

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: IND34509
Country: India
Date: 30 March 2009

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Questions

- 1. Are there reports of a rail track attack at Thirupathiripuliyur (Cuddalore District) in March 2000, and any consequent arrest of TNLA members?**
- 2. Are there reports on the killing of a TNLA activist, Arivazhagan, in or near Jeyandondam around November 2004?**
- 3. Are there reports on the arrest of Nataraj and Prabakar (of Mayiladuthurai) in Chennai in July 2005?**
- 4. Please provide any other references to TNLA activists or members named Arivazhagan, Nataraj or Prabakar.**
- 5. Past information indicates that Indian passports may be issued even where there are pending criminal charges, due to corruption. Are there reports or comments touching on whether a person could obtain a passport in his or her own name when subject to past conviction, bail violation and ongoing searches?**
- 6. Please provide a brief update on the TNLA's current profile/influence in Tamil Nadu.**
- 7. Is there any update or confirmation on the use of electronic departure security checks at Chennai Airport?**
- 8. Please provide detail on the Tamil Nadu education system – in terms of length of education and the notion of 'higher secondary school'?**

RESPONSE

- 1. Are there reports of a rail track attack at Thirupathiripuliyur (Cuddalore District) in March 2000, and any consequent arrest of TNLA members?**

Note: the name of the town near which the rail track bombing took place in March 2000 is transliterated as Thiruppapuliyur in the following reports.

A chronology of Tamil Nadu Liberation Army (TNLA) activities on the South Asia Terrorism Portal website states that, in March 2000: "The TNLA blast a railway track at Thiruppapuliyur in the Cuddalore district" ("Tamil Nadu Liberation Army (TNLA)" (undated), South Asia Terrorism Portal website

<http://www.satp.org/satporgtp/countries/india/terroristoutfits/TNLA.htm> – Accessed 26 November 2007 – Attachment 1).

A March 2000 report on the bombing from *The Tribune* claims that passengers on two trains “had a miraculous escape”, as “the bomb went off at 9.40pm”, which was “minutes before the trains were to pass over the spot”. This report attributes the bombing to the “Tamil Nadu Liberation Force and Tamil Nadu Communist Party (Lenin)”:

Passengers of the Chennai-Quilon Express and Thanjavur-Chennai fast passenger train had a miraculous escape when a bomb, planted on the tracks, went off near Soorappanaickenchavadi railway gate, near here, last night minutes before the trains were to pass over the spot. The bomb went off at 9.40 pm, Superintendent of Police Abeykumar Singh told UNI today. About three feet length of track was blown off under the impact of the blast. The explosive was suspected to be planted by cadres of the Tamil Nadu Liberation Force and Tamil Nadu Communist Party (Lenin) (‘Rail track blown up’ 2000, *The Tribune*, 23 March <http://www.tribuneindia.com/2000/20000323/spotlite.htm> – Accessed 26 March 2009 – Attachment 2).

In November 2003, *The Hindu* produced a report on the trial of nine suspects in the Thiruppapuliyur rail track bombing. The article claims that the bombing was carried out “to protest against the visit of the former U.S. President, Bill Clinton, to India”:

The sessions court for exclusive trial of bomb blast cases at Poonamallee, near Chennai, today convicted five activists of the Tamil Nadu Liberation Army and acquitted four other activists, for blasting the railway track with country bombs near Thiruppapuliyur in Cuddalore district on March 21, 2000 to protest against the visit of the former U.S. President, Bill Clinton, to India.

The CB-CID police had arrested the nine activists and filed the case in the special court. They were charged under Section 120-B (conspiracy), Section 147 (unlawful assembly) of IPC, Section 3 (1) of the Tamil Nadu Prevention of Danger to Public Properties Act, Section 3,4 and 5 of the Explosives Substances Act and Section 151 (1) of the Indian Railway Act.

L. Rajendran, special judge, convicted Natarajan (35) of Neyveli, Govindaraj alias Lenin (30) of Cuddalore, Anis alias Anis Raja (25) of Mayiladuturai, Ilango Nambi (30) of Sethiathope and Thanikachalam (30) of Nagapattinam and acquitted Ganesan (26) of Neyveli, Panneerselvam (25) of Vandavasi, Arivazhagan (35) of Perambalur, Rahamathullah (32) of Vadalur. The judge said he would deliver the period of sentence on Monday (‘5 TNLA men convicted in rail-track blast case’ 2003, *The Hindu*, 15 November – Attachment 3).

2. Are there reports on the killing of a TNLA activist, Arivazhagan, in or near Jeyandondam around November 2004?

Note: The name of the town near which Arivazhagan was killed is transliterated in the following reports as Jeyankondam, or Jayamkondam.

No sources were located which suggest that Arivazhagan was killed in November 2004; the available information states that he was murdered by a group of men at his home in Vallam, near Jeyankondam, in December 2004.

The chronology of TNLA activities on the South Asia Terrorism Portal website states that on 11 December 2004, “Arivazhagan, a former TNLA cadre, is killed near Jayamkondam”

(‘Tamil Nadu Liberation Army (TNLA)’ (undated), South Asia Terrorism Portal website <http://www.satp.org/satporgtp/countries/india/terroristoutfits/TNLA.htm> – Accessed 26 November 2007 – Attachment 1).

