

Assam After NRC: Quest for Knowledge

Round Table

A joint initiative of Axom Xahitya Xabha, Nanda Talukdar Foundation and Studio Nilima:

Collaborative Network for Research and Capacity Building

Date & Time: August 25, 2019, 9am-12:30pm

Venue: Bhagawati Prasad Barua Bhawan, Guwahati

Participants (By Invitation)	Other attendees
1. A.S Tapadar	1. Dr. Tribendra Kr. Bhattacharyya
2. Abdul Mannan	2. Iftikar Hussain Siddique
3. Akhil Ranjan Dutta	3. Dr. Balendra Kr. Das
4. Aman Wadud	4. Hridayananda Gogoi
5. Ankur Tamuli Phukan	5. Abani Mohan Saharia
6. Azizur Rahman	6. Manik Ahmed
7. H.R.A Choudhury	7. Dr. Sanjib Kr. Sarma
8. Hemen Das	8. Muminul Aowal
9. Joydeep Barua	9. Rabin Dutta
10. Kamala Kanta Mushahary	10. Mohibul Islam (with Kamala Kanta Mushahary)
11. Nitya Bora	11. Mary Therese Kurkalang
12. Pallab Bhattacharrya	
13. Paramananda Rajbongshi	
14. Paresh Malakar	
15. Prashanta Rajguru	
16. Rajeev Bhattacharrya	
17. Ramesh Barpatragohain	
18. Sangita Baruah Pissaroty	
19. Shantanu Barthakur	
20. Sumanta Chaliha	
21. Tillotama Misra	
22. Udayon Misra	
23. Xonjoi Borbora	

Welcome Address:

The welcome address was delivered by Dr. Sanjeev Kr. Sarma, General Secretary, Axom Xahitya Xabha. He welcomed the gathering to the Xinghapurux Radha Gobinda Barua Memorial Room for the Round Table. He observed, “It is a historic day for the Assamese community. On this day in 1888, the Axomiya Bhaxa Unnoti Xadhini Sabha was established in Kolkata. The birth of Axomiya Bhaxa Unnoti Xadhini Sabha and the publication of Jonaki was instrumental in bringing the Assamese language and public life to its present day status. On this historic day, we have gathered to discuss a problem which has been plaguing the State since the last 3-4 years with the updation of the National Register of Citizens.” With that, the meeting commenced after the singing the Sahitya Sabha Song “*Siro senehi mur bhaxa jononi*”.

Mr. Mrinal Talukdar, senior journalist, one of the convenors of the forum welcomed everyone to the meeting on behalf of the Axom Xahitya Xabha, Nanda Talukdar Foundation and Studio Nilima: Collaborative Network for Research and Capacity Building (Studio Nilima). He thanked everyone for making time on a Sunday morning to be present at the roundtable. He noted the familiarity of the subject of discussion and discussed the modalities of the meeting. He explained the late arrival of Dr. Paramananda Rajbongshi, President, Axom Xahitya Xabha who was travelling due to a prior official commitment and was expected to join the meeting at a later stage and preside over it. Consent was sought of the House to document the proceedings for archival purposes.

On the modalities of the meeting, one hour of the available three hours was reserved for deliberation while the individual remarks were restricted to four minutes each. He requested all the participants to present their opinions in a brief and articulate manner within the available time. He further stated that the meeting was organised with a vision and intention of a dialogue between this myriad views and to hear everyone. It needs mention here that the 30 invited participants represented a cross section of views and opinions shared in society.

Session I: Opening Remarks

Mr. Nilay Dutta, Senior Advocate, Gauhati High Court began the meeting by stating that the prime objective of this roundtable is to provide a platform for mutual exchange of views and opinions. He stated, “The NRC is due on 31st August and it has become imperative to discuss what would be the ramifications of that. This is sought to be done through primarily two perspectives. The first being, what would be the immediate repercussion after publication of the NRC. If there are any repercussions, what is needed to be done? The second perspective would be on the long-term effects of NRC. What is to be the role of the civil society in identifying and resolving the long-term effects of NRC?”

