CHAPTER - V

PROBLEM OF INDIAN TAMILS: INTER-GOVERNMENTAL NEGOTIATIONS, 1965 - 1981

The Sirimavo-Shastri Pact of 1964 provided a new dimension to the citizenship issue as now the issue was not to evolve a formula for resolving the major stateless problem (however the political status of 1.5 lakh persons was yet to be decided), but the effective implementation of the Agreement concluded by India and Sri Lanka.

After the 1965 election in Sri Lanka, the UNP-led National Government of Dudley Senanayake had assumed office and in India after the sudden death of Lal Bahadur Shastri in 1966, the Congress Party came into power under the leadership of Indira Gandhi. These two leaders were now expected to give the final shape to the task of implementation of the Agreement.

But, unfortunately, divergent opinions of both the Governments on certain issues, continued to create hurdles in the task of implementation of 1964 Pact in the years which followed.

Differences of Opinion Between India and Sri Lanka

Soon after the conclusion of the Agreement, differences on three different points appeared:
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- "the question of Parliamentary representation of persons who were granted Sri Lankan citizenship;
- the mode of repatriation of PIO;
- Sri Lanka’s proposal to introduce a bill to control the employment of non-Sri Lankans".¹

Separate Electoral Register

The question regarding the Parliamentary representation of the Indian Tamils who had already registered as Sri Lankan citizens did not figure in the negotiations between India and Sri Lanka in October 1964. In order to flatter the Sinhalese sentiments and to prevent the Indian Tamils to influence the vote in the Kandyan areas, Mrs. Bandaranaike declared her intention to introduce a separate electoral register for Indians who had been granted Sri Lankan citizenry.²

Mrs. Bandaranaike’s prime motive in declaring the Indian Tamil Community as a separate class of voters was to minimize its influence in the electoral politics of the central province. The Sinhalese had a feeling that if those Indian Tamils who were granted Sri Lankan citizenship remained on the general electoral register, they would affect numerous election results which would certainly be detrimental to the Sinhalese interests in the up – country plantation areas.³
India’s Reaction to the Separate Electoral Register

India sharply reacted on Mrs. Bandaranaike’s declaration of separate electoral register and viewed the issue in the bilateral context. In a letter to the Sri Lankan Prime Minister on 22 November 1964, Prime Minister Shastri maintained that the issue of separate or common electoral roll for the Sri Lankan citizens of Indian origin was justifiable not discussed at the Delhi talks of October 1964 because there was “no reason for India to think that the Government of Ceylon had any intention of treating them in future in a manner different from Ceylonese citizens.” He also informed Mrs. Bandaranaike that the “heavy burden” placed on India by the Pact had been counter-balanced by the “consideration that those accepted as Ceylon citizens would become full-fledged citizens and join mainstream of Ceylon’s civil life.” He warned the Sri Lankan Government that the implementation of separate electoral register would intensify separatist tendencies that would be detrimental to the unity and harmony of the country. Shastri further asked the Sri Lankan Government to leave the discriminatory tendencies against the Indian Tamils aside and examine the whole matter in the spirit of the 1964 Agreement.

Subsequently, India discussed the issue at the meeting of the Indo-Lanka officials in December 1964. The leader of the Indian delegation, C.S. Jha argued that the public opinion in India would turn against the Pact if the PIO were given the status of ‘second class
The issue was not satisfactorily resolved, he stated, ‘there was no assurance of the Pact being implemented’. If the issue was not satisfactorily resolved, he stated, ‘there was no assurance of the Pact being implemented’.6

Undoubtedly it was nothing but the strong domestic public opinion which made India to react bitterly on this issue. Some of the Lok Sabha members urged the Indian Government to ‘abrogate the Pact’. The Indian press, too, had written bitterly against Mrs. Bandaranaike’s proposal and had called it an “act of bad faith” and had also described Mrs. Bandaranaike’s argumentation that the question of separate electoral register was an internal matter of Sri Lanka, as “disingenuous”. It was stated in the editorial of The Indian Express, entitled “second class citizens”, that the adoption of a separate electoral register would continue the existence of a “sector of society” which remained unassimilated in the mainstream of the island’s life.

Incompatible Views of India and Sri Lanka

Both the Government’s had incompatible ideas on this question. India maintained that treating Indian Tamils like ‘second class citizens’ means doing injustice with the minority. While Sri Lanka expressed that separate electoral register did not mean the communal representation which was introduced by the colonial rule, on the other hand, it maintained that like general electorate the minority community would exercise the same right of franchise that was the ‘true essence of democracy’. In this connection, the Sri Lankan High Commission in New
Delhi even cited the Indian Constitution to rationalize the Sri Lankan Government's stand on this issue.\textsuperscript{10}

Actually Mrs. Bandaranike advocated the arrangement of separate electoral register by making it a matter purely of Sri Lankan concern, on unconvincing grounds. As Articles 5 and 6 of the Nehru-Kotelawala Pact of 1954 made it very clear that the question of separate electoral register was a question of bilateral concern. Hence what was not an internal matter for Sri Lanka in 1954 could not become one in 1964.\textsuperscript{11}

Further, Mrs. Bandaranaike's justification that this arrangement would be helpful in enabling the Indian Tamils to mix up with the indigenous population, but the fact which Sri Lanka ignored was that on the contrary the arrangement would have proved to be an effective barrier to any possible assimilation.

Significantly, even if the aim of assimilation was achieved, as Mrs. Bandaranaike stated, the Indian Tamils would not get adequate representation in Parliament under the general electoral roll.\textsuperscript{12} If that is the case, the separate electoral register arrangement would have to be continued indefinitely so as to ensure the Indian Tamils a sufficient number of seats in Parliament. And it happened so, it would prove Indian Government's contention true, that a separate electoral register would create a group of second class citizens. Notably, Mrs. Bandaranaike did not specify in her proposal the total duration for which the Indian Tamils
were to be placed on a separate electoral register. And if at all Sri Lankan Government was “genuinely concerned with the promotion of the interests of the Indian Tamils, it should have adopted the device of protective discrimination (i.e. reservation of seats to the minority community but with all the voters on a common electoral roll) and not discriminatory protection (i.e. separate electoral register”).

The SLFP lost the general elections in 1965 and the UNP under Dudley Senanayake formed a new Government in coalition with some Tamil parties. The compulsions of coalition politics made the UNP Government postpone indefinitely the implementation of the separate electoral register. This was the political price for Tamil political support to the Government. When the Indo-Ceylon Bill for the implementation of the Pact was debated in Sri Lanka Parliament in 1967 without any provision for a separate electoral register, the opposition including SLFP did not insist for it either and the issue died a natural death in 1967, as the Indo-Ceylon Agreement(Implementation) Act did not embody any provision to create separate electoral register.

**Method of Repatriation – Voluntary or Compulsory**

India and Sri Lanka again entered into controversy due to inadequacy of clause 3 of the 1964 Pact. This clause did mentioned the number of persons to be absorbed as Indian and Sri Lankan citizens but it failed to express the principle which would determine the method of
repatriation – whether voluntary or compulsory. This was the reason which gave Mrs. Bandaranaike an opportunity to interpret the provision in her own way. In the Senate she maintained that one of the significant features of the 1964 Agreement was that “India acquiesced in the principle of compulsory repatriation”. N.Q. Dias, Parliamentary Secretary in the Ministry of Defence and External Affairs, maintained that however repatriation should “as far as possible be on a voluntary basis, compulsory repatriation was the only alternative if a sufficient number of persons did not volunteer for repatriation”. However, the unofficial opinion in the island was not totally supportive of Mrs. Bandaranaike’s argument. While the Tamil parties pledged to oppose any move to repatriate the PIO compulsorily, the UNP maintained that “the compulsory repatriation was against the whole spirit of the Agreement.” But at the same time, SLFP’s stand on this controversy was supported by the CP and the LSSP.

India’s Attitude to the Repatriation Issue

India repudiated Mrs. Bandaranaike’s assertion and emphasized that it was not going to accept any compulsory repatriation. In the Indo-Lanka officials’ talks of December 1964, C.S. Jha maintained that though logically one could argue that having agreed to a fixed number, there was a tacit acceptance of a certain degree of compulsion, the Government of India’s approach to the Agreement was that it should be “primarily on the basis of voluntary applications”. In case of a gap between the number
stipulated in the Indian quota and the number applied for repatriation, he said, both the countries would have to consider “in what way the number could be reached”. He pointed out that the principle of compulsory repatriation was not discussed at the Delhi talks of 1964 and if it was highlighted, the chances of smoother implementation of the Agreement would have been prejudiced from the very beginning.\textsuperscript{17}

The Parliamentary opposition in India was critical of the Indian Government’s failure to include a provision in the Pact to ensure the voluntary repatriation of the PIO.\textsuperscript{18} While Indian press criticized Sri Lankan Prime Minister’s views on the method of repatriation. It maintained that compulsory repatriation meant a gross violation of human rights and that India should not be a party to it.\textsuperscript{19}

**Issue Settled**

At the time of the enactment of the Indo-Ceylon Act of 1967, Prime Minister Senanayake assured the FP leader, S.J.V. Chelvanayakam that there would not be any compulsory repatriation under the provisions of the Act.\textsuperscript{20} He endorsed the Indian stance that the PIO were not its nationals, but stateless. He argued:

“How can I deport a man to a country which he is not a citizen? If he is not a citizen of any country, how can I deport him. First he has to become a citizen of a country”\textsuperscript{21}
He asked further,

"..... if an individual objects, can that individual
be deported to India? There may most probably be
a writ against me by that individual".22

India expressed that it would accept them only if they
voluntarily opted for Indian citizenship. Surprisingly, the Indo-Ceylon
Agreement(Implementation) Act of 1967 did not contain any provision to
specify the mode of repatriation. The absence of any such provision
confused three members of FP that indirectly the Act favoured the
principle of compulsory repatriation. Owing to this reason they abstained
from voting on Indo-Ceylon Agreement(Implementation) Bill in
Parliament.

