

MOVEMENT TO RETRIEVE KATCHATHEEVU ISLAND

Chennai Office : 82/62, Singapore Plaza, Arcot Salai, Saligramam, Chennai 600 093

Delhi Office : 201-A, Cariappa Marg, Sainik Farms, New Delhi - 110 062.

To

Honourable Member,

Sub: Retrieval of Katchatheevu Island – Protecting the life and property of Indian Tamil Fishermen from Sri Lanka Navy – To initiate appropriate steps during the Winter Session of Lok Sabha and Rajya Sabha

The Island of Katchtheevu which belonged to Tamils and Tamilnadu, was ceded to Sri Lanka, in the year 1974, by the then Prime Minister Tmt. Indira Gandhi, overlooking all the Constitutional provisions. It was done in order to maintain good relationship with Sri Lanka. As a result of this hand over, the Tamil Indian Fishermen lost their rights which they exercised over the Island and the surrounding seas for over thousands of years. This deprivation has resulted in our Indian Tamil Fishermen, being attacked by the Sri Lankan Navy. Estimates say that so far, 500 Indian Tamil Fishermen have been killed, 3000 fishermen have been permanently disabled and thousand others were injured, besides hundreds of them have dis-appeared. Many more have been illegally detained in Sri Lankan jails and have been harassed and tortured. All these are some brief accounts of atrocities committed by the Sri Lankan Navy on our innocent Indian Tamil Fishermen.

The financial loss suffered by our fishermen due to attacks by Sri Lankan Navy is put above Rs.2000/- Crores. Attacking our fishermen, destroying their nets, seizing and dumping their catches into sea, ramming the naval vessel over fishing boats and capsizing the fishing boats, illegally arresting the fishermen, undressing them in front of other fishermen and whipping them all have become common day-to-day acts. The only remedial measure to protect the life and livelihood of our fishermen is to un-null the Indo-Sri Lanka agreement on Katchatheevu, which agreement by itself was made without parliamentary

approval and which is opposed to constitution of the land and sovereignty of this country. The retrieval of Katchtheevu Island is important not only from the point of view of protecting the life and livelihood of our fishermen, but given the context of raising influence of China in Sri Lanka, Katchtheevu Island assumes much more significance and it is very important and imperative from the point of security of Tamilnadu, South India and the whole of this country.

More than one Lakh Chinese Army men under guise of ordinary civilians have been deployed Sri Lanka. This does not include the nearly 25,000 convicts already brought to Sri Lanka by China. It is note worthy to mention that our Indian Tamil Fishermen have already confirmed the presence of Chinese men in the Sri Lankan Naval boats that were involved in attacking them.

Recently devotees who visited Katchtheevu Island to take part in the St. Anthony's Church festival noticed the presence of tenants used by Chinese men. This was also widely reported in the Indian media China is aiming at bringing the Indian Ocean under its control. It is now engaged in building a harbour at a huge cost of 5,000 Crores in Sri Lanka in Amsatta. Likewise, in Triconamalee, it has ventured to build a massive Airport, which, when completed will surpass the Mumbai Airport. No doubt Rajapakse has consented to all these schemes. Not contended with these, Sri Lanka has decided to vest fishing rights to China in Katchtheevu Island, besides permitting China to develop Prawn Farms in Nandhi Kadal (Nadhi Lagoon). Unfortunately, these activities are not being viewed with concern by the Central leadership, more particularly the ruling Congress.

The Eelam Tamils always favoured India and liked to maintain close relationship with India, whereas the Sinhalese were traditionally opposed to India. While so, the Congress rulers followed a flawed foreign policy in aligning with the Sinhalese and opposing the Tamils and thereby has exposed Tamilnadu and India to a grave danger.

In these circumstances, all the forty Members of Parliament, representing Taminadu and Pondicherry, transcending party affiliations should join together, besides roping in other Parliamentarians who are concerned about this Nation, and bring in a resolution during this Winter Session of the Parliament, condemning the India-Sri Lanka agreement on Katchtheevu Island, and explain as to how it is against the opposed to the Indian Constitution, Sovereignty and National Security of this Country. By bringing forth such a resolution on Katchtheevu Island you

can restore our fishermen's right over Katchtheevu Island and the seas surrounding the Island.

We have herewith enclosed few materials which would be of much help to you to submit your case on Katchtheevu Island, before the Parliament.

Thanking you,

Yours Sincerely,

Chennai: 92.

Date: 22.07.2010.

