

India and Overseas Indians in Ceylon and Burma, 1946-1965: Experiments in Post-imperial Sovereignty*

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Abstract

Despite the existence of a large Indian diaspora, there has been relatively little scholarly engagement with India's relation to overseas Indians after its independence in 1947. The common narrative is that India abruptly cut ties with overseas Indians from that time until the 1990s, as it adhered to a territorially-based understanding of sovereignty and citizenship. By re-examining India's relations with Indian communities in Ceylon and Burma between the late 1940s and the 1960s, this article demonstrates that, despite its rhetoric, India did not renounce its responsibility towards its diaspora at independence. To understand this continued engagement with overseas Indians, this article introduces the idea of post-imperial sovereignty. This type of sovereignty was layered, as imperial sovereignty had been, but was also concerned with advancing norms designed to protect migrant communities across the world.

Keywords: diaspora, decolonization, migration, minorities, Asians, citizenship, sovereignty

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Introduction

Over the past two decades, new historical scholarship has recast the study of the Indian diaspora by reframing the Indian Ocean as an interconnected space. Historians have located overseas Indians within the functioning and development of a wider British imperial system in the region.¹ They have explored the circulation of ideas, trade, and people in the Indian Ocean before and during colonial times.² Further studies have analysed the diaspora's subjective

¹ Robert Blyth, *The Empire of the Raj: India, Eastern Africa and the Middle East, 1858-1947* (New York: Palgrave Macmillan, 2003); Thomas R. Metcalf, *Imperial Connections: India in the Indian Ocean Arena, 1860-1920* (Berkeley: University of California Press, 2007).

² See Sugata Bose, *A Hundred Horizons: The Indian Ocean in the Age of Global Empire* (Cambridge, MA: Harvard University Press, 2006); Sunil Amrith, *Crossing the Bay of Bengal: The Furies of Nature and the Fortunes of Migrants* (Cambridge, Mass.: Harvard University Press, 2013); Pamela Gupta, Isabel Hofmeyr, and Michael Pearson, eds., *Eyes across the Water: Navigating the Indian Ocean* (Pretoria: Unisa Press, 2010); Nile Green, *Bombay Islam: The Religious Economy of the West Indian Ocean, 1840-1915* (New York: Cambridge University Press, 2011). On specifically Tamil politics and connected histories across the Bay of Bengal, see Bhavani Raman, "The Postwar 'Returnee,' Tamil Culture, and the Bay of Bengal," in *The Postcolonial Moment in South and Southeast Asia*, eds. Gian Prakash, Nikhil Menon, and Michael Laffan (London: Bloomsbury Press, 2018), 121-140; Kalyani Ramnath, "Intertwined Itineraries: Debt, Decolonization, and International law in Post-World War II South Asia," *Law and History Review* 38, no. 1 (2020): 1-24; Darinee Alagirisamy, "The Self-Respect Movement and Tamil *Politics* of Belonging in Interwar British Malaya, 1929-1939," *Modern Asian Studies* 50, no. 5 (2016): 1547-1575; Sunil Amrith, *Migration and Diaspora in Modern Asia* (Cambridge University Press, 2011).

experience of home, identity, and culture.³ Scholars have provided a more refined understanding of diasporas' relation to homeland and their political imaginary, as well as of diasporas' roles in the production of new ideas of nationhood, race, solidarity, and belonging.⁴

Several of these historians conclude their works by tracing the ways in which the coming of independence in South and Southeast Asia abruptly terminated the circular migrations of the age of empire. This process, as Amrith has shown, 'immobilized people that had once been mobile'.⁵ Relying on the public speeches of the Prime Minister, Jawaharlal Nehru, these historians regard the end of the circulation of people as the end of the Government of India's involvement with the Diaspora. The research below, however, demonstrates that the political and social networks and the 'imaginative worlds'⁶ that were fundamental to the experience of Diaspora did not disappear once the circular migrations of the age of empire had been halted. At the same time, historians of the Indian diaspora have shown that independence was also the culmination of a longer process of the minoritisation of Indians in Burma, Ceylon and elsewhere.⁷ In the pages that follow, we show that this very process of minoritisation was not

³ See for instance Gaiutra Bahdur, *Coolie Woman: The Odyssey of Indenture* (Chicago: University of Chicago Press, 2014); Marina Carter and Torabully Khal, *Coolitude: An Anthology of the Indian Labour Diaspora* (London: Anthem Press, 2002).

⁴ Ned Bertz, *Diaspora and Nation in the Indian Ocean: Transnational Histories of Race and Urban Space in Tanzania* (Honolulu: University of Hawai'i Press, 2015); Sana Aiyar, *Indians in Kenya: The Politics of Diaspora* (Cambridge, Mass.: London: Harvard University Press, 2015).

⁵ Amrith, *Migration and Diaspora in Modern Asia*, 120.

⁶ *Ibid.*, 2.

⁷ Rajashree Mazumder, "Constructing the Indian immigrant to colonial Burma, 1885-1948" (PhD diss., UCLA, 2013), chap. 5; Hugh Tinker, *Separate and Unequal: India and the Indians in the British Commonwealth 1920-1950* (London: Hurst & Company, 1976); Tinker, *The Banyan Tree: Overseas emigrants from India, Pakistan, and Bangladesh* (Oxford; New York: Oxford University Press, 1977). On minoritisation, Aamir R. Mufti,

simply foisted upon Indians overseas against their will, but was itself the product of a transnational and multi-scalar negotiation, albeit one conducted on the basis of a highly unequal balance of power between the parties. This negotiation mobilised some of the same networks and imaginaries of earlier eras.

From the Indian side of the scholarship, these overseas Indians have been integrated into histories of nationalism and imperialism in the period before 1947. Scholars have uncovered the ways in which the imperial Government of India was called upon to protect the interests and develop a regime of rights for Indians overseas.⁸ In parallel, the diaspora played an important role in the development of Indian nationalism and helped foster a certain extra-territorial understanding of India.⁹ Aware of the difficult working conditions and discrimination overseas Indians faced, India's nationalists called for reports on their conditions and, in the 1920s, for these workers to return 'home' to India.¹⁰

Enlightenment in the Colony: the Jewish Question and the Crisis of Postcolonial Culture (Princeton, NJ: Princeton University Press, 2007)

⁸ Sukanya Banerjee, *Becoming Imperial Citizens: Indians in the Late-Victorian Empire* (Durham: Duke University Press, 2010); Rachel Sturman, "Indian Indentured Labor and the History of International Rights Regimes," *The American Historical Review* 19, no. 5 (2014): 1439-1465.

⁹ Faisal Devji, *The Impossible Indian: Gandhi and the Temptation of Violence* (London: Hurst & Company, 2012); Ramachandra Guha, *Gandhi before India* (New York: Knopf, 2014). On anticolonial diasporic networks, see Maia Ramnath, *Haj to Utopia: How the Ghadar Movement Chartered Global Radicalism and Attempted to Overthrow the British Empire* (Berkeley: University of California Press, 2011); Nico Slate, *Colored Cosmopolitanism: The Shared Struggle for Freedom in the United States and India* (Cambridge, Mass.: Harvard University Press, 2012).

¹⁰ John D. Kelly and Martha Kaplan, "Diaspora and Swaraj, Swaraj and Diaspora," in *From the Colonial to the Postcolonial: India and Pakistan in Transition*, eds. Dipesh Chakrabarty and Rochona Majumdar (New Delhi: Oxford University Press, 2007), 311-331.

In 1947, it was estimated that almost 3.5 million Indians lived outside the subcontinent. The majority of these overseas Indians lived in Burma, Ceylon and Malaya.¹¹ There were 500,000 Indians in Burma and 900,000 in Ceylon, including 750,000 mostly Dalit labourers who worked on tea plantations on the island.¹² Independent India, therefore, inherited a double nationalist and colonial legacy of responsibility for overseas Indians. Concurring with the scholarship on the Diaspora, historians of India have mostly agreed that India quickly abjured this responsibility after independence.

There are several versions of this argument. One claims that with independence India's new government adhered to a territorially-based understanding of sovereignty and citizenship. India moved to a territorial nationality, which required 'publicly distancing itself from its long-standing concerns for the condition of its diaspora.'¹³ This meant that overseas Indians had 'given up their rights of protection from the Indians state.'¹⁴ Some authors described a 'dramatic shift in the Congress party's policy', which moved from being 'very concerned with the fate of the expatriate Indians' to ignoring them from 1947 onwards.¹⁵ A second, more nuanced, assessment notes the fact that overseas Indians remained in place, and records their struggles to acquire citizenship, but minimises the role of the Government of India in

¹¹ C. Kondapi, "Indians overseas," *India Quarterly* I, no. 1 (January 1945), 71.

¹² Confidential, "Ceylon – Report of the Commission on Constitutional Reform," proof version, Colonial Office, London, 1945. Enclosed in Secret, George H. Hall, "Ceylon Constitution: Memorandum by the Secretary of State for the Colonies," Cabinet Memorandum, 31 August 1945, CAB 129/1/38, UK National Archives (henceforth: UKNA), 39.

¹³ Itty Abraham, *How India became territorial: Foreign policy, Diaspora, Geopolitics* (Stanford: Stanford University Press, 2014), 69-70.

¹⁴ *Ibid.*, 98.

¹⁵ Marie-Carine Lall, *India's Missed Opportunity: India's relationship with the Non-Resident Indians* (Aldershot: Ashgate Publishing, 2001), 1 and 5.

determining their fate. Latha Varadarajan, for example, has argued that ‘[r]ather than embracing the cause of the Indians abroad ...the new leadership instead offered a critique of their comportment in their states of residence, while upholding the sovereign political and economic rights of those states.’¹⁶ A third version of the story argues that India remained concerned for overseas Indians, but transferred responsibility for their protection to the United Nations (UN).¹⁷

Examining relations between the Government of India and overseas Indians in Ceylon and Burma in the two decades after independence, this article demonstrates that India neither renounced its responsibility for overseas Indians at independence nor handed it over to the UN. To be sure, representatives of the Government of India, especially the Prime Minister, publicly reiterated the new country’s commitment to a form of ‘hard’ sovereignty that would seem to preclude any action on behalf of overseas Indians. Beyond the level of official rhetoric, however, there were constant demands for the Government of India to act to assist overseas Indians, and it often did so. The Indian Government worked to help Indians in Burma and Ceylon negotiate claims for citizenship in those countries. It also shaped the institutions and language through which Indians in these countries articulated demands for their rights, whether these were claims for citizenship, representation or economic welfare.

