

Response by the Office of the State Coordinator, NRC on the Fact Finding Report released on 13th July, 2018 by some group called “United against hate”

It has come to the notice of the office of the State Coordinator, NRC that some group called **“United against hate”** has published a report namely *“Fact Finding Report on Assam Doubtful Citizenship, Distorted Rights”* on 13th July 2018 wherein the group has made some statements on the NRC Update process which are absolutely baseless and misleading. As NRC Update process is a Supreme Court monitored project with high sensitivity involved, especially at this juncture when publication of Complete Draft is just 12 days away, it is important that this Office clarifies any misinformation forthwith.

The stated report uses the Supreme Court project of NRC Update, Election Commission identification of D Voters and the process of identification of foreigners by Border Police / Foreigners Tribunals system interchangeably. Whereas all the above processes involve issues related to citizenship determination, there are important differences which make NRC process very distinct. It is not known if the agency/ authors have deliberately mixed all these processes to create confusions in the minds of public (just a few days before publication of Complete Draft NRC) or this reflects lack of knowledge and study by them on the subject of citizenship determination and implementation intricacies for the state of Assam.

NRC Update is an exercise carried out as per orders of the Hon'ble Supreme Court in WP (C) 274/2009 and 562/2012. This is a 'legal process' being implemented under Citizenship Act, 1955 and Citizenship Rules, 2003. The modalities of NRC were framed in consultation with various political and non-political organizations representing all sections of public. The decision on citizenship determination is taken by officers notified as Local Registrars of Citizens Registration (LRCRs) appointed under Citizenship Rules 2003, through an exhaustive process of verification that involves multiple rounds of verification through – House to House visits to all households, Document authenticity verification through backend checking, hearings based verification for cases having mismatches in parental linkage claims (Family Tree), and for applicants submitting Gaon Panchayat Certificate (this was a special exhaustive verification ordered by Supreme Court). Further, there are house to house verification as well as NSK based hearing for those having requirement of further investigation for example, when the applicants don't provide sufficient documents or documents submitted are not found legible or legally admissible or in instances of backend records with the Issuing Authorities etc. It is worth mentioning that those who fail to appear for hearings etc. are given chance of reappearing. The entire process is designed in a manner that it gives public repeated opportunities to prove their citizenship eligibility for inclusion in NRC. The numbers of rescheduling of cases done in just last 6 months is around 129754 Cases which itself will prove that adequate opportunities are given. The public have also shown immense trust and support in this process which is reflected in numbers given below:

1. No of people applying for inclusion in NRC: 3.30 crores Members
2. No of documents received: 6.56 crores
3. No of people appearing in Family Tree hearings : 96,97,627 Members
4. No of people appearing in Special verification hearings : 26,08,656
5. No of people appearing for NSK based Investigation hearings : 11,71,073

NRC Update process started in March-April, 2015 through an applications based process and seeks to enlist / register the names of Indian citizens based on the evidence they adduce in proof of their citizenship eligibility. It needs to be understood that as per Section 9 of the Foreigners Act, 1946, the

onus of proof of citizenship lies on the citizen and not on the state. This dictum was further reinforced by the Hon'ble Supreme Court in their judgment dated 12th July 2005 in WP(C) 131 of 2000 in IMDT Case wherein they have further emphasised the matter of illegal migration from Bangladesh to Assam as an act of "external aggression". This was later quoted again by the Apex Court in their Judgment dated 17th December 2014 in WP (C) 562/2012 with 274/2009 and 876/2014.

It needs to be clearly understood that although there is an independent process of detection of foreigners being carried out since 1960s by Border Police, the process of NRC Update is a completely independent process. Similarly, the process through which the Election Commission of India had in the year 1998 identified 2.31 lakhs Voters to be of doubtful nationality - thereby marking them as D Voters - is a process completely independent from NRC. The only connections are that those who are already declared as foreigners by Foreigners Tribunals cannot be included in NRC as per Clause 3(2) of Citizenship Rules. Further as per orders of the Hon'ble Supreme Court dated 25th October 2013, those persons who are D Voters will not appear in the NRC list until their cases are cleared by the Foreigners Tribunals.

