



“Citizenship Duality: Analysing the Implications of Dual Nationality in India”

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A Research Paper by

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Abstract:

Dual citizenship is a widely accepted concept across many countries worldwide, but India still adheres to the rule of single citizenship. However, due to its complex history as a former Portuguese territory, the state of Goa has had a strained relationship with India's singular citizenship aspect. Even though Indian laws do not recognize dual citizenship, individuals born in Goa can claim citizenship in both India and Portugal under specific parameters. The paper aims to delve into the unique situation in Goa, examining the region's history, Indian citizenship laws, and citizenship clauses in other countries. It is high time that India considers implementing a more flexible approach to citizenship that recognizes the realities of a globalized world and the unique circumstances of regions like Goa. By doing so, we can ensure that all citizens in India have equal access to the rights and protections they deserve. The paper findings indicate that policies on dual citizenship cannot be explained solely by varying conceptions of nationhood. Nevertheless, it is essential to recognize that notions of societal integration, which may vary depending on the policy, hold significant sway.

Key Words:

Dual Citizenship; Nationality; Citizenship; Citizenship Act, 1955; Goa; Rights.

A Brief History of the Emergence of Dual Citizenship in Goa:

Goa, Daman and Diu, and Dadar and Nagar Haveli were freed from Portuguese rule and made a part of the Indian Territory in 1961. When India annexed Goa, the entire local population was granted Indian citizenship, except those who made a written declaration to retain their previous nationalities. Until 1974, Portugal did not recognize the citizenship granted by India and left its citizenship open to all Goans. Accordingly, anyone born in the former Portuguese-administered Indian territories before the 19th of December 1961 and their descendants (children and grandchildren) were all eligible to become Portuguese citizens.

Many Goans, thus, started applying for the *Bilhete de Identidade* (commonly abbreviated as Bilhete or even BI), and Portugal's national identity card was granted the same. Portugal considered the Bilhete equivalent to Portuguese citizenship. However, the Goans holding the Bilhete were technically still Indian citizens as they had not yet formally renounced their

Indian citizenship. When Portugal joined the European Union in 1986, it increased the number of Goans opting for Bilhete since it allowed them to relocate to Europe for better opportunities. With its dual citizenship laws, Portugal did not have any issues with this, but India did, as Indian laws did not recognize dual citizenship.

B. Bilhete: The gateway to Portuguese citizenship

Each Portuguese citizen is expected to possess a Bilhete, Portugal's national identity card. Estimates suggest that between 2 and 4 lakh Indians prefer to have a Bilhete without renouncing their Indian Citizenship. However, no government agency—including the NRI Commission of Goa, the Regional Passport Office, and the Foreigner Regional Registration Office (FRRO)—seems to have quantified the exact number of Goans who had acquired a Portuguese passport using Bilhete.

However, the Goa Migration Study Report (2008) found that 12% of Goa households had an emigrant abroad, and approximately 22,600 Goans had made Europe their home. The Office for National Statistics (ONS) shows that in June 2014, 13,000 Indians living in Britain were holding Portuguese passports. By June 2015, more than 20,000 had increased by 7,000 or 54% in one year. These statistics confirm the strong preference of Goans to shift bases from India to Europe.

Legal status of dual citizenship in India:

The classical “Western” theories have emphasized the “Wall of Separation” model of citizenship. The citizenship model can be summarized as encompassing the relationship between the state and the individual (citizenship). Fundamental Duties was primarily based on the Socialist Constitution, which introduced citizenship duties to create responsible citizens. Dual citizenship is not a novel concept and has been adopted and recognized by various countries worldwide. The hyper-globalization era has led to ripple effects on citizenship laws worldwide. The Indian Constitution and the legal position are clear that dual citizenship is not permitted in the present legal framework. The Citizenship Act of 1955, which comprehensively delves into the citizenship framework, states the termination of Indian citizenship if citizenship of any other country is acquired. The case studies explore the negotiated character and boundaries of political membership and the fundamental beliefs and arguments within distinct political cultures and institutional settings which have shaped debates and policies on citizenship. The said analysis explores the similarities and differences in the politics of dual citizenship to identify the dominant terms of public debates. The hyper-globalization era has led to tremendous global immigration. The barriers are becoming blurred, and the concept of “one nation, one citizenship” is slowly becoming obsolete.

Constitutional Provisions:

The 12th Constitutional Amendment made Goa, Daman, and Diu part of India in 1962. This amendment operates retrospectively. Persons (or their parents or grandparents) born in these territories before 20 December 1961 were deemed Indian citizens. If such persons wished to retain foreign citizenship, they had to declare so to the Administration.

