

From ‘British Subjects’ to ‘Stateless Persons’: the Repatriation of Estate Tamils of Sri Lanka to India C.1920-80

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Abstract

This paper engages with the issues of citizenship, statelessness and repatriation of estate Tamils of Sri Lanka to India in the period between 1920 and 1980. The study aims to reveal the way in which how Indian immigrant community enjoyed enfranchisement rights in the Colonial Ceylon and the way their political privileges were questioned in the later periods. The nation state formation in South Asia brought new meanings to individual identities and the concept of ‘British subjects’ which ensured various rights to the Tamil immigrants in the Colonial Ceylon became insignificant. The paper goes on to describe the way in which how the estate Tamils had undergone a condition of political uncertainty which finally led to their repatriation to their ancestral regions in South India and the discussions and debates which occurred around their repatriation to India.

Key Words

Plantation Labour, ethnicity, Citizenship, statelessness, repatriation and rehabilitation.

Introduction

The development of the plantation economy generated labour migration from South India to Sri Lanka. The labourers who worked on plantation estates were mainly recruited from the colonial Madras presidency, especially from Trichinopoly, Tanjore, Pudukotai, Madurai, Selam, North and South Arcot, Madras and Coimbatore.¹ The Tamil labourers were dispersed over all nine provinces in Sri Lanka. In 1930, the colonial government in Sri Lanka noted that 50 to 60 percentage of estate Tamils were born in Sri Lanka and their number was seven lakhs.² It also stated that the estates Tamils were settled in Sri Lanka although they kept making periodical visits to their home villages in Tamil Nadu. Only a minority of those of Indian origin were located in urban areas where they engaged in semi-skilled work, domestic service and business.

¹ Haraprasad Chattopadhyaya. Indians in Sri Lanka: A Historical Study, Calcutta, 1979, p.37.

² File No 1- 83, 10.10. 1930, Department of Education, Health and Lands, Overseas Branch, National Archives of India.

The estate Tamils in Sri Lanka enjoyed different kinds of welfare facilities including housing facilities, education for children, maternity benefits in the case of female workers and minimum wages during the Colonial Period. The colonial Government of Ceylon enacted a number of welfare measures for the immigrant estate population throughout the nineteenth and twentieth centuries. Their regular periodical visit to villages in South India had reduced surplus labour in the Sri Lankan plantations.

The present paper looks at the question of the citizenship and political rights of the persons of Indian origin in Sri Lanka in different periods and their subsequent repatriation to India. It examines the discussions and perceptions which occurred around these questions and the way in which political parties, politicians and the press in India formulated their ideas on the question.

The Question of Nationality

The question of the identity and rights of estate Tamils in Sri Lanka acquired political significance in the 1930s. In 1930, the colonial government established a commission headed by Donoughmore, to expand the form of representative government which had been initiated in the 1920s. This commission emphasized the need to extend the franchise to all sections in the country including women and estate Tamils.³ The existing system had laid down two qualifications for enfranchisement: a literary test and income criteria. The Donoughmore commission put only one condition for acquiring voting right, i.e., a five-year continuous residence in the country. This political privilege was extended to the estate Tamils within the broader concept of 'British subjects' which ensured equal rights to the immigrants with the indigenous population. But this suggestion was widely criticised by the Sinhalese politicians, who feared that this would result in the large scale enfranchisement of estate Tamils giving them considerable clout in political life. They claimed that the very fact that persons of Indian origin maintained some contact with their village in Tamil Nadu which proved that their sense of attachment lay with India not Sri Lanka and that therefore they could not be regarded as one of the constituents of its national polity. They pressed the colonial government to drop the simple criteria of a five-year residence in the country, and to use the criteria of domicile to judge the person's permanent interest in a country. They wanted a clear distinction to be made between domicile by birth and domicile by choice. Under the pressure of Sinhalese politicians the Government of Sri Lanka (GOSL) modified the recommendations of the Commission. The voting right was given to estate Tamils on condition that a person would have to possess a certificate from an appointed officer stating that s/he was resident in Sri Lanka for five continuous years. They received the status of 'undomicile' or domicile by choice even though a substantial proportion were born in Sri Lanka. They had to also make a declaration that they would not depend upon any other country except Ceylon. Nevertheless, as a result of

³ Ibid.

this process 1, 00, 000 Tamil-speaking residents in Sri Lanka were admitted into the electoral register in 1931. In the State Council election in 1936, their number increased to 1, 45, 000 and it became 2,25, 000 during the 1939 election.⁴ Sri Lankans on the other hand were categorised as domiciled by birth.