Uncovering the continued engagement of the Indian Government with overseas Indians enables us to make two arguments. The first argument concerns sovereignty, and begins with

¹⁶ Ibid., 76-77; Sunil Amrith, “Struggles for Citizenship around the Bay of Bengal,” in *The Postcolonial Moment in South and Southeast Asia*, eds. Gyan Prakash, Michael Laffan and Nikhil Menon (London: Bloomsbury Press, 2018), 107-120; Raman, “The Postwar ‘Returnee’”, 121-140; Deborah Sutton, “Divided and Uncertain Loyalties: Partition, Indian Sovereignty and Contested Citizenship in East Africa, 1948-1955,” *Interventions* 9, no. 2 (2007): 76-288.

¹⁷ Manu Bhagavan, *The Peacemakers: India and the Quest for One World* (New Delhi: Harper Collins, 2012).

a methodological intervention. Representatives of the Government of India never spoke explicitly about sovereignty. Consequently, scholars have been left to infer how India understood this concept. Because access to the records of the Ministry of External Affairs has long been restricted, scholars have tended to make these inferences based on the public pronouncements of Jawaharlal Nehru, who, as Prime Minister and Minister for External Affairs, directed Indian foreign policy. It is obvious, however, that no state's foreign policy can be understood solely through the public statements of one leader. For that reason, in this article we explore the issue through what we call practices of sovereignty. Focusing on practice as an expression of sovereignty allows us to examine what official representatives of the government of India at various levels and in different locations were doing.¹⁸

The second facet of this argument concerns the unitary nature of sovereignty. The existing literature on sovereignty in India tends to support the hypothesis of a move towards a Westphalian-type of sovereignty with independence in 1947, even as the idea of Westphalian sovereignty has been subjected to revision.¹⁹ Studies focused on the nature of India's conception of sovereignty can be seen as divided between two camps. One camp argues that India did, at least largely, conform to a model of what has until recently been understood without complications as the Westphalian nation-state.²⁰ The other camp argues that India's

¹⁸ Emanuel Adler and Vincent Pouliot, "International Practices," *International Theory* 3, no. 1 (2011): 1-36.

¹⁹ Andreas Osiander, "Sovereignty, International Relations, and the Westphalian Myth," *International Organization* 55, no. 2 (2001): 251-287.

²⁰ Kanti Bajpai, "Indian Conceptions of Order and Justice: Nehruvian, Gandhian, Hindutva and Neo-liberal," in *Order and Justice in International Relation*, eds. Rosemary Foot, John Lewis Gaddis and Andrew Hurrell (New York: Oxford University Press, 2003), 236; Srinath Raghavan, "The United Nations and the Emergence of Independent India," in *Charter of the United Nations: Together with Scholarly Commentaries and Essential Historical Documents*, eds. Ian Shapiro and Joseph Lampert (Yale University Press, 2014), 152.

postcolonial sovereignty was more complex because of its multilateral engagement.²¹ Both of these camps tend to regard sovereignty as existing on a single plane, whether singular or shared.

The starting point for our study of postcolonial India is the fact that imperial sovereignty was layered. Under the British Empire, sovereignty had been shared across multiple tiers of authority, from the imperial centre in London, to the capital in New Delhi and princely states. Independent India not only inherited these layered practices of sovereignty, it reproduced them. While the government may have publicly expressed adherence to a unitary and territorialised form of sovereignty, it simultaneously faced pressures that pulled it in the opposite direction. Those forces tended to derive from pre-existing connections either above or below the nation-state level, connections forged during India's time in Britain's imperial system.

Because independent India inherited a set of responsibilities and concerns which existed across multiple layers of sub-national, national and international politics, this article uses the term post-imperial sovereignty to characterise India's complex expressions of sovereignty. In the aftermath of the Second World War, the shift from a world of competing imperialisms to one of nation-states was not straightforward. The international system and its constituent parts are in a constant state of becoming, and the period between the 1940s and the 1960s witnessed a 'process of struggle between entrenched formations and new forces'.²² The very notion of India was born into this struggle: its borders were ill-defined; its responsibilities spread across

²¹ Manu Bhagavan, "A New Hope: India, the United Nations and the Making of the Universal Declaration of Human Rights," *Modern Asian Studies* 44, no. 2 (2010): 311-347; Priya Chacko, "The internationalist nationalist: pursuing an ethical modernity with Jawaharlal Nehru," in *International Relations and Non-western Thought: Imperialism, Colonialism and Investigations of Global Modernity*, ed. Robbie Shilliam (Oxford; New York: Routledge, 2012), 181.

²² Itty Abraham, "Prolegomena to Non-alignment," in *The Non-Aligned Movement and the Cold War: Delhi - Bandung - Belgrade*, eds. Natasa Miskovic, Harald Fischer-Tiné and Nada Boskovska (Abingdon, Oxon: Routledge, 2014), 82.

far-flung spaces; it was unusually concerned with people. India grappled with these post-imperial problems by working to usher in a new international order. As Indian government representatives, state governments, ambassadors and high commissioners, as well as ordinary Indians (overseas and at home) negotiated this amorphous and changing world, they articulated conceptions of responsibility and expressions of sovereignty that extended beyond the territorialised nation-state.

Because expressions of sovereignty were not restricted to the space of the nation-state, this had repercussions for practices of citizenship, which brings us to our second argument. Scholarship on citizenship has moved beyond the idea that it is best understood as a legal regime. Instead, citizenship is now regarded as both a set of laws defining citizens' rights, as well as a set of practices through which citizens make use of those rights. Focusing on partition and its aftermath, this literature in South Asia has traced the struggles partition refugees faced as they sought recognition as legal citizens, and as they endeavored to exercise their substantive citizenship.²³ The pages that follow deal with a little-studied aspect of citizenship: the complicated route to de-recognition.²⁴ Before 1947, there was a mutual recognition of the

²³ e.g. Niraja Gopal Jayal, *Citizenship and its Discontents: An Indian History* (Cambridge, Mass.: Harvard University Press, 2013), chap.3; Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (New York: Columbia University Press, 2007); Joya Chatterji, *Partition's Legacies* (Albany: SUNY Press, 2021); Udit Sen, *Citizen Refugee: Forging the Indian Nation after Partition* (Cambridge: Cambridge University Press, 2018); Anjali Bhardwaj Datta, "'Useful' and 'Earning' Citizens: Gender, State and the Market in Post-colonial Delhi," *Modern Asian Studies* 53, no. 6 (2019): 1924-1955; William Gould and Sarah Ansari, *Boundaries of Belonging: Localities, Citizenship and Rights in India and Pakistan* (Cambridge: Cambridge University Press, 2020).

²⁴ Dina Gusejnova, "Changes of Status in States of Political Uncertainty: Towards A Theory of Derecognition," *European Journal of Social Theory* 22, no. 2 (2018): 1-18.

responsibility that existed between the Government of India and overseas Indians.²⁵ After 1947, the official position was that Indians overseas who chose to adopt the citizenship of their country of residence would no longer be India's responsibility, while those who remained Indian citizens could only be temporary residents elsewhere. Two problems arose from this attempted pivot. Firstly, there was the problem of sorting Indian citizens from non-citizens, a process that was not fully worked out during two decades of negotiations. Secondly, there was the fact of existing ties of recognition between the Government of India and all overseas Indians, regardless of citizenship. It is argued below that there remained mutual recognition of responsibility between the Government of India and overseas Indians in Ceylon and Burma. This recognition saw the Government of India build institutions in Ceylon and Burma, and shape the ways in which people of Indian origin articulated their claims for rights in these countries.

As it negotiated a changing regime of both sovereignty and citizenship, the Indian Government also tried to shape the international norms and rules that would govern the emerging international order. In so doing it articulated universal principles, which simultaneously served India's interests. This was absolutely in accord with the common practice of the time. After all the Anglo-American system that emerged after the Second World War was cast in the same mould. India sought to instill three norms as it worked through the problem of overseas Indians: first, that the future of non-citizen minorities like overseas Indians ought to be settled through negotiation between states, rather than unilaterally by one of them; second, that the will of the people concerned ought to be paramount, so that people would not be forced to move if they did not wish to; third, that any laws or rules which applied to non-citizen minorities ought to be non-discriminatory. Moving away from the details of any

²⁵ Axel Honneth, *The Struggle for Recognition: the Moral Grammar of Social Conflicts* (Cambridge: Polity Press, 1996).

particular situation, the Government of India tried to elaborate principles that could be universally applied in a way that would serve the interests of Indian communities overseas. India sought to shape international norms by elaborating universal principles.

India's policy towards Indians in Burma and Ceylon can be seen as part of India's larger effort to help overseas Indians fight discrimination after independence. The strategy India adopted as it argued for rights on behalf of overseas Indians was simultaneously multilateral and bilateral. It sought to use international fora to solve their problems on a larger scale. Bhagavan's work on India's case against South Africa at the UN reminds us that India's foreign policy was concerned with the fight against discrimination at the international level. Far from forgetting this long-lasting issue, the Indian Government took the lead to address it at the UN as early as 1946. It did not, however, uniformly move the issue to the UN for all states. India also sought to use the Commonwealth and the 1947 Asian Relations Conference (ARC) to raise the same problem. Regionally, India attempted to negotiate a solution within an all-Asian regional framework and bilaterally with Ceylon and Burma.

Even as it pursued ambitious multilateral plans, India maintained localised practical efforts at the regional level. Here, the effects of pressure from below were in evidence. Because the diaspora in Ceylon and Burma retained strong links to India via regular returns, marriages and remittances, there was a constituency within India, particularly in Madras, which could convey information about what was happening in Ceylon and Burma to New Delhi and call on the central government to act. The Government of India tended to pick up the case only when it could fit the demands within the norms that it was articulating concerning the will of the people and non-discrimination.

Research for this article cobbles together materials from the UK National Archives, the British Library, the National Archives of India, as well as published sources and digitized newspapers. The nature of the official archive for the period after independence in India is such

that this is necessarily an incomplete and *ad hoc* archive. Our collection of resources has its limitations: access to archives related to Myanmar is not easy; as our own linguistic competencies do not extend to Tamil, we have been unable to explore Tamil sources, or the rich linkages of Tamil politics that are only hinted at in the pages below.²⁶

This article is divided into four sections. The first section situates the question of overseas Indians within its pre-independence context. The second section examines the post-imperial transition. The third section analyses how India attempted to find a multilateral solution in different fora – the UN, the Commonwealth, and the ARC. The last section charts how India worked to secure access to citizenship for overseas Indians and to negotiate better conditions for Indians in Ceylon and Burma. In the conclusion we offer some thoughts on whether the patterns set in relations with these two close neighbours were repeated for Overseas Indians farther afield.

