

ESTIMATES COMMITTEE (1982-83)

(SEVENTH LOK SABHA)

THIRTY-SIXTH REPORT

MINISTRY OF EXTERNAL AFFAIRS

Action Taken by Government on the recommendations contained in the Twentieth Report of Estimates Committee (Seventh Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part II—Sri Lanka.

Presented to Lok Sabha on 24 MAR 1983



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(1982-83)

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Contents page	4	<u>After the words</u> <u>1st Study Group</u>	<u>Add 'On Action</u> <u>Taken Reports."</u>
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CONTENTS

COMPOSITION OF THE ESTIMATES COMMITTEE			PAGE
COMPOSITION OF THE STUDY GROUP OF THE ESTIMATES COMMITTEE (1982-83)			
INTRODUCTION	.	.	.
CHAPTER I	Report	.	1
CHAPTER II	Recommendations that have been accepted by Government	.	5
CHAPTER III	Recommendations which the Committee do not desire to pursue in view of Government's replies.	.	22
CHAPTER IV	Recommendations in respect of which replies of Government have not been accepted by the Committee.	.	24
CHAPTER V	Recommendations in respect of which replies of Government are still awaited.	.	27

APPENDIX

Analysis of action taken by Government on the recommendations contained in 20th Report of the Estimates Committee (7th Lok Sabha). 28

ESTIMATES COMMITTEE

(1982-83)

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(1982-83)

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6. Shri B. V. Desai
7. Shri Krishna Kumar Goyal
8. Smt. Sanyogita Rane
9. Shri Girdhari Lal Vyas

INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Thirty-sixth Report on action taken by Government on the recommendations contained in the Twentieth Report of Estimates Committee (7th Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part II—Sri Lanka.

2. The Twentieth Report was presented to Lok Sabha on 19 March, 1982. Government furnished their replies indicating action taken on the recommendations contained in that Report by 15 September, 1982. The replies were examined by Study Group on Action Taken Reports of Estimates Committee at their sitting held on 25 February, 1983. The draft Report was adopted by the Committee on 1 March, 1983.

3. The Report has been divided into the following Chapters:—

I. Report

II. Recommendations which have been accepted by Government.

III. Recommendations which the Committee do not desire to pursue in view of Government's replies.

IV. Recommendations in respect of which replies of Government have not been accepted by the Committee.

V. Recommendations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in the Twentieth Report of Estimates Committee is given in Appendix. It would be observed therefrom that out of 18 recommendations made in the Report, 15 recommendations i.e. 83 per cent have been accepted by the Government and the Committee do not desire to pursue one recommendation i.e. about 6 per cent in view of Government's replies. Replies of Government in respect of two recommendations i.e. about 11 per cent have not been accepted by the Committee.

BANSI LAL,
Chairman,
Estimates Committee.

NEW DELHI;

March 2, 1983

Phalguna 11, 1904 (S)

CHAPTER I

REPORT

1.1 This Report of the Estimates Committee deals with action taken by Government on the recommendations contained in their 20th Report (7th Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part II—Sri Lanka which was presented to Lok Sabha on 19 March, 1982.

1.2 Action taken notes have been received in respect of all the 18 recommendations contained in the Report.

1.3 Action taken notes on the recommendations of the Committee have been categorised as follows:—

(i) Recommendations/Observations which have been accepted by the Government:—

Sl. Nos.—1, 2, 3, 4, 5, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18.

(Total 15)—Chapter II

(ii) Recommendations/Observations which the Committee do not desire to pursue in view of Government replies:—

Sl. No.—6

(Total 1)—Chapter III

(iii) Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee:—

Sl. Nos.—8, 10

(Total 2)—Chapter IV

(iv) Recommendations/Observations in respect of which final replies of Government are still awaited:—

Nil.—Chapter V

1.4 The Committee will now deal with action taken by Government on some of the recommendations.

Repatriation of persons who have been granted Indian Citizenship

Recommendation Sl. No. 8 (Para 2.62)

1.5 The Estimates Committee were informed that 15,106 persons were granted Indian citizenship in 1979 but with the present machinery in the Indian High Commission it was not possible for them to say as to how many of those people had come back to India. The Committee had pointed out that this showed the weakness of the information system in this regard, in the Indian High Commission. The Committee had expressed the view that unless a suitable feed back system was devised, it would not be possible for the Indian High Commission or the Government of India to know how many persons who had been granted Indian citizenship in Sri Lanka and who were eager to return to India were held up in Sri Lanka, why they were held up and what the High Commission or the Government could do to help them out of the situation. The Committee had recommended that such a system was imperative and should be set up by the Government immediately.

