

A Brief Report on
‘Mapping the Stateless in India’
2 Phase

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Executive summary

The project **‘Mapping the Stateless in India’**, carried out by the Calcutta Research Group has brought to the surface three sets of questions:

- First, how are certain groups and communities rendered stateless? In the ethnically heterogeneous successor states in South Asia, why are the minorities more vulnerable to statelessness than others? Does protracted refugeehood eventually result in statelessness? Is the distinction between refugeehood and statelessness increasingly wearing thin?
- Second, is the existing legal regime adequate in dealing with the problem of statelessness? What has been the experience with case laws in different situations related to statelessness in India? Can judicial activism as evident in some cases in recent years serve as an effective guarantee?
- Third, do policymakers need to think beyond legal terms? Why does mere judicial activism prove ineffective? Does all this call for activating and strengthening the civil society institutions and initiatives? But how does one make the first move towards melting the ice of xenophobia against the outsiders who remain in the host country as stateless?
- To grapple with these knotty issues, CRG decided to concentrate on four case studies: the inhabitants of the Chhitmahals (enclaves on the Indo-Bangladesh border); the Tamils of Indian origin – who migrated back from Sri Lanka and took shelter in different settlements in Tamil Nadu and some elsewhere, the Nepali-speaking population in the northeastern states, and the Chinese of Kolkata.

The first case study (i.e. the one carried out in the Chhitmahals) brought to the fore the issue of legal liminality in what is essentially a fuzzy boundary in place of an international border between India and Bangladesh. Here, concern for security fuelled by a porous border is coupled with a certain legal porosity that inscribes the life of the technically stateless enclave-dwellers. The fieldwork has brought out the textures of survival strategies of people who literally inhabit the interstices of law and state on the one hand and society and local economy on the other. It also questions the genuineness of the two states’ intention to resolve the issue of enclaves, as it may amount to the disruption of certain profitable networks of capital that have spread in this area.

The study of the Tamils of Indian origin aptly tells us that the distinction between the stateless and citizens is dangerously thin – particularly for the erstwhile stateless persons who become citizens by law. Our survey on ground found little improvement of the life conditions of these new citizens. For them, becoming citizens hardly makes any difference to their life. They continue to remain in a state of statelessness post conferral of citizenship.

The third case study on the the Nepali-speaking population in the northeastern states draws our attention to a wide range of variations that are possible between complete citizenship and complete statelessness. Statelessness too is graded as much as citizenship is. There is a vast gray area that no strictly legal definition of citizenship can actually capture. Similarly, the sliding of citizenship into statelessness turns citizenship into a sham.

The fourth case study revolves around the stateless Chinese population in Calcutta. From the late 1950s leading up to the Sino-Indian conflict in 1962, the Chinese community in Calcutta and India began to face a number of disabilities imposed by the union government and the state government of West Bengal. Getting Indian citizenship became difficult and Chinese residents were enjoined to acquire passports from Beijing which many were unwilling to do. Formosan (Taiwanese) passports were not recognized. As a result, many long-standing residents faced the prospect of statelessness. It was only well into the 1990s that citizenship for the Chinese community became *de rigueur*, but only after a lengthy process of litigation.

The brief report accompanying this executive summary will demonstrate that the findings for the four case studies are not mutually exclusive but betray considerable overlaps in terms of experience — that of the researchers as well as that of the stateless groups. Here, only the most prominent strands (most emphatic also) of the case studies have been highlighted.

There remain certain concluding observations to be made that will be substantiated in greater detail in the final report:

- The phenomenon of statelessness is linked to the vagaries of citizenship and citizenship laws in India and entire South Asia;
- One reason is the way this country and the region has been decolonized;
- Statelessness in India cannot be described as one single clear category of legal existence; it consists of a range of what Hannah Arendt had called “rightlessness”, also of several levels of deprivation or enjoyment of rights;
- Though there is no uniform law on communities whose citizenship status is not clear, also no serious effort to clarify them, there are good practices of the state with regard to these communities from a humanitarian angle. There have been, for instance, a series of bilateral agreements, understandings, and treaties between states — an issue that each of the case studies will take up in greater detail, with greater vigour, in the final and longer report;
- To understand the precarious nature of the life of these communities, we need both historical and legal approaches; additionally, detailed demographic data are required which, too, will be given their deserved attention in the final report; however, a caveat needs to be inserted timely: the fieldworks conducted in the disparate geographies of the cases mentioned above have uniformly indicated a

lack of dependable demographic information. Estimates vary, numbers disagree *inter se*. For indeterminate human geographies, this is only to be expected.

- In many cases a dialogic route is better than a simple rights oriented one based on legalities;
- However India needs as far as possible clear legal provisions in as much as South Asia needs a regional convention on statelessness in conformity with international norms but addressing the region's particular needs, given the fact that statelessness is a South Asian phenomenon with many population groups across international borders being linked to each other.

The final report will bring these aspects of the study out in exhaustive detail. In the following brief report we have not given notes and references. They will be added in a uniform style in the longer and final version.

1. Introduction

The present survey is a follow-up of Calcutta Research Group's (CRG's) study conducted in 2010-2011 on the state of statelessness of the Chakmas of Arunachal Pradesh. Our experience of this research played a crucial role in setting forth in broad terms the possible research agenda on the theme of statelessness in India. It is against this backdrop that the present study seeks first of all to map different groups of stateless persons in India and secondly to make a general survey of their condition. This is the first part of the survey.

Our present study, as enumerated in the proposal, has five-fold objectives: (a) to provide a broad-brush description of various groups of stateless persons and take stock of their conditions in India; (b) to review the relevant literature and upgrade our knowledge on statelessness and update the baseline by way of gathering insights from various reports, accounts, memoirs, government documents available to us; (c) to study in a comparative perspective the general condition of statelessness in India and prepare a state-of-the-art report on various categories of stateless people listed out in our study; (d) to explore and suggest policy alternatives in order to address the problem of statelessness in India; and (e) to disseminate knowledge thus acquired into the larger civil society by way of conducting dialogues and workshops with various sections of the society.

As a first step of this second phase of this research, CRG decided to concentrate on four case studies: the inhabitants of the Chhitmahals (enclaves on the Indo-Bangladesh border); the Tamils of Indian origin – who migrated from Sri Lanka and took shelter in different settlements in Tamil Nadu, the Nepali-speaking population in the northeastern states, and the Chinese of Kolkata.

Since the inception of this survey, CRG had organized two consultative Meetings on 13 September and 24 October 2011 respectively. Keeping the 50th Anniversary of the 1961 Convention on Reduction of Statelessness in mind, CRG introduced the theme of statelessness in South Asia as one of its four compulsory modules in the Ninth Winter Course on Forced Migration. CRG also organised a special roundtable discussion on "Statelessness in India" on 13 December 2011 as a part of the Ninth Winter Course Programme on Forced Migration. Ashok Gladstone Xavier (Loyola College, Chennai),

Atig Ghosh (CRG), Paul Chung (Ex-President, Indian Chinese Association in Kolkata) participated in it and the session was moderated by Samir Kumar Das (University of Calcutta and Member, CRG).

These meetings and discussion were held with two objectives (a) working out the modalities of conducting the research and its logistic details; (b) briefing the researchers in a way so that all of them are on the same page; (c) and putting the finding before an audience for scrutiny, clarification, and elaboration. The meetings brought to the surface at least three sets of questions:

One, how are certain groups and communities rendered stateless? While successor states in South Asia remain far from being ethnically homogeneous and contain minorities within them, why are the minorities more vulnerable to statelessness than others? Does protracted refugeehood eventually result in statelessness? Is the distinction between refugeehood and statelessness increasingly wearing thin?

Second, is the existing legal regime adequate in dealing with the problem of statelessness? What has been the experience with case laws in different situations related to statelessness in India? Can judicial activism as evident in some cases in recent years serve as an effective guarantee?

Third, do policymakers need to think beyond legal terms? Why does mere judicial activism prove ineffective? Does all this call for activating and strengthening the civil society institutions and initiatives? But how does one make the first move towards melting the ice of dislike, suspicion, and at times hatred against the outsiders who remain in the host country as stateless?

This report prepared by CRG seeks to portray in brief some of the major finding of the present study and indicate albeit sketchily the possible directions that it might take in the coming months. Its main purpose is to keep the findings in a dialogical mode so that valuable feedbacks are received from concerned scholars, activists, communities and organizations that are likely to contribute to further enrichment of the research work.

