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**SRI
LANKA
BACKGROUND
BRIEFING**

**BIG
BROTHER
small
brother**

A resume of Indo - Sri Lankan relations

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When in 1949 George Orwell wrote his celebrated satire — NINETEEN EIGHTY FOUR — and gave political currency to the word "Big Brother", he could not have obviously anticipated newspaper editors in President Jayewardene's Sri Lanka. Today, any form of strong expression of opinion by any official or Minister of the Government of India in connection with any atrocities perpetrated on Tamils in Sri Lanka is promptly met with an anti-Indian tirade, and the first word that comes to the mind of editorial writers is "Big Brother". "BIG BROTHER STOP MEDDLING", "BIG BROTHER STOP BULLYING", "BIG BROTHER MIND YOUR BUSINESS" — is the refrain they take up, and raise their voices with fervour; as if it was the National Anthem. This happened in July 1983, and it happened recently, in early March, 1986.

Not that the Orwellian conception of Big Brother has no relevance to the Sri Lanka of today; it is only that the world is too close to the writing on the wall to read it whole. In George Orwell's "Oceania", "the Party" creates a totalitarian state that annihilates all opposition. The official language of the state is "Newspeak" and there is a "Ministry of Truth". Another Ministry — the "Ministry of Peace" concerns itself with War. The 3 slogans of "the Party" are: WAR IS PEACE; FREEDOM IS SLAVERY; IGNORANCE IS STRENGTH. Presiding over all these is one man — Big Brother. His portrait gazing down from various commanding corners carries the warning CAUTION — BIG BROTHER IS WATCHING YOU.

Orwell's "Oceania" has rich parallels to the Sri Lanka of today. There is the Minister of National Security which is waging a war which it says is meant to bring peace to the country. It is a near-totalitarian state masquerading as a democracy where even distributing literature critical of the government can be a non-bailable offence. (See Situation Report No. 7). The government maintains its strength by keeping the Sinhala people in ignorance. (See Dr Ediriwira Sarachandra's letter — Situation Report No. 6). War is therefore Peace, Freedom is considered slavery, and Ignorance is Strength. In the language of Sri Lanka's "Newspeak", every Tamil who gets killed is deemed to be a "terrorist" And, Big Brother Jayewardene is watching

everybody, including his Ministers, not to mention his Prime Minister!

But all these is incidental to the present exercise. Let us get away from the Orwellian concept of "Big Brother" and settle down to the Sri Lankan use of the word. What has been the relationship between Big Brother India and small brother Ceylon (now Sri Lanka) over the years? What are the problems that have come in the way of South Asian good neighbourliness? What have been the behaviour patterns of both countries since independence?

One sub-conscious irritant between both countries is something which neither can do anything about, except by coming to terms with it. It is a problem of geography, compounded by various factors: the hugeness of India, the "smallness" of Sri Lanka, the close proximity of both; and the immediate proximity of Tamilnadu and the Tamil-dominated Northern Province of Sri Lanka. Tamilnadu (130,069 sq km.) alone is almost double the size of Sri Lanka (65,610 sq. km.) and in 1981 had a population of 48,297,456 which was almost three times that of Sri Lanka (14,850,001 also by the 1981 census). Nations, unlike humans, cannot choose their neighbours. It is neither possible for India to shrink to the size that Sri Lanka would like her to be, nor would it be wise for Sri Lanka to assume bloated postures that her size and resources do not permit.

Another problem is one, which is again beyond repair or recall. It is a problem of history. The island of Ceylon was hardly ever free from South Indian influence at any stage of its history, ancient or modern. Deep-rooted in the Sinhala consciousness is a historical grievance against South India, nurtured by scholars and the Buddhist clergy and kept alive by politicians. Says the Sinhala historian K.M.De Silva: "... The death and devastation wrought upon Sri Lanka by the South Indian invaders have become the stuff of folklore and mythology. Inevitably, the stories have magnified the horror of those turbulent times and have created the persistent image that the Tamils are the implacable historical enemy of the Sri Lankan nation and the Sinhala people. The Tamils are blamed for the collapse of Sri Lanka's irrigation civilization in the 13th century. But the

political instability inherent within the Sinhalese kingdom during that period played an equally important part" (Sri Lanka: Insight Guide, Apa Productions (Hong Kong) Ltd. 1983).

