

The pitiable condition of Tamilnadu Fisherfolk in alien lands

Area and Numbers

The total length of Indian coastal area is 6,086 miles, of which one sixth, that is 1000 km coastal area, belongs to Tamilnadu, inhabited by 6.70 lakh coastal population. This coastal area covers 13 districts of Tamilnadu, the Union Territory of Pondicherry and the 68 kms long Western coast from Kanyakumari to Neerodi. Besides these there are 3,00,000 inland fisherfolk who are engaged in all sorts of industries connected with fishing. They face a number of social, economic and cultural disparities, even though they are responsible for earning the highest foreign exchange next only to agricultural workers. These fisherfolk, who are akin to the backbone of the country, face unimaginable sufferings in their day to day life, which this research paper aims to highlight.

Mukkuvar and Bharathar are the two fishermen community living in kanyakumari and Tirunelveli districts and in other districts there are Bharathar, Sembadavar, Chettiar, Parvatharajakulam and Nutkadaiyar. Thus people going beyond caste and creed are engaged in fishing and allied trades and the fisheries folk today have become one of the most important branches of humanity, setting aside caste, creed, race, language and culture.

Tradition vs Modernity

Traditional fishermen went fishing with catamarans, sail boats, with simple tools like hooks and hand made nets, pledging their lives in facing the fury of Nature called the sea in the days when scientific development was unknown. They lived from birth to death on the sea and the coastal areas in an inseparable manner carrying on their traditional trade, which went through a change during the course of time. With the introduction of country boat, trawler, outboard motor and modern fishing equipment and also scientific developments, people other than traditional fishermen, engaged in other trades, also entered fisheries.

Due to this professional rivalries began to grow. There occurred trade rivalries and resultant clashes between traditional fisherfolk and those using modern equipment. When fishing trade used seasonal ...net,etc for fishing these clashes increased, leading to loss of life and property.

Impact of foreign influence

As a consequence of these clashes compromise agreements were entered into according to the regions and prevalent situations. Under the circumstances of severely depleted availability of fish due to the introduction of modern fishing methods, because of the Indian Government's wrong economic policy, undertaking wrong decisions having been caught in the clutches of foreign occupation, the wealth of Indian seas began to decline very much and very fast due to allowing foreign fishing vessels in the Indian seas. This forced traditional fishermen, who depended entirely on fishing for their livelihood, to go too far into the sea for fishing.

International Oceanic Agreement

At a time when no definite demarcations for fishing had been determined, efforts were being made to find a solution to such clashes even from 1973; in 1982 at the UN Convention of Seafaring countries held at Jamaica, a new international agreement was entered into; 180 countries participated in this convention and signed the agreement. In the discussion on Palk Straits held between the Prime Ministers of India and Sri Lanka on June 26 and 28, 1974 sea limits were agreed upon.

Who owns Katchatheevu?

There can be no two opinions about Katchatheevu, which formed the basis of fishing trade related clashes, belonging entirely to India. In the land map prepared by the Tuticorin Fisheries in 1943 Katchatheevu is indicated as belonging to India only; besides, according to the Document No. 510, dated 2.7.1880 registered at the Ramanathapuram Sub-Registrar's Office, Ramanathapuram Sethupathi Maharaja had lent the Katchatheevu to Messrs. Muthuswamy Pillai and Abdulkadar Maraikayar.

Then in 1913 Katchatheevu was one of the many places lent by the Government of British India for getting shells, fishing and pearl harvesting. This was renewed again in 1936. Long before Independence, British management was not directly under the King of England but was under the East India Company. At that time the administration of entire South India was conducted from the Fort St. George, Madras. Katchatheevu also was in the region managed by Fort St. George.

The proof for Katchatheevu having been lent for two years from July 1, 1947 to June 30, 1949 is the Document No. 248 registered at the Sub-Registrar's Office, Ramanathapuram.

It was agreed that the Indian and Sri Lankan fishermen, who have been traditionally fishing in the sea limits of the two countries, need not obtain any travel documents from the Sri Lankan Government for fishing, visiting Katchatheevu and the Church of St. Antony there. There is no connection between the 1974 Palk Strait Agreement and the points therein about the rights of fishing for Tamilnadu fishermen and the 1976 Mannar-Bay Of Bengal Extension Agreement. They are not only two different agreements, they deal with two different areas of the sea.

Therefore, the rights granted to our fishermen in the 1974 Palk Strait Agreement is valid even today. The Government of Sri Lanka is totally flouting this 1974 Palk Strait Agreement and the Sri Lankan Navy is shooting and killing the Tamilnadu fishermen, arresting and imprisoning them as well as seizing their boats and other properties. The Sri Lankan Government continues to imprison and torture our fishermen interminably, to sink their country boats and trawlers, to rob the fish and fishing equipment, to threaten the fishermen and engage in human rights violations including holding them hostages.

