

**Loss of Citizenship Provisions in Nepal's Citizenship Law:  
Addressing the Risk of Statelessness in Accordance with  
International Conventions**

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**Abstract**

Citizenship denotes membership in a state, encompassing both acquisition and termination aspects. This article specifically examines the termination of citizenship in Nepal through a comparative lens. Termination can occur through voluntary means, automatic processes as per the country's laws, or governmental revocation. The study of citizenship loss is grounded in international conventions such as the Universal Declaration of Human Rights (1948), the Convention on the Reduction of Statelessness (1961), and the European Convention on Nationality (1997). Similarly, the comparative analysis extends to Nepali law including the Nepali Citizenship Act (1952), the Nepal Citizenship Act (1964), and the Nepal Citizenship Act (2006). This analysis delves into the comparative study between international conventions and Nepali citizenship laws, assessing whether the latter may potentially lead to statelessness.

**Keywords:** Citizenship, nationality, renunciation, revocation, termination, statelessness

**Introduction**

A State constitutes a unified entity comprising territory, population, sovereignty, and government. According to the Article-1 of *Montevideo Convention on the Rights and Duties of States (1933)*, a State requires not only a defined territory, government, and the capacity to enter into relations with others, but also a permanent population. However, the concept of a permanent population raises questions about its composition. The population of a country is typically categorized into citizens and non-citizens (Marshal, 1950, p. 18). According to Kaeley (2001), all persons who reside within a state can be classified into two groups: citizens and aliens. A citizen enjoys political rights and has the right of permanent residency in the state, whereas an alien does not enjoy these rights. An alien may be asked to leave the country at any time if their activities are suspected to be against the state (p. 182). Thus, population is

an essential component in forming a state, and it can be divided into citizens and non-citizens; only citizens are considered the permanent population of a nation and are considered the compulsory part of a state.

Since the citizen is an essential component of a state, then what exactly is a citizen? According to Agarwal (2016) citizen means a person who is the member of the state and who enjoys social and political rights (p. 178). If a citizen is a member of a country, what is this member called? Clarifying the concept of membership in the state, Baubock (2020) has asserted that citizenship is fundamentally a membership-based concept. While citizenship encompasses various meanings, all interpretations of citizenship ultimately depend, either explicitly or implicitly, on its core concept: membership in a political community (p. 65). Similarly, Lister and Pia (2008) say, "Citizenship is a concept which speaks to the relationship between individuals and political communities" (p. 1). Thus, a citizen is a member of a state who exercises all the rights within that state, including political, social, and civil rights, and it is a relationship between an individual and the state. The status of being a membership of a state is called citizenship.

Citizenship is a universal concept practiced in every state worldwide, with roots as ancient as settled human communities (Barbalet, 1988, p.1). The qualifications and disqualifications for citizenship acquisitions and terminations, are defined by the laws of each country. Thus, citizenship laws vary between nations, highlighting the independence of each state to enact its own legislations. The League of Nations has laid down a principle in Article- 1 of *the Convention on Certain Questions Relating to the Conflict of Nationality Laws, 1930*, emphasizes this sovereignty by stating that each state has the authority to determine its own nationals under its laws. Recognition of these laws by other states is depending upon their consistency with international conventions, customs, and principles of law regarding nationality. In essence, citizenship laws are made under the unique characteristics of each state, and the states are sovereign to enact its citizenship law.

Among the various elements of state building, sovereignty holds a significant position. Sovereignty entails that the inhabitants of a territory possess the power to establish their government and enact laws. As each country exercises its sovereignty, it has the autonomy to draft constitutions, legislation, and citizenship laws. Besides the Convention on Certain Questions Relating to the Conflict of Nationality Laws, the International Court of Justice in the *Nottebohm case (1955)*, which affirmed that international law delegates to each state the authority to determine the criteria for granting its own nationality (Cited from Orgado, 2020, Oxford, p. 348). Therefore, the principle of sovereignty of the states, empowers the nations to enact their own citizenship laws independently, a notion reinforced by both international conventions and decisions laid down by the International Court of Justice.

