

Citizenship status of Gorkhas living in Assam

11th October, 2018



Ministry of Home Affairs has issued a clarification to the Government of Assam on the citizenship status of members of the Gorkha Community living in the State as per the Foreigners Act, 1946.

What's the issue?

Recently, some cases of members of Gorkha community living in Assam were referred to the Foreigners Tribunals. Following this, a representation from the All Assam Gorkha Students' had approached the Union Home Minister Shri Rajnath Singh to solve the issue.

Directions by the Centre:

In a communication to the Government of Assam, MHA has listed various provisions to obviate the difficulties faced by Gorkhas in the matter of Indian citizenship. These include:

- The members of the Gorkha community who were Indian citizens at the time of commencement of the Constitution, or those who are Indian citizens by birth, or those who have acquired Indian citizenship by registration or naturalization in accordance with the provisions of The Citizenship Act, 1955 are not "foreigners" in terms of section 2 (a) of The Foreigners Act, 1946 as well as The Registration of Foreigners Act, 1939, therefore, such cases will not be referred to the Foreigners Tribunals.
- Any member of the Gorkha community holding Nepalese nationality and who has arrived in India by land or air over the Nepal border even without a passport or visa and staying in India for any length of time shall not be treated as an illegal migrant if he/she is in possession of any of the identity documents namely the Nepalese Passport, Nepalese Citizenship Certificate, voter Identification card issued by the Election Commission of Nepal, limited validity photo-identity certificate issued by Nepalese Mission in India when deemed necessary and for children between age group of 10-18 years, photo ID issued by the principal of the school, if accompanied by parents having valid travel documents.
- No such document is required for children below the age group of 10 years, the communication added citing provisions of India-Nepal Treaty signed in 1950.

Exempt from Foreigner Tribunals:

- The cases of members of Gorkha community falling within the parameters shall not be referred to the Foreigner Tribunals for opinion as to whether the person is a "foreigner" within the meaning of The Foreigners Act, 1946.
- Only those individuals, who have come from specified territories i.e. territories included in Bangladesh immediately before commencement of the Citizenship (Amendment) Act, 1985, to the State of Assam, and are not Indian citizens, can be referred to the Foreigners tribunals.

What is National Register of Citizens (NRC)?

The NRC was introduced to identify illegal immigrants from Bangladesh and recognise the Indian citizens in Assam. It was first prepared in 1951 and Assam is the only state having this arrangement.

To be looked in UPSC Paper 3 Topic: Security challenges and their management in border areas; linkages of organized crime with terrorism.