

NATIONAL REGISTER OF CITIZENS A WAY AHEAD TO DIGITALIZATION**Neetu Singh Rai****Abstract**

The Center's flagship Aadhaar program has been ruled constitutionally lawful by the Supreme Court, but with restrictions. The exercise of completing the National Register for Citizens was started full fledged by the Government of Assam. Assam was among the three states where Aadhaar was not introduced, due to objections by student organizations, who insisted to complete National Register for Citizens first and then introduce Aadhaar. First draft of National Register for Citizens published in Dec 2017, which mentioned the names of 1.9 crore people as legal citizens out of 3.29 crore total applicants.

The National Register for Citizens final draft says that the citizens can check their names on National Register for Citizens website and through SMSs. citizens can also visit the National Register for Citizens Sewa Kendras across the state. All Indian citizens who have been living in the northeastern states will have their names, residences, and photos listed in the National Register for Citizens.

This paper presents a view on National Register for citizens in Assam and utilization of Aadhaar card to enhance accuracy and transparency by linking with citizens in other States of India too if required.

Keywords: UIDAI; NPR; India; Refugee; equality; Aadhar; National Population Register; biometric data collection; Supreme Court; ITR; PAN; Citizen; National Identity; DIT; Internet, Mobile; Digitalization; National Register for Citizens (NRC), the Unique Identification Authority of India (UIDAI), Information Technology, Digitization, Citizenship Acts, National Population Register (NPR).

Introduction

One of the most ambitious and desirable initiatives the Indian government has carried out is the completion of the National Register of Citizens exercise. Though the population census is conducted after every ten years at national level and provides an insight into the size and nature of Indian population. However, the National Register for Citizens is a unique exercise in itself because in this exercise the onus to prove the citizenship lies with the citizens. Aadhaar and National Register for Citizens are not linked for this purpose, as having merely an Aadhaar number does not qualify an individual to claim citizenship. People have to prove how they became citizens of India and living in Assam. They need to provide documentary evidence to validate their claim to ensure placing of name in National Register for Citizens.

Implementation of Aadhaar linking with Citizens across the country would not only ensure in filtering out the infiltrators but also ensure that the Government's benefits reaches to its own Citizens. Implementation would also eliminate the chances of having multiple fake voter identity cards and bank accounts for claiming benefits of the Government.

Therefore the purpose of the study to reveals the impacts of Aadhaar linking in India and National Register for Citizens with reference to Assam.

Aadhaar card is a twelve digit unique identification no. that every resident of India is entitled to get after providing demographic and biometric information. Demographic information includes name, age, gender and address and Biometric information includes fingerprints and eye scan. Government of India set up an office of Unique Identification Authority of India (UIDAI) in 2009.

Government of India requires each and every citizen of India to link their Aadhaar number to the Mobile phone connection, Bank accounts, PAN and other services apart from transferring the funds under Government schemes. The earlier extended deadline for linking of Aadhaar was extended from December 15, 2017 to March 31, 2018 as the last date for the people to link the Aadhaar number to all these services. Linking of Aadhaar was challenged and Supreme Court has extended the date indefinitely till it delivers the verdict on the linking of Aadhaar to these services on 13th march 2018.

National Register of Citizens

Currently Aasam government is working on NRC. The National Register of Citizens (NRC) is the register holding names of Indian CITIZENS. National Register of Citizens (NRC) was produced first in 1951 after the conduct of the Census of 1951

The names of those individuals (or their descendants) who appear in the NRC, 1951, any electoral rolls up until midnight on March 24, 1971, or any other admissible documents issued up until midnight on March 24, 1971, and which would attest to their presence in Assam or any other region of India on or before that date will now be added to the NRC. Legacy Data is all of the names that were listed in the NRC, 1951, or any of the Electoral Rolls up until midnight on March 24, 1971. As a result, there will be two prerequisites for inclusion in the revised NRC:

- 1) A person's name must have existed prior to 1971.
- 2) Providing linkage with that person.