On the basis of the above description, every country has varied practices for conferring citizenship, which depend on the diverse national atmospheres. Consequently, the composition of these laws often prompts inquiries into their underlying elements. Do nations solely focus on provisions for granting citizenship, or do they incorporate additional requirements? When formulating citizenship laws, countries invariably include provisions not only for the

acquisition of citizenship but also for its possible termination. In this regard, Gibney (2020) has stated that just as the state has the right to determine rules for the acquisition of citizenship, it can also decide the rules for how citizenship can be lost (p. 359). Hence, the diversity in citizenship practices across countries reflects their unique national contexts, prompting questions about the fundamental elements of citizenship laws, while states retain the authority to establish rules governing both citizenship acquisition and loss.

Every country worldwide has its own citizenship laws, and Nepal is no exception, possessing its distinct law governing citizenship. Nepal has a history of citizenship spanning nearly seven decades. This history began with the Nepali Citizenship Act, 1952, enacted in 1952, which was subsequently replaced by the Nepal Citizenship Act, 1964 (Shreshtha, 2016, pp. 21-22). Later, this Act was repealed by the Nepal Citizenship Act, 2006. Presently, the Nepal Citizenship Act, 2006, is in force, governing Nepal's citizenship regime. This Act includes provisions for citizenship acquisition and loss. Thus, Nepal's citizenship laws have got changes time and again, all of which incorporate provisions for citizenship acquisition and loss.

This article analyzes the provisions relating to the termination of citizenship in Nepal, spanning from the first citizenship law, 1952 to the current citizenship law, Nepal Citizenship Act, 1964. This study compares these provisions with those outlined in international conventions on citizenship termination. In international conventions, Universal Declaration of Human Rights, 1948, Convention on the Reduction of the Statelessness, 1961 and European Convention on Nationality, 1997 is considered as grounds for analysis. While conducting this analysis, separate examinations have been undertaken concerning the renunciation of citizenship, automatic termination, and revocation of citizenship. This study specifically investigates whether the termination of Nepali citizenship leads to statelessness according to Nepali citizenship laws on the basis of International Conventions.

### **Objective of the Study**

The objective of this study is to assess and analyze the loss of citizenship provisions within the Nepali Citizenship Law with the aim of evaluating the potential risk of statelessness on the basis of International Conventions.

### **Methods of the study**

This study is based on theoretical analysis and comparative study of Nepali citizenship law and international conventions. Primary data have been gathered and examined from the Relevant Nepali laws and international conventions. A qualitative methodology is applied to gather and analyze the data. Similarly, the APA citation format has been used for in-text citation and references.

### **Findings**

### **Concept of Loss of Citizenship and statelessness**

As explained earlier states are sovereign to enact their citizenship law. The citizenship law has two faces that are acquisition and termination of citizenship. In this matter Vink (2020) has said that States also maintain a variety of rules regarding the acquisition of citizenship, and not only the rules on the acquisition of citizenship vary between states, so do the rules on the loss of citizenship (p. 225). He further said moreover, citizenship law regulates not just the acquisition, but also the loss of citizenship (p. 228). Thus, every citizenship law of every country of the world determines the citizenship acquisition and termination grounds.

When states have the autonomy to formulate their own citizenship laws, they typically include provisions covering both the acquisition and termination of citizenship. These provisions are regarded as twin aspects of citizenship law. Consequently, questions often arise regarding what constitutes the termination of citizenship, why citizenship is terminated, and what types of loss of citizenship occur. Loss of citizenship refers to the legal process by which an individual's citizenship status is either voluntarily renounced by the individual, or legally terminated or revoked by the government of a country. It is defined as an event where a person ceases to be a citizen under the citizenship laws of a country.

