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## UNIT 20 DEBATING NATION AND TRANS-NATION

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### Structure

- 20.1 Learning Objectives
- 20.2 Introduction
- 20.3 Defining the Nation
- 20.4 Different Aspects of Analysis
- 20.5 Significance of Nation and Trans nation
- 20.6 Let Us Sum Up
- 20.7 Key Words
- 20.8 References / Selected Readings
- 20.9 Check Your Progress – Possible Answers

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### 20.1 LEARNING OBJECTIVES

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After reading this Unit you will be able to

- Understand the concepts of nation and transnation
- Explain some of the major debates relating to trans-nationalism
- Understand the concepts of citizenship and identity

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### 20.2 INTRODUCTION

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Many of the controversies surrounding the phenomenon of nationalism can be traced back to revivalist views about what constitutes a nation. The idea of the nation is so widely accepted that its distinctive features are seldom examined or questioned; the nation is simply taken for granted. The term 'nation' tends to be used with little precision, and is often interchangeably used with terms such as state, country, ethnic group and race. The United Nations Organisation, for instance, is clearly misnamed, as it is an organisation of states, not one of national populations. What, then, are the characteristic features of the nation? What distinguishes a nation from any other social group or other sources of collective identity? In this Unit, we shall discuss the ideas of nation and transnation and understand some of the major debates pertaining to them.

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### 20.3 DEFINING THE NATION

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The word nation is derived from the Latin word *nasci* which means 'to be born'. This given the term a racial or ethnical meaning. Etymologically, a nation is a people descended from a common stock. When used in this sense, a nation means a people welded together in a society by ties of blood relationship. Burgess and Leacock define a nation in a racial sense, though the former does not seem to consider common descent as an essential element. To him, nation

is a 'population of ethnic unity inhabiting a territory of a geographic unity.' By ethnic unity he means a population having a common language and literature, a common tradition and history, a common custom and a common consciousness of rights and wrongs. According to Calvo, in his work, International Law, emphasises that the idea of nation is associated with origin of birth, community of race, community of language, etc. Leacock unequivocally emphasises that the term nation, 'though often loosely used is properly to be thought of as having a racial or ethnographical significance'. It is a body people united by common descent and common language.

Nation is a collective noun which means an aggregation of people having special ties which bind them. People possessing common distinctive features and united by special ties of sentiments are referred to as nation. According to J.S. Mill it is 'the identity of political antecedents, the possession of a national history, and consequent community of recollections; collective pride and humiliation, pleasure and regret connected with the same incidents in the past.'

Another political thinker barker gives a more realistic definition and analysis of a nation. "A nation is a body of persons inhabiting a defined territory and thus united together by the primary fact of living together on a common land. They were drawn from a number of races and they came from different breeds. But their wanderings brought them into this territory and they settled down here because it appealed them to settle down here. While living together from sufficiently long time, they developed two forms of mental sympathy. The first was a common 'capital of thoughts and feelings acquired and transmitted in the course of the common history; a common capital of tradition; which includes as a rule a common language, a common religion and a common culture variously expressed in an art and architecture, in literature, in social habits and otherwise.'" The second was the common will to live together for the future freely and independently, thus, having common thoughts, feelings and aspirations and thereby exercising their right of political self-determination.

These above definitions clarify that nation is constituted by a geographical unity, a common past, a common language, a common religion, common history, common hopes and aspiration. It is an emotional feeling and sentiment of a people that they are one and exclusive from others.

*Politically, a nation is a group of people who regard themselves as a natural political community. For example, Indian origin Tamils are in Srilanka and advocate themselves as natural political community which is not accepted by native of Srilanka since its independence 1948, all successive governments have failed to find solution for the demand of the Tamil community. Therefore, we cannot say that Indian Tamil origin is having separate nation in Sri Lanka.*

### 20.3.1 Definition of trans-nation

The concept of habitation, which accepts the politically watertight nature of national boundaries, and the life practices of people are taken into account, allows us to conceive a 'transnational' reality that extends from within and goes beyond national borders. Understanding of national border is necessary to define transnation because refugees and asylum seekers move from one bordered

space to another and now may end up in a state of exception outside the law. But global populations are transitive without necessarily being transnational in the usual sense of this word. Within every nation state lies another ‘imagined community’ we can call “Transnation.” The proliferation of states of exception reveals that the sovereignty of the state is ever more inimical to the freedom of national subjects and the fluidity of the trans nation becomes an important element of hope for the nation living around the structures of the state.

Subjects in the trans nation may at various times identify with the nation, with ethnicity, religion, family, or tribe; they may know nothing of the workings of the state except for their experience of local officials; they may travel beyond national borders or stay within them, and never be in contact with other cultural subjects. But their experience provides the constant theme of the ambiguous relation between the nation and the state. Transnation is the fluid, migrating outside of the state that begins within the nation. This is possibly most obvious in countries with massive populations such as India and China where the ‘nation’ is the perpetual scene of migration and of various forms of translation.

The transnation reveals that all subjects have at least some level of ability to move between the structures of the state. It is precisely this mobility, and in particular its symbolic threat to borders that has led nations to create states of exception – camps outside yet within their borders. Millions of people have been trapped by the hysteria of xenophobia and ‘border protection.’ But the mobility of the transnation need not be a permanent condition of displacement, loss and exile. On the other hand, exile, as a condition of displacement begins within the nation, it does not begin once borders have been crossed. The mobility and in-between-ness of the transnation injects the principle of hope into the equation.

#### Example

One of the significant regional Indian diasporics are the Gujarati communities. The Gujarati people from the central western parts of India, have ventured out to different parts of the globe for various reasons. Today, Gujaratis are successful not only in business, which is the occupation they are best known for,, but also in professional fields such as technology, science, medicine, and business management. The Gujarati community establishes connection with their native place and celebrates Gujarati cultural festivals such as Navratri, Bhai duj etc. abroad. It reveals their attachment with native culture which is a part of Transnation value.

### 20.3.2 Debate on nation and trans-nation

The idea that a nation is essentially an ethnic or cultural entity has been described as the ‘primary’ concept of the nation. To raise a debate on the concept, nations are defined by a combination of cultural and political factors. Culturally they are groups of people who are bound together by a common language, religion, history and traditions. Ultimately, however, nations define themselves through the existence of a shared civic consciousness, classically expressed as the desire to achieve or maintain statehood. The ‘transnation’ extends beyond the geographical, cultural, religious and imaginative boundaries of the state, both within and beyond the boundaries of the nation. It is a space in which those boundaries are disrupted, in which national and cultural affiliations are

superseded, in which binaries of centre and periphery, national self and other are dissolved. The transnation refers to something more than diaspora, since it is both internal and external, more than cosmopolitanism, because the trans nation may include monocultures.

“Transnationalism” is a term which has now become widely used in social science. Many people use it to mean many different things. It has achieved popularity at the price of precision. For Keohane and Nye, transnationalism encompasses all interactions across state boundaries in which at least one of the participants is not the agent of a government or an intergovernmental organization. Their emphasis is thus not on the scope of the operation, but on the public or private character of the participants in the operation. They direct their fire at what they describe as the “state-centric” view of world politics. In addition, transnational relations for them include all interactions, not just organizational ones; international trade and international travel, for instance, are included under their heading of “transnational processes”

The trans nation reveals that all subjects have at least some level of ability to move between the structures of the state. It is precisely this mobility, and in particular its symbolic threat to borders that has led nations to create states of exception – camps outside yet within their borders. Millions of people have been trapped by the hysteria of xenophobia and ‘border protection.’ But the mobility of the trans nation need not be a permanent condition of displacement, loss and exile. On the other hand, exile, as a condition of displacement begins within the nation, it does not begin once borders have been crossed. The mobility and in-between-ness of the trans nation injects the principle of hope into the equation.

There is a certainly alack of precision in the current usage of transnationalism. The term's relationship to the nation-state is particularly problematic. It was first coined with reference to relations between nation-states and national groupings that did not automatically fall under the heading of traditional military encounters. Patel offers a useful summary of the etymology of ‘transnationalism’, which first surfaced as a term in a discussion of migration and identity in the United States in 1919, locating its use in a conscious effort to ‘internationalize’ American politics within the framework of the wider world. During subsequent decades, in books on Anglo-American economic relations in the inter-war period, and in the study of law in the 1950s, the word was primarily employed to ‘extending or having interests extending beyond national bounds or frontiers’. ‘Transnationalism’, therefore, took life inside nation-states and seemed to be used primarily as an alternative term for inter-state relations, or was adopted by multinational corporations that wanted to rebrand themselves as transnational corporations during the 1980s because ‘multinational’ had become a word with negative connotations, associated with greed and inequality.

Ethnically defined transnational societies were the focus of the wide-ranging Economic and Social Research Council (ESRC) projects on diasporic communities. The term suggests both a community of interest, a commonality of character, as well as a group of individuals sharing the same locality or organization. It speaks to a multiplicity of attachments and a period spent by individuals in association with others.

### Check Your Progress 1

Note: Check your answer with possible answers given at the end of the unit

1. Write the meaning and definition of Nation.

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2. What do you mean by Trans nation?

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3. Make a distinction between nation and trans nation.

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## 20.4 DIFFERENT ASPECTS OF ANALYSIS

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Based on the above discussion, the following analytical framework is drawn:

- i. A historical perspective is needed to clarify the specificities of the current transnational paradox. In the globalized world human community is not static to live with limited resources and economic opportunity, however, they are being reconfigured to search better livelihood and better way of living. Given this backdrop, early forms of colonialisation and empire produced patterns of migration, and hierarchies of cultural difference in the 19th century. There is also constant tension with transnational processes due to different cultural values, social settings and lifestyle. The development of a global economy has, however, been sustained by the existence of separate nation-states whose ability to control rested upon bounded hierarchies of sameness and difference but that operated transnationally. Contemporary discussions of the reconfiguration of nation-states in relationship to transnational processes must be grounded in global readings of history particularly region and community specific.
- ii. Transnational processes and identity politics have to be analyzed in terms of current regimes of power that aim to regulate economies and discipline people. It becomes important to investigate the degree to which the specific regimes through which control is administered coincide with state boundaries. There is evidence during the late twentieth century of the rise of new, subtle forms of control that aim to shape people's wants and desires, values and beliefs with regard to health practices, consumption, and self-representation so that they will eventually regulate themselves. These forms of imposed self-discipline and practice are usually seen in



the transnational apparatuses because they form exclusive group with the nation. As these groups have less history in the region and minimum aware about the local culture, consumption pattern and power relations, they feel neglect from the majority. For example: Tamil origin Indians permanently residing in Sri Lanka who became transnational subjects.

