

Bill No. 286 of 2022

THE CITIZENSHIP (AMENDMENT) BILL, 2022

By

DR. KALANIDHI VEERASWAMY, M.P.

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BILL

further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2022.

Short title, and
commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

57 of 1955

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (b), after sub-clause (ii), the following second proviso shall be inserted, namely:

Amendment of
section 2.

10 “Provided further that any person belonging to the Tamil community from Sri Lanka, who entered into India after 1st day of July, 1983 shall not be treated as illegal migrant for the purposes of this Act.”

3. In the Third Schedule to the principal Act, in clause (d), in the proviso, for the words “Bangladesh or Pakistan”, the words “Bangladesh or Pakistan and any person belonging to the Tamil community in Sri Lanka” shall be substituted.

Amendment of
the Third
Schedule.

STATEMENT OF OBJECTS AND REASONS

The Citizenship Act, 1955 (57 of 1955) was enacted to provide for the acquisition and determination of Indian citizenship. It is a historical fact that trans-border migration of Tamil population has been taking place continuously to the territories of India from the areas comprised in Sri Lanka since the wake of the Sri Lankan Civil War. Tens of thousands of Sri Lankan Tamils have fled to India to seek shelter and continued to stay in India even if their travel documents have expired or they have incomplete or no documents. According to the records of the Ministry of Home Affairs, there are over 92,000 Sri Lankan Tamil refugees residing in Tamil Nadu as of 2021.

Under the existing provisions of the Citizenship Act, migrants belonging to the Tamil community from Sri Lanka who entered into India without valid travel documents or if the validity of their documents has expired are regarded as illegal migrants and ineligible to apply for Indian citizenship under section 5 or section 6 of the Act.

The Bill seeks to grant immunity to the migrant of the aforesaid Sri Lankan Tamil community so that any proceedings against them regarding in respect of their status of migration or citizenship does not bar them from applying for Indian citizenship. The competent authority, to be prescribed under the Act, shall not consider any proceedings initiated against such persons regarding their status as illegal migrant or their citizenship matter while considering their application under section 5 or section 6 of the Act, if they fulfil all the conditions for grant of citizenship.

Many persons of Indian origin including persons belonging to the said minority community from the Sri Lanka have been applying for citizenship under section 5 of the Citizenship Act, 1955 but they are unable to produce proof of their Indian origin. Hence, they are forced to apply for citizenship by naturalisation under section 6 of the said Act, which, *inter alia*, prescribe twelve years residency as a qualification for naturalisation in terms of the Third Schedule to the Act. This denies them many opportunities and advantages that may accrue only to the citizens of India, even though they are likely to stay in India permanently. Therefore, it is proposed to amend the Third Schedule to the Act to make applicants belonging to the Tamil community from Sri Lanka eligible for citizenship by naturalisation if they can establish their residency in India for five years instead of the existing eleven years.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
July 13, 2022

KALANIDHI VEERASWAMY

ANNEXURE

EXTRACT FROM THE CITIZENSHIP ACT, 1955

(57 OF 1955)

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2. (1) In this Act, unless the context otherwise requires,—

Interpretation.

(a) * * * *

(b) “illegal migrant” means a foreigner who has entered into India—

(i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or

(ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time.

“Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st Day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act.”.

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THE THIRD SCHEDULE

QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person are —

(a) * * * *

(b) * * * *

(c) * * * *

(d) that during the fourteen years immediately preceding the said period of twelve months, he has either resided in India or been in the service of a Government in India, or partly the one and partly the other, for periods amounting in the aggregate to not less than eleven years;

“Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian Community in Afghanistan, Bangladesh or Pakistan, the aggregate period or residence or service of Government in India as required under this clause shall be read as “not less than five years” in place of “not less than eleven years.”.

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BILL

further to amend the Citizenship Act, 1955.

(Dr. Kalanidhi Veeraswamy, M.P.)