



POLICY BRIEF 3 / 2020, INCLUSIVE CITIZENSHIP & HUMAN RIGHTS

# Women worst affected by Assam's NRC / Indian citizenship tests

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## Summary

On 31 August 2019, a National Register of Citizens (NRC) was published in the Assam province of India. The list, which was prepared following a juridical order, left out 1.9 million people, many of whom could become stateless if unable to prove their citizenship. Of these, many women and children failed to make it to the final list, even though their family members have been counted as citizens. Poor and illiterate women, particularly Muslims, are most vulnerable, as they mostly do not have documents proving their lineage, rendering them potential non-citizens. The NRC and other processes of citizenship verification in Assam rely heavily on documentary evidence, and the burden of proof lies with the individual.

These processes are heavily weighed against women. Documents submitted by women are treated with suspicion and deep cynicism, and often lead to their claims being denied. Such conditions that arbitrarily deprive women of their identity and citizenship must be addressed immediately, especially as they run counter to India's obligation to ensure the right to nationality, as enshrined in international conventions to which India is a signatory. A redesign of the processes to distinguish the 'illegal migrant' from the citizen is crucial to prevent citizens from being declared foreigners and possibly made stateless.

## Recommendations

1. Domestic laws enacted to renounce nationality should not violate international human rights framework.
2. Constitutional safeguards for women to exercise their rights to citizenship must be followed.
3. The arbitrariness in the process driven by the requirement for new documents must be stopped.
4. Supreme court directive allowing local authority issued certificates must be implemented.
5. There must be awareness campaigns to stop social stigmatisation of women declared as foreigners.
6. A proper system of appeals against decisions by FTs must be given due consideration.

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This policy brief compiles some findings from his ongoing work with the PhD thesis;

**The making of "foreigners": From citizenship to statelessness - The case of Assam**

## Introduction

In a system of patriarchal hierarchies, power structures and deep-rooted social inequalities, women's experiences of oppression differ from those of men, making them perpetually vulnerable to all forms of dangers and exploitation. The plight of millions of women in India's eastern state of Assam is a case in point; a Kafkaesque process of a test of identity is threatening to strip them of their right to nationality and citizenship. Women, specifically from minority communities, fail to meet progressively stricter requirements for documents and bureaucratic processes to defend their Indian nationality, and are consequently declared as 'foreigners'. Married women are especially disadvantaged by this process of document-based citizenship, exposing them to the risk of becoming stateless and without any defence mechanism to protect themselves or their children.<sup>1</sup> Such mechanisms, which are seemingly arbitrary, violate the UN Convention on the Rights of Children and the Convention on the Elimination of all Forms of Discrimination Against Women.

## Background / Context

Citizenship in India is guided by the Citizenship Act of 1955, which identifies five types of citizenship that can be granted based on birth, descent, registration, naturalisation and incorporation of territory. Post-colonial India initially embraced the *jus soli* (birth within a territory) inclusive vision of citizenship. This meant that all those born within independent India's territory, across all religious, ethnic and cultural groups, would be part of the political community. Since the 1980s, in response to political turmoil over the allegedly vast numbers of 'illegal migrants' from Bangladesh along the eastern border, the shift towards a more exclusionary *jus sanguinis* conception of citizenship was set in motion.

Disputes over the question of who is an Indian in postcolonial India, particularly in the states that form the borderlands such as Assam, have pretty much shaped the current citizenship discourse and the resulting crisis. The shadow of 'illegal migrants' became the centrepiece of all the disputes over identity formation in Assam. The Assam Accord (1985) which marked the end of anti-foreigner agitation (1979-1985) and was meant to provide a solution to the protracted issue of 'foreigners' in Assam, has instead gradually transformed it into a complex crisis.

### Assam Accord

A tripartite political agreement between the local organisations that led the Assam movement and the provincial as well as the central governments, according to which (a) all those who had migrated before 1966 would be treated as citizens; (b) those who had migrated between 1966 and up to midnight on 24 March 1971 were to be taken off the electoral rolls and regularised after 10 years provided they underwent an official process of registration as foreigners; and (c) all those who migrated thereafter were deemed illegal immigrants.