- iii. The assumption that people will live their lives in one place, according to one set of national and cultural norms, in countries with impermeable national borders, no longer holds. Rather, in the 21st century, more and more people will belong to two or more societies at the same time. This is what many researchers refer to as transnational migration.
- iv. Transnational migrants work, pray, and express their political interests in several contexts rather than in a single nation-state. Some will put down roots in a host country, maintain strong homeland ties, and belong to religious and political movements that span the globe. These allegiances are not antithetical to one another.
- v. For example, over the past several years, Indian immigrants from Gujarat have moved from villages and small towns in North America, particularly Canada, first to rental apartment complexes in Southern province of Manitoba, and then to their own homes in subdivisions outside Winnipeg. Watching these suburban dwellers work, attend school, and build religious congregations there, casual observers might conclude that yet another wave of immigrants has successfully joined in the pursuit of the Canadian dream. A closer look, however, reveals they are pursuing Gujarati dreams as well. They send money back to India to open businesses or improve family homes and farms. They work closely with religious leaders to establish Hindu groups in the United States, to strengthen religious life in their homeland, and to build a global Hindu community transcending national borders.

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## 20.5 SIGNIFICANCE OF NATION AND TRANSNATION

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Over the last few centuries 'national' referents have provided individuals with a major source of group identification and belonging. For Anderson (2006), specific historic conditions and the political agendas of newly born nation-states accelerated, sustained, and crystallized the cultural reproduction of national communities and the organization of political life. The developing of 'nationhood' into naturalized referents for one's group identity, was a process he famously termed the membership of an 'imagined' community. Hall (1997) highlights how the imagined component of 'we-ness' in national identities is constantly (re)produced, negotiated, and instantiated in tangible symbols, practices, and discourses. These rely on narratives of collective belonging and otherness, and on the perceived spatial and social homogeneity of the in-group and its differentiation from out-groups. The work of Billig (1995) and Wodak et al. (1999) further corroborate this view. They highlight how national categorization is effectively achieved in every-day discourses through rhetoric and linguistic devices functionally aimed at indexing, naturalizing and entrenching representations of 'us' and 'them'. In recent years, a significant body of interdisciplinary literature has recognized transnationalism as an important macro phenomenon emerging in relation to the de-territorialization of cultural, social and economic practices, which

are moving away from nationally rooted apparatuses, or which supersede the remit of national institutions (Portes et al. 1999; Levitt and Glick Schiller 2004; Vertovec 2009). The term transnationalism has been used not only in social anthropology to account for new forms of social interaction resulting from intensified cross-border mobility (whether related to diaspora or triggered by economic factors) but also in political theory with regard to practices of non-governmental organizations (NGOs) to highlight the fact that at least one of the actors involved is a non-state entity (Risse-Kappen 1995). Social movement studies have also extensively discussed transnationalism, for example in relation to cross-border political mobilization (Tarrow 2005).

Transnationalism has thus conceptually emerged as a range of complex social phenomena which interface discursively with powerful narratives of cultural 'in-betweens', territorial 'unboundedness', and post-national politics. For example cultural studies scholars such as Bhabha (1994) and Appadurai (1996) suggest that in the wake of intensified cross-border flows, national narratives are displaced across different cultural networks, resulting in a dilution of established meanings of community. In Bhabha's view, transnational practices can generate 'third spaces' where individuals can find cultural positionality in reference to a boundless time and space between national territories. This 'in-betweenness' does not reproduce dominant discourses but rather allows for 'hybridity' which, in some cases, could be interpreted as a 'counter-narrative of the nation' (Bhabha 1994:300).

### **20.5.1 Debates on Citizenship and Identity**

The concepts of citizenship and nationality, two interdependent and "interchangeable" (Leca 1992) concepts within the framework of a nation-state, are defined above all by membership in a political community. This membership takes shape through rights and duties that are embodied in the very concept of citizenship. Its implementation by law implies the integration or the incorporation of the "foreigner" into the national community with which he or she is supposed to share the same moral and political values. Moreover, she or he is supposed to adopt or even to "appropriate" historical references as a proof of belonging and loyalty to the founding principles of the nation, which according to Weber is the only community born of modernity. Debates on citizenship and nationhood precisely reveal such expectations, whatever historical interpretation and juridical shape is given to citizenship. Based on the example of France and Germany, citizenship and nationhood have been analyzed in ideal-typical terms opposing a cultural and ethnic understanding of the nation to a civic and political one (Brubaker 1992; Dumont 1991). The reality, however, is more complex. Obviously, such representations of the nation have explained, and to some extent justified, policies and laws of citizenship in democratic states. But lately, the experience of immigration and settlement along with the claim for recognition of cultural particularities and equal citizenship have changed the understanding of citizenship and carried its practice beyond its legal definition.

### **20.5.2 Dual Citizenship:**

Dual citizenship relates *de facto* to transnationalism. The increasing fluidity of borders has led immigrants to develop transnational networks linking the country of origin to the country of residence and to participate actively in both

spaces. In this perspective dual citizenship stems from political participation in both political communities, which brings to light multiple membership and to some extent multiple loyalties: to the home country, to the country of residence, and to the transnational community itself. Dual citizenship becomes the institutional expression of and the basis for transnationalism. Transnationalism is important in relation to European integration. Citizens and residents participate in the European Union's politics through transnational networks combining identity—be it national, religious, or both—and interest. This is also due to the very nature of the European Union, where the idea of supranationality has given shape to a transnational civil society within which networks of solidarity (national, regional, religious, or professional) compete, interact, and cover the European space. The politicization of each of these networks has led to the formation of transnational, de-nationalized public space. In this space, thanks to the density of communications between actors from different traditions, transnational communities can socialize politically and the same actors can learn the trade of a new political culture that takes shape outside the nations and their institutions, creating a new political identification that is de-nationalized and transnational. The identity of a transnational citizenship is expressed through the fight of transnational actors for equality and human rights, seeking at the same time a unified identity in search of legitimacy before supranational institutions. Paradoxically, a unified identity for a transnational community leads to a particularity that becomes the basis for building a “transnational nation”: non-territorial and its nationalism translates the transnationalization of communitarian feelings. Transnationalism and Europe raise the question of territoriality with regard to participation and citizenship. First of all, transnational organizations create a space for political participation that goes beyond national territories. They re-map a “political community” that is Europe, albeit transnational and therefore de-territorialized and/ or re-territorialized. From this perspective, territory becomes a broader, unbounded space, where nation-states and supranational institutions interact, and where transnational networks build bridges between national societies and Europe (Kastoryano 2004).

As for citizenship, it implies, in the view of the activists involved in building such a network, a role of responsibility in the construction of a new “community of faith” that is supposed to represent the European Union and is expressed by the “will to live together.” Just as it was at the formation of a national political community, this implies the expression of their will to live together on a de facto multicultural (including residents with legal status) and democratic space (Kastoryano [1998] 2005; 2002b). The question of European citizenship has led to the elaboration of concepts such as postnational, cosmopolitan and/or transnational membership, and constitutional patriotism, all concepts that came along with the Treaty of Maastricht in 1992. These concepts remain, however, normative. In legal terms, the Treaty defined the status of “citizenship of the Union.” According to Article 8 of the Treaty, a “citizen of the Union” is whoever holds the nationality of one of the member states. In principle, citizenship of the Union requires the national citizenship of one of the member states. Thus the Treaty maintains the link between citizenship and nationality as is the case in nation-states. But the practice of citizenship of the Union brings an extra-territorial aspect into play with regard to nation-states: again Article 8 (8a–8d) of the Treaty gives the citizen of the Union, the right to move, reside, and work freely in the territory of a member state as well as the right to vote and run



for office in local elections and in European Parliamentary elections based on residency (i.e., in the territory of a member state of which he or she is not a citizen, but just resident). The extra-territoriality of the concept of citizenship is expressed by its practice, that is, political participation beyond territorially limited nation-states, therefore de-territorializing the national community or re-territorializing the European space.

As Preuss (1998) has pointed out, territoriality becomes the basic means of the citizenship of the Union. Extra-territoriality is precisely what gives transnationalism its strength. Like dual citizenship, it institutionalizes multiple allegiances and dissociates citizenship from nationhood and territoriality. Within the European Union this multiplicity of allegiances and spaces for political participation include the home country in the repertoire of citizenship. In fact, European citizenship, as a more global concept of membership than nation-states, introduces the allegiance of immigrants to their home country into the bargaining process in the same way that they express their allegiance to their state of residence and to the transnational community in which they are involved. The countries of origin participate in building a transnational community and encourage extra-territorial citizenship. For example, countries like Turkey, Morocco, and Pakistan, in relation to their émigrés settled in Europe, have changed their citizenship laws, introducing dual citizenship in their constitutions to maintain emigrant loyalty by inducing them to maintain their original citizenship. Even though such processes can be sources of tension between home and host countries for countries that reject dual citizenship, the home country contributes openly to the construction of a “diaspora” and, contributes to the design “diasporic identity” that is expressed by the attachment of its citizens—former or current—to the homeland. Such extra-territoriality is at the core of transnationalism. It keeps the legality of the citizenship of the country of origin, but only on its territory; its de-territorialization abroad becomes a resource for identity and mobilization for individuals and/or groups of immigrant descent. Within this perspective the nation is linked to the citizenry of the home country. At stake is the integration of the state (both states) into a global space (Ong 1999, specifically Chapter 8). Take the case of Turkey, for example. Four million Turks have settled in different European countries to form a new category called “Turks abroad” by the Turkish authorities and the media. The Turkish government aims to maintain the attachment of the émigrés to national ideologies—secular, expressed by official rhetoric on Kemalism, and at the same religious—by insuring a permanent allegiance to what is called “moderate Islam” by national official circles as well as the international media as a reaction to Islamism developed in immigration. Turkey’s goal is to maintain national citizenship values abroad; it is a way of sustaining the link between citizenship and nation, but extra-territorially. In other words, external to the nation, external to the territory, but yet a citizen. In this case, at stake is Turkey’s place in the European Union. Such a “de-territorialized” belonging nourished by the Turkish state constitutes a resource for negotiations. For countries of settlement, at stake is the inclusion of transnational activities into the national community and the “re-territorialization” of nationhood. Transnational nationalism supported and entertained by states has become an inevitable issue in international relations.

