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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

AMENDMENTS TO THE CITIZENSHIP ACT, 1955: ASSESSING THEIR IMPACT AND THE NEED FOR REFORMING INDIA'S CITIZENSHIP MODEL

AUTHORED BY - SHRINIDHI RAMESHKUMAR

CHAPTER 1:

INTRODUCTION:

In India, citizenship holds significant importance as it determines the rights and duties one enjoys under the Indian law. It provides the people with legal and political identity. The framers of Indian constitution had laid down a basic framework for determining who can be an Indian citizen in Part II of the constitution, comprising of Articles 5-11. Though these provisions had provided the foundational principles, the Citizenship Act of 1955, gives legal effect to them. The Citizenship Act, 1955 laid down a detailed statutory framework for the ways of acquiring and losing citizenship. Over the years, this act has been amended in order to address the problems of illegal migration and global mobilization. Certain amendments have significantly reshaped the outline of Indian citizenship, especially the Citizen (Amendment) Act, 2019, which sparked controversy due to its discriminatory nature towards a minority group. While federal states like USA and Switzerland follow the principle of dual citizenship, India has strictly adhered to follow single citizenship, in order to emphasize national integrity. But the problems associated with CAA (2019), National Register of Citizens (NRC) and Overseas Citizens of India (OCI) have raised questions regarding secularism and fundamental rights. This project aims to study the concept of citizenship under Indian constitution, its evolution and assess whether the current citizenship model needs to be reformed in light of global mobility.

1.1. STATEMENT OF PROBLEM:

- The Citizenship Act, 1955 had undergone various amendments over the decades which significantly altered India's single citizenship model. At present, the framework is more restrictive and selective in nature and it also violates the secular character of the country.
- India also continues to prohibit dual citizenship, despite having the world's largest

diaspora, which limits the rights and potential of global Indian citizens.

1.2. **OBJECTIVES:**

- To examine the amendments made to the Citizenship Act, 1955
- To compare India's single citizenship model with countries having dual/multiple citizenship models
- To identify the gaps and inconsistencies in the current citizenship model of India
- To assess the possible benefits of dual citizenship for the Indian diaspora
- To identify the practical challenges in implementing dual citizenship framework in India

1.3. **LEGAL ISSUES:**

- Does India's citizenship laws violate the foundational principle of secularism?
- Does the framework suffer from practical inconsistencies that need to be reformed?
- Does India's single and restrictive citizenship model need to be revised in light of global practices and challenges?

1.4. **REVIEW OF LITERATURE:**

1. Aastha Agnihotri, *Indian Diaspora and Citizenship Law in India*, Indian Journal of Law and Legal Research, Vol.2, No.2 (Aug-Sep 2021)

This article examines India's approach towards engaging with diaspora through the lens of citizenship law. It talks about the introduction of quasi-citizenship schemes such as the Persons of Indian Origin (PIO) Card Scheme (1999) Overseas Citizen of India (2005) and their subsequent merger in 2015. Though these initiatives have expanded certain rights and cultural linkages, they do not confer full citizenship or allow political participation to the Indian diaspora. The article emphasizes that these policies reflect India's act of balancing between protecting sovereignty and maximizing diaspora contributions in remittances, investments and technology. The author argues that these changes in the citizenship model is necessary to strengthen diaspora's role in India's development.

2. Niraja Gopal Jayal, *Citizenship*, in *The Oxford Handbook of the Indian Constitution* 166 (Sujit Choudhry, Madhav Khosla & Pratap Bhanu Mehta eds., 1st ed., 2016).

This chapter explores the constitutional and political trajectory of Indian citizenship. The author emphasized that Part II of the Constitution was introduced only as a temporary arrangement for deciding who would be citizens at the time of commencement of the Constitution. This chapter examined the evolution of the Citizenship Act, 1955 through its amendments. The author critiques how the subsequent changes made to the law reflected concerns about migration, identity and national security. The author had explained the concept of citizenship and its evolution through various case laws.

3. Aditi Pandey, *Citizenship: A Critical Study on Why Indians Are Renouncing It*, Indian Journal of Law and Legal Research, Vol.4, No.6 (2022-2023)

This article analyses India's single citizenship model, its evolution and the reason why Indians are giving up the citizenship. It examines the constitutional provisions dealing with citizenship from Article 5-11 and the various amendments made to the Citizenship Act, 1955. The article identifies the major reasons for renunciation of Indian citizenship and suggests that policy reforms may help in reducing the rate of renunciations in India.

