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CAA stays, larger bench may hear it

Supreme Court refuses to give interim order, allows the Centre four weeks to respond

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THE Supreme Court on Wednesday refused to stay Citizenship Amendment Act saying it can't do so without hearing the government's position.

A three-judge bench headed by Chief Justice S A Bobde gave the Centre four weeks to respond to petitions challenging the law, indicating the matter may be referred to a Constitution Bench.

The bench also restrained all high courts from hearing petitions on CAA as the SC is seized of the matter.

Senior advocate Vikas Singh told the bench it would change the demography of Assam and that it violates the Assam Accord of 1985, which says foreigners who entered the state after the cut-off date of March 24, 1971, irrespective of their religion, would be deported. The cut-off date in the CAA is December 31, 2014.

The CJI said petitions linked to Assam and Tripura will be taken up separately as the problem with the CAA in these two states is different from rest of the country.

Attorney General K K Venugopal

told the judges the government had been given copies of 60 petitions and requested time to respond to the rest.

Pressing for a stay, senior advocates Kapil Sibal and A M Singhvi said the UP government has already started the process even though the rules for CAA are yet to be framed.

"People are being marked as 'doubtful citizens' in UP, which is creating panic among the masses that they will be disenfranchised and taken out of the electoral rolls", Singhvi said, adding that the process needs to be postponed. "If this hasn't happened in the past 70 years, let it not take place for two more months. How does it change anything?"

Senior advocate K V Viswanathan said if anyone is marked as a doubtful citizen during the NPR process, it will lead to problems not just for Muslims, but for Hindus as well. He said postponing implementation process is not the same as stay.

However, Venugopal opposed it saying it would in effect be a stay on the operation of the law.

On this, the CJI responded, "We aren't going to pass any such order today."



'Assam issue different'

SC said Assam's problem is different as the earlier cut-off date for citizenship was March 24, 1971, which has been extended to Dec 31, 2014 under CAA | PTI