**Employment Bill**

India also did not agree with Mrs. Bandaranaike’s proposal of
introducing a Bill in Parliament to control the employment of non-
Ceylonese. As SLFP did not show much interest in this issue so it could
not be stretched much so far the domestic politics of Ceylon was
concerned. And for this credit was given to the clause 7 of the 1964
Agreement which particularly guaranteed employment to the repatriates
upto a maximum age of 55 years and as such, Mrs. Bandaranaike found it
difficult to defend her own Government’s stand on this issue.
At the Indo-Lanka Officials’ Talks of December 1964, while speaking over Sri Lanka’s desire for the Sri Lankanization of employment, C.S. Jha, the leader of the Indian delegation, expressed that the enactment of the Control of Employment Bill would amount to the violation of the clause 7 of the Pact. He argued that the repatriation process would be completed over a period of 15 years that means many persons would have to wait for their turn for repatriation. Therefore, Sri Lankan Government would have to guarantee that “the repatriates had reasonable opportunities of being gainfully employed in the island”.

However this controversy came to an end with the declaration by Dudley Senanayake, whose National Government was under the influence of Tamil Parties, that no legislation would be enacted to deny the employment opportunities to the PIO in the island. Senanayake maintained himself that “there was not a word in the Pact about Indians in employment here. They could work till 55”.

Towards Enactment of Indo-Ceylon Pact of 1964

The process of implementation of the 1964 Agreement began with the talks between the officials of India and Sri Lanka in Colombo in December 1964. In the meeting not only the procedure for the implementation of the Pact was formulated but it was also decided that a joint committee would be setup to supervise the entire process of its implementation. The committee consisted of one representative each from
India and Sri Lanka, one alternate representative from either side, and several advisers. It was agreed that the Commonwealth Secretary to the Indian External Affairs Ministry and the Permanent Secretary to the Ministry of Defence and External Affairs of Sri Lanka would meet at least twice a year, alternately in New Delhi and Colombo, to review the progress and the working of the committee.\textsuperscript{25}

Regarding the procedure for the implementation of the Pact, the officials of both the countries had drawn up the following broad outlines\textsuperscript{26}:

i) A family should be considered as a unit for the purpose of repatriation and granting of Sri Lankan citizenship;

ii) In case of short fall of applicants for citizenship of either country, each Government would explore other ways to ensure the fulfillment of its obligations;

iii) Those who were issued Indian passport before 30 October 1964 as well as the illicit immigrants should not be considered as a part of the total number of stateless persons (9.75 lakh) envisaged in the Pact;

iv) To quicken the process of implementation of the Pact, the officials decided that it was open to both the Governments to agree to the number in excess of the stipulated annual figure of 35,000 persons for repatriation to India (after the grant of
citizenship) and 20,000 persons receiving Sri Lankan citizenship. In case the stipulated number was not reached in any given year, each Government would have to devise other ways to make up the shortfall in the succeeding year;

v) The repatriation should be, as far as possible, on a voluntary basis but, if in any year the stipulated number was not achieved, it would be effected in such manner as would secure the numbers; and

vi) The repatriates would be permitted to carry their assets to the maximum worth of Rs.4,000.

The purpose of above mentioned principles was to facilitate the implementation of the Agreement. Nevertheless, in the case of Sri Lanka, the actual process of its implementation was possible only after the enactment of a legislation which the Senanayake Government introduced in Parliament on 6 December 1966 and enacted in 1967.

**Enactment of Indo-Ceylon Agreement(Implementation) Act**

Before it was enacted in 1967, the Indo-Ceylon Agreement(Implementation) Bill passed through various stages in Parliament. After its introduction in the House of Representatives on 6 December 1966 and Second Reading on 21 February 1967, the Bill was referred to a Standing Committee. The Standing Committee ‘B’ received about 100 memoranda and heard evidences from about 15 delegations.
representing various political parties and interest groups. While the House of Representatives adopted the Bill (after the Third Reading) on 4 June 1967, the Senate Passed it on 19 June 1967. It became a statute when the Governor General gave his assent on 20 June 1967.

Unlike the Citizenship Acts of 1948 and 1949, the ‘enabling’ legislation for the implementation of the Pact had neither prescribed any complicated procedure nor spelt out any qualification for the acquisition of Sri Lankan citizenship. This Act only contained that the PIO who wish to become Sri Lankan citizens should make an application to the Minister concerned through the Commissioner for the Registration of Persons of Indian Origin (CRPIO) within a specific period (i.e. between 1 May 1968 and 30 April 1970). It also maintained that applications of those who had sought and been refused citizenship in 1951 might be given priority over others, this is what clauses (1) and (2) of Article 7 reads. But the Act did not contain any arrangement for those who might not apply for citizenship of either India or Sri Lanka, or the position of those whose applications for Sri Lankan citizenship would be rejected. Article 8 of the Act threw light on a striking feature of the Act that, in contrast to the earlier citizenship acts which conferred ultimate authority in the legal branch of the Government in place of executive, it conferred absolute and unquestionable authority to grant citizenship or reject citizenship applications on the Minister. He is not accountable to any court or tribunal for his decision on this matter (Article 9).
Article 11 maintained that no discrimination would be done, under this Act, with those who had been conferred citizenship by registration and they would be entitled to the same rights and be subjected to the same obligations and liabilities as other citizens of Sri Lanka. Article 15 of the Act provided that the stateless persons who were conferred Indian citizenship, would be issued temporary Residence Permits by the CRPIO and would be liable to repatriation to India at the discretion of the Government. But the period of validity of such permits was not specified in this Article. Article 17 of this Act made it obligatory on the part of the captain of any ship or aircraft to carry such persons who were liable to be repatriated, and if they failed to perform this duty they would be punished.

Ultimately the Act empowered the Minister concerned to make regulations in respect of all matters related with the implementation of the Pact for which no provisions were made in this Act, or in respect of which the provisions of the present Act required to be supplemented or modified to meet unforeseen or special circumstances.

Contrast Between the Original Bill and the Implementation Act

Originally the Bill did not mention the maximum number of persons on whom citizenship was to be conferred, nor did it speak about the ratio 4:7 for naturalization and repatriation as envisaged in the Pact. But after two important omissions, the Act specified that, as provided in
the Pact, not more than three lakh PIO would be granted Sri Lankan citizenship, and that 4:7 ratio would be followed as far as possible to grant Sri Lankan and Indian citizenship. Prime Minister Senanayake made it clear that the tie-up (4:7) would be between the grant of Sri Lankan citizenship to 4 persons for every 7 registered as Indian citizens irrespective of the number of persons actually repatriated to India, and not between the conferment of Sri Lankan citizenship and physical repatriation to India as provided in the clause 6 of the Sirimavo-Shastri Pact.²⁹

Besides, the Government failed to incorporate in the Act the time limit stipulated in the Agreement (15 years) for its phased implementation and it was a deliberate action on the part of Sri Lankan Government. Premier Senanayake justified this divergence between provisions of the Pact and the Act, on the ground of country's foreign exchange difficulties.³⁰

Another important difference between the original 1964 Pact and the Implementation Act of 1967 was that “in the original Bill there was provision for only one register to be prepared by the Government of Ceylon, namely the Indo-Ceylon Agreement Citizenship Register”. But the amended Bill provided for three registers, namely, “(1) Indo-Ceylon Agreement Ceylon Citizenship Register, (2) Indo-Ceylon Agreement Indian Citizenship Register, (3) Indo-Ceylon Agreement Repatriation Register”.³¹ Senanayake also gave indication of “further administrative
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arrangements without making statutory provisions to have two more registers of all those persons to whom the Indo-Ceylon Agreement was applied, and the names of persons from which future Sri Lankan citizens would be selected”.

Reaction of Opposition on the Act in Sri Lanka

Hence, it was made clear that there was no guarantee that the 1964 Pact would be implemented fully within 15 years. This was against the desire of the Tamil leaders who wished to accelerate the process of its implementation. The FP wanted the repatriation to be completed in five years, while CWC wanted to end the statelessness of the PIO within two years.

During the Parliamentary debates on the Indo-Ceylon Bill the opposition condemned the bill for its amendments and for deviating from the provisions of the original Pact. SLFP criticized the Act for giving powers 'far in excess' to the Minister to confer citizenship to the stateless persons. Hence the opposition contended that the Act was an instrument to implement not the Sirimavo-Shastri Pact, but the "Political Pact between Senanayake and Thondaman for the mutual advantage of both, and not for the national interests".

The compulsions of electoral politics might have compelled the UNP Government to make certain omissions in certain provisions of the 1964 Pact. Actually, due to the absence of any single grouping with an
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absolute majority,* UNP leader Dudley Senanayake needed a majority to form the Government. As the FP’s support was crucial for the Government formation by the UNP, Dudley Senanayake was prepared to accept certain demands of the Tamil leadership as a price for its political support. “One of the Tamil demands was the removal of what the FP considered as the obnoxious clauses of the 1964 Agreement from the Indo-Ceylon Agreement(Implementation) Act.”

Dudley Senanayake, accordingly reached a secret understanding with Thondaman, whereby it was agreed that no hurdles would be created for the stateless persons who were to be repatriated under the 1964 Agreement. It was decided that those who opted for Indian citizenship would be able to continue their jobs in Sri Lanka till their retirement. It was agreed that the element of compulsion would remain absent in the repatriation process of the Indian Tamils. Senanayake also promised that those stateless persons who had been granted Sri Lankan citizenship would be placed in the general electorate. What was important here was that though UNP received electoral support of CWC but had the demanded concessions not been met, the FP would not have rendered support to the Senanayake Government.

* The UNP and its allies (including the ACTC which won 3 seats) secured 76 seats, while the SLFP led alliance bagged 55 seats. The FP won 12 seats and 6 members were independents.
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**Indo-Ceylon Act and India**

The Implementation Act was bitterly criticized by opposition in India. The main points of criticism were that the Bill did not lay down any 'standard or criterion' for granting Sri Lankan citizenship. Members showed their discontent on granting 'absolute powers' to the Minister to confer citizenship on stateless persons. They argued that the PIO were 'denied right to recourse to a court of law' if their application for Sri Lankan citizenship were arbitrarily rejected. Umanath held the view that denial of such rights would have 'dangerous implications'.

The members also pointed out that the Bill did not specify the principle or mode of repatriation – voluntary or compulsory. Nevertheless, they insisted that the principle which governed the 1964 Agreement was voluntary repatriation. Umanath therefore insisted that External Affairs Minister should visit Colombo so that this gap in the Act could be fulfilled.

