CHAPTER II

MIGRATION AND ETHNIC POLITICS IN SOUTH ASIA
Studies on migration mostly have focused on migration between developed and underdeveloped third world countries. Migration in South Asian context is altogether different from the developed and underdeveloped model of migration. It cannot be expressed solely in terms of ‘lack of opportunities’ in one’s native country, rather, the migrants are influenced by a search for relatively better opportunities. In South Asian context however, the most significant factor which can be referred as a major cause for migration is British colonialism. The South Asian region was under both direct and indirect control of British colonialism for a considerably long period of time. Population movement across the region during this period can be attributed to the labour shortage in the colonies. To a certain extent, the reluctance of the locals to work in the plantation areas also resulted in importing labour from neighbouring countries. Tea plantation was one of the major sources of revenue for the British government. Nepalese were encouraged to migrate to Darjeeling and Assam to work in the tea plantations. Nepalese presence in India and Indian presence in Nepal can to a certain extent be attributed to the drawing and redrawing of boundaries, apart from large scale migration during British period. In the case of Srilanka, the Tamils were taken from India to work in the plantations developed by Britishers in Srilanka. Migration in the whole of South Asian region, in the past, had taken place due to domestic labour shortage and unwillingness of the locals to accept certain jobs which were considered as lower in status. Since there was no unemployment problem, migrants were not considered a threat by the locals. The partition of India in 1947 also resulted in a large scale population transfer in the post colonial period. The movement of Muslims migrants, better known as ‘Mohajirs’, to Pakistan voluntarily is one of the largest recorded migrations in the world.

Most of the countries in South Asia, who had been under colonial rule, had been exploited by their colonial masters.
economies, characterised by lack of infrastructure for modern industries and technical expertise. After independence the problem of growing population, and low availability of alternative sources for productive employment forced local populations to migrate for employment outside the national boundary. Some of the common problems confronting the South Asian states are pressures of population explosion, poverty and unemployment. Migration within this region involves mostly poverty stricken, unemployed people, who leave their homes and hearths to earn more. Migration in South Asia has not resulted in transfer of technology or acquisition of skills as is happening in case of migration between developing and developed countries.

The movement of the people across the borders in South Asia has not evoked much of a constraint in adjusting to the socio-economic or linguistic variants in another country. The socio-cultural similarities plays a very important role in migration between neighbouring countries. In South Asia where one ethnic community find its ethnic compatriot in the neighbouring countries. The absence of natural barriers to act as an obstruction and the contiguous geographical land mass facilitates migration from adjoining areas. The whole of South Asia shares common history, culture tradition and customs. This region is unique in the sense that there is a criss-cross of ethnic affinities across the border. The initial adjustment in the host society therefore, is easier because of similar dress, food habits, climate, culture and tradition. No where in the world can one find so much of socio-cultural and linguistic similarities.

Migration between the South Asian states can be generally characterised as a population movement aimed at achieving the subsistence level of economic aspirations and a move for survival with better economic gains. The following table explains the surplus labour and the potentiality of each of the South Asian countries.
DISTRIBUTION OF LABOUR FORCES IN THE SOUTH ASIAN REGION

<table>
<thead>
<tr>
<th>Countries</th>
<th>Thousands of Workers</th>
<th>Average Annual Growth Rate</th>
<th>Expected Growth Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>1965---95</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>5,791</td>
<td>612</td>
<td>2.15</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>31,458</td>
<td>2,723</td>
<td>2.57</td>
</tr>
<tr>
<td>Bhutan</td>
<td>468</td>
<td>207</td>
<td>1.96</td>
</tr>
<tr>
<td>India</td>
<td>260,802</td>
<td>83,502</td>
<td>2.09</td>
</tr>
<tr>
<td>Nepal</td>
<td>5,532</td>
<td>2,516</td>
<td>2.18</td>
</tr>
<tr>
<td>Pakistan</td>
<td>34,008</td>
<td>5,344</td>
<td>3.29</td>
</tr>
<tr>
<td>Srilanka</td>
<td>4,763</td>
<td>1,806</td>
<td>1.93</td>
</tr>
</tbody>
</table>


According to one study the South Asian region constitutes 18 percent of the international migration.

The immigration policy has also played an important role in facilitating migration. In the case of Indo-Nepal migration, the open borders and the Treaty of 1950 between both the countries have played a vital role in emigration. The clause 6 and 7 of Indo-Nepal Treaty of Peace and Friendship has secured the position of migrants in both the countries and has bestowed upon them a the status equal to the citizens. Similarly India and Bhutan shares a open border. The border has in

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recent years been used by the migrants from Nepal to gain access to the Bhutanese territory as it is difficult to distinguish between an Indian Nepali and Nepalese from Nepal.

