CHAPTER V

REFUGEE MANAGEMENT IN TAMIL NADU—
THE GOVERNMENTAL EFFORTS

'State of any Refugee Camp depends on the State Government and its Management lies with the Officers in charge'. When the intention of service is based on humanitarian ground the country's foreign policy, temperament of the ruling government both in the Centre and the State has a major role to play in policy decisions. Prof. Rahmatullah Khan is of the opinion that, "the Indian experience with the problem of refugees has been rich and rewarding, in the sense that no country in Asia had suffered such massive migration of peoples and had faced such stupendous tasks of relief and resettlement of refugees, which had come out comparatively so successful".

India is one of the few developing countries, which had been sheltering over 2.5 million refugees successfully during its post Independence period. It must also be remembered that showing humanitarian consideration to refugees should not lead to any chaos in the country. Country's unity and integrity should not be affected in such activities. Keeping that in mind the government officials had been taking cautious efforts. Refugee influx sometimes gives a jolt to the very basic

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1. Khan, R., "India and its Refugees", Paper presented in Round Table of Asian Experts on current problems in International Protection of Refugees and Displaced Persons held at Manila, Philippines.
structure of a country's economy. It may also affect the country's social and cultural health and it may lead finally to erosion of country's Sovereignty and Territorial Integrity. In India the 'Ministry of External Affairs', 'Ministry of Home Affairs', 'Ministry of Information and Tourism', 'Commissioner of Rehabilitation Department', 'Public (Rehabilitation) Department', are the major government offices that govern and deal with the management of the refugees at the Centre and State levels. The final decisions are made with the consent of the Prime Minister of India and the Chief Ministers of the respective states. Normally, people entering India seeking refugee will be provided with food, shelter, clothing and medical help till the day they would be willing to stay in this country subject to the government rules and regulations. India during the Post-Independence period had showed that it was very much concerned for the wellbeing of the refugees and had taken part in the activities of the United Nations High Commissioner for Refugee's (UNHCR) and it had been an active member in that Executive Committee, which is a governing body of the Refugees under the United Nations Organisation. But Indian Government did not concur with the policies of the existing international refugee programme, by not signing the 1951 Refugee Convention or the Protocol of 1967. But, since Independence India had been accommodating refugees. India's refugee policy still rests on bilateral basis. As regards the Sri Lankan Tamil
Refugees it is to be pointed out that they had been enjoying support of the host government in the Indian State of Tamil Nadu.

Thus, it is very clear that the management of these refugees living in Tamil Nadu was a serious issue concerning India's prestige. The government officials had always made decisions pertaining to these refugees according to the political pressure both at state and central level. Sometimes, their decisions were based on public opinion at the international levels, views of the country to which the exodus belong, grievance of the refugees, and on the temperament and feelings of the local people. Many times the decisions were harsh and it was quite necessary and justified that the government officials had to act according to the need of the hour. Particularly, in the aftermath of Rajiv Gandhi's assassination. The refugees were vigilantly watched and their activities were cautiously observed. They were also not allowed to freely move outside their camps. Such kind of severe restrictions were certainly opposed to the very essence of Human Rights programmes. Yet, they had to be followed in order to avert any untoward incidents in this soil. This kind of restrictions had also been accepted by many of the refugees. In difficult circumstances the police officials and the camp 'Talaivars' had seriously argued that such measures of action had become necessary to

refrain the refugees from falling into the trap of unscrupulous elements who had been moving in this soil with nefarious motives.

**Management of Refugees in Tamil Nadu**

The management of the refugees had actually started at the very beginning of their arrival. The role of the police officials had started with the responsibility of receiving them after they got the news of the arrival of the refugees either in the coastal borders of Rameswaram and Danuskodi or in any other nearby islands and shores. The popular local spots for the arrival of refugees were at Nachiguda, Vallaipadu and other safe spots between Pooneryn and Mannar. The government officials prepared a complete plan and meticulously followed it to effectively carry on the management of the refugees. Accordingly, at the beginning these refugees were escorted and taken to the transit camps and provided initial shelter, food, medical aid, clothes and other necessary needs. Later they were transported either by government vehicles or by private vehicles hired for this purpose by the government to their shelters. These shelters were exclusively prepared for them to meet their essential requirements to carry on their life in the camps as refugees.

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ACCOMMODATION

After receiving the refugees at various points near the shores of Tamil Nadu the officials registered them and with the assistance of the police personnel they were taken to accommodation centres in various districts. Official records of the Government of Tamil Nadu in respect of refugee influx and its management clearly indicate that the refugees were given shelter from 24th July 1983. Indian officials had been receiving the Sri Lankan refugees at the point called the Transit camp.

**Transit Camp**: India had started two permanent transit camps in Tamil Nadu, one at Mandapam in Ramanathapuram District which is nearer to Sri Lanka and another at Kottapattu in Tiruchirapalli District. Transit camp was a shelter provided to all the refugees at the introductory level who entered this country by sea. By the end of the year 2000 there were 600 families and 1,608 persons in Mandapam camp and 456 families and 1,730 persons in Tiruchirapalli camp.4 As per Government of India’s instructions, a quarantine camp had been opened within the complex of Mandapam camp and it had been functioning at Door No. 226, Old Block from August 2000 onwards. Fresh refugees arriving in India were kept in quarantine for a limited period not exceeding 30 days and only after the completion of verification of their antecedents they

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4 Notes on Refugees/Repatriates, Department of Rehabilitation, Government of Tamil Nadu, 2000, p-4.
were shifted to normal camps situated in different parts of Tamil Nadu. After crossing the entry point and verification of papers by the Indian government officials all the genuine fugitives were sent to their respective refugee camps.

**Refugee Camp:** There were two kinds of refugee camps namely Normal Refugee Camps and Special Camps started in the state run by the Government of Tamil Nadu with the financial aid from the Centre.