But Indian Government maintained that the enactment of the legislation to implement the 1964 Agreement was an internal matter of Sri Lanka. And India did not wish to 'interfere in the sovereign rights of the Sri Lankan Parliament'. However, the External Affairs Minister made it clear that India would express its discontent tactfully and diplomatically but not criticizing publically or condemning in Parliament, over certain provisions of the Bill in case the Sri Lankan Government...
asked its opinion. However India on its part made wide arrangements in the Kandy office of the Indian High Commission in order to cope up with a large number of applicants for Indian citizenship, and explored various plans to rehabilitate the repatriates in South India.

During 30 October 1964 – 30 November 1967, under its Constitutional provisions, India granted citizenship to around 15,700 stateless Indian Tamils.


When Indira Gandhi came to power in 1966, almost all the controversies that happened to be due to divergent opinions of two countries, disappeared by themselves. Hence, on such a fresh platform, the Indian Government decided to set in motion the process of implementation of the Pact.

Initial Hardships of Implementation

With the issuing of notification on 24 April 1968 together by the Indian High Commission in Colombo and the Government of Sri Lanka, inviting applications for both Indian and Sri Lankan citizenship, the formal implementation of the Agreement began. The two years time limit for the submission of applications ended on 30 April 1970, thereby marking the completion of the basic procedural requirement connected with the implementation of the Agreement. But the fallacy of the ground
realities proved to be shocking for both the countries. At the end of the mandatory two year period for making applications it was found that far more people had applied for Sri Lankan citizenship (6.25 lakhs against the quota of just three lakhs) than for the Indian citizenship (4 lakhs against the quota of 5.25 lakhs). The figures proved the Indian External Affairs Minister wrong that there were several lakhs of persons of Indian origin who wanted to come back to India and therefore there would be no difficulty in achieving the targeted figure of 5.25 lakhs. A large number of Indian Tamils had, after having suffered from various socio-economic problems for several decades in Sri Lanka, still expressed their deep desire to become legally a part of the Sri Lankan society.

Another important point that came out of the above figures was that the stateless persons were 50,000 more than the figure i.e. 9.75 lakh, envisaged in the Agreement. However, it may be presumed that several stateless persons might have applied for both Indian and Sri Lankan citizenship.

So far Premier Dudley Senanayake was concerned, he already opined an excess of applicants for Sri Lankan citizenship and a short-fall for Indian citizenship. Much before inviting applications, he maintained in Parliament that he anticipated no difficulty as far as Sri Lankan citizenship for 3 lakh persons was concerned, but was afraid that India might not be able to reach her number of 5.25 lakh persons easily. It was in view of this that Senanayake, perhaps did not initially want to
specify in the Indo-Ceylon Agreement(Implementation) Act the maximum
number of persons on whom citizenship was to be conferred by Sri
Lanka.

Inspite of the problem of numbers, both the countries moved
towards granting their respective citizenship to the stateless persons.
Although the process was slow as is evident from the table below:

Table 2.1

GRANT OF CITIZENSHIP: 30 OCTOBER 1964*-JUNE 1970**

| No. Registered as Indian Citizens | 70,879 |
| No. Repatriated to India          | 13,733 |
| No. Granted Sri Lankan Citizenship| 8,519  |

* Date of signing the Sirimavo – Shastri Pact.
** At the time of formation of the UF Government.

Source: Urmila Phadnis and Lalit Kumar, “The Sirimavo-Shastri Pact of
1964 : Problems and Prospects of Implementation”, India
Quarterly, vol.31, p.258, no.3, July – September 1975, Table A.

The table makes it clear that both the countries had neither
strictly observed the 4:7 ratio for granting citizenship nor followed the
average (at the annual rate of 20,000 and 35,000 persons for Sri Lankan
and Indian citizenships respectively) at which the stateless persons were estimated to be absorbed by both the countries. According to the provisions of the Agreement by June 1970, both India and Sri Lanka should have given citizenship (apart from their natural increase) to nearly 1.98 lakh and 1.13 lakh persons respectively. But India granted citizenship only to 36 percent while the latter conferred citizenship only on 8 percent of the stateless Indian Tamils from their respective above mentioned quotas stipulated for 68 months (i.e. from 30 October 1964 to June 1970).

The reason for such a tardy progress in the implementation of the Pact, attributed to the time required by Sri Lanka to enact the necessary legislations for this purpose. India did not need any special legislation but on the part of Sri Lanka it was required and Sri Lanka enacted it only in June 1967. The unnecessary delay between the conclusion of the Agreement and enactment of the implementation Act was attributed to the defeat of the Sirimavo Bandaranaike Government in December 1964, the fresh elections in March 1965, the defeat of the SLFP in the elections, and the formation of the National Government headed by the UNP leader, Dudley Senanayake. The Tamil parties such as the FP, the ACTC and the CWC were the prominent supporters of the UNP. They strongly criticized the repatriation provisions of the Agreement being made binding.
After UNP’s win in the elections, Senanayake made it clear that the Agreement could be implemented only if the differences of interpretation of its provisions were resolved with India. The failure in setting these controversial questions was owing to the political position of FP. Senanayake had the fear of Tamil parties withdrawing support from UNP led Government and this would have been an ideal situation for fresh elections, with the prospect of an SLFP led coalition Government coming to power. Besides, the FP was obliged to declare undisputed support to the Implementation Act, “salving its conscience by declaring that it differed in important provisions from the Agreement”.

Furthermore, much time was invested in preparing the regulations to give effect to the Act after its adoption in Parliament. Added to it was the slow and obtrusive bureaucratic procedures that had been adopted in completing the initial formalities. Hence, all that the UNP Government could manage to achieve in its five year term was the “completion of the basic procedural requirements to set in motion the process of implementation of the Pact.” It was only in the subsequent years that the process of implementation could get actual speed.

To some extent, India too was responsible for delay in the implementation of the Pact. First, previously it followed a legalistic

* The FP supported the Bill for two reasons: First, there was no provision for compulsory repatriation of the Indian Tamils. Second, the plan for a separate electoral register was abandoned.
approach of the reciprocal clause of 4:7 for the grant of citizenship, thus failed to fulfill its obligations of absorbing the stipulated number of stateless persons for the period 30 October 1964 – June 1970. Second, India did not seem to be active in the follow up actions after signing the Agreement on the matters related to its implementation. Even in the Joint Committee too, which was constituted to supervise the implementation of the Pact, the issue of tardy process of implementation was not taken up. Perhaps, the change in leadership in India following the death of Lal Bahadur Shastri might be responsible for the laxity on the part of the Indian Government in implementing the Pact.

**Indira Gandhi-Dudley Senanayake Talks**

But in the joint communiqué issued after the visit of Sri Lankan Prime Minister to India in 1968, it was stated that the progress in implementing the 1964 Agreement was satisfactory.\(^{48}\) It was certainly an exaggerated statement as it was only in April 1968 that both the countries had finally called for applications for the grant of citizenship. In fact, till November 1968, the total number of stateless persons who had actually been granted Sri Lankan citizenship was less than 200, while India, during October 1964 – September 1968, had conferred citizenship to about 25,000 such persons under the citizenship clause of its Constitution.\(^{49}\)
During their discussions, the Sri Lankan Government agreed to accelerate the grant of Sri Lankan citizenship to persons whose applications were pending, while the Indian Government expressed its determination to consider the pending citizenship applications as quickly as possible. But in reality there was hardly any striking development towards a full-scale implementation of the Agreement in the subsequent years.

However, Senanayake’s India visit successfully solved a major issue concerning the repatriation of assets to India. In short the matter was that the Sri Lankan Government started a Foreign Exchange Entitlement Certificate scheme in May 1968, whereby certain specified foreign exchange transactions were brought within the purview of a new rate of exchange. The rate was at first determined by bidding for such certificates at public auctions and later stabilized at 40 percent above the official rate of exchange. It was also decided that the higher rate of exchange would apply in the case of remittances of assets of the repatriates to India. This would have adversely affected the repatriates particularly in view of the fact that the total life savings of most of them had hardly exceeded four or five thousand rupees. However, during the Indo-Sri Lanka bilateral talks in November 1968 in New Delhi, Senanayake agreed to reverse his Government’s policy and declared that the repatriates to India under the 1964 Agreement would be allowed to transfer all their assets to the full limit (Rs.75,000) permitted under the
current Exchange Control Regulations without purchasing Foreign Exchange Entitlement Certificates.$^{52}$

By the time the procedural issues were sorted out, the tenure of the UNP Government was over. In the May 1970 general elections, Sirimavo Bandaranaike staged a come back and formed a United Front Government comprising her own SLFP, the Lanka Sama Samaja party and the Communist Party. As mentioned in the Governor General’s speech, the UF Government promised to take initiatives to quicken the process of implementation of the Pact.$^{53}$

**Sri Lankanization Policy of Mrs. Bandaranaike**

Unlike her predecessor, Sirimavo Bandaranaike did not carry the baggage of any of the Tamil parties and therefore felt free to pursue policies in favour of ‘Sinhala aggrandizement’. In this process the UF Government adopted several measures to impose state control over the export-import trade and thus reduced the alien control of the private sector. Her Government introduced in Parliament the Business Undertaking (Acquisition) Bill on 27 October 1970, and proposed to end the system of issuing temporary Residence Permits which were granted to the Indian nationals. The purpose behind this proposal was, increasing the employment opportunities for the Sinhalese.

In respect of the proposal of the abolition of temporary Residence Permit system to Indian Tamils, it is worth noticing that during
the time of the enactment of the Indo-Ceylon Agreement (Implementation) Act, the SLFP leaders bitterly criticized the UNP Government for not sincerely recognizing the hardships which the Sinhalese suffered due to the 'alleged monopolization' of employment by the aliens. They maintained that unless and until the Indians were repatriated, there were no prospects of increasing the employment opportunities for the Kandayan Sinhalese of the up country region.\textsuperscript{54} It was in this context that several members criticized Premier Dudley Senanayake for his failure to stick to the reciprocal clause of 4:7 envisaged in the 1964 Pact, and maintained that he agreed to leave enough loopholes in the Indo-Ceylon Agreement(Implementation) Act of 1967 to allow the Indian labourers to remain in the plantation sector.\textsuperscript{55}

Accelerating the process of repatriation to India was therefore must to implement the proposal regarding the cancelation of the system of temporary residence permits. It must be noted that by the end of 1969, only about 13,000 out of 66,000 persons who were conferred Indian citizenship up to January 1970, were repatriated\textsuperscript{56} to India. This made only 19.7 percent of the total persons who were registered as Indian nationals. The slow rate of repatriation might be attributed to the reason that the Indo-Ceylon Agreement(Implementation) Act of 1967 did not made the repatriation of persons (who were granted Indian citizenship) a pre-requisite for the granting of Sri Lankan citizenship. Rather it linked the latter only with the registration of stateless persons as Indian
nationals. In some cases, the delay on the part of the Sri Lankan Government in releasing the EPF and gratuity, was responsible for not allowing those to repatriate who opted for physical repatriation and who had acquired the Indian passport too.