From as early as 237 B.C. when two Tamil "adventurers" Sena and Guttakka usurped the Sinhala throne, followed not long after by a Chola nobleman Elara who ruled at Anuradhapura for 44 years and earned the reputation of being a fair and just ruler, the histories of South India and Ceylon continued to remain inter-linked until almost the end of the 15th century. The rise of the three powerful Hindu states in South India, the Pandyas, the Pallavas and the Cholas, in the 5th and 6th centuries and later the Vijayanagar Empire from about the middle of the 14th century, did naturally have a direct impact on Ceylon. The influences were not only political, but social, religious and cultural. While it would seem understandable for a small island like Sri Lanka to want to pursue an insular and self-contained existence, it would be unrealistic to wish away, or try to erase out stubborn facts of geography or an inheritance left by centuries of history. The present unhappy state of affairs in Sri Lanka is something which the Sinhala people and Sinhala politicians brought upon themselves in a foolish attempt to settle scores with History! Despite repeated South Indian invasions (not to forget the occasional Sinhala invasion of South India), Ceylon had remained accepted as a multi-ethnic island until the British left its shores in 1948. Instead of continuing to build the nation on this pluralistic foundation that they inherited with independence, they decided to lay new foundations for a Sinhala Buddhist country. Sinhala was made the official language and Buddhism given a privileged position in the constitution and the country. In a sudden frenzy of Sinhala Buddhist chauvinism that began in 1955, the entire concept of a plural society was thrown overboard. The Tamils particularly were made to feel that they did not belong. This deprivation of the sense of belonging came in various forms: firstly physical violence on Tamils which began in 1956; laws and legislation which placed them at a sudden disadvantage; administrative hostility on the part of officials; anti-Tamil speeches by Sinhala politicians both inside and outside Parliament; and anti-Tamil atti-

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tudes both in news treatment and views in the Sinhala and the English-language media. It is a supreme irony that today when the Sri Lanka government holds it against India for giving sanctuary to Tamil refugees, not long ago Sinhala mobs on rampage used to jeer at their Tamil victims – Go to India, that's where you belong!

The third problem is that British colonial left-over, — the immigrant Indian Tamil labour. It was long known as *the* "Indo-Ceylon problem", until other problems took over. To sum it up in the words of Fr. Paul Caspersz, President of the Movement for Inter-Racial Justice and Equality (MIRJE): "The story opens with the coffee plantations begun by the British on land sold for a song to any British army man or archdeacon (around mid-19th century -Ed). Indigenous Sinhalese labour was not forthcoming. But no matter. From impoverished South India which Britain also ruled, imports of cheap labour could be dragooned into the island. Wages were very low and in payment there were gross irregularities which continued into the 1920s and persist — in attenuated forms — to the present day. Housing was atrocious, disease was rampant, mortality was high.

"The darkness began to grow a little less fearsome when from the late 1860s, coffee succumbing to coffee blight, steadily yielded place to Tea. Tea is labour-intensive. On estates in Sri Lanka, the famous "two leaves and a bud" have to be plucked all through the year. There was therefore the growing imperative of a resident labour force. Barrack-type rectangular sheds which came to be called "coolie lines" were constructed. Largely migratory in the coffee phase, South Indian labour began to permanently settle on the estates. This marked the beginning of the "Indo-Ceylon problem

"Sri Lanka attempted to solve it unilaterally in 1948. In that year, Sri Lanka, after four and a half centuries of foreign rule, felt the first winds of a new freedom. But, tragically, they did not blow over all her people. In the population — then about 7 million — some 800,000 were classified as Indian Tamils only because they were the last of several waves of immigrants from India into the island. By the Citizenship Act of 1948, these, almost

to a man were declared non-citizens, and by the 1949 Franchise Act were deprived of the vote.

"The Age of Statelessness had begun. So long as Nehru lived, India had held firmly to the position that the 19th century immigrants were the responsibility of Sri Lanka. However, only a few months after his death in 1964, the two Prime Ministers of Sri Lanka and India signed the first of the Repatriation Agreements. The second followed in 1974. Estimating that in 1964 there were at least 975,000 stateless persons in Sri Lanka, the Prime Ministers agreed that India would give citizenship to, and take away 600,000 while Sri Lanka would give citizenship to, and keep 375,000, in either case with the natural increase. The Great Uprooting was the consequence of a game of numbers played in high places.

"For most of the workers, it was not to be repatriation, but expatriation and in some cases, deportation. Even in a world where there has been so much else to hit the headlines, it is surprising that the Agreements, which heralded the largest organised worker migration of the 20th century, have gone so largely unnoticed"(Saturday Review, Jaffna — Jan. 30, 1982).

The Sirima-Shastri Pact of 1964 marked the beginning of the phase (one wonders in 1986 whether it has still ended) where Big Brother started bending backwards in order to accommodate small brother, all in the name of a lot of bureaucratic hogwash called "friendly co-operation", "good neighbourly relations" etc., etc. while small brother has kept on exploiting his small brother status to maximum diplomatic advantage! Those who paid the price for the "good neighbourly relations" were of course the Tamils on both sides of the Palk Strait.