4. Akash Singh, *Dual Citizenship: An Indian Perspective*, International Journal of Law Management and Humanities, Vol.5, No.5 (2022)

This article examines the legal, political and socio-economic implications of dual citizenship model in India. It had provided a global perspective on dual citizenship and had explained the legal framework regarding dual citizenship in India. The author has explored the possible ramifications that may arise if dual citizenship is introduced in India and the benefits of OCI Scheme. The author concluded by stating that dual citizenship would not be feasible for India due to various reasons such as over population and security concerns.

CHAPTER 2:

EVOLUTION OF CITIZENSHIP LAW IN INDIA:

Citizenship is an important feature of a sovereign state. It is one of the basic human rights recognized by the Universal Declaration of Human Rights. The citizenship of any country confers upon an individual with certain rights. In order to enjoy these rights bestowed upon

him/her, the individual is expected to perform certain duties and obligations. The Constitution of India had established the framework for citizenship and it provides for a single and uniform citizenship to the whole of India. Part II of the Indian constitution, comprising of Articles 5-11, lists out those people who would be deemed to be the citizens of India at the commencement of this constitution i.e., 26th January, 1950, and by means of Article 11, it had made the Parliament, the competent authority to regulate the law of citizenship in India. In exercise of its power, the Parliament of India had enacted the Citizenship Act, 1955.

The Citizenship Act, 1955 deals with the acquisition and termination of Indian citizenship. It has been amended six times since then, with the most recent one in 2019. After the partition, immigration to India increased steadily and in 1971, migration from Bangladesh witnessed its peak due to the outbreak of war between India and Bangladesh. A considerable number of refugees and migrants from Bangladesh in the state of Assam were granted with the right to vote between 1979 and 1985, which led to a widespread protest by the All-Assam Students' Union against the foreigners. More than 2000 people were killed in a horrible massacre in Nellie in February 1983 amidst the elections that reportedly included a large number of illegal voters.¹

A political agreement was created between the Central Government and the representatives of All Assam Student's Union and the All Assam Gana Sangram Parishad known as the Assam Accord of 1985. This agreement was created with an intent to address the issue of illegal migration into Assam from Bangladesh and to protect the cultural, economic and political rights of the Assamese people. As per this agreement, all the individuals who migrated prior to 1966 would be treated as Indian citizens, and those who migrated between 1966 and 1971 could remain in the country by completing the specified process of registration as foreigners in the land, and those who migrated after 1971 would be considered as illegal migrants. Around 10 million illegal migrants were identified in Assam as a result of this accord.

Majority of them had acquired documentary citizenship, such as the ration cards and election cards which enabled them to vote in the subsequent elections. In order to address the illegal migration and maintain political stability, the Citizenship Amendment Act, 1986 was

¹ SUJIT CHOUDHRY, MADHAV KHOSLA ET AL., EDS., *THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION* 212 (OXFORD UNIV. PRESS 2016).

introduced which stated that a person will be considered as a citizen of India after the commencement of this act provided that at least one parent must be an Indian citizen at the time of birth. This amendment was a turning point as it marked India's shift from liberal form of citizenship to a restrictive framework, intended to face the problems of illegal migrations from neighboring countries, especially from Bangladesh. Prior to 1986, the citizenship was based on the principle of jus soli i.e., right of the soil. Anyone who was born in India was considered to be an Indian citizen. But later, this principle was shifted to jus sanguine which means citizenship by descent/blood. The amendment was made to remove the name of those individuals who entered India after 1966 from the electoral list. The individuals who were identified as foreigners were made to wait for a period of ten years in order to regain their citizenship and the electoral right.

The Citizenship Amendment Act, 1992 liberalized citizenship by descent. Prior to this amendment, a child born outside India after the commencement of the constitution would be considered as a citizen of India by descent if and only if the father was an Indian citizen at the time of birth. This was considered to be a discriminatory clause and hence the amendment was made in 1992 which allowed citizenship by descent to a child born outside India, if either of the parents was an Indian citizen at the time of birth. This rule was followed prospectively from the date of commencement of this amendment act i.e., 10th December 1992. This was the major change introduced in the Citizenship Act, 1955 and it eliminated the gender discrimination in the statute.

