

**ESTIMATES COMMITTEE  
(1981-82)**

(SEVENTH LOK SABHA)

TWENTIETH REPORT

MINISTRY OF EXTERNAL AFFAIRS

OVERSEAS INDIANS IN WEST ASIA, SRI LANKA,  
MALAYSIA, BURMA, INDONESIA AND SINGAPORE

PART II

SRI LANKA

*Presented to Lok Sabha on*



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(1981-82)

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Shri A. N. Bhatla—*Senior Financial Committee Officer.*

## INTRODUCTION

1. The Chairman of Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Twentieth Report on the Ministry of External Affairs—Overseas Indian in West Asia, Shri Lanka, Malaysia, Burma, Indonesia and Singapore—Part II—Sri Lanka. Part I of the Report regarding Overseas Indians in West Asia was presented to the House on 28 April 1981. Part III of the Report dealing with the problems of Indians in South East Asia (Burma, Malaysia, Indonesia and Singapore) will be presented separately.

2. The Committee took evidence of the representatives of the Ministry of External Affairs on 23 December, 1981. The Committee wish to express their thanks to the Officers of the Ministry for placing before them the material and information which they desired in connection with the examination of the subject and giving evidence before them.

3. The Committee also wish to express their thanks to Shri V. H. Coelho, Shri V. Siddharthacharry, former diplomats and Shri V. S. Arulanandam, a repatriate from Sri Lanka for giving evidence and making valuable suggestions to the Committee.

4. The Committee also wish to express their thanks to all other institutions, associations, bodies and individuals who furnished memoranda on the subject to the Committee.

5. The Report was considered and adopted by the Committee on 12th February, 1982.

6. For facility of reference the recommendations/observations of the Committee have been printed in thick type in the body of the Report. A summary of the recommendations/observations is appended to the Report.

S. B. P. PATTABHI RAMA RAO,

NEW DELHI;

Chairman,

February 27, 1982.

Estimates Committee.

Phalgun 8, 1903 (Saka).

.... .. ..

## CHAPTER I

### INDO-SRI LANKA AGREEMENTS

1.1. The immigration of Tamil Estate Workers into Ceylon started in 1827 and at that time their number was around 10,000. The Donoughmore Commission, which presented to British Parliament in July, 1928 its report, recommended *inter-alia* voting rights to Indian Estate Workers in Ceylon then numbering about 2,26,000. Under the provisions of Soulbury Constitution, 7 members representing the Indian Estate workers in Ceylon were returned to Ceylon Parliament in 1948.

1.2. The Citizenship Act, 1948 passed by the Ceylon Government denied citizenship to anyone born after 15th November, 1948 even though his or her parents were born in Ceylon. A minimum period of residence in Ceylon was one of the primary conditions prescribed even for registration by Indians and Pakistanies for Ceylon citizenship under the Indian—Pakistani Residents Citizenship Act of 1949. The qualifications prescribed for settling in Ceylon were so complex and involved that they were beyond the comprehension of Estate workers with no education. The anomalies revealed in the working of this Act were rectified and remedied to some extent in the amendment passed in 1952. In 1950 and 1955 further amendments were carried out to Ceylon Citizenship Act, 1948. In 1955 the Government of Ceylon obtained through amendment discretionary powers to grant, refuse or revoke citizenship as provided for in Section 11 and 22 of the Original Citizenship Act.

1.3. Prime Minister Jawaharlal Nehru and Mr. Dudley Senanayake, Prime Minister of Ceylon, held detailed discussions on the issue of citizenship for persons of Indian origin working in the estates when they both attended the Queen's Coronation in London in June 1953. The suggestion made by the Ceylon Prime Minister of compulsory repatriation of these persons over a period of years was not accepted by Prime Minister Nehru. He reiterated India's policy that persons of Indian origin who had made their home in foreign countries should become full and effective citizens of that country, and that they be fully accepted by the people and Government. The Indo-Ceylon Agreement concluded between Prime Minister Nehru and Prime Minister Sir John Kotlewala of Ceylon

in New Delhi in January 1954 did not refer to the question of repatriation. The Ceylon Government also agreed to delete the controversial section 6 of the 1948 citizenship Act which provided for the issuance of a certificate of citizenship by a Minister in case of a person whose descent was in doubt.

1.4. Discussions on this question continued between the two Governments and this finally led to the conclusion of the Agreements between Prime Minister Shastri and Prime Minister Srimao Bandarnaike in 1964 by which both India and Sri Lanka agreed to take as their citizens a major proportion of the stateless persons of Indian origin in accordance with a certain fixed ratio. In 1974, Prime Minister Indira Gandhi and Prime Minister Srimao Bandarnaike agreed that the remaining stateless persons would be accepted by India and Sri Lanka in equal numbers.

1.5. The main features of the 1964 Agreement were:—

1. Out of the 9,75,000 persons of Indian origin, Sri Lanka would accept as citizens 3,00,000 persons together with the natural increase in that number;
2. 5,25,000 such persons together with the natural increase in that number would be accepted as Indian citizens and repatriated to India;
3. The repatriation of these persons to India would be completed within a period of 15 years namely by October, 1979, and in accordance with an agreed programme; and
4. The status of the remaining 1,50,000 persons would be decided later on.

1.6. By a second Agreement signed in June, 1974 through exchange of letter between the Prime Ministers of India and Sri Lanka, it was agreed that out of the remaining 1,50,000 persons 75,000 persons along with their natural increase would be accepted by Sri Lanka while the remaining 75,000 persons with their natural increase would be absorbed by India within a period of two years after the persons covered by the 1964-Agreement had been repatriated.

1.7. The 15 year period within which the 1964 Agreement was supposed to have been implemented expired on 30th October, 1979 with some what less than 50 per cent of the persons covered under the Agreement having been repatriated. Upto 31-1-1980, 2,56,299 accountable persons had been repatriated to India and 1,46,422 accountable persons had been granted Sinhalese citizenship.



1.8. The Ministry has stated that the working of the 1964 Agreement was reviewed during the visit of the Foreign Minister of Sri Lanka to India in 1978 and also by the Joint Working Group of the officials of the two countries. The annual rate of repatriation agreed to during those discussions was 35,000. However, it has not been possible to fulfil this annual target due to the reluctance of people to be repatriated to India at this juncture when there is a likelihood of their being permitted to stay on in Sri Lanka. Besides the following factors have also been identified by the Ministry of External Affairs as probable reasons for the relative slow pace of repatriation:

- (i) Delays in Sri Lanka regarding completion of formalities such as payment of Provident Fund, Gratuity, exchange control etc.
- (ii) An improvement in conditions on the Tea Estates of Sri Lanka which induced the repatriates to delay their departure.

1.9. The latest position as on the 31st October, 1981 in regard to the implementation of the Agreements as stated by Secretary (East), Ministry of External Affairs, in evidence before the Committee (December, 1981) was as follows:—

*As on 31-10-1981*

Indian citizenship granted to accountable persons;	372,487
Indian citizenship granted to natural increase of the above;	124,467
Total number of Indian citizenship granted;	496,954
Number of accountable persons repatriated to India;	284,300
Number of natural increase repatriated to India;	91,144
Total repatriated to India:	375,444
Secretary added that—	

“As far as we are aware, 1,62,094 persons accountable and 48,593 natural increase making a total of 2,10,687 persons have been granted Sri Lanka citizenship as on the same date”.

1.10. The Ministry has stated that the Government of India has been implementing the 1964 Agreement in good faith both in letter and in spirit. But, as explained earlier, the implementation of the Agreement has been somewhat tardy due to reasons beyond control of the Government of India.

1.11. Commenting on the 1964 Agreement *vis-a-vis* the position of "Stateless" persons of Indian origin, a repatriate stated before the Committee:

"They (Stateless persons of Indian origin) are reluctant to be repatriated. The very basis of agreement was wrong. Pandit Nehru till his death, resisted the demand from Sri Lanka side for such an Agreement. He had told Sir John Kotelawala that India would never take a single stateless Indian back. They are all born and brought up for generations there. He knew that their sweet and blood was part of Sri Lanka's economy. In fact this Agreement involves the biggest repatriation of human being from one country to another."

Reacting to the aforesaid views, the Ministry stated in a written reply:

"Both the 1964 and 1974 agreements are based on the free and voluntary choice of the persons concerned to opt either for Sri Lanka or Indian citizenship. This is being negotiated at present."

*Future of "Stateless" persons*

1.12. Referring to the future of the "Stateless Indians" after the expiry of the 1964 Agreement, Secretary (East) stated in evidence:

"The agreement has come to its term. We are having some discussion with Sri Lanka Government about the residue of persons who are still Stateless. Certainly the wishes of the people concerned should be a very important factor in coming to any decision. These wishes are not always constant; they do depend upon the situation and currently, to some extent, there is, I think a greater desire to stay on in Sri Lanka. But we would try to keep two considerations in mind. (1) To end the State of Statelessness and the other is that human beings have their wishes and certainly their wishes should have been given as a high consideration as possible".

The witness added:

"There are about 1.31 lakh persons who have already applied for Indian citizenship whose applications are still being processed. These applications, we are continuing

to process with effect from the date when the agreement came to an end. We have ceased to accept any fresh application”.

Commenting on the question of repatriation of persons of Indian origin a former diplomat stated before the Committee:

“There was a time when the Sri Lankans wanted all Indians out as soon as possible, because it is a burden on their economy and it is a small country. But they soon realised that their economy was largely dependent on tea and the Indian plantation workers who had worked on the plantation for generations and had acquired certain specific skills which could not easily be substituted by bringing in Sri Lankan workers. Therefore, although the public stand of the Sri Lanka Government has been to see as many Indians out as possible, the plantation owners and plantation superintendents will not like the Indian labour to disappear suddenly leaving a vacuum——.”

