

Arrival of Sri Lankan Tamil Refugees in India

4 The situation prevailing in North Eastern Sri Lanka during the wake of the eighties had a profound impact on India. The brunt of the problem was faced by Tamil Nadu, where the increasing frequency as well as intensity of anti- Tamil riots in Sri Lanka resulted in an unprecedented inflow of refugees. This was one of the reasons that the growing violence in neighbouring Sri Lanka and repeated atrocities on the Sri Lankan Tamil minority community became a cause of serious concern for the Government of India. In Tamil Nadu, the arrival of these refugees triggered off a sympathy wave for the Sri Lankan Tamil sufferers. The Indian sympathisers of Sri Lankan Tamil cause started voicing their concern through various associations which had come into existence in the State notably "Friendship Association", "Eelam Repatriates' Association", "Tamil Friendship Society", "Tamil Nadu Socio- Political Progressive Front" and "Student Youth Repatriates' Front". From 1980 onwards, due to the elections for the District Development Councils, frequent waves of violent clashes had been occurring in Sri Lanka. In all such violent incidents, invariably, there were allegations of atrocities on Tamils by the Sri Lankan Armed Forces. These incidents evoked sharp protests in Tamil Nadu where the supporters and well wishers of Sri Lankan Tamils , through these associations, brought out posters captioned "Eelam is burning".

4.1 These protests were joined by various political parties of Tamil Nadu when two important leaders of the Sri Lankan Party "Tamil United Liberation Front" (TULF) came to Madras during June, 1981 to canvass for support. During the first week of June, Shri Chandrahasan, TULF activist and son of S.J.V.Chelvanayagam, the leader of `Federal Party' of Sri Lanka came to Madras and met leaders of various political parties in the State as well as the Speaker of the Legislative Assembly. This visit was followed by the Visit of A.Amirthalingam, General Secretary, TULF, and also leader of the opposition in the Sri Lankan Parliament on June 12th 1981. A. Amirthalingam held a news conference in Madras narrating the incidents that had occurred recently in Sri Lanka in which the Tamils in Jaffna were reported to have been violently harassed by the Sri Lankan military authorities. The TULF General Secretary also held discussions with leaders of all the major political parties of the State. During this period, several protests by the sympathisers were made against the alleged atrocities on Sri Lankan Tamils. Some of them are highlighted below (Annexure M-1) :-

(i) 5th June, 1981: about 20 students of various colleges in Madras presented a memorandum to the first Secretary, Office of the Deputy High Commissioner, Sri Lanka condemning the alleged atrocities perpetrated on Tamils in Sri Lanka.

(ii) 10th June, 1981: A meeting was organised by the Sheriff of Madras at Kalaivanar Arangam, Madras on 10th June, to condemn the violence allegedly unleashed on Tamils in Sri Lanka. The meeting was addressed by M.P.Sivagnanam (Chairman, State Legislative Council), K.Rajaram (Speaker,

State Legislative Assembly), P.U. Shanmugam (General Secretary, AIADMK), P.Manickam (CPI), P.Nedumaran (Tamil Nadu Congress-Kamaraj), T.N.Ananthanayagi (Congress-I) and others. They dwelt at length on the problems facing the Tamils in Sri Lanka and urged the Govt. of India to raise the issue before the United Nations General Assembly.

(iii) 21st June, 1981- about 100 members belonging to "Thamizh Iyakkam", "Thamizhaga Eazha Natpuravu Kazhagam and Valar Kalai Manram", took out a procession in Madras and presented a memorandum to the governor, seeking a panel of Parliamentarians to prevail on the Sri Lankan Government to stop the harassment of the Tamil minority and seeking a lasting solution to the problem.

(iv) 29th August, 1981- An attempt was made by the DMK to take out a procession to the Office of the Deputy High Commissioner of Sri Lanka at Madras with a view to picketing in front of the Office to condemn the harassment of Tamils in Sri Lanka. 127 members of the party including 10 women were arrested and remanded.

