

Indian Diaspora and Issue of Dual Citizenship

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Abstract

This article focuses on certain types of citizenship rights i.e. dual citizenship, provided by home countries to its persons who have migrated to other countries. Granting dual citizenship rights enables the home countries to leverage the potential of financial and human resources of their diaspora, encouraging both remittances and return migration. Citizenship is the fundamental right of the people of a country that provides them with legal and social identity. Countries that experience immigration, whether it be the sender of immigrants or receiver of immigrants have considered the serious concerns and implications of granting dual citizenship. The authors present a theoretical framework in dual citizenship where India, one of the fastest growing economies, is yet to adjudge its effects and impact. Today, national citizenship has been challenged by international citizenship. Therefore, India needs to rethink its decision to grant dual citizenship to its people migrating to different parts of the world. The Citizenship Act of 1955, which was amended in 2005 by the introduction of Overseas Citizenship of India, needs to be revisited and reconsidered in the international context. The paper also attempts to analyze the impacts and effects of granting dual citizenship.

Keywords: Dual Citizenship, Indian Diaspora, Globalization, Nation-States, Migration, Pravasi Bharatiya Divas

Article Publication

Published Online: 30-Sep-2022

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doi [10.31305/rrjm2022.v02.n03.004](https://doi.org/10.31305/rrjm2022.v02.n03.004)

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Introduction

The term “diaspora” has been particularly referred to in historical background. Lately, it has evolved as a common concept to represent communities exceeding the limits of their culture and countries. The definition of diaspora has been changed in the history of migration and the residing of people has observed a shift and the definition of diaspora as well. With the effects of globalization there has been an extreme alteration in the combination of local, regional and domestic cultural traditions. In recent times, with enhanced networking, diaspora has been a vital factor in formulating the foreign policy. This strategic change has resulted in new studies associated with the diaspora.

In summary, based on the simple principle that every diaspora is unique, there is no theoretical approach that can uniquely identify and analyze diaspora as empirical phenomena. A deeper understanding of the phenomena requires integrated and flexible analytical frameworks, drawing attention to their wide range of historical, social, economic, political, geographical, cultural and intersectional dimensions.

Diaspora is a concept that is gaining traction in academic circles. This is not surprising given the constant movement of people between countries, regions, and continents for a variety of economic, political, social, and cultural reasons. This phenomenon has called the ideal-type of the nation-state, or, more precisely, the congruence of nation and state, into question, and has resulted in most countries' societies becoming multiethnic, multicultural, multiracial, and pluralistic.

It has become a significant subject in the discourse around nation-state foreign policy and a key element in the development of bilateral ties between nations. Foreign policy is no longer entirely the purview of diplomats; rather, diaspora organizations and members play a crucial role in fostering stronger, deeper, and more fruitful bilateral partnership with their countries of origin. Foreign policy must prioritize alliances that capitalize on pre-existing links to the nation of origin and make use of the skills, resources, networks, and innovation of diaspora groups.

It is widely acknowledged that major factors such as globalization contribute to the massive movement of populations from their homeland to a hostland, which may result in the formation of new diasporas; additionally, as minority communities in hostlands are augmented by new waves of immigrants, a gradually fading diaspora identity among earlier immigrants may be resurrected. Furthermore, the permeability of borders, as well as the ease of communication and transportation, make it easier for expatriate ethno-national groups to maintain close contact with their homeland and replenish its cultural resources on a regular basis.

Indian Diaspora: A Brief Introduction

The Indian diaspora is one of the world's largest, with a population of approximately 33 million people. They have made significant contributions to the development of India. With each accomplishment of its overseas Indians, India feels more honored on the global stage. The Indian diaspora is the most effective soft power in influencing host countries' foreign policy in India's favor. India is a pioneer in appreciating the importance of its diaspora and creating a collaborative institutional framework for engagement with its diaspora. In this regard, India established a separate Ministry of Overseas Indian Affairs (MOIA). Regardless of the historical setting, the real problem for Indian policy-makers in the late twentieth century was the tenacious and sizable diaspora that wished to connect and that the nation might employ as a strategic resource. This has evolved into the framework for India's engagement with its diaspora. The Indian diaspora spans the globe and stretches across all the oceans and continents. It is so widespread that the sun never sets on the Indian diaspora (Chaturvedi 2005: 141).

