



2026:DHC:4163



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 1071/2026**Date of Decision: **08.05.2026****IN THE MATTER OF:****UTKARSH JAIN**

.....Petitioner

Through: Mr. Prashant Joshi, Mr. Ashwani
Kumar Sharma, Mr. Pramod Kumar,
Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Jitendra Kumar Tripathi, Mr.
Devashish Kumar , Advocates.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The instant petition is filed for following reliefs:

*“a) Issue a Writ in the nature of Mandamus, or any other appropriate writ, order, or direction, commanding the Respondents to forthwith quash and/or withdraw the Look-Out Circular/Immigration Alert issued against the Petitioner, Mr. Utkarsh Jain, holder of Indian Passport No. V 6112659;**b) Issue a further writ, order, or direction commanding the Respondents to permit the Petitioner to travel abroad freely and without any obstruction, restraint, or adverse immigration action, in view of the confirmed validity of his passport and absence of any lawful impediment;**c) Pass any other and further order which this Hon'ble Court may deem fit and proper in the facts and circumstances mentioned above, be passed in favour of the parties in the interest of justice.”*Signature Not Verified
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2. The petitioner, an Indian citizen by birth and a cricketer by profession, was stopped and offloaded at Indira Gandhi International Airport, Delhi (***IGI Airport***), on 29.10.2025, while travelling abroad, on the ground that he holds dual nationality.
3. The Petitioner was alleged to have conscious possession of passports issued by two different sovereign states. One being the Cambodian Passport (N1929299), and the other being an Indian Passport (V6112659).
4. In or around early 2023, the Cricket Federation of Cambodia (***Federation***) invited the Petitioner, along with other Indian cricketers, to travel to Cambodia for cricket training in preparation for the Southeast Asian Games 2023 (***SEA Games***), scheduled to take place in Cambodia between 05.05.2023 to 17.05.2023.
5. Letter dated 08.03.2023 was issued by the Federation under the signature of Mr. Manish Sharma, CEO, Federation, certifying that the Petitioner will be travelling to Cambodia on Indian passport No. V6112659 for SEA Games.
6. It is an uncontroverted stand of the Petitioner that all logistical, visa, and administrative formalities during his stay in Cambodia, including the processing of any documentation required for such purposes, were handled entirely and solely by the Federation and relevant sports management working under the Federation's aegis on behalf of all the visiting players.
7. The Petitioner has, at all material times, consistently, categorically and on affidavit maintained that he never applied for, sought to, or participated in any process for the acquisition of Cambodian citizenship, a

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Cambodian passport, or any other travel document of the Kingdom of Cambodia in his individual capacity.

8. It is his stand that he subscribed to no oath of allegiance to Cambodia, underwent no process of naturalisation, or registration, steps outlined by the Law on Nationality, 1996¹, and at no instance formed any intention of acquiring the citizenship of any foreign state.

9. Upon conclusion of the SEA Games, a letter by the Secretary General, National Olympic Committee of Cambodia (**“NOCC”**), dated 11.07.2025, was issued in collaboration with the General Department of Identification of the Kingdom of Cambodia (**“NOCC Cancellation Certificate”**), hereinafter read as:-

Subject: Confirmation of Confiscation and Cancellation of Passport

This is to certify that the National Olympic Committee of Cambodia (NOCC), in official collaboration with the General Department of Identification of the Kingdom of Cambodia, confirms that the following individuals listed below have surrendered their Cambodian passport and their passport have been cancelled respectively. This action was conducted under administrative procedures in accordance with Cambodian law and regulations.

The following individuals are no longer in possession of their Cambodian passports, which have been officially surrendered to the Cambodian authorities:

No.	Name	Gender	Passport No.
1	LAKSHIT CUPTA	M	N1929296
2	SALVIN STAIY	M	N1929293
3	UTKARSH JAIN	M	N1929299
4	UDAY SING HATHINJAR	M	N1929297
5	SAHAJ CHADHA	M	N1929238
6	RAM RAUSHAN SHARAN	M	N1929301
7	SHARWAN GODARA	M	N1929302

¹ 1996 Law on Nationality, Cambodia (NS/RKM/0896/02).



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This letter serves as official confirmation of the cancellation of the above-listed passports. The named individuals are no longer in possession of a Cambodian Passport, and these documents have been withheld by the Cambodian authorities as part of administrative and regulatory compliance.

10. Prior to the receipt of the NOCC Cancellation certificate, RPO, Delhi issued a Show Cause Notice (“SCN”) dated 17.06.2025 against the Petitioner alleging that:-

You may recall that passport no. V6112659 was issued by this office on 01.02.2022 on the basis of passport application form supported with documents and declaration furnished thereon. It has come to notice of this office that you are also in the possession of Cambodian passport/nationality.

