

NATION, IDENTITY AND ETHNICITY: THE CONCERNS OF SRI LANKAN REPATRIATES IN KERALA

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Introduction

Colonialism transformed the socio-political structure of the colonised lands in multifarious ways. The establishment of plantations in Asian countries demanded a huge human workforce, and South Indians, especially Tamils, were recruited on a large scale as labourers. In 1833, the institution of slavery was abolished, which resulted in the establishment of new labour regimes all over the world, particularly in plantation agriculture. Large-scale immigration occurred from the labour catchment region of India to countries such as Ceylon, Malaya, Fiji, Mauritius, and the Caribbean, amongst others. This occurred when the indenture system gained popularity in the British colonies, where labourers immigrated to the colonies for work for a particular period. Even though the practice of indenture was eventually eliminated in later years, the indentured labourers' legacy in the colonies continued to have a significant and long-lasting impact. These places, which were the locations of indentured workers, gave rise to the development of a migrant diasporic population.

The similar method of indenture was used by the British colonial authorities in Ceylon, which is now known as Sri Lanka. Tamil country became the labour catchment area for British planters in Ceylon due to its proximity to Ceylon and its accessibility across the sea. The famine-stricken areas of the Tamil country served as a significant labour pool for the British in their efforts to construct a plantation empire in the colonies. The annals of the Tamil labourers in Sri Lankan plantations are distinctive in this respect, as they were the only people repatriated back to the land of their ethnic origin by the bilateral agreement between India and Sri Lanka.

THE PLANTATION TAMIL AND REPATRIATION:

The Tamil population in Sri Lanka can be categorised into two distinct groups: the first group comprises those who moved to the island many centuries ago and had a historical legacy on the island, while the second group consists of those who were brought from India by the British during the early 20th century. The latter, primarily chosen for their availability

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of inexpensive labour, constituted the workforce on the plantations. The first category of Sri Lankan Tamils primarily resided in the northern and eastern regions of the nation. Conversely, the migrant indentured Indian Tamils resided in the upcountry regions of the county, where the plantations were located.

Initially, the British cultivated coffee, but the recurring fungal attacks on the plants rendered them unproductive, compelling them to seek alternative choices. Consequently, they cultivated tea, a crop that demanded increased effort and meticulous attention throughout the year. Naturally, the emigrant population grew from 10,000 in 1827 to 603,000 in 1921 and 757,264 in 1949, accounting for around 12% of the overall population (Phadnis & Kumar, 1975). This is evident in the migration figures from southern India. In Thanjavur, the movement of tenant farmers and agricultural labourers to tea and rubber plantations in Ceylon and Malaya led to an increase in population starting in the 1840s, which further escalated after the 1860s (Gough, 1981). The report on labour migration to Ceylon and Malaya indicates that 29 officially designated recruitment centres were overseen by the British. These centres were organised into four distinct circles: the headquarters circle, Salem, Madurai, and Arcot (Report on Indian labour migrating to Ceylon and Malaya, 1917). The upcountry regions of Ceylon experienced a significant shift in their demographic structure due to the influx of migrants from Tamil districts. Between 1891 and 1901, there was a significant increase in the population of immigrant labourers working on plantations in Ceylon. The total estimate was roughly 271,000, with women comprising forty-five percent of the total (Guilmoto, 1993). The changes in demographic patterns were not welcomed in the later years by the Sinhalese population.

The lives of individuals living in the plantations were markedly distinct from those of the general population in the country. The plantations were located in the middle and highland regions, and they remained as separate enclaves with cultural, religious, and linguistic disparities that isolated them from the Sinhalese. The planters imposed restrictions on the movement of the labourers, intensifying their feelings of alienation. They were not engaged in the struggle for the establishment of a separate Tamil nation, either. From the Census of 1940 onwards, a separate community referred to as Plantation Tamils, estate Tamils, and upcountry Tamils was officially acknowledged. Within the Sinhalese academic world, they were also considered an 'unassimilated minority'.

The British endeavoured to manage racial conflicts between the Sinhalese and the Tamils, and prior to their exit, the interim government was established in 1948, which included members from both groups. Following Independence and the electoral victory of DS Senanayake and the United National Party, the concerns pertaining to plantation Tamils

resurfaced. The increase in the number of seats won by individuals of Indian descent from the 1936 elections to the 1947 elections, along with their growing affinity for left-wing politics, aggravated the situation. Through the enactment of the Ceylon Citizenship Act no. 18 of 1948, they imposed obstacles for Indian Tamils to assert their right to citizenship. Subsequently, the Indian and Pakistani Residents (Citizenship) Act was enacted in 1949, primarily targeting the Indian Tamils. However, the provisions and stipulations within the act posed challenges for their citizenship. The Ceylon (Parliamentary Elections) Amendment Act, no. 48 of 1949, denied the majority of these individuals their voting rights because they were unable to be included in the electoral rolls (Kanapathipillai, 2009).