1.6 In their reply the Ministry of External Affairs have explained that at the initiative of our mission at Colombo the Controller of Immigration and Emigration (Sri Lanka) has been preparing detailed name-wise lists of persons whom the Department of Immigration and Emigration recorded as "Overstays" i.e. those persons who are staying on in Sri Lanka after the expiry of the one year residence permit issued on their 1964 Agreement passports. These lists indicate the name, address, passport number with date of issue of the person, whether he or she has received PF, Gratuity and other dues, and the reasons adduced for his overstay. According to the Ministry, from these lists, it is possible for the Mission to collect information in each individual case, regarding delays in repatriation and also how long a person who had been issued his passport in a given year has been forced to overstay for reasons beyond his control. The Ministry have further pointed out that there is another factor which must be borne in mind, viz. that a number of repatriates, even after settlement of their dues stay on in Sri Lanka for sometime more because they wish to delay their return to India as far as possible. The Committee have been informed that the statistics relating to the actual number of persons issued passports in a given year under the Agreement and who have actually been repatriated during the same year can, if required, be tabulated by the special Duty Collector (Rehabilitation) at Rameshwaram, Mandapam Camp.

1.7 The Committee regret that the Ministry of External Affairs have not appreciated the import of their recommendation. What the Committee desired was that the Indian High Commission should have ready and upto date information in regard to persons of Indian origin who were granted Indian Citizenship but were overstaying in Sri Lauka, so that the light Commission could, to the extent possible, sort out their problems, if any, and facilitate their repatriation to India. As the Indian High Commission did not have such information, the Committee had recommended the setting up of a system of collecting such information. If such information is already available to the High Commission, on matter who is compiling the same, then it should be possible for them to establish contact with Indian Citizens overstaying in Sri Lanka, find out their difficulties, extend to them all possible help to overcome the difficulties and to generally see that conditions are created in which their repatriation to their Motherland is least painful.

Remittances

Recommendation Sl. No. 10 (Paras 2.65 & 2.66)

1.8 The Committee had received representations that the persons adversely affected were those stateless workers in Sri Lanka, a part of whose family had moved to India and they were not in a position to send remittances to their families in India. The Ministry had stated that by and large all the members of a family travelled together on their repatriation to India and in the circumstances the question of sending remittances for maintenance of families in India should not generally arise.

During the evidence of the representatives of the Ministry, on being asked by the Committee whether any survey had been conducted to find out the number of such families whose earning members had been left behind so that arrangements could be made to help out the family which had repatriated to India, the Ministry informed that no such survey had been conducted. The Secretary (East) however, assured that "we can certainly look into this question." The Committee had, in this context, recommended that the Government should make a random check through state or local authorities in India to find out whether there were any families in India whose earning members had been left behind in Sri Lanka. If any such families were found here, Government should take up their cases with Sri Lanka authorities with a view to enabling them to receive remittances for their maintenance from their earning members left behind in Sri Lanka.

1.9 The Ministry have, in their reply, assured that any instance in which the earning members of a family, who are still in Sri Lanka and whose family have been repatriated to India face difficulties in making remittances to India, will be taken up as soon as this is brought to the notice of our Mission. The Ministry have further stated that it is unlikely that earning members of families repatriated under 1964 Agreement would be left behind in Sri Lanka since these families are generally repatriated en-block. The Ministry have, however, added that through enquiries made with the Department of Rehabilitation, Madras they have learnt that the earning member of family normally arrives in India along with other members of the family since assistance in India is given to the earning member of a family. It has been stated that in October, 1981 only one such case had come to their notice where the earning member of a family was left behind in Sri Lanka due to non-settlement of his Provident Fund.

1.10 The Committee find in Ministry's reply restatement of the position it had taken before the Committee earlier that "any instance in which the earning members of a family, who are still in Sri Lanka and whose family have been repatriated to India, face difficulties in making remittances to India will be taken up as soon as this is brought to the notice of our Mission." It is evident that the Ministry has not taken serious note of what the Committee had recommended in this regard. The Committee had desired that a random survey should be conducted through State or local authorities in India to find out whether there were any such families whose earning members had been left behind. The Committee are unable to accept the Ministry's presumption that "it is unlikely that earning members of families repatriated under the 1964 Agreement would be left behind in Sri Lanka specially when Committee had received representation to this effect. The Committee reiterate their recommendation for carrying out a random check, through State or local authorities in India so that factual position is known.

Implementation of Recommendation

1.11 The Committee would like to emphasize that they attach the greatest importance to the implementation of the recommendations accepted by Government. They would, therefore, urge that Govt. should expedited implementation of the recommendations accepted by Government. In case where it is not possible to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.

CHAPTER II

RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation Sl. No. 1 (Paras 1.25 to 1.33)

1.25 The Indo-Sri Lanka Agreement on the future status of persons of Indian origin in Sri Lanka signed between the two countries in 1964 provided that out of 9,75,000 such persons, Sri Lanka would accept as citizens 3,00,000 persons together with the natural increase in that number; 5,25,000 such persons together with the natural increase in that number would be accepted as Indian citizens and repatriated to India. The status of the remaining 1,50,000 persons was decided by a second Agreement signed in 1974 through exchange of letters between the Prime Ministers of India and Sri Lanka according to which 75,000 such persons along with their natural increase would be absorbed by India within a period of two years after the persons covered by the 1964 agreement had been repatriated. The 15 years period, within which the 1964 Agreement was supposed to have been implemented, expired on 30th October, 1979 with somewhat less than 50 per cent of the persons covered under the Agreement having been repatriated. The two years period during which the second agreement signed in 1974 was to be implemented has also expired on 30th October, 1981.