Puri Plan

Under 'Puri Plan' (named after its author Y.P. Puri, Indian High Commissioner in Sri Lanka), India decided to accelerate the pace of repatriation to India. Puri Plan maintained that India would take back annually 50,000 PIO who had bonafide claims for Indian citizenship, prior to the actual conferment of Indian nationality. The repatriates under this plan were to be provided with travel documents and not Indian passports. The provident fund claims of potential Indian citizens were to be decided on the recommendation of the Indian High Commissioner in Sri Lanka.\(^5^7\)

But the Sri Lankan Government did not like the proposal and the SLFP leader, Ronnie de Mel maintained that,

"The former Indian High Commissioner to Ceylon, C.C. Desai, had sabotaged the Nehru-Kotelawala Agreement. The Government should not allow the present Indian High Commissioner, Y.P. Puri, to sabotage the Sirimavo-Shastri Agreement through his proposal".\(^5^8\)
In the opinion of political observers, Puri Plan was not only against the “letter and spirit of the Pact” but it would also serve as “disincentive for Indians to return home”. Another reason of rejection of Puri Plan may be attributed to Sri Lankan apprehension that the repatriated Indians might return to the island as illicit immigrants, as they would not be given citizenship before their departure to India. The other reason for the rejection of the plan might be the concern of the Sri Lankan Government vis-a-vis the large-scale exodus of workers from the plantation which in the opinion of some persons, would adversely affect the production of tea.

Controversy About the Registration and Repatriation

To fasten the implementation of the 1964 Pact, in 1971 the UF Government introduced an Amendment to the Indo-Ceylon Agreement(Implementation) Act of 1967 which associated the pace of conferring Sri Lankan citizenship with the number of persons repatriated to India and not merely with their registration in Sri Lanka as Indian citizens. It also included a section 15 A in the 1967 Act, which meant two to five years of rigorous imprisonment to employers who retained the services of those repatriates who even after the expiry of their residence permits, overstayed in the island. Mrs. Bandaranaike stated that the present Amendment was essential to cope up the delay caused to the implementation of the Agreement in the past. She maintained,
"The Pact is for fifteen years. We are five years behind time. Only 26,000 have left so far, when in fact more than 1,50,000 (sic) should have gone. These two amendments are important if we are to implement the Pact in the real letter and spirit".63

Dudley Senanayake’s UNP supported the Amendment and justified his action delinking the grant of Sri Lankan citizenship from the actual repatriation to India on the ground that the time bound repatriation programme was not possible at that time in view of the foreign exchange burden. He also maintained that the number of stateless persons who applied for Indian citizenship would have been less had there been an immediate repatriation. He expressed that four lakh people applied for Indian citizenship considering the fact that there was no provision for their immediate repatriation under the Indo-Ceylon Act of 1967.64

The FP which favoured the Indo-Ceylon Act of 1967 for amending certain inconsistencies of 1964 Pact, completely disfavoured the UF Government’s decision to go back to the terms of the Sirimavo-Shastri Pact of 1964.65

DWC being a political ally to the SLFP in the 1970 general elections, exhibited a significant shift in this attitude and supported the Amendment on the ground of the deep desire of numerous stateless persons to repatriate to India. It also applauded UF Government for the conclusion of the 1964 Pact.66
At the same time, the CWC described the Amendment as an “act of political vengeance by using the steam-roller majority of the UF in Parliament”.

Over all, all the Sinhala parties whether in Government or in opposition, got together to deprive the Tamils of the advantages they had successfully extracted earlier as a price for political support to the UNP. The UNP after losing the elections too felt that it had indeed paid a heavy price for pandering to the Tamils. It had alienated the Kandyan Sinhala opinion, which accused it of bartering away their interests. In this context, it must be noted that the primary reason which governed the UF Government’s decision to repeal the Act of 1967 was once again the electoral alliance factor. The SLFP considered the CWC as its bitter political opponent as it continued its electoral alliance with the UNP. And that’s why UF leaders carried a massive propaganda against the UNP-CWC alliance during the 1970 electioneering. The gist of the matter was that the Indian Tamils were now left without any support from any quarter.

**India’s Reaction to the Amendment Act of 1971**

Opposition parties in India bitterly condemned the Amendment. A member of the Communist Party of India (CPI) in Parliament, M.

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* The UF’s majority was beyond all expectations. It won 115 of the 151 elective seats in the 1970 general elections. The SLFP alone obtained an overall majority (90 seats); the LSSP secured 19, and the CP got six seats.
Kalyanasundram, maintained that the “unilateral decision” of the Sri Lankan Government to amend the Indo-Ceylon Agreement (Implementation) Act of 1967 would lead to “forcible repatriation” of a large number of stateless persons from Sri Lanka. He also criticized the inclusion of a new section 15 A in the 1967 Pact.\(^{68}\)

DMK member Era Sezhiyan questioned the entire approach of the Indian Government regarding the stateless problem. He maintained that the present Amendment made the conditions for the repatriation of stateless persons ‘stringent’.\(^{69}\) In Tamil Nadu Legislative Assembly several members maintained that a large-scale repatriation would make the task of their rehabilitation in the state difficult.\(^{70}\)

So far Indian approach was concerned, Indian Government maintained that the Amendment was not essentially anti-Indian and was in accordance with the Indo- Sri Lanka Agreement of 1964 which was the relevant document as far as India was concerned. India maintained that the present Amendment was after all a part of Sri Lanka’s internal matter.

In fact the Amendment was pre-planned and it was the result of the new found friendship of New Delhi with Colombo in the Non-aligned movement. This was evident from the statement by Felix R.D. Bandaranaike (Minister of Public Administration and Local Government) during the debate on the Indo-Ceylon Agreement Implementation (Amendment) Bill. He expressed the opinion of Indian Foreign Minister,
Swarna Singh, who maintained that the "legislation enacted by Dudley Senanayake, no doubt, gave India a more favourable basis (sic. Position) than the treaty (sic. Pact) concluded between the two countries in 1964". Felix also disclosed that Swarna Singh minced no words in stating that "India would stand by the treaty (sic. Pact) and promise, and the 1971 Amendment was irrelevant as far the Indian Government was concerned".

**Sirimavo-Indira Gandhi Talks of 1973**

Another issue which Mrs. Bandaranaike raised was the inadequate response of the stateless persons to the Indian citizenship. It has already been mentioned that the number of persons desirous of acquiring Sri Lankan citizenship was far in excess of the number stipulated in the Agreement. As such, Mrs. Bandaranaike requested the Prime Minister Indira Gandhi to extend the time limit by re-opening the register in the Indian High Commission, which was closed in April 1970, in order to enable the applicants who were rejected for Sri Lanka citizenship to reapply for Indian citizenship.*

At the Indo- Sri Lanka officials' talks of February 1973, the another issue of discussion was related to expedite the pace of repatriation to India. The same issues were discussed in the Sirimavo-

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* Sri Lanka's argument was that whereas it was to absorb only three lakh stateless people, nearly double that figure had applied and that, therefore, the majority of them had to be inevitably rejected. Of the 2,40,000 applications covering the 625,000 persons, 55,400 had been rejected till the end of 1972.
Problem of Indian Tamils: Inter-Governmental Negotiations

Indira Gandhi meeting in Colombo in April 1973. Accordingly certain arrangements acceptable to both the sides were adopted. India agreed to increase progressively the number of repatriates who had opted for Indian nationality by a cumulative 10 percent each year over the figure of 35,000 deemed in the Agreement; reaffirmed its commitment to absorb all the 5.25 lakh persons provided in the Indian quota; and declared to extend the term of the Agreement for two more years (i.e. from 1979 to 1981).

Here it must be noticed that during early seventies, it was the spirit of cordial relations between India and Sri Lanka that paved the way for these arrangements.

Srimavo-Indira Gandhi Pact of 1974

In January 1974 during the Sri Lankan Prime Minister’s visit to India, the prime issue was to sort out the problem of 1.5 lakh residue stateless people. Under the Agreement, both India and Sri Lanka agreed to share them in equal numbers, i.e. 75,000 persons (along with their natural increase) for each side. The Agreement which was to be implemented in two years, would begin its operation only after the complete implementation of the 1964 Pact. It was also maintained that the Sri Lankan citizenship would be conferred in the ratio of 1:1 to the number repatriated to India and the similar facilities would be provided to the repatriates under the present Pact as in the 1964 Agreement. The 1974 Pact also provided that on the date of the conclusion of the present Agreement, those who were employed, would be allowed to remain in job
till the age of 55 years or the date of their repatriation whichever was earlier and that they would be allowed to transfer their assets on the same terms as in the original Agreement.\textsuperscript{75}

In order to end the ‘Indian Tamil problem’ at least in principle, the 1974 Pact was a supplementary as well as complementary to the 1964 Agreement.\textsuperscript{76}

**Factors Responsible for the Conclusion of the 1974 Pact**

The spirit of mutual understanding and goodwill guided India and Sri Lanka to arrive at a settlement. In particular since 1970, both the countries enjoyed friendship evolved due to changing political, economic and strategic relations between the two countries. Besides changed political scenario was also responsible for evolving the gestures of goodwill.

