



Mapping India – Sri Lanka Relations Amid Katchatheevu Conflict

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ABSTRACT:

Sri Lanka's Katchatheevu is an island that is deserted. Beginning in 1921, British Ceylon (now Sri Lanka) ruled the island. Until 1974, when India acknowledged Sri Lanka's sovereignty over the island, the island remained a point of contention between the two countries. In 1974, the Indo-Sri Lankan Maritime Agreement, which sought to resolve the maritime boundaries in the Palk Strait, saw then-Indian Prime Minister Indira Gandhi recognize Katchatheevu as part of Sri Lanka. Fishermen from both nations were prohibited from fishing in each other's exclusive economic zones by another agreement reached in 1976. Ahead of India's general elections scheduled for April 19, 2024, the Bharatiya Janata Party (BJP) reopened a motion about the Katchatheevu controversy. During its election campaign, the BJP raised awareness of this issue, specifically focusing on the dissatisfaction of Indian fishermen who were impacted by the 1976 agreement that prohibited them from fishing in the waters surrounding the island. The move to resume talks about Katchatheevu has been officially rejected by Ali Sabry, Sri Lanka's foreign minister, who claims the matter was settled fifty years ago.

Key Words: Sovereignty, Contention, Fishermen, Agreement, Matter

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I. Introduction:

Katchatheevu is a 285-acre patch in the Sea within the maritime boundary line of Sri Lanka and it is located 33km off the Indian coast to the northeast of Rameswaram in Tamil Nadu and the southwest of Sri Lanka's Delft Island. The small, desolate island is 1.6 km long and only 300 meters broad at its widest point. Some official reports state that the island was formed as a result of a volcanic explosion in the fourteenth century.

The Rameswaram Inscription of ruler Nissanka Malla (1187–1196 CE), the ruler of Sri Lanka, mentions the island's oldest known name, Kacci (modern Kaccativu), along with other adjacent islands such Puvagu (modern Pungudutivu), Mininak (Maninaga), and Kara (modern Karaitivu). According to the inscription, Nissankamalla made trips to these islands while on an expedition inside his domain. Based on historical evidence, Katchatheevu Island has likely been governed by Sri Lanka since the time of the Portuguese, Dutch, and British. Beginning in 1920, the British periodically utilized the island as a naval gunnery range. From 1795 to 1803, the Ramanad raja, a zamindari, ruled over the island while it was under British authority in Ramnathapuram, Madras Presidency. During an annual celebration, followers of the 120-year-old St. Anthony's church on the island come from India and Sri Lanka. In 1920, a dispute occurred between the colonial administrations of Ceylon and India over the island. The Indian perspective held that the island was a part of India since the Raja of Ramanad's landlord owned it, but B. Horsburgh disagreed, citing proof that Katchatheevu and its St. Anthony's Church belonged to the Diocese of Jaffna. Both parties had settled on a border by 1921 that included the island in the Ceylonese territory.

AGREEMENTS OF 1974 AND 1976: EVOLVING ISSUES

As early as 1921, India and Sri Lanka had been claiming Katchatheevu, following a survey that put the island inside the borders of Sri Lanka. A British Indian envoy disputed this, claiming that the island belongs to the Ramanad Kingdom. In the years following independence, the disagreements could not be resolved and went

on. Under the Indo-Sri Lankan Maritime Agreement, which Indira Gandhi signed on June 26 in Colombo and June 28 in New Delhi with her colleague Sirimavo Bandaranaike in 1974 to determine the maritime boundary within the Palk Strait, gave Katchatheevu to Sri Lanka., giving it ownership of the island. However, Indian fishermen were still allowed access to Katchatheevu for the remainder of the year, for the annual St. Anthony festival, and to dry their nets. 1976 Agreement emphasized each Party shall respect rights of navigation through its territorial sea and exclusive economic zone following its laws and regulations and the rules of international law. It marked the international maritime boundary of India and Sri Lanka without consulting the Tamil Nadu State Assembly.

“Indian pilgrims and fishermen will enjoy access to Katchatheevu hitherto and will not be required by Sri Lanka to obtain visas or travel documents for these purposes,” the agreements said. The agreement did not specify the fishing rights of the Indian fishermen. This forced M. Karunanidhi, then chief minister of Tamil Nadu, to write to Indira Gandhi on how the land was historically a part of Ramanad’s zamindari. This arrangement caused a lot of problems for the Sri Lankan Navy, which was sent in to stop the LTTE rebel group from smuggling arms. In defiance of the court below the 1974 and 1976 accords, but without the consent of both houses of Parliament, Katchatheevu was given to Sri Lanka. Since the Indian parliament did not ratify the recognition, the legality of the transfer was contested before the Indian Supreme Court (“Boundary Agreement in Historic Waters”, 2019). Tamil Nadu lawmakers and citizens have begun to argue that the island should be claimed by India due to its cultural significance to the state's fishermen. This unnecessary acknowledgment of the island has occurred. The primary issue is that more and more fishermen are entering Sri Lankan waters to engage in what Sri Lanka refers to be illegal poaching.

