High Court Order on Sri Lankan Refugees

What is the issue?

- A recent order of the Madurai Bench of the Madras High Court directed 65 refugees from Sri Lanka to apply for Indian citizenship.
- This has again brought into focus the need for the two countries to resolve the long-pending refugee problem.

What is the current refugee presence?

- The Sri Lankan refugee problem concerns the future of about 95,000 refugees in Tamil Nadu who fled Sri Lanka between 1983 and 2012, during the civil war.
- Of them, around 60,000 are housed in 107 State government-run camps with substantial financial assistance from the Centre.
- The rest are called non-camp refugees who live on their own, but are required to report to the local officials at periodical intervals.
- Notably, Tamil Nadu provides accommodation to the largest number of refugees among States.

What is the recent case about?

- The case before the Madurai Bench of the Madras High Court concerned 65 "stateless persons."
- They arrived in Tamil Nadu in 1983-85 period following the anti-Tamil *pogrom* (organized massacre of a particular ethnic group) of July 1983 in Sri Lanka.
- They were mostly put up at a refugee camp in Tiruchi.
- Their ancestors were indentured labourers who were taken to Sri Lanka during the British Raj to work in tea plantations.
- Their main demand now is that they should be regarded on a par with repatriates covered under the *bilateral agreements of 1964 and 1974*.
- They did not want to be mixed up with the Tamil refugees from the Northern and Eastern Provinces of Sri Lanka.

What is the Centre's stance?

- The Union and State governments labeled these refugees as "illegal migrants" as they had entered India without valid documents.

- The Centre maintains that the petitioners could not demand citizenship as a right even if they fulfilled the eligibility criteria.
- The authorities, however, assured the refugees in the early 1990s that they would not be forcibly deported.

What is the recent order?

- The Madurai bench of the Madras High Court agreed that granting citizenship was within the "exclusive executive domain" of the Centre.
- However, it asked the petitioners to apply for Indian citizenship.
- This is considered a moral victory for the petitioners as the judiciary has agreed, in principle, with their contention.

What is the significance?

- 10 years have lapsed since the end of the civil war in Sri Lanka.
- But, the absence of a policy along with other factors has resulted in the slow pace of voluntary repatriation of refugees from Sri Lanka.
- Now, the court ruling has created an opportunity for the Centre to resolve the Sri Lankan refugee problem once and for all.
- The problem is not just about granting or refusing citizenship but also about the absence of a comprehensive migration or refugee policy in India.
- Notably, there are over 2.25 lakh refugees in India, including around 1.08 lakh Tibetans and 18,000 Rohingya.

- **Citizenship Bill** - The case of the refugees from Sri Lanka is unique vis-a-vis other South Asian countries.
- These refugees are excluded from the ambit of a Bill recently tabled in Parliament to amend the Citizenship Act of 1955.
- [Only non-Muslims from Bangladesh, Pakistan and Afghanistan were covered in the Bill.
- The Citizenship Amendment Bill lapsed, but the government is firm that it will enact it.]

What are the difficulties faced by refugees?

- **Studies and employment** - Estimatedly, 60% of the people in the Sri Lankan refugee camp, including 90% of the minors, were born in Tamil Nadu.
- There are a number of opportunities here for young refugees to pursue higher studies, barring medicine.
- However, qualified persons have not been able to get regular employment, as major companies are reluctant to hire refugees.
- To seek employment in other countries, these refugees require Sri Lankan

passports, which they can secure only in that country.
- This process being difficult, some refugees have attempted to leave Tamil Nadu illegally. Such attempts have invariably failed.
- **Identity** – The crisis of identity is another intimidating problem faced by any refugee.
- In this case, questions such as 'Whether they belong to India or Sri Lanka?', 'If the country where they were born, raised, educated and married is not theirs, then where is home?' remain.

Why do refugees prefer going back?

- Nearly, 28,500 refugees, all living in camps, are "stateless persons" and entitled to get Sri Lankan citizenship.
- The Easter Sunday blasts temporarily halted the incremental repatriation, which resumed recently.
- Not every refugee living in Tamil Nadu is keen on acquiring Indian citizenship, as many wish to go back.
- Some have decided to go back, even though the Sri Lankan economy, the livelihood opportunities and access to quality education remain weak there.
- An encouraging factor, however, is that the North, especially Jaffna, and hill country areas dominated by the Tamils are relatively safe.
- There are also political compulsions for the refugees to return.
- The prolonged civil war has had adverse demographic impact on the Tamils in Sri Lanka.
- This has a direct bearing on the numerical strength of elected representatives of Tamils in Sri Lanka's Parliament (follows proportional representation system).

What lies ahead?

- The Tamil National Alliance in Sri Lanka and the Indian government should discuss the refugee problem.
- Sri Lanka has said that it favours the return of the refugees; this intent has to be followed up with action.
- The authorities in the Tamil Provinces in Sri Lanka should ensure that there are no illegal occupants of lands belonging to the refugees.
- The governments of the two countries should plan ways of speeding up voluntary repatriation of Tamil refugees, along with a package of assistance.

Source: The Hindu, IDSA

Quick Facts

Bilateral agreements of 1964 and 1974 - India and Sri Lanka

- There were a series of bilateral agreements between India and Sri Lanka in 1964 and 1974.
- Under this, Sri Lanka agreed to provide citizenship to a total of 3,75,000 Indian Tamils.
- It was also agreed that India would provide citizenship and 600,000 would be repatriated to India.
- A total of 506,000 people applied for Indian citizenship and 470,000 applied for Sri Lankan citizenship under these agreements.
- The process of granting Indian citizenship was very slow, and in 1982, about 86,000 applications for citizenship to the Indian High Commission were pending.
- A further 90,000 people who had been issued with Indian passports still remained in Sri Lanka.

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