He further mentioned, “The roundtable would also like to hear the clear opinions of the participants on whether the NRC in its present form is acceptable to them. If it has to be improved, how should it be done? It is now widely accepted that there are flaws in the NRC whether in relation to wrongful inclusions or exclusions.” It was requested that the participants put forward pointed observations without delving into historical contentions and facts which would take away from the allotted time. Mr. Dutta suggested that the roundtable be initiated with opening remarks from Ms. Sangeeta Barooah Pisharoty, Deputy Editor, The Wire.

Ms. Pisharoty stated that she considered it a privilege to be invited to share her thoughts in such a forum. Addressing the broad contours raised by Mr. Dutta, she stated that in her perspective as a journalist, there were primarily four issues in the short term:

1. The number of Foreigners Tribunals (hereinafter referred to as “FTs”) will increase along with the number of people who have to go through that.
2. Detention centres will also increase in the coming days. As an Assamese, it is difficult for one to support such moves as the Central government should have the onus for border control. Unfortunately, in the present state of affairs, the moral burden has to be borne by the Assamese community.
3. The political rhetoric will increase after NRC and the Centre should take a good decision in this regard.
4. Recently, Dr. S.Jaishankar, the External Affairs Minister during his Bangladesh visit has said that NRC is an internal matter. This line has not changed since Congress times. Essentially, the concept of deportation has been sidelined.

She noted with respect to the long-term impact, the answer lies in finding solutions. She observed, “Only one Minister from the State has actively spoken about the issue of work permits in national platforms.” She expressed the fact that having extensively studied the issue of work permits she would have liked to contribute if an active conversation relating to work permits existed. The Citizenship (Amendment) Bill, 2019 (hereinafter referred to as “CAB”) has also been mooted as a solution. “Is implementation of safeguards under Clause 6 of Assam Accord a solution?” she questioned. “There is the possibility that two categories of citizens will come into being when Clause 6 is brought into effect. We have to realise the fact that this will create two classes of citizens when the safeguards are implemented. We have to look at the fact that post-Independence Article 371 and Sixth Schedule came into being and created two types of citizens. This needs to be seen in light of the demands by the Meiteis in Manipur and the Bodo issue. “In an interview, Mr. G.K Pillai had mentioned that the Abodo community had agreed to the fact that special protection should be provided to the Bodo community as long as it resulted in peace and harmony in the area.” she observed.

Mr. Rajeev Bhattacharyya, a senior journalist, was invited to speak next. Mr. Bhattacharyya opened his remarks by stating, “Today’s discussion might be based on speculation as everyone’s opinion could undergo some change after 31st August.” He expressed that in his opinion, nothing much would happen in the short term. In view of the current situation in Jammu and Kashmir, the government would go very slow as it would not want more hostility on its hands. “It is important to move away from the mindset that people sitting in Delhi have no understanding of the Assam situation as it is not always true. In fact, the government does not have the infrastructure to deal with the situation” he cautioned.

In his view, in the post NRC scenario, protests would happen from the Bengali Hindu community in the Cachar area. It is also worth noting that Genocide Watch has recently stated that Assam will soon produce ‘7 million stateless Muslims’. Statements of this nature are rather unfortunate. With regard to the government reaction in the post NRC scenario, it will have to be seen to be doing something, so efforts like deployment of paramilitary will happen. It also remains a fact that looking at the track record of the government it is quite clear the detention centres will take more than 5 years to be built just as the required numbers of Foreigners Tribunals will take time. He mourned that, “The issue with the Assamese community is that it does not appreciate the reality of the situation. Where will the foreigners be accommodated? Will jail sentences be suspended to deal with the lack of space in detention centres?”

He noted further that post the general election, there have been rumours that the BJP will not accept the NRC and hence the focus has been on CAB and implementation of Clause 6 of Assam Accord. He observed that Clause 6 will bring in some balance of indigenous interests in the BJP perspective as not much time is left for the 2021 elections. “So, one anticipates that there will be tremendous action on that front. It is also possible that the recommendations for implementation of Clause 6 safeguards would contradict the CAB. An important factor in play which is important from the recent Kashmir example is that the ruling party has the power to do absolutely anything. A case in point is the manner in which it has started working on dams in spite of knowing the opposition to construction of such dams that exist in Assam”, he said.

