CHAPTER IV
HISTORY OF IMMIGRATION AND DISCRIMINATION

The Indo-Sri Lankan problem over the people of Indian origin started with the question of the future of over nine lakhs of persons of Indian origin. Their identification with the political, economic and social life of the island, constitutes the central issue with her neighbour India. The problem of Indian settlers, the majority of them of Tamil ethnic group, cannot be fully appreciated if we do not have a historical background of the Indian settlers.

Dr. R. C. Majumdar states that the history of Indian emigration is "as old as Indian maritime enterprise. Indian Colonies and camera were extended in Burma, Malaya, Indonesia, Sri Lanka etc." Early Indian emigration was mainly cultural and commercial. Unfortunately, the modern emigration is that of an uneducated labourer, who sets out of his mother land in search of livelihood, to live on in an alien estate and be exploited.

The European settlers of Sri Lanka in the late 18th and 19th centuries wanted to establish plantations of rubber, tea,
coffee etc., all over the country. They were in urgent need of cheap labour. They succeeded in persuading the then colonial Government of India to allow emigration of labourers from India. Famine had occurred in India in 1770, 1877 and 1897. The European planters and government made rosy promises to the famine-affiliated labourers at a most opportune, psychological hour, which proved beneficial to them. Thus organised emigration of Indian labour to the British colonies began under the supervision and direction of the Government of India. The Indian labour went to places like the West Indies, Mauritius, Fiji, Surinam, Malaya, Burma and Srilanka.

Condition of emigration to far off countries like Fiji, Mauritius, South Africa and other countries were different from those to Srilanka. Though emigration to this island was temporary due to its nearness to India, and due to conditions of the season and crops on either sides of the sea, a good many migrant labourers tended to be permanently settled. The system of recruitment of Indian labour in Srilanka was known as the Kangany or Headman system. Under this system, the Headman known as Kangany, used to be an Indian emigrant, who was a gang leader. The gang consisted of 25 to 30 labourers, whose work he had to supervise. All such gangs used on a plantation estate would be under a Head Kangany, who acted as an intermediary between the Estate Superintendent and the labour force.

---

regarding the payment of wages. He was also in charge of all other financial matters of the estate in relation to the labour. He also controlled the domestic affairs of all the labourers under him. He used to get a fixed monthly pay and also a commission called 'head money' for every labourer that presented himself to work. All advances to labourers were made through him, so that he was the sole debtor to the estate. The Head Kangany was also paid by the State a commission of 3 to 4 ca a day for every labourer of his gang going to work. This was known as 'Pence money'.

Whenever the estate needed additional labourers to work, it was the duty of the Kangany to arrange for them. He was provided with ample funds for payment of advance to the intending emigrants in India to meet their travel and other expenses till they reached the estate. These expenses were shown as 'debt account' and a charge against the Kangany and his recruited labour. This meant that every emigrant to Indian labour with Debt account, which would close at the end of season or contract with payment of wages after deducting the amount paid in advance. Some estates would reward the recruiter Kangany with bonus of Rs 5 to 10 per recruited labourer who worked for six months continuously.

Though this system had been in force since 1837, there were definite changes in the control of recruitment between 1837, and 1904. The employer secured the Indian labourers through
individual efforts uncontrolled by Government of India. Though the Government of India passed an Act in 1837, which prohibited contract by labour outside India, there is nothing to show that it was enforced against Srilanka. The labourers were exploited like slaves.

In 1847, the then Government of Srilanka proposed an ordinance to protect the Indian 'coolies', as they were called at that time. Surprisingly the Government of India replied that such emigration to Srilanka is illegal, but asked for an assurance that such labourers would not emigrate to other countries. The Government of Srilanka gave the required assurance. The Government of India passed an Act which lifted the ban on the emigration of Indian labourers to Ceylon. The Government of Srilanka also passed an ordinance in 1847, which prohibited the Indian migrant labourer to that country from entering into a contract to work outside Ceylon. Later on it became a law and emigration of Indian labourers to Srilanka began. Most of the labourers were from the province of Madras. When the recruiter moved to the Ganjam district, the D.M objected and refused to allow recruitment. The Governor General Lord Elgin intervened and recruitment was allowed. Later on, when tea and rubber plantations and estates were started, there was an unprecedented demand for Indian labour.