One of the significant facts about the migrants in South Asia is that they are mostly unskilled manual labour or semiskilled people. To quote Mike Parnwell, migration “provides a mechanism whereby the ‘human resources of countries’ where labour is abundant and underutilised can be productively employed in satisfying the labour needs of countries where development is being constrained by domestic labour shortages, particularly for manual semi-skilled tasks.”

Demographic pressures through migration tend to create serious complications threatening social cohesion because of poverty, unemployment and underemployment in most South Asian countries. With ethnic affinities extending beyond the border, any kind of conflict between the natives and the migrant settlers threatens to have serious repercussions across the border. The indigenous people’s antagonistic attitude emanates from the concept of ‘son of the soil’. The ethnic consciousness takes place in the event of deterioration of socio-economic conditions where survival and sustenance becomes difficult. The deprived group attributes their miseries arising out of poverty etc. to the migrants. This subsequently precipitates the alienation of the migrants who have settled in the country, and perceive this discrimination to be based on ethnicity. Migration is emerging as a crucial concern as the concept of nation state, ethnic assertion and monolithic state is growing important day by day. In a plural society, the state is never seen as a neutral arbitrator. In such a situation, the deprived groups tend to evaluate their status on the basis of their ethnic origin. In the process ethnicity can be used “as an ideology as well as an instrument by the leadership for greater concession and share in the institution of power and authority at various levels on

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Though in most of the instances the cry for a separate homeland is not raised, the attention it draws from the government, public and media is really extraordinary. This stridence of ethnicity cuts across the horizontal ethnic cleavages based on caste creed, race and vertical cleavages based on power status and income. It can be said “ethnicity has been summation of impulses of the community for self esteem, power and recognition...”\(^4\) This has been true in case of migrants also. The migrants generally aspires for equality in political, economic and social terms rather than dominance or separatism.

II

According to the agreed principles of partition the minorities of both countries migrated to the countries of their own choice. The Mohajirs, who migrated are settled in Sindh and Karachi. The Mohajirs however, were discriminated because they were not the son of the soil. The term ‘Mohajir’ itself means refugees and has serious implications for the identity of Mohajirs as citizens of Pakistan. Apart from this, “social habits and individualistic cultural outlook of the Sindhis kept ‘the outsiders’ in specified areas in cribbed isolation on ethnic ground”\(^5\)

They had spear-headed the movement for Pakistan but are discriminated in the land of their creation. and are referred as ‘Indian agents.’ In 1947, the Hindus of Pakistan who fled the Country were replaced by “an equally modern and urbanised, largely Urdu-speaking Muslim population.... These Muhajirs possessed several advantages over their sindhi co-nationalists... 70 percent of them were literate, compared to only 10 percent of the indigenous inhabitants of the province.

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\(^4\) ibid

Muhajirs brought with them considerable entrepreneurial and administrative experience largely lacking among the Sindhi population.6

According to Pakistani census, as estimated number of 7.2 million Muslims who had migrated from India to Pakistan. The bulk of this migration, about 80 percent of the total, was from the then East Punjab and contiguous area. The migration from other regions of India was about 20 percent of the total.95.5 percent from U.P and Delhi to West Pakistan, mainly Karachi and Sindh, 97.2 percent from Bhopal and Hyderabad to West Pakistan, mainly Karachi; 94.2 percent from Madras and Mysore to West Pakistan mainly Karachi; and 98.9 percent from Bombay and Gujrat also went to West Pakistan, largely to Karachi. In other words, the erstwhile East Pakistan received...9.7 percent of total migrants; while the rest settled in West Pakistan, with West Punjab accounting for 73.1 percent of the total, Karachi 8.7 percent Sindh 7.6 percent NWFP 0.7 percent and Baluchistan 0.4 percent.

The Mohajirs however, continue to feel alienated as they are discriminated in the fields of education, employment and are denied political power. Their loyalty is always suspected as being extra territorial and they are even described as ‘Indian Muslims’.8 Though after independence the Mohajirs were given a position in the Pakistan polity only after the Punjabis, their position declined substantially as “the rise of pathans as an elite combining with the Punjabis, resulted in the decline of the importance of Mohajirs in government.”9 The statistics proves beyond doubt their marginalisation in Pakistan polity. It is held

6 ibid.
8 Hindustan Times (Delhi), 17 February 1995.
that "...literacy amongst this group is over 80 percent, more than double of Pakistan's national average. Their share in government service has however, dwindled over the years. Their representation in the army during Ayub's and Zia's period hovered around 22 percent, but dropped by at least four percentage points in the 1990's. Similarly, Mohajir representatives in the civil bureaucracy was 30 percent under Ayub, but fell to 17 percent under Zia."10

All these factors have led to the alienation of Mohajirs community which has in turn resulted in violence in Sindh with Karachi as its focal point. Their alienation can be understood from Altaf Hussain's recent statement, "I am warning Pakistan authority again and again. Don't push Mohajirs completely to the wall. Otherwise 1971 will be repeated"11.