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

1.27 The implementation of the agreement has been tardy because of delays in Sri Lanka regarding completion of formalities such as payment of provident fund, gratuity, exchange control, etc. and reluctance on the part of these persons to be repatriated in view of improvement in conditions on the tea estates of Sri Lanka which induced these persons to delay their departure. Though Govern-

ment of India has been implementing the agreement in good faith both in letter and in spirit, the implementation has been somewhat tardy due to reasons beyond control of the Government of India.

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

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

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

1.31 The Committee find that thinking in Sri Lanka on the question of repatriation of stateless Indians is also undergoing a change. Importance of Indian workers in Sri Lanka's economy is now being realised. Though according to the views formally communicated to Government of India, Sir Lanka Government wishes the agreement to be implemented as originally envisaged, there is evidence to show that individual plantation owners and plantation superintendents are not now as anxious as their Government to send back Indian workers to India. A reference to the adverse effect of repatriation of Indian workers on tea production was made by the Minister of Finance of Sri Lanka Government in Sri Lanka Parliament in November, 1979.

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

1.33 The Committee have considered all aspects of the question. The state of 'statelessness' for persons of Indian origin is not conducive to their well being and undermines their dignity. The condition of statelessness makes them insecure and vulnerable to exploitation by employers. The Committee are of the view that the

Government of India should consult urgently with Government of Sri Lanka so as to bring an end to this entire problem of stateless persons of Indian origin as early as possible.

Reply of Government

The period stipulated for implementation of the 1964 Agreement who were eager to return to India were held up in Sri Lanka, who between India and Sri Lanka on stateless persons of Indian origin and the Supplementary Agreement of 1974, expired on 30th October, 1981. The Government of India is continuing to register as Indian citizens all accountable persons who had applied for Indian citizenship before 30th October, 1981. Applications from dependents of accountable persons who have applied for or have been granted Indian citizenship before that date are still being entertained. The Sri Lanka government has also taken steps to grant Sri Lanka citizenship more speedily by delinking the grant of such citizenship from the number of persons actually repatriated to India. Informal discussions are under way between the two governments in order to determine the further steps necessary to eliminate statelessness among the remaining persons of Indian origin, which is the objective of the two Agreements.

[Ministry of External Affairs O. M. No. I/ii/411/18-80—Vol. II dated 15-9-1982].

Recommendation Sl. No. 2 (Para No. 1.34)

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

Reply of Government

No worker of Indian origin is being repatriated against his wish. The Government of India constantly keeps in mind the fact that the problem of persons of Indian origin in Sri Lanka is essentially a

human one and that every decision taken by the Government of India and Sri Lanka in this regard, intimately affects the lives of the persons concerned. It would be appreciated, however, that the Indian Government cannot insist with a foreign government regarding the persons to be granted citizenship by that government. In working out fresh arrangements for eliminating the problems of stateless, however, the desire of the persons concerned would continue to be an important factor.

[Ministry of External Affairs O.M. No. I|ii|411|18|80-Vol. II dated 15-9-82]

Recommendation Sl. No. 3 (Para No. 1.35)

The Committee also feel that during interregnum i.e. till the future status of such "stateless" Indians is finally decided and so long as they remain "stateless" these persons should be allowed to live and work with dignity and enjoy basic civic and human rights without any discrimination; and just because they are momentarily "stateless", Indian Mission should not hesitate to play a helpful, though discreet, role to get their difficulties solved through Sri Lanka authorities.

Reply of Government

The present Constitution of Sri Lanka (section 14) guarantees that all persons, including those who are stateless, will enjoy the same fundamental rights for the first ten years after the promulgation of the Constitution (1978).

The Indian Missions in Sri Lanka—the High Commission of India, Colombo and the Assistant High Commission of India in Kandy—actively take up the problems faced by persons of Indian origin who have applied for Indian citizenship. They also bear in mind the overall problems faced by stateless persons. It is, however, difficult for them to intercede, except in general terms, on behalf of those persons who have not expressed or indicated their desire to be Indian citizens.

Regular contact is maintained by the Indian Missions in Sri Lanka with unions or organisations which are concerned with the problems of persons of Indian origin, including stateless persons, resident in that country. This is with special regard also to those organisations which work in the plantation areas. Earlier this year when reports were received from these organisations of tensions in the Vavuniya area and harassment of persons of Indian origin resident there (a vast majority of whom are state-less) those were brought to the notice of the Sri Lanka Foreign Office by the Indian

Mission. A constructive dialogue has also been carried on with organisations abroad like the Sri Lanka Coordinating Centre (Kassel) who are addressing themselves with seriousness to the issue of citizenship for state-less persons of Indian origin resident in Sri Lanka.