1.13. Asked about the stand of Government of Sri Lanka in this context the Ministry stated:

“The Government of India is not in a position to comment on whether the Sri Lanka Government is not interested in sending stateless Indians back to India. In the interest of their own economy. However, it is a fact that there have been delays in Sri Lanka regarding payment of Provident Fund. Gratuity sanction of exchange control permits etc. and these have in turn delayed repatriation of those who had opted to become Indian citizens. With regard to delays in payments etc. Government has taken up the matter with Sri Lanka authorities who have assured us of support in this regard. There have also been delays due to non-receipt of applications from the stateless persons themselves.”

1.14. As regards the reactions of the plantation owners in Sri Lanka on the question of repatriation of Indian workers, Secretary (East) stated in evidence:—

“This is a question of judging the people’s opinions and positions. It is a little difficult to give an absolutely correct reply. The position regarding plantations has changed

in Sri Lanka. As you are aware to-day, the estates which have been nationalised are run by the Public Sector Organisations and, therefore, the policy of the Estate Corporations would be the same as that of the Government and, according to what the Government has been telling us, they feel that the Agreements should be implemented as originally envisaged. So, I think, we cannot say that the employers are not anxious to send away the people. However, it is a fact that in an individual case of an individual estate, we do have some evidence that the local Superintendents are not perhaps as anxious to comply efficiently or quickly with the Government's directive because they also have some measure of problems about the cost of production because there is some labour shortage".

1.15. Asked, whether it is a fact that the Finance Minister of Sri Lanka had made a statement on the floor of Sri Lanka's Parliament that their economy will be affected if the Indian migrant labour left that country, Secretary (East) stated:

"I do not deny that there have been such statements, but for me to come to a determination of whether these statements represent the actuality of Sri Lanka's economy, is rather difficult".

1.16. Subsequently, the Ministry furnished the following statement of Sri Lanka Finance Minister, Mr. Ronnie De-Mel made during the course of his budget speech before Sri Lanka Parliament on 14-11-1979:

"Tea production in 1978 appears to have also been affected by a shortage of labour in certain high ground areas due to cumulative effect of the repatriation of workers of Indian origin. This shortage has resulted in a curtailment of plucking rounds which in turnover production and depressed standards of manufacture and prices".

1.17. Making suggestions about the future status of persons of Indian origin, certain "Stateless" Indians in Sri Lanka have submitted in a memorandum to the Committee as follows:—

- (1) The citizenship rights granted by registration be cancelled and opinion poll taken among all Indians and they may be asked:

"whether they wish to live in Sri Lanka

or

Are they prepared to repatriate to India.

- (2) Sri Lanka citizenship would be granted without any condition to all families who opt to live in Sri Lanka. Further they should be given guarantee of security, language, employment and business opportunities.
- (3) All those who opt to be repatriated to India should be given the rights to transfer their assets to India without any condition.

1.18. On the question whether stateless people of Indian origin are really willing to be repatriated to India, a repatriate from Sri Lanka stated before the Committee:—

“Most of the Indian Tamils are not willing to come to India. This is a country they do not know and they do not feel that they will have much sympathy. Mainly the Indians were around the estates. So they were not bothered about anything that was happening politically. It is only a few traders and the Indian people in the city and around who are a little conscious about their political affairs. So, they were not very serious”.

1.19. The Committee have been similar reports published in certain newspapers and news magazines.

A news magazine stated:

“Most Indian Tamils are not willing to come to India; it is a country they don't know and don't feel much empathy for”.

It added:

“Opinion among Tamils in Sri Lanka is not in favour of India signing another agreement for their repatriation. They think the earlier agreements were mistakes.”

1.20. According to the news magazines the younger elements among the “Stateless” feel:

“This is our home and this is where we belong. The politicians have no business to tinker with our futures”.

Secretary (East) stated during evidence:

“As far as the workers of Indian origin are concerned, certainly, it was true that most of them did not want to be uprooted. This is only because people do not unnecessarily want to be uprooted. But, depending upon the kind of pressures which have been brought to operate on them and at times, when there has been harassment and when there have been difficulties about employment

for themselves or for their off-spring, there have been at times large numbers of them who have come forward for repatriation. Recently, due to certain changes in the situation, there has been some retreat from this position. Recently we had certain communal incidents: a certain degree of insecurity crept in; but I would say, if they remained undisturbed, they would not wish to be up-rooted."

1.21. As regards the thinking of the Government of Sri Lanka in this regard, the witness added:—

"Sri Lanka's views as communicated to us formally is that they wish the agreement to be implemented as originally envisaged. They have not changed the position. Undoubtedly there has been some discussion. It would be rather hypothetical for me to speculate what the thinking precisely is; because there are many trends of opinion in Sri Lanka."

1.22. Answering a question about the enjoyment of basic civic rights by persons of Indian origin during the period of "Statelessness" and attitude of Indian Mission towards them. Secretary (East) stated in evidence:

"The basic question is that of Statelessness and the elimination of that Statelessness by some kind of an agreement, if possible, between the two Governments and, subsequently, by the grant of Sri Lanka citizenship. I think, it is not entirely correct to say that they do not enjoy all the basic civic rights. The Stateless persons do enjoy fundamental rights and they have recourse to certain judicial processes for the protection of these civic rights. It is also not correct to say that the Indian Mission does not take up their problems. The Indian Mission is quite active in maintaining contact with the authorities in Sri Lanka regarding the problems of Indians."

1.23. Asked whether it would not be better to decide their national status immediately without linking it with repatriation, the witness added:

"The prospect of immediate repatriation has been removed by the recent amendment to the Sri Lanka Legislation. But the suggestion made here that perhaps everybody should be given some kind of citizenship is something which we are considering."

Again, there are advantages and disadvantages. If everybody is given some kind of citizenship, their status is no doubt clear. But, it would be impossible for us to repatriate even 1,31,000 people who are already pending in our register in less than something like 6 or 7 years. If they all get citizenship and they lose their right to work, we may face a certain problem. On the other hand, if we do allow all those people to stay on till the retiring age and then bring them into India, it may be that the rehabilitation poses a more serious problem because there will be no wage-earners among the families that are coming over. So, we are looking at this question. It has inherent merits in it, but it has also some disadvantages. So, it has to be studied somewhat carefully."

1.24. The Committee understand that the Government of India has informed the Government of Sri Lanka that the 15 year period stipulated by the 1964 Shastri-Srimavo Agreement and the two year extension granted in the letters exchanged between the Prime Ministers of the two countries in 1974 have ended on 30-10-1981. An all-Party delegation met the Hon'ble Prime Minister of India on 7-12-1981. She assured them of Sympathetic consideration of their suggestions. It is understood that Sri Lanka Government have taken a formal stand that the two Agreements should continue until all the 600,000 persons of Indian origin are repatriated. However, at the same time the Sri Lanka Government have taken certain steps such as to break the link between the repatriation and the grant of Sri Lanka citizenship.

1.25. The Indo.Sri Lanka Agreement on the future status of persons of Indian origin in Sri Lanka signed between the two countries in 1964 provided that out of 9,75,000 such persons, Sri Lanka would accept as citizens 3,00,000 persons together with the natural increase in that number; 5,25,000 such persons together with the natural increase in that number would be accepted as Indian citizens and repatriated to India. The status of the remaining 1,50,000 persons was decided by a second Agreement signed in 1974 through exchange of letters between the Prime Ministers of India and Sri Lanka according to which 75,000 such persons along with their natural increase would be absorbed by India within a period of two years after the persons covered by the 1964 agreement had been repatriated. The 15 years period, within which the 1964 Agreement was supposed to have been implemented, expired on 30th October, 1979 with somewhat less than 50 per cent of the persons covered

under the Agreement having been repatriated. The two years period during which the second agreement signed in 1974 was to be implemented has also expired on 30th October, 1981.

1.26. Till 31st October, 1981, 3,72,487 accountable persons and 1,24,467 natural increase, making a total of 4,96,954, persons had been granted Indian citizenship under the agreement and 2,84,300 accountable persons and 91,144 natural increase, making a total of 3,75,444 persons, had been repatriated to India. According to the information available with the Government of India, 1,62,094 accountable persons and 48,593 natural increase, making a total of 2,10,687 persons, have been granted Sri Lanka citizenship.

1.27. The implementation of the agreement has been tardy because of delays in Sri Lanka regarding completion of formalities such as payment of provident fund, gratuity, exchange control, etc. and reluctance on the part of these persons to be repatriated in view of improvement in conditions on the tea estates of Sri Lanka which induced these persons to delay their departure. Though Government of India has been implementing the agreement in good faith both in letter and in spirit, the implementation has been somewhat tardy due to reasons beyond control of the Government of India.

1.28. The 1964 and 1974 agreements have now expired. The Committee are informed that Government of India is having discussions with Sri Lanka about the future of "stateless" Indians left in Sri Lanka.

1.29. The Committee take note of the feeling prevailing among repatriates that the basis of 1964 agreement which provided for such a large scale repatriation of "stateless" Indians who were born and brought up for generations in Sri Lanka was wrong.

1.30. The Committee also take note of the reports that most of the stateless Indians in Sri Lanka are not willing to come to India. They are not in favour of India's signing another agreement for their repatriation. They would not like to be uprooted.

1.31. The Committee find that thinking in Sri Lanka on the question of repatriation of stateless Indians is also undergoing a change. Importance of Indian workers in Sri Lanka's economy is now being realised. Though according to the views formally communicated to Government of India, Sri Lanka Government wishes the agreement to be implemented as originally envisaged, there is evidence to show that individual plantation owners and plantation superintendents are not now as anxious as their Government to send back Indian workers to India. A reference to the adverse effect of re-



repatriation of Indian workers on tea production was made by the Minister of Finance of Sri Lanka Government in Sri Lanka Parliament in November, 1979.