## Check Your Progress 2

Note: Check your answer with possible answers given at the end of the unit

4. Write a short note on transnational migration.

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5. Define Citizenship and Identity.

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6. Dual citizenship becomes the institutional expression of and the basis for transnationalism. Do you agree with this statement? Support your answer.

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7. How does dual citizenship provide opportunities to migrants?

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## 20.6 LET US SUM UP

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It is concluded that many critics viewed that if migrants earn their living in the North America, their income, skills, and philanthropic efforts should remain in the North America. In India or other source countries, they may argue that transnational have no right to a political voice because they have abandoned ship and lost touch with the day-to-day realities in their former homelands. These are valid concerns. We are entering new territory. There are no easy ways to balance transnational identity and duties. The challenge is to figure out how individuals who live between two cultures can best be protected and represented and what we should expect from them in return. To meet it, we need to acknowledge the interdependence between the host and sending countries and begin to solve problems by looking outside the nation-state and transnation box.

People in the 21st century will claim multiple political and religious identities, to both national and transnational groups. The critical task is to understand the way individuals and organizations actually operate across cultures, and the costs and benefits of these arrangements. It is to understand how ordinary individuals and organizations negotiate these challenges, who wins and who loses, and how they redefine the boundaries of belonging along the way.

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## 20.7 KEY WORDS

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**Nation:** A nation is a stable community of people formed on the basis of a common language, territory, history, ethnicity, or psychological make-up manifested in a common culture.

**State:** The political organization of society, or the body politic, or, more narrowly, the institutions of government. The state is a form of human association distinguished from other social groups by its purpose, the establishment of order and security; its methods, the laws and their enforcement; its territory, the area of jurisdiction or geographic boundaries; and finally by its sovereignty. The state consists, most broadly, of the agreement of the individuals on the means whereby disputes are settled in the form of laws.

**Trans nation:** The ‘transnation’ extends beyond the geographical, cultural, religious and imaginative boundaries of the state, both within and beyond the boundaries of the nation. It is a space in which those boundaries are disrupted, in which national and cultural affiliations are superseded, in which binaries of centre and periphery, national self and other are dissolved.

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## 20.9 CHECK YOUR PROGRESS – POSSIBLE ANSWERS

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### Check Your Progress 1

1. The word nation is derived from the Latin word nasci which means ‘to be born’. This given the term a racial or ethnical meaning. Etymologically, a nation is a people descended from a common stock. When used in this sense, a nation means a people welded together in a society by ties of blood relationship.
2. The ‘transnation’ extends beyond the geographical, cultural, religious and imaginative boundaries of the state, both within and beyond the boundaries of the nation. We discover it as a space in which those boundaries are disrupted, in which national and cultural affiliations are superseded, in which binaries of centre and periphery, national self and other are dissolved.
3. A nation is a community of people united by a common language, history, ethnicity, or a shared culture. Politics is more visible in nations. Transnationalism refers to the increase in the functional integration of processes across borders and greater mobilizations outside the nation-state.

### Check Your Progress 2

4. A transnational migration process is defined as one where individuals maintain or build multiple networks of connection to their country of origin while also settling in a new country.
5. Citizenship is a legal term that refers to a person's status as a member of a country under its laws. “identity” is presently used in two linked senses, which may be termed “social” and “personal.” In the former sense, an “identity” refers simply to a social category, a set of persons marked by a label and distinguished by rules deciding membership and (alleged) characteristic features or attributes. In the second sense of personal identity, identity is some distinguishing characteristic (or characteristics) that a person takes special pride in or views as socially consequential but unchangeable
6. Yes, because:
  - a. Dual citizens enjoy certain benefits, such as the ability to live and work freely in two countries, own property in both countries, and travel between the countries with relative ease.
  - b. Drawbacks of being a dual citizen include the potential for double taxation, the long and expensive process for obtaining dual citizenship, and the fact that you become bound by the laws of two nations.
7. Dual citizens are entitled to the benefits and privileges accorded to citizens of each country. For instance, they have access to two different social service systems, are eligible to vote in both countries, and may run for office in either country (if the law permits). Additionally, they can work in either country without a work permit or visa and attend school in either country at the same tuition rate as citizens (versus the international tuition rate).

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## UNIT 21 SAFEGUARDING HUMAN RIGHTS

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### Structure

- 21.1 Learning Objectives
- 21.2 Introduction
- 21.3 Background of Human Rights
- 21.4 Scope of Human Rights
- 21.5 Diaspora and Human Rights
- 21.6 Who Enjoy Human Rights?
- 21.7 Let Us Sum Up
- 21.8 Key words
- 21.9 References and Selected Readings
- 21.10 Check Your Progress-Possible Answers

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### 21.1 OBJECTIVES

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Given this backdrop this unit covers following objectives:

- To understand the scope of human rights
- To understand Diaspora Human Rights
- To discuss Human rights and Fundamental rights

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### 21.2 INTRODUCTION

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Philosophers of social contract theory are of the view that objectives to create State is to safeguard and protect the rights of individuals. According to Aristotle, State came into existence out of basic necessities of life and continues for the sake of good life. Prof. Laski expressed that State is known by the rights it maintains. Similarly, John Locke was of the view that end of state is to remove the obstacles that hinder the development of an individual. Thus, the existence of the state is to be recognized with the protection of rights and liberties of individual which is the main object of state. Protection of the dignity of an individual is essential element and to maintain harmony and tranquillity in the society, as its violation can have grave impact on individual rights as well as group rights. Each individual is entitled to some rights which are inherent to human existence. Violation of such rights on the basis of gender, race, caste, ethnicity, religion etc. are called violation of human rights. Human rights are also known as basic rights, fundamental rights, natural rights or inherent rights. The concept of human right is not a new phenomenon, 'Human Rights' is a twentieth century term but its notion is as old as humanity. It has gone through several phases of development and has taken long time to recognise, respect to safeguard. These rights had place in all ancient societies though referred by different names, it includes civil rights, liberties and social cultural and economic



rights. These rights are essential for all individual as these are consonant with the freedom and dignity and ultimately contribute to social welfare. Safeguard of human rights is a necessity for the development and growth of an individual personality, which ultimately contributes in the development of the nation as a whole. It is an internationally recognized issue and various international instruments have been established for the protection of human rights.

At international level various efforts have been made for the protection of human rights. The United Nations through its charter represents a significant advancement in the direction for the promotion and protection of human rights. International bill on human rights has been incorporated in the UN Charter. The UN Charter contains various provisions for the promotion of human rights and fundamental freedoms in the Preamble and in various Articles 1, 13(b), 55, 56, 62 (2), 68 and 76(c). Apart from UN Charter there are four international instruments created under the auspices of the United Nations known as International Bill of Human Rights, which include the Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966, and the International Covenant on Economic, Social, and Cultural Rights 1966, the Optional Protocol to the International Covenant on Civil and Political Rights, 1966. The international human rights regime is continuously growing with the passage of time, it provides certain accepted legal standards which all the nations should accept and implement in their domestic laws. The Governments of all the nations must work to promote the welfare of people by eliminating all forms of discriminations and provide right to equality and justice to all.

After studying this unit you will get to know scope of human rights, its implication to all people around the world irrespective of race, creed, colour, sex, origin of ethnicity and caste.

As we understand diaspora communities maintain balance between countries where they are from and to. Diaspora communities regularly meet with new challenges of human rights because of their belongingness to their homelands. When a country is turmoil because many reasons such as dictator rule, internal armed conflict or prosecution of certain groups or communities, they face numerous human rights challenges.

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### 21.3 BACKGROUND OF HUMAN RIGHTS:

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Human Rights, therefore, essentially refers to those rights that are accrued to us for just being human, and thus, ‘the subject of human rights are not members of this or that society, but of the community of humankind’. It is this vision that is enshrined in the Universal Declaration of Human Rights (UDHR)(1948) as a common standard of achievement for all people’s and all nations. Various conventions, declarations and other documents further developed rights based on this vision.

Human rights are not just theoretical; they are recognized standards to which governments are to be held accountable. There are five basic tenets underlying human rights as they apply to all people. Human rights are:

- **Universal** in that they belong to all people equally regardless of status. All people are born free and equal in dignity and rights.

- **Inalienable** in that they may not be taken away or transferred. People still have human rights even when their governments violate those rights.
- **Interconnected** because the fulfilment or violation of one right affects the fulfillment of all other rights.
- **Indivisible** as no right can be treated in isolation. No one right is more important than another.
- **Non-discriminatory** in that human rights should be respected without distinction, exclusion, restriction, or preference based on race, colour, age, national or ethnic origin, language, religion, sex, or any other status, which has the purpose or effect of impairing the enjoyment of human rights and fundamental freedoms.

Human rights reflect the minimum standards necessary for people to live with dignity and equality. Human rights provides people the freedom to choose their livelihood, freely express their views, and what kind of government they want to support, among many other things. Human rights also guarantee people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities. Finally, by guaranteeing life, liberty, and security, human rights protect people against abuse by individuals and groups who are more powerful. According to the United Nations, human rights: “Ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent, and conscience and satisfy his or her spiritual and other needs”.