(v) 3rd September, 1981- 71 volunteers of the DMK were arrested on 3rd and 4th September at Madras for defying the prohibitory orders and attempting to picket in front of the Office of the Dy.High Commissioner of Sri Lanka. On 14th September, 35 more members of the DMK were arrested for the same reason. The protests continued and as many as 14,340 DMK volunteers were arrested in this connection by October, 1981.

(vi) 12th September, 1981- A state-wide hartal was sponsored by the Tamil Nadu Govt.. with the cooperation of all opposition parties to condemn the atrocities allegedly perpetrated on the Tamils in Sri Lanka. All govt. Offices, educational institutions, private and public sector undertakings, commercial establishment and banks remained closed and the hartal was total.

(vii) 13th September, 1981- The Congress(I) held a conference in the Nilgiris district during which they, inter-alia, adopted resolutions condemning the ethnic turbulence in Sri Lanka.

(viii) Besides the above incidents, there were also instances of attempt to commit self immolation from various districts such as South Arcot, Dharmapuri, Salem, Coimbatore Rural, North Arcot, Periyar, Trichy, Tirunelveli and Kanyakumari. During the protest, there were also instances of violence including obstruction of vehicular traffic, damaging and burning of transport buses and lorries, etc.

4.2 P. Nedumaran, a leader of Tamil Nadu Kamaraj Congress and an ardent supporter of the cause of Sri Lankan Tamils, in his affidavit no. 87/93-JCI filed before the Commission, has narrated the developments during 1981 as follows :-

(Para-3) :

"It is stated that the Eelam problem got the attention of the Indian people as well as the International arena when the Jaffna library was burnt by the Sri Lankan army on June 31, 1981 and the resulting attacks on Tamils. During October, 1981, I had been to the Riot hit Tamil areas of Sri Lanka to ascertain the facts and materials. At Sri Lanka I met Mr.A Amirthalingam, the Sri Lankan Minister Mr.Thondaman and other leaders and submitted a report to the then Chief Minister of Tamil Nadu, Mr.M.G.Ramachandran (known as M.G.R.)

Immediately an all party delegation including myself under the leadership of Mr.M.G.R. met Mrs. Gandhi at New Delhi on 07.12.1981 and submitted a petition. On 19.09.1982, I moved a resolution in the Tamil Nadu legislature which sought the cancellation of the death sentence on the Tamil youth leaders Thangadurai and Kuttimani and the same was unanimously passed."

4.3 The above mentioned instances indicate the emergence of a strong public opinion in Tamil Nadu against the repression unleashed by the Sri Lankan Security Forces on the Tamil community which was further fueled by various political parties. Sympathy for the Sri Lankan Tamil militant youth is also evident from the manner in which they were eulogised by various political parties in the State.

Arrival of Sri Lankan Tamil militant groups

4.4 The influx of these refugees in India, mainly Tamil Nadu, led to a situation where the militant elements amongst the Sri Lankan Tamils refugees based themselves in Tamil Nadu and regrouped and consolidated themselves. The presence of these groups, who slowly became the rallying points of anti Sri Lankan protests, in Tamil Nadu, gradually became a law and order problem by itself. The State and the Central Government, which had been vociferously lending support to the Sri Lankan Tamils on humanitarian grounds, was caught in a paradoxical situation - supporting the legitimate grievances of the ethnic Tamil minority of Sri Lanka on one hand, and keeping the militant elements amongst them under control from indulging in violence in India on the other.

4.5 The apparent ambivalence in the attitude of the Central as well as the State Government in dealing with this issue stemmed from the complexity of the problem. The policy considerations of the period had to take into account the entire gamut of humanitarian issues involved, India's foreign relations, the sentiments of the local population, our strategic imperatives, and above all, India's national interest. The growth of Sri Lankan Tamil militancy in India and the gradual emergence of the 'Gun-and-Bomb' culture introduced by these militants has to be analysed in this backdrop.