**Normal Refugee camps:** There were 126 Normal Refugee camps existed in various districts of the state by the end of the year 2000\(^5\). These 126 camps were accommodated in various buildings situated in the districts. 100 camps were in Government Buildings. 20 camps were set up in Regulated Market Committee Buildings. 6 camps were opened in Private Buildings. In all these camps, 65,940 Sri Lankan Refugees were accommodated and given help and support by the government officials\(^6\). The refugees residing in these camps varied in number every now and then depending on the rate of influx of the fugitives. The maximum number of refugee camps existed was 184 camps during 1987. After the repatriation of the refugees a few of these camps were closed down and they were reopened to accommodate the fresh inflow of the refugees in

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the 1990s. Since then there were around 161 camps, which were reduced gradually after 1996 for the better management of the camps⁷.

**Special camps:** There were 3 camps functioning in the State for accommodating certain Sri Lankan Tamils who had close links with the LTTE or any other militant group. They stayed in Tamil Nadu to mobilise support to their cause and hence they had been watched by the police vigilantly every now and then. These camps were located at Melur in South Arcot District; Kancheepuram in Chengalpet District and Tipu Mahal in Vellore District⁸. These were the camps where suspected criminals, including those on bail and those released after disposal of the cases lived. Those with other adverse reports such as involvement in smuggling and criminal activities and the members of families of those who fell under these categories were kept in these camps. This is done to avert untoward incidents in the country. These camps were very strictly administered and the vigilance on them was tightened after the assassination of the former Prime Minister Rajiv Gandhi on 21st May, 1991 at Sriperampudur near Chennai. By the end of the year 2000 there were 34 inmates in Vellore camp, 98 in Chengalpet camp and 18 at Melur camp. These refugees were lodged in the special camps under section 3(2)c of the Foreigners Act of 1946 with a view to restricting their

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⁷. Confidential Papers, Dept of Rehabilitation, Government of Tamil Nadu.
⁸. Camp population of Sri Lankan Refugees as on 30th April, 2000, Department of Rehabilitation, Government of Tamil Nadu.
movements. The inmates who were willing to go to Sri Lanka or a country of their choice at their own cost were permitted to do so, provided there was no criminal case pending against them. They were also allowed to move to any foreign country after the confirmation from the police officials about their bonafides. It is to be pointed out here that this study is confined to the management of the Sri Lankan Refugees stationed at the Normal Refugee camps.

ACCOMMODATION FACILITIES

HUTS: The Refugees were mostly accommodated in the Government owned or rented lands where huts were built for them. There were also buildings in which the refugees were accommodated. They were used for the temporary settlement of the refugees. The huts were mostly constructed in the Government lands, Regulated Market Committee Authority (RMC) Compounds and in lands rented from private parties and temple lands. Some Government buildings, Community Centres, Municipal Buildings, Cyclone Shelters, cheap private rented buildings, Small Industries Development Corporation (SIDCO) buildings and lands, Public Works Department (PWD) buildings were also used for accommodating the refugees.

Notes on Refugees/Repatriates, Department of Rehabilitation, Government of Tamil Nadu, 2000, p.6.

10 Department of Rehabilitation, “Camp Population of Sri Lankan Refugees as on 30th April, 2000”. 
The Government had maintained complete details about the refugees living in these buildings. Periodically, arrangements were made whenever necessity arose to close or reopen or merge two camps for the convenience of government management\(^{11}\). Every camp had electricity, water and sanitation and other basic facilities. Each hut had the constructed area of 10 feet length and 10 feet breadth and the roofs were made up of asbestos and mica sheets. In a single row there were ten to fifteen huts. Some refugees living in the same hut for many years have modified their huts according to their economic condition and personal taste. A lady who had been staying in the same camp for more than ten years had stated:

"Initially due to lack of trees in our camp this area was very hot. Now with our efforts and with the permission and co-operation of the government officials we have planted some trees and under the shade we are able to live here comfortably in spite of the hot climate in the summer".

Some refugees of different camps had been complaining about the poor condition of their huts in the camps. Also, by passage of time the huts had become useless for habitation since they had worn out due to weather conditions. Refugees suffered more particularly during the rainy seasons. In the past few years the government had taken initiative to offer better conditions to them and new huts were constructed in the government

\(^{11}\) Camp 'Talmivar' 'Perumal', Chennai, 21\(^{st}\) February, 2002.
lands and the refugees were shifted to the newly constructed huts. On the whole the government had constructed 3,542 huts in 1997-98, 3,585 huts in 1998-99 and 2,081 huts in 1999-2000. Apart from that 1,073 new huts were constructed in various districts in Tamil Nadu and were kept vacant to accommodate the future exodus. This was done to effectively manage the situation in the event of sudden pouring in of refugees into the Tamil Country.

**ELECTRICITY:** Single line electric connection had been provided to each hut. Electricity supply was only for twelve hours between 6 p.m. and 6 a.m. and during the daytime supply was cut off. This was because of the location of the huts. Most of the areas where the camps were situated were near the local villages, which did not have proper electricity facilities. The people in these villages were bit unhappy that they were not the beneficiaries of the proper electricity facilities and sometimes they looked at the refugees with bitter feelings. So to avoid local jealousy this arrangement was done. The other factor was that the electricity supplied to the refugees was absolutely free and they were not charged for this. This caused some financial drain to the government. The refugees accepted this attitude without any complaint thereby showing their gesture of gratitude. The only grievance they had was that the

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government did not take any initiative to repair the electrical lines whenever there was some major power breakdown due to damage of these lines. The refugees personally had to carry out the repairs by themselves in such situations. Mr. S. C. Chandrahasan, founder of the Organisation for Eelam Refugees Rehabilitation (OIERR), the only NGO working in the camp says...