II. The Inhabitants of Bangladeshi Chhitmahals in India

Approximately 200 Indo-Bangladesh enclaves, which are sprinkled along the international border of Rajshahi state, Bangladesh, and Cooch Behar district, West Bengal, are collectively known as *chhitmahal* or *chhit mohol* in Bengali and constitute a bizarre political geography. A simple rendition of the *chhit mohol* as enclaves obfuscates the myriad spatial configurations and strategies that have emerged in the area over 60-odd years since partition. There are, for starters, counter-enclaves; that is, enclaves completely enclosed by another enclave. Shalbari, the second largest Indian enclave, for instance, encloses four Bangladeshi exclaves. There is also a globally-unique counter-counter enclave; the largest Indian exclave, Balapara Khagrabari, embodies one Bangladeshi exclave, Upanchowki Bhajni, which itself embodies an Indian exclave called Dahala Khagrabari, thus making the last one a counter-counter enclave. Then, there existed until very recently arguably the world's only part-time enclave, Dahagram-Angarpota, which was connected to Bangladesh by the one-acre or tin-bigha corridor. The corridor used to remain open every alternate hour during day and completely closed during night. The Singh-Haseena agreement of September, 2011, however, has opened the corridor permanently, thus conferring the dubious character of a pene-enclave on

Dahagram-Angarpota. Pene-enclaves are, however, not unknown to the residents of the area, though they have curiously escaped academic as well as journalistic scrutiny. Kalsi para or simply Kalsi, the Muslim-majority Indian prurition into Bangladesh, for instance, is a pene-enclave of sorts located in Kuchlibari. Though all our respondents pointed out that it is not a chhit or enclave technically, they unanimously concurred that the life conditions there best represented what is normally considered to be life conditions in an enclave. The observation, of course, begs the question whether there are tangible conditions which actually mark out life in an enclave or is it merely a stereotypical reification, imbibed over time and regurgitated conveniently. This study pays special attention to this critical concern.

During colonial times, it will be remembered, the people of the enclaves did not face any difficulty graver than those experienced by their mainland counterparts. Sovereignty was not expressed in terms of territorial contiguity as in terms of jurisdiction and tax flows. Even after partition, for some years the old arrangement limped along, though gradual tightening of national territoriality was becoming evident. The apical moment of this territorial closure came in 1952, when the two governments of India and Pakistan agreed to introduce passport and visa controls. The agreement made no mention of the inhabitants of the enclaves and, as such, they were pushed into a curious situation of government-enforced statelessness. That is, if a person of, say, an Indian enclave in Bangladesh wanted to obtain passport and visa for free movement, she had to illegally trespass into Bangladeshi territory; if the person managed to reach a border outpost undetected, she had to be admitted illegally into Indian territory, for she carried no identification proof, and then travel hundreds of kilometres to the nearest consulate. If all this resulted in the issuance of a passport and a visa, then the person could return to the enclave only till the visa expired. Then she had to repeat the illegal procedure all over again.

At another level, the two governments — of India, on the one hand, and Pakistan and later Bangladesh, on the other — came to a series of understandings to effect the exchange of enclaves. But none ever got beyond paperwork and diplomatic pleasantries. In the meanwhile, the people in the enclaves were confronted with a slew of identity-related options; none of them felicitous, but such were the choices. William Van Schendel has identified at least three such self-reckoning strategies of the stateless people of the enclaves. Two of them, he argues, are transterritorial: the enclave-dweller could think of herself as a citizen of the patron state. Conversely, a Bangladeshi Hindu could identify with India and an Indian Muslim could identify with Bangladesh. This he calls 'proxy citizenship' which was often induced by the ideological goading of the mainland nation-states. This latter claim however does not fit neatly with evidence collected over time. In fact, Van Schendel himself finds a Muslim interviewee residing in an Indian enclave, Md. Bokhtaruddin, who describes how Pakistan had disowned him and his community after 1947. Suspended in this stateless void, the third available identity-related option was, of course, one of belonging to the enclaves. This is not trans-territorial but locally rooted. However, identity as a claim-making device can only be effective when it has numerical, economic and political teeth. The residents of the enclaves, separated by swathes of foreign, often hostile, territory, with no health, education, civic and administrative guarantees, could hardly make such identity claims effectively.

Add to this the atmosphere of coiled tension that often erupts into violent engagements. It is inarguable that the quantum of violence has dwindled since Bangladesh came into being. However, it has hardly disappeared. The examples are legion. Resisting the ghoulis temptation to inventory the macabre, we would limit ourselves to one example from either side. In May 2000, a Hindu girl from India eloped with a Muslim youth from South Moshaldanga, a Bangladeshi enclave in India. On May 11, a crowd of Indians entered the enclave and looted five houses. A week later, the enclave was once more invaded by hundreds of Indians who set fire to fifty-five houses, wounded ten people and abducted four, and looted cattle and valuables. The 65-year-old Jitendra Nath Roy of Balapara Khagrabari, the largest Indian enclave in Bangladesh, reports, "They [Bangladeshis] used to loot our grain silos and rob our cattle by day. When night fell, we would all go and hide in the forests. When they came to rob us during night, they beat up the men and tortured the women."

From all accounts, it seems that the quotient of violence perpetrated against the residents of the enclaves was evenly matched in both countries. However, some very perceptive fieldworkers have told that their extensive travels in the enclaves on both sides have convinced them that the Bangladeshis are harsher in their treatment of the stateless population than their Indian counterparts. Now, this is a very dangerous argument to make. But one sees why otherwise perceptive researchers would draw such conclusions. When our researcher reached Kuchlibari in Mekhliganj block, Cooch Behar, for his fieldwork, *prima facie* what struck him was the ease and comfort the people of the enclaves radiated. They were very happy in India, they said unanimously. Shambhunath Chowdhury, a resident of the Dhabalsuti Chhit Mirgipur of Bangladesh, declared that if the exchange of enclaves took place following the Singh-Haseena agreement, he will not leave for Bangladesh. He is a shop-owner. Changing tack, our researcher insisted that they could not be that happy after all, what with statelessness and disenfranchisement. But he would not be budged. "All of us have Indian voter identification cards and ration cards. We are happy here," he argued. But, one insists upon finding results that fit. So, the importunate inquiry of our researcher continued, till the irritated Mr Chowdhury told that there was no longer a way to find out which part was Bangladesh and which India in the Dhabalsuti Chhit Mirgipur area. "You are standing in Bangladesh, for instance, and my shop is in India," he shot back. Muhammad Belal Hussain, who has all his land in a Bangladeshi enclave, too echoed Mr Chowdhury. He would not leave.

The examples of xenophobic violence detailed above militate against such jolly instances of belonging. Accepted *prima facie* and outside their historical context, they may be misleading. In the case of Dhabalsuti Chhit Mirgipur, for instance, a violent history of forcible expulsion in 1955, one could suggest, may have left only those who wanted to remain, to belong unconditionally. A horde of mainland Hindus had, in 1955, demanded "the blood of Muslims" and driven almost all dissenters into Bangladesh. But for other Bangladeshi enclaves in the region the tenor is similar and they do not necessarily have the same historical background. In these cases, one feels, a careful audition of what the respondents say holds the key.

Our respondents repeated the same story of belonging and happiness: they would not leave for Bangladesh when the exchange happened. However, they believe that "those in the Indian enclaves in Bangladesh would come. The government has promised to settle them. Where will the government settle them? There is no land but that of ours."

The Heimlich pleasures of the hearth had slipped surreptitiously into the Unheimlich fear of the 'other'. The tenuous belonging and wilful oblivion was slipping in face of the proximate possibility of dislocation. The Indians may come to claim their 'rightful place'; what would the Bangladeshis do? The Stockholm Syndrome, so to speak, was imploding, when suddenly the group as if collectively snapped back into confidence. "But these governments will never reach an agreement; they never have," they chuckled in self-assurance.

One needs to turn their confident statement into a question: Will these governments actually never reach an exchange agreement? Not even after the Singh-Haseena agreement of September, 2011? Not in spite of the relentless demand and growing clout of the Bharat Bangladesh Enclave Exchange Coordination Committee in the Dinhatra block of Cooch Behar? Going by historical track, they would not, not India more than Bangladesh. The historical jingoism of the right-wing apart, recently another factor has cropped up to collude against an amicable exchange: the growth of tea gardens in the area. The enclaves, and their attendant instability in national space, have meant that land has been sold dirt cheap here, sometimes at as little as 8000 rupees per acre. Major players like Roshanlal Aggarwal, the Goels and NutriTea have bought land and started plantations. More of their ilk are on their way. An eco-tourism resort of the GBC Enterprises Limited has come up a stone's throw away from the Tin-Bigha Corridor which offers leisure walks through tea gardens, a modern saloon and massage parlour. If one provisionally accepts Giorgio Agamben's (*The Coming Community* and *Means without End: Notes on Politics*) contention that attributes a determined character to the state and a determining power to the economic forces of capitalism that conditions particular forms of the state, then the Indian state is unlikely to rip through the tightening tangles of big investment. But, we offer this only as a possible outcome. Who knows, the nation-state may still surprise us.