The Sri Lankan Prime Minister, Senanayake, and Jawaharlal Nehru collaborated in an effort to address the issue of the Tamil population in the island. The two leaders engaged in negotiations and subsequently signed an agreement known as the Nehru-Kotewala pact. Nevertheless, the Indian perspective was that they were Sri Lankans since they lacked any possessions or ancestral ties to India. The India-Ceylon foreign affairs discussion addressed the matter of illegal immigrants in the country for the first time (Chaudhary, 2017). However, despite the agreement, it failed to have any beneficial effect on the citizenship issues, and in 1964, these discussions concluded.

On October 30, 1964, Lal Bahadur Sastri and Sirimavo Bandaranayke, the prime ministers of India and Ceylon respectively, signed a pact regarding the status and future of individuals of Indian descent in the island. This is an endeavour to address the long-standing issue of conflict between the Sinhalese and Tamils in Ceylon, which was subsequently renamed Sri Lanka. Here, the term "people of Indian origin" is employed by the governments to designate these individuals. The primary goal of this agreement is to acknowledge individuals of Indian descent as either citizens of India or citizens of Sri Lanka.

Approximately 975,000 individuals of Indian descent were present in Ceylon in 1964, with the addition of illicit migrants to the island who retained their passports. The Ceylon government has consented to bestow citizenship upon 300,000 individuals of Indian descent, accounting for any subsequent population growth. Likewise, the government of India has committed to repatriate 525,000 individuals from Ceylon, along with their population growth. According to the agreement, immediate efforts will be made to confer citizenship upon these repatriates. While most individuals could be accommodated, the future of a significant portion of persons of Indian descent remained uncertain. Approximately 150,000 individuals were excluded, and their situation had to be deliberated on at a later time. Both nations reached a consensus to establish a new agreement about the matters affecting these individuals. The repatriates required extensive time and effort to be accommodated. It was

mutually agreed that a period of 15 years, starting from the date of agreement, would be allocated for the procedure. The repatriation should be executed in a systematically balanced manner. Throughout the extended period of implementation, both countries had to keep pace with each other in accordance with the respective proportions of individuals involved in the process.

Another crucial aspect of the agreement is that those who are to be repatriated to India during their time in Ceylon will be provided with the same privileges as citizens of other states in Ceylon. This did not encompass provisions for remittances and recurring benefits to support their ongoing residency, including a free visa. Individuals working in Ceylon can remain employed until the date of expatriation, following the phased programme schedule or until they reach the age of 55, whichever comes first. Additional provisions in the agreement were advantageous to the individuals who were to be deported. The government of Ceylon has committed to provide employees with their entitled benefits, such as the provident fund and gratuity, upon their departure, in accordance with the exchange control legislation. Furthermore, it was mutually agreed that the family would not be allowed to repatriate assets worth less than Rs. 4000/-.

Two registers had to be prepared immediately for the smooth implementation of the decisions taken- one for the persons to be granted Ceylon citizenship and another for people to be repatriated to India. Nevertheless, it was not necessary to have a comprehensive list of such individuals in order to continue with the procedure. The deal was signed on August 30, 1964, and it went into effect on the same day. The implementation of this required significant exertion and strategic planning. The authorities from both sides had to promptly convene and devise appropriate procedures (Agreement on Persons of Indian Origin in Ceylon, 30th October 1964).

The pact was a complete step back from India's earlier position, which always supported the sentiments and wishes of the affected population. An important aspect of this agreement from the labour point of view is the total neglect of consultation with the plantation community or the plantation unions (Jayawardena & Kurian, 2015). The Tamil unions in Sri Lanka strongly opposed this agreement, considering it a violation of basic human rights. The Sirimavo-Gandhi agreement of 1974 hastened the process of repatriation. The Stateless Persons Act of 1986 was formally recognised as a pivotal measure to resolve the citizenship concerns of Tamils of Indian descent.

Although the Sastri-Sirimavo Agreement was officially signed in 1964, the implementation of the agreement only commenced gradually in subsequent years. In 1967, an act was passed to execute the Indo-Ceylon agreement that followed the 1964 deal. The

process of repatriation occurred only at that point. The foreign ministers acknowledged the deficiencies in the execution of the Sastri Sirimavo Act of 1964 throughout the subsequent years in the deliberations held in both chambers of parliament. They reached a consensus that it was not possible to expedite the process of repatriation, although having the ability to do so. Additionally, the government of Ceylon failed to timely grant citizenship to individuals of Indian descent, as stipulated in the agreement (Sezhiyan et al., 1971).

