

CAA Rules, 2024

Why in news?

The Ministry of Home Affairs has recently notified the rules for implementation of the Citizenship (Amendment) Act, which was enacted by Parliament in 2019.

Rules for citizenship in India

- Constitutional provisions-It deals with the citizenship from *Articles 5 to 11* under **Part II**.
- **Citizenship Act 1955**- It specifies that citizenship may be acquired in India through five criteria.
- **Birth in India**- It specifies certain conditions for acquiring citizenship by birth.
- **Descent**- A person born outside India on or after January 26, 1950, but before December 10, 1992, is a citizen of India if his/her father was a citizen of India at the time of his/her birth.
- A person born outside India on or after December 10, 1992 is considered as a citizen of India if either of his parents is a citizen of India at the time of his birth.
- **Registration**-Certain categories of people, such as those of Indian origin residing abroad, can apply for citizenship through registration
- **Naturalization**- Individuals who have resided in India for a specified period and fulfil other conditions prescribed by the central government may acquire citizenship by naturalization.
- **Incorporation of territory**- If any territory becomes part of India, the central government may specify the persons who shall be citizens of India by virtue of their connection with that territory.
- **CAA, 2019**- It amends the Citizenship Act 1955 and introduces religion as the sixth criteria to acquire citizenship in India, while excluding Muslims.

What are the key provisions of Citizenship (Amendment) Act, 2019?

- It is a legislative enactment that the Parliament has passed in 2019 to amend the Citizenship Act of 1955.
- **Aim**- To grant citizenship to persecuted minorities from neighbouring Muslim majority countries of Pakistan, Bangladesh, and Afghanistan.
- The specified class of illegal migrants from the three countries - *Afghanistan, Bangladesh and Pakistan* - will not be treated as illegal migrants, making them eligible for citizenship.
- **Eligibility**- It allows Indian citizenship for *Hindu, Sikh, Buddhist, Jain, Parsi, and Christian* religious minorities who fled from the neighbouring countries of Pakistan, Bangladesh and Afghanistan before 31st December 2014 due to "religious persecution or fear of religious persecution".
- **Residence requirement**- The amendment reduced the residence requirement for naturalisation from 11 years to 5.
- **Overseas Citizens of India (OCI)**- The Act allows cancellation of OCI registration if

the person has violated any law notified by the central government.

A foreigner may register as an OCI under the 1955 Act if they are of Indian origin or the spouse of a person of Indian origin

- **Exemption from CAA** - Autonomous councils created under the 6th Schedule of the Constitution and Inner Line Permit region are exempted from the purview of CAA.
- **Autonomous councils**- The exception applies to

State	Autonomous Council
Assam	<ul style="list-style-type: none">• Karbi Anglong Autonomous Council• Dima Hasao Autonomous District Council• Bodoland Territorial Council
Meghalaya	Garo hills
Mizoram	Chakma district
Tripura	Tripura Tribal Area District

- **Inner Line Permit (ILP)**- It is regulated under ***Bengal Eastern Frontier Regulations 1873***, the permit is required for a visit by people from other parts of the country in North-eastern states.

The ILP is in place in parts of Arunachal Pradesh, Nagaland, Mizoram and Manipur.

What are the CAA rules, 2024 notified by Ministry of Home Affairs?

- **Dedicated portal**-An online system for application, processing, and grant of citizenship for persecuted minorities from Pakistan, Bangladesh and Afghanistan under the Citizenship Amendment Act (CAA).
- **Eased citizenship**- The members of the specified communities by excluding the requirement of a “valid passport” of their origin countries or a valid visa from India.
- **Eligible applicants**- It include individuals of Indian origin, spouses of Indian citizens, minor children of Indian citizens, individuals with registered Indian citizen parents, and Overseas Citizens of India Cardholders among others.
- **Application process**- Requires submission of *Form VIIIA*, an affidavit, and a declaration of proficiency in an *Eighth Schedule* language.

Eighth Schedule lists 22 official languages of India

- **Eligibility certificate**- It should be issued by a “*locally reputed community institution*” confirming that he/she belongs to “Hindu/ Sikh/ Buddhist/ Jain/ Parsi/ Christian community and continues to be a member of the above mentioned community.”
- **Visa replacement**- A certificate issued by an elected member of a local body can be a

replacement for a visa.

- **Empowered Committee**-A committee led by the *Director* (Census Operations) and including various officials will review applications.
- **District-Level Committee**- It will be headed by Senior Superintendent or Superintendent of Post which will also involve in the scrutiny process.
- **Oath of Allegiance**-Applicants must renounce their previous citizenship and take an oath of allegiance.

What are the shortcomings of the CAA, 2019?