A 12 December 2004 report in *The Hindu* provides an in depth account of the circumstances in which Arivazhagan was “hacked to death by an armed gang at his house in Vallam in Andimadam panchayat”. According to this report, “[g]roup rivalry is suspected to be the cause for the murder”; the nature of the groups involved is not elaborated upon, but the report claims that the some of the “culprits...are said to be hailing from the same village” as the victim. Arivazhagan reportedly “had several crime cases against him registered not only in Perambalur but also in the neighbouring Cuddalore and Erode districts”, including “four murder cases and three attempt to murder cases”. The report follows:

A former member of the banned Tamil Nadu Liberation Army (TNLA), Arivazhagan (33), was hacked to death by an armed gang at his house at Vallam in Andimadam panchayat union in the district in the early hours today. Group rivalry is suspected to be the cause for the murder.

According to the police, the gang members lobbed a country bomb, barged into the house, and hacked Arivazhagan after dragging him out. His wife Anbuselvi and a boy, Tamizharasan (13), his relative, sustained minor injuries in the attack. The gangsters also took away two cellphones used by him.

A manhunt has been launched for the culprits, some of whom are said to be hailing from the same village.

The Superintendent of Police, P. Parasuram, told *The Hindu* that four special teams were formed to nab the accused. Police sources said the gang, numbering over eight, knocked at the residence of Arivazhagan around 1.30 a.m. When the door did not open, they lobbed the country bomb and broke open the door. The gang members spotted Arivazhagan who climbed a loft.

The Superintendent of Police, Parasuram, rushed to the spot. The Inspector-General (Central Zone), S. George, and DIG, Tiruchi Range, Sunil Kumar Singh, conducted enquiries.

A post-mortem was conducted at the Ariyalur Government Hospital and the body sent to his village.

...The police sources said, Arivazhagan, who got married only six months ago, had several crime cases against him registered not only in Perambalur but also in the neighbouring Cuddalore and Erode districts.

These include four murder cases and three attempt to murder cases. He was arrested for alleged possession of explosives some time ago. Cases were also registered against him for his alleged involvement in ‘katta panchayats.’

Arivazhagan, the sources said, became a member of the now banned TNLA in 1996. Later, he joined the Tamizhar Vidhuthalai Iyakkam, floated by Suba. Illavarasan in 2001.

After serving as its State deputy general secretary, Arivazhagan joined the Veera Vanniya Peravai in February 2004.

A case was registered against Arivazhagan by the Special Task Force (STF) in 2003 for having allegedly supplied an AK-47 rifle to the forest brigand Veerappan ('Gang hacks former TNLA member to death' 2004, *The Hindu*, 12 December – Attachment 4).

On 13 December 2004, *The Hindu* reported the arrest of two people in connection with the murder of Arivazhagan:

The police today arrested two persons, including the State vice-president of the Vanniyar Sangam, G. Vaithilingam alias Vaithi, in connection with the murder of the former member of the banned Tamil Nadu Liberation Army (TNLA), Arivazhagan. The arrests come a day after Arivazhagan was murdered at Vallam village in the district.

Police sources here said a special team, led by the Inspector of Police, Vellaisamy, arrested Vaithilingam (32) of Andimadam village and C. Thangapandian (26) of Edyakurichi village.

The duo was arrested near the Ariyalur railway station. Police sources said Vaithilingam, who had been arrested earlier in another murder case, was currently on bail. The Kuvagam police have registered a case under several sections, including murder and use of explosive substances. Further search is on for others connected with the crime, the police said ('Two held in Vaithilingam murder case' 2004, *The Hindu*, 13 December – Attachment 6).

According to another report from *The Hindu*, the same two men were also "detained under the National Security Act" for the murder of Arivazhagan on 3 January 2005. One of the arrested is "G. Vaithilingam alias Vaithi (35), State vice-president of the Vanniar Sangam":

G. Vaithilingam alias Vaithi (35), State vice-president of the Vanniar Sangam and Siva Subramanian (20) of Kuvagam were detained under the National Security Act today, for the murder of the former activist of the banned Tamil Nadu Liberation Army, Arivazhagan near Jayamkondam on December 11. They were lodged in the Central Prison, Tiruchi. The Collector, D. Vivekanandan, issued orders for detention, based on the recommendations of the Superintendent of Police, P. Parasuraman ('Two detained' 2005, *The Hindu*, 3 January – Attachment 5).

A September 2007 report from *The Hindu* notes that Arivazhagan was "the first accused" in the murder of "TNLA leader Kuvagam Ramasami in 1997", and claims that the murder of Arivazhagan was the result of "internecine clashes in the organisation":

ARIYALUR: The Fast Track Court Judge, S. Kalavathi, on Wednesday acquitted the leader of the banned Tamil Nadu Liberation Army Suba Ilavarasan and 15 others in a murder case. The Kuvagam police arrested Suba Ilavarasan and 16 others for allegedly murdering another TNLA leader Kuvagam Ramasami in 1997. The first accused in the case, Arivazhagan, a TNLA cadre, was done to death in December 2004 in the internecine clashes in the organisation ('Suba Ilavarasan acquitted' 2007, *The Hindu*, 3 September <http://www.hinduonnet.com/thehindu/thscrip/print.pl?file=2007030910630400.htm&date=2007/03/09/&prd=th&> – Accessed 27 March 2009 – Attachment 7).

It may be of interest to note that, in May 2004, *The Times of India* reported on a forest ambush that resulted in the arrest of Suba Ilavarasan, a former TNLA member who later founded the Tamil Liberation Movement (TLM), at Adipalar village. The report mentions Arivazhagan as an "aide" of Ilavarasan, and claims a connection between the TLM and Veerappan, a notorious smuggler and bandit leader who was killed by security forces in 2004:

In a midnight operation, the Tamil Nadu Special Task Force arrested Suba Illavarasan, leader of the Tamil Liberation Movement (TLM) allegedly involved in the kidnap of former Karnataka minister H. Nagappa, in Adipalar village in the M.M. Hills off Karnataka border. He is a key associate of forest brigand Veerappan.