For diasporic Indians, engaging with the concept of home is more than just an intellectual exercise. It is an engagement that helps them deal with issues related to their existence and identity crisis. To make sense of their 'life-world', an understanding of the Indian diaspora's history is also required. Works of non-fiction lend us a brief glimpse of the history of Indian settlement abroad (Karmakar 2015: 80). The Government of India (GoI) recognizes diaspora members' accomplishments as well as the assistance they provide to the development of their home country. However, there is an older generation of Indian diaspora who have acquired citizenship of their countries, but have not responded as expected by the GoI.

Recently, the GoI has initiated a new dimension in the relationship with its diaspora. In 1999, an initiative for issuing identification cards was inaugurated for all the segments of diaspora. A separate division was created by the GoI for the Non-Resident Indians (NRIs) and Persons of Indian Origin (PIOs) in the Ministry of External Affairs (MEA). The GoI established a High Level Committee on the Indian Diaspora in the year 2000. The Committee has moved forward under the leadership of L.M. Singhvi. The GoI's Committee on the Indian Diaspora has initiated a policy framework to address the issues of PIOs and NRIs. The Committee recognized the critical role that PIOs and NRIs play in India. It has been quick to assist them in obtaining their rights for their homeland in India. In recognition of the achievements of the diaspora, the 9th of January was designated as Pravasi Bharatiya Divas (PBD) (the day when Mahatma Gandhi returned to India, i.e., 9th January 1915). A bill was proposed in the Parliament in March 2003, after the consideration by New Delhi for the demand of dual citizenship by Indian migrants in several countries.

According to the study by the High Level Committee on the Indian Diaspora, traditions and culture can significantly strengthen relationships between India and its diaspora. The concept of culture cannot be limited. It cuts across all societal, religious, and racial barriers. It might help close the gap between residents of the host country and Indians who live overseas. The younger generation of Indians living abroad could develop an interest in culture. To meet the needs of NRIs and PIOs, it may be essential to conserve traditional art forms, languages, and practices. It would also help to promote connections amongst the diverse elements of the Indian diaspora around the world.

Theoretical Understanding of Citizenship in Indian Context

The idea of citizenship has changed from ancient Greece to recent years. Citizenship and democracy have a strong relationship. Citizenship in a democratic setting is viewed from a liberal standpoint. In a maximal sense, citizenship also refers to a citizen as a culturally and intellectually well-developed person who contributes to the cultural enlightenment of a nation (Waghid and Davids 2013: 02). Globalization has impacted upon citizenship. Citizenship has acquired different meanings in modern society. In the present era of globalization, due to the increase in the number of immigrants there is a debate on granting of citizenship to immigrants. The debate on citizenship has acquired a critical dimension. A significant focus of analysis is that of citizenship. Their settlement also meant that their sense of rootedness in the country became more embedded and rights of citizenship and franchise took on new and significant meanings (Kanapathipillai 2009: 22).

The concept of citizenship rests on two principles. These are, first, the extent to which equality between individuals is sought by society, and second, the normative understanding of who are appropriate members of society (Sejersen 2008: 524). The nation-state is typically regarded as the “natural” foundation for knowledge about identity and belonging, with citizenship as a special form of status and allegiance. In India and many other countries around the world, migrant communities are thought of as having a wide variety of experiences, activities, and forms of belonging that are significant and ‘normal’. This particular understanding of community and community formation excludes these experiences, activities, and forms of belonging. A community like the diaspora, which has individuals who can simultaneously participate in many different polities, is an example of one developed through a variety of transnational networks.