Evaluation of losses!

Between 1982 and 2001 Sri Lankan Navy had engaged in shooting 8000 times. During this time the number of Indian fishermen killed brutally amounts to 416; the number of fishermen who have been injured in shooting and lost their livelihood are 6000, those injured 13,200. While the number of trawlers which were seized or sunk add up to 255, their value is about Rs. 6.5 crores, the value of lost fishing equipment is Rs. 3.5 crores; number of country boats 156 and their value Rs. 1.75 crores.

2,826 Indian fishermen were arrested, imprisoned and later released between 1982 and 2000. At this point of time 95 fishermen are still languishing in Sri Lankan prisons without being determined as fishermen and are missing from Tamilnadu. But Government machineries are insisting the utterly false information that there are no fishermen in the Sri Lankan prisons. To prevent this slaying of human beings, enormous economic losses and violation of human rights no constructive action is being taken by either the Indian Government or the State Government.

Indian fishermen are affected physically and economically to this great extent only since the heightened clashes between the Liberation Tigers of Tamil Eelam and the Sinhalese in 1982. The LTTE continues to kidnap Indian fishermen and hold them hostages and by threatening obtain petrol, diesel, kerosene etc and other essentials needed by them. Those affected by these events are subjected to pitiable conditions, which prevent them going even into their homeland.

Denied Rights

In 1974 the then Indian Prime Minister Smt Indira Gandhi and the Sri Lankan Prime Minister Mr. Bandaranayika agreed to let Sri Lanka have Katchatheevu due to political reasons. But in 1976 when Emergency was proclaimed in our country, changes were made in the agreement by bureaucrats of the two countries alone. There continue to be some basic problems till date in these changes. In the sections 5 and 6 of this agreement rights were given to Indian fishermen and tourists to travel to Katchatheevu, stay there for a while, to dry fishing nets, to worship and to conduct festivals at the St. Antony's Church there, without passport and visa and for the fishermen of the two countries to fish in the sea limits of each other and make use of the underwater wealth.

In the Palk Strait talks held between the Prime Ministers of India and Sri Lanka in 1976 the area of a 40 mile of sea from Danushkodi to Kodiakarai played an important role; in this the wide sea area of Gulf of Mannar and Bay of Bengal beyond the legal sea limits was enlarged. There is no limits in the sea for fishing by fishermen, the limits are established only for military operations of the countries. At the 18 cases filed at the Hague in connection with fishing beyond the international limits, it was decided that a law should be enacted to prevent arresting those who fish beyond the prescribed limits; in addition it was also decided that those who get washed away and come ashore due to Nature's fury should not be arrested or imprisoned.

It is very clearly mentioned in this 1974 section that the distance from India-Sri Lanka international border to Kodiakarai is 14 miles, to Tondi 20 miles, to Rameswaram 11 miles, to Danushkodi 6

miles, to Veerapandipatnam 50 miles, to Manapat 50 miles and since Katchatheevu is very close, that is 2 miles, to this border, Indian fishermen can fish in these parts.

Before and After 1982

Before the clashes between the LTTE and the Sinhalese in 1982, the Indian fishermen caught by the Sri Lankan Navy was treated by the Sri Lankan Government in a humanitarian manner, without violating human rights, without subjecting them to severe interrogation and by sending them back to their own country within a short period without any damage to their property.

After 1982 the Indian fishermen caught by the Sri Lankan Navy were locked up in various military camps, police stations, without basic needs of food, clothes, health and medical facilities and were tortured for months and years. There was an iron curtain screening any information about them from coming out. From that day to this the Indian Embassy in Sri Lanka, whose main duty is to bring the affected lot back to their homeland, has remained helpless in going to their rescue. The sad stories of the families of the fishermen languishing in the Sri Lankan prisons, suffering in poverty in the absence of their relatives leading to suicides and deaths due to starvation continue to take place.

The event of revelation

On December 30, 1966, two fishermen belonging to Muttam in Kanyakumari District had lost their way when fishing near Kayalpatnam, were rescued by a German vessel and dropped in Sri Lanka. Having been caught by Sri Lankan Army and put in Mirigana prison, they were rescued on 15 January 1997 and brought back to India with the great initiative of T. Peterdoss, President, Tamilnadu Fishermen Union. This event alone brought to light the imprisonment of 45 Tamilnadu fishermen in the Mirigana jails and helped their rescue also.