DGP I.K. Govind told reporters: “(With this), we are one step closer to capturing Veerappan.”

Illavarasan was nabbed along with Saha alias Sahadevan, from whom the police seized a 9-mm pistol, two muzzle-loading guns, 10 rounds of munition, 10 plastic pipe bombs, 36 handgrenades and one binocular. Two locals who acted as “guides” in the reserved forest area melted away into the darkness, the DGP said.

...Illavarasan was detained under the NSA in December 1999. In 2001, he supplied an AK-47 to Veerappan through an aide, Arivazhagan. The next year, he had masterminded the high-tension tower (that leads to Karnataka) blast in Villupuram district in alleged protest against Karnataka’s stand on the Cauvery issue. Also, he is charged with triggering several explosions in Perambalur, Cuddalore, Villupuram, Salem and Erode districts.

Rebelling out of the Tamil Nadu Liberation Army, Illavarasan founded the TLM and allegedly supplied four men to assist Veerappan in kidnapping Nagappa. Three of them are in the police dragnet. He and his cadres are involved in 58 criminal cases in Perambalur and 20 cases in Cuddalore (Das, S. & Raghavan, T.S. 2004, ‘TN STF nabs key Veerappan aide’, *The Times of India*, 28 May – Attachment 8).

An article published in the Hindu indicates that Veerappan was killed in a police ambush “at Paparapatti village in Tamil Nadu’s Dharmapuri district” in October 2004 (Palaniappan, V.S. & Prasad, S. 2004, ‘Veerappan walked into a well-laid trap’, *The Hindu*, 19 October <http://www.hindu.com/2004/10/20/stories/2004102007580100.htm> – Accessed 26 November 2007 – Attachment 9).

3. Are there reports on the arrest of Nataraj and Prabakar (of Mayiladuthurai) in Chennai in July 2005?

An article on the Tamil Nadu Liberation Army (TNLA) on the South Asia Terrorism Portal website states that on July 10 2005:

Four suspected members of the outlawed TNLA are arrested from Chennai, capital city of Tamil Nadu. The arrested are identified as Jayavel of Kurinjipadi, Selvam of Perambalur, Nataraj and Prabakar of Mayiladuthurai. Another person, identified as Yuvaraj of Vadamalai, is arrested for providing shelter to the four. According to police, the four-member gang had assembled in Chennai as part of a murder plan, which they had planned to execute in Vridhachalam (‘Tamil Nadu Liberation Army (TNLA)’ (undated), South Asia Terrorism Portal website <http://www.satp.org/satporgtp/countries/india/terroristoutfits/TNLA.htm> – Accessed 26 November 2007 – Attachment 1).

No further reports were located.

4. Please provide any other references to TNLA activists or members named Arivazhagan, Nataraj or Prabakar.

No references could be located to TNLA activists or members named Nataraj or Prabakar, in searches of the Factiva news report database, or in site searches of relevant Indian media publications or online searches. Three articles were located that provide information on Arivazhagan, and relevant extracts follow.

An April 2004 article in *The Hindu* mentions Arivizhagan in the context of the arrest of “two ‘most wanted’ Tamilar Viduthalai Iyakkam (TVI) activists in Erode district in connection with the abduction of the former Karnataka Minister, H. Nagappa, in 2002”. According to this report, the two men “were said to be waiting to meet members of a group owing allegiance to Arivazhagan (who were being regularly produced in the Sathyamangalam court in connection with another case)”:

Special teams of the Tamil Nadu and Karnataka Special Task Force last evening nabbed two ‘most wanted’ Tamilar Viduthalai Iyakkam (TVI) activists in Erode district in connection with the abduction of the former Karnataka Minister, H. Nagappa, in 2002

...Muthukumar and Kuzhanchi, both aged 26, hailing from Cuddalore and Perambalur districts, were cited as accused in the conspiracy hatched for the abduction of Nagappa. Based on a tip-off, the two were picked up near a magistrate’s court at Sathyamangalam. They were said to be waiting to meet members of a group owing allegiance to Arivazhagan (who were being regularly produced in the Sathyamangalam court in connection with another case) (‘STF nabs 2 wanted men near Sathyamangalam court’ 2004, *The Hindu*, 3 April – Attachment 10).

Arivazhagan was reported by *The Hindu* to have led a “team of TVI cadres” in the robbery and abduction “of a jewellery shop owner and his brother in June 2000”. The report notes that eighteen people have been arrested in connection with the matter:

The Crime Branch CID Police on Monday arrested Saravanan alias Saravanakumar (27) of Ariyalur, an activist of the banned Tamil Nadu Viduthalai Iyakkam (TVI), in connection with the kidnap of a jewellery shop owner and his brother in June 2000.

Mohanraj, owner of a jewellery shop in Mayiladuthurai, and his brother Ravichandran, were returning home in a car on the night of June 6, 2000, when a team of TVI cadres, led by Arivazhagan, kidnapped them. Both the brothers were detained in the cashew forest in Udaiyarpalayam. Next day, Mohanraj was forced to accompany some of the team members to his shop, from where he brought three kg gold and Rs.40,000 in cash.

The duo was released after the gangsters took hold of the loot.

After an initial interrogation, the case was handed over to the CB CID. So far 18 persons were taken into custody.

The team, led by Deputy Superintendent of Police, V. Santhanam, arrested one more accused, Saravanan, while he was waiting at the Rajiv Nagar bus stop on the Ariyalur-Jayankondam road on Monday noon (‘TVI activist held in kidnap case’ 2005, *The Hindu*, 20 September – Attachment 11).

