CHAPTER X

SUMMARY AND CONCLUSIONS
The present study is an attempt to identify India's policy vis-a-vis the Overseas Indians, with a special reference to problems of the Indian Tamils of Sri Lanka. We have defined the 'Overseas Indians' as a category of Indian immigrants who either acquired citizenship of the country of their domicile or who did not, or could not have valid proof of their citizenship of either the country of residence or of country of origin. A majority of the Overseas Indians emigrated under the British colonial impetus and encouragement, with a large number of them being indentured labourers.

Generally, the nature of the Overseas Indians' problems is socio-economic and political. But the magnitude of their problems vary from country to country. In countries such as South Africa, Fiji and Sri Lanka they were subjected to legal discrimination in socio-economic and political spheres. With regard to the Burmese Indians and the Asians in Kenya and Uganda, their 'alien' character coupled with their economic 'affluence' formed a significant factor that encouraged their host countries to adopt several measures to restrict their rights and privileges. In general, the emergence of economic and political nationalisms after the independence of several countries in which the Overseas Indians resided, were instrumental in the growth of anti-Overseas Indianism in the minds of the natives. As such, in the post-colonial societies of these countries which gave importance to the promotion of the interest of the indigenous peoples, the Indians Overseas found themselves in a hopelessly difficult position.

India's concern over the welfare of the Indians Overseas was as old as their history of emigration. During the British colonial period, the Indian nationalists, considering the Overseas Indians as a part and parcel of the
socio-economic mosaic of the countries of their domicile, upheld their
demand for equal rights and privileges. The INC passed several resolutions
supporting their cause in various colonies. Finally, in the face of its
failure to secure them their equal rights, it related the ultimate
amelioration of the Indians Overseas to India's independence.

Inconsistency is the virtue of the post-independent India's policy
towards the Overseas Indians. While holding direct responsibility for the
promotion of the Indians Overseas interests in South Africa and Fiji by
undertaking politico-diplomatic measures which impaired its bilateral
relations with these governments, India assumed only peripheral
responsibility vis-a-vis the Asians in Kenya and Uganda. In the case of
Burma and Sri Lanka, it sought to uphold its bilateral interests with them
higher than the interests of the Burmese Indians and the Indian Tamils and
thereby contradicted its stance on the South African Indian and the Fiji
Indian problems.

A marked distinction can be identified in India's policy towards the
'Indian Tamil problem' as Sri Lanka has been the only country with which it
signed agreements with a view to ameliorate the political status of those
who consequent to the citizenship laws of that country had become
'stateless'. Following the failure of several protracted bilateral
negotiations since 1940 to arrive at a working compromise on the status and
rights of the Indian Tamils, a numerical formula was arbitrarily worked out
by the Governments of India and Sri Lanka in 1964 and 1974 in the
deliberations of which, significantly, the various organisations of the
Indian Tamils were virtually ignored.

Not only this, such numerical device hardly ended the statelessness of
the IndianTamils due to a number of reasons some of which were related to
the pattern of applications for both Indian and Sri Lankan citizenships
(while the number of persons applied for the Indian citizenship was less
than the number envisaged in the Indian quota, Sri Lanka received more applications for its citizenship than the number stipulated). Consequently, India refused to enter into a third agreement in the series of 1964 and 1974 Agreements on the ground that it would not guarantee the stateless persons a fair choice to become either Indian or Sri Lankan citizen. Finally, the stateless question, once recognised as a bilateral issue, became an internal matter to which Sri Lanka found a solution in 1988.

II

INDIA AND THE OVERSEAS INDIANS

The appraisal of India's policy towards the Overseas Indians in the preceding pages posed a question: What were the constraints on India in pursuing a coherent policy *vis-a-vis* the Indians Overseas? In our attempt to answer this question, another important question came up: What was the role of 'national interest' in designing India's stand on the Overseas Indians' problems? In other words, was India's attitude towards the Indians Overseas always influenced by its overall national interests? Certain points in the context of India's response to the problems of Overseas Indians in South Africa, Sri Lanka, Fiji, Burma, Kenya and Uganda may be recapitulated for the benefit of finding answers to these questions.