He opined that the long-term impact of the NRC has to be seen vis-a-vis Clause 6 safeguards and CAB. The Chief Minister of Assam has recently stated that legislative measures will be introduced to counter illegal immigration. It is quite possible that such measures may actually counter NRC. He reminded the house that India is neither Norway, Sweden or Japan and neither is it Somalia. It is somewhere in between and an *ad hoc* state. The solution has to be evolved keeping this in mind.

As an aside, Mr. Bhattacharyya noted that there is a recent notification for FTs and their linking up with Aadhar database and the border police database thereby creating a parallel system with the NRC. He concluded by stating that immigration from Bangladesh remains a fact but it is possible that in the future it will be diverted to the mainland.

Mr. Hemen Das was invited to speak next. He agreed with Mr Bhattacharyya that the immediate repercussion would be in Hindu areas rather than in Muslim areas. While there are flaws in the NRC, there was almost one month given for Claims and Objections. He noted that, “Unfortunately, not enough people filed objections and the same sections are now protesting on the streets. It is quite clear that these protests are only politically motivated and have no genuine motivation behind them.”

He believed that the NRC is needed especially for the minorities and their security. “We, as the Assamese community need the NRC because we do not want the State to remain a battleground and space for uncontrolled migration. As for a Government which does not accept 1971 as the cutoff date, it is next to impossible to implement NRC. In fact, it has tried to relax

the date till 2014 by releasing the CAB. The demand remains that a correct NRC which does not leave out Indians or include foreigners must be produced” he said.

Mr. Pallav Bhattacharyya, IPS (Retd.) was the next speaker. He began by setting out that he liked to visualize issues positively. The state of Assam has not been able to solve a pre-independence problem. There is too much negativity in relation to the issue. In that light, he provided the following suggestions:

1. Civil society groups like the one gathered today should have a WhatsApp group.
2. It is good that the session is being recorded and the recommendations so formulated must be given to the concerned departments.
3. In North East, there are several languages and ethnicities and it is imperative that we understand this reality and unite. Issues like Miyah poetry which have come up at a strategic time when the NRC was released can be resolved through the cooperation of the civil society.
4. With regard to NRC, it has at least led to the creation of a database (whether right or wrong). As a former police officer himself, Mr. Bhattacharyya stated that he feels it will substantially help in law and order. The pan India NRC which is being planned will include officers performing house to house enumeration by adopting the Census Model. So, it is essential that the data from the 2021 Census is cross checked with the NRC data to ensure its accuracy.
5. With regards to benefits which can be given by implementation of Clause 6 of Assam Accord, Mr. Bhattacharyya urged the civil society to provide their suggestions in response to the advertisement which had been released by the High-Level Committee for Implementation of Clause 6.
6. Social media is the originator of several issues. While police have reach in social media monitoring, even civil society needs to control such radical groups which are prevalent in social media. Drawing on his experience in the Special Branch, Mr. Bhattacharyya stated that social media groups contain both constructive and destructive talk and needs to be self-regulated by leading members of the community.
7. On the post NRC law and order scenario, Mr. Bhattacharyya feels that there is possibility of disturbances in certain Hindu areas but this can be adequately monitored through various means including civil society WhatsApp groups.

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Mr. H.R.A Choudhury, Senior Advocate, Gauhati High Court was then invited to provide his opinion. Mr. Choudhury started out by stating that he agreed with the previous speakers that there were more chances of sporadic violence in Bengali Hindu areas especially under the patronage of the ruling party. (He clarified in response to an intervention by Mr. Nilay Dutta that this statement was based on observation and not speculation)

He is of the opinion that the question whether NRC is needed or not is redundant. “The minority community needs the NRC” he said. However, it is important to note that the anti-Muslim sentiment in Assam is not all pervasive and one must understand this fact. He recounted how his name was proposed by Mr. Nilay Dutta for the position of an office bearer in the Gauhati High Court Bar Association many years back. A sentiment of brotherhood has always existed in Assam and “exceptions must not be seen as the standard.”

Social media/public statements against the Muslim community need to be identified. This must be done with the intention of understanding the grievances of such people and this work can only be accomplished by apolitical gatherings as the one gathered today. Once the NRC is released, resolving the social problem will be a challenge. There are also procedural problems like the recent appointment of FT Members who do not have enough experience in courts. This is because of a lack of qualified people applying to be FT Members.