Information acquired by BJP Chief K. Annamalai under the RTI Act, 2005 states that the M. Karunanidhi-led DMK government in Tamil Nadu at the time obediently accepted the centre’s decision to sign the accords. The RTI response included a passage from the minutes of a meeting that Karunanidhi and then-External Affairs Minister Kewal Singh had at Chennai’s St. Fort George, one month before the island's transfer. Karunanidhi was party to this agreement, according to Annamalai, and had merely inquired as to if the decision may be delayed by two years.

However, according to documents from the Tamil Nadu Assembly, Chief Minister Karunanidhi tried to introduce a motion in the House in 1974 criticizing the Katchatheevu agreement, but the AIADMK, the opposition party, refused to support him. Indira Gandhi declared a state of emergency in June 1975, and Karunanidhi's government was overthrown in January 1976. Following that, the foreign secretaries of Sri Lanka and India exchanged several letters, and a series of executive orders on the Katchatheevu problem was released.

By granting India sovereign powers over a maritime area known as “Wadge Bank” close to Kanyakumari, the negotiations and the resulting decisions effectively resolved the maritime boundary dispute between Sri Lanka and India. The Wadge Bank is a 4000-square-mile area located south of Kanyakumari, according to the Fishery Survey of India. It is located in a far more advantageous area of the sea than the island for over forty years, fishermen from Tamil Nadu and Kerala have taken great interest in the area around Kanyakumari making it one of the richest fishing grounds in the world. An agreement reached between the two countries in March 1976 said “The Wadge Bank lies within the exclusive economic zone of India and India shall have sovereign rights over the area and its resources and the fishing vessel of Sri Lanka and persons on board these vessels shall not engage in the fishing and the Wadge Bank.

However, as a gesture of goodwill and in response to the request of the Sri Lankan government, India agreed to allow Sri Lankan boats licensed by it to fish in the Wadge Bank for three years starting from the date that it established its exclusive economic zone. However, only six Sri Lankan fishing vessels were permitted, and the total amount of fish they were able to catch in the Wadge Bank in a single year was limited to 2,000 tonnes.

The agreement further stated that the Sri Lankan boat would stop fishing in these zones as of the day the exploration started if India chose to investigate the Wadge Bank for petroleum and other mineral resources during the three-year timeframe.

In the 1970s, disputes over territorial claims were the main emphasis, which resulted in agreements giving India control over the resource-rich Wadge Bank and giving Sri Lanka Katchatheevu.

In the 1990s, there was an increase in effective bottom trawl fishing trawlers on the Indian side of the Palk Strait, east of Wadge Bank. At the time, the Sri Lankan navy was not particularly present in the Sea region as it was engaged in combat with the Liberation Tigers of Tamil Eelam (LTTE). During this time, Indian fishing boats frequently entered Sri Lankan waters to fish. The Tamil Nadu assembly demanded in 1991, during J. Jayalalithaa's first term as chief minister, the return of Katchatheevu, and the restoration of the customary fishing rights for Indian Tamil fishermen. However, the civil war in Sri Lanka prevented the assembly from pursuing these demands.

After the fighting ended in 2009, the circumstances shifted. Due to the depletion of marine resources on the Indian side, even Indian fishermen continued to enter Sri Lankan waters. As a result, the Sri Lankan navy

started making arrests and destroying hundreds of fishing boats for violating maritime boundaries. This countered a fresh round of demands from Tamil Nadu political groups, such as the DMK and AIDMK, to retrieve the Katchatheevu.

The two nations have inked a global accord concerning Katchatheevu, and Sri Lanka has declined to associate the island's status with the Tamil fishermen dispute.

MATTER IN THE SUPREME COURT:

The Sri Lankan government sent a notification to the Tamil Nadu government in 2010 stating that the Indian Supreme Court was unable to revoke the 1974 agreement, that Katchatheevu was then and is still within their jurisdiction, and that Indians do not appear to be permitted to fish there. Citing the ruling in the Berubari case, which held that the transfer of Indian territory to another nation required parliamentary approval through a Constitutional amendment, the newly formed Tamil Nadu government, led by Jayalalithaa, filed a petition in the Supreme Court in June 2011 asking for the declaration of the 1974 and 1976 agreements between the Republic of India and Sri Lanka on the handover of Katchatheevu to Sri Lanka as unconstitutional ("In Re: The Berubari Union And... vs Unknown on 14 March, 1960", n.d.). But in response to the Tamil Nadu government's arguments, the central government of the Republic of India made it clear that "no territory belonging to India was ceded nor sovereignty relinquished since the area was in dispute and had never been demarcated," and that the disagreement over the island's status was resolved by agreement in 1974 (Dahanayaka, 2019). Attorney General Mukul Rohatgi, speaking for the Centre, informed a Supreme Court bench chaired by Republic of India judge R.M. Lodha on August 26, 2014, that "you may need to head to war to get Katchatheevu back."