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## 21.4 SCOPE OF HUMAN RIGHTS

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It is contemporary manifestation of human rights which are a set of individual and collective rights. These rights have been formally promoted and protected through international and domestic law since 1948 Universal Declaration of Human Rights. The scope of human rights is wide without territorial boundary. Human rights are basic to civilised existence, and the right to life is the most basic of all rights. They are inalienable or innate rights possessed by every individual by virtue of their being humans. In democratic societies fundamental human rights and freedoms are more than mere pious aspirations. They form part of the law and, therefore, their protection becomes the obligation for those who are entrusted with the task of their protection. There has been a growing awareness amongst citizens all over the world against the violation of human rights.

Today, the numerous international human rights treaties adopted since the Universal Declaration of Human Rights, to which an increasing number of nation-states are parties. They establish the fundamental content of human rights that should be safeguarded across the categories of civil, political, economic, social, and solidarity rights.

Human Rights Categories: The collection of international law-protected human rights draws on a long tradition of rights in philosophy, history, and normative political theory. It now includes three distinct sets or categories of rights that

have developed into useful shorthand for discussing human rights among scholars and practitioners in the field and will be used throughout the remainder of this paper.

These three categories are (1) civil and political rights, (2) economic, social, and cultural rights, and (3) solidarity rights. It has been typically understood that individuals and certain groups are bearers of human rights, while the state is the prime organ that can protect and violate human rights.

Civil and political rights protect the individual's sanctity before the law and ensure that he or she can participate freely in civil, economic, and political society. The term "civil rights" refers to the rights to life, liberty, and personal security.

- ❖ The right to equal protection under the law.
- ❖ The right to be free from arbitrary detention.
- ❖ The right to a fair trial.
- ❖ The right to an impartial jury.
- ❖ The freedom of religion and worship.

Political rights include

- ❖ The freedom of expression and speech.
- ❖ The right to self-expression and association.
- ❖ The right to vote and to participate in politics.

Thus, political rights guarantee individuals' rights to participate in public and state affairs. Civil and political rights have been considered fundamental human rights in numerous ways, both historically and theoretically, and all nation-states have a duty and responsibility to uphold them.

Social and economic rights include the family right; the right to education; the right to health and well-being; the right to work and a living wage; the right to organize trade unions and free associations; the right to leisure time; and the right to social security. When these rights are safeguarded, they aid in the growth of individuals, social and economic progress, and self-esteem.

Cultural rights are intended to preserve and promote subnational cultural affiliations and collective identities and safeguard minority communities from assimilationist and nation-building projects.

Cultural rights include:

- ❖ The right to the benefits of culture.
- ❖ The right to indigenous land, rituals, and shared cultural practices.
- ❖ The right to speak one's language and 'mother tongue education.

In the contemporary period many other ethnic and religious groups live in diaspora as a result of wars, natural disasters, political repression, economic hardships which is particularly applicable to the topic. African diaspora which is one of the largest in the world started with brutal slave trade and continued till today thanks to the economic hardships, political repression and ethnic cleansing in African states. Korean diaspora is the result of years' long Korean War initiated by the Imperial powers. In 19th century when colonization was at its height the great Chinese diaspora began, as many colonial powers lacked large pool of labourers. Tibetan diaspora was the result of the expansionist policy of the Government of China. Parsee diaspora though comparatively small in number was the result of religious persecution. The heartbreaking sad story of the current exodus of refugees from Arab spring countries; particularly Syria and Iraq are caused by the terrorist war and cruel atrocities in those countries. In a broad sense none of these factors are applicable to the Indian diaspora.

### Check my progress 1

**Note:** Check your answer with possible answers given at the end of the unit

1. Explain Human Rights

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2. What are five basic tenets underlying human rights?

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3. Explain Civil and Political rights

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## 21.5 DIASPORA HUMAN RIGHTS

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Let's start with a basic question: why does a person or group of persons leave one country and go to another country? The answer is very simple. When survivors of state violence secure refuge in democracies, they gain the opportunity to continue their activism in another country and express their voices in new ways. Taken together, diaspora human rights plays a critically important role in promoting democracy and human rights. However, transnational repression not only threatens diaspora members' legal rights and civil liberties but also the rule of law, state sovereignty, and international human rights norms. It is therefore vital for host-country governments to recognize the elevated threats and risks associated with diaspora rights so that they can proactively support

and protect these communities. Local and national enforcement agencies need to be made aware of the potential threats against diaspora organizations and activists, and communicate with community leaders about how to lodge complaints. Governments must also provide the fullest possible protections to diaspora people and their organizations through legislation, which is needed to sanction regimes for atrocities and protect diaspora communities from threats and interference. Universities, which often depend financially on international students, must be vigilant in ensuring that student groups follow the law and that students at risk for harassment are protected. Because diaspora people are essential actors in the global struggle for democracy and human rights, protecting their civil liberties remains a central responsibility of authorities today and in the future. In nutshell, that is the spirit of Universal Declaration of Human Rights 1948.

In the contemporary period many other ethnic and religious groups live in diaspora as a result of wars, natural disasters, political repression and economic hardships. The guarantee of the rights and privileges for the citizen of the respective nations by their constitution has frequently come under threat. For instance, some commentators believe that the Government of India did precious little to save the life and wealth of 170,000 Indian citizens stranded in Kuwait during the invasion of Kuwait by Iraq. The world has witnessed in the current and past decades, the tragedies of millions of refugees; some of them became refugees in their own countries, some others had to flee from their countries and still others were driven out of their countries despite the fact that they were all citizens of the respective countries. The world is currently witnessing the plight of Syrian citizens.

The diaspora migrated to wherever they could to earn a better living and to assure the prosperity of their future generations. They accepted the citizenship of the countries they migrated to, and declared their loyalty to those countries. Their number is enormous and proper statistics are not available. Another group of expatriates living and working in Gulf countries and other Arab countries are namesake citizens of their countries of origin. They do not enjoy the rights of citizenship of any country. Suffrage is supposed to be a fundamental right of a citizen, even that is denied for the gulf expatriates.

Migrants are the pioneers, challenging the fallacy of citizenship and breaking the borders which are manmade or rather made by the imperialists. They are not protected by the laws of the countries of their origin and discriminated by the laws of the host countries. They are the forerunners of one world. Their hope is the implementation of Universal Declaration of Human Rights universally. Human rights are denied partially in most of the countries including India and fully in few countries.

Indian diaspora is in the horns of a dilemma; they are neither the citizens- except for the name sake- of the countries of their adoption nor the citizens of India. In the countries of their adoption they are not treated as first-class citizens and they are not willing to merge or dissolve in to the mainstream. Indian culture is unique and it has a world of difference from other cultures. The traditional culture of India is very dear to the Indians; hence they remain aloof from the citizens of the host countries. To get over their identity crisis they flock together and create 'little Indias' wherever they are, celebrating Holy, Dassehra, Onam,



Id and all the other national festivals. Declaration of human rights by UN unequivocally states that “No one shall be held in slavery or servitude, men and women have the right to marry and found a family and everyone has the right to own property.” These fundamental human rights are practiced more in violation than in implementation by a number of countries where a lot of Indians, Bangladeshis, Philipino, Sri Lankans and Africans are working as domestic labourers. They work long hours every day and seven days a week and are deprived of family life International Labour Organisation, NGOs and Governments are doing precious little to address the injustice rendered to these hapless millions of domestic servants. Human rights are privileges enjoyed by a class of people and denied for another class of people.

#### **An example of Indian Diaspora in Australia:**

The old immigrants were rural and uneducated who lacked the skills and capital for advancement. They followed chain migration and stayed in concentrated residential patterns. They needed cultural brokers, valued group approval and support and had a collective identity. They maintained separateness from wider White community and experienced discrimination. In their new abode, they wanted certain cultural traits to be preserved, primarily respect for elders, arranged marriages and observing religious norms. They had international and social networks, invested more in the home area and practiced a factional behaviour. On the other hand, the new immigrants were professionals possessing needed survival skills and followed independent migration process. Their residential patterns are usually dispersed and they value privacy and independence. The new immigrants had education, language, social and bureaucratic skills to do well in their adopted community. Their involvement with India was primarily helping or supporting parents and kinsmen rather than being involved with political and religious affairs like old immigrants.

## **21.6 WHO ENJOY HUMAN RIGHTS?**

Let us start with the basic question: what is meant by human rights? Human rights are those rights that all human beings derive from the dignity and worth inherent in them and that the human being is the central subject of human rights. In a way: “human rights are those minimal rights which every individual must have against the state or other public authority by virtue of his being a member of the human family, irrespective of any other consideration.” Thus, human rights are not dependent upon grant or permission of the state. Each and every state has granted limited rights to its citizens. They are known as fundamental rights. In a way that these rights can be equated with the doctrine of natural rights.

The General Assembly of the United Nation Organization (UNO) which came into existence in 1948, expressed in its declaration to oppose all war actives. The Universal Declaration of Human Rights (1948) was a ‘common standard of achievement for all peoples and nations’ which become universally acceptable. It was not a legal document, but an intent incorporated into several constitutions. The United Nations World Conference on Human Rights which met at Vienna on 25<sup>th</sup> June, 1993, expressed its growing dissatisfaction at the massive violations of human rights, especially in the form of ethnic cleansing, genocide, mass exodus of refugees and displaced persons all over the world.

It focused its attention on giving equal status and right to women and to work toward a sustainable and equitable development which was set forth in the Rio Declaration, chapter 24, agenda 21. The U.N. which came into existence more than half a century ago, has expanded its functions from its two basic objectives that are peace making and peace building.

### 21.6.1. Who is a Non-Citizen?

According to Merriam Webster's Collegiate Dictionary, "a citizen is a member of a state to whom he or she owes allegiance and is entitled to its protection." Hence, from this definition, it is implicit that a non-citizen is someone who is not a member of a state nor owes allegiance to the state he or she currently resides.

A better definition is provided by Article 1 of the UN Declaration on the Human Rights of Individuals who are not Nationals of the country in which they live (1985). A non-citizen is defined as "any individual who is not a national of a State in which he or she is present."

There are certain inalienable rights specified in the UDHR 1948 to which all humans, regardless of citizenship or nationality, are entitled to enjoy. These rights are established by the Declaration of Non-National (1985). In 1985, the United Nations proclaimed the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which they live. The Declaration was designed to ensure that the fundamental human rights provided in the International Covenants on Human Rights would also be guaranteed to non-citizens. The Covenants are legally binding documents, which require each state that has ratified them to protect certain human rights for all individuals within its territory and subject to its jurisdiction. The Declaration serves as a guide for states as they design and implement laws to protect human rights.