It has to be remembered that the Sinhalese had made up their minds on how they were going to deal with Indian Tamils, long before India or Ceylon got independence. The dangers of an "Indian peril", "Indian menace" were occupying their minds from the 1920s. In 1928, there was a debate in the Legislative Council of Ceylon on the question of Franchise. A motion that indirectly sought to exclude Indian Tamils from the benefits of an extended

Franchise proposed by the Member for Kegalle District, the Hon. A.F. Molamure brought a sharp polarisation between the majority Sinhalese on the one hand and the Tamils and other minorities on the other. The Hon. D.S. Senanayake, who was to become the country's first Prime Minister, 20 years later, speaking at the debate on November 8, 1928, said : " With regard to the accusation that has been made against the Sinhalese, I may say this much. We happen to be a major community, and there happen to be about three million Sinhalese in Ceylon. I feel certain that whether we have ten votes or twelve votes here, it is the voice of three millions that speaks, and I certainly think that that should count with the British Government.

"I can say that when we wanted reforms we wanted them because we felt that the prosperity of the country could be best advanced by the influence of the people of the country. We did not want to take away the Government of the country out of the hands of able administrators like the English and hand it over to the Indians, or to anyone else. We want the people who are here to have an opportunity of influencing the Government, and that is what we are asking for. We do not want to transfer power from the hands of the Englishmen to the hands to the Indians

"I can tell you at once, Sir, that we do not desire to exclude the Indian at all : We do not want to exclude the Indian who is domiciled in Ceylon. If a person came from India and wanted to settle down in Ceylon, we would welcome him, although I should say, we would be justified in refusing to admit him into the electorate.

"I say we would be justified in refusing to admit him into the electorate for this reason. A large number of these people who come from India — I am speaking of the immigrant labour population — do not come of their own free will. The people of the country are taxed. I mean, estate owners are taxed, and these immigrant labourers are brought over to Ceylon at the expense of the State, and they live here as Indian citizens. If they come here as free people, and if they settle in the country and want to become a part of the permanent population, it would be a diffe-

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rent matter. But they come here with the assistance given by the Government with the money collected from the people

It was the same D.S. Senanayake who piloted the Ceylon Citizenship Act No. 18 of 1948, the Indian and Pakistani Residence (Citizenship) Act No. 3 of 1949, and the Ceylon (Parliamentary Elections) Amendment Act No. 48 of 1949, the cumulative effect of all of which was that it left one million Indian Tamils voteless and stateless; it came to be known thereafter as "the Indo-Ceylon problem"

When one follows the history of Indo-Sri Lankan relations, one stark fact emerges — the growing failure of Indian diplomacy in the post-Nehru years. Y.D. Gundevia, who served as India's High Commissioner in Colombo (1957-1960) is on one hand apologetic (*Outside the Archives — Y.D. Gundevia, Sangam Books 1984*) that the "Indo-Ceylon problem" was not "solved" during his tenure of office; on the other hand, C.S. Jha who served as Foreign Secretary under Prime Minister Shastri concludes too soon (*From Bandung to Tashkent — Glimpses of India's Foreign Policy — C.S. Jha, Sangam Books 1983*) that the problem was "settled" with the Indo-Ceylon Agreement of 1964.

Mr. Gundevia writes: "... It is no use my devoting a chapter to Ceylon, which came to be Sri Lanka after I left, for this one simple reason — I did not solve the Indo-Ceylon problem as we called it, and I did not succeed in helping Nehru to solve the problem in his lifetime either... Negotiations between the two countries had been properly stalemated before I got to Ceylon in April 1957. Emigrant Indian labour, more or less in full employment, totalled about 700,000. There was also a smaller number on the rubber and coconut estates. These so-called Indian labourers were, ninety per cent of them, properly domiciled in Ceylon by any definition. They could, therefore, not qualify for Indian citizenship under Article 5 of our constitution. They obviously wanted to live on the estates and continue in employment as they had done over two or three generations. Few and far between among them, some who, for their own domestic reasons, wanted to return to India, came to the Indian High Commission in Colombo or the office of

the Deputy High Commissioner in Kandy, opting for Indian citizenship under Article 8, and we registered them as Indian citizens, and they went back home to South India bag and baggage. The bulk of the estate labour, born in Ceylon as they were, qualified for Ceylon citizenship under Ceylon laws. But it was a set practice to turn down every application for Ceylon citizenship of these emigrant labourers and their families on the slightest evidence of the applicant having maintained any contact with India. Any letter to a relation in India was treated as evidence and a small money order sent to anybody in India was said to be conclusive proof of Indian domicile. There were provisions for an appeal against these executive orders which rejected applications for Ceylon citizenship more or less out of hand.

