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# **DUAL CITIZENSHIP: DOES INDIA ALLOW IT?**

AUTHORED BY - NEHA KUMARI

## **Abstract**

Dual citizenship<sup>1</sup> refers to the condition whereby an individual has the citizenship of two countries simultaneously and has rights and responsibilities on both sides. The majority of countries globally, including the United States, Canada, and Australia, embrace and permit dual citizenship to meet the demands of an increasingly globalized world. India is different from these countries. The Indian Constitution specifically prohibits dual citizenship. According to Article 9, an individual who voluntarily acquires the citizenship of another nation is disqualified from being an Indian citizen. This is also governed by the Citizenship Act, 1955, which specifies under what conditions Indian citizenship can be acquired, renounced, or terminated. To address the needs of the massive Indian diaspora, especially those individuals who desire to remain affiliated with their country of origin, India introduced the Overseas Citizen of India (OCI)<sup>2</sup> scheme in 2005. Though at times informally referred to as "dual citizenship," OCI status is not actual citizenship.

OCI card holders have certain advantages — such as visa-free entry into India forever and certain economic and educational benefits — but no political benefits such as the right to vote or hold constitutional office. Legal differentiation provides scope for India's constitutional opposition to dual citizenship without being unengaged with Indian-origin citizens abroad. Consequently, while India does not grant dual citizenship in its pure form, it has created a juridical mechanism under the OCI regime to grant privileges to its diaspora short of granting dual nationality by way of an express statement. This policy has been marked by a fine balance between constitutional abstractions and pragmatic imperatives of globalization.

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<sup>1</sup> Dual citizenship: Dual citizenship, also known as dual nationality, is a legal status in which an individual is simultaneously recognized as a citizen of two different countries. This means that a person holds two valid nationalities at the same time, with the rights, obligations, and privileges associated with each citizenship.

<sup>2</sup> oci(overseas citizen of india):It is a special immigration status granted by the Indian government to people of Indian origin who have acquired citizenship in a foreign country.

## Introduction

In a more globalized world, the phenomenon of dual citizenship has grown from a unique occurrence to a fairly standard status accepted by most countries. Dual citizenship, or dual nationality, is a legal status in which a person is simultaneously a citizen of two sovereign nations. Having dual citizenship enables one to have the benefits, privileges, and responsibilities of both nations, such as the ability to vote, work, live, and have access to social security and healthcare networks. Most nations these days, like America, Canada, the United Kingdom, and Australia, support dual citizenship policies to suit the global movement of people and to strengthen links with their diaspora populations.<sup>3</sup>

But dual citizenship also raises issues of loyalty, legal duty, taxation, and national security. Not all countries are therefore equally welcoming to the concept. Those countries with a tradition of single national identity, administrative convenience, or security concerns have tended to take restrictive approaches to the issue. India, for instance, has a constitutionally<sup>4</sup> entrenched policy against dual citizenship, although it has evolved other methods such as the Overseas Citizenship of India (OCI) scheme to continue to engage with its diaspora worldwide.

## Why India Does Not Allow Dual Citizenship

In a time where globalization has seen most countries accept dual or multiple citizenships, India stands solidly opposed to it. Under Indian law, citizens who obtain the nationality of another state by choice must surrender their Indian nationality. Though India does not accept dual citizenship, it has introduced an alternative kind of connection for its diaspora in the Overseas Citizenship of India (OCI) scheme.

The reasons India is holding this line are entrenched in its history, constitutional thought, national security interests, administrative needs, and political social realities. Let us dive deeper into why India has taken this line.

### 1. Historical Legacy of Partition and National Unity

One of the strongest determinants of India's stringent citizenship policy is its history of Partition

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<sup>3</sup> diaspora populations: A diaspora population refers to a group of people who have moved or been scattered from their original homeland to different parts of the world, but who still maintain a connection to their country of origin — culturally, emotionally, or socially.

<sup>4</sup> The citizenship act 1995

in 1947.<sup>5</sup> The partition of India and Pakistan resulted in large-scale communal violence, migration, and issues surrounding national identity and loyalty. In these chaotic times:

- Deciding who was a citizen became extremely sensitive.
- Questions of loyalty and belongingness were most important
- The demand for an exclusive national identity became vital in order to make the country one.

