

Single Citizenship Vs Dual Citizenship: A Debate Over the Indian Perspective

Reshma S. J.

Abstract: *The world countries that face immigrations, whether it be the giver of immigrants or receiver of immigrants have in one time or the other debated over implementation of dual citizenship. According to a recent survey of United Nations Department of Economic and Social Affairs, India contributes the largest number of diaspora to the world countries including both developed and advanced countries at about 15.6 million in number in around 200 countries. Dual Citizenship has now become a normality in the global level due to reasons that also need to be adjudged by India, a nation moving fast towards development. If it is possible to frame one of the largest written constitutions of the world and contribute the largest diaspora that plays a major role in the world advancement, it is possible to frame for the acquisition and maintenance of plural citizenship or dual citizenship to the people of Indian origin without compromising the State interests and individual autonomy in a nation like India.*

Keywords: Diaspora, dual nationality, plural nationality, right, freedom, necessity, State interest, immigrants

1. Introduction

Citizenship is the identity of an individual by which he/she is guaranteed with civil and political rights in a State. A national of a country is given the status of a citizen by virtue of law on grounds like naturalization, place of birth, parents' birth place, etc. In India, the primary piece of legislation that decides the citizenship of a person is the Articles 5 through 11 in Part II of the Constitution of India. The Citizenship Act of 1955 is another great significance as it was legislated in the later period and since has been amended five times of which the latest amendment was in 2015.

Indian Constitution which is one of the largest written Constitutions in the world provides Single Citizenship to its citizens where the citizen of a particular country is allowed a single country's citizenship at a time. By the Indian law, if an Indian national voluntarily acquires the citizenship of another country, he/she has their Indian citizenship terminated that is, they acquire Overseas Citizenship and will be known as Overseas Citizen of India which leaves them with certain privileges excluding them the political rights.

Dual Citizenship which has become a trend among the world countries has many benefits of its own. This concept of dual citizenship is shown interest as it paves democratic transition and many other advantages. There have been dilemmas many times regarding the form of citizenship in India even from the pre-independence period and the Constitution makers voted for single citizenship in order to bring the country together surpassing all the cultural and ideological differences that existed during the time of the British rule. But the question of whether India needs and Dual Citizenship as many other countries do remains debatable due to various reasons.

2. Dual Citizenship as a Right and a Freedom

Dual citizenship also referred as dual nationality, plural citizenship and even multiple citizenship was considered a threat to inter country relations as the inter country relations were not well established. However, treaties between countries in the modern era created links between countries

demanding the need for better international communications and relations.

Dual citizenship bridges the gap between the countries and their citizens by allowing them loyalty towards both the countries. While the citizens who had their whole lives wrapped in a single country finds it difficult to get the significance of dual citizenship, those individuals who move to other countries for employment, education, feeling of cultural closeness, ancestral reasons, etc. The real challenge of dual citizenship not established as a right arises when an individual of two or more country's ancestry is made to choose between them due to expatriation. The individual is not allowed to be the citizen of one of his ancestral countries and is treated as an alien even when he has a solid reason to be treated fair.

Dual Citizenship when not guaranteed as a right, is provided as a freedom in several countries such as the US where an individual can obtain permanent citizenship by continuously residing for five years in the country or in the case where the individual is married to the resident citizen of the country by continuously residing in the country for three years, or when the individual was born within the country, that is, the principle of *jus soli*. But in India the citizens are not guaranteed the freedom of dual citizenship and if wants to obtain Indian citizenship must expatriate the original citizenship. As dual citizenship is not a human right and is only recognized as a freedom the world countries can choose to guarantee the freedom if deemed necessary.

3. Effects of Dual Citizenship

Dual citizenship makes the person citizen of two countries who is vested with civil and political rights and in turn has dual loyalties towards both the countries. A person becomes a dual citizen in cases where he/she is born to parents of two countries that allow dual citizenship. But in cases where one or both of the parents come from countries that do not recognize dual citizenship is made to choose between the countries to remain the citizen of the country in which they reside or in the country from which one of their parent is from without their parents residing with them. Thus, effects

of dual citizenship, bad or good, affects both the citizen and the country in different ways.

Passport: A passport is a form of identity to a person that travels from home country to another. A dual citizen becomes the holder of two passports at the same time. They are not subject any immigration procedure such as visa clearance, clearance of the immigration officer, etc. They have unrestricted entry into both the countries and can travel back and forth between those countries.

Privileges: When a person becomes the dual national of two countries, he/she is entitled to the benefits and privileges of both the countries. The dual citizen can move between the countries without immigration restrictions and many other limitations by way of law of the nation. Moreover, the dual citizen is benefitted with the social services of both the countries, can run for election as provided by the law, can acquire positions in government establishments, and has the right to vote by way of law, can acquire and hold property and so on. As aforesaid, a dual citizen is benefitted with privileges of both the countries as governed by law.