"One had to give full marks for the Ceylon judiciary. In eighty two per cent of the cases that went into appeal before the judiciary, the appeal was allowed. But this only meant the case being reverted to the executive for reconsideration. It was not a simple matter for an estate labourer in the Kandyan hills and beyond to come to Colombo to file an appeal. The appeals were possible in barely seven per cent of the cases turned down by executive authorities. All this had a singular effect on the one-time emigrant population on the estates. Ceylon maintained, with no legitimacy, that whoever was not a Ceylon citizen was an Indian citizen, a foreigner as far as they were concerned. In effect, so many hundred thousand were not Indian citizens under Indian laws, and if they were not recognised at any given moment in time as citizens of Ceylon, they were stateless persons.

"In the first two years, I wrote reams of letters to the Ceylon government, reams of letters home and had hours of discussions with the Ceylon Foreign Office. We were going along in a bullock cart on a muddy road, digging two deep ruts on and on. The cart turned right, the cart turned left, the cart would come full circle, but the parallel ruts ran deeper and deeper into the mud — and they could never meet. The problem remained unsolved in Nehru's lifetime".

The problem might have remained unsolved, but it must be said to the credit of

Prime Minister Nehru and High Commissioner Gundevia himself that until then, the Indian government maintained its moral advantage in the argument that the problem was one that essentially concerned Ceylon only, and not an Indo-Ceylon problem as was being made out. After all, the so-called "stateless" were human beings physically present in Ceylon, born and bred in that soil, contributing to the well-being and prosperity of that country, and both morally and physically the responsibility of the governments of that country. If their forefathers were brought there by the British colonialists at a time when both India and Ceylon were under British rule, the Ceylonese governments should have accepted that as part of the colonial legacy which they inherited along with the power that accrued to them when the British left; instead of trying to foist part of the responsibility on independent India, on the specious plea that the persons concerned happened to be of Indian origin.

The Sirima-Shastri Pact — or to call it by its more dignified name, the Indo-Ceylon Agreement of 1964 — marked the beginning of the "bending backwards" policy by India in its relations with her little neighbour Ceylon; a policy, which alas, has continued to this day, having neither improved Indo-Sri Lankan relations, nor advanced India's interests in the South Asian region. This policy also came to assume other characteristics: a tendency to take ad hoc decisions arrived on the spot by policy advisers and bureaucrats with no proper appreciation of India's long-term geopolitical interests; a repeated insensitivity towards the persons affected by such decisions, with no attempts being made to consider the views of local leaderships; and the giving in to temptations to sacrifice local (but could be vital) interests for the sake of seeking temporary accommodation in inter-regional or international stances.

When Mrs. Bandaranaike arrived in New Delhi for talks with Prime Minister Shastri on October 22, 1964, heading a delegation which included her highly articulate Parliamentary Secretary for External Affairs, the late Felix Dias Bandaranaike, and her Minister for Trade, T.B. Ilangaratne, she was a supremely confident woman. Only the previous year, she had taken the initiative in getting together Afro-Asian countries to help in resolving the Sino-

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There are four Prime Ministers in the picture, two Indian and two Sri Lankan. Prime Minister Nehru being received by Prime Minister S.W.R.D. Bandaranaike in Colombo in 1957. In the background are Mrs. Indira Gandhi and Mrs. Sirima Bandaranaike.

Indian border dispute. General Ne Win of Burma, Prince Norodom Sihanouk of Cambodia Dr. Subaindro of Indonesia and Wing Commander Ali Sabry of U.A.R. were among the five non-aligned nations' leaders who met in Colombo in response to her invitation, on December 10, 1962. Mrs. Bandaranaike flew into Peking on December 31, had discussions with Chinese Premier Chou-En-lai, and thereafter flew to New Delhi and had discussions with the Indian government on January 12-13.

Although her first foray into international diplomacy did not yield any harvest, on top of her already high visibility as the world's first woman Prime Minister, it gave her and Sri Lanka added stature, particularly in the non-aligned world. So supremely confident she was of carrying back home an agreement in her handbag that when by the 27th October, 1964, five days after her arrival at Delhi, no settlement was yet forthcoming, she said she would extend her stay. So she did, and on October 29, the agreement was reached. The agreement was confirmed on October 30 in the form of an exchange of letters, worded as follows :

"(1) The declared objective of this agreement is that all persons of Indian origin in Ceylon who have not been recognized either as citizens of Ceylon or as

citizens of India should become citizens either of Ceylon or of India.

"(2) The number of such persons is approximately 975,000 as of date — this figure does not include illicit immigrants and Indian passport holders.

(3) 300,000 of these persons, together with the natural increase in that number, will be granted Ceylon citizenship by the Government of Ceylon; the Government of India will accept repatriation to India of 525,000 of these persons together with the natural increase in that number. The Indian government will confer citizenship on these persons.