4.6 The militant Sri Lankan Tamil elements who had, by then, gained a considerable weight amongst the Tamil population in Sri Lanka arrived in India disguised as refugees fleeing the crackdown by the Sri Lankan Government. This

phenomenon has been described by ShriA.X. Alexander in his affidavit filed before the Commission (Affidavit no. 80/92- JCI) as follows :-

Para 6

"..among the refugees who came in droves, many were youngsters - boys and girls - who were particular targets of Sri Lankan army. Most of these youngsters had pre-set loyalties to the various Tamil movements, both militant and non-militant, in Sri Lankan soil itself. Thus, amidst the refugees, there were sympathisers of TULF (Tamil United Liberation Front), a party of moderates, followers of the EPRLF (Ealam Peoples' Revolutionary Front), members of TELO (Tamil Eelam Liberation Front), cadres of PLOTE (Peoples' Liberation Organisation of Tamil Eelam), diehards of LTTE (Liberation Tigers of Tamil Eelam), supporters of TEA (Tamil Eelam Army) and followers of EROS (Tamil Revolutionary Organisation).

Para 7

"...members of all these Tamil groups were initially scared of Sri Lankan spies in Indian soil and hence were quite cautious about coming to surface. "

Para 8

"...these groups organised their Reception points in Vedaranyam and Rameswaram and filled their ranks with youngsters who come from Sri Lanka, who were either already their cadres or who, with none in Tamil Nadu to rush their succour, were willing to join their ranks to have a local habitation and name."

Para 9

"..that the leaders of these groups who came along with refugees by boats, accommodated themselves in Madras. The cadres, who swelled the ranks of these groups, were despatched to various destinations in Tamil Nadu. The LTTE despatched its followers to Pasalakkadu in Sirumalai and Kumarapatti in Salem. The PLOTE sent its supporters to various places in Thanjavur and Pudukottai districts. The TELO had its supporters quartered in Saligramam, an outskirts of Madras, and Magaral near Kanchipuram. The EROS settled its cadres in Thangachimadam and Rameswaram. The EPRLF accommodated its youth in Kumbakonam. The TULF , a set of middle-aged moderate politicians, settled themselves in Madras. Its leader Amirthalingam and his wife Mangayarkarasi stayed in State Guest House itself. His son Bagirathan @ Ravi raised a set of youngsters and called it TENA (Tamil Eelam National Army) and kept them in Ettara, near Tiruchirapalli and later moved them to Karur.

Para 10

"...the harrowing tales of alleged atrocities against Tamils by the Sri Lankan army, told by the Sri Lankan Tamils to the natives, coupled with innumerable stories of murder, rape, molestation, plunder, loot and destruction of houses and temples, narrated to the Press by the refugees, and spread also by word of mouth got into currency and generated overwhelming sympathy and support from the people of Tamil Nadu for their suffering brethren from Sri Lanka.

Para 11

"...all the Sri Lankan Tamil militant groups, desirous of sustaining the sympathy of the local populace, started issuing Press releases narrating the alleged atrocities that the Sri Lankan Armed Forces indulged in and the traumatic travails that Tamils in Sri Lanka were subjected to, which the newspapers and journals gave wide publicity. They also explained their exploits against Sri Lankan Armed Forces and began branding themselves as heroes of the hour.

Para 12

"....not contented with the verbal publicity, almost all the groups started exhibiting photographs of the ruins of their buildings and properties wrought by Sri Lankan Army, of the results of mayhem and murders, of the loot and plunder of their property and, last but not the least, of the successes that scored against the Sri Lankan Armed Forces. They conducted these exhibitions in almost major towns where they could muster confirmed sympathisers who would donate money for them to sustain the youngsters they had quartered at different places. They also conducted video shows of the ruin and havoc in Tamil areas and touched the sympathetic nerves of those who saw them. They also conducted public meetings under the auspices of local bigwigs and collected money and paddy for the boys under their protection. All parties, irrespective of their policies and creed, participated in such public-relation exercises of these groups and supported them.

Para 13

"....though these groups had, during the first few months, confined themselves to invigorating their organisations and mopping up public support, they slowly started reflecting, in our land too, the mutual recrimination and inveterate animosity that they had for one another in their native soil. Of course, the first taste of the bitter acrimony and rivalry among these groups was perceived in Tamilnadu in 1982 itself when Prabhakaran, the LTTE supremo, then not so known, opened fire on Mukundan, the leader of the PLOTE, in Madras."

