



## MHA on Citizenship Amendment Act (CAA), 2019

**For Prelims:** Citizenship Amendment Act (CAA) 2019, Assam Accord of 1985, National Register of Citizens (NRC)

**For Mains:** Government Policies & Interventions, Secularism, Sixth Schedule of the Constitution

### Why in News?

Recently, the **Ministry of Home Affairs (MHA) in its latest annual report for 2020-21**, has said that the **Citizenship Amendment Act (CAA) 2019** is a compassionate and ameliorative legislation and does not deprive any Indian of citizenship.

- The CAA, which aims to give citizenship to migrants belonging to **Hindu, Sikh, Buddhist, Jain, Parsi or Christian** communities from **Afghanistan, Bangladesh or Pakistan**, was notified on 12<sup>th</sup> December 2019, and came into force on 10<sup>th</sup> January 2020.
- The legislation evoked **widespread protests across the country**.

### What are Associated Concerns with CAA?

- **Targeting a Particular Community:** 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**.
- **Issues in the North-East:** It contradicts the **Assam Accord of 1985**, which states that illegal migrants, irrespective of religion, heading in from Bangladesh after **25<sup>th</sup> March, 1971**, would be deported.
  - There are an estimated **20 million illegal Bangladeshi migrants in Assam** and they have inalienably altered the demography of the state, besides putting a severe strain on the state's resources and economy.
- **Against Fundamental Rights:** Critics argue that it is **violative of Article 14** of the Constitution (which guarantees the right to equality and is applicable to both the citizens and foreigners) and the principle of **secularism** enshrined in the preamble of the constitution.
- **Discriminatory in Nature:** India has several other refugees that include Tamils from Sri Lanka and Hindu **Rohingya from Myanmar**. They are not covered under the Act.
- **Difficulty in Administration:** It will be difficult for the government to differentiate between illegal migrants and those persecuted.
- **Hampering Bilateral Ties:** The Act throws light on the religious oppression that has happened and is happening in these three countries and thus **may worsen our bilateral ties with them**.

### What does MHA Clarified?

- **Not Applicable on Indian Citizens:** The CAA does not apply to Indian citizens. Therefore, **it does not in any way take away or abridge the rights of any Indian citizen**.
- **Legal Process of Acquiring Indian Citizenship Remain Unchanged:** Further, the present

legal process of acquiring Indian citizenship by any foreigner of any category as provided in the [Citizenship Act, 1955](#) is very much operational and the CAA does not amend or alter this legal position in any manner whatsoever.

- Hence, **legal migrants of any religion from any country will continue to get Indian citizenship once they fulfil the eligibility conditions** already provided in the law for registration or naturalization.
- **Dealing With Issues of North-east India:** The annual report has attempted to once again allay fears in the Northeast over the legislation saying that exclusion of areas under the [Sixth Schedule of the Constitution](#) and those covered under the [Inner Line Permit](#) regime would ensure the protection of indigenous and tribal populations of the region.

## Way Forward

- The notification of its rules, without which the law cannot be implemented, continues to be pending with no commitment from the government as to when it will happen.
- Thus, **MHA should notify the CAA rules** with utmost transparency and clear the apprehensions associated with CAA.

## UPSC Civil Services Examination Previous Year Questions (PYQs)

**Q. The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to (2015)**

- (a) protect the interests of Scheduled Tribes
- (b) determine the boundaries between States
- (c) determine the powers, authority and responsibilities of Panchayats
- (d) protect the interests of all the border States

**Ans: (a)**

- The Fifth Schedule lays out provision for Administration and Control of Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Tripura and Mizoram.
- The Sixth Schedule deals with the administration of the tribal areas in Assam, Meghalaya, Tripura and Mizoram.

**Source: IE**

PDF Reference URL: <https://www.drishtias.com/printpdf/mha-on-citizenship-amendment-act-caa-2019>