---

3 Act XIII of 1847, Government of India
4 ordinance III of 1847, Government of Ceylon
5 Natesan Iyer, Indo-Ceylon Crisis, p 13
The First Contact Labour Recruited from South India by British Planters in Srilanka

The first contract labourers recruited from South India by the British planters in Srilanka to work on the coffee plantations in the Kandyan hill came to the island in the 1930s. They were brought by planters' agents for the annual coffee picking season. Many of them travelled hundreds of miles on foot, across South India and then by boat to Talaimannar in the northern coast of Srilanka before starting on a further trek through steady and fever-infested jungles via Anuradhapura to the plantation areas in the Central high lands. Several hundreds died enroute but at that time no one really seemed to care for the fate of an individual so long as sufficient number of labourers reached the coffee growing districts. Labourers from the Madras Presidency started for Srilanka 150 years ago to work mainly in plantations, first coffee and later on tea and rubber. In 1961 the Indian Tamils numbered nearly one million. After enjoying franchise in the elections of 1931, 1936 and 1947, virtually all of them were deprived of such rights and soon after Srilankan citizenship too.

6 Vencelt Coeltho, V., Across the Palk Straits, (New Delhi, 1976), p 118

7 Appadorai, A , The Domestic Roots of Indian Foreign Policy, (New Delhi, 1975), p 50.
During the 1949-1964 only some 134,000 Indian Tamils out of a total of one million had qualified to become citizens of Srilanka. There was a genuine fear among those who had not been given citizenship that a large majority of them would be rendered stateless and repatriated to India. The problem was ultimately settled in 1964 by an agreement between India and Srilanka. Its not effect was that 525,000 persons (out of an estimated 9,75,000 persons of Indian origin) who were without citizenship in Srilanka together with the natural increase in their number, would be granted Indian citizenship and repatriated to India within 15 years, 300,000 (together with the natural increase in their number) would be granted Srilankan citizenship during the same period. The status and future of the remaining 150,000 persons of Indian origin in Srilanka were to be the subject of a separate argument between the two countries to be negotiated later.

The interest of Tamil Nadu in the problem can be solved not only from the fact that a large number of Tamils had found employment in Srilanka but many of those estate labourers had dependents in Tamil Nadu to whom regular remittance were made by them. However when citizenship rights were denied to a large number of Indian Tamils immigration law introduced restricting the right of entry (1948) and remitted subject to a system of individual permits (1951) the concern of Tamil Nadu will be appreciated.
What was the nature of the demand that Tamil Nadu made on the Central Government in the making of policy in respect of Indian Tamils in Srilanka and what was the nature of the response of the Central Government? It may be at once said that the Central Government could not ignore Tamil Nadu in its policy decisions and depends on the co-operation of the State Government to Indians under the agreement between the Government of India and Srilanka as for wisdom in 1964. The rehabilitation of the repatriates became the primary responsibility for the Tamil Nadu Government. The State Government was under pressure from the Centre for which they sought Central assistance.

The Government opposed a special biased officer to supervise the relief and repatriation and prepare a comprehensive scheme to make the lot of the Srilanka returned repatriates as happy as possible. From 1948 the State Government took the stand that their view should be heard by the Central Government before policy decisions were made. They communicated to the Central Government the resolutions passed by the State Assembly from time to time on the subject of Indians in Srilanka.

INDO-CEYLON AGREEMENT: 1964

Despite this opposition the Indo-Ceylon Agreement (implementation) bill was passed in June, 1967. Communal tensions
built around this issue which had erupted in unfortunate incidents. In April, 1967 greatly eased and what was facetiously called the "Dudley-Thondaman" pact came into force. A further six months were to lapse before administrative regulations were promulgated in terms of this Act. At the time of Prime Minister, Mrs Indira Gandhi's visit to the island in September, 1967, when Dudley Senanayake was still the Prime Minister of Sri Lanka, there was a clear affirmation of the resolve of the two Governments to take all necessary measures to ensure the smooth and speedy implementation of the agreement in a spirit of mutual cooperation. The question of the remaining 1,50,000 persons was reiterated and it was agreed that it would be taken up when some progress had been made in the actual implementation on the agreement of 1964. Underlying this position was the tacit understanding that the Government of Ceylon faced real difficulties in processing the repatriation of several thousands of persons and granting to them terminal benefits. 8

The date for the formal calling of applications for citizenship was finally fixed for 1st May 1968 following the tabling in the Ceylon parliament of the regulations under the Indo-Ceylon Agreement (implementation) Act. The Government notification which was simultaneous with a notification issued by the Indian Mission in Colombo calling for applications for Indian citizenship from stateless persons of Indian origin, fixed a.

---

8 Vencelt Coelito, Op cit., p 132
two-year period for the receipt of applications. Thus more time was to elapse before a meaningful process for the solution of this problem could start.