Fearing the increasing participation of the estate Tamils in elections to the State Council, the Sinhalese politicians urged the government to introduce a rigid qualification test for voting right. The colonial government felt that the right to vote would help estate Tamils to improve their economic conditions. But it could not ignore the powerful voice of the Sinhalese political leaders so it adopted a stricter voting test. The effect of this was felt in the State Council election of 1942 in which the number of eligible voters among estate Tamils fell to 1,68, 000.⁵

In 1939, the Indian National Congress sent Jawaharlal Nehru to enquire into the dismissal of Indian daily-waged labourers from government departments in Sri Lanka. Declaring that the GOSL was not protecting the rights of Indian labourers in Sri Lanka, Government of India (GOI) banned the migration of unskilled labour from India to Sri Lanka. At the same time in 1940-41 GOI also entered into negotiation with Sri Lanka to clarify the political rights of Indians in Sri Lanka. But these negotiations failed to resolve the political predicament of the Indian estate population in Sri Lanka. The colonial government in Sri Lanka did not wish to take the risk of provoking too much political opposition by taking up the rights of Indians in Sri Lanka. It left the issue to the future decisions of the new Government in Sri Lanka.⁶

GOI wanted the Indian emigration Act to provide the framework for determining the position of persons of Indian origin in Sri Lanka. It pointed out that under the terms of the Act, labour emigration from India had been permitted only on condition that labourers would have the right to settle permanently in the country and to exercise the same privileges as other inhabitants of the country. On this basis it argued that person of Indian origin should be put on the same political footing as the nationals of Sri Lanka.⁷

In 1947 GOI had entered into negotiations with GOSL over the principles on which citizenship status was to be defined for persons of Indian origin in Sri Lanka.⁸ Nehru, the then Prime Minister of India stated that India was ready to accept those estate Tamils who wanted to come to India and claim Indian nationality. At the same time, he also pressed Sri Lanka to liberalize the conditions for claiming citizenship and simplify the registration process for those who wanted to stay there. In particular, Nehru argued the case for those people who had lived in Sri Lanka for three to four generations, stressing both the economic contribution

⁴ S.U.Kodikara, *Indo -Ceylon Relations since Independence*, Colombo, 1965, p.78.

⁵ *Ibid.*

⁶ Chattopadhyaya, *Indians in Sri Lanka*, pp.210-11.

⁷ P.Sahadevan, *India and Overseas Indians: The Case of Sri Lanka*, 1995, Delhi, 122-23.

⁸ S.Gopal, eds. *Selected Works of Jawaharlal Nehru*, New Delhi, Vol.4, 1986, p. 622, Nehru Memorial Museum and Library (here after NMML), New Delhi.

they had made to the country and their sense of attachment to it. He also negotiated the citizenship right for estate Tamils under the emigration rules which guaranteed rights and facilities to Indian immigrants. He stated this to (in) his letter to D.S. Senanayake (1947-1952), the then Prime Minister of Sri Lanka dated on 17.6.1947:

One of the conditions for emigration to other countries to which the Government of India have always attached the utmost importance from the very beginning of Indian emigration has been that an emigrant labourer should be given facilities to settle in the country to which he emigrates on equal terms with members of the indigenous population. The so called “special” privileges sanctioned by the Government of Ceylon were benefits considered necessary to attract immigrant labour and to ensure that assistance in returning to their homes in India would be available to those migrants who did not want to settle down in the country of immigration.⁹

The political status of estate Tamils became worse when the island got its independence and the new citizenship act was introduced in 1948.¹⁰ The Ceylon Citizenship Act (Act No.8 of 1948) defined the nationality right according to two principles: citizenship by descent and citizenship by registration. Citizenship by descent could be claimed if a person was born in the country within an appointed date, and his or her father, or his paternal grandfather and paternal great grandfather, was born in Sri Lanka. Citizenship by registration could be claimed when a person’s wife or husband was of Sri Lankan origin. The act offered citizenship by registration only for 25 persons every year. It also gave prominent persons in public life, or professionals in commerce, industry and agriculture, the right to become citizens. This was also reserved for 25 persons for every year. Clearly the citizenship act of Sri Lanka was rigid and complicated, and it tended to deny the estate Tamils any right to claim Sri Lankan nationality. It eroded the voting rights they had been granted in 1931.

The GOSL introduced a new Act to enable some of those now categorised as 'foreigners' to claim Sri Lankan nationality. By the Indian and Pakistani Residents' Citizenship Act (Act no.3 of 1949), applicants had to officially agree that they were Indian or Pakistani residents in Sri Lanka. A married person had to prove his or her continuous residence in the country with his family for seven years prior to 1946. An unmarried person had to provide different documents to prove residency status and also show definite occupational status. The time given for submitting the applications was two years, from 1949 to 1951. The Ceylon Indian Congress (CIC), the main trade union organisation of the estate Tamils, since 1939 critiqued the 1948 Citizenship Acts as 'discriminatory and anti-social'.¹¹

⁹ S.Gopal, eds. 1988. Selected Works of Jawaharlal Nehru, New Delhi. Vol.7, p.635, NMML.

