

AS INTRODUCED IN LOK SABHA

Bill No. 87 of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

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further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2019.

Short title.

2. For article 9 of the Constitution, the following article shall be substituted, namely:—

Substitution
of new article
for article 9.

Persons voluntarily acquiring citizenship of a foreign State are continue to be citizen of India.

“9. Every person who is a citizen of India by virtue of article 5, or is deemed to be a citizen of India by virtue of article 6 or article 8, shall continue to be such citizen even if such person has voluntarily acquired the citizenship of any foreign State.”

Amendment of article 11.

3. In article 11 of the Constitution, after the words "acquisition and termination of citizenship", the words ", dual citizenship" shall be inserted: 5

STATEMENT OF OBJECTS AND REASONS

The Indian diaspora is the largest in the world, with more than thirty million people with Indian origin spread across the globe. India is the largest remittance receiving country, receiving nearly \$65 billion a year. It is also a matter of great pride that the Indian diaspora plays an instrumental role in building nations they reside in. Between 1995 and 2000, over a quarter of IT and engineering companies started by immigrants in USA, were started by Indian immigrants. People of Indian origin have also taken up positions of responsibility and they have risen to high offices such as that of the President of Singapore, the Prime Minister of Mauritius, Trinidad and Tobago, and Governor- General of New Zealand. Persons of Indian origin have also been leading lights in the business community, in academia and in the world of literature.

Many Indians who migrate to other countries in the search of job opportunities, and those who take citizenship of such countries to seek equality in benefits and in their treatment in their place of residence, must not be seen as people who lack allegiance to the Republic of India. In the era of globalization, more people from India will search for opportunities abroad. By automatically terminating their Indian citizenship when they seek citizenship of countries of residence, the law effectively cuts them off from their roots and make them feel like they do not have a real stake in their country of origin.

In recognition of the impact of globalization, many countries provide their citizens the option of dual citizenship. In response to growing demands from the Indian diaspora for a similar option, the Parliament amended the Citizenship Act, 1955 to provide for the status of Overseas Citizens of India or OCIs. However, as per the law, OCIs do not enjoy all the rights that citizens of India can exercise, especially the right to vote, or to represent India in international sporting or other competitions. Dual citizenship in its truest sense cannot be granted through a statute due to article 9 of the Constitution, which provides for the automatic termination of Indian citizenship, if an Indian voluntarily acquires the citizenship of a foreign country.

In order to enforce the idea that each member of the Indian diaspora has an important stake in the country of their origin, it is necessary to amend the Constitution, to pave way for statutory reform to allow dual citizenship.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SHASHI THAROOR

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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Persons voluntarily acquiring citizenship of a foreign State not to be citizens.

9. No person shall be a citizen of India by virtue of article 5, or be deemed to be a citizen of India by virtue of article 6 or article 8, if he has voluntarily acquired the citizenship of any foreign State.

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Parliament to regulate the right of citizenship by law.

11. Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.

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(Dr. Shashi Tharoor, M.P.)