In March 1968 the Sri Lankan Government introduced in parliament the Registration of persons' Bill which required every resident of Sri Lanka to establish his lawful residence in the island. This move was interpreted as an anti-immigrant measure but it drew no comment from India. Towards the end of 1968 when Prime Minister Dudley Senanayake visited India officially, some ancillary aspects of the implementation of the agreement were discussed by him with Prime Minister Mrs Indira Gandhi and among the decisions reached it was sought to allow the repatriated to take back with them assets in cash to the value of Rs 15,000 without the payment of exchange or compensation. The repatriation of assets had been a stumbling back since the 1964 Agreement and this was now removed. In actual practice the total life savings of these unfortunate repatriates hardly exceeded four or five thousand rupees.\footnote{ibid., p 133}

By 30th April, 1970 the closing day for the receipt of applications for Indian Citizenship 2,96,742 applications had been received by the Indian Mission in Colombo covering a total of 4,58,422 persons, while the Government of Sri Lanka had received 2,47,787 applications representing over 6,30,000 persons. Even at this point of time, after years of political
agitation against the Indian Tamils, a large number of individuals expressed their unequivocal desire to stay on in Sri Lanka, which was indeed the only country most of them knew. Nevertheless the Indian Government's commitment to accept 5,25,000 of the stateless persons for citizenship and eventually repatriate them was unmistakably clear. In terms of the agreement, repatriation was to be phased over a period of 15 years from 1964 at 35,000 a year. And the Government of Sri Lanka undertook to grant citizenship in the proportion of 4 to 7 in relation to those repatriated to India.

Meanwhile, in the intervening years, because of the desultory efforts the UNP Government had been mainly to implement the Sirimavo-Sastry agreement of 1964, another issue cropped up. There was a blocking of almost 200,000 persons in the scheduled flow of repatriation to India, as agreed upon and this called for further bilateral discussions. A solution to this problem was reached in April, 1973 at the time of Prime Minister, Mrs. Indira Gandhi's visit to the island. A progressive increase of 10 per cent each year over the initial figure of 35,000 contemplated in the 1964 agreement was agreed upon by the two Prime Ministers. A few months later during Prime Minister Mrs. Sirimavo Bandaranayake's visit to India in January, 1974, the remaining aspects of the utmost interminable issue was finally resolved and India and Sri Lanka agreed to share.

10 Ibid, p 134
the burden of the balance of 150,000 equally. Thereby one half of them were to be admitted to Indian citizenship and repatriated and the other half to be absorbed by Sri Lanka as citizens of that country. The final count in the game of numbers thus stood at 6,00,000 for India and 3,75,000 for Sri Lanka.

The problem of Indian immigrants in Sri Lanka would not be complete without a reference to those who had prior to 1954 and between 1954 and 1964 adopted Indian nationality, a number variously given about 22,000. Communal tension, particularly in Colombo in the 1950s and 1960s added to the fear at insecurity among these elements, hastening their departure. In fact, prior to 1954, since 51,000 Indians had to leave Sri Lanka and between 1954 and 1964 over 1,20,000 returned or were repatriated to India. In the early seventies, several thousands whose visas had been terminated had to leave. Finally, the imposition of a temporary residence tax of five hundred rupees per annum on 4 foreign residents including Indians cited as the ultimate disincentive to all but, a few hundred, representively in the Island and they also were obliged to leave when their residence visas expired. However, those who had left in recent years had their savings and assets in excess of Rs. 75,000 were blocked under current regulations and non-permitted repatriations to India. A solution is yet to be found. 11

11 Ibid., p.135.
AN EXODUS REPORTED

"The agreements of 1964 and 1974 were hailed in many quarters as remarkable achievements of statesmanship", says a report of 1976, prepared by the coordinating secretariat for plantation areas in Sri Lanka. It continues, "was the solution to a topic human problem turned by the agreement into a game of numbers in which the actual states were a thousand families far away from the place where the agreement, were made, only the future can tell."  

The future has told and it keeps telling the history of the undesired people. But the facts about the implementation of the exodus of 6,00,000 plantations workers and their children and grand-children from Sri Lanka to India are very little known in the countries responsible for the matter. The Sri Lankan public is discretely kept in ignorance of the effects of the famous agreements. Official media have been remarkably silent or silenced. The news what actually happens to the former Sri Lankan citizens in their new Indian Environment has not attracted public attention. The Sinhalese majority of the Sri Lankan population is innocently ignorant of the destiny of their brother while the Tamil newspapers less widely spread, have given some information about the problems that have arisen. "The Hindu" in India has been more alert to bring out the actual circumstances when returning to Sri Lanka from a five month study tour to