Considering India's pluralistic religious, ethnic, and linguistic composition, offering dual citizenship was perceived to be a possible hazard that would result in divided allegiance, thus undermining the new country's slender unity.

## 2. Security Issues

India's geopolitical position has always been precarious:

- It is bordered by aggressive neighbors such as Pakistan and China.
- It has experienced terrorism, insurgencies, and border wars.
- There are domestic threats posed by separatist insurgencies in areas such as Kashmir, the Northeast, and parts of Central India.
- Granting dual citizenship in such a situation could create grave security threats:
- An individual with citizenship from another nation may be under foreign influence or against Indian interests.
- Inquiring into loyalty or intentions becomes extremely difficult with divided loyalties.
- Sensitive government, military, or security force postings could be compromised.

Therefore, for security purposes, sole Indian citizenship is regarded as a protection from split political and emotional allegiances.

## 3. Administrative Ease and Legal Clarity

- It is administratively easier to manage citizens under one system of nationality:
  - There is only one set of legal rights, tax liabilities, and political entitlements to keep track of.
- It prevents ambiguity regarding which state is to give diplomatic protection and assistance overseas.
- Election processes, rights over property, and national programs may be better controlled.

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<sup>5</sup> The partition act 1893:arrangement of section



Granting dual citizenship would necessitate elaborate changes to:

- Voting right
- Public office eligibility
- Government benefits access
- Taxation frameworks

Such intricacy might introduce bureaucratic inefficacy, juridical conflict, and administrative loads that India's systems are not yet geared to deal with on a significant scale.

#### **4. Maintaining Political Integrity and Sovereignty**

Citizenship is not simply about living rights — it conveys political entitlements such as:

- Voting
- Contesting elections
- Occupation of public office

If the politically relevant segment with dual allegiance were to participate in determining India's political process, there would be:

- Maneuvering by foreign forces to shape political results.
- Risk to control of domestic political stability.
- Conflict of interest in decision-making.

Accordingly, by precluding political participation only for the segment having dual allegiance, India ensures its democratic integrity and sovereignty.

#### **5. Constitutional Philosophy**

Indian Constitution upholds a principle of equal citizenship on the foundation of exclusive allegiance.

As against federal nations like the USA that acknowledge layered citizenship (federal and state), India's formulation is grounded upon:

Single Citizenship: A citizen of India and not a separately individual citizen of any state.

- Exclusive Allegiance: There remains no room for allegiance to two different national states.

This fundamental philosophy would be undermined if dual citizenship were allowed, resulting in possible contradictions on loyalty, responsibility, and civic engagement.

#### **6. Cultural and Societal Diversity**

India is among the most diverse nations on the planet:

- 22 officially recognized languages.
- Several religions and ethnic groups.
- Different traditions and customs.
- Stronger national ties are needed to keep the country united.

Dual citizenship may:

Promote sectional or regional loyalties.

Enhance identity affinities with foreign countries at the expense of national ones.

Lead to complexities in dealing with secularism, communal peace, and national allegiance.

### **7. Overseas Citizenship of India (OCI) availability**

Though India bars dual citizenship, it recognizes the need to maintain close connections with its expatriate Indian population.

India, therefore, launched the Overseas Citizenship of India (OCI) programme in 2005.

- OCI offers:
- Multiple-entry, lifetime visas.
- Equality of treatment with NRIs in education, property (with the exception of agriculture), and economic prospects.

Waiver of FRRO registration for extended stays.

But OCI cardholders:

- Don't get to vote.
- Cannot contest elections.
- Cannot hold constitutional offices.
- Cannot purchase agricultural land.
- India's Legal Framework on Citizenship

The legal framework for Indian citizenship lies in the Constitution of India and is codified by the Citizenship Act of 1955.

Article 9 of the Constitution clearly states that an individual who voluntarily acquires the citizenship of another nation is no longer an Indian citizen. This constitutional principle is a manifestation of India's conservative attitude toward the idea of multiple national allegiances, based on apprehensions regarding national sovereignty, security, and administrative clarity.