(4) The status and future of the remaining 150,000 of these persons will be the subject matter of a separate agreement between the two governments.

(5) The Indian government will accept repatriation of the persons to be repatriated within a period of 15 years from the date of this agreement, according to a programme as evenly phased as possible..."

The rest of the agreement spelt out the details of implementation.

When Mrs. Bandaranaike journeyed to New Delhi, she had sought a Sinhala consensus on the objects of her mission; she had private talks with Opposition parties

and even extended an invitation to UNP leader Dudley Senanayake to accompany her to New Delhi, which he declined. But she pointedly ignored the very leadership of the people who were the subject of the negotiations — the Ceylon Workers' Congress under Mr. Thondaman. By walking into her strategic trap, and playing the game of numbers over the heads of the people who were affected, India not only reduced the chances of the "settlement" ever being worked out satisfactorily (that has now been borne out by later history) but failed to make use of the only winning card in its diplomatic pack. What has now happened is, nearly 22 years later, the Indian government has been virtually excluded from the picture, and Mr. Thodaman has settled the question of the "stateless" with President Jayewardene ! Perhaps there is more than one moral in this, which Indian policy makers should take note of.

The Sirima-Shastri Pact was opposed not only by the Tamils who were directly involved, but also by the Ceylonese Tamil community. The late respected leader of the Federal Party, (which later became the main component of the TULF), Mr S.J.V. Chelvanayakam, reacting to the announcement of the agreement, pointed out on October 30 that many of the 525,000 people who were apparently to be sent to

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India without their consent had been born in Ceylon and had no homes in India to go to, adding : "It is an unprecedented move in international relations for half a million people to be treated as pawns in the game of power politics". It was a strong statement coming from a leader who was hardly given to any kind of political rhetoric.

C.S. Jha who served as Secretary in the Indian Foreign Office under three Prime Ministers, Nehru, Shastri and Indira Gandhi, devotes a whole chapter in his book "From Bandung to Tashkent" to the "Indo-Ceylon Agreement", and concludes by saying : "The Indo-Ceylon Agreement of 1964 removed the long-standing irritant between India and Sri Lanka. It was a good example of settlement on the basis of give and take and was a feather in Shastri's cap and a success for Mrs. Bandaranaike. Despite the disruption of the time table, however, the agreement remained a model of conciliation and compromise for the solution of a chronic problem which stood on the way of friendly relations between two neighbouring countries, India and Sri Lanka. For my part, as a civil servant, I regard my own contribution towards this agreement as among my most satisfying efforts in my career". The book was published in 1983.

According to Jha, soon after Shastri came to power, it was decided to strengthen relations with India's neighbours. As part of that drive it was proposed that Foreign Minister Swaran Singh should pay a visit to Sri Lanka in August 1964. "I felt that efforts should be made during the visit to break the deadlock on the issue of *Indians* in Sri Lanka", he writes (emphasis ours — Editor). "I prepared a note on the subject setting out my personal ideas as to how the issue could be resolved..." It could be seen that the "Indo-Ceylon Agreement" which opened the flood gates on the issue of repatriation, and marked a major departure on Indian policy was really the end-result of the "personal ideas" set out by Mr. Jha.

If evidence is needed how the so-called "Big-Brother" India continued to bend backwards to accommodate the small brother, Mr. Jha has two passages in his chapter that are revealing. He writes : "Mrs. Sirimavo Bandaranaike visited Delhi in October 1964. After five days of hectic negotiations with Shastri an agreement was reached and signed by both the prime

Ministers. India agreed to the repatriation of 525,000 persons of Indian origin over a period of fifteen years. *This figure was larger than the figure of 400,000 which we had in mind but was agreed to by Shastri in deference to Mrs. Bandaranaike's plea for a much larger number to be sent back to India and after consultation with Kamaraj who was then the President of the Congress. Both Shastri and Kamaraj were persuaded to agree primarily, because the burden would be spread over fifteen to twenty years; that the agreement promised to resolve a long-standing conflict with Sri Lanka and to usher an era of friendly co-operation and good neighbourly relations between the two countries; and lastly, that India as the larger country, could afford to be flexible as regards the numbers"*

That "flexibility" was to cause India more embarrassment. Controversy over the interpretation of the agreement arose no sooner than the ink on it had dried. Speaking in Parliament in Colombo on Nov. 10, 1964, Mrs. Bandaranaike said that the Indian government had at last accepted "the principle of compulsory repatriation". She also revealed that before meeting Mr. Shastri in Delhi, she held discussions with the UNP leader of the Opposition Mr. Dudley Senanayake, and it was agreed that all persons of Indian origin who had obtained Ceylon citizenship under the Indian and Pakistani Residents (Citizenship) Act of 1949, as well as those who acquired citizenship under the present agreement, should be placed on a separate electoral register. This question, she said had not been discussed in New Delhi, because it was a matter "solely for determination by our sovereign Parliament"! There was very little India could do about that.