In accordance with the 1964 agreement between the two nations, India would agree to repatriation. 525,000 individuals of Indian descent and Sri Lanka will confer citizenship upon 200,000 individuals over a period of 15 years. However, in actuality, these figures were not adhered to in the process of giving rights to these individuals. During a debate in the fifth Lok Sabha on February 26, 1973, the Minister of External Affairs, Shri. Swaran Singh, presented a detailed analysis of the demographic data pertaining to these individuals. In addition, he mentioned that the repatriation process was delayed due to the need for multiple arrangements. By February 17th, 1973, a total of 84,801 individuals had been deported to India. Furthermore, Sri Lanka had conferred citizenship to 48,249 individuals by the end of 1972 (Singh and Singh (1973)). This is against the proposal of repatriation of 35000 in India and giving citizenship rights to 20000 persons in Sri Lanka per annum. The ratio of 7:4 was not followed in all these years.

On December 23, 1980, Era Anbarasu, representing the Chengalpattu seat, voiced concerns about the well-being of Sri Lankan repatriates residing in several states of India, including Tamil Nadu, Karnataka, Kerala, Andhra Pradesh, and Uttar Pradesh. He provided a detailed explanation of the statistics regarding the distribution of families in each state up until the present date. In 1970, approximately 170 families were established in Asthinpur, Uttar Pradesh, while 3000 families settled in Andhra Pradesh, and 15000 households were dispersed over different locations in Tamil Nadu, Kerala, and Karnataka. The little money and rudimentary amenities offered to them in these settlements resulted in a wretched existence for the repatriates in the state of Andhra Pradesh. The policy of employment given to one person from the family exacerbated the situation. They were assigned a minimum wage of Rs 3.05. He highlighted that over 5000 individuals had perished as a result of malnutrition or inadequate access to medical facilities (Anbarasu, 1980).

The repatriated labourer community from Sri Lanka in Kerala were settled in three districts of Kerala: Gavi in Pathanamthitta, Kulathupuzha and Ayiranallur in Kollam, Pakuthippalam in Palakkad, and Kambamala in Wayanad. In 1972, the foundation of Rehabilitation Plantations Ltd., Punalur (RPL) marked the implementation of a planting scheme aimed at settling repatriates. On May 5, 1976, it was later transformed into a

government-owned corporation. The company's approved share capital is Rs.350.00 lakhs, while the paid-up capital is Rs.339.27 lakhs. The corporation was established as a collaborative effort between the central and state governments, with the Government of Kerala holding a 60% stake and the Government of India holding a 40% stake. With the exception of RPL, the remaining individuals were offered work by the Kerala Forest Development Corporation (KFDC).

In subsequent years, the government of Kerala also provided age concessions and other benefits in the appointments made by the Kerala Public Service Commission, in conjunction with the Union Public Service Commission (Government of Kerala, 1977, Government of Kerala, 1981).

Furthermore, the birth certificates issued in Sri Lanka were deemed valid for the purpose of official appointments. Although the government has made accommodations and concessions to rehabilitate these populations, several unsolved problems persist.

During a parliamentary discussion, Kodikunnil Suresh, who represented the Adoor constituency, emphasised the necessity of securing employment opportunities for the children at RPL Rehabilitation Plantation Limited in Punalur, Kerala. Under this initiative, a total of 700 families who had been repatriated were provided with jobs. He voiced concerns about the unemployment rate among children born in India and advocated for a revision of the rule that only provided possibilities to individuals born in Sri Lanka (Kodikunnil, 2002). The recent implementation of the Citizenship Amendment Act (CAA) in 2019 has once again sparked debates and conflicts regarding the citizenship status of these legally relocated individuals. Issues of paramount concern include the escalating apprehensions regarding higher education, healthcare, and the refusal to grant caste certificates to individuals from SC/ST communities (Seetha, 2018). Despite the fact that women make up the majority of the plantation labour force, it is important to acknowledge the categorical exclusion of women in these agreements.

The recent ruling by the Madras High Court regarding a lawsuit filed by a repatriated Sri Lankan Tamil highlights the pervasiveness of unsolved issues in other states. The statement indicates that the Indian government has not yet fulfilled its commitments as agreed upon in the Treaty with the Sri Lankan government. Considering the case of a Sri Lankan Tamil repatriate, Justice Swaminathan said, "I am not directing the Government of India to confer citizenship on the petitioner. I am only making them acknowledge an existing fact. It is high time the petitioner's status as an Indian citizen is recognised. But mere recognition is not sufficient- he is also entitled to the rehabilitation measures announced by the government for Sri Lankan repatriates. Only if such assistance is extended to the

petitioner and his family can he seamlessly integrate into the mainstream" (Hindu, 2023).

CONCLUSION:

Despite the fact that the government has intervened in a number of different situations, the predicaments and worries of Sri Lankan repatriates in Kerala remain unsolved. However, their cultural assimilation, livelihood, and dilemma over their nationality still persist. Considering the fact that the working conditions and employment opportunities available to repatriates in Kerala are satisfactory compared to those available to their counterparts in other states, the fundamental problem of their changing nationality continues to exist. Without taking into account the humanistic aspects of these people's existence, the Indian government prioritised their bilateral interests over the feelings and predicaments of these individuals.

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