The decade before independence

In the nineteenth century Indians began to move across the British empire in large numbers as indentured labourers. The Government of India was instrumental in developing this system and was compelled to take cognizance of the welfare of these labourers in their destination countries. Officials took an interest in questions of ‘transport, conditions of service in the countries of immigration, repatriation, and permanent settlement’.²⁷ The Government of India

²⁶ Raman, “The Postwar ‘Returnee’”, 121-140; Alagirisamy, “The Self-Respect Movement and Tamil Politics of Belonging in Interwar British Malaya, 1929–1939,” 1547-1575; Ramnath, “Intertwined Itineraries,” 1-24.

²⁷ P. Kodanda Rao, “Indians overseas,” *The annals of the American Academy of Political and Social Science* 233, no. 1 (1944): 204.

not only facilitated migration but also regulated it.²⁸ Indentured labour was abolished in 1917, but the Government remained attentive in the question of overseas Indians' welfare, not least because by this time India's nationalists had taken up the issue. The Government appointed agents in Ceylon, Malaya, Burma and South Africa. The role of that agent was 'to see that the conditions under which Emigration was permitted were carried out' and to make suggestions on legislation affecting Indian labour.²⁹ At home, after Indians were granted significant legislative powers with the Montague-Chelmsford Reforms, an Indian Emigration Act was passed in 1922. That Act included an assurance that Indians would be treated on an equal footing with other British subjects elsewhere.

The Government of India's moves to protect overseas Indians from discrimination came at a time when pressure against overseas Indians was gaining force. As South Africa continued to pass discriminatory laws against Indians, India's representatives tried to directly negotiate with it at a roundtable conference in Cape Town in 1926-27.³⁰ While Ceylon's constitutions in the 1920s had granted equal rights to Indians, the Constitution of 1931 marked the beginning

²⁸ Radhika Mongia, "Historicizing State Sovereignty: Inequality and the form of equivalence," *Comparative Studies in Society and History* 49, no. 2 (2007): 384-411.

²⁹ A. V. Pai to D. V. Rege, Department of Commonwealth Relations (CR), New Delhi, 13 October 1945. In "Indian Labour working in Ceylon, Malaya etc.---Enquiry by labour investigation committee regarding protective measures taken for the benefit of labourers at the instance of the Govt. of India", CR Dept., Overseas II, File No. 125(5)-O.S., 1946, NAI.

³⁰ These efforts led to the 1927 Cape Town Agreement, according to which India accepted to assist voluntary emigration of Indians in South Africa, while South Africa promised to take measures that were to uplift the Indian community remaining on its territory.

of a process of rolling back Indian rights.³¹ Reforms abolished communal electorates (meant to ensure the protection of minorities) and extended universal adult franchise but with literacy, property, and residence qualifications. These changes resulted in decreasing the representation in the legislature and restricting the vote of a large portion of people of Indian origin on the island.³² As the effects of the Great Depression tore through Ceylon's economy, many began to argue that removing Indians would provide much needed economic relief for the small island's unemployment problem. At the end of the 1930s Ceylon attempted to completely ban Indian unskilled labour from immigrating to the country. It also sought to retrench thousands of Indian labourers in government service in Ceylon and send them home, thereby significantly reducing the size of the island's Indian population.³³ The Government of India, taking umbrage at these unilateral measures, negotiated, ultimately unsuccessfully, with the government in Colombo across multiple conferences in the late 1930s and early 1940s.

During these meetings, India articulated a universalist norm against discrimination. Sir G.S. Bajpai,³⁴ a frequent member of delegations to conferences on overseas Indians since the 1920s, summed up the Indian Government's position, which was that after a certain period of time resident in another territory of the British Empire, Indians 'acquire equality with the indigenous

³¹ S. K. Agrawala and M. Koteswara Rao, "Nationality and international law in Indian perspective," in *Nationality and International Law in Asian Perspective*, ed. Ko Swam Sik (Dordrecht: Martinus Nijhoff Publishers, 1990), 108.

³² Amita Shastri, "Estate Tamils, the Ceylon citizenship act of 1948 and Sri Lankan politics," *Contemporary South Asia* 8, no. 1 (1999): 69-71; T.S. Rajagopalan, "Indians Overseas: The position in Ceylon," *India Quarterly* 1, no. 2 (1945): 169-171.

³³ *Times of India*, 12 February 1941, p. 7.

³⁴ Girja Shankar Bajpai (1891-1954), a former Indian civil servant during the Raj, was then Secretary-General of the Ministry of External Affairs.

inhabitants of the territory'.³⁵ Even as they negotiated with Ceylon, the Government of India remained mindful that any agreement with one territory could have repercussions in others. Bajpai noted that if the Government of India conceded any limitations on Indians obtaining full citizenship rights in Ceylon, 'we open the door to similar claims all over the British Commonwealth of Nations.'³⁶

In Burma the response to the economic crises of the 1930s was similar.³⁷ In contrast with the Ceylon case, however, the Government of India did reach an agreement with Burma to restrict Indian immigration there. While Ceylon had taken unilateral action, the Government of Burma invited India to bilateral talks on the question, which opened in the monsoon season of 1941. Burma's delegation to the talks was led by the Premier, U Saw, who was careful to note that Indian landowners and labourers had been welcomed when the population of the country had been scant. During the Depression, however, a class of Burmans had emerged who neither owned land nor were able to find employment 'owing to competition from non-Burman labour'.³⁸ Riots between Indians and Burmans in 1938 added a sense of urgency to the way the presence of Indians in Burma was problematised. In 1941 the two governments agreed to 'regulate and restrict' Indian immigration to Burma, with a system of passports, visas for temporary entry, and permits for employment and longer residence.³⁹

Although the war ensured the pact was never implemented,⁴⁰ negotiations over the accord provided an opportunity for the two to agree what the governments called 'principles'

³⁵ *Times of India*, 12 February 1941, 7.

³⁶ *Times of India*, 12 February 1941, 7.

³⁷ Mazumder, "Constructing the Indian Immigrant".

³⁸ *Times of India*, 19 June 1941, 7.

³⁹ *Times of India*, 22 July 1941, 7.

⁴⁰ *Times of India*, 29 July 1941, p.9, 20 January 1942, 5.

underlying their discussions on overseas Indians. The first was that the Government of Burma had ‘the right to determine the composition of [its] own population.’ The second was that, ‘Indians who have wholly identified themselves with the interests of Burma should enjoy the same rights as members of the permanent population.’⁴¹ One might add a third principle, which can be inferred from the practice of negotiation: the norm that these decisions ought to be made in consultation, rather than unilaterally.

In parallel, the Indian National Congress deepened its links with the diaspora, first in Ceylon and then in Burma.⁴² In July 1939, as Ceylon announced a raft of measures against Indians, Jawaharlal Nehru travelled across the Palk Strait on a good-will mission. Nehru, who was described as an ‘ambassador’ by the press, tried to persuade the Government of Ceylon that ‘there should always be full consultation with each other before any action was taken’ which might affect Indians.⁴³ Although he was unable to tie together a solution to the complex problem of Indian labour during his brief visit, he did succeed in persuading Indian leaders in Ceylon to form a single political body to represent their interests. Nehru was said to have drafted the Constitution of the Ceylon Indian Congress (CIC), according to which, it was reported, the new party ‘will have more or less the same ideals as the Indian National Congress.’⁴⁴

The transition to a new nationalist-led interim government in September 1946 did not put an end to the pre-independence concern that the INC and its leaders had publicly manifested for Indians abroad, nor did it sever the links with the CIC. In November 1946, Nehru evoked

⁴¹ *Times of India*, 22 July 1941, 7.

⁴² S.P. Singh and Saroj Kumar, “Indian national movement and Sri Lanka (Ceylon) during 1930-1947,” *Proceedings of the Indian History Congress* 61, Part One: Millennium (2000- 2001): 714-717.

⁴³ *Times of India*, 26 July 1939, 11.

⁴⁴ *Times of India*, 26 July 1939, 11.

specific measures for India to stay in contact with overseas Indians and check their condition.⁴⁵ At the legislative assembly in 1947, he mentioned again that the government wished to send ‘missions to keep in touch with our people there, bring us data and help in establishing closer relations with them’.⁴⁶

While the CIC had been founded nearly a decade before independence, the All-Burma Indian Conference (later Congress) was established in December 1947, barely a week before Burma celebrated its independence. B.N. Rau, the Constitutional Advisor to the Government of India, opened the conference in Rangoon.⁴⁷ In terms of both rhetoric and institutions, the independent Government of India was not so much abjuring responsibility for these overseas Indians, as setting relations on a new footing.

The post-imperial transition: Overseas Indians and citizenship

During the colonial period, the Government of India and the Indian National Congress had recognised overseas Indians as a constituency which could legitimately claim their attention and support. They had also elaborated principles and founded institutions for the exercise of this responsibility. This recognition had been reciprocated, as overseas Indians looked to institutions, politicians and governments back in India to help them define and defend their interests in Burma and Ceylon. So long as India was part of the British Empire, Indians of all stripes could appeal to the higher imperial authorities to help them exercise influence over

⁴⁵ Talk to a delegation of overseas Indians at Meerut on 24 November 1946, in *Selected Works of Jawaharlal Nehru* (hereafter *SWJN*), 2nd series, vol. 1, ed. Sarvepalli Gopal (New Delhi: Jawaharlal Nehru Memorial Fund, 1984), 546.

⁴⁶ Speech in the Legislative Assembly, 14 March 1947, *SWJN*, 2nd series, vol. 2, 433.

⁴⁷ *Times of India*, 28 December 1947, 1.

Burma and Ceylon. Indeed, in the final decade of imperial rule, Britain appointed various commissions and investigations to try to propose a solution to what was called the problem of overseas Indians in Burma and Ceylon.⁴⁸ Moreover, as long as Indians were British subjects they possessed what Nehru called, ‘a kind of dual nationality’⁴⁹ which prevented them from being rendered stateless by the actions of another colonial territory.

The British declaration in 1947 that they would be departing from their South Asian empire removed a layer of sovereign authority from the equation. It also began a transition to national regimes of citizenship, outside of the umbrella of British subjecthood. The ‘kind of dual nationality’ that had prevailed under the British Empire had not required the rigid demarcation between Indian citizens and non-citizens, nor, for most who travelled, did it necessitate passports. The new regime would require both. In this new context, overseas Indians could be vulnerable to unilateral expulsion, or subject to discriminatory legislation. Indeed, Burma and Ceylon both moved in this direction in the late 1940s.