Citizenship in a country can be lost through several means. Loss of citizenship typically occurs through two broad modes: voluntary loss, which involves an individual's request to renounce citizenship, and involuntary loss, which occurs when citizenship expires automatically (*ex lege*) or is revoked by government authorities. (Mentzelopoulou & Dumbrava, 2018). If citizenship is lost through the aforementioned modes, the reasons behind such loss warrant examination. Baubock and Paskalev (2015) assert that citizenship may be forfeited due to reasons such as posing public security threats, failure to comply with citizenship duties, erroneous acquisition, or derivative loss of genuine connection. In discussing the grounds for loss of citizenship, Matthew J. Gibney (2020) has pointed out conflicts of allegiance or loyalty resulting from dual nationality, fraud and misrepresentation during the initial acquisition of citizenship, disloyalty or demonstrated lack of allegiance, unworthiness, and threats to the security of the people or the nation.

In citizenship law studies, various factors are considered, with particular attention given to the condition of statelessness as a primary focus. According to the Convention relating to the Status of Stateless Persons (1954), for the purpose of this Convention, the term “stateless person” means a person who is not considered as a national by any State under the operation of its law. Similarly, Gibney (2014) has defined statelessness as a situation in which an individual (or a group of people) has no membership in any state whatsoever (p. 46). Asserting the importance and character of statelessness, Gibney (2011) further added that it is *unjust* because it violates the right of each and every individual to claim full membership somewhere. Making someone stateless is *cruel* because it may be a recipe for exclusion, precariousness, and general dispossession. Loss of membership deprives one of a range of basic citizen rights.

Thus, statelessness is a condition in which a person loses their membership or the legal link from all the states of the world.

In the case of *Parmanand Prasad Singh v. His Majesty the Government, Ministry of Home Panchayat* ((1974), the Supreme Court of Nepal had delivered a decision regarding statelessness. According to the Supreme Court's judgment, citizenship is the legal status of a person in which certain rights are vested. A person who is deprived of citizenship loses some of their fundamental rights. Their dignity in the human community and the development of their personality are significantly influenced by their citizenship, among other factors. In today's world, statelessness is considered a severe curse and form of torture for individuals. Thus, the definitions mentioned earlier and the Supreme Court of Nepal's judgment underscores the profound impact of citizenship on an individual's rights, reputation, and overall well-being, highlighting the awful consequences of statelessness in contemporary society.

To denote the practice of loss of citizenship various terminologies are used in the national and international legal documents. The terms include loss of citizenship, renunciation, termination, and revocation of citizenship. While these terms used to describe the loss of citizenship vary, they generally suggest a common understanding of the concept of citizenship. To avoid confining myself to a single interpretation of citizenship, I have defined the complete range of terms and their connotations. I use the term "renunciation" to describe the process of loss of citizenship, which generally entails voluntarily acquiring citizenship in new country while relinquishing that of another. It is apparent that by doing so, an individual loss their legal status (citizenship) and permanent residence in their former country. In other words, it is referred to as voluntary loss of citizenship.

Another term utilized in this article to signify the loss of citizenship is "termination of citizenship." This refers to the automatic loss of citizenship by law, wherein neither the individual renounces their citizenship nor is it revoked by government authority. Instead, the country's law automatically terminates the citizenship status of the individual. This constitutes an involuntary loss of citizenship. Similarly, another term used to signify the loss of citizenship is revocation of citizenship. This term indicates that in such cases, neither does the individual renounce their citizenship nor does the country's law automatically terminate their citizenship. Instead, the government authority cancels the citizenship of the individual. This represents a form of involuntary loss of citizenship.

While discussing the loss of citizenship, two terms are commonly utilized: citizenship and nationality. In this article, both terms are used interchangeably. However, this interchangeability may lead to confusion for the reader. Therefore, clarification is necessary. Boll (2007) has stated, "This is important not only because citizenship status is closely related to nationality" (p. 77). Clarifying the concept of citizenship and nationality, Mentzelopoulou & Dumbrava (2018) have said that the terms citizenship and nationality are often used interchangeably to denote the legal bond between an individual and a state. While nationality is the preferred legal term basically used in international law, however citizenship is used more



commonly in municipal law to describe the right, duties and practices linked to this formal status. On the basis of above mentioned definitions, citizenship and nationality are not precisely identical terms; nonetheless, they are closely intertwined and often interconnected. Throughout this article, these terms have been employed interchangeably.

