



CITIZENSHIP AMENDMENT ACT - POLITY - GS II MAINS

Q. Rules for the Citizenship (Amendment) Act (CAA), will be notified soon, critically analyse the issues surrounding the CAA in a constitutional democracy like India. (10 marks, 150 words)

News: *Govt ready with rules for CAA, set to be notified before Lok Sabha polls announcement*

What's in the news?

- Rules for the Citizenship (Amendment) Act (CAA), the Bill for which was cleared by Parliament in December 2019, will be notified much before the announcement of the Lok Sabha elections.

Key takeaways of CAA, 2019:

Provision of citizenship:

- The Act, which was passed in 2019, **fast tracks the citizenship of people from the Hindu, Sikh, Parsi, Christian, Buddhist and Jain communities from Pakistan, Afghanistan and Bangladesh who entered India before December 31, 2014, without any documents.**

Relaxations:

- Under The Citizenship Act, 1955, one of the requirements for citizenship by naturalization is that the applicant must have resided in India during the last 12 months, as well as for 11 of the previous 14 years.
- The amendment relaxes the second requirement from **11 years to 6 years** as a specific condition for applicants belonging to these six religions, and the aforementioned three countries.

Exemption:

- Most parts of the **northeastern states** are exempted from the Act. The **tribal areas** of Assam, Meghalaya, Mizoram or Tripura as included in the **Sixth Schedule** to the Constitution and the States of Arunachal Pradesh, Mizoram, Nagaland and Manipur are exempted from provisions of the Act.
- The undocumented migrants who will be deemed Indian citizens through the Act will not be able to settle down in the exempted areas.
- The CAA exempts the members of the six communities from any criminal case under **Foreigners Act, 1946 and Passport Act, 1920**, which specify punishment for entering the country illegally and staying on expired visas and permits.



Issues with CAA, 2019:

Soon after the passage of the law, widespread protests broke out across the country. The rules for implementation of the Act were never notified and the government sought repeated extensions for framing the rules.

1. Country of Origin:

- The Act classifies migrants based on their country of origin to include only Afghanistan, Pakistan and Bangladesh.

2. Other religious minorities ignored:

- It is unclear why illegal migrants from only six specified religious minorities have been included in the Act.

3. Defiance of purpose:

- India shares a border with Myanmar, which has had a history of persecution of a religious minority, the Rohingya Muslims.

4. Date of Entry:

- It is also unclear why there is a differential treatment of migrants based on their date of entry into India, i.e., whether they entered India before or after December 31, 2014.

5. Against the spirit of Secularism:

- Further, granting citizenship on the grounds of religion is seen to be against the secular nature of the Constitution which has been recognised as part of the basic structure that cannot be altered by Parliament.

6. Issues in North-eastern states:

- The prospect of citizenship for massive numbers of illegal Bangladeshi migrants has triggered deep anxieties, including fears of demographic change, loss of livelihood opportunities and erosion of the indigenous culture.

Significance of the Act:

1. Benefit non-Muslims:

- There are apprehensions that the CAA, followed by a country-wide compilation of the National Register of Citizens (NRC), will benefit non-Muslims excluded from the proposed citizens' register, while excluded Muslims will have to prove their citizenship.

2. Religious persecution:

- The Bill aims to grant citizenship to minorities who have faced religious persecution in Muslim-majority foreign countries.

3. Partition:

- The Bill is righting the wrongs of history by granting refuge to the sons and daughters of "Ma Bharti", who were left stranded by Partition.

4. Fixing the error:

- It has linked the passage of the Bill with a nationwide National Register of Citizens (NRC), suggesting that even if the Assam NRC erred in leaving out some non-Muslims, the Citizenship (Amendment) Bill would fix the error.



- It inserts **December 31, 2014, as the cut-off date** for members of the Hindu, Buddhist, Christian, Parsi, Jain and Sikh communities from Pakistan, Bangladesh and Afghanistan **to be eligible to get Indian citizenship**

- It will not apply to the **tribal areas of Assam, Meghalaya, Mizoram and Tripura** as included in the Sixth Schedule of the Constitution and to **Arunachal Pradesh, Mizoram and Nagaland, which are protected by the Inner Line Permit**

- **All cases against a non-Muslim illegal migrant** before any authority, including foreigners tribunals or courts, **shall stand abated**

- It will enable a person who does not have proof of birth of his parents in support of his being of Indian origin to apply for citizenship by **naturalisation on completion of six years residency**

- It reduces the **mandatory requirement of 12 years stay to five years** to be eligible for citizenship

WAY FORWARD:

- India is a **constitutional democracy** with a basic structure that assures a secure and spacious home for all Indians.
- Being **partitioned on religious grounds**, India has to undertake a balancing act for protecting the religious minorities in its neighbourhood. These minorities are under constant threat of persecution and vandalism.
- India needs to balance its civilization duties to protect those who are prosecuted in the neighbourhood.