Historians studying these new national regimes of citizenship have tended to argue that India adopted a territorialised and restricted form of citizenship.⁵⁰ However, if citizenship is understood as a form of recognition and a set of practices, then the Government of India’s official position on overseas Indians was more complex than previous scholars have acknowledged. Because dual citizenship was not ever seriously countenanced in post-imperial South Asia, the Government of India had to begin to try to parse citizens from non-citizens. Those who claimed Indian citizenship, would have to obtain Indian passports, and would have their ability to travel and work outside of India curtailed. For those who wished to stay where they had migrated, the Government of India’s official position was ‘Indian settlers abroad

⁴⁸ James Baxter, *Report on Indian Immigration* (Rangoon: Government Printing & Stationary, Burma, 1941).

⁴⁹ Speech in the Legislative Assembly, 14 March 1947, *SWJN*, 2nd series, vol. 2, 438.

⁵⁰ See for instance Gopal Jayal, *Citizenship and its Discontents* (2013).

should identify themselves, as far as possible, with the interests of the nationals of the country of their adoption and really become part and parcel of its national life' so as to be able to claim citizenship of their adopted country. For India, it followed that Indian settlers 'should not suffer from racial inequality' and so should be granted citizenship or rights equal to citizens in their adopted countries.⁵¹

There were several ways in which the task of demarcating citizens from aliens was complicated. Firstly, Indian representatives repeatedly visited overseas Indians and urged them to act as 'ambassadors' for India, blurring the simple division of this population into citizens and aliens.⁵² As late as 1959, the President of India, Rajendra Prasad, visited Ceylon, and addressed a gathering of Indians there. Using the term ambassador to describe Indians living in Ceylon, Prasad told his audience, 'I request you to do this – nay, as President of India, I order you to do your best to help the country you live in. It is in this way you will help yourselves and your motherland best.'⁵³ In a world with unitary understandings of sovereignty and citizenship, the statement is nonsensical. But the President's order makes sense as an expression of a layered understanding of sovereignty. In this conception, loyalty could be demanded and professed at several levels and across multiple spaces.

Secondly, separating citizens from others was complicated by pressure from below in India. Many Indians viewed the treatment of Indians in Burma, Ceylon or South Africa with dismay, and demanded their Government act, regardless of their legal status. As one letter to the *Times of India* put it, 'If Indians are illtreated because they are Indians, then we must protect them

⁵¹ Press Information Bureau, Government of India, 15 August 1949, IOR/L/P&J/7/15292, India Office Records, British Library.

⁵² e.g., *Times of India*, 20 April 1954, 5.

⁵³ *Times of India*, 22 June 1959, 1.

because they are Indians’.⁵⁴ In some ways this was merely a continuation of the recognition that had been established during the colonial period. That the Government of India felt compelled to conduct its foreign policy with a mind to respecting these demands is evidence of the importance of sub-national actors in Indian foreign relations in this layered practice of sovereignty.

Thirdly, and most importantly, Indians Overseas simply refused to sort themselves into discrete groups by making a declaration of nationality. This problem was recognised even before Indian independence. In 1946, the civil servant R.N. Banerjee wrote to R.T. Chari, the Secretary to the Representative of the Government of India in Ceylon that they both knew that ‘a very large number of Indians would not be prepared to make any such declaration’.⁵⁵ The same was true in Burma. Even among those who did choose to take up another nationality, these countries did not always accept their claim. While India was happy to take responsibility for its citizens and renounce it for those who took up a different nationality, there was an enormous group of people who fit neither category, but with whom India had historic ties of recognition and responsibility. The problem of overseas Indians at independence, therefore, entailed sorting those with Indian nationality from those without it, and also ensuring that those overseas Indians who wished to claim rights in other countries, including the right to citizenship and nationality, were not discriminated against.

Negotiating multilateral citizenship

⁵⁴ *Times of India*, 9 September 1953, 6.

⁵⁵ R.N. Banerjee to R.T. Chari, New Delhi, 20 May 1946. In “Ceylon-Indians in-Position of –”, MEA, File No. 34-O.S.II, 1946 (Confidential), NAI.

Around the time of independence, India attempted to craft a multilateral solution to the problem of overseas Indians. To a certain extent, this was in line with pre-independence approaches of both the colonial Government of India and of anti-colonial leaders, who ensured that negotiations on overseas Indians in different countries tended to be treated as a single topic in imperial conferences. In the 1920s, Indian nationalists had also leveraged ideas of imperial citizenship and used early international organizations to promote protections for overseas Indians.⁵⁶ In 1946, India's interim government retained a similarly global perspective. One key difference with pre-independence times, however, was that the postwar/decolonisation moment opened a new window of opportunity to shape and promote a new order through international norms – a possibility India was keenly aware of.⁵⁷ This global possibility paralleled and intersected with the development of a postcolonial legal order through national constitution-making.⁵⁸ The Indian Government made several attempts to forge a consensus on new norms that would have ensured equality of treatment for overseas Indians. Its representatives promoted common and general principles and mechanisms on minorities, individuals' and citizens' rights that they hoped would be agreed on and recognised at the UN (1946), the Commonwealth (1947-49), and the Asian Relations Conference (1947).

At the UN, as is well-known, India was the first state to refer a case against another UN member to challenge its discriminatory policies. In June 1946, it requested that the Agenda of

⁵⁶ See Banerjee, *Becoming Imperial Citizens* (2010); Daniel Gorman, *The Emergence of International Society in the 1920s* (Cambridge: Cambridge University Press, 2012).

⁵⁷ Raghavan, "The United Nations and the Emergence of Independent India," 143-156.

⁵⁸ See Cindy Ewing, "Codifying Minority Rights: Postcolonial Constitutionalism in Burma, Ceylon, and India," in *Decolonization, Self-Determination, and the Birth of Global Human Rights Politics*, eds. A. Dirk Moses, Marco Duranti and Roland Burke (Cambridge University Press, 2020), 179-206.

the General Assembly include the treatment of Indians in South Africa.⁵⁹ Its case challenged Article 2.7 of the UN Charter, since Indians were nationals of South Africa, by arguing that the treatment of Indians was not a domestic issue, but an international one. Subsequently, in 1947-8, India promoted a strong UN human rights regime, again partly to protect overseas Indians against discrimination through the UN system. Hansa Mehta, India's delegate to the Human Rights Commission, promoted ambitious proposals to implement and enforce human rights, for the binding character of these rights, and for a right of petition by individuals and organisations, which would have enabled overseas Indians to defend themselves through the UN.⁶⁰

⁵⁹ Bhagavan, *The Peacemakers*; Lorna Lloyd, "A Family Quarrel'. The Development of the Dispute over Indians in South Africa," *The Historical Journal* 34, no. 3 (1991): 703-725; Lloyd, "A Most Auspicious Beginning': The 1946 United Nations General Assembly and the Question of the Treatment of Indians in South Africa," *Review of International Studies* 16, no. 2 (1990): 131-153; Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009); Vineet Thakur, "The 'hardy annual': A history of India's first UN resolution," *India Review* 16, no. 4 (2017): 401-429. On Indian engagement with anti-apartheid politics after the UN debate of 1946, see Alanna O'Malley, "India, Apartheid and the New World Order at the UN, 1946-1962," *Journal of World History* 31, no. 1 (2020): 195-223; Anna Konieczna, "We the People of the United Nations: The UN and the Global Campaigns Against Apartheid," in *A Global History of Anti-Apartheid: 'Forward to Freedom' in South Africa*, eds. Anna Konieczna and Bob Skinner (Cham: Palgrave Macmillan, 2019), 67-103.

⁶⁰ On India's role in building a human rights regime at the UN, see Raphaëlle Khan, "Between Ambitions and Caution: India, Human Rights and Self-Determination at the United Nations," in *Decolonization, Self-Determination, and the Birth of Global Human Rights Politics*, eds. A. Dirk Moses, Marco Duranti and Roland Burke (Cambridge: Cambridge University Press, 2020), 207-235. On the role of decolonised states more generally, see Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).

The Asian Relations Conference of March-April 1947 gave India another opportunity to try to craft a multilateral solution to the problem of overseas Indians. This conference is usually depicted as an early Indian initiative to boost Asia's and India's international standing after the Second World War. It has been seen as the 'inaugural act of [the] vision' of Nehru's foreign policy and the origin of the 'Third World'.⁶¹ Nehru introduced the conference by reflecting on internationalism and on how to reconnect the people of Asia after the isolation of colonialism.⁶² For all the symbolism of this gathering, the topics discussed in groups addressed very concrete issues shared by Asian neighbours.⁶³

Thus, the group on Racial Problems and Inter-Asian Migration discussed issues pertaining directly to overseas Indians. As a contemporary commentator noted, its discussion topic was 'of absorbing interest' to delegates since '[e]verywhere in the East [were] great settlements of immigrants – Indians in Ceylon, Indians and Chinese in Burma and Malaya, Chinese in Siam, Indians and Chinese in Indo-China, Chinese in Indonesia.'⁶⁴ The conference is often presented as the moment when a new Asian order took shape along strict territorial national lines in opposition to a past fluidity of belonging and movement. It is usually emphasised that delegates agreed that states had the right to determine their population and limit immigration. It has been argued that this Group's discussion therefore illustrated their 'acceptance of the nation-state

⁶¹ Vineet Thakur, "An Asian Drama: The Asian Relations Conference, 1947," *The International History Review* 41, no. 3 (2018): 2.

⁶² "A United Asia for World Peace", 23 March 1947, in *SWJN*, 2nd series, vol. 2, 503-508.

⁶³ *Ibid.*

⁶⁴ Frederick James, *Asian Relations Conference, March-April 1947: A Note on the Agenda of the Asian Conference* (New Delhi: Indian Council of World Affairs, 1947), 2.

model’ – proving that India ‘[reterritorialized] itself unambiguously’ and broke from a more expansive and less territorial notion of itself.⁶⁵

Yet, proceedings show that the fight against discrimination of minorities abroad was a central part of that discussion. The conversation was led by Indian delegates. At the Round Table, speaking first,⁶⁶ they developed the idea of an inclusive and non-discriminatory framework for minorities in Asia. Unlike what India had done at the UN in 1946, they framed the question as an inter-state issue.⁶⁷ Thus, K.M. Panikkar, Indian delegate and Vice-Chairman of the Group, adopted a ‘very legalistic and theoretical view of the problem of immigrants’, which he called “non-citizen groups”.⁶⁸ After asserting a state’s right to ‘determine the future composition of its nationhood’, another Indian delegate formulated India’s second proposition: non-citizen groups should be equal before the law even though they would not be able to claim political rights in the country in which they lived.⁶⁹ In this argumentation, these two principles went necessarily hand-in-hand. More specifically, Indian delegates enunciated three criteria by

⁶⁵ Abraham, *How India became territorial*, 69-70. While Abraham also noted that Indian delegates ‘[sought] to establish more general principles for inter-Asian migration and protection for alien minorities,’ he did not dwell on that point. See Itty Abraham, “Bandung and State Formation in Post-Colonial Asia,” in *Bandung Re-visited: The Legacy of the 1955 Asian-African Conference for International Order*, eds. See Seng Tan and Amitav Acharya (Singapore: NUS Press, 2008), 55-56. Thakur challenges Abraham’s interpretation in Thakur, “An Asian Drama,” 1-23.