¹⁰ File No 69-1, 1947, Ministry of External Affairs and Commonwealth Relations, Overseas Branch, National Archives of India (here after NAI), New Delhi.

¹¹ File No.69-1, 1947, Overseas Branch, Department of External Affairs, NAI, New Delhi,

The Question of Belonging:

The Government of independent India headed by Jawaharlal Nehru(1947-1964) continued the same policy which GOI had adopted in the 1930s. In a speech in 1939 Nehru had stressed both the need to recognise the citizenship rights of estate Tamils, but also urged them to show that they had accepted Sri Lanka as their sole country. In other words he seemed to accept indirectly the accusation that they were not sufficiently committed to Sri Lanka as their homeland. In a speech to the estate Tamils in 1939 Nehru had said:

Many of you have come down to Ceylon with your families and children and settled down here. Although inevitably you think of India, love India and have contacts with India, yet your future homeland is Lanka. It is right that you should treat the place you have settled down in as your home and the people of the land as your own countrymen.¹²

Nehru addressed other communities of overseas Indians in the same way. He considered that they ought to be allowed to exercise their choice in deciding whether they wanted to continue as Indian nationals abroad or become citizens of their adopted country. If they wanted to hold onto their Indian nationality, then they should not demand political rights in the host country. In a speech in the Indian Legislative Assembly on 14th March of 1947 on the nationality of overseas Indians he said:

Is an Indian in Mauritius to call himself an Indian national or a Mauritius national? That will be for him to choose. Many of the Indians have lived there for three to four generations, for a hundred years or more. They do not even know India; they have never been to India. That is a question for the future. It is very well to say that our people have been disenfranchised in Burma. But is he a Burmese national or not? Does he consider himself as an Indian national or is he merely a visitor, carrying on business, looking at India as his homeland and coming back to it? If he says he wants to be a Burmese national he should be accepted as such. If he says that he wants to remain an Indian national, then he has no further demand for the franchise, of voting privilege, there.¹³

In other words, Nehru held to the idea that citizens should be committed to one single national identity - not to dual affiliations. Countries newly independent from the British Empire were rejecting the idea of co-existing forms of loyalty and patriotism, which had been more acceptable within the imperial framework. Citizens had to feel they belonged to one and only one territorially defined nation -they could not be allowed to feel that their identities were shaped by multiple reference points. Nehru also felt that nationality or citizenship ought to define the identity of the person too, not just that of the nation. He stressed that overseas Indians who adopted the nationality of other countries, ought to integrate with the local communities and not seek protection from India.¹⁴

¹² S. Gopal, eds. Selected Works of Jawaharlal Nehru, New Delhi, Vo.10, 1977, p.30, NMML, New Delhi.

¹³ S. Gopal, eds. Selected Works of Jawaharlal Nehru, New Delhi, Vol.2, 1984, p.438-39, NMML, New Delhi

¹⁴ Lok Sabha Debates of Government of India, Seventh Session, Third Series, Vol. XXXI, 4.5.1964, Co.14192, Central Secretariat Library (hereafter CSL), New Delhi.

The position taken by estate Tamils on Ceylon citizenship also shaped the Indian attitude on the question. When they were prevented from acquiring citizenship rights under the Ceylon Citizenship Act (Act No. 8 of 1948), a majority of them applied for Ceylon citizenship under the Indian and Pakistani Resident Act. As many as 2, 65,000 applications, covering about 8, 00,000 persons were submitted.¹⁵ This mass move demonstrated very clearly that the estate Tamils wanted to become the citizens of Sri Lanka and not of India.¹⁶

The Question of Statelessness

However the process of verifying citizenship applications under this Act turned out to be a very slow, strict and rigid one, and persons of Indian origin began to feel that it was one designed to erode their citizenship claims even further.¹⁷ Applicants faced difficulties in producing proof of their continuous residential status in the estate for seven to ten years prior to 1946. Estate Tamils often moved from estate to estate or districts to districts in search of employment, making it difficult to put together such a record. Many applications were also rejected citing technical errors, incomplete details, lack of sufficient documentation. Sri Lankan officials would reject citizenship applications simply on the basis that someone had sent money orders to India or travelled to India. There were suspicions that they had been instructed to operate the verification system in a way which would keep down the numbers of those accepted as citizens.

GOI entered into a negotiation with Sri Lanka in 1953 to discuss the registration and citizenship questions of the people of Indian origin.¹⁸ In this negotiation, Dudley Senanayake, the second Prime Minister of independent Sri Lanka, agreed to grant citizenship to 4 lakhs persons and was also willing to grant a permanent resident permit to 2.5 lakhs persons. In return, he demanded the compulsory repatriation to India of 3 lakh people, a principle which Nehru opposed, so the talks failed.

