

Citizenship for All

The Campaign Against Statelessness in Sri Lanka

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Volume 5

Inside this Issue...

Page 1: Statelessness Worldwide: An Overview

Page 3: Focus On Sri Lanka

Page 5: Sri Lanka's Statelessness Problem - Historical Background and Resolution

Page 7: Two Rounds, Two Campaigns, Two Successes

Page 13: Impressions of Life on Tea Plantations

UNHCR, the United Nations Refugee Agency, is mandated by the United Nations to lead and coordinate international action for worldwide protection and assistance to refugees and displaced persons.



Dear Reader,

In October 2003, the Sri Lankan Parliament unanimously adopted the 'Grant of Citizenship to Persons of Indian Origin Act'. As a result, thousands of stateless Tamils of Indian origin have ended their long struggle for recognition in Sri Lanka and registered to become citizens of a country they have called home for generations. This has effectively solved the statelessness issue for "Up-Country Tamils", who now have access to basic rights, such as obtaining a passport and the right to vote or to own property.

In this the 5th edition of *Focus on Protection*, you will find information on the history and background of statelessness in Sri Lanka, the impact of the new legislation, as well as details on UNHCR's information campaigns in the North and East. It also gives the reader an insight into life on the tea plantations, including an article by Mr. Ramiah Yogarajan Vice-President of the Ceylon Workers' Congress and renowned Sri Lankan expert on citizenship and statelessness. We hope you will enjoy reading this special edition.

Wallaya Pura
Representative (a.i.)
UNHCR Sri Lanka

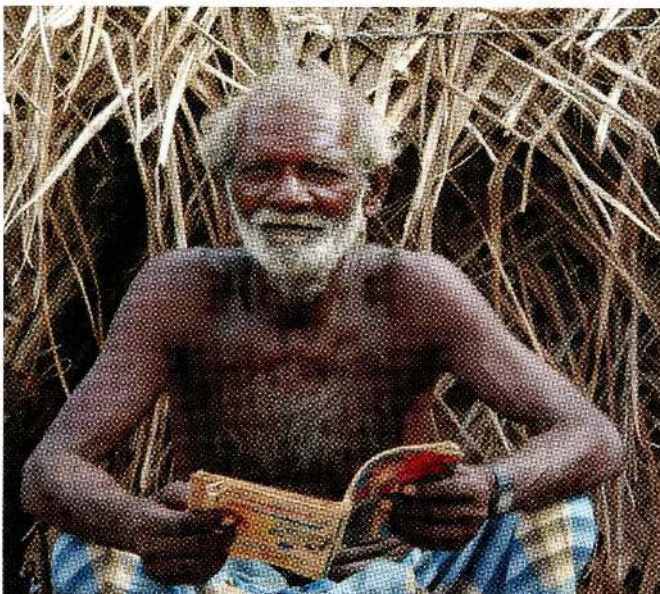
Statelessness Worldwide: An Overview

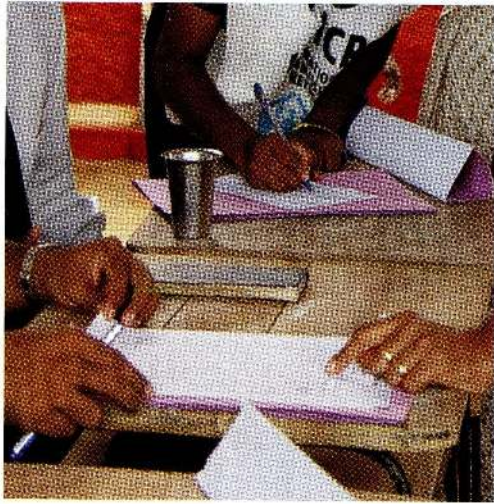
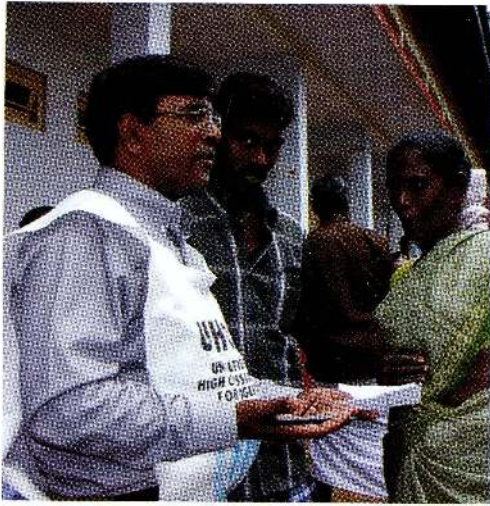
What is Statelessness?

A stateless person is someone who is not recognized by any country as a citizen. Stateless persons face problems every day because of their lack of citizenship. Today, an estimated nine million people in the world are considered stateless. They do not have the right to vote. They cannot get a passport and therefore their freedom of movement is restricted. Often they have no authority to buy property or even open a bank account. They may be taken in by the police and questioned because they have no documents. Discrimination against stateless persons is almost inherent but there is no State to provide them with legal protection. They are stateless – they have no country to call their own.