Articles 5-10 of the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live sets out the rights of non-citizens (referred to as "aliens" in the Declaration):

• ***Aliens must receive the same treatment as nationals of the country in which they live with regard to the following rights:***

The right to life and security of the person, including freedom from arbitrary arrest or detention

Protection against arbitrary or unlawful interference with privacy, family, home or correspondence

Equality before the courts, including the free assistance of an interpreter

The right to choose a spouse, to marry, and to found a family

Freedom of thought, opinion, conscience and religion

The right to retain language, culture and tradition

The right to transfer money abroad

• ***The following rights must be granted to aliens so long as they do not interfere with national security, public safety, public order, public health or morals or the rights and freedoms of others:***

The right to leave the country

The right to freedom of expression

The right to peaceful assembly

The right to own property individually or in association with others

Liberty of movement and freedom to choose their place of residence within the borders of the country

The right of spouse and minor or dependent children to join a lawful alien, as provided by national law

• ***Aliens lawfully residing in the country must be granted the following rights so long as they observe the country's laws and respect the customs and traditions of the people:***

The right to safe and healthy working conditions, fair wages, and equal pay for equal work

The right to join trade unions

The right to social services, health care, education, and social security

• ***The following additional rights of aliens are particularly enumerated in the Declaration:***

Protection from torture or cruel, inhuman, or degrading punishment

Freedom from being subjected to medical or scientific experimentation without the alien's free consent

Protection against arbitrary or unlawful expulsion from the country

The right to defend oneself from expulsion, except where compelling reasons of national security require otherwise

Protection from being arbitrarily deprived of lawfully acquired assets.

The following organizations play key roles in assisting and protecting non-citizens worldwide: UN committee on the Elimination of Racial Discrimination. The Committee on the Elimination of Racial Discrimination (CERD) was created in 1965 to monitor and review the actions of states in fulfilling their obligations to the International Convention on the Elimination of All Forms of Racial Discrimination. The Convention was designed to eliminate discrimination perpetrated by governments on the basis of race, colour, descent, and national or ethnic origin. States that are parties to the Convention submit reports to the Committee every four years detailing actions they have taken to comply with the Convention. In addition, individuals and groups who believe that they have been victims of discrimination by a state party may communicate their complaints directly to the Committee, which will debate the matter and make recommendations to all parties involved. To safeguarding everyone's rights the United Nations Treaties and Instruments are described below.

Universal Declaration of Human Rights (1948): This document defines the

fundamental rights of all people, regardless of legal status. Article 14(1) states that “everyone has the right to seek and to enjoy in other countries asylum from persecution.” Article 15 stipulates, “everyone has the right to a nationality” and that “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”

International Covenant on Civil and Political Rights (1976): Every nation who has ratified the Covenant has agreed to grant “all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (article 2.1). The rights mentioned above include the right to fair procedure, freedom of expression, and protection from tyranny and injustice. This Covenant further prohibits the expulsion of lawful aliens from a nation without fair procedures, except when national security does not permit. The alien must also be provided with representation.

Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live (1985). Establishes the rights of legitimate aliens to “security”, “privacy”, “to be equal before the courts”, “to choose a spouse, to marry”, “freedom of thought”, “the right to leave the country”, and the right to be joined by a spouse and dependent children (article 5). Also, the Declaration makes clear that aliens have the right to a safe working environment (article 8).

Convention Relating to the Status of Stateless Persons (1960): Establishes a state’s obligation to “facilitate the assimilation and naturalization of stateless persons” (article 32) as well as a stateless person’s right to the basic freedoms listed above.

World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001): Adopted on September 8, 2001, in Durban South Africa. Acknowledges that immigrants have been denied asylum and human rights by racist agendas in many nations and calls for states to ensure that the laws and policies relating to all immigrants are in accordance with the Universal Declaration of Human Rights.

Convention on the Elimination of All Forms of Racial Discrimination (1969). This Convention calls for an end to all forms of discrimination, including prejudice against aliens seeking asylum or citizenship, as stated above.

International Convention on the Protection of All Migrant Workers and Their Families (1990). Clarifies the wide-ranging freedoms due to those migrant workers who are legally employed in a country other than their own, including: freedom of expression (article 12), protection from discrimination (article 7), and the right to procedurally fair process (article 16.7). The treaty allows for states to limit the employment options of migrant workers (articles 51, 52) and to take action against migrant workers considered ‘irregular’—those whose presence is not sanctioned by the state in question.

Migration for Employment (ILO C097) 1952. This treaty stipulates that each member state will “facilitate the departure, journey, and reception of migrants for employment”(article 4). Upon arrival migrant workers are entitled to help finding employment (article 2), medical care (article 5), and to be treated no different than a legal citizen in regards to protection from discrimination, social

security, housing, and right to be collect a salary (article 6).

Protocol against the Smuggling of Migrants by Land, Sea, and Air (2001). Condemns the practice of smuggling migrants and makes clear that the migrants in question are to be immune from criminal charges (article 5) and to be swiftly and humanely returned to their country of origin (article 18). Provisions for the education of citizens about the harms of smuggling (article 15) and for preventing further smuggling by addressing the legal and socio-economic causes of smuggling migrants (article 15) are also established.

Discrimination (Employment and Occupation) (1960). Calls for foreign nationals to be free from discrimination when seeking employment.

## **21.6.2 Region Specific law to protect their Rights:**

### *Europe*

Amsterdam Treaty Amending the Treaty on the European Union and the Treaties Establishing the European Communities (1999). The Amsterdam treaty went into force on May 1, 1999. The treaty expanded on details of immigration and asylum which had been initially discussed in the treaty of Maastricht. Under the Treaty of Amsterdam, the European Council must adopt the following defining measures within five years since the treaty went into force: each member state is responsible for examining an asylum claim and must set minimum standards on the reception of asylum seekers, minimum standards on the qualification of third country nationals as refugees and beneficiaries of subsidiary protection, minimum standards on procedures for granting and withdrawing refugee status, and minimum standards for giving temporary protection.

Common European Asylum System (ECRE). ECRE was developed at the Tampere European Council of 1999. ECRE is based on the full and inclusive application of the Refugee Convention and Protocol. In addition, the EU agreed on a Charter of Fundamental Rights at the European Council in December 2000, which included a right to asylum. ECRE made representations to the drafting body on the content of this right to ensure that it applies to both EU citizens and third country nationals.

### *The Americas and Africa*

American Convention on Human Rights. Grants citizenship to a person born in a given nation if he or she has no other nationality (article 20). It protects the rights of aliens from being deported to countries where the alien's well being is threatened due to "race, nationality, religion, social status, or political opinions" (article 22.6,8.).

Council of the League of Arab States. Declares "no citizen shall be arbitrarily deprived of his original nationality, nor shall his right to acquire another nationality be denied without a legally valid reason"(article 24). The right to seek political asylum (article 23) is also established.

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## **21.7 LET US SUM UP**

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To conclude, the important of human rights can hardly be overestimated today. The present human rights in India, can be traced to the social and religious



movements which occurred in the 19<sup>th</sup> century. The growth of ideas by the social and religious reformers was a continuous process spread throughout the century and was not an isolated phenomenon. The spread of education in general and to woman in particular, creating an awareness of the basic human rights of an individual occupied the main attention of the nineteenth century social reformers. The human rights movement in its presents form like its predecessors aims at spreading knowledge to liberate people with the spread of scientific knowledge through its practice and writings. Though today its problem intricate, the UN is the only reliable machinery which maintains international peace and security of mankind throughout the world.

### Check my progress 2

**Note:** Check your answer with possible answers given at the end of the unit

1. Explain how the diaspora Human rights play an important role in promoting democracy.

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2. What is International Covenant on Civil and Political Rights (1976)?

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3. Explain Migration for Employment (ILO C097) 1952.

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## 21.8 KEY WORDS

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**Asylum** – Legal protection from human rights violations constituting persecution, committed by the government of a person’s own country. It is provided by another country to a person who is not a citizen but who flees to that country to escape persecution (refugee).

**Deportation** – Deportation occurs when a nation removes and sends a non-citizen (alien) back to the country from which he or she came.

**Detention** – The exercise of physical restraint upon an individual depriving him or her of liberty and holding him or her in government custody for reasons other than to face criminal charges.

**Discrimination** – Is treating people differently because of their race, religion, ethnic group, color, creed, political opinion, or other status or characteristic, when there is no legal justification for doing so.

**Undocumented Non-citizen** – A person who is in a country in which he or she is not a citizen, without any legal right or permission to be present, and can be removed by that country. (Other terms have been used, including “illegal alien,” “undocumented worker,” “undocumented migrant.”)  
**Migrant Worker** – A person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a national.

**Nationality** – The quality or character that arises from the fact of a person’s belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance.

**Refugee** – A person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality, and is unable to or, owing to such fear, is unwilling to avail himself or herself of the protection of that country or return there because there is fear of persecution.” (United Nations Convention Relating to the Status of Refugees 1951 and Protocol 1967)

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## 21.10 CHECK YOUR PROGRESS-POSSIBLE ANSWERS

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### Check your progress 1

1. Human rights are also known as basic rights, fundamental rights, natural rights or inherent rights. The concept of human right is not a new phenomenon, ‘Human Rights’ is a twentieth century term but its notion is as old as humanity. It has gone through several phases of development and has taken long time to recognise, respect to safeguard.