He observed that building of detention centres as the one in Matia, Goalpara will evidently take a substantial amount of time. “The Government of Assam notification constituting specific jails as detention centres states that persons will be kept in detention centres until they are deported to their country of origin. This is inherently problematic because most Declared Foreign Nationals claim to be Indian citizens before higher courts on appeal. In fact, all petitions in higher courts start with a claim to being an Indian citizen” he noted.

He further observed that there has been no serious diplomatic engagement with the Bangladesh government on this issue. Even in cases where there are identified Bangladeshis, there is nothing that can be done without a diplomatic settlement. Neither is there a decision on their status after completion of the FT appeal process. Whether work permits would be granted or they would be declared stateless needs to be clarified.

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“There are two types of detained foreigners: Convicted foreign nationals, who have been convicted of offences under various laws and the Passport Act and admit that they belong to Bangladesh. And there are declared foreign nationals who have been declared foreign nationals by the FTs and are not convicted of offences and generally claim to be Indian citizens” he explained. “The deportations which are being reported in the media are the mostly convicted foreign nationals and not declared foreign nationals. There is absence of any policy on declared foreign nationals and their future and this absence needs to be urgently addressed” he said.

Mr. Choudhury concluded with the suggestion that the burden of foreign nationals needs to be borne by India in general and not only the State of Assam. Additionally, the modalities of the exact rights of the people who are declared foreigners but remain in Assam need to be enumerated as we move forward for an amicable solution.

Prof. Udayon Misra, noted intellectual and a scholar on the region, was the next speaker.

Prof. Misra began by clarifying that he will not deal with the question of acceptability of NRC. He has stated elsewhere that the publication of the NRC is inevitable and he feels that it will be a lifeline for the minorities. Rather the focus of the opening remarks would be on the humanitarian side of the whole process. Any law and order situation should not be a problem because there is a supposedly ‘strong’ government which can change state boundaries overnight. As an Assamese, he stated that he does not want his state become a “prison house.” He observed, “It seems it does not matter that a person is kept in jail for 2-3 years. The present demeanour of the process is such that more detention centres will be created and people will be released at an interval of 2-3 years as per the orders of the Supreme Court. This is a clear problem. On the other hand, the understanding of work permits must be understood from Gopinath Bardoloi’s first proposal for ‘permits’ to Jawaharlal Nehru. Will the other states from India agree to accommodate the declared foreign nationals? The chances of that happening are very slim as they will take the stand that Bangladesh has been taking all along. Even the government’s stand has changed on this issue. But the question ultimately remains as to what do we work out for the detention centres?” he pondered.

He observed further, “The concept of detention centres is a scary proposition, especially in India where young people have been put in prevention detention for 13-14 years in other states. These people are released at the end of their detention often without any compensation. The

discussion now needs to focus on how do we protect this stateless people which is clearly our responsibility.”

Mr. Kamala Kanta Mushahary, Vice President, Bodo Sahitya Sabha began by stating that it is difficult to predict the post NRC scenario at the present. According to him, there will not be any law and order issue immediately after the publication of the NRC. Till today, he retains faith in the Chief Minister Mr. Sarbananda Sonowal who is himself a former president of the All Assam Students Union (AASU) and a “*jatiyo nayak*.” He is of the opinion that as long as the present Chief Minister is at the helm of affairs, the indigenous people will not be pushed to the brink. He retains faith in the Chief Minister and also the Central government at the Centre.

He observed, “Everyone including the CM has stated that the NRC will be a historic document in terms of identification of illegal foreigners and a *brahmastra* to solve the immigration problem. Since this NRC is being done under the supervision of the Supreme Court, the demand that no foreigner should be included in the NRC has been placed repeatedly. If that happens, it should be considered the fault of the Supreme Court. The government then, should not be blamed for not being able to solve a problem which even the Supreme Court could not. Even though there have been agitations against the NRC including legislators, such events will have no impact on the Supreme Court.”