The Hon'ble Supreme Court in 2013 ordered that NRC Update will be carried out in Assam and as such the process got started in 2015 and the entire process is being carried under close monitoring by the Apex Court. Therefore, it is quite clear that the authors have wrongly mixed up the NRC Update process with that of the Border Police, Foreigners Tribunals, "D" Voters and Detention Centres. This mix up will be clear from the following:

- **Fact Finding Report** - *"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."*

NRC Response - Family Tree Verification is a System introduced for NRC Verification. Can the author point out a single case where any Foreigners Tribunal has asked for Family Tree? Who are these "activists" making such allegations? No source of information is quoted.

- **Fact Finding Report** - *"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."*

NRC Response - This statement is absolutely false. SP(B) is involved in Notices issued by the Foreigners Tribunals. There is no NRC Notice which goes through the SP(B) requiring any person thereby to appear before any Foreigners Tribunal. The authors may like to point out any instance where this has happened. Any NRC notice issued is delivered house to house by NRC field level functionaries. For benefit of public, information on date, time and venue of hearings etc. are made available on the internet. However, this is only an added service made available for benefit of public, in addition to the personal/ house to house delivery of the NRC communications, and not the only option. However, it is worth mentioning that in Assam internet use has been notable which is reflected in over 5 (five) crores hits on NRC servers during the first 24 hours of Part Draft publication on 31/12/17.

- **Fact Finding Report** - *“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 Assam’s NRC Officials, “Fudging Data to Make People Indian or Foreigner? (Newslick)”*
- **NRC Response** - The applicants themselves provide the particulars to prove their eligibility for inclusion in NRC. Family Tree Verification process has revealed cases where the applicants have shown themselves to be descendants of those persons who are not their ancestors. There’s no question of “fudging” by NRC officials. Insofar as the Newslick report “Assam’s NRC Officials “Fudging” Data to Make People Indian or Foreigner?” is concerned, it may be noted that there are various mechanisms by which any applicant can register his/her grievance – approach the NSK, call on Toll Free 24X7 Helpline, approach through Online Grievance Redressal System or approach through Social Media. The Hon’ble Supreme Court has also appointed a Committee of two retired High Court Judges who can be approached by the public for any grievance. During the period starting from mid-February, 2018 to first week of May, 2018, approximately 1 crore persons have taken part in 9.15 lakhs hearings. Against these, the number of grievances registered are only 2365 which refutes the Newslick claim of *“The spate of complaints from across the state raises serious doubts on the integrity of the process and the officials implementing it”*. An unsubstantiated allegation in one unauthenticated instance of such a large scale exercise cannot justify any “fudging”. Further, the applicants also have a legal right to file for Claims and Objections once the Complete Draft is published on or before 30th July, 2018. Further it is worth pointing out to readers here that this article of fudging data by NRC officials published in a web magazine called “Newslick” has only a picture of a person with blurred face as all evidence to prove their case whereas no detail of the complainant or officer involving in so called “fudging” is provided. **It is also to be noted that the author of this report and the Newslick article is the same person/group of persons.** “A series” on NRC matters was published by Newslick about a week prior to publication of this so-called “Fact Finding Report” to create artificial “Source” to be quoted as reference for the so-called “Fact Finding Report”. All the articles in these series, listed below, provides no accurate detail on persons interviewed, their actual grievance, location, source of data etc, which indicates towards the malafide intentions of United Against Hate/Newslick to run a propaganda against this Supreme Court monitored project.

List of baseless and concocted stories on NRC published by Tarique Anwar in Newclick – one of the authors of this so called Fact Finding Report.