**A comparison of the citizenship law of Nepal with international conventions concerning the loss of citizenship**

In 1948, the then Rana Prime Minister Padmashamsher promulgated the Government of Nepal Constitutional Law. This was the first constitution of Nepal (Gyawali, 2077 BS, p. 47), but it did not contain any provisions regarding citizenship. This constitution was never implemented, and a rebellion against the Rana rule occurred in Nepal in 1950/51. This revolt ended the autocratic Rana regime, and democracy was declared in Nepal on 18 February, 1951. Subsequently, the Nepal Interim Government Constitution was issued on 11 April, 1951 (Dahal, 2001, p. 260). It is regarded as the second constitution of Nepal. The first and second constitutions also lacked provisions related to citizenship. A year after the promulgation of the Nepal Interim Government Constitution, the Nepali Citizenship Act and Regulations were introduced on 13 June, 1952 (Koirala, 2069 BS, p. 27). This Act and Regulations mark the formal beginning of citizenship law in Nepal and represent the country's first citizenship law. As mentioned earlier, the first and second constitutions of Nepal did not include provisions regarding citizenship. The Constitution of the Kingdom of Nepal, 2015 was issued eight years after the issuance of the Interim Constitution (Gyawali, 2077 BS, p. 49). The Constitution of the Kingdom of Nepal, 2015 considered the third constitution of Nepal, did not include provisions related to citizenship (Karki, 1997, p. 12). Then, the Constitution of Nepal, 1962 was issued by King Mahendra on the 14<sup>th</sup> day of 1962 (Paudel, 2004, p. 26). Article 7 and 8 of Part Two of this Constitution had provisions related to citizenship.

Similarly, in the Constitution of Nepal, 1962, Article 8, sub-articles (1) and (3), contained provisions related to the loss of Nepali citizenship. Article 8(1) stated that acquisition, termination, and other related matters regarding citizenship would be governed by law. For implementing this provision, the Nepali Citizenship Act, 1952, was in effect for the time being. Similarly, Article 8(3) of the Constitution allowed for creating laws to revoke citizenship. It stated that Nepali citizenship might be terminated if a citizen took up arms or attempted to take up arms against Nepal, committed other crimes against the state, or failed to serve the state as determined by law during war or crisis situations. However, it was unclear which types of citizenship could be revoked or whether all types could be revoked under Article 8(3).

After the success of the people's movement in 1990, a multi-party pro-democratic government was established on 19 April, 1990 (Bhandari, 2021, p. 7). On 9 November, 1990, the Constitution of Nepal, 1962, was repealed, and the Constitution of the Kingdom of Nepal, 1990, was promulgated. Articles 8 to 10 of Part Two of this constitution included provisions related to citizenship. In Article 9 (7) of the Constitution of the Kingdom of Nepal, 1990, it stated that the termination of Nepali citizenship shall be as prescribed by law. This suggests

that the end of Nepali citizenship will follow the prevailing Nepal Citizenship Act, 1964. Article 8(3) of the Constitution of Nepal, 1962, which required Nepali citizens to be loyal to the state, and support the state during crises, was excluded from the Constitution of the Kingdom of Nepal.

After the success of the second people's movement, the restored House of Representatives issued the Interim Constitution of Nepal, 2007, on 16 January, 2007. Article 10 of this constitution stated that the termination of citizenship should be in accordance with the prevailing law. As per this provision, the termination of Nepali citizenship was carried out in accordance with the Nepal Citizenship Act, 2006. Similarly, the Constituent Assembly held on 10 April, 2008, failed to issue the constitution, leading to the dissolution of the assembly. Subsequently, the second Constituent Assembly election was held on 19 November, 2013, and this second Constituent Assembly issued the Constitution of Nepal (2015) on 20 September 2015 (Tuladhar, 2016, p. 17). Article 13 of this Constitution specified that the termination of Nepali citizenship should be in accordance with federal law. Like the Interim Constitution of Nepal, 2007, Article 13 of the Constitution of Nepal (2015) indicates that the termination of Nepali citizenship will be carried out according to the Nepal Citizenship Act, 2006. An analysis of the provisions of the Nepal Citizenship Act, 2006, regarding the termination of Nepali citizenship has been discussed earlier.

