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## Violation of the human rights of an innocent family in Assam

4 messages

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4 January 2021 at 19:05

<https://countercurrents.org/2021/01/violation-of-the-human-rights-of-an-innocent-family-in-assam/countercurrents.org>

# Violation of the human rights of an innocent family in Assam | Countercurrents

E A S Sarma



To

Secretary

National Human Rights Commission (NHRC)

N.Delhi

Sir,

I refer to the distressing news report (<https://indianexpress.com/article/north-east-india/assam/assam-nrc-detention-centre-7128303/>) on how four members of a rickshaw puller's family in Assam, unable to secure ready legal assistance, suffered gross

violation of their basic human rights, when they were erroneously called “foreigners” in Assam under the Foreigners Tribunal Act, 1941, Foreigners Tribunal Order, 1964 and the Foreigners (Tribunals For Assam) Order, 2006.

I have also enclosed here a copy of the news report for your ready reference. The faces of the two children in the picture should shake the nation’s conscience.

This is the case of Mohammad Nur Hussain, 34, a rickshaw puller in Guwahati who hails from Lawdong village in Assam’s Udalguri district, his wife Sahera Begum, 26, and their two minor children (Ages 7 & 5 years). In June, 2019, on a false charge that they were “foreigners”, under the Foreigners (Tribunals For Assam) Order, 2006, Hussain’s family was sent to a detention centre in Goalpara district in Assam.

According to the news report, while the names of Hussain’s grandparents feature in the [National Register of Citizens \(NRC\)](#) of 1951, his father’s name, along with that of his grandparents, was in the 1965 voters’ list. Begum’s father too had appeared in NRC 1951 and the voter list of 1966, and the family has land documents dating back to 1958-59, all prior to the cut-off date to identify an Indian citizen in Assam, that is, March 24, 1971.

The police started subjecting them to harassment in the name of interrogation of a “foreigner”. On detention in June, 2019, since there was no one to look after their children, they were forced to take them to the detention centre. They could not argue their case as they did not understand the implications of the so-called Foreigners Act nor could they get access to the necessary legal help, as they could not afford it. As a result, the family had to remain in detention till the end of 2020. In other words, for no fault of theirs, they had to undergo illegal detention for one and a half years. Their children had no access to education and were subject to the trauma of spending their formative years in incarceration.

As a concerned citizen, I feel that this case typifies the kind of gross human rights violations that innocent citizens are being subjected to in the guise of enforcement of the Foreigners Act. In this case, not only there has been a violation of the fundamental rights of all the four members of the family but also a specific violation of the rights of the two minor children.

No doubt the legal proceedings culminated thankfully in the family getting declared as “Indians” but who will compensate them for the loss of their freedoms, violation of their right to life (Article 21) and the trauma undergone by the two minor children?

Should the State’s investigating officers be exonerated in this case as it is their unwillingness to elicit documents from the family that led them into taking such a draconian measure? Should not “jail” be an exception rather than a rule in such cases?

Should the burden of proving that they are not foreigners rest on them or on the State?

This instance perhaps represents only the tip of the widespread violation of human rights across the State. An independent investigation will alone reveal the magnitude and the nature of such violations.

I appeal to the NHRC to intervene in getting this specific case investigated thoroughly so that the questions posed above may get satisfactory answers and Hussain’s family gets duly compensated.

Also, it is equally desirable that NHRC orders an independent investigation into similar cases of illegal detention in Assam, orders the release of all illegally detained families

and ensures that they are duly compensated.

It is also perhaps time to revisit the Foreigners Act, amend the regressive provisions under which innocent citizens are detained and introduce more benign, humanitarian safeguards.

In my view, the kind of illegal detention of innocent citizens, as it has happened in the case of Mohammad Nur Hussain, owes its genesis to the frenzy unleashed by some unethical senior political leaders in their anxiety to get electoral mileage. Those political leaders too need to be brought to book urgently, as otherwise their irresponsible statements will further trigger more such detentions, that tear apart the secular fabric of the society.

Regards,

Yours sincerely,

E A S Sarma

Former Secretary to GOI

Visakhapatnam

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**EAS Sarma** <eassarma@gmail.com>

5 January 2021 at 07:06

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5 January 2021 at 07:06

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Action: failed

Status: 5.0.0

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Cc:

Bcc:

Date: Tue, 5 Jan 2021 07:06:13 +0530

Subject: Fwd: Violation of the human rights of an innocent family in Assam

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5 January 2021 at 09:54

Thank you for sharing this.

Urmila

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