

The Citizenship (Amendment) Act (CAA): Rules Likely to be Notified Before Poll Code

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Why in News?

- According to the Ministry of Home Affairs (MHA), the rules for implementation of the Citizenship (Amendment) Act (CAA) are likely to be notified before the Model Code of Conduct (MCC) comes into force.
- The CAA was enacted by Parliament in (December) 2019 and sparked protests around the country.

The Citizenship (Amendment) Act (CAA) 2019:

- About:
 - The Act seeks to amend the definition of illegal immigrant for Hindu, Sikh, Parsi, Buddhist, Jains and Christian (but not Muslim) immigrants from Pakistan, Afghanistan and Bangladesh, who have lived in India without documentation.
 - They will be granted fast track Indian citizenship in 5 years (11 years earlier).
 - The Act (which amends the Citizenship Act 1955) also provides 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.
- Who is eligible?
 - The CAA 2019 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.
 - The cut-off date for citizenship is December 31, 2014, which means the applicant should have entered India on or before that date.
 - The act will not apply to areas covered by the Constitution's sixth schedule, which deals with autonomous tribal-dominated regions in Assam, Meghalaya, Tripura, and Mizoram.
 - Additionally, the act will not apply to states that have an inner-line permit regime (Arunachal Pradesh, Nagaland and Mizoram).
- Implementation of the law: Despite its enactment four years ago, the CAA could not be implemented because the rules were not notified.

Why were CAA Rules not Notified?

- One of the prime reasons is the vociferous opposition faced by the CAA in several states including Assam and Tripura.
- The protests in Assam were fuelled by fears that the legislation would permanently alter the demographics of the state.
 - The CAA is seen in Assam as a violation of the 1985 Assam Accord which allows foreign migrants who came to Assam after January 1, 1966 but before March 25, 1971 to seek citizenship.
 - The cut-off date for citizenship under the CAA is December 31, 2014.
- The protests didn't remain confined to the North-East, but spread to other parts of the country.
 - A clutch of petitions, including by the Indian Union Muslim League, are before the Supreme Court, challenging the constitutional validity of the CAA.
 - The petitioners have contended that the law is anti-Muslim, violating Article 14 (Right to Equality) of the Indian Constitution.
 - It is arbitrary as it leaves out the persecuted Rohingya of Myanmar, Tibetan Buddhists from China and Tamils from Sri Lanka.

Counterclaims in Response to the Petitions Against CAA

- The Centre said the basis of the "reasonable... classification" made by the 2019 Act was not religion, but "religious discrimination" in neighbouring countries which are "functioning with a state religion".

- The Parliament, after taking cognizance of the said issues over the course of the past 7 decades, has taken into consideration the acknowledged class of minorities and has enacted the present amendment.
- The CAA is a specific amendment which seeks to tackle a specific problem prevalent in the specified countries.
- The legislation was not meant to be an omnibus solution to issues across the world.
 - The Indian Parliament cannot be expected to take note of possible persecutions that may be taking place across various countries in the world.

Rules for the CAA

- The rules will specify the evidence needed for applicants to prove their credentials and eligibility for citizenship under the new law. For example,
 - If someone enrolled his children in a government school, he would have declared the religion.
 - If someone acquired Aadhaar before December 31, 2014 and declared his or her religion as one among the six mentioned in the Act, it will be acceptable.
 - Likewise, any form of government document declaring religion will be accepted.
- The MHA may also accept a demand from Assam that an application for citizenship under the CAA is time-bound.
 - Assam had asked the MHA to limit the time period for applying under CAA to 3 months as keeping it open-ended could accentuate anxieties over the CAA in the state.
- The rules are not likely to ask for evidence of religious persecution but will presume that all those who came to India did so because they either faced persecution or had fear of being persecuted.

Q1) What is the Model Code of Conduct (MCC)?

The MCC is a set of guidelines given by the Election Commission of India (ECI) to candidates and political parties during elections.

Q2) What was the purpose of the Assam Accord?

The Assam Accord is a Memorandum of Settlement (MoS) signed on August 15, 1985, by the GoI, the All-Assam Students' Union (AASU) and the All Assam Gana Sangram Parishad. It ended the 6-year bloody agitation to detect, disenfranchise and deport "illegal" residents from the State.

Source: [CAA rules likely to be notified before poll code, to seek proof of India entry, religion | IE](#)

Source: <https://vajiramandravi.com/current-affairs/caa-upsc/>

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