[Ministry of External Affairs Office Memorandum No. I/ii/411/18/80-Vol. II dated 15-9-1982]

Recommendation Sl. No. 4 (Para Nos. 2.55 & 2.56)

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

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

Reply of Government

As explained above in reply to recommendations of the Estimates Committee at (Sl. No. 3) the Indian High Commission in Colombo

keeps in touch with the Sri Lanka authorities with a view to improving the working conditions of the Indian workers in the tea plantations. The present Sri Lanka Government has claimed that it has been responsible for an appreciable improvement in the living condition of the estate workers since 1977 in respect of their wage levels, child care, housing and education facilities. It cannot be gainsaid, however, that in the overall working and living conditions of estate labourers there is need for further improvement.

[Ministry of External Affairs O. M. No. I/ii/411/18/80—Vol. II dated 15-9-82]

Recommendation Sl. No. 5 (Para Nos. 2.57 & 2.58)

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

2.58 It is understood that Government of Sri Lanka is working towards obtaining improvements and getting teachers appointed in schools in the estates. The Indian High Commission, it is claimed, is not inactive in this matter and the officers of the High Commission visit tea estates and keep in touch with the situation. The Committee feel that if it is not possible or prudent for the Government of India to do anything directly in the matter, it should be possible for the Government to locate and inspire non-official philanthropic organisations in India and outside to come forward and assist in the setting up of schools and dispensaries in these areas, for the benefit of Indian workers.

Reply of Government

There is considerable scope for our rendering assistance on humanitarian considerations to the plantation labourers in the fields of health and education.

Some of the listed shortcomings of schools in the estate sector, according to a survey conducted by the UNICEF, are the general disrepair of school buildings, the inadequate state of capital equipment

and consumables, lack of toilet facilities, shortage of trained teachers, lack of clothes, books and aids for the children. Some areas in which we can be of assistance have been identified. These include the offer of scholarships to needy students for secondary and university education (including technical education), teachers, training and towards the cost of books and other items of expenditure. Donation of books and training of unemployed youth on the estates, especially in such skills as carpentry, handicrafts etc., are other possibilities.

The Indian High Commission at Colombo is already administering the Ceylon Estate Workers Education Trust which gives scholarships to children of estate workers. Since 1948 a total number of 173 scholarships have been awarded and of these 28 have been for university education.

The Government is, at the same time, exploring the possibility of Indian voluntary organisations assisting with the permission of the Sri Lanka Government, in the education and health facilities available to workers in the plantation sector. A few international agencies such as UNICEF and UNEPA have, lately, increased their activities in bettering the lot of the estate workers in Sri Lanka and their children in terms of their access to education and health facilities. It should not be overlooked, however, that this is, essentially, the responsibility of the Sri Lanka Government.

[Ministry of External Affairs O. M. No. I/ii/411/18/80—Vol. II
dated 15-9-82]

Recommendation Sl. No. 7 (Para No. 2.61)

The Committee are informed that people awaiting repatriation to India are often held up in Sri Lanka because of delays in payment of their provident Fund, gratuity etc. Monitoring done in February, 1980 by Indian High Commission in Sri Lanka revealed that substantial majority of the repatriates having their passports since May, 1979 had not received their provident fund and other dues till July, 1980. The Committee have been informed by Secretary (External Affairs) in evidence that there was a problem at the time of nationalisation of estates when a certain dislocation took place in their records. But after Government of India took up the matter with Sri Lanka Government some improvement in the administrative process of Sri Lanka Government, and the estates was reported. The Ministry has stated that Indian High Commission in Sri Lanka remains in constant touch with Sri Lanka authorities to expedite payments. But from the memoranda received by the Committee it appears that the position

is still, not fully satisfactory. The Committee would like that the Indian High Commission should play a more active role to collect information about delays in payment of dues to Indian workers awaiting repatriation and pursue each such case of delay with Sri Lanka authorities with a view to ensuring that their dues are paid promptly and their repatriation is not held up on this account at least.

Reply of Government

Uptodate information about delays in payment of dues to prospective Indian repatriates of each estate is being obtained from the Controller of Immigration and Emigration, Sri Lanka, and each case of delay is being pursued with the Sri Lanka authorities by the Indian High Commission at Colombo.