- **Religious centric approach**- The United Nations High Commissioner for Human Rights ([OHCHR](#)) has called the Act as “fundamentally discriminatory” as it discriminates against citizenship on the basis of religion.
- **Exclusion of Muslims**- The Muslim sects like Shias and Ahmedis has faced religious persecution in Muslim majority countries like Pakistan but they were not included in this new provision, they fear that the CAA, along with the proposed National Register of Citizens (NRC), could lead to their marginalization.
- **Limited scope**- The exclusion of other religious minorities belonging to other religions, namely *Myanmar, Tibet, and Sri Lanka*, was also believed to be discriminatory to a large extent.
- **Against Article 14**- The approach of granting citizenship based on religion is argued to be against the secular principles enshrined in the Indian Constitution, particularly Article 14 which ensures *equality before the law*.
- **Against secularism**- **42nd Amendment Act 1976 added** the term ‘secular’ in the Constitution’s *preamble* mandates that the state must treat all religions with equal respect and not favour any particular religion in its policies.
- **Impact freedom of religion**- CAA could impinge upon the freedom of religion under Article 24 and Article 25 by creating incentives for religious conversion in order to benefit from the citizenship provisions of the Act.
- **Technical challenges**- Joint Parliamentary Committee report 2019 said that the CAA did not use the term ‘minority’ but specified six non-Muslim religious groups, which goes against the secular categorization of minorities like SC and ST in the Indian Constitution.
- **Violation of Assam accord**- The CAA’s modification of the cut-off date from 1974 to 2014 for citizenship eligibility is seen as conflicting with the Assam Accord, which set the date at 1971.

Section 6A was introduced as part of the Assam Accord, setting March 24, 1971, as the cut-off date for identifying foreigners in Assam.

What is the view of judiciary on CAA, 2019?

- The Act was challenged in the Supreme Court as the Act’s special treatment of certain religious minorities from neighbouring Muslim-majority countries lacks a “reasonable classification” under Article 14, as it excludes persecuted groups like Tamil Hindus in Sri Lanka and Rohingyas in Myanmar.

- The CAA was challenged as it undermines the Assam Accord, which sets March 24, 1971, as the cut-off date for recognizing aliens, without religious differentiation.
- **Centre's stand-** The Parliament has the authority to enact legislation addressing issues such as persecution on the ground of religion, particularly in neighbouring countries with theocratic constitutional positions.
- The Court refused to stay the operation of the law, it suggested that the government clarify the intent of the Act to avoid public confusion.
- **Section 6A of Citizenship Act-** A five-judge bench reserved its verdict on the validity of Section 6A, recognizing its historical significance. If the cut-off date is upheld, the CAA's different timeline could be considered in violation of the Assam Accord.
- Recently the petitioners have moved the Supreme Court seeking a stay on the new rules, as it eliminate the independent scrutiny of citizenship applications by District Collectors and recommendations from State governments.
- The petitioners argue that the government should have waited for the Supreme Court's final decision before implementing the rules.

What lies ahead?

- The SC can strike down a classification under the CAA Act if it is found to be arbitrary.
- The court recently struck down the electoral bonds scheme on the ground that it was "manifestly arbitrary" setting a precedent that may impact the CAA's judicial review.

Quick facts

National Population Register	National Register of Citizens	CAA, 2019
It is a <u>register of residents in India</u> that includes demographic and biometric data	It is meant to be a <u>register of all Indian citizens</u> so that illegal immigrants can be identified and deported.	To <u>grant citizenship to persecuted minorities</u> from neighbouring Muslim majority countries of Pakistan, Bangladesh, and Afghanistan.
It was first prepared in 2010 and updated in 2015 under the Citizenship Act, 1955.	It was mandated by the 2003 amendment of Citizenship Act, 1955	It was enacted in 2019 by amending the Citizenship Act 1955

<ul style="list-style-type: none"> • NPR is not a citizenship enumeration drive, as it would record even a <i>foreign national</i> staying in a locality for <i>more than six months</i>. • It's not directly linked to the NRC, but the government could potentially use NPR data for NRC purposes. 	<ul style="list-style-type: none"> • It includes <i>only Indian citizens</i> while seeking to identify and exclude non-citizens. • It has been implemented for the state of <i>Assam</i> starting in 2013-2014, the plan to implement in the rest of the country has not yet been implemented. 	<ul style="list-style-type: none"> • The six non-Muslim minority community from neighbouring countries who entered India on or before December 31, 2014 and • Those the Centre has exempted under the Passport Act, 1920, or the Foreigners Act, 1946, were not to be treated as "illegal migrants" and would instead be eligible for citizenship under the 1955 Act.
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References

1. [The Hindu- CAA legal issues and status of judicial proceedings](#)
2. [Indian Express- CAA rules notification](#)
3. [Mint- Proposal of CAA 2019 bill](#)