Property ownership: When an individual becomes the citizen of a country, he/she is guaranteed the right to acquire and own property. Likewise, a dual citizen is guaranteed the right to property in both the countries and is subjected to be governed under property and tax laws of both the countries.

The aforementioned while adds up as advantages to a dual citizenship holder, the disadvantages come with them such as tax issues due to dual loyalties and dual obligations that burdens the individual.

Double taxation: When a dual citizen is guaranteed the right to acquire and own property, carry on trade or business in both the countries governed by the respective laws, they are subject to the taxation laws of both the countries. Some countries though by way of treaties regarding double taxation take steps to reduce the burden that falls up on the dual citizens. But they are not completely exempted from taxation by both the countries in cases of dual citizenship.

Mandatory laws: If the dual national is a citizen of a country that mandates military service by every citizen, he/she could lose their citizenship of another country especially when the inter relations between the nations are jeopardized by war or potential conflict. Moreover, the interests of one country may conflict with that of the other in vulnerable matters or security matters.

Complexities: In some countries although dual citizenship is permitted, strict restrictions have been imposed to obtain dual citizenship. US like many other world countries require continuous stay within the territory of the country to obtain citizenship and three years continuous stay if the person is married to a US citizen. Costs for application of dual citizenship are also high in many nations along with the cost for permanent residence.

Dual citizenship though comes with many benefits and privileges, also has many disadvantages to tackle before bearing the fruit of dual citizenship. While some of the

effects of dual citizenship can be determined clearly, some underlying effects differ from country to country and legislation to legislation.

4. Non- Resident Indians, Overseas Citizens of India and Persons of Indian Origin

India is a fast growing country that demands security, confidentiality and protection of sovereignty. Indian government is of the view that the government could get in to a compromising position when the dual citizenship is guaranteed to individuals as there are even internal groups that do not encourage the same. All the Indians who are originally of Indian origin who later became citizens of other countries are generally denoted as Overseas Citizens of India while those who reside in other countries being the citizens of India holding Indian passports are known as Non-Resident Indians. The overseas Citizens were guaranteed some rights under persons of Indian Origin (PIO) since 2002. But the demand for dual citizenship by the once NRIs who are now citizens of developed countries particularly led to the introduction of Overseas Citizens of India (OCI) Scheme which benefits them more.

Persons of Indian Origin- In order to obtain the Persons of Indian origin card the person themselves or either parents, grandparents or spouse had to be of Indian origin. These persons are benefitted with no restrictions with respect to holding the citizenship of a country that does not allow dual citizenship. They have lifelong entry to travel to India without a visa and need not renew the card. Even though they are recognized as persons of Indian origin, they are considered as foreign nationals in several matters like stay in hotels and domestic airfares. They can hold, acquire or sell any property other than agricultural lands and are not entitled to political rights like contesting in elections and cannot run for government offices. Moreover, PIO cards are not eligible to be obtained by citizens of Pakistan, Bangladesh, Afghanistan, Bhutan, Nepal, China, Sri Lanka and Myanmar. Children born to Indian citizens in other countries and are the citizens of those countries but were eligible for PIO cards. If the PIO card holders wanted to become the citizens of India, they are required to stay continuously for seven years in the country which would cost them their citizenship in the other country as India does not provide Dual Citizenship. The Overseas Citizen of India scheme which later arrived resolved some of the disadvantages of the former one by imposing lesser restrictions.

Overseas Citizenship of India- The Overseas Citizenship however comes up with lesser restrictions to satisfy the demands of the Non- Resident Indians for Dual Citizenship. The holders of the Overseas Citizens of India Card are also the recipients of lifelong entry in to India. But the validity of the card is to be renewed every time a new passport is obtained. This scheme however includes every country's citizens except for Pakistan and Bangladesh. With a few exceptions such as restriction to acquire or hold agricultural lands, practice agriculture, run for election or positions in government offices and voting rights, the OCI card holders are benefitted in all the other matters by guaranteed treatment as a resident Indian would be. If the individual is

one who acquired citizenship in another country by birth, cannot obtain an OCI card if neither of the parents are citizens of Indian origin and not Indian citizens. However, OCI cannot amount to dual citizenship and so when the persons who are OCI holders automatically renounce their citizenship in any other country when they obtain Indian citizenship. One more advantage is that the OCI holders need not stay for seven long years in India to obtain citizenship and just need at least a year of stay in India.

5. Flaws in the Indian System

While addressing the effects and implications put forth by the legislature to implement dual citizenship in India, there are also a few flaws that need to be discussed about in the already existing concept of single citizenship. Single citizenship is said to be adopted by India to unite the people of India brought together by the British who were then divided into hundreds of states. Thus the citizens of independent India became the citizens of India and could move freely to any territory of the country, acquire property or live, although the concept of domicile is the conflicting element of the single citizenship in India. Each state of India provides its own domicile by imposing its own laws to acquire the same. The concept of domicile cannot be given a particular definition as it differs drastically from state to state in the federal set up of India. The citizenship however, applies for the whole of the territory of India. But domicile being different lets the states treat the Indian citizens in different light with respect to freedom of or preference of employment, education, residence, etc. This may very well be pointed out as a violation of equality before law, equal treatment of the procedure of law, etc.

