

Malaiyaha Tamils — Statelessness and the Hill Country (1948–present)

The legislative disenfranchisement of the Hill Country Tamils (Malaiyaha Tamils, descendants of nineteenth-century South Indian indentured labour brought to work the Ceylon tea estates) by the Ceylon Citizenship Act No. 18 of 1948, the Indian and Pakistani Residents Act No. 3 of 1949, and the partial restoration via the Sirima-Shastri Pact (1964), the Grant of Citizenship to Stateless Persons Act No. 5 of 1986 and the Grant of Citizenship to Persons of Indian Origin Act No. 35 of 2003.

The Malaiyaha Tamils are the largest single community whose disenfranchisement is recorded as the first act of independent Ceylon. The Citizenship Act of 1948 and the Indian and Pakistani Residents Act of 1949, passed within months of independence, removed citizenship from approximately one million people — roughly eleven per cent of the total population of Ceylon at the time and the overwhelming majority of the Hill Country workforce. The case file records this as narrowing-step 1: the moment at which the post-independence Sri Lankan state defined its citizenship boundary in a way that excluded a specific Tamil-speaking community by legislative act, before any of the subsequent suppression mechanisms (1956 Official Language Act, 1972 standardisation, 1972 Constitution) were enacted. The community is also, eight decades later, the worst-paid agricultural workforce in the country and the subject of the most sustained living-wage struggle in South Asian estate labour.

§1 The 1948–1949 legislative act

The Ceylon Citizenship Act No. 18 of 1948 defined Ceylon citizenship by descent in a manner that excluded the great majority of plantation Tamils, whose families had been brought to the island as indentured labour by the British colonial administration from the 1820s to the early twentieth century. The Indian and Pakistani Residents (Citizenship) Act No. 3 of 1949 set criteria for the remaining residents that the great majority of the Hill Country population could not satisfy. The combined effect was the removal of citizenship — and with it the franchise — from approximately one million people in a country of approximately seven million.

Stateless persons of Indian origin could not vote in the 1952 general election. The voting weight of the United National Party and the Sri Lanka Freedom Party in the central highlands was significantly increased by this exclusion. The community itself had no parliamentary representation under universal adult franchise from 1948 until partial restoration in the 1980s.

§2 Partial restoration — Sirima-Shastri (1964), 1986 Act, 2003 Act

The Sirima-Shastri Pact of 30 October 1964 between Prime Ministers Sirimavo Bandaranaike of Ceylon and Lal Bahadur Shastri of India apportioned the stateless population between the two states: 525,000 were to be repatriated to India over fifteen years, and 300,000 were to be granted Ceylon citizenship. A 1974 supplementary agreement covered a further 150,000 each. The repatriation provisions were partially implemented; the citizenship provisions were implemented more slowly.

The Grant of Citizenship to Stateless Persons Act No. 5 of 1986 extended citizenship to remaining stateless persons of Indian origin who had been continuously resident in Sri Lanka since 1964. The Grant of Citizenship to Persons of Indian Origin Act No. 35 of 2003 closed the residual statelessness gap. The cumulative effect, by 2003, is that the great majority of the Hill Country population today hold Sri Lankan citizenship — but the political, economic and social effects of fifty-five years of partial or complete disenfranchisement persist.

§3 Living conditions — the contemporary record

The Hill Country Tamil population today is one of the worst-served communities in Sri Lanka on every measurable indicator. Successive multi-sectoral nutrition assessments (UN, 2017) record higher rates of child stunting and wasting than the national average. Estate-sector incomes are the lowest of any major employment category in the country. A 2019 living-wage study found the daily estate wage to be roughly half the calculated living-wage threshold for the Central Province.

The 2024–2026 living-wage struggle for a 1,700 LKR (later 1,350 LKR) daily wage — sustained against successive Plantation Sector wage boards, court injunctions, and Regional Plantation Company resistance — is among the most prolonged organised labour actions in Sri Lankan post-independence history. The case file does not name individual organisers or trade-union officials; it records the structural fact that the workforce that grew Sri Lanka's largest single foreign-exchange-earning export crop for over a century remains, eight decades after the citizenship disenfranchisement, the lowest-paid agricultural workforce in the country.

§4 Why the case file records this article at narrowing-step 1

The case file's narrowing timeline begins at 1948 because the Ceylon Citizenship Act is the first legislative act of independent Ceylon that defined the citizenship boundary in a way that excluded a specific Tamil-speaking population. It is upstream of every subsequent suppression mechanism. It establishes the operative pattern — boundary-by-legislation rather than boundary-by-judicial-process — that recurs at every later step. And it remains the only step at which the affected population was an essentially economic class (plantation labour) rather than a regionally-concentrated political community, which is why the case file distinguishes the Hill Country Tamil pathway from the North-East Tamil pathway throughout.

The Recorded Legal Memory Desk's articles on Thesawalamai and Mukkuvar Marumakkattaayam law concern the regional Tamil customary law of the Northern and Eastern Provinces, which has never been the customary law of the Hill Country community. The case file treats the two pathways as parallel, not collapsible.

Sources

- tlte-cite:malaiyaha-ceylon-citizenship-1948
- tlte-cite:malaiyaha-agreement-persons-1964
- tlte-cite:malaiyaha-grant-citizenship-1986
- tlte-cite:malaiyaha-codipilly-2009
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What this is not

- This article does not name individual Hill Country Tamil organisers, trade-union officials, or members of the Ceylon Workers' Congress / Up-Country People's Front / Democratic People's Front leadership, past or present. The case file records the structural pattern, not the individual.
- This article does not aggregate present-day Hill Country Tamil casualty, disappearance, or arrest counts in TLTE voice. Where such counts exist they are held by PEARL, ITJP and Adayaalam; TLTE does not duplicate their intake.
- This article does not collapse the Hill Country Tamil pathway into the North-East Tamil pathway. The two communities have distinct historical, legal and political trajectories; the case file treats them as parallel.
- This article does not assert that the 1986 and 2003 Acts have remedied the consequences of fifty-five years of

partial or complete disenfranchisement. The legislative gap has closed; the structural consequences have not.

- This article does not name India's role beyond the public-record bilateral instruments (1964 Pact, 1974 supplementary agreement). The diplomatic record is for the historians cited.