The Assam Accord laid the ground for expanding the immigration discourse into the citizenship sphere, with national and state-level implications.<sup>2</sup> The Accord promised a new direction for the conception of citizenship, and by redefining the citizen, this reconceptualisation also allowed for new uses of the 'foreigner' category in Assam.<sup>3</sup> These 'foreigners' who were now part of the official discourse were essentially people of Bangladeshi origin of Bengali ethnicity, and were primarily Hindus and Muslims.

Multiple parallel processes in Assam are used to distinguish citizens from so-called 'illegal' or undocumented migrants. One is the National Register of Citizens, or the NRC; another is the detection of foreigners by the border police force based on mere suspicion or complaints from neighbours, and a third is the identification by the electoral commission of persons as 'doubtful', or 'D', voters on the electoral roll. The introduction of the D-voter manifested a transition from an initial concern with detecting 'foreigners' to now include 'doubting' citizens.<sup>4</sup> Procedurally, all the above-mentioned processes are subject to the same mechanisms involving the Foreigners Tribunals (FTs).<sup>5</sup> While the other processes have long been in place, the current process of updating the NRC<sup>6</sup> was prepared under the direct supervision of the highest judicial body, the Supreme Court of India.

The final list of citizens in the NRC published on 31 August 2019 left out 1.9 million people, many of them from linguistic and religious minorities who could potentially become stateless. While the most disfavoured groups among these are the Bengali-speaking Hindus and Muslims, the situation for the latter has been further complicated by their exclusion from the Citizenship Amendment Act (CAA) passed in 2019.<sup>7</sup>

While the impact on those affected has been severe and often marked by abuses of human rights, arbitrary arrests of 'illegal migrants', and suicides by young and old fearing protracted detention, it is also heavily weighed against women, particularly married women, whose chances of being made stateless along with their children are potentially high.<sup>8</sup> This is especially so since the 2004 amendment to the Citizenship Act of 1955, which requires that one of the child's parents must be an Indian citizen at the time of the child's birth and the other parent must not be an illegal migrant.

## Shifting the burden of proof

The burden of documentary proof needed to verify citizenship in Assam follows a Supreme Court ruling<sup>9</sup> in 2005 which repealed the previous Illegal Migrants (Determination by Tribunal) Act of 1983 and placed the onus on the residents of Assam to produce adequate documents proving their Indian citizenship before the FTs. By contrast with the colonial Foreigners Act of 1946, the previous law required the state authorities to prove that an individual was not an Indian citizen.

So far the experience in Assam has shown that even Indian citizens, especially the poor, the illiterate, women, members of marginalised communities such as Adivasis<sup>10</sup> and smaller ethnic groups, do not and cannot possess documents that can prove their citizenship. Unable to provide this documentary proof, millions of people would shift overnight from being rights-bearing Indian citizens to effectively stateless subjects.<sup>11</sup>

These regulations and mechanisms implemented by state bureaucracies have cast doubts and suspicions on the veracity of documents and extensive procedures, subjecting citizens, mostly poor, and comprising a sizeable number of women who live on the margins of poverty, to extreme financial hardship and psychological trauma. The bureaucratic exercise has been termed as “peculiarly dangerous”,<sup>12</sup> as a relatively simple procedure would not make the process of getting a name registered on the NRC easy due to two striking features of the bureaucratic state: its constant doubting of the veracity of almost all documents and its famed proceduralism.<sup>13</sup>

## Discrimination against women

This policy paper is based on an assessment of four districts in Assam where women belonging to the Muslim minority group have been severely impacted by the citizenship testing processes. The study, which spanned two months (July and August 2020), helped to unveil the inherent issues in the various processes that have been adopted to authenticate Indian citizens residing in Assam. Owing to the current Covid-19 pandemic, half of the interviews<sup>14</sup> with affected persons were conducted by phone. The research team assessed several aspects of the outcome of the citizenship verification process, such as the legal status of the interviewees’ citizenship, the treatment of women in FT hearings and courts, access to justice for the victims, access to legal remedies and appeals, and the risks that these new “non-citizens” and their families face on a daily basis.

