

KATCHATHEEVU

THE BETRAYED INDIAN TERRITORY

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Published by
KATCHATHEEVU RETRIEVAL MOVEMENT
www.katchatheevu.com

Aided by
ILANTHAMILARANI
www.ilantamilar.org

Title : Katchatheevu
The Betrayed Indian Territory

Author : Seethayin Maindhan

Language : English

Edition : First Edition

Year : June 2011

Copy Right : Author

Paper : 16kg Maplitho

Size : 1/8

Pages : 80

Typeset : Success Enterprises,
Chennai - 14.

Printed at : Success Enterprises
Chennai - 14.

Price : Rs. 50

Published by : Katchatheevu Retrieval Movement
www.katchatheevu.com

PREFACE

Katchatheevu Retrieval Movement is a non-political organisation of citizens concerned with the safety and security of the Indian Fisherman of Tamilnadu. We have done an enormous research on Katchatheevu and arrived a conclusion that retrieval of Katchatheevu alone will protect the lives of our fishermen and uphold the sovereignty and dignity of our nation.

Because of our hard efforts we have elevated this issue from the state level to the National level.

The continued firing upon the Indian fishermen of Tamilnadu has created a political storm in Tamil Nadu and the Katchatheevu island has assumed political significance. Other than the Congress party almost all other political parties in Tamil Nadu are in favour of retrieving Katchatheevu. The Prime opponent party of our country B.J.P. is also in favour of retrieving Katchatheevu. Most of the parties feel that the 1974 and 1976 agreements are a stumbling-block in the path of retrieving Katchatheevu island. Many books and articles written on the subject of Katchatheevu island have proceeded on a preconceived notion that the 1974 and 1976 agreements are final which can't be un-nulled. This book aims at dispelling the notion that the 1974 and 1976 agreements are solemn and cannot be un-nulled. This book establishes that these agreements which tend to part with a territory of this Nation has to be ratified and in the absence of Ratification these agreements lacks sanctity and enforceability.

Knowingly or unknowingly some persons are suggesting to take the island on a long term lease. Selvi J. Jayalalitha might have been misguided by one of such persons in the past otherwise she would not have presented a memorandum to Prime Minister Manmohan Shing to retrieve Katchatheevu through "lease in perpetuity" on 16-09-2004 as she stated in the Assembly on 09-11-2011 This idea if implemented will ensure and uphold the Srilanka's sovereignty over Katchatheevu for ever.

Now the Chief Minister Jayalalitha has taken the right step towards retrieving the island from Srilanka by passing a unanimous resolution at the assembly on 09-06-2011. The state Assembly of Tamilnadu on 09-06-2011 adopted a unanimous resolution calling upon the State Revenue Department to implead itself in the case already filed by Jayalalitha in August 2008, sought the declaration of the 1974 and 1976 agreements between India and Srilanka unconstitutional. The Tamilnadu State Revenue Department if impleaded in the above case it will definitely strengthen the argument seeking the declaration of the 1974 & 1976 agreements unconstitutional for the reasons narrated below.

In the above case, in its counter affidavit filed on 1-4-2011 before the honourable Supreme Court, the Central Government has submitted that it is not necessary to get the Parliament Ratification for the 1974 and 1976 agreements. The Central Government has counted as above because according to the constitution of India, foreign affairs and the powers to make treaties vest within the exclusive jurisdiction of the Central Government. But at the same time the Indian Constitution does not permit nor does it authorize any person to cede the country's territory to any other nation. Therefore the Central Government will try to argue or betray that the Katchatheevu island is not an Indian Territory and therefore the ratification of the Parliament is not necessary for the 1974 and 1976 agreements. Hence Selvi Jayalalitha has to prove that the Katchatheevu island is an undisputed land, an Indian Territory belongs to Tamil Nadu to win the case. **Now one can realize the historic significance of the Resolution passed in the Tamil Nadu State Assembly calling upon the State Revenue Department to implead itself in this case. Hearty Congratulations to our Hon'ble Chief Minister Selvi J. Jayalalitha.**

While the case is on one side in the Supreme Court, on the other side in the Parliament, one of the A.I.A.D.M.K. Parliament Member should move a Private Member Bill or Resolution to abrogate the 1974 and 1976 agreements by questioning the legality of these agreements.

In this connection, it is to be noted that the traditional rights of our fishermen ensured in the 1974 agreement in the Palk Strait were not withdrawn in the subsequent 1976 agreement. But the fulfillment of these traditional rights has been in abeyance since 1983 due to the security situation in the Palk Strait. If the above ban is now removed, then the traditional rights ensured in the 1974 agreement can be restored. Hon. Chief Minister of Tamilnadu Selvi. J. Jayalalitha may confirm the above fact and act upon it to remove the ban so as to enable our fishermen to get some interim relief at this juncture.

As far as the Katchatheevu is concerned all the evidences are in favour of India. The Srilanka is showing only one document by name "1921 Colombo Pact" on its favour. The British officers signed in the above document on behalf of the Government of Madras had clearly concluded the pact stating as follows.

"The above is signed by us, representatives of the Government of Madras without prejudice to any territorial claim which may be made by the Government of India to the island of Kachchativu".

C.W.E. Cotton

G.H. Finnis

Colombo
25th October 1921

James Hornell

A.G. Leach

Sri Swaran Singh former Minister of External Affairs betrayed by hiding the above fact deliberately when he mentioned the above 1921 Colombo Pact in support of Srilanka in the Parliament on 23-07-1974.

The dispute surrounding the Katchatheevu island had always been identified with the ethnic conflict in the island of Srilanka. After its independence, Srilanka has taken a hostile stand against Tamils. Srilanka began with disenfranchising the Tamils of Indian origin. Srilanka declared them stateless and sent back nearly 5 lakhs of Tamils to India. This was followed by asking its claim on Katchatheevu. After seizing Katchatheevu cunningly, Srilanka

launched its vicious campaign against the ethnic Eelam Tamils. Srilanka always aimed at subrogating Tamils and the issue of Katchatheevu island should be analyzed on this basis also.

This book was first published in Tamil and received wide spread appreciation. English transcripts of few chapters of the Tamil Book were circulated to the political leaders, Parliament Members of other states outside Tamilnadu. On 04-02-2011 when we met Smt. Sushmaswaraj, Leader of Opposition at Chennai we realized the need to bring out a English version of the book in whole.

Thanks to Mr. P. Amarnath, Advocate, Chennai for his assistance in translating the Tamil book in English. But for his assistance and advice it would not have been possible to bring out this book in English.

Thanks to 'Ilanthamilarani' friends for their timely economic help to publish this book in English.

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LOCATION OF KATCHATHEEVU



KATCHATHEEVU ISLAND AND THE 1974-1976 TRAITOROUS AGREEMENTS

The Island of Katchatheevu is a part of the Indian Union. It is very much within the sovereign and territorial limits of this Nation. Yet, the Central Government refuses to acknowledge this basic fact and transcending all its Constitutional authority, the Centre has allowed Sri Lanka to exercise its suzerainty over Katchatheevu Island. This has emboldened the Sri Lankan navy to continue with its unabated killing of our Tamil Fishermen. While, the Central Government is solely responsible for this malady, the DMK which occupies a predominant position in the Centre remains a mute spectator over the happenings.

Over the years the Government of India is making an unfounded statement that it has ceded its rights over Katchatheevu Island. By reciting the same statement over a long period of time, this untrue statement is now made to be believed as true. In the case of Katchatheevu Island this drama is unfolding since 1974. On 31.08.2010, during the discussion in the Lok Sabha and in earlier discussions in the Rajya Sabha, over Katchatheevu Island, the External Affairs Minister Mr.S.M. Krishna, asserted the following as his reply which are in fact false statement:



“Katchatheevu Island belong to Sri Lanka”

“What had been given is given”

“The agreement is solemn”

“It cannot be abrogated”

“It is not possible to provide security to the fishermen who transcend the borders”

“Sri Lanka is our friendly Nation”

What Mr. S.M. Krishna is referring to as solemn is the Agreement of the year 1974. **This agreement can at the most be termed as a half printed currency note.**

It requires patience and endurance to understand the issue of Katchatheevu Island. The Sea between India and Sri Lanka is divided into Three Sectors.

1. The sea between Rameswaram and Talaimannar up to Adams Bridge, which constitute the Palk Strait. (Katchatheevu Island is situated in this Sector at a distance of 11 nautical miles North East from Rameswaram and 18 nautical miles North West from Sri Lanka's Talaimannar).

2. The Gulf of Mannar which is situated south of Adams Bridge.

3. The remaining portion excluding the Palk Strait and Gulf of Mannar the Bay of Bengal.

The Government of India and Sri Lanka have executed two agreements one during 1974 and another during 1976, over these three Sectors.

THE FIRST AGREEMENT :

The then Indian Prime Minister Mrs. Indira Gandhi and the then Sri Lankan President Mrs. Bandaranaike executed the first ever agreement on Katchatheevu Island, in the year 1974, which amongst other things, primarily dealt with demarcating the sea boundary around Palk Strait which comprises the Island of Katchatheevu. This agreement also dealt

with the rights of the respective nations over the demarcated area.

THE SECOND AGREEMENT :

The second agreement was entered into in the year 1976, between the foreign Secretaries of both the nations. It covered the remaining area viz., the Bay of Bengal and Gulf of Mannar, which were hitherto not covered in the earlier 1974 agreement. This agreement dealt with the rights of the respective nations over these sectors.

Both the 1974 and 1976 agreements are independent of each other and they deal with two different sectors in the Sea. The covenants and substance of both these agreements are entirely different. Both these agreements are often mistaken as pertaining to one and the same issue and this confusion serves as an asset to the opponent while it is a malady to us.

Before venturing to understand the 36 year long continued sufferings of our Tamil fishermen, we should first clear ourselves of our doubt in this issue. The 1974 agreement signed by leaders of both the nations and which is vehemently relied on by Mr. S. M. Krishna, requires an in-depth study.

THE 1974 INDO SRILANKAN MARITIME BOUNDARY AGREEMENT :

This agreement consists of VIII Articles. Article I, deals with demarcating the Maritime Boundary over Palk Straits which comprises the Katchatheevu Island. The principle of Equi-Distance demarcation, normally followed in International treaties was not followed, but instead the demarcation was carried on with a sole object of forgoing Katchatheevu Island to Sri Lanka. As such the Maritime Boundary was drawn above Katchatheevu Island at its West. **If the principle of Equi-Distance demarcation was followed, the Maritime Boundary would have fallen to the East of Katchatheevu Island and the Island would be well within the Indian Maritime Boundary.** The United States did not agree to this demarcation, which did not follow the principle of Equi-Distance demarcation. In a nutshell, the principle of

Equi-Distance Demarcation, hundreds of documents from the year 1605 and the uninterrupted possession over the Island over the past thousand years would establish that the Island of Katchatheevu is part of the Indian territory.

The fact that Katchatheevu Island is an Indian territory and had been ceded to Sri Lanka is embedded in Article V of the agreement which deals with the traditional rights of the Fishermen and Pilgrims to go over to the Katchatheevu island.

ARTICLE V :

Subject to the Foregoing Indian fishermen and pilgrims will enjoy access to visit Katcha Teevu as hitherto and will not be required by Sri Lanka to obtain travel documents or visa for these purposes. Article VI of the agreement protects the Indian fishing vessels right to venture into and stay in Sri Lankan waters.

ARTICLE VI :

The vessels of India and Sri Lanka will enjoy in each other's waters such rights as they have traditionally enjoyed therein.

Article VII deals with effective utilization by both the countries of Gas and other mineral resources that may be discovered in this Sector. Although, this agreement include ceding Katchatheevu Island to Sri Lanka, in effect this agreement upholds and safeguards the traditional rights of our fishermen over this sector of the Sea, which include Island of Katchatheevu and the area surrounding it. The Island of Katchatheevu had remained within the suzerainty of both the Nations.

When two sovereign nations exercise their suzerainty over a land or Island, such joint exercise of power is termed a Condominium. International Law permits exercise of such suzerain power by two or more nations over rivers, Seas and the land mass abutting the sea. The exercise of joint suzerain power by England and France since 1934 over Candon and Endenbury is a best example. The 1974 Indo Sri Lankan Pact,

is based on this principle of joint exercise of suzerain power and not a complete ceding of territory as it is being portrayed by Mr.S.M.Krishna.

Even then the act of foregoing the territory of Island of Katchatheevu by Indira Gandhi is an act contrary to the Constitution of India. The Indian Constitution does not permit nor does it authorize any person to cede the country's territory to any other Nation.

In 1958 when the village of Berubari was to be ceded to Pakistan, the then Indian President make a reference to the Supreme Court, under Article 143 (1) of the Constitution of India, seeking its view on the constitutionality of ceding the territory. The Supreme Court constituted an 8 member Bench, which after much deliberation, advised the Union Government, to carry out necessary amendments to Article 368 before ceding the territory. Accordingly, the Union Government amended Article 368 and thereafter ceded the territory to Pakistan.

WHEN NEHRU ATTEMPTED TO CEDE BERU BARI



“The Forward Block party severely condemn the attempt of Prime Minister Nehru to cede the Beru Bari region, a part of West Bengal to Pakistan without consulting the west Bengal Government. It is a wrong proceedings which is against our Constitution as per article 3 of the constitution. I call upon the nation particularly the people of west Bengal to unite together and prepare for all kinds of Sacrifices to retain Beru Bari within our Indian soil”.

