RAJYA SABHA

Monday, the 25th November, 1991/4 Agrahayana, 1913 (Saka)

The House met at eleven of the clock, **Mr. Chairman,** in the Chair.

ORAL ANSWERS TO QUESTIONS

SHRIMATI MIRA DAS: The Prime Minister is not interested in the Parliament. He has gone abroad. Members are also not interested.

AN HON. MEMBER: What is she talking?

AN HON. MEMBER: She is talking sense. (*Interruptions*).

SHRI EDUARDO FALEIRO: Have you asked Mr. Veerappan?

SHRI V. GOPALSAMY: I am not Veerappan. I am Gopalsamy.

SHRI M. S. GURUPADASWAMY: Veerapan is a dacoit.

MR. CHAIRMAN: Don't say like that. He is a Member of this House.

AN HON. MEMBER: Veerappan is a Minister in the Tamil Nadu Government.

MR. CHAIRMAN: Q. No. 41.

Attack on Fishermen by Sri Lankan Navy

*41. SHRI K. K. VEERAPPAN:

SHRI V. GOPALSAMY:†

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether it is a fact that 24 fishermen from Rameshwaram were attacked by the Srilankan Navy and three of them were killed; and

(b) if so, what action has been taken by Government to stop recurrence of such incidents?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI EDUARDO FALEIRO): (a) An incident of interception by Sri Lankan Navy of five Indian fishing vessels occurred on 19 September 1991. One of their crew of 24 fishermen, 21 have since been repatriated to India. Three are still missing.

(b) Government have taken up with Sri Lanka Government such incidents of attacks by Sri Lankan Navy against our fishermen. We have impressed on Sri Lanka Government that such cases of straying should be dealt with in a legal and humane manner.

SHRI V. GOPALSAMY: Mr. Chairman, Sir, the reply of the hon. Minister is disgracing and disappointing. It has further added insult to the injury caused. On the fateful evening of 19th September, 24, fishermen of Rameswaram were attacked by the Sri Lankan navy and four boats of our own fishermen were sunk. All the 24 fishermen were forcibly taken over by the Sri Lankan navy abroad the ship. They were severely and mercilessly beaten up. Their clothes were stripped. Despite their cry and plea they were thrown into the sea one after another. Some of the fishermen pleaded with them that they do not know swimming. Even then they were thrown into the sea. After 3½ hours they swam across and reached Nidateevu. Three of them who complained that they do not know swimming were drowned and died. The remaining 21 fishermen were taken away by the Sri Lankan Tamils. They were given food clothing and shelter by the Sri Lankan Tamils. They were handed over to the Red Cross. Then they were ultimately handed over to the Indian High Commissioner. Then they reached Tamil Nadu. On their return they said that when they were forcibly taken away and attacked by the Sri Lankan navy, our own naval vessels which were stationed in the

†The question was actually asked on the floor of the House by Shri V. Gopalsamy.

sea did not come to their rescue. Such incidents are continuing but our hon. Minister when he makes a statement that it is a matter of intercepion, I do not agree with him. It is a brutal attack against our fishermen which is being repeated continuously since in 1983.

MR. CHAIRMAN: Put your question.

SHRI V. GOPALSAMY: Our Indian navy has failed to protect the fishermen of Rameswaram which has emboldened the Sri Lankan navy to repeat the attack on our fishermen. I would like to know from the hon. Minister why the Indian Navy did not protect our fishermen. They have complained that three of them who could not swim were drowned and died. But our Minister says that three of them are still missing. It shows the attitude of the Government, the cavalier attitude of the Government. Therefore, it emboldens the Sri Lankan Government to continue their attacks on our own fishermen. In our own territorial waters, they have been attacked. Would the hon. Minister tell us how these fishermen returned from Sri Lanka, who helped them and why our Indian Navy failed to protect them?