## Citizenship identification vis-a-vis gender (women)

The procedures and laws guiding citizenship verification in Assam give rise to issues of serious gender discrimination.

**“We are excluded from all systems and have no protection,”** says Minara Begum of southern Assam’s Barak valley, referring to how she and her 10-year-old daughter spent over 10 years in a detention camp along with hundreds of other women, for failing to provide documents to support their claims to Indian citizenship.<sup>15</sup>

Similar anguish among women who were left out of the NRC was expressed in all the four districts studied. Manikjan Nessa, a 43-year-old woman from the Baksa district<sup>16</sup>, had this to say: “I have all documents, birth certificates, land records and legacy papers, and all my sisters and brothers are in, but I am out and this has affected by children as well.”<sup>17</sup> Notwithstanding her father’s legacy papers which she and her siblings used,

the NRC officials “refused to listen” during the hearings and turned them away. Her husband, one son and three daughters have also been left out while another daughter has her name in the final NRC. Nessa’s case is typical of many Muslim women whose families are now divided into citizens, NRC rejects, D-voters and ‘foreigners’ within the same household.

The Citizenship (Registration of Citizens and issue of National Identity Cards) Rules, 2003<sup>18</sup> requires documentary proof of citizenship, such as registration on the NRC of 1951 and electoral roll(s) up to midnight on 24 March 1971 – the legacy data – as well as other admissible documents such as birth certificates, land records, passports, refugee registration certificates, government employment records, education certificates, bank/post office records, and ration cards which prove the linkage between the claimant and her/his parent or ancestor. The rules allow women married in other places and with no documents from the lists that has been provided to establish links with their family, to present a state government-approved “circle officer or gaon panchayat [village council] secretary certificate” that need not be on or before the 1971 cut-off date.

However, on the ground the process that unfolded has been somewhat different. The court refused to accept certificates issued by the **gaon panchayat secretaries**<sup>19</sup> on the pretext that they are of a private nature and have no statutory authority and therefore cannot be accepted as public documents under the Citizenship (Registration of Citizens and issue of National Identity Cards) Rules, 2003.<sup>20</sup>

Amnesty International observed in its report that, in passing this judgment, the court not only failed to consider the particular vulnerability of married women who migrated from their paternal homes to their marital homes at a young age, but also overlooked the fact that while most married women have documents proving their relationship with their respective husbands, they struggle to establish legacy to their parents.<sup>21</sup> As a result, many who married before the minimum age of 18 are compelled to rely on the certificates issued by the gaon panchayat secretaries, who authorise their permanent residence, most often in the marital home. This has adversely affected the determination of a married woman’s right to nationality in Assam.

A public hearing on CAA and NRC held in Guwahati on February 2019 in its report observes that “the entire NRC process was flawed by arbitrariness, highhandedness, state interference...”<sup>22</sup> The report includes testimonies of affected persons, exemplifying the uncertainty and randomness in the process of citizenship determination in Assam, where many women shared their see-saw experiences of being born to Indian parents, turning into suspected foreigners, establishing their “genuine” Indian identity, and losing it again following a review by the Foreigners Tribunal.

### One woman's story

Nurjahan Begum, a 43-year-old woman from Kacheripetti in the Bongaigoan district of Assam, was declared a 'foreigner' in an ex parte FT ruling on 21 April 2016. The tribunal claimed she entered India illegally from Bangladesh after 25 March 1971. However, her parents and five siblings are Indians and have their names enlisted in the NRC. She moved to Kacheripetti from Kahibari village after marrying Harej Ali when she was 17 years of age. Documents linking her to her parents and siblings include her marriage certificate and certificates from a gaon panchayat secretary endorsing her Indian identity failed to convince the judges of the Gauhati High Court where she appealed against the FT ruling. She was arrested on 6 February 2017 and held in prison until her release on 21 April 2020. Her case is typical of the nightmarish experiences that most families, especially those whose members are ill, have had to go through owing to increasingly discretionary treatment, arbitrary decisions and state capacity failures in recording names and residential addresses correctly.