After examining the constitutional provisions in Nepal concerning the termination of Nepali citizenship, let's now turn our attention to the provisions in the Nepali Citizenship Act. The loss of Nepali citizenship, the provisions in the Nepali Citizenship Act (1952), Section 7, the Nepal Citizenship Act (1964), Section 10 (3)(a), and the Nepal Citizenship Act (2006), Section 14 are similar. The above mentioned Sections in the three laws addresses the acquisition of Nepali citizenship through the use of false information. It stipulates that the government will revoke citizenship if it is obtained by providing false information. In relation to the revocation of citizenship obtained based on false information, the Nepali Citizenship Act, 1952, does not clearly specify the type of citizenship; however, it does state that only citizenship obtained according to Section 4 of the Act will be revoked. Although the type of citizenship is not explicitly mentioned, the reference to Section 4, which covers the process of naturalization, implies that the provision primarily pertains to naturalized citizenship. In the above mentioned Section of the Nepal Citizenship Act, 1964, explicitly indicates naturalized citizenship, and the above mentioned Section of the Nepal Citizenship Act, 2006, refers to citizenship acquired by a foreigner. The citizenship acquired by a foreigner, as mentioned in Section 14 of the Nepal Citizenship Act, 2006, pertains to naturalized citizenship since foreigners do not obtain citizenship through descent or birth. Thus, although there are some differences in these expressions, however, there is no substantial difference in the provisions of these three laws. The loss of citizenship provisions mentioned above in Nepal Citizenship Act, 1952, Section 7, Nepal Citizenship Act, 1964, Section 10 (3)(a), and Nepal Citizenship Act, 2006, Section 14 do not seem to be contrary to the Universal Declaration of Human Rights, 1948. Article 15(2) of the Universal Declaration of Human Rights states that no one shall be arbitrarily deprived

of nationality. The above mentioned provisions in the Nepali Citizenship Law do not constitute an arbitrary revocation of citizenship. Comparing the provisions in the aforementioned laws with the Convention on the Reduction of Statelessness, 1961, these provisions do not create statelessness, because, naturalized citizenship is obtained by foreigners; if the government revokes it, they may reclaim the citizenship of their previous country. Additionally, the provision that the government can revoke citizenship obtained on the basis of false information in the Nepali Citizenship Law is similar to Article 7 (1) (b) of the European Convention on Nationality, 1997, which also allows the revocation of citizenship obtained through fraudulent conduct, false information, or concealment.

Regarding the revocation of Nepali citizenship by the government that was taken on the basis of false information, there are additional provisions in Section 10 (3A) of the Nepal Citizenship Act, 1964, and Section 12 of the Nepal Citizenship Act, 2006, beyond those in the Nepali Citizenship Act, 1952. This provision was added in the Nepal Citizenship Act, 1964, after its second amendment on 26 September, 1976. According to the added provision of Section 10 (3A) of this Act, if it is found that some Nepali citizen has obtained a certificate of Nepali citizenship by providing a false statement, the citizenship certificate by birth or descent, the government may revoke such a certificate and order their removal from Nepali citizenship.

Similarly, according to the Nepal Citizenship Act, 2006, Section 12, if it is proven that a *Nepali citizen* has obtained a certificate of Nepali citizenship by providing false information, the designated authority will revoke such a citizenship certificate. The citizenship certificate obtained under this section of the Act must be based on descent or birth. Since the citizenship obtained by foreigners is naturalized citizenship, and citizenship obtained by natives (here: Nepali citizens) is based on descent and birth, the citizenship referred to in this section should be understood as the citizenship acquired by *Nepali citizens* on the basis of descent or birth. Therefore, there is no significant difference between the provisions in Section 10 (3A) of the Nepal Citizenship Act, 1964, and those in the Nepal Citizenship Act, 2006.