Therefore, you are advised to submit your passport in original before this office immediately as per the provisions of sub-section (1) of section 10 of the Passports Act, 1967 within 15 days of receipt of this letter. In absence of compliance to this notice within stipulated time this office will presume that you have no reasons to dispute the proposed act and necessary action as deemed fit in this regard will be taken u/s 10(3)(g) of The Passports Act, 1967,

If you want to represent your case in person, you may call upon the undersigned within 15 days of receipt of this letter to you on any working day between 10.00 AM to 01.00 PM.

11. Petitioner, in compliance with the SCN, filed a detailed representation before the RPO dated 27.06.2025. Upon scrutiny and verification, the RPO recorded an official notation on the inquiry form on 29.10.2025 in the following terms- “PV clear, Passport valid as per our system record”.

12. Therefore, the proceedings initiated under the SCN were concluded without any adverse finding against the Petitioner and with an affirmation of the validity of the Petitioner’s Indian Passport, by the authority competent to determine the same under the Passports Act, 1967.

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13. Notwithstanding the clean and affirmative finding recorded by RPO. Petitioner, in October 2025, was intercepted by the officials of the Bureau of Immigration at the IGI Airport on the ground that an active LOC was registered against his name in the immigration database on account of being alleged to possess dual nationality.

14. Foreign Regional Registration Office (**“FRRO”**), Respondent No.2 in its Counter Affidavit raised two principal objections: First, that the mail address rec.embdelhi@yahoo.in, from which the Royal Embassy of Cambodia had sent its confirmation on 04.11.2025, was not the officially listed diplomatic email address of the Embassy. The mail is extracted as under:-

“Dear Mr. Utkarsh,

Thank you for approaching us. We would like to confirm that the document No. 192 N.O.C.C dated 11 July 2025 regarding Cambodian passport cancellation is genuine.

Regards,

Royal Embassy of Cambodia A-1 /309, Safdarjung Enclave, New Delhi - 110029 Tel: (91) 11 41717136-37”

15. Second, that the NOCC was not the appropriate authority to certify or decide over the validity of Cambodian Passports. Importantly, Para 15 of the Respondents Counter Affidavit stated that:-

“That it is respectfully stated that the verification of cancellation of the Cambodian Passport of the Petitioner is actively being perused by this office from the Royal Embassy of Cambodia through official channels. Any decision upon the adverse entry in the record of the Petitioner can only be taken after official confirmation from the Concerned Embassy”.

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16. Cambodian Embassy in its response dated 27.03.2026 from its official diplomatic email address camemb.ind@mfaic.gov.kh confirmed, unequivocally and in clear terms, that the email address used for communication dated 04.11.2025 is an authorised email address of the Royal Embassy of Cambodia for receiving and sending confirmations and acknowledgements.

17. Additionally, that the NOCC Cancellation Certificate No. 192/NOCC dated 11.07.2025 is genuine and authentic. A copy of this communication was also marked to the FRRO at frrodli@nic.in. Communication dated 27.03.2026 is extracted as under:-

“Dear Mr. Utkarsh

This is to confirm that the email ID rec.embdelhi@yahoo.in is an authorized email address used by the Royal Embassy of Cambodia for receiving/ sending confirmations and acknowledgments. Once again, We would like to confirm that the document No. 192 N.O.C.C dated 11 July 2025 regarding Cambodian passport cancellation is genuine.

Regards,

Royal Embassy of Cambodia A-1/309, Safdarjung Enclave, New Delhi - 110029 Tel: (91) 11 41717136-37”

18. It is the Respondents’ case that India does not recognize dual nationality; therefore, in terms of power conferred to the Central Government through FRRO and Bureau of Immigration. The authorities are in power to regulate immigration in India which is the sovereign function of the department. The reference to Section 3 of the Immigration and Foreigners Act, 2025 has been made.

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19. Adjudicating over the subject matter involved requires inquiry into the constitutional and statutory framework that governs the question of dual citizenship in India, and the Rules of Procedure and Evidence that regulate and influence the outcome of such questions.

20. The Indian Constitution is based upon the principle of single citizenship. Part II of the Constitution (Article 5-11) governs citizenship exclusively. During the deliberations of Constituent assembly, a proposal by Prof. K.T. Shah advocating the grant of dual citizenship was advanced before the Assembly.