India has the largest population in the world and a large number of Indians are scattered around the globe. According to the 'International Migration 2020 Highlights' report released by United Nations, India has the largest diaspora community in the world with 18 million people residing outside India.² The Persons of Indian Origin (PIO) Scheme was introduced in 1999 to strengthen the ties with the Indian diaspora. This was not a part of the Citizenship Act, but still this scheme had a major impact on the citizenship law. It was launched by an executive notification issued by the Ministry of External Affairs. The Indian diaspora across the globe had demanded recognition and connection with the homeland. The people of Indian origin were forced to renounce their Indian citizenship in order to avail the benefits of their destination

² Akash Singh & Avantika Singh, *Dual Citizenship: An Indian Perspective*, 5 INT'L J.L. MGMT. & HUMAN. 535 (2022).

country as India does not provide dual citizenship. But the Indian diaspora wanted to maintain their cultural ties with their home country and also wanted to travel frequently to their home without any visa restrictions. Hence, they continuously demanded the Indian government to provide them with dual citizenship. To meet this demand, the Indian government introduced the PIO Card Scheme in 1999 as a temporary solution. It was not a form of citizenship which can be equated to that of dual citizenship, rather it was a privileged visa issued to the people of Indian origin, holding the citizenship of another country.

The validity of this card was up to 15 years and it was limited only to the foreign citizens of specified countries except Pakistan, Afghanistan, Nepal, Bhutan, Iran, China, Sri Lanka and Bangladesh.³ They were granted with multiple-entry visa to visit India up to 15 years and they were also exempted from registering at FRRO for staying up to 180 days. They were allowed to avail economic, financial and educational benefits in parity with NRIs. They were not expected to submit visa for study purposes.⁴ But the only restriction is that they were excluded from enjoying employment rights in the government and were also barred from holding any constitutional offices. The introduction of PIO scheme reflected India's recognition of the diaspora's contribution to India's growth, especially through remittances, investment and technology. Later, this scheme was updated in 2002 and it expanded the eligibility, simplified visa procedures and provided broader economic rights to include more of the diaspora. It was laid the foundation for the OCI Scheme which was introduced in the Citizenship Act through the 2003 amendment.

The Citizenship Amendment Act, 2003 brought in significant changes in the Indian citizenship law. The term "illegal immigrant" was introduced for the first time in the Citizenship Act, 1955 through this amendment. The principle of jus soli was restricted as citizenship by birth was given to a person only when both the parents were citizens of India at the time of birth or one of the parents was an Indian citizen and the other was not an illegal migrant at the time of birth. The amendment directed the government to establish the National Register of Indian Citizens (NRC) to deport the illegal migrants from the Indian territory. The concept of Overseas Citizen of India (OCI) was introduced for the first time in the citizenship law through this amendment. OCI refers to an Indian origin holding the citizenship of the specified

³ Ministry of External Affairs, Govt. of India, *PIO/OCI Card* 1, https://www.mea.gov.in/Portal/CountryQuickLink/703_PIO-OCI.pdf (last visited Sep. 2, 2025).

⁴ *id.*

countries mentioned in the Fourth Schedule of the Citizenship Act, 1955.

The concept of OCI came into existence as a result of the repeated requests put forward by the NRIs across the globe. The High-Level Committee on the Indian Diaspora headed by L.M. Singhvi also recommended the Indian government to introduce dual citizenship within the framework of the Citizenship Act, 1955 because many PIOs needed a stronger emotional and legal connection with India and the committee also noted this mechanism as a way to utilize their resources and knowledge for India's development. Therefore, the concept of OCI came into existence to confer certain rights to those foreign citizens of Indian origin. The status of OCI is often misunderstood to that of holding a dual citizenship but it is wrong. The OCI scheme only provides certain privileges, but not absolute citizenship.

By virtue of this amendment, Section 7B (2) of the Citizenship Act, 1955 barred the OCI from enjoying certain rights such as Article 16, 58, 66, 124, 217 under the Indian constitution. These people were also deprived of their political rights. Another important change made to the Citizenship Act was the omission of Section 11 and 12. Section 11 dealt with commonwealth citizenship conferred upon the citizens of a commonwealth country specified in the First Schedule of the principal act whereas Section 12 dealt with the power of the central government to confer certain rights of an Indian citizen upon the citizens of Commonwealth country based on the principle of reciprocity. After this amendment, the citizens of commonwealth countries no longer enjoyed any sort of special legal status in India. They are treated like nationals of any other foreign country and this move reinforced India's single citizenship model, thereby aligning the Indian citizenship law against the dual system. The struck down of Section 11 and 12 prevented the foreign nationals from enjoying privileges that could arise concerns regarding national security and it also created scope for unequal treatment. The removal of these principles reinforced the single model of uniform Indian citizenship.