Although, the Nepal Citizenship Act, 1964, states that citizenship is acquired on the basis of descent and birth, the Nepal Citizenship Act, 2006, specifies that it is a Nepali citizen. Since Nepali citizens obtain citizenship based on descent and birth and only foreigners obtain naturalized citizenship, the seemingly different provisions in these two laws are essentially the same. However, the provisions in the Nepal Citizenship Act (1964), and the Nepal Citizenship Act, 2006, that allow for the revocation of citizenship obtained on the basis of descent and birth conflict with the Convention on the Reduction of Statelessness, 1961. If a foreigner with naturalized citizenship has their citizenship revoked, they may remain a citizen of their previous country, but if citizenship based on descent and birth is revoked, the individual may become stateless; they cannot acquire a citizenship certificate from any other country again.

The provisions regarding dual citizenship and termination of Nepali citizenship in the three Citizenship Acts of Nepal seem to be similar. Section 8 of the Nepali Citizenship Act (1952), Section 9 (1) of the Nepal Citizenship Act (1964), and Section 10 of the Nepal Citizenship Act (2006), are similar in terms of the loss of Nepali citizenship. These sections include provisions



related to dual citizenship in all three Acts. Although the language in these sections varies slightly, they all contain a provision stating that if a Nepali citizen acquires the citizenship of a foreign country, their Nepali citizenship will automatically terminate. The provisions in the three Acts do not appear to be contrary to the Universal Declaration of Human Rights, 1948. This declaration states that the citizenship of an individual cannot be arbitrarily terminated; however, terminating citizenship according to the law after acquiring the citizenship of another country should not be considered arbitrary.

The above-mentioned provisions in the three citizenship laws of Nepal align with Article 7(2) of the Convention on the Reduction of Statelessness, 1961. Article 7(2) of the Convention stipulates that a person shall not lose the citizenship of a party country until they have acquired the citizenship of a foreign country. This implies that if a person acquires the citizenship of a foreign country, they will lose the citizenship of the party country. When comparing the provisions of these three laws, they are consistent with the convention as the loss of citizenship does not result in statelessness. Similarly, the mentioned provisions of the three Acts are comparable to Article 7(1) (a) of the European Convention on Nationality, 1997, which stipulates that the first citizenship ends if one voluntarily acquires another nationality.

The loss of citizenship in Nepal included a provision that was absent in the initial and current Citizenship Acts, but was appeared in the Citizenship Act that was in effect in between. This provision in the Nepal Citizenship Act of 1964 was enacted to implement Article 8(3) of the Constitution of Nepal, 1962. According to the Nepal Citizenship Act (1964), Section 10 (2) if a citizen engages in activities against the state or fails to support the state during a war or emergency, the government can revoke their citizenship. This provision was contrary to the Universal Declaration of Human Rights, 1948. The Article 15 (2) of the UDHR states that no one arbitrarily deprived of its nationality, nor denied the right to change their nationality. Similarly, it is also an adverse provision of the Convention on the Reduction of Statelessness, 1961, since statelessness can be created when citizenship is revoked according to the mentioned provision of Nepal Citizenship Act. However, this provision seems to be compatible with Article 7(1)(d) of the European Convention on Nationality, 1997. This convention does not prevent the revocation of citizenship for acts contrary to the national interest.

The Nepali Citizenship Act, 1952 included only two provisions: one addressing the termination of Nepali citizenship due to false information and another concerning dual citizenship. However, it did not include any clause for voluntarily renouncing Nepali citizenship. Later citizenship laws introduced renunciation and other measures for the termination of citizenship. The Nepal Citizenship Acts, 1964 and 2006 contain similar provisions regarding the voluntary relinquishment of citizenship. Section 8 of the Nepal Citizenship Act (1964), and Section 10 of the Nepal Citizenship Act (2006), mention that a Nepali citizen can voluntarily renounce their citizenship if they wish to do so. The provisions in these two Citizenship Acts are not contrary to the Universal Declaration of Human Rights, 1948. According to the Universal Declaration of Human Rights, the government cannot arbitrarily remove citizenship, but voluntary relinquishing of citizenship is not against the Universal Declaration of Human

