

# Bill Summary

## The Citizenship (Amendment) Bill, 2019

- The Citizenship (Amendment) Bill, 2019 was introduced in Lok Sabha by the Minister of Home Affairs, Mr. Amit Shah, on December 9, 2019. The Bill seeks to amend the Citizenship Act, 1955.
- The Citizenship Act, 1955 provides various ways in which citizenship may be acquired. It provides for citizenship by birth, descent, registration, naturalisation and by incorporation of territory into India. In addition, it regulates the registration of Overseas Citizen of India Cardholders (OCIs), and their rights. An OCI is entitled to some benefits such as a multiple-entry, multi-purpose lifelong visa to visit India.
- **Definition of illegal migrants:** The Act prohibits illegal migrants from acquiring Indian citizenship. 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 Bill amends the Act to provide that that the Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who entered India on or before December 31, 2014, will not be treated as illegal migrants. In order to get this benefit, they must have also been exempted from the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920 by the central government. The 1920 Act mandates foreigners to carry passport, while the 1946 Act regulates the entry and departure of foreigners in India.
- **Citizenship by registration or naturalisation:** The Act allows a person to apply for citizenship by registration or naturalisation, if the person meets certain qualifications. For instance, if a person resides in India for a year and if one of his parents is a former Indian citizen, he may apply for citizenship by registration.
- To obtain citizenship by naturalisation, one of the qualifications is that the person must have resided in India or have been in service of the central government for at least 11 years before applying for citizenship.
- The Bill creates an exception for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, with regard to this qualification. For these groups of persons, the 11 years' requirement will be reduced to five years.
- On acquiring citizenship: (i) such persons will be deemed to be citizens of India from the date of their entry into India, and (ii) all legal proceedings against them in respect of their illegal migration or citizenship will be closed.
- These provisions on citizenship for illegal migrants will not apply to the tribal areas of Assam, Meghalaya, Mizoram, and Tripura, included in the Sixth Schedule to the Constitution. These tribal areas include Karbi Anglong (in Assam), Garo Hills (in Meghalaya), Chakma District (in Mizoram), and Tripura Tribal Areas District. Further, it will not apply to the "Inner Line" areas notified under the Bengal Eastern Frontier Regulation, 1873. In these areas, visits by Indians are regulated through the Inner Line Permit. Currently, this permit system is applicable to Arunachal Pradesh, Mizoram, and Nagaland.
- **Cancellation of registration of OCIs:** The Act provides that the central government may cancel registration of OCIs on certain grounds. These include: (i) if the OCI has registered through fraud, or (ii) if within five years of registration, the OCI has been sentenced to imprisonment for two years or more, or (iii) if it becomes necessary in the interest of sovereignty and security of India. The Bill adds one more ground for cancelling registration, that is, if the OCI has violated the provisions of the Act or of any other law as notified by the central government. The orders for cancellation of OCI should not be passed till the OCI cardholder is given an opportunity to be heard.

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