Constitutional provisions: Articles 5-11 of Part II of the Indian Constitution lay down the main constitutional provisions governing Indian citizenship. A person can become an Indian citizen by *jus soli* (citizenship by birth), *jus sanguinis* (citizenship by descent), or by registration. The Central Government maintains a record of all Indian citizens. If a person *voluntarily* acquires citizenship in a foreign state, he or she will lose Indian citizenship. The term “voluntarily” used in Article 9 is noteworthy.

Statutory provisions: The Citizenship Act, 1955 (the “Act”) governs the acquisition and termination of citizenship. Section 9 of the Act reiterates that any Indian citizen who voluntarily acquires citizenship in another country by naturalization, registration, or any other manner will lose his Indian citizenship. When a citizen obtains a foreign country’s passport, he is

deemed to have “voluntarily” acquired the citizenship of that country. Specifically for former Portuguese territories (i.e. Goa, Daman and Diu, Dadra and Nagar Haveli), if an Indian citizen holds the passport of any other country after 19 January 1963, he or she is deemed to become a citizen of that country. Further, suppose such a citizen has left India without any travel document issued by the Central Government and resided outside India for over three years. In that case, it is assumed that he has acquired citizenship in that country because an Indian citizen is not permitted to cross Indian borders without a valid passport. Also, an Indian citizen must surrender their Indian passport if they acquire citizenship in another country.

Thus, a reading of the above clearly shows that Goan residents who also hold a Portuguese passport or reside outside India without an Indian passport will be deemed to have lost their Indian citizenship. The rules provide that a statutory authority may be set up in case of doubts about whether an Indian citizen has acquired citizenship in a foreign country. The burden of proving an individual’s Indian citizenship lies with the individual

Legal Jurisprudence on Dual Citizenship:

Courts have long been the recourse of those unable or unwilling to approach the Executive or the Legislature or when neither can provide a satisfactory solution to their problem. Accordingly, the Indian courts have been petitioned many times concerning what constitutes citizenship and have attempted to answer this conundrum. Some of the most relevant cases that could provide cues to Goa's concerns are as follows:

In 1957, in the case of *Mohamad Khan v. Govt. of Andhra Pradesh*, it was held by the learned Judges that a passport could not be the basis of legal evidence to establish the fact of citizenship and that it merely embodied a request to a foreign Government to allow the bearer free passage and afford him every assistance and protection. Going by this judgment, those Goans who may have their names registered in the National Registry of Portugal, thereby making them eligible for a Bilhete, cannot be construed as having renounced their Indian citizenship²⁵.

Moving on, in *Mohd. Ayub Khan v. Commissioner of Police, Madras*, the Supreme Court held that unless proper enquiry is made, an individual's citizenship cannot be terminated merely because they acquire the citizenship or passport of another country. This implies that the Government of India needs to undertake a proper enquiry before terminating the Indian citizenship of any Goan who may have their name registered in the Portuguese registry.

o Again, in *Gangadhar Yeshwant Bhandare v. Erasmo De Jesus Sequeira*, the respondent had in 1962 declared in writing that he renounced his Indian Citizenship in favour of Portugal but later on applied for an Indian Passport. Eventually, he said the passport was issued to him, and he enjoyed both citizenships until 1964. The Apex Court held that the Indian government exercised its discretion under Section 1328 of the Citizenship Act and considered the respondent to be an Indian citizen by issuance of a passport. This discretion may, however, change with circumstances, as the person in question here later renounced his citizenship at the instance of Indian authorities.

In a more recent case, *Caetano R. Silva v. Prescribed Authority, Ministry of Home Affairs*, the Hon'ble High Court of Maharashtra quashed an order passed by the Ministry of Home Affairs (MHA) that declared the petitioner, an elected MLA, a Portuguese citizen due to his name having been registered in the Portuguese registry. The Court re-sent the matter to the MHA, who concluded that mere registration of a person's name in the National Registry of Portugal could not be treated as renunciation of Indian citizenship.