In February 1954 John Kotelawala, the third Prime Minister of Sri Lanka redefined the term 'Ceylonese' in a much more circumscribed way.¹⁹ The term 'Ceylonese' was defined by the Ceylon citizenship Act of 1948 and it guaranteed that two groups were included in this category: those who became citizens of the country by descent or registration and those whose applications for Ceylon citizenship had been accepted. Under the second definition, persons of Indian origin in Sri Lanka were identified as naturalised Ceylonese. But John Kotelawala contended that the term 'Ceylonese' covered only those included in the first group that those

¹⁵ Chattopadhyaya, *Indians in Sri Lanka: A Historical Study*, 225.

¹⁶ S. Gopal, eds. *Selected Works of Jawaharlal Nehru*, New Delhi, Vol.18, 1996, p. 506, NMML, New Delhi.

¹⁷ Kodikara, *Indo-Ceylon Relations since Independence*, 112-118.

¹⁸ Chattopadhyaya *Indians in Sri Lanka: A Historical Study*, 1979, 233.

¹⁹ *The Hindu*, 22.2.1954, NMML, New Delhi.

who came in the second category did not have the right to this label.²⁰ The restriction put on the definition of Ceylonese meant unemployment for many, a situation meant to push them into applying for Indian citizenship.

The Kotelawala Government also declared that it would introduce strict methods to verify citizenship applications. In a radio broadcast the Prime Minister declared that his 'first object was to arrive at a means of sorting out Ceylon Indians, who could not have the right as such to remain in Ceylon from those who would'.²¹ He also argued the process was one which would not add too many people to the existing pool of citizens, but would serve to identify those who were Indian nationals or non- citizens of Sri Lanka.²² His government also stopped issuing travel documents to both estate Tamils and urban people which would allow them to travel to India but to return to Sri Lanka.²³

Under the earlier system, plantation Tamils would take estate identification when they wanted to travel to India and urban residents would take travel documents from the immigration authorities. Now GOSL took the position that if a person wanted to visit India, he or she would have to give up their claim to Ceylon nationality and accept an Indian nationality and travel on an Indian passport.²⁴

In this situation, the plantation Tamils under Ceylon Workers Congress argued that Ceylon Indians had contributed their best to the development of the country and thereby earned their right to live in the country.²⁵ It said it would not be forcibly pushed into taking Indian citizenship but would continue to fight for the right to citizenship in Sri Lanka. It was only a minority of Indians in Ceylon, CIC said, who identified themselves as Indian nationals. S. Thondaman, spokesman for the CIC declared: 'The estate Tamils would continue to be loyal to Ceylon whether their rights were granted or not'.²⁶ On another occasion he explained:

Undoubtedly the vast majority of Ceylon Indians relay the island as their home will, under the terms of the agreement, remain stateless for some time. Nothing should be done under the cloak of inducements to force such stateless persons to acquire Indian nationality.

While the CIC declared that Ceylon Indians preferred to remain stateless rather than be coerced into taking Indian nationality, the GOSL insisted that it would categorise 'stateless persons' as 'foreigners' in the

²⁰ The Hindu, 22.2.1954, NMML, New Delhi.

²¹ The Hindu, 2.3.1954, NMML, New Delhi.

²² The Hindu, 31.3.1954, NMML, New Delhi.

²³ The Hindu, 28.3.1954, NMML, New Delhi.

²⁴ The Hindu, 10.3.1954, NMML, New Delhi.

²⁵ The Hindu, 3.2.1954, NMML, New Delhi.

²⁶ The Hindu, 10.2.1954, NMML, New Delhi.

country.²⁷ In an interview with the Press Trust of India John Kotelawala stated: 'In the context of Indo-Ceylon question, statelessness would mostly be self inflicted.'²⁸

Government of India argued that it was the responsibility of the GOSL to deal with Ceylon Indians who had applied for formal citizenship, and if they were denied it, they would be left in the position of stateless persons. Speaking of these 'stateless people' in the Lok Sabha in 1954 Jawaharlal Nehru said:

They are certainly not Indian nationals, they and their families lived there for a long time; many of them have been born there. Normally they would be Ceylon nationals, but of course, Ceylon has the right and authority to decide about that matter... So long as it does not accept them as nationals, they are nationals of no state, certainly not Indian nationals and they have become stateless people ...hoping for Ceylonese nationality. In fact, they have applied for it, nearly all of them or a very large number of them.²⁹

In other words, the condition of statelessness arose from the unwillingness of Sri Lanka to grant its citizenship to estate Tamils and from the unwillingness of GOI to recognise all these as its citizens without some demonstrable move on their own part. At this stage the estate Tamils also preferred to remain stateless persons to 'prove' their commitment to acquiring Sri Lankan citizenship. GOI conceived of its role here only as one of moral sympathy for this struggle.