Rights, 1948. Additionally, the provisions in these laws align with the provisions given in Article 7(1) of the Convention on the Reduction of Statelessness, 1961. However, the 1961 convention specifies that citizenship cannot be renounced if it would result in statelessness. Since no person renounces the citizenship of one country without acquiring the citizenship of another country, therefore voluntary renunciation of citizenship does not create statelessness. The provisions of Article 8 of the Nepal Citizenship Act (1964), and Article 10 of the Nepal Citizenship Act (2006), are compatible with the provisions given in Article 8 of the European Convention on Nationality, 1997. Article 8(1) of the convention stipulates that each state party shall permit the renunciation of its nationality provided the persons concerned do not become stateless. Thus, international conventions related to citizenship do not allow any person to renounce citizenship if it would result in statelessness. However, voluntary relinquishment of citizenship does not create statelessness. Under the Nepal Citizenship Law, when an individual renounces Nepali citizenship, there appears to be no provision in place to ascertain whether the person has acquired citizenship from another country or to prevent the individual from becoming stateless.

When a person becomes dual citizen in Nepal and another country, the two Nepali citizenship laws of Nepal contain nearly similar provisions regarding the choice to retain or relinquish Nepali citizenship. Section 9 (2) of the Nepal Citizenship Act (1964), and Section 10 (3) of the Nepal Citizenship Act (2006), contain the similar provisions regarding the choice of citizenship. According to these sections, if a person holds citizenship of a foreign country while being a citizen of Nepal by birth and descent, they must choose Nepali citizenship within five years of reaching the age of 16. Otherwise, under the Nepal Citizenship Act (1964), their Nepali citizenship will automatically terminate. In contrast, the Nepal Citizenship Act (2006), allows only two years for choosing Nepali citizenship. From the perspective of the time period allowed to choose Nepali citizenship, the Nepal Citizenship Act (2006), appears more rigid compared to the Nepal Citizenship Act (1964).

This provision regarding choice of Nepali citizenship in Nepal Citizenship Act (1964) and Nepal Citizenship Act (2006) is compatible with Article 7 (5) of the Convention on the Reduction of Statelessness, 1961. It is said in this convention, In the case of a national of a Contracting State born outside its territory, the law of that state may make the retention of its nationality after the expiry of one year from its majority. In this way, in the case of dual citizenship, this convention says to keep the period for only one year, while the Nepali Citizenship Act has a more generous provision. In this provision, the Nepal Citizenship Act, 1964, and the Nepal Citizenship Act, 2006, aligns with Article 7 (5) of the Convention on the Reduction of Statelessness, 1961. The convention stipulates that in the case of a national of a contracting state born outside its territory, the law of that state may make the retention of its nationality contingent on the individual maintaining it beyond one year after reaching the age of majority. In this context, for cases of dual citizenship, the convention allows only one year for the retention of nationality, while the Nepali Citizenship Act offers a more extended period.

## **Conclusion**

In the Nepali Citizenship Act, 1952, there was a provision that stated if citizenship was lost according to the law, it would be automatically terminated, and the government would revoke it. However, there was no provision allowing a person to renounce their citizenship of Nepal. The law's provision regarding loss of citizenship did not lead to statelessness and, therefore, was not in violation of international conventions. The Nepal Citizenship Act, 1964 and the Nepal Citizenship Act, 2006 allow a person to renounce citizenship, causing it to automatically terminate (ex lege), and the government to revoke the citizenship. According to the Nepal Citizenship Act, 1964, revocation of citizenship due to offenses against the state and disloyalty to the nation could result in statelessness. Similarly, revoking citizenship obtained based on descent or birth according to the Nepal Citizenship Act, 1964 and the Nepal Citizenship Act, 2006 could lead to statelessness. Under the current Nepal Citizenship Act, 2006, the government can revoke citizenship obtained by Nepali citizens. Such provision violates international conventions, indicating that, according to Nepal's citizenship laws, there is still a risk of creating statelessness due to loss of citizenship.

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