



CAA RULES - GS II MAINS

Q. Discuss the Key provisions in Citizenship Amendment-Act (CAA), 2019. Evaluate the implications of the Citizenship Amendment Act (CAA) Rules, 2024, for India's socio-political fabric and its alignment constitutional principles. (10 marks, 150 words)

News: *No stay on CAA Rules, Supreme Court tells Govt to respond to pleas*

What's in the news?

- Recently, the government has notified the rules for the implementation of the Citizenship Amendment Act (CAA) 2019.

Key takeaways:

- The Supreme Court refused to stay the implementation of the Citizenship (Amendment) Act Rules notified earlier this month, but had issued notice to the Centre, asking it to respond to petitions challenging the Rules.
- With the notification of the rules, the Central Government has eased the process of granting Indian citizenship to members of Hindu, Sikh, Buddhist, Jain, Parsi and Christian communities from Pakistan, Bangladesh and Afghanistan, who entered India before December 31, 2014.

Citizenship Amendment Act (CAA) Rules, 2024:

- The CAA 2024 rules now provide a framework for the application process for those eligible under Citizenship Amendment Act 2019
- The Ministry of Home Affairs has created a portal for this.
- The applicants must declare the year they entered India without travel documents.

1. Application Process:

- The Citizenship Amendment Rules 2024, will enable persons eligible under the Citizenship (Amendment) Act (CAA), 2019 to submit their individual applications completely online to an Empowered Committee through a District Level Committee as may be notified by the Central Government.

2. Eligible Applicants:

- They include individuals of Indian origin, spouses of Indian citizens, minor children of Indian citizens, individuals with registered Indian citizen parents, and Overseas Citizens of India Cardholders, among others.



3. Permissible Documents:

- They include birth certificates, tenancy records, identity papers, and any licence, school or educational certificate issued by a government authority in Afghanistan, Pakistan and Bangladesh.
- The applicants will have to produce an “eligibility certificate” issued by a “locally reputed community institution” confirming that he/she belongs to the “Hindu/ Sikh/ Buddhist/ Jain/ Parsi/ Christian community and continues to be a member of the above-mentioned community.”

4. No Requirement of Valid Passport:

- The rules have done away with the earlier mandatory requirement of passport of Pakistan, Bangladesh or Afghanistan and a residential permit issued by India.

5. No requirement of Visa:

- The rules have removed the mandatory requirement of Visa and have provided that even a certificate issued by an elected member of a local body would be sufficient.

6. No Requirement of Certificate for Eighth Schedule Languages:

- The rules have done away with the requirement of producing a certificate from an educational institution that the applicant knows one of the languages mentioned in the Eighth Schedule of the Constitution.
- According to the new rules - A declaration to that effect and being able to speak the language will be enough.

7. Proof of Entry into India before December 31, 2014:

- The rules provide that any one of the listed 20 documents would be admissible.

8. Limited Participation and Powers of the State Governments:

- The rules tweak the process of grant of citizenship in a manner that state governments would have limited participation in the process.

Go back to basics:

Citizenship Amendment Act (CAA), 2019:

- The legislation grants citizenship to six minorities (Hindu, Sikh, Buddhist, Jain, Parsi, and Christian) fleeing religious persecution from Pakistan, Afghanistan, and Bangladesh.
- The citizenship will be granted to those who entered India from these countries on or before December 31, 2014.

Key Provisions of CAA, 2019:

1. Relaxation of Naturalisation Process to Acquire Citizenship:

- CAA 2019 amends the Citizenship Act of 1955.



- The amendment relaxes the residence requirement for naturalization of these migrants from eleven years to five.

2. Exemption from Criminal Cases and Deportation:

- CAA exempts the members of the six communities from any criminal case and deportation under the Foreigners Act, 1946 and the Passport Act, 1920.

3. Exceptions to the Act:

The provisions on citizenship for illegal migrants will not apply to two categories such as

- States protected by the 'Inner Line Permit'.
- Areas covered under the Sixth Schedule of the Constitution.

Issues with CAA, 2019:

1. Country of Origin:

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

2. Discriminatory towards Muslims:

- Critics have argued that the National Register of Citizens (NRC) in Assam to identify illegal immigrants, along with the CAA which provides citizenship to all illegal immigrants except Muslims, will result in the targeting of Muslims.

3. Exclusion of Other Persecuted Minority Groups:

- Other persecuted minority groups like the Tamil Hindus in Sri Lanka, the Rohingya in Myanmar, or minority Muslim sects like Ahmadiyyas and Hazaras in Pakistan, Afghanistan have been excluded from the Act.

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.



7. Against the Right to Equality:

- Critics have argued that using religion as a qualifier or a filter violates the fundamental right to equality granted by Article 14 of the constitution.

8. Violation of Assam Accord:

- There have been protests in Assam citing the violation of Assam Accord by extending the cut-off date for citizenship to illegal migrants.
- CAA has extended the cut-off date to 31st Dec 2014 from the cut-off date of March 25, 1971 provided in the original Assam Accord.

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.

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.