

Assam's migrants issue

What is the issue?

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- The cut-off date for granting citizenship to Bangladeshi migrants in Assam, defined in Section 6A of the **Citizenship Act** was March 25, 1971.

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- This has become the subject of a fresh debate more than 3 decades after the section was introduced following the Assam Accord of 1985.

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What is the background of the issue?

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- A bunch of petitions challenging the Citizenship Act's Section 6A have come up in the Supreme Court.

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- Five years ago, organisation called Assam Sanmilita Mahasangha filed a writ petition challenging the constitutional validity of Section 6A.

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- The Assam Accord was already 27 years old then, and several lakh migrants who came from erstwhile East Pakistan before March 25, 1971, had been accepted as citizens.

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- On December 17, 2014, a two-judge Bench of SC suggested that the matter be put before a five-judge Constitution Bench, and listed 13 questions for it.

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- Most of the questions pertained to whether Section 6A **violated the Constitution, and contradicted other provisions** of the Citizenship Act itself.

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- The two-judge Bench said that the Assam Accord had made a "huge number of illegal migrants" deemed citizens of India.

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- Section 6A did not merely rest content with granting refugee status to those

who were illegal migrants from East Pakistan but went on to grant them the benefit of citizenship of India.

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What are for and against reasons for this section?

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- The Assam Sanmilita Mahasangha has argued that there is no rational basis for having separate cut off dates for regularising illegal migrants who enter Assam as opposed to the rest of the country.

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- According to article 6 of the constitution, the cut off date for determining citizenship in India is July 19, 1948.

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- The All Assam Students' Union (AASU), whose then leaders had signed the Assam accord, considers it "all-inclusive", as it has provisions for detection and deportation of foreigners, apart from providing constitutional safeguards to the indigenous people.

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- **If the base year is moved back to 1951, Assam will be pushed into fresh turmoil.**

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- Thousands of people who came before 1971 and were granted citizenship by the Assam Accord will be rendered stateless.

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- Groups that are challenging the validity of the Accord also want 1951 to be the base year for updating the NRC (National Register of Citizens).

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- The process of updating the NRC has already given an indication as to how many people will find it difficult to prove their Indian citizenship.

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- Last February, Gauhati High Court had declared as unacceptable residence certificates issued by panchayat secretaries in rural areas and circle officers in urban areas as proof of citizenship for inclusion in the NRC.

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- Some 48 lakh persons who had submitted such certificates now face the prospect of being left out.

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- The High Court stated that "Issuance of such certificates is contrary to the mandate of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, besides not being in the national interest".

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- While the Centre and the Assam government have decided not to contest the court order, the Centre told the Supreme Court in April that it was considering the reliability of the ration card as a supporting document for updating the NRC.

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- If the court declares ration cards as unacceptable, then another 20 lakh people stand to be left out, rising to 68 lakh the number of those unable to prove their citizenship.

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Source: Indian Express

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