

{GS2 – Polity – IC – Citizenship} Section 6A of the Citizenship Act, 1955

- ❖ **Context (IE):** The Supreme Court asked the Centre how many people obtained citizenship of the country availing Section 6A of the Citizenship Act, 1955.
- **Section 6A** was incorporated as a unique provision in the **1955 Act** after the signing of the '**Assam Accord**' on August 15, 1985.

What is Assam Accord?

- The **Assam Accord**, signed in **1985** between the **Union Government** and the **All Assam Students' Union**, concluded a six-year agitation **against the influx of migrants** from **Bangladesh**.
- This agreement, facilitated by the Rajiv Gandhi government, sought to **safeguard Assam's cultural, linguistic, and social heritage**. It also defines the **criteria for identifying foreigners** in the state.
- **Clause 5** of the Accord establishes **January 1, 1966** as the cut-off date for **detecting and removing "foreigners."** It also includes **provisions** for **regularizing individuals** who entered the state (illegally) between **January 1, 1966** and **March 24, 1971**.
- Under the accord, **Foreigners Tribunals** will be established for the detection and **deportation of illegal migrants** in Assam.
- A plea in the Supreme Court **challenges Clause 5 of the Accord** and the basis of the final **National Register of Citizens (NRC)** in Assam, released in 2019.
- **Section 6A** was made **applicable only to Assam**. It laid down that all persons of **Indian origin** who entered Assam **before Jan 1, 1966** & have been ordinary residents will be **deemed Indian citizens**.
- This section was inserted as an amendment to establish **March 24, 1971** as the **cut-off date for entry** into the state.
- It states that while those who came to Assam on or **after January 1, 1966** but **before March 25, 1971** from Bangladesh shall be detected as **"illegal immigrants" or "foreigners"**.
- These illegal immigrants **will get citizenship** at the **expiry of 10 years from their detection as a foreigner** & would have to **register themselves** according to rules made by the Gol.
- During this **interim period (10 years)**, they will **not have the right to vote** but **can get an Indian passport**. At the end of the ten-year period, they were to be **deemed citizens**.

Legal challenges to Section 6A

- **Constitutional Validity:** Legal challenges have been raised regarding its **compliance with the fundamental rights**.
- **Discrimination:** Some argue that Section 6A's **"discriminatory" nature** in granting citizenship to immigrants, especially illegal ones, is in **violation of Article 6 of the Constitution**, which establishes the **cutoff date for granting citizenship to immigrants** as **July 19, 1948**.

- **Impact on Assam Accord:** There have been debates about whether the provisions of Section 6A align entirely with the intentions and clauses outlined in the **Assam Accord**.
- **Conservation of Cultural Rights:** Some demand the updating of the **National Register of Citizens (NRC)** for Assam **based on the 1951 NRC rather than the electoral rolls of March 1971**.

Constitutionality of section 6A

- **Article 11** of the Indian Constitution **grants Parliament the authority to regulate citizenship laws**, resulting in the enactment of the **1955 Citizenship Act** for **post-Constitution citizenship matters**.
- The IC **does not define the term 'citizen'** but details of **various categories of persons** who are entitled to citizenship are given in **Part 2 (Articles 5 to 11 — deals with the Citizenship of India)**.
- The Union government has **argued that Section 6A is valid** and has urged the court to dismiss the petitions challenging its constitutionality.

Illegal Immigration vs Humanitarian Crisis Debate: Supreme Court's Opinion

- **"Section 6A** was enacted at a point which is **deeply connected to our history** — India had a very **vital role** in the **creation of Bangladesh**."
- "The immigration which took place cannot be regarded purely on the footing of an illegal immigration but it was something which was really a **humanitarian aspect of the atrocities**."
- "The parliament of India did not look at it merely as the issue of illegal immigration but something which deeply **interwoven in our history**."

Citizenship Act, 1955

- The Citizenship Act, 1955 provides for the **acquisition and determination of Indian citizenship**.
- The act has been **amended six times** — in **1986, 1992, 2003, 2005, 2015** and **2019**.
- Through these amendments, Parliament has narrowed down the wider and universal principles of citizenship based on the fact of birth.
- Moreover, the **Foreigners Act** places a heavy burden on the individual to prove that **he/she is not a foreigner**.