6. Effects contemplated in India

The implementation of Dual Citizenship is more complicated than said. Most of the Indians who seek the citizenship of another country would be for employment or education matters. Like any other immigrants they would feel themselves being cut off from their ancestral roots when they are denied Indian Citizenship. But before going in to a campaign in support or opposition of dual citizenship several effects upon India by implementing dual citizenship has to be considered that were discussed by the High Level Committee on the Indian Diaspora.

Elimination of diaspora- The Indian citizens who immigrated to other world countries post independence are known to be a diaspora. While some might have voluntarily acquired the citizenship of other countries due to requirements to continue their course of employment, education, etc. The diaspora among the Indians creates an unfair disparity when they are in a compelled position to renounce the Indian citizenship. Some others endure many struggles to keep their Indian citizenship intact. This diaspora is one which must be eliminated and OCI or PIO cannot eliminate the same but only dual citizenship could.

Constitutional issues- The implication of the Parliament is that there are many constitutional issues to tackle before implementation of dual citizenship can be achieved. According to the High Commission on the Indian Diaspora,

amendments to Citizenship Act, 2005 can pave way to overcome the constitutional issues. A country with one of the largest written Constitutions like India should not have difficulties in making amendments to few numbers of legislations.

Internal security implications- One of the frequent arguments or contentions against dual citizenship is the security implications. The parliament is concerned with security implications in cases where the dual citizens can be in favour of or be working with sensitive organizations, armed or paramilitary forces. But the commission is of the view that dual citizenship when obtained only by application can be subject to scrutiny and rejection if necessary. Moreover, the concerned matter of entry or exit by questionable personalities can be regulated by Foreigners Act of India.

Regulation of entry and exit- As stated in the earlier paragraphs, the regulation of entry and exit of dual nationals can be regulated by the Foreigners Act. In addition, their long term stays in the country can also be restricted. While both PIO and OCI schemes guarantee lifelong entry of persons of Indian origin unrestricted unmonitored entry, guarantee of the same under the name of dual citizenship cannot be nefarious. Although illegal immigrants are being prohibited and governed by the Illegal Immigrants Act, there are still illegal immigrants who enter the territory of India from the neighboring countries. These persons of Indian origin are ones who lived for decades in developed countries such as North America, Australia, New Zealand, Singapore, etc. and they could evidently pose very less threat to the country and still can be governed by the Illegal Immigrants Act of India otherwise.

Restrictions to dual citizens- Dual Citizenship is not a guaranteed right and is just a freedom granted by the world countries in terms of people's interest. So, the every nation can impose restrictions on the privileges that come with the dual citizenship. The laws of dual citizenship vary from country to country in terms of their respective necessities. They can be restricted from running for public offices, elections, voting, etc. as is in the case of OCI recipients. They can also be restricted with respect to their entry, long term stays, etc. in terms of national interest.

Psychological reasons- The problem with expatriation is that the individuals who have their ancestral, cultural and communal roots in their respective countries would be cut off and are made to live for reasons fore told as a citizen of another country renouncing their ancestral ties with their home nations. In order of emotional respects, the persons of Indian origin should be given the certificate of dual citizenship and their Indian passports to feel more close to their home country and culture. They can still be verified under Foreigners Act, Passport Act, 1920 and Passport Act, 1967 of India.

Social Divide- It was also contemplated that guaranteeing dual nationalities to a community in the country would cause social divide. If taken a clear look, Indian nation already has a sharp divide between communities and dual citizens would not be the bigger part of it. Moreover, the Indian government

should treat every Indian fair and so granting of dual nationality will not be a very big threat and bring irregularities as compared to many other matters of concern and can be well regulated with the aid of amendments to a few pieces of legislations.

7. Conclusion

Many of the persons of Indian origin are citizens of developed countries who are ahead of India in many respects such as research, technology, space, financial services, management skills, etc. In addition the High Commission on the Indian Diaspora has endorsed the idea of dual citizenship for economic, technological, social, political and psychological reasons. Thus, dual citizenship can truly contribute to democratic transition in India and carry her forward in development. According to the Commission, there are millions of persons of Indian origin in about 200 world countries who are awaiting the dual citizenship of India. The so called, social divide, constitutional issues and every other implication can be overcome by the Indian Parliament to guarantee its people their freedom of embracing their culture, ancestry and home. The debate can be concluded in light of the aforementioned that India like many other world countries is in dire need to satisfy the people's interests and brace herself for the democratic transition towards development.

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