[Ministry of External Affairs O. M. No. I/ii/411/18/80—Vol. II
dated 15-9-82]

Recommendation Sl. No. 9 (Para Nos. 2.63 & 2.64)

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

2.64 The statements made by the representatives of the Ministry do not go far enough to allay the fears of the Committee full about the fate of Indian workers. The Ministry has no information about blocked accounts of Indians in Sri Lanka banks or other banks in and

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

Reply of Government

We are collecting comprehensive data regarding the blocked accounts of Indians in Sri Lanka. The Ministry of Finance and Planning, Government of Sri Lanka have informed us, on the basis of data received from the Controller of Exchange, Central Bank of Ceylon, that the total amount outstanding to the credit of the Blocked Accounts of Indians/persons of Indian origin who have left Sri Lanka for permanent residence abroad, amounts to Sri Lanka Rs. 875,512.35 under the current exchange control practice in Sri Lanka, commercial banks have been given the authority to release funds from a Blocked Account, upto Sri Lanka Rs. 200,000/- for remittance abroad without the prior approval of the Controller of Exchange. You will note that the ceiling for such withdrawal had previously been Sri Lanka Rs. 100,000/-.

We have written again to the three principal Indian banks operating here, advising them to inform all Blocked Account holders with them of this new facility. We have also requested up-to-date information on Blocked Accounts still remaining to be transferred with each bank.

[Ministry of External Affairs Office Memorandum No. I/ii/411/
18/80-Vol. II dated 15-9-1982.]

Recommendation Sl. No. 11 (Para No. 2.67)

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

ensure that Shipping and ferry services between Sri Lanka and India are adequate to cope with the traffic so that Indians and Indian repatriates are not put to any inconvenience on this account.

Reply of Government

The Committee had recommended that the ferry service between Rameshwaram and Talaimannar should be augmented in order to ensure that Indians and Indian repatriates travelling between India and Sri Lanka are not put to any inconvenience.

The Shipping Corporation of India have agreed to start an additional sailing between Rameshwaram and Talaimannar with effect from August 1, 1982. Thus the ferry service run by the Shipping Corporation of India will now ply four days a week instead of three. Permission has also been given for a Sri Lanka based private company to run, on an experimental basis in September/October this year, a ferry service on the remaining three days a week. This should enable an assessment of the total quantum of traffic and the concomitant need for additional sailings.

At the same time the Ministry of Shipping and Transport have given clearance for a Sri Lanka company to commence a shipping service between Colombo and Tuticorin. This service may, however, take some time to materialise as the requisite infrastructure by way of health, customs and emigration/immigration facilities would need to be set up at Tuticorin.

[Ministry of External Affairs Office Memorandum No. I/ii/411/18/80-Vol. II dated 15-9-1982.]

Recommendation Sl. No. 12 (Para Nos. 2.68 & 2.69)

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

Rameshwaram and, according to the Ministry, there is no real problem or serious complaint at either of these two places. The Government has no evidence that touts are exploiting the repatriates in connivance with customs employees.

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

Reply of Government

The Joint Inspection of Rameshwaram Customs Port was carried out by an official of Ministry of External Affairs and the Additional Collector of Customs and Central Excise, Madurai under whose jurisdiction it falls. The Directorate of Inspection, Customs and Central Excise had also carried out a separate inspection of the port. In the course of this inspection a random sample survey was carried out by interviewing a certain number of each category of passengers entering and leaving the Rameshwaram port. It was found that generally the customs staff exercise their discretionary power in favour of the repatriates coming from Sri Lanka. A hundred per cent check of the light baggage is undertaken but only about 20 per cent of their heavy baggage is checked. Almost no penalties are imposed except when large stocks of textiles or electronic goods in trade quantities are found in the baggage of the repatriates. There is scope for reducing the percentage of examination so that the time taken for clearance of the passengers is reduced further.

Delay at the port was found to occur more at the immigration and rehabilitation counters compared to the time taken for customs clearance. Moreover, repatriates and passengers face difficulties in the terminal building because of its extremely small size and inadequate facilities. After the inspection some changes in the proce-

dures for clearance of repatriates were suggested to avoid the over-crowding and long waiting period. The local authorities have agreed to implement the new procedure.

[Ministry of External Affairs Office Memorandum No. I/ii/411/18/80-Vol. II dated 15-9-1982]

Recommendation Sl. No. 13 (Para No. 2.70)

The Committee would also suggest that a random sample survey should be arranged to be conducted by the Ministry of External Affairs in collaboration with the Ministry of Finance to know the experiences of the travellers passing through Customs check posts at Rameshwaram etc. and corrective measures taken to remedy the wrongs if any detected during the survey.

Reply of Government

In the course of the joint inspection it was found that after customs clearance the passengers have to take clearance from the port authorities before leaving the shed. Further, the customs enclosure is completely separated from the exit by the port authorities. There are occasional complaints of harassment or exploitation by Customs Officers but procedural arrangements for clearance of repatriates limit the scope for such exploitation with or without connivance of touts or unauthorised persons. A Senior officer has been posted for direct on the spot supervision. Also the staff kept at Rameshwaram is rotated frequently after short periods to minimise the possibility of becoming entrenched and making contacts with unauthorised persons. The impression of the Joint Inspection is that the staff is generally helpful and quick in clearance.