Individuals can become stateless for a variety of reasons, and often live side-by-side with citizens in a country they, would like to call their own, but which does not recognize them as citizens. A person may have lost the citizenship he or she once had by the good depravity them of nationality as individuals or groups through conflicts of law, or simply because of administrative problems such as excessive fees, unrealistic deadlines, or ignorance. More often than not parents fail to register children at birth so there is no proof of where or to whom they were born. Statelessness is often hereditary - birth to a stateless parent often means that a child also grows up to be stateless.

There are also other forms of statelessness. Some people, such as the Roma and the Bedouin, have lived for centuries spread across several countries without a country to call their own. They have been forced to travel across desert and continents. They have been marginalized and harassed. Many of them have never been given an opportunity to settle down, send their children to school, buy a house or maintain a job. They have not been given the opportunity to create a stable home. Some countries went as far as enacting legislation that discriminates against these populations – for example, by forbidding them to stay in one place for more than a certain period of days. These people are also stateless - they have had no home to call their own.





The Role of UNHCR

The first time the need for international methods to help combat statelessness occurred was linked to the discussion on refugees after World War II. When the 1951 Geneva Refugee Convention was discussed, a Statelessness Protocol was attached and considered. Initially the statelessness issue was postponed, was later made into a treaty in its own right. The link between refugees and stateless persons was maintained by the UN General Assembly's designation of UNHCR as the UN agency mandated to provide legal assistance to the stateless and to help eliminate statelessness globally.

Stateless persons can, of course, become refugees if they are forced to flee and cross an international border due to persecution. However, many stateless persons never leave their homes and most refugees possess citizenship of their country of origin.

To help combat statelessness, UNHCR urges states to accede to the two statelessness Conventions and assists governments to introduce new laws or projects to tackle the problem. UNHCR also gives stateless persons advice on how to obtain documentation and how to secure citizenship or get access to other rights and entitlements.

International Instruments to Combat Statelessness

“Everyone has the right to a nationality.”

The Universal Declaration on Human Rights

In 1954, the UN General Assembly adopted the **Convention Relating to the Status of Stateless Persons**. Under this convention the term “stateless” refers to “a person who is not considered as a national by any state under the operations of its law”. It requests the signatories to provide documentation to stateless persons and to consider granting them residence.

Seven years later, in 1961, the **Convention on the Reduction of Statelessness** was adopted. This Convention gives guidance to countries on how to avoid statelessness for children at birth and how to protect against loss of nationality later in life.

To date fifty-five states have ratified the 1954 convention and twenty-seven states have ratified the 1961 convention. Sri Lanka is not a party to either of these two Conventions.

Focus on Sri Lanka

The History of Stateless Persons in Sri Lanka

Most stateless persons in Sri Lanka are descendants of persons brought from India to work on the coffee and tea plantations by the British colonizers around 1820-1840. These persons are known as “Up-Country Tamils” or “Hill Tamils”. The majority of them are still living in the tea plantation area. A minority, however, ended up as internally displaced persons (IDPs) in the northern and eastern districts of Sri Lanka, most of them after having left their homes as a result of the inter-ethnic violence in 1983.

Stateless persons in Sri Lanka have been the subject of various forms of Indo-Ceylon agreements in the past, and some of them have been granted citizenship by either Sri Lanka or India. Notwithstanding, many of them remained stateless and therefore lacked the basic rights and entitlements attached to Sri Lankan citizenship, including the right to vote, the right to official employment, the right to open a bank account, the right to obtain State land and the possibility to obtain documents like a passport or a birth certificate.



The 2003 Act to Grant Citizenship to Persons of Indian Origin

On 8 October 2003, the Sri Lankan Parliament unanimously passed the “Grant of Citizenship to Persons of Indian Origin Act” (Act No. 35 of 2003). The Act was formally signed and adopted on 20 November 2003. This legislation effectively solves the statelessness issue for stateless persons of Indian origin residing in Sri Lanka since 30 October 1964 and their descendants, by granting them Sri Lankan citizenship. Those who hold Indian passports - by now expired, but once obtained under one of the citizenship Agreements in the past - are given the opportunity to sign a special declaration, stating their intention to voluntarily acquire citizenship of Sri Lanka. In this case, they automatically lose any claim to Indian citizenship, because India does not recognize dual citizenship. The special declaration should be countersigned by the Immigration Authorities. Persons not holding an Indian passport need no such written declaration, as they are automatically granted citizenship under the new law. However, those who wish can sign a general declaration (affidavit) to be counter-signed by a justice of the peace, which will help them to obtain documents and exercise other citizenship rights.