21. Upon due consideration and deliberation, the proposal was rejected on the caution presented by Sir Alladi Krishnaswami Ayyar against the international consequences and that the commitment to the Indian State must be unambiguous. Resultantly, an informed constitutional choice was made in favour of single citizenship, a choice that finds its expression in the text of Article 9:-

“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.”

22. Two features of Article 9 are of cardinal importance in the adjudication of issues involving dual citizenship. First, the word ‘voluntarily’ is not merely surplusage; it is the operative constitutional threshold that provides force and character to the constitutional intent. Second, the Supreme Court in *In Re: Section 6A of the Citizenship Act*²

² 2024 INSC 789.



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provided that Article 9, when read in its proper constitutional context, is intended to operate with reference to the commencement of the Constitution.

23. The legal regime governing the termination of Indian citizenship derives its authority not from Article 9 alone, but from the legislative power conferred upon Parliament by Article 11 of the Constitution, which provides for:-

"Nothing in the foregoing provisions of this Part shall derogate from the power of the Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship."

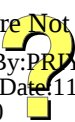
24. Citizenship Act, 1955 (***"the Act"***) was enacted under the plenary powers conferred by Article 11 read with Entry 17 of List I (Union List) of the Seventh Schedule, which grants Parliament an exclusive jurisdiction over Citizenship, Naturalisation, and aliens.

25. Section 9 of the Act is the statutory provision governing the termination of Indian Citizenship on account of the acquisition of citizenship of a foreign state. Section 9(1) and (2) are extracted as under:-

"Section 9(1): Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act, voluntarily acquired, the citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India."

"Section 9(2): If any question arises as to whether, when or how any citizen of India has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and having regard to such rules of evidence, as may be prescribed in this behalf."

26. The Procedure under Section 9(2) of the Act is governed by the Citizenship Rules, 2009 (***"2009 Rules"***). Rule 40 of the 2009 Rules is the





pivotal provision over the issue of dual nationality, which is extracted as under:-

"Rule 40. Determination of questions as to the acquisition of citizenship of another country.

(1) For the purpose of sub-section (2) of section 9, the Central Government may determine the issues as to whether, when or how any citizen of India has acquired the citizenship of another country.

(2) The Central Government, while determining any such issues, shall have due regard to the rules of procedure specified in Schedule III."

27. In addition to Rule 40, Schedule III to the 2009 Rules prescribe rules of procedure and evidence applicable to the issue of determination raised under Rule 40. The relevant provisions of Schedule III are extracted as under:-

"Rule 1: The burden of proving that the citizen of India has not acquired the citizenship of another country shall be upon the person who denies that he has acquired such citizenship."

"Rule 2: The Central Government shall have regard to all the circumstances of the case and shall not be bound to follow any particular rules of evidence."

"Rule 3: The fact that a citizen of India has obtained a passport from the Government of any other country shall be conclusive proof of his having voluntarily acquired the citizenship of that country."

28. In ***Izhar Ahmad Khan vs. Union of India***,³ the Supreme Court upheld the Constitutional validity of Section 9(2) of the Act and Rule 3 of Schedule III of the 2009 Rules in the following terms:-

"12...There is no ambiguity about the effect of Section 9. It is clear that the voluntary acquisition by an Indian citizen of the citizenship of another country terminates his citizenship of India, provided the said voluntary acquisition has taken place between the 26th January, 1950 and the commencement of the Act, or takes place thereafter. It would thus be seen

³ 1962 SCC OnLine SC 1.



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that whereas Article 9 of the Constitution dealt with the acquisition of citizenship of a foreign State which had taken place prior to the commencement of the Constitution, s. 9 of the Act deals with acquisition of foreign citizenship subsequent to the commencement of the Constitution. There is, therefore, no doubt that the Constitution does not favour plural or dual citizenship and just as in regard to the period prior to the Constitution, Article 9 prevents a person who had voluntarily acquired the citizenship of foreign country from claiming the status of an Indian citizen, so does s.9(1) make a similar provision in regard to the period subsequent to the commencement' of the Constitution. Section 9 provides that the acquisition of foreign citizenship can be the result either of naturalisation or registration or any other method of voluntarily acquiring such citizenship. Just as the citizenship of India can be acquired by naturalisation or registration, or registration, so can the citizenship of a foreign country be, similarly acquired by naturalisation or registration. If it is shown that the person has acquired foreign citizenship either by naturalisation or registration, there can be no doubt that he ceases to be a citizen of India in consequence of such naturalisation or registration. These two classes of foreign citizenship present no difficulty. It is only in regard to the last category of cases where foreign citizenship is acquired otherwise than by naturalisation or registration that difficulty may arise. But the position in respect of the last category of cases is also not in doubt and that is that if it is shown that by some other procedure foreign citizenship has been voluntarily acquired. Indian citizenship, immediately comes to an end. The proviso to sub-section (1) need not detain us because we are not concerned with the cases falling under that proviso."