The Citizenship Act, 1955, and later amendments consolidate the five main means of gaining Indian citizenship:

by birth, descent, registration, naturalization, and union of territory. The Act also identifies the grounds for renunciation or termination of citizenship. Interestingly enough, when an Indian citizen of his or her own volition gains another country's citizenship, he or she is obligated under law to give up the Indian passport and citizenship. Further retention of an Indian passport subsequent to acquisition of foreign nationality constitutes an offence under the Passport Act, 1967.

The rigorous stand taken by India in relation to dual nationality marks the priority placed by the state upon preservation of the singular character of its citizenship based on the socio-political contexts of colonial rule, partition, and a demand for homogeneity in national identity.

Of course! Here is a step-by-step explanation of "India's Legal Framework on Citizenship", which includes constitutional provisions, laws, amendments, and administrative procedures: Citizenship constitutes the basis of an individual's relationship with a nation-state, deciding rights, obligations, and belonging. Citizenship in India is a subject of exclusive domestic law and is regulated by constitutional provisions and statutory law. India's system is designed to ensure national unity, security, and administrative simplicity, considering the experience of colonialism, partition, and diversity in the country.

India does not provide dual citizenship. It rather sets forth definite methods of acquiring, renouncing, and losing citizenship to ensure that people are loyal only to India.

### **Constitutional Provisions**

The Constitution of India, enacted in 1950, sets out the basic guidelines concerning citizenship mainly in Articles 5 to 11 (Part II of the Constitution).

#### **- Article 5: Citizenship at the Commencement of the Constitution**

- Specifies that any individual who was a domiciled person in India and:
- Born in India, or
- Either of whose parents were born in India, or

- Who had been ordinarily resident in India for not less than five years immediately preceding the commencement of the Constitution (January 26, 1950), would be declared as a citizen of India.

**- Article 6: Rights of Citizenship of Persons Who Migrated from Pakistan**

- Provides citizenship rights to individuals who migrated to India from Pakistan before July 19, 1948, or after (subject to registration).

**- Article 7: Rights of Citizenship of Certain Migrants to Pakistan**

- Specifies that a person who migrated to Pakistan after March 1, 1947, would not be deemed a citizen unless they returned to India and fulfilled certain conditions.

**- Article 8: Rights of Citizenship of Indians Residing Abroad**

- Gives citizenship rights to Indians living abroad (e.g., in other regions of Asia, Africa, etc.) if they had enrolled as Indian citizens at a consulate.

**- Article 9: Single Citizenship**

- Clearly states that no individual shall be a citizen of India if they have acquired citizenship of any foreign state voluntarily.
- This Article is central to India's ban on dual citizenship.

**- Article 10: Continuance of Rights of Citizenship**

- States that all persons who are accepted as citizens shall continue to enjoy rights until citizenship is revoked under any law enacted by Parliament.

**Article 11: Parliamentary Power to Regulate Citizenship**

Authorizes Parliament to enact laws relating to acquisition, loss, and other matters of citizenship.

**The Citizenship Act, 1955**

Pursuant to Article 11, the Indian Parliament passed the Citizenship Act, 1955, which is the main enactment on citizenship issues. The Act prescribes five ways of acquiring citizenship:

*(a) By Birth*

Citizenship by birth, if a person was born in India:

Between January 26, 1950, and July 1, 1987, irrespective of parents' citizenship.

Between July 1, 1987, and December 3, 2004, if either parent is an Indian citizen.

From December 3, 2004, onwards, if both parents are Indian citizens, or one is an Indian citizen and the other is not an illegal migrant.

*(b) By Descent*

An individual born outside India may become an Indian citizen if:

Born between January 26, 1950, and December 10, 1992, to an Indian father.

Born on or after December 10, 1992, to an Indian father or mother, subject to registration.

After December 3, 2004, if the birth is registered at an Indian consulate within one year.

*(c) By Registration*

Certain categories of people, including persons of Indian origin residing in India and spouses of Indian citizens, can apply for citizenship by registration.

