

Section 6A of the Citizenship Act, 1955

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SECTION 6A OF CITIZENSHIP ACT, 1955

Issue : In a 4:1 majority decision, a **five-judge Bench** led by Chief Justice of India D.Y. Chandrachud upheld the constitutional validity of Section 6A of the Citizenship Act, 1955.

Background: Section 6A was introduced in 1985 after the Assam Accord was signed between the Rajiv Gandhi government and the All Assam Students' Union (AASU). The accord followed a six-year-long agitation against migrants entering Assam from Bangladesh.

What Does Section 6A of the Citizenship Act Provide?

- A major aspect of the Assam Accord was identifying foreigners in the state. Clause 5 of the Accord established January 1, 1966, as the cut-off date for identifying and removing foreigners. It also provided guidelines for regularizing those who entered Assam between January 1, 1966, and March 24, 1971.
- Section 6A grants citizenship to all persons of Indian origin who entered Assam before January 1, 1966, and have resided there since. It also allows those who entered between January 1, 1966, and March 24, 1971, and were identified as foreigners, to register with the government and gain citizenship. However, those who entered after March 24, 1971, are considered illegal immigrants.

Why Was Section 6A Challenged?

- The petitioners argued that the cut-off date in Section 6A was discriminatory and violated the right to equality under Article 14 of the Constitution, as it set a different standard for citizenship in Assam compared to the rest of India, where the cut-off date is July 1948.

What Did the Court Decide?

- The majority opinion held that Parliament has the authority to set different criteria for citizenship as long as it is reasonable. The situation in Assam, with its unique migration issues, justified a specific law, which did not violate Article 14. Chief Justice Chandrachud explained that Assam was disproportionately impacted by immigration compared to other states, making the distinction rational.
- The court also found that the petitioners failed to prove that migration threatened the cultural rights of Assam's citizens. Article 29(1) protects the right to conserve language and culture, but the mere presence of diverse ethnic groups in the state was not sufficient to violate this right. The court also affirmed that the cut-off dates of January 1, 1966, and March 24, 1971, were constitutional, providing clear conditions for citizenship.
- In his dissent, Justice Pardiwala argued that the provision was unconstitutional due to its "temporal unreasonableness," as it did not specify a time limit for detecting foreigners. He also criticized the process for identifying immigrants, calling it "illogically unique."

Arguments in Defence of Section 6A:

- The Central Government cited Article 11 of the Constitution, which empowers Parliament to make laws regarding citizenship, including for specific situations. Other respondents argued that striking down Section 6A would leave many residents stateless. They also pointed out that Assam has long been a multi-lingual and diverse state, with demographic changes that predated Section 6A.

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