The text of report by the Indian newspaper ‘Dinamani’ web site on 16th June 1998, as disseminated by BBC Monitoring Asia-Pacific, names Arivazhagan as one of two “terrorists

belonging to the Tamil Liberation Force [Tamilar Viduthalai Padai]" arrested "at Vallam in Perambalur District on Sunday [14th June]":

Police arrested two terrorists belonging to the Tamil Liberation Force [Tamilar Viduthalai Padai] at Vallam in Perambalur District on Sunday [14th June]. Arivazhagan, aged 25 years, son of Rathnam, is from Vallam locality. Muthu, alias Vijayakumar, aged 20 years hails from Kullanchavadi in Kadalur District. Muthu was implicated in three murder cases, including the murder of a rival faction leader, Koovakam Ramasamy.

The two were arrested by the police as they were trying to escape on motorcycles from a cashew garden near the Anchaneya temple in Vallam. The police seized two motorcycles, one revolver, six bullets and four pipe bombs from the two arrested ("Two Tamil "terrorists" arrested in southern state" 1998, Dinamini website (sourced by BBC Monitoring Asia-Pacific), 16 June – Attachment 12).

5. Past information indicates that Indian passports may be issued even where there are pending criminal charges, due to corruption. Are there reports or comments touching on whether a person could obtain a passport in his or her own name when subject to past conviction, bail violation and ongoing searches?

Two reports were located in the Indian press in which people subject to ongoing criminal investigations and charges were able to procure passports in their own names.

A June 2007 article from the *ExpressIndia.com* news website reports on the issuance of a passport to a Shia cleric in Uttar Pradesh, despite a pending criminal case against him, which he had not mentioned on his passport application form. The circumstances of the case indicate that Kalbe Jawwad, who claimed that "he was being harassed unnecessarily" and "blamed the passport office for issuing the passport to him without checking facts", was issued a passport in Lucknow in June 2007, and the passport office became aware of the outstanding criminal charges in July:

A four-year-old criminal case has landed Uttar Pradesh Shia cleric Kalbe Jawwad in a soup. The Ministry of External Affairs (MEA) has asked him to explain why information about the case was not disclosed when he applied for a passport. A senior MEA official told The Indian Express over phone: "A criminal case was found against Jawwad, which he had not mentioned in his passport application. A show cause notice, asking him why his passport should not be recalled, has been served to him."

Jawwad was issued his second passport from Regional Passport Office in Lucknow in June 2007 after his first passport expired.

The Maulana, who has been seeking support from his followers after he received the MEA letter last week, said he was being harassed unnecessarily because of his involvement in some protests on political issues. "I have put up a demonstration against MEA as well for permitting entry to people like Taslima Nasreen and Salman Rushdie," he said. He also blamed the passport office for issuing the passport to him without checking facts.

Asking why Jawwad failed to provide data on the case when there was a column provided in the application form for the same, Regional Passport Officer Syed Zahur Hasan Zaidi quipped, "He might have inadvertently forgotten to mention the case of 2003."

The passport office, he said, came to know about the case on July 17, 2007 – a day before it was listed for a court hearing ('Passport renewal: MEA notice to Kalbe Jawwad for non-disclosure' 2008, *ExpressIndia.com*, 22 January <http://www.expressindia.com/latest-news/passport-renewal-mea-notice-to-kalbe-jawwad-for-nondisclosure/263997/> – Accessed 28 March 2009 – Attachment 13).

A June 2004 report from *The Times of India* relates the issuance of passports to four individuals with outstanding criminal charges against them in the city of Vadodara in Gujarat. According to this report, two of the men “concealed the information regarding the offences against them in the passport forms”, another “obtained a passport though an offence was registered against him at that stage”, while the most recent passport recipient “procured the passport by suppressing details of his criminal records” and “by giving an incomplete name”:

The police has stumbled upon a case wherein a passport might have been issued to a man with offences registered against him.

Set this against the backdrop of procurement of passports by two prime accused in the NRI murder case. Thus the number of such cases has risen to four.

The police had been looking into the passports of Kalpesh Kachhia and Kiran Jingar — believed to be masterminds in the murder of NRI Manoj Patel — after knowing that they had gone abroad following the murder. They had concealed the information regarding the offences against them in the passport forms.

A similar case had pertained to the kingpin of bookies' syndicate Arvind Valand. He had obtained a passport though an offence was registered against him at that stage.

The latest incident involves a former leader of the Samata Party youth wing Nilesh D Patel, who had been accused in a series of cases, including a multi-crore insurance scam and a prohibition case. The last two cases were registered recently.

Police commissioner Sudhir Sinha said that an inquiry about his passport began after they received information that he procured the passport by suppressing details of his criminal records. “We have sought the documents regarding Patel’s passport from the Regional Passport Office (RPO),” Sinha said.

According to police sources, Nilesh was named in a series of offences, including theft and driving a person to suicide. He is one of the prime accused in the multi-crore insurance scam that came to light last year. Investigations are now being conducted by the CBI economic offences wing.

Sinha said that it seemed that Patel had obtained the passport by giving an incomplete name.

“However, details will be available once we get the RPO documents,” he said. The inquiry has been handed over to assistant commissioner (Special Branch) N R Patel. The most intriguing part, however, is Kachhia’s case, who got a passport despite being a known headstrong element.

He allegedly got it on the basis of a village address though he was staying in the city. Officers were looking into the possibility that he might have been given the passport without proper verification. Jingar, on the other end, seems to have got the passport by sheer oversight at the RPO.