1.32. The Committee understand that the Government of India has informed the Government of Sri Lanka that the 15 year period stipulated by the 1964 Shastri-Srimavo Agreement and the two year extension granted in the letters exchanged between the Prime Ministers of the two countries in 1974 have ended on 30-10-1981. An all-party delegation met the Hon'ble Prime Minister of India on 7-12-1981. She assured them of sympathetic consideration of their suggestions...

1.33. The Committee have considered all aspects of the question. The state of 'statelessness' for persons of Indian origin is not conducive to their well being and undermines their dignity. The condition of statelessness makes them insecure and vulnerable to exploitation by employers. The Committee are of the view that the Government of India should consult urgently with Government of Sri Lanka so as to bring an end to this entire problem of stateless persons of Indian origin as early as possible. (S. No. 1)

1.34. The Committee strongly feel that while discussing the future of 'Stateless' Indians in Sri Lanka, these persons should not be viewed merely in terms of numbers whose dispersal can be decided by applying a mechanical formula of ratio and proportion. They are thinking human beings who have grown in a certain social, cultural and emotional milieu and who should be presumed to know where they belong and what their future status should be. Human dignity demands that in any understanding with Government of Sri Lanka freely expressed wishes of such persons on the questions of repatriation to India or absorption as citizens of Sri Lanka should be made the determining factor and respected. It will be unfair, nay inhuman, to uproot any such person from the place of his birth or domicile or work and repatriate him against his wish. (S. No. 2)

1.35. The Committee also feel that during interregnum i.e. till the future status of such "stateless" Indians is finally decided and so long as they remain "stateless", these persons should be allowed to live and work with dignity and enjoy basic civic and human rights without any discrimination; and just because they are momentarily "stateless", Indian Mission should not hesitate to play a helpful, though discreet, role to get their difficulties solved through Sri Lanka authorities. (S. No. 3)

## CHAPTER II

### INDIANS IN SRI LANKA—SOME PROBLEMS

#### (i) *Living and working conditions of Indian workers*

2.1. The Committee have received reports on the living and working conditions of "Stateless" Indian Workers.

In a memorandum submitted to the Committee by an association of Indians in Sri Lanka, it has been stated:

"There is no comparison of the living and working conditions of the Indians mainly in plantation sector and those of the local population. While the local employees can go to their villages and mix with their own people, the plantation employees of Indian origin are treated as indentured labour. They have to stay in their estates in the line rooms without proper facilities. They do not have the freedom for the employment of their choice. They cannot migrate to other places and seek other employment. Immediately, after the communal riots in August, 1977, many people of Indian origin in the plantation sector fled to predominantly Tamil areas in the Island. Some have occupied land and made encroachments on government lands. In normalising the holding of such lands, people of Indian origin are discriminated against. They have been systematically forced to return to their original estates.

In the case of wages, any wage increase or increase of allowance are not passed on to the workers of the Indian origin in plantations. But recently some improvement is visible after the assumption of office by the J. R. Jayawardene Government and the appointment of Shri Thondaman as Minister. This is quite negligible, though the plantation workers are the mainstay of Sri Lanka, since Sri Lanka earns 65 per cent of their export Income from tea and rubber.

2.2. In a paper on the problems of Indians in Sri Lanka it has been stated that:

"In the plantations rigid controls and the hierarchical structure of the plantation system created a captive labour situation

and the workers were isolated in the estates enclaves living in "company towns" allowing little room for change or upward social mobility. Workers on the plantations today live in much the same conditions as their fore-fathers did in barrack like back to back, zinc roofed enclosures each 10 ft. by 12 ft. housing entire families or more than one family within the enclosures. The appalling conditions of the estate lines have to be seen to be believed. Highest rate of illiteracy, lowest level of educational attainments, poor health conditions, malnutrition, high infant mortality and ceaseless toil are a marked feature of the life of plantation workers."

Another memorandum stated:

"The living and working conditions of the plantation workers are generally poor. Being the lowest paid sector among the working people they are the poorest of the poor. In order to augment the family income and to keep the fires burning they are compelled to send every member to work as soon as they reach the employable age. This is because, even the total income of all working members of a plantation worker's family does not measure up to the income of individuals in other sectors. During the period 1970-71 their situation deteriorated to an unprecedented nadir. Compounded with the man made famine of 1973, these workers were reduced to destitution and beggary."

2.3. Referring to the plight of women workers and safety standards in plantations, it has been stated in a memorandum that:

"Work in the plantations starts around 6.30 in the morning and continues till around 5 PM with one hour's break for lunch at noon.

Women have to be on their feet from the beginning of work till the end of the day, often carrying heavily weighted tea baskets on their backs.

Safety standards are marked by their absence. Now more and more chemicals are used, but workmen who spray them are not provided with any safeguards. There are medical institutions which meet the basic medical needs in some estates and workers must essentially seek treatment at Government hospitals for serious illness. Often no transport is available for patients."

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2.4. The Ministry has stated in this regard that while living and working conditions on the Estates could be regarded as deficient in many respects, these conditions, in respect of persons of Indian origin, are similar to those for other workers similarly employed. These are regulated by the relevant labour laws of the Sri Lankan Government. These conditions are the same for all the workers irrespective of their origin.

(ii) *Educational and Medical Facilities*

2.5. In a memorandum submitted to the Committee by an association of Indians in Sri Lanka, it has been stated:

“.....facilities for education for the bulk of the people of Indian origin in plantations are practically nil. Schools in estates do not cater well. Many are single teacher schools. These schools were earlier managed by the Estate Owners. Since the major part of the plantations are brought under the control of the Government it would take many many years for these schools to reach the standards of the schools of the other regions. As it is Indians here cannot hope of entering Universities, let alone gain admission to Medical or Engineering Facilities.”

A former diplomat stated before the Committee:

“Schools—the buildings are there and I have seen the buildings and I have visited the people, but there are no teachers. This is a political problem how to find Tamils to come and teach in the tea estates. The Indian Tamil Workers are not educated enough. Politically they do not want to import Tamil teachers from India. So they remain without the teachers and without education. Exactly the same problem is there in regard to dispensaries. The buildings are there, the beds are there but there are no nurses. Hospitals are there but there are no staff.”

2.6. The Ministry informed the Committee that “Regarding facilities for education and health care, these matters relate to the internal working of the Sri Lanka Government. Most of the estates have some rudimentary medical facilities but these may not always be adequate. However, the Government of India can do little directly to improve these facilities. Regarding education facilities in estate schools, the Government of Sri Lanka have informed us that they are working towards obtaining improvements and getting teachers

appointed. The High Commission is involved in the running of the Ceylon Estate Workers Education Trust which gives some scholarships to children of estate workers."

2.7. The Committee asked during the evidence whether the Indian Mission could do nothing, even on human considerations, to render assistance through Sri Lanka Government or otherwise in equipping Schools working in areas where Indian Workers live in preponderance so as to provide adequate schooling facilities to Indian children, Secretary stated:

"As we have explained this is essentially the responsibility of the Sri Lanka Government and that of the Tea Estates. We do not deny there is some lack of facilities. The High Commission is not inactive in this matter. They do visit Tea Estates and keep in touch."

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He conceded that:

"It is advisable to provide help in medical, in educational fields. It would be appropriate if it is done by some non-official social organisations from India or Sri Lanka..."

2.8. Secretary agreed with the Committee that the Government could consider the question of tapping non-official organisations who might be willing to come forward and take initiative in the matter.

(iii) *Discrimination*

2.9. On the question of complaints of discrimination against Indians in Sri Lanka, the Ministry stated in a written reply that, "it is not a fact that persons of Indian origin in Sri Lanka are being discriminated against on grounds of race or on grounds of nationality *vis-a-vis* other non- Sri Lanka nationals."

2.10. Clarifying the position in detail, Secretary (East) stated evidence that there were three categories of persons of Indian origin in Sri Lanka—Sri Lanka citizens, Stateless persons and Indian nationals having rights of residence in Sri Lanka. As regards Sri Lanka citizens according to the laws and regulations of Sri Lanka, there should be no discrimination. It is difficult for Government of India to go further into the situation of this category, it is difficult for one Government to comment on the actions of another Government as to how it treats its own citizens.

2.11. As regards the Stateless persons, Secretary added that "the Fundamental Rights under the Sri Lanka Constitution have been applied to the Stateless persons and they have access to the courts to ensure the availability of these rights. To this extent, they have a certain measure of getting some basic rights. Clearly, since they are not citizens, they will not have the voting rights. It is quite probable that the amenities that they get in terms of education or health and so on may not be on par with Sri Lanka citizens, but normally these are contract terms between them and the Estates because most of their living conditions are prescribed by the Estates and are a part of the arrangement between them. Even here there have been improvements for the simple reasons that there has been difficulty in keeping similar people to continue to work in the Estates"

2.12. In regard to the third category, namely, Indian citizens who have continued to have the right of residence in Sri Lanka, the witness stated that "as far as we are aware, there is no discrimination between these citizens and other non-Sri Lanka citizens who have the right of residence in Sri Lanka."

2.13. When the attention of Secretary (East) was drawn to the fact that the application form for admission in the schools in Sri Lanka contained a column against which the applicant has to mention the race to which he belongs like Sri Lanka Tamil, Indian Tamil and Stateless Indian Tamil, etc. and whether this did not lead to, discrimination, he stated: "Categorisation by itself does not imply discrimination because people may wish to go into certain streams according to their language and so on in the schools.....as between citizens we are not aware of discrimination and even if there was discrimination, that is a matter for the citizens themselves to deal with. There is a certain discrimination between citizens and non-citizens and that happened in many countries. That happens in our own country".

