Overseas Citizen of India (OCI) cardholder – Political Protest

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Why in news?

Actor Imran Khan, a US citizen and Overseas Citizen of India (OCI) cardholder, has been asked by the Foreigners Regional Registration Office (FRRO) to leave India, days after he joined a protest in Mumbai.

- **OCI** – It is a *permanent residency status* for foreign nationals of Indian origin - lets them live, work, and study in India indefinitely, serving as an alternative to dual citizenship.
- The OCI scheme was introduced in 2005 for certain categories of foreign nationals of Indian origin.
- **OCI is not dual citizenship** – India does not permit dual citizenship, and an OCI remains a foreign national holding the passport of another country.
- **Key Benefits** – The status nevertheless gives privileges unavailable to ordinary foreign nationals, most importantly a
    - Multiple-entry lifelong visa and
    - Exemption from registration with the foreigners regional registration office (FRRO) irrespective of the duration of stay.
    - Receive parity with indian citizens or NRIs in certain areas, including some property, educational and professional rights.



- **Activities requiring prior permission** – OCI cardholders are required to obtain special permission before undertaking
  - Research;
  - Missionary or tabligh work;
  - Mountaineering;
  - Journalistic activity;
  - Certain employment or internships in foreign diplomatic establishments; or
  - Entering protected, restricted or prohibited areas.
- **Political & Constitutional restriction** – OCIs also do not possess the political rights of Indian citizens.
- Under *Section 7B of the Citizenship Act*, they cannot vote or contest elections, and *Article 19 rights* — including the constitutional guarantees of freedom of speech and peaceful assembly — are guaranteed specifically to citizens.
- **Can an OCI be asked to leave India for joining a protest? –** The ***Immigration and Foreigners Act, 2025***, gives the government wide powers over foreign nationals — and an *OCI remains a foreign national for this purpose*.
- There is no provision in the Act that expressly says that a foreign national cannot attend a political rally or demonstration.
- However, the law gives the government considerable discretion to regulate the presence, activities and conduct of foreigners in India.
- **Section 7 of the Act** – Empowers the Central Government to regulate or restrict the entry, departure, movement, residence, or continued presence of foreign nationals in India.
- **Section 7 (c) (2)** – Allows the government to direct that a foreigner "shall not remain in India or in any specified area therein.

- **Section 29** – Allows the government to order the removal of a foreign national for violating provisions of the Act, related rules, orders, or on the basis of adverse security inputs.
- The significance is that the statute itself *does not designate "political protest"* as prohibited conduct. But it gives the executive latitude to prohibit particular categories of activity through an order or direction.

Reference

Indian Express | What powers does govt have over OCI cardholders?