It may be true that India raised the South African Indian problem in the United Nations because the South African government's policy of racial discrimination contravened the principle of racial equality which it was committed to uphold. But, it may be asked, by taking a tough stand against the South African government in favour of the South African Indians, why India placed the 'moral principle of anti-racialism higher than national interests'? If it thought that an indifferent attitude on its part towards the problems of the South African Indians would have jeopardised its national interests by the way of, for example, coercive repatriation and
expulsion of them from South Africa to India, why did the Indian government, during Nehru's Premiership, resist the pressure from Sri Lanka to repatriate the Indian Tamils and thereby maintained irritants in the bilateral relationship with the island nation? If India, at that time, considered that the Indian Tamils' repatriation en masse would have amounted to sacrificing their interests, why did it sign agreements in 1964 and 1974 on their repatriation to India? At the same time, why did the Indian government take a strong view of the developments in Fiji to the extent of severing its diplomatic ties with that country? Also, why did it show over-consideration towards Burma on the question of compensation to the nationalised property?  

In the analysis of India's Overseas Indians policy against the background of the above questions, what is explicitly evident is that 'India designed its stand on the Overseas Indians' problems in accordance with the requirements of its foreign policy and relations'. In other words, however principled India's policy towards the Indians Overseas was, it was not prepared to promote their interests at the cost of its national interests. As such, it undertook measures in defence of their interests only after the careful assessment of its impact on India's national interest.

This is evident from the fact that India took a firm stand in support of the cause of the South African Indians and the Fiji Indians because it felt that such an act would not undermine its national interest due to the minimal importance of South Africa and Fiji to its national security. The major reason attributed to their peripheral significance to India in the

1. Perhaps, one explanation for India's peripheral, rather than primary, interest in the welfare of the Asians in Kenya and Uganda was that most of them, by virtue of holding British passport, were Britain's responsibility. Similarly, India's mild stance on the Burmese Indians' expulsion was justifiable because most of them were aliens who did not want to make Burma their permanent home.
context of the strategic interests was their geographical distance. While South Africa is a part of another continent (i.e. Africa), Fiji is located altogether in a different region (Pacific). Besides, both the countries did not hold much importance to India in terms of trade and economic relations.

However, India could not take the same attitude with countries like Burma and Sri Lanka on the problems of the Overseas Indians because they constituted a vital factor for its national security owing to their geographical proximity to India. Also, influenced by India's large size, these countries were always allergic to India and regarded it as a regional bully. Given their vulnerable position as small neighbours in the South Asian region, India felt that any tough posture towards these countries on the Indians Overseas issue would aggravate their feeling of insecurity which would result in their forging of alliance with anti-Indian forces. It was this geo-political compulsion that sought the Indian government to take a flexible stand on the issue of compensation to the nationalised property of the Burmese Indians. Governed by its intention to develop a irritant-free relations with Burma, India did not even let this issue interfere in its bilateral relations with that country.

Also, with the same geo-political consideration in mind, Nehru was cautious about dealing with Sri Lanka on the stateless issue as he was aware of the fact that any condemnation of and criticism against Colombo for its rigid stance on this problem would not only make the prospects for its solution complex, but also deteriorate Indo-Lanka relations. At the same time, he was not prepared to sacrifice the interest of the Indian Tamils by entering into an unfair deal with Sri Lanka just because their stateless question formed irritants in the bilateral relations between the two countries. In other words, Nehru gave an equal importance to the
promotion of India's bilateral interests with Sri Lanka as well as the Indian Tamils' interests in the island.

It must be noted that while India, generally, either undertook steps to promote the Overseas Indians' interests against the wishes of their adopted countries (e.g. South Africa and Fiji) or refrained from taking measures to safeguard their interests (e.g. Burma) for the sake of good neighbourly relations, it, significantly, under the Prime Ministership of Lal Bahadur Shastri, preferred to make compromise on the interests of the Indians Overseas in Sri Lanka by negotiating for their repatriation primarily to promote its bilateral interests.