The elections of 1956 in Sri Lanka brought S.W.R.D Bandaranaike (1956-1959) into power as the Prime Minister.³⁰ He was identified as one of the principle advocates of the repatriation of estate Tamils to India but he maintained a different view to reaching the solution. His attitude was to finish the citizenship registration process of estate Tamils at first and to enter into a fresh deal with GOI on the stateless persons who were rejected Ceylon nationality. His view was that the citizenship problem of estate Tamils was an internal problem of the country, but he wanted to re-establish relations with India on a more friendly footing. He held that Tamil labour should, as much as possible be replaced by Sinhala labour and as many as estate Tamils possible should be repatriated to India.³¹

After his assassination in 1959, his wife Sirimavo Bandaranaike, who became the Prime Minister of Sri Lanka (1960-65), followed a similar policy on the issue. When citizenship registration concluded in 1963 it was found that in the period 1951-64, 130,000 persons had been given Ceylon citizenship. And under the terms of the 1954 agreement of Nehru- Kotelewala 50,983 persons had been given Indian citizenship in the period 1954-64. It was calculated that 9, 75, 000 persons still remained stateless in Sri Lanka.³²

²⁷ The Hindu, 21.3.1954, NMML, New Delhi.

²⁸ The Hindu, 31.3.1954, NMML, New Delhi.

²⁹ Lok Sabha Debates of Government of India, Sixth Session, Part I, Vol. V, 15.5.1954, Cols, 7508, CSL, New Delhi.

³⁰ Kodikara, Indo-Ceylon Relations since Independence, p. 137-143.

³¹ S.W.R.D. Bandaranaike, Towards A New Era, Colombo, 1961, p.557-558.

³² Chattopadhyaya, Indians in Sri Lanka, 247.

Sirimavo took a determined initiative to settle the issue with India.³³ Her view, like that of her deceased husband, was that the maximum number of stateless persons should be repatriated to India under the provisions of Article 5 of the Indian Constitution (Section 5 (i) (b) of the Indian Citizenship Act of 1955). D.S Senanayake had set the terms by sharply narrowing the terms on which persons of Indian origin could claim Ceylon citizenship. Subsequent Prime Ministers followed the political agenda of maximum repatriation to India irrespective of the important economic role which persons of Indian origin played in the Sri Lankan economy.

From 1956 to 1964 GOI's position was that the persons affected by statelessness were not Indian nationals, so sorting out the problem was an internal matter for the GOSL.³⁴ A shift in approach took place when Nehru died and Lal Bahadur Shastri became the Prime Minister of India on 6 June, 1964. Shastri entered into negotiations with the Sirimavo Bandaranaike from 23 -30 October 1964(the 23rd to 30th of October 1964), as a result of which GOI agreed to repatriate 5,25,000 stateless persons and the GOSL agreed to award Ceylon citizenship to 3,00,000 persons. Both countries decided that the fate of the remaining 1,50,000 stateless persons would be settled after 10 years by dividing them up equally.

Shastri followed the Nehruvian line inasmuch as he too insisted that the stateless population in Ceylon were not Indian nationals because they had been settled in Sri Lanka sometimes for three generations, and because they had expressed their preference for Ceylon nationality.³⁵ At the same time, under Shastri GOI also began to argue that the problem could not be resolved by leaving the outcome to individual choice. It began to propound the view that nations had the sovereign right to define the nationality of the people domiciled in it. It could absorb a population or evict it by not violating its own constitution.³⁶ Another nation did not have the right to question this exercise of sovereign right. Related to this, the Minister for External Affairs, Swaran Singh stated in the Lok Sabha: 'It is quite evident that if these persons were already Ceylon citizens and if this was our case, then there was no point in making applications asking for the grant of Ceylonese citizenship by them'.³⁷ In other words, the Indian state now accepted that conferring or withholding citizenship was the sovereign right of the nation state and not simply a matter of individual right or personal choice. Shastri also put a lot of weight on the need for India to strengthen its relationship with its immediate neighbours.³⁸ The defeat of India in 1962 demanded certain change in attitude towards

³³ Kodikara, *Indo-Ceylon Relations since Independence*, 138.

³⁴ Lok Sabha Debates of Government of India, Seventh Session, Second Series, Vol. XXVII, 6.3.1959, Col.4456, CSL, New Delhi.

³⁵ Lok Sabha Debates of Government of India, Tenth Session, Third Series, Vol. XXXVI, 23.11.1964, Col. 1218, CSL, New Delhi.

³⁶ *Ibid*, Col.1222.

³⁷ *Ibid*, Cols.1223-1224.

