

1. Draft Citizenship Rules Amendment – Passport Declaration for Afghan, Bangladeshi, Pakistani Applicants – Polity

1. Why in News

1. Centre notified draft changes to Citizenship Rules, 2009
2. Requires certain applicants to declare possession or surrender passports issued by Pakistan, Afghanistan, Bangladesh
3. Inserted within Schedule IC pertaining to non-Muslim migrants from these three countries seeking Indian citizenship under CAA 2019
4. Officials describe as administrative clarification strengthening verification and record-keeping
5. Applicants must surrender foreign passports within 15 days of citizenship approval

2. About Draft Amendment

New Provision Requirements

1. Obliges applicants to state whether they hold valid or expired passport issued by Pakistan, Afghanistan, or Bangladesh
2. Those possessing such passports must –
 1. Provide passport details (number, issue date, expiry, issuing authority)
 2. Agree to surrender document to Senior Superintendent of Post concerned
 3. Within 15 days of citizenship approval
 4. Formal acknowledgment and tracking mechanism

Insertion Point – Schedule IC

1. New clause inserted within Schedule IC of Citizenship Rules
2. This section pertains to –
 1. Afghan, Bangladeshi, Pakistani nationals
 2. Belonging to Hindu, Sikh, Buddhist, Jain, Parsi, Christian communities
 3. Seeking Indian citizenship
 4. Undocumented non-Muslim migrants

CAA 2019 Context

1. Citizenship (Amendment) Act 2019 paved way for granting Indian nationality to –
 1. Undocumented non-Muslim migrants
 2. From Pakistan, Bangladesh, Afghanistan
 3. Who came to India before December 31, 2014
 4. Excluded Muslims despite persecution in these countries (major controversy)
 5. Reduced naturalization period from 11 years to 5 years for these communities

Official Rationale

1. Officials described amendment as administrative clarification
2. Aimed at strengthening verification processes
3. Improving record-keeping in citizenship cases
4. Preventing dual citizenship violations
5. Ensuring passport surrender compliance
6. Tracking mechanism for security and legal purposes

3. Citizenship Framework in India

Constitutional Provisions

1. Citizenship listed in Union List (Entry 17) – Exclusive jurisdiction of Parliament
2. Constitution does not define 'citizen' explicitly
3. Part II (Articles 5–11) – Details various categories of persons entitled to citizenship
4. Article 5 – Citizenship at commencement of Constitution
5. Article 6 – Rights of citizenship for migrants from Pakistan

6. Article 7 – Exclusion from citizenship for those migrated to Pakistan
7. Article 8 – Rights of citizenship for persons of Indian origin residing abroad
8. Article 9 – Persons voluntarily acquiring foreign citizenship not to be citizens
9. Article 10 – Continuance of citizenship
10. Article 11 – Parliament's power to regulate citizenship by law

4. Acquisition of Indian Citizenship

Citizenship Act of 1955 – Five Ways

1. Citizenship by Birth –

1. Before 1987 – Anyone born in India automatically citizen
2. 1987–2003 – Born in India AND at least one parent Indian citizen
3. Post-2003 – Born in India AND both parents' Indian citizens OR one parent Indian citizen and other not illegal migrant
4. Birth certificate as proof

2. Citizenship by Descent –

1. Person born outside India
2. On or after January 26, 1950
3. If father was Indian citizen at time of birth (pre-2003)
4. If either parent was Indian citizen at time of birth (post-2003)
5. Birth must be registered at Indian consulate within one year (extendable)

3. Citizenship by Registration –

1. Available to specific categories –
 1. Person of Indian Origin (PIO) residing in India 7 years before application
 2. Person of Indian Origin married to Indian citizen, resident 7 years
 3. Minor children of Indian citizens
 4. Persons of full age and capacity, resident 7 years, of good character
2. Application to Central Government
3. Oath of allegiance required

4. Citizenship by Naturalization –

1. Foreign national can apply if –
 1. Resident in India 12 months immediately preceding application
 2. Resident 11 of preceding 14 years
 3. Good character
 4. Knowledge of scheduled Indian language
 5. Intend to reside in India or serve Government of India
2. Central Government grants certificate of naturalization
3. Most stringent process

5. Citizenship by Incorporation of Territory –

1. When foreign territory becomes part of India
2. Government of India specifies persons who become Indian citizens
3. Example – Goa, Daman and Diu (1961), Sikkim (1975)

Dual Citizenship Prohibition

1. Under Indian Citizenship Act 1955, Persons of Indian Origin not allowed dual citizenship
2. If person held Indian passport and obtained passport of another country –
 1. Required to immediately surrender Indian passport
 2. Automatic loss of Indian citizenship upon acquiring foreign citizenship
3. **Alternative – Overseas Citizenship of India (OCI) –**
 1. Not citizenship but permanent visa status
 2. Lifetime visa to visit India

