

Citizenship Amendment Act, 2019

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Q&A: Ministry of home affairs answers questions on Citizenship Amendment Act, 2019

Does the CAA affect any Indian citizen?

No, it has absolutely nothing to do with any Indian citizen in any way. The Indian citizens enjoy fundamental rights conferred on them by the Constitution of India (of India). No statute, including the CAA, can abridge or take them away. There has been a misinformation campaign. The CAA does not affect any Indian citizens, including Muslim citizens.

Who does the CAA apply to?

It is relevant only for Hindu, Sikh, Jain, Buddhist, Parsi and Christian foreigners, who have migrated from Pakistan, Bangladesh, and Afghanistan into India up to 31.12.2014, on account of persecution faced by them due to their religion. It does not apply to any other foreigners, including Muslims migrating to India from any country, including these three countries.

How does it benefit Hindu, Sikh, Jain, Buddhist, Parsi and Christian foreigners hailing from these three countries?

If their travel documents like passport and visa are not in order or are not available, they can apply for Indian citizenship if they were persecuted back home. The CAA creates this legal right for such migrants. Secondly, they get a faster route for Indian citizenship through the Naturalisation Mode. The minimum residency requirement in India would be only 1+5 years instead of 1+11 years as applicable for all other categories of foreigners.

Does this mean that Muslims from Pakistan, Bangladesh, and Afghanistan can never get Indian citizenship?

No, the present legal process of acquiring Indian citizenship by any foreigner of any category through Naturalization (Section 6 of the Citizenship Act) or through Registration (Section 5 of the Act) stays operational. The CAA does not amend or alter it in any manner whatsoever. Hundreds of Muslims migrating from these three countries have been granted Indian citizenship during the last few years. If found eligible, all such future migrants shall also get Indian citizenship, irrespective of their numbers or religion. In 2014, after the settlement of Indo-Bangladesh boundary issues, 14,864 Bangladeshi citizens were given Indian Citizenship when their enclaves were incorporated into the territory of India. Thousands of these foreigners were Muslims.

Will illegal Muslim immigrants from these three countries be deported

under the CAA?

No, the CAA has absolutely nothing to do with the deportation of any foreigner from India. The deportation process of any foreigner irrespective of his religion or country is implemented as per the mandate of the Foreigners Act, 1946 and/or The Passport (Entry into India) Act, 1920. These two laws govern entry, stay movement within India and exit from India of all foreigners irrespective of their religion or country. Therefore, the usual deportation process would apply to any illegal foreigner staying in India. It is a well-considered judicial process that is based on a proper inquiry by the local police or administrative authorities to detect an illegal foreigner. It is ensured that such an illegal foreigner has been issued a proper travel document by the embassy of his country so that he can be duly received by officials of his country when he is deported.

In Assam, the process of deportation happens only after the determination of such a person as a “foreigner” under The Foreigners Act, 1946. Then he becomes liable for deportation. Therefore, there is nothing automatic, mechanical or discriminatory in this exercise. The state governments and their district-level authorities enjoy the power of Central Govt. under Section 3 of the Foreigners Act and Section 5 of The Passport (Entry into India) Act, 1920 to detect, detain & deport any illegal foreigner.

Can Hindus facing persecution on grounds of religion in countries other than these 3 countries apply under the CAA?

No, they will have to apply through the usual process to get Indian Citizenship just like any other foreigner for either registration or naturalization as a citizen of India. They would get no preference under The Citizenship Act, 1955, even after the CAA.

Does the CAA also cover other forms of persecution – on grounds of race, gender, membership of a political or social group, language, ethnicity etc.?

No, the CAA is a very focused law that deals specifically with foreigners of six minority community groups hailing from three neighboring countries that have their distinct state religion. Any foreigner persecuted abroad on any account may apply for registration or naturalization as a citizen of India like any other foreigner if he fulfills the minimum qualifications laid down in The Citizenship Act, 1955.

The CAA will gradually exclude Indian Muslims from the citizenship of India?

The CAA does not apply to any Indian citizen at all. All Indian citizens enjoy the fundamental rights guaranteed by the Constitution of India. CAA is not meant to deprive any Indian citizen of his citizenship. Rather it is a special law to enable certain foreigners facing a particular situation in three neighboring countries to get Indian citizenship.

CAA will be followed by NRC and all migrants except Muslims will be given citizenship and Muslims will be sent to detention camps?

The CAA has nothing to do with NRC. The legal provisions regarding NRC have been part of The Citizenship Act, 1955 since December 2004. Also, there are specific statutory rules of 2003 to operationalize these legal provisions. They govern the process of registration of Indian citizens and the issuance of national identity cards to them. These legal provisions have been on the statute books since the last 15-16 years. The CAA has not altered them in any way whatsoever.

What are the rules for citizenship under CAA?

Appropriate rules under the CAA are being framed. They will operationalize various provisions of the CAA.
