

Advisory

(For Indian nationals who are in the process of obtaining nationality of other country or have already obtained citizenship of the other country)

Indian passport holders are required to surrender their passports to the nearest Indian Embassy/Consulate immediately after acquisition of foreign nationality as Indian Constitution does not allow dual nationality (there is sometimes a misconception that Overseas Citizenship of India (OCI) Card is dual citizenship). However, it has been observed that many individuals continue to retain their Indian passports and some even use to travel on Indian passports; there are yet others who get fresh Indian passports issued by suppression of information even several years after they acquired foreign citizenship.

Since the misuse of the Indian Passports, as described above, constitutes offences under Section 12(1A) of the Passports Act 1967, which states :

“Whoever, not being a citizen of India –

- a) makes an application for a passport or obtains a passport by suppressing information about his nationality, or**
- b) holds a forged passport or any travel document,**

shall be punishable with imprisonment for a term which shall not be less than one year, but which may extend to five years and with fine which shall not be less than Euro 250/- (Euro two hundred fifty, but t which may extend to Euro 1250/- (Twelve hundred fifty)”.

In view of the above, the Government of India has since decided to impose penalty on a graded scale for such violations as per details given below in cases where the applicant’s last held Indian passport expired on or after 1.1.2005; and Indian passport is retained beyond three years (not surrendered within three years) or travelled on Indian passport beyond the grace period of three months, after acquisition of foreign nationality.

It has also been decided that the cut-off date for the purpose of charging the renunciation of Indian citizenship fee will be 01.06.2010.

S. No.	Scenario	RENUNCIATION OF CITIZENSHIP FEE
1.	Renunciation of Indian citizenship fee to be charged where Foreign Citizenship was acquired on or after 01.06.2010	Euro 175/-
		PENALTY
2.	Passport not surrendered after acquiring foreign nationality and the Indian passport expired on or before 31.12.2004.	No penalty
3.	Passport surrendered after three years of acquiring the foreign nationality and the Indian passport expired on or after 01.01.2005 and not re-issued.	Penalty for retention of passport – Euro 250/-
4.	Passport not surrendered upto three years, but travelled on it after a grace period of three months once or more than once and the passport expired on or after 01.01.2005.	Euro 250/- for each travel on the Indian passport upto a maximum of Euro 1250.
5.	Passport not surrendered for over 3 years and used for travel after acquiring foreign nationality	Euro 250/- for retention of passport and Euro 250/- penalty for each travel
6.	Indian passport not surrendered for over three years and was renewed/re-issued after acquiring the foreign nationality and the Indian ppt. expired on or after 01.01.2005 or still valid; ii) if travelled on it.	(i)Penalty of Euro 625/- for renewal/re-issue, which includes retention penalty and (ii) penalty of Euro 250/- for each travel on Indian Passport (aggregate penalty on travel not to exceed Euro 1250/-)
7.	If availed of misc. service on Indian passport after a grace period of 3 months of acquiring the foreign nationality	Euro 250/- per miscellaneous consular service

2. In view of the foregoing, all concerned are advised to surrender their Indian passports on obtaining foreign nationality to the nearest Indian

Embassy/Consulate at the earliest lest they become offender under the Indian Passport Act and later pay huge penalty. The Indian Embassy/Consulate will issue a Surrender/Renunciation of Indian Citizenship Certificate to such individuals. A grace period of three months only is allowed from the date of acquisition of foreign citizenship, for the purpose of travel on Indian passport and hence no penalty will be levied for travel on Indian passport within three months of acquisition of foreign passport.