The Citizenship Act of 1955 and the Citizenship (Registration of Citizens and Issue of National Identity cards) Rules of 2003 are the laws that control NRC updates in Assam. Over thirty years have passed since the All Assam Students' Union (AASU) and Assam Gana Parishad initially called for an update to the 1951 NRC. Two months after starting the Assam Movement against illegal aliens, on January 18, 1980, the organisations sent a memorandum to the Centre. On November 17, 1999, at an official-level tripartite meeting to review the implementation of the Assam Accord, a decision was taken that the NRC would be updated and the Centre sanctioned Rs 20 lakh for the purpose and released Rs 5 lakh of it to start the exercise After that, the government established a directorate to update the NRC, and the 1951 NRC and the voter list computerisation process continued until 1971.

However, according to Unique Identification Authority of India (UIDAI), Aadhar will be needed for opening new bank accounts or applying for Tatkal, passports, for opening of new bank accounts, linking of Aadhar is not waived by Supreme Court of India.

The provision in the apex court ruling is that the government can continue to seek beneficiaries' Aadhaar, the 12-digit National Biometric Identification number, for the transfer of benefits under government schemes.

The Registrar General of India (RGI) while compiling the National Population Register push for a method of public scrutiny in which individual data is collected directly and put up before the public to weed out any fraud. The method used in NPR helped villagers in Gujarat's border areas expose strangers on the rolls when the data was put up for public scrutiny. This reinforced the belief that the NPR process, despite being long and painstaking, is more foolproof. RGI and census commissioner Dr C. Chandramouli found the data collection for Aadhaar faulty and stated "Our objection is to the data collection by other registrars who have a different orientation from ours. From a security point of view, they are not acceptable." it was felt both programmes could pool their data and share information. But the home ministry has refused to use Unique Identification data for NPR.

There are some issues with UID's biometric data collection like labourers and poor people often do not have clearly defined fingerprints because of excessive manual labour. Even old people with "dry hands" have faced difficulties. Weak iris scans of people with cataract have also posed problems. In this type of situation agencies have refused to register them when the aim of the Aadhaar card is inclusion of all the residents of India and inclusion of poor and marginalized people are more important because they can get the benefits of government policies only when they will be having Aadhaar card.

If we see Aadhaar as the technological identity it will look like a tool in the process of digitization. Linking of Aadhaar card with citizens and voter Identity Card will also stop infiltrations from neighbouring countries and bogus voting in elections. Today we are living in an era of technology and India is also heading in digital world where all the information we are having in our mobile phone.

Objective and Scope: The Aadhaar number shall serve as proof of identity, subject to authentication. However, it should not be construed as proof of citizenship or domicile. Aadhaar number shall be issued after verification of information collected for the person. Such collected information shall be stored in a database called the Central Identities Data Repository. This storehouse shall later be used to provide authentication services to service providers.

Government of India set up an office of Unique Identification Authority of India (UIDAI) in 2009 within the Planning Commission. To grant this office legislative status, the government presented the National Identification Authority of India Bill to Parliament in 2010.

According to the 2011 language census, Bengali speakers rose from 22% in 1991 to 30%, while Assamese speakers fell from 58% in 1991 to 48%.

The central government's assurance that merely leaving names off the NRC did not amount to being labelled a foreigner and that those who were left out would be able to file claims before September 28 with a hint that this date could be further extended has been credited by many with causing this calm.

This sudden sense of magnanimity on the part of the AASU and its sister organisations, who have enthusiastically celebrated the publication of the final draft list, seems to stem from the fact that they see the NRC as a final vindication of their several decades-long struggle to rid the state of foreign nationals. For them, this appears to be the beginning of a closure of an issue that has bogged the state since Independence. Whether it would really be a closure remains to be seen, especially because of the immense humanitarian dimensions involved in making lakhs of people stateless. But as of now, one notices a major change in the AASU's usual rhetoric which appears quite toned down and accommodative, especially because it would like to take along with it all the stakeholders in the process, including minority organisations which it had long considered as enemies.