He noted that the implementation of Clause 6 safeguards is also connected with NRC. It will be possible to know the beneficiaries of the NRC only after the NRC is published. He mentioned that he is representing 8 other Sahitya Sabhas apart from the Bodo Sahitya Sabha and the Sahitya Sabhas have been borne out of the implementation of Clause 6 of Assam Accord. In conclusion, he stated that in his opinion and the basis and failures if any of the NRC, will be of the Supreme Court and not of the government.

Mr. Sumanta Chaliha, noted intellectual and scholar, started by stating that the origin of the existential crisis for Assamese Khilonjiya people originated from the Grouping Scheme. From then on the community’s fight/battle/war for existence started. (In the English language, there is a difference between the words ‘war’ and ‘battle’. In Assamese language on the other hand, that difference does not exist). he further enumerated that the plight of the Assamese would have been comparable to the Sindhi if the Grouping Scheme had gone through. If Assam would have been included in Pakistan, it would have gone the same way. He observed, “The example

of the Chakma tribe is relevant in this regard. The Chakmas, 90% of whom are Hindus were rendered stateless because of Nehru's lack of attention to the issue. The Assamese people want their homeland to remain intact along with their identity. This has led to several battles including the Assam Agitation. Every person of *Brihottor* Assamese community wants the homeland for indigenous people. The three key words of Assam Agitation were "detect, delete and deport". The Assam Accords's first mandate of 'detect' was only affected in 2013. The NRC is also a battle of such sorts. But the numbers tell us it may not be effective. If foreigners are only protected, then NRC will not serve any purpose and the existential crisis for the Assamese will only deepen."

Mr. Aman Wadud, Advocate, Gauhati High Court was invited to speak next. He stated that there should be a free and fair NRC. In his opinion, the situation would remain peaceful after NRC especially in his native Chhaygaon where the Central Reserve Police Force personnel who have been deployed have been given a warm welcome by the community.

However, there are several allegations against the FTs, he noted. It is important that adjudication in front of FTs to be fair and judicious. Especially in the present situation where there is no deportation. Since 2013, only 4 declared foreign nationals have been deported according to an affidavit filed by the Government of Assam before the Supreme Court. Only 166 people who were deported initially were all convicted foreign nationals and only 30 recent deportations have happened. He noted that India does not treat declared foreign nationals as citizens and can be termed as stateless within international law. However, Article 21 applies to declared foreign nationals too and hence they must be treated with dignity even if they are not deported. People should not be harassed again in the name of re-verification. He stated that he would be happy if DFNs are deported with due procedure.

This was followed by an intervention from Mr. Nilay Dutta who sought clarification on a few points. To this, Mr. Wadud informed that in his opinion the NRC process is judicious when it comes to appreciation of documents but there is harassment. On the other hand, the same is not the case with FTs where there has been a trend of unfair appreciation of evidence. It is also true that the primary reason for unfair appreciation of evidence is ineffective legal assistance. He has been trying in individual capacity and some organisations are coming forward to plug this gap. It is also true that the large volume of cases in FTs has also "created an industry" around it which must be condemned.

Mr. Paresh Malakar, noted intellectual, stated that the NRC process has a history and therefore is needed. But its flaws must be resolved legally. The stateless people should be guaranteed fundamental rights and measures for deportation must be ensured. If deportation cannot be done, we must think of alternative measures which cannot be ascertained now.

Dr. Akhil Ranjan Dutta, Professor and Head of the Department of Political Science, Gauhati University stated that he does not think there will be any law and order situation in the immediate aftermath of the publication of the NRC. But there is a difference between the release of draft NRC and this time. The civil society role played an important role then especially as the situation involved CAB. In his opinion, three forces had an important role to play in that: AASU and certain allied organisations, KMSS and its sister organisation and the Guwahati based civil society organisations. KMSS carried out agitations in both upper Assam and lower Assam which is not the state of affairs currently. As a result, fringe elements are not being regulated by the civil society. Dr. Dutta anticipates problems from fringe elements which must be regulated by the civil society.