South India in 1980, we approached the Ceylon workers congress office in Hatton in centre of the plantation area and the reaction from the assembled trade union leaders was "The repatriates got a very good life in India. The Indian Government rehabilitation programme serve them with every thing"

Nevertheless information about the 3,50,000 expatriated persons who left for India has not been totally lacking, though less widely spread. As early as 1976 the above report "The repatriates from Srilanka was published in Simhala, Tamil and English by the Coordinating Secretariat from Plantation Areas (CSPA)' in Srilanka. In 1979 another report was spread from man to man. It was called "Rehabilitation of Repatriates". It is a more responsibly prepared report by federation of aganuation working for the repatriates with a centre in Madras, South India. Likewise the Coordinating Secretariat for Plantation Areas in Kandy has been publishing news in the "Satyodaya Bulletin" and voices the voiceless since 1978. The Tea workers produced by the Hatton Social action Centre has carried out a campaign of information about the repatriates since January 1980. We shall here present the four above mentioned reports one by one and then treat expatriation and rehabilitation in the light of the facts revealed in the reports in combination with interviews with the expatriated themselves.13

13 Ibid, p 35
Upto 1980 an estimated number of 80,000 families had arrived in India. By September, 1980 about 82,000 families or 3,35,000 persons had arrived in India.

STATELESS PEOPLE IN SRILANKA

It must be recalled that when dominion status was conferred on Sri Lanka on 4th February, 1948, all the people including the people of Indian origin who were resident in the Island were British subjects. Subsequently the Government passed the citizenship Act No 18 of 1948 conferring Sri Lankan citizenship by descent on the other nationalities such as Sinhalese, Ceylon Tamils, Muslims, Burghers and Malayas, but denied Sri Lankan Citizenship to the people of Indian origin. Consequently a million people were rendered stateless. The Ceylon (Parliamentary elections) Amendment Act No 48 of 1949 in one stroke defranchised the entire people of Indian origin.

Later the Government proceeded to implement the Indian and Pakistan residence (citizenship) Act No 3 of 1949 purporting to enable the stateless people attain citizenship by registration. The provisions of this Act were such that the applications of the majority of the people who had lived in this country for several generations were arbitrarily rejected. Under this Act only about 135,000 were registered as citizens of Sri Lanka.  

The legislative enactments discriminative against a national minority, Srilanka Indians, were a flagrant violation of the United Nations Universal Declaration of human rights Article 15 of the Human Rights Charter reads (1) Every one has the right to a nationality, (2) No one shall be arbitrarily deprived of his nationality

THE INDO-CEYLON AGREEMENT AND THE IMPLEMENTATION ACT

In 1964 there were about a million stateless people in the island. On 30th October, 1964 the Prime Ministers of ceylon and India reached an agreement "regarding the status and future of the persons of Indian origin in Ceylon". Under the agreement Ceylon was to grant citizenship to 3,00,000 persons and their natural increase while India had agreed to accept 5,25,000 persons and their natural increase and the fate of the remaining of 1,50,000 people was to be decided later under the Indo-srilanka pact of 27th January 1974. Both Governments agreed to divide these 1,50,000 people equally between them

The agreements between Srilanka and India were concluded without ascertaining the wishes of the stateless people, an overwhelming majority of whom were workers in the tea and rubber plantations of Srilanka. The Trade Unions which represented the plantation workers were not even consulted

On the basis of the agreement between India and Ceylon the Indo-Ceylon agreement (implementation) Act No.14 of 1967
was enacted. Under this Act about 6,25,000 stateless people
applied for Srilanka citizenship while about 4,00,000 opted
for India. It would thus be evident that there was a wide
gap between the wishes of all the people concerned and their
arbitrary division between the two Governments.

It must be noted that according to the provisions of the
Indo-Ceylon agreement implementation (Amendment) Act No 43
of 1971, 4 persons were to be granted Srilankan citizenship
only after 7 persons had been repatriated to India, whereas
under the original agreement 4 persons would be granted Srilanka
citizenship for every 7 registered as Indian citizens. This
condition greatly delayed the granting of Srilanka citizenship
to those who had applied for it.\footnote{15}

Applications of thousands of people who had been living
for many generations in Srilanka were rejected without even
an enquiry. Section 8(1) of the Implementation Act categorically
states that the Minister in his absolute discretion, could accept
or reject such applications and that the decisions of the Minister
were final and could not be challenged in any court of law.
Section 8(2) reads, "The decision of the Minister on any appli-
cation for the status of a citizen of Ceylon, by registration
under this Act shall be final and conclusive." Under the Indo-
Ceylon agreement implement Act 146, 450 persons were granted

\footnote{15} Ibid, p 205
Sri Lanka citizenship, while 332,588 were given Indian citizenship, of whom 256,300 left for India, 495,962 people were still stateless.