"Government had provided provision for using only one bulb in each hut. But these people are living in the same camp for months and years together so they wanted some relaxation and entertainment. For such things and for their comforts and needs they have bought radio, television, audio and video system, mixer etc. Almost all the basic and necessary items are found in every household. As a result, the consumption of electricity is more and the cable lines cannot withstand the load. So we have taken the responsibility to repair the wiring from our service funds."

In such a way the NGO had been taking effective measures to ameliorate the conditions of the refugees.

**Sanitation:** In all the camps, the government officials had taken much care to provide sanitation facilities to the refugees. Importance was given to the hygiene and steps were taken to maintain cleanliness in and around the camps. In every camp, bath rooms and toilets were constructed. But in most of the camps, they were not used because of the question of maintenance. The government left the responsibility of the maintenance of the toilets to the refugees. But they were very much reluctant in that matter. In due course, these toilets had
become useless due to lack of maintenance and thus they lost their very purpose. Under these circumstances people used the surrounding forest area for toilet purpose. In some of the camps only women used these toilets and men used the open fields. In some other camps where there were more than 500 families toilets were not sufficient for them and most of the refugees were facing this difficulty right from their arrival to the camps. The government could not immediately find a solution to this problem since construction of toilets around the camps involved land acquisition and conversion for such purposes and the clearance from local Panchayat Boards.

**WATER:** In general, the state of Tamil Nadu had an acute water shortage problem. One tube well was installed in every camp for drinking purpose and domestic use. The water was not good in certain places and hence water was taken from wells in the nearby local areas. The government provided water to the refugees through tanker services to those camps, which did not have enough drinking water facility.

Here, it is be worthy to mention that according to the Tamil Nadu Social Development Report 2000 only 15.6 per cent of the Tamil Nadu households enjoyed all the three basic needs of electricity, drinking water and sanitation.  

SERVICES IN THE CAMPS BY GOVERNMENT OF TAMIL NADU

RELIEF ASSISTANCE IN CAMPS: The following relief assistance had been provided to Sri Lankan refugees accommodated in the Normal Refugee Camps.

CASH DOLE:

This was a relief assistance given to refugee families based on the age criterion of each individual in a family on the date of arrival in India and their first admission in the Transit camp for their personal expenses in the camp. The amount varied according to the head of the family, additional members, first child and additional children. Since 1983 according to the GOI letter No. 1(14)/83/RH-I(1) dated 17-10-1983, this amount was revised twice in the year 1990 and 1996. Every fortnight the maintenance allowance of refugees was given to the head of the family. The table furnished below gives the details.

CASH DOLE DISTRIBUTED TO THE FAMILY MEMBERS

<table>
<thead>
<tr>
<th>Member wise Distribution</th>
<th>Fixed in 1983</th>
<th>Fixed in 1990</th>
<th>Fixed in 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family with one member (Head of Family)</td>
<td>Rs. 110/-</td>
<td>Rs. 150/-</td>
<td>Rs. 200/-</td>
</tr>
<tr>
<td>For each Additional Adult Member (Aged 12 years and above)</td>
<td>Rs. 82.50/-</td>
<td>Rs. 120/-</td>
<td>Rs. 144/-</td>
</tr>
<tr>
<td>Child below 12 years of age (for the First Child)</td>
<td>Rs. 55/-</td>
<td>Rs. 75/-</td>
<td>Rs. 90/-</td>
</tr>
<tr>
<td>For each Additional Child</td>
<td>Rs. 27.50/-</td>
<td>Rs. 37.50/-</td>
<td>Rs. 45/-</td>
</tr>
</tbody>
</table>

Source: G.O. Ms. No. 983 Revenue Department dated 14.06.1984, GOI Tr. No. 1(2) 90 RH (S) dated 04.06.1990 & Notes on Refugees Repatriates, Department of Rehabilitation, Government of Tamil Nadu, Annexure VI, 2000, p-36.
The children of the Sri Lankan refugees when attained the age of 12 higher rates of relief assistance were rendered to them\textsuperscript{14}. Adulthood would automatically becomes the eligibility for receiving cash doles and subsidised ration at higher rates equal to that of an adult. This was confirmed by the letter number C1/1555/87, dated 21-01-1987\textsuperscript{15}. The amount of the cash dole to be distributed was calculated prior to the disbursal day at the revenue office of the District Collector. This was done on the basis of the report of the staff concerned who visited the respective camps. After making a thorough check up of the refugees with their Family and Identity Cards a concise report was prepared and presented to the revenue office by the staff concerned. A bi-monthly report was presented at the end of every month by the government staff, which became the source of planning for the tasks to be executed in the next month.

**Subsidised Rice:**

The camp officials at district level issued separate Photo Identity cards to each camp refugee family along with personal Identity Cards of the individuals living in the camps\textsuperscript{16}. Apart from this they were provided with


\textsuperscript{15} Government of Tamil Nadu G.O. Letter No.I(14)/84-RH(1) dated 17-10-1983.

Government of Tamil Nadu G.O. Ms. No.1818 Revenue Department, dated 27.12.1983

Government of Tamil Nadu G.O. Ms. No. 156 Food Department, dated 27-12-1983.

 ration cards which were generally issued for the whole family as one unit. Rice at subsidised rate of Rs. 0.57 per kilogram was supplied to the refugees, whereas the local people of Tamil Nadu had to pay Rs. 3.50 per kilogram of rice from the public distribution system. It was generally, distributed at the rate of 400 grams per adult above the age of 12 years and 200 grams per child below the age of 12 years per day. Tamil Nadu Civil Supplies Corporation had been supplying the rice through ration shops and getting the differential price from the Government. It is calculated that an amount of Rs. 5 crores was incurred every year as expenditure for the supply of the subsidised rice\textsuperscript{17}. The refugees were also supplied with other essential commodities like sugar, wheat, kerosene etc., through the fair-price shops situated nearer to the camps. The expenditure for one month had come to about Rs. 41 lakhs during the year 2000. It was also expressed by the refugees that food grains provided to the refugees were sufficient for the entire family to live on.

