

Standard Operating Procedure (SOP)/modalities for disposal of claims and objections in the updation of National Register of Citizens (NRC) 1951 in Assam

The Standard Operating Procedure (SOP) is being laid down for disposal of claims and objections after the publication of the draft National Register of Citizens (NRC) in the State of Assam, spelling out the modalities under clause 6 of the Schedule appended to The Citizenship (Registration of Citizens and Issue of National Identity Cards), Rules, 2003 framed under the Citizenship Act, 1955.

2. The SOP has been drawn with the objective that the process of claims and objections is fair and transparent and provides reasonable opportunity to all concerned.

- (i) The list of eligible (admissible) documents for the purpose of legacy and linkage will remain the same as at the time of the initial application.
- (ii) There is no need to re-submit the documents already submitted by persons at the time of original application.
- (iii) They may, however, submit additional admissible (legacy and linkage) documents if considered necessary by them in support of their claim.
- (iv) An IEC campaign will be conducted to educate the applicants about the requirements of the application process, essential documents and evidences that will be considered in support of their claims and objections.

3. Application

3.1 Any person will have an opportunity to submit an application in regard to the following:-

- a) Claims by persons who had applied for inclusion in NRC in the year 2015 when applications had been called for NRC and whose names do not appear in the draft NRC– **Claim Form**.
- b) Correction due to typographical errors in the draft NRC about particulars published of the names included – **Correction Form**.
- c) Wrongly identified as D Voters (DV) and Declared Foreigners (DF) or their descendants including those persons in whose respect the Judicial Authority/Foreigners Tribunal has given a decision declaring a person as Indian but the result has been put on hold.
- d) Make an objection in respect of inclusion of any name in the draft NRC– **Objection Form**.

3.2 (i) The applications will be submitted at the NSK where the initial application was received in 2015.

(ii) If the local residence of the applicant has undergone a change, the place of making the application will still be the original NSK.

(iii) The Local Registrar of Citizen Registration (LRCR) will receive the application and issue an acknowledgement of its receipt indicating the list of documents in a similar manner as was done at the time of receiving the application in 2015.

(iv) The applications received will be digitised as soon as possible facilitating issue of notices and other required verifications. There is no fee for making an application. There is also no penalty for rejection of the application made in respect of objection for inclusion of name in the draft NRC. However, the provision under Section 17 of the Citizenship Act, 1955 which prescribes that “any person who, for the purpose of procuring anything to be done or not to be done under this Act, knowingly makes any representation which is false in a material particular shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to fifty thousand rupees, or with both” will be applicable for claims and objections.

4. Eligibility/Admissibility

i) The submission of claims and corrections or application in respect of wrongly identified as D-Voter/Declared Foreigner is restricted to the applicants, who submitted their applications up to the qualifying date of receipt of applications 31st August, 2015. Objections, however, can be made by any person. The linkage documents in support of the applications for claims/objections must have been issued prior to 31st August, 2015.

ii) No Change in legacy person will be allowed at the stage of claims and objections. Further, no change in the Family Tree declared by the applicant will be permitted at the stage of claims and objections. The list of legacy documents (List - A) shall remain the same as it existed at the time of the original application. The list of eligible legacy documents (List-A) is at **Annexure-I**. There is no need to re-submit the documents already submitted by the applicants. The person filing claim may however submit additional legacy document but it has to be an eligible & valid document as set out in Annexure-I.

Detailed guidelines for the purpose of scrutiny of legacy and other documents were issued to the District Registrars on 19th October, 2017 by the State Coordinator with the approval of Registrar General of Citizen Registration. The State Government has informed that in respect of Refugee Registration Certificate issued upto 24th March, 1971 (midnight) there are variants in the form of Relief Eligibility Certificate and Camp Inmate Certificate, both issued upto 24th March, 1971(midnight), be considered a part of the category “Refugee Registration Certificate” issued upto 24th March, 1971 (midnight) which is one of the admissible legacy documents. In addition, any license/ certificate issued by any Government authority of relevant period i.e. upto 24th March, 1971 midnight (legacy document listed at Sl. No. 9) may include any Government receipts, notices, orders or records. Further, Pension

Payment Order (PPO) showing employment/ service in Government before 1971 may be accepted as part of legacy document listed at Sl. No. 10 even if it is issued subsequent to 1971. These documents will be considered during examination of claims, subject to verification at the time of hearing.