The idea of citizenship as a single membership has been challenged, and a number of conceptions have been put out recently to acknowledge the diversity of political, cultural, and social experiences present in modern nation-states. A social existence based in at least two parallel socio-cultural and political contexts has been described as emerging, for instance, as a “diasporic cultural citizenship”. Moreover, many countries of origin that might be prepared to effectuate their nationals’ renunciation of citizenship may nevertheless fail as a practical matter to learn of the renunciations and thus continue to treat them as their nationals (Schuck 1998: 90).

The Indian Constitution grants single citizenship to its people and the citizens of a specific country are granted a citizenship of a single country at one time. According to the Indian law, if an Indian citizen willingly obtains citizenship of another country, the citizenship of that person gets discontinued and he/she will be recognized as Overseas Citizenship of India (OCI) which provides them with several privileges but restricts them from exercising their political rights.

Global citizenship calls into question the legal and political ideals of national citizenship responsibilities. Global citizenship of a sovereign state is based on the identity of a global group, according to international law. The goal of national and international citizenship is to be a part of society. The global dimension of citizenship includes sustainable development, international trade, and overall global community development. Citizenship should encourage people to engage in debate, discussion, and various decision-making processes. It promotes social justice, human rights, and community cohesion while encouraging respect for different religious and ethnic groups. It also emphasizes global interdependence in order to combat issues of discrimination, unequal structure, and power sharing on a global scale. It is a contentious concept, and the definition of citizenship is a political and social battleground. Various actors articulate various definitions of citizenship and they argue for different programmes and instruments to implement their notion of citizenship within social policy (Bussemaker 1999: 03).

Citizenship is a person’s identity that guarantees him or her civil and political freedom within the state. A citizen of a country is entitled to the title of citizen based on naturalization, place of birth, parents’ birthplace, and so on. In fact, citizenship as a status has taken precedence over humanity in the modern nation-state (Arnold 2004: 04). The basic text of legislation in India that grants citizenship to a person is Article 5 of 11 in Part II of the Indian Constitution. The Indian Constitution of 1950 recognizes the importance of citizenship issues by making them a primary document. The Citizenship Act of 1955 is another important document because it was constitutionalized later, and it has been modified five times since then, the most recently in 2015. In general conversations in India, nationality and citizenship are sometimes used interchangeably. Citizenship, which may be defined as equal membership of a political community from which enforceable rights and obligations, benefits and resources, participatory practices and a sense of identity flow, affects everyone (Kostakopoulou 2008: 01).

Many PIOs have obtained citizenship in developed countries that are more advanced than India in a variety of fields such as research, technology, space, economy, entrepreneurial skills, infrastructure, and so on. Furthermore, the High Level Committee on the Indian Diaspora has advocated for dual citizenship in order to improve the country's economic, technological, social, political, and psychological domains. According to the Committee, there are large numbers of PIOs in approximately two hundred countries across the globe that desire for the dual citizenship of India.

Dual Citizenship: A Critical Understanding

By allowing individuals to have dual citizenship, they are able to bridge the gap between two nations and their populations. The major problem with dual citizenship is when someone who has ancestry in two or more nations is compelled to choose between them because of migration. Even if he has a good reason to expect to be treated equally, the individual is still regarded as an outsider and not given citizenship to one of these nations. Citizenship has always been a contested concept, a fact that is highlighted by the very debates surrounding dual citizenship (Sejersen 2008: 523).

Dual citizenship entails the acquiring of the citizenship of two countries. It is a new phenomenon that has emerged with the rise of immigration at the global stage and the growing engagement and recognition of the role of diaspora in the development of their home country. It is being felt by certain countries, who have benefited from the engagement of their diaspora, that the granting of citizenship to diaspora will enhance the bonding between the diaspora and home country. In India there is a debate and discussion about granting dual citizenship to its diaspora. At the PBD the GoI announced that PIOs resident in a select group of rich countries would be eligible for dual citizenship (Kapur 2003: 448).