As has been discussed earlier, the dominance of one ethnic community not only alienates the deprived community, who tend to evaluate its social, political and economic status to those in power, but it also leads to the politicisation of ethnicity. The Mohajir Quami Mahaz (MQM) was formed in 1984 in the wake of sindhi uprising and Movement for restoration of democracy. Previously the party was known as All-Pakistan Muhajir Students Organisation (APMSO). The party not only caters to the aspirations of the Mohajir community but has built a strong support base in Karachi. the MQM began with pro-Sind stance. They started seeing themselves not as a fifth nationality but only sub-nationality within a larger Sindhi identity.12 They initially targeted the Punjabi and Pakhtun settlers in Karachi. The basic differences between the Mohajirs and Sindhis started on the

10 Times of India (Delhi) 26 September 1994.
11 Altaf Hussain in an interview to India Today. See India Today (Delhi)15 July 1995, p.47.
difference of opinion regarding separate Muhajirs identity and demand for the repatriation of Biharis Muslims from Bangladesh.13

The party captured 13 out of 46 seats in 1988 National Assembly election from Sindh. 14 In the November 19, 1988 Provincial Assemblies election a similar pattern emerged. In the election for 100 seat Sind Assembly, PPP won 70 seats while MQM dominated the Urban Sind by winning 24 seats. For the first time MQM was a partner in the formation of government in Sind. The new political alignment fell short to achieve the objectives agreed in 1988 on fifty-nine point programme between Sind Chief Minister and MQM Chairman Azeem Tariq.15 In the 1990 elections their strength increased to 15 in the National Assembly and 28 seats in the Sind Provincial Assembly. The party gave a call for boycott during the 1993 National Assembly elections because of the treatment meted out to the Mohajirs. In the name of maintaining law and order in Sind the order for operation clean up was given on 19 June 1992. The MQM legislators resigned from the provincial Assembly of Sind as well as from the National Assembly. However, "... when the MQM decided to participate in the Sindh provincial election, held only 3 days after the National Assembly election, it again showed its sway over the Mohajirs by capturing 27 out of the total 100 seats."16 The success of MQM lies in the fact that "the Mohajir... movement was stripped of the two themes that had once dominated its consciousness: the romance of Pakistan movement and linked to it the 'glory of Islam.'"17 The separate identity formation is based on the historical past. Their identity as 'refugees from India' is emphasised to solidify their group.

14 Ahmad, n. 9, p.33.
15 Public Opinion Trend (Pakistan Series), vol.XVI No. 217. 5 December 1988. p.4852
17 Ahmed, ibid., n.9.
Though the army split the MQM into MQM (Haquiqi) in the ‘operation clean up’ it is yet to erode its support base. In this operation many Mohajirs were killed, arrested tortured and put into jail for their alleged links with MQM. There were even reports of custodial deaths. Eventually the High Court intervened in the army action and the security forces were reprimanded for their action. The splinter group could not play any vital role except being instrument in army operation against MQM. Later they were packed off willingly or otherwise.

The MQM has put forward a number of economic and political demands. As a noted scholar has put it, “They now demanded that Mohajirs be recognised as the fifth nationality of Pakistan and they should be allotted a 20 percent quota at the centre and between 50 percent and 60 percent in Sindh. They also want it to be ensured that quotas in Sindh reserved for Sindhi speaker and Muhajirs respectively, are not poached by Punjabis”. Other demands of Mohajirs includes, ‘representation proportionate to the population in the national and provincial assemblies and the senate. Increases in urban quota for federal and provincial services, sharing the post of governor and Chief Minister in Sindh in rotation by Mohajirs and Sindhis. Apart from this, the MQM has given a call for a fifth province from Pasmi to Mirpurkhas to allow the Mohajirs a place under the sun.

In 25 May 1995, addressing a Punjabi audience in Kasur, the then Pakistan Prime Minister, Benezir Bhutto casted aspersion on the Mohajir’s sense of patriotism when the party did not joined the nation-wide strike following the burning of Charar-E-Shrief Shrine in Kashmir, India. Criticising them she said, because their hearts are not with you. They do not have the same blood which is

18 For details see The Herald (Islamabad), November 1992, pp.22-26.
19 For details see The Herald, July 1994, pp.35-37.
20 Alvi, n.12, p.168. Also refer to The Pioneer (Delhi), 20 March 1995.
21 India Today, n.11, p.38.
running in your vein. She even had called them “cowardly but gun-toting rats”.

