

NRC in Assam - Families and Children live in fear and confusion

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On 31st August, 2019, Government of India published the final National Register of Citizens also known as NRC for the state of Assam. This highly controversial register is a part of a Supreme Court-monitored process that catered to the long-standing demand by several organizations for detection of foreigners living in the state. While the NRC final register has excluded 1.9 million people living in Assam, the process of declaring individuals as illegal immigrants started much before the NRC was published.

Hi! This is Anupam. I am an independent journalist based in Guwahati in Assam. In this podcast, we travel to Bongaigaon district in Lower Assam where nine-year old girl was declared a foreigner even as her parents are Indian citizens.

I am with Monuwar Hussain, a local journalist from Jogighopa who broke the story about nine-year-old Sofia Khatun who was declared a foreigner.

Can you please state your name.

My name is Monuwar Hussain. I am a resident of Ishujhari Part 2 village under Jogighopa Police Station.

What is your occupation?

I work as a local correspondent for an Assamese newspaper called Khobor.

You were the first one to write about the story of Sofia Khatun.

Translation- Yes, I got a message on my whatsapp from the local Panchayat president that a seven year old girl was declared a foreigner. When they first filled up the NRC form she was about seven years old. Now she is nine years old and she has been declared as a foreigner. This notice came when she was declared as a foreigner in the list that was published on June 26. The notice was sent to them on June 29. The notice said that she was being excluded from NRC as she has been declared as a foreigner. After the notice was made, there was panic among the locals. Most people questioned the decision demanding how a nine-year old girl can be declared as a foreigner. The notice further stated that she was to appear before the tribunal on July 5. The family went as asked by the notice. The officials did admit that it was a mistake. However, we want to know which foreign tribunal turned her into foreigner? If that is so, then we need a case number. A trial should have happened. Border Police should have delivered the notice followed by the trial in the foreign tribunal. There is a process. She has to appear before the tribunal. It is after the trial, a final decision would emerge. All their names were there in the draft NRC that was announced in July 2018. Later her name was excluded from the list because of the foreign tribunal order. Obviously the family was tense. They felt harassed and ran from pillar to post trying to find a solution. Out of anger, fear and frustration, they also did not eat properly for a few days. When they met the officials, they admitted the mistake. Even then another notice was issued declaring her as a foreigner.

So, you're saying that despite appearing before the Circle Officer in Abhayapuri, they did not correct the mistake and kept issuing the notices to her family?

Translation- Yes. Just two days back NRC authorities sent notices to the girl again. The hearing was done and the officials found that there was a mistake. Even after all of this notice was sent to the girl. Even now her name did not appear in the final NRC. This looks deliberate. Who may have done this? If foreign tribunal did this, there has to be a fresh case number with a fresh trial. Nothing came. All of a sudden you are a foreigner. Keeping such mistakes as the basis, the government is striking off names from final NRC. Such kind of harassment has been unleashed especially over the daily wage earners from minority communities in the riverine areas of the state. This is a Supreme Court mandated process, how can these local officials in Bongaigaon district violate it? Are they striking off names of people arbitrarily? What is the basis? This has become a big question for us. Their attitude seems like they want to harass us.

You have been covering this process for a few years. Have you noticed such attitude of the government and NRC officials especially to the people living in these riverine areas of districts like Goalpara and Bongaigaon?

Translation- Yes, I have found several cases like these. There are several false cases. Border Police usually take names from the voter lists and put them under 'doubtful' category. Names often don't match. If they find a match between husband and wife's names, they will try to match it with wife's father's name and if say, there is no match, then they drag your names to foreign tribunals. The Border police issue a notice to the family and tell them to appear in a court. People often do not get this and appear before the court with their documents along with their father's. When the documents show no match, they are declared as foreigners. By putting them through various legal processes, these foreign tribunals have been declaring people as foreigners. Riverine areas are most affected by such decisions. People often get displaced by floods and move to new locations or those staying in the islands often have to move after every flood as these are mostly sand banks. In such a scenario, the names also have to be transferred as there are various electoral constituencies. If people transfer their names four or five times, this is flagged as a doubtful voter. On the basis of these doubts, such notices are being sent haphazardly. From what I gather, border police operates in such a manner. Such cases are there just harass our people.

Can you tell the actual process by which the border police should work?

