

**The Gift of Diasporic Citizenship: The Overseas Citizenship of India Scheme as a tool for
Nation-building [working paper]**

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Abstract

In August 2005, the government of India introduced the Overseas Citizen of India (OCI) Scheme that extended to its diaspora certain privileges in terms of economic and financial matters as well as travel to India. It was emphasised that this was not an offer of dual citizenship and did not include any political rights. The government of India amended its citizenship laws whereby, it expanded the idea of belonging to people in the diaspora by treating them on a par with citizens; and on the other, bound belonging more tightly with blood relations. In so doing it linked individual monetary transactions to a logic of reciprocity that included the nation-state. By conceiving of diasporic citizenship as a Gift this paper will explore the Overseas Citizen of India (OCI) Scheme in an effort to understand the mechanics of India's diaspora initiatives as a tool for nation-building.

Keywords: Overseas Citizens of India, OCI, Citizenship, reciprocity, diaspora, identity, Indian diaspora, national identity, nation-building

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Introduction:

Migrations of people from the territory now known as India has long preceded the formation of the Indian State. These migrations happened from different parts of India, under different circumstances, and over a long period of time and continued even after India was formed. The idea of homeland was thus multiple and varied in terms of what space, time and culture it referred to. When the Indian State begins to engage with the diaspora these differences begin to collapse in time and space to refer to the Indian of today and to the notion of an ideal Indian put forth by the Hindu right. (see Roy 2008; Modi and Taylor 2017)

India, its diaspora, and nation-building

From its earliest instance¹ the engagement of India with its diaspora has been about Nation-Building. Some scholars (Lall, 2001; Bharucha 2017; Modi and Taylor 2017) see India's position vis a vis the diaspora soon after independence as one of rejection or disengagement, citing Nehru's policy that encouraged "persons of Indian origin who have taken foreign nationality should identify themselves with and integrate in the mainstream of social and political life of the country of their domicile". (cited in Modi and Taylor 2017 p.5) Bertz (2014),

¹ In the pre-independence period and especially during the freedom movement there was considerable involvement of the diaspora. However, it has not been discussed here since this was not the official policy of the Indian state which had not yet come into existence.

however, points out that this view, seen in the context of the decolonisation that was happening at the time, reveals itself to be part of a larger project of nation-building. By encouraging Indians living in these new countries he was supporting the sovereignty of those nations in order that India's own sovereignty might be recognised. Or, to quote Dongen (2017 p.123), "there was a strong emphasis on self-reliance and territorial sovereignty". Thus, though it was inward looking, this policy suggestive of disengagement was a call to the diaspora to support the project of nation-building, as evidenced by the often-forgotten following line from Nehru's policy: "The government naturally remains alive to their interests and general welfare and encourages cultural contacts with them. As far as Indian citizens residing abroad are concerned, they are the responsibility of the government of India."

NRI: "civis romanus sum"

It is these Indians living abroad that came into focus as India began to look outward with the inauguration of the category of Non-Resident Indian (NRI) in 1973 within the Foreign Exchange Regulation Act (FERA). "The point of the NRI provision was to classify Indian individuals located outside of India as non-foreigners for the purposes of investment and proprietorship". (Modi and Taylor 2017 p.6) Dongen (2017) points out that this coincides with the oil boom and emigration to the Gulf. Thus as India began to recognise the economic potential of these NRIs the project of nation-building shifted to focusing on the economy. Moreover, as a result domicile became less important for belonging than it previously was. What this meant for citizenship was a marked shift in weightage from a principle of *jus solis* (right of soil) to that of *jus sanguinis*

(right of blood) with amendments to the Citizenship Act in 1986.² (Roy, 2006; Roy, 2008; Dongen 2017)

PIO: “we be of one blood ye and I”