**Note:** The case is part of ongoing research documentation on citizenship and statelessness in Assam.

Generally it is near impossible for the illiterate and the poor anywhere in India to meet the threshold of proof – mostly documentary evidence – and in the case of women who are either born or married to such families, the unlikelihood of possessing such documents becomes manifold. The citizenship verification processes in Assam have laid bare this inherent problem. In poor families, where the rate of illiteracy is high (female literacy in Assam was around 54% in 2001), most girls are uneducated and therefore lack school certificates. The practice of giving birth at home was common until only recently, making registration of births extremely rare. Most girls born to such families are married off before the age of 18.

Girls who marry young enrol as voters when they turn 18, effectively linking themselves to their husband and their new place of residence. The voter's card becomes their only proof of identity. However, the voter's card or electoral photo identity card has been declared by the Guwahati High Court as "not a proof of citizenship."<sup>23</sup> Therefore, all those who have been left out of the purview of citizenship and marked as D-voters, or who were left out of the NRC, have little choice but to produce documents that link them to Indian parents who entered Assam before 25 March 1971.

In the widely publicised case of 50-year-old Jabeda Begum alias Jabeda Khatun, from Tamulpur in the Baksa district of Assam, the court dismissed all the 15 documents she submitted, including NRC details of her parents and siblings, land revenue paying receipt, voter list, PAN card, bank documents, ration card and two certificates issued by a gaon bura (village headman), one certifying that her father Md. Jabed Ali is a permanent resident of the village (no. 2 Dongergaon) and another certifying that the petitioner is the daughter of late Jabed Ali and is married to Rejak Ali.

The court cited an earlier case where it held that PAN cards and bank documents are not proof of citizenship.<sup>24</sup> The judge further stated that land revenue paying receipts "do not prove a citizenship of a person" and that "[c]ertificates issued by a village gaon bura can never be the proof of citizenship of a person. Such certificate can only be used by a married woman to prove that after her marriage, she had shifted to her matrimonial village [Rupjan Begum vs. Union of India, reported in (2018) 1 SCC 579]". It is worth noting that the Supreme Court has allowed married women to submit certificates issued by a gaon bura (village headman) to establish their relationship to their parents for inclusion in the NRC.

However, on the ground that it is mandatory in cases of "private" documents such as nikah nama (marriage certificates) and residence certificates, the contents are required to be physically endorsed by the issuing authorities, and since the burden of proof lies with the claimant, the Tribunal does not require such authorities to attend hearings unless specially requested by the claimant. In most cases the issuing authorities fail to appear either because they are not notified in time or because they have no means to travel and attend them.

Many scholars and researchers argue that the unwillingness of issuing authorities to appear before the FTs and the lack of state capacity to ensure their presence "is deeply unsettling and problematic"<sup>25</sup>, and the consequence of this lackadaisical approach is a severe loss of rights and liberties.

Women are especially disadvantaged by the stringency of the citizenship verification processes. The short time limits – a petitioner is given only 10 days' time to reply to the FT and another 10 days to produce evidence in support of her case<sup>26</sup> – make it extremely difficult for women from poor families, especially those who work as labourers or domestic helps in cities and urban centres. The citizenship verification process has already taken its toll on them financially and mentally, having to spend all their income, sell off property and livestock to hire lawyers, and pay for travels to attend hearings, etc. It has been humanly impossible for most of them to meet the stringent documentation requirements in such short periods of time. Testimonies presented at the CAA and NRC public hearing in Guwahati reveal that the FT has required persons who have been declared D-voters to prove their Indian citizenship within a very short time limit.<sup>27</sup>

## Discrimination at Foreigners Tribunals

There have been allegations of discrimination against women at the FTs, especially by members who demonstrate preconceptions about women affected by the citizenship verification process. For example, bias against possession of land documents by women has been reported across the province. Traditionally too, patriarchal norms prevent women from any entitlement to land, thereby excluding them from family lineages and inheritance rights to property, etc. Furthermore, the customary practice has been one of disassociation from the woman's parental family after her marriage, identifying instead with her husband's family. The NRC process stresses the need for patrilineal legacy to establish links between a woman and her parental family, which is described as "problematic" by activists who feel that mothers must be given equal right to prove their linkage with their children.<sup>28</sup>