Jingar’s verification report had stated that he had criminal background. However, it reached the RPO after the passport had been issued. Yet, Jingar’s passport was not cancelled and no

action was taken against him (Sharma, S. 2004, 'Issuance of passport to criminal baffles police', *The Times of India*, 2 June <http://timesofindia.indiatimes.com/articleshow/716017.cms> – Accessed 30 March 2009 – Attachment 14).

The most recent advice from the Department of Foreign Affairs & Trade on Indian airport exit procedures was received on 28 November 2008:

B. Please update the information on departure controls on persons leaving India through international airports.

3. Immigration checks are carried out on all passengers leaving through international airports in India (both Indians and foreigners). Passports are scrutinised and stamped, and all passengers must complete a disembarkation card. The following information is required to be provided by the passengers in these cards:

Name and Sex
Date of Birth, Place of Birth, Nationality
Passport details including number, place and dates of issue/expiry.
Address in India
Flight number and date of departure
Occupation
Purpose of visit to/from India

4. Once the immigration checks are complete, the travellers move to security checks, where the traveller's passport, boarding ticket, carry-on baggage and visa are checked again. Once the travellers are screened by security, he/she moves to the waiting lounge area. Once the airline announces the departure of its flight, the traveller's boarding ticket, visa and security stamps on hand baggage are checked again, before travellers board the craft.

C. Please advise on the ease/difficulty for someone with criminal cases pending before the Courts to be able to leave India.

...6. India has a process for issuing lookout circulars (LOC) to international airports to restrict the movement of those subject to arrest warrants. The LOC is supposed to go to all the airports that handle international flights. However, DFAT notes that our contacts expressed some doubt on this point, and indicated that the LOC may only be sent to the most likely departure point, and there had been problems of coordination in the past. For instance, there was a recent case of an American citizen who left India through New Delhi airport despite having had a LOC issued against him in Mumbai on suspicion of involvement in terrorist activities (he was later exonerated). There are 23 international airports in India.

7. The process for issuing an LOC involves a senior police official writing to the Additional Director of Police (Intelligence) to provide details about the case. The Additional Director then provides these details to the immigration department and (in theory) to all chief immigration officers of international airports. In Delhi, Mumbai, Chennai and Kolkata the Chief Immigration Officer is a representative of the Central Bureau of Intelligence. For the other airports, a senior police official or commissioner of police is appointed to the role. There are delays in circulating LOCs, compounded when paperwork must be forwarded to several locations. LOCs can be issued in cases of i) persons to be arrested, ii) persons not allowed to enter India, iii) persons not allowed to depart India, iv) persons whose movements are to be watched and reported (Department of Foreign Affairs and Trade 2008, *DFAT REPORT 928 – India: Update on Passports, Airport Checks and Exit Procedures: RRT Information Request IND33968*, 26 November – Attachment 15).

Question 4 of *Research Response IND34421*, of 10 February 2009, provides information on the issuance of passports in India (RRT Research & Information 2009, *Research Response IND34421*, 10 February – Attachment 16). Information in this response indicates that according to the relevant legislation, the Indian Passports Act of 1967, grounds for refusal of issue of travel documents include:

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court (Government of India (undated), 'The Passports Act, 1967'

http://passport.nic.in/passport_act.pdf – Accessed 10 February 2009 – Attachment 17).

Question 4 of RRT *Research Response IND31476*, of 27 March 2007, provides information on exit procedures from Indian airports, including the issuance of passports. Information is sourced from DFAT, the Canadian Immigration and Refugee Board, previous research responses, and Indian news services (RRT Country Information 2007, *Research Response IND31476*, 27 March – Attachment 18).

An article sourced from the indlaw.com website, described as a “legal resource for criminal laws”, assesses the legal validity and procedural thoroughness of the process of police verification of passport applications. The most relevant section on the *tatkal* scheme of express passport approval follows below, but the entire article may be of interest for its critique of the flaws in the system of police verification of passports in India:

Then it is clearly provided that the so-called post-police verification is to be done within three months. This means that if a criminal really wants to flee the country or from the law, he may easily disappear to any part of the world in these three months without any restriction whatsoever. In fact all that one requires is to move out of the country once – three months are more than adequate for one to get lost anywhere in the world. He may even seek political asylum or refugee status. Muslims and Sikhs may easily and quite credibly do these citing officially recorded instances of fake encounters, fake arrests (such as that of two police informers by Delhi police where they claimed them to be terrorists and which is now being investigated by the CBI) cases like Geelani's, human rights violations, and so on. Their requests for refugee status would indeed be favourably considered.

Secondly, it is also provided that if the police verification report is not received at all, the passport would be allowed to run its normal course. This takes all the sanctity out of the unnecessarily exalted business of police verifications. It must be noted that sending up of police verification report is not made mandatory nor not sending it has been made punishable. No penalty has been provided for not furnishing police verification. It is not at all difficult for a determined criminal to subvert somebody in the police and see to it that his file is deliberately misplaced or report never sent at all. At most the department may initiate disciplinary action against the concerned. Even for that it will be difficult to establish motive and the delinquent would take the plea of an inadvertent error.

Even if, by any chance, the so-called post-police verification under the *tatkal* scheme yields an adverse report, the person might have very well disappeared from India in the meantime.

All they may do is to impound the passport or cancel it. Impounding may be done only if the man is to be found somewhere. That in itself may not be possible. He might have used many connections involving land journeys in places like Europe or even unauthorised connections to get lost from India, which might make tracing him difficult. He might have applied for refugee status. He might have simply gone underground and become an illegal immigrant. And even if he is located, in the entire history of independent India, in how many cases we have been successful in extradition? (Asthana, N.C. & Nirmal, A. (undated), 'The Law of Passports in India: A Legally Untenable Attempt to Incorporate Some Draconian Provisions in the Name of Security as Well as to Satisfy Some Populist Demands', <http://crimes.indlaw.com/search/articles/?76959ec2-e607-4a68-b05a-795cc453dee0> – Accessed 30 March 2009 – Attachment 19).