- Muthuramalingathevar in a Press meet at Calcutta on 29/02/1959.

Mrs.Indira Gandhi, who signed the 1974 agreement with Sri Lanka and her other officials as well, are quite aware of the need to obtain a Constitutional sanction before ceding the Island of Katchatheevu. Article VIII of the agreement refers to ratification and exchange of instruments which should take place at the earliest possible time.

ARTICLE VIII :

This agreement shall be subject to ratification. It shall enter into force on the date of exchange of the instruments of the ratification which will take place as soon as possible.

Article VIII of the agreement stipulates obtaining a ratification, which could be done by bringing a suitable amendment to the constitution before enforcing the agreement. No such ratification or sanction has been obtained. As such this agreement has lost its sanction, has become inoperative and unenforceable. The statement of External Affairs Minister Mr. S.M.Krishna, before Parliament, that this agreement cannot be abandoned it a contemptuous statement transcending the Constitution, for which act, the External Affairs Minister, the Prime Minister and his Council of Minister should be held responsible. It is this agreement of the year 1974, which has contributed to killing of nearly 500 Indian Fishermen, permanently disabled 1000 of them and disappearance at the same number. This agreement which makes a mockery of the Indian Constitution, is according to our External Affairs Minister, Mr.S.M.Krishna, as declared by him before the parliament “a solemn agreement.” Mr.S.M.Krishna and his Ministerial counterparts have failed to remember having taken an oath to protect and preserve the Constitution.

The numerous documents in hand, our Constitutional provisions, the covenants in the 1974 agreement, supports our view that India has a suzerain power over the Island of Katchatheevu, and continues to exercise that power and will continue to exercise the power over Katchatheevu and the surrounding Seas. In effect the Indian fishermen too exercise

such rights over the Katchatheevu Island and the surrounding Seas. I challenge Mr.S.M.Krishna to defer with me. If he could disprove my statement I am ready to face the gallows. If my statement is upheld, will Mr.S.M.Krishna, amputate his tongue for having repeated a false and disproved statement.

THE INDO SRI LANKAN MARITIME BOUNDARY AGREEMENT OF THE YEAR 1976

While, the 1974 agreement had elaborately dealt with Palk Strait which included the Island of Katchatheevu, the 1976 agreement signed by the Foreign Secretaries of both the Nations deals with the remaining areas in the Gulf of Mannar and Bay of Bengal, which were not covered under the 1974 agreement. This agreement was signed on 24.03.1976 and contains VII Articles. Article I, demarcates the maritime boundary in the Gulf of Mannar and Article II, demarcates the boundary over the Bay of Bengal.

Article V, contains sub clauses 1, 2 and 3 which have similar connotation pertaining to exercise of sovereign and economic rights over Islands, Isles, sand dunes and over biological and fossils which fall under their respective demarcated territory. Both the Country has a right to venture into the territorial Seas of the other Country, and over its exclusive economic zone, of course fully honoring the Law of the respective land and the International Law.

ARTICLE V-3 :

Each party shall respect rights of navigation through its territorial sea and exclusive economic zone in accordance with its law and regulations and rules of international law.

The essence of the forgoing articles is that one Country should not traverse its ship over the territorial Seas of the other Country, without obtaining its permission. This had been affirmed by the then Indian Foreign Secretary, Mr.Keval Singh, who in his letter to his Sri Lankan counterpart, written on 23.03.1976, the date on which the agreement was signed,

held that “fishermen from one Country shall not fish in the territorial Sea of the other Country.”

It is imperative to note that this condition will apply only to the sector surrounding the Gulf of Mannar and the Bay of Bengal and not in the sector surrounding Palk Strait, Katchatheevu Island, which sector had already been covered under the earlier 1974 agreement, wherein it had been agreed that fishermen of both the countries had a right to fish transcending maritime boundaries.

This is affirmed in the preface of the 1976 agreement which reads: “Recalling that the boundary in the Palk Strait had been settled by the agreement between the Republic of India and the Republic of Sri Lanka on the boundary in Historic waters between the two countries and related matters signed on 26/28 June 1974.”

This agreement of the year 1976 has sealed the fate of the Indian Fishermen, who hitherto were fishing unhindered over the Gulf of Mannar and the Bay of Bengal continuously for the past thousand years and more. By stipulating restrictions over their fishing rights, the only source of livelihood of the fishing community had been challenged and the Indian Fishermen became targets for the Sri Lankan Navy. Although Article V-3 of this agreement, stipulates that both the countries should respect the International Laws, seldom the Sri Lankan Navy cared for the International Law and in case of violations by the Indian Fishermen had acted in a most barbaric manner.

Article VII of this agreement contemplates ratification of the agreement before enforcement. But till date the agreement has not been ratified. This agreement has not got its parliamentary sanction and could well be declared as unenforceable.

Keval Singh has signed the 1976 agreement in his capacity as the Foreign Secretary. He can only be termed as the

representative of the Indian Government. It is not necessary that the Government should accept the agreement and act according to it. In fact Keval Singh did not have any authority to sign the agreement which will bind this Nation. The Government can accept the agreement or rescind it. No explanation needs to be given as to why the agreement was rescinded. The agreement could be accepted or could be confined to a dustbin. This is how international law treats the agreements signed by a representative of a nation. Unfortunately, Mr.S.M.Krishna has failed to understand this basic fact and continues to maintain that the agreement cannot be un-nulled unilaterally. This agreement has not been entered into between two Countries, but only amongst the representatives of both the Countries. It is better that Mr. S.M.Krishna, read the agreement once again.

The Rajiv-Jayawardane agreement, envisaged merger of the Northern and Eastern Provinces of Sri Lanka into a unified Tamil Province. The JVP organization challenged this agreement before the Sri Lankan Supreme Court, which ultimately annulled the treaty. If Sri Lankans could do this, why can't we do a similar act to protect the life and dignity of our Indian Tamil Fishermen.

Even if an agreement had been truly entered into between two Nations, and on a later period if any change in circumstance warrants annulment of the agreement, such annulment can be done. The International Law terms this as Rebus Sic Standi Bus principle. Does the same situation which existed in Sri Lanka during 1974-1976 exist now?

China has conceived its PEARL GARLAND idea, solely aimed at weakening the sovereign and territorial integrity of India. Under its PEARL GARLAND scheme China has now established basis in Kedar in Pakistan, Hang Hi in Myanmar (Burma), in Maldives Island and in Ambanthotta in Sri Lanka. Lastly, China has set its foot in Katchatheevu Island also.

Pilgrims who went to Katchatheevu Island on the annual St. Anthony's Church festival have reported seeing Chinese Army Tents. Few foreign media and establishments have also unfolded the presence of Chinese Army men in Katchatheevu Island. The Tamil Indian Fishermen, who were attacked by the Sri Lankan Navy have reported the presence of Chinese Army men aboard the Sri Lankan Naval Ships. It is reported that more than one lakh Chinese Army men and nearly 25,000 Chinese convicts have been made to settle down in Sri Lanka. In a bomb blast incident reported from the Eastern part of Sri Lanka, nearly 70 persons were killed when 3 explosive laden lorry belonging to Chinese Army burst into flames. Certainly, China would not have brought these explosives to make fire crackers. Now China has established not only its bases in the Northern and Eastern Part of Sri Lanka, it has established its colonies in these areas. Does not the presence of China, in Sri Lanka threaten the safety and security of India? How does Mr. S.M.Krishna view this development?

America has put India on alert about the infiltration of Lakshar-e-Taiba terrorist inside Pakistan. Recently, a Lakshar-e-Taiba terrorist who was arrested in connection with the Bomb-Blast in Germa Bakery in the Maharastra City of Pune has confessed having been trained in Colombo in Sri Lanka. Unfortunately, Mr.S.M.Krishna does not seem to take this confession seriously. American intelligence has also confirmed the presence of nearly 200 Lakshar-e-Taiba men in Sri Lanka. How Mr.S.M.Krishna is going to act on this? Does he think, that Lakshar-e-Taiba aims to killing only foreigners and not Indian nationals?

Mahinda Rajapakshae, who is instrumental in bringing down hundreds of Hindu Temples in Tamil Eelam, is now touring Tirupati, Sri Rangam, Madurai and Rameswaram. Along with him, he brings his men in large numbers. All of them being Buddhist by birth and practice, cannot be expected to have come here to offer prayers. Their agenda may be different.

There may even be men belonging to the Sri Lankan intelligence. They could have very well collected maps and sketches of important places, Towns and place of worship in Tamilnadu and could well have forwarded the same to their Lakshar-e-Taiba counterparts, who could create panic and terror in this Country. It will be the innocent Hindu and Muslim brethren who in the end will be affected. Can Mr.S.M.Krishna simply brush aside these fear?

Mahinda Rajapakshae, has now introduced certain amendments in the Lankan parliament elevating him to a stature of a Dictator. The Lankan Army commander Sarath Fonseka, has forewarned a possibility of a coupe in Sri Lanka.

India should watch these critical and crucial developments and utilize the opportunity to abrogate the 1974 and 1976 agreements and thereby facilitate-free movement for our fishermen over the entire waters in the Eastern Seas. **These fishermen, who roamed about freely in this Eastern Seas for thousands of years were the unpaid guardian angels protecting our maritime borders.**

As per article 21 of our constitution it is the bounden duty of the U.P.A government to safeguard the lives of the fisherman of tamilnadu since they are also Indians and not aliens.

But S.M.Krishna Minister for external affairs openly declared in the parliament that they could not protect those fishermen who transcend the maritime extender line.

We have already seen that even though Katcha Theevu was ceded to Srilanka in the 1974 agreement, the traditional rights of Indian fisher men over Katcha Theevu, over Palk straits were protected as per article 5 and 6 of the above agreement.

Shri. Swaran Singh, formerly minister for external affairs had already confirmed this in the parliament in his epilogue while answering a question raised by Shri.

M.Kalyanasundaram, M.P on 23.07.1974. Both the question and answer are narrated below

Shri M.Kalyanasundaram : *The Tamilnadu government has a grievance that it has not been consulted properly. May I know what is the actual fact in regard to that?*

I also want to know the details about the protection given with regard to fishing rights.

Shri Swaran Singh : *About the traditional rights if the honourable members go through the terms of the agreement a copy of which has been placed on the table of the house, he will get the answer because it is mentioned rights of Indian fisherman and to visit the island will remain unaffected. Similarly the traditional navigation rights exercised by India and Srilanka in each others waters will remain unaffected*

[Source: Loksabha Debate - July 23, 1974 - cols 180-20]

Then what happened to the traditional rights of the Indian fishermen over Katchateevu?

While answering a question in the parliament raised by Shri. P.Kumaraswamy A.I.A.D.M.K., M.P. during the year 2002, the external affairs state minister Mr. Omar Abdullah has stated as follows .

Shri. Omar Abdullah : **The agreement between India and Srilanka on the boundary in historic waters between the two countries was signed in June 1974. The agreement states that Indian Fishermen and pilgrims will enjoy access to visit Katcha Teevu as heitherto and will not be required by Srilanka to obtain travel documents or visas for these purposes.**

Fulfillment of these traditional rights has been in abeyance since 1983 due to the security situation in the Palk Strait. The matter remains under discussion between the two governments.

Again the same minister while answering a question raised by same member stated as follows.

Government of India regards the delineation of the Indo Srilanka maritime boundary through the Agreement of 1974 and 1976 as settled matter. In terms of these agreements the island of Katchateevu lies on the Srilankan side of the International Boundary line. The Agreement states that Indian fishermen and pilgrims will enjoy access to visit Katchateevu as heitherto and will not be required by Srilanka to obtain travel documents or visas for these purposes. Fulfillment of these traditional rights has been in abeyance since 1983 due to the security situation in the Palk Straits

Now the situation has completely changed after 19th May 2009. The Srilankan government have already declared that they have destroyed L.T.T.E totally in Srilanka. The Tamilnadu police have also stated that there is no L.T.T.E movement in Tamilnadu. Then why can't the U.P.A government remove the ban through which the fulfillment of traditional rights of the Indian fisherman over Katchateevu has been kept in abeyance?

It is to be noted that after 19th May 2009 more than 30 no of Indian fishermen were killed by Srilankan navy till date. If the U.P.A government had already removed the ban soon after 19th May 2009 more than 30 no of lives of Indian fisherman would have been saved. Hence the U.P.A government particularly Shri.S.M.Krishna minister of external affairs should be held responsible for the killing of more than 30 no of fishermen by the Srilankan navy. Shri S.M.Krishna should resign otherwise he should be removed from the cabinet.

INDIAN STAND :

Now, it has become necessary to scrutinize the 1976 agreement again in which the foreign secretaries of both countries signed. We have already seen that in no way 1976 agreement affected the traditional rights of the Indian fishermen over the Katchateevu but fulfillment of these traditional rights has been in abeyance since 1983 due to security

situation in the palk straits. This is the very very crystal clear stand of India.

SRILANKAN STAND :

But Mr. W.T.Jayasinghe foreign secretary of Srilanka (1972-1989) who has signed in the 1976 Agreement, in his book "Katchatheevu and Maritime Boundary of Srilanka" published in 2008 has stated as follows.

"As per the terms of the 1976 Agreement between the foreign secretaries of India and Srilanka the Indian Fishermen and pilgrims would not enjoy to visit Katchatheevu as heither to".