2.14. The witness added that "originally the rights of the citizens did vary according to the type of citizenship. The Sri Lanka Tamils had the rights different from the Indian Tamils but this was done away with.....The form is there. There was, as I said, a discrimination in the law between these two types of citizens. But this, as far as I am aware, has been removed in the last couple of years".

2.15. When pointed out that the 'application form' in question was still there in use, Secretary (East) stated that "we will look into this.....We will send a report to you".

2.16. Subsequently, in a written note the Ministry informed the Committee that "we have no evidence to indicate that Indian Tamils (who are citizens of Sri Lanka) are discriminated against as compared to Sri Lanka Tamils. Sri Lanka/Indian Tamils are recognised classifications in the Sri Lanka Government Census".

(iv) *Delays in payment of Gratuity, Provident Funds and other dues*

2.17. Referring to the problem faced by Indians (awaiting repatriation) from Sri Lanka it has been stated in an editorial appearing in Indian newspaper that:—

"Many settlers who wish to leave (Sri Lanka) are unable to do so because of Colombo's unsympathetic attitude and stringent foreign exchange regulations. The most common complaint is that employers hold back legitimate dues while banks refuse to transfer assets."

2.18. It has been brought to the Committee's notice that thousands of Indian Tamils got their Indian passports in 1979 but they have not been able to get their provident fund, gratuity and such other dues. There are no up-to-date records in the tea estates after their nationalisation. No serious efforts are being made by Sri Lanka Government to settle their dues.

2.19. The Ministry stated (January 1981) that: "people awaiting repatriation to India are often held up in Sri Lanka because of delays in the payment of their provident fund, gratuity, etc. Government have taken up this matter through Indian High Commission in Colombo with the Sri Lanka authorities, who have assured us of suitable action in this regard.

2.20. At the time of their repatriation, Indian citizens are allowed to transfer upto Sri Lanka Rs. 75,000/-. The Government of Sri Lanka adds 65 per cent to the value of transferable assets in calculating their value in terms of Indian Rupees. Assets in excess of this figure of Sri Lanka Rs. 75,000/- which cannot be transferred out of Sri Lanka at the time of departure, are placed in blocked accounts in banks there. In such cases where the Sri Lanka Exchange Control authorities have not permitted the transfer of the claimed assets in entirety the High Commission takes up the matter on request, with the relevant authorities to assist repatriates in having all their funds transferred from these blocked accounts. In 1978, the Government of Sri Lanka permitted sums upto Sri Lanka Rs. 1,00,000 to be repatriated to India from individual blocked accounts. It was announced by the Central Bank of Sri Lanka that remittances upto a maxi-

imum of Sri Lanka Rs. 1 lakh from such blocked accounts would be permitted to be transferred by authorised dealers without prior approval of the Central Bank. The High Commission informed all the blocked accounts holders now in India whose names and particulars were available with them, of this concession. The 3 Indian banks where a majority of the blocked accounts are held were also asked to inform the account holders in India of the Sri Lanka Government's decision."

2.21. The Ministry further stated that the High Commission provided all possible assistance to Indian nationals desiring repatriation not only in the matter of acquisition of citizenship but also in the matter of acquisition of citizenship but also in the matter of obtaining their pension, provident fund and other problems.

2.22. As regards reports of delay in payment of dues to repatriating Indians the Ministry stated (August 1981) that the Indian High Commission in Sri Lanka wrote to Estates Superintendents in February 1980 to monitor the payment of provident fund/gratuity and other dues to repatriates. Comprehensive replies were not received from all Estates. However, from the replies received it was understood that a substantial majority of the repatriates, having their passports since May 1979, had not received their provident fund and other dues till July 1980. It was also learnt that most of the repatriates who had received their dues had promptly applied for exchange control permits.

2.23. Government of India is aware of the hardships facing the repatriates from Sri Lanka and has taken prompt action to alleviate their distress as outlined above.

During evidence Secretary (East) stated:

"We have a continuing machinery in Sri Lanka between the High Commission and the various Departments of the Sri Lanka Government. They meet from time to time to see how these matters can be expedited. There was a problem at the time of nationalisation of estates when the management of the estates changed and a certain dislocation took place in their records. We did bring all these problems to the notice of the Sri Lanka Government. In fact, I myself met the Cabinet Secretary early this year and the High Commissioner has been following this matter up. I understand there has been some improvement in the administrative process of the Sri Lanka Government and also of the estate."



2.24. Secretary added that 15,106 persons were granted Indian citizenship in 1979. With the present machinery it was not possible to tell how many of these people came back to India in 1980. But from the figures year by year it appeared that Indian Mission grants passports, over a certain period of time and those people are repatriated.

2.25. As regards blocked accounts, the Ministry had stated in a written reply (January, 1981) that the exact number of blocked accounts held by Indian citizens in Sri Lanka and the exact total amount involved was not known. In November 1979, the 3 Indian banks in Colombo (where it is believed the bulk of these blocked accounts of Indian citizens are held) informed the Mission that Indian citizens held 157 blocked accounts amounting to a total sum of Rs. 47,02,801.07 in their banks. In 1974 a similar survey with the 3 banks indicated a sum of Rs. 78,70,264.60 in blocked accounts. It would, therefore be seen that a considerable proportion of these funds was de-blocked over this period.

2.26. Secretary (East) told the Committee in evidence that "We can get information from the Indian banks. We are not in a position to get information from other banks. Majority of our people have account with the Indian banks. The position as on today is in June 1981 in the three Indian banks there are 133 account holders with a total sum of Sri Lanka Rs 26,71,679/-. It will be seen that there has been continuous reduction in these accounts which we are able to monitor."

2.27. Secretary clarified that the blocked accounts pertained mostly to Indian businessmen in Sri Lanka who might have come back to India. The blocked accounts represent the amounts in excess of the limits upto which remittances could be made by them under the foreign exchange regulations of Sri Lanka. On being asked whether the Ministry of External Affairs could ascertain from the persons concerned the total sum lying in blocked accounts, from their point of view, Secretary stated that the Ministry would not be able to get full information from the Indian citizens themselves because the utilisation of this blocked account was sometimes not entirely in consonance with our and Sri Lanka regulations.

2.28. Secretary added that it was not something in which the Indian nationals concerned with these blocked accounts (133 in number) had been very anxious that we should get involved.

2.29. The witness clarified that the sum involved was only about Sri Lanka Rs. 26 lakhs which is equal to 13 lakhs Indian rupees.

2.30. Asked whether any of the blocked accounts belonged to those people of Indian origin who might have got Indian passports and citizenship come back or due to come back to India as repatriates, Secretary stated:

“As far as the other categories of persons are concerned, we are governed by the agreement. There is no amount blocked because their amounts are comparatively very small. These are the Indian citizens who are engaged in big business. They do not come under the agreement. They are not repatriates.”

On a question whether there was any case where the gratuity or provident fund owned by the repatriates was not allowed to be taken back by them, witness stated:

“I do not think any amount is blocked. I think the quantity of amount allowed for these persons is higher than what they have actually earned.....It is my information that the estate workers do not find any difficulty for exchange of gratuity or provident fund because I understand the quantity allowed may be up to Sri Lanka Rs. 75,000/-. Their amount is below the level permitted by the Sri Lanka Government Foreign Exchange Regulations.”

2.31. Secretary, however, promised to check up the matter further and send a report to the Committee. Subsequently, in a written note the Ministry informed the Committee that “the three Indian banks have a sum of Sri Lanka Rs. 2,671,679.20 in 133 blocked accounts. It would not be proper to enquire from foreign/Sri Lanka banks the details of any blocked accounts with them since it would be a breach of confidentiality between the banks and their clients. We have, however, written to the Sri Lanka Treasury General for details. No fresh representations have been received in this matter and there is no evidence to indicate that a estate workers/prospective repatriates have any blocked accounts.”

(v) *Remittances*

2.32. The Committee were informed in evidence that the person who finds himself adversely affected is the stateless worker in Sri Lanka a part of whose family has moved to India. He wants to come to India on short visit. He is subjected to a great harassment. He does not get remittance facilities because he is stateless. For all practical purposes, members of his family who have come back to

India remain cut off from the head of the family.

2.33. According to the Ministry, however, "Normally families comprising of husband, wife and children and other dependents travel together on their repatriation to India. Thus the question of sending remittances for maintenance of families in India would not generally arise."

2.34. Explaining the position further Secretary (East) stated during evidence that:

"We do make an effort to repatriate families as a unit. By and large we normally repatriate the entire family.....It is very rare when the family is repatriated male members remain there....."

The witness, however, added that:

"We have not made a survey. We have not received any volume of complaints in this regard. We were not aware that it was a problem."

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He assured that "We can certainly look into this question."

(vi) *Lack of Travel Facilities*

2.35. Referring to the problems faced by the repatriating Indians, it has been stated in a memorandum that "after everything is settled on this side and then they start for India, they are faced with lack of facilities for travel. Ferry service to India is restricted to three days a week with no suitable accommodation either at Talaimanner or at Rameswaram. Touts are exploiting the poor and uneducated workers, allegedly in connivance with some Customs Employees and others. Many repatriates reach India devoid of many of their belongings, penniless and with a bleak future in front of them. The High Commission of India in Sri Lanka is considered to be doing its best in this connection but the problem is so vast that their effort is like a drop in the ocean. It would be a great relief if Ferry service is made available everyday."

2.36. Commenting on these observations the Ministry stated in a written reply that "the ferry service run by the Shipping Corporation of India operates 3 days per week each way. At our High Commission's suggestion, the Shipping Corporation of India (SCI)

sent a team to Colombo to study the feasibility of a Colombo and Tuticorin service. The possibility of such a service is under consideration."