Questions of statist ambition and quotidian statelessness, global processes and local exigencies, identity and the anamorphic 'other', get crosshatched in the fastnesses of the North-Bengal frontier; considerations of borders-in-the-mud get transformed into concern for the boundaries-in-the-mind. The story of statelessness in South Asia ultimately becomes a saga of survival techniques, self-making and, sometimes, strategies of status-quoist solidarity.

III. Ordeal of Citizenship: Indian (Up-country) Tamils in India and Sri Lanka

According to a survey recently conducted on camp residents, about 28,500 upcountry Tamils (popularly known as Indian Tamils), who fled to India from Sri Lanka to escape the civil war between the majority Buddhist Sinhalese and the minority Sri Lankan Tamils, now live in as many as 112 refugee camps (including 2 special camps) of Tamil Nadu and are regarded as stateless. The ancestors of these upcountry Tamils were brought from India to work in the plantations of Sri Lanka by the British more than 200 years ago. Though, initially they worked as slaves, by 1930, they unionized and became the country's largest proletarian force. They became permanent settlers of the island for generations and enjoyed all rights (including political rights) at par with the Sinhalese during the British period. History reveals that in the first Parliamentary election held in 1947, the Indian Tamils were able to directly elect their 8 representatives and influence

the results of another 12 constituencies. This political solidarity of the Indian Tamils was considered as a potential threat by the Sinhala politicians. To curtail their solidarity from gaining political power the Sinhala politicians enacted the Citizenship Act in 1948 soon after the Independence. The new and predominantly Sinhalese-dominated government used the Ceylon Citizenship Act of 1948 and the Indian and Pakistani Residents Acts of 1949 to render the upcountry Tamils stateless. Since then, these Indian Tamils were inducted as bonded labourers into tea estates and by all accounts were never integrated into the political and cultural life of Sri Lanka. Thus, statelessness deprived them of their political power.

Against this backdrop, the enactment of the Grant of Citizenship to Persons of Indian Origin Bill in 2003 by the Sri Lankan government has become a landmark event for the stateless Tamils. The Act gives citizenship to any person of Indian origin who has permanently resided in Sri Lanka since October 30, 1964, or descended from someone who had permanently resided in Sri Lanka since that date. It grants citizenship to approximately 168,141 stateless plantation-estate Tamils. In January 2004, it was predicted that 145,000 Sri Lankan citizens of Indian origin would receive their National Identity Cards within three months. However, the upcountry Tamils living in the refugee camps of India are not covered by the new law because they have been living in the camps in India since 1983, and some have children who were born in India. Their refugee status caused a break in their continuous residence in Sri Lanka. Moreover, at the time of their journey to India many lost their documents. They fear that they might not be given citizenship once they return to Sri Lanka and will never receive any legal status in India since they came to this country as refugees. It is on this premise that the study focuses on the situation of the Tamils of Indian origin now living in several settlements in various parts of Tamil Nadu.

In 2009, the Act of 2003 was amended again as Grant of Citizenship to Stateless Persons (Special Provisions) Amendment Act, No. 5 of 2009. The Act states that “Notwithstanding the provisions of section 2, any person who was a permanent resident of Sri Lanka with Indian Origin as at October 30, 1964, but who due to circumstances beyond the control of such person - (a) was compelled to leave Sri Lanka; and (b) thereupon took up residence in India, and who consequently had, as at the day immediately preceding the date of the coming into operation of this Act, been unable to comply with the requirements of paragraph (a) of section 2, shall, if such person satisfies the requirements of paragraphs (b) and (c) of that section or is able to submit proof that such person is a descendant of a person who was a permanent resident of Sri Lanka with Indian Origin, have the status of a citizen of Sri Lanka with effect from the date of commencement of this Act and shall be entitled to all the rights and privileges to which a citizen of Sri Lanka is entitled to by law.”. After amending its citizenship law, it has been claimed at the popular level that Sri Lanka has legally solved its age-old problem of statelessness.

To understand the dynamics of the ordeal of citizenship in the experiential domain, CRG research team paid visits to Sri Lanka especially to Hatton, the place with a large concentration of Indian Tamils in the district of Nuwara Eliya and to Conoor of the Nilgiris district of Tamil Nadu, India, the place where a large number of Indian Tamil repatriates were resettled. Our researchers also visited the camps in Thiruvannamalai

(there are 13 camps altogether in Thiruvannamalai) to capture the voices of Indian Tamils to get their perspective on statelessness. Following is the brief report on our visits.

(A) Stateless Up-country Tamils in Refugee Camps of Tamil Nadu

Statelessness of the Indian Tamils has become one of the key issues of tension between India and Sri Lanka for last few decades. As a result of series of talks between the two countries, in October 1964, Prime Ministers Lal Bahadur Shastri and Sirimavo Bandaranaike signed a pact, popularly known as Sirimavo-Shastri Pact. The pact divided the stateless people on a ratio of seven to four between India and Sri Lanka respectively. Out of the 9,75,000 stateless persons, 5,25,000 were to be repatriated to India while 300,000 were to be granted Sri Lankan citizenship. The fate of another 150,000 people was put on hold. In 1974, Prime Ministers Bandaranaike and Indira Gandhi signed another accord, which divided these people equally - 75,000 each between the two countries.

As per Indo-Sri Lanka Agreement 1964 and 1974, India and Sri Lanka have agreed to the issue of citizenship for about 6.00 lakh and 3.75 lakh of persons respectively. Though the Tamils faced ethnic disturbance earlier, they never opted to come back to India. Usually, during such ethnic violence they moved to the villages for a short while and again returned home once the conditions returned to normal. In the 1983 pogrom a section of them was reportedly attacked by the Sinhala mob and those who escaped and moved to the villages were killed by the military troops. This heightened their sense of insecurity and forced them to migrate to India. Considering the security issues, the repatriation of people of Indian origin from Sri Lanka was temporarily suspended since October 1984.

A survey report argues that 60 families in the Kottapattu refugee camp near Trichi are those who were conferred Indian citizenship under the Shastri-Sirimavo pact of 1964. However, their turn did not come for repatriation to India before 1983. As the process came to an end in July 1983 these families were not repatriated legally. They were affected very badly during the riots and they decided to migrate to India as refugees. As a result, they could not avail of the facilities meant to be provided to the repatriates by the Government. Most of them came illegally to India by the Eelam Shipping Service. They sold whatever property or business they had and brought their savings to India. They have lost their links with Sri Lanka today. The children born here, their sons and daughters are married into local families. Their representation to concerned authorities, both at the State and Central levels, has not so far elicited any favourable response.

In addition to the Kottapattu camp, our researchers visited Kondam and Thenpallipattu refugee camps situated in Thiruvannamalai to record the voices of the Tamil stateless people. These camps were specifically chosen because they have a significant number of Indian Tamil populations as refugees. The respondents were chosen using purposive sampling technique. Qualitative interviews were conducted to capture the experience of security issues of the stateless Tamil people and to understand why they do not want to go back to Sri Lanka.

Identity is one of the main concerns for the returnees. They express that they are 'persons of nowhere': in India they are at times confused with Sri Lankan Tamils with refugee identity whereas in Sri Lanka they are called Tamils of Indian origin without a

state. In both the places, they have been treated as outsiders, segregated and stigmatized from the larger society, and they have the deep scar of having to pass their lives without any sense of belonging.

Though the Tamils were able to register their births, marriages and deaths, they were demarcated in the certificates as Tamils of Indian Origin and this acted as a source of stigmatization of the group from the rest of the society. The certificates were considered only for the purpose of enumeration and were never taken as having any legal status that would include them in the social welfare schemes of the state. They were not able to obtain services, assistance, welfare facilities from local governing authorities like Pradeshia Sabhas, Provincial Councils and Grama Niladhari Divisions, thus excluding them from administrative services of the Government.

Due to the lack of voting rights the Tamils were not able to hold elected office. They are deprived of their rights of political representation necessary for voicing their issues and problems. Therefore, the democratic channel of political representation widely considered as necessary for playing a crucial role in the making of decisions that affect them was perpetually closed to them.

Even those refugees of Indian origin who have become Sri Lankan citizens would like to renounce their Sri Lankan citizenship and take up Indian citizenship. It has been reported that in the Kottapattu camp there are families, which were conferred Sri Lankan citizenship under the Indian and Pakistani Citizenship Act of 1949. Having stayed in India for many years, they now want to acquire Indian citizenship. The report has cited a case of Thomas George (name changed). He came to India in the early 1990's with his family, is currently the administrative officer in a non-governmental organization, his wife teaches in a local school and his children, having finished higher education, are employed in good organizations. Thomas George repeatedly told me that they would not like to go back to Sri Lanka.