What a quite contrary stand of Srilanka Government against the Indian Government stand which was again and again expressed in the parliament of India that **the fulfillment of the Traditional rights of Indian Fishermen over Katchatheevu has been in abeyance since 1983 due the security situation in the palk straits.**

The misinterpretation made by the Srilankan Foreign secretary about the terms of the 1976 agreement alone is enough for the Indian Government to abrogate the 1976 Agreement without anymore delay.

Now let us again come to the 1974 Agreement before conclude this chapter.

Prof S. Krishnaswamy has clearly and rightly stated in his book "Katchatheevu-sovereignty of India" as follows.

Katchatheevu was an Indian Territory. It was ceded to Srilanka by the 1974 agreement. The ceding of the Katchatheevu by India to Srilanka in 1974 was not approved by parliament. A law enacted by Parliament under article 368 was necessary for ceding Katchatheevu to Srilanka. No law was passed.

India's sovereignty on Katchatheevu has not been terminated leagally. The ceding of Katchatheevu to Srilanka is not complete. Further there are change of vital circumstances. Now

Srilanka has taken hostile stand against India and Indian Fishermen.

Katchatheevu is now being used as Naval Base for the joint exercise of Srilanka and China. India is facing a clear danger at present. India may assume and exercise its sovereignty over Katchatheevu. There is no legal bar either in the constitution of India or in international law. What is needed is the POLITICAL WILL to exercise sovereignty over Katchatheevu. Katchatheevu is an Indian Territory. India may go ahead and get back Katchatheevu."

So, the U.P.A Government can very well abrogate the 1974 and 1976 agreements by making a resolution at their cabinet level and get back Katchatheevu and the seas in between India and Srilanka under the sovereignty of India not only to save the lives of Indian Fishermen but also to safeguard the sovereignty, safety and unity of India.

Any more delay on the part of the U.P.A. Government in this regard will lead to the continuance of the untold inhumane torture and killings of Indian Fishermen by the Srilankan Navy.

ATROCITIES FACED BY TAMILNADU FISHERMEN AT THE HANDS OF SRI LANKAN NAVY

In the event of the Tamil fishermen being caught by the Sri Lankan Navy, the torturous acts and atrocities committed on them by the Sri Lankan Navy cannot be described in words.

1. Undressing our Fishermen.
2. Firing at and mercilessly shooting down the Fishermen, even after they surrendered by raising their arms in the air.
3. Forcing them to lie over Ice bars.
4. Forcing them to carry Ice bars on their heads.
5. Compelling them to lie knee down on Salt corns.
6. Forcing them to eat Masala Powder mixing it with Grease Oil.
7. Forcing them to intercourse with a dead Tirukai fish.
8. Compelling homosexuality, irrespective of whether the fishermen are father or son or brothers.
9. Spitting over their faces.
10. Compelling them to drink Urine.
11. Castigating the fishermen as Indian Bastards and coward Tamils.
12. Pushing the physically challenged fishermen into Sea.
13. Forcibly taking away the caught fishes.
14. Destroying nets worth several lakhs.
15. Forcibly snatching away gold rings, chains, cell phones and money owned by fishermen.
16. Threatening the fishermen with acid bottles.
17. Hitting and stamping the fishermen with boot legs.

18. Hitting hard with the Gun bud.

19. Drowning the fishermen in sea.

20. Arresting the fishermen and detaining them illegally in Sri Lankan Jails.

To spell out is shameful, but to suppress it is deceitful. These are some of the atrocities committed on our fishermen by the Sri Lankan Navy. Retrieving Katchatheevu Island is the only solution to put an end to these atrocities.



TORTURE

Torture seeks to annihilate the victims personality and denies the inherent dignity of the human being

Torture is a crime under International law which means that it is binding on every member of the international community, regardless of whether a state has ratified international treaties in which torture is expressly prohibited. The systematic or wide spread practice of torture constitutes a crime against humanity

Secretary - General **Banki-moon**
message for the International Day
in support of victims of Torture 2010

WITNESS TESTIMONY OF TWO TAMILNADU FISHERMEN

Having ceded Katchatheevu Island to Sri Lanka, our Tamilnadu fishermen are facing the wrath of the Sinhala Goons. The following is a tearful testimony narrated by two Tamilnadu fishermen about the atrocities committed on them by the Sri Lankan Navy.

Testimony -1:

Oral Testimony of C.Soundar Rajan, (25 years as on 2009) fishermen, resident of Mandapagathur, Karaikal, Puduchery, State.

On 26.10.2006, along with my father Chinnappa and brother Chandrasekar, I ventured out into the Sea near Jagathapattinam in Pudukottai District. We were in possession of fishing pass issued by the Tamilnadu Government and we were fishing on the side of Mallipattinam within the Indian territory. Suddenly, there appeared a flotilla more than ten



Sri Lankan Naval boats, firing indiscriminately on us. The first bullet hit me on the right side of my head near the rear side of my left head, resulting in fracture of my nose, backbone and upper jaw. Bullet pellets pierced my right shoulder, right thigh and on the right side of my body. Within seconds after firing on us the Sri Lankan Navy disappeared. I was brought to Thanjavur Hospital, where I was operated upon and bullets and pellets were removed from my body. Still I have bullets in my brain and Doctors fear that any attempt to remove them will be fatal to me. Now I could hear nothing. I have become deaf. My right hand and leg has become permanently paralyzed. Still I could not breath through my nose and I could breath only through by mouth. In short I am a living dead.

Testimony-2 :

Oral Testimony of K.Sekar (aged 45 years, as of 2009) permanent resident of Arcot Thurai, Vedaranyam Taluk, Nagapattinam District.



We four of us were fishing near Kodiyakarai. As it is their usual practice, the Sri Lankan Navy came firing indiscriminately. Arumugam who accompanied me was got a bullet struck on his right thigh. Five bullets pierced my right hand above the elbow, as though my right hand had been forcibly cut. Due to this blood profused badly. Having no other option, but to bear with the tragedy, I remained floating in the Sea for three days. Having remained floating in the Sea for three days with severe injuries, my right hand got decayed. I had no other option but to amputate my right hand on my own and throw it into the Sea.

These are scenes which are not witnessed even in Cinemas, These two events took place within the territorial waters of India. Since 1983, thousands of similar attacks have taken place against our innocent fishermen. Where did our Indian Navy and Indian Coast Guard went missing when these attacks took place?

SRI LANKANS RECENT CHALLENGE TO INDIA

Whenever India played Cricket match with Srilanka the Tamil Fishermen of India used to pray that India should loose the match because if India won the match the very next minute the Srilankan navy would enter in to our territory and start attack on our fishermen.

While the whole Tamil Nadu was busy in the 2011 Assembly Elections, the Srilankan Navy abducted Four Rameswaram Fishermen and cruelly tortured them and finally killed them and threw away their bodies one by one in different parts of palk straits. What is the reason?

THE NEW INDIAN EXPRESS (Daily) has clearly reported the Matter in its Chennai edition on April 12th & April 13th of 2011 as follows

THE NEW INDIAN EXPRESS - TUESDAY, APRIL 12 / 2011 / CHENNAI

"KILLING TO AVENGE LANKA'S WC LOSS"

BARELY two weeks after Congress leader Sonia Gandhi 'promised' that there would be no more at-tacks on Tamil Nadu fish-ermen by the Lankan Navy reports on Monday emerged that Lanka's Navy allegedly killed four Rameswaram fishermen, missing since April 2.

"Our sources across the Palk Strait confirmed that it was brutal retaliation on innocent Tamil fishermen by Lankan Navy, dejected over their nation's defeat in the Cricket World Cup final against India," Seethayin Maindan, coordinator of Katchatheevu Retrieval Movement, told Express. Post 1983, it was a regular phenomenon that when-ever Lanka lost a match against India or if India won matches against Paki-istan or a nation friendly to Lanka, innocent persons fishing in Palk Bay were targeted, he added. Victus, Anthony raj, Johnpaul and Marimuthu - were missing on April 2 after they went fishing near Katchatheevu, close to the Lankan mari-time boundary.

Meanwhile, a report from Palk Strait said that three bodies were washed ashore near the Jaffna coastline and one of them was identified to be of Victus, who went missing on April 2. "We strongly feel that these fishermen might have been killed by the Lankans, as Victus's body had cut marks," Seethayin Maindan said. His body had 15 cut injuries and a few of them were quite deep, including one in his forehead, said sources. The theory gained ground as his body was not allowed to be sent back for final rites and was hurriedly buried in Jaffna.

THE NEW INDIAN EXPRESS - WEDNESDAY, APRIL 13th - 2011 - CHENNAI

INJURY MAKRS ON FISHER'S BODY POINT TO TORTURE: AUTOPSY DOC :

THE post-mortem report of one of -the fishermen, whose body was found in Sri Lanka, points to the fact that he was

tortured to death. According to a doctor, who conducted the autopsy and talked to this reporter over phone, there were injury marks that raised suspicion over the death of the fisher.

This statement is inconsistent with the statement issued by both Sri Lanka and the Indian governments that they were drowned.

The four fishermen - Victus, Antony, John Paul and Munniasamy - had set out on April 2 but failed to return. On April 7, there was a report that two unidentified bodies had washed ashore in Neduthivu in Jaffna.

After a demonstration by the relatives of one of the victims, the government agreed to send them to Jaffna to identify the bodies. The body of the one of the fishermen Victus was identified by his relatives.

On April 9, at 2.30 pm, a doctors' team headed by Dr. S.Rooban carried out the post-mortem at a hospital in Jaffna in the presence of a local minister, superintendent of police and the representatives from Rameswaram.

Later, the body was handed over to the relatives for his last rites to be done at Jaffna itself.

A highly-placed source who was present during the autopsy said that the post-mortem revealed that a broken pin was found stuck in the big toe of the victim's left leg that showed that he could have been tortured to death.

A few other injuries on the right shoulder and on his back further increased suspicion that it was a brutal attack on him. The report also found that the shirt was torn and buttons broken.

S.M.Krishna always says that Sri Lanka is our friendly nation. Then who are Tamil Fishermen, Tamils and Tamil Nadu to him?

KATCHATHEEVU IS OURS CONCRETE EVIDENCES

Even during the reign of ancient Tamil Sangam Kings, reign of King Sethupathy of Ramanathapuram, reign of East India Company, during the time of direct British rule and even after independence, Katchatheevu island remained with Tamilnadu. There are many more plentiful evidence and data to establish that Katchatheevu Island and the surrounding rich Sea belong to Tamilnadu.

EVIDENCES :

1. During A.D. 1605, the clan of Ramanathapuram Sethupathy King was established by the Madurai Nayaks, incorporating 69 coastal villages and 7 Islands, of which Katchatheevu Island is one of the Islands.

2. A copper plate plaque issued by King Koothan Sethupathy who ruled Ramanathapuram during the years 1622-1635, depicts that the Sea upto Talaimannar belonged to Sethupathy Kings.

3. Coronation flowers which adorn the Goddess, Malai Valar Kathali Ammai of Rameswaram are grown in Katchatheevu Island. Similarly, cattle's that are donated to the Temple are cared for in Katchatheevu Island and the Milk and other items needed for pooja are brought only from Katchatheevu island.

4. In the Kingdom of Ramanathapuram, there existed a separate account section to maintain and audit the accounts of Katchatheevu Island.

5. In the plaque issued to Jamindarine Mangaleswari Natchiyar, who took over after the period of Ramanathapuram King Muthuramalinga Sethupathy (who was imprisoned for a long period for having opposed the British), it is clearly mentioned that Katchatheevu Island belonged to Ramanathapuram Zamin.

6. There is a clear document evidencing leasing out Katchatheevu Island to East India Company by Ramana-

thapuram Sethupathy in the year 1822.

7. In Queen Victoria's 1858 Proclamation whereby the powers got transferred to British Rule from East India Company, reference is made that Katchatheevu Island belong to Ramanathapuram Zamin.

8. P.P.Peris, who during the years of British Rule in 1936-40, served as an Assistant Draftsman and later became a Ministerial Secretary after Sri Lanka attained independence, on 08.05.1966, made the following statement, confirming that Katchatheevu Island belonged to Ramanathapuram Kings. He says, "During the years 1936-40, when I served as Assistant Draftsman in the Land Survey Department, I was directed to survey the district boundaries of Ceylon. Therefore, I perused all records, documents, historical evidences and the Queen Victoria's proclamation, by which I found that Katchatheevu Island belonged to King Sethupathy, Therefore I drew the Northern District of Ceylon delineating Katchatheevu Island."

This statement issued by the Ministerial Secretary on 08.05.1966, was widely reported in the then Daily Mirror published from Sri Lanka and thereafter reported in Indian Express in India.

9. There is a Registered Document (Registration No. 510/1880, Book 1, Volume 16) evidencing the fact that on 23.06.1880, eight coastal villages and four Island, including the Katchatheevu Island, belong to the Ramanathapuram Sethupathy's were given in lease by the District Collector, Madurai jointly to one Abdul Kadar Marakayar and Muthusamy Pillai.

10. By a document dt.04.02.1885 (Registration No. 134/1885), Muthusamy Pillai, has taken the Katchatheevu Island on an annual lease of Rs.15 per annum from the Estate Manager of Ramanathapuram Sethupathy for the purpose of procuring dye roots.