**Clothing Materials:**

The Government of Tamil Nadu had also taken the responsibility of giving clothes to the refugees as one Donor. The Central Government has taken up the work of monitoring this activity. Once in every year each refugee family was supplied with a set of clothes according to the need of

the family members based on the scales prescribed by the Government of India. These materials were supplied through the government owned handloom centres called Co-optex organisation. The Government of India supplied the materials absolutely free of cost and the expenditure was entirely borne by the Central Government. The approximate expenditure for the year 2000 was Rs. 1,25,00,000/- for the supply of clothing materials to all the refugees living in various camps of Tamil Nadu.

Over the years as prices were increasing in 1995 government had fixed approximately Rs. 763/- per unit of clothes supplied to a family consisting of a couple and two children. This was revised in 1997 to Rs. 922/-. This was again revised in the later part of 2000 so as to be implemented in 2001. Blankets were also supplied once in two years.

**Description of the Clothes Supplied to a Family**

<table>
<thead>
<tr>
<th>Description</th>
<th>Name of the Article</th>
<th>Per Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Male</td>
<td>Dhuti/Lungi</td>
<td>2 nos.</td>
</tr>
<tr>
<td></td>
<td>Vests</td>
<td>2 nos.</td>
</tr>
<tr>
<td>Adult Female</td>
<td>Saree</td>
<td>2 nos.</td>
</tr>
<tr>
<td></td>
<td>Blouse</td>
<td>2 nos.</td>
</tr>
<tr>
<td></td>
<td>Petticoat</td>
<td>1 no.</td>
</tr>
<tr>
<td>Male Children</td>
<td>Half Pants (Shorts)</td>
<td>2 nos.</td>
</tr>
<tr>
<td></td>
<td>Vests</td>
<td>1 no.</td>
</tr>
<tr>
<td></td>
<td>Slacks (Bush Shirts)</td>
<td>1 no.</td>
</tr>
<tr>
<td>Female Children</td>
<td>Lehanga (Pavadai)</td>
<td>1 no.</td>
</tr>
<tr>
<td></td>
<td>Blouse</td>
<td>1 no.</td>
</tr>
<tr>
<td></td>
<td>Gown</td>
<td>1 no.</td>
</tr>
<tr>
<td>Other Items</td>
<td>Towels</td>
<td>2 nos. (per family)</td>
</tr>
<tr>
<td></td>
<td>Mats</td>
<td>1 no. (per adult)</td>
</tr>
<tr>
<td></td>
<td>Blanket</td>
<td>1 no. (per adult)</td>
</tr>
</tbody>
</table>

*Source: Notes on Refugees Repatriates, Department of Rehabilitation, Government of Tamil Nadu, Annexure VI, 2000, p-36.*

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On the whole approximately about Rs. 2 crores was incurred as an expenditure every year for the supply of clothes and mats to the camp refugees\textsuperscript{20}. Apart from this, the State Government had extended the scheme of free supply of dhoties and sarees to the adult members of Sri Lanka refugees also staying in the refugee camps in Tamil Nadu during Pongal Festival every year as this festival had been an important occasion for celebration by the Tamils\textsuperscript{21}.

Pongal Festival had been an important festival for the Tamils from very ancient times. It is a festival mostly celebrated by all the people in general and farmers in particular during the middle of the month of January every year. It is celebrated with great enthusiasm and with grand feasts. Special prayers and rituals (poojas) are conducted during this occasion to thank the "Sun" God for having blessed the people with bounties.

The Tamil Nadu Government during the past several years had been offering gifts and other support to the refugees during the Pongal celebration. Since the refugees were Tamils the Government had provided all essential commodities to them for the celebration of Pongal festival. The Government was very particular that the refugees should not be kept in a depressed mood during the festive occasion. During this

\textsuperscript{21} Ibid.
occasion, all the adult members of the family living in the refugee camps were presented with free Dhoties and Sarees under the "Supply of Free Dhoties and Saree Scheme" of the State Government. The entire expenditure was borne by the Tamil Nadu Government. This distribution commenced during the period of the DMK Government under the Chief Ministership of M. Karunanidhi since 1997. About Rs. 35 lakhs every year was spent for the supply of free dhoties and sarees to all the refugees\(^{22}\).

**FREE DHOTIES/SAREES SUPPLIED DURING PONGAL FESTIVAL**

<table>
<thead>
<tr>
<th>Year</th>
<th>Dhoties</th>
<th>Sarees</th>
<th>Expenditure In Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998 Pongal</td>
<td>23,407</td>
<td>20,853</td>
<td>32,15,930</td>
</tr>
<tr>
<td>1999 Pongal</td>
<td>17,032</td>
<td>16,183</td>
<td>21,30,273</td>
</tr>
<tr>
<td>2000 Pongal</td>
<td>15,366</td>
<td>16,870</td>
<td>19,54,625</td>
</tr>
</tbody>
</table>

source: Notes on Refugees Repatriates, Department of Rehabilitation, Government of Tamil Nadu, Annexure VI, 2000, p-37.

**UTENSILS:**

It must be remembered that the Government had been providing all kinds of assistance to the refugees right from the day of arrival in Tamil Nadu. Every family was provided with all essential items to carry on its activities in the camps. Utensils were also supplied to each family at the entry point and once in every two years such set of utensils were

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distributed to the families even if they were not worn out. In 1983 Rs. 50/- was fixed as the price for each utensil set distributed to the refugee family. By passage of time the cost price increased and the government raised the amount in 1995 to Rs. 83/- per family\textsuperscript{23} and to Rs 150/- per family in 1998\textsuperscript{24}. Approximate expenditure for two years period on the utensils was Rs. 15,00,000/-\textsuperscript{25} and the refugees were very much satisfied with the Government assistance.