iii) In respect of linkage, it has been prescribed that the document should be legally admissible. No specific documents have been prescribed but these need to be part of official records to enable scrutiny of application as per clause 3 (1) of the Citizenship Rules, 2003. The documents in respect of linkage (List-B) which are not considered credible and their admissibility as official records does not exist will be spelt out in a greater detail for the purpose of illustration. The Gaonburah Certificates, the Private school/college certificates, Birth Certificate issued by authorities other than prescribed authorities of the State Government and contemporary affidavits issued for the purpose of NRC only, are not official records for establishing linkage. Gaon Panchayat Secretary/ Circle Officer/ Lot Mandol Certificate for males and unmarried women are not official records. In cases where persons have relied on above mentioned documents, adequate opportunity will be given to the applicant for adducing evidence through oral evidence permissible at the time of hearing. Further, birth certificate with delayed registration beyond one year, immunisation records, ration cards will be subject to rigorous scrutiny and only on their veracity, may be considered. The refugee registration certificate/citizenship certificate/relief eligibility certificate/camp inmate certificate will be verified with the originals for admissibility. The persons filing claims can submit additional documents of linkage and alternative documents in this regard, but their eligibility will be governed as per the existing guidelines.

iv) The Claim Form will require submission of particulars and copies only of additional documents. Documents submitted earlier need not be submitted again nor particulars of such documents are to be mentioned in the Claim Form. The disposal of Claim will, however, be done based on all the documents submitted during Claim and also those submitted upto publication of Complete Draft NRC, including the original Application. The Application Form will also provide for adequate space allowing the Claimant to give a descriptive "Grounds for Claim".

v) The guidelines issued by the State Coordinator regarding the documents dated 19th October, 2017 (**Annexure-II**) dated 12th November, 2017 (**Annexure-III**) and the approval given to the State Coordinator regarding stringent verification by the RGI vide letter dated 25th April, 2018 (**Annexure-IV**) on the proposal from the State Coordinator dated 24th April, 2018 (**Annexure-V**) will also be applicable in respect of scrutiny and verification of documents/particulars.

vi) No fresh details of Family Tree will be taken during the filing of claims and objections. The Family Tree declared at the time of verification process/application process will remain valid for the purposes of claims and objections.

vii) Destitute or orphans in respect of whom the applications have been submitted by the institutional homes will not be governed by any requirement of documents and their citizenship status will be ascertained based on alternative evidence, if available, through a Committee consisting of DRCCR, Additional Deputy Commissioner In-charge of NRC, CRCR and the District Social Welfare officer.

viii) (a) Hon'ble Supreme Court vide its order dated 21st July, 2015 has directed as under:-

“In so far as clause 3(5) of the Schedule to the Rules is concerned, we clarify that Indian citizens, including their children and descendants, who may have moved to the State of Assam subsequent to 24th March, 1971 would be eligible for inclusion in the NRC on adducing satisfactory proof of residence in any part of the country (outside Assam) as on 24th March, 1971.”

However, it has been observed that in some instances such persons have not been able to provide documents to satisfactorily prove their residence in any part of the country (outside Assam) upto 24th March, 1971. As such, their cases will be dealt with under Rule 4 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 and Clause 3(3) of its Schedule, as follows:

(i) Citizens of India who originate from other states in India and who do not have any origin in Specified Territory (Bangladesh) and have moved to State of Assam prior to 24th March, 1971 or after, will be included in the NRC if the citizenship of such persons is ascertained beyond reasonable doubt to the satisfaction of the authorities disposing of claims and objections.

(ii) Cases of all such persons whether ordered for inclusion by the authority (disposing claims and objections) or for exclusion, will be examined first by the CRCR (Circle Registrar of Citizens Registration) and then by the DRCCR (District Registrar of Citizens Registration). The final decision of inclusion or exclusion will be taken by the DRCCR, who will record a speaking order issued under his seal and signature.