11. Under a pact entered into between the Dutch and Ramanathapuram Seethupathy during the year 1767, a

clause was incorporated to permit all those residing Ramanathapuram Zamin can always visit Katchtheevu Island.

12. Baskara Sethupathy of Ramanathapuram, has assigned a portion of Katchatheevu island to Poet Sundaram.

13. When Zamindari Abolition Act came into force, Katchatheevu Island is mentioned as 285 Acres of Government Poromboke land in Ramanathapuram Village.

14. In the Ramanathapuram Gazetteer, issued by S.A.Viswanathan, Assistant Revenue Officer, Madras (then Tamiinadu was called Madras) on 11.11.1958, in Register No.68, Katchatheevu Island is shown as comprised in Ramanathapuram Village.

15. On 01.07.1913, when few Islands were taken on a 15 year lease by the Government of Madras Presidency from Ramanathapuram Sethupathy, Katchatheevu Island is mentioned by the Secretary to Government, as a territory belonging to Ramanathapuram Zamin and situate on the North East of Ramanathapuram.

16. In the year 1947, one K.M.Mohammed Merasa Marakayar, took the Katchatheevu Island on lease from Ramanathapuram Sethupathy. In the documents which was then executed, Katchatheevu Island was shown as a territory situated between Talaimannar and Danuskodi and belonging to Ramanathapuram Suzerainty.

17. In the Land Document Register issued by the Government, firstly issued in the year 1957 and again reprinted and issued as an updated publication, in the year 1966, at page 107, Katchatheevu Island is mentioned as a uninhabited territory belonging to Danuskodi.

18. Between the years 1913 and 1928, many Islands including the Katchatheevu Island were taken on lease from Ramanathapuram Sethupathy Kings and were again sublet to fishermen.

19. On several occasion the Sethupathy Kings, have themselves directly leased out many islands including the

Katchatheevu Island to fishermen. There are records to show that fishermen from Tondi and Nambuthazhai have taken such leases.

20. In all the Indian Land Survey Records issued between the years 1874 and 1956, Katchatheevu Island is depicted as an Indian Territory alone. The Indian Land Survey Department has mentioned Katchatheevu Island as, measuring 285 Acres and 20 cents comprised in Survey No.1250,

21. In all reports published in several medias, Katchatheevu Island is mentioned as belonging to Ramanathapuram Sethupathy.

Thus it is very clear that Katchatheevu Island is a Tamil Soil, and it is a Tamil Land. Katchatheevu Island and the seas surrounding it belonged to Tamils through several generations. More particularly, it is the tamil fishermen community which enjoyed the land over the years.

It is this ancestral Tamil home land which was ceded to Sri Lanka by Indira Gandhi in the year 1974. While gifting away the land, Indira Gandhi pointed out that Katchatheevu Island is being ceded not on the basis of records but for other political reasons. What ever be the reason for ceding the Katchatheevu Island, but it is ultimately our Tamil fisher womenfolk numbering above 500 who were widowed by the Sinhala Navy Goons, Retrieval of Katchatheevu Island, alone will put an end to the suffering of our fisher brethren.

THE DICTATORIAL ACT OF THE CONGRESS AND THE LOSS OF KATCHATHEEVU ISLAND

India is a country with different rationalities people of which have formulated a Constituion to protect the interest of each and every citizen. It is no less an act of betrayal, and anti national, when a territory belonging to people of a particular nationality being ceded to a foreign power, that too without obtaining the consent of that people. This could be summarized as a dictatorial act. Katchatheevu Island was ceded to Sri Lanka by the then Congress Government through the 1974 agreement, which agreement had not even been ratified by the Indian parliament.

Traditionally Katchatheevu Island had been the territory of Tamils. The foregoing chapters dealt in detail the Tamils traditional right over Katchatheevu Island. The Sinhalese were often found staking a claim over Katchatheevu Island. During 1920, the Sinhalese made a claim with the British rulers over the Katchatheevu Island. Even then Katchatheevu Island continued to remain a territory of Tamils.

After independence, during 1951 and again in 1954, Sri Lanka laid a claim over Katchatheevu Island. Dudley Senanayake and John Kothalawala were the Srilankan Prime Ministers, and Jawahariai Nehur was the then Indian Prime Minister. Jawaharlal Nehru did not show any interest



over Katchatheevu Island. This emboldened the Sri Lankans to conduct a Military exercise in Katchatheevu Island in 1955. When this was raised in Parliament, Jawaharlal Nehru would only say that the issue is being analyzed. In the mean time Sri Lanka agreed to wait for a final decision on Katchatheevu Island and announced “postponement of military exercises” till then.

Again during 1968 the issue on Katchatheevu Island was raised in Parliament. Mrs. Indira Gandhi, the then Prime Minister, following the footsteps of her father Jawaharlal Nehru did not pay much attention and replied that she is awaiting details on Katchatheevu Island from the Government of Tamilnadu. During the same period, on 02.03.1968, the Samyuktha Socialist Part, which had only 2 members in the Tamilnadu assembly moved an adjournment motion on the issue of Katchatheevu Island, Pulavar Govindan, the then Deputy Speaker, (who was then in Chirai) said that the issue of Katchatheevu Island is an external affairs issue to be addressed by the Central Government. The DMK had 138 members in the Assembly at that time. This is the manner in which the DMK, once a patriarch of separate Dravidian land, viewed the issue of Katchatheevu Island.

In 1974, the Prime Ministers of both the nations deliberated on handing over Katchatheevu Island to Sri Lanka. On 26.06.1974, Mrs. Bandaranayake, signed the agreement in Colombo and on 28.06.1974. Mrs. Indira Gandhi signed the fateful agreement. On 23.07.1974 a report on this agreement was read over in the Parliament. Till date the agreement has not been ratified by the parliament. Mrs. Indira Gandhi, fairly admitted that Katchatheevu Island was ceded for political reasons and not on documentary evidences. It is worth mentioning that during the Indo China War and Indo Pak war, Sri Lanka had always supported China and Pakistan. In reciprocation of Sri Lanka's support during the Bangladesh War, Pakistan gave two planes to Sri Lanka.

It is widely reported that after the 1971 Indo Pak War, Pakistan sought to establish an Air base in Sri Lanka and this was vehemently opposed by India. On its part Sri Lanka demanded that, to keep Pakistan in bay, Katchatheevu Island be ceded to it. Mrs. Indira Gandhi is reported to have accepted to this barter. This is the political reason that is widely reported to be the reason for ceding Katchatheevu Island to Sri Lanka.



Considering the stature of Mrs. Indira Gandhi and the political power which she wielded during that time, Mrs. Indira Gandhi was in the height of her political career and it in the next year viz., 1975 she declared Emergency, it is rather doubtful whether Mrs. Indira Gandhi would have yielded to the dictates of Mrs. Bandaranayake.

Mrs. Bandaranayake is considered very close to the Nehru family. Even during the days of Mr. Bandaranayake, there was close relationship between Jawaharlal Nehru family and Bandaranayake family. After, the death of Mr. Bandaranayake, Mrs. Bandaranayake became the Prime Minister of Sri Lanka. She had the distinction of being the first Women Prime Minister in the World. The relationship between her and



Nehru continued well, till the death of Jawaharlal Nehru. Thereafter, the relationship continued with Mrs. Indira Gandhi. Although, Mrs. Bandaranayake had the distinction of being the World's first Women Prime Minister, she saw her power fading away at home. So there was a necessity to rejuvenate, which was accomplished by ceding Katchatheevu Island to Sri Lanka. While, Mrs. Indira Gandhi weighed the family relationship more, she failed to realize the trouble ahead for the Tamil Indian Fishermen. In the end, Katchatheevu Island was ceded to satisfy personal desires.

"Katchatheevu was the most typical case of a personal equation playing the role of diplomacy. When the negotiations had virtually failed, and the Indian official delegation was pressurizing Indra Gandhi not to give up India's claim on the islet, Srimavo Bandaranaike made a personal appeal to Indira Gandhi to come to her rescue as it would otherwise spell political disaster for her. Indira Gandhi appreciated Mrs. Srimavo Bandaranaike's predicament and manipulated the situation in such a way that it became a fait accompli even before the Indian delegation could react. Srimavo Bandaranaike remembered this gesture as late as 1990 with immense gratitude.

Prof. Partha Gosh in his book "Ethnicity versus Nationalism.

KATCHATHEEVU AND THE INDIAN TAMILS OF SRILANKA

The Congress Rulers never considered Tamils as Indians and Tamil Nadu a part of India. Ten Years earlier to the Indira Gandhi – Srimavo traitorous agreement of 1974, during the year 1964, Sastri the then Prime Minister of India Made a betrayal agreement with the same lady Srimavo Pandaranaike which made lakhs and lakhs of Indian Tamils of Srilanka Stateless. These Tamils were taken to Ceylon under the protective umbrella of British since 19th Century and they formed a bulk labour which turned the malaria infested forests of Srilanka in to a smiling plantations of tea which sustained the Srilankan economy up to modern times.

Under the British Rule these Indian Tamils of Srilanka enjoyed the same legal status what the Singhalese and the Srilankan Tamils enjoyed. After Independence, the Srilankan Government declared that all the Srilankan Indian Tamils are stateless by passing an act by name The Ceylon Citizenship Act 1948.

Instead of warning the Srilankan Government to withdraw the above act, the Congress Government went on negotiating with Srilanka on this issue and finally Sastri accepted to get 5-25 lakhs of Srilankan Indian Tamils back to India out of 9.75 lakhs of Indian Tamils in Srilanka. It is to be noted that 90% of them did not want to return to India because they had been there in Srilanka Since 19th Century.



At that time Shir. C. Raja Gopalachari, once a Prominent leader of congress Party rightly echoed the feelings of Tamils as follows.



“Why should nearly a million of children and grand children born in Ceylon to parents who toiled and sweated for Ceylon and who had gone there from south India and settled down in the plantations be disentitled to be citizens of Ceylon? Why should a single child born in Ceylon and desiring to be in Ceylon and be a working citizen thereof be turned to wander as homeless refugees in India?”

As usual the congress Rulers ignored all objections and protests. Ultimately lakhs and lakhs joined families of Indian Tamils in Srilanka departed each family in to two or more and 60% of them were forced to return to India as refugees.

Thereafter, the Srilankan Tamil refugees in India and their blood relations in Srilanka used to meet and recall their memories once in a year at Katchatheevu during the “Antoniar Festival” without Visa or any other travel documents. After Indira Gandhi gifted Katchatheevu to Srimavo for the reasons described in the previous chapters the Srilankan Government once for all locked the Antoniar Temple and stopped the Antoniar Festival Since 1978 and detained the Pilgrims to visit katchatheevu.

Thus the meeting opportunity of the Srilankan Tamil Refugees in India and the Indian Tamils in Srilanka once in a year at Katchatheevu was buried because of the ceding of Katchatheevu to Srilanka through the traitorous, betrayal and unpatriotic agreement made by Indira Gandhi during the year 1974.

What remarkable here is that Shri. K. Kamaraj the Then All India Congress party leader who made Sastri as Prime Minister after Nehru and Indira as the Prime Minister after Sastri is a Tamil.

Details of the Debate and events taken place on 23.07.1974 about the 1974 Agreement in the parliament.

Mr. SPEAKER: Now, Shri Swaran Singh will make a statement.....

SHR1 MADHU L1MAYE (Banka) : On a point of order. 1 had already given you notice,

SHRI K. MANOHARAN (Madras North): Each Member must be given a proper opportunity to express his views.

SHRI SEZHIYAN (Kumbakonam): Before the Hon. Minister makes his statement, I want to submit that we should have been consulted and the House should have been taken into confidence before they entered into this unholy agreement for the surrender of territory by India. While we are anxious that friendly and cordial relations should be maintained with Sri Lanka, the legal and constitutional proprieties against the interests of the country since it amounts to pure surrender of our territory without going through any of the norms. This is an unholy and disgraceful act of statesmanship unworthy of any Government. Therefore, We do not want to associate ourselves with the statement that is going to be made by the Hon. Minister, and we want to disassociate ourselves by walking out of the House.

SHRI K. MANOHARN : Please allow one Member from each party to express his views. We have decided to stage a walk-out, and therefore, before we walk out we want to tell you the reasons which have prompted us to walk out.

The agreement entered into between Sri Lanka Government and the Government of India is anti-national and unpatriotic; it is the worst agreement ever signed by any civilised country of the world. 1 do not like to insult or hurt the feelings of either the people of Sri Lanka or the Prime Minister of Sri Lanka....

MR. SPEAKER : Hon. Members are going to have a debate on , foreign affairs when they can raise all these points.

SHRI K. MANOHARAN ; I must be permitted to speak now. Through this unholy agreement, the Sri Lanka Prime Minister has emerged as victor and the Prime Minister of India as a pathetic vanquished. It is an assault on the integrity of the country. In view of this, we have decided to stage a walk out and we are walking out.

