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Lok Sabha Passes Citizenship (Amendment) Bill, 2016

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Lok Sabha has passed the **Citizenship (Amendment) Bill, 2016**.

Citizenship (Amendment) Bill, 2016

- The Citizenship Amendment Bill was proposed for amending the Citizenship Act, 1955. By this bill, the government plans to change the definition of illegal migrants.
- By this Bill, illegal migrants belonging to the **Hindu, Sikh, Buddhist, Jain, Parsi or Christian religious communities** coming from **Afghanistan, Bangladesh, and Pakistan** will be eligible for Indian citizenship.
- These citizens will **gain permanent citizenship after six years of residency in India instead of 11 years** as mentioned in the Citizenship Act, 1955.
- Under the Act, one of the requirements for citizenship by naturalization is that the applicant must have resided in India during the last 12 months, and for 11 of the previous 14 years.
- The Bill allows **cancellation of Overseas Citizen of India (OCI) registration** for violation of any law.

Concerns regarding the Citizenship Amendment Bill, 2016.

- The Bill **violates Article 14 of the Indian constitution** as it discriminates among refugees on the basis of religion (Muslim community has not been considered).
- The **cancellation of OCI registration** for 'violation of any law' may cover a range of violations, including minor offenses (e.g. parking in a no-parking zone) and **can be misused by the authorities**.

Proposed Suggestions

- **Checks and balances:** It is necessary to curtail the wide powers given to the central government to rescind the OCI card status or put checks and balances in place by appointing a committee or an ombudsman.

- **Remove religion as a basis:** The provision of granting citizenship only to immigrants of religion other than Muslims is against the idea of secularism as enshrined in the Indian Constitution.
- **Refugees:** It is necessary to keep in mind the international migrant crisis and to draw a clear demarcation between a refugee and an immigrant.

Way Forward

Law should have no biases and try its utmost to provide justice and liberty to all. In past India has given shelter to refugees who were being persecuted because of their language or culture (Tamils of Sri Lanka, Bangladeshi, and Tibetan refugees). This Bill does not include such minorities. So it is necessary to broaden the scope of the law by including the term 'persecuted minorities' rather than religious minorities.

Article 14: Equality before the law and equal protection of laws. This right is available to both citizens and foreigners (except enemy aliens).

Citizenship under the Indian Constitution

- The Constitution deals with the citizenship from Articles 5 to 11 under Part II.
- It empowers the Parliament to enact a law to provide for such matters and any other matter relating to citizenship.

Illegal Immigrant

- According to the Citizenship Act (1955), an illegal immigrant is defined as a person who enters India without a valid passport or stays in the country after the expiry of the visa permit.
- Also, the immigrant who uses false documents for the immigration process.

Overseas Citizens of India

- OCIs are foreigners who are persons of Indian origin. For example, they may have been former Indian citizens or children of the current Indian citizen.
- OCIs are entitled to multipurpose, multiple entries, a lifelong visa allowing them to visit India at any time, for any length of time and for any purpose.

Citizenship by Naturalisation

By Naturalisation: The Central Government may grant a certificate of naturalization to any person (not being an illegal migrant) if he possesses the following qualifications like:

- he or she is not a subject or citizen of any country where citizens of India are prevented from becoming subjects or citizens of that country by naturalization

- that, if he is a citizen of any country, he undertakes to renounce the citizenship of that country