

BETWEEN: SUNDARAPARIPOORANAN
PAKSHIRAJAN
Applicant

AND: REPUBLIC OF VANUATU
Respondent

**Date of First- Conference
Hearing:** 17 February 2026

Coram: Hon. Chief Justice Vincent Lunabek

Counsel: Justin Ngwele for the Applicant
Freddie Bong for the Respondent

Date of written decision: 23 February 2026

DECISION striking out Constitutional Application

1. This Constitutional application is listed for a First-Conference Hearing under rule 2.8 of the Constitutional Procedure rules 2003. On 17 February 2026, I heard Mr. Ngwele, I enquire whether there is a case founded in the Constitution. I found there is none. I struck out the application. The reasons are set out below.
2. The Applicant, Sundarapariipooranan Pakshirajan, filed this constitutional application on 2 December 2025 with a sworn statement in support filed on the same date.
3. On 17th February 2026, I heard this application at the First-Conference and I enquire into it whether it has a Constitutional foundation.
4. The Court is informed that the Applicant is of India descent with over 30 years of high level international, diplomatic, business and public sector experience, holding doctoral level qualifications and having made significant contributions to Vanuatu through government service and philanthropic initiatives, including the establishing of the first Haemodialysis unit at the Vila Central Hospital.
5. On 4 August 2021, the Applicant acquired Vanuatu citizenship through the Development Support Programme (DSP) established under section 13 B (2) (c) of the citizenship (Amendment) Act 2018.
6. It is a fact that upon acquiring the Vanuatu citizenship on 4 August 2021, the Applicant has acquired dual citizenship through the Development Support Program.
7. Upon acquiring Vanuatu Citizenship, the Applicant automatically ceased to be a citizen of India by operation of section 9 (1) of the Indian Citizenship Act 1955. The Applicant further surrendered his Indian passport on 6 August 2021 and has since hold no other citizenship besides his Vanuatu citizenship.
8. The applicant says being a solely Vanuatu citizen and not a dual citizen, he has therefore sought to be registered on the Voter Register to exercise his Constitutional Rights to vote in accordance with Article 4 (2) of the Constitution.

9. The Respondent has refused to register the Applicant on the Voter Register on the basis that the Applicant acquired citizenship through the DSP.
10. The Applicant says that the refusal denies him a direct constitutional right and constitutes discriminatory treatment on grounds not permitted by the Constitution, in breach of Articles 4 (2) and 5 (1) (d) and (k).
11. The Applicant applies to this court for the relief he is seeking in his application.
12. On 17 February, at the First- Conference Hearing, I hear Mr. Ngwele and I perused the Constitution (sixth) (Amendment) Act 2013 and noted the following provisions:
 - a) 1AA At the end of Article 4 1AA At the end of Article 4
Add
"(4) For the purposes of determining national sovereignty, people of Vanuatu, means all indigenous and naturalised citizens of Vanuatu."
 - b) 1AB Article 5
After *"non – citizens"* insert *"and holders of dual citizenship who are not indigenous or naturalised citizens"*
 - c) 1 Article 13
Repeal the Article, substitute:
"13. Recognition of dual citizenship.
1) The Republic of Vanuatu recognises dual citizenship.
(2) A person who is a citizen of Vanuatu or of a state other than Vanuatu may be granted dual citizenship.
(3) For the purposes of protecting the national sovereignty of Vanuatu, a holder of dual citizenship must not:
(a) hold or serve in any public office; and
(b) be involved in Vanuatu politics; and
(c) fund activities that would cause political instability in Vanuatu; and
(d) affiliate with or form any political parties in Vanuatu;
(e) stand as a candidate and vote at any of the following elections:
(i) general election for Members to Parliament; and
(ii) provincial election for members to a Provincial Government Council; and
(iii) municipal election for members to a Municipal Council.
(4) To avoid doubt, subarticle (3) does not apply to an indigenous citizen or a person who has gained Vanuatu citizenship by naturalisation, who hold dual citizenship.

(5) Parliament may prescribe:

- (a) the requirements to be met by categories of persons applying for dual citizenship;
- (b) or (b) the privileges to be accorded to any category of persons who are holders of dual citizenship."

13. Part 3 A – deals with Dual Citizenship under citizenship (Amendment) Act 2013. Section 3 A relates to Application of part 3 A which provides:

"This part A Application of part 3 A. This part applies to a person who intends to apply for Vanuatu citizenship and hold dual citizenship as recognised by subarticle 13 (1) of the Constitution of the Republic of Vanuatu".

14. Section 13 B (2) (c) is under the section 13 A – Application of Part 3 A relating to Dual Citizenship.

15. Section 9 (1) of the Indian Citizenship Act 1955 provides:

"9. Termination of citizenship, – (1) Any citizen of India who by naturalisation, registration 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".

16. While Vanuatu allows dual citizenship in Article 13(1) of the Constitution, Article 13 (3) specifically restricts dual citizenship from voting, holding public office or being involved in local political. This restriction does not apply to "Indigenous" or naturalized Vanuatu citizens who hold dual nationality.

17. Under the India Citizenship Act, 1955, voluntary acquisition of foreign citizenship results in immediate cessation of Indian citizenship. The Applicant, therefore, would be a single citizen of Vanuatu after he renounced Indian citizenship.

18. As a foreign-born or investment-based dual citizen of Vanuatu, the Applicant is legally barred from voting in Vanuatu, despite his citizenship status.

19. The Constitutional Application is misconceived. There is no breach of the Constitution in relation to the Applicant.

20. The Application is struck out.

21. There is no order as to costs.

Dated at Port Vila, this 23rd February, 2026.

BY THE COURT

Hon. Chief Justice Vincent Lu'abek.