In the absence of a uniform civil code, specific personal laws govern different religious groups. While each group differs regarding property rights for women, Muslim law sets aside certain rights for women to inherit a portion of the ancestral property. However, land revenue receipts that were submitted by Muslim women in support of their claims have been rejected by the courts on the ground that "land revenue paying receipts do not prove a citizenship of a person".<sup>29</sup>

Further questioning of women affected by the citizenship verification process raised concerns among several rights groups, especially where women are repeatedly asked about their "real homes and families in Bangladesh". In its report, Amnesty International quotes Riaz, husband of declared 'foreigner' Samina Bibi of Bongaigaon district, as saying, "***The Tribunal member openly declared that regardless of the number of documents that Muslims bring, even if it is land deeds, I will send them directly to Bangladesh.***"<sup>30</sup>

Women's testimonials of their treatment during hearings at FTs reveal the gross insensitivity of its members. Based on a general assumption that women are incapable of defending their case, FTs members often insist on talking to the male relatives accompanying the women. The claimant is subjected to tremendous psychological strain, first because the language used for cross-examination is unfamiliar to many women belonging to the Bengali Muslim and ethnic tribal families, and second because their responses are usually given by someone else on their behalf.<sup>31</sup>

Moreover, in cases where husbands and wives were summoned for hearings at different hearing centres on the same date, women who traditionally have not ventured out on their own had to travel hundreds of kilometres alone or with their paternal families to attend hearings. A statement published by the Women against Sexual Violence and State Repression (WSS) in November 2019 asserted that the existing procedures whereby women are made to speak in a language "that is neither their own, nor one they were ever allowed to learn to read, and testify to a lineage that they have been disinherited from, only to secure a place on a family 'tree'" is conditioned to enhance the predominance of the patriarchal legacy in citizenship claims.<sup>32</sup>

The citizenship test in Assam has also appears to have sidelined people who live outside or on the fringes of the systems of marriage and family, such as single women, widows, abandoned women and children, members of the third gender as well as people in inter-caste and inter-faith marriages, who "have also invariably suffered" owing to the inherent preoccupation with homogenising the family.<sup>33</sup>

## Conclusion

The processes that are at work to detect 'foreigners' in Assam, combined with the verification of the genuineness of citizenship, have given rise to countless questions, especially regarding the arbitrary nature of detaining individuals based solely on suspicion and a heavy reliance on documentary proof. The process is disproportionately weighed against women and makes them potential candidates for being rendered stateless. The study reveals the harassment and pain that women affected by the process, have to endure to defend their right to Indian citizenship. It also reveals how a system which evolved as the result of the Assam Accord and subsequent amendments to the Citizenship Act of 1955 is essentially designed to exclude. The changes to citizenship rules to shift the burden of proof of nationality on the citizen, the rejection of citizenship documents of women by the local administration during the NRC updating exercise, and the functioning of the FTs have all taken place within the ambit of judicial processes and decisions. As a result, questions of judicial complicity in the process of the construction and deconstruction of the Indian citizen in Assam are beginning to surface.



## Recommendations

The possible adverse impacts of the process against women belonging to poor and minority groups clearly needs to be addressed to prevent not just their statelessness, but that of thousands of children. India supports the right to nationality enshrined in several human rights principles, and it is therefore imperative that it ensure that domestic laws and rules to establish or renounce nationality do not violate the international human rights framework. More importantly, it must ensure that constitutional safeguards afforded to women to exercise their right to citizenship be followed under its federal structure.

In Assam there is an immediate need to ensure that arbitrariness of the process by according the certificate of approval to a new wave of documents when necessitated, is stopped immediately. The directive of the Supreme Court, as applicable to married women to allow certificates issued by local authorities like goan panchayats must be implemented to prevent arbitrary deprivation of the right to nationality.

Documentary evidence must not be subject to judicial overinterpretation that may disempower women and their children. The invalidation of the certificates issued by *gaon panchayat secretaries* by the Gauhati High Court<sup>34</sup> has severely impacted women, their children and their families legally, socially and economically. This study found that most women feel stigmatised by society. Many of them are no longer welcome in their previous places of work as domestic helps and are unable to arrange marriages for their children due to the stigma attached to being declared a 'foreigner'.