SHRI EDUARDO FALEIRO: Sir, it is, of course, a fact that the hon. Member does not claim that he was there when the incident took place: nor was I. Now, we have to go by the reports of the fishermen. I will just read it. (*Interruptions*). Sir, the incident involving 24 fishermen, referred to by the hon. Member, took place on 19th September. Twenty-four of our fishermen left Rameswaram around 17.00 hours in five boats. By 21.00 hours, they are said to have reached a location close to Kachchatheevu. Around this time, they are reported to have heard gunshots and noticed a Sri Lankan naval speed-boat approaching them. The fishermen were then asked to board the naval boat and were lined up. It is the contention of our fishermen. This is the report as given to us by the fishermen who were on board. It is the contention of our fishermen that they were pushed into the sea and they had to swim for three or four hours before reaching a place called Nedundheevu where they were handed over to by the village headman to the LTTE. The LTTE is said to have taken them to Jaffna and housed them in a hotel. The International Red Cross then contacted them and assured them that they would get in touch with the Indian auhoriies for their repatriation to India. After the arrival of the fishermen numbering 21 in Colombo, our Mission organised their repatriation to India on 7th October. The fate of the three remaining fihermen is not known. We have got nothing from them up to this moment. I would like to point out that the Sri Lankan version is at variance with this. In response to our Mission's request for details, the Sri Lankans contend that there is nothing to show that the act was committed by the Sri Lankan Navy. They have insead alleged that the LTTE may have committed this act to appear as the benefactors of these fishermen. They have also pointed out that the LTTE have in the past used Indian fishing trawlers to transport their war supplies and fuel. In addition, they claim that the LTTE have also commissioned Indian trawlers to carry out smuggling of contraband including drugs. The point is not what exactly happened in the incident. There is no way we can find out that. The point, as I have said in the main reply, is that if our fishermen stray into Sri Lankan waters, they must be treated not in a manner in which they have allegedly been treated in this incident —and I emphasise 'allegedly' because that is the report of our fishermen— but in a humane manner, as per law. And that is what we have emphasised again and again to the Sri Lankans. Sir, we have protested strongly and I am happy that after this incident, there have been no further incidents in which such things have happened. It looks good and it looks that our reaction and our way of dealing have yielded some results. I would like to

add that during the recent visit of the Sri Lankan Defence Secretary to India, which took place just the other day on 14th or 15th November, we have once again taken up the need for Sri Lankan Navy to avoid hostile action against innocent fishermen and have received clear assurance in this regard. That is the position. The incident, incidentally, took place in Sri Lankan waters, not in our territorial waters.

SHRI V. GOPALSAMY: Sir, the hon. Minister's statement is more atrocious. He is relying on the statement of the Sri Lankan Government. (*Interruptions*).

SHRI V. NARAYANASAMY: He is relying on the statement of the fishermen who have been captured. (*Interruptions*).

SHRI V. GOPALSAMY: Is it not a fact that more than 150 times, our Indian fisherfmen were attacked by the Sri Lankan Navy since 1983? Then then Minister of External Affairs had given a reply on the floor of the House. The then External Affairs Minister himself admitted that more than 96 times since 1983 until 1988, Indian fishermen were attacked by the Sri Lankan Navy. (*Interruptions*). Our fishermen have been attacked more than 150 times since 1983. (*Interruptions*)

MR. CHAIRMAN: Put your question please.

SHRI V. GOPALSAMY: More than 150 times, our fishermen were injured. Since time immemorial, we have been enjoying the rights of fishing, (*Interruptions*) Even on 31st August, four fishermen of Rameswaram, by name Jimbos, Murgeshwaran, Swami, Kallu Martin, were attacked by the Sri Lankan Navy in our territorial waters, which has been complained by the Tamil Nadu Government itself, by the Chief Minister of Tamil Nadu herself that our own fishermen are attacked by the Sri Lankan Navy. Now, the Minister comes here and relates a cock and bull story of the Sri Lankan Government. (*Interruptions*). Is he speaking for the Indian citizens or is he speaking for the Sri Lankan Government? I want to kwnow this from the Minister. (*Interruptions*)

MR. CHAIRMAN: His question is, whether the Government has taken into consideration the complaint made by the Tamil Nadu Government.

SHRI EDUARDO FALEIRO: Sir, what the hon. Member said is true to the extent that there have been many cases before this incident in which our fishermen have been attacked. (*Interruptions*)

MR. CHAIRMAN: He is referring to a very specific case of the 31st August where four fishermen have been attacked and the complaint to this effect has been made by the State Government.

SHRI EDUARDO FALEIRO: I don't have the specifics of that particular incident. (*Interruptions*)

SHRI V. GOPALSAMY: This is not the report of the Sri Lankan Government. (*Interruptions*). This shows the callous attitude of the Government. (*Interruptions*).

SHRI EDUARDO FADEIRO: Sir, there have been many instances, it is true. If he wants to know about this specific case, surely, I will let him know.

SHRI V. GOPALSAMY: He is repeating a cock and bull story of the Sri Lankan Government. I want a specific answer from the Government as to what steps have been taken by the Government. (*Interruptions*) These incidents are repeatedly occurring. (*Interruptions*) About the four fishermen having been attacked by the Sri Lankan Navy, he does not have any information. He doesn't have any facts. (*Interruptions*) This incident took place on 31st August. (*Interruptions*).