It may also be mentioned that when the repatriation of refugees began after the conclusion of the India - Sri Lanka Accord in July 1987 and subsequently in 2002 under UNHCR monitoring following the assassination of Rajiv Gandhi these refugees preferred to stay on in India. Most of them prefer to remain in the camps now to avail of the legal protection as refugees. It may be recalled that sections of the refugees filed a writ petition before the Madras High Court expressing their unwillingness to return to Sri Lanka. The Court disposed off the petition after an undertaking made by the Government of India to the effect that the refugees will not be sent back to Sri Lanka unless they agree for the same and there will be no compulsion in that process. Thus the status quo was preserved in their case.

Against this backdrop, it is pertinent to say that in 2003 several regional meets were organized for the representatives of the refugee camps, by Organization for *Eelam* Refugee Rehabilitation (OFERR) a non-governmental organization, to identify their issues and needs. As a result of the consultations, "*Nallayan Declaration*" consisting of 41 demands was made; conferring citizenship rights to the stateless Indian origin Tamils before getting repatriated to Sri Lanka was also mentioned. The OFERR organized camp visits, where out of 102 refugee camps, they received permission to visit 96 camps. They could not visit four camps namely Thiruvarur, Uchapatti, Annaiyur and Koodalur. Two day meetings were organized in the visited 96 camps to discuss the history and the consequences of statelessness and to collect information of stateless refugees. They found

28,300 refugees as stateless, who did not fulfil the criterion of continuity of domicile in Sri Lanka. According to the 2003 amendment of the Citizenship Act it is necessary to apply for citizenship. Therefore, the only option to overcome the barricade was to bring amendment to the 2003 bill. As a first step, the information about the stateless refugees was sent to the Sri Lanka Government. They received a questionnaire which requested more information about the stateless refugees. Since the refugees were not in a position to provide such information and also lacked documents to substantiate the same, OFERR denied supplementing the information. Thereafter, they met political leaders and put forth the request of bringing amendment to the 2003 bill to confer citizenship for the stateless refugees. Most of leaders said they would look into the matter and would raise the issue in Parliament but nothing happened subsequently.

In 2007, a group of Janatha Vimukthi Peramuna (JVP) leaders came to India from Sri Lanka to participate in a meeting at Kolkata via Chennai, Tamil Nadu. OFERR took an initiative to meet them and arranged a meeting with representatives of the refugee camps at Chennai. The refugees expressed the plight of being refugee and also stateless person. Moved by the plight of the Tamils, the JVP promised to raise the issue in the Parliament. As they had 40 seats in the Parliament at that time, the efforts made by them, have resulted in the amendment of the 2009 bill.

(B) The Indian Tamil Repatriates of Conoor

Ramakrishnan (name changed on request), a resident of Palathottam of Conoor revealed that as violence broke out they decided to return to India. Many other families in their estate were waiting for their travel papers. They were from Badulla district and belonged to the Uri group. In their area a small number of families opted for Sri Lankan citizenship. He said “we were suffering from discriminations by the Sinhalese *gramaniladari* (divisional secretary). We were facing scarcity of work (like only working twice a week) within the estate, low wages, scarcity of food grains, insufficient rations. Our ‘lines’ (one-room tenements) became dilapidated and lacked basic amenities. We travelled all the way to Kandy, a place, where we had never been to. After an interview of our head of family we were given a family card that comprised our detailed family profile. With these documents we started our journey to Talai Mannar by train, the boarding point for the ferry to India. However, the journey in-between was not without difficulties.”

The repatriates on their arrival from Sri Lanka were given free meals at the reception centre at Rameswaram and sent to the three transit camps at Mandapam in Ramanathapuram district, Kottapattu in Tiruchirapalli district and Gummidipundy in Chingleput district. In the transit camps, the repatriates were paid cash doles, supplied rice at subsidised rates with free accommodation, electricity and medical facilities. They were provided with rehabilitation assistance and sent to the place of their choice for settlement. However, there were many and varied problems in the transit camps. Some of the repatriates exhausted their financial resources and were forced to sell off their possession for food. Some had to wait in the camp for several months to get placements. Some were not willing to proceed to destinations outside Tamil Nadu because they didn't feel secure to travel to places where they were ‘strangers’ in terms of language and customs. Some were anxious about the Provident Fund (PF), which they could not collect

before their departure. It may be noted here that the PF scheme came into operation in Sri Lanka since 1958. To finalise the arrangements to obtain the PF was the part of the whole process of repatriation. If a repatriate stayed in one estate, it became easier to get his/her dues in time. If he/she changed his/her estates from one to another, then the process of withdrawing the money became more complicated as the applications passed through the estate officials. Almost our entire respondent complained about high prices of essential commodities and the uncertainties and slow pace of working of the machinery for rehabilitation at the initial phase of repatriation. Some complained about the fact that they could not get *ad hoc* cash grants. Sometimes they felt cheated and misled. Many of the repatriates arrived in India penniless. On reaching the transit camp, the largely illiterate labourers, who had given the best part of their lives to the plantation making Sri Lanka one of the world's leading tea exporters, came to understand their grim plight. They were supposed to receive a cash dole depending on the size of the family varying from Rs.35 per month with a family consisting of one member to Rs.115 with seven members. But to get this help, they had to often wait for two weeks or more and during this period no additional financial assistance was provided for their maintenance.

Over 95 percent of the families were settled in Tamil Nadu and the rest were accommodated in other Southern states like Kerala, Karnataka and Andhra Pradesh. Mostly being plantation labourers these repatriates wanted to opt for hilly areas like Nilgiris of Tamil Nadu. The official records reveal that a large section was also resettled in Tiruchi, Salem, Pudukottai and Madurai. Rehabilitation assistance was a package mainly consisting of resettlement schemes, housing loans, education and training facilities. However, the major thrust of this programme was on the first two. Resettlement schemes were of three types: loan scheme, employment and land colonization scheme. Under this employment scheme, Tamil Nadu government took initiative to give jobs to poor estate repatriates.

In 1968, the Government of Tamil Nadu started implementing the government tea project in the Nilgiris. It was managed by the Forest Department as a scheme to rehabilitate the Tamil Repatriates. In 1975, the Project was, brought under corporate management in the name of the Tamil Nadu Tea Plantation Corporation Limited (TANTEA). The official records show that, till date the TANTEA has rehabilitated 2445 Indian Tamil repatriate families and has on its roll 6,700 permanent workers. About 4,500 casual workers (mostly dependents of permanent workers) have also been employed in TANTEA during the high cropping periods.

However, not all repatriates came to the Nilgiris and got jobs in TANTEA estates. According to our respondents, total number of Tamil repatriates (including the natural increase) living in the Nilgiris is estimated around 2,50,000. Many of them started working as day labourers with very low wages in small private holdings by the *Badagas*, the local landowning yet backward tribal community. The main challenge before the estate Tamils from Sri Lanka seeking refuge in these hills was how to negotiate with the two distinct non-Tamil speaking people dominating in the area. Out of four *taluks* in this district, Ooty, Conoor, Kotagiri and Gudalur, the first three are in the plateau, while the last one is situated on the slopes of the Western Ghats. While the *Bagadas*, speaking a dialect derived from Kannada, dominated the plateau and Gudalur was under the domination of the Malayalis. Besides, Kannadigas also lived there though they kept a relatively low profile.

Our respondents spoke about the way they were humiliated by the *Badagas*. “We were treated as *agadhi* (refugees). What an Irony! We became refugees in our own homeland! When we came here, the place was sparsely populated and was under the control of the *badagas*. They were not ready to welcome us and didn’t want to make distinction between refugees and repatriates. Those who got jobs at TANTEA were lucky. For getting a job at TANTEA estates each worker had to surrender his/her passport (issued under the rules of 1964 pact). But many had to work under the *Badagas* like bonded labourers. The situation was not at all congenial. We were discriminated and harassed by the Sinhala *gramanildaris* in Sri Lanka and after coming here we faced almost the same harassment by the *Badagas*. We were unwanted in Sri Lanka and unwelcome here”, said Chandramohan, one of our respondents. In Gudalur the problem was related to land acquisition. In this *taluk* vast stretches of the forest land were occupied by Kannadigas and Malayalis without proper *pattas* and they started cultivating the land. During the initial stage of their survival the repatriates also joined their hands in that process. Soon it created large scale tension between Malayalis and the repatriates.

The general impression that these repatriates had created among the locals was that, they would be competitors to the existing scarce resources. In the majority of the cases, the rehabilitation assistance provided did not enable them to resettle fully and therefore their impoverishment continued unabated.