*(d) By Naturalization*

A foreigner can acquire Indian citizenship through naturalization if they:

Have resided in India for at least 11 years out of the 14 years preceding the application.

Have been residing in India continuously for the 12 months prior to making the application.

Meet other requirements like proficiency in an Indian language and good character.

*(e) By Incorporation of Territory*

If India gains new territory, the Government may decide who among the citizens of that territory will become citizens of India.

**Termination of Citizenship**

The Citizenship Act, 1955 also details the ways of losing Indian citizenship:

*(a) By Renunciation*

An Indian citizen can relinquish their citizenship voluntarily by giving a declaration to the government. In the event of acceptance of the declaration, the individual and his/her minor children lose their citizenship.

*(b) By Termination*

Indian citizenship automatically ceases if an individual voluntarily obtains the citizenship of a foreign nation (under Article 9 and the Citizenship Act). No declaration is required; mere acceptance of foreign citizenship terminates Indian citizenship by itself.

*(c) By Deprivation*

The Government of India can deprive an individual of citizenship in specific situations, including:

- Fraud on acquisition.



- Disloyalty to the Constitution.
- Rendering assistance to an enemy in time of war.
- Conviction of offenses affecting the citizenship of such person.
- Passport Act, 1967: Surrender of Indian Passport ● After obtaining foreign citizenship:
- Individual must surrender his Indian passport.
- Maintenance or use of an Indian passport after obtaining foreign nationality is an offense punishable under law.
- A Surrender Certificate has to be procured, particularly in the case of Overseas Citizenship of India (OCI) applications.
- This process ensures that citizenship records remain clear and that individuals are not simultaneously enjoying the rights of both Indian and foreign citizenships.
- Citizenship (Amendment) Acts and Recent Changes
- -Amendments over the years

The Citizenship Act has been amended several times (1986, 1992, 2003, 2005, 2015, and 2019) to cater to evolving social, political, and diaspora requirements.

#### **-Citizenship (Amendment) Act, 2003**

Introduced the Overseas Citizenship of India (OCI) for Persons of Indian Origin (PIOs).

#### **- Citizenship (Amendment) Act, 2019**

Perhaps the most contentious amendment, it created a route to citizenship for specific religious minorities (Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians) from Pakistan, Afghanistan, and Bangladesh, who arrived in India prior to December 31, 2014.

#### ***Overseas Citizenship of India (OCI)***

Established in 2005, OCI is usually mistaken as dual citizenship but is essentially distinct.

- OCI status confers visa-free entry and residence in India.
- OCI holders are eligible to seek occupations, education, and purchase property (except agricultural property).

However, they are ineligible to vote, seek office, or be appointed to government posts.

It sustains diaspora linkages without compromising India's single citizenship policy.

### Single Citizenship Concept

In contrast to nations such as the USA (federal and state citizenship permissible) or the UK (British, Scottish, etc., citizenships), India follows "Single Citizenship."

All Indians are citizens of India only — not of their state individually (such as Maharashtra, Kerala, etc.).

It reinforces country-wide unity and avoids regionalism or disintegration on state lines.

India's legal system of citizenship, rooted in the Constitution and the Citizenship Act, is a manifestation of the nation's focus on national unity, security, and sole allegiance. The adamant denial of dual citizenship is a result of past experiences of partition, socio-political heterogeneity, and national security concerns. India has instead provided the Overseas Citizenship of India (OCI) to preserve ties with its diaspora without compromising its legal and constitutional values. With global mobility on the rise and the Indian diaspora growing, debates over citizenship laws will continue to exist, weighing the desire for inclusion against protecting national.

### *Development of the Overseas Citizenship of India (OCI) Scheme*

Recognizing the necessity to remain engaged with its large and influential diaspora in nations such as the United States, Canada, the United Kingdom, and Australia, the Indian government formulated a strategic alternative—the Overseas Citizenship of India (OCI) program.