With respect to detention he observed, "...the flaws can be traced to the non-implementation of the *Moslem Mandal* decision of the Gauhati High Court. NRC has only created a register and not declared who is a foreigner. Both the 2010 and 2013 decision of the same name and their ratio must be implemented" he stated. he further noted that the International conventions as regards stateless people should apply to Assam and there is no reason why Assam should be an exception in this regard. However, it is difficult to give an opinion on the point if political rights must be given to such stateless people. In conclusion, he stated that it is important for the community to keep the following principles in mind: '*Manuh thakile he jati thakibo*'.

Mr. Azizur Rahman, Advisor, All Assam Muslim Students Union spoke next. He stated that a correct NRC is needed and hence the Muslim community has cooperated even after facing harassment. Even today, notices are being issued for NRC hearing but are not being met with protests. In the NRC process, the preparation from the Government side has been missing. "There are three bases of Legacy codes: originating from 1951, 1966 and 1970 which has led to the trade in legacy codes" he clarified.

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In his opinion, one faction including the Government is against the NRC. He claims that many citizens are not being included in NRC and there is some pre-thought target which is being sought to be met by the NRC. We should move away from the “numbers” game. A section of people are unfortunately speaking of speculative numbers.

He believed that the foreigner’s problem will be solved the day the Assamese Muslims and Hindu Bangladeshis will be taken into confidence. There are claims of 100% Bangladeshis villages which cannot be substantiated. AAMSU has been campaigning in Muslim villages to identify foreigners but for that to be effective they need to be taken into confidence.

“Several groups promise legal aid but do not do anything in the field”, he noted. AAMSU has requested them not to help people from the post 1971 stream. Mr. Nilay Dutta intervened at this point on whether AASU and AAMSU have come to a consensus on the definition of Assamese. Mr. Rahman stated while there is a consensus on the definition given by Mr. Pranab Gogoi, the former Speaker there are certain doubts as to new insertions in the definition and hence no definite opinion can be expressed on that front.

Mr. A.S Tapadar, Advocate, Gauhati High Court opened his remarks by stating that there will be no immediate repercussions in the short term and that there is a need for the NRC to be published. With respect to long term effects, it is worth noting that there are already communal feelings between Hindu-Muslims which will possibly be widened by the NRC. There is a need for a forum of this nature in other zones like Barak valley, he observed. “This should be our priority” he urged. “Genuine citizens who are getting left out of the NRC should receive help and the extension of 120 days for filing of appeals is a great relief” he stated.

He opined that the ultimate solution to this problem is political and can be helped by civil society. It is contradictory to ask for a NRC without wrongful exclusions or a NRC without wrongful inclusions. Rather one must press for a genuine NRC, he stated. There is also need for effective legal representation which can only be done through training and skill upgradation of lawyers. Mr. Tapadar suggested that the convenors of the roundtable like Mr. Nilay Dutta and Mr. Mrinal Talukdar should plan such a course of events.

He remarked that a borderline must be created as soon as possible so that there is no integration into mainstream society before implementation of Clause 6 of Assam Accord. He concluded

by saying that the roundtable must take the opportunity to send out an appeal for peace to the people of the state.

Prof. Tillotama Misra, former Professor of English Literature, Dibrugarh University and noted scholar, stated that the NRC is in the form of a closure and should stay without defects as it is a form of a solution, even if not in the final form. In the short term, the State has already gathered infamy due to tragic events such as Nellie. Assam should never have to face a situation like that again.

“The people of the State have heard ‘detect, delete and deport’ for several decades. It is almost certain now that deportation will not happen. The part of ‘detect’ has been helped by the NRC to a certain extent. One must also look at the recent statement of External Affairs Minister Dr. S. Jaishankar in Dhaka that the NRC issue is an internal matter. Will then India take the burden of Assam?” she questioned. The Government of Assam and India must ensure that Assam does not become a “museum piece with the largest number of detention centres in the world. Other states should also share the burden of this issue.” she urged.

She further noted that implementation of Clause 6 of Assam Accord must look into land rights. In the present state of affairs, several persons not in the NRC have landed property too. There is the example of Meghalaya where Assamese families who had ancestral property in Shillong cannot transfer it to non-tribals. A similar law exists in Himachal Pradesh. “Can something similar be done for Assam’s indigenous people? she reflected. In conclusion, Prof. Misra stated it is time to contemplate what manner of political rights will be available to non-citizens.