Significantly, the personal equations between Indira Gandhi and Sirimavo Bandaranaike had been instrumental in determining the pattern of Indo- Sri Lanka relations. Although the UNP Prime Ministers in the fifties had a great admiration for Nehru’s statesmanship, their personal identity with him was low. They perceived India as a potential threat to the island’s security and therefore sought to rely on Britain to protect its national interests. However, since 1956, Nehru maintained a good personal rapport with the SLFP Prime Ministers – S.W.R.D. Bandaranaike and Sirimavo Bandaranaike. After Nehru’s death, Indira
Gandhi and Mrs. Bandaranaike developed a high level of personal equation which became a significant factor in the bilateral context during 1971-77.77

The cordial relations between two countries could be illustrated from the fact that in April 1971, India was one of the very few countries that responded with effective military assistance to Sri Lanka’s call for help against the Janatha Vimukthi Peramuna (JVP) or People’s Liberation Front, which planned to overthrow the UF Government. While Sirimavo Banadaranaike remained grateful to Indira Gandhi, the latter failed to drive home the advantage in favour of the Indian Tamils. More importantly, the Indian Government bore the entire cost of the military assistance given to Sri Lanka.78

Besides, both the countries had a common perception and similarity of approach on the issue of the Indian Ocean. Realizing the threat posed to the littoral, hinterland, and island states by the growing great power rivalry in the Indian Ocean, India strongly supported the Sri Lankan initiative to make the Indian Ocean a ‘Zone of Peace’ at the Lusaka Summit in 1970 as well as in the United Nations since 1971.79

Improvements in bilateral political relations led to creation of a better economic cooperation between India and Sri Lanka. With the balance of payment situation becoming increasingly grave after 1970, Sri Lanka sought India’s cooperation to reduce its trade imbalance.80 Also,
India agreed to conduct joint feasibility studies on six major industrial ventures, and extended a huge amount of economic credit and technical assistance to Sri Lanka during 1970-77.\textsuperscript{81}

It was apparent to every one that this friendship between India and Sri Lanka developed despite the ambivalent attitude (obviously inclined towards Pakistan) adopted by Mrs. Bandaranaike on the Bangladesh crisis (1971). While declaring a neutral position on Indo-Pakistan conflict and expressing its sympathy for India which supplied essentials to a large number of refugees, Sri Lanka considered the East Bengal crisis an internal affair of Pakistan and therefore insisted for a political settlement between the two wings of Pakistan and not by interference of India. It stood against the dismemberment of Pakistan and voted in favour of the UN ceasefire resolution. It is noteworthy that the Sri Lankan Government extended strategic facilities to Pakistani civil and military planes to use its air space despite India’s protests.\textsuperscript{82} Even after the crisis was over, Sri Lanka did not accord recognition to Bangladesh until March 1972 because it did not wish to offend Pakistan’s susceptibilities. But all these events could not affect the friendship of Mrs. Gandhi and Mrs. Bandaranaike.

It was against this background of good neighbourly relations between India and Sri Lanka that they arrived at a ‘negotiated settlement’ of the stateless problem.
Reactions to the 1974 Agreement

Except CWC, almost all the Sri Lankan parties appreciated the 1974 Agreement. The CP admired Mrs. Bandaranaike who successfully found an ‘amicable solution’ to the long existed problem of ‘statelessness’. Similarly, the DWC (an electoral ally of the SLFP) described the conclusion of the Pact as a “historic achievement” of Mrs. Bandaranaike.83

However, Thondaman vehemently criticized the Agreement. While expressing the view that India made more ‘concessions’ to the Sri Lankan Government on the stateless problem of the Indian Tamils,84 he maintained that:

“Once the diplomatic dressings are removed from the 1974 Agreement, the fact that emerges is that the two Governments have continued with their number game in determining the future status of a group of human beings without any regard to their preference or choice in the matter.”85

Thondaman regretted,

“The people of Indian origin had been reduced to a status of “merchandise” by the two countries in the name of good relations. We are a community of human beings with soul, mind and body, with personality and cannot be apportioned between
countries like beasts of burden at others' whims
and fancies only to maintain good neighbourly
relations. .......... Humanity cannot be converted
into merchandise in this modern age."

The Agreement was also not welcomed by the Tamil Nadu
Government. Chief Minister Karunanidhi expressed his discontent over
the conclusion of the Pact without consulting the state Government. He
contended: "...the stateless person should not be obliged to live in a
country other than the one he opts for". Karunanidhi expected the
central Government to ascertain his views because it was the state
Government which carried the burden of rehabilitating the repatriates in
Tamil Nadu.

The Sri Lankan Press however welcomed the Agreement. The
_Ceylon Daily News_ congratulated Mrs. Bandaranaike for what it termed
as "completion of the unfinished task".

Also public opinion in India was by and large supportive of the
Pact on the ground that it 'removed a major irritant' in the bilateral
relations between the two countries. However, _The Hindu_ (dated 31
January 1974) which supported the cause of the Indian Tamils over the
years, held the view that the Agreement was a 'distinct gain' for Mrs.
Bandaranaike. Nevertheless the Indian Tamils were annoyed at the Indian
stand and felt cheated that the Government of India had turned its back on them in view of the new found friendship with Colombo.


Despite all the efforts and determination of the Sri Lankan and Indian Government, the implementation process of the Pact was recorded to be unsatisfactory, as is evident from the table below:

**Table 2.2**

**IMPLEMENTATION OF THE 1964 AGREEMENT DURING 1970-76**

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of persons granted Indian citizenship</th>
<th>No. of persons repatriated to India</th>
<th>No. of persons granted Sri Lankan citizenship</th>
</tr>
</thead>
<tbody>
<tr>
<td>From July 1970 to December 1973</td>
<td>1,15,062</td>
<td>92,690</td>
<td>52,294</td>
</tr>
<tr>
<td>1974</td>
<td>43,325</td>
<td>35,141</td>
<td>20,074</td>
</tr>
<tr>
<td>1975</td>
<td>34,675</td>
<td>18,511</td>
<td>10,591</td>
</tr>
<tr>
<td>1976</td>
<td>21,670</td>
<td>33,321</td>
<td>19,033</td>
</tr>
<tr>
<td>Annual Average</td>
<td>33,035</td>
<td>27,640</td>
<td>15,691</td>
</tr>
</tbody>
</table>

It is evident from the table that the UF Government neither fulfilled its commitment (except in 1974 and, to some extent, in 1976) of granting Sri Lankan citizenship to the stipulated 20,000 persons every year, nor repatriated the pre-determined number of (35,000 before 1974 and 10 percent increase each year over this number from 1974 onwards) Indian nationals. Also, the annual average of repatriation for the period 1970-76 remained low. Even though both India and Sri Lanka did not observe the ratio 7:4, the pace of granting Indian citizenship was relatively faster than the conferment of Sri Lankan citizenship. The data also show that although nothing great was achieved in the implementation of the 1964 Pact during 1970-76, the pace of registration-repatriation process was much speedier than that of the initial phase (i.e. 1964-70).

Therefore, after about 12 years of the implementation of the 1964 Agreement (October 1964-1976), India granted citizenship to about 54 percent of the stipulated number of 5.25 lakh persons and repatriated only 67 percent of the total number of people registered for its citizenship. Sri Lanka, on its part, fulfilled only 37 percent of its commitment (i.e. 3 lakh persons).


In India and Sri Lanka, Governments got changed owing to the general elections of 1977. In India, the Congress Government, which signed both the 1964 and 1974 Agreements with the Sri Lankan
Problem of Indian Tamils: Inter-Governmental Negotiations

Government led by the SLFP, was replaced by the Janata Government in March 1977 general elections. Similarly the UF Government lost power in July 1977 general elections and the UNP headed by J.R. Jayewardene came to power. Both the Governments recognized the issue of implementation of the 1964 Agreement as important because its operational validity would be expiring in another five years time.

The Janata Government and the Implementation of the Pact

The Janata Government decided to implement the 1964 Pact in its letter and spirit. During his visit to Sri Lanka in February 1979 the then Prime Minister Morarji Desai described the Agreement as a ‘sign of maturity and sincerity’ of both the Governments in resolving the stateless problem. He also expressed that the movement of the stateless population from the island was in ‘harmony’ without creating any ‘rancour’. Here it could be noticed that in place of adopting Nehruvian approach which searched solution in legal principle, Desai endorsed, Lal Bahadur Shastri’s principle of ‘numerical formula’ to settle the issue of stateless persons. He also favoured the method of voluntary repatriation in place of compulsory repatriation of stateless persons to India.

The slow pace at which the Pact was being implemented was a matter of concern for India. In 1978 the two countries decided to set up a Joint Committee of Officials to review periodically the progress in the implementation of the 1964 Agreement and remove difficulties that were
experienced in implementation. Also both the Governments determined to
improve various procedures with regard to the implementation of the
Agreement.\textsuperscript{92}

As the process of repatriation got expedited and accelerated, the
problem raised its head on the Indian side, in terms of accommodating the
repatriates and providing them rehabilitation facilities. Responding to the
Sri Lankan Government's decision to offer Rs.500 each to certain
categories of Indian residents as an inducement for repatriation, the
External Affairs Minister, A.B. Vajpayee stated that Sri Lanka should not
insist on sending back all the repatriates together to India unless the
Indian Government was ready to receive more people, and properly
rehabilitate them.\textsuperscript{93} This linkage was definitely against the provisions of
the 1964 Pact.

The UNP Government and the Implementation of the Pact

Previously, the UNP Government did not bother to accelerate
the process of implementation of the Pact owing to certain reasons. First,
UNP Government's first preference was to restructure the Sri Lankan
political system from Parliamentary to Presidential type of Government
(The second Republican Constitution of Sri Lanka came into force in
September 1978).\textsuperscript{94} Hence almost for two years other issues like
statelessness remained unattended. Second, the growing movement for
"Eelam" in the island had unobstrusively set aside the problems of the
Problem of Indian Tamils: Inter-Governmental Negotiations

Indian Tamils which prominently dominated the national agenda since independence. Neither the people nor the leaders gave adequate attention to the stateless issue.

Yet, the compulsions of internal politics made the UNP Government to adopt certain measures to end the issue of statelessness as early as possible. Under the persuasive influence of the CWC which became a constituent part of the UNP Government after Thondaman’s appointment as a Cabinet minister in September 1979, President Jayewardene constituted a three member committee (which included Thondaman also) in 1980 to explore the possibility of redressing the main grievance (i.e. statelessness) of the Indian Tamil community. The desire to gather the Indian Tamils support to win Parliamentary and Presidential elections originally scheduled for 1983 and 1984 respectively, directed UNP to think on the above explained lines.

