Citizenship (Amendment) Bill, 2016

Why in news?

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

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What is the Citizenship Act of 1995 about?

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- In India, the Citizenship Act, 1995 prescribes five ways of acquiring citizenship -
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1. Birth
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2. Descent
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3. Registration
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4. Naturalization
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5. Incorporation of the territory
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- **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.
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- 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.

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- An immigrant who uses false documents for the immigration process is also an illegal immigrant.
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- 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.
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- **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.
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- 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.
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- In Section 8 of the Citizenship Act 1955, if an adult makes a declaration of renunciation of Indian citizenship, he loses Indian citizenship.
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What is the need for the amendment?

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- 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.
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- [These include persons belonging to the six “minority communities” from Afghanistan, Pakistan and Bangladesh.]
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- Hence, they are forced to apply for citizenship by naturalization which prescribes 12 years’ residency as qualification.
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- Such a long-drawn process denies them the opportunities and advantages that may accrue only to the citizens of India.
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- Nevertheless, they are likely to stay in India permanently. So it calls for some kind of a legislative safeguard to them.
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What are the recent proposals?

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

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

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

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