Implemented by way of an amendment to the Citizenship Act in 2005, as per suggestions of the High-Level Committee on the Indian Diaspora, the OCI scheme grants a special status to Persons of Indian Origin (PIOs). But it is important to note that OCI is not dual citizenship. Rather, it grants certain privileges, such as:

- Multiple-entry, multi-purpose lifelong visa to enter India.
- Exemption from registration with Foreigners Regional Registration Office (FRRO) for any period of stay in India.
- Parity with Non-Resident Indians (NRIs) regarding economic, financial, and educational affairs, apart from the acquisition of agricultural or plantation lands.

OCI card holders are still restricted from:

- Voting in elections in India.
- Occupying a public office.
- Employment in government service.

- Buying agricultural land.

Therefore, although the OCI scheme allows for robust socio-economic and cultural connections with the Indian diaspora, it self-consciously retains the idea of single political allegiance.

#### *Comparative Perspectives: India and Other Countries*

Contrary to the strict policies in India, a large number of nations around the world have welcomed dual citizenship as a means to promote economic, diplomatic, and social relations. Countries such as Canada and Australia acknowledge and welcome dual nationality since they enable their citizens to gain from the privileges of multiple nationalities.

Australia, for example, recognizes dual nationality and provides consular protection to its nationals abroad. Nevertheless, consular aid is subject to host legislation, and dual nationality may curtail the scope of protection afforded. Likewise, Canada and the United States have been establishing legislation conducive to dual citizenship while addressing concerns of allegiance and legal compliance through taxation and civic obligations.

By contrast, India's restrictive policy is motivated by national security, loyalty, and administrative concerns. The contrast between India and nations such as Australia or Canada emphasizes different philosophies toward national identity and diaspora participation.

Of course! Here is a clear explanation of "Comparative Perspectives: India and Other Countries" on dual citizenship and citizenship policies:

Citizenship legislation differs widely around the globe, influenced by the particular history, political structure, cultural identity, and security issues of each country. Although numerous nations have accepted dual or multiple citizenship as a result of globalization and increased mobility of individuals, India has staunchly opposed this phenomenon. Instead, India provides the Overseas Citizenship of India (OCI) — a special status that offers some advantages without conferring full citizenship rights.

This section compares India's policy on dual citizenship with that of other countries, pointing out the reasons for these varying approaches, their advantages, and disadvantages.

## India's Approach to Citizenship

**Single Citizenship Principle:** India, under its Constitution and the Citizenship Act, does not permit dual citizenship. Upon acquiring the citizenship of another nation, an individual loses Indian citizenship by default (Article 9 of the Constitution).

**Historical Background:** Events such as the Partition of 1947, conflicts with neighboring nations, and internal diversity have led India to be wary of divided loyalties.

**Security and Unity Issues:** India values exclusive national loyalty to ensure political stability, avoid regional disintegration, and safeguard national security.

**Overseas Citizenship of India (OCI):** In order to preserve connections with its diaspora, India provides the OCI scheme — granting lifetime visa privileges and economic advantages but no political rights (e.g., voting, holding public office).

### 1. United States of America (USA)

**Policy:** Dual citizenship is permitted by the USA. It does not ask someone to renounce earlier citizenships upon becoming a U.S. citizen.

**Benefits:** Dual citizens can reside, work, and have rights in both nations.

**Obligations:** They have to abide by U.S. laws, such as taxation on global income, even while abroad.

**Reason:** America believes in inclusiveness and seeks to promote international engagement, immigration, and global family connections.

### Comparison with India:

Whereas the USA accepts dual allegiances for the sake of inclusiveness and international influence, India does not allow dual or multiple citizenships to avoid national disunity and ensure loyalty to the country.

### 2. Canada

**Policy:** Dual or multiple citizenships are allowed without restrictions.

**Advantages:** Canadian citizens can hold another nationality without forfeiting Canadian citizenship.

**Why:** Canada practices multiculturalism and feels dual citizenship enhances its international

economic and diplomatic relations.

Comparison with India:

While Canada welcomes multiculturalism as a fundamental value, India with its fragile socio-political pluralism chooses exclusive citizenship in order to maintain cohesion.

### 3. United Kingdom (UK)

Policy: The UK permits dual nationality.