Committee Reports on Dual Citizenship in India:

- **High-Level Committee on Indian Diaspora (2002):** The High-Level Committee on Indian Diaspora (2002), in its report, namely Chapter 32 on Dual Citizenship, recommended that (a) Dual citizenship be permitted within the rubric of the Citizenship Act 1955 (b) Sections 9, 10 and 12 of the Citizenship Act 1955 be suitably amended to do so, and (c) that a provision analogous to Section 12 of British Nationality Act, 1981 be included in the Citizenship Act and be called “Renunciation and Resumption of Citizenship”.
- **B.K. Prasad Committee (2016):** On the recommendation of current Goa Chief Minister Shri. Manohar Parrikar, the Union government set up a three-member High-Level Inter-Ministerial Committee in 2016, led by the Additional Secretary in the Home Ministry, Shri. BK Prasad will analyze the dual citizenship issue in Goa. In its report, the Committee recommended that the issue of citizenship of people with dual nationalities be decided as per the Citizenship Act, 1955 and Citizenship Rules 2009. It has recommended setting up a designated authority that should examine each case as per Indian laws and ask people to surrender either their Indian or Portuguese passport/Bilhete. It suggested that those citizens who got their names registered with the Central Registry in Portugal be considered Portuguese citizens and that they accordingly lose their Indian citizenship as per provisions of the Citizenship Act, 1955. This would mean that eventually, those who enjoy the benefits of dual citizenship (without actually having one) will have to relinquish the ‘Bill of Identity’ issued by Portugal’s Central Registry if they choose to be Indian citizens or be required to obtain an Indian visa for further stay in Goa. The Union Home Ministry accepted the recommendations of the Committee and sought a review of all such cases by a ‘designated authority’ at the Centre or State level.

As per MHA’s instructions (as drawn from recommendations of the BK Prasad Committee), District Collectors were asked to invite claims and objections from those who may have acquired Portuguese nationality or registered their births in Portugal. However, the state government did not receive a single objection or application when the three-month deadline expired. Some opined that there was much confusion surrounding the entire notification. In contrast, others reasoned that it was because those who opted for Portuguese citizenship were looking to migrate to Europe for better opportunities and were not looking to invite unnecessary trouble by approaching the Collectors.

Prominent Stakeholder Views:

There have been many instances of numerous prominent members of the Indian diaspora and of domiciled Indians themselves speaking out about dual citizenship. Shri. Soli Sorabjee, jurist, legal luminary and former Attorney General of India, in a session on 'Private International Law and the Diaspora' in 2005, had remarked on the need for dual citizenship – particularly concerning the right to vote and the right to occupy public office - as a way of increasing the involvement of the Indian diaspora. Given the prevalence of globalisation, He concluded that dual citizenship was unavoidable and inevitable.

The Indian diaspora has often been vocal about their demand for dual citizenship. For instance, in October 2014, Dr Yadu Singh, a person of Indian (PIO) origin residing in Sydney, Australia and the then President of the Indian Australian Association of NSW Inc., started an online petition to appeal to the Indian government to grant dual citizenship to overseas Indians. The petition was closed after garnering 1,839 supporters. An overseas citizenship card (OCC) holder, he has spoken at length about how the OCC falls short of genuine dual citizenship,

leading to many overseas Indians seeking genuine dual citizenship, with full political and economic rights in India on par with those Indian citizens enjoy. He highlights dual citizenship as an essential tool enabling second and subsequent generations of Indians to stay emotionally and politically connected with India.

The case of Shri is an instance that is more familiar and closer to home for Goans. Remo Fernandes, a noted musician from Goa, whom the police found in 2017 to have acquired Portuguese citizenship in 1993. Questions have been raised as to why, as a foreign national, he was presented with the Padma Shri in 2007 and how no red flags ever came up during his mandatory background screening by the Intelligence Bureau and local particular branch concerning the same. 2013 saw him join a mainstream political party, the Aam Aadmi Party, which led to further controversy. From his side, Remo has accepted his Portuguese nationality in public while consistently maintaining that he is an OCI (Overseas Citizenship of India) card holder with nothing to hide from the authorities.

Essentially, the views from the Indian diaspora demonstrate dissatisfaction with the OCI model and a strong desire for dual citizenship. However, there is a counterview that considers this to be a potential threat to the nation's security. For example, June 2016 saw the Goa Freedom Fighters Association President Shyam Sunder Nagvekar and its other members demanding the closure of the Portuguese consulate in Goa, which is the forwarding agency for Portuguese citizenship applications from Goans. Goa freedom fighter and poet Nagesh Karmali also opined that Portugal was still trying to interfere in the internal affairs of Goa and India and sought stringent punishment for Goans who opted for Portuguese citizenship over Indian citizenship. He referred to dual citizenship as a threat to the state's security.

Proposed Recommended Model:

Given India's inability to currently grant an exception to Goans, nor to fully embrace dual-citizenship, we recommend that the Overseas Citizen of India (OCI) model be adopted to permit dual citizenship. The OCI card, introduced in 2005, is akin to dual citizenship with limitations. OCI card holders are entitled to most rights and benefits enjoyed by Indian citizens. The most important rights enjoyed by OCI cardholders are the 6 freedoms guaranteed under Article 19 of Indian Constitution. These are freedom of speech and expression, freedom to assemble peacefully, freedom to form associations, freedom to move freely throughout India and reside in any part of India, and freedom to practice any profession. We believe that these 6 freedoms form the crux of being able to lead a normal life as an Indian citizen.