[Ministry of External Affairs Office Memorandum No. I/ii/411/18/80-Vol. II dated 15-9-1982]

Recommendation Sl. No. 14 (Para No. 2.71)

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

Reply of Government

The Department of Rehabilitation have looked into this question and have informed us that the State Government of Tamil Nadu have taken steps to prevent harassment and defrauding of stateless Indians by posting a police party at the reception point (Rameshwaram). The Rehabilitation staff of the State Government of Tamil Nadu has been alerted to keep watch and take proper care of the repatriates arriving at Rameshwaram. Repatriates are also being cautioned against exploitation by anti-social elements.

[Ministry of External Affairs Office Memorandum No. I|ii|411|18|80-Vol. II dated 15-9-1982]

Recommendation Sl. No. 15 (Para No. 2.72)

It has been brought to the Committee's notice that Indian citizens resident in Sri Lanka who are covered by 1954 and 1964 Agreements are granted foreign exchange of Sri Lanka Rs. 50 per adult and Sri Lanka Rs. 25 per child for travelling to India. The Committee feel that the amount of foreign exchange allowed to Indian citizens is too meagre to meet even their absolutely essential expenses during the journey. The Ministry has also admitted that these people have a case and they would take up this matter with Sri Lanka Government. The Committee would like to be apprised of the outcome of its efforts.

Reply of Government

With regard to the Committee's recommendation at Sr. No. 15, a distinction must be drawn between the so-called temporary residence permit (now known as residence visa) holders under the 1954 Agreement, who are permitted to stay in Sri Lanka without payment of visa tax till the age of 55 and who make frequent trips to and from India, since no restriction is placed on their movements; and the so called blank passport holders. The former are allowed to stay in Sri Lanka because of the concession granted to them by the Sri Lanka Government under the 1954 Agreement. Such persons are not permitted to avail of any foreign exchange during their frequent trips to and from India. The frequent trips on the part of these persons are often financed by their taking across to India, from Sri Lanka items which are in demand in India and bringing back to Sri Lanka as Indian goods which are in demand there.

With regard to those persons who are finally repatriated to India under the 1954 and 1964 Agreements, the Controller of

Exchange here permits such persons to avail of foreign exchange up to Sri Lanka Rs. 50/- per adult and up to Sri Lanka Rs. 25/- per child to travel to India. The number of persons repatriated to India under these Agreements annually comes to an average of 22,000. The Government of Sri Lanka permits these repatriates to transfer their assets up to a ceiling of Sri Lanka Rs. 75,000/- and exchange control permits are granted for this purpose. In addition, the Government of Sri Lanka increases the value of such transferred assets by about 65 per cent in the case of those coming under the 1964 Agreement. The same concession is allowed on EPF/gratuity assets by persons covered under the 1954 Agreement to provide for compensation following devaluation of the Sri Lanka rupee in the year 1977.

We have taken up the question of allowing an increase in the release of foreign exchange admissible to persons finally repatriated with the Sri Lanka Government. However, it is unlikely, in view of the tight foreign exchange situation in Sri Lanka that the ceiling will be raised.

[Ministry of External Affairs Office Memorandum No. I[ii]411[18[80-Vol. II dated 15-9-1982]

Recommendation Sl. No. 16 (Para No. 2.73)

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

Reply of Government

Indian citizens who had obtained travel documents prior to 1954 in Sri Lanka and who are not covered by any Agreement between Sri Lanka and India are, by and large, persons who are resident in Sri Lanka along with their immediate families. The need for travel to India for such persons is generally limited. These persons are sometimes referred to as "blank passport" holders because they do not require visas as long as they stay in Sri Lanka without travelling outside. Once they travel out of the country, visa requirements for foreign nationals become applicable to them.

We have taken up this matter with the Sri Lankan authorities, with a view to determining whether any modification in the existing policy is possible.

[Ministry of External Affairs Office Memorandum No. I|ii|411|18|80-Vol. II dated 15-9-1982]

Recommendation Sl. No. 17 (Para No. 2.74)

Till sometime ago Indian citizens who paid their premia for life insurance in Sri Lanka and were entitled to get their maturity claims in Indian currency were experiencing difficulties in receiving payment on this account from the Life Insurance Corporation. The Committee have been informed by the Ministry that the matter has been sorted out in consultation with the Government of Sri Lanka. Now, Sri Lanka Government has allowed transfer of all LIC policies upto a ceiling of Rs. 75,000/- and under this order Sri Lanka Controller of Exchange has granted permission for the transfer of policies of about 118 persons who have returned to India. The bulk of policy holders are reported to have received their policy claims. The Ministry is not aware of the position of maturity claims in respect of policies above Rs. 75,000/-. The Committee would like the Ministry to ascertain the facts in respect of such policies from LIC and take up the question of their payment also with the Sri Lanka authorities for a satisfactory solution.