2. There are five basic tenets underlying human rights as they apply to all people. Human rights are:
  - a. **Universal** in that they belong to all people equally regardless of status. All people are born free and equal in dignity and rights.
  - b. **Inalienable** in that they may not be taken away or transferred. People still have human rights even when their governments violate those rights.
  - c. **Interconnected** because the fulfilment or violation of one right affects the fulfilment of all other rights.
  - d. **Indivisible** as no right can be treated in isolation. No one right is more important than another.
  - e. **Non-discriminatory** in that human rights should be respected without distinction, exclusion, restriction, or preference based on race, colour, age, national or ethnic origin, language, religion, sex, or any other status, which has the purpose or effect of impairing the enjoyment of human rights and fundamental freedoms.
3. Civil and political rights protect the individual's sanctity before the law and ensure that he or she can participate freely in civil, economic, and political society. The term "civil rights" refers to the rights to life, liberty, and personal security.
  - ❖ The right to equal protection under the law.
  - ❖ The right to be free from arbitrary detention.
  - ❖ The right to a fair trial.
  - ❖ The right to an impartial jury.
  - ❖ The freedom of religion and worship.

Political rights include

- ❖ The freedom of expression and speech.
- ❖ The right to self-expression and association.
- ❖ The right to vote and to participate in politics.

### Check your progress 2

4. The diaspora Human rights plays a critically important role in promoting democracy and human rights. However, transnational repression not only threatens diaspora members' legal rights and civil liberties but also the rule of law, state sovereignty, and international human rights norms. It is therefore vital for host-country governments to recognize the elevated threats and risks associated with diaspora rights so that they can proactively support and protect these communities. Local and national enforcement agencies need to be made aware of the potential threats against diaspora organizations and activists, and communicate with community leaders about how to lodge complaints.
5. International Covenant on Civil and Political Rights (1976): Every nation who has ratified the Covenant has agreed to grant "all individuals within its

territory and subject to its jurisdiction the rights recognized in the present Covenant without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (article 2.1). The rights mentioned above include the right to fair procedure, freedom of expression, and protection from tyranny and injustice. This Covenant further prohibits the expulsion of lawful aliens from a nation without fair procedures, except when national security does not permit. The alien must also be provided with representation.

6. Migration for Employment (ILO C097) 1952. This treaty stipulates that each member state will “facilitate the departure, journey, and reception of migrants for employment”(article 4). Upon arrival migrant workers are entitled to help finding employment (article 2), medical care (article 5), and to be treated no different than a legal citizen in regards to protection from discrimination, social security, housing, and right to be collect a salary (article 6).



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## UNIT 22 DIASPORIC CONCERNS

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### Structure

- 22.1 Learning Objectives
- 22.2 Introduction
- 22.3 22.2Diaspora and nation states
- 22.4 Complexities in Indian Diaspora
- 22.5 Diaspora and Conflict
- 22.6 Indian Diaspora and Politics
- 22.7 Ethics of Home, Host and Citizenship
- 22.8 Let Us Sum up
- 22.9 References
- 22.10 Check your progress - possible answers

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### 22.1 OBJECTIVES

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After going through this Unit you will be able to

- Understand the relationship between diaspora and nation states
- Explain the complex relationship of the Indian diaspora with politics in the homeland
- To understand the areas of concerns while engaging diasporas

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### 22.2 INTRODUCTION

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People moving to new locations in large numbers have become prevalent in our world over the last few decades, and they will be critical to understanding where we are headed in the future. According to history, the first dispersion of Jews can be traced all the way back to ancient times. Others then followed the dispersion in rapid succession, one of which was called "the diaspora." Jews were also used as the model for all subsequent diasporas for a long time after that. As the word has risen in popularity, migration to other countries, and increased international communication, the terms "nation-state" and "international migration" have each seen an increase in use and today are often associated with each other. Following the Diaspora-focused development agenda, transnational migrants lead transnational lives and contribute to their countries' material well-being and their home countries by using circular migration. Promoting policies has created a new area of public policy bearing the term "diaspora strategies". Various approaches are referred to as Diaspora policies, with aggressive measures implemented by migrant-sending states to help stimulate the flow of capital from diaspora communities to the countries of origin.

In cases where the diaspora strategies conceptualize the diaspora-homeland relationship as one guided by pragmatic, instrumental, and utilitarian



considerations, it may lead to misaligned practices and beliefs. As with all diasporas, the multiple belongingness of the various diasporic populations impedes the development of the hegemonic paradigms and problematizes the traditional disciplines and conventional definitions. One of the ideas that diasporas have had an impact on is the idea of the nation-state, which at the same time is relevant in helping immigrants become part of their new countries while having a large impact on their new country's identity. In the past two decades, many sending states have paid a great deal of attention to helping migrant populations and assuaging their needs to serve their residents better. When migrant-sending states that actively harness Diaspora in the service of development work together, they build and plan their strategy based on their community of global citizens. People dispersed around the globe are referred to as the Diaspora. Diaspora strategies include policies implemented by a sending state to improve and strengthen ties with dispersed communities with a close affinity with the homeland.

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### 22.3 DIASPORA AND NATION STATES

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The relationship between “diasporas” and “nations” for a long time has been thought along the line with some particular diasporas’ historical experiences. Many, such as the Greek and the Jewish diasporas, claimed for the establishment of their own nation-state, especially during the nineteenth and twentieth centuries. Diaspora studies, however, have made clear that the relationship between “nations” and “diasporas” is more complex and more complicated, to the extent that social scientists such as R. Brubaker have suggested to think about “diasporas” in terms of an aspiration or a claim. Reconsidering the relationship between “diasporas” and “nations” in an early modern and modern perspective invites us to revise certain common assumptions. Indeed, in the early modern period, the “nation” was both a legal and institutional term (providing certain privileges and institutions for those belonging to a “nation abroad”) as much as a “cultural” term: a “nation” shared a common origin, language, history, a culture at large.

The argument about growing transnational activities and the role of diasporas often revolves around the dwindling position of states/nation-states and their territoriality as sources of identification and influence. The nation-state is reported to have faced limitations to its authority and challenges to its sovereignty and territoriality in the globalized contemporary world, one of which is the international presence of diasporas. Diasporic formations are seen as a phenomenon that superimposed or transcended national ideologies and questioned existing social, cultural, and political patterns in post-nationalist academic and analytical debate. It represented an epochal change in the current nation-state structure and foreign relations.

Diasporas highlight new ways of belonging and unity between land, history, and citizenship beyond fixed conceptions of national blindness. And the paradigmatic Jewish model did not discount the concept of regions and nations. It asserted its roots from a sovereign state and maintained its attachment to it while surviving in the countries of settlement. Diasporic groups have, since the outset, not only participated in the democratic process but have also asserted their interests as residents in their adopted countries as well as their home countries, reinforcing the concept of state and citizenship. Be it the Indian

Indenture diaspora in different countries who struggled for citizenship and civil treatment in the host countries or the historically settled Chinese diaspora in Southeast Asian countries that continued to be overseas Chinese citizens and aided in advancing Chinese interests in the country.

Modern modes of travel and networking promote transnational connections and a sense of belonging to one's ancestral homeland and co-ethnics in other countries. The descending interconnectedness and interdependence enabled by technology and cyberspace have increased the effectiveness of transnational spaces (social, economic, or political) so that distance and territoriality do not seem to play a role in identity-forming and nationalistic orientation. This increasing embedding of transnational social, technological, and political activities seems to have re-inscribed nations' translations. According to Laguerre, 'State and Territory, which were once contained within the same territorial borders, have been decoupled as a result of international migration and the growth of Diasporic communities.' Although the state appears to operate within its legal and jurisdictional boundaries, the country has grown to cover extraterritorially located areas that have been transformed to transnational locations. Additionally, connectivity pervades the territorial and maternal levels, fostering a more localized and customized sense of unity and connection.

The diasporas reject not the country, state, or territoriality, but the principle of exclusive, homogeneous cultural, political, and economic composition, as well as nation-state imperialistic imaginaries. Additionally, they call into question the rhetoric of 'loyalty' and 'purity' concerning nation-states. They oppose assimilation and homogenisation strategies focused on exclusive and predetermined territorial, cultural, citizenship, and bounded assertions in both the host and homeland contexts. Nonetheless, diasporic dynamics are not stagnant and do not come without risks. Multiple belongingness generates 'unsettled circumstances' and imprints them with a sense of 'otherness' in both the host and homelands. In essence, they must build the controversy about the persistence of nation and nationalism in the face of transnational diasporas on the premise that, rather than dismantling the presence of states/nation-states, diasporas necessitate new readings and understandings. Although states appear to be the dominant structural agents of the global order, their normative homogeneity is threatened by transnational flows of citizens, money, values, and diverse types of cultural activity.

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## 22.4 COMPLEXITIES IN INDIAN DIASPORA

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The Indian diaspora is a model of diaspora development because it demonstrates a sense of multiple belongingness that stems from disparate Indian ancestors but has formed unique hyphenated, hybrid identities. To a large extent, India and its diaspora have reinforced one another. Except for the Khalistan movement, during which a segment of the Sikh diaspora battled for a separate state within India, and perhaps some similar actions by the Kashmiri diaspora, Indians living abroad have consistently supported the Indian government. For a long time, India ignored its diaspora, but most of the diaspora's communities stayed linked to India and contributed in different ways to the motherland.

The Indian diaspora is made up of a diverse group of citizens who have emigrated from India over time. The diversity of the Indian diaspora is due to a variety

of reasons, including the diversity of the Indian social structure (in terms of location, faith, language, caste, and creed), the variability of migration phases and trends, disparities in skill/educational/economic status, and host country variations. The Government of India (GOI) classifies Indian diasporas into three categories: non-resident Indians (NRIs), persons of Indian descent (PIOs), and overseas Indian nationals (OICs). The Indian diaspora can be classified into two broad groups, based primarily on background and migration patterns. The first group is often referred to as the 'old diaspora,' which arose from colonial migrations. The second group is referred to as the 'modern diaspora,' which occurred as a result of postcolonial migrations. The 'traditional diaspora' may be further subdivided into two groups: the first group consists of 'indentured' labourers and refugees subject to similar regimes, as well as convicts; and the second group consists of 'free migrants' such as merchants, technicians, and British government employees.

Similarly, the 'modern diaspora' may be narrowly classified into distinct demographic groups. The first group includes highly skilled/skilled individuals and entrepreneurs who initially settled in Western countries but have since expanded across Asia, Africa, and Oceania. The second group includes semi-skilled/unskilled labourers, small-time merchants, and retailers who originally migrated mostly to West Asia, South East Asia, and Africa but are now relocating elsewhere. Additionally, there are political diasporas. Apart from these, several subgroups within the Indian diaspora converge and are common to all of them, such as mixed races and Indian women.