Interneccine Violence Among Sri Lankan Tamil Militants in India

5 The arrival of various groups of Sri Lankan Tamil militants in India alongwith the refugees added a new dimension to the problem. The militant groups were a divided lot. Differences among them often led to acrimonious situations which

turned violent at the slightest pretext. Soon after their arrival, incidents started taking place in which internecine rivalries between the militants manifested themselves in a violent manner. The incident which occurred on 19th May, 1982 at Pondy Bazaar, Mambalam, was the beginning of a series of violent acts which were a result of internecine warfare between the various Sri Lankan Tamil militant groups who had taken refuge in India.

5.1 On 19th May, 1982 there was shoot out at about 2145 hrs. at Pondy Bazaar, Mambalam, Madras in which leaders of two prominent Sri Lankan Tamil militant groups opened fire at each other due to internal rivalry. The two accused in this case were V. Prabhakaran, leader of the Liberation Tigers of Tamil Eelam (LTTE) and Raghavan @ Sivakumar, also a member of the LTTE. These accused were armed with unlicensed revolvers from which they opened fire at Jotheeswaran and Mukundan alias Uma Maheswaran, members of Peoples' Liberation Organisation of Tamil Eelam (PLOTE). During the exchange of fire, Jotheeswaran sustained bullet injuries both in his right and left thighs. Mukundan was also shot at but escaped unhurt. The accused V.Pirabhakaran and Sivakumar were arrested and remanded. On 25th May, 1982 Uma Maheswaran @ Mukundan was arrested near Gummidipoondi-railway station. At the time of arrest, he opened fire with his revolver and therefore another case was registered against him under the Indian Arms Act. In the meantime, on 23rd May, 1982 Sivanewaran @ Niranjan, an accomplice of Mukundan was also arrested at Saidapet, Madras and an unlicensed revolver seized from him. All these accused remained in Judicial custody till 5th August, 1982 when they were released by the orders of the court on conditional bail. The cases against them are still pending trial. Investigation of the above cases inter-alia disclosed that members of these Sri Lankan Tamil militant groups (LTTE and PLOTE) had slipped into India in the garb of refugees without valid travel documents during December, 1981, and January, 1982, The LTTE cadres including their leader V.Pirabhakaran had taken up residence at Mylapore Madras, while the leaders and members of the PLOTE had been staying at Saidapet, Madras.

5.2 The incident is described by Shri K. Mohandas, former Director-General of Police (Intelligence) Tamil Nadu, in his affidavit no. 64/92-JCI as follows:-

Para 9: "The year 1982 saw the influx of refugees and militants from Northern Sri Lanka to Tamil Nadu, as the result of a merciless crackdown by the Sri Lankan Army. The militant groups were known for their internecine rivalries. The first sign of the fallout in Tamil Nadu was the outrageous shoot-out between Prabhakaran, the Chief of LTTE (Liberation Tigers of Tamil Ealam) and Mukundan, Chief of PLOTE (Peoples' Liberation Organisation of Tamil Ealam) in Madras city in May 1982. This brought to surface the shocking fact that the militant groups had chosen Tamil Nadu as not only a sanctuary for their political fight against the Sri Lankan Government but also as an arena to settle scores among themselves. The timely arrest of Prabhakaran and Sivakumar of LTTE, and Mukundan and Jotheeswaran of PLOTE put a momentary stop to their mutual rivalry. The

incident also revealed that these groups were well trained in handling firearms, terrorist activities and guerrilla warfare. "

5.3 The cause of the militants was taken up by many. One of the prominent defenders of the accused was S.C. Chandrahasan, a Sri Lankan Tamil lawyer and a prominent member of the moderate party Tamil United Liberation Front (TULF). He is the son of the Sri Lankan Tamil leader S.J.V. Chelvanayagam of the 'Federal Party'. In his deposition before the Commission on August 22, 1996, he has narrated the incident as follows:-