SHRIP.K.N.THEVAR (Ramanathapuram) : Kachchativu forms part of my constituency. You are acting like a dictator. You are speaking like a democrat but at the same time you are acting like a dictator. The whole life of thousands of fishermen..... Today the Ceylon government has moved their forces, their military towards that island. Thousands of mechanised boats were stopped; movements were restricted. Their lives are in danger. You have simply betrayed. You have no sympathy and courtesy to consult those people. You are thinking of it as a part of Tamil Nadu. Do not think it as part of Tamil Nadu. It is going to be the base for a torture war. It is going to be the base and challenge the life of the nation. I have to warn all these things because in the past it has been the tradition of our Government to give bhoodan of the northern borders. (Interruptions)

Mr. SPEAKER: Kindly sit down

SHRI P.K.N.THEVAR : The division of India has cost the life of Mahatama Gandhi. It is not a part of Tamil Nadu but it is a part of the holy land of India. You are betraying. On behalf of the constituency and on behalf of the Forward Block, I walk out.

SHRI MUHAMMED SHERIFF (Periakulam): Even on the 1st April 1965, I produced sufficient records in this House to show that Kachchativu belongs to the Raja of Ramnad. Government has failed to go through those records. I was the elected representative of that constituency here previously. It

is a shame on the part of the Government that they have not consulted the people of the place and the Chief Minister of the State. We condemn this action of Government and along with my friends, I also walk out in protest.

(Shri P.K.N.Thevar and Shri Muhamimed Sheriff then left the House).

SHRI P.K. DEO (Kalahandi): On a point of order, Sir. The statement that the Foreign Minister is going to make deals with cession of Indian territory, in this regard, two important issues are involved. The first is the constitutional issue. Article of the Constitution says:

“The territory of India shall comprise

- a. the territories of the States;
- b. the Union Territories specified in the First Schedule;

and

- c. such other territories as may be acquired”.

So, further acquisition of territory can be accepted, but nowhere does the Constitution provide for cession of even an inch of Indian territory- The Kachchativu controversy was raised only a few years ago by the Ceylonese Government when the Bandaranaike Minister came into power. All the revenue records of the Madras Government corroborate that Kachchativu was a part of the former Ramnad Zamindary and an integral part of this country. So, under no circumstances the Government has got any power under the Constitution to cede even an inch of our country.

.....

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Sir they cannot consider this country as the zamindari of the congress party. A few days back the Coco Island, which is part of the Andaman group of islands, was ceded to Burma. The question of Beru Bari was raised by the previous speaker. Now has come the question of Kachchativu. If we go on

ceding our territory like this, what will be left of this country?

Secondly, it is utter contempt and disrespect shown to this House by not taking the House into confidence and facing us with a fait accompli. The shutting out of the views of the opposition parties in this manner is most anti-democratic. So, I would say that the statement which is going to be laid on the Table of the Lok Sabha is not worth the paper on which it has been typed. Therefore, I would submit that the External Affairs Minister should consider these matters and should not lay the statement on the Table of the House. Otherwise, we will be forced to take the extreme step of walking out.

SHRI SEZH1YAN : But the agreement is unconstitutional.

MR. SPEAKER :How can we know it?

SHRI ATAL BIHARI VAJPAYEE: It is published in newspapers.

MR. SPEAKER: How can the house be seized of the matter unless the Minister makes a statement?

SHRI ATAL BIHARI VAJPAYEE: Can they violate the Constitution?

MR. SPEAKER : I have given the ruling, the Minister.

(At this stage Shri Kachwai tore up some papers and threw them away).

(Some Hon. Members left the House at the stage).

SHRI K. LANKAPPA : Sir the tearing of papers by an Hon. Member is contempt of the House. I want your ruling on this.

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.....

MR, SPEAKER: My ruling is that tearing of papers is not in keeping with the decorum or dignity of the House.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI SWARAN SINGH) : Over the years, since our independence, there have been a number of questions and discussions in the House regarding the Island of Kachchativu. Government have of course fully shared this interest and concern for arriving at an early and amicable solution of this long-outstanding matter; and I am happy to say that an agreement was signed between the two Prime Minister on 28th June, a copy of which I am laying on the table of the House.

The Island of Kachchativu, about 3/4 of a square mile in extent, is situated in the Palk Bay; it is about 10 1/2 miles for the nearest landfall in Sri Lanka and about 12 1/2 miles from the nearest Indian shore. The Palk Bay, which constitutes historic waters of Indian and Sri Lanka, is some 18 miles wide at its entrance through the Paik Straits, and has an average width of some 28 miles.

The issue of deciding Indian and Sri Lanka claims to Kachchativu was closely connected with determining the boundary line between India and Sri Lanka in the waters of the Palk Bay. The entire question of the maritime boundary in the historic waters of the Palk Bay required urgently to be settled, keeping in view the claims of the two sides, historical evidence, legal practice and precedent and in the broader context of our growing friendly relations with Sri Lanka.

Kachchativu has always been an uninhabited island. Neither Sri Lanka nor India has had any permanent presence there. During the long colonial period the question whether Kachchativu was part of India or part of Ceylon was frequently discussed, with the Government of the day putting forward claims and counter claims, in recent years, both countries had agreed that there should be no unilateral action which would seek to change the undetermined status of Kachchativu pending a final solution to be reached through amicable bilateral efforts.

.....
.....

I would particularly like to draw the attention of Honourable Members to the fact that when two sides have a good arguable case on a particular issue, and the problem cannot be resolved expeditiously through bilateral negotiations, there is inevitably an attempt to seek outside intervention by appeal either to the International Court of Justice or to third party arbitration. For our part, we have always been firmly of the view that in any differences with our neighbouring countries, we should seek to resolve them through bilateral discussions without outside interference, on the basis of equality and good will. It is a matter of satisfaction to us that our Prime Minister's resolve to settle this issue through direct bilateral talks met with an equally warm response from the Prime Minister of Sri Lanka, and the agreement could be reached in an atmosphere of friendship and mutual understanding.

Exhaustive research of Historical and other records was made by our experts on Kachchativu and every available piece of evidence collected from various record offices in India, such as in Tamil Nadu, Goa and Bombay, as well as abroad in British and Dutch archives. An intensive examination of evidence and exchange of views took place, specially during the past year, between senior officials of the two Governments. This question of Kachchativu, for the reasons I have just explained, had necessarily to be dealt with as part of the broader question of the boundary in the Palk Bay so as to eliminate the possibility of any further disputes on similar matters in these historic waters.

On the basis of dispassionate examination of the historical records and other evidence, and keeping in mind the legal principles and also keeping in mind our policy and principle of peaceful settlement of disputes, I feel confident that the

Agreement demarcating the maritime boundary in the Palk Bay, will be considered as fair, just and equitable to both countries. At the same time, I wish to remind the Hon'ble Members that in concluding this Agreement the rights of fishing, pilgrimage and navigation, which is a victory of mature staternanship, a victory in the cause of friendship and cooperation in the area. A potential major irritant in relations between the two countries, which had remained unresolved over the years, has now been removed, and both countries can now concentrate on the exploitation of economic and other resources in these, now well-defined, waters and generally on intensifying cooperation between themselves in various fields. The Agreement marks an important step in further strengthening the close ties that bind India and Sri Lanka.

(The provisions of the Agreement are given in Appendix I).

SHR1 M. KALYANASUNDARAM (Tiruchirapalli) : Sir, while my party welcomes the Agreements reached between Sri Lanka and India, there are problems to come up during the implementation of the Agreement. So far, our fishermen had a right to go even beyond Kachchativu, fish and come back. The Hon. Minister says that these rights are fully protected. But there are problems which we would like our Government to take up with Sri Lanka and seek their discussion on this statement, I have given notice of a motion. I would request you to allow a discussion on that.

MR. SPEAKER: The general debate on foreign affairs is coming up next week.

SHRI DINEN BHATTACHARYA (Serampore) : I want to seek one clarification. In the statement he has metioned that Kachchativu has always been an uninhabited island. But an Hon. Member had said that it was within his constituency. If that is so. I do not know how it could be said that it has not been inhabited by any human being. How could it then be a part of his constituency?

SHRI M. KALYANASUNDARAM : The Tamil Nadu Government has a grievance that it has not been consulted properly. May I know what is the actual fact in regard to that? I also want to know the details about the protection given with regard to fishing rights.

SHRI SWARAN SINGH: The Hon Member would no doubt be aware that in the year 1921 when both Sri Lanka and India were under British rule, fishery line had been decided by the British Government because they had control over both Sri Lanka as well as India. I am sure that the Hon. Member knows that the 1921 fishery line was a line which was about three or three and a half miles west of the Kachchativu. That is, to the western side of the fishery line was the exclusive fishery right of the Indian citizens and to the east of that was the right of Sri Lanka fishermen. But in spite of that division, the fishermen generally were free to fish even round about Kachchativu and they also used the Kachchativu island for drying their nets. As would be known to the House there is no fresh water available there. Mostly they used it for spreading their nets and trying to dry the nets, etc.,

About the traditional rights, if the Hon. Members go through the terms of the Agreement, a copy of which has been placed on the Table of the House, he will get the answer because it is mentioned there that, although Sri Lanka's claim to sovereignty over Kachchativu has been recognised, the traditional navigation rights exercised by India and Sri Lanka in each other's water will remain unaffected (interruption).

MR. SPEAKER: Later on we may have debate on this, but now I am not allowing any more.

MR. KUREEL.

Source: Lok Sabha Debates, July 23, 1974, Cols. 186-201.

KARUNANIDHI AND KATCHATHEEVU ISLAND



Mr. M. Karunanidhi was the Chief Minister of Tamil Nadu, when Katchatheevu Island was ceded to Sri Lanka by Mrs. Indira Gandhi. Mr. Karunanidhi referred the matter to the Madras Law College and awaited an expert opinion on the status of Katchatheevu Island. Professor Mr. Krishnasamy, who is also a Lawyer, submitted his report to the Chief Minister, in which he categorically held that Katchatheevu Island

belongs to India and it is a territory of the Indian Union. He further held that the stake over Katchatheevu Island can be established even before an International Court, The report was submitted in December, 1973. Accepting the report Mr. Karunanidhi declared in the state assembly, that what is stated in the report is the stand of the Tamil Nadu Government. In spite of Mr. Karunanidhi's objection and the objections raised by officials, Mrs. Indira Gandhi proceeded with her decision to part with Katchatheevu Island. It can be concluded that Katchatheevu Island was not ceded to Sri Lanka, but was gifted to Sri Lanka by Mrs. Indira Gandhi.



Although, Mr.Karunanidhi objected to ceding the Katchatheevu Island, yet he failed to pursue further. He could have moved the Supreme Court or could have urged the President to seek a reference under Article 143 (1) of the Constitution. Given the same circumstance, Dr.P.C.Roy, a staunch Congressman and Chief Minister of West Bengal, vehemently opposed the Central Congress Government and secured the right of his State. Unfortunately, Mr.Karunanidhi, failed to do so. Whether he failed to act, or he was prevented from acting is to be probed.

Professor V.Surya Narayanan, of the University of Madras, who analyzed the question of Center State relations arising out of Foreign Treaties and Agreements, took the issue of Katchatheevu Island as an example. He arrived at five conclusions, in which the third conclusion reads thus:

The political exigencies of the time and the desire to seek the congress party's support in order to remain in power made Chief Minister Karunanidhi not to resort to legal remedies to protect the interests of the state.

It was during this period that Mr.M.G.Ramachandran left DMK to start his own party the AIADMK. Mr.M.G.Ramachandran, charged Mr.Karunanidhi with a list of corruption and demanded dismissal of the Government. The Central Government was then, so powerful that, if decided, it could have well proceeded with dissolving the Assembly. Therefore, to stay in power Mr.Karunanidhi required the support of the Congress. Before the agreement could be signed, the Foreign Secretary Mr.Keval Singh, met Mr.Karunanidhi. Mr.Karunanidhi, maintained a stoic



silence and Katchatheevu island was taken away. Thereafter, Mr.Karunanidhi forgot Katchatheevu Island, but only talked about the fishing rights. Now he has forgotten even that. He has gone to the extent of commenting that "the fishermen are out in greed while transcending territorial boundaries", as if he had given up all worldly wishes.



When the Cine Director Seeman condemned the killing of Eelam Tamils, Karunanidhi arrested and detained him under the National Security Act. When Seeman condemned the killing of Tamil Indian Fishermen, Karunanidhi again arrested and detained him under the National Security Act. **In both cases,**

Karunanidhi acted not as the Chief Minister of Tamil Nadu but as the home Minister of Srilankan Government.

During the last regime of the UPA, Karunanidhi pledged the lives of Eelam Tamils to avail the spectrum cash. Now, at the present regime of the UPA, he is pledging the lives of Tamil Fishermen to avoid the spectrum case.

During the Tamil Nadu Assembly Election campaign, in a Public Meeting at Chennai on 05-04-2011, Karunanidhi begged Sonia Gandhi in person to take action to retrieve Katchatheevu to save the fishermen of Tamil Nadu. While doing so, Karunanidhi stated that the traditional rights of the Tamil Nadu Fishermen over Katchatheevu preserved in 1974 agreement were withdrawn in the subsequent 1976 agreement. We have already seen that this the Srilankan Government stand and not that of India. The Indian Government stand is that the fulfillment of traditional rights of the fishermen over Katchatheevu as per the terms of 1974 agreement

has been in abeyance since 1983 due to the security situation at the Palk straits.

Why did then Karunanidhi express his views from the Srilankan stand instead of Indian Government stand...?



The Tamil society has taught a good lesson to Karunanidhi through the 2011 Tamil Nadu Assembly Elections. At least at this stage Karunanidhi should urge the U.P.A. Government to convene the cabinet and annul the 1974 and 1976 Agreements. If the U.P.A. Government hesitate or re-

fuse to act, then Karunanidhi should withdraw his party's support for the U.P.A. Government.

