



संयुक्त राष्ट्र कार्यालयों में
भारत का स्थायी मिशन, जिनेवा
Permanent Mission of India to the
United Nations Offices at Geneva

NV. GEN/PMI/353/39/2018

23 August 2019

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to the Communication Nos. OL IND 13/2018 dated 11 June 2018, OL IND 29/2018 dated 13 December 2018 and OL IND 11/2019 dated 27 May 2019 from the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on freedom of religion or belief concerning National Register of Citizens (NRC) update in the State of Assam.

The Permanent Mission of India would request the Special Procedure Branch of the Human Rights Council to bring the following information to the kind attention of the above mentioned Special Procedures.

The National Register of Citizens (NRC), Assam is the Register containing names of Indian citizens in Assam. The decision to update NRC 1951 was taken after consulting all the relevant stakeholders. The Preparation of NRC in Assam is a statutory exercise under the existing provisions of the Citizenship Act, 1955. The entire process is being monitored by the Supreme Court of India.

The Complete Draft NRC, Assam list covering 2,89,83,677 persons has been published on 30 July 2018. Any persons, who does not find their name in the draft NRC, may file the claims in accordance with Citizenship Rules, 2003. After the disposal of claims and objections, the final NRC is to be published by 31 August 2019.

The Standard Operating Procedure (SOP) to deal with the process of claims and objections has been prepared in consultation with the Union Government of India, the Government of Assam, Register General of India and the State Coordinator NRC, Assam and has been approved by the Hon'ble Supreme Court. The entire process is comprehensive, fair, objective and inclusive with multiple levels of remedies available for redressal of grievances and consideration of claim of an applicant. Any person not satisfied with the outcome of the decisions of claims and objections leading to publication of final NRC may prefer an appeal before the Foreigners Tribunal constituted under the Foreigners (Tribunal) Order, 1964.

Extensive deliberations have been held on the issue between the Union Ministry of Home Affairs (MHA) and the state government of Assam in recent weeks. Union Minister for Home Affairs reviewed the issues related to final publication of the National Register of Citizens (NRC) in Assam on 19 August 2019 with the Chief Minister of Assam, Union Home Secretary, Chief Secretary Assam and senior officers. It was decided that in order to facilitate the persons excluded from NRC, adequate arrangements will be made by the state government to provide full opportunity to appeal against their non-inclusion. Every individual, whose name does not figure in the final NRC, can represent his/her case in front of the appellate authority i.e. Foreigner Tribunals (FT). Under the provisions of Foreigners Act 1946 and Foreigners (Tribunals) Order 1964, only Foreigners Tribunals are empowered to declare a person as a foreigner. Thus, non-inclusion of a person's name in NRC does not by itself amount to him/her being declared as a foreigner. In order to facilitate the persons excluded from NRC, adequate number of such tribunals are being established at convenient locations. It has also been decided that state government would also make arrangements to provide legal aid to the needy people amongst those excluded from NRC. As it may not be possible for all those excluded from final NRC to file the appeal within the prescribed time, MHA will amend the rules to increase the present time limit of filing of appeals in Foreign Tribunals from 60 days to 120 days regarding exclusion from final NRC. The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 are also being amended accordingly.

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council, the assurances of its highest consideration.

*The Secretariat of the Human Rights Council,
(Kind attn : Chief of the Special Procedures Branch)*