6. Please provide a brief update on the TNLA's current profile/influence in Tamil Nadu.

The most recent Asian Centre for Human Rights report on India states that:

Tamil Nadu was virtually free from violence by the armed opposition groups but a number of such groups including the Liberation Tigers of Tamil Eelam (LTTE) of Sri Lanka, Students Islamic Movement of India (SIMI), Tamil National Retrieval Troops (TNRT), Tamil Nadu Liberation Army (TNLA), Tamilar Viduthalai Iyakkam, and Communist Party of India (Maoists) remained banned under the Unlawful Activities Prevention Act (Asian Centre for Human Rights 2008, *India human rights report 2008*, p. 139 – Attachment 20).

The Tamil Nadu Police's 'Policy Note for the year 2008-2009' states that:

The activities and possible designs of the banned organisations such as Tamil Nadu Liberation Army, Tamizhaga Viduthalai Iyakkam and the activities of the other extremist organisations are under close watch to prevent them from indulging in any acts which may disturb peace and public tranquility in the state (Home, Prohibition & Excise Department (undated), 'Tamil Nadu Police – Policy Note for the year 2008-2009', Tamil Nadu Police website <http://tnpolice.gov.in/homepolice2008english.pdf> – Accessed 30 March 2009 – Attachment 21).

A *Press Trust of India* article from March 2007 quotes senior Tamil Nadu police figures, who claim that "[e]fforts were taken for the total eradication of extremist activities of Tamil Nadu Liberation Army (TNLA) in the state", and that "the activities of TNLA were eradicated in most parts of north and central zones following efforts taken by police" ('Activities' 2007, *Press Trust of India*, 7 March – Attachment 22).

An article from the *Press Trust of India* in October 2006 reported that the TNLA, "now named 'Tamizhar Needhi Katchi'", had announced it had abandoned violence and intended to pursue the goal of establishing a socialist Tamil Nadu via democratic means. The report quotes claims from Kavitha, wife of the abovementioned TNLA leader Suba Ilavarasan, that "the organisation was facing difficulties in functioning 'democratically' as it was continuously [*sic*] being subjected to repressive measures by the police and was still branded as an extremist organisation". According to Kavitha, the TNLA, or Tamizhar Needhi Katchi, "had decided to extend support the DMK-led alliance in the civic body elections" ('Extremist grp abandons armed struggle' 2006, *Press Trust of India*, 10 October – Attachment 23).

An August 2007 article sourced from the *India Post*, and located on the LankaNewspapers.com website, provides a history of the TNLA and an assessment of the

current situation of it and other groups the *India Post* classes as Naxalites. This report claims that the TNLA was the military wing of the Tamil Nadu Communist Party-Marxist-Leninist, and that a leadership crisis following the mid-1990s arrest of its leaders, combined with a sustained police crackdown and the 2002 listing of the TNLA under the Prevention of Terrorism Act, weakened the group. The report speculates whether the LTTE might be backing a resurgence of Naxalite activity in Tamil Nadu, and notes a resurgence in Naxal violence, but does not name the TNLA as being resurgent ('Will LTTE Withdraw from North or Sperad to TamilNadu – Repercussions' 2007, LankaNewspapers.com website (source: *India Post*), 28 August http://www.lankanewspapers.com/news/2007/8/18704_space.html – Accessed 30 March 2009 – Attachment 24).

Three recent media reports suggest that the organisation is still in existence and active in Tamil Nadu, as they refer to individuals as members of the TNLA, including the aforementioned Suba Ilavarasan.

An August 2008 report from *United News of India* notes that a TNLA member, "Lenin alias Govindarajan", was arrested in Cuddalore district in connection with a jewel heist, and that he was one of the accused in the 2000 Thirupaathripuliyur rail track bombing:

Police have arrested a member of the banned Tamil Nadu Liberation Army (TNLA) at Panruti in Cuddalore district late last night. Police sources said the TNLA member Lenin alias Govindarajan was being questioned about his possible role in the Rs 3.75 crore heist that had occurred a week back. A five-member gang, posing as police patrol had waylaid a locker van of a jewellery store on the Tiruchi-Chennai highway and decamped with Rs 3.75 crore in cash. Lenin was arrested from his hideout at Kokilaankuppam near Panruti. Rs 1.80 lakh, part of the Rs three lakh, which was given to him by his aides Kennedy and Gurusurthy, was seized from him. The amount was concealed at Veerattipuram forest areas in the district. Though Lenin stoutly denied his involvement in the heist stating that he had been in Goa when the incident took place, police suspect his hand in it as he was involved in several crimes and was an accused in the case relating to the blasting of railway track at Thirupaathripuliyur a few years ago ('TNLA member held in heist case' 2008, *United News of India*, 17 August – Attachment 25).

A July 2008 report in *The Hindu* quotes claims from S. Ramadoss, founder of the Pattali Makkal Katchi (PMK) party, that "[t]he life of [Vanniyar Sangam leader] Mr. Guru was under threat from the Tamil Nadu Liberation Army and a leader of the banned organisation is now out on bail and being extended all support for starting a party" ('Situation in State akin to mini-emergency: Ramadoss' 2008, *The Hindu*, 6 July <http://www.hindu.com/2008/07/06/stories/2008070654110400.htm> – Accessed 26 March 2009 – Attachment 26).