³⁸ Rajya Sabha Debates of Government of India, Forty Ninth Session, Vol. XLIX, 22.9.1964, Col.2536-2539, CSL, New Delhi.,

neighbouring countries. So Shastri wanted to strengthen India's relationship with neighbouring countries and made special efforts to win over Sri Lanka which maintained a close connection with China. He also had

shown an accommodative and mild approach on the issue and it helped to frame the agreement.³⁹

The Parliament Debates on Repatriation

GOI's shift in approach did not go down well in all quarters in India, especially the programme of large scale repatriation. The Communist Party of India (CPI), Praja Socialist Party (PSP), Swatantra Party (SWA) and Indian National Congress (INC) as well as the Dravida Munnetta Kazhagam (DMK), the then main opposition party in Tamil Nadu, expressed their views on the issue.

The repatriation proposal received wide public attention in India. A three day debate took place in the Lok Sabha from 23 to 25 November 1964.⁴⁰ Introducing the resolution Sardar Swaran Singh said he wanted to explain the main features of the Indo-Ceylon agreement. M.N. Ranga, one of the leaders of Swatantra Party, immediately responded that 'it was a shameful document'. Swaran Singh highlighted the fact that it was a phased programme, there would be no sudden exodus from Sri Lanka, and people would be allowed to bring their savings back to India. Swaran Singh's position was that GOI had approached the issue as a humanitarian problem, one which could be resolved only by recognising the estate Tamils as Indian citizens and rescuing them from their state of political uncertainty.⁴¹

J.B. Kripalani of the Praja Socialist party insisted on knowing 'whether in the opinion of the Government of India, these people were naturalised citizens of Ceylon or did this Government consider them to be citizens of India yet?' The Minister admitted that the Government of India's case was that those people who had gone there and settled there, were not Indian citizens; they could be described as stateless persons' M.N. Ranga of the Swatantrata party challenged this statement, pointing out that earlier India had always insisted that they were naturalised citizens of Ceylon'.⁴² J.B. Kripalani endorsed this position and later added 'you

³⁹ Ibid.

⁴⁰ Lok Sabha Debates, Vol. XXXVI, 23.11.1964, Col. 1216-26, CSL, New Delhi.

⁴¹ Ibid, 1223.

⁴². Prof. M.N. Ranga was one of the prominent political leaders in the Indian national movement from 1917 to 1947. He was a follower of Mahatma Gandhi and actively involved in civil disobedient movement in 1930, and quite India movement in 1942. He also was the leader of the peasant movement in 1930s. After independence, he left INC and in 1959 he became one of the founders of the Swatantrata party and he was against the socialist ideas of Nehru and wanted to introduce liberal policies in Indian economy.

can not invite foreigners here'.⁴³ The treaty, he said, had been against the interests both of India and of the people settled there:

We never admitted that these people are Indian citizens. Now if we want to go to 'origin' of people, my honourable friend Jaipal Singh, adivasi friend will tell us "you are foreigners, you go to Central Asia" ...our Government has done a very great wrong to the people there.⁴⁴

Nedum Chezhiyan and Manoharan of the DMK did not accept that these were stateless people who were being repatriated. Nedum Chezhiyan one of the founders of the DMK said, 'They (the repatriates) are not our people. They are the people of Ceylon which the Ceylon Government wants to push on us'.

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Condemning the accord, Manoharan, also of the DMK stated that:

We have undertaken this responsibility irrespective of the wishes of the people in Ceylon.... Torn from their roots, their language, culture, climate and food they are going to be thrown into Dandakaranya, Rajasthan and other places. And to the eternal shame of Tamilnad, the Minister of the Madras Government, Mr. Ramaiah was ... a party to this criminal document. ...Let them (i.e GOI) not forget that the people of Indian origin in Ceylon are not cowards... in no time they can paralyse the economy of the Government of Ceylon.⁴⁶

C.N. Annadurai, founder of the DMK and its leader in the Rajya Sabha critiqued GOI for not consulting with the opposition parties in the country before entering into an agreement which had violated the interests of the people of Indian origin in Sri Lanka.⁴⁷ He said that the only affinity between these people and the people of Tamil Nadu was that they shared the same language. In his view, the entire population of Sri Lanka was Indian in origin because all three major communities, the Sinhalese, the Ceylon Tamils and the Indian Tamils had migrated from India to Sri Lanka:

I am going to measure the Indo- Ceylon pact only through the rod of human dignity, international justice and even common sense. I find that this pact means a gross betrayal of millions of people Most of the people today who are called men of Indian origin have no connections, no homes, no relations, in Tamil Nadu. The only affinity... is the affinity of language..... why it is that you have deviated from the path followed by the late lamented Prime Minister? He had very correctly stated that he would take any number of people.... if they come voluntarily and what is this pact? This is not a voluntary repatriation.⁴⁸

⁴³ J.B.Kripalani was a Congress member for 36 years and he served as Congress president in 1946-47. In 1950, he left Congress and formed Praja Socialist Party which became one of the prominent opposition parties to Congress and Nehru.

