



## Centre Notifies Rules for CAA Implementation

**For Prelims:** [Citizenship Amendment Act](#), [Citizenship Act, 1955](#), Routes of Acquiring Citizenship in India, [Foreigners Act, 1946](#), [Sixth Schedule](#), Inner Line Permit, [National Register of Citizens](#), [Assam Accord](#).

**For Mains:** Concerns Related to the Citizenship Amendment Act, 2019.

**Source:** [IE](#)

### Why in News?

Recently, the Indian government notified the **rules for the [Citizenship Amendment Act \(CAA\), 2019](#)**, paving the way for its implementation after over 4 years since its passage by Parliament in December 2019.

- The CAA, 2019 is an Indian legislation that provides a path to Indian citizenship for migrants belonging to six religious minorities: **Hindu, Sikh, Buddhist, Jain, Parsi, and Christian** from Pakistan, Bangladesh, and Afghanistan.

### What are the Rules Issued by the Government Concerning the Citizenship Amendment Act?

- **Historical Context:** The government has previously taken steps to address the plight of refugees, including amendments to the **Citizenship Rules in 2004** and notifications in **2014, 2015, 2016, and 2018**.
- **CAA Rules 2024:** The application process for citizenship under CAA has been made under **Section 6B of the Citizenship Act, 1955**. Applicants need to prove their country of origin, religion, date of entry into India, and knowledge of an Indian language to qualify for Indian citizenship.
  - **Proof of Country of Origin:** Relaxed requirements allow various documents, including birth or educational certificates, identity documents, licenses, land records, or any document proving previous citizenship of the mentioned countries.
  - **Date of Entry into India:** Applicants can provide 20 different documents as proof of entry into India, including visas, residential permits, census slips, driving licenses, Aadhaar cards, ration cards, government or court letters, birth certificates, and more.
- **Mechanism for Implementation of Rules:**
  - The Ministry of Home Affairs (MHA) has assigned the task of processing citizenship applications under the CAA to the **Postal department and Census officials** under the Union government.
    - Background and security checks will be conducted by Central security agencies like the **Intelligence Bureau (IB)**.
  - Final decisions on applications will be made by empowered committees led by the **Director (Census Operations)** in each State.
  - These committees will include officials from various departments, including the Intelligence

Bureau, Post Master General, State or National Informatics Centre, and **representatives from the State government's** Department of Home and Divisional Railway Manager.

- **District-level committees**, headed by the Superintendent of the Department of Post, will sift through applications, with a representative from the District Collector's office as an invitee.
- **Processing of Applications:** The Empowered Committee and District Level Committee (DLC), instituted by the Centre, will process citizenship applications, **bypassing state control**.
  - DLC will receive applications, and the final decision will be made by the Empowered Committee, headed by the **Director (Census Operations)**.

## What is the Citizenship Amendment Act, 2019?

- **Citizenship in India:** Citizenship is the legal status and relationship between an individual and a state that entails specific rights and duties.
  - Citizenship in India is listed in the [Union List](#) under the Constitution and thus is under the exclusive jurisdiction of Parliament.
    - The Constitution of India, on 26th January, 1950, established categories of people eligible for Indian citizenship.
      - It also granted Parliament the authority to regulate additional aspects of citizenship, such as granting and renunciation.
      - Under this authority, Parliament enacted the [Citizenship Act, 1955](#).
    - The Act specifies that citizenship may be acquired in India through five methods: by birth in India, by **descent**, through **registration**, by **naturalisation** (extended residence in India), and by **incorporation of territory** into India.
      - **Children born in India to ambassadors are not eligible for Indian citizenship based solely on their birth in the country.**

Article No.	Subject Matter
5.	Citizenship at the commencement of the Constitution
6.	Rights of citizenship of certain persons who have migrated to India from Pakistan
7.	Rights of citizenship of certain migrants to Pakistan
8.	Rights of citizenship of certain persons of Indian origin residing outside India
9.	Persons voluntarily acquiring citizenship of a foreign State not to be citizens
10.	Continuance of the rights of citizenship
11.	Parliament to regulate the right of citizenship by law

- **About:** The **Citizenship Act, 1955** was amended in 2019 to grant citizenship to **Hindu, Sikh, Buddhist, Jain, Parsi, or Christian migrants** from **Pakistan, Bangladesh, and Afghanistan**.
  - Under the amendment, migrants who entered India on **31<sup>st</sup> December 2014**, and had suffered "**religious persecution or fear of religious persecution**" in their country of origin would be made eligible for accelerated citizenship.
  - It exempts the members of the six communities from any criminal case under [Foreigners Act, 1946](#) and [Passport Act, 1920](#) which specify punishment for entering the country illegally and staying on expired visas and permits.
- **Relaxations:** Under the Citizenship Act, 1935, one of the requirements for citizenship by naturalization is that the applicant must have resided in India during the last 12 months, as well as for 11 of the previous 14 years.
  - The 2019 amendment relaxes the second requirement from **11 years to 6 years** as a

specific condition for applicants belonging to these six religions, and the aforementioned three countries.