Cell No.9884227293

E-mail: seethai.chennai@gmail.com

(SEETHAIYIN MAINTHAN)

Prime Co-ordinator

Movement to Retrieve Katchatheevu Island

Enclosures:

1. Annexure-1, Atrocities faced by Tamilnadu Fishermen at the hands of Sri Lankan Navy.
2. Annexure-2, Oral Testimony of Two Indian Fishermen.
3. Annexure-3, Evidence to establish that Katchatheevu Island, belong to Tamilnadu
4. Annexure-4, Background account narrating circumstances under which Congress Government sacrificed Katchatheevu Island.
5. Annexure-5, Events that took place during Parliamentary discussion on Katchatheevu Island on 23.07.1974.
6. Annexure-6, Agreement Between India and Sri Lanka On The Boundary In Historic Waters Between The Two Countries And Related Matters
7. Annexure-7, More details on Katchatheevu Island

ANNEXURE -1

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

In the event of a 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 when they give up by raising their arms in the air
3. Forcing them to lie over Ice bars.
4. Forcing them to carry Ice bars on their head.
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 face.
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 catch.
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 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.

ANNEXURE-2

WITNESS TESTIMONY OF TWO TAMILNADU FISHERMAN

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 Chinnappu 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?

If our fishermen could venture into the seas fearlessly, the only solution lies in retrieving back Kathchatheevu Island.

ANNEXURE -3

EVIDENCE TO ESTABLISH THAT KATCHATHEEVU ISLAND, BELONG TO TAMILNADU

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 surround fish 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 Island.
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 Kathatheevu 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 Ramanathapuram 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/- 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 Katchatheevu 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 Tamilnadu 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 Mersa Marakayar, took the Katchatheevu Island on lease from Ramanathapuram Sethupathy. In the documents which was then executed, Katchatheevu Island was shown as a territory situate 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 every 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.

Please Note: Although we have criticized Tmt. Indira Gandhi for having ceded the Katchatheevu Island to Sri Lanka, during the later years Indira Gandhi rightly realized the wickedness of Sri Lanka. During the year 1983, when Tamils were killed in Sri Lanka, it is Indira Gandhi who decried the as an act and termed it "Genocide". She even sent two Vessels to Colombo Port and helped evacuating thousands of Tamils to safety to Jaffna. She was instrumental in imparting training to Tamil militants, in order to arm them to protect the Tamils from the Sinhalese. Probably, Tmt. Indira Gandhi might have planned to create a independent Eelam, in the manner she helped to create an independent Bangladesh, by sending Indian troops to help Mukthi Vahini militia men. Unfortunately, she met with an untimely death in the year 1984.

ANNEXURE- 4

BACKGROUND ACCOUNT NARRATING CIRCUMSTANCES UNDER WHICH CONGRESS GOVERNMENT SACRIFICED KATCHATHEEVU ISLAND

India is a country with different nationalities living together in it. In spite of strong opposition from the nationality which owned that piece of land from ages, the ceding of Katchatheevu to a foreign country is perceived as an act of treason and fascism.

Due to this irreconcilable historic blunder of then Congress Government in 1974, the Katchatheevu was ceded to Sri Lanka without even the resolution being passed in Parliament.

Annexure-3 has put forth the proofs to explain that Katchatheevu belongs to Tamil Nadu all along the history.

Sinhalese claimed Katchatheevu during British regime in 1920. But it did not have any impact. After the colonial independence, Sri Lankan Prime Ministers Dudley Senanayaka and Sir John Kotelawala started talks with our Prime Minister Jawaharalal Nehru in the year 1951 and 1954 respectively. Presumably understanding the disinterest of Nehru towards Katchatheevu, Sri Lanka started military training camp at Katchatheevu in 1955. When it was brought to notice in Parliament, unfortunately Nehru said that they were finding out the history of Katchatheevu and to whom it was belonged to. Indian Government requested Sri Lanka to stop the training in Katchatheevu as it was under talks. Sri Lanka agreed to this but strongly claimed the ownership of Katchatheevu. Again it was raised in Parliament in 1968, the then Prime Minister Tmt. Indira Gandhi also ended up with a statement that central government was looking for facts about Katchatheevu from Tamil Nadu State Government. Again, in 1974, India and Sri Lanka got into talks to finalize on the piece of land. Finally, in 26-06-1974, Prime Minister Tmt. Indira Gandhi signed the pact of ceding Katchatheevu to Sri Lanka. In 29-06-1974, Tmt Srimavo R.D. Bandaranaike, the then Prime Minister of Sri Lanka signed the same in Colombo. Only a note on this pact was submitted in our Parliament in 23-07-1974. The consent of the Parliament did not happen on this pact till date.

Ceding of Katchatheevu to Sri Lanka, without getting the clearance from Parliament is unconstitutional. Tmt. Indira Gandhi stated that the pact was not based on historical records but for political reasons. The political reasons she cited had the roots in Indo-Pakistan war during Independence of Bangladesh in 1971. Sri Lankan Government supported Pakistan in the war. On return of its support to Pakistan, Sri Lanka was gifted two aircrafts by Pakistan. Pakistan was in talks with Sri Lanka to set up an air base in the island. Tmt. Indira Gandhi, assuming it as a 'diplomatic' move, decided to gift Katchatheevu to Sri Lanka on return of a promise from Sri Lankan Government that it would not allow Pakistan to set up an air base in the island. This deal was arrived as a pact between two countries at the cost of lives and traditional fishing rights of Tamil Nadu fishermen.