"In mid seventies Prabhakaran shaped an organisation in the form of LTTE. Initially both Prabhakaran and Uma Maheswaran joined it, they were in the same organisation. In 1980 they fell out and there was a possibility of shoot-out. They were both in Madras. Differences surfaced in a meeting and then they fell out. In 1980 they were persuaded not to indulge in violence against each other. In 1980 I was able to influence both of them. No Indian leader was involved at that time in this persuasion to my knowledge. Both the groups started building up in the Island. There was so much repression in the Island against Tamils by the Govt. From every family young Tamils started joining some groups. The leaders in Madras of these two groups indulged in shoot- out.....At the time of shoot-out I did come to India. The two organisations strength in India was very meagre. After the shoot out Prabhakaran went to the Police Station and handed over his gun to the Police Station. Uma Maheswaran was the victim and he escaped. Uma Maheswaran was arrested two or three days after. I had the Vakalatnama of both these persons. My only pleading was that they might not be extradited. I met some lawyers of Tamil political parties. They in turn contacted their leaders and the view was taken that it was a matter of Delhi, Govt. of India. We made an appeal to the group of lawyers who in turn appealed to the Parliamentarians. I met most of the political leaders of Tamil Nadu. Whenever I visited India I called on most of them. There was a difference of view on this question in TULF that I came forward to defend Prabhakaran. My fear was that if Prabhakaran was extradited, then the other Tamil Youths who were in prison would get killed."

"After 1982 Prabhakaran did not meet me. IG(P) from the Island Mr.Rudra Rajasinghe came to Delhi for getting Prabhakaran and Uma Maheswaran extradited. But he failed in his efforts as there was no extradition treaty. A solemn promise was taken from both Prabhakaran and Uma Maheswaran they would not indulge in any violence in India. The role which I was playing was taking up the question of Tamils in International fora from human rights point of view. I had also appealed to Govt. of India to intervene to protect the innocent Tamil civilians."

5.4 The various factors which came into play at this stage are confirmed by Shri Mohandas, who describes the obstacles, which came in his way in taking deterrent action against the Sri Lanka Tamil militants, in his affidavit as follows :-

Para 10 :- "Soon after the shoot out and the subsequent arrests Mr.M.K.Narayanan, the then Joint Director, I.B., New Delhi flew to Madras and requested me to go slow on the action against the militants. He repeated the same plea to MGR whom he met, accompanied by me, MGR told him point-blank that this was a matter affecting Law & Order in Tamil Nadu and that it could be best left to the judgement and discretion of the State authorities, Mr.Narayanan argued at length, citing the problems faced by the Centre all over India and stated that nothing should be done to add to the burden by inciting the Tamil Chauvinistic sentiments. But MGR was firm and asked me to continue the initiative in tackling the Tamil militants."

5.5 In his deposition before the Commission on 2nd January, 1996, Shri Mohandas stated :-

"There was a big shootout in Madras city, I think it was in May 1982 between Prabhakaran, leader of the LTTE and Mukundan alias Uma Maheswaran of PLOTE. I immediately ordered the arrest of both and also their colleagues. Four of them were arrested including Prabhakaran and the arms seized. Next day, a senior officer of the Central Intelligence Bureau, Mr. M.K. Narayanan flew down to Madras. He met me and told me to go slow on the action against the militants. Both of them were proclaimed offenders of the Sri Lankan Government with a reward on their head of Rs. 5 lakhs each. Sri Lankan Government was interested in paying that reward. The first thing Mr. Narayanan told me was not to accept the reward."

5.5.1 He further stated :-

"One Shri Rudrasingham, I.G. Police of Sri Lanka had come to Madras. His purpose was merely to liaise with me particularly about militants, customs, illegal immigration. He tried to find out as to why we were not handing over Prabhakaran and Mukundan. I passed on the request of the Sri Lankan I.G.P. for handing over these Sri Lankan leaders involved in the shoot-out to MGR. I do not know whether any request was made to the Central Government for handing over Prabhakaran and Mukundan to Sri Lankan Government."

5.6 There is evidence of support to the Sri Lankan militants in Tamil Nadu by a section of society. This is borne out by the affidavit no. 87/93-JCI of P. Nedumaran. The incident as perceived by him is as follows :-

Page-4 :- "...in May 1982 there was a clash between the LTTE leader Mr. Prabhakaran and the PLOTE leader Mr. Mukundan and they were subsequently arrested. When arrangements were made to deport them to Sri Lanka to hand over them to Sri Lankan Police, I convened an all party meeting and passed a resolution at Madras on June 1, 1982 to stop the deportation and as a result the deportation was stopped. After some months Mr. Prabhakaran and Mr. Mukundan were released on bail and in the subsequent months, Mr.