Translation- If there is a doubt over someone, if names are not matching with 1951 NRC, where the spellings of the names are incorrect, there should be field verification. They should verify the documents. They should report it accurately after identifying the person. However, border police does not do any field verification. They just take names and send them as 'doubtful' people to the foreign tribunal. In the foreign tribunal such border police officials state that the doubtful person has come after 1971 and such people are summoned to the court. Upon receiving these notices, people who are summoned start looking for lawyers, who are mostly inexperienced. Sometimes they miss filling in the crucial details and people lose these cases. Another issue is that although most people living in the riverine areas study in Assamese and speak the language formally, the common language is Dewan

bhasha (which is a mix of Bengali). When these cases are taken up in the foreign tribunal, which usually are comprised of Assamese speaking members, 'doubtful' citizens are asked to speak in Assamese. The tribunal members say that if you are an Assamese, speak to us in Assamese. Often people living in these areas are not able to talk back in the same accent or the language, in which case they are declared as foreigners. There are many people living in the detention camps facing similar charges. In Ooudubi, one Asbahar Ali was transferred into a detention camp sometime back and his wife committed suicide leaving behind five children fend for themselves.

You mentioned something about the erosion affected persons living in this area. Are all the riverine areas full of people who were impacted by erosion?

Translation- There are close to five to seven thousand people living in this area who are impacted by erosion and floods. They have settled here after being displaced several occasions which is the reason why most of these regions have people living way below the poverty line. Lack of family planning has impacted these communities too. With NRC being done in these areas, people have lost all their hope.

With Monuwar's help we proceeded to meet Manirul Hussain, father of Sofia Khatun who tells us about his ordeal with the foreign tribunal

My name is Manirul Hussain. I am a resident of Ishujhari village in Bongaigaon district. My daughter was declared a foreigner by the tribunal.

When did you get to know about this?

Translation- On July 5, she was declared a foreigner. I spent Rs 2000 to go meet the officials. He initially said it's all okay. The matter was resolved. Then again after a few days we heard that she was declared a foreigner. This time I went to collect the notice. I usually work on the fields, so I could not go initially to collect the notice.

Is your name in the 1951 NRC?

My name is there in the 1951 NRC. It is clear.

How many children do you have?

I am a father of two boys and two girls.

There were no notices issued in the name of your other children?

Translation- No, they did not issue any notice for my other kids. Only my daughter, Sofia Khatun was issued this notice.

So what happened then?

Translation- Circle officer gave me a form. I filled it up again in Abhayapuri. He looked at it and admitted that there is confusion in including my daughter's name in the declared foreigners' list. I filled up the form and made a copy of it and gave one copy to the official. I took four witnesses with me. My relatives went with me.

There is absolutely no problem with our documents.

So the circle officer said that it was a mistake?

Translation- Now nothing has come from it. Only the officers know what they want to do with it. They said that I was not required to come. She will be taken off that declared a foreigner's list. It is uncertain what will happen to her.

How old is your daughter?

She is about seven years old.

Does she go to school? Which school does she go to?

Yes, she goes to a local English medium school.

Did the school ever create any trouble for you after the notices came?

Translation- No, there was no problem. We also have her birth certificate. However, the officials did not take her birth certificate as a proof. Instead they took the school certificate.

What is your occupation?

I work on a farm as a farm laborer and I also have my own fields.

Translation- We lost quite a bit of our agricultural land to the river erosion. It has become difficult to earn any money.

Is your wife here with you?

She is not here now. She has gone out.

How much have you spent so far after the notices were issued to your daughter?

Translation- I spent about Rs 2000. There were two other hearings. We went and there was no problem in these hearings. Our papers were in order. The circle officer also said that the papers were in order.

Were you issued any notice earlier as a declared foreigner?

There is no case against me or against anyone in our family. If anyone is to be declared a foreigner here, it would have come to me first before my children.

Who sent you the notices?

It came by post.

So what did you do when you received the notice?

I went to the circle office the next day. I took my relatives along with me on a short notice.

It must have been very difficult for you?

Yes, it was very distressing. For poor people like us, this is a big hassle. This is just harassment.

This is happening in the peak of monsoon. It must have added to your woes?

Yes, it did. Look, half of my house is under water. There, those are my kids standing there.