The Mohajirs as a ethnic community, who owe their origin to India, provides an example where ethnic alienation plays a predominant role. The discrimination emanates from the fact that they are not the ‘sons of the soil’, though they are the creator of the state of Pakistan. The fact that migration can play a significant role in determining who is an ‘insider’ and who is an ‘outsider’ is evident from the case of Mohajirs in Pakistan. However, the problem is different from other countries of South Asia, as the problem was a product of partition, where both the countries i.e. India and Pakistan agreed to the transfer of population to give legitimacy to the creation of the nation on the basis of religion. The Mohajirs cannot be equated with ordinary migrants who migrate for satisfying their economic needs.

III

The issue of illegal migration in the context of Bangladeshis in Assam has not only led to the assertion of ethnic identity of the Assamese, but has induced a sense of insecurity among the natives. The threat is both cultural and economic. Most of the people from Bangladesh have migrated to escape the economic hardship.

The Assamese feared three things. First, loss of identity with the increased flux of Bangla speaking Muslims. Second, growing number of immigrants meant greater pressure on land and other scarce resources. Third, the effort of political

23 M.G.Chitkara, Mohajir’s Pakistan, (Delhi, 1996), p.47.
24 ibid.
parties especially the Congress to enfranchise these immigrants has bolstered their electoral position.

The competition for scarce resources and growing population pressure directed the ire of the native Assamese to the settlers from other parts of India as well as from Bangladesh. Such competition in turn had two important consequences; it reinforced ethnic identification and group solidarity simultaneously generating resentment against ‘outsiders’ who was seen as usurpers of the regions resources.

The numerical strength of Bangladeshi migrants has led to the politicisation of the natives, apart from the economic grievances. A large number of Bengali Muslims have got themselves registered in the voters list and began to return their own MLA’s unlike in the past when Assamese Hindus had represented these constituencies. These are the Muslims who came in between 1951-71 constituting a population of 4.27 lakhs. The Congress politicians of Assam had turned a blind eye to the continued Bengali Muslims infiltration to reduce the influence of Bengalis in Assam politics.

“The bureaucrats, for reasonable price, allegedly connived to legitimise the stay of the newcomers by issuing back-dated land pattas (claiming settlement on the land before 1950) and tampered with official records.” The Bangladeshi immigrants, acquired this illegal status because of their ignorance. Their co-religious ethnic group in Assam protected them so as to exploit their vulnerability, and paid them lower wages than what was stipulated in the Minimum Wage Act.

27 ibid., p.89.
28 Indian Express (Delhi), 19 August 1984.
29 The Telegraph, (Calcutta), 13 November 1985.
30 Indian Express, n.28.
31 ibid.
Increase in the number of illegal immigrants resulted in the flaring up of the simmering discontent among the people which led to a violent demonstration by the All Assam Student’s Union which shook the whole region and made the government defunct. Subsequently the Assam Accord was signed in 15 August 1985. According to the Accord, illegal aliens who entered the state between January 1966 and March 1971 were to be deenfranchised for ten years and those who came after 1971 were to be deported. Presently the All Assam Student Union is pressurising the Assam Gana Sangram Parishad government to take up the vexed issue. The AGP has demanded that the Illegal Migrants Determination by Tribunals Act (IDMT Act), “being implemented as per the Assam Accord be scrapped...Instead it is demanding the extension of the Foreigners’ Act to Assam. As per the Act, the onus of proving that one is not a foreigner is on the accused.”

However deportation has not been an easy task. The official position of the Bangladesh government is that none of their citizens have illegally crossed the border into India. The then President H.M. Ershad said “our people are living in complete harmony and peace. We have security of life and food to feed our people cheaper than any other place. It is therefore out of question for our own people to leave country illegally as has been alleged.”

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33 Times of India, 10 June 1996.
34 Bangladesh declined for the first time to take to take back those Bangladeshis who had been caught by Indian authorities. Refer to Bangladesh Times (Dacca), 4 December 1981.
35 Refer to Bangladesh Times (Dacca), 6 November 1980, Bangladesh Observer (Dacca), 10 April 1984.
36 Bangladesh Observer, 15 August 1983. In another statement he said “if there were some people who crossed into India to go to West Asia or, as in the case of
by construction of barbed wire fence along its border resulted in the firing by Bangladesh border security force. The government of Bangladesh viewed the fence as a violation of Indo-Bangladesh Boundary Agreement, that no defensive structures would be built along the border. The issue of illegal immigration had affected the bilateral relation between both the countries. The government of west Bengal at one stage went to the extent of demanding the scraping of the Indira-Mujib Pact of 1972 which did not require those Bangladeshis who enter India to report to the Foreign Registration Office.

