

**Public Interest Writ Petition, filed in the Supreme Court of India, seeking 'Dual  
Citizenship' & 'Voting Rights'  
for 'Overseas Indians'.**

NEW DELHI, January 6: A public interest litigation (PIL) seeking dual citizenship for overseas Indians was filed in the Supreme Court today on the eve of the inauguration of the Pravasi Bharatiya Divas (PBD) in Gujarat's capital Gandhinagar by Prime Minister Narendra Modi.

The over 25-million-strong Indian Diaspora comprises Non-Resident Indians (NRIs) and People of Indian Origin (PIOs) living in 192 countries across the globe. While the NRIs retain their Indian passports and enjoy most of the rights that resident Indians enjoy, the PIOs do not enjoy such rights because they have acquired citizenship of the countries they live in. The PIOs who acquire Overseas Citizen of India (OCI) cards currently enjoy only some rights.

The writ petition, filed by New Delhi-based senior journalist S Venkat Narayan, seeks to challenge the provisions of the Citizenship Act 1955 as amended by the Citizenship Amendment Act 2004, which deny the right to representation by means of a voting right to those who are granted the OCI status as conferred under Section 7A, by introducing Section 7-B(2) (f).

The PIL has made the Union Home Secretary, Secretary in the Ministry of Overseas Indian Affairs, and the Election Commission of India respondents.

The petitioner also seeks to challenge the deletion of Section 12 of the Citizenship Act 1955. The said provisions were given effect to by the Citizenship Amendment Act 2004, and are being challenged as ultra vires and violative of Articles 8, 14, 19 and 21 of the Constitution of India.

He argues that the Indian citizenship of Overseas Indians should not be automatically terminated, unless they renounce it themselves, even after they acquire the citizenship of the country where they live at present, and that those of them who seek should be granted Indian citizenship. Therefore, under the Constitutional Scheme, once a person is a Citizen of India, either by birth or by naturalization, he/she should be granted 'voting rights' in order to give them the right of representation and have a say in the matters pertaining to their mother country in consonance with his civil and political rights. Only then can true 'Dual Citizenship' be achieved.

The PIL says that Section 12 of the Citizenship Act 1955, which is the basis of Dual Citizenship/Nationality as originally conceived by the founding fathers of the

Constitution, was deleted by the Citizenship Amendment Act 2004 by Parliament. The petition argues that this is ultra vires to the Constitution and affects its basic structure and completely nullifies and renders Article 8 useless. Article 8 envisages dual citizenship/nationality.

The petitioner points out that the Indian Diaspora sends him US\$70 billion every year as remittances. What the Diaspora sends in one year is one-third of the Foreign Direct Investment (FDI) of \$214 billion India has received since 1992.

He says the Indian Diaspora is barely 2% of India's population, but its collective wealth has been estimated at \$1 trillion. This is half of India's Gross Domestic Product (GDP) of \$2 billion.

The PIL points out that the Dr LM Sanghvi-led High Level Committee (HLC) that prepared the historic report on the Indian Diaspora in 2001 had favoured the granting of dual citizenship to overseas Indians by amending certain provisions of the Indian Constitution.

The HLC had said: "Dual citizenship has become a rallying point for the Indian Diaspora's solidarity with Mother India and that dual citizenship is an idea whose time has come."

The PIL pointed out that 48 countries have granted dual citizenship to their Diaspora; that 16 developed countries give voting rights to their Diaspora, including by postal ballot; and that 11 countries give representation to their Diaspora in their respective Parliaments.

The petition noted that China has taken several commendable steps to encourage its 50-million-strong Diaspora to contribute to its development through a variety of employment and scholarship programmes.

China offers high-level academic positions to senior scholars with PhDs earned overseas at salaries 20 times higher than what local faculty make. The communist nation attracts innovators such as patent-holders in specialist engineering and high technology sectors to create companies or jobs in the country by paying salaries that are even higher.

The writ petition has been filed in the public interest for issuance of a writ, order or direction in the nature of mandamus, certiorari or any other writ to strike down Section 7-B(2) (f) of the Citizenship Act 1955 (as amended by the Citizenship Amendment Act of 2003) since it jeopardizes the interests, life and liberties of the 25

million-strong Indian Diaspora, who look forward to be connected with their motherland.

The Press Trust of India (PTI), the country's premier news agency, has reported the story. It has been carried by **Firstmail**, an internet news portal, and can be read at the following link:

[http://thefirstmail.in/news/news-details/50051-oci\\_voting\\_rights\\_denial\\_plea\\_in\\_sc\\_for\\_quashing\\_amendments#sthash.VKiUbpZr.ZkpDxp2L.dpbs](http://thefirstmail.in/news/news-details/50051-oci_voting_rights_denial_plea_in_sc_for_quashing_amendments#sthash.VKiUbpZr.ZkpDxp2L.dpbs)

The petition has been drafted by **G.VENKATESH RAO, Advocate, Supreme Court of India.gvrao01@gmail.com** The case is likely to come up for hearing later this month.

A special website has been created ([www.dualcitizenship.in](http://www.dualcitizenship.in)) to enable NRIs, overseas Indians and others who support dual citizenship for the Indian Diaspora to become co-petitioners by signing up online.