Mr. Joydeep Barua, noted intellectual, stated that in the short term there is no perceivable law and order situation. Mr. Barua notes that there could be issues from fringe elements. In fact there are two types of disturbances:

- a. There will be a claim to reject NRC on the basis of some pre-expected number.
- b. We will get a category of people not in NRC whose name will not be released.

In the long term, there will be a lengthy process for people who do not make it. We must support them so that they do not suffer in the long term. Secondly, detention camps will not be feasible for such a long term even though no alternative solution seems to be in sight. While NRC solved a problem, it also created several contentious categories of people like who will

get Clause 6 safeguards, who qualifies for CAB etc, he noted. This can escalate into “permutations and combinations” in the long term. In conclusion, Mr. Barua said that it is important to monitor the role of the Supreme Court post 31st August as it will determine who will run the institutional process after the release of the NRC.

Mr. Ankur Tamuli Phukan, noted scholar, began by stating that it was difficult to accept the idea of NRC as it is “a legal resolution” to a social and political problem. As of now, it will only accelerate the problem. There is no solution for the stateless people who will be a result of the process. We have not let them be a part of our nation and there is no resolution for the post identification process. This is in essence a neo-liberal security state strategy. In his experiences in the field, he has tried to observe if by being engaged in the NRC process, the society can be taken to new political questions.

He noted that the 1990s political discourse in Assam was interesting because the foreigner question faded away as federalism, radical structure of Constitution came into being. Based on this, individuals like Parag Das went to the Char-Chaporis. Assam has gone from the interesting political experimentation of the 90s to the discourse of the Assam Agitation.

He was skeptical that the NRC will give the Assamese society “anything new” or a new political structure. It is up to us to go towards new political discourse of federalism, resources, restructuring of Indian Constitution etc. There are several people present at the roundtable who were active in the political discourse in the 1990s and we need their expertise more than ever.

Mr. Mominul Awal who was the next speaker stated that the NRC is needed by everyone. Both people who want Assam to be free for indigenous people and also people who have been labelled foreigners desire NRC. Since, it is being done under the supervision of the Supreme Court, everyone desires that it will be a correct NRC. He however cautioned, “It must be realised that the NRC is being completed on a technical basis and being supervised by Supreme Court. In spite of the fact that it might have certain flaws. But the bigger question is how will we accept NRC on a social basis. How many people will accept this socially? There are inherent contradictions in the objectives of the Assam Agitation and the Assam Accord. If NRC becomes the same thing, there will be more conflict in the future?” he pondered.

Mr. Mominul Awal was not of the opinion that any major law and order situation will happen post the publication of the final NRC. However, he stated, "...we need to contemplate about the post NRC situation. NRC cannot be the last say because there is the question of implementation of Clause 6 of Assam Accord. Our thinking should be based on Clause 6, which is based on the premise that this is for protection people of Assam who accepted 1951-1971 stream of people from Bangladesh. The civil society must realise that double benefit cannot be given to anyone."

Dr. Xonzoi Barbora, Associate Professor, Tata Institute of Social Sciences, stated that while there may be no solutions now but it is important to discuss these issues. These are essentially questions of the 20th century which we are attempting to solve in the 20th century. No country in the 21st century has created a NRC. There are primarily three pillars to this:

- a. Technology
- b. Political questions from 20th century
- c. Law

Based on these issues we need to look at the post NRC scenario. While the conversations around Brexit and 'soft borders' are shaky on the point of the use of technology as an answer, how is that we are so sure of the technological answer on NRC? In this regard, he urged, "international law must be kept in mind too. Everyone in the international fora is now pointing to Assam. However, this is an Indian problem and its solution should also involve the rest of India."

Mr. Shantanu Borthakur, Advocate, Gauhati High Court, stated that the NRC and the cutoff date for March 25, 1971 are not working. The primary problem is the fear and doubt that has percolated throughout the whole process. The status quo needs to be removed. It is known that long term detention is not possible in international law. There are cases of persons who have a large number of family members as citizens and are themselves DFNs. In such cases, solutions like work permits etc can be explored. "The fear and doubt may remain forever if it is not addressed immediately," he cautioned.