⁶⁶ A.V. Pai, “An Observer’s report of the discussions of Group ‘B’: ‘Racial Problems and Inter-Asian Migration’,” 27 March 1947. In ‘Inter-Asian Relations Conference-Report on discussions on “Racial Problems and Inter Asian Migration”’, EA & CR Department, File No. 11(13)-UNI, 1947, NAI, p. 2.

⁶⁷ *Asian Relations: Being Report of the Proceedings and Documentation of the First Asian Relations Conference, New Delhi, March-April, 1947* (New Delhi: Asian Relations Organization, New Delhi, 1948), 90.

⁶⁸ Pai, “An Observer’s report of the discussions of Group ‘B’”, 11(13)-UNI, 1947, p. 2.

⁶⁹ *Asian Relations*, 91.

which to judge a government's 'dealings with races': equality before the law, religious equality and the absence of public social discrimination.⁷⁰ As the Group moved on to debate 'ways and means to eliminate racial conflicts and promote understanding,'⁷¹ they sought to forge a consensus on these principles by making 'concrete suggestions':

First, discriminatory legislation should as far as possible be prevented. Secondly, the non-citizen permanent alien groups which have so far cropped up as a direct result of British imperialism should be eliminated from the countries where they are numerous by offering citizenship rights to them or treating them as aliens come there on temporary business. Thirdly, political parties should be non-racial and non-communal in composition and should be based purely on economic principles. Fourthly, all countries should take steps to assimilate the non-indigenous groups in them.⁷²

Those principles constituted India's proposal for an all-Asian framework that it hoped would solve the problem of overseas Indians. Significantly, Burmese and Indian delegates stressed that aliens should be assimilated 'in due course of time because permanent aliens would continue to be under the diplomatic protection of their mother country.'⁷³ They seemed to put the onus on the states, rather than on communities, by arguing that the 'home' state kept a responsibility towards these overseas populations.

The summary of the discussion took on board India's suggestion that countries had an 'absolute right to limit immigration, but this limitation should be based on the principle of non-discrimination' – at least among Asians.⁷⁴ The principles 'which should govern the relations of different racial groups in all Asian countries' corresponded to what Indians had proposed at

⁷⁰ Ibid., 90-91.

⁷¹ Ibid., 94.

⁷² Ibid., 95.

⁷³ *Asian Relations*, 97.

⁷⁴ Ibid.

the beginning of the discussion.⁷⁵ An internal Indian report acknowledged that.⁷⁶ It highlighted that there was ‘consensus of opinion that – (i) the *total assimilation of the present non-citizen groups* within the citizenship of the country of sojourn is desirable and should be expedited; and (ii) for the future each country should be free to frame its own immigration laws as it liked, *subject only to the consideration that they should be reasonable and non-discriminatory*’.⁷⁷ This Indian activism at the ARC reveals how India strived to reshape the concept of citizenship after independence.

However, the proposal faced resistance from Ceylon. Just as a newspaper noticed that ‘the principles and views enunciated there go to the roots of Indo-Ceylon relations,’⁷⁸ so did Ceylonese delegates. Accordingly, the left-leaning Sinhalese leader and future Prime Minister, Solomon Bandaranaike, reacted negatively and proved to be the ‘only strong dissenter’ from the Indian view. He argued that ‘the entire non-citizen group now existing in Ceylon could or should be absorbed.’⁷⁹ He further accused the Tamil members of his delegation of ‘speaking against his own and his Government’s majority view’.⁸⁰ Ceylonese Tamils (and Indian Burmans) were part of the Burma and Ceylon delegations. Apparently providing proof positive of Sinhala fears about the loyalty of Indian Tamils, during the discussion of the report, one

⁷⁵ ‘1. Complete legal equality of all citizens; 2. Complete religious freedom of all citizens; 3. No public social disqualification of any racial group; 4. Equality before the law of persons of foreign origin who have settled in the country.’ *Asian Relations*, 98.

⁷⁶ Pai, “An Observer’s report of the discussions of Group ‘B’,” 11(13)-UNI, 1947.

⁷⁷ Emphasis added. *Ibid.*, 2.

⁷⁸ “Indo-Ceylon Relations,” *Times*, 18 April 1947. In “Seventh Annual Session of the Ceylon Indian Congress and the Sixth Annual Session of the Ceylon Indian Congress Labour Union Proceedings of Ceylon”, CR Dept., OSII, File No. 67(1)/47-OSII, 1947, National Archives of India (henceforth: NAI).

⁷⁹ Pai, “An Observer’s report of the discussions of Group ‘B’,” 11(13)-UNI, 1947, p. 2.

⁸⁰ *Ibid.*

Indian Tamil delegate for Ceylon, Mr. Naganathan, voiced his agreement with India's position.⁸¹ Bandaranaike sought to defeat India's proposal on procedural grounds: he argued that, the Conference being informal, 'it would not be proper to lay down that the opinions expressed in the Group reports should be followed up by measures to give effect to them.' The Conference was not meant to 'go into the internal affairs of any country' and 'call upon governments of participating countries to give effect to its conclusions.'⁸²

Bandaranaike's procedural remarks set off an argument over the purpose of the conference and the future of the conclusions its delegates would come to. Interestingly, the Indian delegation proved to be divided on this point. On one side, Leilamani Naidu and Vijaya Lakshmi Pandit advocated a stronger form of action.⁸³ Pandit, Nehru's sister, argued that 'the purpose of the Conference would be defeated if a specific recommendation were not made to all governments to act in accordance with the principles accepted by the Conference'.⁸⁴ On the other side, two delegates linked to the Indian Council of World Affairs, the organising body of the ARC, informed Pandit that her position was not sustainable.⁸⁵ She insisted, however, connecting the discussions at the ARC to the resolution she had spearheaded in the 1946 the UN General Assembly against South Africa's racial discrimination: 'Would it not be anomalous [...] if we talked loudly on race in the United Nations without being able to recommend measures to Governments in our own Asian Conference?'⁸⁶ However,

⁸¹ In *Asian Relations*, 103.

⁸² *Ibid.*, 102.

⁸³ *Ibid.*, 104.

⁸⁴ *Ibid.*

⁸⁵ Those delegates were H.N. Kunzru and A. Appadorai, the ICWA Secretary. In *Asian Relations*, 104.

⁸⁶ *Ibid.*, 105. On that UN resolution, see Bhagavan, *Peacemakers*.

Bandaranaike opposed this interpretation and he prevailed. The Plenary Session adopted the Rapporteur's report, in which common principles for citizenship across Asia were absent.

On a third multilateral front, the Indian government sought to protect overseas Indians against racial discrimination through its negotiations with the Commonwealth. Between 1947 and 1949, republican India strived to negotiate a common Commonwealth citizenship as a basis of its new relation to the Commonwealth.⁸⁷ This conception of citizenship would have allowed Indians to benefit from reciprocal rights within the Commonwealth, which theoretically would have ended their discrimination in the Dominions.

Thus, according to Alan Campbell-Johnson,⁸⁸ Nehru first suggested 'an Anglo-Indian union involving nothing less than common citizenship' when he met Lord Mountbatten, India's last Viceroy, in March 1947.⁸⁹ Subsequently, at the 1948 Commonwealth Prime Ministers' Conference, Nehru told the Ministers that his Government could consider 'some link with the Commonwealth ... on [the] basis of a Commonwealth nationality on reciprocal footing', which would involve 'dual nationality'.⁹⁰ Along this line, Nehru wrote to British Prime Minister Clement Attlee to propose a formula which specified, among other things, 'In any fresh

⁸⁷ Raphaëlle Khan, "Sovereignty after Empire and the Search for a New Order: India's Attempt to negotiate a Common Citizenship in the Commonwealth (1947-1949)," *The Journal of Imperial and Commonwealth History* (forthcoming).

⁸⁸ Campbell-Johnson was Lord Mountbatten's press attaché.

⁸⁹ On 24 March 1947. In Alan Campbell-Johnson, *Mission with Mountbatten* (London: Hamish Hamilton Ltd, 1985), 45.

⁹⁰ "Cable to Vallabhbhai Patel," London, 18 October 1948. In *Selected Works of Jawaharlal Nehru (SWJN)*, 2nd series, vol. 8, general ed. Sarvepalli Gopal (New Delhi: Jawaharlal Nehru Memorial Fund, 1984), 245-246.

legislation or treaties Commonwealth countries would not be treated as foreign states or their citizens as foreigners.’⁹¹

A ‘Ten-Point Memorandum’ restated India’s proposals and described further what a common citizenship within the Commonwealth might mean for the Indian Government: first, ‘[making] Indian nationals Commonwealth citizens, and the nationals of any Commonwealth country Commonwealth citizens when they are in India,’ on a reciprocal basis, through the UK Nationality Act. Second, India could ‘make use of any other Commonwealth country’s Ambassador or Minister’ in states where it had no representation, and this arrangement could be done on a reciprocal basis. Third, to ‘[fulfil] the obligations of the Crown towards Commonwealth citizens other than Indian nationals the President of the Indian Republic may at the request of the Crown act on behalf of the King within the territories of India’, and a ‘similar arrangement on a reciprocal basis [would] apply to Indian nationals in the rest of the Commonwealth’.⁹² On the last point, Attlee understood that the King ‘would act as the President’s representative for the protection of Indian citizens in the United Kingdom’ while ‘where India maintained no separate diplomatic representation, the diplomatic protection of Indian citizens would be undertaken by the diplomatic representatives of other Commonwealth countries.’⁹³ When G.S. Bajpai, the Secretary-General of the Ministry of External Affairs, discussed India’s proposals with Dominions’ representatives and Britain in November 1948,

⁹¹ 28 October 1948, Sarvepalli Gopal, *Jawaharlal Nehru: A Biography*, vol. 2 (New Delhi: Oxford University Press, 2012 [1979]), 48-49.

⁹² Pandit Nehru’s “Ten Points”, in Clement R. Attlee, Memorandum, “Relations with the Commonwealth,” Annex A, 10 November 1948, Top Secret, CAB 129/30/24, UKNA.

