

Citizenship (Amendment) Bill, 2016

Why in news?

\n\n

The Union government has proposed amendments to the Citizenship Act of 1995 through the Citizenship (Amendment) Bill, 2016.

\n\n

What is the Citizenship Act of 1995 about?

\n\n

\n

- In India, the Citizenship Act, 1995 prescribes five ways of acquiring citizenship -

\n

\n\n

\n

1. Birth

\n

2. Descent

\n

3. Registration

\n

4. Naturalization

\n

5. Incorporation of the territory

\n

\n\n

\n

- **Citizen** - Under **Descent condition**, 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.

\n

- 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.

\n

- An immigrant who uses false documents for the immigration process is also an illegal immigrant.

\n

- In short, illegal migrants belonging to the Hindu, Sikh, Buddhist, Jain, Parsi or Christian religious communities from Afghanistan, Bangladesh or Pakistan will be imprisoned or deported.

\n

- **Not a citizen** - Under Article 9 of the Indian Constitution, a person who voluntarily acquires citizenship of any other country is no longer an Indian citizen.

\n

- From December 3, 2004, onwards, persons born outside of India shall not be considered citizens of India unless their birth is **registered** at an Indian consulate within one year of the date of birth.

\n

- In Section 8 of the Citizenship Act 1955, if an adult makes a declaration of renunciation of Indian citizenship, he loses Indian citizenship.

\n

\n\n

What is the need for the amendment?

\n\n

\n

- Many persons of Indian origin have been applying for citizenship under the Citizenship Act of 1955, but are unable to produce proof of their Indian origin.

\n

- [These include persons belonging to the six “minority communities” from Afghanistan, Pakistan and Bangladesh.]

\n

- Hence, they are forced to apply for citizenship by naturalization which prescribes 12 years’ residency as qualification.

\n

- Such a long-drawn process denies them the opportunities and advantages that may accrue only to the citizens of India.

\n

- Nevertheless, they are likely to stay in India permanently. So it calls for some kind of a legislative safeguard to them.

\n

\n\n

What are the recent proposals?

\n\n

\n

- The proposed law amends the original Citizenship Act of 1955.
- It proposes that Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan will not be treated as illegal immigrants.
- This is despite them having entered India without valid documents.
- The amendments seek to include a separate column in the citizenship form for applicants belonging to six minority communities from Pakistan, Afghanistan and Bangladesh.
- They will not face deportation as illegal immigrants under the Passport (Entry into India) Act of 1920 and the Foreigners Act of 1946.
- The amendment shortens the period of residency from 12 years (mentioned in the Citizenship Act, 1955) to 7 years, for gaining permanent citizenship by **naturalization**.
- The Bill also empowers the government to cancel registration as OCI in case of any violation of the Citizenship Act or any other laws.

\n

\n\n

\n

\n\n

What are the concerns to be addressed?

\n\n

\n

- The proposed bill violates the basic tenets of the Constitution.
- By distinguishing illegal immigrants on the basis of religion, the proposed law goes against the fundamental right to equality under Article 14.
- The protection of Article 14 applies equally to both citizens and foreigners.
- The Bill would hamper what the Assam National Register of Citizens seeks to achieve in the State.
- The NRC does not distinguish on the basis of faith unlike the 2016 Bill.

\n

\n

- So the Bill is seen as a threat to the cultural and linguistic identity of the people of Assam.

\n

- The Bill, if passed, would be challenged in the Supreme Court on the grounds of Article 14 and as a move to disturb the NRC process.

\n

\n\n

\n\n

Source: The Hindu

\n

