. He is not rotated; whereas, other judges rosters are rotated. He said he trained officials in a training camp. He gave directions in the garb of training. This is a violation of the judges's protocol and judicial convention.
- Role of the AIUDF and Badruddin Ajmal is zero on the ground. They are not raising any issue or agitating for their rights.

Testimony of Advocate Ainal Haq (confirmed by Shahjahan Ali, in the public testimony)

- 2011 – a PIL was filed by 10 AIUDF MLAs at high court. Judge referred the case for further hearing.
- The case was withdrawn by the MLAs. Their leader, Badruddin Ajmal allegedly asked them to withdraw the case.
- There are no land documents (patta) especially in riverine areas

Adv Moinuddin: Declared D-voter in 2005. Cleared in 2016 .

Conversation with of Professor Dilip Bora, Guwahati University, on June 29

- Foreigners issue is longstanding
- Open border is a problem for all in Assam as there is migration but it is not such a big issue.
- Maximum people are of Indian origin.
- Those who came upto 25/3/71 recognized as Indian citizen. They were to get recognition but they have been equated with Bangladeshi migrants post-1971.
- NRC is very important for Assam. It has been accepted by all groups of people – Bengali origin people, Hindus and Muslims. Politicians too.
- Why nasty politics to deprive the Bengali Muslims of their rights
- There is “conspiracy to sabotage the NRC process”
- ‘D-Voter’ – so many Muslim leaders and politicians who are saying they are raising case in SC for them, they are doing politics over it.
- There is no provision of ‘D’ category voter in the Indian constitution. Either you are a citizen or you are not.
- Local politics has green light from central govt, also to create fear in the community
- Lawyers, MLAs, MPs, and the police – this has become a business for them. The police are extorting money.
- No estimation of how many people are likely to be left out of June 30 NRC draft (now extended to July 30).
- The NRC should have taken much more time because even in first list there were so many anomalies. It’s too short a time, even though the framework is given by SC.
- Definitely some people will be left out, even from the mainstream, people should get proper time for appeal.
- Govt should give statement that no need for panic, we will give you enough time for appeal.
- Deportation is impossible.
- Role of Assamese civil society – we are raising our voice since the Assam Agitation. Not being able to clear doubts in people’s minds is a failure of the nation.
- 102-year-old man in detention centre not being given bail, is absolutely inhuman. Shows that the NRC has deteriorated. (The man has now been released on humanitarian ground by the Supreme Court)
- It is the state’s failure if it can’t give proper documentation with correctly spelt names

- The state is rejecting its own documents and institutions such as panchayat certificate. Where is the citizen supposed to turn to?

Interview with Prof Hiren Gohain, eminent academic and intellectual, in Guwahati on June 29

If one particular document has been found invalid, it doesn't mean that you can throw them to the woods. They are poor women and in India poor people usually have no documents. There should be natural justice and they should be given a chance to prove their credentials.

Unceremoniously herding out those found to be non-citizens as a bunch of cattle is “impractical” and “impossible”. So, we are not asking for it. Citizenship should be confined to people who have a legitimate entitlement to it. Those found non-citizens can still be residents of the state. It happens in many societies across the world; people go to those countries to live and work, have certain rights. They can't be criminally assaulted, can find employment, etc. If required, why not issue work permits to them? But in order to relive local anxieties, citizenship should be limited in Assam until March 24, 1971, as per the Assam Accord. I completely believe in it.

Also, once we have an updated NRC, I hope, that we shall find the exact number of immigrant Muslims residing in different districts of the state. Many Hindu chauvinists keep saying that Muslims are going to be in a majority in the state in coming years. This theory is based on fear. An updated NRC will tell us the exact number and will address that fear factor.

Interview with Social Activist Akhil Gogoi, on June 30 in Guwahati

Akhil Gogoi accused the BJP and the AIUDF of allegedly pushing for the inclusion of foreigners in the updated National Register of Citizens, 1951.

Those who want to derail the NRC update are working against the interests of the state.

“The completion of the NRC update is a must if we have to resolve the foreigners' issue, which is the source of most ills afflicting Assam. Not only will the NRC update help resolve the sensitive foreigners issue but also pave way for a much stronger Hindu-Muslim unity in the state. Those trying to oppose the process are in some way or other working against the state's interests. We warn such forces not to indulge in such anti-Assam activities,” he said.

Both the BJP and the AIUDF were pushing hard to include the names of foreigners in the NRC, he said. “The BJP is backing the Hindus while the AIUDF is backing the Muslims, even if they are foreigners. We will not allow this.”

What the NRC has to say

NRC State Co-ordinator Prateek Hajela was not available for comments. But Additional Co-ordinator Kalita rubbished the allegation terming it “baseless”. “We are working very professionally and without any bias. All those who are Indian will be included in the final list. But no foreigner

will find a place in the final draft,” he said.

Asked about ‘D-Voters’ and why they are put in jails when their cases are being heard by the court, he said, “Who are Doubtful Voters? They are foreigners and therefore, they have been put behind bars. In addition, it is not us who decide D-Voters. Their identification is done by the Election Commission.”

Asked about notices not allegedly being served, he said, “The notices are sent to the people on their addresses. It is also uploaded online. Those who are not getting it can access it from Internet.”

The fact-finding team

SR Darapuri (Former Inspector General, Uttar Pradesh police)

Amit Sen Gupta (Senior Journalist)

Nadeem Khan (Activist, United Against Hate)

Manisha Bhalla (Journalist)

Khalid Saifi (Activist, United Against Hate)

Laeq Ahmed Khan (Activist, United Against Hate)

Majid Mazhari (Activist, United Against Hate)

Bazlul Basit Choudhury (Activist)

Shakil Ahmed (Journalist)

Tarique Anwar (Journalist)

Hasanul Banna (Journalist)

Avinash Sourov (Video Journalist)