

Bill No. 36 of 2023

THE CITIZENSHIP (AMENDMENT) BILL, 2023

By

SHRI V.K. SREEKANDAN, M.P.

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BILL

further to amend the Citizenship Act, 1955.

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

1. (1) This Act may be called the Citizenship (Amendment) Act, 2023.

Short title and commencement.

5 (2) 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 section 18 of the Citizenship Act, 1955, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 18.

“(2A) The Central Government shall, within six months from coming into force of this Act, frame rules under clause (eei) of sub-section (2):

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Provided that if the Central Government fails to frame rules within the said period of six months, the Central Government shall cause it to be laid a written statement before each Houses of Parliament the reasons for not framing the rules within the said period.”.

STATEMENT OF OBJECTS AND REASONS

The intention of giving assent after hours of debate in both the Houses of Parliament on any Bill(s) is to implement or promulgate the contents thereon. Therefore, no Bill has to be kept in abeyance merely due to not being able to frame rules and such action amounts to disrespect to our temple of democracy.

The Citizenship (Amendment) Bill, 2019 was passed in Lok Sabha on 10.12.2019 and in Rajya Sabha on 11.12.2019. The President gave his assent to the Bill on 12.12.2019 and has become an Act. However, the Act could not be implemented as rules under section 6B(1) relating to conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation to a person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan who entered India on or before 31.12.2014 are yet to be framed, despite giving 7(seven) extensions in all these three years. This indicates there needs to be more study and debates before any such bills are passed and becoming Acts.

The Bill, therefore, seeks to amend the Citizenship Act, 1955 with a view to provide that the Central Government shall frame rules relating to conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation to a person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan who entered India on or before 31.12.2014 as envisaged under section 18 within six months.

Hence this Bill.

NEW DELHI;
January 19, 2023.

V.K. SREEKANDAN

ANNEXURE

[EXTRACT FROM THE CITIZENSHIP ACT, 1955]

(ACT NO. 57 OF 1955)

* * * * *
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 (34 of 1920) or from the application of the provisions of the Foreigners Act, 1946 (31 of 1946) or any rule or order made there under, shall not be treated as illegal migrant for the purposes of this Act;

6B. (1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person referred to in the proviso to clause (b) of sub-section (1) of section 2.

Special provisions as to citizenship of person covered by proviso to clause (b) of sub-section (1) of section 2.

(2) Subject to fulfillment of the conditions specified in section 5 or the qualifications for naturalisation under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalisation under sub-section (1) shall be deemed to be a citizen of India from the date of his entry into India.

18. (1) The Central Government may, by notification in the Official Gazette make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) * * * * *

(*eei*) the conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation under sub-section (1) of section 6B.

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further to amend the Citizenship Act, 1955.

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(Shri V.K. Sreekandan, M.P.)