2.37. The Ministry added that "as a result of persistent efforts by our High Commission, the facilities available at Talaimanner for repatriates have been considerably streamlined over the last 2 to 3 years. There is practically no customs check (except occasional random checks) on the baggage of the repatriates. Repatriates are granted priority in having their baggage cleared through customs and in boarding. The Government have no evidence that touts are exploiting the repatriates in connivance with customs."

2.38. Secretary (East) informed the Committee in evidence that the Ministry of External Affairs had been trying to press for Colombo—Tuticorin service and also a service which would include Colombo-Tuticorin and Maladive Islands because there are commercial possibilities in this. But it had not received the results of the survey from the Shipping Ministry. The Ministry is pursuing the matter.

2.39. Regarding the reported exploitation of repatriates Secretary stated that:

"We have had very frequent inspection visits by the High Commissioner and the staff. We are reasonably satisfied that the repatriates are treated well and there is no specific harassment that we are able to lay our hands on. We have sent our own people again and I myself have personally gone down to Rameshwaram and done some spot checking at the Mandappam Camp. There are problems in the case of repatriates at Talaimanner. The main difficulty is in regard to the availability of railway accommodation to Talaimanner. We have been able to sort that out by asking the Sri Lanka Government railways to add some bogies on the train."

The witness added that:—

"When we did this inspection at Rameshwaram, we found that on the ferry service, there was some spare accommodation which was, in fact, being used by Buddhist pilgrims coming from Sri Lanka as well as other tourists. So, I the present ferry service seems to be reasonably adequate."

2.40. Secretary further stated that "our High Commissioner does constant checking at Talaimanner end. They have reasons to be satisfied that there is no real problem. There may be some occasional cases. At the Rameshwaram end also, we keep a constant check. There are officials who come from Tamil Nadu and they operate on behalf of the Department of Rehabilitation. They also help in facilitating passage through Customs and other formalities. By and large, to the best of my knowledge, there are no serious complaints at the Rameshwaram end."

The witness informed the Committee that:—

"We have had from time to time complaints in respect of one specific item which is that some people do try to take advantage of these Stateless workers in relation to the conversion of the bank drafts and so on that they bring with them. They tell them, "We will give you cash." Sometimes, they pay at the rate which is below the exchange rate. On this also, we have tried to ensure that there is adequate advance notice that people should not allow themselves to be exploited. I think, to the extent possible, the maximum possible protection is provided."

(vii) *TRP Passport Holders*

2.41. It has been brought to the notice of the Committee that the TRP passport holders, mostly businessmen and traders, are not allowed to take even a single pie on their trip to India. They land penniless in India and to reach home they mortgage their passport at the interest rate at Rs. 20 per hundred.

2.42. Furnishing factual position in this regard the Ministry informed the Committee in their written reply that Indian citizens resident in Sri Lanka who are covered by the 1954 and 1964 Agreements, are granted foreign exchange of Sri Lanka Rs. 50 per adult and Sri Lanka Rs. 25 per child for travelling to India. Government would not like to comment on the regulations of a sovereign state.

2.43. Asked whether the Ministry has received any complaints or representation on this account and whether it was not a fit matter to be taken up with Sri Lanka Government so as to save Indians from hardship on account of meagre foreign exchange, Secretary (East) stated in evidence that:

"We have not taken this matter up with the Government of Sri Lanka. (As regards complaints) we will check up and let you know but I would like to add that these

people have a case and if it has not been taken up earlier we will take it up." \* ..

After the evidence the Ministry informed the Committee that no representation in this regard had been made to the Ministry of External Affairs or the Indian High Commission in Sri Lanka by TRP passport holders.

(viii) *Visa Tax*

2.45. In a memorandum from an association of Indians in Sri Lanka it has been stated:—

"Indians settled down in Sri Lanka holding Indian passports taken before 1954 have their stay in the island restricted when once they visit India even for an emergency like wedding, funeral or other special matters of their near relatives. They are asked to leave the Island within one year of their taking visa which is required for travel and return. The Visa is issued only after payment of a tax of Rs. 500/-. This tax is payable by the Indian spouses also of Sri Lanka citizens every year."

2.46. Explaining the factual position in this regard the Ministry stated in a written reply that "Indian citizens who obtained travel documents prior to 1954 are not covered by any Agreement between Sri Lanka and India. Their residence in Sri Lanka is therefore bound by the same legal requirement of a visa as would affect other foreign nationals. These persons are sometimes referred to as "blank passport" holders because they do not require visas as long as they stay in Sri Lanka without travelling outside. When they leave Sri Lanka for any reason, they require a visa or residence permit to return. Any foreign national wishing to reside in Sri Lanka for more than three months has to pay a visa tax of Rs. 500/-. Under the (Sri Lanka) Citizenship Act of 1948 (Article 12) ladies who are married to citizens of Sri Lanka can apply for and obtain Sri Lanka citizenship. Foreign nationals even those married to Sri Lankan spouses have to pay visa tax for residence in Sri Lanka. Persons covered by the 1954 Agreement are granted visas without visa tax and are permitted to remain in Sri Lanka in their employment till the age of 55, as their residence there till the age of 55 years was one of the facilities which the Sri Lanka Government agreed to when signing the Agreement in October 1954. Government would not like to comment on the regulations of a Sovereign State."

Secretary (East) added during evidence that:—

“Under the 1954 agreement, any foreign national married to Sri Lankan has to pay the visa tax. So, it does not seem advisable really to seek any further concession in terms of Indian Nationals.”

The Secretary (East) further stated:

“We have not taken up the matter relating to the visa tax (with Government of Sri Lanka) because we felt that by and large there was no discrimination against India.”

(ix) *LIC Policies of Repatriates*

2.47. A repatriate from Sri Lanka has brought to the notice of the Committee that “It is very unfortunate that the LIC is not showing any sympathy to the Indians who paid their premia in Sri Lanka and who are entitled to get their maturity claim in Indian currency. They are told by the LIC that no payment will be made in India unless the Reserve Bank of India and the Exchange control of Sri Lanka give the necessary permission. So many policy-holders who had taken their policies in Sri Lanka have returned to India and yet they do not get their maturity claims.

2.48. Explaining the position Secretary (East) stated during evidence that before LIC was nationalised certain companies were operating both in India and in Sri Lanka. Persons settled in the country wherever they liked. After the tightening of the Exchange Control Regulation in 1973, LIC came to us regarding the transfer of records of policy-holders who left Sri Lanka and settled permanently in India, as well as the problem of transfer of assets to pay for this. Government of India took up this matter with Sri Lanka Government. Indian High Commission was able to obtain the permission of the Central Bank of Ceylon to transfer policies upto a ceiling of Rs. 75,000 subject to an affidavit before the District Magistrate, or certification from the High Commission, that the policyholder was then permanently settled in India. This decision was obtained in December, 1980. Controller of Exchange is granting permission for transfer of policies. 118 such cases have been transferred. Money has been paid.

2.49. Asked, what was the position of policies above the limit of 75,000, Secretary (East) stated:—

“For Rs. 75,000, there is a simple procedure by which on the certification of the High Commission or District Magis-

trate, the Central Bank of Ceylon automatically releases the money. Naturally for greater amounts there is no doubt discussion with the Central Bank of Ceylon to do it as an individual case, but we have not been approached so far by the LIC asking us to take up the exchange case. Otherwise we would have taken it up."

2.50. Subsequently, the Ministry informed the Committee that "Sri Lanka Government has allowed transfer of all LIC policies upto a ceiling of Rs. 75,000 and under this order Sri Lanka Controller of Exchange has granted permission for the transfer of policies of about 118 persons who have returned to India. It is our understanding that the bulk of the policy holders have received their policy claims. LIC has been requested to inform us if there are any policies above Rs. 75,000 and if there is anything else pending in this matter."

(x) *Role of Indian Missions*

2.51. It was stated before the Committee that though Government of India had been kept fully posted by the Indian Mission in Sri Lanka about the harassment and difficulties faced by 'stateless' Indians there, Government of India and the Indian Mission did not do anything to help the persons of Indian origin just because they were 'Stateless'.

2.52. The Committee asked whether Government of India/Indian Mission were justified in taking such a legalistic attitude even when it was evident that the suffering persons were persons of Indian origin.

2.53. In a written reply the Ministry stated that Government have always taken care in solving the difficulties faced by "Stateless Persons" of Indian origin. Discussions between the Governments of Sri Lanka and India, in fact, *ante-dates* independence and were started as far back as 1940. The Agreements signed in 1964 and 1974 deal precisely with the problem of stateless persons. According to these Agreements stateless persons had to voluntarily opt for either Sri Lanka or Indian citizenship. If we take the view that we have to solve the difficulties faced by all the plantation labour of Indian origin, it would imply accepting responsibility for all these people as citizens of India.



2.54. Clarifying Government's position on this question Secretary (East) stated during evidence:—

"I think, this question is based on some misapprehension. It is true legally speaking that we have to keep some distance from this matter. But it is also a fact that in conditions of difficulty, as had happened recently in August this year (1981) when large number of refugees went to the High Commission and the High Commissioner's residence in Colombo, we took care of all these people without bothering as to whether they are our citizens or Sri Lanka's citizens or stateless persons. During the last time, all the arrangements were made to provide them with food, some kind of lodging etc. Local temple group was able to give some cash relief and a national relief arrangement was also made for these people. For those people who had applied for Indian citizenship, we made special arrangement with the Sri Lanka Government to bring them back to India. We have taken up all the cases regardless of what categories do they belong in conditions of some harassment, distress or emergency."

