



Citizenship (Amendment) Act, 2019

For Prelims: Committee on Subordinate Legislation, National Register of Citizens, Assam Accord of 1985

For Mains: Features and issues associated with Citizenship (Amendment) Act, 2019

Why in News

Recently, the **Ministry of Home Affairs (MHA)** missed the deadline of notifying rules under the [Citizenship \(Amendment\) Act, 2019 \(CAA\)](#).

- Amidst the concerns related to CAA and for better clarity, the two parliamentary committees (**committee on subordinate legislation**) in the Lok Sabha and the Rajya Sabha had sought MHA to frame the rules that will govern the CAA.
- If the government does not make **rules and regulations**, a law or parts of it will not get implemented. The Benami Transactions Act of 1988 is an example of a complete law remaining unimplemented in the absence of regulations.

Committee on Subordinate Legislation

- The Committee scrutinizes and reports to the House whether the powers to make regulations, rules, and sub-rules, by-laws etc. conferred by the Constitution or delegated by Parliament are being properly exercised by the executive within the scope of such delegation.
- This committee exists in **both houses**.
- It has **15 members**.
- A **Minister is not nominated** to this Committee.

Key Points

- **About CAA:**
 - The CAA provides citizenship on the basis of religion to six undocumented non-Muslim communities (**Hindus, Sikhs, Buddhists, Jains, Parsis and Christians**) from Pakistan, Afghanistan and Bangladesh who entered India on or before 31st December, 2014.
 - It exempts the members of the six communities from any criminal case under the **Foreigners Act, 1946 and the Passport Act, 1920**.
 - The two Acts specify punishment for entering the country illegally and staying here on expired visas and permits.
- **Associated Concerns with CAA:**
 - **Targeting a Particular Community:** There are apprehensions that the CAA, followed by a country-wide compilation of the **National Register of Citizens (NRC)**, will benefit non-Muslims excluded from the proposed citizens' register, while excluded Muslims will have to prove their citizenship.

- **Issues in the North-East:** It contradicts the [Assam Accord of 1985](#), which states that illegal migrants, irrespective of religion, heading in from Bangladesh after 25th March, 1971, would be deported.
 - There are an estimated 20 million illegal Bangladeshi migrants in Assam and they have inalienably altered the demography of the state, besides putting a severe strain on the state's resources and economy.
- **Against Fundamental Rights:** Critics argue that it is [violative of Article 14](#) of the Constitution (which guarantees the right to equality and is applicable to both the citizens and foreigners) and the **principle of [secularism](#) enshrined in the preamble of the constitution.**
- **Discriminatory in Nature:** India has several other refugees that include Tamils from Sri Lanka and Hindu [Rohingya from Myanmar](#). They are not covered under the Act.
- **Difficulty in Administration:** It will be difficult for the government to differentiate between illegal migrants and those persecuted.
- **Hampering Bilateral Ties:** The Act throws the light on the religious oppression that has happened and is happening in these three countries and thus, may worsen our bilateral ties with them.

Way Forward

- India has been a rich civilization. Therefore it is a novel effort to protect those who are prosecuted in its neighborhood. However, the methods must be in accordance with the spirit of the Constitution.
- Thus, MHA should notify the CAA rules with utmost transparency and clear the apprehensions associated with CAA.

[Source: TH](#)

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