



## SC Upholds Section 6A of Citizenship Act

**For Prelims:** [Supreme Court](#), [Section 6A of the Citizenship Act 1955](#), [NGOs](#), [Assam Accord of 1985](#), [Bangladesh Liberation War](#),

**For Mains:** Features of Section 6A of the Citizenship Act 1955, Issues related to Assam Accord, Implications of SC Judgement regarding Section 6A of the Citizenship Act 1955.

[Source: TH](#)

### Why in News?

Recently, the [Supreme Court](#) upheld the constitutionality of [Section 6A of the Citizenship Act 1955](#), which permits **immigrants from Bangladesh residing in Assam to secure Indian citizenship**, as a valid piece of legislation aligned to the Preambular value of fraternity.

- According to the court, the **principle of fraternity cannot be selectively applied to one section** living in Assam while another lot are labelled “illegal immigrants”.
- The petitioning [NGO](#) argued to court that **Section 6A threatened Assamese people's right** to preserve their political, linguistic, and cultural identity by bringing illegal immigrants and altering its demography.

### What is the Supreme Court's Ruling?

- **Majority Opinion:**
  - **Reaffirming Constitutional Validity:** The court ruled that **Section 6A does not violate Articles 6 and 7 of the Constitution**, which set 26th January 1950, as the cut-off for granting citizenship to migrants from East and West Pakistan.
    - Section 6A applies from a much later date, so it operates separately from the earlier constitutional provisions.
    - The **cutoff date of 25th March 1971 is justified**, as the Pakistani Army initiated **Operation Searchlight** to suppress the Bangladeshi nationalist movement in East Pakistan on 26th March 1971.
    - The Court stated that **the petitioners failed to prove that the Assamese people's ability to safeguard their culture** was compromised by Section 6A.
      - The Court emphasised that constitutional and statutory provisions already protect Assam's cultural and linguistic interests.
  - **Power of Union:** Parliament enacted Section 6A under its powers from **Article 246 and Entry 17 of the Union List**, which addresses citizenship, naturalization, and aliens.
    - Assam's special citizenship law does not violate **Article 14 (Equality)**, as the state's migrant situation was distinct from the rest of India.
  - **Acknowledging the Issue:** The court affirmed that the **ongoing migration from Bangladesh** has placed a significant **burden on Assam**.
    - It was emphasized that **a nation can simultaneously accommodate**

**immigrants and refugees while focusing on sustainable development** and ensuring an equitable distribution of resources.

- **Clarifying Responsibility:** It was emphasised that Section 6A should not be solely blamed for this situation.
  - The **government's failure to detect and deport post-1971 immigrants** from Bangladesh in a timely manner was a major contributing factor.
- **Criticizing the System:** The court found that the **current mechanisms and Tribunals responsible for identifying illegal immigrants in Assam are inadequate**.
  - These systems are not sufficient for the timely enforcement of Section 6A and related laws, such as **the Immigrants (Expulsion from Assam) Act, 1950, and the Foreigners Act, 1946**.
- **Need for Oversight:** The enforcement of immigration and citizenship laws requires judicial supervision and cannot be left to the discretion of authorities.
  - The Court asked the **CJI** to **constitute a Bench for monitoring the implementation** of these laws in Assam.
- **Dissenting Opinion:**
  - **Dissenting view:** The **dissent declared Section 6A unconstitutional with prospective effect**, rejecting concerns that different ethnic groups would infringe on the cultural and linguistic rights of others.
  - **Balancing Development and Immigration:** The dissent asserted that sustainable development and population growth can coexist without conflict.
    - Accepting the petitioners' argument, which claimed that immigration impacts local rights to sustainable development, could lead to restrictions on domestic inter-State movement.

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

- **About Section 6A:**
  - It was enacted as part of the **Citizenship (Amendment) Act, 1985**, following the **Assam Accord of 1985**.
  - It grants Indian citizenship to immigrants who entered Assam from Bangladesh before 1st January 1966.
    - Those who **entered between 1st January 1966 and 25th March 1971**, can be **conferred citizenship** after fulfilling certain prescribed procedures and conditions.
    - The section, however, **denies citizenship to immigrants who arrived in Assam after 25th March 1971**.
- **The Assam Accord:**
  - The **Assam Accord was a tripartite agreement** between the Central Government, the State Government of Assam, and the leaders of the Assam Movement. It sought **to end the influx of illegal migrants from Bangladesh**.
  - It 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**.
    - It mandates the **detection and deportation of foreigners** who entered Assam after 25th March 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.

## What can be the Implications of this Judgement?

- **Immigrant Recognition:** By upholding Section 6A, the **judgment grants continued legal protection** and citizenship rights **to immigrants from Bangladesh** (entered Assam before 25th March 1971).
  - This **reinforces India's commitment** to protecting those displaced by the **Bangladesh Liberation War**.
- **Assamese Identity Preservation:** The majority opinion **dismisses the notion that the presence of immigrants automatically infringes** upon the **cultural and linguistic rights of the Assamese people**.

- This means that **despite demographic changes, the Assamese community's rights are protected** through existing constitutional safeguards (**Article 29(1)**), allowing them to preserve their identity.
- **Tensions on Demographic Shift:** Critics argue that **continued immigration strains Assam's demographic balance**, threatening its cultural identity and economic resources.
  - This **could fuel local demands for stricter immigration controls** or even political mobilisation around cultural preservation.
- **Resource Allocation:** Immigrants continue to be eligible for citizenship and the resources and rights that come with it, potentially **increasing strain on Assam's already limited economic resources**.
  - This may necessitate more robust policies to ensure equitable resource distribution and prevent further economic disparities.
- **Pressure on Immigration Laws:** The judgment stresses **the need for more effective implementation of immigration laws**, particularly the detection and deportation of illegal immigrants who entered after the 1971 cut-off date.
- **Bangladesh Relations:** By not recognizing post-1971 immigrants as Indian citizens, the judgement **could lead to tensions with Bangladesh**, as it may be seen as India pushing responsibility for these immigrants onto its neighbour, potentially straining diplomatic ties.
  - The decision could impact regional cooperation on border management, migration control, and security, complicating India-Bangladesh relations.

**Drishti Mains Question:**

Discuss the implications of the Supreme Court's recent judgement on Section 6A of the Citizenship Act for Assam. How does the judgement balance humanitarian concerns with local development challenges?

**UPSC Civil Services Examination, Previous Year Question (PYQ)**

**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)**