Reply of Government

The matter relating to transfer of life insurance policies of Sri Lanka repatriates in respect of those policy holders who have left Sri Lanka and settled in India, was taken up with our Mission at Colombo as well as the LIC Head Office in Bombay. The position is as follows. The LIC Bombay (Foreign Department) has submitted three sets of list to the Exchange Control authorities of

Sri Lanka for consideration of granting their permission to transfer the policy records covered in all 146 cases. The break up of the policies is detailed below:

1. Under five policies the sum assured exceeded Rs. 75,000/-.
Out of these five policies one policy will mature only in 1984. Of the remaining four claim under two policies has already been settled taking into consideration the court's verdict. The claim under the other two policies is pending as the policy holders have filed suits and an offer has been made to settle the claim in India on their withdrawing their suits.
2. Under two policies permission for transfer of records to India has been refused by the Exchange Control Authorities of Sri Lanka.
3. As these policies are Sri Lanka rupee policies payable in Sri Lanka, the question of transfer of records thereunder to India does not arise.
4. Under one policy, in view of the irregular payment of premiums, the same are required to be refunded in Sri Lanka.
5. Under the remaining 135 policies which have been transferred to India on receipt of necessary permission from the Sri Lanka Exchange Control Authorities, 34 policies are yet to mature for payment. Out of the balance 101 policies claims have already been settled under 43 policies. Under the remaining 58 policies claims are pending settlement for want of requisitions from the claimants. There will be no difficulty in settlement of these claims on the claimant's complying with the necessary formalities.

[Ministry of External Affairs Office Memorandum No. I|ii|411|18|80-Vol. II dated 15-9-1982]

Recommendation Sl. No. 18 (Para No. 2.75)

It has been represented to the Committee that though Government of India has been kept fully posted by the Indian High Commission in Sri Lanka about the problems of Indians in that country, the Government or the High Commission has not done enough to help the Indians there just because they happened to be stateless. Secretary (External Affairs) stated in evidence that "it is true

legally speaking that we have to keep some distance from this matter" but in times of difficulties, Indian Mission took every possible step to help all whether they were Indian citizens or stateless Indians. The Committee feel that this type of ambivalent approach is capable of creating an impression, even though wrong, that Indian High Commission is taking too legalistic a view and is not therefore doing enough to help the stateless Indians. So long as the future status of Indians in Sri Lanka is not finally decided, Indian High Commission should not hesitate to go to the rescue of Stateless Indians in distress. The Committee would expect that the Indian High Commission would continue to adopt the same helpful attitude in future as it is stated to have done in the past. This it should do on human and moral grounds regardless of legal position. After all if "Stateless" Indians cannot look to Indian High Commission for succour in emergencies which other door can they knock?

Reply of Government

The views of the Committee contained in their recommendation at Sr. No. 18 have been noted. The Indian High Commission at Colombo is fully seized of the problems faced by stateless Indians in Sri Lanka and as explained in the foregoing paragraph, the Indian High Commission would continue their efforts in rendering whatever assistance is possible to stateless Indians in distress.

[Ministry of External Affairs Office Memorandum No.
I|ii|411|18|80-Vol. II dated 15-9-1982]

CHAPTER III

RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES

Recommendation Sl. No. 6 (Para Nos. 2.59 & 2.60)

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

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

Reply of Government

The estate workers of Indian origin in Sri Lanka live in difficult conditions because of their poverty and low socio-economic stand-

ing. There is, however, no official discrimination against persons of Indian origin working on these estates on grounds of race and nationality. As noted earlier, the present Constitution of Sri Lanka (section 14) guarantees that all persons will enjoy the same fundamental rights for the first ten years after the promulgation of the Constitution (1978). Thus all stateless persons are guaranteed the same rights as Sri Lankan nationals under the Constitution. They do not, however, have the right to vote as this is a right exclusively reserved for Sri Lankan nationals. There are, as explained to the Estimates Committee, three accepted denominatory groupings within the "Indian Tamil" community in Sri Lanka. These include those who have been registered as Sri Lankan citizens, those who have been registered as Indian citizens and are awaiting repatriation and those who still remain stateless. No distinction is made by the Sri Lanka Government between the three categories in terms of the rights which they can exercise and the facilities available to them.

Admission to universities in Sri Lanka operates on a quota system. At present 30 per cent of the seats available in universities are filled according to merit on an all island basis. 55 per cent are allocated to revenue districts in proportion to their population and filled according to the order of merit within each district. The remaining 15 per cent of seats go to those revenue districts deemed to be educationally under-privileged. The stateless persons of Indian origin in Sri Lanka may, therefore, face some difficulties in obtaining admission to universities. It would be difficult, however, for the Government of India to take up this question with the Sri Lanka Government as this is a matter which falls within their domestic jurisdiction. It would be appreciated that we ourselves, to fulfill our social and political objectives, have introduced reservations in universities, medical colleges, government jobs etc. for certain categories of Indian nationals.