The Citizenship Amendment Act, 2005 repealed the Fourth Schedule which contained the list of 16 countries. Prior to this amendment, the status of OCI was given only to the Indian origins belonging to these specified countries. But after the amendment, the status of OCI was made available to citizens of all the countries except Pakistan and Bangladesh. The Citizenship Amendment Act, 2015 merged both PIO and OCI into a single category called OCI Cardholder. It gave multiple benefits to the OCIs thereby encouraged cultural and economic ties. It also strengthened India's outreach to its diaspora across the globe. The 2019 amendment had

become the most controversial and widely discussed amendment. This amendment applies to the non-Muslim migrants such as Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from neighboring countries like Pakistan, Afghanistan and Bangladesh who entered India on or before 31st December 2014. These unauthorized aliens were removed from the list of illegal immigrants and granted them the right to acquire citizenship. This amendment had brought down the aggregate period of residence to 'not less than five years' from 'not less than eleven years.' It had excluded Muslim sects like Ahmadiyas from Pakistan and Shias from Afghanistan and other religiously persecuted groups outside these countries from acquiring Indian citizenship.⁵ This was contended to be against the secular nature of the country but still it was put into force by the government amidst of widespread agitations.

A SPECIAL REFERENCE TO THE CITIZENSHIP AMENDMENT ACT, 2015:

As stated earlier, the Citizenship Amendment Act, 2015 merged the two schemes namely PIO and OCI into one- OCI Cardholder. The OCI status is often seen as dual nationality. In fact, our former PM Mr. Atal Bihari Vajpayee, in his inaugural speech at the 3rd Pravasi Bharatiya Divas conducted on 9th January 2003 had spoken about the concept of dual nationality to the Indian diaspora across the world. He had stated that the Indian government has decided to permit dual citizenship for the PIOs living across the globe as long as the country they reside in permits dual citizenship. This decision was made due to the recommendation put forth by the High-Level Committee on the Indian Diaspora (2000) chaired by Dr. L.M. Singhvi to permit dual citizenship within the rubric of Citizenship Act, 1955. A year later this speech, the Citizenship Amendment Act, 2003 came into being and introduced the concept of OCI which provided certain privileges to them. Since then, the OCI status is seen as a quasi- citizenship given to foreign nationals of Indian origin. The Indian Constitution, which is the ultimate law in the country, continues to prohibit dual citizenship. Furthermore, the OCI in itself does not qualify as a citizenship, it is only a registration certificate with a lifetime Universal visa. It is often misrepresented as a dual citizenship though it is only a special visa.⁶

The OCIs are entitled to enjoy limited rights under the Indian constitution. Section 7B of the Citizenship Act, 1955 deals with the conferment of certain rights on the OCI cardholder. As

⁵ M. Mohsin Alam Bhat, *Constitutional Citizenship in India: Contours and Contradictions*, Queen Mary L. Res. Paper No. 13/2025, at 13, <https://ssrn.com/abstract=4813677> (2025).

⁶ Aastha Agnihotri, *Indian Diaspora and Citizenship Law in India*, 2 INDIAN J.L. & LEGAL RSCH. 9 (Aug.– Sept. 2021).

per this provision, the OCI cardholders are exempted from enjoying certain rights that a citizen of India enjoys by virtue of constitution. Those rights not enjoyed by an OCI under the constitution includes right to equality of opportunity in matters of public employment (Art.16), eligibility for President (Art.58), Vice-President (Art.66), and appointment as a Judge of the Supreme Court and High Court (Art.124 & 217). Under the Representation of the People Act, 1950, an OCI does not have the right to be registered as a voter (S.16), be a member of the Lok Sabha or the Rajya Sabha (S. 3&4) or be a member of the Legislative Assembly or the Legislative Council of a State (S. 5, 5A & 6). An OCI does not have the right to get appointment to public services or any other posts in connection with the Union nor any States. As per the language of this section, an OCI is entitled to such rights that are not mentioned in S.7B (2). So, it means that an OCI can enjoy the fundamental rights, except Article 16, that are guaranteed by the constitution under Part III. But the language of the constitutional provisions does not say so. Article 15,16, 18,19(1),29(1) and 30 confers certain rights upon the citizens of India whereas rights under Article 14,20-28 are generally extended to 'persons' which may include both citizens and non-citizens.