In many nations, like the United States, it is regarded as freedom. To become a permanent citizen, one must have resided in the nation for five years straight, be married to someone who has lived there for three years straight, or be a native of the nation. Indian law does not permit dual citizenship, so anyone who wants to become citizens of India must renounce their prior citizenship. Dual citizenship is not seen as a human right, but rather as a freedom, therefore any country in the world can decide to provide it if they feel it is essential.

When a person is born to parents from two nations that each allows their citizens dual citizenship, that individual is considered to be eligible for dual citizenship. However, if either parent or both parents have ancestry in a nation that forbids dual citizenship, the person must decide whether to become a citizen of the nation where they intend to live or the nation where one of their parents was born. Consequently, both the citizen and the country may experience dual citizenship's impacts, whether they are favorable or unfavorable. Despite the fact that having dual citizenship offers its own set of advantages, there are a number of disadvantages that must be taken into account before benefiting from it. Dual citizenship has a variety of implications, some of which are evident while others depend on the nation and the specific laws in place.

The High Level Committee on the Indian Diaspora believes that by granting dual citizenship to those who had Indian citizenship or met the requirements for Indian citizenship during the implementation of the Indian Constitution, as well as to their children and grandchildren who moved to nations like the United Kingdom, the United States, Canada, EU countries, Australia, New Zealand, and Singapore, India can significantly increase its unity with the diaspora. The Committee also proposed that dual citizenship be granted under the Citizenship Act of 1955. Therefore, GoI's proposal of giving dual citizenship to a limited number of PIOs was rejected by the government by denying dual citizenship. Similarly, an OCI scheme was put in place. In 1999, PIOs Card was developed and it was amended in 2002. Such schemes implemented by the GoI were considered as an option to dual citizenship.

In the long-term, dual citizenship is applied to define attitudes and behaviors and to identify those who are included in the 'in group' and who are excluded from facilitating the incoming remittances and migration. Along with this, dual

citizenship may support a huge inflow of remittances as it promotes migrants to acquire citizenship in their host country without being alienated from their home country. It motivates integration of immigrants, citizenship, and consolidation with the host country because migrants would not be forced to surrender their 'symbolic or active' contribution in the affairs of the home country. A major difficulty is that naturalization may be contradictory to a country's will to use dual citizenship as a policy of symbolic relations since dual citizens might get attached to two countries. States implement dual citizenship not because they are contributing to the capital of the country but because it is part of an overall scheme for creating national identity. As Dora Kostakopoulou points out:

Although the political struggle to make citizenship more meaningful continues in the form of policy battles over border regulation and migration policy, loyalty and patriotism, naturalization rules and dual citizenship, antidiscrimination legislation and social welfare reform, in the current state of affairs nationalism appears to be a right without a left. It is as if political options have run out (Kostakopoulou 2008: 05).

The legality of dual citizenship across borders continues to be a contentious issue for the international community in terms of geopolitical claims and diplomatic relations. Countries have ratified legal changes that reflect their conflicting views on dual citizenship and their reluctance to create a more robust structure for citizenship rights. Although there are instances that demonstrate how dual citizenship can promote innovation and economic progress, many nations support balancing these advantages with the numerous citizenships that come with dual citizenship. To strengthen the governance of dual citizenship, a multidirectional policy must be structured that aims at global governance and involves every state. The endorsed strategy will facilitate increased integration and cooperation at international level on affairs pertaining to citizenship, while enhancing human rights of the citizens.

Due to the lack of an international legal structure to monitor dual citizenship, there exists an uneven framework of regional, bilateral and unilateral negotiations. Widened access to dual citizenship may render positive effects on economic development, increase social integration and fill the policy gaps. States need to enhance coordination and integration among themselves on the matters of the citizenship law via bilateral security agreements, which will boost the access to citizenship rights to all the diaspora groups. The United Nations (UN) should have a significant role in supporting and increasing the global implementation of dual citizenship, especially by defining the principles that grants dual citizenship as a basic human right.

