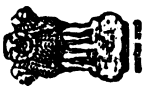


INDIA - PUNJAB AGREEMENT *

INDIA

Memorandum of Settlement on Punjab *

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The Prime Minister, Shri Rajiv Gandhi, placed the Memorandum of Settlement on Punjab in the Parliament on July 24, 1985.

MEMORANDUM OF SETTLEMENT

1. COMPENSATION TO INNOCENT PERSONS KILLED
 - 1.1. Along with ex-gratia payment to those innocent killed in agitation or any action after 1.8.82, compensation for property damaged will also be paid.
2. ARMY RECRUITMENT
 - 2.1. All citizens of the country have the right to enroll in the Army and merit will remain the criterion for selection.
3. ENQUIRY INTO NOVEMBER INCIDENTS
 - 3.1. The jurisdiction of Shri Justice Ranganath Mishra Commission enquiring into the November riots of Delhi would be extended to cover the disturbances at Bokaro and Kanpur also.
4. REHABILITATION OF THOSE DISCHARGED FROM THE ARMY
 - 4.1. For all those discharged, efforts will be made to rehabilitate and provide gainful employment.
5. ALL INDIA GURUDWARA ACT
 - 5.1. The Government of India agrees to consider the formulation of an All India Gurudwara Bill. Legislation will be brought forward for this purpose in consultation with Shiromani Akali Dal, others concerned and after fulfilling all relevant constitutional requirements.
6. DISPOSAL OF PENDING CASES
 - 6.1. The notifications applying the Armed Forces Special Powers Act to Punjab will be withdrawn. Existing Special Courts will try only cases relating to the following type of offences:
 - (a) Waging war
 - (b) Hijacking

July 24, 1985

* [This document was provided by the High Commissioner of India, Canberra ACT.]

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of the Resolution is to provide greater autonomy to the State with a view to strengthening the unity and integrity of the country, since unity in diversity forms the corner-stone of our national entity.

8.2. In view of the above, the Anandpur Sahib Resolution in so far as it deals with Centre-State relations, stands referred to the Sarkaria Commission.

9. SHARING OF RIVER WATERS

9.1. The farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1.7.1985. Waters used for consumptive purposes will also remain unaffected. Quantum of usage claimed shall be verified by the Tribunal referred to in Para 9.2. below.

9.2. The claims of Punjab and Haryana regarding the shares in their remaining waters will be referred for adjudication to a Tribunal to be presided over by a Supreme Court Judge. The decision of this Tribunal will be rendered within six months and would be binding on both parties. All legal and constitutional steps required in this respect be taken expeditiously.

9.3. The construction of the SYL canal shall continue. The canal shall be completed by 15th August 1986.

10. REPRESENTATION OF MINORITIES

10.1. Existing instruction, regarding protection of interests of minorities will be re-circulated to the State Chief Ministers. (PM will write to all Chief Ministers).

11. PROMOTION OF PUNJABI LANGUAGE

11.1. The Central Government may take some steps for the promotion of the Punjabi language.

This settlement brings to an end a period of confrontation and ushers in an era of amity, goodwill and cooperation, which will promote and strengthen the unity and integrity of India.

Signatories to the Settlement:

Rajiv Gandhi	Sant Harchand Singh Longowal
Prime Minister of India	President
	Shiromani Akali Dal

Dated, the 24th July, 1985.

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6.2. All other cases will be transferred to ordinary courts and enabling Legislation if needed will be brought forward in this Session of Parliament.

7. TERRITORIAL CLAIMS

7.1. The Capital Project Area of Chandigarh will go to Punjab. Some adjoining areas which were previously part of Hindi or the Punjabi regions were included in the Union Territory. With the capital region going to Punjab the areas which were added to the Union Territory from the Punjabi region of the erstwhile State of Punjab will be transferred to Punjab and those from Hindi region to Haryana. The entire Sukhna Lake will be kept as part of Chandigarh and will thus go to Punjab.

7.2. It had always been maintained by Smt. Indira Gandhi that when Chandigarh is to go to Punjab some Hindi speaking territories in Punjab will go to Haryana. A Commission will be constituted to determine the specific Hindi-speaking areas of Punjab which should go to Haryana, in lieu of Chandigarh. The principle of contiguity and linguistic affinity with a village as a unit will be the basis of such determination. The Commission will be required to give its findings by 31st December 1985 and these will be binding on both sides. The work of the Commission will be limited to this aspect and will be distinct from the general boundary claims which the other Commission referred to in para 7.4. will handle.

7.3. The actual transfer of Chandigarh to Punjab and areas in lieu thereof to Haryana will take place simultaneously on 26th January 1986.