Mr. Prashanta Rajguru stated there is a conflict of perception. He remarked, "We started from an Assamese perspective and are ending on a religious perspective. The Assamese perspective

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treats NRC as a final solution while that does not hold true for the religious perspective.” He stated further, “It must be realised that when the Accord was signed, there was no Census Report. The growth in 1951-1971 era was only noted after the Assam Accord was signed. The Census is just figures and not the work of professional demographers. We need a study by professional demographers of the immigrant population. We must be sure that post 1971 population will remain and must be acceptable socially.”

Prof. Abdul Mannan, noted intellectual stated that the primary question is whether August 31 will be acceptable? There is a force which has created public mistrust of the NRC. The civil society’s primary role should be to recognize the NRC as it is a solution to several problems. The issue still remains one of public acceptability, he noted.

He noted, “It has been said that NRC is being done by SC and implemented by 90% Khilonjiya staff. Today we are saying that we have no trust on them. After 31st August, no major disturbance will happen in minority areas. Rather it will be in areas where it has not happened before. The statements of political leaders might become a problem as they base themselves on speculative data and figures. This indicates political will to disrupt the NRC process. The primary issue therefore remains one of trust.”

With Prof. Mannan’s remarks, the first session came to an end, which was followed by an open house discussion.

Session 2: Open House

Opening the discussion, Mr. Nilay Dutta pointed out that there is unanimity on the point that no significant law and order issue will happen in the aftermath of 31st August.

This was followed by a discussion of the addition of Rules 3A and 3B through the Foreigners (Amendment) Order, 2019 which have provided specific rules for appeal by which the Foreigners Tribunal will call for records from the District Magistrate and the cases in which he may make references to the Foreigners Tribunal. The import of the fact that in the next 4 months or so, decisions will have to be taken on the huge number of references that come up was discussed by the House. The current process by which Foreigners Tribunal opinions are not stayed by the High Court rather the proceedee is given bail was noted. It was also noted the Supreme Court in its decision in the *Chakma* case has stated that refugees will have protection of Article 21 and Article 14 but no political rights. Land rights come under Article 19 which is restricted to citizens and remains a critical area which needs to be clarified.

The process of converting of jails in to detention centres which is ambiguous in law was also discussed noting the fact that declared foreign nationals are neither convicts nor undertrial prisoners. The Supreme Court as a result has evolved the formula of releasing them on bonds after 3 years.

Several participants like Ms. Sangeeta Barooah Pisharoty and Mr. Rajeev Bhattacharyya contributed from their experiences of visiting Bangladesh and the Rohingya issue on the parallels being drawn between the Rohingyas and the NRC process in Assam. It was noted that drawing parallels without understanding the unique context of Assam has been damaging for all concerned.

This was followed by a discussion on the skewed representation of Assamese society as a communal and 'xenophobic' one in international media and even in digital media platforms in India. It was noted that apart from the presence of vested interests it was catalysed by the lack of engagement of insiders in Assam with such platforms.

Dr. Paramananda Rajbongshi, President, Axom Xahitya Xabha offered the vote of thanks to the house on behalf of the convenors. Dr. Rajbongshi stated that as a *jatiyo anusthan*, it was the responsibility of the Xabha to facilitate the process of a dialogue between the various

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stakeholders and civil society. He informed that discussions on the issue of Assam after NRC have been initiated with people at all levels. In fact, the Xabha is planning an international meet involving the Assamese diaspora to inform them of the situation in Assam.

With this, he expressed his gratitude to everyone for being present and hoped that this engagement would continue in the future. The meeting concluded with a rendition of the song of the Axom Xahitya Xabha.

RESOLUTIONS

1. The Round Table appeals to all sections of the people to maintain calm and harmony and help the authorities in maintaining the law and order.
2. The government has announced that non-included people can appeal up to 120 days. There are several groups who have come forward to help in the process and they should be welcomed
3. The government should take a final decision on the stateless people who will be declared foreigners by the Foreigners Tribunals in the upcoming days, as they have the right to live with dignity as per the Constitution of India.
4. The Round Table also takes serious note that there has been a concerted attempt at the international level to demonise Assamese society as xenophobic in regard to the NRC process, which is both wrong and false, the Round Table has condemned the effort and urged engagement with the international media to give a clear and balanced perspective.