Are we our own enemies?

There is a three-pronged attack on the Indian fishermen by the Sri Lankan Navy, the LLTE and the other terrorists of Sri Lanka; the explanation given by the Indian Government is that as this attack takes place outside the Indian sea limits, the Indian Navy and the Indian Coastal Security Forces are not able to offer security to these fishermen. While there is an Indian air route and land route, there does not exist a sea route. Preventing the infiltration of terrorists from our oceanic borders would help such terrorism. In 1992 on important points of Tamilnadu coast Coastal Border Security Forces were employed with the aim of preventing smuggling of goods. But their members are indulging in atrocities forgetting the objective and importance of their task.

In particular the Border Security Forces, who are on security rounds, indulge in deeds defying legal rights of the individual such as waylaying the fishing boats and catamarans returning from fishing and seizing the price worthy fish and prawns, beating or hitting the fishermen if they refuse to oblige, seizing their fishing rights, falsely accusing that the trawlers and catamarans on fishing

expeditions are carrying excess fuels and seizing the diesel, petrol and kerosene and filing false cases against them.

It is abominable and unforgivable that Indian fishermen, who are being attacked to the extent of losing their lives and properties by Sri Lankan navy, LTTE and many other terrorists groups, should be attacked by the Border Security Forces of their own country on the coasts of their homeland.

The only lasting solution for rescuing our fishermen from the clutches of this long lasting life and death struggle is to get back our own Katchatheevu, which would safeguard the right to life of Indian fishermen. Acts of violation of human rights such as shooting fishermen with guns, arresting and filing cases, imprisoning them for endless periods and torturing them and seizing their boats and other properties must stop immediately.

The Indian Government must take immediate action through the International Court and the UN General Assembly to get a proper compensation from the Sri Lankan Government for the families of fishermen who were killed in violation of the 1974 Agreement, for the seized or sunk boats, nets and other fishing equipment. The Governments of both the countries must make proper security arrangements for the Tamilnadu fishermen to conduct their trade.

A joint watch dog force of the two countries must be created to guard the oceanic borders of the two countries and to prevent smuggling and infiltration.

Is it Maldives or Mayadives?

While the condition of the Indian fishermen, who are suffering untold atrocities in Sri Lanka, is like this, a similar condition prevails in the neighbouring Maldives. When our fishermen are engaged in fishing in the sea and are caught in the nature's fury and lose their way swept by the waves, they are caught by the Maldives Navy and imprisoned and tortured. In the political arena India and Sri Lanka are considered friendly countries by the outside world and a similar status exists between India and Maldives. Similarly there are also trade and commercial relations with Maldives as with Sri Lanka. But the step-motherly attitude of the Maldives Government concerning the arrested fishermen who have lost their way and the indifference of the Indian Government are noteworthy.

The fishermen of Kanyakumari District are well known internationally for their skills in fishing trade. From this District, particularly the fishermen from Tuthur village and the fishermen from various other parts of this District are imprisoned there as hostages and are tortured.

8 fishermen of this Tuthur fishing village were engaged in fishing from their fishing boat "Mister India" near Minico Island belonging to India near Vizhingam in Kerala State on 17.11.2000. They were caught by the Maldives navy and taken to the island of Tithu belonging to Maldives some 47 miles from Minico and were kept in the prisons there for 3 days and then were kept for 9 days in the Tooni island, where criminals are kept and were finally taken to Maldives for interrogation. They were imprisoned for several months in the Mahbushi jails there. 7 fishermen were released on 27.2.2001 and sent back home due to the continued struggles conducted by the people of Tuthur

along with the Tamilnadu Fishermen's Union. Even these fishermen were met by the members of Indian High Commission only after a delay of about one month.

Whose loss is it?

These innocent fishermen were caught and imprisoned without any reason through wrong identification; the shameful situation has arisen when the Indian Government itself has forcefully demanded the airfare Rs. 4,924 from Maldives to Trivandrum from their own folk. These extremely poor fishermen are not in a state to pay this amount which is beyond their means. The Maldives Government is delaying the release of Rajan of Tuthur, who was driving the concerned boat, which had lost its way. The Maldives Government is insisting that Rajan and the seized boat and other things will be returned only on payment of Indian Rs 5 lakhs. It is a matter of great concern that, India, which is boasting of becoming a super power in future, is unable to effect the release of our innocent fishermen, who get caught in the so-called friendly and very small country of Maldives.

As fishing wealth has come down in their homeland due to foreign occupation and with no other means of livelihood, when our Indian fishermen, with the permission of the Indian government with proper passports, visas and other travel documents, go to conduct fishing trade to Arab countries like Saudi Arabia, Gaddar, Dubai, Muscat and Bahrain, the problems faced by them are increasing day by day. It will be too long to list these problems here. The best example would be a recent event.