**Utensil Items Supplied in Each Set Per Family**

<table>
<thead>
<tr>
<th>Items</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rice Bowl (capacity 5 litres)</td>
<td>1 no.</td>
</tr>
<tr>
<td>Sambar Bowl (capacity 2 litres)</td>
<td>1 no.</td>
</tr>
<tr>
<td>Big Spoon</td>
<td>2 nos.</td>
</tr>
<tr>
<td>Plates</td>
<td>2 nos.</td>
</tr>
<tr>
<td>Tumblers</td>
<td>2 nos.</td>
</tr>
</tbody>
</table>

*Source: Notes on Refugees Repatriates, Department of Rehabilitation, Government of Tamil Nadu, Annexure VI, 2000, p.36.*

**Medical Assistance:**

After the initial registration, the refugees were administered with vaccination by the government appointed Medical team. Generally medical assistance had been provided to all needy refugees in the Primary

\textsuperscript{23} Government Records, Department of Rehabilitation, Government of Tamil Nadu G.O. dated 25.07.1995

\textsuperscript{24} Government Records, Department of Rehabilitation, Government of Tamil Nadu G.O. dated 18.06.1998

\textsuperscript{25} Notes on Refugees/Repatriates, Department of Rehabilitation, Government of Tamil Nadu, Annexure – VI, 2000, p-38.
Health Centres. However, serious cases were referred to the nearby Government Hospitals.

If any refugee fell sick in the camp and needed treatment in the Government Hospital for a longer period, the sick person or his family member had to seek prior permission from the Commissioner of the Rehabilitation Department or from the District Collector who had been in charge of the camp. Initially permission for a period of two months was sanctioned to the sick person to stay outside the camp for his medical treatment and this could be extended for six more months. The Patient could avail relief assistance and one attendant was also permitted to stay with the sick person in the hospital for the entire period of treatment. The office of the Commissioner of Rehabilitation, Government of Tamil Nadu\(^{26}\) in such a way had offered all kinds of facilities to the refugees after completing the entire procedural practices.

In addition to these facilities, the Government of Tamil Nadu had been providing other necessary facilities like provision of drinking water through lorries during scarcity months of summer and consumer items to the refugees. The Government of India in co-ordination with Government of Tamil Nadu had been satisfactorily rendering the work of giving shelter, offering food and fulfilling all the basic needs of the refugees for more than eighteen years. Thus, by maintaining the bilateral relations and
fulfilling its bounden responsibilities with the neighbouring country Sri Lanka, India had been remaining as a role model for the other developing countries in the Asian region. The US Committee for Refugees, in its 1991 Report, has noted that "India has accorded a welcome to the Tamil asylum seekers that is as generous as any Refugee Group in Asia". Particularly, as a host of 2 million refugees for more than eighteen years India had been doing a yeomen service to the cause of humanity at a time when in Tamil Nadu 32.48 percent of the rural population and 39.77 percent of the urban population live below the poverty line. According to Planning Commission the dividing line of poverty level is Rs. 264 per capita per month in urban areas and Rs. 229 per capita per month in the rural areas, whereas the head of the family in the refugee camp receives Rs. 400 per month as a relief assistance.

In the midst of the heavy financial commitments to the various states of the nation as well as of the economic crisis in the nation, India came forward with humane consideration to help the helpless refugees of Sri Lanka.

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The following statement shows the expenditure incurred by the Indian Government during the entire period of 18 years.

**STATEMENT SHOWING THE EXPENDITURE INCURRED ON SRI LANKA REFUGEES FROM 1983 TO 2000**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>EXPENDITURE (Rs. In Lakhs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983-84</td>
<td>20.90</td>
</tr>
<tr>
<td>1984-85</td>
<td>187.07</td>
</tr>
<tr>
<td>1985-86</td>
<td>360.69</td>
</tr>
<tr>
<td>1986-87</td>
<td>378.03</td>
</tr>
<tr>
<td>1987-88</td>
<td>378.57</td>
</tr>
<tr>
<td>1988-89</td>
<td>136.72</td>
</tr>
<tr>
<td>1989-90</td>
<td>96.44</td>
</tr>
<tr>
<td>1990-91</td>
<td>2255.09</td>
</tr>
<tr>
<td>1991-92</td>
<td>2371.86</td>
</tr>
<tr>
<td>1992-93</td>
<td>2088.82</td>
</tr>
<tr>
<td>1993-94</td>
<td>1826.57</td>
</tr>
<tr>
<td>1994-95</td>
<td>1793.51</td>
</tr>
<tr>
<td>1995-96</td>
<td>1657.30</td>
</tr>
<tr>
<td>1996-97</td>
<td>2044.75</td>
</tr>
<tr>
<td>1997-98</td>
<td>2126.03</td>
</tr>
<tr>
<td>1998-99</td>
<td>2546.88</td>
</tr>
<tr>
<td>1999-2000</td>
<td>2454.68</td>
</tr>
</tbody>
</table>

*Source: Notes on Refugees Repatriates, Department of Rehabilitation, Government of Tamil Nadu, Annexure VI, 2000, p-38.*

The Government of India reimbursed to the Government of Tamil Nadu the entire expenditure relating to the grant of relief assistance to the Sri Lankan refugees and thereby it has relieved Tamil Nadu from its heavy financial burden.