Prabhakaran stayed at our house in Madurai where I had the splendid occasion to know the full informations about his movement and its popularity among the Tamil people in Sri Lanka. Because of these interests, I became very close to the Eelam Tamil leaders of various factions."

5.7 Shri M. Karunanidhi has narrated the incident in his affidavit No.187/94 - JCI as follows :-

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I submit the following incidents which show the presence of Srilankan Tamil militants in Taminadu eversince 1982 and the patronage given to them. The presence of Tamil militants in the State of Tamil Nadu first came to be known publicly when there was a shoot out between two groups of Srilankan Tamil militants at 21.45 hrs on 19.5.1982 at Pandy Bazaar. Madras. A case in Cr.No.1174/82 of R-1Mambalam Police Station, Madras was registered against Tvl. Prabhakaran and Sivakumar of the LTTE. and the same is pending before the VIII Additional Sessions Court. Madras in S.C.No.81/82. A counter case was registered against one Thiru Jotheeswaran alias Kannan of PLOT regarding the same incident in Cr.No.19/82 by the CBCID Police, Madras and the same is pending in S.C.No.79/82 before VIII Addl. Sessions Court, Madras. On 23.5.82 at 8.30 a.m. one Thiru Sivaneswaran alias Niranjana fired a gun-shot at the owner of the house where he was staying and a case in Cr.No.689/82 was registered in J-1 Saidapet Police Station, Madras. This case is pending before the VIII Addl. Sessions Court, Madras in S.C.No.80/82. Thiru Ruthuma Rajasingam the Inspector General of Sri Lanka when he was on a visit to India made an appeal to the Minister of External Affairs of India to arrest the militants present at that time in India and hand them over to him. His request was made in an interview and was published in a Tamil Daily. Newspaper called Dinamani dated 29.05.1982."

Renewed Ethnic Violence in Sri Lanka and its Effect in Tamil Nadu

6 Fresh ethnic riots erupted in Northern Sri Lanka on 24th July 1983 after a Sri Lankan Army patrol was ambushed by the Tamil militants on the Pallaly- Jaffna road, in North -Eastern Sri Lanka on 23rd July 1983. In the ambush, 13 soldiers of the Sri Lankan army were killed. This was the immediate cause for an extremely violent ethnic rioting that broke out in Colombo and parts of Central Sri Lanka. It was alleged that the Sri Lankan military aided and abetted the anti- Tamil riots. On 27.07.83 there was a massacre allegedly by Sri Lankan security forces in the prison at Wellikade where 54 Tamil Youths alongwith Tamil militant leaders Kuttimani and Thangadurai of TELO were done to death allegedly by the Sri Lankan Army. A large number of refugees entered Tamil Nadu as a result of this violence. Arrangements had to be made by the Government to provide relief to them on humanitarian grounds. The arrival of these refugees and their plight became a strong emotional issue in Tamil Nadu. There was spontaneous public

outrage directed against the perpetrators of such unprecedented atrocities. In Tamil Nadu, all political parties, cutting across party lines, united and went up in arms on this issue.

6.1 The mood prevailing in Sri Lanka and the serious concern these developments caused in India has been summarised in the "Annual Report" of the Ministry of External Affairs, Government of India, for the period 1984-1985. Relevant extracts are reproduced below :-

"India continued to emphasize the urgent need of finding a political solution which would restore ethnic harmony in Sri Lanka and enable the communities there to live in amity and peace. In these riots the Sri Lankan Tamils greatly suffered at the heads of Sinhala community. this led to a significant upsurge in public sentiment in Tamil Nadu in support for the Sri Lankan Tamils. The large number of Tamils killed in the riots led to calls for Indian Military Intervention in Sri Lanka. The public uproar on the issue led Prime Minister Indira Gandhi to depute Shri P.V.Narsimha Rao, the then External Affairs Minister, on a visit to Sri Lanka in July, 1983. The Minister for External Affairs Shri P.V.Narsimha Rao met the Resident J.R.Jayewardene at Colombo on the morning of 29th July 1983 for one hour....."