Imprisonment in an enemy country

A total of 19 Tamilnadu fishermen - 15 from the southern most District of Kanyakumari, 2 from Tirunelveli District, 2 from Cuddalore and Ramanathapuram Districts - had gone to Saudi Arabia with the proper permission of the Indian Government and were conducting fishing trade. When they were fishing, due to the low pressure and the ferocious waves in the sea they had lost their way and had reached the shores of Iran on 16.2.1999. From there they were caught by Iranian police and were imprisoned for 109 days.

In the interrogation conducted by the Iranian Government it was found that they were innocent and information was sent through diplomatic channels to the Indian Government. As usual as the Indian Government behaved in an indifferent manner in this matter, they brought those 19 fishermen to the Pakistan coast on 5.6.1999 and left them there. They were first put in the Quetta district jail of the State of Baluchistan of our foremost enemy country Pakistan for 7 months and then transferred to Karachi Central Jail and were kept along with international criminals and were tortured in an inhuman manner.

Continued Struggle by TFU

Several continued efforts were made on behalf of the TFU for freeing these innocent Tamilnadu fishermen, who, due to poverty, had gone, leaving behind their kith and kin, to foreign lands to conduct their basic trade of fishing, and bringing them back home to Tamilnadu from Pakistan jails. The Government machinery here became aware to some extent and began taking action as a consequence of a number of continued operations like joining together the members of the affected families, fishermen, political parties, labour welfare organizations, student movements, women's organizations and many other social organizations and conducting dharnas, meeting officers and making representations, submitting memorandums to attract the attention of the Central and State Governments to this problem.

For the first time the Director of Fisheries, Govt. of Tamilnadu besides confirming the news of our fishermen languishing in Pakistan prisons by his letter No. R.C.35683/C/3/1999-1 dated 24.9.1999 to the District Collector of Kanyakumari, also officially announced that the officers of the Indian Embassy in Pakistan will go and meet the fishermen in the prison on 27.9.1999. But as usual due to the indifference of the Government no such meeting took place.

Prime Minister, who forgot his promise

When the Prime Minister of India Mr. Vajpai came to Nagercoil on 17.8.1999 for the Parliament election campaign meeting he promised that steps would be taken to get the release of the Tamilnadu fishermen languishing in the Pakistan jails. Several months passed without even the assurance of the person in charge of the affairs of the country being put into action. In the notification dated 8.10.1999 of the Tamilnadu Government it was mentioned that the State Government has made hurried contacts with the Central Government, that diplomatic level actions would be taken for the officers of the Indian Embassy at Islamabad to go and meet the imprisoned fishermen soon. But this too did not happen.

Our fishermen kept in the Pakistan jails, somehow managed to send letters to their relatives, in spite of the strict vigilance. It was learnt from them that the 19 fishermen were sentenced 6 months rigorous imprisonment each for entering Pakistan borders without permission and the sentence period ended on 10.12.1999; if the officers of the Indian Embassy had gone to the jail and met them on that date or later and taken necessary actions, they could have been very easily rescued; but even this last minute small help by the Embassy was denied to them.

Responding to the calling attention motion brought in the Tamilnadu Assembly on 25.11.1999 the Minister of Fisheries, Govt. of Tamilnadu said that, as per the instruction of the Chief Minister, the Foreign Minister, Govt. of India had been contacted and that the Chief Minister had also written to the Central Govt. and the fishermen would soon be freed. But such notifications revealed that efforts to free the fishermen had remained only on paper and neither the Central Govt. nor the State Govt. have taken any constructive action in this regard. On 2.1.2000 when Tamilnadu Chief Minister Mr. Karunanidhi visited Kanyakumari to participate in a Govt. function, the TFU president Mr. T. Peterdoss met him along with the representatives of his Union and stressed that steps on a war footing must be taken to solve this problem.

In the meanwhile several protest actions were taken on behalf of the TFU to obtain the release of the innocent fishermen of Tamilnadu caught in the terrible jails of Pakistan, where dictatorship and religious fanaticism ruled the roost: on 19.7.1999 a procession was taken in Nagerkoil and a protest rally held in front of the Collectorate; on 2.8.1999 procession in Nagerkoil and gheraoing of the Collectorate; on 3.12.1999 when a relay fast was announced during the Govt. function with the participation of the Chief Minister, they were arrested; on 4.4.2000 presenting of a memorandum to the Tamilnadu Chief Minister after a huge procession to the Fort St. George and a protest rally.