III

INDIA AND THE INDIAN TAMILS OF SRI LANKA

The foregoing appraisal of India's policy towards the 'Indian Tamil problem' identified four distinct phases under which it operated since 1940. Change from one phase to the other was effected by a combination of political and personality factors coupled with Sri Lanka's reaction to India's own policy vis-a-vis the Indian Tamils. The first two phases covering the period 1940-1962 had, since 1947, Prime Minister Nehru in India's helm of affairs, who, viewing the Indian Tamil problem in a broader framework of the Overseas Indians' problems, during 1940-1950, was unyielding to the 'mass repatriation' as the long-term policy of the Sri Lankan government and thereby recognised the Indian Tamils' permanent stake in the island. But he relented in his stance on the citizenship issue during 1950-1962 primarily to arrive at a bilateral settlement without, at the same time, sacrificing the Indian Tamils' interests. It must be noted

2. As discussed in Chapter V, Nehru was prepared to accept those stateless persons who satisfied Article-8 of the Indian Constitution and supportive of the numerical formula in bilateral negotiations to resolve the stateless question.
that India's approach towards the Indian Tamil problem under the second phase was shaped by Sri Lanka's response to India's policy under the first phase.

During the third phase covering the period 1964-1981, there was a consistency on India's Indian Tamil policy as the successive regimes since 1966 under Mrs. Gandhi and Moraji Desai continued to pursue the policy designed by Prime Minister Lal Bahadur Shastri. Disapproving Nehru's policy towards the Indian Tamils' stateless problem which he shaped in the wider ambit of the Indians Overseas problems in general, Prime Minister Shastri sought to perceive this issue as a specific case, taking into consideration certain exclusive features such as the Indian Tamils' class character, the geographical factors and the fears and aspirations of the majority Sinhalese community. As such, the Sirimavo-Shastri Pact made it clear that all the Overseas Indians could not be dumped in one basket. Such a view, guided by the impact which the stateless problem made on Indo-Lanka relations, proves valid our hypothesis that 'the greater the perception of the Indian leadership of the Overseas Indians' problems as a major irritant in the bilateral contexts, brighter the chance(s) for accommodation on the part of India of pressures from the country of their adoption'.

The role of geographical factors in moulding such perception of the Indian leadership was significant. Prime Minister Shastri evinced keen interest in developing an irritant-free bilateral relationship with India's neighbours, especially when its position was weak in the regional and global arena following its debacle in the Sino-Indian War of 1962. As we observed in the preceding pages, it was in this context that he accommodated Sri Lanka's pressure for mass repatriation of the stateless persons under the Sirimavo-Shastri Pact of 1964 and thereby removed the irritant factor, at least in theory, for some time in India's relations with one of its close neighbours, i.e. Sri Lanka. This suggests us to draw
the inference that 'greater the proximity of India to the adopted country of the Overseas Indians, greater the prospects for a bilateral settlement'.

Adhering to the approach adopted by Lal Bahadur Shastri till 1981, Prime Minister Indira Gandhi changed India's stance on the Indian Tamil problem during the first part of the fourth phase (1981-1990) under the domestic political pressure. Besides, the failure of the 1964 Pact to resolve the stateless question also demanded the Indian leadership to design an alternate strategy to resolve this problem. In view of the stateless persons' reluctance to opt for Indian citizenship, India declined to extend the operational validity of the Sirimavo-Shastri Pact and thereby supported their claim for Sri Lankan citizenship. By this stand supporting the 'wishes of the stateless people concerned', India reverted itself to follow the Nehruvian policy towards the citizenship problem. Thus, though discarded for a brief period by the Indian leadership, the validity of Nehru's approach to settle the stateless problem on the basis of legal principles was reinforced by the successive regimes in India since 1981.