MR. CHAIRMAN: I have passed on to another supplementary. Nothing will go on record. Smt Jayanthi Natarajan.

SHRI V. GOPALSAMY:*

MR. CHAIRMAN: You also be specific.

SHRIMATI JAYANTHI NATARAJAN: Sir, the agreement between Sri Lanka and the Government of India regarding island of Katchativu needs to be reviewed. The fact is that our fishermen are not able to use it. The terms of agreement are not being adhered to by the Sri Lankan Government and this is the reason why so many of our fishermen are getting into trouble or going across to the other waters or getting lost on the way. So I would like to ask a specific question from the Minister. Is there any proposal with the Government of India to review the Katchativu Agreement with the Government of Sri Lanka so that the rights of our fishermen get protected because till now the agreement that is already existing has been more observed in breach than in compliance? Secondly, is it not a fact that when the DMK Government was in power in Tamil Nadu, many fishermen were lost for eleven, twelve or for fifteen days and when this question was raised, the then Chief Minister of Tamil Nadu, Shri Karunanidhi said, "it is the fault of the fishermen for having strayed into the waters of Sri Lanka"? That was why that matter was not... (*Interruptions*)

SHRI V. GOPALSAMY: It is utter falsehood. What relevance it has got with this question? It is utter falsehood. (*Interruptions*)

SHRI V. NARAYANASAMY: You are not here to reply. The Minister can reply to it. (*Interruptions*)

*Not recorded.

MR. CHAIRMAN: Shrimati Jayanthi Natarajan, please restrict yourself to the specific question... (*Interruptions*)...I have not allowed anything else. The question of DMK or AIADMK is not here... (*Interruptions*)...It is the question of Kachchatheevu... (*Interruptions*) . . .She wants to know whether you are thinking of revising the Agreement...

(*Interruptions*)...

SHRI V. GOPALSAMY: We protested against it. We protest against it today also. Even then, you have no agreement... (*Interruptions*)...

SHRI V. NARAYANASAMY: Your Chief Minister did not even inform the Central Government... (*Interruptions*)...Your Chief Minister did not even inform the Central Government...

...(*Interruptions*)...

MR. CHAIRMAN: Let us come to the question... (*Interruptions*)...Let us come to question please. Mr. Narayanasamy, Mr. Virumbi, please sit down... (*Interruptions*)...She says, it is all because of Kachchatheevu island. Are you thinking of revising the Agreement? That's all.

SHRI EDUARDO FALEIRO: Sir, there is no proposal to revise this Agreement and permit me to mention what the position exactly is. Indo-Sri Lankan Maritime boundary is delimited through two Agreements signed with Sri Lanka in 1974 and 1976. According to these Agreements, the island of Kachchatheevu lies on the Sri Lankan side of international boundary line. However, the traditional rights of our fishermen such as the right of accesss to Kachchatheevu for resting, for drying their nets and for attending the annual festival, when it is held, are safeguarded under the above Agreements. Suffice it to say at the moment that these Agreements are entered into after great deliberation at the highest political level and there is no reason and

there is, therefore, no proposal to look again into these agreements. They stand, as far as we are concerned... (*Interruptions*)...

MR. CHAIRMAN: You will see that the commitment to our fishermen is observed. That is what he is interested in.

SHRI S. VIDUTHALAI VIRUMBI: Sir, fishing is also one of the rights of the Indian fishermen which the hon. Minister has not mentioned. ... (*Interruptions*)...What are the traditional rights of the Indian fishermen?...

MR. CHAIRMAN: No, No. I have not permitted you.

SHRI EDUARDO FALEIRO: There are two things. Number one. We have put it to the Sri Lankan Government very strongly and they have agreed to do it. Our fishermen who stray into the Sri Lankan waters—they may not stray; even if they stray—must be treated in a humane manner, in a legal manner, and, Sir,... (*Interruptions*)...

MR. CHAIRMAN: No, no; the question is about Kachchatheevu.

... (*Interruptions*)...

SHRI V. GOPALSAMY: Don't defend the case of Sri Lanka.

... (*Interruptions*)...

SHRI S. VIDUTHALAI VIRUMBI: It is the life and death issue of fishermen... (*Interruptions*)...

SHRI EDUARDO FALEIRO: All the cases that have come to my notice are cases of our fishermen who stray into the Sri Lankan waters. Now as far as Kachchatheevu is concerned, I have said as per the Agreement it lies on the Sri Lankan side of the boundary line. As per the Agreement, some rights regarding...