India is one of the fastest growing countries and it needs the security, secrecy and safety of its sovereignty. The Indian government perceives that the government would require compromise if dual citizenship is granted to individuals since there are certain internal groups that oppose the same. All the Indians who are of Indian origin and later received citizenship of other countries are usually identified as OCI and those who live in other countries holding Indian citizenship are known as NRIs. The citizens residing overseas were guaranteed various rights according to PIOs since 2002. But the insistence for dual citizenship by the NRIs who have acquired citizenship of developed countries resulted in the establishment of OCI scheme which interests them more.

The implementation of dual citizenship is much more intricate than perceived. Many Indians who want to acquire the citizenship of another country are seeking employment or higher education. Like other immigrants, Indians felt alienated from their homeland when they were refused for Indian citizenship. But before deciding for a campaign in support or against dual citizenship, they need to consider various effects that will be borne by India after exercising dual citizenship which were debated by the High Level Committee on the Indian Diaspora. Many citizens maintain various socio-economic and political relations with various states, which form their identity, perspective towards the society and need for global involvement. For such people, recognition of dual citizenship is a vital element of their societal identity. For several governments, granting dual citizenship may enhance the democratic credibility of the state and it may decrease the bureaucratic costs in future.

Indian Diaspora and Dual Citizenship: Issues and Challenges

There are numerous examples of the Indian diaspora's ability to affect global events. India can assist its diaspora living in other nations in the areas of health and education thanks to its remarkable and exceptional development and growth. The Indian diaspora acts as a link between the host nation and India, enabling both to advance cooperatively for the benefit of their respective populations. Additionally, because India's foreign policy exemplifies the principles of non-interference, cooperation, and understanding, the Indian diaspora appreciates India's foreign policy. By utilizing the skills and political power of its diaspora for economic development and geographic influence, India has the immense potential to become a prominent international actor in the future.

The successful implementation of India's foreign policy in terms of economic, social, and political development, as well as the transfer and advancement of knowledge and technology, has traditionally been largely attributed to the Indian diaspora. Due to their exceptional achievements and demonstrations of excellence, notably in the education sector and in disciplines like medical and information technology, perceptions of Indians in industrialized nations have drastically changed. India can receive crucial, long-term assistance from the diaspora in its effort to one day become a developed nation and a global knowledge power.

The issues of citizenship, citizenship rights, and immigrant responsibilities in their destination country have taken on a new significance as a result of international migration. It has questioned the idea of the "son of the soil" by granting citizenship to the populace. The issue of whether immigrants can be incorporated into national narratives—a requirement for citizenship—has come up with the arrival of immigrants in host nations. Is citizenship bestowed on immigrants the same as citizenship bestowed on people who allegedly bear the weight of national narratives? Do immigrants receive citizenship only in exchange for political rights? Citizenship rights on a social and cultural level are sought by immigrants in liberal democracies with multicultural policy.

For a long time, the Indian diaspora, particularly those living in North America and Europe, had wished for dual citizenship. The Prime Minister of India declared the scheme of dual citizenship for PIOs during the first PBD in 2003. Finally, on May 9, 2003, the bill was introduced in the Rajya Sabha for changes to the Citizenship Act 1955 in order to make the policy announcement more effective. The Citizenship (Amendment) Bill 2003, which granted dual citizenship to PIOs from a list of sixteen countries, was approved by Parliament in December 2003 and signed by the President on January 7, 2004. Among the sixteen countries were the United States, Canada, the United Kingdom, the Netherlands, Italy, Ireland, Portugal, Switzerland, Greece, Cyprus, Israel, Australia, New Zealand, France, Sweden, and Finland. This was done, however, in accordance with the host countries' citizenship laws. For historical and political reasons, Pakistan and Bangladesh were left off the list.

From the perspective of an immigrant, dual citizenship is desirable since it eliminates the need for a visa to travel home and permits the individual to hold property and make investments in his or her own country. Dual nationality is said to have received more attention as a result of globalization since it is thought to make it easier for people to travel about in a world where nations are economically intertwined. Due to this, having dual citizenship rights not only improves economic integration but increases the likelihood of obtaining citizenship.