While NRIs still referred to Citizens of India, with the introduction of the Person of Indian Origin (PIO) scheme in 1999 extended belonging to citizens of other countries that shared blood relations with India. This further strengthened the importance of blood relations and added to it emotional and cultural bonds. Moreover, by providing visa free travel to PIOs the right of blood was used to claim a right over the soil. It is important to note that this was in the wake of the opening up of the Indian economy in 1991 and the Indian government’s desire to “tap into the investible funds of the PIOs”. (Xavier 2015 cited in Modi and Taylor 2017) Towards this end a High Level Committee on the Indian Diaspora was set up by the Ministry of External Affairs in 2001. The committee put forth a number of recommendations that included initiatives such as the Pravasi Bharatiya Divas (Non-resident Indian Day) celebrations – an annual event organised by the Indian government since 2003 to connect the Government of India and the various State Governments with the Overseas Indian Diaspora – and setting up of the Ministry of Overseas Indian Affairs in 2004 were aimed at increasing India’s engagement with its diaspora. Among their recommendations was a suggestion of “granting of dual citizenship *with appropriate safeguards* to certain members of the Indian Diaspora.”³ (High Level Committee on the Indian Diaspora, 2001 p.xxxix) These certain countries were primarily wealthy countries - namely the U.S.A., Canada, the U.K. members of the European Union, Australia, New Zealand, Singapore and some Commonwealth countries. (High Level Committee on the Indian Diaspora, 2001

² For a more detailed account of this shift see Roy, Anupama (2006) Overseas Indian Citizen: A New 'Setubandhan'?. *Economic and Political Weekly*, 41(15) p.1421-1424

³Emphasis retained from source

p.525) This economic agenda underlying the offer of dual citizenship did not go unnoticed.

When the plan for granting dual citizenship was first announced at the first Pravasi Bharatiya

Divas in 2003, Fatima Meer who was awarded the Pravasi Bharatiya Samman (Overseas Indian

Honour/Award) at the event, called it “Dollar and pound citizenship.” (cited in Reddy 2003)

Commenting on the recommendations of the committee to offer dual citizenship as a privilege to

some, Reddy (2003) finds their logic to be ‘peculiar and inconsistent’ and further, makes the

insightful observation that

“[the] reason for the discriminatory privilege is what in Hollywood gangster films is called "payback time" for the Bharatiya Janata Party (BJP). Everyone knows that the BJP enjoys strong support among the Indians who now live in North America and to a certain extent those in west Europe as well. It is the same groups which have been in the forefront of the demand for dual citizenship.”

It is this offer of dual citizenship that would eventually translate into the Overseas Citizen of India (OCI) Scheme.

OCIs: “Mere paas maa hai!”

In August 2005, the government of India introduced the Overseas Citizen of India (OCI)

Scheme⁴ that extended to its diaspora certain privileges in terms of economic and financial

matters as well as travel to India. “The Scheme provides for registration as Overseas Citizen of

India (OCI) of all Persons of Indian Origin (PIOs) who were citizens of India on 26th January,

1950 or there after or were eligible to become citizens of India on 26th January, 1950 except who

⁴ This scheme with retrospective effect from 28th June 2005 was launched at the Pravasi Bharatiya Divas (Non-resident Indian Day) in 2006.

is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify.” (Ministry of External Affairs, Government of India, <http://www.mea.gov.in/overseas-citizenship-of-india-scheme.htm>) This scheme provides a number of benefits such as visa-free travel and stay in India as well as parity with Non-Resident Indian citizens (NRIs) in financial, economic and educational fields.⁵

Though it was clearly the result of the recommendations High Level Committee on the Indian Diaspora for dual citizenship, care was taken to emphasise that this was not, in fact, an offer of dual citizenship and did not include any political rights. (Ministry of External Affairs, Government of India, <http://www.mea.gov.in/overseas-citizenship-of-india-scheme.htm>)

Moreover, while it appears more universal it continues to favour the wealthy countries by taking 26th January 1950 as the cut-off point thereby including only later migrants the majority of whom have settled in the aforementioned wealthy countries. (Modi and Taylor 2017)

