

Bill No. 57 of 2022

THE CITIZENSHIP (AMENDMENT) BILL, 2022

By

SHRI ABDUL KHALEQUE, M.P.

A

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.

2. In section 2 of the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in sub-section (1), in clause (b), the proviso shall be omitted.

Amendment of
section 2.

3. Section 6B of the principal Act shall be omitted.

Omission of section
6B.

4. In section 7D of the principal Act,—

Amendment of
section 7D.

(a) clause (da) shall be omitted; and

(b) proviso to clause (f) shall be omitted.

Amendment of
section 18.

5. In section 18 of the principal Act, in sub-section (2), clause (eei) shall be omitted.

Amendment of the
Third Schedule.

6. In the Third Schedule to the principal Act, proviso to clause (d) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Citizenship Act was enacted to provide Indian citizenship to foreign nationals who seek to make India their home. There are various rules and regulations which are followed before a foreign national is given Indian citizenship.

The Citizenship (Amendment) Act, 2019 (Act No. 47 of 2019) was notified on 10th January, 2020. However, till date no new rules have been formulated which indicates that there are issues which are preventing the Government from framing laws.

The essence of Amendment Act of 2019 is very much against the letter and spirit of the Assam Accord signed in 1985. As per the accord, the cut off date for foreign nationals was 1971. Whereas the Amendment Act of 2019 revised the cut off date to 2014. This has hurt the sentiments of the Assamese people who fought for their rights and sacrificed lives in the fight against illegal migrants.

The Bill, therefore, seeks to amend the Citizenship Act, 1955 with a view to omit the provisions inserted by the Citizenship (Amendment) Act, 2019 (Act No. 47 of 2019).

Hence this Bill.

NEW DELHI;
14 February, 2022.

ABDUL KHALEQUE

ANNEXURE

EXTRACT FROM THE CITIZENSHIP ACT, 1955

* * * *

Interpretation.

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

* * * *

(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 documents 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 thereunder, shall not be treated as illegal migrant for the purposes of this Act;

* * * *

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

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.

(2) Subject to fulfilment 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.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2019, any proceeding pending against a person under this section in respect of illegal migration or citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his rights and privileges to which he was entitled on the date of receipt of his application on the ground of making such application.

(4) Nothing in this section shall apply to tribal areas of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under "The Inner Line" notified under the Bengal Eastern Frontier Regulation, 1873.

* * * *

7D. The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A, if it is satisfied that—

Cancellation of registration as Overseas Citizen of India Cardholder.

* * * *

(da) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; or;

* * * *

(f) the marriage of an Overseas Citizen of India Cardholder, who has obtained such Card under clause (d) of sub-section (1) of section 7A,—

(i) has been dissolved by a competent court of law or otherwise; or

(ii) has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person:

Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard.

* * * *

18. (1) *

*

*

Power to make rules.

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

* * * *

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

* * * *

THE THIRD SCHEDULE

[See section 6(1)]

QUALIFICATIONS FOR NATURALISATION

The qualifications for naturalisation of a person are—

* * * *

(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 of 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”.

* * * *

LOK SABHA

A

BILL

further to amend the Citizenship Act, 1955.

(Shri Abdul Khaleque, M.P.)