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News: Citizenship Amendment Act (CAA), 2019

- Recently, the Indian government notified the rules for the Citizenship Amendment Act (CAA), 2019, paving the way for its implementation after over 4 years since its passage by Parliament in December 2019.

Rules Issued by the Government Concerning the Citizenship Amendment Act

Historical Context

- The government has previously taken steps to address the plight of refugees, including amendments to the Citizenship Rules in 2004 and notifications in 2014, 2015, 2016, and 2018.

CAA Rules 2024

- The application process for citizenship under CAA has been made under Section 6B of the Citizenship Act, 1955.
- Applicants need to prove their country of origin, religion, date of entry into India, and knowledge of an Indian language to qualify for Indian citizenship.

Proof of Country of Origin

- Relaxed requirements allow various documents, including birth or educational certificates, identity documents, licenses, land records, or any document proving previous citizenship of the mentioned countries.

Date of Entry into India

- Applicants can provide 20 different documents as proof of entry into India, including visas, residential permits; census slips, driving licenses, Aadhaar cards, ration cards, government or court letters, birth certificates, and more.

Mechanism for Implementation of Rules

- The Ministry of Home Affairs (MHA) has assigned the task of processing citizenship applications under the CAA to the Postal department and Census officials under the Union government.
- Background and security checks will be conducted by Central security agencies like the Intelligence Bureau (IB).
- Final decisions on applications will be made by empowered committees led by the Director (Census Operations) in each State.
- These committees will include officials from various departments, including the Intelligence Bureau, Post Master General, State or National Informatics Centre,

and representatives from the State government's Department of Home and Divisional Railway Manager.

- District-level committees, headed by the Superintendent of the Department of Post, will sift through applications, with a representative from the District Collector's office as an invitee.

Processing of Applications

- The Empowered Committee and District Level Committee (DLC), instituted by the Centre, will process citizenship applications, bypassing state control.
- DLC will receive applications, and the final decision will be made by the Empowered Committee, headed by the Director (Census Operations).

Citizenship Amendment Act, 2019

Citizenship in India

- Citizenship is the legal status and relationship between an individual and a state that entails specific rights and duties.
- Citizenship in India is listed in the Union List under the Constitution and thus is under the exclusive jurisdiction of Parliament.
- The Constitution of India, on 26th January, 1950, established categories of people eligible for Indian citizenship.

- It also granted Parliament the authority to regulate additional aspects of citizenship, such as granting and renunciation.
- Under this authority, Parliament enacted the Citizenship Act, 1955.
- The Act specifies that citizenship may be acquired in India through five methods: by birth in India, by descent, through registration, by naturalisation (extended residence in India), and by incorporation of territory into India.
- Children born in India to ambassadors are not eligible for Indian citizenship based solely on their birth in the country.
- The Citizenship Act, 1955 was amended in 2019 to grant citizenship to Hindu, Sikh, Buddhist, Jain, Parsi, or Christian migrants from Pakistan, Bangladesh, and Afghanistan.
- Under the amendment, migrants who entered India on or before 31st December 2014, and had suffered “religious persecution or fear of religious persecution” in their country of origin would be made eligible for accelerated citizenship.
- It exempts the members of the six communities from any criminal case under Foreigners Act, 1946 and Passport Act, 1920 which specify punishment for entering the country illegally and staying on expired visas and permits.

Relaxations

- Under the Citizenship Act, 1935, one of the requirements for citizenship by naturalization is that the applicant must have resided in India during the last 12 months, as well as for 11 of the previous 14 years.
- The 2019 amendment relaxes the second requirement from 11 years to 6 years as a specific condition for applicants belonging to these six religions, and the aforementioned three countries.

Exemptions

- CAA will not apply to regions mentioned under the Sixth Schedule of the Indian Constitution, which include Tribal Areas in the States of Assam, Meghalaya, Tripura, and Mizoram.
- Additionally, areas covered by the Inner Line Permit system (ILP) are also exempt from the CAA.
- The concept of Inner Line separates the tribal-majority hills of the Northeast from the plains areas. To enter and stay in these areas, an Inner Line Permit (ILP) is needed.
- Currently, Inner Line Permit regulates visit of all persons, including Indian citizens, to Arunachal Pradesh, Mizoram, and Nagaland.

- This exclusion is intended to protect the interests of tribal and indigenous communities in the North-Eastern region, ensuring that individuals residing in these areas cannot seek citizenship under the provisions of the CAA, 2019.