2.55. The reports received by the Committee on living and working conditions of stateless Indians in Sri Lanka paint a very depressing picture. It has been stated that the plantation employees of Indian Origin, are treated as "indenture labour". They live in much the same conditions as their forefathers did in barrack like zinc-roofed enclosures each measuring 19' by 12', housing entire family or more than one family. They are stated to be like captive labour with little freedom for change of employment or upward social mobility. High rate of illiteracy, low level of educational attainments, poor health conditions, mal-nutrition and high infant mortality are said to be the marked features of the life of plantation workers. Being the lowest paid among the working people, they are poorest of the poor. Women toil ceaselessly throughout the day often carrying heavy weights on their heads.

2.56. The Ministry of External Affairs (India) has also stated that living and working conditions on the estates which are regulated by the relevant labour laws of Sri Lanka could be regarded as deficient in many respects. But, according to the Ministry, these conditions in respect of persons of Indian origin are similar to those for other workers irrespective of their origin. This is a poor consolation indeed. It does not make the plight of Indian workers in Sri Lanka estates any the less painful. The Committee appreciate

the helplessness of the Ministry to do anything directly in the matter. But they would expect that if ever an opportunity arises when the Ministry can, through diplomatic efforts or economic cooperation, move the Sri Lanka authorities to bring a little "sunshine" in the lives of the helpless Indians working in tea plantations in that country, it should not hesitate to do so. (S. No. 4)

2.57 The Committee have been informed that facilities for education for the bulk of the people of Indian origin in plantations are practically nil. It is stated that it would take many more years for these schools in plantations to reach the standards of the school in other regions. The position in regard to hospitals and dispensaries in plantations is stated to be equally unsatisfactory. The Ministry has stated that education and health care are matters which relate to the internal working of Sri Lanka Government. Though medical facilities in estates are not always adequate, Government of India can do little directly to improve these facilities.

2.58 It is understood that Government of Sri Lanka is working towards obtaining improvements and getting teachers appointed in schools in the estates. The Indian High Commission, it is claimed, is not inactive in this matter and the officers of the High Commission visit tea estates and keep in touch with the situation. The Committee feel that if it is not possible or prudent for the Government of India to do anything directly in the matter, it should be possible for the Government to locate and inspire non-official philanthropic organisations in India and outside to come forward and assist in the setting up of schools and dispensereries in these areas, for the benefit of Indian workers. (S. No. 5)

2.59 Refuting reports of discrimination against Indians in Sri Lanka, the Ministry has stated that it is not a fact that persons of Indian origin in Sri Lanka are being discriminated against on grounds of race or on grounds of nationality vis-a-vis other non-Sri Lanka nationals. Originally, the rights of Sri Lanka citizens did vary according to the type of citizenship and Sri Lanka Tamils had rights different from Indian Tamils. But this was done away with a couple of years ago. Sri Lanka Tamils and Indian Tamils are recognise classifications in Sri Lanka Government Census, but it does not imply any discrimination. The Ministry has also stated that it has no evidence to indicate that Indian Tamils (who are citizens of Sri Lanka) are discriminated against as compared to Sri Lanka Tamils.

2.60 The Committee have been informed that as regards stateless persons in Sri Lanka, the Fundamental Rights under the Sri Lanka

constitution have been applied to them and they have access to courts to ensure availability of these rights. Since, however, they are not citizens, they do not have voting rights. The Ministry has hinted that it is quite probable that the amenities that they get in terms of education or health and so on may not be on par with Sri Lanka citizens. This in a way corroborates the reports reaching the Committee that stateless persons of Indian origin in Sri Lanka "cannot hope of entering universities, let alone gain admission to Medical or Engineering facilities." The Committee feel that in the matter of education and health care and such other basic human rights, there should be no discrimination between a citizen and a non-citizen. They would like the Ministry to examine as to how far discrimination between citizens and non-citizens in the fields of education and health care is in consonance with recognised international norms and basic human rights and then see what can be done in the matter. (S. No. 6)

2.61. The Committee are informed that people awaiting repatriation to India are often held up in Sri Lanka because of delays in payment of their provident Fund, gratuity etc. Monitoring done in February, 1980 by Indian High Commission in Sri Lanka revealed that substantial majority of the repatriates having their passports since May, 1979 had not received their provident fund and other dues till July, 1980. The Committee have been informed by Secretary (External Affairs) in evidence that there was a problem at the time of nationalisation of estates when a certain dislocation took place in their records. But after Government of India took up the matter with Sri Lanka Government, some improvement in the administrative process of Sri Lanka Government and the estates was reported. The Ministry has stated that Indian High Commission in Sri Lanka remains in constant touch with Sri Lanka authorities to expedite payments. But from the memoranda received by the Committee it appears that the position is still not fully satisfactory. The Committee would like that the Indian High Commission should play a more active role to collect information about delays in payment of dues to Indian workers awaiting repatriation and pursue each such case of delay with Sri Lanka authorities with a view to ensuring that their dues are paid promptly and their repatriation is not held up on this account at least. (S. No. 7)

2.62. The Committee are informed by the Ministry that 15,106 persons were granted Indian citizenship in 1979 but with the present machinery in the Indian High Commission it is not possible for them to say as to how many of these people have come back to India. This shows the weakness of our information system. The Committee feel that unless a suitable feedback system is devised, it will not be possible for the Indian High Commission or the Government of India to know how many persons who have been granted Indian citizenship in Sri Lanka and who are eager to return to India, are held up in Sri Lanka, why they are held up and what the Commission or Government can do to help them out of the situation. The Committee feel that such a system is imperative and should be set up immediately. (S. No. 8)

2.63. The Committee are surprised to learn that the Ministry has no information about the exact number of blocked accounts held by Indian citizens in Sri Lanka and the total amount involved. In 1974 the three Indian banks in Colombo, where bulk of the block accounts of Indian citizens are held, had informed the Indian High Commission that Indian citizens held blocked accounts amounting to approx. Rs. 79 lakhs in their banks. In November, 1979 there were 157 such accounts in these banks amounting to a total sum of about Rs. 47 lakhs. The position is stated to have improved steadily and in June, 1981 there were 133 blocked accounts of Indian citizens in these three banks with a total sum of a little over Rs. 26 lakhs (Sri Lanka rupees), equivalent to about 13 lakhs Indian rupees. The Committee were informed by Secretary of the Ministry of External Affairs in evidence that these blocked accounts pertained mostly to Indian businessmen in Sri Lanka who are not covered by Indo-Sri Lanka Agreement and these accounts represented funds in excess of the limits upto which remittances could be made by them under the Sri Lanka Foreign Exchange Regulations. According to Secretary, there is no blocked account of Indian workers who have got Indian passports and citizenship under the Indo-Sri Lanka Agreement.

2.64. The statements made by the representative of the Ministry do not go far enough to allay the fears of the Committee fully about

the fate of Indian workers. The Ministry has no information about blocked accounts of Indians in Sri Lanka banks or other banks in and outside Colombo. In the absence of this information it cannot be presumed that there is no blocked account in the whole of Sri Lanka of Indian workers covered under the agreement. The Committee would like that the Ministry should ascertain the position in this regard from Sri Lanka authorities and, if possible, from the Indian workers who are awaiting repatriation in Sri Lanka or have already been repatriated, and do everything possible to enable the poor workers to get back their hard earned savings as early as possible.

(S. No. 9)

2.65. It was represented to the Committee that the persons who found themselves adversely affected were those stateless workers in Sri Lanka, a part of whose families had moved to India, as they were not in a position to send remittances to their families in India. The Ministry has stated that by and large all the members of a family travel together on their repatriation to India and, in the circumstances, the question of sending remittances for maintenance of families in India should not generally arise.

2.66. The Ministry has, however, made no survey in this regard. The Committee would suggest that the Government should make a random check through state or local authorities in India to find out whether there are any families in India whose earning members have been left behind in Sri Lanka. If any such families are found here, Government should take up their cases with Sri Lanka authorities with a view to enabling them to receive remittances for their maintenance from the earning members of their families left behind in Sri Lanka.

(S. No. 10)

2.67. At present the ferry service run by Shipping Corporation of India between Sri Lanka and India operates three days a week each way. This is not considered adequate. A demand for a daily ferry service between the two countries has been voiced before the Committee. The Committee are informed that at the Indian High Commission's suggestion the Shipping Corporation of India is studying the feasibility of a Colombo-Tuticorin service. The Ministry is also pressing for another service which will include Colombo-Tuticorin and Maldivé Islands on the route. The Committee would like the Ministry to ensure that Shipping and ferry services between Sri Lanka and India are adequate to cope with the traffic so that Indians and Indian repatriatés are not put to any inconvenience on this account.

(S. No. 11)

2.68. Complaints of touts exploiting the poor and uneducated workers in connivance with the customs employees and others have been made to the Committee. The Ministry has stated that there is practically no customs check except occasional random checks on the baggage of the repatriates. Repatriates are granted priority in having their baggage cleared through customs and in boarding. State Government officials, operating on behalf of Department of Rehabilitation, help the passengers through Customs and other formalities. Frequent on-the-spot in section visits have been paid by Indian High Commissioner and other officers to Talaimanner and Rameshwaram and, according to the Ministry, there is no real problem or serious complaint at either of these two places. The Government has no evidence that touts are exploiting the repatriates in connivance with customs employees.

