

## Article 9

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

**Came into effect: 26 January 1950**

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

In simple terms, if someone has willingly become a citizen of another country, they can't automatically become a citizen of India based on Article 5, 6, or 8 of the Constitution. This means that acquiring citizenship in another country automatically disqualifies them from being considered an Indian citizen under these articles.

### **Prohibition on Dual Citizenship:**

Article 9 states that no person shall be a citizen of India if they have voluntarily acquired citizenship of another country. In simpler terms, if an individual has willingly become a citizen of a foreign state, they cannot simultaneously retain Indian citizenship.

### **Context of Article 9:**

The provision of Article 9 reflects the principle of single citizenship in India, where individuals are recognized as citizens of India only and cannot hold citizenship of another country concurrently. This principle is significant for maintaining the unity and integrity of the Indian nation-state and ensuring allegiance to the Indian state.

### **Relationship with Other Articles:**

Article 9 acts as a limitation on the acquisition of Indian citizenship under other articles of the Constitution, such as Articles 5, 6, and 8. These articles provide provisions for citizenship based on birth, descent, or registration, but the acquisition of foreign citizenship precludes eligibility for Indian citizenship under these provisions.

### **Voluntary Acquisition:**

The key criterion mentioned in Article 9 is the voluntary acquisition of foreign citizenship. This means that individuals who actively apply for and obtain citizenship of another country, either through naturalization, registration, or any other means, are subject to the prohibition on Indian citizenship.

### **Exceptions and Considerations:**

While Article 9 generally prohibits dual citizenship, there may be exceptions or considerations in certain cases, particularly for individuals who acquire foreign citizenship involuntarily, such as through marriage or descent, or in cases where dual citizenship is permitted under specific laws or bilateral agreements.

### **Enforcement and Implementation:**

The enforcement and implementation of Article 9 are carried out through legal mechanisms and administrative procedures established by the Indian government, including citizenship laws, regulations, and administrative directives issued by relevant authorities.

### **Reasons why it came into existence:**

Article 9 of the Indian Constitution came into existence to address the issue of dual citizenship or nationality and to uphold the principle of single citizenship within the Indian nation-state.

- **Historical Context:**

- The partition of British India in 1947 and the subsequent communal violence and mass migration underscored the complexities of citizenship and nationality in the Indian subcontinent. The framers of the Constitution sought to address these complexities by establishing clear principles for determining citizenship.

- **Preventing Conflicts of Interest:**

Allowing dual citizenship could potentially lead to conflicts of interest, especially in cases where individuals hold citizenship in countries with conflicting political or diplomatic relations with India. Article 9 aims to mitigate such conflicts by prohibiting dual citizenship.

- **Ensuring Equality:**

Article 9 ensures equality among Indian citizens by treating them equally under the law regardless of their citizenship status in other countries. It prevents individuals from leveraging dual citizenship for preferential treatment or privileges.

### **Previous Use of this Article:**

State of U.P v. Rehmatullah (1971): This landmark case involved an individual who acquired Pakistani citizenship but continued to reside in India. The Supreme Court of India ruled in this case that:

- The Indian government has the authority to take legal action against someone who has acquired foreign citizenship but still claims Indian citizenship.

- Article 9 implies a clear intention to revoke Indian citizenship upon voluntary acquisition of another country's citizenship.

This case established a legal precedent for how Article 9 is interpreted and enforced. It clarifies that simply residing in India doesn't guarantee Indian citizenship if a person has voluntarily acquired foreign citizenship.

### **Scenario:**

A person was born in India and lived there until completing their education. After receiving a job offer in the United States, the person decided to move to the U.S. for better career opportunities. Upon settling in the U.S., the person applied for and obtained U.S. citizenship through the naturalization process. They became a naturalized citizen of the United States and held dual citizenship in both India and the U.S.

#### **1. Dispute over Indian Citizenship:**

Several years later, the person decides to return to India to be closer to their family. However, upon their arrival, authorities question their citizenship status since they acquired U.S. citizenship voluntarily. The person asserts their right to Indian citizenship, citing their birth in India and their desire to reconnect with their roots.

#### **2. Application of Article 9:**

In this scenario, the court may refer to Article 9 of the Indian Constitution to determine the person's eligibility for Indian citizenship. Despite being born in India, the person voluntarily acquired citizenship of another country, the United States. Article 9 prohibits individuals from being citizens of India if they have voluntarily acquired citizenship of another country.

#### **3. Outcome:**

Based on the application of Article 9, the court may rule that the person is ineligible for Indian citizenship due to their voluntary acquisition of U.S. citizenship. The person may be considered a foreign citizen under Indian law, and they may need to follow the appropriate procedures, such as applying for an Overseas Citizen of India (OCI) card, to maintain certain privileges and connections with India.