**Indo-Ceylon Agreement (Implementation) (Amendment) Act of 1981**

Following the recommendations of the committee based on the CWC’s suggestion, the UNP Government introduced in the Parliament an Amendment to the Indo-Ceylon Agreement (Implementation) Act of 1967. Reverting to the Dudley Senanayake formula by repealing the Indo-Ceylon Agreement Implementation (Amendment) Act of 1971, it

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*The Sinhalese – Tamil ethnic rivalry attained a new dimension after 1977 general elections. Since 1977, the UNP Government’s principle task was to manage the ethnic conflict in the island.*
linked the grant of Sri Lankan citizenship ‘only’ with the conferment of Indian citizenship, and not with the number of persons repatriated to India.97

Prime Minister Premadasa maintained that the fundamental objective of the Amendment was to increase the pace of granting Sri Lankan citizenship. He pointed out the legal obstacles involved in this task due to the stipulation of the reciprocal clause of 4:7 in the 1964 Pact, he maintained that the stateless people were suffering due to “no fault of theirs”.98

But SLFP had vehemently opposed the Amendment on the ground that it had violated the 1964 Pact.99

Importantly, the CP, which opposed the Indo-Ceylon Act of 1967, supported the present Amendment. Its spokesman, however urged the Government to grant Sri Lankan citizenship to all those stateless persons who opted for it.100 This kind of shift in the Left Party’s attitude on the stateless issue was basically linked with the political alliance factor. Actually the CP broke off its relations with the SLFP in 1976 and formed an independent opposition group.

Thondaman welcomed the Amendment and maintained that it helped granting citizenship to about 40,000 persons who otherwise would have continued to survive as stateless for a long time.101
Problem of Indian Tamils: Inter-Governmental Negotiations

Record of Progress in the Implementation of the Pact During 1977-1981

The unsatisfactory progress in implementation of the Agreement in nearly five years is evident from the table below:

Table – 2.3

IMPLEMENTATION OF THE 1964 PACT DURING 1977-81

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>Annual Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Granted Indian Citizenship</td>
<td>96142</td>
<td>19,228</td>
</tr>
<tr>
<td>Total Repatriated to India</td>
<td>99,059</td>
<td>19,811</td>
</tr>
<tr>
<td>Total Granted Sri Lankan Citizenship</td>
<td>55,744</td>
<td>11,148</td>
</tr>
</tbody>
</table>


The number of persons who were granted citizenship by both sides indicated that the ratio stipulated in this regard was not being strictly observed. Also, the deteriorated rate of repatriation could be noticed due to the reluctance of many repatriates to opt for physical repatriation to India.
The position in October 1981 was that India had granted citizenship to about 373,900 persons and repatriated around 284,300 while Sri Lanka had absorbed 162,000 stateless persons as its citizens. Significantly, the period stipulated for operation of the 1964 Pact ended on 31 October 1981.

Under these circumstances a serious disagreement arose between India and Sri Lanka on the matter regarding the continuation of the implementation of the 1964 Pact. In the year which followed October 1981, the issue of extending the period of operation of the 1964 Agreement became a matter of discussion between the two Governments.

Hence, the Shastri-Bandaranaike Agreement of 1964 ran out on 31 October 1981 after the extended life of 17 years, without providing any solution to end the statelessness of the Indian Tamils. As such, the citizenship issue attained a new dimension in Indo-Sri Lanka relations since 1981. This situation made one to ask a number of questions regarding the issue of stateless persons. Could the Pact be made operational? If not, how would the long drawn out citizenship problem be solved? Should Sri Lanka have accepted all the remaining stateless Indian Tamils as its citizens? If both the countries refused to accept them as their citizens, what kind of new approach (in form of agreements) could be adopted to determine their future and settle their lives?
Now we would examine Indian Government’s approach to the stateless issue in the eighties.

The Offshoots of The Implementation of the 1964 Agreement

The implementation of the 1964 Pact produced many categories of the Indian Tamils when it ceased to be operational in October 1981. They could be classified as those:

a) Who had been conferred Sri Lankan citizenship under the Indian and Pakistani Residents’ (Citizenship) Act of 1949 as well as the Agreements of 1954;

b) Who had been granted citizenship under the Indo-Ceylon Agreement (Implementation) Act of 1967;

c) Whose applications for Sri Lankan Citizenship had been accepted, but citizenship had not been granted;

d) Whose applications for Sri Lankan citizenship were pending decision;

e) Whose applications had been rejected for Sri Lankan citizenship;

All these were the Sri Lankan categories. The Indian categories were as below:

a) Whose applications for Indian citizenship had been accepted, but, they had not been granted citizenship;
b) Whose applications for Indian citizenship were pending
decision;

c) Whose applications for Indian citizenship were pending
decision;

d) Who had been conferred Indian citizenship, but were not
repatriated for one or the other reason;

e) Who were conferred Indian citizenship and hence opted for
repatriation, but withdrew their decision in favour of a
constant stay in Sri Lanka without the Resident Permit
going extended;

f) Those who had neither applied for Indian nor Sri Lankan
citizenship under the Pact, thus were in a state of flux;

g) Who had been dealt with by the Sirimavo – Indira Gandhi
Pact of 1974, but remained to be stateless.

The effects of the implementation of the Pact for seventeen
years were limited. Table 2.4 makes it very clear. The tardy process of
the implementation of the Pact could be attributed to the divergent views
of India and Sri Lanka on the provisions of the Agreement. Besides
delays in the enactment of the Indo-Ceylon Agreement (Implementation)
Act, associating the conferment of Sri Lankan citizenship merely with the
granting of Indian citizenship to the stateless people (not with their
repatriation as envisaged in the 1964 Pact) during the UNP rule, the
delays in the settlement of the assets of the repatriates by the Sri Lankan Government and lastly, the unwillingness of the repatriates for their physical repatriation to India, were among the other reasons which were responsible for the slow process of implementation of the 1964 Pact.

Table - 2.4

PERSONS GRANTED CITIZENSHIP UNDER THE 1964 AGREEMENT UP TO 1981

<table>
<thead>
<tr>
<th>Category</th>
<th>Accountable Persons</th>
<th>Natural Increase</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of persons granted Indian Citizenship</td>
<td>373,912</td>
<td>124,429</td>
<td>498,341</td>
</tr>
<tr>
<td>No. of Indians repatriated</td>
<td>284,300</td>
<td>91,144</td>
<td>375,444</td>
</tr>
<tr>
<td>No. of persons granted Sri Lankan citizenship</td>
<td>162,112</td>
<td>48,548</td>
<td>210,660</td>
</tr>
<tr>
<td>Total number of stateless persons absorbed as Indian and Sri Lankan citizens</td>
<td>536,024</td>
<td>172,977</td>
<td>709,001</td>
</tr>
</tbody>
</table>


The figures mentioned in the table clearly indicate that:

(i) Only about 65 per cent of the total stateless persons, covered by the 1964 Agreement had been conferred either Indian or Sri Lankan citizenship, rest 35 per cent continued to be stateless.
(ii) According to their commitment made in the 1964 Pact (5.25 lakh and 3 lakh persons respectively) India and Sri Lanka were required to grant citizenship to about 1.51 lakh and 1.37 lakh persons respectively. But while India ran short of 19,000 applicants, Sri Lanka had a surplus of around 3.25 lakh applicants.

(iii) Out of 5.06 lakh persons who applied for Indian citizenship, \(^\text{*}\) India still had to get rid of the applications of about 1.32 lakh persons of the 6.25 lakh applicants for Sri Lankan citizenship, \(^\text{**}\) Sri Lanka had to finish off the applications of around 4.62 lakh persons.

(iv) However, none of the two countries strictly followed the 4:7 ratio as mentioned in the Pact, but India, no doubt, appeared to be quicker than Sri Lanka in granting citizenship to the stateless persons. nevertheless, India repatriated only about 76 per cent of the total number of stateless persons who were granted Indian citizenship.

Non-Implementation of the 1974 Pact

It is important to notice that the Sirimavo-Indira Gandhi Pact (1974) was to be implemented only after the complete implementation of

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* By May 1970, only 4 lakh persons applied for Indian citizenship. Between May 1970 and October 1981, about 1.06 lakh persons more applied for Indian citizenship after their applications for Sri Lankan citizenship were rejected.

** Out of 6.25 lakh applicants for Sri Lankan citizenship, a few thousand were rejected or withdrawn latter.
the Sirimavo-Shastri Pact (1964). The leaders of both the countries thought that the implementation process of the 1964 Agreement would not take time more than the end of October 1981 to be completed, hence, determined 31 October 1981 as the day for putting the 1974 Pact into operation.

But, the incomplete implementation of the 1964 Pact made the latter Agreement (1974) a non-starter. This resulted in the accumulation of a large number of applicants for both Indian and Sri Lankan citizenship. “As per the quota prescribed for India and Sri Lanka under the 1964 and 1974 Agreement, the number of people still to be granted citizenship by the former rose to around 2.26 lakh, while the latter was to absorb a rough total of 2.12 lakh persons”  

Although 75,000 persons more included in India’s quota, it was still running short of 94,000 persons to meet its commitment. So far Sri Lanka was concerned, it still had applicants far in excess of the stipulated quota.

The Problem of Natural Increase

The stateless issue became more complex in 1981 owing to the riddle of ‘natural increase’. The number of ‘natural increase’ (those who were born on and after 1 November 1964) was absolutely nil on 31 October 1964. As 17 years passed (till 1981), their number had recorded a
steep increase (from zero per cent in 1964 to 49.25 per cent in 1975) as the children of 1964 became parents.  

As a result, most of the post-1981 stateless persons were not only those who were born before 31 October 1964, but also their natural increase plus the natural increase of the natural increase. Most of their fathers and grandfathers who applied for either Indian or Sri Lankan citizenship had lived and died stateless. In the case of some people, their families were divided. Now one can ask here was it legally and morally correct to declare these ‘new generations’ as stateless and to ask them to repatriate to an alien land with which only their parents or grand parents had some linkages?

**Issue of Stateless Persons During the Indira Gandhi Era, 1981-1984**

New Delhi now took an uncompromising stand that it was end of the road as far as India was concerned and that neither the existing document would be extended nor another agreement on the lines of the lapsed one negotiated. Sri Lanka however pleaded that the Agreement should not be allowed to lapse until the repatriation of the required quota of people had been completed.

Here one has to remember the change in circumstances that had taken place during the three years that Indira Gandhi was out of power. She had been humiliated by the needless and avoidable banter of Jayewardene during the time she was out of power (1977-79), for which
she developed complete dislike for him. She had returned to power in 1980 in a belligerent mood and saw no reason to accommodate Colombo anymore. The Indian High Commission in Sri Lanka was instructed by the Government of India to stop issuing the passport applications under the Sirimavo-Shastri Pact from 31 October 1981 onwards, thereby indicating that the Pact was no longer operational. In an *aide memoire* delivered by the Indian High Commissioner, Thomas Abraham, to W.T. Jayasinghe (Secretary to the Ministry of Foreign Affairs), India made it clear that it would accept not more than half a million stateless Indians who had opted for Indian citizenship. This made only 84 per cent of fulfilment of India’s commitment or about 1 lakh persons less than its commitment (i.e. 6 lakh persons) under the two Agreements. Besides, this figure did not include the natural increase.