These disparate groups of citizens who left Indian boundaries at various points in time and under varying conditions encountered a range of interactions based on the nature of the host community and their patterns of participation. They formed distinct identities due to their varied Indian ancestors and as a result of their exposure to a multitude of locations and cultures. These hyphenated, composite identities are more resilient than the Indian identity and come with a number of advantages and disadvantages. The indenture diaspora, which grew out of a dehumanizing slavery-like scheme, was initiated by the British in order to meet the labour deficit developed in the plantation colonies after the abolition of slavery. The long British rule in India has already produced strong 'push forces' that resulted in large-scale recruiting for a five-year period that could be extended for another five years. After the contract, the labourers were free to live in their respective colonies or return to India. Following the conclusion of their terms, the bulk chose to remain in their colonies, acquiring land and establishing agriculture and small businesses. Indians were choosing to settle down for a variety of factors, including a shortage of funds and the British's failure to pay for repatriation, the lengthy and arduous path back to India, the high demand for labour in certain areas, and difficulties assimilating into the Indian social order. However, it resulted in the formation of the Indian diaspora for the first time in India's existence, despite centuries of overseas migration from the Indian subcontinent.

Apart from government-sponsored migrations, there were often self-sponsored migrants referred to as 'free-passage Indians.' The bulk of them were members of India's trading societies and qualified and semi-skilled practitioners. Across Asia and Africa, Indian merchants and entrepreneurs developed highly competitive companies. These migrations, mainly of *kangani*, or *maistry*

labourers, were rotational, but permanent settlements occurred following World War II, especially in indentured colonies. Apart from these, migration of the highly qualified individuals to Western countries began during the colonial era and increased in frequency after India's independence. This method, dubbed the 'brain drain,' came under fire because this elite, highly prosperous diaspora received their education in public institutions and left India. Another component of the modern diaspora is educated, semi-skilled, and unskilled labour to Gulf and South-East Asian countries. The 1980s oil boom in West Asia and ensuing economic activity drew a vast number of Indian labourers. Although such migrations did not result in permanent settlements, they constitute a sizable portion of the NRI population and account for the majority of remittances to India.

Other than this, student migration has also become one of the major doorways for permanent or long-term settlement, leading to diaspora formation. India is the second-largest student sending country globally with a four-fold increase in their numbers. Indian women, who have been part of almost all the sections and streams of people moving beyond Indian borders, are an essential section of the Indian diaspora. Initially, Indian women mainly migrated as part of family migrations, but they also migrated independently as semi-skilled, skilled and highly skilled professionals. Thus, 'what we understand under the generalised rubrics of the Indian diaspora is about diversities and diversities within diversities and the cross-sectionality of various factors that are at interplay.'

### Check Your progress 1

**Note:** Check your answer with possible answers given at the end of the unit

1. Explain the transnational activities and the role of diasporas

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2. What are the classifications of Indian Diaspora?

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## 22.5 DIASPORA AND CONFLICT

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Migrant groups are rapidly seen as essential players in their home and destination nations, capable of shaping foreign policy and playing a critical position in the dynamics of war, conflict settlement, and post-conflict restoration. The academic literature on migrant political engagement is often organized around four overlapping social science concepts. Those are diaspora, transnationalism, cosmopolitanism, and translocalism. These terms are being used to explain population movement and settlement processes and the implications for collective and individual identity, community-building, and, to a lesser extent,



politics.

After a time of apathy and misunderstanding, the era of a symbiotic and long-lasting friendship has started with India's interaction with the diaspora. However, before this policy change, the Indian diaspora was actively involved in their families, villages, territories, and even India. Throughout the four phases listed above, remittances were sent by overseas Indians via customized networks, and soft power dynamics were at work. Even during the time of 'passive participation,' Indians abroad were powerful agents of 'soft force,' disseminating Indian culture and spirituality across the world. Additionally, the Indian diaspora has served as an indirect transporter of India's soft capital such as Bollywood films, food, music, meditation, democracy, the information technology sector, the concept of solidarity in diversity, and cricket.

Diaspora politics have been implicated in the onset and persistence of civil war and internal strife. According to certain reports, countries with sizable diaspora communities are more prone to undergo civil war recurrences than fundraising and financial assistance networks. Other reports, however, have shown that diaspora politics can either radicalize or moderate secessionist disputes. The degree to which diaspora politics influence civil wars can be contingent on specific processes, such as brokers that serve as intermediaries between networks of political mobilization and networks of violence. Through establishing links between conflict, forced displacement, transnational participation, and conflict support, diaspora politics can contribute to ongoing cycles of political violence. However, diaspora affairs have been implicated in the resolution of wars, post-conflict reconciliation, and peacebuilding. For example, studies of diaspora politics and security have been applied to the phenomenon of terrorism, with one study claiming that 84% of those participating in Al Qaeda-inspired terrorism were recruited in a diasporic sense, with the bulk of recruitment occurring in Western Europe. Additionally, an increasing body of academic research on specific disputes has explored the degree to which diaspora politics has influenced trends of "homeland" political violence.

When there is unrest and war in the homeland, diasporas will even consciously participate in undermining the nation. Diasporic communities have played a significant role in fomenting and sustaining unrest in a variety of locations, including Ethiopia, Kosovo, Nagorno-Karabakh, Kashmir, Israel, and Palestine. Financial assistance can be channeled through different segments of a diaspora to insurrectionist movements or the attempts of a given government to suppress them. When an interethnic rivalry occurs, two or more diasporas may be put against one another, as was the case with Bosnia's disintegration. Diasporas will contribute to dispute resolution and post-conflict restoration, as seen in Eritrea and Sri Lanka. However, sending money home will raise the likelihood of increased conflict in the years directly after an upheaval.

Indeed, interaction with the diaspora has been a vital component of contemporary Indian foreign policy. Regrettably, recent diaspora commitment is yet to yield the required outcomes in the context of significant contributions and economic activity by the diaspora in India's financial flagship initiatives such as 'Make in India.' Additionally, the agenda is potentially slanted toward a higher-profile approach, focusing on engaging the diaspora in the West, especially the United States. The policy task still persists in enhancing interaction with the Indian



diaspora, which is diverse in terms of social, economic, and demographic characteristics. Particular difficulties are anticipated in the Middle East, where a sizable portion of the Indian diaspora is often subjected to demanding and challenging working conditions. The treatment of these overseas Indian employees must be carefully incorporated into a broader diaspora approach, especially in addressing issues such as abrupt layoffs and job retrenchment. Additionally, it is clear that the diaspora is pursuing such political goals, including the mobilization of financial capital and increased involvement in Indian political and economic affairs. However, it is worth noting that the Indian diaspora is significantly different from the Chinese diaspora in terms of economic diversity, cultural diversity, and a desire to keep a low profile in host country relations. It is difficult to tell if India's interaction with the diaspora would support India's long-term political and economic goals and strengthen its global image.

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## 22. 6 INDIAN DIASPORA AND POLITICS

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Political affiliations and movements within diasporas are not novel. Historical surveys of migrant populations suggest that a high level of civic participation has existed at least since the turn of the twentieth century. At present, we can observe various mechanisms by which geographically scattered social movements organize and engage in a variety of electoral and non-election political practices. Diverse diaspora-based organizations can lobby host countries to influence policies favourable to a homeland or question the homeland's government. Through their help or resistance to regimes, the diaspora may exert influence in their homelands. They provide financial and other assistance to political groups, social movements, civil society groups, sponsor insurgency, and the continuation of armed violence in the homeland. Global networks of diaspora associations occasionally organize public protests and raise awareness regarding homeland problems. Following the arrest of Kurdish leader Abdullah Ocalan in 1999, concerted mass protests by Kurds took place in hundreds of cities worldwide, taking Kurdish problems to the international spotlight. Homeland nation-states can reach out to engage diaspora populations' political interests. Making dual citizenship or residency arrangements is one way for countries to reach out to migrants. Globally, the incidence of dual citizenship/nationality is increasing, both in terms of individuals that own it and states that permit it.

Engaging the Indian diaspora and reclaiming them as transnational elements of the country needed a re-articulation of 'belonging' and entitlements and a re-examination of once-dominant discourses on nation and citizenship. According to the nationalist debate, which was largely dominated by the Nehruvian view, citizenship in India entailed the freedom to engage in the democratic process. This right was vigorously protected and incorporated into the territorial markers specified in the 1955 Citizenship Act. Nonetheless, when the government re-engaged its diaspora, calls for diasporic Indians to be separated from other foreigners gained traction. The only way to achieve this differentiation was to acknowledge their 'origin' and redefine the parameters and marks of belonging and give citizenship or 'citizen-like rights and privileges in India, thus enabling the diaspora to maintain citizenship in the countries where they reside or were born.

Though the Indian diaspora had always served as India's goodwill envoy and

advocated for improved ties between India and the host nation, its capacity for public diplomacy was still underpinned. Not for nothing has the current Indian government decided to meet them at major events or big public receptions while they travels abroad. The objective is straightforward: to use India's solid political mandate at home to galvanize Indian populations abroad in support of India's economic and geostrategic interests.

These interactions and gatherings have a variety of purposes:

1. They revitalize ties with India and encourage the diaspora, especially the Korean and Chinese diaspora, to invest in India's growth story.
2. It establishes the diaspora's political presence in the host nation.
3. It increases India's soft power and, by combining it with the diaspora's growing political presence, creates a coherent diplomatic leverage.
4. It mitigates the aggressive countries and their lobbyists' control over India.
5. It contributes to strengthening the system of economic networks that spans the globe and can exert considerable back-door leverage when necessary.

Apart from hard economic and political influence, the diaspora promotes India's culture, awareness, and soft power by shaping the local community and governance favourably. The Dalit diaspora's involvement in establishing chairs in Dr Ambedkar's name or in installing his statues in universities throughout the world, as well as the United Nations' celebration of Ambedkar Jayanti, is notable and serves as a vehicle for the dissemination of Indian political ideas to other countries, exerting a long-lasting and profound impact.