⁹³ C[abinet] M[inutes] (48) 67th conclusions, minute 3 – Confidential Annex, in “Agenda: 3. Commonwealth Relations – Constitutional Developments in India and Eire,” 28 October 1948, CAB 128/14/3, Top secret, UKNA, p. 9.

he confirmed that, for Nehru, the King would be ‘the custodian of human rights.’⁹⁴ Thus, without doubt, India envisioned the mechanism of a common citizenship to protect overseas Indians. Until the last moment of negotiation, at the 1949 Conference of the Commonwealth Prime Ministers, Nehru proposed that formula. At that point, India also accepted continued membership and the King as the symbol of the association of Commonwealth countries.⁹⁵

This proposal of citizenship would have been ‘something between nationality and the status of an alien.’⁹⁶ As such, it represented both a re-actualisation of older Indian demands of imperial citizenship in the Empire and the attempt to radically reconfigure a postcolonial order along new normative lines, closer to Indian interests and the interests of its overseas communities. However, in the face of the Dominions’ opposition, India came to accept a Commonwealth membership without common citizenship.

Representation, citizenship and property

Even while proposing these ambitious multilateral imaginations of citizenship, the Government of India was also pressing for more modest solutions at the bi-lateral level. It did this as the relatively free circulations of people which had characterized the region in the colonial period were choked off: a permit system and then passports were introduced in states across South Asia in the late 1940s and early 1950s, requiring people to claim a nationality and then gain

⁹⁴ “Note of discussion in Dr. Evatt’s room, Palais de Chaillot, Paris, at 6 P.M on Wednesday, 17th November 1948,” in Attlee, Memorandum, “India’s Relations with the Commonwealth,” Annex B, CAB 129/31/16, UKNA.

⁹⁵ Gopal, *Nehru*, vol. 2, 52; Michael Brecher, “India’s decision to remain in the Commonwealth,” *Journal of Commonwealth & Comparative Politics* 12, no. 1 (1974): 77.

⁹⁶ “Note to Foreign Secretary”, 29 May 1951, in *SWJN*, 2nd series, vol.16, Part I, 522.

permission to move across the new borders.⁹⁷ Passports for travel to Ceylon were required from 1949, and for Burma from 1950.⁹⁸ In the case of both Burma and Ceylon, as they began to restrict the movement of people, and even tried to expel people of Indian origin, the Government of India remained engaged with the problems of overseas Indians in both countries across three broad areas: representation, citizenship, and property.

Citizenship

One of the central problems concerning overseas Indians was legal citizenship, especially the process of guiding individuals who had had no need for passports or travel documents under the British empire, towards obtaining citizenship, passports and travel permits. Far from abjuring any responsibility for overseas Indians, the Government of India worked for decades to sort nationals from non-nationals, and also to help non-nationals secure their position in their host countries. This was a complex process that involved Indian officials in the lives of citizens, aliens and stateless persons.

In the transition to independence, Burma and India seemed to seek mutually agreed solutions to the movement of people between the two countries. For its part, India had welcomed large numbers of evacuees from Burma (both Burmese and Indian) during the Second World War, and it took responsibility for restricting the movement of Indian evacuees back to Burma after the war had ended. To avoid exacerbating the unemployment problem in the country as it recovered, the Government of India undertook to ban Indian ‘evacuee unskilled labour’ from

⁹⁷ Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (New York: Columbia University Press, 2007); Taylor C. Sherman, “Migration, Citizenship and Belonging in Hyderabad (Deccan), 1948-1956,” *Modern Asian Studies* 45, no. 1 (2011): 81-107.

⁹⁸ *Times of India*, 25 August 1949, 7; 7 July 1950, 5.

returning to Burma in the aftermath of the war.⁹⁹ Adhering to the ideal of consultation established during the war, in the early months of 1947 the Government of Burma had sent the Government of India a draft of an Emergency Immigration Bill for comment. However, in June 1947, Burma's newly formed Constituent Assembly passed an Emergency Immigration Act, which prohibited anyone except 'a British subject domiciled in the United Kingdom' from entering Burma without a visa or a permit.¹⁰⁰ This act was 'very different' to the draft India had seen.¹⁰¹

Soon after the Act was passed, sub-national groups in India began to raise a hue and cry about the provisions of the legislation in Burma. The President of the Federation of Indian Chambers of Commerce and Industry, Mr M.A. Master, said Burma's immigration rules were 'a matter to be deeply deplored', while the Honourable Secretary of the Rice Conference of India, Burma and Ceylon, Mahomed Husein Basham Premji, warned that new legislation would 'cause serious misgivings' regarding the future of relations between the two countries.¹⁰² The following year, the Madras Assembly passed resolutions calling on Prime Minister Nehru to 'use his influence' to persuade the Government of Burma to amend the legislation.¹⁰³

In these early years, non-officials were not yet echoing the government of India's language to make their case. Instead, there were simple appeals on behalf of Indian interests. M.A. Master alleged that the legislation 'deprived Indians of their legitimate rights to proceed to Burma', and worried it would deal a 'severe blow to their interests'.¹⁰⁴ Equally, the leader of

⁹⁹ *Times of India*, 19 June 1947, 5.

¹⁰⁰ *Times of India*, 19 June 1947, 5.

¹⁰¹ *Times of India* 19 June 1947, 5.

¹⁰² *Times of India*, 24 June 1947, 7.

¹⁰³ *Times of India*, 1 March 1948, 6.

¹⁰⁴ *Times of India*, 24 June 1947, 7.

the Madras Legislative Assembly, P. Subbaroyan, spoke of the house's 'duty to safeguard their interests.'¹⁰⁵ For its part, the Government of India protested, that, although it had 'never questioned the right of the Government of Burma to enact legislation intended to restrict immigration into Burma', such legislation 'should be based on a bi-lateral agreement between the two countries...and that there should be no legislation in advance of such an agreement'.¹⁰⁶

The new citizenship regime in Burma required Indians to apply for citizenship, or to hold an Indian passport and obtain a permit to remain in Burma. Within a decade of Burma's independence, an estimated 40,000 Indians had applied for Burmese citizenship.¹⁰⁷ For those who were required to obtain a residence permit to remain in Burma, the All-Burma Indian Congress helped them make this application. However, the cost of this permit was raised to 50 kyats per year in 1957.¹⁰⁸ With a rough exchange rate of one Kyat to one Indian rupee, the price was prohibitively high for many of the poorer Indian labourers in Burma. Indeed, it emerged in 1959 that around 12,000 cultivators, descendants of a group who had migrated from Bihar in the late nineteenth century and resided in the Zeyawaddy Area of Taungoo District, were facing prosecution for failing to register for residence permits. India's Ambassador to Burma, Lalji Mehrotra, visited the area, promised a house-to-house census, and took up the matter with the Government of Burma to ensure that these Biharis were not prosecuted for not having the proper paperwork to live in Burma.¹⁰⁹ More than a decade after the independence of the two countries, we find Indian representatives travelling to Burma to help Indians comply with

¹⁰⁵ *Times of India*, 1 March 1948, 6.

¹⁰⁶ *Times of India*, 12 July 1947, 10.

¹⁰⁷ *Times of India*, 11 May 1956, 11.

¹⁰⁸ *Times of India*, 9 August 1958, 6.

¹⁰⁹ *Times of India*, 14 November 1959, 10.

Burma's immigration laws. We witness here the continued practice of recognition and responsibility over Indians abroad.

Although the legal provisions for citizenship in Burma and Ceylon were similar – both instituted *jus sanguinis* citizenship combined with the possibility of naturalisation by registration after a period of residence in the country – Ceylon pursued a much more aggressive policy against Indians in the late 1940s and early 1950s. During this period, Ceylon's government pursued what it called 'Ceylonisation', working to oust Indians and Pakistanis from sectors one by one.¹¹⁰ As early as September 1948, workers in the country who could not produce a certificate of birth on the island were being 'discharged' from their employment.¹¹¹ The process was slowest on tea plantations, where the majority of Indians worked, and the government focused on ousting clerical and technical workers of Indian origin, while retaining Indian labourers.¹¹²

In the same period, Ceylon's legislature passed a raft of legislation designed to restrict movement into the country and to encourage people of Indian origin to leave. The Ceylon Immigrants and Emigrants Act, passed in 1948, required foreigners to hold passports and obtain visas or permits to enter or work in the country. As with the other measures, an exemption was provided for labourers on plantations, the largest population of Indians in the country: they could travel with documentation from the Superintendent of an Estate.¹¹³ The following year, the Indian and Pakistani Residents Citizenship Act provided a route to citizenship for Indians and Pakistanis in Ceylon in theory, but in practice restricted the ability of people of Indian or Pakistani origin to claim citizenship, by instituting a minimum income requirement, by

¹¹⁰ *Times of India*, 15 November 1950, 7.

¹¹¹ *Times of India*, 11 September 1948, 8.

¹¹² *Times of India*, 2 September 1950, 10.

¹¹³ *Times of India*, 25 August 1949, 7.

requiring ‘uninterrupted’ residence in Ceylon over a period of seven to ten years, or by insisting that claims to citizenship be validated by documentary evidence. In a context in which work was irregular, labourers moved between southern India and Ceylon regularly, births were rarely registered with authorities, and paperwork relating to migration, employment, and education was rarely kept, these provisions made it extremely difficult for Indians and Pakistanis to claim citizenship in Ceylon.¹¹⁴ The government of Ceylon did not hide the fact that the aim was to reduce the number of people of Indian origin in the country, and to restrict the rights of those who remained by, in particular by keeping them from voting.

As the new citizenship regime emerged, it left an estimated 900,000 overseas Indians in Ceylon in an indeterminate state: they had to apply for citizenship of either India or Ceylon. The Government of Ceylon contended that these people, regardless of the fact that many were second or third generation migrants, were Indian citizens. In practice, the Government of India generally accepted the applications of those who applied for Indian citizenship, even though its official position was that it was under no obligation to do so.¹¹⁵ The High Commissioner in Colombo stressed that applications for Indian citizenship had to be ‘wholly voluntary’, again underlining India’s insistence on abiding by the will of the person concerned in this question.¹¹⁶ He received instructions from New Delhi that ‘documentary evidence’ proving the applicant fulfilled the requirements of Indian nationality ‘need not be insisted on’, and the High

¹¹⁴ *Times of India*, 7 November 1952, 1.

¹¹⁵ Note by Subimal Dutt, Commonwealth Secretary, Ministry of External Affairs, 23 May 1954, Ministry of External Affairs (henceforth: MEA), C/54/6472/5, NAI.

¹¹⁶ C.C. Desai, High Commissioner for India in Ceylon to Subimal Dutt, Commonwealth Secretary, Ministry of External Affairs, 21 September 1954, MEA, C/54/6472/5, NAI.