At this juncture, the Parliament members of the D.M.K. party should have one thing in their mind, that they have been selected only as M.P. Candidates by their party but they have been elected as Parliament Members by the Tamil Nadu voters. More over they are being paid not from their party fund but from the public fund. Hence they have to be more loyal to the public than to their party. It is the expectation of the Tamil society of the whole world that the Parliament members of the D.M.K. party in Delhi should do their best to abrogate the 1974 and 1976 agreements by the U.P.A. Government for the retrieval of Katchatheevu.

THE CHIEF MINISTER OF TAMIL NADU SELVI J. JAYALALITHA CAN ACHIEVE

Selvi J. Jayalalitha, Chief Minister of Tamil Nadu, if she would strive hard in the right direction, succeed in securing back Katchatheevu island. Calling for abrogation she



had already filed a public interest litigation before the supreme court challenging the 1974-1976 Agreements. She should be aware that "Justice Delayed is Justice Denied". The issue of Katchatheevu

island could be resolved in two forums. First is the Indian Parliament and the next is the supreme court. Even after 1974 this issue had not been properly debated in our Parliament. Now and then the issue of Tamil Indian fishermen finds mention during the question or zero hour and it is hurriedly discussed citing time constraint.

Now in Tamil nadu this issue has assumed a prominence. All the political parties in Tamil Nadu are in favour of retrieving Katchatheevu.

Leader of opposition of Indian Parliament, Smt. Sushma Swaraj during her visit to Tamil Nadu has declared that even though their B.J.P. has no M.P. in Tamil Nadu, she herself will act as a Tamil Nadu M.P. in the Parliament infavour of the Indian Fishermen of Tamil Nadu. Since 1974, the B.J.P. is in favour of retrieving Katchatheevu.

Therefore Tamilnadu Chief Minister Selvi J. Jayalalitha can very well convene a all parties meeting on this issue and

before the monsoon session of Parliament lead a delegation to Delhi and meet all leaders including allies of congress like Mamta Banerjee, Sarad Bhawar and explain the rationale for the abrogation of the agreement. Finally she can meet Dr. Manmohan Singh P.M. and convince him easily saying the reason that from the starting, U.S.A is opposing the 1974 Agreement since the international equi – Distance method was not followed while determining the boundary line in the historic waters of palk strait otherwise the maritime boundary line would have fallen on the eastern side of the Katchatheevu and the Katchatheevu would be within the Indian Territory.

Moreover the Congress Party, leader of the U.P.A, on seeing the results of Tamil Nadu Assembly elections should come down from their stand on this Katchatheevu issue. If they hesitate or refuse to do so, then the Tamil Nadu C.M. Selvi Jayalalitha should strive to move a private member Bill or Resolution in the Parliament to annul the 1974 and 1976 agreements.

The Tamil Nadu C.M. Selvi. Jayalalitha's vocabulary would immensely help in convincing leaders of many parties. The involvement of foreign powers in Srilanka and the lack of absolute majority to the congress in the parliament can be taken advantage by Selvi Jayalalitha. If she could succeed, she will outwit all other leaders and will be elated as the guardian angel who secured the rights and protected the life and liberty of the fishermen. She could do it and our Katchatheevu Retrieval Movement believe she will do it.

"We take oath this day of Independence to retrieve the katchatheevu island which was illegally ceded to Srilanka during the year 1974. We will retrieve our island. If necessary Tamilnadu Government will put forth the just demand to the centre Government. If not the centre Government consider our demand we will prepare to fight."

-Selvi. J.Jayalalitha on 15-8-91
in her independence day speech

THANKS TO BJP LEADERS



our katchatheevu Retrieval movement sincerely thank the Tamil Nadu B.J.P. Leaders Shri. Pon. Radhakrishnan, State President, Shri. Moharaj, State organising secretary, Smt. Vanathi Srinivasan, State secretary for their kind co-operation extended to us whenever we needed, Thanks to them, we got the opportunity to meet Smt. Sushma swaraj, leader of opposition at Chennai on 04-11-2011 on her way to Nagapattinam to console the family members of the two Fishermen killed by the Srilankan Navy.

We utilized the opportunity properly. We explained her in detail the history of katchatheevu and also the immediate need to retrieve the island to put an end to the plight of our fishermen. We clearly substantiated our demand. She observe our every word and assured to take up this issue to their core committee and do the needful.

The very next day on 0511-2011 in a press meet at Nagapattinam, She assured that even through the BJP has no M.P. from Tamil Nadu, she herself would act as a Tamil Nadu M.P. for the sake of our Fishermen.

Smt. Sushma swaraj kept to her word when 136 Tamil Fishermen of India were arrested by the Srilankan Navy and jailed at Jaffna. She immediately arranged for an agitation in front of the Srilankan Embassy at New Delhi on 16-02-2011 and she



herself led the agitation. Subsequently she took all necessary actions and forced the Srilankan Government to release all our Fishermen from Jaffna.



Shri. Nitin Gadkari, National President, BJP on his part, met the National Human Rights commission Chairman and members on 03-03-2011 along with BJP National Secretary Shri Muralidhar Rao and BJP Tamil Nadu State President Shri Pon. Radhakrishnan and asked them to intervene in to the matter of barbaric

killings of more than 500 innocent Tamil Fishermen by the Srilankan Navy. Shri Nitin Gadkari has also filed a complaint petition through his lawyer Aman Sinha in this regard. Consequently the National Human Rights Commission has issued notice to the Central Government and asked it to report back to National Human Rights commission within two weeks on this issue.



We hope the BJP will raise the katchatheevu and Tamil Fishermen issue in the forthcoming monsoon session of the Parliament properly and do all the deedful to abrogate the 1974 and 1976 agreements and retrieve katchatheevu. The preservation of unity and territorial integrity of our country now lies in the hands of B.J.P.

OUR FIVE MAIN DEMANDS TO U.P.A. GOVERNMENT

After a deep analysis on this burning issue, KATCHA THEEVU RETRIEVAL MOVEMENT places before the UPA Governemnt the following five main Demands for consideration to put an end to the plight of the Indian Fishermen of Tamil Nadu.

DEMANDS

(i) To remove immediately the ban through which the fulfillment of the traditional rights of the ndian Fishermen over Katchatheevu and the palk straits has been kept in abeyance since 1983.

(ii) To annual the 1974 and 1976 traitorous agreements and retireve Katchatheevu.

(iii) To pay a sum of Rs.10 Lakhs to each family of the Fishermen who were killed / disabled / untraced due to the attack of the Srilankan navy since 1983.

(iv) To restrain Sri Lanka from deploying its navy near Katchatheevu until a Tamil Provincial council merging the North and East of Srilanka is formed as per the "1987 - Rajiv - Jeyawardhanaa Pact" and a new agreement agreeable by both the Chief Minister of Tamil Nadu and the Tamil Provincial Council of Srilanka is made on this issue.

(v) To arrest the Srilankan naval personals involved in the attacks against the Indian Fishermen of Tamil Nadu and bring them to India for being traied according to the Indian laws.

A letter has been sent to Dr.Manmohan Singh, Prime

Minister of India Stressing the above demands copy of which is given below.

To

Dr. MANMOHAN SINGH

Honorable Prime Minister of India

152, South Block, New Delhi - 110011.

Sir,

Sub : Katcha Theevu Island - Retrieval of Katcha Theevu Island -5 Demands - placed before the U.P.A Government - to put an end to the plight of Indian Fishermen of Tamilnadu - Reg.

We would like to bring to your kind notice that inspite of repeated assurances given by Shri. S.M. Krishna, Hon. Minister of external affairs on behalf of Srilankan Government, The Srilankan Navy has not stopped its indiscriminate attack on the Indian Fishermen of Tamilnadu.

The Srilankan Navy have abducted four Rameswaram Fishermen who were missing since 2nd April and cruelly tortured them and finally killed them and then threw away their bodies one by one in different places of the palk strait. It was a brutal retaliation on the innocent Tamil Fishermen by Srilankan Navy dejected over their Nation's defeat in the Cricket world cup final match against india.

No one can even imagine such a savagery but it is the real image of the Srilankan Savages.

It is needless to stress that as per Article 21 of our Indian Constitution, it is the bounden duty of the U.P.A Government to safeguard the lives of all Indian Citizens including the Fishermen of Tamilnadu. But the U.P.A Government totally failed to save the lives of the Indian Fishermen of Tamilnadu.

We are a non political association of citizens, concerned with the safety and security of our Tamilnadu Fishermen. We

have done an enormous research on Katcha Theevu Island and arrived a conclusion which will protect the lives of our fishermen and uphold the sovereignty and dignity of our nation. We would like to place before you the following 5 demands in brief for your consideration and suitable action to put an end to the plight of the Indian Fishermen of Tamilnadu started since 1983.

DEMAND - I :

Eventhough our Katcha Theevu Island has been ceded to Srilanka in the 1974 India - Srilanka agreement, this agreement states that Indian Fishermen and pilgrims will enjoy access to visit Katcha Theevu as hitherto and will not be required by Srilanka to obtain travel documents or visas for these purposes. But fulfilment of these traditional rights has been in abeyance since 1983 due to the security situation in the Palk Strait.

Now the situation has completely changed. The Srilankan Government have already declared that they have destroyed L.T.T.E totally in Srilanka. The Tamilnadu Police have also stated that there is no L.T.T.E movement in Tamilnadu. Now, under the entirely new circumstances, the U.P.A Government can very well issue orders allowing the Indian Fishermen of Tamilnadu to enjoy their traditional rights over Katcha Theevu and the Palk Strait assured in the articles 5 and 6 of the 1974 agreement and also warning the Srilankan Government to abide by the terms and conditions of the 1974 India - Srilankan Government.

We want to stress that the above suggestion is only an immediate and interim relief but the permanant solution to put an end to the plight of our Fishermen is described below under demand II.

DEMAND - II :

The 1974 and 1976 agreements made between India and Srilanka do not have a leagal sanctity since these agree-

ments have not been ratified by our Parliament, The Srilankan Government has not been abiding by the terms and conditions of the 1974 agreement.

Moreover, Mr. W.T. Jayasinghe the former Srilankan Foreign Secretary (1972 - 1989) who has signed in the 1976 agreement on behalf of the Srilankan Government, has wrongly stated in his book "Katchatheevu and maritime boundary of Srilanka" that as per the terms of the 1976 agreement between the foreign secretaries of India and Srilanka, the Indian Fishermen and pilgrims would not enjoy to visit Katchatheevu as hitherto. This statement of Mr. W.T. Jayasinghe the former Srilankan Foreign Secretary is the best example for a pure lie. This one reason is enough for the U.P.A Government to annul both the 1974 and 1976 agreements and bring not only Katchatheevu but also the entire seas between India and Srilanka under Indian Suzerainty.

We sincerely and earnestly believe that retrieving Katchatheevu Island will not only protect our Indian Fishermen of Tamilnadu but also protect the sovereignty and safety of our nation for the following reasons.

(i) More than one lakh Chinese Army men under guise of ordinary civilian have been deployed in Srilanka,

(ii) The above figure does not include the merely 25,000 convicts of china who have already been brought to Srilanka from China.

(iii) The Indian Pilgrims who visited Katcha Theevu last year have witnessed Chinese military tents in that Island.

(iv) The Indian Fishermen of Tamilnadu have confirmed the presence of Chinesemen in the Srilankan Naval Boats that were involved in attacking them.

(v) The Lashkar-e-Taiba terrorists arrested in India in connection with the bomb-blast in the German Bakery, Pune, have already agreed that they had been trained in Columbo capital of Srilanka for this operation.

(vi) The U.S.A have already warned that there are more than 200 Lashkar-e-Taiba terrorists in Srilanka.

We would therefore like to pointout clearly that the 1974 and 1976 India Srilanka agreements are not solemn agreements as stated by Shri. S.M. Krishna. minister of external affairs in the Parliament but these 1974 and 1976 India - Srilanka agreements are satanic agreements which are going to bring a big blow on the sovereignty and safety of India via Kutchatheevu shortly.

We therefore request the U.P.A Government headed by you again to annul the 1974 and 1976 agreements and retrieve Katchatheevu Island and the seas between India and Srilanka to safeguard the sovereignty and safety of India immediately.

DEMAND - III :

The Indian Fishermen of Tamilnadu are the sole bread winners of their respective families. Moreover, the fishermen do not know any other job or profession other than fishing. Therefore, the U.P.A Government should consider paying a minimum sum of Rs.10/- lakhs to each of the family of the fishermen who were killed / disabled / untraced due to the acts of Srilankan navy since 1983. The Indian Government should also support and aid the govt. of Tamilnadu in providing a job to the member of the affected fishermen family since 1983.

DEMAND - IV :

The seas between India and Srilanka supports the livelihood of Tamil Fishermen of both the countries India and Srilanka. Tamilnadu has its own democratically elected government but the Tamil fishermen in the northern part of Srilanka do not have a Tamil provinical council to represent their real interests. It will be prudent to refer the "1987 Rajiv - Jeyawardhane Pact" which stresses the importance of merging the northern and eastern province of Srilanka and form a

duly elected government in that region i.e., a Tamil Provincial Council.

