



Citizenship (Amendment) Act, 2019



Citizenship (Amendment) Act, 2019

Introduction

- ❑ Citizenship (Amendment) Act, 2019 seeks to **amend the Citizenship Act, 1955**.
- ❑ The Citizenship Act, 1955 provides various ways in which citizenship may be acquired.
 - **Citizenship by birth, descent, registration, naturalisation and by incorporation of the territory into India.**
 - In addition, it regulates the registration of OCIs and their rights.

Key Provisions of the Amendment Act

- ❑ Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who entered India on or before Dec. 31, 2014, will not be treated as illegal migrants.
- ❑ **For these groups of persons, the 11 years' requirement for citizenship by registration or naturalisation will be reduced to five years.**
- ❑ Provisions on citizenship for illegal migrants will not apply:
 - **To the tribal areas of Assam, Meghalaya, Mizoram, and Tripura, included in the Sixth Schedule.**
 - **To the "Inner Line" areas notified under the Bengal Eastern Frontier Regulation, 1873.**
 - Currently, permit system is applicable to Arunachal Pradesh, Mizoram, and Nagaland.
 - Manipur has also been brought under the ILP regime.
- ❑ Violation of the Act or any other law notified by the Central Govt, will lead to the cancelling of OCI registration.

Concerns

- ❑ Contradicts the **Assam Accord of 1985**.
- ❑ Updation of the NRC will become Null and Void due to this Amendment act.
- ❑ Violative of **Article 14** and the principle of **secularism**.
- ❑ Other refugees including Tamils from Sri Lanka and Hindu Rohingya from Myanmar not covered under the Act.
- ❑ Differentiate between illegal migrants and those persecuted will be difficult for the Govt.
- ❑ Provides wide discretion to the government to cancel OCI registrations for both major offences as well as minor offences.

Government's Stand

- ❑ Pakistan, Afghanistan and Bangladesh are Islamic republics where Muslims are in majority hence they cannot be treated as persecuted minorities.
- ❑ Partition of India on religious lines and subsequent failure of the **Nehru-Liaqat pact of 1950** in protecting the rights and dignity of the minorities in Pakistan and Bangladesh.
- ❑ Assured the people of Assam that their linguistic, cultural and social identity would be preserved.

Conclusion

- ❑ The onus is now on the SC to interpret the provisions of the Act and test its constitutionality.
- ❑ Govt. should address the concerns raised and people of the North-East should be engaged more constructively in the decision-making process.

PDF Refernece URL: <https://www.drishtias.com/printpdf/citizenship-amendment-act-2019-mindmap>