Our respondents highlighted the role of the Malayaka Makkal Maru Vazhvu Manram (popularly known as Manram), a forum for the rehabilitation of the hill people from Sri Lanka, based in Kotagiri, 30 kilometres away from Ooty (Udagramandalam) as the only silver lining in their otherwise bleak horizon. It was due to Manram’s constant and active initiative that many repatriates got *pattas* from the government. They also cherished the leadership of R.R. Sivalingum and his trusted lieutenant S. Tiruchendooran and mentioned that their leaders had enabled the organization to chalk out long term vision for their development. They also spoke about the United Front Federation for Repatriates (UFFR), the United Front for Repatriate Workers (UNIFRONT), the Ceylon Repatriates Association, Kodaikanal (CERAK), which served the repatriates in those days. But, it was ISLAND (Indo-Sri Lanka Development) Trust, which tried to form a platform for people’s movement through organizing this Manram in 1984-85 at Kotagiri. Manram helped them become aware of their rights as full-fledged citizens of India. Manram was able to mobilize the masses politically.

Our interviews with the plantation workers living at Conoor help us understand the fact that though the state government started tea plantations to provide employment to the Tamil repatriates, unfortunately the Tamil repatriates remain an extremely disadvantaged group, who often live in poverty with very little means to support themselves. Tamil repatriates have urged the Tamil Nadu Government to lend a helping hand to uplift their economic and social conditions. They argued that, India had promised jobs for a member per family, besides business and housing loans. However, after the influx of refugees from the island nation following intense gun battle since 1983, the focus of the government turned only towards rehabilitating the refugees. Since then, they have not got any concession from the Government. Hundreds of repatriates who were employed in cooperative spinning mills had lost their jobs after their closure. The REPCO Bank, which was primarily meant for the welfare of repatriates, had stopped employing repatriates. They opined that it has become yet another commercial bank and

they also wanted the Government to revive the Rehabilitation Department for Repatriates to look into their welfare.

(C) Up-country Tamils still Stateless? Voices from Hatton, Sri Lanka

One CRG researcher visited Hatton, in Nuwara Eliya district, heart of Sri Lanka's tea plantation and home to 50.57 percent Indian Tamils (Statistical Abstract 2009). It is the centre of up-country tea growing regions such as Maskeliya, Talawakelle, Bogawantalawa and Dickoya.

The researcher interviewed individuals on plantations in Hatton in March 2011 and got mixed reaction about their new status as Sri Lankans. The researcher visited Strathdon Estate, located east of Hatton and Battalgala estate. Few respondents were very happy to be recognized as Sri Lankan citizens, while a majority was not very sure about their future. One of the respondents identified a number of positive effects of obtaining citizenship, "after getting citizenship we shall be treated as human beings. We hope to enjoy the freedom to participate in our country's politics in terms of right to vote and to stand as a candidate for local elections". They opined that they are happy that their nationality and national identification have been ensured. Their children, members of younger generation have the right to basic documents. They thought that once their political rights are recognised, people from younger generation can engage themselves in political processes in a meaningful way.

The respondents also highlighted the fact that younger workers are more likely to be benefited from the citizenship campaigns. There is evidence of migration off the estates to large cities like Colombo and Kandy. It should be mentioned here that, in addition to age, obtaining a National Identity Card (NIC) has been considered essential to be able to leave the plantation area. Many plantation youth have migrated to Colombo or Kandy for jobs, as they do not wish to work on the estates like slaves. Getting NIC is easier for some with the citizenship certificate. However, many workers are being arrested by police in the absence of NIC. Sometimes, due to lack of proper documentation allegation of terrorism is also slapped on them.

According to our respondents, formal documentation appears to be a major factor for personal and social development. Many of those who obtained citizenship have been registered as voters. They feel that they have been politically strengthened and their political rights have been guaranteed. Though this is a progressive step, their economic conditions have not yet improved. They thought that now it is not possible for them to say whether any significant change has occurred for better or not. Several participants in our discussion reported that those, who have applied through some NGOs, were able to receive citizenship certificates. Others who applied through trade unions were less successful. In this context it has been argued that considering the influence that the tea and rubber estates have in the region, it is possible that the authorities are more sensitive to trade unions and less inclined to support applications for citizenship sent to them by the NGOs.

Our respondents also argued that they are still facing difficulties getting their names enlisted as registered voters. The wage has not been increased, and indebtedness is growing. They said that their day to day life becomes hard as they depend on the estate work alone without other options. They do not have their own land to cultivate.

Gramanildaris are not always informed of legal developments and this has negatively affected their rights to participate in political and other activities. This lack of awareness has resulted in people approaching certain officers, in the hope of registering on the voter's list, only to encounter problems. The right to citizenship has not yet addressed the high degree of poverty. Generally poor living conditions have not changed for the plantation Tamils. It also appears that little improvement has occurred with regard to educational development of the population.

While most residents of Sri Lanka obtained citizenship by descent, the plantation Tamils are required to use the registration process. Though introduction of the 2003 *Act* and its amendment in 2009 have changed the legal position of more than half of total stateless people in Sri Lanka, however the issue has not yet been resolved for thousands of individuals and discrimination against the plantation Tamils still persists. The experts suggest regular involvement of civil society and international organisations, trade unions and UNHCR which have engaged in awareness-raising programs, lobbying efforts, and advocacy.

IV. Nepali-speaking People in the Northeast

The notion of citizenship in the 'Northeast' in general is strongly channelled by a yearning for definition of a native, immigrant and insider in order to prove original inhabitancy. The notion of the 'other' vis-à-vis the 'self' that has evolved in the region has changed through time. Politically Identities are the consequence of how power is organised; and how it defines the parameters of the political community, telling us who is *included* and who is *excluded*; it also differentiates the bounded political community internally. Through this process of identification we exclude the other from our shared space of imagination or existence, thereby, consciously or unconsciously outlining the politics of *inclusions* and *exclusions*. And this becomes intrinsically interwoven within the sub-text of 'Insider-Outsider' Politics. Resultantly, the uncertainties surrounding their status as citizens and the general non-acceptance has swayed the *Gorkha* consciousness in Northeast India time and again, compelling them to take steps to find or locate a space where their identity, notion, tone and content of citizenship converge perfectly with a territory. The desire to have a territory or a place named after their people thus remains a highly emotional enterprise.

Following the ethnic clashes between the Nepali/*Gorkha* and the predominant local populations in the states of Assam and Meghalaya through the mid 70s, suddenly the Nepali/*Gorkha* found themselves labelled as 'foreigners'. Although initially the Assam movement spearheaded by the AASU (All Assam Students' Union) during 1979-85 on the issue of 'foreigners', was directed against the Bangladeshis, as days rolled by the Nepali/*Gorkha* too could not escape the test of citizenship resulting in their large-scale displacement and experience of statelessness. Consequently during the intensive revision of electoral rolls prior to the 1985 General Elections in Assam, thousands of Nepali names were unceremoniously struck off. All this leads to a decline in the 'degree of citizenship' and an increase in the 'degree of statelessness' of the Nepali/*Gorkha* community in the region.

The harrowing experience and trauma inflicted on the Nepali/*Gorkha* in Assam was replicated even in the Bodo agitation. Like the AASU, the ABSU (All Bodo

Students' Union) to prove the majority of the Bodos started an ethnic cleansing operation following which the Nepali/*Gorkha* in the interior of the districts of Kokrajhar, Bongaigaon, Nalbari and Darrang were victimized.

It would be perhaps not wrong to say that the Assam movement was the precursor of similar agitations in other states of North East India in which Nepali/*Gorkha* were principal targets. In 1980, Nepali/*Gorkha*, who were accorded domiciled status as back as in 1947 in Manipur became targets of attack compelling them to flee for safety. Similarly, during 1987, violence erupted in Meghalaya, and Nepali/*Gorkha* living in Shillong, Jowai and other parts of the state became the targets. The Khasi Students' Union (KSU) and the Government of Meghalaya together deported about 7000-10000 Nepalis in February-March 1987. Post 1990s, all Nepali/*Gorkha* settlers were categorised as 'foreigners' in Meghalaya. Similar moves were systematically directed in Nagaland, Mizoram and elsewhere in the Northeast to brand all Nepali speaking population in the region as foreigners, alien, illegal problem people. In Nagaland for instance in the 1980s, extortion was used as a means to terrorise the Nepali/*Gorkha* who had settled in the state before 1940 and were treated as indigenous non-Naga local residents. Consequently, they were forced to resort to distress sale of their property. In the Merapani region located on the border of Wokha of Nagaland and Sibsagar district of Assam, about 200 Nepalis lost their lives in clashes.

The *Gorkha* in order to scale up their positioning in the citizenship ladder participated in the constitutionally recognised as well as the shadow or parallel MNF (Mizo National Front) politics of Mizoram. For instance, in the parallel MNF politics a large number of *Gorkha* from the Assam Rifles and the Assam Regiment posted in Mizoram supported the movement. And at the constitutionally recognised Zo/Mizo politics the *Gorkhas* had representation in the Village Council elections or nominations. This trend continued till the ushering in of a higher, more sophisticated politics of the Union Territory Model. The nomination of Kapur Chand Thakuri to the Mizoram Legislative Assembly in 1972 was the last significant entry of the migrant *Gorkha* community into the revered arena of 'Zo/Mizo politics', which is reserved exclusively for *political insiders*. Thereafter, the *Gorkha* community took to the politics of appeasements and camouflaging.