Significantly, the result of the change in India's policy since 1981 was that the residue stateless issue became an internal matter of Sri Lanka, with the CWC being the chief negotiator with the Sri Lankan government. The political strength acquired by the CWC since 1964 in the process of granting citizenship to several lakhs of stateless people under the 1964 Pact, helped it in exerting effective pressure on the UNP government to resolve the residue stateless problem in favour of the Indian Tamils in 1988.

Thus, the entire process in the removal of stigma of statelessness of the Indian Tamils took forty long years (1948-1988). During this period, several stateless persons lived stateless and died stateless; several of their children were born stateless, grew stateless, bred more stateless children and some of them died stateless. Thus, Sri Lanka was the unique
case where the principle of the UN Declaration of the Rights of the Child (1959) that "the child shall from birth be entitled to a name and nationality", was remorselessly violated since 1948.

Although the entire stateless problem was finally settled in 1988, it is necessary to reassess the whole gamut of political and diplomatic processes leading to its solution. In other words, it is important to enquire as "how the stateless problem was resolved" rather than merely contenting ourselves by the fact that it was settled. Since the Sirimavo-Shastri Pact had alone initiated the process of settling the stateless question, it must be critically evaluated in the context of the interests of India and Sri Lanka and the intentions of the Indian Tamils in 1964.

Sirimavo-Shastri Pact: A Critical Evaluation

The 1964 Pact was undoubtedly a political document framed with a view to remove the hurdle which the irritant stateless question formed in the promotion of the bilateral interests of India and Sri Lanka. In this process, both countries clearly ignored the interests of the Indian Tamils as the Pact triggered off, for the first time, a planned mass emigration of people in peace time in the Indian sub-continent, from the country which they all the time intended (and where they were entitled by virtue of their long stay, contribution to the economy and refusal to opt for Indian citizenship since 1948) to make their permanent home. The injury which this process of emigration inflicted upon the lives of several lakhs of people was severe and agonising because what the final fall-out of the Pact was that it replanted a community, which was made merchandise for the good neighbourly relations of India and Sri Lanka, in a land (i.e. India) which was unknown to most of them. The worst result of this was that the close-knit family system of the Indian Tamil community had undergone a process of
disintegration as in the case of several families, members of the same family were divided for both Indian and Sri Lankan citizenships. ³

More than Sri Lanka, India should bear the maximum responsibility for the tragedy that occurred in the lives of the repatriates because it was New Delhi which endorsed Colombo's policy of mass repatriation by entering into what Prime Minister Shastri himself termed it as a 'not totally satisfactory agreement' to India as well the Indian Tamils. ⁴ Apart from this, India also did not discharge its promised duty to the repatriates by undertaking effective measures for their rehabilitation in Tamil Nadu.

As discussed in Chapter V, India countered much of the criticism against the conclusion of the 1964 Pact by stating that a 'good percentage of stateless persons indicated their willingness for repatriation to India'. If it was so, was there any need for a separate bilateral agreement on their repatriation? They could very well have acquired the Indian citizenry under Article 8 of the Constitution of India. Of course, in that case, the repatriates would not have become eligible to receive certain facilities and concessions, such as repatriation of their assets and their continuation in the employment until their physical repatriation to India. For that, the Indian government could have sought a negotiated settlement with the Government of Sri Lanka since the number of persons involved in the whole exercise was expected to be fairly large. In other words, if India's above assertion was true, it should have tried to arrive at a settlement with Sri Lanka on the facilities to be granted by the latter to the stateless persons who had intended for repatriation, instead of stipulating the number of persons for Indian and Sri Lankan citizenships.

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³ Based on the author's interview with some of the Indian Tamil plantation workers settled in Kandy.