The released TNLA leader mentioned in the July 2008 article from *The Hindu* appears to be Suba Ilavarasan, who is reported in a contemporaneous article from *News Today* as having been released on bail by the Cuddalore police. The *News Today* article reports claims that a "senior minister in the state government" instructed the police to release Ilavarasan, a charge denied by police. The report accuses the "Dravidian Racist parties" in Tamil Nadu of supporting "any outfit, which operates in the name of 'Tamil', whether it is moderate or violent", and that "whenever a feud occurs due to self-interests and political compulsions, these parties use the outfits to settle political scores". According to this report, there has been a "spurt in the activities of Sri Lankan Tamil militants and Tamil chauvinistic groups" which reflects "[t]he unholy nexus between the political parties and the radical outfits":

The PMK has come out with a startling allegation that the Cuddalore Police have let out the TNLA (Tamil Nadu Liberation Army) leader Suba Ilavarasan after apprehending him along with four others during a vehicle check up on the Cuddalore-Pondicherry High Way.

The PMK charged that Ilavarasan and his four accomplices have carried pistols, sickles and other materials, but they were released after getting telephonic instruction from a senior minister in the state government.

But, the Police denied the charge and said that, Ilavarasan was left free as he was on bail and that he was not wanted for any other crime as per their records.

...The news that Suba Ilavarasan is on bail is in itself a great cause for concern, because the TNLA is a banned terror outfit.

...Normally in Tamil Nadu, any outfit, which operates in the name of 'Tamil', whether it is moderate or violent, gets unstinted support from the Dravidian Racist parties except the AIADMK.

...They are all hand in glove and whenever a feud occurs due to self-interests and political compulsions, these parties use the outfits to settle political scores.

The PMK, which is fuming against the arrest of its leading functionary and Vanniyar Sangam leader Kaduvetti Guru, has become wary of the freedom given to Suba Ilavarasan, in the sense that the ruling establishment is promoting him against Kaduvetti Guru.

It must be noted that both Ilavarasan and Guru hail from the same district and have severe competition not only in nefarious activities, but also in varied fields of business interests.

The danger lies in the patronage these elements get from the political parties. In the history of Tamil Nadu, the DMK government always falls far behind the AIADMK, when it comes to complete control of Law and Order.

True to that opinion, the last two years of DMK rule has not been satisfactory and below par with regards to Law and Order.

The crime graph has been soaring to an alarming extent, as evidenced by the spurt in the activities of Sri Lankan Tamil militants and Tamil chauvinistic groups.

...The unholy nexus between the political parties and the radical outfits is a real threat for prevalence of peace in the state and it is high time the ruling establishment realises it ('Liberation and Peace!' 2008, *News Today*, 7 July <http://newstodaynet.com/newsindex.php?section=13&catid=22&id=8970> – Accessed 26 March 2009 – Attachment 27).

A November 2008 report from *Tehelka* may be of interest, as it assesses the current state of the Tamil separatist movement in Tamil Nadu. Of the TNLA, the report states that "cadres...have been arrested" and the group is "said to be defunct"; nonetheless, "a top official of the Q Branch of the state police, which deals with separatist outfits, said some cadres from these outfits are out on bail but are under close watch":

TAMIL SEPARATISM is a dead issue. Or is it? The Dravida Munnetra Kazhagam (DMK) dropped its demand for a separate Dravida nation almost half a century ago, in 1963. However, growing protests in Tamil Nadu against Indian military assistance to Colombo in its war against the LTTE have resurrected separatist rhetoric in mainstream politics.

Last month, firebrand politician Vaiko and his deputy M Kannappan made a veiled threat to launch the struggle for a separate Tamil Nadu if the Centre continued to aid Colombo. Both were arrested for making seditious speeches. However, what is little-known to most people is that several Tamil nationalist groups are quietly working at the grassroots level to ultimately realising an independent Tamil state.

According to information available to TEHELKA, there are at least 10 such groups active in the state. Most were formed after the outbreak of the ethnic conflict in Sri Lanka in the 1980s. Many have flags with the Tamil Nadu map imprinted on them and actively propagate their ideals through literature and cultural programmes. They derive their ideologies from the Dravidian icon Periyar, Tamil literary figures SP Adithanar, and Perunchitharanaar. Periyar, founder of the Dravidar Kazhagam (DK), the DMK's parent party, was the first to demand a separate Tamil nation in 1938, following widespread protests against the imposition of Hindi in schools. Adithanar, founder of the Tamil daily, Thina Thanthi, proposed a 'Greater Tamil Nadu', including Eelam (the area claimed by the LTTE as a Tamil homeland) in Sri Lanka. In the 1970s, Perunchitharanaar, a Tamil poet, took forward the cause of a Tamil nation.

Most present-day Tamil nationalists are former members of the CPM, DK or one of their offshoots. They have a presence in almost all parts of the state, though their total number is estimated to be not more than 10,000. "India is a capitalist, Brahminist, and Hindi-dominant state, where other nationalities do not enjoy equal rights," says P Maniarasan, general secretary of the Thanjavur-based Thamizh Thesa Pothuvudamai Katchi (TTPK). "Our goal is to establish a sovereign Tamil national republic."

...In the 1990s, however, an armed group called the Tamil National Retrieval Troops fought for a Greater Tamil Nadu. Another outfit, the Tamil National Liberation Army, fought for a separate Tamil Nadu in the same period. While cadres of the two groups have been arrested and the outfits are said to be defunct, a top official of the Q Branch of the state police, which deals with separatist outfits, said some cadres from these outfits are out on bail but are under close watch (Kumar, V. 2008, 'The "Liberators" of Tamil Nadu', *Tehelka*, Vol. 5, Issue 46, 22 November

http://www.tehelka.com/story_main40.asp?filename=Ne221108the_liberators.asp – Accessed 26 March 2009 – Attachment 28).