Bring it back with some prodding. "According to Mahapatra (2014). J. Jayalalithaa, the chief minister of Tamil Nadu, pressed for the return of Katchatheevu, the site of a protracted conflict between the fishermen of Tamil Nadu and the Democratic Socialist Republic of Sri Lanka, at a June 2016 meeting with Prime Minister Narendra Modi.

THE KATCHATHEEVU MATTER RETURNED IN THE 2024 LOK SABHA ELECTION

The contentious issue of Katchatheevu was brought up by Prime Minister Narendra Modi on March 31, just a few weeks before Tamil Nadu's Lok Sabha election. He stated: "Eye-opening and frightening! Citing a news in a daily and putting it on "X" (previously Twitter). Congress ruthlessly threw away Katchatheevu, as new data show. The State BJP and the AIADMK then intensified their criticism of the DMK and the Congress, and their retorts came quickly after. Even though the initial agreement was signed in 1974, nearly 50 years have M.K. Stalin, the leader of the DMK and chief minister of Tamil Nadu, claimed on March 16 that Katchatheevu was given to Sri Lanka despite the DMK's vehement objections. He questioned the Prime Minister on the actions the latter had taken to recover the islet. A little over a month and a half ago, fisherman's associations in the Ramanathapuram area boycotted the two-day event every year to express their disapproval of the Sri Lankan government's ongoing detention of Indian fishermen on suspicion of poaching. The national spokesperson for the BJP and a former Tamil Nadu Congress official, C R Kesavan, responded, saying, "The revelations through the RTI documents underlined by the foreign minister S. Jaishankar have exposed the Shakuni-like match-fixing by the Congress and the DMK." The people have understood that the Congress and the DMK are the same ones who were in charge of Katchatheevu's capitulation, notwithstanding their previous crocodile tears over the issue. The Congress is a partner in the Indian National Developmental Inclusive Alliance, which includes the DMK as a major component.

Arun Kumar G, a professor at Bengaluru's Gitam University and political observer for Tamil Nadu, claimed that Katchatheevu was home to another dynamic. "The leaders of the BJP promised to establish a ministry specifically for the welfare of fishermen during the Sea Lotus Conference in Rameswaram in 2014, just before the party was elected to power. However, attacks on Indian fishermen are still occurring today, and Sri Lanka is apprehending them. Why is the PM bringing up Katchatheevu after ten years? "It will no longer be electorally defining, as the DMK and AIADMK factions are united in opposing the BJP on this," he continued.

Former Madras Institute of Development Studies professor S Janakarajan did not discount the BJP's efforts to gain ground in Tamil Nadu. "Modi and the BJP are attempting to persuade people to vote for the BJP using every possible channel and method. Among them is Katchatheevu. Is the public paying heed to the issues raised by the BJP? Voters in Tamil Nadu have a strong sense of cultural heritage, attend temples, and believe in God, yet they dislike having their actions dictated to them. Why didn't the Centre take adequate action during floods and storms is one of the topics that is currently being hotly debated.

Jeevan Thondaman, a Tamil origin Minister in Sri Lankan Ranil Wickremesinghe's cabinet told in an interview with the Indian Express that there can be no official communication from India on the Katchatheevu island issue.

“Narendra Modi’s foreign policy with Sri Lanka is organic and healthy. So far, there has not been any official communication from India to return the powers of Katchatheevu island. No such request from India so far. If there is such communication foreign ministry will reply to that,” he said.

II. CONCLUSION:

If both nations cooperate, what is currently a disputed territory could become a shared inheritance, as it was throughout history. Experts in marine ecology, environmental studies, and fishing from both Sri Lanka and India should form a distinct Palk Bay Authority. Thus, if the Palk Bay Authority is allowed to determine the best sustainable tax, the kind of fishing gear that can be used, the number of days that fishermen from Sri Lanka and India can fish, how to jointly enrich the sea, etc., the Palk Bay will cease to be a disputed area and instead become a humorous legacy. It will occur when our relations with Sri Lanka and India reach a new era, and that depends on political will.

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