



Centre Extends Powers Related to Citizenship Application

Why in News

Recently, the Central Government issued a notification **granting powers related to citizenship applications** under existing rules to **authorities of five states**.

- The order has been **issued under the [Citizenship Act, 1955](#) and the [Citizenship Rules, 2009](#)** and not under the [Citizenship Amendment Act, 2019](#) **since its rules have not yet been framed.**

Key Points

▪ The Notification:

- In accordance with **section 16 of the Citizenship Act, 1955** the central government directed that powers exercisable by it **for registration as a citizen of India, or for grant of certificate of naturalisation** shall also be exercisable by the collector (District Magistrate), within whose jurisdiction the applicant is ordinarily resident.
 - **Section 16 of the Citizenship Act 1955: The Central Government may, by order, direct that any power** which is conferred on it **can be exercisable also by such officer or authority as may be so specified.**
 - **Exceptions:** However powers mentioned in **section 10** (certificate of registration to be granted to persons registered) and **section 18** (form of certificate of naturalisation) can be **exercised by the central government only.**
- It also granted **similar powers to the Home Secretaries of Haryana and Punjab, except for Faridabad and Jalandhar.**

▪ States and Districts:

- Powers were extended to **13 districts office states which are:**
 - **Gujarat-** Morbi, Rajkot, Patan and Vadodara.
 - **Chhattisgarh-** Durg and Balodabazar.
 - **Rajasthan-** Jalore, Udaipur, Pali, Barmer and Sirohi.
 - **Haryana-** Faridabad.
 - **Punjab-** Jalandhar.

▪ Extended Powers:

- It includes power to **accept, verify and approve citizenship applications** from members of **minority communities hailing from Pakistan, Afghanistan and Bangladesh.**
- It lists **Hindus, Sikhs, Buddhists, Jains, Parsis and Christians as the communities that will be covered.**
 - In **2018, the [Government had granted similar powers](#)** to Collectors and Home Secretaries of states such as **Chhattisgarh, Madhya Pradesh, Gujarat, Rajasthan, Uttar Pradesh and Delhi** with regard to certain districts.

Citizenship

▪ About:

- Citizenship signifies the **relationship between individual and state**.
- Like any other modern state, India has two kinds of people—**citizens and aliens**.
 - **Citizens are full members of the Indian State** and owe allegiance to it. They enjoy all civil and political rights.
- Citizenship is an **idea of exclusion as it excludes non-citizens**.
- There are two well-known principles for the grant of citizenship:
 - While '**jus soli**' confers citizenship on the **basis of place of birth**, 'jus sanguinis' gives recognition to blood ties.
 - From the time of the **Motilal Nehru Committee (1928)**, the **Indian leadership was in favour of the enlightened concept of jus soli**.
 - The **racial idea of jus sanguinis** was also **rejected by the Constituent Assembly as it was against the Indian ethos**.

▪ Constitutional Provisions:

- Citizenship is **listed in the Union List** under the Constitution and thus is under the exclusive jurisdiction of Parliament.
- The Constitution does not define the term 'citizen' but **details of various categories of persons who are entitled to citizenship** are given in [Part 2 \(Articles 5 to 11\)](#).
 - Unlike other provisions of the Constitution, which came into being on 26th January, 1950, **these articles were enforced on 26th November, 1949** itself, when the Constitution was adopted.

Citizenship (Amendment) Act, 2019 (Major Provisions)

▪ Citizenship on the basis of religion:

- The Bill amends the Act to provide that the **Hindus, Sikhs, Buddhists, Jains, Parsis and Christians** from **Afghanistan, Bangladesh and Pakistan**, who entered India on or before **31st December, 2014**, will not be treated as illegal migrants.

▪ Exclusion:

- The **migrants, who identify themselves with any group or community other than Hindus, Sikhs, Buddhists, Jains, Parsis and Christians**, from the above mentioned countries **won't be eligible for citizenship**.

▪ Exceptions:

- The provisions on citizenship for illegal migrants will not apply to two categories - states protected by the '[Inner Line](#)', and areas covered under the **Sixth Schedule of the Constitution**.
 - **Inner Line Permit (ILP)**: This is a **special permit that citizens from other parts of India require to enter a state** protected by the ILP regime. Without an ILP granted by the state government, an Indian from another state cannot visit a state that is under the ILP regime.
 - **Sixth Schedule**: The [Sixth Schedule](#) relates to special provisions in administration of certain Northeastern states (**Assam, Mizoram, Meghalaya and Tripura**). It provides **special powers for Autonomous District Councils (ADCs) in these states**.

▪ Citizenship by Naturalization:

- Under The Citizenship Act, 1955, one of the requirements for citizenship by naturalisation 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 5 years as a specific condition for applicants belonging to the specified six religions,** and the above-mentioned three countries.

▪ **Cancellation of registration of OCIs:**

- The Act provides that the central government may cancel the registration of **Overseas Citizens of India (OCIs)** on certain grounds which are:
 - If the OCI has **registered through fraud.**
 - If, within five years of registration, the **OCI has been sentenced to imprisonment for two years or more.**
 - If it becomes necessary **in the interest of sovereignty and security of India.**
 - If the OCI has **violated the provisions of the Act** or of any other law as notified by the central government.
- However the orders for cancellation of **OCI should not be passed till the OCI cardholder is given an opportunity to be heard.**

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