2.69. Lack of evidence does not necessarily mean lack of exploitation and it will be unfortunate if the Ministry dismisses the complaints of exploitation out of hand on this grounds. Knowing the discretionary powers of customs staff and the not so uncommon phenomena of delays and harassment in customs clearance all over, the possibility of customs staff at Rameshwaram behaving with the poor passengers in a rough and wrong way either out of over-enthusiasm or ulterior motive cannot be totally ruled out. The Committee therefore, cannot over-emphasize the need to keep a constant and independent watch on the Customs Staff. This is not a matter which can be taken care of by mere instructions. Unremitting vigil and tighter supervision on the spot are absolutely necessary at the Customs check points to avoid harassment to the passengers. (S. No. 12)

2.70. The Committee would also suggest that a random sample survey should be arranged to be conducted by the Ministry of External Affairs in collaboration with the Ministry of Finance to know the experiences of the travellers passing through Customs check posts at Rameshwaram etc. and corrective measures taken to remedy the wrongs if any detected during the survey. (S. No. 13)

2.71. Secretary (External Affairs) admitted in evidence that there have been some complaints of cheating of stateless Indians by some persons in the matter of conversion of bank drafts. In the face of this admission, his claim that to the extent possible the maximum possible protection is being provided to the passengers, lacks conviction. Obviously the State and Central agencies deployed at the port have failed to protect the poor and illiterate worker from the machinations of anti-social elements. The Committee would like the Ministry to review the arrangements at the port and take fool proof

measures to save the Indian workers from exploitation and harassment there... (S. No. 14)

2.72. It has been brought to the Committee's notice that Indian citizens resident in Sri Lanka who are covered by 1954 and 1964 Agreements are granted foreign exchange of Sri Lanka Rs. 50 per adult and Sri Lanka Rs. 25 per child for travelling to India. The Committee feel that the amount of foreign exchange allowed to Indian citizens is too meagre to meet even their absolutely essential expenses during the journey. The Ministry has also admitted that these people have a case and they would take up this matter with Sri Lanka Government. The Committee would like to be apprised of the outcome of its efforts. (S. No. 15)

2.73. Indian citizens who obtained travel documents prior to 1954 are not covered by any agreement between Sri Lanka and India. These Indians do not require visa as long as they stay in Sri Lanka without travelling outside. But when they leave Sri Lanka for any reason they require a visa or residence permit to return and then they have to pay a visa tax of Rs. 500/-. This condition regarding payment of visa tax is applicable to all foreign nationals in Sri Lanka. Secretary, Ministry of External Affairs, stated in evidence that the Ministry had not taken up the question of payment of visa tax by Indians with Government of Sri Lanka because it feels that by and large there was no discrimination against Indians. What causes concern to the Committee is the report that the Indians holding Indian passports taken before 1954 are under severe restrictions in the matter of coming to India on occasions like wedding and funeral of their near relations and on other special occasions. It is stated that when once they come out of Sri Lanka, they are asked to leave the Island within one year of their taking visa which is required for travel and return. The Committee desire that the Ministry may look into this genuine difficulty of Indian citizens in Sri Lanka and see if they can be allowed to pay short visits to India in emergencies without losing the privilege of stay in Sri Lanka as before. (S. No. 16)

2.74. Till sometime ago Indian citizens who paid their premia for life insurance in Sri Lanka and were entitled to get their maturity claims in Indian currency were experiencing difficulties in receiving payment on this account from the Life Insurance Corporation. The Committee have been informed by the Ministry that the matter has been sorted out in consultation with the Government of Sri Lanka. Now, Sri Lanka Government has allowed transfer of all LIC policies upto a ceiling of Rs. 75,000/- and under this order Sri Lanka Controller of Exchange has granted permission for the transfer of poli-

cies of about 118 persons who have returned to India. The bulk of policy holders are reported to have received their policy claims. The Ministry is not aware of the position of maturity claims in respect of policies above Rs. 75,000/-. The Committee would like the Ministry to ascertain the facts in respect of such policies from LIC and take up the question of their payment also with the Sri Lanka authorities for a satisfactory solution. (S. No. 17)

2.75. It has been represented to the Committee that though Government of India has been kept fully posted by the Indian High Commission in Sri Lanka about the problems of Indians in that country, the Government or the High Commission has not done enough to help the Indians there just because they happened to be stateless. Secretary (External Affairs) stated in evidence that "it is true legally speaking that we have to keep some distance from this matter" but in times of difficulties, Indian Mission took every possible step to help all whether they were Indian citizens or stateless Indians. The Committee feel that this type of ambivalent approach is capable of creating an impression, even though wrong, that Indian High Commission is taking too legislistic a view and is not therefore doing enough to help the stateless Indians. So long as the future status of Indians in Sri Lanka is not finally decided, Indian High Commission should not hesitate to go to the rescue of Stateless Indians in distress. The Committee would expect that the Indian High Commission would continue to adopt the same helpful attitude in future as it is stated to have done in the past. This it should do on human and moral grounds regardless of legal position. After all if "Stateless" Indians cannot look to Indian High Commission for succour in emergencies which other door can they knock?

(S. No. 18)

NEW DELHI;

February 27, 1982.

Phalgun 8, 1903 (Saka).

S. B. P. PATTABHI RAMA RAO,

Chairman,

Estimates Committee.



## APPENDIX

### Summary of Recommendations/Observations

Sl. Para No. No. of the Report	Recommendations/Observations
1 2	3
	<i>(The Indo-Sri Lanka Agreements)</i>
1 1.24 to 1.33.	<p>The 1964 and 1974 agreements have now expired. The Committee are informed that Government of India is having discussion with Sri Lanka about the future of "stateless" Indians left in Sri Lanka.</p> <p>The Committee take note of the feeling prevailing among repatriates that the basis of 1964 agreement which provided for such a large scale repatriation of "stateless" Indians who were born and brought up for generations in Sri Lanka was wrong.</p> <p>The Committee also take note of the reports that most of the stateless Indians in Sri Lanka are not willing to come to India. They are not in favour of India signing another agreement for their repatriation. They would not like to be uprooted.</p> <p>The Committee find that thinking in Sri Lanka on the question of repatriation of stateless Indians is also undergoing a change. Importance of Indians workers in Sri Lanka's economy is now being realised. Though according to the views formally communicated to Government of India, Sri Lanka Government wishes the agreement to be implemented as originally envisaged, there is evidence to show that individual plantation owners and plantation superintendents are not now as anxious as their Government to send back Indian workers to India. A reference to the adverse effect of repatriation of Indian workers on tea production was made by the Minister of Finance of Sri Lanka Government in Sri Lanka Parliament in November, 1979.</p>

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The Committee understand that the Government of India has informed the Government of Sri Lanka that the 15 year period stipulated by the 1964 Shastri-Srimavo Agreement and the two year extension granted in the letters exchanged between the Prime Ministers of the two countries in 1974 have ended on 30-10-1981. An all-party delegation met the Hon'ble Prime Minister of India on 7-12-1981. She assured them of sympathetic consideration of their suggestions.

The Committee have considered all aspects of the question. The state of 'statelessness' for persons of Indian origin is not conducive to their well being and under-mines their dignity. The condition of statelessness makes them insecure and vulnerable to exploitation by employers. The Committee are of the view that the Government of India should consult urgently with Government of Sri Lanka so as to bring an end to this entire problem of stateless persons of Indian origin as early as possible.

2 1.34

The Committee strongly feel that while discussing the future of 'Stateless' Indians in Sri Lanka, these persons should not be viewed merely in terms of numbers whose dispersal can be decided by applying a mechanical formula of ratio and proportion. They are thinking human beings who have grown in a certain social, cultural and emotional milieu and who should be presumed to know where they belong and what their future status should be. Human dignity demands that in any understanding with Government of Sri Lanka freely expressed wishes of such persons on the questions of repatriation to India or absorption as citizens of Sri Lanka should be made the determining factor and respected. It will be unfair, nay inhuman, to uproot any such person from the place of his birth or domicile or work and repatriate him against his wish.

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The Committee also feel that during interrogation i.e. till the future status of such "stateless"

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Indians is finally decided and so long as they remain "stateless", these persons should be allowed to live and work with dignity and enjoy basic civic and human rights without any discrimination; and just because they are momentarily "stateless", Indian Mission should not hesitate to play a helpful, though discreet, role to get their difficulties solved through Sri Lanka authorities.

*Living and working conditions of Indian Workers*

- 4            2.56            The reports received by the Committee on  
to            living and working conditions of stateless Indians  
2.56            in Sri Lanka paint a very depressing picture.

The Ministry of External Affairs (India) has also stated that living and working conditions on the estates which are regulated by the relevant labour laws of Sri Lanka could be regarded as deficient in many respects. But, according to the Ministry, these conditions in respect of persons of Indian origin are similar to those for other workers irrespective of their origin. This is a poor consolation indeed. It does not make the plight of Indian workers in Sri Lanka estates any the less painful. The Committee appreciate the helplessness of the Ministry to do anything directly in the matter. But they would expect that if ever an opportunity arises when the Ministry can, through diplomatic efforts or economic co-operation, move the Sri Lanka authorities to bring a little "sunshine" in the lives of the helpless Indians working in tea plantations in that country, it should not hesitate to do so.

*Education and Medical Facilities*

- 5            2.57            The Committee have been informed that  
to            facilities for education for the bulk of the people  
2.58            of Indian origin in plantations are practically  
nil. The position in regard to hospitals and dispensaries in plantations is stated to be equally unsatisfactory. The Ministry has stated that

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education and health care are matters which relate to the internal working of Sri Lanka Government. Though medical facilities in estates are not always adequate, Government of India can do little directly to improve these facilities.

The Committee feel that if it is not possible or prudent for the Government of India to do anything directly in the matter, it should be possible for the Government to locate and inspire non-official philanthropic organisations in India and outside to come forward and assist in the setting up of schools and dispensaries in these areas, for the benefit of Indian workers.

#### *Discrimination*

6 2.59  
to  
2.60

Refuting reports of discrimination against Indians in Sri Lanka, the Ministry has stated that it is not a fact that persons of Indian origin in Sri Lanka are being discriminated against on grounds of race or on grounds of nationality *vis-a-vis* other non-Sri Lanka nationals. The Ministry has also stated that it has no evidence to indicate that Indian Tamils (who are citizens of Sri Lanka) are discriminated against as compared to Sri Lanka Tamils.