7.4. There are other claims and counter-claims for re-adjustment of the existing Punjab-Haryana boundaries. The Government will appoint another commission to consider these matters and give its findings. Such findings will be binding on the concerned States. The terms of reference will be based on a village as a unit, linguistic affinity and contiguity.

8. CENTRE-STATE RELATIONS

8.1. Shiromani Akali Dal states that the Anandpur Sahib Resolution is entirely within the framework of the Indian constitution; that it attempts to define the concept of Centre-State relations in a manner which may bring out the true federal characteristics of our Unitary Constitution; and that the purpose

**STATEMENT OF HON A C S. HAMEED,
MINISTER OF FOREIGN AFFAIRS ON
THE STATEMENT MADE BY THE
PRIME MINISTER OF INDIA***

The Prime Minister of India, Mr. Rajiv Gandhi, has made a statement on 11th December on the situation in Sri Lanka. He has stated that there have been indiscriminate killings by the security forces and heavy loss of innocent lives, that Indian fishermen are being harassed and attacked and urged the Government of Sri Lanka to hasten the process towards a political settlement.

It is a matter of surprise and regret that the Prime Minister has chosen not to make any reference to the escalation of terrorist violence which during the last three weeks has led to the brutal killing of innocent civilians not limited to any particular part of the country. Nor were these killings confined to any particular community.

This escalation of terrorist activity made it necessary for the security forces to take effective measures to defend life and property, to confront the terrorists, wherever necessary, and also to capture and isolate them for interrogation. The known strategy of the terrorists to engage the security forces in areas which are thickly inhabited or in public places where people congregate, has resulted in civilians also being injured or killed in the cross-fire. Indeed this has been the objective of the terrorists' strategy.

* Rajiv Gandhi's Statement is on Page 7

The Prime Minister has stated that innocent Indian fishermen are being attacked, harassed and apprehended. The government wishes to make a categorical statement that on no occasion have the patrol craft of the Sri Lanka Navy, on patrol, crossed the Maritime Boundary into Indian waters nor have they on any occasion fired upon or attempted to arrest fishermen on the Indian side of the Maritime Boundary.

Indian fishermen, or for that matter any foreign fishermen, have no right, traditional or otherwise, to engage in fishing within Sri Lanka's waters on the Sri Lanka side of the Maritime Boundary. This matter was conclusively settled with the exchange of letters between the two countries on 23rd March, 1976. The Indian authorities have been regularly informed that Indian fishermen have continued to encroach and fish in Sri Lanka waters and that these violations occur well within the internal waters of Sri Lanka. The Indian authorities have been regularly informed of the frequency and number of Indian fishing boats sighted within Sri Lanka waters, which were as follows :—

1981	—	319
1982	—	522
1983	—	3,500
1984	—	3,234 (up to October)

Notwithstanding these representations, the violations have continued. Because of the implications of these mounting violations for Sri Lanka's security, on 10th August the High Commissioner for India in Colombo

was informed that further violations would be dealt with under the law and that Sri Lanka Navy patrol craft would be compelled to open fire on intruding boats which ignore warnings and evade inspection and arrest. On 5th December, a Sri Lanka Navy patrol craft was compelled to open fire on an Indian boat which was well within Sri Lanka's internal waters, after it had failed to comply with signals to stop and the firing of warning shots. No lives were lost and the four occupants of the craft were rescued by the Navy and later repatriated to India by the Indian High Commission.

Prime Minister has stated that on Monday 10th December, an Indian fisherman was attacked and killed without provocation. Subsequent to the issue of this statement the Indian High Commissioner has informed the Ministry of Foreign Affairs that this incident took place "a few miles off Rameswaram". The Government wishes to state categorically that if an Indian fisherman had been killed, this has not been in consequence of any action on the part of the Sri Lanka Navy. The Sri Lanka Navy has not on any occasion on its patrols crossed the Maritime Boundary into Indian waters, nor has it opened fire on a boat which was in Indian waters.

The Prime Minister has referred in his statement to a "so-called surveillance zone in the narrow Palk Strait" being used to attack, harass and apprehend innocent Indian fishermen. With the escalation of terrorist

activity the Government of Sri Lanka was compelled, in the interests of its own security, to proclaim a "so-called" territorial and surveillance zone which are entirely within the internal and territorial waters of Sri Lanka. These measures were adopted as a necessary safeguard to prevent terrorists, arms and equipment being ferried into Sri Lanka from outside. Other evidence of this traffic is the public acknowledgment of injured terrorists being ferried, hospitalized and treated in institutions in the Indian State of Tamil Nadu.