The agreement between Sri Lanka and India have failed to solve the problem of the stateless. Half a million people have continued to be stateless and their present and future are in jeopardy. The overwhelming majority of these people are plantation workers who make a significant contribution to Sri Lanka's economy. Yet these people are deprived of their civil rights and have been prevented from participating in the political life of the country. They suffer serious disabilities especially in regard to employment, education and housing. They are in fact segregated from the rest of the population.  

The state of affairs is a blot on democracy in Sri Lanka and undermines communal harmony and stands as an impediment to the economic development of that country. It is not possible to keep half a million people stateless and in a state of anxiety and hope to achieve fraternal relationship between the various communities, let alone integration of a heterogeneous population.

The implementation period of 15 years for the Indo-Ceylon agreements lapsed at the end of October 1979. Yet half a million people are still stateless.  

16 Ibid., p 206
17 Ibid., p 207.
In the name of Justice we propose that the stateless problem be settled on the following basis

1. All persons who have applied for Srilankan citizenship under the Act 1964 and 1974 Indo-Ceylon Agreement but who have not been registered as such before on the agreement lapsed, should be immediately granted Srilankan citizenship.

2. All persons of Indian origin who had been born or long resident in the country but who failed to apply under the Indo-Ceylon agreement should be given a definite period of time, within which they should apply for citizenship of one or the other country. All those who apply for Srilankan citizenship should be granted such citizenship.

3. Discussion should be held with the Government of India to evolve assure whereby these persons who had been registered as Indian citizens and those who had applied and those who would apply for Indian citizenship under the new opportunity provided to do so on return to India of reaching returning age or earlier if they voluntarily wish to do so.

EVERY ONE HAS THE RIGHT TO ACQUIRE A NATIONALITY

The Tamil speaking people of recent Indian origin living for the most part in the plantation area of this country have not only been born in this country but have worked for its
economic development, secured for it vital foreign exchange and have been permanently living here for two or three generations. Yet they have been deprived of their right of citizenship and have become stateless.

When the forefathers of these people were brought by the British in the 19th century to work in the plantations and other state construction works, there was no registration, nor were there agreements to send these people back to India. Although there was a small majority of people who had come on their own from India as traders, the majority of these people were brought here by the British planters as workers and were soon permanently settled in this country. All this was done with the knowledge and assistance of the Government of this country. 18

The Donoughmore Commission in 1928 estimated that about 40-50 per cent of the plantation workers were permanently settled in this country. Ten years later in 1938 the Jackson report on immigration estimated that sixty per cent of were thus permanently settled in this country. Finally in 1946 the Soulbury Commission reported that 80 per cent of this population were permanently settled in this country. These figures provide evidence weighty enough to say generally that the Indian population living in the plantation area is a population that is permanently settled in this country.

18 Ibid., p 208.
Birth and reasonable evidence of permanent domicile are the common qualifications needed for the granting of citizenship all over the world. But the Ceylon Citizenship Act of 1943 (a) made the persons of recent Indian origin who were born and permanently settled in the country "stateless by depriving them of their citizenship rights (b) Required the person seeking citizenship to advise proof of birth in the country of two or three generations of persons of his family, and this people had to do by producing birth certificates, (c) Though it was called the Ceylon citizenship Act it did not affect all the people living in Ceylon. It is a fact that nearly everyone in this country is of Indian origin. The Ceylon Parliamentary elections (Emendment) Act of 1949 gave voting rights only to those who were citizens of this country. Therefore the persons of recent Indian origin who possessed the right to vote since 1931 were deprived of that right on the ground that they were not citizens of this country. In 1964 when it was implemented there were about 9,75,000 persons who were stateless. Therefore Mrs. Sirimavo Bandaranayake of Srilanka and Indian Prime Minister, Lal Bahadur Sastry, agreed that Srilanka would grant citizenship to 3,00,000 persons while 5,25,000 persons were to be granted Indian citizenship and were to be repatriated to India within a period of 15 years in each case with the natural increase). 19

19. Ibid, p 210
Again in 1974 Mrs Sirimavo Bandaranayake and Mrs Indira Gandhi by means of a second agreement agreed to deal with the remaining, 1,50,000 stateless persons as follows: Sri Lankan citizenship to 75,000 and Indian citizenship to 75,000 persons (in each case with the natural increase) These agreements were made by the Prime Ministers of both countries without the consultation or participation of the persons directly and vitally concerned. When the applications were called for Sri Lankan citizenship, nearly 7,00,000 applicants applied for it.