Whether the omission of certain rights in S.7B(2) means that they are granted to non- citizens i.e., OCIs is the legal question that need to be answered. As per S.7B(1) of the Citizenship Act, 1955, an Overseas Citizen of India Cardholder shall be entitled to the rights, other than the rights specified under S.7B(2), as the Central Government may notify in the Official Gazette. Therefore, exclusion of Article 14 or 15 in S.7B(2) does not automatically confer an OCI Cardholder with the Right to Equality. An OCI Cardholder will be conferred upon with the fundamental rights only if the Ministry of External Affairs circulars a notification regarding the same. Till now, there is no such notification that grants the fundamental rights to the OCI Cardholder. The only notification that the Ministry had released with regard to the rights of OCI Cardholders is the Gazette Notification (S.O.1050 (E), dated March 4, 2021) and it granted them with multiple entry lifelong visa for visiting India, exemption from registration with the FRRO or FRO for any length of stay in India, parity with Indian citizens with regard to tariffs in air fares and entry fees to certain public spaces, parity with the Non-Resident Indians with regard to inter-country adoption, appearance in all-India level entrance exams such as NEET or JEE, purchasing or selling rights and most importantly the right to follow certain provisions namely doctors, dentists, nurses and pharmacists, advocates, architects and CA in accordance with the provisions laid down in the relevant statutes.

Even if the Ministry issues a notification, granting any fundamental rights say, Article 15, such a legislative expansion could be challenged as ultra vires the Constitution i.e., beyond the Parliament's power because conferring the rights under Article 15 upon the OCI Cardholder would contradict the constitutional text as the framers have intentionally limited Article 15 to the Indian Citizens. Hence, extending such citizen-only rights to OCI Cardholders will alter the basic structure of the Indian Constitution because the identity of single citizenship and the federal character of the country are closely linked to this doctrine. Moreover, a statute or a notification issued by the Executive cannot override the constitutional text which is the Supreme authority of law in the country.

There are certain landmark judgements that dealt with the rights of foreign nationals. In *Mr. Louis De Raedt & Ors v. Union of India and Ors*⁷, the Supreme Court had held that a foreigner's enjoyment of fundamental rights is only confined to Article 21 and it does not include the right to reside and settle in the country, as provided in Article 19(1)(d) and(e). In another landmark case titled *State Of Arunachal Pradesh vs Khudiram Chakma*⁸, it was held that Article 14 cannot be invoked to obtain those fundamental rights that are not conferred upon the foreigners. In the case of *National Human Rights Commission v. State of Arunachal Pradesh*⁹, the Supreme Court had firmly stated that the foreigners are not entitled to the protection of any of the fundamental rights except Article 21. This decision would also apply to the OCI Cardholders since they are also foreign nationals of another country and if the Central Government issues such notification which confers some fundamental rights upon them, it will be subjected to judicial review as it ultra vires the constitution.

CHAPTER 3:

COMPARATIVE ANALYSIS OF CITIZENSHIP MODELS- INDIA & USA:

India, which has the biggest diaspora in the world, has modified its citizenship law in an attempt to get benefited from the diaspora, but it has remained opposed to dual citizenship. There are various countries in the world that permit dual citizenship such as the USA, the UK, Canada, France, Germany, Italy, etc.... With respect to the countries having single citizenship model, the diasporas have been challenging the existing laws on citizenship and migration. The emigrants have been continuously demanding dual citizenship model due to various reasons.

⁷ Mr. Louis De Raedt v. Union of India, A.I.R. 1991 S.C. 1886 (India).

⁸ State of Arunachal Pradesh v. Khudiram Chakma, A.I.R. 1994 S.C. 1461 (India).

⁹ National Human Rights Comm'n v. State of Arunachal Pradesh, A.I.R. 1996 S.C. 1234 (India).