When such an elected government is constituted in the northern province of Srilanka as per the 1987 Rajiv - Jeyawardhane Pact, then the Chief Minister of Tamilnadu and the Chief Minister of North and East merged Tamil Provincial Council can sit together and arrive at a just solution to suit the interests of both sides fishermen. Accordingly both the Indian and Srilankan Governments may constitute a new agreement. **Till then india should restrain Srilanka from deploying its navy near Katchatheevu.**

DEMAND - V :

India should compel Srilanka to proceed against its naval personals who are involved in the attacks against the Tamilnadu Fishermen since 1983. India should also exercise its right in seeking deportation of this naval personals for beeing tried according to the Indian laws.

Sir,

We hope you will convene your cabinet meeting to consider our demands and take suitable decisions and steps to put an end to the plight of the Indian Fishermen of Tamilnadu,

Thanking you,

Yours truly
Sd/-xxxxxx
(Seethayin Maindhan)
Katchatheevu Retrieval moment

WHO ARE TAMILS? INDIANS? OR ALIENS?

It is recorded in the history of the Indian Freedom Struggle that the Plasi war of 1757 was the first war against the British invaders. But two years earlier to the Plasi war, during the year 1755 a Tamil king by name Poolithevan raised his sword against the British invaders and gave a tough fight for more than 12 years against the East India Company Army. Following Poolithevan, so many Tamil kings and their Generals like Alagamuthu Kone, Ondipuli veeran, Veera Pandiya Kattappomman, Oomathurai, Sundaralingam, Muthuvaduganatha Udayanathevar and his wife Rani Velunachiyar, Kuyili, Marudhu Pandias, Rebel Muth-



aramalingam, Raja of Rammad, Gopal-samy Naicker of Virupatchi, Theeran Chinnamalai and others in association with Tippusulthan Tiger of Mysore fought hard against British. But all their efforts came to an sorrowful end along with the defeat of the vellore revolution during the year 1806 which was recorded in the history, the Vellore mutiny.



Then only the north Indian kings united and fought under the leadership of Bahadursha, the last Mogul Emperor against the British invaders. That too faced a sorrowful end which was recorded in the history, the first independence war of 1857.



During the year 1858 the East India company Rule came to an end and the direct Rule of Queen victoria Started. Then the freedom struggle went in to the hands of the common public. The whole Indians united together under the congress roof to fight for their rights.

During this part of Independence Struggle also the contribution of Tamils had been second to none.

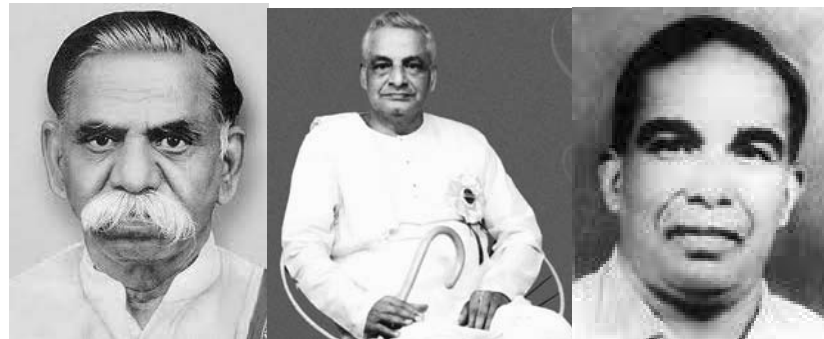


1. During the 1st phase of the Congress movement V.O.

Childambaram Pillai, the Great Tamil Poet Bharathi, Saint Subramaniya Siva, Madasamy, Vanjinathan, Va.Ve.Su Iyyer etc. etc. fought for the freedom under the leadership of Lokamanya Thilagar of Maharastra.



2. During 2nd phase of the Congress movement under the leadership of Gandhiji so may leaders of Tamil Nadu like Thiru.V.Ka, Periar, Rajaji, Sathyamoorthy, Jeeva, Kamaraj, Thiyagi Tirupur Kumar, Thiyagi Sangaralinga Nadar, MA.Po. Sivagnana Gramaniyar, Nesamani Nadar, Thiyagi Viswanatha Dass etc. etc. Fought for the freedom.



It is to be noted that Gandhiji himself has told that during his movements in south Africa a Tamil Girl by name Thillayadi Valliammai had inspired him a lot. It is also to be noted that once when Gandhiji was asked about the closure of his agitation movements against the



toddy shops, he replied that was not in his hands but in the hands of the ladies of E.V.R. Naicker's Family.

3. During the Third Phase of the independence war, under the leadership of Netaji, Pasumpone Muthuramalinga Thevar who was called as "South Indian Subash" fought for the freedom.



Once Netaji told that if he had a rebirth he wished to born in south India as a Tamil. It was because most of the soldiers joined in his Indian National Army are Tamils from all parts of south Asia particularly from Burma and Maleya. Tamils of all religions joined

the I.N.A. with a single thought that they were all Indians. Ameer Hamsa an ex I.N.A. personal aged 95 still alive in Tamil Nadu is a Tamil.

Who could measure the tears and blood shed by the Tamils since 1755 to free India? who could count the no of lives sacrificed by the Tamils since 1755?. How many Tamil freedom fighters lost their houses, lands, jeweles, cattle and even their families in the freedom fight?

But what is reciprocated by the congress rulers to the Tamils after independence? Day by day the Srilankan navy is increasing its atrocities against the Tamil Fishermen. Day by day the congress rulers are developing their friendship and cordial relationship with the Srilankan Rulers and Officials.



The attack of the Srilankan Navy on the innocent Indian fishermen of Tamil Nadu has not started yesterday. It has been a continuous tragedy since 1950.

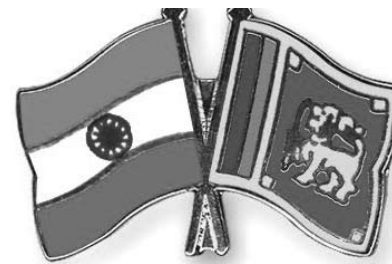
Yes, The Srilankan navy started to attack and kill Indian Fishermen since 1950 saying that they were trying to immigrate in to Srilanka illegally. Then after 1960 the Srilankan Nevy continued their atrocities against the Tamil Fishermen saying they were smugglers. Then after 1980 the Srilankan Navy started to attack the Tamil Fishermen more savagely then ever before saying they were the supporters of L.T.T.E.

After 19th May 2009, more than 30 Indian Fishermen had been killed by the Srilankan Navy. The Srilankan Government had already declared that the L.T.T.E movement was

destroyed completely in Srilanka. In the absence of the L.T.T.E. movement in Srilanka, than what reason could the Srilankan Government say for the murder of the Tamil Fisherman after 19th may 2009?

It is obvious that the Reason is nothing but they were all Tamils.

More than 10,000 times the Sirlankan navy had attacked the Tamil Fishermen . Estimates say more than 500 Tamil Fishermen were killed since 1983. 3000 Fishermen have been permanently disabled and thousand others were injured, besides hundreds of them have disappeared. Many more have been illegally detained in Srilankan Jails and Tortured. Most of the time, the Srilankan Navy invaded in to our territory and attacked our fishermen. Once, they even invaded in to our fishermen village by name Olakkuda near Thanushkodi and fired the huts of our fishermen and went back.



It is very very shame to mention here, that not even a single time the Indian Navy went to rescue the Indian Fishermen of Tamil Nadu from the Srilankan Naval attack. Will the Congress

Rulers and their colleagues of the U.P.A. Government please answer the following question?

Who are Tamils? Indians? or Aliens?



The First man who seeded the doctrine of Socialism and communism in India and fought for the working class till his death is Singaravelar a Chennai Tamil. It is to be noted that even though he had been an advocate in the Chennai High Court, his ancestors are fishermen.

JAIHIND



Jaihind Shenbagaraman Pillai, (15.09.1891 to 13.05.1934) an Indian Revolutionary during the Indian Independence movement went abroad to organise an army to declare war against the British for the Freedom of India. The Slogan Jai Hind that inspired lakhs and lakhs of Indians during the freedom struggle is the brain child of Shenbagaraman Pillai.

He had been the engineer of the famous German warship EMDEN that terrified the powerful British Navy during the First world war.

Netaji followed the democratic path of C.R. Dass in India and abroad the war path of Shenbagaraman.



When Adolf Hitler expressed his views that Indians were still incapable of ruling themselves, Shenbagaraman raised his voice against his views and he even forced Hitler to apologize in writing. Shenbagaraman Pillai is a Tamil descent. That particular gene which was in the blood of Shenbagaraman response for that much of his gut and courage is even now existing in the blood of all

Tamils in India and abroad. **These genes may recess now but would dominate soon.**

JAI HIND!
Katchatheevu is ours! Final Victory also ours!

Annexure - I

AGREEMENT BETWEEN INDIA AND SRI LANKA ON THE BOUNDARY IN HISTORIC WATERS BETWEEN THE TWO COUNTRIES AND RELATED MATTERS

The Government of the Republic of India and the Government of the Republic of Sri Lanka,

Desiring to determine the boundary line in the historic waters between India and Sri Lanka and to settle the related matters in a manner which is fair and equitable to both sides,

Having examined the entire question from all angles and taken into account the historical and other evidence and legal aspects thereof,

Have agreed as follows:

ARTICLE 1

The boundary between India and Sri Lanka in the waters from Adam's Bridge to Palk Strait shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude:

Position 1 : 10° 05' North, 80° 03' East

Position 2 : 09° 57' North, 79° 35' East

Position 3 : 09° 40.15' North, 79° 22.60' East

Position 4 : 09° 21.80' North, 79° 30.70' East

Position 5 : 09° 13' North, 79° 32' East

Position : 09° 06' North, 79° 32' East

ARTICLE 2

The coordinates of the positions specified in Article I are geographical coordinates and the straight lines connecting them are indicated in the chart annexed hereto which has been signed by the surveyors authorized by the two Government, respectively.

ARTICLE 3

The actual location of the aforementioned positions at sea and on the seabed shall be determined by a method to be mutually agreed upon by the surveyors authorized for the purpose by the two Governments, respectively.

ARTICLE 4

Each country shall have sovereignty and exclusive jurisdiction and control over the waters, the islands, the continental shelf and the subsoil thereof, falling on its own side of the aforesaid boundary.

ARTICLE 5

Subject to the foregoing, Indian fisherman and pilgrims will enjoy access to visit Kachchativu as hitherto, and will not be required by Sri Lanka to obtain travel documents or visas for these purposes.

ARTICLE 6

The vessels of India and Sri Lanka will enjoy in each other's waters such rights as they have traditionally enjoyed therein.

ARTICLE 7

If any single geological petroleum or natural gas structure or field, or any single geological structure or field of any other mineral deposit, including sand or gravel, extends across the boundary referred to in Article 1 and the part of such structure or field which is situated on side of the boundary, is exploited, in whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving there from shall be appointed.

ARTICLE 8

This agreement shall be subject to ratification. It shall enter into force on the date of exchange of the instruments of the ratification which will take place as soon as possible.

For the Government of the
Republic of India

Sd/ - **Indira Gandhi**
R.D.Bandaranaike

New Delhi 28 June 1974

For the Government of the
Republic of Sri Lanka

Sd/- **Srimavo**

Colombo 26 June 1974

Annexure - II

Agreement between india and Sri lanka on the Maritime Boundary between the two countries in the gulf of Mannar and the Bay of Bengal and related matters, 1976

(Signed at the level of foreign secretaries)

The Government of the Republic of India and the Government of the Republic of Sri Lanka.

Recalling that the boundary in the Palk Strait has been settled by the Agreement between the Republic of India and the Republic of Sri Lanka on the boundary in Historic Waters between the Two countries and Related Matters, signed on 26/28 June 1974.

And desiring to extend that boundary by determining the maritime boundary between the two countries in the Gulf of Mannar and the Bay of Bengal,

Have Agreed as follows :

ARTICLE - I

The maritime boundary between India and Sri Lanka in the Gulf of Mannar shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude :

Position 1 m : 09° 06, O.N., 79° 32. O E

Position 2 m : 09° 00'.O.N. 79° 31' E

Position 3 m : 08° 53'. O.N. 79° 29.3 E

Position 4 m : 08° 40'. ON. 79° 18'.2 E

Position 5 m : 08° 37'.2 N., 79° 13'.O.E

Position 6 m : 08° 31'.2 N., 79° 04'.7 E

Position 7 m : 08° 22'.2N., 78° 55'.4 E

Position 8 m : 08° 12'.2 N., 78° 53.7 E

Position 9 m : 07° 35'.3N., 78° 45.7 E

Position 10 m : 07° 21'.O.N., 78° 38'.8 E

Position 11 m : 06° 30.8 N., 71° 12'.2 E

Position 12 m : 05° 53. 9 N., 77° 10'.6 E

Position 13 m : 05° 00. N., 77° 10'.6 E

The extention of the boundary beyond position 13m will be done subsequently.

ARTICLE - II

The maritime boundary between India and Sri Lanka in the Bay of Bengal shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude :

Position 1 b : 10° 05. 0 N., 80° 03.O E

Position 1 ba : 10° 05. 9N., 80° 05.O E

Position 1 bb : 10° 08.4N., 80° 09' 5 E

Position 2 b : 10° 33. O.N., 80° 46.O E

Position 3 b : 10° 31. 7 N., 81° 02'.5 E

Position 4 b : 11° 02 N., 81° 56. O E

Position 5 b : 11° 16.O.N., 82° 22'.O E

ARTICLE - III

The co-ordinates of the positions specified in Articles I and II are geographical coordinates and the straight lines connecting them are indicated in the chart annexed hereto, which has been signed by the surveyors duly authorised by the two governments, respectively.