It is unlikely that the situation with regard to the living conditions of estate workers of Indian origin in Sri Lanka will radically improve, in the conceivable future, as this whole issue is tied up with the wider question of the elimination of poverty. As long as the estate labourers draw meagre wages their quality of life will continue to be adversely affected. All that the Indian Government can do in these circumstances is to try and help the estate workers by way of scholarships, training facilities etc. which have been enumerated in our reply to serial number 4.

CHAPTER IV

RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation Sl. No. 8 (Para No. 2.62)

The Committee are informed by the Ministry that 15,106 persons were granted Indian citizenship in 1979 but with the present machinery in the Indian High Commission it is not possible for them to say as to how many of these people have come back to India. This shows the weakness of our information system. The Committee feel that unless a suitable feedback system is devised, it will not be possible for the Indian High Commission or the Government of India to know how many persons who have been granted Indian citizenship in Sri Lanka and who are eager to return to India, are held up in Sri Lanka, why they are held up and what the Commission or Government can do to help them out of the situation. The Committee feel that such a system is imperative and should be set up immediately.

Reply of Government

At the initiative of our Mission at Colombo, the Controller of Immigration and Emigration (Sri Lanka) has been preparing detailed namewise lists of persons whom the Department of Immigration and Emigration regard as "over stays" i.e. those persons who are staying on in Sri Lanka after the expiry of the one year residence permit issued on their 1964 Agreement Passports. These lists which give the name, address, passport number with date of issue, of the person, indicate whether he or she has received EPF, gratuity and other dues. They also mention the reasons adduced for their over-stay. From these lists, it is possible for the Mission to collate information in each individual case, regarding delays in repatriation and also how long a person, who had been issued his passport in a given year, has been forced to over-stay for reasons beyond his control.

Apparently the intention of the Committee's recommendation at Sl. No. 8 is that such a system should be devised in order that a

repatriate who is unable to collect his dues is assisted by the Indian High Commission. There is, however, another factor which must be borne in mind, namely, that a number of repatriates, even after settlement of their dues, stay on in Sri Lanka for some time more because they wish to delay their return to India as far as possible. The statistics relating to the actual number of persons issued passports in a given year under the Agreement and who have actually been repatriated during the same year, if so required, can also be tabulated by the Special Duty Collector (Rehabilitation) at Rameshwaram/Mandapam Camp.

[Ministry of External Affairs O.M. No. I|ii|411|18|80-Vol. II
dated 15-9-1982]

Comments of the Committee

Please see paras 1.5 to 1.7 of the Report—Chapter I.

Recommendation Sl. No. 10 (Para Nos. 2.65 & 2.66)

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

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

Reply of Government

Any instance in which the earning members of a family, who are still in Sri Lanka and whose family have been repatriated to India, face difficulties in making remittances to India, will be taken up as soon as this is brought to the notice of our Mission.

It may, however, be mentioned that it is unlikely that earning members of families repatriated under the 1954 Agreement would be left behind in Sri Lanka, since these families are generally repatriated en-bloc. Under the 1954 Agreement, there are persons whose families reside in India and who are themselves working in Sri Lanka. These persons are permitted to remit upto 2/3rds of their monthly income to their families in India on the basis of maintenance permits issued by the Controller of Exchange, Central Bank of Ceylon.

Thorough enquiries made with the Department of Rehabilitation, Madras, we have learnt that the earning member of a family normally arrives in India along with other members of the family since assistance in India is given, to the earning member of a family. In October, 1981 only one case was noted wherein the earning member of a family was left behind in Sri Lanka since his Provident Fund was not settled. Some of the members of a family, whose names have been included in the family card, arrive later and join the earning member in India. However, such cases are few and far between and generally the whole family comes back to India together.

[Ministry of External Affairs O.M. No. I|ii|411|18|80-Vol. II
dated 15-9-1982]

Comments of the Committee

Please see paras 1.8 to 1.10 of the Report—Chapter I.

CHAPTER V

RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES ARE STILL AWAITED

NIL

NEW DELHI;

BANSI LAL,

March 2, 1983

Chairman,

Phalguna 11, 1904 (Saka)

Estimates Committee.

APPENDIX

(Vide Introduction)

**Analysis of action taken by Government on the 20th Report of the Estimates Committee
(7th Lok Sabha)**

I.	Total number of Recommendations	18
II.	Recommendations which have been accepted by Government (Nos. 1,2,3, 4,5,7,9,11,12,13,14,15,16,17,18)	15
	Percentage to total	83%
III.	Recommendations which the Committee do not desire to pursue in view of Government's reply (No. 6)	1
	Percentage to total	6%
IV.	Recommendations in respect of which replies of Government have not been accepted by Committee (Nos. 8, 10)	2
	Percentage to total	11%
V.	Recommendations in respect of which final replies of Government are still awaited	Nil