The emigrants are deprived of their property rights in their homeland and they have visa restrictions which disable them to move freely in the country. In order to strengthen the connections with the diasporas and to foster the diaspora identity to get benefited from their resources, a large number of states have started accepting dual citizenship.¹⁰ More than 100 countries around the globe in the past 20 years have introduced the concept of dual citizenship. For example, Turkey recognized dual citizenship in 1981 whereas Philippines in 2003. This embrace of dual citizenship marks the departure from the traditional view of citizenship, which is closely linked to the land. In this chapter, the citizenship models of India and US will be compared to get a clear understanding about the benefits of dual model of citizenship.

Under the US Constitution, the 14th Amendment passed by the Congress in June 1866 deals with the citizenship, whereas under the Indian Constitution, Article 5-11 deals with citizenship. As per Section 1 of the Amendment XIV of the US Constitution, individuals who are born or naturalized in the United States becomes the citizens of the United States and of the states wherein they reside. The US Constitution does not explicitly address dual citizenship but still it does allow its citizen to enjoy dual citizenship. The US citizens are not required to renounce their citizenship to become a citizen of a foreign country and vice-versa if the foreign country also permits dual citizenship. Whereas India recognizes only one form of citizenship i.e., single citizenship as Article 9 of the Indian constitution explicitly states that if an Indian citizen has voluntarily acquired the citizenship of a foreign nation, then he/she will cease to be an Indian. But there are certain arguments that OCI card provides a quasi- citizenship, the OCIs are not provided with absolute rights and they are also deprived of political rights, which form an important part in a democracy. The OCI cardholders are guaranteed with lifelong visa, property rights and economic parity but they are deprived of all forms of political rights whereas the Overseas U.S. citizens retain all forms of constitutional rights, including the right to vote and right to hold public office. The US Constitution follows a liberal *jus soli* whereas under the Indian citizenship law, the principle of *jus soli* is restricted. The U.S. Government had permitted its citizens to hold dual citizenship in order to globally integrate whereas the Indian government had restrained from permitting dual citizenship in order to promote national unity and upheld national integrity.

¹⁰ *id* at 3

CHAPTER 4:

RETHINKING INDIA'S CITIZENSHIP MODEL:

Since the commencement of the constitution, India has been following the single citizenship model. There is no such concept called dual citizenship in Indian citizenship law though the Indian diaspora has been constantly asking for it. In today's world, most of the European and American countries have opted to dual system because large number of people are migrating to other countries in pursuance of education and employment. With the advancement of science and technology, a new era of globalization has risen leading to tremendous global migration. And the countries have accepted the dual model in order to facilitate integration and promote harmony. The term "diaspora" refers to those who have migrated to a new country and it also includes their descendants who maintain a strong connection with their homeland. The diaspora community is considered to be a great asset by their origin country. And it has become an utmost importance to the states worldwide to have an active and strong interaction with their diaspora. They have engaged themselves in indulging the diaspora in political, cultural and economic aspects.¹¹

Despite having the largest diaspora in the world, The Indian government was firm in its stand of not permitting dual citizenship. It is estimated that the population of NRIs and PIOs is 13 million and 18 million respectively which sums the diaspora population to 31 million.¹² These people have challenged the existing Indian law on citizenship as the constitution provides only the single citizenship model. They are demanding the dual model so that they could enjoy the citizenship of their home country. There were significant segments of Indians in North America and Europe who expressed a strong desire and demand for dual citizenship.

To the Indian diaspora, dual citizenship is seen as a confirmation of their Indian identity and nationality. But the Indian government's attitude towards the diaspora was indifferent and initially there was no policy to engage with the diaspora around the world.

It was the 1991 economic crisis that turned the government's attention towards the Indian diaspora and witnessed the enforcement of reforms in order to actively engage with them. The importance of remittances to the Indian economy made the government to take necessary

¹¹ *supra note 6* at 2

¹² *supra note 6* at 4

measures to connect the diaspora to the homeland. The Indian government introduced the PIO Scheme in 1999 as a first step towards engaging with the diaspora. Later, in 2000, a High-Level Committee on the Indian Diaspora was established under the leadership of Dr. L.M. Singhvi in order to make some recommendations for strengthening the ties between India and the Indian Diaspora. In its report, the committee suggested to provide dual citizenship to PIO belonging to certain specified countries.¹³ The committee was of the view that granting dual citizenship will create a great deal of goodwill among PIOs and it would make it easier for them to invest, trade, travel, volunteer and make charitable donations to India. The Citizenship Amendment Act, 2003 came as a result of this recommendation and introduced the concept of OCI who were conferred with certain privileges as that of an NRI. But the OCI status should not be misconstrued as dual citizenship as the OCIs are barred from enjoying the fundamental rights that an Indian citizen enjoys.