The majority of these applicants had not only been born in this country, but had been living there for two or three generations. However, because of the ceiling on the number of persons to be granted Sri Lankan citizenship as stipulated in those agreements, successive governments rejected most of these applicants without stating the reasons for rejection.

Therefore, the agreements which seem to reject compulsion and uphold the principle of voluntariness, in practice made compulsory the expatriation of those whose application for Ceylon citizenship had been rejected. In this way, there was no possibility for a free and voluntary choice in regard to the exercise of one’s right to citizenship and nationality. Voluntary repatriation in many cases in effect became compulsory expatriation or deportation.

The procedure for the implementation of regulation arising from these agreements appears to have been made without consi-
deration for the right of self-determination of the persons concerned. Government officials with no reason given determined the facts of applicants for citizenship. When we look at this from a human angle, it appears to us that the cause of sheer humanity suffered and that human rights were violated. On losing their citizenship these people who had sacrificed themselves and their children for the development of Sri Lanka became an oppressed people. The Sirimavo-Sastry and the Sirimavo-Indira Gandhi agreements could only be described as opportunist, unjust and inhuman approaches to a solution.

WHO ARE THE REFUGEES

The people who came away from Sri Lanka to India in advance, particularly those who came immediately after the July-August 1983 violence, were those of the well-to-do section of the population. One may characterise them as of the upper middle class mainly. They were doing well in business and in the profession, some of them even had landed property. They lost heavily property worth millions by coming away from Sri Lanka. With whatever property they could save they came across to Tamil Nadu so that at least their families might be safe here.

The second stream of refugees that came shortly thereafter were from the real middle class who found it very difficult to carry on in Sri Lanka but could not afford to come away immediately as those of the well-to-do classes.
EXODUS ACROSS THE SEAS

Rameswaram, the holy island which is visited by hundreds of pilgrims everyday from all parts of India, and which is for tourists both foreign and Indian who visit it every week in groups, it is an island of beauty. But now for the languishing Tamils of Srilanka it became an asylum. The gravity of the crisis facing the Tamils in Srilanka is reflected in the continuous flow of refugees to Rameswaram since February, 1985.

The open sea between the two countries covering about 40 kms, facilitates a constant stream of refugees to India. Between February 5th and March 1985, more than 17,000 refugees particularly from Jaffna and other Northern parts of Srilanka poured in with their bag and baggage. There were parents who came sobbing after missing their wards, husbands who did not know what had happened to their wives in Talaimannar, and wives in tears over their dead husbands. To get a picture of the atrocities inflicted on the Tamil people in Srilanka's Northern province, one should visit Rameswaram and Mandapam where the refugees have been housed.

The once proud Tamil people are today helpless refugees in many countries. More than 50,000 thousand of them are stranded in Tamil Nadu. Many hundreds have fled to countries in Western Europe. A few more have also gone to countries of West Asia. At present nearly 90,000 refugees are settled in
the Tamil Nadu refugee camps. A quick survey at the Mandapam transit camp shows one common feeling and moved among the refugees: "We feel at home as we need not worry about our woes as in Sri Lanka."

**EVERY DAY THOUSANDS OF TERRIFIED TAMILS FLEE SRILANKA**

Traumatised by the genocide unleashed by the army and scared by the cruel civil war that has taken the emerald island republic to the very brink of disaster, these people have abandoned their homes and homesteads painfully built over the years, voyaged across the Palk Straits to India where they have sought refuge, and hope to rebuild their shattered lives. In the process these refugees have created a situation not unlike the Bangladesh crisis, K.P Sunil reports from Rameswaram.

They are not human beings, wailed an ageing woman, they are brutes worse than animals and man-eaters. She was not airing a personal opinion but voicing the sentiments of thousands of others who like her, had braved innumerable hazards during the perilous cross-over from the island republic of Sri Lanka to the more hospital shores of India. They are Tamils of Sri Lanka citizenship who have lived for ages on that country's soil. People with no roots here now are looking up to India for asylum on humanitarian grounds, refugees from the violence and repression directed against them by the Sinhalese people,
and the Srilanka Government through its security forces Ramay-
swaram, a small coastal town in Tamil Nadu is teeming with
thousands, who cross over in large numbers each day in little
fiber glass boats, in precarious country vessels, and in large
motorised launches Entire villages of Tamils, old men and
women, youth, children, all are coming to India bearing months
and months of agony and sufferings. The trauma, both physical
and mental, is therefore all to see in their drawn faces and
haunted looks, and fear, they are people who have witnessed
their women-folk being raped, people who have seen their
kith and kin tortured and killed, people who have lost their
all to the Simhalese mobs and military, victims of an ethnic
conflict that has converted Srilanka from a soothing Samugula
on the Indian ocean, into a maelstrom of village.