The Ministry has hinted that it is quite probable that the amenities that stateless persons in Sri Lanka get in terms of education or health and so on may not be on par with Sri Lanka citizens. This in a way corroborates the reports reaching the Committee that stateless persons of Indian origin in Sri Lanka "cannot hope of entering universities, let alone gain admission to Medical or Engineering facilities". The Committee feel that in the matter of education and health care and such other basic human rights, there should be no discrimination between a citizen and a non-citizen. They would like the Ministry to examine as to how far discrimination

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between citizens and non-citizens in the fields of education and health care is in consonance with recognised international norms and basic human rights and then see what can be done in the matter.

*Delays in payment of gratuity, provident fund etc.*

- 7            2.61            The Committee are informed that people awaiting repatriation to India are often held up in Sri Lanka because of delays in payment of their provident fund, gratuity etc. Monitoring done in February, 1980 by Indian High Commission in Sri Lanka revealed that substantial majority of the repatriates having their passports since May, 1979 had not received their provident fund and other dues till July, 1980. The Ministry has stated that Indian High Commission in Sri Lanka remains in constant touch with Sri Lanka authorities to expedite payments. But from the memoranda received by the Committee it appears that the position is still not fully satisfactory. The Committee would like that the Indian High Commission should play a more active role to collect information about delays in payment of dues to Indian workers awaiting repatriation and pursue each such case of delay with Sri Lanka authorities with a view to ensuring that their dues are paid promptly and their repatriation is not held up on this account at least.

*Information System*

- 8            2.62            The Committee are informed by the Ministry that 15,106 persons were granted Indian citizenship in 1979 but with the present machinery in the Indian High Commission it is not possible for them to say as to how many of these people have come back to India. This shows the weakness of our information system. The Committee

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feel that unless a suitable feedback system is devised, it will not be possible for the Indian High Commission or the Government of India to know how many persons who have been granted Indian citizenship in Sri Lanka and who are eager to return to India, are held up in Sri Lanka, why they are held up and what the Commission or Government can do to help them out of the situation. The Committee feel that such a system is imperative and should be set up immediately.

*Blocked Accounts*

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2.63

to

2.64

The Committee are surprised to learn that the Ministry has no information about the exact number of blocked accounts held by Indian citizens in Sri Lanka and the total amount involved. The Committee were informed by Secretary of the Ministry of External Affairs in evidence that these blocked accounts pertained mostly to Indian businessmen in Sri Lanka who are not covered by Indo-Sri Lanka Agreement. According to Secretary, there is no blocked account of Indian workers who have got Indian passports and citizenship under the Indo-Sri Lanka Agreement.

The statements made by the representative of the Ministry do not go far enough to allay the fears of the Committee fully about the fate of Indian workers. The Ministry has no information about blocked accounts of Indians in Sri Lanka banks or other banks in and outside Colombo. In the absence of this information it cannot be presumed that there is no blocked account in the whole of Sri Lanka of Indian workers covered under the agreement. The Committee would like that the Ministry should ascertain the position in this regard from Sri Lanka authorities and, if possible, from the Indian workers who are awaiting repatriation in

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Sri Lanka or have already been repatriated, and do everything possible to enable the poor workers to get back their hard earned savings as early as possible.

*Remittances*

10            2.65            It was represented to the Committee that the  
                 to                    persons who found themselves adversely affected  
                 2.66                   were those stateless workers in Sri Lanka, a part  
                                    of whose families had moved to India, as they  
                                    were not in a position to send remittances to  
                                    their families in India. The Ministry has stated  
                                    that by and large all the members of a family  
                                    travel together on their repatriation to India  
                                    and, in the circumstances, the question of send-  
                                    ing remittances for maintenance of families in  
                                    India should not generally arise.

The Ministry has, however, made no survey in this regard. The Committee would suggest that the Government should make a random check through state or local authorities in India to find out whether there are any families in India whose earning members have been left behind in Sri Lanka. If any such families are found here, Government should take up their cases with Sri Lanka authorities with a view to enabling them to receive remittances for their maintenance from the earning members of their families left behind in Sri Lanka.

*Lack of Travel Facilities*

11            2.67            At present the ferry service run by Shipping  
                                    Corporation of India between Sri Lanka and  
                                    India operates three days a week each way. This  
                                    is not considered adequate. A demand for a daily  
                                    ferry service between the two countries has been  
                                    voiced before the Committee. The Committee  
                                    are informed that at the Indian High Commis-

sion's suggestion the Shipping Corporation of India is studying the feasibility of a Colombo—Tuticorin service. The Ministry is also pressing for another service which will include Colombo—Tuticorin and Maldiv Islands on the route. The Committee would like the Ministry to ensure that Shipping and ferry services between Sri Lanka and India are adequate to cope with the traffic so that Indians and Indian repatriates are not put to any inconvenience on this account.

12            2.68  
                  to  
                  2.69

Complaints to touts exploiting the poor and uneducated workers in connivance with the customs employees and others have been made to the Committee. The Ministry has stated that there is practically no customs check except occasional random checks on the baggage of the repatriates. The Government has no evidence that touts are exploiting the repatriates in connivance with customs employees.

Lack of evidence does not necessarily mean lack of exploitation and it will be unfortunate if the Ministry dismisses the complaints of exploitation out of hand on this ground. Knowing the discretionary powers of customs staff and the not so uncommon phenomena of delays and harassment in customs clearance all over, the possibility of customs staff at Rameshwaram behaving with the poor passengers in a rough and wrong way either out of over-enthusiasm or ulterior motive cannot be totally ruled out. The Committee therefore, cannot over emphasize the need to keep a constant and independent watch on the Customs Staff. This is not a matter which can be taken care of by mere instructions. Unremitting vigil and tighter supervision on the spot are absolutely necessary at the Customs check points to avoid harassment to the passengers.



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13	2.70	The Committee would also suggest that a random sample survey should be arranged to be conducted by the Ministry of External Affairs in collaboration with the Ministry of Finance to know the experiences of the travellers passing through Customs check posts at Rameshwaram etc. and corrective measures taken to remedy the wrongs if any detected during the survey.
14	2.71	Secretary (External Affairs) admitted in evidence that there have been some complaints of cheating of stateless Indians by some persons in the matter of conversion of bank drafts. In the face of this admission, his claim that to the extent possible the maximum possible protection is being provided to the passengers, lacks conviction. Obviously the State and Central agencies deployed at the port have failed to protect the poor and illiterate workers from the machinations of anti-social elements. The Committee would like the Ministry to review the arrangements at the port and take fool proof measures to save the Indian workers from exploitation and harassment there.
<i>TRP Passport Holders</i>		
15	2.72	It has been brought to the Committee's notice that Indian citizens resident in Sri Lanka who are covered by 1954 and 1964 Agreements are granted foreign exchange of Sri Lanka Rs. 50 per adult and Sri Lanka Rs. 25 per child for travelling to India. The Committee feel that the amount of foreign exchange allowed to Indian citizens is too measure to meet even their absolutely essential expenses during the journey. The Ministry has also admitted that these people have a case and they would take up this matter with Sri Lanka Government. The Committee would like to be apprised of the outcome of its efforts.

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*Visa Tax*

- 16            2.73            Indian citizens who obtained travel documents prior to 1954 are not covered by any agreement between Sri Lanka and India. These Indians do not require visa as long as they stay in Sri Lanka without travelling outside. But when they leave Sri Lanka for any reason they require a visa or residence permit to return and then they have to pay a visa tax of Rs. 500/-. This condition regarding payment of visa tax is applicable to all foreign nationals in Sri Lanka. What causes concern to the Committee is the report that the Indians holding Indian passports taken before 1954 are under severe restrictions in the matter of coming to India on occasions like wedding and funeral of their near relations and on other special occasions. Visa which is required for travel and return. The Committee desire that the Ministry may look into this genuine difficulty of Indian citizens, in Sri Lanka and see if they can be allowed to pay short visits to India in emergencies without losing the privilege of stay in Sri Lanka as before.

*LIC Policies of Repatriates*

- 17            2.74            Till sometime ago Indian citizens who paid their premia for life insurance in Sri Lanka and were entitled to get their maturity claims in Indian currency were experiencing difficulties in receiving payment on this account from the Life Insurance Corporation. The Committee have been informed by the Ministry that the matter has been sorted out in consultation with the Government of Sri Lanka which has now allowed transfer of all LIC policies upto a ceiling of Rs. 75,000/-. The Ministry is not aware of the position of maturity claims in respect of policies above. Rs. 75,000/-. The Committee would like the Ministry to ascertain the facts in respect of

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		such policies from LIC and taken up the question of their payment also with the Sri Lanka authorities for a satisfactory solution.

*Role of Indian Mission*

18	2.75	<p>It has been represented to the Committee that though Government of India has been kept fully posted by the Indian High Commission in Sri Lanka about the problems of Indians in that country, the Government or the High Commission has not done enough to help the Indians there just because they happened to be stateless. Secretary (External Affairs) stated in evidence that "it is true legally speaking that we have to keep some distance from this matter" but in times of difficulties, Indian Mission took every possible step to help all whether they were Indian citizens or stateless Indians. The Committee feel that this type of ambivalent approach is capable of creating an impression, even though wrong, that Indian High Commission is taking too legalistic a view and is not therefore doing enough to help the stateless Indians. So long as the future status of Indians in Sri Lanka is not finally decided, Indian High Commission should not hesitate to go to the rescue of Stateless Indians in distress. The Committee would expect that the Indian High Commission would continue to adopt the same helpful attitude in future as it is stated to have done in the past. This it should do on human and moral grounds regardless of legal position. After all if "Stateless" Indians cannot look to Indian High Commission for succour in emergencies which other door can they knock?</p>
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