The Committee suggested that the dual citizenship should be allowed within the scope of Citizenship Act, 1955 and for this, Section 9, 10 and 12 should be amended suitably. The Committee suggested in its report that only citizens of the specified countries in the Schedule (which will be created for this purpose) would be eligible for dual citizenship and the citizens of other countries (such as Pakistan, Bangladesh and Sri Lanka where concerns would be raised regarding citizenship) would not be eligible for applying dual citizenship. A clause similar to Section 12 of the British Nationality Act, 1981 could be added to the Citizenship Act, 1955 under the heading “Renunciation and Resumption.”¹⁴ The committee was also of the view that political rights such as right to vote and right to contest in elections need not to be given to those individuals who acquire dual citizenship. They may also not be included in any civil services or the defence or any other parliamentary forces until and unless the Central government allows them by means of a special order.¹⁵

One might state that the economic contribution of the diaspora has resulted in the reshaping of the citizenship laws. But this modification because many Indians were renouncing their citizenship for various reasons including the need for a strong passport, greater possibility in investments and better opportunities for higher educations and employment. The individuals

¹³ *supra note 2* at 542.

¹⁴ High Level Committee on the Indian Diaspora, Report of the High-Level Committee on the Indian Diaspora 566 (Gov't of India, Ministry of External Affairs 2001), <https://mea.gov.in/images/pdf/part5.pdf> (last visited Sep. 2, 2025).

¹⁵ *id* at XXXVII

will enjoy more benefits of the destination country if they become the citizen of such country. Therefore, to meet their own demands, Indians are renouncing their citizenship and acquire citizenship of another country, especially those that permit dual citizenship. The dual citizenship also serves as a security during the time of economic or social instability.¹⁶ By increasing the benefits given to OCI Cardholders, the government expects that there might be an increase in the number of such cardholders and they are likely to have an incentive to be associated with their home country.

In light of these restrictions, it can be stated that the use of the terminology “dual citizenship” in the place of OCI is just a misnomer. It was just a bait used to attract the inflow of remittances. But it has to be taken in consideration that incorporating dual system into the Indian citizenship law is not practically possible as there is plethora of challenges.¹⁷ The first and foremost problem is the threat to national security as the concept of dual citizenship puts an individual’s national loyalty at risk. Allowing dual citizenship may lead to a political turmoil especially during the times of anarchy. If dual citizenship is allowed in a country with such huge population, it will create a lot of chaos as people would possess dual legal rights and there are chances that these rights would be conflicting with each other. From an economic point of view, it will burden the people with double taxation. Another important problem is employment crisis that may arise when foreign nationals are allowed to enjoy the citizenship of India.

By considering all these problems, the Indian government have refrained itself from implementing a proper system of dual citizenship. Upholding and protecting the sovereignty, unity and integrity of the country is of utmost importance and it is what the constitution also says so. Introduction of dual citizenship would affect this and it contradicts with the doctrine of basic structure of the Indian constitution. Hence, remodelling India’s citizenship model is not a feasible idea as it creates a great deal of problem, both in implementation and regulation.

CHAPTER 5:

CONCLUSION:

The evolution of India’s citizenship law reflects the country’s attempt to balance the law with the changing social and political realities. The amendments have addressed the problems of

¹⁶ Aditi Pandey, *Citizenship: A Critical Study on Why Indians Are Renouncing It*, 4 INDIAN J.L. & LEGAL RSCH. 12 (2022-2023).

¹⁷ *supra note 2* at 544

illegal migration, political stability, national security and diaspora engagement. But the secular characteristic of the country has been put into danger by the recent amendment. The restrictive provisions with regard to naturalisation and the conferment of certain rights to the OCIs denotes a potential gap and it has to be rectified. Though India's single citizenship model appears inadequate in the globalised era, introducing the dual model at this point of time might create a lot of domestic challenges. Therefore, the citizenship law in India must be shaped to meet the global demands and it must comply with the constitutional principles as well.

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