Chronology of Major Historical and Legislative Events

1948 – Ceylon Citizenship Act of 1948 enacted. Citizenship for people born before 15 November 1948 required that two generations of a person's family be born in Sri Lanka. In practice this was difficult for Up-Country Tamils to prove. Also, at that time many Up-Country Tamils went back to Tamil Nadu to give birth. People born after 15 November 1948 become citizens if their fathers were citizens.

1949 – Indian and Pakistani Residents Act 1949 enacted. Provided for a 7 or 10 year period of uninterrupted residence in Sri Lanka as a qualification for citizenship. However, few had documents to prove uninterrupted residence and many would have periodically returned to Tamil Nadu. Another requirement was an assured income qualification beyond the reach of most Up-Country Tamils.

1954 – Nehru-Kotelawala Pact. India agreed to accept the repatriation of those Up-Country Tamils who wanted Indian citizenship, but did not accept the Sri Lankan position that all who do not qualify for Sri Lankan citizenship would be automatically given Indian citizenship.

1964 – Sirima-Shastri Pact (Indo-Ceylon Agreement). India agreed to “repatriate” 525, 000 Up-Country Tamils and Sri Lanka agreed to grant citizenship to 300,000.

1974 – Sirimavo-Gandhi Pact. India and Sri Lanka agree to share evenly 150,000 Up-Country Tamils, bringing the totals agreed to: Sri Lankan citizenship – 375,000 and Indian citizenship – 600,000.

1982 – India advises Sri Lanka that India no longer considers the 1964 and 1974 agreements binding due to the expiry of the implementation period. Sri Lanka contends that the agreements remain in force until all the repatriations are completed.

1984 – “Repatriations” to India under the agreement cease altogether with the suspension of the Talaimannar-Rameswaram ferry service.

1987 – Indo - Sri Lanka Agreement to “establish peace and normalcy in Sri Lanka”. India agrees to “expedite the repatriation from Sri Lanka of Indian citizens resident here, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.” The agreement failed and no-one was actually returned to India under this agreement.

1988 – Grant of Citizenship to Stateless Persons (Special Provisions) Act enacted. All stateless persons of Indian origin lawfully resident in Sri Lanka and not within the 506,000 who had applied for Indian citizenship, entitled to Sri Lankan citizenship.

As at **1982**, when India took the view that the 1964 and 1974 agreements were no longer binding, there were still 86,000 people of Indian origin who had applied to the Indian High Commission for registration as citizens of India and whose applications were pending with the High Commission. Another 90,000 persons who had been issued Indian passports, remained in Sri Lanka.

October 2003 - Grant of Citizenship to persons of Indian Origin enacted. Citizenship granted to persons of Indian origin residing in Sri Lanka since October 1964 and their descendants. In cases of de facto statelessness where the applicant holds an Indian passport, the application for citizenship will have to be countersigned by the Immigration authorities. In cases of de jure statelessness a written declaration is not required. Those who wish can sign an affidavit, which will be countersigned by a justice of peace. The process is free of charge and there is no deadline to apply.

From Statelessness to Citizenship: The Road from the Past to the Future

Article by Mr. Ramiah Yogarajan, Vice-President of
Ceylon Workers' Congress and former Member of Parliament

The statelessness issue in Sri Lanka emerged after independence. During the colonial rule, all persons resident in the country enjoyed equal rights including adult suffrage. The first national Parliament went on to adopt the Citizenship Act No 18 of 1948. Though called an Act on citizenship, it essentially deprived persons of Indian Origin the possibility to retain their citizenship. The Act stated that only a person whose father was born in Ceylon would be recognized as a citizen of Ceylon, which was a problem as most persons of Indian Origin were children of those who were born in India and had later migrated to Ceylon.

With continued agitation and the intervention of India, the Indian and Pakistani Residents Citizenship Act No. 3 of 1949 was introduced and passed. This Act stipulated that a person should have been uninterruptedly resident in Ceylon in the case of a single person for 10 years, and in the case of a married person for 7 years prior to January 1946, to be entitled to citizenship. The law stated that a written application be made and that citizenship would be granted at the discretion of the State. The citizenship granted under this Act was of a secondary status since the citizens were identified separately by their registration and they were liable to lose their citizenship under certain circumstances, unlike citizens by descent. Though this Act was purportedly to grant citizenship to persons of Indian Origin, the provisions and documents required made it difficult to obtain citizenship. The Commissioner for Registration of Persons of Indian Origin having unfettered administrative authority was instructed to limit the numbers to be granted citizenship, thus effectively nullifying the Act.

The persons of Indian Origin rendered stateless by the Citizenship Act of 1948 and denied citizenship under the Indian and Pakistani Residents Citizenship Act of 1949, remained stateless until some of them were granted citizenship under the Sirima Shastri Agreement of 1964 and the Sirima Indira Agreement of 1974. Under these agreements, 600,000 persons were to be granted Indian Citizenship, and 375,000 persons were to be granted



Ceylon Citizenship. 506,000 applied for Indian Citizenship and 470,000 persons applied for Ceylon Citizenship. Thus, the applications for Ceylon Citizenship greatly exceeded the stipulated number. The process of granting Indian Citizenship was slow since they had to be repatriated and arrangements had to be made for them. Ceylon Citizenship was granted in the proportion of 4 to 7 linked to repatriation. Hence the stateless issue continued to trouble persons of Indian origin.