7. Is there any update or confirmation on the use of electronic departure security checks at Chennai Airport?

No information could be located specifically referring to the use of such security gates at Chennai Airport. Advice was received from DFAT on departure procedures from Indian airports in November 2008 and February 2009; neither report refers specifically to Chennai Airport, nor do they mention electronic departure security checks.

The November 2008 DFAT advice states that:

B. Please update the information on departure controls on persons leaving India through international airports.

3. Immigration checks are carried out on all passengers leaving through international airports in India (both Indians and foreigners). Passports are scrutinised and stamped, and all passengers must complete a disembarkation card. The following information is required to be provided by the passengers in these cards:

Name and Sex

Date of Birth, Place of Birth, Nationality

Passport details including number, place and dates of issue/expiry.

Address in India

Flight number and date of departure

Occupation

Purpose of visit to/from India

4. Once the immigration checks are complete, the travellers move to security checks, where the traveller's passport, boarding ticket, carry-on baggage and visa are checked again. Once the travellers are screened by security, he/she moves to the waiting lounge area. Once the airline announces the departure of its flight, the traveller's boarding ticket, visa and security stamps on hand baggage are checked again, before travellers board the craft (Department of Foreign Affairs and Trade 2008, *DFAT REPORT 928 – India: Update on Passports, Airport Checks and Exit Procedures: RRT Information Request IND33968*, 26 November – Attachment 15).

The February 2009 DFAT advice re-emphasises the initial report, stating that:

DFAT considers that advice provided in DFAT Report 928 (attached) regarding standard departure procedures for India's international airports remains current and applies to the new Bangalore International Airport, which opened in May 2008. Numerous checks, including the stamping of passports by immigration officials, are carried out on departing passengers. Indian airports have high levels of security, including in the baggage area (Department of Foreign Affairs & Trade 2009, *DFAT Report 965 – India: RRT Information Request IND34411*, 23 February – Attachment 29).

The Chennai International Airport website provides information on exit procedures for Indian nationals departing India. Electronic security checks are not mentioned, and the information provided concurs with that in the DFAT advice provided as Attachment 15 above (Bureau of Immigrations, Government of India (undated), 'Instructions for Indians', Chennai International Airport website <http://www.airportsindia.org.in/chennai/indianinfo.jsp> – Accessed 30 March 2009 – Attachment 30).

A March 2008 article in *The Hindu* may be of interest, as it reports on a shortage of security staff at Chennai airport which is causing international flights to be delayed (Oppili, P. 2008, 'Tardy checks hold up international flights', *The Hindu*, 31 March <http://www.hindu.com/2008/03/31/stories/2008033160051200.htm> – Accessed 30 March 2009 – Attachment 31).

Also of interest is a June 2008 report sourced from the Chinese *Xinhua* news agency which notes the issuing of the first "e-passport" in India. This is described as a passport with "an electronic chip containing all personal data", designed to "protect against fraud and security breaches". According to this report, the e-passports were first issued to diplomats, and are scheduled to be available to "general people from September" 2009 ('India issues E-passports' 2008, *People's Daily Online* (source: *Xinhua*), 26 June

<http://english.people.com.cn/90001/90777/90851/6437027.html> – Accessed 30 March 2009 – Attachment 32).

8. Please provide detail on the Tamil Nadu education system – in terms of length of education and the notion of ‘higher secondary school’?

The Tamil Nadu Department of School Education provides a summary of the educational structure in Tamil Nadu, which is “based on the national level pattern with 12 years of schooling (10+2+3), consisting of eight years of elementary education” followed by four years of secondary education, and two years of pre-primary education. A child begins school at age six, then spends five years in primary school (usual age span six to eleven years), three years in middle school (eleven to fourteen years), and two years in each of secondary and higher secondary school. This would indicate that a student who completed Higher Secondary School would be seventeen or eighteen years old, whilst a child who left school at eleven years of age would have left after completing primary school. The available information in relation to Higher Secondary schools suggests that students at those schools would be aged between sixteen and seventeen:

The Structure of education in the state, as presented in the figure is based on the national level pattern with 12 years of schooling (10+2+3), consisting of eight years of elementary education, that is, five years of primary and three years of middle school education for the age groups of 6-11 and 11-14 years, respectively, followed by secondary and higher secondary education of two years each besides two years of pre-primary education. The entry age in class 1 is 5+. Pre-primary classes form age group 3 to 4. The higher secondary school certificate enables pupils to pursue studies either in universities or in colleges for higher education in general academic streams and in technical and professional courses such B.E., MBBS., elementary teacher training (ETT) etc., which are of different durations. A student can join the Industrial Training Institute (ITI) and Polytechnic after high school. After higher secondary or the +2 stage, the first University degree takes three years to complete followed by Post Graduation course of two years. Students can also join Professional Courses like B.Ed., and B.L. after completion of graduation and on completion of Post Graduation, a student may work for M.Phil/Ph.D degree (‘Educational Structure’ (undated), Department of School Education, Government of Tamil Nadu website

<http://www.tn.gov.in/schooleducation/structure.htm> – Accessed 26 March 2009 – Attachment 33; for a diagram of the levels of the Tamil Nadu education system, see: ‘Educational System in Tamil Nadu’ (undated), Department of School Education, Government of Tamil Nadu website <http://www.tn.gov.in/schooleducation/statistics/picture1-edn.htm> – Accessed 26 March 2009 – Attachment 34).

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Databases:

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BACIS (DIAC Country Information database)

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