While Sofia has been tucked away at her maternal uncle's house far, we learnt about the plight of Asbahar Ali, who was taken to the detention camp allegedly for assuming the identity of another person. His son, Moinul tells us about the plight of his family

Moinul Haque, son of Asbahar Ali

Can you please state your name?

My name is Moinul Haque. The name of my village is Khiluwapara which is under Jogighopa Police Station of Bongaigaon district.

You told us earlier that your father has been taken to a detention camp. How long has he been in this camp?

My father's name is Asbahar Ali. My father has been in the detention camp for the last three years and two months.

Why was your father taken to a detention camp? How was he taken to the detention camp?

Translation- I didn't understand much as I was young. All of a sudden, a notice arrived in our house. My father said that the notice came from the local police station. He asked me to come along. I went with him a lawyer from a lower court and gave him all the documents. The trial went on for a while. Then they sent another notice asking him to appear in the local police station. That day my father wanted to step out of the village to the town and I also wanted to visit Bongaigaon town. I went to Bongaigaon while my father went to the local border police station. The border police officials told him to go to Superintendent of Police's (SP) office in Bongaigaon. I received a phone call from my father who told me that he was about to be detained here and taken to a camp. He asked me to come towards the SP's office. I could not find him. I went back on the main road thinking I might have missed while he was being taken in a police vehicle. I followed the police jeep that was taking my father for some time and then finally caught up with the vehicle that was taking him. I took the papers from him as the police official told me that my father was being taken to detention camp.

So what happened in the trial at the Foreign Tribunal?

Translation- The trial went on for four years after he was being sent to the detention camp. I don't remember the older details. But from what I remember we approached a lawyer six months before he was taken to the detention camp.

The case also went to the High Court. What happened then?

Translation- While my father was in the detention camp, I did not know what to do. I went to the District SP's court. SP said that I have to appeal in the high court. We took all the papers and knocked on the doors of the high court but nothing much happened there. One day the lawyer called and said that his father had lost the case. The lawyer added that we have 15 days time and we should appeal to the Supreme Court.

So your father was in the detention camp all this while?

Yes, I appealed to the high court when he was in the detention camp.

How was the situation at your home?

Translation- It was really difficult for me to run the house with my father in the jail. We were not doing well financially. We didn't have much land. With whatever we could earn from our crops, we ran the house. We have a small shop which also added to the income. We were worried about rising expenses due to the case. We didn't know where to arrange the money. In the meanwhile, the lawyer informed us about the status of the case in the high court and that we now had to go to the Supreme Court. I came home and told my mother about it. I didn't know how she took the news. Next thing I know she hung herself with the rope.

She could not bear with the news about your father's case in the high court. Was that the trigger?

Translation- Yes, after we lost the case in the high court, she did not know how we would pay for the expense for the Supreme Court trial. She was worried about us. I don't know what went on her mind but she just took the extreme step.

I am really sorry to hear this. How are you managing now? How about your siblings?

Translation- We are five brothers and two sisters. My sisters have got married. I have my family consisting of my wife and my daughter. In all seven of us live here. We are not doing very well financially. However some local youths have been helping us with some money raised from the community. I am working really hard to take our land that has been mortgaged to a local. That is where most of my earnings are being spent.

Starting from your father's trial at the lower courts to high court and now in the Supreme Court to his stay in the detention camp, how much did you have to spend?

Starting from the lower court to the present trial in the Supreme Court, I must have spent about 3.5.

You spent Rs. 3.5 lakhs?

Yes, I spent Rs 3.5 lakhs.

This consists of fees for the lawyers and ...

Yes, fees for the lawyers, visits to and from the detention camps, to the courts.

What is the present status of the case?

Translation- The lawyers are saying whatever that needs to be done in the court has been done. Now it is up to the government. The government has not decided on anything [on the status of the detainees] and the lawyer says that case is just dragging. It has been more than three years. Now we have heard the government is planning to release the detainees who have spent more than three years in the camp. However, beyond that it all looks uncertain.

Anupam- Like Sofia or Moinul, there are thousands of teenagers and children in Assam, who are facing a bleak future as there is no clarity over the fate of NRC. In the last few weeks after the Register was published almost all groups have expressed their dissatisfaction over the outcome. For some, the register undermined the claims made by various political leaders about so-called illegal immigration to the state. However with such a large number of people facing the threat of statelessness and its impact on various communities, all the stakeholders must think about the future of these young children.

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