ARTICLE - IV

The actual location at sea and on the seabed of the positions specified in Articles I and II shall be determined by a method to be mutually agreed upon by the surveyors authorized for the purpose by the two governments, respectively.

ARTICLE - V

1. Each party shall have sovereignty over the historic waters and territorial sea, as well as over the Islands, falling on its side of the aforesaid boundary.
2. Each party shall have sovereign rights and exclusive jurisdiction over the continental shelf and the exclusive economic zone as well as over their resources, whether living or non-living, falling on its side of the aforesaid boundary.
3. Each party shall respect rights of navigation through its territorial sea and exclusive economic zone in accordance with its law and regulations and the rules of international law.

ARTICLE - VI

If any single geological petroleum or natural gas structure or

field, or any single geological structure of field of any mineral deposit, including sand or gravel, extends across the boundary referred to in Articles I and II and the part of such structure or filled which is situated on one side of the boundary is exploited, in whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving there from shall be apportioned.

ARTICLE - VII

The Agreement shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification which shall take place soon as possible.

Sd/ - Kewal Singh

For the Government of the
Republic of India
New Delhi : 23 March 1976.

Sd/ - W.T. Jayasinghe

For the Government of
the Republic of Sri Lanka

Annexure - III

EXCHANGE OF LETTER

Letter from Kewal Singh, Foreign Secretary to the government of India to W.T. Jayasinghe, Secretary in the Ministry of Defence and Foreign Affairs, Government of Sri Lanka dated March 23, 1976.

Ministry of External Affairs,
New Delhi,
23rd March 1976

EXCELLENCY,

An agreement has been concluded between India and Sri Lanka on Maritime Boundary between the two countries in the Gulf of Mannar and the Bay of Bengal and Related Matters which was signed on 23 March 1976. Our two governments have also exchanged views on the substance of our proposed maritime legislation. With the establishment of the exclusive economic zones by the two countries, India and Sri Lanka will exercise sovereign rights over the living and non-living resources of their respective zone. The fishing vessels and fishermen of India shall not engage in fishing in the historic waters, the territorial sea and the exclusive economic zone of Sri Lanka nor shall the fishing vessels and fishermen of Sri Lanka engage in fishing in the historic waters, the territorial sea and the exclusive economic zone of India, without the express permission of Sri Lanka or India, as the case may be, In this connection, the following understanding has been reached between our two governments in respect of fishing in the wadge bank.

1. The Wadge Bank which is located near cape comorin, the

general description and outline of which is given in the enclosed note and chart, lies within the exclusive economic zone of India and India shall have sovereign rights over the area and its resources.

2. The fishing vessels of Sri Lanka and persons on board these vessels shall not engage in fishing in the Wadge Bank. However, at the request of the Government of Sri Lanka and as a gesture of goodwill, the government of India agrees that Sri Lanka fishing vessels duly licensed by the Government of India may engage in fishing in the Wadge Bank for a period of three years from the date of establishment by India of its exclusive economic zone. It is agreed that the number of Sri Lanka fishing vessels shall not exceed six, and their fish catch in the Wadge Bank shall not exceed two thousand tones, in any one year. At the expiry of this period, Sri Lanka vessels shall cease to fish in the Wadge Bank.
3. The fishing by Sri Lanka vessels in the Wadge Bank shall be subject ot the terms and conditions, including the fees to be charged, specified by the government of India and to inspection and control by the Indian authorities. The Sri Lanka fishing vessels shall comply with these terms and conditions.
4. If the government of India decides to explore the Wadge Bank of petroleum and other mineral resources during the period mentioned in sub-paragraph (2), the Government of India shall notify to the Government of Sri Lanka the zones reserved for such exploration and the date of commencement of exploration. Sri Lanka fishing vessels shall terminate fishing activity, if any, in these zones with effect from the date of commencement of exploration.

5. The facility allowed to the Sri Lanka fishing vessels and person on board those vessels is restricted to the fishing vessels owned by the government of Sri Lanka or by a Sri Lanka Company or its nationals. This facility shall not be transferable to any other state or its vessels or nationals.
6. At the request of the Government of Sri Lanka, the Government of India agree to provide annually to Sri Lanka two thousand tones of fish of the quality and species and at the price to be mutually agreed upon between the two governments, for a period of five years with effect from the date of cessation of fishing activity by Sri Lanka vessels in the Wadge Bank as stipulated in sub-para (2).
7. The Government of Sri Lanka, upon terms to make available to the Government of Sri Lanka, upon terms and conditions to be agreed upon between the two governments, technical assistance for the development of Sri Lanka's fisheries arising from the diversion of Sri Lanka's fishing vessels from the Wadge Bank.

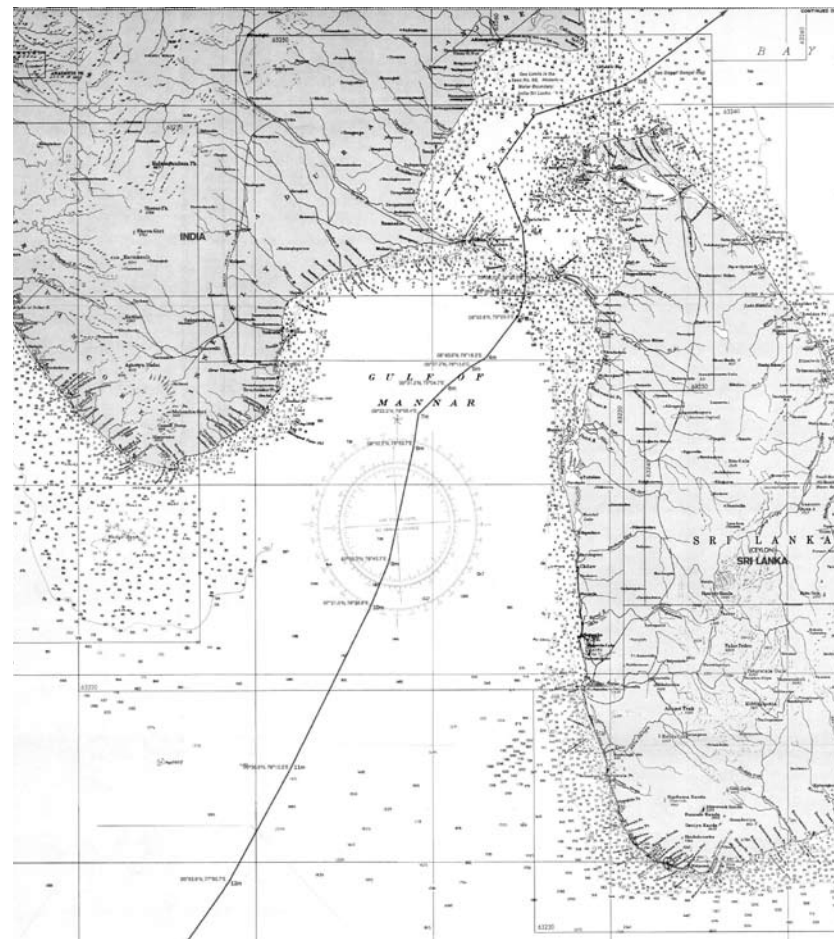
I shall be grateful if you kindly confirm that the above set out correctly the understanding reached between our two governments. On receipt of your letter confirming this understanding, the understanding embodied in this letter shall constitute an Agreement between our two governments.

Accept, Excellency, the assurances of my highest consideration.
Wadge Bank.

Sd /- Kewal Singh

Foreign Secretary to the Government of India.

Annexure - IV
INDIA-SRILANKA MAP SHOWING
THE MARITIME BOUNDARY
DETERMINED IN THE AGREEMENTS MADE BY
THE TWO COUNTRIES DURING 1974 AND 1976



REFERENCES

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Hail Res on Katchatheevu

by G Saravanan

Chennai: Several fishermen associations in the state as well as the Katchatheevu Retrieval Movement have welcomed the government's resolution towards retrieving Katchatheevu that was ceded to Sri Lanka in 1974.

"We are happy that the Chief Minister Jayalalithaa has taken the right step towards retrieving the island from Sri Lanka by passing a unanimous resolution at the Assembly," Seethayin Maindan, coordinator of Katchatheevu Retrieval Movement, which has been advocating this decision for long, told Express.

The AIADMK government should not stop after passing the resolution, which will help the state's claim on the island. The party's MPs should also move a private member bill in Parliament to question the legality of the agreement entered into between Indian and Lankan governments, Seethayin Maindan demanded.

Moving such a private bill would clarify the Centre's stand on the agreement and it will eventually help the party's MPs to take the issue for a logical conclusion in a time-bound manner, he added.

Besides, fishermen associations have also hailed the state government's resolution on Katchatheevu.

Speaking to Express, K Bharathi, president of South Indian Fishermen Welfare Association, said, "The state government has taken a right step towards retrieving the fish-rich island." "Besides retrieving the island

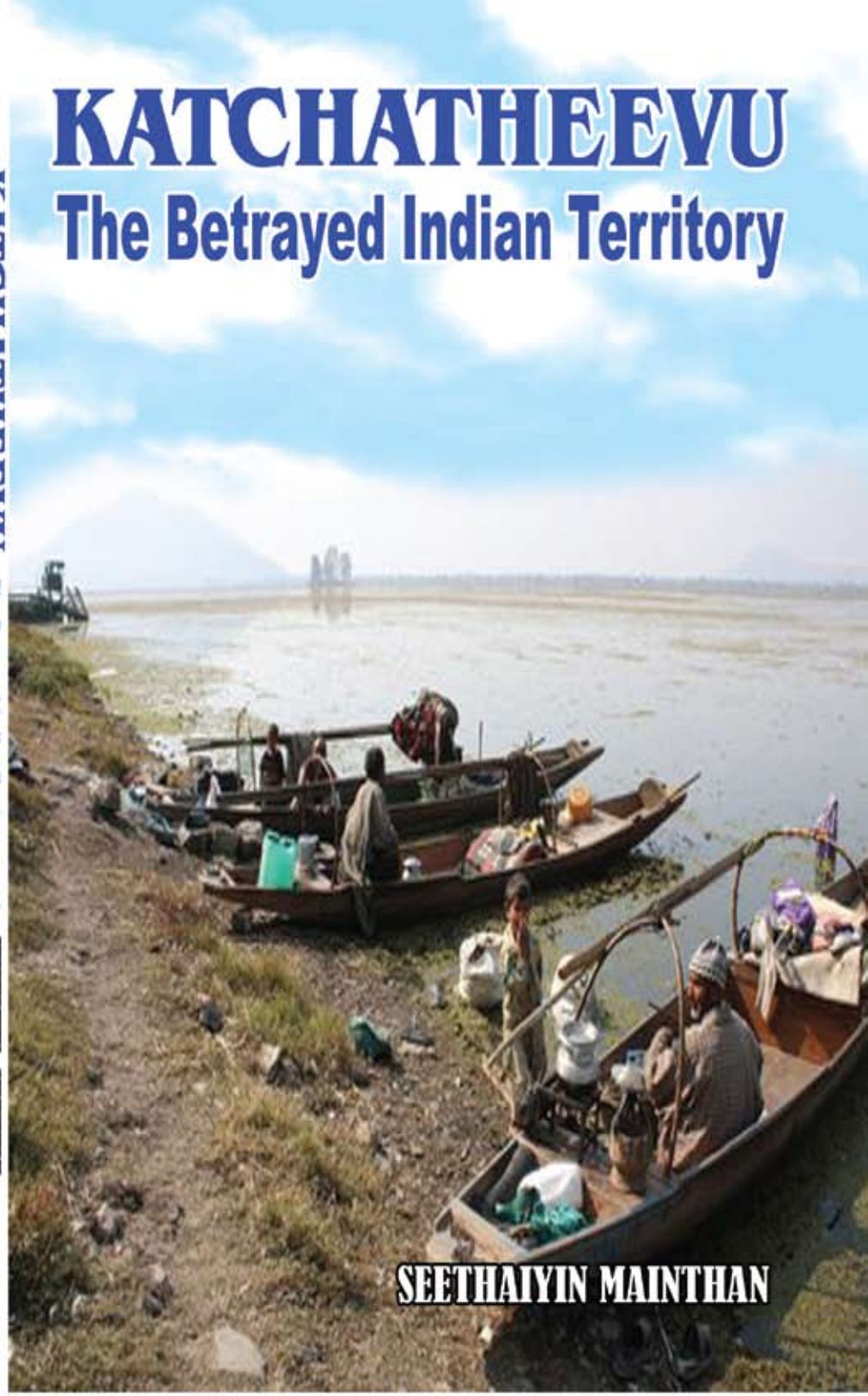


from Lanka, the AIADMK government needs to win back rights for all Indian fishermen the island from the neighbouring country as it would only be a peaceful settlement," Bharathi said.

Echoing the same, Seethayin Mainthan, president of All India Fishermen Association, said, "We feel this is a first and firm step towards retrieval."

KATCHATHEEVU The Betrayed Indian Territory by SEETHAYIN MAINTHAN

KATCHATHEEVU The Betrayed Indian Territory



SEETHAYIN MAINTHAN