

Bill No. 172 of 2016

THE CITIZENSHIP (AMENDMENT) BILL, 2016

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further to amend the Citizenship Act, 1955.

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

1. (1) This Act may be called the Citizenship (Amendment) Act, 2016.

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

Amendment of section 2.

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34 of 1920.
31 of 1946.

“Provided that persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have 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 order made thereunder, shall not be treated as illegal migrants for the purposes of this Act.”.

Amendment of section 7D. **3.** In the principal Act, in section 7D, after clause (*d*), the following clause shall be inserted, namely:—

"(*da*) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for the time being in force; or".

Amendment of Third Schedule. **4.** In the principal Act, in the Third Schedule, in clause (*d*), the following proviso shall be inserted, namely:—

'Provided that for the persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, the aggregate period of residence or service of a Government in India as required under this clause shall be read as "not less than six years" in place of "not less than eleven years".'. 5 10

STATEMENT OF OBJECTS AND REASONS

The Citizenship Act, 1955 was enacted to provide for the acquisition and determination of Indian citizenship.

Under the existing provisions of the Act, persons belonging to the minority communities, such as Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have either entered into India without valid travel documents or the validity of their documents have expired are regarded as illegal migrants and hence ineligible to apply for Indian citizenship. It is proposed to make them eligible for applying for Indian citizenship.

Many persons of Indian origin including persons belonging to the aforesaid minority communities from the aforesaid countries have been applying for citizenship under section 5 of the Act, but are unable to produce proof of their Indian origin. Hence, they are forced to apply for citizenship by naturalisation under section 6 of the Act, which, *inter alia*, prescribes twelve years residency as 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. It is proposed to amend the Third Schedule to the Act to make applicants belonging to minority communities from the aforesaid countries eligible for citizenship by naturalisation in seven years instead of the existing twelve years.

Presently, there is no specific provision in section 7D of the Act to cancel the registration of Overseas Citizen of India Cardholders who violate any Indian law. It is also proposed to amend the said section 7D, so as to empower the Central Government to cancel registration as Overseas Citizen of India in case of violation of the provisions of the Act or any other law for the time being in force.

The Bill seeks to achieve the above objectives.

RAJNATH SINGH

NEW DELHI;
The 15th July, 2016

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further to amend the Citizenship Act, 1955.

(Shri Rajnath Singh, Minister of Home Affairs)