During the 70s and the 80s many *Gorkhas* left Mizoram to re-settle in Dehradun and other hill areas of Uttar Pradesh as well as Darjeeling. During this period, the Mizoram *Gorkha* Sangh requested the UT Government for the first time to recognise the *Gorkhas* of Mizoram as one of the tribes of Mizoram which was not accepted. Later in the year 1984 a renewed demand for inclusion of the *Gorkha* community in the Mizoram Official Handbook so as to prove their recognised citizenship in India and residence in Mizoram was made to Lalthanhawla's Congress Government. The Congress leaders showed some muted support to the issues and concerns of the *Gorkhas* in Mizoram.

With the attainment of statehood and the change in power-positions in the form of the rise of the MNF, the *Gorkhas* openly declared their total support for the MNF and publicly made statements that pinched the Congress. For instance, a number of *Gorkhas* working for the Congress switched sides thinking the tide would be in their favour. With the re-entry of the Congress (I) in the 2nd State Assembly Elections the *Gorkhas* realised their political mistake and once more switched sides. This time under the *Gorkha* workers within the Congress (I) like N.S. Chettri, J.P. Thapa, M.K. Limbu, B.K. Thapa and others

demanded the 'Conferment of Equal Facilities to the Permanent *Gorkha* Settlers of Mizoram'. This time around the congress did not want to lose its traditional minority vote-bank and decided to accord certain facilities and decided that 'there should be a fresh census with the co-operation of the *Gorkha* community residing in Mizoram as on 26th January 1950 and direct descendants of those people. The Cabinet Meeting of 20th December 1991 resolved to extend certain facilities to the *Gorkhas* of Mizoram who have been residing in Mizoram prior to 26 January 1950. Lalthanhawla announced the decision before a large crowd in *Gorkha* School premises in Khatla, Aizawl. The facilities extended included granting of Post-Matric Scholarships, extension of facilities in the matters of education, land settlements certificates including transfer of ownership, employment and trade and commerce on par with the Mizos, issue of Permanent Residential Certificates. The Student's Joint Action Committee vehemently criticised the Government and forced the Government to review its decision to grant facilities to the *Gorkhas* 'on par' with the Mizos.

The second tension between the *Vai* and the Mizo/Zo in the 90s did not spare even the *Gorkha*. The immunity of the *Gorkha* was lost through the action and vocality of the Students' Union. Several shops and little business owned by the *Gorkha* community were burnt including the shop of Kapur Chand Thakuri, the political face of the *Gorkha* in Mizoram. The MZP (*Mizo Zirlai Pawl*) forced many *Gorkha* to roll down the shutters and move out of business. Though treated as 'denizens' the *Gorkha* were being shown their spatial domain by the agencies of the patriarchy. To counter the trimming mission of the agencies the *Gorkha* conveyed full support to the actions of the MZP to move out the *Vai* from Mizoram. The *Gorkha* youths and Students Union came out with pamphlets supporting the cause of the MZP and the agencies of the *nexus*; even though it meant that the *Gorkha* were also affected. They declared all losses were for greater glory and glory of both the communities that have been living in peace since time immemorial. The tensions were followed by the strategy of mass conversions. Many *Gorkhas* converted as they thought conversion to be an effective mechanism to gain their lost ground in Mizoram. '*Ka piangthar a, Khristiana hi a changkang zok tlat, kan him zok*' (I converted, to be a Christian is more safe and will lead to faster progress and security) says, Sheela Chhetri a widow and a mother of three. '*Mizo nupui ka thlang zok, mizoramah awmnan a him zok, hna ka hmu pha anga*' (I prefer a Mizo wife (over a *Gorkha*) as I have to live in Mizoram, it will fetch me security and a job) says, Zorama (*Gorkha* name 'Kamal') a third generation *Gorkha* resident from Zarkawt (Aizawl). The MNF Party in the 1998 elections promised to grant OBC (Other Backward Classes) status under the constitutional provisions if the *Gorkha* acted as their vote-bank. The Government of Mizoram accepted 4453 as the figure of the permanent *Gorkha* settled in Mizoram prior to 26th January 1950 and approved the issue of LSC/Passes in respect of land traditionally held by them.

From the 1980s onwards, the *Gorkhas* have faced serious challenges to their foothold in Mizoram due to the unchecked flow of migrants from Nepal. The Government after the Peace Accord of 1986 clubbed both the categories as 'Foreigners' being unable to distinguish between the 'old settlers' and the 'new migrants'. Such a move triggered the need to consolidate the permanent *Gorkhas* and make their positions clear in terms of 'genuine citizenship' traced back to the colonial times. The Mizoram *Gorkha* Youth Association (MGYA) and other *Gorkha* organisations have been

approaching the different governments from 2002 onwards 'to push forward their demand of being granted and recognised as OBCs in Mizoram'. To substantiate their arguments for OBC status, they appended documentations from other states and regions where the Gorkha have been recognised as OBCs such as Meghalaya, Nagaland, Assam, Haryana, Punjab, and the Mandal Commission Report which suggested the Gorkha as one of the Backward Classes in Mizoram.

On a comparative note post 1986, the intensity of identity consciousness amongst the *Gorkha* in the hills of Darjeeling has reflected the embattledness of identity politics eventually affecting the degrees of citizenship. The category of the 'Others' as conceived by the *Gorkha* can be broadly categorised as the 'Madheshiya'. The notion of 'Others', however, as perceived by the 'Gorkha' or the 'Gorkhey' and the 'Outsiders' themselves has definitional contentions and apparently very fuzzy. This being the case, the texture of the tapestry of identity politics continues to be ever changing, reflective of the socio-political-cultural panorama. And here it is important to note the relevance of the hyphenated identities and the underlying power-play of prefix and suffix. What comes out very strongly through this is that the 'Gorkhey Identity' is to be retained either as prefixed or as suffixed appendage to any other community identity and cannot be undermined in any situation.

The politics of social inclusion and exclusion in the Northeast unravels the complex web of religious and linguistic proximity and also to an extent the culinary proximity which fuses the ethno-political divide. The politics of inclusions and exclusions largely channels the degrees of citizenship and statelessness of the *Gorkha* population in the region. Further substantiating the argument that, the migrant experience does not end with the first point of settlement. It is handed down through the generations, consciously or unconsciously making its contribution to the ways in which those in diaspora negotiate their existence through societies in which they and their cultures are in minority. Being in the diaspora means living in a cross-cultural context, one in which change, fusion and expansion are inevitable. Those aware of the complexities of this recognise the need to redefine their identity and the necessity to discover a medium through which they articulate their progress. For instance, the Gorkha in Mizoram through the politics of camouflaging which include a wide spectrum of strategies ranging from adopting Zo names, to converting to Christianity, to marrying local tribal women and such tactics to bargain their existence in the predominantly Zo world.

The politics of camouflaging serves a bargaining chip for the migrants – always considered as the other by the Zo world: and at the same time there is a constant attempt at 'back-linking' with the past, the country of origin in terms of rituals, practices and values, relationships and family ties. The politics of camouflaging may or may not solve the complex problem of acceptance in the battle of identities. For instance, migrants employ the tactics of marrying local women. While it has healing effect for the 'Poi' and the *Gorkha*, it hardly acts as a full proof strategy for the *Vai*. The *Vai* continues to be a 'permanent pariah' fit to occupy the realms of economy. The very nature of the historical linkages and the spectre of the insurgency and counter-insurgency mould and shape the everyday lived-in relationships between the *Vai* and the Zo/Mizo or the '*Zo hnahthlak*'.

Even though historically speaking Gorkhas are latecomers compared to other migrant groups of Mizoram, they have succeeded in camouflaging their identity with the majority Zo/Mizo identity. For instance, the *Gorkha* organisations in Mizoram like the

MGYA formed in 1976 on the lines of the Young Mizo Association (YMA) aim at cultural assimilation with the majority Zo/Mizo culture while maintaining its distinct *Gorkha* flavour: further substantiating the argument that migrations do not imply a complete break from the past; rather the migrant must be understood as inhabiting two worlds simultaneously.

The elevation of the Muslim as OBC category in Mizoram under the aegis of the Mizoram Muslim Welfare Society has not gone very well with the *Gorkha* who till late occupied the status of respectable *Denizens*. In short, fissures and internal rumblings have started to erupt within the category of 'Others' for enjoying the benefits of proximity to power and resources. The *Gorkha* community is hopeful that the 'Tini Mohini factor' will enable the *Gorkha* to have a better bargaining position and retain their coveted position as *denizens* in Mizoram.

