



## Govt. Notifies Rules on Citizenship

The Home Ministry has notified that the Collectors of certain districts in seven States can accept online applications to grant citizenship to persecuted minorities from Pakistan, Afghanistan, and Bangladesh living in India.

- Citizenship will be granted after the verification reports are received from the States and the Centre.
- The Home Ministry gave powers to the Collectors in Chhattisgarh, Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh and Delhi to grant citizenship and naturalisation certificates to the migrants under Sections 5 and 6 of the Citizenship Act, 1955.
- Recently, Home Ministry also changed the Schedule I of Citizenship Rules, 2009.
- Under the new rules, any person of Indian origin while seeking citizenship for
  - a person married to an Indian citizen,
  - a child born abroad to Indian citizens,
  - a person whose parents are registered as Indian citizens
  - a person whose either parent has been a citizen of independent India
  - will have to make the declaration of their religion.
- The Citizenship Act, 1955, does not have any mention of religion. The Act provide citizenship by five ways: Birth, Descent, Registration, Naturalization, Incorporation of the territory.

## Citizenship (Amendment) Bill, 2016

- The Citizenship Amendment Bill was proposed for amending the Citizenship Act, 1955.
- By this bill, illegal migrants belonging to the Hindu, Sikh, Buddhist, Jain, Parsi or Christian religious communities coming from Afghanistan, Bangladesh, and Pakistan will be eligible for Indian citizenship.
- These citizens will gain permanent citizenship after six years of residency in India instead of 11 years as mentioned in the Citizenship Act, 1955.
- The registration of Overseas Citizen of India (OCI) cardholders will get cancelled if they violate any law.

## Concerns regarding the Citizenship Amendment Bill, 2016.

- The Bill discriminates among refugees on the basis of religion does not take note of the refugees in India from among the Muslim community who have fled due to persecution. Thus it is in violation of Article 14 of Indian constitution.
- The Bill allows cancellation of OCI registration for violation of any law. This is a wide ground that may cover a range of violations, including minor offences (e.g. parking in a no parking zone).

## Proposed Suggestions

- Checks and balances: It is necessary to curtail the wide powers given to the central government to rescind the OCI card status or put checks and balances in place by appointing a committee or an ombudsman.
- Remove religion as a basis: The concession of six to 12 years of residence to immigrants based only the religion of the migrants can be removed as it is against the idea of secularism.
- Refugees: It is necessary to look into the status of refugees and under what conditions they can

obtain citizenship of India, bearing in mind the international migrant crisis. It is necessary to draw a clear demarcation between a refugee and an immigrant.

## Way Forward

- Law should have no biases and try its utmost to provide justice and liberty to all. In past India has given shelter to refugees who were being persecuted because of their language (Tamils in Sri Lanka). This bill does not include such minorities. So it is necessary to broaden the scope of the law by including the term 'persecuted minorities' rather than religious minorities.

## Illegal Immigrant

- According to the Citizenship Act (1955), an illegal immigrant is defined as a person who enters India without a valid passport or stays in the country after the expiry of the visa permit.
- Also, the immigrant who uses false documents for the immigration process.

## Overseas Citizens of India

- OCIs are foreigners who are persons of Indian origin. For example, they may have been former Indian citizens or children of the current Indian citizen.
- OCIs are entitled to multipurpose, multiple entries, a lifelong visa allowing them to visit India at any time, for any length of time and for any purpose.

## Citizenship by Naturalisation

By Naturalisation The Central Government may grant a certificate of naturalization to any person (not being an illegal migrant) if he possesses the following qualifications like:

- he or she is not a subject or citizen of any country where citizens of India are prevented from becoming subjects or citizens of that country by naturalization
- that, if he is a citizen of any country, he undertakes to renounce the citizenship of that country

**Article 14:** Equality before the law and equal protection of laws. This right is available to both citizens and foreigners (except enemy aliens).

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