- **Exemptions:** CAA will not apply to regions mentioned under the [Sixth Schedule](#) of the Indian Constitution, which include Tribal Areas in the States of **Assam, Meghalaya, Tripura, and Mizoram**.
  - Additionally, areas covered by the [Inner Line Permit system \(ILP\)](#) are also exempt from the CAA.
    - The concept of Inner Line separates the **tribal-majority hills of the Northeast from the plains areas**. To enter and stay in these areas, an Inner Line Permit (ILP) is needed.
    - Currently, Inner Line Permit regulates visit of all persons, including Indian citizens, to **Arunachal Pradesh, Mizoram, and Nagaland**.
  - This exclusion is intended to protect the interests of tribal and indigenous communities in the North-Eastern region, ensuring that individuals residing in these areas cannot seek citizenship under the provisions of the **CAA, 2019**.

## What are the Concerns Related to the CAA, 2019?

- **Constitutional Challenge:** Critics argue that it violates [Article 14 of the Indian Constitution](#), which guarantees the **right to equality before the law** and prohibits discrimination based on religion.
  - The CAA's provision of granting citizenship based on religion is seen as discriminatory.
- **Potential for Disenfranchisement:** The CAA is often linked to the [National Register of Citizens \(NRC\)](#), a proposed nationwide exercise to identify illegal immigrants.
  - Critics fear that a **combination of CAA and a faulty NRC** could disenfranchise several citizens who are unable to prove their documentation.
    - More than **19.06 lakh people were left out of the final draft of the Assam NRC** released in August 2019.
- **Impact on Assam Accord:** In Assam, there is a specific concern regarding the compatibility of the **CAA with the [Assam Accord, 1985](#)**.
  - The Accord established criteria for determining citizenship in Assam, including specific cut-off dates for residency.
  - The CAA's provision of a **different timeline for granting citizenship could conflict with the provisions of the Assam Accord**, leading to legal and political complications.
- **Secularism and Social Cohesion:** The CAA's focus on religion as a criterion for citizenship eligibility has raised broader concerns **about its impact on secularism and social cohesion in India**.
  - Critics argue that privileging certain religious communities over others undermines the secular principles upon which the Indian state was founded and could exacerbate communal tensions.
- **Exclusion of few Religious Communities:** The exclusion of certain religious communities from the **CAA and its subsequent rules**, such as **Sri Lankan Tamils and Tibetan Buddhists**, who faced religious persecution in their home countries, raises concerns.

## Note

The **Matua community** of West Bengal (Hindu refugees from East Pakistan (now Bangladesh) , have welcomed the CAA rules. The notification coincides with the birth anniversary of **Harichand Thakur, a founder of the Matua sect**, born in 1812 in present-day Bangladesh.

## Way Forward

- **Inclusive Refugee Policy:** There is a need to develop a more inclusive refugee policy of India in lines with the [UN Refugee Convention](#) that does not discriminate based on religion, ethnicity, or any other arbitrary criteria.
  - Also, ensuring that citizenship laws prioritise **principles of equality and non-**

**discrimination**, providing equal opportunities for all individuals regardless of their background.

- **Documentation Assistance:** Implement measures to assist individuals, particularly marginalised communities, in obtaining necessary documentation to prove their citizenship status.
  - Provide support services and resources to help individuals navigate the citizenship verification process, thereby mitigating the risk of statelessness.
- **Stakeholder Engagement and Dialogue:** Facilitating meaningful dialogue and consultation with civil society organisations, religious leaders, and communities against it to address grievances and concerns related to the CAA.
- **International Engagement:** Engaging with neighbouring countries, particularly **Pakistan, Afghanistan, and Bangladesh**, to address concerns related to religious persecution and human rights violations.
  - India should also work towards regional cooperation and diplomatic initiatives aimed at promoting religious freedom and tolerance.
- **Educational and Awareness Campaigns:** Conducting educational and awareness campaigns to disseminate accurate information about citizenship laws and dispel misinformation or misconceptions.
  - Promoting public understanding of the principles of **equality, secularism, and inclusivity** enshrined in the Indian Constitution.

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

**Q. Consider the following statements: (2018)**

1. Aadhaar card can be used as a proof of citizenship or domicile.
2. Once issued, Aadhaar number cannot be deactivated or omitted by the Issuing Authority.

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

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (d)**

**Q. With reference to India, consider the following statements: (2021)**

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)**