The Ceylon Workers' Congress Leader Savumiamoorthy Thondaman continued to lobby for the grant of citizenship to all persons who wished to continue to live in Sri Lanka. He intensified his campaign when he joined the Government in 1978. However, until 1988, when the Presidential Election was due, he could not achieve his goal. In 1988, he pressurized the Government to solve the problem in return for his support at the Presidential Election to the candidate Mr. R. Premadasa. The UNP Government agreed to grant citizenship to all persons except those who had applied for Indian Citizenship.

The Grant of Citizenship to Stateless Persons (Special Provisions) Act No 39 of 1988 was thus enacted. Under the provisions of this Act all persons other than the 506,000 persons who had applied for Indian Citizenship, were deemed to be citizens of Sri Lanka from the date the Act came into effect. There was no need to make an application, but the proffering of an affidavit was sufficient to confirm a person's citizenship. This solved the problem to a great extent.

Of the 506,000 persons who applied for Indian Citizenship, about 330,000 persons had been repatriated to India by 1983, when the ethnic riots brought an end to the ferry service between India and Sri Lanka.

With the expiry of the Indo-Ceylon Agreement in 1984, India was not keen to accept any more persons under the agreement. At this stage nearly 176,000 persons who opted to go to India still remained here and expressed the desire to stay in Sri Lanka. Many of them were children of those who had applied in 1964 and had no knowledge of India or any interest in India. Of the 176,000 persons, about 90,000 had been issued Indian Passports and the rest remained stateless.

The 'Grant of Citizenship to Persons of Indian Origin' Act No. 35 of 2003 is effectively granting citizenship to these persons and thus solving the stateless issue in full. With the coming into effect of this Act, all those persons who applied for Indian Citizenship but did not obtain Passports are deemed to be citizens of Sri Lanka. The only requirement is to submit an affidavit confirming this fact whenever they are called upon to confirm their citizenship. Those who had obtained Indian Passports had to express their desire to give up Indian Citizenship and assume Sri Lanka Citizenship. These persons had to make a Special Declaration to the Commissioner for Registration of Persons of Indian Origin, expressing their desire to obtain Sri Lankan Citizenship. The Commissioner had no discretionary authority but merely to acknowledge the declaration. This acknowledgement was deemed to grant citizenship to those persons.

The Ceylon Workers' Congress together with the UNHCR conducted mobile services in the up-country and over 72,000 persons made the Special Declaration and obtained the acknowledgements. The others who had not obtained Indian Passports were issued with the affidavit. This is to be proffered for confirmation of their citizenship, whenever the need arises.

Two Rounds, Two Campaigns, Two Successes

ROUND ONE: The Campaign in the Hill Country (2003)

In October 2003, it was estimated that there were around 300,000 stateless persons of Indian origin living in Sri Lanka. The same year UNHCR together with the Immigration authorities, the Ministry of Interior and the Ceylon Workers' Congress (CWC) designed a campaign to make sure that stateless persons could acquire their citizenship in a speedy, fair and transparent manner. The CWC, a trade union and political party, had been an active lobbyist for the 2003 Act.

This first statelessness campaign, which concentrated on the tea plantation areas took place between 25 November - 10 December 2003.

Stage 1: Public Awareness

The media campaign began in all Tamil Newspapers and radio stations, the main English and Sinhala newspapers, and Shakti TV. The advertisements informed viewers, listeners and readers about the law and listed the 50 mobile clinics operating during the campaign. The clinics were set up to receive people having questions in relation to the new legislation and to provide those who so wished with an opportunity to sign the necessary forms, with which they could later apply for passports, ID cards and other documents.

In addition to the UNHCR-financed advertisements, most media stations covered the campaign, including the main Sinhala and Tamil news. The campaign also gained international attention with Indian Press, AFP, BBC and CNN reporting on the campaign and giving background information on the issues regarding statelessness.