IV

The contours of Indo-Srilankan relations have been shaped by the question concerning the people of Indian origin there. The Indian tea and coffee plantation workers in Kandayan highland were recruited by the Britishers in the nineteenth century. The developmental works in Sri Lanka like road building, development of railways and other construction works required cheap labour. In 1880 tea plantations were developed by the British Capitalist class and towards the end of nineteenth century and the early decades of the twentieth century, rubber plantations were opened in midland and low country areas of the Islands. Sri Lanka did not have enough labour force to be employed in this construction works and plantation areas and most of the workers in Sri Lanka were reluctant

Bihari Muslims, to Pakistan, the problem was merely consular in nature". Indian Express, 26 November 1983. Also refer to Sanjib Baruah. n.27, p.1206.

37 The 1974 Boundary Agreement guidelines prohibit the construction of any defensive barrier installation within 150 yards (137.16 meters) of the zero line on either side of the border. India has maintained that the fence is not a defensive construction. The Tribune, 11 January 1985. The Statesman 21 February 1982. The Bangladesh leader opposed to the idea on the basis that it will cause physical isolation and psychological harm, it will also affect the initiative for SAARC, see Times of India, 23 August 1983.

38 Hindustan Times. (Delhi) 24 June 1984 and also refer to the Deccan Chronicle. (Hyderabad), 23 August 1983.

due to the prevailing social ethos of the Kandyan society. As a result of this, efforts were made to import manpower from Tamilnadu and Southern parts of India. This was facilitated by the prevailing economic conditions, lack of employment avenues in India coupled with natural calamities forced the Indian Tamils to migrate to Srilanka at the behest of British colonial masters.

Apart from plantations, there were some people of Indian origin who were engaged in Government services, in the sectors where the Sri Lankans were reluctant to work. Works like "...harbour workers, conservancy, and street cleaning laborers, the staff of the railroads and Public Work Department were from South India." The Indians replaced the ceylonese in many of the above mentioned job, they were active in "low caste occupations of a service or soiling nature, such as street cleaning, laundry, barbering, or scavenger." The Indians were thus generally not considered as a threat to the indigenous people's economic pursuits.

The problem regarding people of Indian origin in Srilanka, however, had started before the British withdrawal and particularly after the recommendation of Donoughmore constitution was made public. The Donoughmore Commission in 1927 recommended adult franchise for people having five year residential qualification. It allowed temporary absence not exceeding eight month during this five year period. The Commission, aware of the Sinhalese susceptibility about the Indian migrant workers recommended, "the principle of voting should be confined to those who have an abiding interest in the country or who may be regarded as permanently settled in the island."

42 Lalit Kumar, India and Sri Lanka: Sirimavo- Shastri Pact ( Delhi, 1977 ) .p.21.
43 ibid, p.21.
Nevertheless, the Sinhalese leaders were against the franchise of 'undomiciled', non-British citizens. The franchise proposal for 'undomiciled' was modified later. The new basis of franchise was either property and literacy qualifications as under the 1924 Constitution, or "a certificate of permanent settlement, to be granted to the applicant by a duly appointed officer, the condition for the grant being evidence of five years’ residence and a declaration either of permanent settlement in the island, or of intention to settle permanently and a renunciation of any claim to special protection by any government other than that of Ceylon".44 Most of the Indians felt discouraged from applying because of the elaborate procedures as envisaged in Donoughmore Constitution.45

After the withdrawal of British, serious problem arose regarding the fate of these plantation workers. The implications of absorbing these recent Indian immigrants who had not been assimilated into the Islands original inhabitants, unlike earlier immigrants from India for various reasons was considered as a socio-political problem. The inclusion of Indians, it was argued, could lead to the erosion of Sinhalese identity.46 The group consciousness and maintenance of distinct identity by the Indian immigrants was largely based on the pluralistic nature of Sinhalese society. As a scholar has put it, the non-assimilation can be attributed to their exclusivity in "religion, language, social tradition and occupation".47 This was because, as another noted scholar has put, "the mosaic of different cultural elements living in mutual tolerance, though not deeply interacting, left room for

47 Kondapi, n.39, p.6.
Moreover, the socio-cultural and emotional linkages with India gave rise to the suspicion and apprehension that Indian Tamils could be used as fifth column by future Indian leaders.49

The Tamil plantation workers, to protect their interest in the island in 1939, had formed their own political organisation, the Ceylon Indian Congress (CIC), at the instance of Nehru when he visited Ceylon.50 The formation of this political party made the Indian Tamils in Sri Lanka more organised. However, their actions in the beginning were concerned with normal trade union matters of hours, wages and conditions of work, but in 1946 it became political in nature when they protested against the Soulbury proposals for constitutional reforms adopted that year.51

In 1939, Indian immigration to Sri Lanka was banned. Mr. Bandaranaike suggested the measure of 'absorbable maximum' and repatriating the rest to solve the issue of Indian Tamils.52 The Government of Ceylon enacted two Acts that had major consequences on the political rights enjoyed by people of Indian origin since 1931. These Acts were Citizenship Act No.18 of 1948 and Indian and Pakistani Residents (Citizenship) Act No. 3 of 1949. The 1948 Citizenship Act provided for citizenship by descent whose provisions were very stringent 53. It required the proof that a person’s father, paternal grandfather and paternal great grand father was born in Ceylon, if outside Ceylon, his birth had to be registered