Ten years later, back at her second term as Prime Minister, Mrs. Bandaranaike visited New Delhi on Jan. 22-27, 1974, for talks with Mrs. Indira Gandhi, with whom she enjoyed excellent personal rapport. Another agreement was signed whereby India agreed to accept a further 75,000 as repatriates, despite opposition from the Government of Tamilnadu.

The sad fact remains that far too often Tamilian sentiments and views on both sides of the Palk Strait were ignored by policy makers in New Delhi, even though

all bilateral issues between India and Ceylon were those that directly involved Tamilians. Mr. Jha says : "The opposition to the agreement in India was surprisingly small *except* in some quarters in Tamilnadu where most of the repatriates from Sri Lanka were expected to arrive. The agreement was welcomed in Sri Lanka *except* by the Ceylon Workers' Congress, a trade union organisation of Indian workers on Tea plantations..." One would have thought that the two parties "*excepted*" by Mr. Jha were the ones that really mattered in the issue. The agreement being welcomed in Sri Lanka could hardly be counted as a plus point for Indian negotiators. Secondly, the then Chief Minister of Madras Mr. M. Bhaktavatsalam (1964) was known to have opposed any large-scale repatriation. In his talks with Prime Minister Shastri in Delhi on October 21, one week before the agreement was signed, he had pointed out that his State was already faced with the problem caused by the repatriation of thousands of Tamil-speaking Indians from Burma.

Ten years later when Mrs. Indira Gandhi agreed to take in 75,000 more, the decision was strongly criticized by the then Chief Minister of Tamilnadu, Mr. M. Karunanidhi who complained that his government had not even been consulted on the matter. He said that the resettlement of the majority of the 75,000 people, "in addition to the 57,000 families covered by the previous agreement between Mrs. Gandhi and Mrs. Bandaranaike in 1973" would impose a formidable burden on the State.

As it turned out, the repatriation process has proved a painful experience for the majority of them who came armed only with their scanty life savings and a vague hope that a new life would dawn for them in the land of their fathers and forefathers. It is bad enough that the plight of the Sri Lankan Tamils of Indian origin has been one continuous and unremitting tragedy, but *what* has hurt more is the continuing official insensitivity to this human problem.

On the question of the Kachchativu agreement, we now know at least by hindsight that Sri Lanka had got the better of the bargain, Kachchativu by itself has no claims to excellence. It is an isolated, uninhabited islet in the Palk Bay lying

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peacefully somewhere between Dhanushkodi in India and the island of Delft off the Jaffna mainland. It comes to life once a year, or at least it used to, for the annual Catholic festival in March, attracting pilgrims from both India and Sri Lanka. "It is only a piece of rock", as Mrs. Indira Gandhi said once, in defending her give-away to Indian critics (unless the rich oil deposits it is believed to contain are found one day to be worthy of commercial exploitation). But Kachchativu was part of a wider agreement, of July 1974, officially known as the "Agreement between India and Sri Lanka on the boundary, in historic waters between the two countries and related matters". Under Article (5) of the agreement, "Indian fishermen 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". But since 1984, neither Indian fishermen nor pilgrims have enjoyed that "access". On the other hand several Indian fishermen have been arrested, detained, killed, tortured, their boats attacked, detained or sunk, and in most instances deprived of their catch. India could do very little, beyond lodging "strong protests".

Here is a sampling from some Indian Press Reports :- *Rameswaram, April 19, 1984* "LANKA COAST GUARDS BEAT UP INDIAN FISHERMEN — Five people including the driver of a fishing boat were beaten up and thrown into the sea and their fishing nets taken away by the Sri Lankan coast guards on Wednesday, according to Pancha Pillai, Vice-President of the Rameswaram Harbour Motor Boat Fishermen Association. Driver Palani who was seriously injured was admitted to the government hospital here. He said he had sent telegrams to Prime Minister Indira Gandhi and Tamil Nadu Chief Minister M.G. Ramachandran urging them to take steps to protect the fishermen (Indian Express — 19.4.84)

Mandapam, Oct. 22, 1984 : Seventy seven Indian fishermen who were released under orders from a Sri Lankan court arrived in Rameswaram this evening by TSS Ramanujam, travel weary, looking jaded and virtually dressed in rags. The fishermen who were taken into custody by the Sri Lanka Navy on Oct. 14 along with 17 crew members of boats, were later set free by the High Court at Anuradhapura. But the



The signing of the Sirima-Shastri Pact in New Delhi on October 30, 1964.