OCI cardholders even enjoy on-par treatment with NRIs in matters of employment, education and financial fields, except for acquiring agricultural land. The only benefits that OCI cardholders cannot enjoy in India are the ones specifically excluded by Section 7B of the Indian Citizenship Act 1955, which are appointment as President/Vice-President/judge of the Supreme Court or High Courts, voting rights, contest elections and appointment to public services in the Government related to the affairs of the Union. While being deprived of voting rights is often a sore point for OCI holders, given the fact that India is yet to resolve issues regarding voting by NRIs (who hold legal rights to vote), voting for OCIs seem to be a pipe dream for the moment. Once India institutionalizes a method to allow NRIs to effectively vote (be it via postal, proxy or other forms of voting), voting for OCI holders can be re-considered. Regardless, OCI voting is a larger issue that involves many concerns spanning administrative (such as deciding which state or constituency will be the recipient of such vote), political (whether political parties will be more inclined to satisfy the OCI vote bank, and if so how?), as well as socio-economic (whether those technically resident abroad should get to decide local mandates), factors, thereby requiring a deeper analysis than what this brief will be able to do justice to.

Voting rights notwithstanding, the OCI model was introduced by the Indian government due to strong demands by Indian diaspora for dual citizenship, and is seen as a midway compromise between PIO and full dual citizenship. It operates like

dual citizenship with limitations. This will solve – particularly in the short-term - the problem for Goans who have obtained a Bilhete, but want to continue living and leading a regular life in India. Instead of having to renounce their Indian citizenship, they can simply convert it into this tweaked model of OCI. Our stakeholder analysis shows that some Goans like Remo Fernandes have taken up Portuguese citizenship and are enjoying the best of both worlds without any legal issues

Dual Citizenship Laws across the World:

Dual Citizenship is allowed in many countries like Canada, the United States, and Portugal. It is also strictly disallowed in Singapore, Malaysia, and Saudi Arabia. However, certain countries permit dual Citizenship under exceptional circumstances, which is an ideal example for India in embracing the middle ground. Instituting, similarly, flexible laws can pave the way for a genuinely globalized society for Indians to live in –

➤ **Brazil:**

Brazil, through a constitutional amendment in 2009, modified the citizenship law by allowing dual Citizenship in two cases:

- a) Recognition of the original nationality by the foreign law (i.e. where the other nationality is acquired by origin) and
- b) Imposition of naturalization, under the foreign rules as a condition for permanence in its territory, or for the exercise of civil rights.

➤ **Austria:**

Austrian Nationality Act does not allow dual Citizenship except in the following cases:

- a) If the maintenance of dual Citizenship is in the interest of the Republic of Austria or
- b) If there are personal reasons worth considering (here, the law does not provide examples – it is a case-by-case scenario where the specific reasons depend on individual situations).

➤ **Norway:**

In Norway, dual Citizenship is allowed in exceptional cases, such as:

- a) If the legislation in the applicant's former home country does not permit citizens to be released from their Citizenship, or such release is deemed practically impossible.
- b) If the authorities in the former home country have rejected an application for such release.
- c) If the authorities in the applicant's former home country set unreasonably burdensome conditions for release. If the fee exceeds four per cent of the applicant's income, the release fee is deemed to be unreasonably burdensome.

Case Study: Macau -

Macau, a former Portuguese territory that became a Special Administrative Region of the People's Republic of China in 1999, offers some interesting insights into balancing dual citizenship concerns.

Article 3 of the Chinese Nationality Law derecognizes dual nationality for any Chinese citizen. Article 9 says that any Chinese national who has settled abroad and been naturalized as a foreign national or has acquired foreign nationality of his

own free will shall automatically lose Chinese nationality. However, given the complex history of Macau with Portugal, Chinese nationals who are residents of Macau cannot automatically lose Chinese nationality under Article 9 even after acquiring foreign nationality. Such persons would only lose Chinese nationality if they openly renounce Chinese nationality. In other words, following a 'do not ask-don't tell' policy, Macau citizens find their non-Chinese nationality or Citizenship ignored by the Chinese authorities.