Dual citizenship is not guaranteed in India. India has been a promoter of single citizenship, excluding children, who are allowed to have dual citizenship until they become adults (above 18 years), when they are given the option to choose between the citizenship of two countries. India had to counter the immense opposition from its diaspora settled in the developed countries for access to dual citizenship. It was, therefore, not surprising to see the High Level Committee on India Diaspora endorsing the concept of dual citizenship, when it submitted its report to the GoI in 2001, recommending that "dual citizenship should be permitted within the rubric of the Citizenship Act 1955" (Singh 2012: 23).

The issue of dual citizenship did not go down well with India's intellectual community, which includes academics, legal experts, legislators, and others. Several pro-dual citizenship campaigns have been launched. Some people claimed that having dual citizenship would jeopardize national security. Others claimed that the Indian Citizenship Act prohibits dual citizenship. Some Indian academics are concerned that the Government of India's dual citizenship scheme will only benefit a subset of Indians living abroad. It is widely assumed that all Indians living abroad are prosperous and well-established in their host countries. As a result, many scholars and critics in India and abroad believed that the GoI's various schemes benefited only the prosperous and wealthy overseas Indians. The scheme will not include underprivileged Indians from the diaspora. Furthermore, it disagreed with allowing a small number of selected overseas Indians access to dual citizenship because this would irritate other overseas Indians who are not granted dual citizenship.

Due to security concerns, dual citizenship was not granted on the ground. Furthermore, all groups of the Indian diaspora around the world rejected this move. This was observed in countries on the Asian, Caribbean, and African continents that do not support dual citizenship. The desire for dual citizenship, which began with the Indian diaspora in the United States, Canada, the United Kingdom, and Europe, persists. The Indian diaspora in these and other countries wants dual citizenship for their children, who can only connect with India if they have access to political and property rights in India. There are limited prospects for modification in this policy because of the risk that people from nearby nations may use it for illicit purposes and because of the problem of loyalty to one sovereign state.

Conclusion

The Indian diaspora is dynamic, making it challenging for the Indian government to develop a consistent policy framework to address the problems of such a varied diaspora. India's diaspora policy is becoming increasingly progressive and proactive. Certain aspects must be considered by India when developing its diaspora policy. While formulating the diaspora policies it has given due importance to the diversity of the diaspora groups. The Indian diaspora communities are multicultural that are dynamic in nature, each with its specific interests and expectations. Thus, the GoI has to keep in view the multi-farsightedness of the Indian diaspora while framing the policy. Furthermore, it is important to give priority to the various transnational networks that allow expatriate communities to contact one another and with their country of origin.

In recent years, India has become more significant on the global scene. India's current reputation in the world is a result of its growing economic clout, political stability, and highly qualified human resources. In addition, the Indian diaspora, which consists of technocrats, software and engineering experts, entrepreneurs, white collar professionals, and skilled and semi-skilled laborers residing in other parts of the world, has significantly contributed to India's progress. For example, the Indian government provides all the constitutional rights to its diaspora excluding the political rights and acquiring agricultural land. Granting the Indian diaspora a legal identity similar to the Indian citizenship creates uniformity between non-resident and resident Indians. Conclusively, these diverse stands on dual citizenship are incomparable with universal benchmarks of human rights.

The grant of dual citizenship can be a two-edged sword. When home countries expand dual citizenship rights, they expect emigrants to gain citizenship in their host countries. According to remittance predictions, dual citizenship can help emigrants stay connected to their homeland. Dual citizenship can actually help India's democratic transformation and integration into the world economy.

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How to Cite this Article?

Khara, N. K., & Satapathy, B. (2022). Indian Diaspora and Issue of Dual Citizenship. *Revista Review Index Journal of Multidisciplinary*, 2(3), 20–27. <https://doi.org/10.31305/rrijm2022.v02.n03.004>