⁴⁴ Lok Sabha Debates, Vol. XXXVI, 25.11.1964, Col.1489-91, CSL, New Delhi.

⁴⁵ Ibid. Col.1227.

⁴⁶ Ibid, 24.11.1964, Cols. 1525-1527.

⁴⁷ Rajya Sabha Debates, 5th Session, Vol. L, 24.12.1964, Cols.4895-4905, CSL, New Delhi.

⁴⁸ Ibid. Cols.4897-4899.

M.R. Masani, founder-leader of the Swatantra Party declared that the scheme was, ‘unsound in principle and ... a violation of human rights’.⁴⁹

M.K. Kumaran, of the CPI said that under Nehru India had supported the struggle of Tamils in Sri Lanka but the new regime had let them down:

Those people who are going to be repatriated ... are not Indians. They are grandsons and great grandsons of labourers who went from India to work in Ceylon. They worked there and enriched that country. But they were not accepted as the citizens of that country.Jawaharlal Nehru also did his best to get a better deal for those people.... These People of Indian origin there were treated as stateless persons and they had to agitate a better deal with the Government. We looked on helplessly.... Now, Prime Minister of Ceylon and Prime Minister of India tried to reach some agreement.... This agreement is somewhat unsatisfactory..... the hopes of the persons of Indian origin in Ceylon were belied to a great extent.⁵⁰

M. Kumaran, the CPI representatives in the Lok Sabha also argued for the rights of persons of Indian origin to full citizenship rights. He dwelt upon the contribution which they had made to their countries of domicile:

Whenever our labourers have gone to other countries, they have not found it difficult to live there....The Prime Minister of British Guiana, Cheddi Jagan, is a grandson of a landless labourer, who went from a U.P. village as an indentured labourer.... That is how, our working people, when they go to other countries, do work, take up citizenship of that country and accommodate themselves to the conditions there and live peacefully with other sections of the local people.⁵¹

The Lok Sabha debates on the accord indicate that the major opposition parties strongly felt that GOI should not have succumbed to the pressure from the GOSL to give Indian citizenship to stateless people and to undertake to repatriate them to India. Some critiqued this on the grounds that the whole accord had been hustled through in a very undemocratic way, without consulting with those people whose fate was linked up with its outcome, or with the opposition parties in India. Others felt that individuals living and settled in foreign countries ought to be given the right to choose their citizenship; they no longer could be seen as citizens of India simply because they migrated from India.

The Press Reacts

The discussion on the accord moved beyond the floor of the Parliament. The national and local newspapers in different states carried the debate to the public.

⁴⁹ Lok Sabha Debates, Vol. XXXVI, 23.11.1964, Col.1238, CSL, New Delhi.

⁵⁰ Ibid, Colms. 24.11.1964, 1500-1501.

⁵¹ Ibid, 24.11.1964, Col.1500.

The Hindu said that the accord was against the interest, not only of persons of Indian origin in Sri Lanka, but also against the interest of other Indians overseas who wanted to be accepted as citizens in the country to which they had migrated.⁵² It stated that ‘the proposal of the gradual uprooting of over a half million people from their established moorings because of the exigencies of the politics and international relations is no means pleasing’. *Deshabimani*, a Malayalm news paper representing the views of the Communist Party of India in Kerala said the pact meant that five lakh persons would be forced to come to India perhaps a miserable future.⁵³ It argued that long term continuous residence in other countries gave persons of Indian origin the right to include themselves amongst the citizens of that nation.⁵⁴ Their life had changed once they had started to settle down in these places, and their attachment to India had loosened-it was at the most an emotional attachment. *The Hindu* urged the Indian state to guarantee the rights of its population all over the world and prevent their mistreatment in former British colonies:

As there are still large numbers of people of Indian origin in many erstwhile British colonies, all the way across in the Caribbean to Fiji, in the Pacific, the Government must (insist on)... the just rights of these people.... The countries to which our country men migrated either voluntarily, or as indentured labour... should not be allowed to think that the people of Indian origin are an expendable part of their population who can be thrown out liked sucked oranges.⁵⁵

In short, the press along with the political parties, in India critiqued the repatriation scheme as a deviation from Nehruvian principles and as a measure forced upon people who did not have any relations or contacts in India.

The major argument being made in these discussions was that persons of Indian origin should have the right to adopt the nationality of those overseas countries to whose economic development they had contributed and where they had had long residential status. India ought to negotiate with these countries to ensure the rights of overseas Indians there, instead of giving way and accepting that they had ‘remained’ Indian citizens and could therefore be forced to return to India. The repatriation of estate Tamils seemed to compromise the citizenship claims of persons of Indian origin in other locations too such as Trinidad, Guyana, Fiji, Madagascar and Mauritius.