Further, Macau residents who acquire foreign Citizenship while settled abroad and who, therefore, legally lose Chinese Citizenship under Article 9 are, in practice, treated as Chinese nationals unless they undertake the administrative step of notifying the nationality change to the respective territories' authorities. Such a declaration is not enforced, so for all intents and purposes, such persons who return to reside in Macau are once again treated as Chinese nationals. The very same exception is extended to citizens of Hong Kong as well.

Adapting the Macanese Model to India: Given similar Portuguese influences in both Goa and Macau, one could argue for applying the Macau model in India, wherein a similar exception is provided, but only to Goans. This could be done by providing Goans with a legal exception that does not automatically make their possession of a Portuguese passport tantamount to the renunciation of their Indian Citizenship. Doing so would render the Portuguese nationality immaterial in determining or curtailing any of these individuals' fundamental rights in India.

However, the drawback of incorporating the Macau model lies in the fact that the political establishment of Macau differs drastically from that of India. Under the principle of China's one country and two systems, Macau enjoys autonomy in all areas except defence and foreign affairs. The Sino-Portuguese Joint Declaration and Macau Basic Law, Macau's constitution, promulgated by China's National People's Congress in 1993, specify that Macau's social and economic system, lifestyle, rights and freedoms are to remain unchanged for at least 50 years after the transfer of sovereignty to China in 1999. On the other hand, Goa does not possess a similar level of autonomy and, in all respects, occupies the same legal standing as any other state in India. Additionally, Goa shares its unique colonial past with Daman and Diu, as well as Dadar and Nagar Haveli. It would not be possible to grant such an exception to Goa alone; to grant it to more states would lead to a cascading list of demands, thereby opening a Pandora's box of socio-legal and political problems India needs to be equipped to handle. Hence, Macau's model cannot be replicated in Goa.

➤ **Arguments in favour of and against dual Citizenship:**

Arguments in favour:

Ease of travel: Dual Citizenship guarantees the right of entry to both countries – it eliminates the need for visas and frequent visits to administrative authorities for extended stay permits. Also, visa-free travel to many other countries can be availed of depending on the chosen second Citizenship. (E.g. Holders of Cypriot passports can travel freely between approximately 157 countries, while citizens of Portugal can get visa-free or visa-on-arrival access to around 172 countries)

Security: Having second Citizenship allows one to escape any potential conflict, civil unrest, or travel sanctions imposed upon the other (home or secondary) country. Should the country where one's business is based undergo any significant financial, social, or political upheaval, he/she can relocate assets to another, more stable country. One can also enjoy social rights for citizens, such as health care, education, and social services in either country.

Taxes: Any potential tax benefits of dual Citizenship will depend mainly on the policies of either country. (Countries like the ones in the Caribbean offer much lower tax rates than many developed countries.) Though obtaining dual Citizenship is at an individual's discretion and is never imposed by one's country, it can prove beneficial to either country since there can be an increase in overall revenue generation.

Economy: Dual Citizenship comes with wealth, business, and investment opportunities. Citizens of countries that do not allow dual Citizenship may be unable to take advantage of prevalent generous interest or exchange rates in other countries. Countries without dual Citizenship may only attract lacklustre foreign investment.

- **Checks Citizen Outflow:** Unofficial estimates suggest more than four lakhs of the 18 lacks Goan population registered their names in the Portuguese registry. That implies that nearly a quarter of the state is ready to obtain the nationality of a different country. The Indian diaspora is 3.9 million strong in the United States of America. While not all who renounce their Indian Citizenship do so wholeheartedly, the lack of dual Citizenship drives them to opt for the one nationality that they consider to be more economically superior. Dual Citizenship, however, will widen the options available, thereby checking such outflow.

➤ **Arguments against Common arguments against dual Citizenship are of technical and socio-political categories.**

- **Determination of applicable law:** Since these laws are based on Citizenship, it will take time to determine which state's domestic and private international laws will apply to a dual citizen. There may also be a conflict of laws between the states. For example, the grounds for divorce under Portuguese divorce law differ from those in Indian family law. Therefore, there are strong possibilities of conflict of laws arising out of dual Citizenship.

- **Possible double taxation of dual nationals:** All Indian citizens have to pay income tax, which non-resident citizens pay on their global income, and resident citizens pay on their income accrued in India. Similarly, Portugal also taxes its citizens based on residential residents. Given that at present, India does not have any treaty with Portugal, like the India-Mauritius Double Taxation Avoidance, this can lead to double taxation of the dual citizen

- **Diplomatic protection for persons with dual nationality:** Under international law, it may become difficult to determine which state is tasked with providing diplomatic protection to a dual citizen. Conflict may also arise if one of the states intervenes on behalf of the dual citizens residing in the other state (of which he is also a citizen), thereby leading to concerns of infringing state sovereignty and breaching territorial integrity.

