

Citizenship Amendment Bill (CAB)

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Source: *The Hindu*

Manifest pedagogy: CAB is one of the most important events in the national politics today. Any UPSC aspirant should have an idea about the evolution of CAB and NRC. We have a Manifest Current affairs video on the same issue.

In news: The Citizenship (Amendment) Bill, 2019 (CAB) was passed by the Parliament of India on 11 December 2019.

Placing it in syllabus: Citizenship Act

Static dimensions: The National Register of Citizens (NRC)

Current dimensions:

- Provisions of the bill
- Consequences of the CAB
- Constitutional issues
- Associated issues in Northeast
- Why is Assam angry about it
- International implications

Content:

Provisions of the bill:

- The bill seeks to amend the Citizenship Act, 1955 to **provide citizenship to illegal migrants, from Afghanistan, Bangladesh and Pakistan, who are of Hindu, Sikh, Buddhist, Jain, Parsi or Christian extraction.**
- It **defines an illegal migrant** as a foreigner: (i) who enters india without a valid passport or travel documents, or (ii) stays beyond the permitted time.

- The legislation applies to those who were “forced or compelled to seek shelter in India due to persecution on the ground of religion”.
- It **aims to** protect such people from proceedings of illegal migration.
- However, the Act **doesn't have a provision for Muslim sects** like Shias and Ahmediyas who also face persecution in Pakistan.
- The Bill also seeks to **reduce the requirement of 11 years** of continuous stay in the country **to six years** to obtain **citizenship by naturalisation**.
- The cut-off date for citizenship is **December 31, 2014**, which means the applicant should have entered India on or before that date.
- The Bill proposes to incorporate a **subsection (d) to Section 7**, providing for cancellation of Overseas Citizen of India (OCI) registration where the OCI card-holder has violated any provision of the Citizenship Act or any other law in force.

Exception:

- The bill adds that the provisions on citizenship for illegal migrants **will not apply to the tribal areas of Assam, Meghalaya, Mizoram, or Tripura**, as included in the Sixth Schedule to the Constitution.
- It will also **not apply to states that have the inner-line permit regime (Arunachal Pradesh, Nagaland and Mizoram)** under the Bengal Eastern Frontier Regulation, 1873.

Consequences of CAB:

According to the bill on acquiring citizenship,

- such persons shall be deemed to be citizens of India from the date of their entry into India.
- all legal proceedings against them in respect of their

illegal migration or citizenship will be closed.

Constitutional issues:

- The CAB **ringfences Muslim identity** by declaring India a welcome refuge to all other religious communities. By distinguishing illegal immigrants on the basis of religion, the proposed law goes **against** constitutional guarantee of the fundamental right to equality under **Article 14** of the Constitution.
- The implicit consequence of such a law is that **people only from the Muslim community in Afghanistan, Pakistan and Bangladesh** will be treated as illegal immigrants.
- **Article 25** which says that “all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality and health” will be undermined.
- **Rohingya muslims** fleeing persecution in Myanmar are **not offered such hospitality**. The only way for them to live in India is by obtaining a valid visa and refugee status.
- **Dilutes the republican and secular foundations** of citizenship in India, and goes against constitutional morality.

Associated issues in North East:

- Mizoram fears **Buddhist chakmas and Hindu hajongs** from Bangladesh may take advantage of the act.
- Meghalaya and Nagaland are apprehensive of **migrants of Bengali** stock.
- Groups in Arunachal Pradesh fear the new rules may benefit chakmas **and tibetans**.
- Manipur wants the inner-line permit system to stop outsiders from entering the state.

Why is Assam angry about it?

- Among the states in the Northeast, **CAB covers a large part of Assam.**
- The protests stem from the fear that **illegal Bengali Hindu migrants from Bangladesh**, if regularised under CAB, will threaten cultural and linguistic identities of the state.
- It contradicts the **Assam accord of 1985** as per which, those Bangladeshis who came between 1966 and 1971 will be barred from voting for ten years.
- The accord also mentions that the international borders will be sealed and **any person who came to the state after the midnight of march 24, 1971, will be identified as a foreigner.**
- **Clause 6 of the Assam accord** “envisaged that appropriate constitutional, legislative and administrative safeguards shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the assamese people”.

National register of citizens (NRC):

NRC of 1951 is a **register prepared after the conduct of the census of 1951** in respect of each village, showing the houses or holdings in a serial order and indicating against each house or holding the number and names of persons staying therein. Its **purpose was to separate “illegal” immigrants from “legitimate” residents.**

Nodal agency was Registrar General and Census Commissioner of India.

There had been **intermittent demands** from AASU and other organisations **in Assam for updating the NRC** and an Assam based NGO filed a petition at the Supreme court. In December 2014, a division bench of SC ordered that the NRC be updated in a time- bound manner.

The NRC of 1951 and the electoral roll of 1971 (up to midnight

on 24 march 1971) are together called **legacy data**. Persons and their descendants whose names appeared in these documents are certified as Indian citizens. **NRC**, which may be extended to the rest of the country, is **not based on religion unlike CAB**.

Assam final NRC list was released on 31st August 2019 which **excluded 19,06,657 people while 3.11 crore made it to citizenship list**. The 19 lakh people of Assam who were exempted from the list have a chance to appeal to a foreigner tribunal in 120 days.

If anybody is declared foreigner at foreigners tribunals then he/she can approach the higher courts. If somebody is declared foreigner by the courts then he/she can be arrested in the detention centre. **As of July 2019, 1,17,164 persons have been declared foreigners out of which 1,145 are in detention**.

International implications of CAB:

- Will mark out Bangladesh, Pakistan and Afghanistan as countries unsafe for minorities which will **spoil Indian bilateral relations** with them.
- **Bangladesh has not agreed for rehabilitation of refugees** identified under NRC or CAB which makes the future of these refugees highly insecure and hanging.
- USA International Commission on Religious Freedom has recommended sanctions against the Home Minister and Principal leadership for CAB.