**SUPPLEMENTARY ASSISTANCE TO THE REFUGEES**

The Government of Tamil Nadu had been providing other support also in addition to the basic needs of the refugees. It should be remembered that one day or other the refugees had to go back to their land and restart their life. Hence, the refugees should not be left in lurch
and kept idle in this host country. They had to be engaged in all activities, as they would do if they remained in their own country. Bearing this in view, the Government of Tamil Nadu had been providing maximum facilities to the Sri Lankan refugees to continue their pursuits in this land without much hindrance. Particularly, the academic pursuits of the youth and children were given full support by the Government. All the students from Sri Lanka migrated to India were given full support to continue their higher studies in the professional and other courses. The children were also admitted to various schools to attend courses, which they left in the middle in their land. This in later days of 2000 laid the way for the repatriated Sri Lankan Tamils' to send their children to Tamil Nadu for continuing their higher studies. This only showed their affinity towards the Tamil country which had been the land of their forefathers. Particularly, when the refugees started entering the Tamil country in massive numbers after the scourge in Sri Lanka they became quite anxious about the future of their children and so they approached the government and sought permission to admit their children in the local schools and educational institutions since they felt that the educational career of their children would have break and that it would affect their career. Initially government thought of providing separate schools for them but anticipating the high expenditure it decided to incorporate the refugee students in the local government schools close to the camps
where these students resided. Provision was also made for the refugee students to continue their higher studies in the colleges and in professional courses in Tamil Nadu.

**ASSISTANCE TO EDUCATIONAL ACTIVITIES**

**School Education:** Children of all Sri Lankan Refugees living in Tamil Nadu were permitted to study in the local government schools free of cost up to plus 2 level with free Uniforms, Textbooks and Noon Meals. Free bus passes were also issued to students up to eighth standard to travel in all town buses of the State Transport from their camp to school and back. Some Sri Lankan students were permitted to study outside and far away from the campsite and the relief assistance was paid to their parents or relatives staying in the camps. This was done in the case of non-availability of schools to the refugee children in the near vicinity of their camps.

But the scenario changed after the assassination of Rajiv Gandhi. The Government of Tamil Nadu under the then Chief Minister Ms. Jayalalitha suspended the programme of admission of Sri Lankan Refugee children in Schools during the academic year 1991-92. After receiving lot of appeals and requests from the parents of the refugee

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   George, Madras – 9, dated 11.06.1991.
students the government once again permitted them to continue the school education up to the twelfth standard from the academic year 1993-94. From that academic year onwards government sanction was issued to the Education Department every academic year for permitting the refugee children to continue their studies. This facility was extended to the non-camp refugees who possessed refugee Identity Cards issued by the Government of Tamil Nadu and to those Sri Lankan Tamils who were residing in the state in several places with valid passports. Students who did not possess any valid document or proof for their educational qualification, age, etc. tests were conducted and on the basis of their standard of performance they were admitted in the school courses. Some time, on the basis of the statements of the parents the students were directly admitted to the classes depending upon their merits. This was the trend of admission procedures of students in the primary, middle and high school levels. This consideration was shown to encourage the refugee children and to help them in their career building for a better future. Many of the refugee children were benefited from these admissions and some of the students who had left Sri Lanka during 1990s after discontinuing their studies for more than three or four years due to ethnic

clashes in their country got opportunities to continue their studies in Tamil Nadu.

**Higher Education:** The Sri Lankan Tamil students were also admitted in colleges and universities in Tamil Nadu since early 1980s. These students were permitted on the student’s visa to stay in India. But after the intensification of the ethnic violence in 1983 in Sri Lanka most of the students were unable to pursue their studies and particularly after the refugees flowed into Tamil Nadu just for saving their lives they had no opportunities to continue their education.

Few among them were the students who discontinued their studies and became fugitives in this land. When they left Sri Lanka they had mostly lost their possessions and along with the proof of their qualifications. On the humanitarian grounds the government had permitted them to continue their study in Tamil Nadu including the professional courses.

With the efforts of the refugee representatives at the State and Central Government level they were able to achieve 2% of the total seats in all the government and professional colleges in Tamil Nadu for the Refugee students. This 2% of the total seats allotted were created in addition to the existing number of seats because the existing number of seats was just sufficient only for the Indian students. Thus, by not
creating any chaos among the Indian students this increase had been made by the Government.

This allocation of seats for the refugees were open to all the Sri Lankan Tamils who were in possession of Refugee Identity Cards issued by the Government Officials of Tamil Nadu. This category consisted of two groups namely the camp and non-camp refugees. The third group was the Sri Lankan Tamil Nationals living in Tamil Nadu with valid passport and visa. It is to be noted that most of the seats were claimed by the non-camp refugee students and those who were residing in the cities.

In the past few years with the involvement of NGO’s in the camps and their successful achievements in their educational programs many students from remote camps of Tamil Nadu had joined the professional courses like B.E. and M.B.B.S. in Tamil Nadu. The year 2000 also witnessed the achievements of the refugee student in the camps and their performance was really commendable in plus 2 examinations. They secured ten seats out of the Twenty seats in the M.B.B.S. admissions out of which seven of them got on merit basis and the other three received the seats on the basis of their status as camp refugees.
The following is the distribution of seats reserved for the Sri Lankan Tamil refugees in Tamil Nadu in various educational programmes.