Frankly enough, India made it clear that it would neither extend the duration of the Sirimavo-Shastri Pact nor agree to repatriate the stateless persons against their wishes.

Two factors seemed to have influenced India’s decision—the domestic political pressure against the conclusion of a new agreement and India’s renewed opposition to the principle of compulsory repatriation (in order to respect the wishes of the people concerned to make Sri Lanka

* The number included all those stateless people who were repatriated to India after the grant of Indian citizenship under the 1964 Pact until 30 October 1981; those who were issued Indian passports, and those whose applications for Indian passports were being processed.
their permanent home). The very day when the 1964 Pact got expired, the leaders of Tamil Nadu had demanded that no new agreement be signed on the stateless problem of the Indian Tamils. An all-party delegation led by Chief Minister M.G. Ramachandran met Prime Minister Indira Gandhi on 7 December 1981 and stressed this point of view.  

Moving a calling attention motion in the Rajya Sabha on 12 March 1982, V. Gopalsamy, a DMK leader declared that the people of Tamil Nadu did not wish New Delhi to enter into any more agreements with Colombo, and sought the centre to honour their feelings and wishes. He emphasized that it was the moral, political and legal responsibility and duty of the Government of Sri Lanka to grant citizenship to all those who had not been conferred either Indian or Sri Lankan citizenship, except those who had opted for repatriation to India and who had been given citizenship certificates.

On similar lines, the Communist Party leader, M. Kalyansundaram, vociferously criticized the Sirimavo-Shastri Pact and urged the Indian Government not to accept any more responsibility on this question. He reminded the Government:

"The Agreement lapsed, it is no more the problem of the Government of India. The Government of India should see that the remaining people are given automatically the citizenship of Sri Lanka"
unless somebody voluntarily opts for Indian
citizenship. That is the only way by which the
problem can be solved.\(110\)

A number of other members also maintained that Sri Lankan
Government should confer its citizenship on the stateless Indian Tamils.

The Sri Lankan Government however did not accept the Indian
stand. It maintained that until both the Governments accepted the agreed
number of stateless persons, the 1964 Agreement would continue to be in
effect.\(111\) There, in Sri Lanka, leaders were all the time busy in searching
points against India. The Minister of Justice, Nissanka Wijeyeratne,
argued that those PIO’s in Sri Lanka who were stateless reached in this
position only because of India and only by, implementing the 1964 Pact
as an ‘honourable instrument of settlement’, and granting them Indian
citizenship, justice could be done with them.

Hence, the difference of approach existed between the two
countries as India, without repudiating the Agreement, considered the
‘time frame’ set in it as an essential factor to determine the operational
validity of the Agreement, while Sri Lanka emphasized that the purpose
to be achieved was more important than the period stipulated. India also
realized that any extension of the implementation period of the 1964 Pact
or conclusion of a third agreement in the series of 1964 and 1974
Agreements would mean compelling those whose applications for Sri
Lankan citizenship had been rejected, to opt for Indian citizenship because such an arrangement would not guarantee the stateless persons a fair choice to become either Indian or Sri Lankan citizen.\textsuperscript{112} That means in many cases voluntary repatriation would become compulsory deportation to India.

Sri Lanka, on the other hand, maintained that if the implementation of the Pact discontinued by India without keeping its promise; it would amount to dishonouring the instrument of settlement and departing morally from the Agreement signed between the Prime Ministers of the two sovereign nations. However Sri Lanka expressed its desire for a bilateral negotiation so that a solution acceptable to both the Governments could be worked out to end the stateless problem once for all.

India, however on several occasions expressed its willingness to hold a further dialogue with Sri Lanka on the residue stateless question as it was not against having talks with Sri Lanka on this issue. Following the month of October 1981, its spokesman made it clear that his Government would welcome any step towards finding a comprehensive solution to the stateless question “bearing well in mind the desires of the people concerned” (emphasis added)\textsuperscript{113} Prime Minister Indira Gandhi herself stated “to ensure that the PIO continued to live in Sri Lanka as full citizens of the country”\textsuperscript{114} as in place of opting for Indian citizenship under the 1964 Pact they exhibited their willingness to be citizens of Sri
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Lanka. But due to the above mentioned reason India abandoned such an accommodative approach and the stateless issue was treated merely as a number game 'a soulless statistics'. Indian Tamils who were kept in the stateless category were considered as a “mass of pulsating hapless humanity caught in the throes of history”.

Here this is worth noticing that CWC welcomed India's new approach to the stateless question as “refreshing”. CWC President Thondaman proposed that “Those who opted for Indian citizenship should be allowed to do so with all facilities provided, while those who have decided to accept his country (Sri Lanka) as their home be granted their rights as full and equal citizens”.

The former CWC leader, M.S. Sellasamy made a suggestion that those people whose applications were rejected for Sri Lankan citizenship and those persons who had failed to apply for any citizenship under the Agreement (in the belief that they were already the island’s citizens) should be granted Sri Lankan nationality. This should be so because they had already decided their option for Sri Lankan citizenship in 1948 (under the Citizenship Act) and again in 1967 under the Indo-Ceylon Agreement (Implementation Act).

Hence, it could be maintained that the leaders of the Indian Tamils in Sri Lanka strictly opposed both the extension of the operational
validity of the Agreement and any further negotiation aimed at concluding a fresh pact on the stateless issue.\textsuperscript{118}

\textbf{From Bilateral to Internal}

With the change in the approach of India, the stateless question entered a new phase. Sri Lanka reluctantly accepted the Indian stand as President Jayewardene declared that “if the Government of India refused to consider taking more than a certain number, Sri Lanka had to adopt them as its citizens”. He continued: “we can not have stateless people. We can not put people in a ship and send them to India. We need them in our country also”.\textsuperscript{119}

As such Jayewardene accepted that the stateless question was no more a bilateral issue between India and Sri Lanka, but an internal problem of the island.

Here it must be noticed that Sri Lanka’s decision to grant citizenship to the residue stateless persons was not solely influenced by the Indian Government’s refusal to extend the operational validity of the 1964 Pact. The UNP Government’s electoral strategies also formed an important factor in this regard. President Jayewardene could ill afford to ignore the importance of the Indian Tamil votes in the forthcoming Presidential election and the subsequent referendum in 1982 to extend the tenure of Parliament for another six years. By promising to end the residue stateless problem, the UNP enlisted the electoral support of the
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Indian Tamils in 1982. In 1982 President Jayewardene set the year 1988 as a deadline to end the statelessness of the Indian Tamils. However, no action plan was worked out until January 1986. Under these circumstances Thondaman became the principal negotiator with the Sri Lankan Government on this issue.

A Road to Solution

In the meantime Sri Lanka was facing a new problem on another Tamil front that of the Sri Lankan Tamils living in the northern and the eastern provinces. The Sri Lankan Government was put on defensive owing to India's gradual involvement in the ethnic conflict on the side of the Sri Lankan Tamils. With the escalation of the ethnic conflict, Colombo began to turn to flexibility on the citizenship question. As we have already discussed that India adopted an uncompromising stand that after she had granted citizenship to those who had applied for Indian citizenship, the residual problem of persons of Indian origin resident in Sri Lanka was that of Colombo, Colombo decided to move intelligently on this issue by not involving India any more, and therefore adjusted herself to the changing scenario. On 15 January 1986 Sri Lanka and India after four days talks in Colombo agreed that in exchange for India granting Indian citizenship to all those who had applied before October,

* The Presidential election results revealed that Jayewardene won largely owing to the shift of the bulk vote of plantation workers to the UNP. Similarly without the Indian Tamil votes, the UNP Government would have found it difficult to swing the referendum.
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1981, the Government of Sri Lanka would grant its citizenship to all the remaining persons of Indian origin. The talks in Colombo were preceded by talks between S. Thondaman, President of the Ceylon Worker's Congress and a Minister in the Jayewardene Cabinet and the Indian Prime Minister Rajiv Gandhi. In fact it was one of the most fruitful by-product of the All Party Conference of 1984 which had been convened to find a solution to the ethnic problem of Sri Lanka Tamils.

If 'thesis' were the Sinhala oriented policies of Mrs. Bandaranaike, 'antithesis' was the accommodative approach of UNP towards Indian Tamils in the island. But Mrs. Bandaranaike was not ready to develop a 'synthesis' by accepting this approach of UNP and thus called upon the Kandyans living in the highlands to prepare for a "war" with the estate workers. Political observers described it an "open incitement to racial violence". "Mrs. Bandaranaike who regained her civic rights on 1 January following a Presidential "free pardon" warned that "Tamil MPs will come to Parliament from Nuwara Eliya, Bandarawela, Moneagala and even Ratnapura" following the Government's decision to give citizenship to the Stateless Tamils". She declared, "today we are being attacked from the North, if we get attacked from the hill country in addition, the Sinhalese will have no alternative but to jump into the sea." While other political parties and trade unions welcomed the new decision on the remaining persons of Indian origin, Bandaranaike wanted the question of granting citizenship and voting
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rights to another 94,000 estate workers to be placed before the people. The Government’s decision meant granting citizenship rights to 4,70,000 persons, she said and alleged that President Jayewardene had ‘contravened the “carefully considered legally valid” accord on a “single request” by the Rural Industries Development Minster and Ceylon Workers’ Congress leader, Mr. S. Thondaman. Therefore, the President has no right to remain one more minute in the office”, she roared ‘and asked the people to compel the ruling United National Party MPs to vote against the proposed bill on the subject”.123

Although the political dust was raised on the final solution, internally. Sri Lanka had a gloomy environment. The Government was already struggling hard to overcome the ethnic problem, which had raised its head in a very serious manner. India had involved itself in the internal problem of Sri Lanka and Sri Lankan Government was trying to use India’s good offices to find out a solution acceptable to both the Tamils and the Sinhalese. However it was a matter of great relief for Sri Lankan Government that not yet settled long existed problem of persons of Indian origin was moving towards a final solution. By 31 March 1995 the Indian Mission in Colombo and Kandy had registered and granted Indian citizenship to “5,92,919 persons of Indian origin (accountable 4,20,319 plus natural increase of 1,72,600)”. The number of persons who were repatriated to India was “4,61,999”. So far the citizenship of Sri Lanka was concerned under the various Agreements, it was to grant citizenship
to “4,69,000” accountable persons of Indian origin”. “Out of this figure up to 31-12-88, 3,37,620 (accountable 2,37,151 plus natural increase of 1,00,469)” had been granted Sri Lankan citizenship. “The balance of 2,31,849 stateless persons of Indian origin have been absorbed as Sri Lankans under the grant of citizenship to stateless persons (Special Provisions) Act no.39 of 1988”, the Agreement which was arrived at in January 1986 and the legislation passed to implement it. In principle this meant that there were no stateless persons of Indian origin left in Sri Lanka. Now Sri Lanka was left with the task of completing the paper work to grant its citizenship to all the remaining persons.

