Right to protest for OCI

Prelims- *Current events of national and international events| Polity*

Why in News?

The Bombay HC has put the 'Leave India Notice' against actor Imran Khan on hold until December 7 after he tendered an unconditional apology.

> ***Overseas Citizens of India (OCI) cardholders do not possess the fundamental right to protest or engage in political agitations in India.***

Legal Status of OCI Protest Rights

- **Constitutional Limitations –** Fundamental rights under Article 19 of the Indian Constitution—including the freedom of speech, expression, and peaceful assembly—are exclusively reserved for full Indian citizens.
- **Foreigner Classification-** OCI cardholders are legally treated as foreign nationals (holding a lifelong visa status) and are not considered Indian citizens.
- **Visa and Regulatory Conditions-** Participating in domestic political protests or public demonstrations violates standard visa and residency conditions for foreign nationals under the Foreigners Act.
- Authorities retain broad sovereign powers to regulate foreign stay, issue expulsion or "Leave India" notices, and restrict political activities.
- **Bombay High Court Observations (November 2026) –** The legal position was highlighted during proceedings in the Bombay High Court involving actor and OCI cardholder Imran Khan, who challenged a "Leave India" notice issued by the Foreigners Regional Registration Office (FRRO) after attending a protest in Mumbai–
- Chief Justice Mahesh Chandra Tripathi and Justice Advait Sethna stated that OCI cardholders are not Indian citizens and cannot claim the same rights as citizens, including the right to protest.
- The court required Khan to submit an unconditional apology and a formal undertaking that he would not participate in or instigate future protests in India, keeping the Leave India notice in abeyance pending further review.

Overseas Citizen of India (OCI)

*An **Overseas Citizen of India (OCI)** cardholder is a foreign national with Indian roots who is registered under Section 7A of the Citizenship Act, 1955.*

Who Is Eligible to Hold an OCI Card?

• **Former Indian Citizens–** Anyone who was a citizen of India on or after January 26, 1950, or was eligible to become a citizen at that time.

• **Territory Integrations–** Individuals who belonged to a territory that became part of India after August 15, 1947.

• **Descendants–** Children, grandchildren, or great-grandchildren (and in some cases up to great-great-grandchildren) of such citizens.

• **Minor Children–** Minor children whose parents are Indian citizens or where at least one parent is an OCI cardholder.

• **Foreign Spouses–** Spouses of foreign origin of an Indian citizen or an OCI cardholder whose legal marriage has lasted for at least **two continuous years**.

Who is Excluded?

• Anyone who has ever been a citizen of **Pakistan** or **Bangladesh**.

• Serving or retired military and police personnel from foreign nations (in certain contexts).

• **Key Rights of OCI Cardholders**

• **Lifelong Visa–** Grants a multi-entry, multi-purpose, lifelong visa to visit, live, work, and study in India without time limits or needing to register with the Foreigners Regional Registration Officer (FRRO).

• **Property Ownership–** Can buy or sell residential and commercial properties (excluding agricultural land, farmhouses, or plantation properties).

• **Economic & Educational Parity–** Equal footing with Non-Resident Indians (NRIs) for financial investments, business, and appearing for entrance exams like NEET and JEE.

• **Professions–** Eligible to practice as doctors, lawyers, architects, and chartered accountants, and can be appointed as teaching faculty in premier institutes like IITs, IIMs, and IISc.

Important Restrictions

• **Not Dual Citizenship–** OCI status does **not** grant Indian citizenship, an Indian passport, or the right to vote in Indian elections.

• **No Public Office–** Cannot hold constitutional or public employment/government jobs (with specific academic/faculty exceptions).

• **Prior Permission Required–** Special activities such as journalism, missionary work, or certain types of research require prior clearance from the government.



Reference

[The Indian Express| OCI Cardholders& the Right to Protest]

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