The *Gorkhas* are confident that Tini Mohini Thapa representing Mizoram in Indian Idol Season 5 will enable them make a mark for their community just as the 'Prashant Tamang factor' during Indian Idol Season 3 had revived the *Gorkhaland* consciousness in Darjeeling. The *Gorkhas* in Mizoram hope to match the efforts put forward by the Muslim Welfare Society, this time through a 'Reality Show' on Sony Television.

The case of Indian Idol Season 3 can be of interest in our discussions of the 'contentious and fluid nature of culture, identity and politics' where Prashant Tamang, Darjeeling (West Bengal) was pitted against Amit Paul, Meghalaya. Interestingly, in this particular case Meghalaya was represented at a cultural level even in the most limited sense (that is on Television) by a *Dkhar*, that in Mizo language, stands for a non-local, an 'outsider'. And the sentiments in West Bengal also echoed similar feelings of a '*Gorkha*' (i.e. Prashant Tamang) representing uncomfortably the 'Bengali' when it came to pitting one state against the other. The internal dynamics within West Bengal however, strongly voiced, the wedge between the '*Gorkha*' and the 'Bengali' during the 'final three' when West Bengal was represented by two contestants namely Prashant Tamang from 'North Bengal' and Emon Chatterjee from 'South Bengal'. Here it is important to strongly focus on the geographies of identity and geographies of anger and ethnic consciousness which is rooted in the sense of relative deprivation, internal colonisation and protests and anti-outsider psychology. Drawing parallel we find that the pulse of the Zo/Mizo people soared high when the '*Zo/Mizo-Gorkha*' singing sensation Tini Mohini Thapa made it to the 'theatre rounds in Mumbai' in Indian Idol Season 5. Strangely enough the Zo cultural nationalists did not feel the pinch of being represented at a larger level by the *Gorkha* community and instead jubilantly campaigned for Tini Mohini Thapa calling her a worthy '*Zo/Mizo-Gorkha*'.

These coping mechanisms are in fact geared towards attaining degrees of citizenship so as to overcome their degrees of statelessness by the '*Vai*' and the '*Poi*' and the *Gorkha* in present day Mizoram. An important area of concern in contemporary readings of Identity discourse has been the study of food, the culinary tastes, consumption patterns, and food as linked to a culture and identity. 'Food and cuisine' have not been considered to be prominent markers of identity and naturally unlike the prominent markers of identity like clothings and festivals, they have not been the centre of focus of debates on markers of identity till recent times. However of late, food has

begun to play an important role in demarcating a distinct cultural identity especially in the context of diaspora citizens.

The *Vai*, unlike the *Gorkha*, has largely been unable to cross the threshold of gastronomic divide even though the Zo/Mizo has been by and large able to cross the gastronomic barrier by incorporating Indian spices etc into their food. The pungent smell of fermented delicacies and the local food continues to be repulsive to the 'Vai' (a large majority of whom are Bengalis). Gastronomically adjusting to local situations remains an uphill task for the Bengalis for whom a 'Bengali food' (*Bangali ranna*) is the ultimate culinary destination. The *Vai* is yet to overcome the subtle divide and chisel out their space in the Zo world and cross the threshold of the permanent pariah. The *Gorkha* have overtime incorporated Zo/Mizo food into their diet and this culinary proximity has to a large extent fused the gastronomic divide; which otherwise is strongly sensed in comparison to the *Vai*. The *Gorkha* in Mizoram have to an extent assimilated themselves into the local customs, practices and food habits thereby, making them acceptable as 'denizens' in a citizenship regime that demands closer assimilation in terms of identity. Naturally they have succeeded in crossing the stigmas of the boundaries faced by the *Vai* or the 'Burma mi' (*Poi*, Burmese). The everyday use of language by the Zo to refer to the *Gorkha* such as 'Mizo ang chiah' ('just like the Mizos') speaks in volumes about their place in the hierarchical ordering of citizenship as full, partial (Denizens), or non-citizens in the Zo/Mizo society.

The *Gorkhaland* movement which has been relentlessly mustering efforts to bring all the diaspora Nepali/*Gorkha* communities under a common platform for the ultimate objective of territorial reunification thus has become an attractive option for the Nepali speaking community in the Northeast in general. No doubt the *Gorkha* in Mizoram have continually supported the idea of creation of *Gorkhaland* in and around Darjeeling be it under Subas Ghising in the 80s or under the aegis of Bimal Gurung post 2007. However, a word of caution that needs to be given a patient hearing is that the creation of a new state named after a particular community in the region around Darjeeling Hills would naturally have rippling effect on the marginal communities in North Bengal and boost similar contending/contesting demands.

The contemporary critical-theoretical debate surrounding identity and cultural politics has to be kept in mind and used as a tool to unravel and unweave the braided relationship between citizenship, identity, community recognition etc. All these different claims are directed for consolidating the community's bargaining power in the contest over citizenship and the benefits of the state.

Coming to the issue of insider-outsider debate vis-a-vis migration, one has to note that the hallmark of migration is its ambiguity. Even as migrants struggle to transform themselves and their families, they are torn between competing ideals: to separate their families and gain access to the power and resources of new places, or to remain together: to retain links with their villages or to break away from their often constructive and burdensome obligations: to return or to stay. Migration always involves relations of power, whether these are between states, cities and rural areas, or regions, between migrants and non-migrants or would-be-migrants or between individuals within a migrant's household or family.

Few changes in the policy level can help reduce the trauma of statelessness or non-belonging. For instance, a revision of the terms and conditions of the 'Indo-Nepal

Treaty of Peace and Friendship of 1950, the 'Plantations Labour Act (1951) etc., so that domicile Nepali speaking population in India can be armed with valid documents. The changes in the terms and conditions of these colonial policies will enable the said community to overcome the disadvantaged position in the ladder of citizenship and enjoy the benefits of full citizenship. Also, the said group can be clubbed into the OBC group so that their status as citizens gets unambiguously defined and also the Gorkha community should be accorded the benefits of affirmative action in higher education and competitive examinations so that the community can overcome the stigma of being a *Chowkidar –Bahadur* (watchman/nightguard) category. The Government should act strongly and check the tendency to retain 'Nagrikta Patra' (Citizens card) of Nepal while simultaneously retaining Indian documents like passport, ration cards, voters card etc. The Government and the community itself should discourage the common practice of 'earn in India, invest in Nepal' among the Nepali/Gorkha population in the region.

The case of the Gorkha in the North east supports the understanding that citizenship, identity, and community recognition are affected by conversion, migration, modernisation, westernisation, partition and the politics of the dominant group. The positional and situational complexities faced by the *Gorkha* in the absence of a holistic treatment as understood from the above discussions can be best described as 'Here, There, Everywhere Yet Nowhere' in a citizenship regime.

The above case study draws our attention to the wide range of variations that are possible between complete citizenship and complete statelessness. Statelessness too is graded as much as citizenship is. There is a vast gray area that no strictly legal definition of citizenship can actually capture. Similarly, the sliding of citizenship into statelessness turns citizenship into a sham.

V. The Chinese Community in Kolkata

The Chinese community has been around in the city of Kolkata for around three centuries. For most of that period they had been wayfarers – merchants, workers – who would come to the city to work but did not settle in the city. It was only around the end of the 19th century that a distinct community of Chinese settlers began to take shape around an equally distinct Chinatown in what is now central Calcutta, in an area known as Tiretti Bazaar.

What we are concerned with here is the fate of the Chinese people in Calcutta after India became independent in 1947. In the colonial period, the Chinese people were left very much to themselves, to go about their myriad businesses by the state – there was neither much engagement nor interference. With the advent of independence, the situation seemed not to have changed significantly despite the establishment of a nation-state. The Chinese people continued to go about their business. The question of citizenship did not arise. This situation was critically facilitated by the fact that the community was very closely knit, reclusive and disinclined to get involved in matters controversial.

Things began to change, however, in the late 1950s, when the Union government issued orders concerning the registration of foreigners, consequent to some legislative changes with regard to their status. The Chinese of Kolkata were singled out for special reference. Registration entailed as well the need to obtain residential permits for those

who had not been in continuous residence for a certain period of time. It was at this point that the ghastly implications of statelessness and alienation came home to the Chinese community, with a number of advisories being issued against Chinese residents in Calcutta and Kalimpong especially.

The action against the Chinese happened despite repeated protestations by the leaders of the Chinese community of their loyalty to India, where most of them had been born. For instance, on January 12, 1960, Y.K. Cheung, president of the Overseas Chinese Association of India, addressed a meeting and iterated that the Chinese community stood fully behind the Indian people and the Government of India – 85 per cent of the people who attended was in tune with him. This was in the context of a border dispute and Chinese incursions into India. Cheung also said that the Chinese community treated India as its homeland and that the Chinese regarded themselves as citizens of India. He said that of the 15,000 Chinese in India, 12,000 lived in Calcutta and many had applied for citizenship.

