

## MESSAGE FOR TODAY

He was a kind of saint and in that character, more likely in politics to chastise his own side than the enemy.

— GEORGE ORWELL

# The Assam Tribune

## “First enemy”

In the most horrendous attack so far by Maoists, 76 jawans of CRPF were butchered in Chhattisgarh on the 6th of April. Reportedly, the number of Maoists who carried out the ambush was over a thousand. That intelligence agencies involved in the ongoing anti-Maoists offensive were totally unaware of the presence of so large a number of rebels in the ambush area is significant and underscores lacunae existing in the current operations. Just two days previously nine jawans of the Special Operations Group were killed in a landmine blast triggered by Maoists in Koraput district of Orissa. Such savage attacks following equally ghastly ones at places like Shilda and Dharampur once again underline the reality that threat posed by the Maoists to India's unity and security is as grave as that posed by terrorism. No wonder that the Union Home Minister P. Chidambaram, has dubbed Maoism as the country's “first enemy” and reiterated his determination to uproot the movement within the next two or three years. He believes that the growth of the Naxalite movement in some parts of India has assumed such gigantic proportions only because no effort had been made in the past decade to tackle it. But mere words will break no bones and the Centre needs to make necessary changes in its modus operandi if our forces are not to continue to be goats for the slaughter.

The biggest problem in the campaign has been the fact that the predominantly tribal local population in Maoist areas, out of fear or sympathy, provide little information of the presence or movements of the rebels. Also, the security personnel being thrown against the adversary often do not command sufficient numbers nor are properly trained. These, added to the unfamiliarity of the forces with the terrain where they have to operate in, as opposed to the intimate familiarity of the Maoists, make their task all the more difficult. Another great hurdle has been the multiplicity of paramilitary forces engaged in the operation due to the fact that law and order is a State subject, and entities such as West Bengal are ruled by political parties different from those at the Centre. This makes for lack of co-ordination and absence of an intelligence sharing mechanism vital to the anti-Maoist offensive. Given such a backdrop the Home Minister's assertion that the Indian Army will not be used against the Maoists is questionable strategy. If tools such as the Armed Forces Special Powers Act can be imposed in regions such as India's North-East and the armed forces deployed to combat insurgency, why similar steps cannot be taken in Maoist infested areas is difficult to comprehend. Political niceties must not be allowed to stand in the way if the “first enemy” is to be confronted, and

# Updating NRC 51—pitfalls and promises

## Pradip Kumar Bhuyan

Whenever the seemingly intractable issue of infiltration from Bangladesh crops up the ‘updating of the NRC 51’ is uttered as a sort of balm for the ‘public’. The net result since signing of the Assam Accord in 1985 i.e. even after 24 years, - the simmering problem of Assam is unresolved.

The government of Assam on August 30, 2008 declared a modality for updating the NRC 51 through ‘Application’ which is a departure from ‘house to house’ enumeration as is generally done in such work it means that all heads of families, i.e. nearly 3 crore population will have to ‘apply’ shoeing a linkage with the 1971 voter's list, - giving details of all his descendants in a ‘prescribed format’ so that the government can compile a draft NRC. It is an impractical proposition because bulk of the indigenes Indians will not take this trouble to ‘apply’ in the first place! There is no compulsion on him to take this trouble. In rural areas many are barely literate or illiterate. For most, the life is embroiled in day to day struggle for survival. To expect them to find out their linkages with 1971 voter's list and then write the names of their ‘descendants’ in a prescribed ‘format’ and apply in some designated place, is utterly ridiculous. In towns and in the city of Guwahati, the situation will be just the same. The literate will not take the trouble to ‘apply’ and the illiterate cannot do that even if they want to!

Also, the exercise of updating the NRC 51 is not like voting in an election where a candidate can be elected even with 20 per cent to 30 per cent polling. Here to arrive at a correct list of Indian citizens we need not just 60 per cent or so ‘applications’ but 100 per cent ‘applications’. This also is an ‘absurdity’ in the proposed process. Also, handing the ‘applications’ from the heads of families is also a mind boggling operation, even as a paper exercise!

Bangladesh was created on March 25, 1971. On creation of Bangladesh, floodgates of illegal infiltration through porous borders to Assam opened and still remain open. As per Assam

accord of 1985, the following vital clauses are enshrined: (a) all Bangladeshis who came to Assam on or after March 25, 1971 are illegal foreigners. (b) all people who came to Assam from erstwhile East Pakistan on or before March 24, 1971 are to be regularized as Indian citizens. Even after 25 years of signing of the Accord, the se vital clauses, which ‘effect sovereignty and security of the country, have not been addressed.

Without any clear-cut practical modality that will address the issues like regularization of the pre March 25, 1971 migrants and identification of the post March 24, 1971 Bangladeshis, the proposed process of NRC update is a nebulous framework. People are completely disillusioned because 24 years have elapsed since signing of the Assam Accord in 1985 and nothing tangible has resulted from it.

But there seems to be a silver lining to the gloomy scenario because Assam Public Works (APW), a social BGO has filed a writ petition in the Supreme Court regarding ‘deletion’ of names of foreigners from the electoral rolls of Assam. In their petition they have stated that there are over 40 lakh ‘excess’ voters in Assam's latest voters’ list over and above normal growth of voters based on calculation from government statistics. They have, in their petition, given a practical modality that will resolve these issues. According to them the first step in resolving these issues, must be to identify the re March 25, 1971 migrants who are to be regularized as the Indian citizens along their descendants, - constituency wise. If this is done, 80 per cent of the problem of post March 24, 1971 Bangladeshi migrants will be resolved. It can be done through a simple and manageable process. There is no legal complication because we are merely implementing what is already accepted in the Assam Accord and by all the political parties and there can be no controversy in the operation from any quarter and it can be accomplished correctly in a short span of time.