1. *With Final NRC draft to be released in 20 days, Assam witnessing rise in suicides – Tarique Anwar, Newslick, 12 July 2018* – This article talks about rise in suicides in Assam in fear of being excluded from NRC. This is another instance of a completely false and baseless news item by one of the authors of the so-called Fact Finding Report. No statistics on prevalent suicide rates, increase against it etc. are quoted. Not even a single suicide due to NRC scare is reported in the robust public grievance redressal system of NRC or by district administration in last 6 months or even the entire course of implementation of NRC update since 2015.

2. *Assam: how biased implementation of NRC process ruining families, separating parents from children – 4th July 2018, Newsclick* – This report alleges that the implementation of the Supreme Court-mandated National Register of Citizen (NRC) project is allegedly harassing, traumatising and targeting Bangla-speaking Muslims and Hindus in Assam and exactly like in the so-called Fact Finding Report mixes NRC with D voters, Declared Foreigners and Detention Camps. This appears to be a deliberate attempt to make NRC look like a sinister design on racial profiling and religious and linguistic discrimination. This is also a clear attempt at misleading the public with false information and creating apprehensions amongst them.
 3. *Assam: How citizens are turned into foreigners - Tarique Anwar, Newsclick, 12 July 2018* – Herein Mr Anwar on his week-long so-called “fact finding” visit to Assam suddenly bumps into a Declared Foreigner on run and documents his story without any kind of corroboration of evidences etc from authorities. This act of “suddenly meeting a so called declared foreigner on run” exposes the credibility of this group of Newsclick and United Against Hate.
 4. There are many other reports by Mr Anwar in Newsclick published 2 weeks prior to publication of the so-called Fact Finding Report with the intention of using his own contents as source for the so-called Fact Finding Report and also to create a conducive environment for controversy to get maximum attention on this so-called Fact Finding Report, which is hardly based on facts.
- **Fact Finding Report** - *“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.”*

NRC Response - The Complete Draft is yet to be published. The authors may like to give any one instance of what is being said here.

- **Fact Finding Report** - *“Hence, they rely on Panchayat certificates, which has given using magisterial powers and has been ratified by the Supreme Court with verifications”.*

NRC Response - No Magisterial powers have been given to Panchayats. The authors may like to quote the details of the order of the Supreme Court which has given such Magisterial Powers.

From the above, it appears that information related to NRC Update process in this so-called “Fact Finding Report” is actually untrue and certainly not based on facts. The fact that almost a crore applicants appeared in 9.15 lakhs Family Tree hearings and many more for other investigations, and that too during a relatively short span of 4-5 months proves beyond any reasonable doubt that the public in Assam including the NRC applicants have shown immense trust and faith in the NRC Update process. Those persons who are not from Assam or are not familiar with the NRC Update process may first study the entire NRC Update process properly including the history of the state of Assam before making claims of releasing any “Fact Finding Reports”. Further, the Hon’ble Supreme Court of India is monitoring the entire

process of NRC Update. It is expected that responsible citizens have a duty to submit such reports before the appropriate authorities including the Hon'ble Supreme Court first before making public their "Fact Finding Reports".

It is also worth informing the public that Mr Tarique Anwar of Newsclick cum the so-called Finding Group visited the Office of the State Coordinator NRC to meet the State Coordinator on 29th June 2018. But as the State Coordinator had gone to Delhi for Supreme Court matters on NRC, he was unavailable. Mr Anwar insisted on meeting any other official and on being told to come back a day later to meet the State Coordinator, Mr Anwar threatened the security personnel to allow him entry to meet any other officer or face negative media reporting on NRC. He was allowed to meet the Additional State Consultant of NRC, on meeting whom he started off with aggressive accusations as to how NRC could send people doubted as D voters to detention camps. On this, it was explained that NRC doesn't identify D voters nor has any provision of sending those not included in NRC to detention camps. But Mr Anwar and group decided to put closure on their so-called Fact Finding endeavour with that note and walked off without understanding any legal procedures, laws and processes related to NRC. This shows lack of any serious intentions on part of this group to understand the complex and mammoth exercise of NRC update mandated by the Apex Court of the country.