Advantages: British citizens can hold other countries' citizenship without losing their British nationality.

Special Cases: Certain government employment involving security clearance might have some restrictions.

Comparison with India:

The UK has a flexible policy because of historical colonial links and vast immigrant communities, while India has stringent citizenship policies to ensure internal unity.

### 4. Australia

Policy: Australia has permitted dual citizenship since 2002.

Benefits: Australians are free to possess multiple nationalities but continue to have complete rights and responsibilities as per Australian law.

Consular Assistance: Australia offers consular assistance overseas but observes that in certain nations, dual citizens can be treated as nationals of the country they are visiting only.

Comparison with India:

Australia appreciates the contribution of its global citizens, while India's constitutional framework seeks to reduce conflicting loyalties and legal complications.

### 5. Germany

Policy: Germany historically discourages dual citizenship, and individuals must renounce earlier citizenships to become German citizens.

Exceptions, though, exist — particularly for refugees and EU citizens.

Recent Developments: Germany intends to open up its citizenship law to permit more instances of dual nationality.

Reason: National integration issues are the reason for Germany's conservatism but with shifting demographics, it is changing.

Comparison with India:

As in India, Germany has always emphasized single citizenship for national unity but is gradually making a change towards flexibility, one that India has not yet considered seriously.

Why India Embraces a Restrictive Model



Security Concerns for the Nation: In light of India's geopolitical location (neighboring enemy states, internal insurgencies), exclusive citizenship reduces potential security risks.

Unity in Diversity: Linguistic, religious, and ethnic diversity in India requires a single allegiance to avoid fragmentation and regionalism.

Administrative Ease: Exclusive citizenship streamlines the legal, tax, and voting frameworks.

Historical Experience: Trauma of Partition and migration crises underscored the dangers of divided loyalty.

Political Stability: Exclusive allegiance underpins secularism and a non-communal identity for a multi-ethnic populace.

India compared to nations such as the USA, Canada, Australia, and Germany shows two general trends:

Most Western nations promote dual citizenship to foster multiculturalism, economic vibrancy, and international engagement.

India, due to its distinctive historical, political, and social contexts, prioritizes exclusive citizenship to preserve national unity and security.

With increasing globalization, India's balancing act — declining absolute dual citizenship but providing OCI status — is illustrative of its effort to retain constitutional integrity in the process of productively relating to its diaspora.

Contextualizing the Historical and Socio-Political Basis for India's Policy on Citizenship

India's avoidance of granting permission for dual citizenship cannot be thoroughly comprehended if one fails to understand its history and socio-political background. Post-independence India experienced serious challenges to building the nation, managing diversity, and upholding territorial integrity.

The trauma of Partition in 1947, involving mass migrations and the redefinition of citizenship along religious lines, instilled a conservative approach towards citizenship legislation. A guarantee of a single, unbroken loyalty to the Indian state became essential for maintaining unity and stability in a country marked by vast ethnic, linguistic, and religious diversity.

In addition, India's history with foreign wars (e.g., conflicts with China and Pakistan) and internal rebellions shaped its strict approach to issues involving national loyalty and citizenship. Dual citizenship was considered a possible risk to the fragile socio-political environment of the young republic.

Renunciation of Citizenship and Surrender of Passport

For Indians who obtain foreign citizenship, surrendering the Indian passport is a statutory requirement, which involves a formal renunciation of Indian nationality. The process involves

requesting a Surrender Certificate at the closest Indian mission or consulate. This certificate is required for former Indian citizens desiring an OCI card or requesting Indian visas in the future. The implementation of surrender policies became stringent after June 1, 2010, in line with the Indian government's desire to have clean and legal records of citizenship. In spite of its regulatory significance, the process of surrender has occasionally been criticized for its bureaucratic processes and lack of diaspora awareness.

### **The Debate Around Dual Citizenship in India**

In spite of the official ban, discussions on the introduction of dual citizenship in India have been ongoing for decades. The supporters of dual citizenship contend that granting dual citizenship could:

- Strengthen India's relationship with its diaspora.
- Increase India's soft power and international influence.
- Ease economic investments, remittances, and technology transfers.
- Foster cultural and educational exchange.