Once the migrants from the erstwhile East Pakistan who are to be regularized as Indian citizens are identified and regularized as Indian citizens along with their descendants, Bangladeshis who are left out are ‘prima-facie’ foreigners and their names can be put as D-category in the voter's list as per, existing practice of the Election Commission. Regularized pre March 25, 1971 migrants and their descendants who will become Indian citizens will form a formidable bulwark

against further infiltration as land and other opportunities will be very limited.

In short the modality unveiled by APW for updating the NRC has 3 distinct features: (1) to regularize all pre March 25, 1971 migrants from erstwhile East Pakistan along with their descendants. The names of those among them in the voters’ lists should also be recorded in detail for use of ECI. DNA samples from the head of family should be detained DNA archive which can be used whenever needed. (2) to identify the post March 24, 1971 Bangladeshis as prima facie illegal foreigners. (3) to update NRC 51 utilizing these data in the computer, through house to house enumeration independently or along with Census operation which has began in Assam, for an updated correct NRC.

As a first step to regularize the pre March 25, 1971 migrants it is suggested the 1971 voter's list should be circulated in a constituency widely and ask all the heads of families of the migrants from East Pakistan who have direct linkage with the circulated list to ‘apply’ giving their names and addresses. All will ‘apply’ even with help of

others because they and their descendants will become Indian citizens at last. Establishing linkage with the circulated voter's list is a simple matter as a head of the family will either be himself in the list or it will be his father or grandfather, - thus it will be very easy to identify the connection.

Officials will visit each applicant's constituency and after field verification will record the list of descendants from the head of the family downwards and a list of those among them who are in voter's list in detail. Officials will also take hair and tissue samples for DNA profiling of the head of the family for an all time archive which can be referred to whenever needed. This is a very simple procedure. There is no conflict with anyone because it is a regularization process as Indian citizens. Everything is within the parameters of law. It will be a smooth operation. Also, in any given constituency, the name of such persons (heads) will be not more than 5000 and as such it will be a highly manageable operation.

On completion of the above operation we will have in our computers. (i) a list of all migrants who came to Assam before March 25, 1971 along with their descendants in a Constituency who are to be regularized as Indian citizens and (ii) a list of persons among them who are in the voter's list in detail. (Who are legitimate Indian citizens and are to be retained in the voter's. Once this simple and manageable operation is done 80 per cent of Assam's simmering problem probably will be over because we will then have a grip over the situation.

After identification of the persons from erstwhile East Pakistan to be regularized as Indian

citizens, the process of identification of the post March 24, 1971 Bangladeshis and correction of the voter's list of these illegal migrants will become very simple. It will basically be a computer operation.

Those who are left out in the latest voter's list will be enlisted as ‘Need to Prove Citizenship (NPC) Group’. Indian who are in this groups because of commonality of titles with Bangladesh, like Bhuyan, Ali, Choudhury, Sharma etc will ‘apply’ before an Empanelled Committee and through a simple ‘process’. Their names will be removed from the NPC category and entered in the Correct Electoral Roll. This is a small inconvenience which all patriotic Indians will gladly go through in order to arrive at a correct voter's list. Any Bangladeshi, who could not establish any link with the voter's list of 1971/1966 and because of which they are in the NPC groups, can also ‘apply’ if he can establish any other credible pre 1971 document (NRC 51, FRRO, Electoral Rolls between 1952-1966 etc) before the Empanelled Committee, (constituency wise,) then his name will be removed from NPC group and entered in the Correct Electoral Roll (CER). However, there will be others who were born in Assam of illegal immigrant parents between 1971 and 1989 and they will be treated as Indian citizens as per law.

Those in the latest voter's list of a constituency who are left over after the above two operations, are all ‘prima-facie’ foreigners, - doubtful, i.e. D-category as per EC's nomenclature and their names are to be marked as ‘D’ in the voter's lists as per EC's procedure. Their names are to be transferred to the Correct Electoral Roll as ‘D’ Category voter's through computer operation only. They are to be identified in detail along with their families. They are debarred from voting until their status of nationality is determined by a Tribunal.

After the pre March 25, 1971 migrants who came from erstwhile East Pakistan are regularized along with their descendants

and post March 24, 1971 Bangladeshis are identified as ‘prima facie’ foreigners, then house to house enumeration independently or along with Census operation will update the NRC 51 most correctly and easily.

It will be a massive computer operation based on voter's list of 1971 and the latest voter's list as base documents with minimum field work which is basically restricted to visiting the heads of families of migrants for regularization. The modality does not discriminate anyone based on caste, creed and religion. Because the ‘human factor’ is not there in determining the status of a Bangladeshi as a prime facie foreigner, the ‘system’ is not open for ‘corruption’ at it happens in ‘revisions’ by the ECI.

With 40 lakh ‘excess’ voters in its voter's list this is a moment of great crisis for Assam. We have to rise in this juncture of our history, above all narrow consideration and take a stand for adoption of a proper modality for updating the NRC 51.

The modality as enunciated above, gives a concrete shape for resolution of the seemingly intractable issues of the 1985 Assam Accord, AASU, whose agitation culminated in signing of the historic Accord, should come forward and press the government to scrap the proposed modality of ‘Application’ by all “because of the serious shortcomings of the modality proposed by the government. The government has the option of choosing any modality that will resolve the issues correctly for the greater interest of the country.

The Union Home Minister with his visionary and pragmatic leadership will have to take the lead with a clear vision of solving all the basic issues of Assam arising out of illegal Immigration from Bangladesh through the process of updating the NRC 51. The government of Assam must also press for a change in the concept of updating the NRC for practical reasons, so that we do not miss the golden opportunity which is there now for resolving the various problems arising out of illegal migration.