**Distribution of Professional Seats for the Sri Lankan Tamil Refugees in Tamil Nadu**

<table>
<thead>
<tr>
<th>Course</th>
<th>Prior to 1996</th>
<th>After 1996</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical</td>
<td>20 seats</td>
<td>20 seats</td>
</tr>
<tr>
<td>Law</td>
<td>5 seats</td>
<td>5 seats</td>
</tr>
<tr>
<td>Engineering</td>
<td>20 seats</td>
<td>25 seats</td>
</tr>
<tr>
<td>Polytechnic</td>
<td>25 seats</td>
<td>30 seats</td>
</tr>
<tr>
<td>Agriculture (B.Sc.)</td>
<td>7 seats</td>
<td>7 seats</td>
</tr>
<tr>
<td>B.E Agricultural</td>
<td>3 seats</td>
<td>3 seats</td>
</tr>
<tr>
<td>Engineering</td>
<td>1 seat</td>
<td>1 seat</td>
</tr>
<tr>
<td>Veterinary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I.T.I</td>
<td>5% addition to the existing seats in all Government Institutions</td>
<td>5% addition to the existing seats in all Government Institutions</td>
</tr>
</tbody>
</table>

*Source: Office of OJERR, the only NGO working for and with SLTR in the camps.*

By the year 1995 academic studies beyond plus two level was restricted to the refugee students\(^{34}\). With the end of the Chief Ministership of Jayalalitha the condition was revived and the refugee students were given once again opportunities to continue their studies.

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\(^{34}\) Government of Tamil Nadu Lt. No. (Ms) No. 634, Education, Science and Technology (H11) Department, Secretariat, Madras, dated 08.08.1995.
PROTECTION AND SECURITY ARRANGEMENTS FOR THE SRI LANKAN REFUGEES BY THE GOVERNMENT OF TAMIL NADU

It is to be pointed out here that at the instance of increasing occurrences of terrorist activities in many parts of the world it is difficult for any country to effectively face the terrorist problem for several years and this had become serious from 1980's. Hence, giving security to the VIPs and refugees had become the greatest responsibility of the Indian nation and its States.

During the inflow of the Sri Lankan Tamil Refugees into Tamil Nadu the Tamil Nadu Government had to make elaborate arrangements for the safety and security of the refugees accommodated at the camps situated in various districts. Based on the strength of the camp's population, police security arrangements were provided. The security work was carried out on shift basis in order to provide effective and continued protection to the refugees. This was also done to monitor the movement of the refugees in and out of the camp since the officials felt that the refugees might sometimes become the tools in the hands of the terrorists and might cause jeopardy to the State and men. Hence, securities in the Transit Camps had been very tight in most of the times.
MOVEMENT OF THE REFUGEES

The Inspector-General of Police incharge of the camps had always taken effective steps to tighten the security in all the camps. Only those refugees who were required to go out to work were allowed to go in the morning at 8 a.m. on the condition that they would return before 6 p.m. Police and Revenue officials in charge of the camp had to ensure that all those who left in the morning to work were to be back in the camp at least by 6 p.m. on the same day\textsuperscript{35}. To enforce this situation steps were taken to create a safe environment around the camp and involvement of Voluntary Organisations which were serving the refugees in the camps was restricted and later totally banned in all the Refugee Camps in the state\textsuperscript{36}. This harsh step was the result of the assassination of the former Prime Minister Rajiv Gandhi in May 1991. The inmates in the camps who wanted to visit their relatives in other places must necessarily seek the written permission from their Tahsildars concerned who in turn would consult with the ‘\textsuperscript{Q}’ Branch to give the required permission for their travel. A periodic detailed report at every fortnight was sent to the Secretary to the Government, Public (RH.I) Department, Government of Tamil Nadu regarding the movement of the refugees and security arrangements in the camp. As a security measure refugees must carry their Identity Card along with them whenever they had to travel outside
the camps. The Identity Card of the Refugees must contain the name, permission number, the district they hailed from, Identity Card number, head of the family & age and details about their family members. As a procedure a standard format duly filled in was collected from the refugee who wished to visit places out side the camp. This format contained the name and age of the refugee, his destination and reasons to visit, date of permission, scheduled date of return, signature of the camp officer and the signature of the refugee.

The camp officials of various districts issued the camp refugees in every family Photo Identity Cards. These documents were very important for the purpose of free transportation of Sri Lankan refugees back to Sri Lanka as well as for getting travel document from the Deputy High Commission of Sri Lanka in Chennai for their return journey to Sri Lanka on their own accord. These formalities were followed strictly by the officials of the Government of Tamil Nadu in order to ensure the safety of the refugees during the period of their stay in Tamil Nadu.

**Exit Permit**

The requests of the refugees who were eager to go to their places in Sri Lanka or to some other places were attended periodically. Exit Permit was given to these Sri Lankan Refugees to go back to Sri Lanka or to any

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37. *Government of Tamil Nadu, Rehabilitation Department, I.e. No. C.1/4570/93, dated 08.03.1993.*
other country of their choice provided they had valid travel documents. The Identity Cards issued by the District Office of their respective camps were the valid documents for the verification. In all these cases the ‘Q’ branch of the police department had carried on a strict security screening. The applicant had to fill in a detailed questionnaire supplied to him by the district office furnishing all the details about him. After verification they were permitted to leave India. All the records of the individuals were documented and finally forwarded to the Government of India to be kept in the relevant record sections. A monthly report was also prepared for the number of Sri Lankan Tamil Refugees left through Exit Permit and they were kept safely in the records sections for future reference. 

**IMPACT OF POLITICAL DEVELOPMENTS ON REFUGEES**

The rights conferred on refugees by the Human Rights Convention may be classified into two types, namely, basic rights and exclusive rights. Basic rights include Non-discrimination, Religious Freedom, Access to Courts, Employment, Rationing, Education and Public relief. Refugees are a peculiar kind of foreigners. So, there are some specific rights conferred on them. These rights also include the rights conferred under Article 28 & 33 of the Convention, providing to them Travel...
Documents under Article 28 of the 1951 Convention. Article 33 of Convention relating to the International Status of Refugees facilitate that "No contracting state shall expel or return ("refouler") a refugee to the frontiers where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. This provision sometimes cannot be claimed by a refugee since his claim would pose a danger to the security of the country in which he is and if he had been convicted by a final judgement of a particularly serious crime would constitute a danger to the community of that country. Though India had not signed the International Conventions, this present line of approach had been adopted implicitly while welcoming the refugees and maintaining them in this nation.