17 crew of the boats are to be tried in Sri Lanka courts The fishermen said they were tortured by the Sri Lanka army which put them in small cells, and one of them, Chockalingam, was beaten up by army authorities who tried to extract information from them about the "Tigers". Chockalingam who vomited blood and who is said to be in a serious condition arrived along with the others. The fishermen who were penniless, regretted that no steps had been taken to get the release of the boats of the Indian fishermen which were seized by the Sri Lankan authorities 8 months back". (Indian Express — 23.10.84).

Rameswaram, Dec. 11, 1984 : LANKA NAVY KILLS RAMESWARAM FISHERMAN : A fisherman of Rameswaram was killed and two others injured when a Sri Lanka navy patrol opened fire on their mechanised boat about 7 km. off Rameswaram coast on Monday night. The other fisherman in the boat brought the body of the victim, Munisami, to the shore on Tuesday morning. They told UNI that they were fishing well within the Indian territorial waters, off Kondapur, when the patrol boat opened fire without provocation. About 3,000 fishermen took out a procession to the police station here ... demanding immediate action against the Sri Lankan navy and protection for fishermen (Indian Express — 12.12.84)

Exactly one month later, an incident occurred which for the first time, brought tangible evidence of the presence of the Indian Coast Guard. The Indian Express of 11 January 1985 reported : "A Sri Lankan Navy boat was caught by an Indian coast guard vessel, five miles inside Indian waters, west of Kachchativu, at 6.30 a.m. on Friday. The boat P-448 with one officer and six other crew members were fleeing from the Indian waters after robbing Rameswaram fishermen of their catch and nets when it was challenged by the coast guard vessel. The boat and crew were handed over to State police for further investigation and prosecution for illegal entry into Indian waters. According to sources, the Sri Lanka boat was captured between Rameswaram and Pamban light house. The crew, captained by Lt. Gunatileke, was armed with sten guns, self-loading rifles (SLR) and light machine guns (LMG).... About 500 kg. of prawns and nets seized from Indian fishermen were lying scattered in the Sri Lankan boat A tense situation developed in Rameswaram following the seizure of the boat as the fishermen were apprehensive that it might be let off".

Sri Lanka is separated from the southern extremity of India by the Gulf of Mannar and the Palk Strait. The width of the intervening sea at the narrowest point — Adam's Bridge — is only about 32.2 kilometres.

When one talks of territorial waters, whether Indian or Sri Lankan, where do they begin and where do they end? A supplementary agreement on the maritime boundary between Sri Lanka and India on the Gulf of Mannar and the Bay of Bengal was signed on March 23, 1976, and came into force on May 10. "It recognized that each country's economic zone extended 200 miles from its coastline, and that were the zones overlapped a line equidistant from the two coasts should form the boundary.

As far as the fishermen were concerned who had been spending much of their life in the sea, which had been their source of livelihood for generations, agreements drawn and imaginary boundaries marked over their heads and preserved in files and archives in distant Delhi and Colombo meant nothing. Their only concern was that their government had an obligation to protect their interests; and in this they were often disappointed.

As for the Sri Lankan Navy boat P-448, "small brother" walked off with the better of the bargain again. Within 3 weeks of the capture the boat was freed on a virtual quid pro quo arrangement mooted by India — for the exchange of the 17 Indian fishermen who had been languishing in Sri Lankan jails for more than 3 months, 52 days at Anuradhapura jail and the rest of the time at the notorious Welikade prison where Tamil political prisoners were massacred in July '83. Interviewing the fishermen on their return to India, the Indian Express reported on February 1, 1985: "Only a full week after their arrival in Sri Lanka did the Indian High Commission personnel find time to acknowledge their existence". Once, just once, an official called on them, listened patiently to their litany of complaints and left promising attention. But nothing, just nothing came out of it. Francis of Boat IB-332 told the Express: For the 17 fishermen cut away from their native land, facing humiliation at every turn at the hands of the hostile Sinhalese, and finding no friends even at the Indian High Commission, the Welikade experience was very heart-warming. "They (the Tamil prisoners) were kind to us. They shared with us whatever they got from their relatives, like fruits and bread. Even though opportunities for inter-action were not much, we felt very much at home".

Nine days after the release of the Sri Lankan Navy boat, there landed at Trivandrum airport, on February 9, 1985, a Zaire-owned DC aircraft, having run out of fuel. UNI reported (quoting unnamed official sources) that authorities at Trivandrum initially agreed to refuel the aircraft, but later detained it, after finding that it was loaded with Portuguese-made arms and ammunition bound for Sri Lanka's armed forces. Trivandrum officials had referred the matter to Delhi. The plane did not

have to wait long. Within 24 hours it was refuelled and cleared. Sri Lanka's Minister for National Security Mr. Lalith Athulathmudali who had come for talks to Delhi at that time told Reuters that the speedy despatch of the plane was a hopeful sign of better relations between the two countries. "I hope and trust this is an example of how relations are going to be managed".