The Stateless ‘Come Back’

Spokesmen for GOI such as Swaran Singh, Minister for External Affairs or Foreign Minister, defended the Shastri-Sirimavo agreement as one which had tried to sort out the problem of stateless people on the basis

⁵² *The Hindu*, 1.11.1964, NMML, New Delhi.

⁵³ *Deshabhimani*, Kerala, 2.11.1964, AKG Library and Research Centre (here after AKGLR), Kerala.

⁵⁴ *Deshabhimani*, 3.11.1964, AKGLR, Kerala.

⁵⁵ *The Hindu*, 1.11.1964, NMML, New Delhi.

of a 'give and take' understanding with the GOSL. It had enabled some persons of Indian origin to acquire citizenship and voting rights on a position of equality with other citizens in Sri Lanka. Those being repatriated to India were now no longer in the uncertain position of being stateless people. The repatriation would take place in a very phased process over 15 years so as to minimise hardship, and GOI had also succeeded in getting permission for those coming in to repatriate their assets from Sri Lanka, a privilege not usually granted to displace populations.⁵⁶ GOI also insisted that the proposed repatriation was not a compulsory one. It stated that it had received information from the Indian High Commission, the Ceylon Indian Congress and the Tamil labour unions that many estate Tamil families, about 3-4 lakhs were in fact eager to come back to India.⁵⁷ Swaran Singh, the External Affairs Minister stated about manner of repatriation that:

Whatever may be the reason, there is a good percentage amongst our people who were settled there, who want to return to India. So, we had to take a decision, we had to enter into an agreement whereby these people come in an orderly manner, in a phased manner, and a situation is not created where we are just off-loaded with a large number of people, who for various reasons find it not quite comfortable or congenial to stay on and then to come even without assets.⁵⁸

To win over public opinion in India the Shastri regime also characterised the estate Tamils as hard working and disciplined labour who would be a asset to the Indian economy. In the Rajya Sabha the External Affairs Minister Swaran Singh also said: 'We will be able to plan our constructive absorption into our national economy by devising schemes which will permit utilisation of this disciplined manpower to the benefit of our national interests and their own well being'.⁵⁹ Other Congressmen defended the terms of the accord as the only practical solution to the statelessness of estate Tamils.⁶⁰ Krishna Nath Pande, a Congressman from Uttar Pradesh and a trade unionist endorsed this position:

The people who had gone to Ceylon as labourers ... put all their strength and energy in order to make the country prosperous.... But the Ceylon Government was not prepared to accept all the people coming from India as Ceylonese citizens. Those people were hanging in suspense.....Therefore this settlement was made, and I think it was a good settlement....there was no alternative at all....⁶¹

The *Times of India* described the accord as a happy solution which had underlined the moral responsibility of the Indian state towards its overseas communities:

⁵⁶ Lok Sabha Debates, 25.11.1964, Cols.1676-1977, CSL, New Delhi.

⁵⁷ Ibid, Cols. 1672-1674.

⁵⁸ Ibid,23.11.1964, Col.1226.

⁵⁹ Rajya Sabha Debates, Fiftieth Session, Vol. L, 17.11.1964, Col.172, CSL, New Delhi.

⁶⁰ Lok Sabha Debates, Vol. XXXVI, 23.11.1964, Col.1217, CSL, New Delhi.

⁶¹ Ibid, 24.11.1964, Cols.1500-1501.

The compromise... must be judged not in the context of any principle of absolute justice but against the background of the political pressures operating in Ceylon and the limited job opportunities on the Island and India's ultimate moral obligation to people who have never quite broken their links with the country of their origin.⁶²

Conclusion

The citizenship Acts of Sri Lanka made the estate Tamils 'non-nationals' and successive regimes in Sri Lanka used these Acts to prevent them from emerging into political life as one of the constituent elements of the new nation state, with equal citizenship rights. The idea that the loyalty of estate Tamils would always remain with India, and that their social ties and their visits there meant they did not have a real sense of 'belonging' in Sri Lanka, subsequently shaped Sinhala political life and the ethnic cast of the new nation state in crucial ways. It was to challenge this attitude that the Ceylon Indian Congress took the stance that if estate Tamils were denied Ceylon citizenship they would stay stateless rather than choose Indian citizenship. GOI at first insisted that the matter must rest here, for citizenship was a matter of individual choice and states should not adopt a coercive attitude. But in the 1960s it assumed the much more authoritarian position that nation-states had the sovereign right to decide which populations it would claim as its own citizens and which it would disown, and that it could negotiate over these issues with other nation-states in the international sphere. The choice of individuals no longer seemed to matter.

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⁶² *The Times of India*, 31.10.1964, NMML, New Delhi.

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