

WHY NORTH-EAST SHOULDN'T BE WARY OF CITIZEN AMENDMENT BILL

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

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The proposed Citizenship Amendment Bill 2019 (CAB), which is expected to be tabled in the ongoing winter session of the Parliament by the central government, has created some apprehension in the north-eastern states. According to the available accounts, these apprehensions are fuelled by vested interests - political and otherwise - and have fuelled concerns that these may lead to a volatile situation in these states.

The apprehensions expressed by leaders of northeastern states can broadly be classified in seven points. These range from fear about massive inflow of immigrants into the states to the change in the region's demography. A close look at the stated objectives to bring the amendment bill - which essentially fast-tracks grant of citizenship to members of religious minorities from Muslim-majority Afghanistan, Bangladesh and Pakistan - indicates that these apprehensions are misplaced.

Increase in inflow of Immigrants

One of the major concerns raised by the northeastern states is linked to the apprehension that there would be an increase in flow of immigrants. This sentiment is grounded in the fear that once religious minorities are given citizenship rights, it might encourage immigration.

Contrary to this perception, one of the major objectives of entire exercise of Citizenship Amendment Bill is to prevent illegal immigrants that has gone unchecked for a long time. In fact, checking unabated influx of immigrants is one of the major expected outcome of the entire process. Further, CAB neither provides for nor intends to dilute any of the special rights available to the original inhabitants of the states.

Also, there will be cutoff dates in CAB after which rights considered in CAB will not be applicable. As such, there is no reason to fear that CAB would lead to a spike in the number of immigrants to the region.

Increase in settlement of other residents in the northeast

Prima facie, there is no reason for any increase in the permanent settlement of other people in the northeastern states other than those people who have settled or would resettle in the region in the normal course. Neither CAB nor the national register of citizens (NRC) would lead to a negative impact. If at all, the two laws would only help the authorities identify illegal immigrants in various states. Once the illegal migrants are identified, the states would be able to take against such people. In fact, without CAB and NRC, illegal migrants end up enjoying all facilities which otherwise should have available only to the citizens.

Further, the rights envisaged under CAB relate to providing rights as Indian citizens. This implies that the rights available to the local or traditional residents of the states will continue to be uniquely enjoyed by them, not the new citizens.

Besides, it is natural that once the religious minorities who seek refuge in India due to persecution are given citizenship rights, they would tend to move to other states for better livelihood opportunities rather than stay in border towns and cities. This might eventually reduce the number of immigrants in northeastern states.

Rights of refugees vis-a-vis local inhabitants

Local inhabitants of northeastern parts, especially people staying in hilly areas as well as scheduled areas, have been living in these territories for generations. Under various provisions of laws, they exercise many traditional rights which are not available to other Indian citizens.

Since CAB only provides Indian citizenship, the local inhabitants and original tribes of areas extended to them under various laws and constitutional provisions would continue to hold. In other words, the provisions of these Acts as well as its beneficiaries remain completely unchanged.

Dilution of traditional rights enshrined in various laws

Traditional rights have been provided to local and original inhabitants of the hilly areas or scheduled areas. When there is no change in eligibility of individuals enjoying these rights, there is certainly no question of these rights being diluted.

It can only be a figment of someone's imagination that people who enter the country as refugees will at some point of time become local residents and will have rights equal to the original tribes staying in those areas for generations. Since CAB merely provides for citizenship, traditional rights will be strictly protected.

The impact on land holding

In most northeastern states, community holding of land is very common. Further, purchase and sale of land is prohibited in Arunachal Pradesh, Mizoram, Nagaland and Meghalaya. In Manipur and Tripura, land in the hills and scheduled area is again strictly protected as per provisions of various laws. In Assam - except for the scheduled area - people can buy land subject to various limitations. Overall, as far as ownership of land is concerned, it is already protected especially for the areas inhabited by traditional tribes. At most places, outsiders are not allowed to buy land and the apprehension that outsiders will be allowed to buy land is completely unfounded.

The proposed Citizenship Bill does not dilute or change any provision under various laws related to transfer of land. Further, since land is a state subject, it will continue to come under

the purview of the state government concerned.

Concern over possible demographic changes

There are no provision of CAB which might influence factors which lead to change in the region's demography. If at all, it will reduce migration into the region. At present, there is no mechanism to check changes in demography due to illegal immigration primarily for two reasons. Firstly, illegal immigration continues for a very long time without any effective steps being taken to control and secondly, after entering into India, immigrants succeed in obtaining various identity documents through unfair means.

Violation of Centre's agreements signed at different points of time

The Centre has signed agreements with various groups including pacts signed in Mizoram, Tripura, Assam and other places.

There is no visible conflict between any provision of these agreements and any provision of the CAB. Further, until the government decides the cutoff date for accepting religious minorities from neighbouring countries, it is premature to assume that it will be in contravention to the provisions of existing agreements. In fact, most of the provisions of these accords have already been implemented including establishment of new states such as Nagaland and formation of Autonomous District Councils. There is no direct or indirect impact of provisions of CAB on these agreements and the apprehension on these lines is fueled by political interests.

(The writer is CEO of Indraprastha Vishwa Samvad Kendra. The views expressed are personal.)

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