For the first time in the history of Independent India when 19 Indians for no fault of theirs were imprisoned for months together in Pakistan, our Government was a mere spectator; at this point, in addition to the above mentioned protests, information was exchanged in the form of representations not only in India but in International Forums like the United Nations, human rights organizations, Pakistan Embassy and Pakistan Government through telephone, Fax, e-mail and all other communication means. Even in this emergency situation when our Govt. machineries did not take whole hearted action, it only showed their indifference and partiality against the fisherfolk who live at the lowest strata of our society.

Path breaking 'Bandh'

A call for total Bandh to be held jointly on 12.4.2000 Kanyakumari District was made by the TFU to the fisherfolk movements of all the political parties on the district level, social welfare organizations, labour, women's and students' movements. This problem was discussed at the Parliament at Delhi also to a great extent, and this matter, which was echoing only in the southern tip of the country metamorphosed into an important matter at the national level.

Besides the Tamilnadu Govt. requesting them to give up the idea of the Bandh through its minister, compromise talks were held at the level of the Collector of Kanyakumari and his officers. The Chief Minister of Tamilnadu was pushed to a situation where he had to contact the Prime Minister of India on telephone and exchange official correspondence, after which they had to get involved in this. The announcement of a total bandh of Kanyakumari District for obtaining the release of the Indian fishermen, who were involved in life-and-death struggle in the Pakistan prisons, became a historical success. The total bandh became a 100% success with the people of the District involving themselves in the struggle with a sense of compassion and dedication in spite of the misuse of authority by the Govt. machineries and the campaigning of political parties arousing caste and religious sensibilities.

Fisherfolk who found a new lease of life

Being shocked by the phenomenal success of the total bandh, the State and Central Governments increased their attention to this problem. As a next step, under the circumstances in which TFU had planned to conduct huge protest rallies by getting together all political parties, social welfare organizations and other people's movements, the Indian Govt. conducted direct talks with the Pakistan Govt. in which it was decided that the 19 fishermen and 2 fishermen of Gujarat would be released in exchange of some of the Pakistan fishermen imprisoned in India.

Following this on 22.4.2000 our fishermen were released from Pakistan jails and were brought by officials to Mumbai by air on 23.4.2000 and from there by air to Chennai and finally from Chennai to their native places by train.

Fate of those who went to Gaddar?

Similarly 4 fishermen of Kanyakumari District, who had gone with the permission of the Indian Govt. to conduct fishing trade in Gaddar were lost on 8.2.2001 along with the boat 'Jehar Apka Lines'. Even after several months it is not known where they are or if they are even alive. Their families are orphaned and are languishing in hunger and starvation. As usual our Govt. machineries are in deep slumber. Fishermen organizations are involving themselves in continued protests with the hope that they can turn the attention of the Govt. to this problem also.

The events mentioned here are only some of the examples of the challenges faced by our Indian fishermen in foreign lands for earning their livelihood.

Solution?

The Govt. of India should devise a long range plan and through that establish superfast relations with neighbouring countries and engage in acts of saving the Indian fishermen engaged in their trade being caught in the prisons of neighbouring countries, when they lose their way due to Nature's fury, without any guarantee for their lives and properties, to alleviate the sufferings of their families left behind in India and to prevent their deaths due to starvation and suicide. Constructive plans must be put in place for the rehabilitation of the affected fishermen families. These are being stressed continuously by the TFU.

But the unfortunate state of affairs continue till date, wherein the Central and State Governments, their ministers, Assembly and Parliament members, Govt. officials and others handle this great problem according to the situation and use it for their own ends and then finally abandon it totally.

India, the biggest member country of the SAARC, must discuss these problems in depth with the other member countries, such as the neighbours like Pakistan, Bangladesh and Maldives; it is essential to form a farsighted permanent plan to find a solution immediately.

The sufferings met by Indian fishermen in foreign lands, when they go abroad and dedicate themselves in the service of their motherland in order to enrich their own country continues till date. Our Govt. claims that, having celebrated the golden jubilee of our Independence and marching onwards diamond jubilee triumphantly, our country is becoming equal to the superpowers due to the great strides made in education, science, technology, agriculture and economy; but the indifferent attitude of the same Govt. in this problem of saving the lives of our fishermen, who stake their lives in earning thousands of crores of rupees of foreign exchange, is equal to digging a deep grave by our own Govt. for the future generations of our society.

If the Governments ruling us do not come forward to take steps to enforce the solutions mentioned in this research article without delay and save our fisherfolk sinking in an ocean of tears, it will lead to an unavoidable state in which the entire fishing community would get ready for a saga of revolution.

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