Commissioner should consider the application of anyone wishing to voluntarily return to India 'leniently.'¹¹⁷

The sticking point was those who applied for citizenship of Ceylon, because the Government of Ceylon was not keen to accept them. For this group, the Government of India's position was that they would be 'stateless'. While this has been interpreted as a sign of the Indian government abandoning overseas Indians, the opposite is in fact the case: this political position put pressure on the Government in Colombo to accept the presence of Indians on the island. Crucially, it came at the recommendation of prominent members of the Tamil community and the Ceylon Indian Congress. The President of the CIC, S. Thondaman, repeatedly described Indians on the island as being in a state of 'imposed statelessness', and argued that their status could only be remedied by the Government of Ceylon accepting them as citizens.¹¹⁸ C.C. Desai, High Commissioner for India in Ceylon noted that several prominent Tamil politicians had recommended this course of action, including Senator S. Nadesan, and two Members of Parliament, C. Suntharalingam, and G.G. Ponnambalam, who was also President of the Ceylon Tamil Congress.¹¹⁹ The Government of India's representatives in Ceylon recognised, consulted and coordinated with these individuals and organisations, even as they made the case that the problem of stateless people on the island was, in the words of S. Thondaman, 'Ceylon's domestic problem... which must be solved in a democratic manner without twisting it as an international problem.'¹²⁰ This was a delicate dance, in which Indian representatives coordinated with overseas Indians to demand the Government of Ceylon grant them rights as citizens of Ceylon.

¹¹⁷ Subimal Dutt to C.C. Desai, 28 September 1954, MEA, C/54/6472/5, NAI.

¹¹⁸ *Times of India*, 19 April 1953, 14.

¹¹⁹ C.C. Desai, to Subimal Dutt, 21 September 1954, MEA, C/54/6472/5, NAI.

¹²⁰ *Times of India*, 19 April 1953, 14.

The dance continued throughout the 1950s, across an agreement between the two premiers, Jawaharlal Nehru and John Kotelawala, in the early part of 1954, which was meant to resolve the problem. According to the Nehru-Kotelawala Pact, the 900,000 Ceylon Indians were to apply for citizenship of the country of their choice. Kotelawala committed his country to trying to review all applications within two years. It was also agreed that those who received Ceylon citizenship would go on an electoral register and be allowed to vote in elections, while those who did not would be entered on a separate roll. The Pact included provisions allowing the Ceylon government to provide ‘inducements’ for people of Indian origin to seek Indian citizenship.¹²¹

When, after a few months, it became clear that Ceylon was rejecting more than seventy-five percent of applicants, New Delhi expressed its ‘deep concern’ about how Ceylon was interpreting its own citizenship law. The Government of India’s complaint alleged that, ‘Most of the rejections... have been on purely technical or legalistic grounds such as failure to spell names properly.’¹²² While the official position was that Ceylon had the absolute right to determine its citizens, the Government of India insisted that this right be negotiated, and it monitored the implementation of Ceylon’s laws, and inserted itself into the process when it felt the procedures were unfair.

The final chapter in the saga of the stateless Indians was opened after Nehru died, when Lal Bahadur Shastri negotiated an agreement with Sirimayo Bandaranaike, covering people of Indian origin without citizenship. According to the new accord, India promised to grant citizenship to 525,000 people of Indian origin, while Ceylon was to take 300,000 of them, leaving a further 150,000 whose status would be the subject of ongoing negotiations. Repatriation of Indian citizens was set to take place over fifteen years. The Government of

¹²¹ *Times of India*, 14 February 1954, 1 and 9.

¹²² *Times of India*, 12 March 1955, 7.

India set aside Rs.37 crore (Rs.370 million) to rehabilitate the repatriates, and dusted off resettlement schemes from the era of the partition refugee crisis, hoping to settle these new citizens in Dandakaranya, the Andaman and Nicobar Islands and other parts of the country in need of labour.¹²³ Once again, sub-national pressures affected this decision: the Government of Madras, eager to colonise the Nicobar islands, had been pressing the Government of India since 1959 to repatriate estate labour from Ceylon to help with this project.¹²⁴

In sum, India did not simply adopt a territorialised approach to citizenship in 1947. Instead, officials in New Delhi as well as official representatives on the ground, engaged in a decades-long negotiation on behalf of all overseas Indians, whether they were citizens or not. While different rhetorical strategies were used in the period up until Nehru's death in May 1964, India's focus was on determining the will of the persons concerned, and insisting that Indians should not be coerced into leaving the country in which they resided. India remained actively engaged with overseas Indians, even as it tried to secure for them citizenship or at least residency rights in Burma or Ceylon. This was complemented by layered expressions of sovereignty, which recognised legitimate representatives below the level of the nation-state.

Representation

Indians helped establish the organisations that represented overseas Indians in Burma and Ceylon, shaped the claims that they made on their host governments, and strategised with them about how best to fight their corner. We have seen that in 1939 Jawaharlal Nehru helped establish the Ceylon Indian Congress. After independence, the strong connection between the

¹²³ *Times of India*, 2 August 1967, 9.

¹²⁴ "Colonisation of Nicobars - proposal to settle Ceylon repatriates," Ministry of Home Affairs, 8/9/59-ANL, 1959, NAI.

two Congresses remained. V.V. Giri, while serving as High Commissioner for India in Ceylon in the late 1940s, attended the annual sessions of the CIC, where, along with other prominent Indian visitors, including the former Premier of Madras T. Prakasam, and the Kashmiri politician Shaffi Mohammed, he hoisted the tricolour and sang *Bande Mataram*.¹²⁵ After the All-Burma Indian Conference (later Congress) was established in December 1947,¹²⁶ it received visits and messages of support from Indian leaders. For example, in 1954, Nehru sent a telegram to the Congress' annual session urging the Indians of Burma to be 'ambassadors of India' and to work for 'friendly and cooperative relations between the peoples of the two countries'.¹²⁷

The purposes of these Congresses were deliciously ambiguous. On the one hand, they were a mechanism through which the will of the Indian people in Burma and Ceylon could be ascertained and conveyed to the Governments of these countries. Nehru explained to his High Commissioner in Ceylon, K.P. Kesava Menon, 'we have recognized them as representatives of the great mass of Indians in Ceylon.'¹²⁸ Beyond the question of representation, the question of influence was more nuanced. Because these Congresses were separate organisations, the Government of India's official position was that it had no influence over them. And yet, members of the CIC, for example, openly sought advice from the Government of India. Indeed, Nehru would advise the High Commissioner in Colombo during a particularly tense period on the island that, 'it must not be made to appear to the Ceylon government that there are differences between us and that our advice has not been accepted by the Ceylon Congress.'¹²⁹

¹²⁵ *Times of India*, 15 May 1948, 9.

¹²⁶ *Times of India*, 28 December 1947, 1.

¹²⁷ *Times of India*, 20 April 1954, 5.

¹²⁸ To K.P. Kesava Menon, 6 June 1952, in *SWJN*, 2nd series, vol. 18, 510.

¹²⁹ Cable to K.P. Kesava Menon, 3 June 1952, in *SWJN*, 2nd series, vol. 18, 507.

As Indians in Ceylon and Burma navigated the new nationalist regimes' rules, the demands made by the bodies that represented Indians tended to reflect Indian positions and priorities. Thus, as Burma drafted its rules for democratic representation, the All-Burma Indian Congress declared it would not seek 'any particular constitutional privilege or position', echoing the Indian National Congress's dislike of separate electorates. Meanwhile, the Government of Burma declared that it would 'afford members of the Indian community equal opportunities... in securing representation in the Parliament' and promised to take 'special care' to look after minority interests.¹³⁰ That the ruling party would see that minorities were represented and their interests protected was precisely the position of the Indian National Congress.

In Ceylon, there was not such comity of views. Instead, the Government in Colombo sought to disenfranchise some 200,000 Indians, removing their right to vote by declaring them non-nationals. In response, in the summer of 1952, the CIC launched a satyagraha 'to secure the removal of all discriminatory legislation against the Indian Community in Ceylon'. The demand clearly echoed the Government of India's language of non-discrimination. Moreover, the CIC opened its membership to 'all communities irrespective of caste, creed or race'.¹³¹ As it braced for the start of the movement, the Government of Ceylon sent a note to the Government of India delivered via the High Commissioner, Kesava Menon, in which it recorded that 'it would be appropriate for the Government of India to persuade the [Ceylon Indian] Congress to call off the satyagraha'.¹³² Although the Indian Government declined to do so, the key point to note is that both governments recognised the relationship between the CIC and the Government of India. Underscoring this connection, during the course of negotiations

¹³⁰ *Times of India*, 29 September 1947, 10.

¹³¹ *Times of India*, 20 April 1952, 10.

¹³² *Times of India* 3 May 1952, 1.

later in the year about draft legislation on the matter, a delegation from the CIC travelled to Delhi to meet prominent members of the government.¹³³

In other words, far from renouncing all obligations to overseas Indians, independent India continued to recognise institutional mechanisms for maintaining contact. Its responsibility extended to advising overseas Indians on the language to use and the strategies to adopt to make their case to the governments of Burma and Ceylon. In this layered practice of sovereignty, India's expression of sovereignty extended to the sub-national recognition of representative bodies of overseas Indians in other countries, and its responsibility included helping them to realise their rights against the government of their host country.

Property

The third area where the Government of India took responsibility for overseas Indians concerned property. As the new regime of citizenship emerged, Indians outside of the elevated circles of the Ministry of External Affairs in the Government of India staked a claim to the wealth of Ceylon and Burma, citing the contribution of Indians to the development of each country.¹³⁴ At the sub-national level therefore, Indian expressions of sovereignty extended to the wealth of Indians outside of India. When the property rights of people of Indian origin in Burma or Ceylon were threatened or curtailed, the Government of India took up the case.

For example, the Government of Ceylon repeatedly put restrictions on remittances from Indians in Ceylon to their families back in India. Many plantation workers married women back in South India and schooled their children there too, so when they could not send money

¹³³ *Times of India*, 11 November 1952, 1.

¹³⁴ C. Kondapi, *Indians Overseas, 1838-1949* (New Delhi: Oxford University Press, 1951); Editorial, *Times of India*, 8 April 1952.

home, their families in India felt the pinch. In 1949, as part of their campaign to deny Indians a claim to stay on the island, the Government of Ceylon required those who wished to remit money to India to obtain a permit to do so. In order to acquire the permit, those sending money had to declare themselves a temporary resident of Ceylon. Doing so would disqualify these Indians from making any claim to citizenship of Ceylon.¹³⁵ The rule initially applied to all Sterling Area nationals except Britons.¹³⁶ The Government of India seized upon this fact to allege that the policy was discriminatory. While acknowledging that Ceylon had every right to place controls on its currency, the High Commissioner warned that such controls ‘should not be used as a means of driving out the Indian nationals from Ceylon.’¹³⁷ Ceylon responded to these allegations by altering the policy so that it covered Britons as well. The result was a somewhat back-handed victory for India: it won the argument on discrimination, but was not able to lift the burden of the new policy from Indians in Ceylon.