Now that doubts about the citizenship of lakhs of pre-1971 Muslim immigrants have been cleared, the AASU would obviously need their support to resist what is being seen by many as an onslaught on the status of the Assamese language by the rising number of Bengali speakers in the state. As per the 2011 language census, the number of Assamese speakers has decreased to 48 per cent from 58 per cent in 1991 while Bengali speakers have increased from 22 per cent (1991) to 30 per cent.

Although several minority organisations of Assam have expressed their doubts about the NRC process, the overall response to the publication of the NRC's final draft has been quite positive. In most of the local TV shows, leaders of these organisations have welcomed the NRC and have expressed the hope that in the final list, the names of most of those who do not figure now would be included. It appears that the apprehensions that there would be a large-scale deletion of names in the Bengali-dominated areas of the Barak and Brahmaputra Valley have not been substantiated by the final NRC list.

According to a survey carried out by senior journalist Mrinal Talukdar of the leading local TV channel, Pratidin, the highest number of deletions, percentage wise, has been in the districts of Nagaon, Darrang, Bongaigaon and Kamrup Metro, where it ranges from 25 to 31 per cent, Darrang district heading the list. By contrast, the deletion figures are substantially less in districts like Morigaon, Karimganj, Goalpara, Barpeta, Cachar which have always been seen as dominated by illegal infiltrants from Bangladesh.

Another reason why the NRC figures have not created a stir is the fact that most of the pre-1971 immigrants of East Pakistan/ Bangladesh origin who have been living all these years with the tag of a foreigner have now found a place in the citizens' register. This is also true of most of the other districts of the Brahmaputra and Barak Valleys where large masses of people long seen as illegal migrants from Bangladesh and looked upon with suspicion have now been cleared of stigma and accepted as citizens at par with the state's indigenous people.

This is certainly a great relief for these people and partly explains the lack of tension in the state following the publication of the NRC.

It needs to be seen that for lakhs of immigrants, both Muslim and Hindu, the NRC has put a final seal on their citizenship and this is a great closure for them. In this context, It is significant that organisations like the Assam Sanmilita Mahasangha, which has moved the Supreme Court for 1951 to be the cut-off year instead of 1971, have accused the AASU and the Asom Sahitya Sabha of betraying the Assamese cause by helping lakhs of “foreigners” to get citizenship.

It is near certain that after all the claims and objections are dealt with, the actual number of deletions will substantially come down. But even then, there would be a massive number of stateless persons, necessitating a well coordinated, nationwide move to work out a solution within humanitarian parameters. But that in itself should not deflect from the ground reality in Assam where immigration and demographic change continue to be a major concern for the indigenes.

The National Register of Citizens (NRC) of Assam

The National Register of Citizens (NRC) for a state is the list of Indians citizens of that state. For Assam it was first prepared following the 1951 census and legacy data contained in it extends till the electoral roll as of March 1971 (For clarity: The NRC will include the names of all Indian citizens who have been residing in Assam before March 25, 1971).

A massive debate over citizenship and illegal immigrants, including in political terms, has broken out following the publishing of the second and final NRC draft for Assam. The NRC (National Register of Citizens) draft has found 2.89 crore people eligible while 40.07 lakh names were left out.

Updating the NRC

Updation of the NRC for Assam was taken up following a Supreme Court order in 2013 with the objective of weaning out illegal immigrants from neighbouring areas including Bangladesh.

The updation was taken up under the Citizenship Act of 1955 as per rules framed in the Assam Accord, which was a Memorandum of Settlement (MoS) signed in 1985 between the government of India and leaders of the Assam Movement -- a six-year-long agitation by the All Assam Students' Union (AASU) that was held in New Delhi demanding identification and deportation of illegal immigrants. In 2005, a meeting to review the implementation of the Assam Accord chaired by then PM Manmohan Singh had also decided to update the NRC.

Once the final NRC is published, those whose names aren't in the final register will not be deemed as Indian citizens. These people will then have to approach the foreigners tribunals to fight for their citizenship.