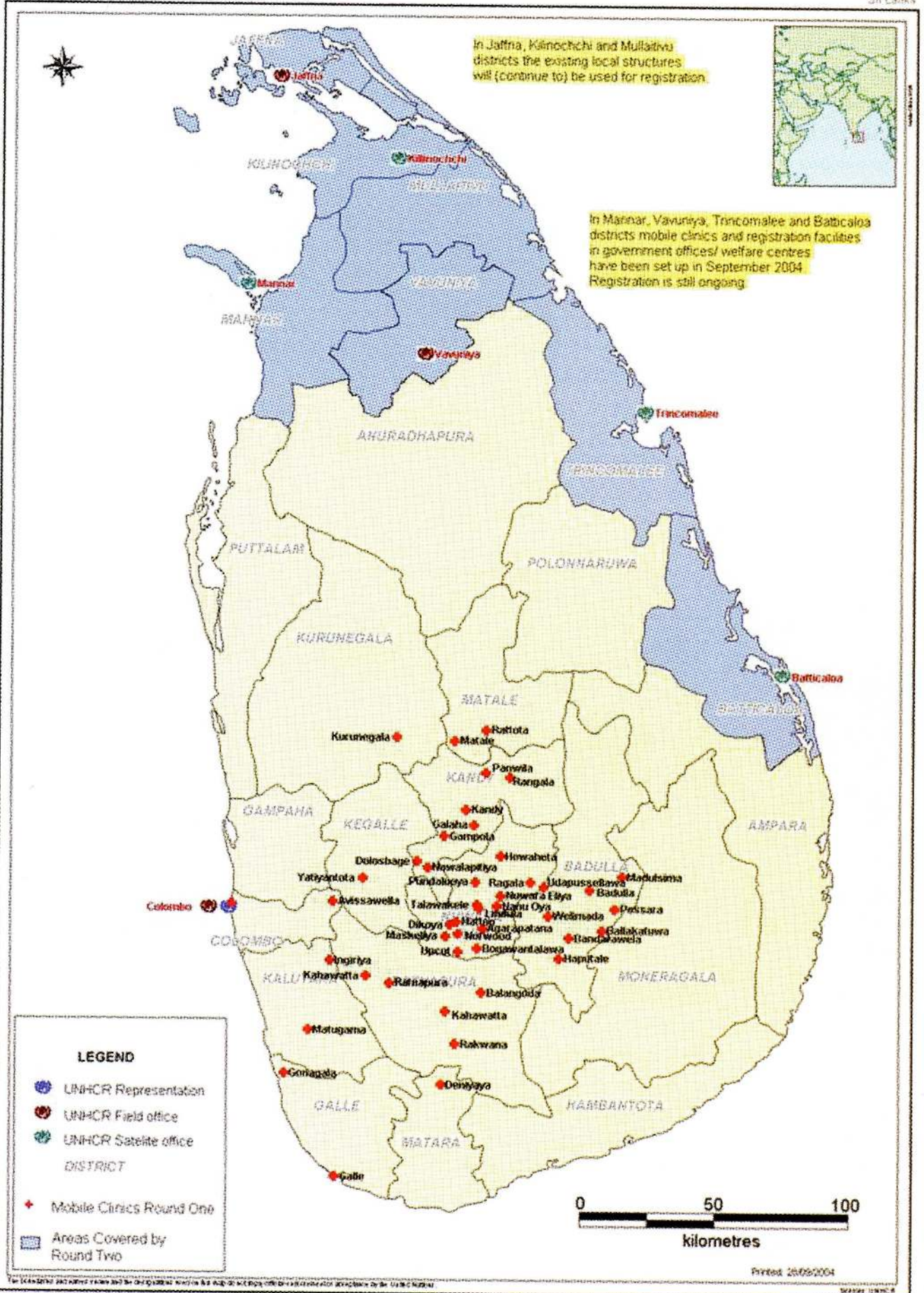
Stage 2: Getting Staff and Volunteers Ready for the Operation

One week after the media campaign started, UNHCR and the Ceylon Workers' Congress (CWC) organised a one-day workshop for some 500 volunteers on 28 November 2003. The volunteers were briefed on the issue of statelessness, the various laws passed on statelessness since 1948, eligibility criteria under the new law, and how best to guide persons seeking advice. The campaign material was discussed, as well as the more practical aspects i.e. the relevant forms to be filled, how to keep a registry of forms and who to call when in doubt. The 50 mobile clinics, each with a set of 6 volunteers had been divided into clusters. All cluster leaders were fluent in Sinhalese and Tamil and with a basic knowledge of English. The cluster leaders had participated in two one-day meetings with UNHCR.

Stage 3: In the Field

The 10-day campaign started in earnest on 1 December 2003, with the opening of the 50 mobile clinics in the tea plantation areas. Procurement of stationary was made and a photocopying/stamping/ registration system was set up. UNHCR monitored the campaign, visiting around 35 of the 50 centres. No political propaganda or other irregularities were reported. In some centres the volunteers visited the tea plantations as the plantation managers were reluctant to give people time off, while in other areas the managers helped arrange for buses to bring the workers who wanted to participate to the centres. In total, 72,000 persons, possessing Indian passports once obtained under the citizenship agreement of 1964 or 1974, signed a special declaration under the 2003 Act and received an acknowledgment of the Immigration authorities thereupon. In addition, more than 100,000 persons choose to sign an affidavit (general declaration) confirming their newly gained citizenship. Thus, so far, close to 200,000 persons gained citizenship of Sri Lanka as a result of the campaign in the tea plantation area.