ANNEXURE - 5

EVENTS THAT TOOK PLACE DURING PARLIAMENTARY DISCUSSION ON KATCHATHEEVU ISLAND ON 23.07.1974

THE RE-AGREEMENT BETWEEN INDIA AND SRILANKA ON BOUNDARY IN THE HISTORIC WATERS BETWEEN THE TWO COUNTRIES AND RELATED MATTERS

Then Minister of External Affairs Mr.Swaran Singh will make a statement, The Hon'ble Speaker of the Lok Sabha announced.

Mr.Madhu Limayi M.P (Banka constituency) rose and said "On point of order, I had already given notice." Mr.K.Manoharan M.P (DMK Parliamentary Party Leader): "Each member must be given proper opportunity to express his views".

Mr.Era.Sezhiyan M.P (DMK): Before the Hon'ble 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 Srilanka the legal and constitutional properties involved have to be taken into account. This agreement goes against the interests of the country since it amounts to pure surrender of our territory without going through any 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'ble Minister, and we want to disassociate ourselves by walking out of the House.

K.Manoharan.M.P (DMK): 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 Srilanka Government and the Government of India is anti national and unpatriotic, it is the worst agreement ever signed by any civilized country of the world. I do not like to insult or hurt the feelings of either the people of Srilanka or the Prime Minister of Srilanka.

Hon'ble Speaker: Hon. Members are going to have a debate on foreign affairs when they can raise all these points.

K.Manoharan M.P (DMK): I must be permitted to speak now. Through this unholy agreement, the Srilanka 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.

Mr. Speaker: "He has a right to make a statement in the House"

Then in Hindi spoke Mr.ATAL BIHARI VAJPAYEE, Member of Parliament from Gwalior. In his speech he claimed that the original name of Kaccha Theevu was Valideep, an island where Sri Rama and Vali fought.

After exchanges in Hindi, the turn of another Tamil Nadu Member came.

PK.THEVAR M.P (Forward Block) (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 mechanized 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.... It is going to be the basis for future war. It is going to be the base and challenge for the life of the nation.

Mr.Muhamed Sheriff (Periakulam): Even on the 1 st April 1968, I produced sufficient records in this House to show that Kachchativu belongs to the Raja of Ramnad. Government has failed to go through these 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 this 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.

(PK.N.THEVAR & MUHAMMAD SHERIFF THEN LEFT THE HOUSE)

Then Madhu Limayi spoke in Hindi.

After his lengthy speech Mr.PK.Deo M.P (Kalahandi): One point of order, Sir. The statement that the Foreign Minister is going to make deals with cession of India territory. In this regard, two important issues are involved. This is the constitutional issue. Article 1 of the Constitution says: "The territory of India shall comprise the territories of the states, The Union Territories specified in the First Schedule, and such other territories as may be required. 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 Bandaranaike came to 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. Sir they cannot consider this country as Zamindary of the Congress party. 5

Then ATAL BIHARI VAJPAYEE intervened and spoke one sentence in Hindi.

Mr. Speaker: "My ruling is that the Minister has a right to make a statement. When the Governments enter into an agreement that must come before the House. the Members must be informed of what is taking place.

Mr. Sezhiyan: But the agreement is unconstitutional

Mr. Speaker: How can we know it?

Mr. Atal Bihari Vajpayee: "It is published in the news papers."

Mr. Speaker: "How can the House be seized of the matter unless the Minister makes the statement?"

Mr. Atal Bihari Vajpayee: "Can they violate the Constitution?"

Mr. Speaker: I have given the ruling. Now, the Minister...

Then Mr. Atal Bihari Vajpayee and another Member intervened. Meanwhile Mr. Kachwai tore up some papers and threw them away. Some members left the House at this stage.

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

Mr. Swaran Singh: About the traditional rights, if the Honorable Members goes 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 Srilanka's claims over sovereignty over Kachativu has been recognized, the traditional rights of Indian fishermen and pilgrims to visit that island will remain unaffected. Similarly the traditional navigation rights exercised by India and Srilanka in each others waters will remain unaffected (interruptions)

Mr. Speaker: Later on we may have a debate on this but not now. I am not allowing anymore.

(Source: Lok Sabha Debates July 23 1974 Cols 186-201)

ANNEXURE – 6

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

For the Government of the
Republic of Sri Lanka

Sd/ - **Indira Gandhi**
New Delhi 28 June 1974

Sd/- **Srimavo R.D.Bandaranaike**
Colombo 26 June 1974