A further example of how "relations were going to be managed" came on March 3, when the Sri Lankan government made it known that they did not like the face of veteran negotiator G. Parthasarathi any more. "Big Brother" was most obliging. On March 24, Foreign Secretary Romesh Bhandari flew into Colombo, and on March 28, the Colombo newspaper *The Island*, recorded on Page 1: "Prominent Government personalities expressed satisfaction on India's changed attitude towards the Sri Lankan Tamil problem, following the talks between Indian Foreign Secretary Romesh Bhandari and Sri Lankan leaders.... Informed sources said that they felt there had been a positive change of attitude on the part of India with Mr. Bhandari as negotiator under the new Indian Premier Rajiv Gandhi as compared with Mr. Gopalaswami Parthasarathi as the Indian government envoy under Mrs. Indira Gandhi...."

Janardan Thakur writing in the Times of India on March 16, 1986, said: "So charmed was President Jayawardene with India's new "plenipotentiary", that he presented a dazzling necklace to Mrs. Bhandari". Mr. Thakur continues: "The old policies on Sri Lanka lay in a shambles. Totally discredited and with them the former man for Sri Lanka, G. Parthasarathi. It was forgotten that Mrs. Indira Gandhi must have had some very good reason for the line she had followed...."

Mrs. Gandhi did have a good reason. The outstanding virtue of Mrs. Gandhi's policy was that she kept what was after all a Sri Lanka problem at a Sri Lanka distance. By restricting India's role of one of providing "good offices (while keeping other options open), she helped to bring the two parties to the dispute — the Sri Lanka government and the over-ground political segment of Tamil leadership — to the negotiating table, BUT IN COLOMBO. G. Parthasarathi's brief was again a restricted one — to keep the talks progressing, in Colombo. This did not suit Colombo because the entire thrust of Sri Lankan policy was to make it appear to the world that the problem somehow was not on Sri Lankan soil, but on Indian soil! Mrs. Gandhi's position was clear: India had given sanctuary to Tamil refugees; she refused to describe them in any other way, nor was she prepared to accommodate President Jayawardene by making distinctions among the refugees.

Unfortunately the over-zealous Boy

Scout diplomacy that followed her death and the accompanying razzle-dazzle not only weakened the Tamil liberation struggle, but compromised India's own position. The problem was air-lifted from Sri Lanka to New Delhi via Madras and ferried onwards to a third country, Bhutan. From what was India's "good offices" role it assumed the proportions of a mediatory role, which entailed the building of a "neutral" mediator image, which in turn led to the clumsy and hurried deportation orders on three Tamil activists — N. Satyendra, an active participant at the very Thimpu talks that India had staged; S.A. Balasingham, LTTE spokesman who did not go to Thimpu and whose group obviously did not take the Thimpu exercise seriously (and they were proved right); and S.C. Chandrasenan, who was given a raw deal despite his close inter-action with India's own official quarters.

Meanwhile, Sri Lanka continued to flex her muscles at India. When the then Minister of State for External Affairs Mr. Khurshed Alam Khan made a statement in the Rajya Sabha on May 3, '85, deploring the happenings in Sri Lanka, Sri Lanka took "strong exception" to Mr. Khan's statement, called upon him to withdraw what he said, threatened to boycott the SARC meeting in Bhutan followed it up by arresting Press Trust of India correspondent in Colombo Krishan Anand under "emergency regulations" on the charge that he had misreported a speech of President Jayawardene. PTI Chairman Ramnath Goenka called it an "outrage", the usual protests were made, but Sri Lanka took its own time in releasing him. The significant outcome of all this, as far as Sri Lanka was concerned, was that Mr. Khurshed Alam Khan ceased to be Minister of State for External Affairs not long after that.

It was perceived in Sri Lanka, even at Government level, that Mr. Khurshed Alam Khan was shifted from External Affairs in order to placate the Colombo government. When in February this year External Affairs Minister Mr. B.R. Bhagat made some forthright comments on the Sri Lankan situation there were the expected hysterical outbursts both in the Sri Lankan Parliament and in the media. The government-owned Daily News reported: "Mr. Tyrone Fernando, Deputy Minister of Foreign Affairs said the Minister of Foreign Affairs had protested against the statement made by the Indian Minister of Foreign Affairs. He said earlier too, an Indian Foreign Minister had made such an unfortunate statement and he was in time, removed from the Ministry...."

Two determinants have been colouring Sri Lanka's foreign policy projections, the island nation's inherent insularity and her ingrained Indophobia. It is no doubt difficult for a major power like India to take on Sri Lanka on those terms. The question therefore is — Why try?