The opponents, however, warn that dual citizenship could:

- Complicate national security procedures.
- Result in divided loyalties.
- Put a strain on administrative mechanisms.
- Bring political difficulties in upholding secularism and sovereignty.

Moreover, there are apprehensions about the misuse of political and economic rights if dual citizenship were permitted without strict screening.

The response of the Indian government has been to adopt a middle course through the OCI mechanism—offering significant benefits while denying political and sovereign rights—thereby achieving a delicate balance between inclusion and exclusion.

#### *Comparative Insights: India and Indonesia*

Comparative analysis also points out that India's position is not an isolated one. Indonesia, for example, also forbids dual citizenship among adults, albeit with limited exceptions for children of mixed-nationality parents under the Law Number 12 of 2006. This conservative stance mirrors similar concerns over national sovereignty and preservation of identity.

But Indonesia's incremental legal reforms to include diaspora interests mark a changing outlook that India could contemplate in the future.

### Future Directions and Policy Recommendations

The changing world context and increasing importance of the Indian diaspora require ongoing review of India's citizenship policies. While some scholars and policymakers recommend:

Relaxing the strict ban by permitting limited dual citizenship, especially among the Indian-origin communities in friendly countries.

Strengthening the OCI framework by progressively adding more rights while retaining political protection.

Streamlining bureaucratic processes for surrender certificates, OCI applications, and visa procedures.

Carrying out detailed studies to learn about the socio-economic effects of dual citizenship policies around the world and their relevance in the Indian context.

These reforms would allow India to leverage its diaspora's potential more effectively while keeping national interests intact.

India's strategy for dealing with dual citizenship is determined by a nuanced combination of historical precedents, socio-political necessity, and security interests. Even as the Indian Constitution and jurisprudence unambiguously prohibits dual citizenship, the ground-breaking OCI regime presents an important connecting link between India and its international diaspora. While discussions about liberalizing citizenship policies continue, India remains committed to a cautious and measured approach, aiming to strike a balance between global mobility and national sovereignty. The future course of India's citizenship policies will probably be dictated by evolving global dynamics, domestic socio-political evolution, and the undiminished desires of its large and energetic diaspora population.

In the present age of globalization, the phenomenon of dual citizenship—maintaining two countries' citizenship at a time—has also assumed significant significance. It confers many benefits such as freedom of travel, opportunity for work, and social security in different countries. But it also poses some major challenges, especially concerning legal, political, and security aspects. Various nations have taken dissimilar approaches towards dual citizenship keeping their specific historical, political, and social backgrounds in view. India, in particular, has opted not to grant dual citizenship. Rather, it has come up with a different arrangement called the Overseas Citizenship of India (OCI) to keep in touch with its diaspora while keeping constitutional principles intact. This essay discusses at length the drawbacks of dual citizenship, India's stance, and the reasoning behind its policy.

## **Limitations of Dual Citizenship**

Dual citizenship, as desirable as it is, is beset by a number of limitations that lead many countries, including India, to not implement it:

### *Conflicting Loyalties*

Dual citizenship may cause conflicting national loyalties. One will struggle to serve the interests of two nations equally, particularly in the international conflict or war. In such situations, the loyalty of a dual citizen can be questioned, raising diplomatic tensions and national security concerns.

### *Legal and Administrative Complexities*

Dual citizens are frequently regulated by both countries' laws, which occasionally compete. Problems including taxation, obligation to serve in the military, inheritance rules, and family court disputes become profoundly complex. Governance of legal structures that cover dual citizens has a tendency to overburden state systems.

### *Security Concerns*

From a national security standpoint, permitting dual citizenship could pose weaknesses. Dual citizens can be manipulated by other nations, or even more sinister, work against one country while enjoying the protection of another nation's citizenship. Such dangers are especially acute in nations experiencing internal or external security threats.

### *Political Rights and Influence*

Enfranchising dual citizens to vote, stand for election, or serve in constitutional offices may lead to issues of conflicted political allegiance. An individual with two citizenships may influence political decisions in a nation in which they have minimal actual allegiance or engagement, thus affecting democratic processes.