OVERVIEW OF STATELESSNESS CAMPAIGN ROUND ONE (2003) AND ROUND TWO (2004)



ROUND TWO: The campaign in the North and East (2004)

In August 2004, UNHCR jointly with the Ministry of Relief, Rehabilitation and Reconciliation and the Government officials in the relevant districts set up a Round Two of the campaign against statelessness in Sri Lanka. This part of the campaign focused on stateless persons in the northern and eastern areas of Sri Lanka – areas which were not covered by the first campaign. The number of stateless persons living in these areas was estimated to be around 10,000 persons. Given that stateless persons are not granted birth certificates and are not registered as voters, combined with the fact that many of them are poor and under-educated, it is difficult to discover exact numbers, as was also demonstrated in the first campaign.

In July and August 2004, training sessions on statelessness and implementation of the new law targeted Government officials and volunteers from Kilinochchi, Jaffna, Vavuniya, Mannar, Trincomalee and Batticaloa. National protection partners (Legal Aid Foundation, Human Rights Commission and Rural Development Foundation) were also involved in assisting with the campaign. Leaflets, posters, media advertisements and announcements by three-wheelers were used to provide information on the citizenship Act and registration services. Government officials at a village-level spread the same information by word of mouth.

From 1 September 2004, mobile clinics with trained volunteers have been set up as well as services provided in welfare centres and government offices, to complete the registration requirements for Up-Country Tamils in the North and the East. Round two of the campaign is still ongoing at the time of writing.



Stateless persons registering at the main hall in Trincomalee during the campaign in September 2004.

Next steps

It is expected that most stateless persons of Indian origin who wish to register as citizens, will have done so by end-December 2004. Continued registration facilities in the government offices must be ensured for persons who for some reason have not made, or were unable to make use of the services provided during the respective campaigns. In addition, continued efforts will be required to ensure that new citizens of Sri Lanka are granted voting rights.

Moreover, thousands of stateless persons, who would have qualified for citizenship under the latest Act, fled the country, many of whom are persons currently residing in refugee camps in South India. UNHCR will continue to support the Government of Sri Lanka in ensuring that these persons are granted citizenship either in the country of refuge, or upon return.

Getting the Message Out: Media Materials from 2004

Informing the public about the opportunities available for citizenship is crucial to the campaign. These two advertisements were used during the 2004 campaign in English and Tamil newspapers. Similar posters and leaflets were distributed in the villages.

THE RIGHT TO MEDICAL CARE

THE RIGHT TO GO TO SCHOOL

THE RIGHT TO OBTAIN STATE LAND

THE RIGHT TO HOLD A PASSPORT

THE RIGHT TO VOTE

The first step is CITIZENSHIP
Without citizenship, you will not have the most basic rights.

Obtaining Sri Lankan citizenship can end this injustice.

The government has granted citizenship to all persons of recent Indian origin, permanently living in Sri Lanka since 1964 and their children.

* If you were given an Indian passport under the 1964 Sirima-Shastri Agreement but want to become a citizen of Sri Lanka you must sign a declaration.

* If you never received an Indian passport you are also granted citizenship under the new law. However, you are still advised to fill in a form, which will help you obtain various documents, including an identification card and passport. This in turn will help you exercise your rights.

Please consult with your GA, AGA, GS, or nearest UNHCR office for further information on how and where to fill in the forms.

Take this opportunity to ensure your rights now.

MRRR
The Ministry of Justice,
Rehabilitation and Resettlement

UNHCR
The UN Refugee Agency

குத்துவ வாதியும் பெறும் உரிமை

படிப்பும் உரிமை

பற்றுக் கொள்ளும் உரிமை

வர சீட்டை வைத்திருக்கும் உரிமை

குடியேற்றமற்றவர்களுக்கு முதுபயிற்சி பிரஜா உரிமை

பிரஜா உரிமை இல்லாதவர்கள் நீங்கள் பெறும்பாலான அடிப்படை உரிமைகளை அனுபவிக்க முடியாது. இவ்வகை பிரஜா உரிமையைப் பெற்றுக் கொள்வதன் மூலம் இந்த அந்தக்களுக்கு முற்றுப்புள்ளி வைக்க முடியும்.

1964 ஏப்ரல் 15ல் சிங்கள அரசு இவ்வகைப் பின்தங்கியவர்களுக்கு இந்த வந்தவர்களின் சந்திர அமைப்பு தரக்கூடிய அளவுகடமை உரிமைகளைத் தர அரசாங்கம் பிரஜா உரிமை வழங்கியது.

பிரஜா உரிமை பெறக்கூடியவர்களுக்கு சந்திர அமைப்பு மூலம் உரிமை உரிமைகளை உறுதிப்படுத்திக் கொள்ளுங்கள்.