Finally, a proper system of appeals against decisions by Foreigner's Tribunals must be given due consideration so that affected women are not barred from seeking legal recourse. The window for appeals against FT decisions is highly restrictive. The Gauhati High Court ruling in 2013 (*State of Assam and Others vs Moslem Mondal and Others*<sup>35</sup>) made the process of judicial review extremely restrictive. A petition challenging the legality or reasonableness of the principles of natural justice in FT decisions is the only course for appeals, but this is not easy for thousands of poor women who have been declared D-voters and are not listed in the NRC. Consequently, the absence of an appellate tribunal/body to review the decisions of the FT effectively renders all FT decisions as final.

### About the author

Bidhayak Das is currently a PhD candidate at the Institute for Human Rights and Peace Studies Mahidol University, Bangkok. Das has contributed to research on peace and conflict and authored books and scripts for documentary films. He is an alumnus of the prestigious the International Peace Training (IPT) Institute of the Austrian Study Center for Peace and Conflict Resolution (ASPR), Burg and the Dr. Martin Luther Institute of Peace and Nonviolence, Rhode Island University, Kingston, Rhode Island USA. He is also an alumnus of Human Rights and Folk School, Gwangju South Korea and the South Asian Forum for Human Rights (SAFHR). An award-winning journalist, he is also alumni of the prestigious Senior Media Fellowship Program of the East West Center, Hawaii.

### About the project

**Inclusive Citizenship and Human Rights (www.inclusive-citizenship.no)** is a project that aims to improve conditions for persons identifying with communities that are in a vulnerable position due to their religious and/or ethnic identity. It addresses measures of preventing or responding to mass atrocities. South East Asia, Middle East / Northern Africa and the Balkans are core regions of the project. Among the main strategies of the project is supporting aspiring scholars from those regions (not least those belonging to such minority communities) in cooperation with local partners. The project provides international network and arenas for developing, presenting and publishing their research, including online, audio-visual communication. The project has since 2018 had a cooperation with Institute for Human Rights and Peace Studies Mahidol University, Bangkok. This policy brief is among the outputs of this cooperation.

