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The Citizenship (Amendment) Bill, 2016

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Why in News?

- Lok Sabha recently passed the Citizenship (amendment) Bill, 2016.
- The bill becomes important in the backdrop of National Register of Citizens issue due to growing demand for deporting the illegal migrants from Northeast.

Background of the Bill

- The Citizenship (Amendment) Bill, 2016 was introduced in Lok Sabha by the Minister of Home Affairs in July, 2016. The bill was passed in Lok Sabha in January, 2019.
- The Bill seeks to amend the **Citizenship Act, 1955**.

Citizenship Act 1955

- The act defines an illegal immigrant as a person who enters India without a valid passport or stays in the country after the expiry of the visa permit.
- The act prohibits illegal migrants from acquiring Indian citizenship.
- The act sets some qualification criterion for a person to become a naturalized citizen of the nation:-
 - Person must have resided in India for the 12 months immediately preceding the application for citizenship,
 - Person must also be residing in India for 11 of the 14 years preceding the 12-month period.

Citizenship as per 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.
- Following the constitutional requirement parliament enacted the citizenship Act of 1955.

- The Citizenship Act provides various ways in which citizenship may be acquired or determined as to who can be an Indian.
- It provides for citizenship by birth, descent, registration, naturalization and by incorporation of territory into India.
- It regulates registration of **Overseas Citizen of India Cardholders (OCIs)**, and their rights.

Overseas Citizen of India

- A person with OCI status is not an Indian citizen. The person does not have voting rights in India, nor can contest elections or hold any constitutional office.
- An Overseas Citizen of India is however entitled to some benefits such as a multiple-entry, multi-purpose life-long visa to visit India.

Key Features of the Bill

- The Bill amends the Citizenship Act, 1955 to make illegal migrants who belong to certain religious minorities (Hindus, Sikhs, Buddhists, Jains, Parsis and Christians) from Afghanistan, Bangladesh and Pakistan, eligible for citizenship.
- The Bill seeks to reduce the requirement of 11 years of continuous stay in the country to six years to obtain citizenship by naturalization for these communities belonging to these 3 nations.
- The Bill provides that the registration of Overseas Citizen of India (OCI) cardholders may be cancelled if they violate any law.

Issues in the Bill

- The Bill makes illegal migrants eligible for citizenship on the basis of religion; violating Article 14 of the Constitution which guarantees right to equality.
- The Bill allows cancellation of OCI registration for violation of any law. This is a wide ground that may cover a range of violations, including minor offences (e.g. parking in a no parking zone).
- The bill would significantly affect Northeastern states that are grappled by the problem of illegal migration from neighboring countries.
- The bill undermines the **Assam Accord** which was signed to deport all the illegal migrants, majority being from Bangladesh, who entered Assam after 1971.

Assam Accord

- It was signed in 1985 between Indian government and All Assam Student's Union, and All Assam Gana Sangraam Parishad to end a six-year-long mass movement demanding detection and deportation of illegal immigrants.

- Migrants were mostly from Bangladesh, who threatened the culture, identity and economic future of the indigenous people of Assam.
- According to the accord:-
 - All those who entered Assam between 1951 and 1961 were to be given full citizenship, including the right to vote;
 - Those between 1961 and 1971 were to be denied voting rights for ten years but would enjoy all other rights of citizenship;
 - Those who came after 1971 were to be deported under the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1964.

Way Forward

- Giving concession of six years for residence based only on religion is against the tenets of secularism. This should be dropped to stand the test of 'basic structure doctrine'.
- A system of checks and balances should be put in place to check powers given to the central government in making rules regarding to OCI citizens.
- India should not get confused between a migrant and a refugee. Insensitivity towards refugee in times of global migrant crisis will only be antithetical to India's belief of Vasudhev Kutumbakam.
- Although India not being a signatory to UNHCR (United Nations High Commission for Refugees) but respecting internationally accepted norms and practices will boost the Indian aspiration of becoming a global power.