51 Wriggins, n.40. p.222.
53 For the provisions of the Act see Urmila Phadnis, “The Problem of the People of Indian Origin in Ceylon: Issues and Possible Solutions”, International Studies (New Delhi), vol.5. no.4. April 1964, pp.426-27.
with Consular office or the Minister of Ceylon.\textsuperscript{54} This was very difficult to prove as there was no system of birth registration prior to 1920 in many parts of the country.\textsuperscript{55}

Under the Act of 1949 a person was to have an ‘uninterrupted residence’ (absence on one occasion not exceeding more than a year in duration) in Ceylon, ten years for unmarried, widower and divorce and seven years for married persons, the period to be computed was from 31 December 1945 and again from 1 January 1946 to “the date of application made in that case for registration under this Act.”\textsuperscript{56} Apart from this the candidates had to have assured income of a reasonable amount or some business or some gainful employment or other lawful income of livelihood to support himself as well as his family. In case of married persons sufficient evidence was needed to prove that his wife and minor children were ‘dependent’ on him and had been ‘interruptedly resident’ with him.\textsuperscript{57}

Many Indian Tamils applied for citizenship under the provision of these Acts. The Government of Ceylon wanted to repatriate those people who did not qualify for the Ceylonese Citizenship under both these Acts of 1948 and 1949. But the promulgation of Indian Constitution and Article 8 of the constitution laid down the condition for conferring Indian Citizenship on those people of Indian origin who wish to apply on their free will.\textsuperscript{58} In 1953, the Talks between Nehru and Dudley Senanaike, Prime Minister of Sri Lanka failed when Nehru refused to take back the Sri Lankan estimation of three hundred thousand Indians in Sri Lanka, as


\textsuperscript{55} Phadnis, n.44, p.373.

\textsuperscript{56} Parry, p.820, cited in Phadnis, n.53, p.427.

\textsuperscript{57} ibid, p.824 as cited in Phadnis, n.53, p.427.

\textsuperscript{58} Phadnis, n.44. p.374.
it could give rise to similar request by countries like Malaya, Burma and South African Governments where many Indians were staying. 59

The issue of ‘Indian Tamils’ thus emerged as a major irritant between both the governments. Inspite of hostile views and statements, the 1954 agreement was reached between Nehru and Kotelwala which was significant because for the first time it recognised the problem of illegal immigrants to Ceylon. 60 However, the Government of Sri Lanka did not recognise the stateless people, who were neither eligible to be either the citizens of India or Sri Lanka. The fundamental difference regarding the question of “stateless people” still remained. As reflected in the views of Prime Minister Kotelwala, “Ceylon recognised no ‘stateless’ Indians, and India would now recognise as her own only Indians who held Indian passports and Indians who had obtained Indian Nationality under the terms of her constitution”. 61

After protracted negotiation between the two governments the Pact of 1964 stipulated that the two government would confer citizenship on 8,25,000 out of a total number of 9,75,000 ‘stateless’ people. It provided for the repatriation of 5,25,000 persons to India together with their natural increase and for the absorption of 3,00,000 persons along with their natural increase in Sri Lanka. The remaining 1,50,000 persons status, it was agreed, to be negotiated later. 62 Difficulties in the interpretation of the Act however, arose regarding compulsions in repatriation whether voluntary or compulsory, the announcement of the provision for a separate electoral roll for the people of Indian origin who have

59 Wilson, n.50, p.33. For details about the discussion between two prime minister see Kotelwala, n.49, p.104-5.
60 For details of the agreement see Kotelwala, no.49, pp.108-10.
61 Kotelwala, n.49, p.111.
62 Phadnis, n.44, p.384. Also see Wilson, n.50, pp.35-36 for the detail of the pact.
registered for Sri Lankan Citizenship and proposed control of Employment Bill that envisaged employment to Sri Lankans.

After the expiry of stipulated fifteen years as agreed in the Sirimavo-Shastri Pact, India was short of 125,000 to fulfill its target under the agreement whereas people who had applied for Srilankan citizenship was twice the number envisaged in the agreement. During Indira Gandhi’s visit to Colombo in 1973, it was agreed that “the pace of repatriation to India under terms of agreement would be accelerated such that there would be ten percent increase over 35,000 repatriates which is the annual target figure necessary to implement the agreement within stipulated period”. In January 1974, it was agreed that both India and Sri Lanka will share the burden of the remaining 1,50,000 people equally.