According to ASSAM ACCORD 15th August, 1985 between All Assam Student's Union (AASU), AAGSP, Central and State Government on the Foreigner Problem Issue

Memorandum of Settlement

Keeping all aspects of the problem including constitutional and legal provision, international agreements, national commitments and humanitarian considerations, it has been decided to proceed as follows:

- For purpose of detection and deletion of foreigners, 1-1-1966 shall be the base date and year.
- All persons who came to Assam prior to 1-1-1966, including those amongst them whose names appeared on the electoral rolls used in 1967 elections, shall be regularized.
- Foreigners who came to Assam after 1-1-1966 (inclusive) and upto 24th March, 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1939.
- Names of foreigners so detected will be deleted from the electoral rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939.
- For this purpose, Government of India will undertake suitable strengthening of the governmental machinery.
- On the expiry of the period of ten year following the date of detection, the names of all such persons which have been deleted from the electoral rolls shall be restored.
- All persons who were expelled earlier, but have since re-entered illegally into Assam, shall be expelled.
- Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners.
- The Government will give due consideration to certain difficulties express by the AASU/AAGSP regarding the implementation of the illegal Migrants (Determination by Tribunals) Act, 1983.

Besides the arrangements mentioned above and keeping in view security considerations, a road all along the international border shall be constructed so as to facilitate patrolling by security forces. Land between border and the road would be kept free of human habitation, wherever possible. River line patrolling along the international border would be intensified.

All effective measures would be adopted to prevent infiltrators crossing or attempting to cross the international border.

It will be ensured that relevant laws for prevention of encroachment of government lands and lands in tribal belts and blocks are strictly enforced and unauthorized encroachers evicted as laid down under such laws. It will be ensured that the law restricting acquisition of immovable property by foreigners in Assam is strictly enforced. It will be ensured that Birth and Death Registers are duly maintained.

Conclusion

Information for all projects is to provide open access to government information and documents available online. This will enable a two – way communication between the citizens and the government through online platforms and social media. The biggest success story is MyGov.in, a platform for citizen engagement in governance, which was launched by the Prime Minister Narendra Modi on 26th July 2014 as a medium to exchange ideas or suggestions with the government. Digital India aims to create a seamless ecosystem across multiple government departments to make services available on both online and mobile platforms. As part of the initiative, financial transactions would be made cashless and entitlements would be available on the cloud. **Digital empowerment of citizens** will provide universal digital literacy to enable citizens to use the digital platform. The government services can be accessed in local languages to help users participate in the new governance mechanism. Since technology is the key driver in India's economic growth, it will spur growth in areas of governance and service delivery. Aadhaar would qualitatively restructure the role of the government in the social sector.

The Unique Identification project is aimed to expand India's social security system and to ensure targeting with precision. The Unique Identification would help the government shift from a number of indirect benefits into direct benefits. Aadhaar will surely serve the well intended purpose of the government. The NPR is legally grounded in the provisions of the Citizenship Act, 1955 and the Citizenship Rules 2003. It is *mandatory* for every usual resident in India to register in the NPR as per Section 14A of the Citizenship Act, 1955, as amended in 2004. The collection of biometrics is not accounted for in the statute or rules.

India is a country where there are many refugee groups from different countries, majorly from its neighbouring countries. It doesn't have any suitable refugee rules and is neither a signatory to the 1951 UN Convention nor 1967 protocol on Status of Refugees. Many countries have adopted binding regional instruments for the protection of refugees, but there is no instrument to protect the refugees of the Asian region. India has followed ad-hoc policies about refugee settlements since its independence. There are a large number of refugees in India due to its geographic location, religious society, vast culture. Currently, Rohingya refugees are a major concern to India. There are numerous aspects pertaining to refugees which are of major importance both to India, as a country and to the refugees, particularly in the context of law implementation.

In India National Human Rights Commission (NHRC) is the body which was given statutory basis by Protection of Human Rights Act, 1993 which is responsible to protect the refugees and promote human rights.