Re-establishment of the Nehruvian Approach

The Post-1981 period was to be known for bringing about changes in the policies of both India and Sri Lanka so far stateless question was concerned. Both the countries finally gave weightage to the needs and wishes of the Indian Tamils in their talks and negotiations of their (Indian Tamils) settlement.

Nehru, throughout his life span, never accepted the principle of compulsory repatriation. He maintained that Indian Tamils should be treated as ‘human beings’ thus never favoured forceful repatriation. In eighties, and post-1981 period India again maintained that PIO’s would not be repatriated against their wishes, thus a shift could be noticed clearly from the policy, pursued by Lal Bahadur Shastri. Hence, post-
1981 Indian leadership reflected a similarity in their ‘Indian Tamil’ policy, with the Nehruvian approach on the stateless question in Sri Lanka.

Simultaneously, a shift could also be noticed in the approach of UNP Government of 1948 and the UNP Government of 1988. In 1948, D.S. Senanayake denied citizenship to Indian Tamils on the ground that the citizenization and enfranchisement of the Indian Tamils would lead to the swamping of the kandyan electorates and to the breakdown of the electoral strength of UNP. After forty years, in 1988, the same UNP Government but under the leadership of J.R. Jayewardene, recognized injustice done by the D.S. Senanayake Government to the Indian Tamils and rectified this mistake by granting citizenship rights to the stateless persons because the UNP’s political survival was dependent on the Indian Tamil votes.

Why political parties recognized the importance of the Indian Tamil votes, could be best understood in the context of the changed political position of CWC. In the sixties and the seventies, CWC’s views were not considered important by the two major Sinhala parties – the UNP and the SLFP, because that time CWC was considered as an insignificant force from electoral point of view.

But in eighties, CWC emerged as a substantial political force from electoral point of view. Now the minority community votes were
desperately desired by the Sinhalese political parties to win the elections. Owing to this electoral reality CWC pressurized the UNP Government to accept its demands on the citizenship issue. As Thondaman stated, “we have got citizenship and equal status and are in a position to live in equality with everyone in the island... If any party wants to form Government, they have also to depend on our votes. Such is the situation. Most people realized this truth”\textsuperscript{125} With the emergence of ethnic crisis in the island and its consequent aggravation, the stateless question became more complicated ever before. The community which was deprived of citizenship was the Indian Tamil plantation workers. “They were not only ‘Indian’s in origin, but also ‘Tamil’ and it was this ethnic factor which made the community a vital part of the larger equation of the Sri Lankan ethnic crisis”\textsuperscript{126} This factor plus the possibility of Indian armed intervention for the purpose of safeguarding the Indian Tamil interests, might have compelled the elites led political parties of Sinhalese to accept CWC’s demands on the stateless question.

Besides, all other opposition parties excluding SLFP and MEP, and including LSSP and CP which earlier in sixties supported the principle of compulsory repatriation, too supported CWC’s demand of ending the issue of statelessness amicably and as earliest as possible. Now Sri Lankan press too exposed the plight of the stateless people.

India too, under the influence of certain factors, changed its policy towards the ‘Indian Tamils’. First, it was difficult to resist
domestic political pressure, thus, India checked itself from committing further on the repatriation of the stateless persons from Sri Lanka. Second, by adding one more bilateral agreement in the series of 1964 and 1974 Pacts, India did not intend to be a party to the compulsory repatriation of the stateless Indian Tamils from Sri Lanka. Third, moving diplomatically, in a changed atmosphere of UNP-CWC political relations, India gave favourable response to the views of CWC on the question of stateless persons of Indian origin.

Hence, it could be maintained that to some extent post 1981 period, from India’s point of view, witnessed the revival of Nehruvian stand on the stateless question. Perhaps, India’s firm determination of not entering into any new bilateral agreement with Sri Lanka and not accepting the principle of compulsory repatriation, would have been the substantial reason for compelling Sri Lanka to resolve the stateless question as earliest as possible.

Besides, ethnic crisis, which was aggravating quickly in the north and the east of the island and India’s day by day increasing indulgence into it might also be considered as one of the major reasons for resolving the citizenship question. As the ethnic crisis deepened, India reacted stridently on the citizenship question. India’s refusal to extend the Shastri – Bandaranaike Agreement beyond October 1981, was an example of this strident attitude. In a way, it was a sort of compulsion on the part of Colombo to accept all the remaining stateless persons still left in Sri
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Lanka as its citizens irrespective of the fact that India had failed to fulfill its quota as accepted in the 1964 and the 1974 Agreements. India’s argument was that Sri Lanka had to be equal in its treatment with all the Tamils whether estate workers or Sri Lankan Tamils (who migrated to Sri Lanka centuries back and later on being considered as a part of indigenous population) given strong ties of ethnicity, culture and kinship. Sri Lanka found it difficult to resist this argument of India, and the reason was that Sri Lanka had asked India for providing good offices so that an early political solution of this communal problem could be sought. Simultaneously, there was a lack of understanding on the part of both the neighbours, so far the issues like “security in the region involving the use of Trincomalee naval base and Oil Tank Farm, the up-gradation of Voice of America facilities, and arms assistance from Pakistan”,127 were concerned. India was however convinced that while being accommodative on the Indian Tamil question, Sri Lanka wanted to put India down on other issues. But at the same time, the refugee problem gave India an opportunity to assert its inherent right to press for a resolution of island’s communal problem that too in a manner which India considered to be fair and just so that the refugees could return to their homes with dignity and in full security of their lives and property. A situation parallel to Bangladesh which was fast growing in Sri Lanka and the detection of training camps in India for the Tamil militants, feared Sri Lanka quite a lot. It was also a fact that Sri Lanka could not collect any type of
assistance from any other country rather received advice to search a solution of the ethnic crisis along with India. Perhaps this than anything else would have been the major pulling force to prompt Sri Lanka to adopt an accommodative and extra lenient attitude on the question of citizenship at the end.

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5. Ibid., cols.978-80.


8. The Times of India, Editorial, 16 November 1964.

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15. *PDHR*, n.6, col.572.


17. *PDHR*, n.6, col.571. Also refer to the External Affairs Minister, Swarna Singh’s statement in the *Lok Sabha, LSD*, vol.35, no.8, 25 November 1964, col.1672.

18. Refer to the DMK leader, Annadhurai’s speech in the *Rajya Sabha, RSD*, vol.50, no.26, 22 November 1964, cols.4895-5902.


23. *PDHR*, n.6, cols.570-571.


26. For details see the text of the Minutes of the Indo-Ceylon Officials Meeting in PDHR, n.6, cols.555-567.


30. He pointed out that "the most important facet of the problem of the persons of Indian Origin was the necessity to identify them either as citizens of Ceylon or as citizens of India. This matter has been fully met in the bill". A.S. Bhasin, India-Sri Lanka Relations and Sri Lanka’s Ethnic Conflict Documents ~ 1947-2000, vol.II, p.914, India Research Press : New Delhi, 2001. At the same time, Senanayake emphasized that the implementation of the Pact would be conditioned by the availability of foreign exchange because the country needed around Rs.500 million (approximately $100 million) for the repatriation of 1.25 lakh families over the 15 year period. Ceylon Daily News, 22 February 1967.


32. PDHR, n.29, cols.4708-4710.

33. See Naganathan’s speech in PDHR, n.6, col.654 and Thondaman’s speech in PDHR, n.4, cols.1021 and 1023.


37. Ibid., p.111.


39. Ibid., cols.1711, 1714, and 1718-23.

40. Statement by M.C. Chagla (External Affairs Minister), LSD, n.38, cols.1724 and 1730.


42. RSD, vol.50, no.27, 23 December 1964, col.5006.


44. PDHR, vol.60, no.13, 17 June 1965, cols.2027-2078.


46. Refer to the speech by Federal Party leader, Naganathan, in the House of Representatives, PDHR, n.6, col.654.
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47. P. Sahadevan, n.1, p.178.


51. Kodikara, n.45, pp.73-74.

52. LSD, n.50, col.109, and Foreign Affairs Record, n.48.


54. Refer to the speech by the SLFP leader, Felix R.D. Bandaranaike in PDHR, n.34, cols.4649-83 and PDHR, n.6, cols.543-99.

55. See the Communist Leader, Pieter Keuneman’s speech PDHR, no.30, cols.4903-8.

56. LSD, fourth series, vol.37, no.11, 4 March 1970, col.89.


60. Ceylon Daily News (Editorial), 4 October 1970.


66. Refer to the speech by DWC President A. Aziz, *PDHR*, n.64, cols.1475-82.


69. Ibid., col.138.

70. See *Tamil Nadu Legislative Assembly Debates*, vol.9, pp.44-57, no.1, 22 July 1971.

71. *PDHR*, n.64, col.1461.

72. Ibid.


74. Joint Communique issued on 29 April 1973 at the conclusion of Prime Minister Indira Gandhi’s visit to Sri Lanka. See India,
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76. See the Joint Communiqué of India and Sri Lanka, n.74, p.19.


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84. Ibid.


86. A.S. Bhasin, n.30, p.976-977.


100. *The Hindu*, n.98.
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102. Data supplied by the office of the Commissioner for Registration of Persons of Indian Origin, Sri Lanka.


110. Ibid., p.974.


112. P. Sahadevan, n.1, p.213.


122. Ibid.

123. Ibid.


125. *Congress News* (Colombo), vol.3, nos.11-12, October-November 1989, p.44.

126. P. Sahadevan, n.1, p.234.