⁴ See chapter V.
Also, India contented itself with the fact that the Pact was framed upon the principle of voluntary repatriation. It is true that theoretically, the Pact did not envisage compulsory repatriation as there was no provision in it to this effect. But, viewing the Agreement in a correct perspective, we may state that it was primarily based on the principle of compulsory repatriation because it sought to repatriate the stateless persons who, since 1948, explicitly made their intention clear for Sri Lankan citizenship by refusing to opt for the Indian citizenry under Article 8 of the Indian Constitution and ignoring the opportunities given by the two bilateral agreements signed between India and Sri Lanka in 1954 for their repatriation. Now, to counter this view, one could argue that India decided on the stateless people for repatriation on the basis of their application for Indian citizenship. But the question that remains to be answered is: why did a sizable number of stateless persons opt for repatriation to India under the 1964 Pact? -- Was it their free choice or did they apply for Indian citizenship out of compulsion? As Chapter VIII provides an exhaustive answer to these questions, we may confine ourselves here to state that most of the Indian Tamils seemed to have applied for Indian citizenry either out of compulsion as they were denied Sri Lankan citizenship for nearly twenty years (1948-67) or they were misled by the plantation officials, or because of the incentive offered in the propaganda about their prospective resettlement in India.

Then, could one ask what would have been the alternative to the 1964 Pact? And, what should have been the stand of India on the stateless question in 1964? Given the Indian Tamils' basic intentions, India, instead of compromising on their interests, should have taken a firm stand that the automatic conferment of citizenship on all those stateless persons who sought Sri Lankan citizenship, in consonance with the internationally recognised principle of *jus soli* after the amendment of the citizenship
laws of the island, was the only possible solution to this problem. In other words, India should have exerted effective diplomatic pressure to enact legislation in the similar lines of 'the Grant of Citizenship to Stateless Persons (Special Provisions) Act of 1988', back in the sixties.

The current problem of 1.60 lakh Indian nationals who declined to opt for physical repatriation to India should be viewed from human angle. The CWC has a point supporting their claim for the Sri Lankan citizenship because it was their parents (most of them passed away) who had originally applied for Indian citizenship. As such, it would be unreasonable to ask the younger generation who constituted the majority of the Indian nationals in island to go to India just because their parents sought Indian citizenship. Since Sri Lanka has now become flexible on this issue as it agreed to give them a chance to become Sri Lankan nationals pending the formal settlement between the two countries, the need for India's initiative to resolve their problem has been pressing. In the absence of a bilateral settlement, this category of Indian nationals would become a \textit{de facto} stateless group in Sri Lanka.

\section*{IV \hfill PROSPECTS OF THE INDIAN TAMILS IN SRI LANKA}

Thus, the resolution of the stateless question contributed to the splitting of the Overseas Indian community into two groups -- the Indian Tamils (in Sri Lanka) and the Sri Lankan Repatriates (in India) -- on the basis of their nationality. Significantly, viewed in the context of the domestic pressures and pulls in India and Sri Lanka, the prospects of both the groups would altogether be different in the years to come.

It must be noted that whatever may be the adverse implications of the settlement of the citizenship problem (arrived within the framework of the Sirimavo-Shastri Pact) for the Overseas Indian community in Sri Lanka, the
repatriation of a sizable number of the Indian Tamils had greatly benefitted all those people who were granted Sri Lankan citizenship. This may be explained by the fact that the final liquidation of the state of statelessness of the Indian Tamils (the process of which was set in motion by the 1964 Pact in conjunction with certain complex sequence of events in the domestic politics of the island in the eighties) paved the way for initiating the long process of recognising the Indian Tamils as an integral part of the multi-ethnic Sri Lankan society. This of course was long overdue for the Indian Tamil community in the island. However, much remains to be done to improve the living standards of the Indian Tamils before they are fully integrated into the mainstream of the island's society.

With the recognition of the Indian Tamils as a part and parcel of the socio-economic mosaic of Sri Lanka, their tendency to stabilise their identity as a separate ethnic group is becoming increasingly stronger. The factors which reinforce their separate identity are the distinct history of their origin in the island, different areas of settlement, cultural and linguistic separation from the surrounding populace (predominantly Sinhalese), population characteristics and deprived socio-economic status in comparison with other communities in Sri Lanka. The widening Sinhalese-Sri Lankan Tamils chasm, resulting in severe ethnic crisis in the island nation also formed a factor for shaping the Indian Tamil community's ethnic consciousness.