Thus, the government of India amended its citizenship laws whereby, it expanded the idea of belonging to people in the diaspora by treating them on a par with citizens; and on the other, bound belonging more tightly with blood relations. This move away from the principle of *jus solis* towards that of *jus sanguinis* “ is evident from the manner in which citizenship by birth was progressively restricted and made conditional and contingent on Indian ‘origin’.” (Roy, 2006; Roy, 2008 p.238)⁶ At the same time, the category of ‘Indian Origin’ is carefully crafted to allow it to be populated with those ‘of the right sort’. Modi and Taylor (2017 p.9) further demonstrate that “underlying this new interest in (and recasting of) the diaspora is both the Hindutva claim on

⁵ The complete provisions of this scheme can be found on the website of the Bureau of Immigration at <http://boi.gov.in/content/overseas-citizen-india-oci-cardholder>

⁶ A detailed account of this shift can be found in the work of Anupama Roy

all Hindus as Indians and, more prosaically, the desire to attract inward investment into India and to expand the country's markets where PIOs are resident.”

The Gift of belonging

Diasporic migrations have preceded the formation of the modern nation-states. Their engagements with their homelands have often included a transfer of value in the form of goods as well as in monetary terms. These usually operated at the level of individuals, family groups or even at a community level and still continue to do so. However, now that the nation-states have begun to adopt the language of diaspora, these individual acts have begun to be viewed in relation to the nation. How does one make sense of this link between the individual and the nation?

The answer I believe lies in the link between money and sovereignty as described by Aglietta et al. (1998)⁷. Placing debt at the centre of their analysis they argue that in modern societies the State is invested with the sovereignty of the people and in exchange must provide for the continuation of the society by inter alia. continuously guaranteeing all the individual transactions within the society. “All private financial debts are thus embedded in the overall socio-political debt, which the State owes to its citizens.” (Platenkamp, 2012 p. 208) They distinguish this from non-modern societies where members of the society derive their sovereignty from cosmological sources and therefore owe a perpetual debt to the giver of life - a deity or ancestor - that must constantly be repaid. Platenkamp (2012) terms these ‘primordial debts’.

⁷ As the work mentioned here is in French I have had to rely on descriptions of the work by others. I recognize that this shortcoming is my own and one that I am working to rectify.

In the case of India's engagement with the diaspora we find a conflation of these two logics. First, by creating the categories of NRI and PIO to funnel investments into India it inserted those who were outside the territorial boundaries into the relationship of reciprocity between the State and the people. Since the state now owed a debt to its citizens it needed to recognize them as such, and it did so through the OCI scheme. By setting limitations on the access to this scheme the State simultaneously defines its ideal citizens and creates exclusivity that allows to present OCI status as a gift to certain people in the diaspora. By presenting this scheme as Gift the state attempts to create in the diaspora a debt that must be repaid, and that can be done so in monetary terms. At the same time the State also invokes primordial debt by privileging blood ties in citizenship acquisition and promoting a narrow definition of 'Indian origin' (a debt to the ancestors) along with the deification of the Indian Nation-State.⁸ In so doing it attaches to this debt a sense of perpetuity that can be called upon recurrently.

Conclusion

From the above discussion we see that India's engagement with the diaspora is closely linked with the project of nation-building. In the early stages of India's formation this was focused more on securing the territorial sovereignty. The focus later shifted more towards economic considerations which continue to be the most significant motivation for engaging with the diaspora. In recent years ideological considerations have also begun to gain prominence.

With the introduction of the OCI scheme the government of India amended its citizenship laws whereby, it expanded the idea of belonging to people in the diaspora by treating them on a par

⁸ For example the High Level Committee on the Indian Diaspora (2001) uses the term 'Mother India' whenever referring to the feelings of people in the diaspora towards India. It is important to note that Mother India aka Bharat Mata is symbol of the Hindutva imagination of India.

with citizens; and on the other, bound belonging more tightly with blood relations. In so doing it linked individual monetary transactions to a logic of reciprocity that included the nation-state.

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