(b) The authorities examining the claim and the DRCCR will exercise great caution to ensure that no illegal person's name is included taking recourse to the above provisions.

ix) Claims where only children (14 years or below) have been left out from the draft NRC while their parents have been included will be segregated and pre-claim verification undertaken by CRCR to ascertain the shortcoming in linkage documents or any inconsistencies thereof. The concerned DRCCR will cause specific hearings for the composite family in respect of these minor children and oral/written evidences from parents will be admissible. This special consideration is required as

adequate documentary evidence may not be available for children less than 14 years of age.

x) Claims where only married women are involved and have no linkage document other than Gaon Panchayat Secretary Certificate issued prior to August 2015 will be examined separately in accordance with the guidelines issued in its compliance to Hon'ble Supreme Court orders on the verification of Gaon Panchayat Secretary Certificate for married women. It is to be ensured that the concerned officers follow the Guidelines scrupulously by way of better capacity building and also providing adequate time for each hearing.

xi) Any Person can make an objection for inclusion of name in draft NRC giving grounds for objection in the form specified and file documents, if any, in support of his objection. There is no restriction on the person for filing any number of objections. There is also no requirement of his being a local resident of NSK. However, any objection concerning inclusion shall only be filed at the NSK where the list of inclusion of the concerned person objected upon has been published. The Local Registrar of Citizen Registration will issue notices to all concerned and authorities undertaking hearing have to give reasonable opportunity to the objector and concerned persons against whom objection has been made. The authorities will examine all records, documents and evidences (including oral evidence) made before it and dispose of the objection by way of a speaking order.

5. Issue of Notices

The Local Registrar of Citizen Registration (LRCR) will issue notices to concerned persons in respect of hearings to be undertaken by the authorities disposing off claims and objections, correction or application in respect of D-voters/declared foreigners or their descendants. The notice will also be served to the person against whom the objection has been raised along with the grounds stated in the objection. The notices will be served at the place of local residence of the applicants as mentioned in the application. The LRCR will ensure that the applicant is served the notice at least 15 days prior to the date of hearing. If the notice is received late, an alternative date of hearing will be fixed and fresh notice with 15 days time from its receipt will be ensured by LRCR. The notice for hearing will also be given to any official/authority whose evidence may be necessary in respect of documents or particulars. The online facility of tracking notice will also be made available by the State Coordinator from the central data base.

6. Level of disposal of claims and objections

The applications received under clause 2 of the Schedule appended to Rule 4A of the Citizenship Rules, 2003 have been verified and scrutinised and decision for their inclusion in draft NRC has been taken at the level of the Local Registrar of Citizen Registration (LRCR). In case of any doubt in particulars/or the parental linkage, the investigation by District Magistrate through his authorised officers has also been caused whereafter the decision in such cases have been taken. In order

to ensure fairness and objectivity, it is considered necessary that the officers who have decided the application at the stage of draft NRC (LRCR) are not the decision making authority at the stage of disposal of claims and objections. The disposal of claims and objections will require proper understanding of the procedures and the ability to assess various evidences placed on record or made during the course of hearing. It has been decided that the hearing and disposal will be undertaken by Class-1 level officers of the State Government who have some knowledge and experience of handling the process of enquiry/investigations. These officers will function as authorised officers of the District Magistrate (District Registrar of Citizens Registration). The following category of officers posted in districts and sub-districts will be considered for working as authorised officers of District Magistrate (DM) for disposal of claims and objections:-

- a) The Assam Civil Services Officers who also functions as Executive Magistrates.
- b) Class-1 Officers of the Forest Department
- c) Block Development Officer and Class-1 Officers of Panchayat Department.
- d) Other Class-1 Officers of various departments who have some expertise in carrying out enquiries and verifications.

The State Government will make all efforts to mobilise the maximum possible number of such officers to complete the process of disposal of claims and objections as expeditiously as possible. The State Government will make available 1500 to 2500 Class-1 officers to perform the functions as authorised officers of District Magistrate. The district-wise distribution will be worked out by the State Government in consultation with the State Coordinator. Their capacity building and training will be necessary for conducting the hearings and disposal of claims and objections. The requirement of Class-1 officers will depend upon the numbers of Claims and Objections actually filed. Whereas it can be expected that all 40 lakhs persons (approximately 16.2 lakhs families) may file Claims, it is not possible to anticipate the numbers of Objections which are likely to be filed. The District Magistrates will ensure close supervision and will be overall responsible for the disposal of all Claims and Objections in their districts. For this purpose, they will also undertake necessary Quality Checks of at least 10% of the cases. Senior State Government officers will be appointed as Observers to oversee the process of claims and objections disposal in the district. The IAS officers and senior Assam Civil Services officers serving in the State Government will be allotted districts in this regard and will report to the State Coordinator, NRC.