Though responding to domestic politics, several diasporic organizations were victims of communalism in India, which eventually extended to second and third-generation Indian Americans. This trickle-down of conflict from the homeland to the community in the host land may have its origins in the community's decades-long cultural and social isolation in the host land. The inability of the less educated immigrants, especially those admitted under the family reunification provisions of the 1965 immigration reforms, had successfully integrated into the local social fabric. From the beginning of their exodus, many Indians who had not abandoned their religious practices sought ways to emulate their worship in the United States, and religious spaces quickly became political organizing grounds. Sikhs, Hindus, Muslims, and, to a lesser degree, Christians began gathering around religious identity and fundraising for the construction of religious structures..

A concrete long-term benefit of nurturing relations with a vibrant diaspora is accelerating technological growth and expanded socioeconomic development. Bengaluru, Gurugram, and Hyderabad are three booming information technology hubs that are home to multinational corporations (MNCs) such as Amazon, Google, Facebook, and Uber, as well as numerous Indian start-ups such as Amazon Flipkart, Ola, Swiggy, and Zoho. The government can leverage this transnational entrepreneurship much further by providing help to entrepreneurs and small businesses in India through technological information transfers and financial contributions from the diaspora. The authorities have done a commendable job of relaxing Foreign Direct Investment (FDI) and remittance regulations. Perhaps the most mutually advantageous reform is the

government's 2015 decision to classify expenditure by NRI/OCI holders as a domestic investment rather than FDI. This makes it possible for the diaspora to spend in India, which helps the nation because the capital received cannot easily be repatriated. Additionally, the measure is expected to result in increased investment and remittance inflows, both of which will contribute to the economy's growth.

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## 22.7 ETHICS OF HOME, HOST AND CITIZENSHIP

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India has the world's highest transnational community. It has the highest number of refugees — 18 million, which is a sizable number. Another fascinating aspect of the Indian migrant community is their global distribution. Until the late 1960s, the United Kingdom was the primary beneficiary of Indian refugees — both trained and unskilled. This was primarily due to the two countries' colonial relations and the advantages of English as a medium of education in India, especially at the higher, vocational, and technological levels. Later in the 1970s, the United Kingdom was surpassed by Canada and then by the United States of America. The latter became the primary destination country for professional workers from India and several other emerging countries for the remainder of the twentieth century. An exciting aspect of the course change has been the increased inclusion of Indian women in the American labour force, which usually goes overlooked. Perhaps a significant proportion of them — professional or unskilled — would not have entered the Indian labour force had they remained at home. The shift can undoubtedly be attributable to the diaspora alternative, as representatives of each Indian network in the United States remain related, exchange knowledge, and encourage one another to work for the greater good.

Indian expatriates have been engaging with the nation since 1947, seeking their origins and exploring new paths and industries for mutual gain — spanning from investment to talent transfer and technology transfer to overt philanthropy and charitable works. This pattern has been more pronounced over the last decade as the Indian economy has been liberalized, creating a new variety of joint venture possibilities for resident and non-resident Indians. However, except for a few high-profile individuals in the IT, industry, and entertainment sectors abroad, the Indian Diaspora has primarily remained invisible and unnoticed. The Indian government established a High-Level Committee (HLC) on Indian Diaspora to systematically tap the possible source of mutual growth. The committee was tasked with developing policy recommendations, operational structures, policies, and initiatives to engage Non-Resident Indians (NRIs) and foreign People of Indian Origin (PIOs) in accelerating India's social, fiscal, and technical growth.

Integration measures in most destination countries fall into two distinct categories: multiculturalism and assimilation. While policies within the multiculturalism approach encourage migrants to retain their own cultural identity, assimilation policies promote the absorption of minority cultures into the majority culture (Borooah and Mangan, 2009).

For several migrant groups, the primary objective is to guarantee that their 'legal

privileges' in their home countries are protected to safeguard their personal and property rights. Additionally, they see this to promote travel and investment in both the home and host countries. Globalisation, it is widely believed, has pushed for dual nationality, as it recognises that dual nationality enables fast migration of citizens in an economically interdependent society. Empirical findings indicate that former dual citizenship recipients are more likely to naturalise and achieve relative jobs and earnings benefits. Thus, dual citizenship privileges "not only raise the likelihood of naturalisation but also can facilitate economic assimilation." On the other hand, they can include concurrent military service or double taxation. Treaties on the Avoidance of Double Taxation aid in the elimination of those inconsistencies. Dual nationality "has both domestic and foreign ramifications" from the viewpoint of the origin (home) region. Domestically, this entails promoting savings and remittances. From a foreign viewpoint, this is analogous to Diaspora acting as a pressure force, as the Indian Diaspora did in 2008 when it campaigned for the India-USA Civil Nuclear Agreement in the United States.

Migrants' negotiations in the weaving of transnational networks are no longer for cultural healing; they instead include such vital economic practices such as remittances, spending on resources such as connectivity and transport, infrastructure investment, and philanthropy for sending countries. Taking this shifting environment into account, nation-states, like India, are making considerable efforts to engage with the Indian diaspora by redefining formerly 'national' processes such as economic growth and planning and establishing a room for this transnational community in these realms. Portes makes a profound analytical argument for the reorientation of national governments.

**Check Your Progress 2**

Note: Check your answer with possible answers given at the end of the unit

3. Explain the role of diaspora in situations of conflict

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4. What was the objective of uniting Indian Diaspora?

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5. Explain how granting of "legal privileges" play an important role for Indian Diaspora

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## 22.8 LETUS SUM UP

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Over time, diasporic minorities have risen to prominence as a force in foreign relations. The Jewish, Chinese and British diasporas have also achieved prosperity in their adopted homelands. For its part, the Indian diaspora possesses many success factors — it is a "model minority," it is prosperous, and it is increasing in size. Many of them can exercise political power, are involved with multinational corporations, and are therefore highly noticeable. This creates a suitable time for India to pursue their ability actively.

India has historically benefited from its diaspora. Two notable examples are their lobbying for the 2008 US-India Civilian Nuclear Agreement Bill and their remittance inflow. While the diaspora has a greater opportunity to add to India's development story today, their progress will still be determined by the Indian government's programs, strategies, and outreach efforts towards them. Ineffective schemes combined with ineffective execution would impede the diaspora's contribution to India's progress. Historically, approaches against the diaspora have been contradictory and often met with inadequate enforcement. Today, the government's foreign policy approach is characterized by a broad outreach to the Indian diaspora.

Given that a large portion of India's foreign policy is focused on converting alliances into gains for crucial initiatives such as Swachh Bharat, Clean Ganga, Make In India, Digital India, and Skill India, the diaspora has enough opportunities to participate. The Ministry of External Affairs' agenda has put a premium on projecting India's reforms. The diaspora should come up to serve as 'ambassadors' for India. . The diaspora will have the necessary strategic impetus, making it all the more critical to maximize their capacity.

The Indian government's policy efforts to involve the diaspora in growth have reshaped the normative forms in which the neoliberal post-colonial state articulates and negotiates ties between the country, people, and diaspora. A critical examination of the striking parallels between the Indian state's neoliberal reform proposals and international financial organizations such as the International Monetary Fund and the World Bank demonstrates an unmistakable impact of those neoliberal directives.

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## 22.10 CHECK YOUR PROGRESS - POSSIBLE ANSWERS

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### Check Your Progress 1

1. The argument about growing transnational activities and the role of diasporas often revolves around the dwindling position of states/nation-states and their territoriality as sources of identification and influence. The nation-state is reported to have faced limitations to its authority and challenges to its sovereignty and territoriality in the globalized contemporary world, one of which is the international presence of diasporas. Diasporic formations are seen as a phenomenon that superimposed or transcended national ideologies and questioned existing social, cultural, and political patterns in post-nationalist academic and analytical debate. It represented an epochal change in the current nation-state structure and foreign relations.
2. The Government of India (GOI) classifies Indian diasporas into three categories: non-resident Indians (NRIs), persons of Indian descent (PIOs), and overseas Indian nationals (OICs). The Indian diaspora can be classified into two broad groups, based primarily on background and migration patterns. The first group is often referred to as the 'old diaspora,' which arose from colonial migrations. The second group is referred to as the 'modern diaspora,' which occurred as a result of postcolonial migrations. The 'traditional diaspora' may be further subdivided into two groups: the first group consists of 'indentured' labourers and refugees subject to similar regimes, as well as convicts; and the second group consists of 'free migrants' such as merchants, technicians, and British government employees.

### Check Your Progress 2

3. Diaspora politics have been implicated in the onset and persistence of civil war and internal strife. Some reports have shown that diaspora politics can either radicalize or moderate secessionist disputes. The degree to which diaspora politics influence civil wars can be contingent on specific processes, such as brokers that serve as intermediaries between networks of political mobilization and networks of violence. Through establishing links between conflict, forced displacement, transnational participation, and conflict support, diaspora politics can contribute to ongoing cycles of political violence.

4. The objective is straightforward: to use India's solid political mandate at home to galvanize Indian populations abroad in support of India's economic and geostrategic interests.

These interactions and gatherings have a variety of purposes:

- a. They revitalize ties with India and encourage the diaspora, especially the Korean and Chinese diaspora, to invest in India's growth story.
  - b. It establishes the diaspora's political presence in the host nation.
  - c. It increases India's soft power and, by combining it with the diaspora's growing political presence, creates a coherent diplomatic leverage.
  - d. It mitigates the aggressive countries' and their lobbyists' control over India.
  - e. It contributes to strengthening the system of economic networks that spans the globe and can exert considerable back-door leverage when necessary.
5. For several migrant groups, the primary objective is to guarantee that their 'legal privileges' in their home countries are protected to safeguard their personal and property rights. Additionally, they see this to promote travel and investment in both the home and host countries. Globalisation, it is widely believed, has pushed for dual nationality, as it recognises that dual nationality enables fast migration of citizens in an economically interdependent society. Empirical findings indicate that former dual citizenship recipients are more likely to naturalise and achieve relative jobs and earnings benefits. Thus, dual citizenship privileges "not only raise the likelihood of naturalisation but also can facilitate economic assimilation."