Section 6A of Citizenship Act

Why in news?

A constitution bench of the Supreme Court has noted that it will examine the constitutional validity of Section 6A of the Citizenship Act before looking into deeper citizenship matters pertaining to Assam.

> *Section 6A deals with "special provisions as to the citizenship of persons covered by the Assam Accord".*

What does the Assam Accord say?

- Assam Accord was signed in 1985 between the Union government and the All Assam Students' Union at the end of a 6-year-long agitation against the influx of migrants from Bangladesh into the state.
- It determines who is a foreigner in the state of Assam.
- The plea before the Supreme Court challenges one of the core elements of the Assam Accord and the basis of the final National Register of Citizens (NRC) in Assam, published in 2019.
- Clause 5 of the Assam Accord states that January 1, 1966 shall serve as the base cut-off date for the detection and deletion of "foreigners".
- But it also contains provisions for the regularisation of those who arrived in the state after that date and up till March 24, 1971.

What is the Section 6A about?

- Section 6A of the Citizenship Act 1955 is a special provision on the citizenship of persons covered by the Assam Accord.
- Under this section, people who entered India between January 1, 1966, and March 25, 1971, and have been living in Assam, will be allowed to register themselves as citizens.
- Section 6 A of the Citizenship Act, was inserted as an amendment to establish March 24, 1971 as the cut-off date for entry into the state.
- It states that while those who came to Assam on or after January 1, 1966 but before March 25, 1971 from Bangladesh shall be detected as "illegal immigrants" or "foreigners".
- These people would have to register themselves according to rules made by the Central Government.
- Till a period of 10 years from the date they were detected as foreigners, they would have the same rights and obligations as citizens except being included in electoral rolls for any assembly/ parliamentary constituency.
- At the end of the ten-year period, they were to be deemed citizens.

- The final NRC in Assam which was published in 2019 was conducted with this cut-off date of 24 March 1971.

What is the plea?

- The Supreme Court is faced with a batch of petitions which have sought the quashing of Section 6A.
- In 2012, the Assam Sanmilita Mahasangha and others have plead that Section 6A is "unconstitutional" as it establishes a different cut-off date for Indian citizenship in Assam than in the rest of India - July 1948.
- It has urged that 1951 be considered as the cut-off date for inclusion in the NRC instead of 1971 for Assam. Other organisations have intervened in favour of the section.
- While hearing the 2012 plea, a two-judge bench of Justices Ranjan Gogoi and Rohinton had framed 13 questions on Section 6 A for deliberation by a constitutional bench, in an order passed on December 17, 2014.

Reference

1. The Indian Express | SC to decide on constitutional validity of Citizenship Act's Section 6A: What this section is
2. The Wire | Assam Citizenship Pleas: SC to Examine Constitutionality of Section 6A of Citizenship Act
3. The Indian Express | Will first decide on constitutional validity of Citizenship Act's Section 6A: Supreme Court

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