(*Interruptions*)

MR. CHAIRMAN: Please see that those rights are preserved. That's all... (*Interruptions*)...Mr. Vincent.

SHRI M. VINCENT: Mr. Chairman, Sir, Indian fishermen are periodically killed in Indian waters by Sri Lankan Navy. Article 5 of the 1974 Agreement guarantees traditional rights to Indian fishermen in Kachchatheevu, including resting and drying of their nets in the island. Till today this agreement has been observed only in breach by Sri Lanka. Our Chief Minister has taken commendable steps to protect the fishermen within the powers of the State Government. She has ordered the district collectors to give adequate security to the fishermen, including wireless sets for communication with security forces. Whenever there is firing by Pakistan from across the border, the fire is returned by India and the Centre condemns it immediately. But when our fishermen are periodically kiled in Indian waters by the Sri Lankan Navy, the Centre is silent spectator. Therefore, I would like to know from the hon. Minister what action the Central Government propose to take for the total implementation of article 5 of the 1974 Agreement which guarantees fishing rights to Indian fishermen? Part (b) of my question is: If Sri Lankan Navy opens fire on the Indian fishermen in Indian waters, will the Centre view it as a violation of territorial border and order our Navy to return the fire, as it is done in the case of such violations by Pakistan? For that purpose, will the Centre build a naval station in one of the small islands in order to protect our Indian fishermen and safeguard the Indian border?

Sir, the last part of my question is: If Sri Lanka continues to violate the bilateral agreement, will India take possession of Katchatheevu?

SHRI EDUARDO FALEIRO: No, Sir. All these speculative things apart, I would like to inform the hon. Members through you, Sir, that in view of all these incidents, we have

further increased the effectiveness of our naval patrolling in the Palk Strait. The Ministry of Defence has sanctioned additional five naval detachment of comprising of five hired and armed trawlers each for a period of 30 days. Naval Headquarters have also been permitted to hire vehicles and tankers for effective co-ordination of their activities on the shore. These arrangements will be further extended by us if it is found useful in preventing and checking all these activities—the different type of unlawful activities—that are taking place'.

MR. CHAIRMAN: You will see that they are not harassed in our territorial waters. What they want is that our fishermen are not harassed in our territorial waters.

SHRI EDUARDO FALEIRO: No, Sir. That is totally out of question.

SHRI V. GOPALSAMY: He is not answering the question.

MR. CHAIRMAN: No, no. Do you say that you will permit them to harass our fishermen in our territorial waters?

SHRI V. GOPALSAMY: Yes, that is the question.

MR. CHAIRMAN: There is a simple question. The unfortunate thing is that they put the simple question so much politically. Put simple question and we will get simple answer.

SHRI EDUARDO FALEIRO: There will be total and absolute protection of our fishermen in our territorial waters.

SHRI V. NARAYANASAMY: Sir, I will put a very, very pointed question.

MR. CHAIRMAN: That will be good.

SHRI V. NARAYANASAMY: Sir, the fishermen of Rameswaram will have to face two forces from Sri Lanka. One is the Sri Lankan Naval Forces. The second is the LTTE. Sir, what is happening actually is that when our fishermen go to the maritime line for fishing they are arrested and taken away by the LTTE on the one side and on the other side by the Sri Lankan Naval Forces. Therefore, the fishermen are not venturing to go to the sea for fishing which is their traditional profession. Now, Sir, I would like to know from the hon. Minister whether they will intensify their naval patrolling.

SHRIMATI JAYANTHI NATARAJAN: Against the LTTE.

SHRI V. NARAYANASAMY: Against both. These two forces are attacking them. Intensify your naval patrolling instead of talking to the Sri Lankan authorities. Sir, Sri Lankan authorities are always looking hostile at India. We have seen it on several occasions. Therefore, I would like to know whether the Minister will take up the issue with the Defence Minister and see that naval patrolling is intensified so that our fishermen will be able to venture into the sea for fishing without any fear.

SHRI EDUARDO FALEIRO: I apreciate the concern of the hon Member. I have already mentioned the steps that the Defence Ministry has taken to intensify the patrolling. I will further take up the matter with them so that it is effectively done.

MR. CHAIRMAN: Question No. 42.

SHRI SUBRAMANIAN SWAMY: I am the only person who visited the Katchatheevu and we have all the Swamys but not me.

MR. CHAIRMAN: So many Swamys are here. That is the problem. I permitted only Gopal and Narayan and if Subramanian Swamy is coming in between...