**Refugee Law in India**

International Law is greatly respected in India and its essence had been incorporated in some of the provisions of the Indian Constitution. Article 51 provides:

The state shall endeavor to...

- promote international peace and security;
- maintain just and honorable relations with nations;
- foster respect for international law and treaty obligations in dealing with organized people with one another; and

encourage settlement of international disputes by arbitration.

Thus, it is possible for any international legal principle to be incorporated or adopted in Indian legislation. Further, the legislative power of the Parliament included the power to validate treaties and agreements with foreign countries and to implement the provisions of the treaties, agreements and conventions with foreign countries. In India an international treaty is treated as an agreement, and does not by itself have the force of law.

The basic principle underlying New Delhi’s refugee policy is to view the problem strictly in a bilateral perspective. The refugees should return to their homeland once the situation improved there. Dealing specifically with the Tibetan refugees, Jawaharlal Nehru former Prime Minister of India declared that India’s policy on the subject was governed by three factors:

(a) India’s desire to maintain friendly relations with the Peoples Republic of China;
(b) Protection of the security and territorial integrity of India; and
(c) India’s deep sympathy for the people of Tibet.

The same principles govern India’s overall policy towards Sri Lanka.

41. Entry 14 of List I, Seventh Schedule, Constitution of India.
42. N.L. Narasimha Rao, ‘Indian Practice of International Refugee Law’ (Unpublished M.Phil dissertation, School of International Studies, Jawaharlal Nehru University, New Delhi)
The Indian constitution does not directly accord recognition to international treaties, to which India is a party and they would not be termed as the law of the Land. Therefore the obligations arising from treaties will not be enforceable in India, unless they are backed by legislation\textsuperscript{44}. Further India is neither a party to the refugee Convention or Protocol nor has a national legislation to govern refugees in its territory.

**Acts Applicable to Refugees**

In the absence of specific provisions of law, with regard to refugees, the pertinent question arises as to what are the other provisions of law applicable to the refugee situation.

In general, the following Acts govern the refugees living in India:

1. **The Passport (Entry into India) Act, 1920.**

   The Central Government is empowered by this Act to impose the condition of possession of a passport for entry of any foreigner into India.

2. **The Registration of Foreigners Act, 1939.**

   Section 3 of this Act empowers the Central Government to make rules with regard to registration of foreigners in India. The Central Government can make rules for any or all of the following purposes.

   - To register the presence of a foreigner
   - To note the movement of a foreigner within India
   - To report the departure of a foreigner
   - To ensure the identity of a foreigner

\textsuperscript{44} Mangubhai Vs. Union of India, AIR 1969 SC 783-807.
➢ To provide such other incidental or supplementary matters as may appear to the Central Government necessary or expedient for giving effect to this Act.

3. FOREIGNERS ACT, 1946

The object of the Act is to regulate the movement of foreigners in India45. Through this Act, the Parliament has granted the Central Government to pass relevant orders with respect to:

➢ Entry of foreigners
➢ Departure of foreigners
➢ Restrict foreigners by requiring them to reside in a particular place or restrict their movements
➢ Examination of foreigners
➢ Prohibition of foreigners from association with particular group
➢ Prohibition of foreigners from engaging in certain activities.
➢ Prohibition of foreigners from possessing certain articles.
➢ Regulating their conduct in a manner as may be prescribed or specified.

Penalty is also imposed by section 14 of this Act. It reads as follows:

"If any person contravenes the provisions of this Act or of any order made thereunder, or any direction given in pursuance of this Act or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine".

4. THE PASSPORT ACT, 1967

This Act deals with many aspects of the passport and travel documents to regulate the departure of citizens of India to some other country. This Act is applicable to non-citizens also in some aspects.

The Central Government utilizes these powers in regulating the affairs relating to refugees. Foreigners Order, 1948, Citizenship Act, 1954 and Extradition Act, 1962 are the other legislations which have applicability in the case of refugees.

CONSTITUTIONAL RIGHTS APPLICABLE TO REFUGEES:

In India, every individual is guaranteed with equal protection of law under Article 14. Article 20 provides that no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act, which is charged as an offence. Nor a person can be subjected to a penalty greater than that, which might have been inflicted under the law in force at the time of the commission of the offence.

Right to life, which is a most essential right, is provided under Article 21 of the Constitution. It guarantees life and liberty which can be taken away only by procedure established by law. The Indian Judiciary has expanded the ambit of this provision, which now guarantees also the right to live with human dignity, right to shelter, right to health and
medical assistance. In National Human Rights Commission verses State of Arunachal Pradesh, the Supreme Court has held that this Article is applicable to non-citizens also.

Article 22 protects persons from illegal arrest and detention. It also specifies the procedure to be adopted during arrest or detention. All persons are guaranteed the...

- right to be informed ‘as soon as may be’ of the ground of arrest
- right to consult and to be represented by a lawyer of his own choice
- right to be produced before a Magistrate within 24 hours
- right to have the freedom from detention beyond the said period save by the order of Magistrate.

Article 25 of the Indian Constitution provides that any person can profess, practice any religion subject to the limitations of public order, morality, health and other fundamental rights. Though there is no instance of an alien claiming this right, under this provision, the guarantee to freedom of religion is extended to aliens also. In fact, the refugees enjoy many rights in India which are advocated in International Conventions and the Government at the Centre and States consider them as their bounden duty to implement these rights to the refugees for their well being in the host society.
CHAPTER VI

ROLE OF NON-GOVERNMENTAL ORGANISATIONS IN REFUGEE MANAGEMENT