



ASSAM ACCORD (SECTION 6A) : POLITY

NEWS : Supreme Court Upholds Special Citizenship Provisions for Assam Migrants, Affirms Parliament's Power Over Citizenship Laws

WHAT'S IN THE NEWS ?

The article discusses the Supreme Court's 4-1 verdict upholding Section 6A of the Citizenship Act, which grants citizenship to migrants in Assam up to March 24, 1971, as part of the Assam Accord, affirming Parliament's authority to regulate citizenship laws.



The Assam Accord was signed under the premiership of Rajiv Gandhi (second from left) on August 15, 1985. *Archive*

ASSAM ACCORD CLAUSE 5 & CITIZENSHIP

IN 1979, All Assam Students Union (AASU) began an agitation demanding the identification and deportation of "illegal foreigners", predominantly from Bangladesh. The agitation went on for six years, culminating with the historic Assam Accord between the Central and state governments, and the leaders of the Assam Movement.

CLAUSE 5 of the Accord, which discussed the "Foreigners Issue", set January 1, 1966 as the "base date and year" for the "purposes of detection and deletion [from electoral rolls] of foreigners". Those who arrived after this date but up to March 24, 1971, would "have their names deleted

from electoral rolls" for 10 years, after which their names would be restored.

IN 1985, in order to give effect to the Assam Accord, Section 6A was introduced in The Citizenship Act, 1955. The petitioners argued that this section was arbitrary and discriminatory, as it applied only to Assam.

THE CAA, 2019, introduced another group-specific section, Section 6B, in The Citizenship Act, which set December 31, 2014 as the cutoff date for Hindu, Christian, Sikh, Parsi, Buddhist, and Jain migrants from the Muslim majority countries of Pakistan, Bangladesh, Afghanistan.



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• **Supreme Court Verdict:** A five-judge Constitution Bench (4-1 majority) upheld Section 6A of the Citizenship Act, 1955, which deals with the unique citizenship process for migrants in Assam, based on the Assam Accord of 1985.

• **Background:**

- Section 6A was introduced through the Citizenship (Amendment) Act, 1985, following the Assam Accord.
- The Assam Accord aimed to address illegal migration from Bangladesh.
- It set a cut-off date of March 25, 1971, for the detection and deportation of foreigners who entered Assam after this date.

• **Provisions of Section 6A:**

- Migrants who arrived in Assam before January 1, 1966, were deemed Indian citizens.
- Migrants who arrived between January 1, 1966, and March 25, 1971, were granted citizenship after 10 years of residence, subject to conditions.
- Migrants who entered after March 25, 1971, were to be detected and deported.

DECODING 6A

➤ Section 6A is a special provision that was added to the Citizenship Act, 1955, after a six-year student-led movement against illegal infiltration culminated in the historic tripartite Assam Accord of August 15, 1985



➤ Immigrants who entered Assam between Jan 1, 1966, and March 25, 1971, and have been categorised as “foreigners” can register for citizenship; they will be accorded all rights, subject to checks, but can’t vote for 10 years from the date of registration

➤ Under Section 6A, immigrants who entered Assam before Jan 1, 1966, will be deemed citizens from the day they have been “ordinarily” residing in the state

➤ Legal interpretation of Section 6A is expected to significantly influence the unfinished exercise of finalising the National Register of Citizens

• **Parliament's Power:**

- The Court affirmed Parliament’s power to regulate citizenship under Article 11 and Entry 17 of the Union List.



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- Section 6A is distinct from Articles 6 and 7 (which deal with post-Partition citizenship) and falls within Parliament's authority.

• Right to Equality:

- Petitioners argued Section 6A violated equality by applying only to Assam with an arbitrary cut-off date.
- The Court rejected this, stating Assam faced unique migration challenges justifying a special provision.

• Illegal Migration and "External Aggression":

- Petitioners referred to a previous SC ruling that called illegal immigration "external aggression."
- The Court disagreed, stating Section 6A regulates migration and does not allow uncontrolled immigration or external aggression.

• Cultural Rights:

- Petitioners argued Section 6A threatened Assamese culture (Article 29(1)).
- The Court dismissed this, emphasizing national fraternity and integration, and stating that cultural rights are not eroded by the presence of different ethnic groups.

• Conclusion:

- The judgment upholds Parliament's powers over citizenship and addresses Assam's unique migration issues while balancing regional and national concerns.

Source : <https://www.hindustantimes.com/india-news/sc-upholds-contentious-clause-in-citizenship-act-101729192033785.html>