- **Holding important public offices:** Dual citizens in India may become carriers of sensitive information to the other state of which they are citizens. This may pose a threat to Indian sovereignty and security, especially concerning countries like the US, which allow their dual citizenship recipients to hold all public offices except that of the President.

- **National Security:** A dual citizen may face a conflict of interest between the states where he/she is a citizen. Hence, states may struggle to integrate dual citizens into their political life. Also, in the event of war, dual citizens may threaten the country's sovereignty at war.

Recommendations:

Instead of discussing the merits and demerits of dual citizenship above, the arguments favouring it outweigh the arguments against it. Thus, I recommend implementing a limited dual citizenship policy.

Recommended model – Overseas Citizen of India:

Given India's inability to grant an exception to Goans nor fully embrace dual citizenship, we recommend that the Overseas Citizen of India (OCI) model be adopted to permit dual citizenship. The OCI card, introduced in 2005, is akin to dual citizenship with limitations. OCI card holders are entitled to most rights and benefits enjoyed by Indian citizens. The most critical rights OCI cardholders enjoy are the six freedoms guaranteed under Article 19 of the Indian Constitution. These are freedom of speech and expression, freedom to assemble peacefully, freedom to form associations, freedom to move freely throughout India and reside in any part of India, and freedom to practice any profession. We believe that these six freedoms form the crux of being able to lead an everyday life as an Indian citizen.

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Voting rights notwithstanding, the OCI model was introduced by the Indian Government due to intense demands by the Indian diaspora for dual citizenship and is seen as a midway compromise between PIO and full dual citizenship. It operates like dual citizenship with limitations. This will solve – particularly in the short-term - the problem for Goans who have obtained a Bilhete but want to continue living and leading a regular life in India. Instead of renouncing their Indian citizenship, they can convert it into this tweaked model of OCI. Our stakeholder analysis shows that some Goans like Remo Fernandes have taken up Portuguese citizenship and are enjoying the best of both worlds without legal issues.

Implementation Suggestions:➤ **Legislative:**

After the amendment of 'The Citizenship Act of 1955' in 2005, OCI has been fully integrated into the Indian legal system. The OCI model has been deemed acceptable given that it applies to all members of the Indian diaspora, not just those who hail from states like Goa with unique colonial pasts. Thus, there is no danger of the grant of OCI churning political controversies. That said, the OCI is not without its challenges. Given the fact that the Indian Government does not have data on Bilhete holding people in Goa, it may be an uphill task to identify them. The problem may be aggravated if Bilhete holders do not turn up to apply for OCI voluntarily and continue to enjoy dual citizenship discreetly. To have this checked, we suggest instituting a proposed deadline for declaring the possession of Bilhete. After that, strong disincentives should be

meted out to individuals possessing Bilhete. Under the current scheme of laws, any person found discreetly enjoying dual citizenship has his/her Indian citizenship automatically terminated the day they receive citizenship in some other country. To better enforce this, we suggest amending the relevant laws (Citizenship Act – 1955, Citizenship Rules-2009, Passports Act, Foreigners Act) to make undeclared dual citizenship a crime. Deterrents may range from heavy fines to barring future entry of such individuals into India.

➤ **Executive:**

Administrative Viability: Since the OCI modal has been around for a considerable period, its adaptation does not bog down the administrative machinery. Nonetheless, the implementation can vary from the previous pan-Indian attempt. As the subject of ‘Citizenship’ falls on the Union List, the Central Government can preferably delegate the matter to a standing committee to ensure pragmatic planning that can ensure smooth on-ground implementation. For proper implementation, Vidhan Sabha constituency-wise units may be formed to ascertain the number of people with Bilhete. These units are to demand application either for OCI or renunciation of Bilhete. Also, the units must be appropriately empowered to finally decide and endorse the citizenship status of such applicants, including instituting a uniform process by which the same can be done.

➤ **Foreign Affairs:** Given that the relations of India and Portugal are warm and friendly, a treaty may be formulated and entered into by both countries to a) share information on Goans who have their names registered in the Registry of Lisbon before the formulation of the treaty and b) report new registrations by Goans (who are Indian citizens) and who now possess Bilhete.

➤ **Political Feasibility:** The political costs of granting OCI to people with Portuguese Bilhete are negligible as the Indian masses would not be vexed if any political party extended the implementation of an already existing mechanism to Goans. Moreover, there could be probable pour-in of support to the political party that implements a plan as such, given the number of Goans languishing in legal ambiguity. This should reduce the decades-old unease in the Goans who have battled this issue for long.

