



## Section 6A of the Citizenship Act, 1955

**For Prelims:** [Constitution Bench](#), [Chief Justice of India](#), [Citizenship Act, 1955](#), **Assam Accord**, **Citizenship**

**For Mains:** Acquisition and Determination of Indian Citizenship, Amendments of Citizenship Act, 1955.

[Source: TH](#)

### Why in News?

Recently, a [Constitution Bench](#) led by the [Chief Justice of India](#) is hearing a series of petitions challenging the **constitutionality of Section 6A of the [Citizenship Act, 1955](#)**.

- The Constitution Bench clarifies its focus is limited to examining the validity of Section 6A and not the **Assam [National Register of Citizens \(NRC\)](#)**.

### What is Section 6A of the Citizenship Act of 1955?

- **Background:**
  - Section 6A was enacted as part of the **Citizenship (Amendment) Act, 1985**, following the [Assam Accord of 1985](#).
    - The Assam Accord was a **tripartite agreement** between the Central Government, the State Government of Assam, and the leaders of the Assam Movement, which sought to end the influx of illegal migrants from Bangladesh.
  - The **Assam Accord, signed in 1985**, introduced Section 6A into the Citizenship Act, of 1955, exclusively for Assam.
    - This provision addresses the issue of large-scale migration preceding the **1971 Bangladesh Liberation War**. Notably, it mandates the **detection and deportation of foreigners** who entered Assam after March 25, 1971, marking the creation of Bangladesh.
    - The introduction of Section 6A reflects the specific historical and demographic challenges faced by Assam during this critical period.
- **Provisions and implications:**
  - Section 6A created a special provision for Assam by which persons of Indian origin who came from Bangladesh **before 1<sup>st</sup> January 1966, were deemed to be citizens of India as of that date**.
  - Persons of Indian origin who came to Assam **between 1<sup>st</sup> January 1966, and 25<sup>th</sup> March 1971**, and who were detected to be foreigners, were required to register themselves and **were granted citizenship after 10 years of residence**, subject to certain conditions.
  - Persons who entered Assam after 25th March, 1971, were to be detected and deported in accordance with the law.
- **Challenges:**
  - **Constitutional Validity:**
    - Article 6:

- The petitioners argue that Section 6A is in violation of Article 6 of the Constitution.
- **Article 6 of the Indian Constitution** deals with the citizenship of people who migrated from Pakistan to India during the partition.
  - The article states that **anyone who migrated to India before 19<sup>th</sup> July 1949, would automatically become an Indian citizen** if either of their parents or grandparents was born in India.
- This raises concerns about the legal and constitutional validity of the provision.
- **Article 14:**
  - Critics argue that Section 6A may **violate Article 14 of the Constitution**, which guarantees the **right to equality**.
    - The provision is perceived as discriminatory as it singles out Assam for specific citizenship criteria.
  - The provision is applicable only to Assam, and this selective application raises concerns about equal treatment and fairness compared to other states facing similar issues of migration.
- **Demographic Impact:**
  - Section 6A's citizenship grant is criticized by some petitioners for **allegedly contributing to an influx of illegal migrants** from Bangladesh into Assam.
  - Concerns focus on the unintended consequence of encouraging illegal migration and the **resultant impact on the state's demographic composition**.
  - The petitioners argue that the conferring of citizenship on the migrant population in Assam, as facilitated by Section 6A, amounts to **"cementing an illegality."**
    - They claim that the provision has had a multiplier effect by recognizing these individuals as citizens, leading to continued influx.
- **Cultural Impact:**
  - Petitioners argue that the benefits given to cross-border migrants between 1966 and 1971 led to a radical demographic change affecting the cultural identity of Assam.

## What is Citizenship?

- **About:**
  - Citizenship **is the legal status and relationship between an individual and a state** that entails specific rights and duties.
- **Constitutional Provisions:**
  - **Articles 5 to 11 in Part II of the Constitution of India** deal with the aspects of citizenship, such as acquisition of citizenship by **birth, descent, naturalization, registration, and** relinquishment of Citizenship by **renunciation, and termination**.
  - Citizenship is listed in the **Union List** under the Constitution and thus is under the **exclusive jurisdiction of Parliament**.
- **Citizenship Act:**
  - The Parliament has enacted the Citizenship Act, 1955 to regulate the matters of citizenship in India.
  - The Citizenship Act, 1955 has been **amended six times since its enactment**. The amendments were made in the years **1986, 1992, 2003, 2005, 2015, and 2019**.
  - The latest **amendment was made in 2019**, which granted **citizenship to certain illegal migrants belonging to Hindu, Sikh, Buddhist, Jain, Parsi, and Christian communities from Afghanistan, Bangladesh, and Pakistan**, who entered India on or before 31st December 2014.

## Legal Insights

Read comprehensively about the [Citizenship](#)

## UPSC Civil Services Examination, Previous Year's Question (PYQs)

### Prelims

**Q. With reference to India, consider the following statements:**

1. There is only one citizenship and one domicile.
2. A citizen by birth only can become the Head of State.
3. A foreigner once granted citizenship cannot be deprived of it under any circumstances.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) 1 and 3
- (d) 2 and 3

**Ans: (a)**

PDF Reference URL: <https://www.drishtias.com/printpdf/section-6a-of-the-citizenship-act-1955>

