



Citizenship Amendment Act: Unpacked

For Prelims: [Citizenship \(Amendment\) Act, 2019](#), [Citizenship Act, 1955](#), [Foreigners Act, 1946](#), [Passport Act, 1920](#), [Citizenship Rules in 2004](#), [Aadhaar cards](#), [Birth Certificates](#), [Intelligence Bureau \(IB\)](#), [Secularism](#), [Equality Before the Law](#), [Article 14](#), [Assam Accord, 1985](#)

For Mains: Citizenship Amendment Act, 2019 and its implication on India's Secularism and Pluralism.

Why in News?

Recently, the rules of the [Citizenship Amendment Act \(CAA\), 2019](#) have been notified by the Indian Government.

- This law gives citizenship to religious minorities from Pakistan, Bangladesh and Afghanistan.

What is the Citizenship Amendment Act, 2019?

- The **Citizenship (Amendment) Act, 2019** seeks to amend the [Citizenship Act, 1955](#).
- 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**.

Acquisition and Determination of Indian Citizenship

- There are four ways in which Indian citizenship can be acquired: birth, descent, registration and naturalization. The provisions are listed under the Citizenship Act, 1955.
 - **By Birth:**
 - Every person born in India on or after 26th January, 1950 but before 1st July, 1987 is an Indian citizen irrespective of the nationality of his/her parents.
 - Every person born in India between 1st July, 1987 and 2nd February, 2004 is a citizen of India given that either of his/her parents is a citizen of the country at the time of his/her birth.
 - Every person born in India on or after 3rd December, 2004 is a citizen of the country given both his/her parents are Indians or at least one parent is a citizen and the other is not an illegal migrant at the time of birth.
 - **By Registration:** Citizenship can also be acquired by registration. Some of the mandatory rules are:
 - A person of Indian origin who has been a resident of India for 7 years before applying for registration.
 - A person of Indian origin who is a resident of any country outside undivided India.

- A person who is married to an Indian citizen and is ordinarily resident for 7 years before applying for registration.
- Minor children of persons who are citizens of India.
- **By Descent:**
 - A person born outside India on or after January 26, 1950 is a citizen of India by descent if his/her father was a citizen of India by birth.
 - A person born outside India on or after December 10, 1992, but before December 3, 2004 if either of his/her parent was a citizen of India by birth.
 - If a person born outside India on or after December 3, 2004 has to acquire citizenship, his/her parents have to declare that the minor does not hold a passport of another country and his/her birth is registered at an Indian consulate within one year of birth.
- **By Naturalisation:**
 - A person can acquire citizenship by naturalization if he/she is ordinarily resident of India for 12 years (throughout 12 months preceding the date of application and 11 years in the aggregate) and fulfills all qualifications in the third schedule of the Citizenship Act.
- The Act does not provide for dual citizenship or dual nationality. It only allows citizenship for a person listed under the provisions above ie: by birth, descent, registration or naturalization.

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**.

What is the Mechanism for Implementation of CAA 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 **IB, PostMaster 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 are the Associated Concerns with CAA?

- **Exclusionary Nature:** Critics argue that the CAA is exclusionary because it provides a pathway to Indian citizenship for undocumented migrants from **Afghanistan, Bangladesh, and Pakistan**, but only if they are **Hindu, Sikh, Buddhist, Jain, Parsi**, or Christian. This exclusion of Muslims from these neighboring countries raises concerns about religious discrimination.
- **Contradiction with Secularism:** India's Constitution enshrines **secularism**, the **principle of equality before the law** irrespective of religion. By explicitly favoring certain religious groups over others, the CAA is seen as **contradicting this secular ethos**.
- **Undermining Pluralism:** India has a rich history of religious diversity and pluralism. Critics argue that the CAA undermines this diversity by privileging certain religious groups over others, potentially leading to social and religious polarisation.
- **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.
- **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.

Way Forward

- **Review and Amendment:** The government could consider reviewing and amending the CAA to remove the religious criteria for citizenship. This would address the concerns about discrimination and uphold the principle of secularism enshrined in the Indian Constitution.
- **Ensuring Equality:** Any new legislation or amendments should ensure equality before the law for all individuals, regardless of their religion. This would align with the constitutional guarantee of the right to equality and non-discrimination under **Article 14**.
- **Consultation and Dialogue:** Engage in meaningful consultation and dialogue with stakeholders, including religious and community leaders, civil society organizations, and legal experts. This inclusive approach can help build consensus and address the concerns of all segments of society.
- **Safeguarding Pluralism:** Implement policies and programs that celebrate and safeguard India's religious diversity and pluralism. This could include initiatives to promote **interfaith dialogue, cultural exchange, and mutual understanding** among different religious communities.
- **Legal Clarity:** Provide clarity on the compatibility of the CAA with existing agreements and accords, such as the **Assam Accord**. Any discrepancies or conflicts should be addressed through legal mechanisms and transparent processes.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

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)

PDF Refernece URL: <https://www.drishtiias.com/printpdf/citizenship-amendment-act-unpacked>