"13. That takes us to sub cl. (2) of Section 9. This clause provides that if any question arises as to the acquisition by an Indian citizen of foreign citizenship, it shall be determined by such authority, in such manner, and having regard to such rules of evidence as may be prescribed in this behalf. In other words if any dispute arises as to whether foreign citizenship has been acquired voluntarily by an Indian citizen, or if it has been so acquired, when or how the power to decide this question has been delegated to the authority as may be prescribed in that behalf. Likewise, the manner in which the enquiry should be held and the rules subject to which the enquiry should be held have also to be prescribed in that behalf. The result of this sub-section is that rules are to be framed prescribing the authority by which the said questions should be tried, the manner in which they should be tried and the rules of evidence subject to which they should be tried".

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“16...Then follows Rule 3 the validity of which is challenged before us. This rule reads thus:

“The fact that a citizen of India has obtained on any date a passport from the Government of any other country shall be conclusive proof of his having voluntarily acquired the citizenship of the country before that date. To the rest of the rules it is unnecessary to refer. The scope and effect of Rule 3 are absolutely clear. If it is shown that a citizen of India has obtained a passport from a foreign Government on any date, then under rule 3 an inference has to be drawn that by obtaining the said passport he has voluntarily acquired the citizenship of that country before the date of the passport. In other words, the proof of the fact that a passport from a foreign country has been obtained on a certain date, conclusively determines the other fact that before that date, he has voluntarily acquired the citizenship of that country. The question which arises for decision is whether this rule is constitutionally valid and if it is, whether Section 9(2) under which the power to hold the enquiry subject to the relevant rules, has been delegated to the Central Government is itself constitutionally valid.”

29. In **Govt. of A.P. vs. Syed Mohd. Khan**,⁴ the Supreme Court, shortly after **Izhar Ahmad Khan** enunciated the following ruling:-

“6..Indeed it is clear that in the course of the judgment, this Court has emphasised the fact that the question as to whether a person has lost his citizenship of this country and has acquired the citizenship of a foreign country has to be tried by the Central Government and it is only after the Central Government has decided the point the State Government can deal with the person as a foreigner. It may be that if a passport from a foreign Government is obtained by a citizen, and the case falls under the impugned Rule, the conclusion may follow that he has acquired the citizenship of the foreign country ; but that conclusion can be drawn only by the appropriate authority authorised under the Act to enquire into question. Therefore, there is no doubt that in all cases where action is proposed to be taken against persons residing in this country on the ground that they have acquired the citizenship of a foreign State and have lost in consequence the citizenship of this country, it is essential that that question should be first considered by the Central Government. In dealing with the question, the Central Government would undoubtedly be entitled to give effect to the impugned Rule. 3 in Schedule III and deal with the matter in accordance with the other relevant Rules framed under the Act.

⁴ AIR 1962 SC 1778.



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The decision of the Central Government about the status of the person is the basis on which any further action can be taken against him...”

30. In **Mohd. Ayub Khan vs. Commissioner of Police, Madras**⁵ the Supreme Court held that:-

“9. Section 9(1) of the Citizenship Act provides for termination of citizenship of an Indian citizen if he has (subject to the proviso which is not material) by naturalisation, registration or otherwise, voluntarily acquired citizenship of another country. Subject to the exception in the proviso therefore naturalisation, registration or acquisition of citizenship of another country operates to terminate the citizenship of India. Acquisition of citizenship of another country to determine Indian citizenship must however be voluntary. By sub-s. (2) provision is made for setting up an authority to determine the question where, when and how citizenship of another country has been acquired, and by Rule 30 the Central Government is designated as the authority which is invested with power to determine the question in such manner, and having regard to such rules of evidence as may be prescribed. Provision for prescribing rules of evidence, having regard to which the question of acquisition of citizenship of another country has to be determined, clearly indicates that the order is not to be made on the mere satisfaction of the authority without enquiry, that the citizen concerned has obtained a passport of another country. The question as to whether when and how foreign citizenship has been acquired has to be determined having regard to the rules of evidence prescribed, and termination of Indian citizenship being the consequence of voluntary acquisition of foreign citizenship, the authority has also to determine that such latter citizenship has been voluntarily acquired. Determination of the question postulates an approach as in a quasi-judicial enquiry : the citizen concerned must be given due notice of the nature of the action which in the view of the authority involves termination of Indian citizenship, and reasonable opportunity must be afforded to the citizen to convince the authority that what is alleged against him is not true. What the scope and extent of the enquiry to be made by the authority on a plea raised by the citizen concerned should be, depends upon the circumstances of each case.”