Forty five year old Parvathi looks much older. She used
to work as a maid in Tamils house near Pesalai in North Western
Srilanka. She was deserted by her husband years ago soon
after their Lakshmi was born. Lakshmi is now sixteen years
old. Last month as these two were working/the kitchen they
were shocked to see the house suddenly filled with army men.
The men were away at work. The Jawans pushed away the chil-
dren trappled on them with heavy boots and set about going
raping the women. Parvathi and Lakshmi unnoticced in the kitchen
jumped out of the windows and ran away. Parvathi, thereafter
became a nervous wreck. She was scared stiff even venture,
ideas to her employers and does not know what happened to them. Yogaraj is a reasonable fisherman. He was scared by the atmosphere of doom that hung over the entire Tamil area. A Roytan young man cannot walk the roads of Sri Lanka. A Roytan was an 18 years old student at St Xavier's College in Mannar. He is today a refugee in the Mandapam camp having given up his studies to flee to India, to be away from Sinhala atrocities.

Dhanakulasingham, is a journalist, the Mannar district correspondent for the Sri Lanka Tamil newspapers Dinapath and Eelamadu. He crossed over to India by boat from Persalai with his wife Jeevabhanani and his two daughters. As a journalist he had been in close touch with the Sri Lankan situation and was able to provide a comprehensive picture. Most of us who have come to India have experienced little difficulty on the way. Nobody tried to interrupt. May be the navy wants us to leave Sri Lanka for ever. Then they can route out our belongings, do whatever they want, without even a token protest. The internal problem of Sri Lanka has suddenly become an Indian dilemma. Every refugee is being fed for a few days at the state's expense. They are being supplied with 2 ream 2 dhoties, uniform for children, basic utensils, a hurricane lantern, a mat and a blanket (totally valued above Rs.650/- per set). Special ration cards are issued and under it they are provided with rice at 57 paise a kilo and firewood at 40 paise a kilo and all this is certainly going to be a major
drain on India's tottering economy. In the meantime the Sri Lankan Government has accused India of harbouring terrorists (Liberation Tigers) of providing them with weapons and fire arms to be directed against the Government. All these charges have been repeatedly and emphatically refuted by the Indian Government. And while all these accusations and counter accusations are going on, more and more innocent lives are being lost. More and more persons are being displaced, India is being swamped with refugees, persons with Sri Lankan citizenship and identity cards issued by the Sri Lankan Government. On the other hand lakhs of stateless plantation workers who should have been repatriated to India long ago (under the Sirimavo - Sastry pact) still remain in Sri Lanka with no hope of salvation in the near future.  

END STATELESS EARLY  

The Sri Lankan Minister for Rural Industrial Development, S. Thondaman said in March, 1988 that both the Government of India and the Sri Lankan Government should come together to solve the problem of the stateless Tamils of Indian origin, which had been dragging on for 24 years. Mr. Thondaman who is also President of the Ceylon Workers Congress told a press conference at Madras that he wanted the problem of numbers to be sorted out. Under the Sirimavo-Sastry pact of 1964 there were on estimated 9,75,000 stateless persons of Indian origin.

20 Ibid., p 160,
in Srilanka at that time and India was to grant citizenship to 5,25,000 persons. Subsequently by the Pact of 1974 the balance of 1,50,000 was to be equally divided between India and Srilanka making the Indian quota to 6,00,000 and the Island quota 3,75,000

CITIZENSHIP GRANTED

But only 5,06,000 persons had applied for Indian citizenship. Leaving 94,000 of the 3,75,000 persons who were to receive Srilankan citizenship, 2,23,000 had been granted citizenship. Under the agreement between India and Srilanka in January 1986, Srilanka agreed to provide citizenship to 94,000 persons also. Thus it was how to give citizenship to 2,46,000 persons (1,52,000 plus 94,000) 21

2 1 LAKH SRI LANKA REFUGEES IN INDIA

The Home Ministry's annual report for 1990-91 says that a total of 2,10,944 refugees from Srilanka or in India as of March 31 this year. Of these 1,15,792 are staying in various camps in Tamilnadu. Between July 24, 1983 and November 30, 1987, 1,34,053 refugees arrived in the first phase of migration from the Island nation. 22

Among those who came in phase one 19,581 refugees had returned to Sri Lanka on their own. After the signing of the Indo-Sri Lanka Agreement of July 29, 1987, the process of organised repatriation began on December 24, 1987 and thereafter in 50 batches till March 31, 1989, 25,858 refugees were returned to Sri Lanka under the arrangements of the Government of India, the report said.