**Project manager:** Ingvill Thorson Plesner, researcher at HL-senteret

## Notes

1. Amnesty International, 2019. Designed to Exclude - <https://amnesty.org.in/wp-content/uploads/2019/11/Assam-Foreigners-Tribunals-Report-1.pdf>
2. Das Bidhayak and Sperfeldt Christoph, 2020. From citizens to foreigners: Practices of reshaping the boundaries of citizenship in Assam (forthcoming).
3. Ibid
4. Ibid
5. Foreigners Tribunals are quasi-judicial bodies set up in 1964 under the colonial Foreigners Act 1946. On 30 May 2019, the central government amended the 1964 order to allow state governments to constitute their own Foreigners Tribunals, but at present, they continue to be a body unique only to Assam. The Tribunals have the powers of a civil court and are vested with extraordinary powers. In the absence of any appellate body and a highly restricted criterion laid down by the Gauhati High Court for judicial review, the orders of the tribunals are final.
6. The NRC in Assam was updated to include the names of all genuine Indians and of those residents (or their descendants) who appear in the NRC, 1951 or in any of the electoral rolls up to midnight on 24 March 1971 or in any one of the other admissible documents issued up to midnight on 24 March 1971 that could prove their presence in Assam or in any part of India. The NRC update started in 2013
7. The CAA 2019 seeks to grant citizenship to undocumented migrants belonging to religious minorities such as Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who fled persecution in Pakistan, Bangladesh and Afghanistan and have been in India since before December 2014. It excludes Muslims on the pretext that they are not religious minorities in the three Islamic republics identified. The overt use of religion as a criterion in India's citizenship law is contrary to the secular values of the Constitution.
8. A collection of media reports since 2016, personal interactions and interviews with families of victims/affected women and children in seven districts, including inhabitants of chars (river islands), rural and urban locals reveal the predicament of women, especially married women from rural areas. The lack of birth and marriage certificates and legacy documents leaves them completely vulnerable to a punitive bureaucratic process. Also see the Amnesty International, 2019 report 'Designed to Exclude' and WSS Fact Finding on 'The updating of the NRC in Assam.'
9. The Supreme Court's decision to repeal the law and revert to the Foreigners Act, 1946 was in response to a petition filed by then president of the Assam Students Union, Sarbananda Sonowal, who is the present Chief Minister of the State.
10. Adivasis is the collective name used for the many indigenous peoples of India. Officially, Adivasis are termed 'scheduled tribes', but this is a legal and constitutional term which differs from state to state and from area to area. See <https://minorityrights.org/minorities/adivasis-2/>
11. Mathur Nayanika, 2020. The NRC is a bureaucratic paper-monster that will devour and divide India. <https://scroll.in/article/948969/the-nrc-is-a-bureaucratic-paper-monster-that-will-devour-and-divide-india>
12. Aiyar Yamini, 2018. How NRC is legitimising exclusion - <https://www.hindustantimes.com/columns/how-nrc-is-legitimising-exclusion/story-PsRyh4VZkYCPRHfWUOthM.html>
13. Ibid.
14. A total of 16 interviews with four families in each of the four districts, were conducted in July and August 2020.
15. Interview with author after her release in April 2020, cf. a supreme court judgement reducing detention period from three to two years.
16. The percentage of the population of Baksa, a district in Assam, that is excluded from the final NRC is 15.59%. Baksa is among the districts with a considerable number of people who have been left off the citizen's register.
17. This information is from an interview conducted with the affected person at her home in Baksa by the author as part of a research study.
18. <http://nrcassam.nic.in/images/pdf/citizenship-rules.pdf>
19. Gaon panchayats are village councils which are part of the Panchayati Raj institutions and constitutional bodies of local governance in India.
20. In the 2017 case of Manowara Bewa v. Union of India & Ors, the Gauhati High Court held that the certificates issued by the gaon panchayats secretary were inadmissible. Writ Petition (Civil) 2634 of 2016, Gauhati High Court.
21. Amnesty International, 2019. Designed to Exclude - <https://amnesty.org.in/wp-content/uploads/2019/11/Assam-Foreigners-Tribunals-Report-1.pdf>
22. The Human Rights Law Network (HRLN) was among some of prominent groups which participated in the public hearing heard testimonies of affected persons from different districts of Assam.
23. In Md. Babul Islam vs. Union of India [WP(C)/3547/2016] the Gauhati High Court had ruled that electoral photo identity cards are not a proof of citizenship.
24. Md. Babul Islam vs. Union of India [WP(C)/3547/2016]
25. Naik Shruthi and Leah Verghese, 2020. What 787 Cases in the Gauhati HC Tell Us About How 'Suspected Foreigner' Cases Are Decided. <https://thewire.in/law/assam-suspected-foreigners-tribunal-high-court>
26. Clause 3(8) of the Foreigners (Tribunal) Order, 1964
27. 'Very difficult moment in history.' Harsh Mander at CAA and NRC public hearing Guwahati, February 2019.
28. Mathur Nayanika, 2020. The NRC is a bureaucratic paper-monster that will devour and divide India. <https://scroll.in/article/948969/the-nrc-is-a-bureaucratic-paper-monster-that-will-devour-and-divide-india>
29. India Today, 19 February 2020. <https://www.indiatoday.in/india/story/land-revenue-receipts-pan-card-bank-documents-no-proof-of-citizenship-gauhati-high-court-1648003-2020-02-19>
30. Amnesty International, 2019. Designed to Exclude, p. 32 - <https://amnesty.org.in/wp-content/uploads/2019/11/Assam-Foreigners-Tribunals-Report-1.pdf>.
31. Based on interviews with Muslim women who have been notified as D-Voter and Declared as Foreigners.
32. WSS Fact Finding On The Updating Of The NRC In Assam. <https://wssnet.org/2019/11/28/wss-fact-finding-on-the-updating-of-the-nrc-in-assam/>
33. Ibid
34. Writ Petition (Civil) 2634 of 2016, Gauhati High Court. Manowara Bewa v. Union of India & Ors. 2017
35. 2013 (1) GLT (FB) 809