The objective of immigration is gaining citizenship or nationality in a different country. In India, the provisions of the Constitution mainly govern the law relating to citizenship or nationality. The Constitution of India provides for single citizenship for the entire country. The provisions relating to citizenship are contained in Article 5 to 11 in constitution of India Article 5 states that at the commencement of this Constitution, every person belonging to the following categories, who has his domicile in the territory of India, shall be a citizen of India:

There are numerous aspects pertaining to refugees, which are of major importance both to India, as a country and to the refugees, particularly in the context of law enforcement. Given the security scenario prevailing in the country, particularly arising out of the role of some of the neighbor's in this regard, an utterly humanitarian matter like the 'refugees' has come to be influenced by considerations of national security.

While law and order is a State subject under the Indian Constitution, international relations and international borders are under the exclusive purview of the Union government. This has resulted in a variety of agencies, both of the Central as well as the State governments, having to deal with refugee matters connected with law enforcement. Also, all policies governing refugees are laid down by the Union government though the impact of the refugee problem as such has to be borne by the State administration to a greater degree if not wholly.

They have to make sure that the laws of the land are enforced in regard to refugees without in any way ignoring or neutralizing security considerations. But, at the same time, it is also their responsibility that the humanitarian overtones so characteristically and inseparably associated with refugees in general, are not lost sight of. It should be appreciated that a person becomes a refugee because of circumstances, which are beyond that person's control, often poignant. She/he is left with no other option but to flee from human rights violations, socio-economic and political insecurity, generalized violence, civil war or ethnic strife all these leading to fear of persecution.

There are some cases of Illegal Economic Migrants they are foreigners who might have left his or her country of origin without due authorization from the authorities concerned, both in the country of origin as well as the country of destination, solely to improve his or her economic prospects, is not a refugee. After all, there is no element of persecution or coercion compelling the individual to leave the country of origin.

Article 253 of the Indian Constitution states that "Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement, or convention with any country or countries or any decision made at any international conference, association or other body."

Article 253 read with Entry 14 makes it clear that the power conferred by Parliament to enter into treaties carries the right to encroach on the state list to enable the union to implement a treaty with it. Therefore, any law made in accordance with this Article that gives effect to an international convention shall not be invalidated on the ground that it contains provisions relating to the state subjects.

The objectives of the NPR as stated by the Citizenship Act are for the creation of a National Citizen Register. The National Citizen Register is intended to assist in improving security by checking for illegal migration. Additional objectives are providing services to the residents under government schemes and programmes, checking for identity frauds, and All Assam Student's Union.

References

- <https://m.economictimes.com/news/politics-and-nation/with-bated-breath-assam-waits-for-first-draft-of-nrc/articleshow/62316150.cms>
- Misra, Udayon, (2001), Assam Elections: Setback for the Left, Economic and Political Weekly, Vol. 36, Issue No. 23, June 9, 2001.
- Nath, Manoj Kumar, (2016), Communal Politics in Assam: Growth of AIUDF since 2016, Economic and Political Weekly, Vol. 51, No. 16, 2016.
- Raghavan, Pallavi, (2016), The Making of South Asia's Minorities: A Diplomatic History, 1947–52, Economic and Political Weekly, May 21, 2016 Vol. 51, No. 21, 2016.
- Singh, B.P, (1987), North-East India: Demography and Identity Crisis, Indian Journal of Public Administration, Oct-Dec. 1987.
- Dasgupta, Anindita, (2014), Remembering Sylhet: Hindu and Muslim Voices from a nearly forgotten Story of India's Partition, Manohar Publishers and Distributors, New Delhi.
- Ho, Elaine Lynn-Ee (2009) 'Constituting Citizenship through the Emotions: Singaporean Transmigrants in London', *Annals of the Association of American Geographers* 99(4), pp. 788–804.
DOI : 10.1080/00045600903102857
- De, Sibopada, (2005), Illegal Migrations and the North-East: A Study of Migrants from Bangladesh, Anamika Publishers and Distributors Private Limited, New Delhi.
- Hazarika, Sanjoy, (2000), Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh, Penguin Books India, New Delhi.
- Jayal, Niraja Gopal, (2013), Citizenship and its Discontents: An Indian History, Permanent Black, Ranikhet.