3. No voting rights, no public office, no agricultural land purchase
4. Available to former Indian citizens, PIOs

5. Termination of Indian Citizenship

Three Modes of Termination

1. Renunciation (Voluntary) -

1. Any Indian citizen also national of another country can renounce
2. Through declaration in prescribed manner
3. Submitted to prescribed authority
4. Ceases to be Indian citizen upon declaration acceptance
5. Minor children's citizenship automatically renounced if both parents' renounce
6. Can reacquire citizenship by registration if ordinarily resident in India for 1 year

2. Termination (Automatic) -

1. Indian citizen's citizenship automatically terminated if -
 1. Knowingly or voluntarily adopts citizenship of another country
 2. Automatic operation, no order required
 3. Takes effect from date of foreign citizenship acquisition
2. Example - Person obtains US citizenship → automatically loses Indian citizenship

3. Deprivation (Compulsory by Government) -

1. Indian government may deprive person of citizenship
2. Does NOT apply to citizens by birth
3. Applies to citizens by registration, naturalization, incorporation of territory

Conditions for Deprivation -

i. Citizenship obtained by fraud -

1. False representation
2. Concealment of material facts
3. Through fraudulent means

ii. Disloyalty to Constitution of India -

4. Shown disloyalty to Constitution
5. Subversive activities
6. Anti-national acts

iii. Unlawful trading or communication during war -

7. With enemy country
8. During times of war
9. Compromising national security

iv. Imprisonment within 5 years of naturalization -

10. Within 5 years of receiving citizenship through naturalization
11. Imprisoned for term of 2 years or more
12. For any offense
13. Indicates character issues

v. Ordinary resident outside India for 7 years -

14. Ordinarily resident out of India continuously for 7 years
15. Without registering annually with Indian consulate
16. Indicates severance of connection with India

4. **Procedure** - Government must give notice, opportunity to show cause before deprivation order

6. Issues and Concerns

CAA 2019 Controversies

1. Exclusion of Muslims despite persecution (Ahmadiyyas in Pakistan, Rohingyas in Myanmar)
2. Religion-based citizenship criteria challenges secular fabric (Article 14 equality)

3. Assam and Northeast protests fearing demographic change, threat to indigenous identity
4. NRC-CAA combination fears creating statelessness for Muslims
5. International criticism of discriminatory law

Draft Amendment Concerns

1. Additional compliance burden on vulnerable refugees
2. 15-day surrender timeline may be insufficient for documentation
3. Lack of clarity on enforcement mechanism
4. Potential for harassment during verification
5. Privacy concerns regarding passport information storage
6. Implementation challenges in tracking and surrender

Dual Citizenship Issue

1. Indian diaspora long demanded dual citizenship (denied)
2. OCI limited rights compared to citizenship
3. Competitive disadvantage compared to countries allowing dual citizenship
4. Talent retention and diaspora engagement affected

Statelessness Risks

1. Undocumented migrants may fear approaching authorities
2. Passport surrender without immediate Indian passport issuance creates vulnerability
3. Detention risks during interim period
4. Children born in India to foreign parents facing citizenship limbo

7. Way Forward

Clear Implementation Guidelines

1. Detailed standard operating procedures for verification
2. Timeline extensions for genuine hardship cases
3. Transparent tracking mechanism for surrendered documents
4. Immediate provisional documentation after passport surrender

Safeguards Against Harassment

1. Oversight mechanisms preventing misuse
2. Grievance redressal for applicants
3. Legal aid for vulnerable applicants
4. Periodic audits of implementation

Addressing CAA Concerns

1. Include persecuted Muslims (Ahmadiyyas, Rohingyas, others)
2. Religion-neutral humanitarian approach
3. Protect indigenous communities' demographic concerns
4. Clear NRC-CAA delinking assurances

Modernizing Citizenship Framework

1. Consider limited dual citizenship for diaspora
2. Expand OCI rights incrementally
3. Streamline naturalization process
4. Technology-enabled application tracking

Regional Cooperation

1. Bilateral agreements on citizenship and migration
2. Humanitarian approach to refugees
3. International law compliance (UNHCR conventions)

8. Conclusion

Draft Citizenship Rules amendment requiring passport declaration and 15-day surrender for non-Muslim migrants from Pakistan, Bangladesh, Afghanistan under CAA 2019 aims strengthening verification



but raises implementation challenges. Way forward requires clear guidelines, safeguards against harassment, religion-neutral humanitarian approach, and modernizing citizenship framework ensuring constitutional morality.

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