

SC Upholds Section 6A of Citizenship Act

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Why in News?

- In a landmark decision, the Supreme Court of India upheld the constitutional validity of Section 6A of the Citizenship Act, 1955.
- This section grants citizenship to certain immigrants who entered Assam between January 1, 1966, and March 25, 1971.

Section 6A of the Citizenship Act 1955:

- **Background:**

- Section 6A was introduced following the **Assam Accord of 1985**, which aimed to address concerns regarding migrants from Bangladesh.
- **The accord** established that January 1, 1966, would be the base cut-off date for identifying foreigners in Assam, with provisions for regularising those who entered between this date and March 24, 1971.
- This was meant to mitigate the socio-political tensions arising from immigration in the state.
- **Provisions of Section 6A:**
 - Under this section, individuals of Indian origin who entered Assam **before January 1, 1966**, are deemed citizens.
 - Those who entered after this date but **before March 24, 1971**, can register as citizens, though they are excluded from electoral rolls for ten years.
 - Anyone entering **after March 24, 1971**, is classified as an illegal immigrant.

Why was Section 6A of the Citizenship Act Challenged?

- **Grounds for challenge:**
 - Petitioners, including NGOs like Assam Public Works and Assam Sanmilita Mahasangha, argued that Section 6A is **discriminatory and violates the equality clause of the Constitution**.
 - They contended that it **sets a different standard for citizenship in Assam** compared to the rest of India, which is July 1948.
 - Concerns were raised that granting citizenship to migrants would infringe upon the cultural rights of indigenous Assamese people under **Article 29(1) of the Constitution**.
- **Defence of Section 6A:**
 - The government defended Section 6A by citing **Article 11 of the Constitution**, which empowers Parliament to regulate citizenship matters.
 - The Centre argued that if Section 6A were to be struck down, **a vast number of residents would risk being rendered stateless** after enjoying citizenship for over five decades.
 - The Centre highlighted that Assam has historically been a **diverse state**, with demographic changes influenced by various **geopolitical factors**.

SC's Ruling Regarding Section 6A of the Citizenship Act:

- **Background:** The SC's decision followed a 2014 referral to a Constitution Bench to address pivotal legal questions surrounding this section.
- **Bench:** The ruling was delivered by a **five-judge bench** led by Chief Justice DY Chandrachud, **with a 4:1 majority**.
- **Majority opinion:**
 - **Parliamentary authority:**
 - CJI stated that Articles 6 and 7 of the Constitution pertain solely to the citizenship rights at the time of the Constitution's inception.
 - In contrast, Section 6A addresses individuals not covered by these articles.
 - The Parliament has the authority to define citizenship criteria based on unique circumstances.

- **Unique circumstances justified the differentiation:** The situation in Assam (particularly the demographic impacts of migration) warranted a specific legal framework, which did not violate the right to equality under **Article 14** of the Constitution.
- **Cultural rights:** The mere presence of diverse ethnic groups does not undermine cultural rights and Section 6A embodies the “**spirit of fraternity**”.
- **Dissenting opinion:**
 - **Temporal unreasonableness:** The statutory provision (Section 6A) may have been constitutionally valid at the time of its enactment, it has become “unconstitutional” with the efflux of time.
 - **Absence of a clear timeline for identifying foreigners:** This undermines the rights of Assam’s indigenous people and complicates the citizenship verification process.

Key Takeaways from the SC’s Ruling on Section 6A of the Citizenship Act:

- The SC’s ruling on Section 6A **reaffirms the complexities surrounding immigration and citizenship in India**, particularly in Assam.
- While the majority opinion legitimises the law based on the unique context of the state, the dissent raises critical questions about the rights of indigenous populations and the practical implications of citizenship verification processes.
- This verdict will likely influence ongoing discussions regarding the National Register of Citizens (NRC) in Assam and the broader narrative of immigration in India.

Q.1. What is the National Register of Citizens (NRC) for Assam?

The NRC for Assam is a registry meant to be maintained by the Government of India for the state of Assam for the identification of genuine Indian citizens in the state. In 2019, the government also declared its intention of creating such a registry for the whole of India, leading to major protests all over the country.

Q.2. What is the Citizenship (Amendment) Act (CAA) of 2019?

The CAA 2019 is a law that provides a faster path to Indian citizenship for some (Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians) religious minorities from Pakistan, Bangladesh, and Afghanistan.

Source: [Supreme Court by 4:1 majority upholds constitutional validity of Section 6A of Citizenship Act | IE | IE](#)

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