Conclusion:

Through this limited and illustrative survey of the landscape of citizenship in present-day India, the author has suggested implementing a limited dual citizenship model in India, considering the legislative and executive limitations and the history of Portuguese and Goa. However, dual citizenship is not defined in any country’s statute, as it takes different forms in different countries. Although most countries recognize dual citizenship in their domestic laws, Asian countries like Japan and China have not given it a legal stamp. Considering the historical underpinnings of citizenship in Goa and delving into the Portuguese lenses, the author has tried to set the framework of dual citizenship in India. It suggests implementing laws that consider social dynamics while securing the political interests of dual citizens and national security concerns—the OCI model to adopt dual citizenship in India. Citizenship for a country is essential as it entails rights and obligations for the citizens and the State. Hence, the author has suggested a way forward to keep a check on Bilhete citizenship.

Nevertheless, considering the recent transition to a ‘globalized world’, India has made a way out by granting Overseas Citizenship. Such a midway approach is appropriate as it not only guards the perils of dual citizenship but also grants unique benefits to the Overseas Citizen of India Cardholders. A developing country, India faces numerous challenges like overpopulation, poverty, unemployment and illiteracy. It is not pragmatic for the country to adopt dual citizenship as it has the potential to open a Pandora’s box. Finally, the author implies that no man should be permitted deliberately to place

himself in a position where his services may be claimed by more than one government and his allegiance be due to more than one.

References:

1. Anupama Roy (2006), Overseas Indian Citizen: A New 'Setubandhan'? Economic and Political Weekly, Vol. 41, No. 15 (Apr. 15-21, 2006), pp. 1421-1424 (4 pages), Retrieved from <https://www.jstor.org/stable/4418077>
2. Certificate of Entitlement to the Right of Abode in the Macao SAR; Information retrieved from https://www.dsi.gov.mo/aboderight_e.jsp
3. Nationality Law of the People's Republic of China; Information retrieved from <https://www.immd.gov.hk/eng/residents/immigration/chinese/law.html>
4. Cmde SL Deshmukh, NM (Retd) (2021), Inter-relationship between Citizenship and Globalization: An India Specific Analysis, Volume 2, Special Issue III, May 2021, Ictronic Journal of Social and Strategic Studies. Retrieved from https://www.ejsss.net.in/article_html.php?did=13055&issueno=0
5. Prarthana Saikia (2023), Citizenship, Nationality, Discord, Accord, and Assam, Economic and Political Weekly, Vol. 58, Issue No. 23, 10 Jun, 2023, Retrieved from <https://www.epw.in/journal/2023/23/special-articles/citizenship-nationality-discord-accord-and-assam.html>
6. Nirja Gopal Jayal (2019), **Reconfiguring Citizenship in Contemporary India**, South Asia: Journal of South Asian Studies Volume 42, 2019 - Issue 1. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/00856401.2019.1555874>
7. Ashna Ashesh, Arun Thiruvengadam (2017), REPORT ON CITIZENSHIP LAW:INDIA, COUNTRY REPORT 2017/12, Global Citizenship Observatory (GLOBALCIT). Retrieved from chrome-extension://efaidnbmninnbpcajpcgclefindmkaj/https://cadmus.eui.eu/bitstream/handle/1814/47124/GLOBALCIT_CR_2017_12.pdf
8. The Political System, Austrian Embassy, Washington; Retrieved from <https://www.austria.org/citizenship/>
9. Cyprus Visa Requirements: <https://tinyurl.com/y8dtvhun>; Portugal Visa Requirements: <https://tinyurl.com/yd65fhla>
10. Daniel Naujoks, 2015; The securitization of dual citizenship. National security concerns and the making of the Overseas Citizenship of India, Brill Journals. Retrieved from https://brill.com/view/journals/bdia/8/1/article-p18_2.xml
11. https://www.unicef.org/easterncaribbean/spmapping/Finance/Regional/2004_Survey_of_Caribbean_Tax_Systems.doc
12. Rise in Caribbean tax revenues: <https://www.caymancompass.com/2017/03/28/caribbean-tax-revenues-rise-despite-low-growth/>

