



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 12th December 2019, and came into force on 10th 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 **25th 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.

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