“10. Paragraph 1 of Sch. III which raises a rebuttable presumption, when it appears to the Central Government that a citizen has voluntarily acquired foreign citizenship, casts the burden of proof upon the citizen to disprove such acquisition, and Paragraph 2 which authorises the Central

⁵ 1965 SCC OnLine SC 89.



*Government to make enquiries for the purpose of determining the question raised, strongly support the view that the Central Government must arrive at a decision that the Indian citizen has voluntarily acquired foreign citizenship, before action can be taken against him on the footing that his citizenship is terminated. Paragraph 3 raises a conclusive presumption that a citizen of India who has obtained a passport from a foreign country on any date, has before that date voluntarily acquired citizenship of that other country. By the application of the rule in Paragraph 3 the authority must regard obtaining of a foreign passport on a particular date as conclusive proof that the Indian citizen has voluntarily acquired citizenship of another country before that date. But obtaining of a passport of a foreign country cannot in all cases merely mean receiving the passport. **If a plea is raised by the citizen that he had not voluntarily obtained the passport, the citizen must be afforded an opportunity to prove that fact.** Cases may be visualised in which on account of force a person may be compelled or on account of fraud or misrepresentation he may be induced, without any intention of renunciation of his Indian citizenship, to obtain a passport from a foreign country. It would be difficult to say that such a passport is one which has been "obtained" within the assumption must arise that he has acquired voluntarily citizenship of that country."*

[Emphasis Supplied]

31. In *K.L. Modi vs. Union of India*,⁶ Division Bench of this Court elaborated upon the issue of acquiring citizenship of a foreign State despite holding a valid Indian citizenship, the text is extracted as under:-

"13. This Court is not inclined, and indeed is not competent, in these proceedings on the existing pleadings to make any order directing the respondents to permit the petitioner to enter and stay in the territories of India. It is not for this Court to adjudicate on the question of the petitioner's citizenship in writ proceeding on the material on this record. The question of voluntary or involuntary acquisition of citizenship of some other country is also not for this Court is not in a position, as a matter of law, on the existing material to hold that the petitioner is an Indian citizen. The question whether the petitioner has lost his citizenship of India and acquired citizenship of some other country is to be decided by the Central Government and not by this Court in the person proceedings. We are, in the circumstances, inclined to direct the respondents to consider and adjudicate upon the question of the petitioner's citizenship under Section 9 of the Citizenship Act."

⁶ 1969 SCC OnLine Del 76.



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32. The position therefore, is clear and settled. India does not recognise dual citizenship. Article 9 of the Constitution and Section 9(1) of the Act prohibit the concurrent holding of Indian citizenship and the citizenship of any foreign state.

33. The NOCC Cancellation Certificate dated 11.07.2025, the only document relied upon by the Respondents, is, on its plain and unambiguous terms, a certificate of surrender and cancellation. It is not, and cannot in law be treated as, affirmative proof of the prior voluntary acquisition of citizenship.

34. The objections raised by the Respondents stands extinguished by the direct diplomatic confirmation *vide* mail dated 27.03.2026. When the diplomatic mission of a foreign State in India confirms, through its official channel, the authenticity and operative effect of a document, that confirmation does not warrant any further administrative questioning.

35. Additionally, RPO, an authority vested with the power to scrutinise the validity of an Indian Passport and, if warranted, has the power to cancel it on grounds including the possession of dual nationality under Section 10(3) of the Passports Act, 1967, upon investigation, returned a clear finding *vide* letter dated 29.10.2025.

36. The finding so arrived upon statutory investigation carries evidentiary value and cannot and should not be ignored, minimised, or unilaterally overridden by the FRRO.

37. The Court, thus, finds that on the basis of the inference, the petitioner should not be denied the right to travel abroad, which has been construed as

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one of the facets of Article 21 of the Constitution of India as per *Maneka Gandhi vs. Union of India*.⁷

38. In view of the aforesaid, the FRRO is directed to reconsider its decision, and to pass an appropriate order enabling the petitioner to travel abroad without any impediment.

39. If there is any other positive evidence that would clearly establish dual citizenship, let the specific reason regarding the said exercise be assigned within a period of 15 days from the date of receipt of copy of the order passed today.

40. With the aforesaid observations, the instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

MAY 8, 2026

Sh/nk

⁷ AIR 1978 SC 597.