In Burma, the Government of India was moved to protect propertied interests more than once. After independence, Burma’s new government pursued a progressive plan of land reforms, which included acquisition of land with limited compensation, restrictions on the sale and transfer of land, as well as limits on rent. This programme affected Nakarattar Chettiar landowners, originally from Madras.¹³⁸ A deputation of Indian landowners in Burma visited the Governor of Madras in October 1948 to plead for India to act on their behalf. They declared they ‘would be agreeable to any settlement regarding compensation which the Government of

¹³⁵ *Times of India*, 3 July 1949, 1.

¹³⁶ *Times of India*, 24 June 1949, 7.

¹³⁷ *Times of India*, 24 June 1949, 7.

¹³⁸ For the full story on the Nakarattar Chettiars, see Mazumder, “Constructing the Indian Immigrant”.

India would consider reasonable and equitable.’ The Governor of Madras agreed to take the matter up with the Government of India.¹³⁹

Eventually, in the middle of 1950, a delegation, headed by the Indian Ambassador to Burma, M.A. Raud, travelled to Rangoon to negotiate with Thakin Nu’s government. The Indian representatives made it clear that they ‘heartily endorsed the scheme of nationalisation’, but were keen to ensure greater compensation for landlords.¹⁴⁰ Instead, India’s position centred on the question of discrimination against Indian landlords. Shortly after Raud had visited Burma, a return delegation visited India, with Thakin Maung, the leader of the delegation, assuring the press that, ‘All landlords in Burma, irrespective of their nationality, would be treated on the same footing for the purpose of land nationalisation’.¹⁴¹ When the Land Nationalisation Act of 1948 was replaced in 1953 with a bill allowing for reduced compensation, the Chettiars organised again. By this time they and their advocates in India had adopted the language of non-discrimination. The South India Chamber of Congress telegraphed Nehru to complain, ‘The Bill is discriminatory because the compensation of one year’s land revenue mentioned in it mostly affects Indians.’¹⁴² Here again, it is evident that the norm of non-discrimination was gaining widespread purchase in this period, even if just as a rhetorical device.

Finally, when Ne Win’s Union Revolutionary Council took power in 1962 and initiated a programme of mass nationalisation, up to 20,000 businessmen and small traders of Indian origin were affected. In 1964, the government announced that all foreign property would be nationalised, and that all those with a Foreigners’ Registration Certificate would have to leave the country. When the issue was raised in India’s Lok Sabha, Dinesh Singh, the Deputy

¹³⁹ *Times of India*, 25 October 1948, 4.

¹⁴⁰ *Times of India*, 9 June 1950, 1.

¹⁴¹ *Times of India*, 26 July 1950, 7.

¹⁴² *Times of India*, 10 September 1953, 3.

Minister of External Affairs promised that ‘the Government of India are fully alive to the seriousness of this problem’, and noted that they had liberalised customs measures, and put on extra boats and more flights from Burma to assist people who were fleeing the country. But, he concluded, ‘All these measures that have been taken... are not directed against Indians as such but are applied to the foreigners in Burma.’¹⁴³ In other words, they did not violate the norm that had guided Indian intervention since independence, that of non-discrimination.

In a rambunctious debate, while the government focused on the narrow question of whether Indians were being discriminated against, MPs stressed the wider issue of Indians being mistreated. Yashpal Singh asked in Hindi, ‘How long will the government tolerate Indians in every country being pushed out?’¹⁴⁴ Hari Vishnu Kamath lamented, ‘India is being kicked by Ceylon; India is being kicked by Burma; India is being kicked by Pakistan; India is being kicked by China. What are they [the government] doing sitting and moping?’¹⁴⁵ The Prime Minister, who was in ill health and would pass away just one month later, spoke up only to note that ‘All these laws have been passed for all foreigners and not only for Indians.’¹⁴⁶ The Government of India did put ‘gentle’ pressure to ensure that the Indians affected by the nationalisation laws ‘should be rehabilitated and compensated’,¹⁴⁷ but non-discrimination remained the primary basis upon which New Delhi’s foreign policy establishment reacted to the moves in Burma, even as several constituents raised their voices to demand a more expansive policy.

¹⁴³ Lok Sabha Debates (Third Series), vol. xxx, no. 60, 28 April 1964 (New Delhi: Lok Sabha Secretariat, 1964), 13181-2.

¹⁴⁴ Ibid., 13184-5.

¹⁴⁵ Ibid., 13187.

¹⁴⁶ Ibid., 13188.

¹⁴⁷ *Times of India* 10 May 1964, 7.

Meanwhile as Indians poured out of the country a rather more capacious understanding of India's responsibility briefly opened up. When it transpired that Indians leaving Burma would not be permitted to take cash or jewellery as they departed, India's foreign secretary Y.D. Gundevia suggested that the Indian Embassy in Rangoon might take possession of their movable property. The Embassy did, 'pending a settlement between the two Governments on the final disposition of these assets.'¹⁴⁸ Indians departing the country began leaving their cash and jewellery at the Embassy, from where it was deposited in a vault at the People's Bank of the Union of Burma.¹⁴⁹

Conclusion

Despite its rhetoric, independent India did not renounce its responsibility for overseas Indians. It kept looking for solutions to help them fight discrimination well into the 1960s. It sought to shape solutions at the multilateral level, an effort that converged and overlapped with its larger attempt to develop the norms and rules that would govern the emerging international order, along new universal principles and through overarching frameworks. India promoted, in particular, three norms as it sought to solve problem of overseas Indians: the mechanism of inter-state negotiation to solve the future of non-citizen minorities, as opposed to unilateral action; the primacy of the will of the people regarding their place of residence; and the necessity of non-discriminatory laws or rules as regards non-citizen minorities. Though comprehensive solutions evaded it, the Government of India continued to engage with the situation of overseas Indians in its neighbourhood through less visible means in bilateral negotiations.

¹⁴⁸ *Times of India*, 21 May 1964, 7.

¹⁴⁹ *Times of India*, 2 August 1964.

To what extent was India's treatment of overseas Indians in Burma and Ceylon unique, compared to other parts of the British empire? This is a question for other scholars to answer in full, but we have hints that the social networks and the political imaginaries of the era of empire had a similar resilience elsewhere. We see patterns of behaviour that indicate not only that overseas Indians had a shared approach to their problems, but that Indians across the world were keen to maintain their links with one another and with India. For example, representatives of overseas Indians from Mauritius, Jamaica, British Guiana, Fiji and elsewhere met in London more than once in the 1940s and 1950s. In June 1953, they held a two-day conference where they defined their 'rights and duties'. They passed a resolution pledging to 'look upon their adopted country as their homeland', and calling on those host countries to guarantee 'equal rights and privileges' with all other citizens.¹⁵⁰ The language was nearly identical to that promoted by New Delhi in Ceylon and Burma. Further research might determine whether Indian Government representatives or senior Congressmen were behind this conference and its declaration.

While senior Indian politicians helped established institutions in Burma and Ceylon, they also set up links back on the subcontinent. S.K. Patil, prominent Congressman and later colossus of the Party, founded the Brihad Bharatiya Samaj in the early 1950s. In 1954, the Brihad Bharatiya Samaj set up a 'centre for fostering cultural relations between the people of India and Indians settled abroad'. Far from cutting off all ties, Indians were building new institutions to remake existing networks for the new age. The Centre had a building in Bombay, with a library, a meeting hall and accommodation. Patil said he expected the Centre to act as a "clearing house" for overseas Indians arriving in the city.¹⁵¹ Given the role that the Congress

¹⁵⁰ *Times of India*, 15 June 1953, 1.

¹⁵¹ *Times of India*, 8 January 1954, 3.

Party had played as a conduit for information and as a proxy for official government action, this institution is worth a further look.

Thirdly, the Government of India maintained tabs on Indians overseas, their conditions and legislation relating to them. We know most about this in East Africa, where Indian leaders worked behind the scenes in shaping, as far as possible, the fate of Indians in Kenya and Uganda, as well as in Britain. Famously, Nehru appointed Apa Pant as India's representative in Kenya. Pant's creative and extensive work to foster good relations between Indians and Kenyans is well documented.¹⁵² The authors would suggest that, in spite of Pant's idiosyncratic approach, it can be understood as part of the Government of India's efforts to avoid the kind of conflicts that it had had to cope with in Ceylon and Burma. Staying with Kenya, as British officials negotiated with the country in the late 1960s over the fate of overseas Indians there, India maintained the same public position on overseas Indians as Nehru had articulated two decades before. Still, British officials are reported to have 'believed India was saying one thing but doing another'.¹⁵³ A few years later, India was central to negotiations over where Ugandan Asians would be sent when they were expelled from Uganda in the 1970s.¹⁵⁴ There are hints, too, that the Government of India did not limit this kind of involvement to the Indian Ocean. It may have overseen repatriation of Indians from Fiji, as they arrived by the boatload in Calcutta in 1949.¹⁵⁵ It is reasonable to ask whether the Government of India or the Congress Party were

¹⁵² e.g., Aiyar, *Indians in Kenya*, chap. 3.

¹⁵³ Ian Patel, *We're Here Because You Were There: Immigration and the End of Empire* (London: Verso, 2021), 224. The authors are grateful to Ian for giving us advanced sight of this manuscript.

¹⁵⁴ Sara Cosemans, "The Politics of Dispersal: Turning Ugandan Colonial Subjects into Postcolonial Refugees (1967-76)," *Migration Studies* 6, no. 1 (2018): 99-119.

¹⁵⁵ *Times of India*, 3 August 1949, 5.

working, as they had done elsewhere, to help Indians stay in Fiji in the decades after 1947, or in British Guiana or any other territory.

In light of India's engagement with its diaspora through the two decades after independence and beyond, it is clear that the dominant narrative, according to which India completely cut ties with overseas Indians at independence, is simply unsustainable. More research can shed light on whether the same norms and practices of sovereignty that guided Indian action in Ceylon and Burma applied elsewhere.

With these new perspectives on this relationship between state and diasporic communities, this article qualifies a common view of the construction of postcolonial states and the development of their understanding of sovereignty. It shows that, in its engagements with overseas Indians, independent India practiced a layered form of sovereignty. This post-imperial sovereignty retained a certain continuity in independent India's relation to sovereignty with the colonial period. It was expressed on multiple levels, including through multi-national negotiations, and also through sub-national demands. After independence, it became a post-imperial conception of sovereignty by being consubstantially linked with India's desire to forge global norms and shared principles.