13. Statutory Resolution Regarding Disapproval Of The Citizenship, 16 Aug 2005: <https://indiankanoon.org/doc/170542/>, Page 6 paragraph 1
14. The Telegraph India, Jul 27, 2014: <https://www.telegraphindia.com/1140727/jsp/7days/18658767.jsp>
15. Indian Immigrants in the United States, Aug 31 2017: <https://www.migrationpolicy.org/article/indian-immigrants-united-states>
16. Akash Singh and Avantika Singh (2022), Dual Citizenship: An Indian Perspective, International Journal of Law Management and Humanities, 5 Issue; Retrieved from <https://ijlmh.com/paper/dual-citizenship-an-indian-perspective/>
17. Bundeszentrale Für Politische Bildung (Federal Agency for Civic Education), under the Federal Ministry of Interior, Germany, <http://www.bpb.de/gesellschaft/migration/kurzdosiers/58015/classic-objections?p=all> (last visited 03 Mar 2018)
18. Conflict of laws due to dual citizenship, K G vs State Of Delhi & Anr., 16 Nov 2017: <https://indiankanoon.org/doc/49497612/>
19. Kavindhya Wickramasinghe, Dinithi Jayasinghe et al (2021), Dual Citizenship: A Contemporary Controversy, General Sir John Kotelawala Defence University. Retrieved from https://www.researchgate.net/publication/354679835_DUAL_CITIZENSHIP_A_CONTEMPORARY_CONTOVERSY/link/6145ea0d3c6cb31069779d30/download?tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19
20. Section 9 relates to Termination of citizenship, Section 10 relates to Deprivation of citizenship and Sec 12 relates to conferring rights of Indian citizens to citizens of other countries: <https://indiankanoon.org/doc/305990/>
21. Section 12 of British Nationality Act 1980 relates to a person who was a British subject before the commencement of the Act: <http://www.uniset.ca/naty/BNA1948.htm>
22. Times of India, Mar 6 2015: <https://tinyurl.com/yd9xpweq>
23. The Hindu, Jun 24 2017: <https://tinyurl.com/yckfbk36>
24. The Times of India, Jan 5 2018: <https://tinyurl.com/ydh3uz6w>
25. The Times of India, Oct 14 2017: <https://tinyurl.com/y7dkd3cj>
26. PIO, also called Overseas Indians or Indian Diaspora, are people of Indian birth or descent who live outside India (~30.8MM).
27. Dual Citizenship: Impact of Overseas Citizenship of India Report: http://www.legalserviceindia.com/articles/dual_cet.htm
28. Dr. Yadu Singh's Press Release: <https://yadusingh.com/2014/11/14/press-release-on-dual-citizenship/>
29. Remo Fernandes' Portuguese citizenship case: <https://tinyurl.com/j6e37g4>
30. Harsha Raj Ghatty, 'Shut-down' Portuguese consulate in Goa, demands Freedom Fighters Association of the state', The Indian Express (Panaji, 8th June, 2016), available at <https://tinyurl.com/hl4k917>;

31. Goa Migration Study 2008, S. Irudaya Rajan , K.C. Zachariah, K.N. Nair, Sabu Aliyar and Délio Mendonça: http://cds.edu/wp-content/uploads/2012/09/3_Goa-Migration-Study-2008.pdf
32. Goa, Daman and Diu (Citizenship) Order, 1962.
33. Article 5, Article 9, Constitution of India
34. Rule 17, Citizenship Rules, 2009
35. Enacted under the powers given to the Parliament by Article 11.
36. Section 9(1); Schedule III, Rule 3, Citizenship Rules, 2009; Schedule III, Rule 4, Citizenship Rules, 2009; Schedule III, Rule 6, Citizenship Rules, 2009
37. Section 3, Passports Act, 1967; Passports Act, 1967
38. Goa was first recognized as equal to the metropolis in the Royal Charter of 1518, and affirmed in subsequent legislation. The term 'province' was first used in 1576, and the term 'overseas provinces' used in virtually all legislation and constitutions thereafter, e.g. Art.1-3 & Art. 162-64 of 1822 Constitution. 1826 Constitution, Art. I & Title X of the constitution of 1838.
39. The Times of India, Jan 15 2014: <https://tinyurl.com/y9kcdj59>, Goa, Daman and Diu Citizenship Order: <https://tinyurl.com/yb9gzeb8>
40. Treaty on Recognition of India's Sovereignty over former Portuguese Indian overseas territories, 14 Mar 1975: <https://tinyurl.com/y9h8h6q4>
41. Portuguese Nationality Laws for Goans: <http://portuguese-nationality.com/portuguesenationalityforgoans.html>
42. Consulate General of Portugal in Goa: <http://www.consuladoporlugal.goa.com/pages.php?id=3>
43. The Indian Express, Jan 20 2016: <http://indianexpress.com/article/explained/explained-a-passage-to-portugal/>
44. Scroll Magazine, Feb 05, 2014: <https://scroll.in/article/655499/why-thousands-of-goans-are-giving-up-indian-passports-for-portuguese-ones>