Nevertheless, the governments of West Bengal and India moved against the Chinese in India and Calcutta. A newspaper report said that several thousands of Chinese could become stateless in India as a result of the Government of India's decision that Chinese residents in India would have to obtain residence permits and passports from the People's Republic of China, after the Chinese communist revolution, which most were loath to do. Passports issued by the Kuomintang government in Formosa (Taiwan) would not be recognized.

But as it happened, this was just the beginning of their travails, which began in right earnest after the 1962 Sino-Indian war broke out. With the outbreak of these hostilities, more restrictions were imposed on the Chinese community, apart from the fact that one group of around 1,500 Chinese people were shipped off to a camp in a place called Deoli in the state of Rajasthan. In effect, the entire Chinese community, including the Chinese people in Calcutta, where they were massively concentrated, became undesirable aliens, though most of them had lived most of their lives in India and a substantial number had been born in the country as well. Few had any link with China, especially after the 1949 Communist revolution.

Among the new disabilities the newly undesirable aliens encountered were restrictions on employment leading to the loss of jobs and restrictions on travel imposed by the necessity to obtain travel permits that were granted only in exceptional circumstances. This in itself disrupted the possibility of engaging in normal activities like being employed or getting an education. But, perhaps, even this was not what brought home to the Chinese the full force of their statelessness and alienation in the land of their birth or long-term, permanent residence. What did was the xenophobic hostility this largely unexceptionably self-engaged community faced from 'Indians', or should we say other Indians – abuse was quotidian, attacks on lives and property not entirely uncommon.

There was a paradoxical element that needs to be pointed out here. While the Government of India, on the one hand insisted that the Chinese residents of India, regardless of their provenance, acquired passports from mainland China – the People's Republic, in other words – it also frequently harassed those who had Beijing passports on the ground that they were *agents provocateur*. Let's take a few examples. From 1959 onwards, reports originating with the governments of India and West Bengal spoke of

propaganda and espionage being carried out by Chinese residents. On 20 November 1959 there was a report about propaganda. A couple of days later, there was a report that Chinese spies had infiltrated into Kalimpong. Soon after, the chief minister of West Bengal, Dr B.C. Roy, informed the assembly that a close watch was being kept on anti-Indian, pro-Chinese propaganda in Darjeeling district. Many of the Chinese residents there had gone to the hill from Calcutta. A census specifically of the Chinese residents in West Bengal was mooted listing numbers, distribution, origin and place of birth. A flurry of reports followed. One said that the Ministry of External Affairs had denied in the Rajya Sabha a contention that news had been leaked through the All India Radio to the Chinese Embassy. In a couple of days, it was reported that the government had issued an order that all foreigners – including the Chinese – should acquire resident permits by 5 January 1960.

There were further reports about a sense of uncertainty within the Chinese community, Newspaper reports said that the Chinese Embassy had complained to the Union government in New Delhi that the police had resorted to measures in the guise of vigilance that were hampering trading facilities for Chinese residents, especially in Kalimpong. The Union government subsequently asked the West Bengal government for details. Meanwhile, many Chinese residents in Calcutta who did not have Chinese passports, issued by Beijing, and were not Indian citizens had approached New Delhi for Indian citizenship, given that they had been living in Calcutta – or elsewhere in India – for a long time, in some cases generations. The prospect of statelessness had created uncertainty among the Chinese, who, by and large, favoured the Kuomintang government in Formosa (Taiwan). Formosan passports were not, however, favoured in India. Many holding Formosan passports had been deported.

‘Quit India’ notices also became the order of the day in the early 1960s. leading up to the 1962 Sino-Indian aggression in Ladakh and the North-Eastern Frontier Agency (now Arunachal Pradesh). On 25 January 1961, a Chinese couple, for instance, were served these notices. Mr T.I. Ping and Mrs Ping had registered as foreigners in 1957 and were later arrested in Darjeeling and served the notices under the Foreigners Act. A similar fate befell Chang Ju, a school teacher, and He Shing-tu, editor of the *China Review*. They had to leave Calcutta under quit orders for prejudicial activities. They were escorted to the Tibetan border via Sikkim. The Union government denied that it had been persecuting Chinese residents. As a sort of gesture, it withdrew a case against Chang Wen-keel, manager of the Bank of China, who had agreed to leave India

According to some leaders, there was a massive diminution in the size of the Chinese community in Kolkata. Estimates of the size of the community vary, but community leaders claim that in 1962 there were at least 30,000 Chinese in Kolkata – the actual size could well have been double that number. Now the community is about 5,000-strong. Apart from those who were sent back to China, and many incredibly were, others left Kolkata either for other parts of India or, more usually, for other countries altogether.

Census figures present a different picture though. According to the decennial censuses conducted in India, in 1951 the Chinese community in Calcutta was 9,215-strong; this grew to 14,607 in 1961. In 1971, despite the Sino-India conflict the number of Chinese in Calcutta did not fall appreciably – it was pegged at 14,000, a fall of less than 5 per cent. By 1981, it had fallen to 12,500, many presumably dispersing to other parts of the country and some going abroad.

The government of India did a special census of Chinese residents in India just before the Chinese incursion into India. Announcing the results of this special census, Jawaharlal Nehru informed parliament that 17,373 Chinese living in India, of whom 8,336 lived in West Bengal, mostly in Calcutta but some in the hill station of Kalimpong as well. It is not clear why the community's estimate varies so widely from the census figures or for that matter why the decennial census figures diverge from that of the special census. But it does appear that there was no major exodus of the Chinese in the wake of the war.

Let us return to the late 1950s, when the government started seriously going about the business of getting the Chinese to register as foreigners under the Foreigners Registration Act. The year 1959 seemed to have been critical for a number of reasons, principal among which was the flight of the Dalai Lama and large numbers of refugees from Tibet to India. To this was added a long-running war of words between the two countries mostly about disputed border positions. There were some border incursions as well, reported in the Indian press as having occurred from the Chinese side. The security of Ladakh, which it was thought the Chinese might try to occupy, was also an important irritant.

In the wake of these diplomatic incidents and unsettled relations, the Indian government claimed that there were a large number of Chinese people who were engaged in espionage both in Calcutta and in Kalimpong. Some of the people were served orders to leave India from 1959 through to the Sino-Indian conflict. As mentioned earlier, a large number of Chinese people were bundled off to a camp in Rajasthan after the outbreak of hostilities and restrictions on movement imposed. But even before that, when the drive to register the Chinese in India, including Calcutta, began they were told that they would have to acquire passports of the People's Republic of China, and that Formosan – Taiwanese – passports would not be recognized. Most Chinese in India, who had come long before the Chinese revolution did not want to get these passports, or citizenship of Communist China.

The Indian government did grant some passports to those who had been in India for a long time. In the proceedings in parliament already alluded to, for instance, it was mentioned that 3,601 Chinese in India had Formosan passports and in effect were stateless, while 66 had applied for Indian citizenship. The Union Home Minister of the day, in response to a question claimed that some long-standing Chinese residents had obtained citizenship. But clearly, throughout this period, the overwhelming majority of Chinese people in India were either formally or in effect stateless.

Paul Chung, a leader of the Chinese in Calcutta, says that trying to obtain an Indian passport remained extremely difficult even about a quarter of a century after the Chinese hostilities. He obtained his after applying thrice. The situation has changed now. Apart from a few hundreds who have obtained Chinese passports, the rest of the people are now recognized as bona fide citizens of India, but only after lengthy litigation.

VI. Concluding Observations

We place here some concluding observations to be detailed in the final report:

- The phenomenon of statelessness is linked to the vagaries of citizenship and citizenship laws in India and entire South Asia;
- One reason is the way this country and the region has been decolonized;
- Statelessness in India cannot be described as one single clear category of legal existence; it consists of a range of what Hannah Arendt had called “rightlessness”, also of several levels of deprivation or enjoyment of rights;
- Though there is no uniform law on communities whose citizenship status is not clear, also no serious effort to clarify them, there are good practices of the state with regard to these communities from a humanitarian angle. There have been, for instance, a series of bilateral agreements, understandings and treaties between states — an issue that each of the case studies will take up in greater detail, with greater vigour, in the final, longer report;
- To understand the precarious nature of the life of these communities, we need both historical and legal approaches; additionally, detailed demographic data are required which, too, will be given their deserved attention in the final report; however, a caveat needs to be inserted timely: the fieldworks conducted in the disparate geographies of the cases mentioned above have uniformly indicated a lack of dependable demographic information. Estimates vary, numbers disagree *inter se*. For indeterminate human geographies, this is only to be expected.
- In many cases a dialogic route is better than a simple rights oriented one based on legalities;
- However India needs as far as possible clear legal provisions in as much as statelessness being a South Asian phenomenon with many population groups linked to each other South Asia needs a regional convention on statelessness in conformity with international norms but addressing the region’s particular needs.

The final report will bring out in details all these aspects of the study.