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EDITORIAL

The CAA Rules, Unpacked

Background

- The Citizenship (Amendment) Act (CAA), 2019 provides that certain groups of illegal migrants as per provisions of the Citizenship Act, 1955 can now become eligible for applying for Indian Citizenship. It also proposes to reduce the required period of their residence in India for naturalization under the Principal Act.
- The Union Government on 11th March 2024, notified Rules for The Citizenship Amendment Act (CAA), paving the way for the implementation of the law more than four years after it was passed by Parliament in December 2019.
- The Act grants eligibility for Indian citizenship to Hindu, Christian, Buddhist, Jain, Sikh and Parsi migrants from the Muslim-majority countries of Pakistan, Afghanistan and Bangladesh who entered India before December 31, 2014.

Key Points of the Article/Lead

- The CAA aims to give citizenship to the target group of migrants even if they do not have valid travel documents as mandated in The Citizenship Act, 1955. The law has also cut the period of citizenship by naturalization from 11 years to five.
- According to the CAA Rules, a birth or educational institution certificate, “Identity Document of any kind”, “Any License or Certificate”, “Land or tenancy records”, or “Any other document” issued by these countries, which proves the applicant was their citizen, would serve as proof of citizenship of these countries.
- Any document that shows that “either of the parents or grandparents or great grandparents of the applicant is or had been a citizen of one of the three countries” is also acceptable.
- The Centre has tweaked the process of grant of citizenship to non-Muslim migrants from the three countries in such a way that states will have little say in the matter.
- Thus, while citizenship applications were earlier made to the district collector- who is under the administrative control of the state government- the new Rules provide for an Empowered Committee and a District Level Committee (DLC), to be instituted by the Centre, to receive and process the applications, which are to be submitted electronically.
- The DLC shall consist of the District Informatics Officer or District Informatics Assistant of the concerned district, and a nominee of the central government.
- The two invitees to the committee will be a representative of the district collector’s office not below the rank of Naib Tehsildar or equivalent, and the jurisdictional station master of the Railways (subject to availability).

Indian Citizenship Act, 1955

- The Citizenship Act enacted by the Parliament in 1955 provides for acquisition, renunciation, termination, deprivation and determination of Indian citizenship. The Act provides for acquisition of Indian Citizenship by birth, descent, registration and naturalization.



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- Acquisition Of Citizenship By Birth: Section 3 provides citizenship on the basis of birth and the important ingredient is that our birth should take place in India. Firstly, this Section said that whoever is taking birth in India from 26th January, 1950 to 1st July, 1987 would automatically get Indian Citizenship.
- Citizenship by incorporation of Territory: This provision says that if any foreign territory becomes the part of India, then the Government of India will specify that who will known as Indian citizens of that foreign territory like when Pondicherry became the part of India, then the Government of India issued an order to tell that who all be qualified to become the Indian citizens. For example- Goa, Sikkim, Daman and Diu etc.
- Acquisition Of Citizenship By Descent: Section 4 says that after 26th January 1950, whoever is taking birth outside India can also acquire Indian Citizenship by the help of their descent i.e., if his/her father is an Indian citizen, they would get Indian Citizenship. But this was till 10th December 1992, after that the Amendment Act of 1992 came into existence and it says about the gender neutrality. It ended the discrimination against women.
- Acquisition Of Citizenship By Registration: To widen up the process of Indian Citizenship, Section 5 has been introduced, which is a registration process, which specifies some people's categories and it says that the particular categories of people want to submit an application to the Central Government and they can also be registered as Indian Citizens.
- Acquisition Of Citizenship By Naturalization: Where an application is made in the prescribed manner by any person of full age and capacity, not being an illegal migrant for the grant of a certificate of naturalization, the Central Government may, if satisfied that the applicant is qualified for naturalization, under the provisions of Third Schedule grant him a certificate of naturalization.
- The Constitution of India is the primary legal instrument that lays down who is deemed to be a Citizen of India. The Constitution of India does not define the term 'citizen'. Citizenship is listed in the Union List under the Constitution and thus is under the exclusive jurisdiction of Parliament.
- In Indian Constitution, Part-II (Articles 5-11) of the Constitution deals with the concept of citizenship. The term citizenship entails the enjoyment of full membership of any State in which a citizen has civil and political rights.
- Citizenship once acquired exists as a right of citizens, which cannot be otherwise taken away. Of course, ultimate powers rest with Parliament and it can terminate citizenship of any citizen through a law, but it has to be done through a valid Act of Parliament. Nothing less than that can affect the status of a person as a citizen. This has been provided under Article 10 of the Constitution of India.

Source : Indian Express

