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## Fundamental Rights and OCI Cardholders

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### Why in News

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Recently, the Union government has told the Delhi High Court that **Overseas Citizen of India (OCI)** cardholders **do not enjoy fundamental rights** guaranteed by the Constitution, including the right to freedom of speech and expression.

- This response was to a plea seeking information under the **Right to Information (RTI) Act, 2005**.
- The plea also sought exemption for overseas citizens from seeking permission under the **Foreign Contribution Regulation Act, 2010 (FCRA)** to make donations to religious and charitable institutions.

According to the plea, the right to make donations to religious institutions and the fundamental right to freedom of religion are guaranteed by the Constitution.

### Key Points

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- The Government has not specifically replied on the question of the right to practice religion in India. However, it says no fundamental rights are applicable to the OCIs.
- According to the government, OCI cardholders have merely been granted statutory rights under **the Citizenship Act, 1955**.

Centre held that the right to freedom of speech and expression is a statutory right and not a fundamental or a constitutional right for the OCI cardholders.
- The Central Government grants limited rights through **the Citizenship Act (Conferment of rights on overseas citizens of India)**. Therefore, it depends on the policies of the government what rights are granted to the OCIs.

- Centre’s response contradicts earlier **Delhi High Court ruling in 2018**, where it held that OCI cardholders have the right to enjoy the fundamental rights of equality and freedom of speech and expression like other Indian citizens.

In **2018**, the **Delhi High Court** had said that an overseas citizen **can exercise fundamental rights guaranteed to “natural persons”** under the constitution.

- The **Supreme Court**, in multiple cases, has held that the Right to Information is enshrined in **Article 19(1)(a)**, that is granted to citizens and **Article 21**, which is guaranteed to all natural persons.

**Article 19(1)(a)- Freedom of speech and expression:** It provides every citizen with the right to express one’s views, opinions, beliefs, and convictions freely by word of mouth, writing, printing, picturing or in any other manner.

**Article 21:** It declares that no person shall be deprived of his life or personal liberty except according to the procedure established by law. This right is **available to both citizens and non-citizens.**

**Source: IE**