### *Resource Allocation and Public Services*

Dual citizens may disproportionately receive public services such as healthcare, education, and welfare programs in both nations, which may put a strain on national resources and lead to public resentment, particularly among single-nationality citizens.

### *Diplomatic Complications*

When dual citizens are in legal trouble overseas, it is often ambiguous which nation should offer consular services. Such uncertainty may complicate diplomatic relations, particularly if the two nations have varying legal thresholds or political ideologies.

### *National Identity*

Some countries, especially those with a strong sense of singular national identity (such as India), consider dual citizenship to be weakening patriotism. They hold the view that exclusive

citizenship serves to preserve a unified national spirit and check the disintegration of society along various allegiances.

## **India's Stand on Dual Citizenship**

### **1. Constitutional Ban**

India's Constitution specifically prohibits dual citizenship. Article 9 of the Indian Constitution says that an Indian citizen who obtains the citizenship of another nation voluntarily automatically loses Indian citizenship. This provision provides for a definite and sole allegiance to India.

### **2. Citizenship Act, 1955**

- The Citizenship Act of 1955 and its later amendments constitute the legislative law regulating Indian citizenship. According to this Act:
- An individual obtaining foreign citizenship is required to renounce Indian nationality.
- Retention of or carrying an Indian passport after obtaining foreign nationality is illegal according to the Passport Act, 1967.
- Offenders will be penalized with fines and prosecution.
- India's constitutional and legislative scenario therefore testifies to a conscious decision in favor of a single model of citizenship.

Overseas Citizenship of India (OCI): India's Alternative

Recognizing the significance of the connection with its international diaspora, India launched the Overseas Citizenship of India (OCI) program in 2005. Nevertheless, the OCI is not dual citizenship.

Lifelong visa: OCI cardholders are allowed to visit and live in India visa-free.

Parities with NRIs: OCIs share the same rights as Non-Resident Indians (NRIs) in economic, financial, and educational sectors.

No political rights: OCI holders can neither vote nor hold public office nor acquire agricultural land.

Eligibility: Eligible are only the persons of Indian origin who have erstwhile held Indian citizenship or are children/ grandchildren of Indian citizens.

Limitations of OCI:

- No vote in Indian elections.
- No job in government.
- No right to purchase agricultural properties.



- OCIs need to carry their foreign passport and OCI card while traveling.

Therefore, while OCI is highly convenient and encourages diaspora participation, it strongly maintains India's opposition to double citizenship.

### **Why India Does Not Permit Dual Citizenship**

#### **1. Heritage of Partition**

Partition of India in 1947 led to immense displacement and complicated citizenship. Partition experiences during and subsequent to 1947 inculcated among Indian policymakers the need for singular national allegiance for achieving unity and stability.

#### **2. Safety Concerns**

India has encountered various internal and external threats, such as terrorism, insurgency, and border disputes. Exclusive citizenship is deemed necessary for preserving national security and loyalty in times of crisis.

#### **3. Administrative Pragmaticity**

Regulating dual citizenship would necessitate the creation of complex legal mechanisms and administrative processes to deal with taxation, legal rights, consular assistance, and political enfranchisement—processes India's governing systems are not presently geared to deal with effectively.

#### **4. Cultural and Social Dimensions**

India's religious, linguistic, and ethnic diversity renders national integration a delicate matter. A uniform policy of citizenship serves to strengthen an integrated national identity in the face of immense cultural diversity.

Although the idea of dual citizenship holds promising possibilities of personal liberty and international interaction, it also has serious risks and bureaucratic complexities. India's move to ban dual citizenship is premised on a thoughtful weighing of its specific historical, political, and social conditions. Rather than embracing complete dual citizenship, India launched the Overseas Citizenship of India (OCI) program to have close association with its diaspora without diluting its constitutional values.

By adhering to the model of single citizenship, India ensures straightforward national loyalty, administrative simplicity and political security. Despite the increasing advocacy for a flexible approach, any reform in the future will have to strike a balance carefully between the gains from international mobility and the necessities of national sovereignty and integrity.

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