Influenced by their own growing awareness as a separate ethnic group, the Indian Tamils began to assert their political strength which they acquired after their re-enfranchisement. In other words, the growing political power of the Indian Tamil community is taking place with ethnicity as its basis. This explains their tendency of ethnic group
specific mode of political representation, meaning political expression largely through a community based party i.e. the CWC, which derives its political support primarily from the Indian Tamils. In this context, it may be expected that given the political dynamics of the island in which two mainstream Sinhala parties -- the UNP and the SLFP -- compete each other for political power (and the recent trend showing the possible emergence of a third political force comprising the UNP-SLFP dissidents and other small parties), the electoral significance of the Indian Tamils would possibly enlarge in the future to the extent that they would significantly influence the national political 'space' affecting electoral representation, political alliances etc. In other words, the Indian Tamil community would be counted as a force in Sri Lanka's electoral arithmetic which would perhaps play a leading role in the formation of any government. This would suggest the mainstream political parties from the entire political spectrum to woo the Indian Tamil organisations into their party constituencies in order to maximise their political gain.

Also, with the restoration of citizenship rights to the Indian Tamils and the removal of their principal disability caused by the disenfranchisement, their assertion to equality of rights and privileges is being strengthened. They are no more a servile and marginalised group, but one which is politically conscious of its legitimate rights. Such an awareness was largely created by the calamitous Sinhalese-Sri Lankan Tamil ethnic rivalry and competition for power and resources. Importantly, the Indian Tamils' consciousness about their rights, coupled with their political strength, would greatly help them to transform their erstwhile compartmentalised struggle for mere wage increases into a wider platform for strike action demanding their economic and political rights on par with other communities. The chances of their success in any such venture would be bright for the reason that they can disturb the production process in
the plantations (as happened in 1984) through their general strike action because the Indian Tamils presently constitute a permanent work force in the plantation sector following the grant of citizenship.

Although the influence of the ideology of radicalism practised by the Sri Lankan Tamil militants on the Indian Tamil youths seems to be marginal or insignificant so far, it is possible that the dynamism of the community's ethnic consciousness would inspire them to articulate their socio-economic and political needs in radical terms. Failure on the part of the Sri Lankan government to satisfy their needs would possibly give birth to a more militant form of ethno-nationalism of the Indian Tamils.

V

THE PROSPECTS OF THE SRI LANKAN REPATRIATES IN INDIA

The Sri Lankan repatriates in India face bleak prospects. Their resettlement process has not been smooth as the rehabilitation programme failed to satisfy their basic economic needs. Most of them, especially those who were rehabilitated under the credit based schemes, found themselves as destitutes in India. As such, the gap between the policy and implementation of the rehabilitation of the repatriates have been glaring indeed reflecting in the process the magnitude of the Sri Lankan repatriates' problems in India.

Economic deprivation of the Sri Lankan repatriates has heightened their competition with the natives for the existing scarce resources. This, in turn, influenced the latter to develop an inhospitable attitude towards the former. Although the repatriates are legally the Indian citizens and they are treated as repatriates only for a period of three years of their arrival in India, the natives in the villages consider them as 'Sri Lankan Tamils'. Also, repatriates find themselves as a discarded group in India and most of them are conscious of their status as
repatriates because of the government's failure to provide them a new life and a new identity in the new land of their settlement by ensuring them economic and social standing. This suggests us to conclude that the rehabilitation programme has not yet achieved its ultimate objective of the repatriates' integration into India's mainstream after shedding their alien features.

To give the repatriates their rightful place in the Indian society, it is necessary first to emancipate the repatriate community from the state of destitution. This is possible only with the adoption of a meaningful rehabilitation programme. Since both the State and Central governments continue to neglect the interests of the repatriates, the role of the voluntary organisations assumes significance in any effort to free them from poverty and backwardness. The task of removing their destitution is not easy and the repatriates will have to struggle for their survival in India in the near future too.