


The revocation of Indian passports of those whose births are transcribed in the Birth Registry at Portugal, on the basis of a purported circular of Ministry of External Affairs, Government of India, is nothing but a continuum of the motives underlying the passage of the Citizenship Amendment Act, 2019, of disenfranchising and disempowering certain sections of the Indian population that the ruling Bharatiya Janata Party loves to hate. This includes the Muslim communities., the Dalits, the Scheduled Tribes, the many Goans whose births are transcribed in Portugal, and the many Goans who have affirmed their Portuguese citizenship, and run the risk of not securing an OCI card or having an OCI Card cancelled.

To give a little backdrop, it is the Bharatiya Janata Party led Government under Atal Behari Vajpayee that introduced the OCI Card to start with, given its love affair with certain sections of the Indian diaspora, whose finances it was eyeing for their coffers. They began celebrating the Pravasi Bharatiya Diwas, in 2003. However, it was clear that this provision was aimed at pampering only those sections of the overseas population who would potentially fund their elections, following their jingoistic pronouncements about Indian nationalism, which was completely contrary to the Indian Constitutional mandate which is committed to a secular democracy.

Therefore, cleverly, the Statement of Objects and Reasons of the Citizenship Amendment Bill, 2003, spelt out that the central government was making provisions for the grant of dual citizenship (following a recommendation by its high-level committee on the Indian diaspora) for persons of Indian origin belonging to certain countries, mainly Australian, American and European ones. There was subtle discrimination here, as countries with largely Muslim populations, and those to which few Hindus migrated, were not included. This included Pakistan which has a sizeable number of Goans in Karachi.

In 2005, following an assurance on the occasion of Pravasi Bharatiya Diwas, the Congress-led UPA government expanded the scope of persons of Indian origin to all other countries, as long as their countries allowed dual citizenship, but retained Pakistan and Bangladesh as exceptions. However, once again, the BJP led NDA Government amended the Citizenship Act in 2015, stating that it was meant to fill "lacunae that were noticed" during its implementation and its review. With the 2015 amendment, it changed the nomenclature from "overseas citizen of India" to "Overseas Citizen of India *Cardholder*" (italics mine). In Goa, we failed to see the import of this steady erosion of citizenship for a Goan Indian whose birth was transcribed in Portugal or who had affirmed his privilege of Portuguese citizenship which was a special provision of Portugal for Goans who they perceived as citizens of Portugal, even after Goa was integrated into India, and who also came to be categorized as Overseas Citizens of India (if they applied for the same) and subsequently as Overseas Citizen of India Card Holders.



2015 signalled the further descent of the BJP led Government into active tools in the law to be able to exclude whoever they wanted to exclude from amongst the OCIs. This meant that they needed to favour those who fund the elections, but exclude those who were watching over their homeland with hawk's eyes. The latter, specially in Goa, were and continue to be some of the strongest votaries against the development model that the present double-engine Government (which is short hand for same political regime in Goa and in India) seeks to perpetuate - one of corporate sovereignty over peoples' power and say in decision making. The Goans from this section of population in fact has carried Goan culture with them wherever they go and finance Goan cultural expressions such as the Goan tiatr, apart from keeping the Concanim culture alive at functions that they organize both in Goa and abroad. There is also another section of OCIs who have been organizing under the banner of Hindus for Human Rights, and who see the potential destruction of Indian culture in the fascist manner in which the present dispensation has been rolling on. Now these are sections that the Government wanted to dispense connect with. What better way than to introduce provisions which will enable them to do so?

This is where the Citizenship Amendment Act 2019 kicked in. In the said Amendment, apart from the exclusionary approach towards Muslims, there was an insidious clause introduced which said that if the Overseas Citizen of India Cardholder has violated any of the provisions of the Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; their OCI Card was liable to be cancelled, after giving the OCI Cardholder a reasonable opportunity of being heard. It however vested the Government with arbitrary powers to be the jury in respect of (still unspecified) violations that should otherwise be tried in a court of law. The Rules under the Citizenship Amendment Act are yet to be framed, and the notification about which laws whose violations are in question here are still not notified.

And yet, here comes this circular now from the Ministry of External Affairs that permits its passport issuing authorities to revoke passports (different from not renewing passports) if the passport holder has suppressed material information about their having acquired foreign nationality. Apart from changing the law without a public notification and a mere internal circular, this also gives a different meaning to the term 'acquisition of foreign nationality' without looking at the Goan context, where the Goan has not acquired foreign nationality by simply having her birth transcribed in the Portuguese records, but already has the said nationality on account of certain concessions that the Portuguese have made available. This also means that since the passport is revoked, the person can be as considered stateless, if they have not actively acquired Portuguese citizenship and surrendered the Indian passport.

Writing in The Wire in 2019, this writer had warned that "until now (*then*)OCI cardholders



could afford to be vocal on concerns besieging their native localities and Goa in general. This may soon be a thing of the past, if the provisions of CAA 2019 remain on the statute book. If they voice their opposition to ‘development’ projects, including those along the coast, they risk being slapped with notices of violation of some odd law and attracting the cancellation of OCI registration”. Sadly this prediction is coming true. Presently the waters are being tested.

We must see through the serious implications this has for Goa’s demographic, apart from reducing many a Goan to ‘doubtful citizens’ (when the National Register of Citizens kicks in) with their stakes in Goa’s land grabbed from them. The battle therefore has to be both legal and political. We have to challenge the ridiculous interpretation of the expression ‘acquisition of Portuguese nationality’ which suddenly reduces a whole section of Goans to violators, for no fault of theirs. But more importantly, a Government that neither respects the federal character of the country nor the livelihood concerns of its peoples, nor the specificities of Goa’s historico-geographical location, must be routed at the hustings. The demand for special status for Goans in terms of recognizing dual citizenship for Goans must be resurrected and taken up in full vigour as an election issue. It is not to be seen with nationalist eyes, but with human eyes, where a people’s possibilities of exploring income earning possibilities with a Portuguese citizenship that enables them an entry into European Union countries must not be stymied.

(First published in *O Herald*, dt: 2 December 2023)



Share this...