The Prime Minister has urged that the Government of Sri Lanka expedite the process towards a political settlement. Even before the disturbances of July 1983, the Government, convinced that any solution to problems of the minority community should be at a political level, had initiated a negotiating process with the Tamil political parties. The progress of negotiations in the All Party Conference has been impeded by terrorist activity. It is common knowledge that the terrorist groups have rejected a political settlement and openly advocate a separate state. It is therefore not surprising that the escalation of terrorist violence has often coincided with crucial stages of negotiations of the All Party Conference which seeks a political settlement within the framework of a unitary state. This is manifestly borne out by the current escalation of violence on their part.

It is unfortunate that the statement of the Prime Minister has overlooked terrorist violence and brutal

killings of innocent civilians from the majority and other communities directed at provoking a back-lash of violence against the minority community residing in other parts of Sri Lanka. Nor does the statement acknowledge the defeat of that objective by the prompt and effective precautionary measures taken by the Government.

As the Government of Sri Lanka has repeatedly stated, these terrorist activities have been nurtured and controlled by the terrorist organisations, which have received facilities in Indian territory. Terrorist leaders live openly in Tamil Nadu, make statements to the Indian press and are received by leading Indian political personalities. Terrorist leaders address public meetings and advocate the setting up of a separate state and are supported by some of the politicians, even in the Indian Parliament, making a standing mockery of New Delhi's repeated declaration of respect for Sri Lanka's sovereignty, unity, integrity and stability.

Terrorists arrested in Sri Lanka have admitted to the existence of training facilities and their own training in India. Indian publications and media have with photographic evidence publicised the existence of these facilities. Terrorist organisations based in Tamil Nadu have publicly claimed through the Indian Press their responsibility for a number of terrorist acts, including the abduction of the American couple—the Allens—in Jaffna, the killing of a senior Army officer and the attack on the Chavakachcheri Police Station killing 27 Police personnel. Though the matter is yet sub-

judice, among those apprehended for the bombing incident of 2nd August in Madras airport, killing 25 innocent Sri Lankans, were three Sri Lanka nationals residing in Tamil Nadu in the guise of refugees. It seems unfortunate that at the funeral of the 25 Sri Lankan victims in a friendly and neighbouring country there was no governmental representation either from New Delhi or Tamil Nadu.

It is a matter of record that terrorist activities in Punjab and other parts of India are condemned by the Government of India and its leaders. The Government of India has been compelled to apply emergency powers and special legislation on a selective basis to combat these activities and restore its authority. India has often charged neighbouring countries of harbouring, providing facilities and encouraging these terrorists. However the Government of India has chosen to turn a blind eye to the activities of Sri Lankan terrorists on Indian territory and a deaf ear to the repeated representations of the Government of Sri Lanka regarding terrorists who are not only engaged in hostile activities against Sri Lanka, but also publicly proclaim responsibility for their campaign of terrorist violence.

The Government of Sri Lanka must express its regret and dismay over this public statement made by the Prime Minister of India. Its language, tone and substance can only encourage the terrorists and their supporters both in India and in Sri Lanka to pursue further their nefarious activities.

* [The text of these documents were made available by the Embassy of the Republic of Sri Lanka, Canberra.]

**STATEMENT MADE BY THE
PRIME MINISTER OF INDIA RAJIV GANDHI
11TH DECEMBER IN NEW DELHI ***

The Prime Minister of India, Mr. Rajiv Gandhi said in his statement : " I am deeply concerned that the situation in Sri Lanka had rapidly deteriorated. There is a sharp escalation of violence in the Northern and Eastern provinces in which heavy loss of innocent lives has taken place. Many Tamils of Indian origin who had settled in these areas are among the victims. The security forces are indulging in indiscriminate killing. Normal life has come to a standstill and the means of livelihood of the common people disrupted.

Surveillance zone

" The creation of a so-called surveillance zone in the narrow Palk Straits has been used to attack, harass and apprehend innocent Indian fishermen who have enjoyed traditional fishing rights in these waters. In recent weeks a number of our fishing boats have been captured, our fishermen arrested and fired at. Yesterday one fisherman was attacked and killed without provocation. Several skippers of Indian fishing boats are still held in custody in Sri Lanka. Government has lodged strong protests against these unjustifiable and high-handed actions.

Grave concern

" These developments are a matter of grave concern. The cycle of violence and counter-violence, the indiscriminate killings and destruction of property have to be ended. We are sure the present orgy of violence is a matter of great distress and agony to most people in Sri Lanka also, who like people everywhere value communal harmony, amity and peace.

" From the beginning, India on its part has impressed upon all concerned the necessity of a political solution within the framework of the unity and integrity of Sri Lanka. I appeal to the Government of Sri Lanka to take steps to defuse the present situation and give the lead at the all-party conference scheduled for December 14 to the achievement of a viable political settlement."