நீங்கள் 1964 சிங்கள - சாந்திர ஒப்பந்தத்தின் கீழ் ஒரு இத்தகைய வந்தவர்களின் பெற்றுக் கொள்ளும்படியும். இவ்வகை பிரஜா உரிமையைப் பெற வந்தவர்கள் நீங்கள் ஒரு பிரஜா அந்தக் கொள்கை. மேலும், இந்த முடிவான அளவுகடமை சந்திர அமைப்பு மூலம் இந்த உரிமைகளைப் பெற்றுக் கொள்ளும் வந்தவர்களுக்கு உரிமைகளைத் தர அரசாங்கம் உரிமை உரிமைகளை உறுதிப்படுத்திக் கொள்ளும். சிங்கள அரசு உரிமைகளை உறுதிப்படுத்திக் கொள்ளும். உரிமை உரிமைகளை உறுதிப்படுத்திக் கொள்ளும். சிங்கள அரசு உரிமைகளை உறுதிப்படுத்திக் கொள்ளும்.

MRRR
சிறுவர் குடிசைகளை
உருவாக்கும் அமைப்பு

UNHCR
உதவி அளிக்கும் அமைப்பு

Putting It On Paper: The Forms for Citizenship

The following forms are the English versions of forms used to register stateless persons as citizens of Sri Lanka. The special declaration should be filled in by those possessing Indian passports. Others can fill in a general declaration.

For official use
Ref. No

FORM OF GENERAL DECLARATION

Section 2 of the Grant of Citizenship to Persons of Indian Origin Act No. 35 of 2003
(Applicable to persons who do not hold Indian Passport or any other similar document)

I declare that I am*/my child is a resident of Sri Lanka and of no other Country.

I do solemnly, sincerely and truly declare and affirm/swear that the foregoing particulars are to the best of my knowledge true.

.....
Signature or thumb impression of applicant

Name :

Address :

N. I. C. (if available) No :

Date :

* Affirmed/*Sworn at this day of before me.

.....
Signature of the Justice of the Peace or
Commissioner for Oaths.

Name and address of the Justice of the Peace or Commissioner for Oaths :

Date :

* delete whichever is inapplicable

Special declaration under Section 2 of the Grant of Citizenship to Persons of Indian Origin Act No 35 of 2003

I.....of.....
....., a person of Indian Origin, do hereby solemnly, sincerely and truly declare and affirm/swear that the following particulars are to the best of my knowledge true.

That I am the declarant abovenamed.

I declare that although I voluntarily acquired citizenship of India I am and have been a permanent resident of Sri Lanka since October 30, 1964 and of no other country and hereby voluntarily acquire citizenship of Sri Lanka and continue to reside in Sri Lanka.

I declare that I am/my child/children is a/are residents of Sri Lanka and of no other country.

.....
Signature or thumb impression of applicant

Date :

Affirmed/Sworn at thisday of Before me

.....
**Signature of Justice of the Peace or
Commissioner for Oaths**

The Commissioner for the Registration of Persons of Indian Origin,
Department Immigration & Emigration,
Station Road,
Colombo 4.

Acknowledgement of Special Declaration under Section 2 of the Grant of Citizenship to Persons of Indian Origin Act No 35 of 2003

I hereby acknowledge receipt from.....
ofthe Special Declaration made under Section 2 of the Grant of Citizenship to Persons of Indian Origin Act No 35 of 2003 declaring that He/She voluntarily acquired the citizenship of Sri Lanka.

.....
Date

.....
Commissioner

Impressions of Life on the Tea Plantations

Article by Ms. Chetani Priyanga Wijetunga

“I cannot remember anything. According to my father and others I have been brought from India as an infant. I can remember my father and others working in the estate. My mother plucked tea leaves and my father worked as a labourer in the estate. I have never been to school. I too started plucking tea leaves when I could just understand things”

That is how *Appu Kullamma*, 88, recollected her past. We met her in Panmurie Division of Strathden Estate in Hatton.



Appu Kullamma
chewing betal
with one of her 20
grandchildren
on her lap

The British, who colonised Sri Lanka until 1948, had to get labourers from India to work on the tea and coffee plantations they had introduced to the country. Even today, labourers of Indian origin play a leading role in the up-country tea industry. But today they are not recognized as Indians. Although their ancestors were born in India, except for a few elderly persons, all others were born in Sri Lanka. But until recently they were not accepted as Sri Lankan citizens.

“As for me, I know that I was born in India and during my infancy I was brought to Sri Lanka. My father and mother have not told me anything beyond that. Relations in India sent letters to mother, but I have not seen them. I do not even know in which part of India I was born”, says Appu Kullamma, confirming that she was a Sri Lankan citizen.

According to an agreement between the two countries to send labourers of Indian origin back to India, Appu Kullamma also would have initially liked to go back to India. But she could not go, as her Sri Lankan born children did not want to go to India. Kullamma is the mother of 10 and has 20 grandchildren.

Anamuththu Pappu, 58, was born in Raigampothana estate and she had to face problems as she did not have citizenship. “In 1972 under the Sirima-Shastri pack, those who had Indian passports were forcibly deported to India. We were avoiding them and hiding. Sinhala people helped us to hide. Due to the lack of citizenship we had difficulties in getting things done through the Government. It is a great injustice. I did not like to go to India. India is not ours. We belong to Sri Lanka,” she states.

