



KAMARAJ IAS ACADEMY
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Assam Accord and Citizenship (Amendment) Act

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In News: A Constitution Bench listed a series of long-pending petitions challenging Section 6A of the Citizenship Act, 1955 which allows citizenship to illegal immigrants, mostly from neighbouring Bangladesh, who entered Assam before March 1971. These petitions had been lying dormant while the court had gone ahead and monitored the publication of the final Assam NRC list in August 2019 and the government had enacted the Citizenship (Amendment) Act.

What is Citizenship (Amendment) Act?

The CAA provides citizenship to six undocumented non-Muslim communities (Hindus, Sikhs, Buddhists, Jains, Parsis and Christians) from Pakistan, Afghanistan and Bangladesh who entered India on or before 31st December, 2014. It exempts the members of the six communities from any criminal case under the Foreigners Act, 1946 and the Passport Act, 1920. The two Acts specify punishment for entering the country illegally and staying here on expired visas and permits.

What is stated in Section 6A of the Citizenship Act, 1955?

Section 6A of the Citizenship Act, 1955 those who came from Bangladesh between 1966 and 1971 will have to register themselves with the Foreigners Regional Registration Officer, and will be included in the NRC, but will not have voting rights for 10 years from the date of registration. But According to Article 6 of the Constitution, the cut-off for determining citizenship in India is July 19, 1948.

What is Assam Accord?

The Assam Accord (1985) was a Memorandum of Settlement (MoS) signed between representatives of the Government of India and the leaders of the Assam Movement in New Delhi on 15 August 1985. The accord brought an end to the Assam Agitation and paved the way for the leaders of the agitation to form a political party and form a government in the state of Assam soon after. It was signed between the then Rajiv Gandhi government and the All Assam Students' Union (AASU).

In 2005, another agreement was signed between the Centre, the then Tarun Gogoi government in Assam and the AASU where it was decided to update the NRC that was first published after the Census data of 1951 in post-Partition India.

Clause 6 of the Assam Accord: The clause 6 of the Assam Accord reads "Constitutional, legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people."

The Assam Accord came as a culmination of a movement against immigration from Bangladesh. The cut-off date to be considered as citizens of India under the accord was set at March 24, 1971. The immigrant's up to March 24, 1971, will get all rights as citizens of India. But the immigrants are not eligible for safeguards meant for Assamese people because the cutoff for defining "Assamese people" eligible for the proposed safeguards was set at National registry of Citizens, 1951. Hence those who migrated between 1951 and 1971 to Assam would be Indian citizens, but would not be eligible for safeguards meant for "Assamese people".

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According to the Assam Accord of 1985, illegal migrants who had entered Assam from Bangladesh after March 25, 1971, were to be detected and deported. But, the new Bill contradicts the terms of the Accord

What is NRC and Why it is being updated in Assam?

The National Register of Citizens (NRC) is a document manufactured by the Government which contains the names of Indian citizens. The updation of the NRC is a periodical process. It requires to be updated at regular intervals so as to ensure proper documentation of the citizens as well as to check possible illegal migration. In Assam, the updation of NRC could not be carried out since 1951 due to several political compulsions.

The Indigenous people of Assam fear that the unabated influx or growing stream of immigrants and infiltrators from across the border would one day reduce them into a small minority. It is the struggle of those who wanted to save their culture from being extinct and be reduced to an ethnic minority section in their homeland. Immigration problem has been regarded as a “Security Threat” as it creates problem not only for personal security and human rights issues but also creates internal and international security problem. The NRC is to be updated to comply with the demands in the Assam Accord, signed in 1985 by Rajiv Gandhi and leaders of the Assam Movement