As per Order of the Hon'ble Supreme Court passed on 1st November, 2018, the State Coordinator will devise system of vigorous verification including additional layers of verification to ensure that only and only eligible persons are included in the final NRC. All documents must be subjected to a thorough process of verification and

would be accepted only after due and complete satisfaction of the genuineness of the same. Based on the above, additional guidelines shall be issued subsequently.

7. Holding of Hearings

Disposal of all Claims and Objections will be done through holding of hearings wherein Claimant/ Objector will be asked to attend. Venue of hearing will be a suitable place easily accessible to claimant or person objected upon belongs, keeping in mind security and logistics. Claimants will be required to bring evidence they wish to adduce in the hearings to substantiate their claim. They would also bring with them such other persons, whose oral evidence is admissible, to testify for them. For the purpose of establishing the linkage, oral evidence may be recorded of such persons who are blood relatives, namely siblings, close relatives or Government functionaries who can certify the linkage. Other family members accompanying the applicant may provide assistance during the course of the hearing. NRC authorities will also issue notices to all users of their Legacy Data to appear in these hearings. Notices will be generated centrally and will be delivered through the NSK. 5 hearings (one for each family) per day by each authorised officer of DM will be held. The hearings will be categorised as under:

- a) Cases of applicants who originate from other States in India [Para 4(VIII) cases.]
- b) Cases where only children (less than 14 years) have been left out. In this case, the numbers of hearings to be held per day may be higher – 8 families per day.
- c) Cases where only married women have been left out.
- d) Cases involving persons appearing in 1951 NRC or any of the Electoral Rolls upto 24th March, 1971 (Midnight).
- e) Cases involving submissions of any List A document other than persons appearing in 1951 NRC or any of the Electoral Rolls upto 24th March, 1971 (Midnight).
- f) Other Cases

The hearings will record the particulars and statements of witnesses and after due examination of all records and evidences a speaking order will be given by the authorised officer of DM. Necessary quality checks will be undertaken by the Circle Registration Officers and cases requiring further attention will be referred to DRCRs who will attend to the cases personally. The hearing venues will have all the relevant data i.e. PDFs of Application Forms, documents, Manual Family Tree of the Claimant and all other users of that Legacy Data, PDFs of records of Family Tree and Special Verification, as applicable. Proper logistic arrangements at the venues for public as well officers undertaking the hearings will be made. If the matter of Claim / Objection is not disposed off in one hearing, more number of hearings will be scheduled. For subsequent hearings, the Disposing Officer will issue the Notices manually. Such notices will be handed over to the persons appearing at the hearing itself. For those

persons who are not present, the Claimant/ Objector will ensure presence of the required witnesses. For the purposes of verification of documents and particulars wherever considered necessary, the issuing authority and the authority connected with issue of such documents/particulars will be called to submit necessary evidence in regard to authenticity of such documents/particulars. Verification of authenticity of documents by way of comparison with the backend will be carried out wherever considered essential.

8. Verification under section 4(3)

The LRCR may at any time before the final publication of NRC in the State of Assam may cause or direct to cause verification of names already included in the final draft NRC if considered necessary. The verification may be carried out by LRCR or any officer authorized by the DRCR. The concerned persons will be given reasonable opportunity during the verification process. The report of the verification will be submitted to DRCR, who shall examine the report and dispose it by issuing a written order under Clause 4(5) to 4(6). Further action thereafter will be taken as per clause 5 and clause 6 of the Schedule of the Citizenship Rules 2003.

9. Biometric Enrolment

During the course of the hearings of claims and objections, the State Government in collaboration with UIDAI will undertake the process of biometric enrolment of all the applicants of NRC. The biometric enrolment in respect of persons who are part of claims and those persons objected upon will be distinctive and separate ID will be generated. Once the final NRC has been published such persons who are included in the NRC will be given the usual Aadhaar number as applicable to legal residents in the country. In case a person already has Aadhaar number who is also a part of the claim or objected upon, his Aadhaar number will be obtained.

10. Timelines

The time schedule for filing of claims and objections and consideration thereof would be as follows in accordance of Hon'ble Supreme Court:

1	Last date of filing of Claims/ Objections	15th December, 2018
2	The time for issuing notice after digitization and completion of all formalities and requirements	15th January, 2019
3	Commencement of the verification process	1st February, 2019