As a consequence of the renewed violence in Sri Lanka, in phase two, 1,22,064 refugees came from Sri Lanka between August 26, 1989 and March 31, 1990. On their arrival, 1,15,240 refugees have been admitted to permanent camps at Mandapam and Kottapattu, and temporary relief camps and relief centres spread over 18 districts in Tamil Nadu.

According to the latest information received from the Orissa Government out of 1,614 Sri Lankan Tamil refugees who were brought to the Malkahgiri sub-division Konaput district only 218 persons were still living in the camps as of March 31st this year.

The report said that adequate security arrangements had been made in the permanent as well as temporary camps and centres. Since these are refugees and not Indian citizens, they are required to be sent back to Sri Lanka and are not to be rehabilitated in India. As such no expenditure has been incurred on their rehabilitation.
Between July 1983 and March 1991, Rs 37 74 crores were spent in providing relief facilities and construction works in the Tamil Nadu campus. A total of Rs 20 lakhs was released to the Orissa authority for the camps in Malkangiri. The State Governments are the implementing agencies and the entire cost of relief and accommodation is borne by the Government of India.

Repartriation to Srilanka

The Prime Minister Mr P V Narasimha Rao today (January 7) emphasised the importance of the Srilankan refugees in India returning to that country soon. He hoped that Srilanka would make adequate arrangements for them to settle down there. About 30,000 Tamils of Srilankan origin living in India were expected to be shipped to Trincomalee as part of the first phase of the repartriation process. India assured to provide them with all facilities, and agreed to arrange for a ship and country crafts to ferry them to the island. It designated the vessel Harshavardhana for taking the refugees.

Welcoming the announcement of the return of the refugees, Mr P V Narasimha Rao told the visiting Srilankan foreign Minister Mr Harold Herat that India would endeavour to extend more facilities for Srilanka refugees living in India. He was here to attend the two-day meeting of the Indo-Srilanka Joint Commission which had since concluded. During the meeting...
Mr Herat accompanied by his foreign secretary Mr Bernard Tilakaratne and the Srilankan High Commissioner Mr N Kankaratne conveyed the Srilankan president Mr R Premadasa personal greetings to the Prime Minister.

Mr Herat while appraising Mr Rao of the progress of the Joint Commission also sought an assurance from the Prime Minister for more facilities to the Srilanka pilgrims, particularly those visiting the Buddhist shrines. He also appraised him of the steps that Srilanka, the new Chairman of S A A R C had taken to implement the decisions taken at the recent summit in Colombo. As a first step it had taken action on setting up the Poverty Alleviation Commission. It had sent invitations to the member countries for nominations to the Commission, Mr Herat said.

Mr Rao expressed satisfaction over the outcome of the joint commission meeting and appreciated the decision taken by the two countries to set up a separate sub-commission on science and technology for mutual co-operation. Mr Madav Singh Solanki, External Affairs Minister said India considered the joint commission as a useful and effective forum for regular consultations for the projects and programmes that signified the age-old ties of the two countries.

Political Settlement Needed

On the ethnic situation in Srilanka, both sides agreed
that only a negotiated political settlement would bring a lasting solution. Among other things, Mr. Solanki reiterated that the political framework created by the 13th amendment to the Srilankan Constitution to among the Indo-Srilanka Agreement remained a constructive point of reference for any future negotiations. Mr. Herat said steps had been taken to find a lasting political settlement which was just and fair to all communities through the all party conference and the select committee of the Srilanka Parliament.

Both countries also agreed on the importance of ensuring early and voluntary return to Srilanka of the refugees now in India. It was agreed by both the countries that the next meeting of the joint commission would be held in Colombo following the meetings of the sub-commission here.

The Government of Srilanka, from the beginning adopted the attitude that the persons rejected by her were to be repatriated to India as they were not its citizens. The Indian Government on the other hand held that they were all Srilankan citizens because they had lived for generations and many of them were born there. However, Government of India was willing to confer Indian citizenship to those people provided they satisfied the necessary conditions.

The conflicting viewpoints in numbering the stateless persons of Indian origin has become a subject of intense dis-
Discussion and bilateral talk, between these two states. Inspite of this the Government has struck to its decision. Thus the vexing problem of stateless people of Indian origin has been solved to some extent. One of the irritant factors in Indo-Sri Lanka relations was the question of persons of Indian origin, which was solved at least on paper, after protracted negotiations, conferences etc. In the meantime certain developments which took place in Sri Lanka have not affected the relationship between the two countries, as they are taken as Sri Lankas internal matter.