As a scholar has put it, “Between 1961 and 1974, ...citizenship was awarded to approximately 46.2 percent of Indians (and their descendants living in Srilanka in 1948). The Government of India agreed to accept the others, and by 1980 there was approximately 4,00,000 ‘Indian Tamils’ who had gained Srilankan citizenship”.

The repatriation of the peoples who had applied for Indian citizenship got delayed because of the ethnic conflict in Srilanka. The problem of Tamil refugees in Tamilnadu was very difficult to tackle and it was very difficult to accomodate the Indian Tamil repatriates there given the situation which made Prime Minister Rajiv Gandhi in 1986 to announce that repatriation of the people who have opted for Indian Citizenship “would not be entertained” unless “the refugees return home with dignity.” Under the 1986 settlement the ratio of 4:7 was agreed. Sri Lanka

63 ibid, p.36.
64 ibid.
65 The Patriot, 4 February 1982.
66 For details see Kondapi, n.39, p.75.
agreed to confer citizenship on an additional 94,000 stateless persons, and India agreed to grant citizenship to all 506,000 persons who had applied for Indian citizenship till 30 October 1981. In 1986 a Citizenship Bill was introduced in Srilankan parliament to accommodate the 1986 agreement. Since 1986 agreement was unable to solve the problem because of the slow pace at which both the governments were moving the necessity for another Citizenship Act arose. In 1988 another Act was enacted to solve the problem forever. This was done keeping in mind one million Tamil votes in the coming election and a goodwill gesture for the people of Indian origin who had not sided with the Srilankan Tamils in the ethnic conflict. Unlike his predecessors, President Jayawardane showed considerable interest and commitment to solve the vexed issue of 'stateless' problem. In 1982, he announced in a public meeting that “he would not have 'stateless' persons in his country.” Further, he offered that “if India could not take the 'stateless' beyond a certain number Sri Lanka would be prepared to absorb them. But the Tamilians have to decide now.” he set 1988 as a deadline to end the issue of statelessness. Voicing a similar kind of view, Amrithalingam, chief of the Tamil United Liberation Front gave a call to the Indian Tamils by saying, “17 years are long enough for one to make up his mind”. To give effect to this, in 1988, President Jayewardane declared that Sri Lanka would unilaterally grant citizenship to the people of Indian origin irrespective of the fact whether India was going to repatriate 80,000 people or not. Sri Lanka has to give citizenship to 2,31,000 people of Indian origin. By September 1991, about 3,46,000 out of

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70 *Times of India*, 15 March 1982.
72 ibid.
73 ibid.
5,06,000 Indian Tamils were repatriated to India and the remaining 1,60,000 sought to be absorbed in Sri Lanka.74

The question of stateless people which had dominated the bilateral relations between both the countries had hurt the Tamils sentiments. The President of Ceylon Worker’s Congress R. Thondavan, expressed such a feeling when he described the plight of Indian Tamils as being reduced to “merchandise” between two countries. “We are a community of human beings with soul, mind and body with personality and cannot be apportioned between countries like beasts of burden not at other’s whims and fancies only to maintain good neighbourly relations”.75

The policies of the British Government were largely responsible for their alienation. They were not allowed to go outside the plantation areas because the basic amenities were made by the European planters. Though the government made some effort after 1960s, ‘nevertheless the villagers continued to feel that they were neglected while the alien estate labourer had been pampered’.76 The effort for land reform also played an important role in alienation. ‘...Several plantation workers were evicted from land inhabited by them for generations, sometimes after assault, looting and arson’. In 1971 Indian Tamil leadership was also alienated by the government policy of distributing estate lands only to citizens of the country, thus leaving the Indian estate workers with no land or employment.

Apart from this the alienation of Indian Tamils emanates from the ethnic politics pursued by Sinhalese politicians. The Indian Tamils are perceived as co-conspirators in the ethnic problem because of the religious and linguistic similarities with Srilankan Tamils by certain quarters in Sri Lanka. The Indian

74 The Hindu, 16 September 1991.
75 The Hindu, 16 March 1982.
Tamils, who have also suffered in the ethnic conflict, differ from Srilankan Tamils in terms of residence, cultural, social, political and economic as well as in civic status. Most of the Srilankan Tamils are well educated and are well placed in bureaucracy and well off economically. The only similarities between the Indian Tamils and Srilankan Tamils is their language and religion. Most of the Indian Tamils belong to the depressed sections of the society.