"Unfortunate allegations were made in Sri Lanka questioning India's policy and intentions. The Government of India repeatedly stated that there was no truth, whatsoever, in such allegations. India was only interested in an early resolution of the ethnic problem in Sri Lanka since it had direct repercussions for her. Over 40,000 Sri Lankan Tamils had fled their homes in Sri Lanka and sought refuge in India. India had provided them with shelter on humanitarian grounds. The Indian Government hoped that a situation would soon be created in Sri Lanka which would enable these refugees to return to their own country.

India reiterated her opposition to all forms of violence. India emphasized that the ethnic problem in Sri Lanka was essentially a political one and should be resolved peacefully through a negotiated political settlement within the framework of Sri Lanka's unity and territorial integrity."

6.2 Various witnesses who filed affidavits before this Commission have recounted the atrocities and the resultant upsurge of public sentiments in Tamil Nadu as a reaction to them. The dimensions of the riots were indeed gigantic. It was admitted by none other than the President of Sri Lanka Shri J.R. Jayawardhene himself that the Sri Lankan Security Forces were a part of the riots.

6.3 The then Chief Secretary of Tamil Nadu, Shri K. Chokkalingam, has filed an affidavit (no. 68/92- JCI) before the Commission in which he has briefly touched upon this aspect. Relevant extracts are reproduced below :-

"3. In July 1983, there were anti-Indian riots in the city of Colombo and parts of Sri Lanka with resultant loss of life and property of Tamils living there. It also caused insecurity among the Sri Lankan Tamils and, consequently, there was a large influx of Sri Lankan Tamil refugees to India and their destination was the State of Tamil Nadu. Steps were taken by the Tamil Nadu Government with the assistance of the Union Government to provide for shelter, food, etc. for the refugees. As Chief Secretary, I directed the Government machinery in Tamil Nadu to attend immediately to the needs of the refugees.

4. During 1983, there were five or six groups of Sri Lankan Tamil refugees in Tamil Nadu, among whom LTTE was one group. They were behaving as ordinary refugees and in the early stages, they kept a low profile and were keeping themselves aloof. The late Chief Minister of Tamil Nadu Thiru M.G. Ramachandran was having sympathy for the refugees and was providing them adequate relief. "

6.4 Shri S.C. Chandrahasan, in his deposition before the Commission on August 22, 1996, has described the situation prevailing in Sri Lanka at that time as follows :-

"In July 1983, I was in Colombo when the riots broke out. LTTE had ambushed a group of soldiers at Tirunelveli in Jaffna, 13 soldiers were killed. The next day Army went on a rampage and killed Tamil people who were on the roads numbering 47. On 25th July 1983 pogrom started in all the Sinhalese areas. The ambush took place on 23rd July, 1983. The process was quite visible and it was well organised by persons in the Government. As far as Colombo was concerned by 8 O'clock in the morning, mobs were brought in Govt. vehicles with material for burning, looting and there were lists of persons to be attacked in each lane. They were dropped at the top of lane and they would go to the house either owned by Tamil or rented out by Tamil. Accordingly if the house was owned by Tamil, Sinhalese would be asked to come out and the house was burned. If it was tenanted by Tamils they will take out the tenants, beat the Tamils and loot their property and leave the house in tact. This was the scenario in almost all parts of the Island. In Tamil Areas Armed forces went on a rampage. It continued for few days and thereafter the Indian Govt. intervened and Sri P.V.Narsimha Rao visited Colombo and after a few hours of his visit the disturbances stopped. Thousands of refugees in the Sinhalese areas were displaced and they were brought into the Tamil buildings. A large number of lives were lost. Very little property belonging to the Tamils were left."

"I became controversial in obtaining orders from the High Court against the Armed Forces, on human rights issues. My house in Colombo was attacked. I had my office and Chamber in Colombo. I survived but one of my juniors was badly injured as he resembled me. All the lawyers who were involved in human rights cases, their offices were all ransacked. I left for India on 18th August 1983. Thereafter I had not gone back."

