

As INTRODUCED IN THE RAJYA SABHA
ON 26TH JULY, 2024

Bill No. XXXII of 2024

THE CITIZENSHIP (AMENDMENT) BILL, 2024

A
BILL

further to amend the Citizenship Act, 1955.

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

1. (1) This Act may be called the Citizenship (Amendment) Act, 2024.

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.

Amendment of
section 2.

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), for the existing proviso, the following proviso shall be substituted, namely:-

57 of 1955

“Provided that any person belonging to Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and Sri Lanka, who entered into India on or before the 31st day of December, 2014 as a result of religious and ethnic persecution, shall not be treated as illegal migrants for the purpose of this Act;”.

Amendment of the
Third Schedule.

3. In the Third Schedule to the principal Act, in clause (d), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that for the person belonging to Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and Sri Lanka, who entered into India on or before the 31st day of December, 2014 as a result of religious and ethnic persecution, 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".”

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 population has been happening continuously between the territories of India and the neighbouring countries including Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and Sri Lanka. Many people belonging to different religious and ethnic groups face religious persecution and torture in these countries. This includes non-religious persons and atheists as well. Many such persons have fled to India to seek shelter and continued to stay in India even without complete travel documents or after expiry of the validity of such documents. They are then treated as illegal migrants.

Therefore, the proposed Bill seeks to grant immunity to these victims of religious or racial persecution irrespective of their religion, caste and sect so that any proceeding against them on the basis of their status of migration or citizenship does not bar them from applying for Indian citizenship.

Hence, this Bill.

SANDOSH KUMAR P.

ANNEXURE

EXTRACTS FROM THE CITIZENSHIP ACT, 1955

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

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(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;

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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”.

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RAJYA SABHA

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further to amend the Citizenship Act, 1955.

(Shri Sandosh Kumar P., M.P.)