The Indian Tamils or “Up Country” Tamils are the fourth largest ethnic community of Srilanka. The Indian Tamils were caught in between the ethnic conflict between the Sinhalese and the Sri Lankan Tamils. This is reflected in the systematic riots of 1977, 1981 and 1983 that were organised against the Indian Tamils. Since the 1977 riots, there has been movement of Indian Tamils towards eastern provinces and this process gathered momentum after the 1981 riots.77 However, S.Thondavan, CWC leader, has consistently maintained that “the front’s demand for a separate state in the Northern and Eastern provinces of Sri Lanka, would in no way solve the problems of the person of Indian origin working in Sinhala dominated provinces. Hence, the concept of a separate Tamil homeland holds little attraction for the Indian Tamils”.78 Although the LTTE interest in Indian Tamils was evident from the fact that it had put forth citizenship rights to the stateless people as one of their four charter of demands,79 it can be concluded that the Indian Tamil settlers are caught between the “Sinhalese lions” and the “Tamils Tigers”, as defenseless victims of communal holocaust, vendetta and violence80.

80 ibid, p.263
Although, the LTTE separatist movement though wants to embrace the interest of these Indian Tamils, they have largely remained neutral and their political interest confined to the demands for basic political rights i.e. citizenship, removing discrimination against them as citizens of Sri Lanka.

IV

Nepal is a polyethnic state inhabited by different caste communities though the majority are Hindus. It is surrounded from three sides by India. Its open and porous borders has not only made the people of both the countries to cross the border freely but has given rise to the sensitive issue of migration. Though Indian migration to Nepal dates back to Rana period, the Nepalese migration to India can be traced back to the British colonial period. However, the relation between the Nepalese and Indian settlers in Nepal who are mostly concentrated in Tarai region, contiguous to UP and Bihar, has ranged from cordiality to antagonism. They are referred to as ‘Madhesias’ and their loyalty is always suspect. Systematic efforts have been made to alienate them from the politics through a series of legislation like - the official language Act 1950 that made Nepali the official language. The act of 1957 and Education Commission Act of 1961 made Nepali as a medium of instruction. The Act of 1952, 1962 and 1975 pertaining to the issue of citizenship was a major setback to the Indians in Nepal. The 1961 Industrial Enterprise Act was a setback to the Indian businessman. The 1962 Mulki Act barred the foreigners from acquiring immovable property and the land reforms act of 1964 prohibited Nepalese to sell lands to the foreigners including the Indians. The Gurung report of 1983 recommended the closure of border and close monitoring of transborder migration. The implementation of this report is shelved because of repercussions and uproar in India. In 1988 the Nepali government adopted measure like citizenship certificate distribution system and work permit system. Though
after the restoration of democracy, the situation has changed the rhetoric of work permit system and prohibition of migration has not stopped. Due to lack of any new political issues, both the Communist Party and the Nepali Congress try to beat each other for being pro India. However, situation is unlikely to change since the whole gamut of Indo-Nepal relation is governed by Treaty of Peace and Friendship of 1950.

V

Bhutan is a tiny Himalayan kingdom which is currently, is facing the problem of growing ethnic conflict. The increase of population influx from Nepal can be attributed to two main reasons like Bhutan's contiguous 720 kilometre border with West Bengal, Sikkim, and Assam Duars which are inhabited by ethnic Nepalese that results in kin group oriented migration, second is the historical factor where Nepalese were encouraged to settle in the Southern part for economic reasons. These Nepali immigrants who are referred as Lhotshampas are settled in the southern part of the country. These are mainly economic immigrants who have migrated from Nepal in early 19th century due to the economic conditions of Nepal. They were welcomed by the Bhutanese government since Bhutan lacked manpower and especially the southern portion of Bhutan was sparsely populated. After 1961, with the implementation of first five year plan their migration increased because of the employment opportunity produced by various developmental ventures and they provided cheap labour. The increase in illegal economic immigrants was taken note of after being detected in the National census of 1988. The 1985 Citizenship Act was implemented strictly that made 1958 as the cut off year for citizenship. This became a serious problem since the southern Bhutanese did not accept the cut off year for the tax receipt and proof of holding property before 1958 to prove citizenship.
To enhance and strengthen the process of national integration, the Royal Government undertook an intensive Bhutanisation programme by an edict called 'Driglam Namzha' in order to bind the growing class of educated Bhutanese into complete obedience with the Crown. The entry of Nepalese is regulated and government clearance is required for fresh recruitment of labour. However it is the cultural imposition that has dissatisfied the southern Bhutanese. They started a violent protest against the government under the banner of Bhutan People’s Party which led to mass exodus from southern Bhutan. This resulted in a serious refugee crisis in Nepal. The settlement of the problem is still far from sight because the clauses under which both the government has agreed to solve the problem of detecting the illegal migrants and those who do not belong to Bhutan continue to remain the major bone of contention. The refugee leaders do not accept the four agreed principles on the basis of which the people in the camp will be detected. The sensitivity of Bhutan can be understood from the fact that it is a tiny kingdom with a small population. What is adding to their apprehension is a threat to their identity and culture as an independent nation. The next chapters will be make a detailed examination of dynamics of migration and ethnic politics in Nepal and Bhutan.