The biggest problem Prameshwari of Labukale faced, was the police not accepting her complaints. She says that the police were not giving her justice owing to her lack of citizenship.

“We cannot go direct to make a complaint. They want the Gram Sevaka’s [village Government official] certificate. He does not give us the certificate. If the manager of the estate recommends, the police will entertain our complaint. So to get justice, we have to go to the manager before going to the police. But he only gives certificates to those who work in the estate.”

Although they had problems of citizenship earlier they told us that now the Government is taking action to give them citizenship. However, as yet they do not have any experience of the privileges they should get as a result. But they are quite happy about it. The people in the plantations have felt the result of the war in Sri Lanka in different measure. The checking zone while traveling is especially disliked.

However, in certain estates the people have not faced serious problem during the worst ethnic violence in 1983. The reason for this, according to them, is that the majority of the people in these areas are Tamils, with the Sinhalese being in a minority. But some of their relations and friends have suffered.

The majority of Tamil women in the estates are tea pluckers. Since the education level of most of them is low, the tea-plucking basket was placed firmly on their heads without any selection. Plucking tea is their inheritance. Whether they liked it or not, it was what they should do and could do.



The basic wages of any woman who plucks tea from 8.30am to 4.30pm was between Rs. 121 and Rs. 147 per day [100 Rs. equaling approximately 1 US Dollar]. But they have to pluck at least 15 kilos of tea leaves. During the period when tea leaves are less (June to February) the amount of tea leaves they could pluck is reduced, and as a consequence, so are their wages. In certain areas the temperature drops to less than 10^o Celsius after heavy rain fall. But, the women of the estate continue to pluck tea leaves regardless of all climatic conditions. If not, their income will reduce and they will not be able to face the challenges of living.

The husband of *Munniammah*, who is a tea plucker in an estate in Kotagala area, died after being bed-ridden for 10 years. She is the mother of two children. She faces the problem of having to reconstruct house, which has collapsed due to rain. "This is a very unpleasant job, yet nothing can be done. We have not learned anything else. When we are ill, if our children fall ill, whether it is raining or not: we have to do our job. If not we do not get the wages".



Munniammah, widow and mother of two children, standing in front of her damaged house.

There is a dispensary in the estate for use for illnesses. In many estates where we visited the labourers spoke about the health facilities with satisfaction. Especially about the health of pregnant mothers and infants, the estate authorities seem to have taken special interest.

However, most of the women who have received some form of education do not like to be tea pluckers. Their alternative employment is working in the garment industry.

People in the estates, although their education is incomplete, take efforts to educate their children somehow or other. It is the estate women who place greater emphasis on the education of their children, said *Mrs. G.L.Chandrawathie*, a pre-school teacher.

“I am working at the day-care centre of the Panmur Estate. I have practical experience with regard to how much women are interested in their children’s education. Almost every woman in the estate says that without putting their children to work in the estate, they would first educate the children and then direct them to find a job. None of the women in the estate would like their children to suffer like them”.



Sagayamma, 40 years old, from Hatton Panmur estate. She has taken a lot of trouble to get her son into university, to give him a better future. Sometimes she and her husband even sacrificed meals to save money for the education of their children.

If you list the problems that the plantation labourers have, number one will be the problem of housing. Most estate labour families live in line house rooms given free of charge to them. The houses have two small rooms, one being 12x10 feet and the other 8x10. Often seven or eight people live together in one house. Miss *Padma Ganesh* who is a social worker says this limited space has negative effects on the family relations of the elders.

Besides the dream of a house, another aspiration of the women at the estates is marriage. The marriages in the estates are often arranged. "Seeing the suffering how can we give one of our children to a person in the estate? I do not like to see my daughter going into a line room in the estate", says *Munniamma* who lives in Pedro estate in Nuwara Eliya. It is a person doing a Government job that Sanlis, her 18-year-old daughter, would select for marriage.

Another person who holds a similar view is *Ganeshamoorthy*, a young man of the estate. He says that his friends and he do not like girls from estates. He emphasized that nobody would like to have a tea plucker for a wife.

Nadaraj Padma, 34, who lives in Bambarakale division of the Labukkale estate, is the mother of two children. Neither her husband nor she knows the age of her husband. She cannot remember correctly the dates of birth of her children, but she tried to show that in the birth certificates the dates of birth of the children are correctly mentioned and brings them to show us.



Appu Muller with her husband and children.

*'Oh the tea - plucking damsel
With stretched fingers,*

*Your face with sweet smiles
steals the scenic beauty
of the upcountry hills
and Tea Plantations'*

These are words from a song from Sri Lanka, describing the women of the plantations. But there is no beautiful face, sweet smile, or fascination in them, as the outside world imagines.

This is a shortened and translated version of an article originally written in Sinhalese.



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