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News / India / No passport, no visa: Rules eased for seeking citizenship under CAA

No passport, no visa: Rules eased for seeking citizenship under CAA

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The CAA had evoked widespread protests across the country as, read with the Centre's plan to conduct a nationwide National Register of Citizen (NRC) enumeration, it was perceived as an attempt to deprive Muslims of Indian citizenship.

A HINDU, Sikh, Buddhist, Jain, Parsi or Christian from Pakistan, Bangladesh and Afghanistan, who entered India before December 31, 2014, can now seek Indian citizenship without producing a valid passport of these countries or a valid visa from India, according to the Citizenship (Amendment) Act, 2019, **(CAA) rules notified** on Monday.

The rules, which pave the way for implementation of the CAA, state that “any document” that shows one of the parents, grandparents or even great-grandparents of the applicant was from one of these countries would suffice to prove their nationality. And instead of a visa, even a certificate issued by an elected member of a local body would be enough.

With the notification, the Centre has eased the process of granting Indian citizenship to members of these communities from the three countries, as envisaged in the legislation passed in December 2019. The development is likely to benefit thousands of non-Muslim migrants from the three countries who are seeking Indian citizenship. Until now, these migrants were either living in India illegally or on long-term visas.

Read | Centre implements Citizenship Amendment Act: Check the CAA rules here

“The Modi government today notified the Citizenship (Amendment) Rules, 2019. These rules will now enable minorities persecuted on religious grounds in Pakistan, Bangladesh and Afghanistan to acquire citizenship in our nation. With this notification PM Shri@narendramodi Ji has delivered on another commitment and realised the promise of the makers of our Constitution to the Hindus, Sikhs, Buddhists, Jains, Parsis and Christians living in those countries,” Home Minister [Amit Shah](#) said in a post on ‘X’.

The CAA had evoked widespread protests across the country as, read with the Centre’s plan to conduct a nationwide National Register of Citizen ([NRC](#)) enumeration, it was perceived as an attempt to deprive Muslims of Indian citizenship.

On Monday, while several Opposition-ruled states said they would not implement the CAA, the rules have tweaked the process in such a way that states would have little say in grant of citizenship, with much less participation than before.

The CAA presumes that members of these communities who entered India faced religious persecution in these countries. It stipulates that any member of these communities who entered India, legally or illegally, from the three countries before December 31, 2014 shall be eligible for Indian citizenship. The law has also reduced the period of citizenship by naturalisation from 11 years to five years.

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Changes in evidence required

The rules have virtually done away with the centrality of requiring a passport from Pakistan, Bangladesh or Afghanistan and a residential permit issued by India. Instead, birth or educational institution certificate; “identity document of any kind”; “any licence or certificate”; “land or tenancy records”, or “any other document issued by these countries, which proves the applicant was their citizen, would suffice as proof of citizenship.

Any document that shows that “either of the parents or grandparents or great-grandparents of the applicant is or had been a citizen of one of the three countries” is also acceptable. Importantly, these documents will be admissible even beyond their validity period.

Earlier, the applicants required a copy of a valid foreign passport along with a copy of valid residential permit; a copy of bank challan in original amounting to Rs 1,500; an affidavit from self (applicant) and two affidavits from two Indians testifying to the character of the applicant; two newspaper cuttings of different dates or of different newspapers notifying his/ her intention to apply for citizenship among other documents.

The government has also done away with the requirement of producing a certificate from an educational institution that the applicant knows one of the languages mentioned in the Eighth Schedule of the Constitution. Now, a declaration to that effect and being able to speak the language will be enough.

Similarly, to prove that the applicant entered India before December 31, 2014, a list of 20 documents has been given, any of which would be admissible.

These include a valid visa, residential permit issued by FRRO, slip issued by Census enumerators in India, driving licence, [Aadhaar card](#), ration card, any letter issued by the government or court, Indian birth certificate, land or tenancy records, registered rent agreement, PAN card issuance document, document issued by Centre, state, PSU or bank, certificate issued by an elected member of any rural or urban body or officer thereof or a revenue officer; post office account; insurance policy; utility bills; court or tribunal records; EPF documents, school leaving

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certificate; academic certificate; municipality trade licence; and marriage certificate.

Earlier, a visa along with certain other documents was a must.

Changes in procedures

The government has also tweaked the process of grant of citizenship in a manner that state governments would have limited participation in the process. This could deal with the possibility of state governments opposed to the legislation trying to stall the implementation of the law.

Earlier, citizenship applications were made to the district collector, who is under the administrative control of the state government. The new rules provide for an empowered committee and a district level committee to be instituted by the Centre for receiving and processing the applications, which are to be submitted electronically.

The empowered committee would be headed by a director (census operations), with the deputy secretary or above officer of the Subsidiary Intelligence Bureau, the FRRO, state informatics officer of the National Informatics Centre, postmaster general of the state, as members.

There would also be two invitees to the committee: a representative from the office of principal secretary (home) or additional chief secretary (home) of the state government or Union Territory concerned; and a representative of the Railways' jurisdictional divisional railway manager.

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