6.5 A graphic account of the 1983 riots has been furnished before the Commission by Shri P.V. Narsimha Rao, the former Prime Minister of India, who had visited Colombo during the riots as India's External Affairs Minister on directions from the Prime Minister Smt. Indira Gandhi. In his deposition before the Commission on January 24, 1997, he states :-

"It so happened that the worst part of the riots took place in 1983, Smt. Indira Gandhi, the then Prime Minister spoke to President Jayawardene expressing the grave concern of the Parliament of India and the people on these happenings and she requested President Jayawardene to receive me on her behalf to which the President Jayawardene agreed and I was sent from Delhi to Colombo the same day. The next day I called on the President. The situation in Colombo was ghastly. We could not even use the main roads because violence had split into the streets everywhere we could see many buildings set on fire and some factories also smoke curling up in the sky and the whole atmosphere was full of violence. I could not use the road and go to the residence of our High Commissioner, with the result, I had to be taken through the lanes and by lanes. My first meeting that morning was with the President Mr. Jayawardene. It lasted for more than an hour and a half. Much of the time was taken by him to explain the historical and other background regarding conflict between the Sinhalese and Sri Lankan Tamils. My overall impression, what President Jayawardene told me was while not quite defending the acts of violence by the Sinhalese was going on, he tended to give some kind of background in the light of which he thought that this was happening as a result of that background. For instance, he would describe each incident of the violence in different parts of Sri Lanka and suddenly look at me and say "what I can do". This sort of conversation relating to four or five incidents and he had the same question "what can I do", he used to put to me made me feel that was trying to explain his helplessness. During the same conversation, at one or two points, he also tended to blame India. There he said not your Govt., not the Central Government, he pointed towards the Tamil Nadu Government. I may also add that the same evening when I met him for the second, at his residence, he showed me a video presentation of all the acts of hooliganism, arson and then again looked at me helplessly. He described the acts meticulously every house to be burnt, every shop to be looted etc were marked in advance and it was done accordingly. One building he showed as belonging to him. The building was not being set fire to, but the shop which was in the building which belonged to a Tamil was being looted. This is the way he described the well-planned violent activities. I only told him that the Prime Minister of India and conveyed our grave concern. While such atrocities were going on in the neighbouring country, the Tamil population in India, and generally Indian population, felt very strongly about these happenings. The reasons are obvious. More than 2000-2500 years, the Tamils in Sri Lanka and Tamils in India had long relationship blood, business, culture. So it was obvious that the people of Tamil Nadu particularly felt very much agitated about that. I may also add that a large number of refugees were pouring into India. Total number ran into about one and half lakhs over a period of time. This was the time when the refugee

influx increased suddenly, in Tamil Nadu. After meeting the President in the morning, I called on the Prime Minister of Sri Lanka, Sri Prem Dasa. From what he told me it appeared to me that he was even more antagonistic towards India and blamed India almost for everything that was happening in Sri Lanka. I forgot to mention that the President also blamed the JVP a terrorist organisation for the happenings of those days in Colombo. After seeing the Prime Minister, I called on several other Ministers. But whomsoever I met , we met the impression I gathered was one of helplessness and a subdued kind of grievance against India. The sub- conscious feeling seemed to be that because of India all this is happening. I suitably refuted all these implied and partly expressed allegations and then I went to Kandy by helicopter where there is a large number of Indian population. I also met Mr.Thondaman, who represented the people of Indian origin working in Tea Gardens. Most of them were Tamils and concerning whom there was the matter of giving them Srilankan citizenship which was going on for a long time. I met the representatives of the Indian population there, I visited some camps where the refugees were kept. I found the conditions rather unsatisfactory. There was scarcity of many things like kerosene, rice etc. The accommodation was very, very poor."

"In fact there is a very detailed statement of mine in Parliament on my visit to Sri Lanka in 1983. I could not remember whether I was a oral or written report to the Prime Minister in 1983 of my visit to Sri Lanka. But there is a note from my Secretary who was present at the meeting and who took notes of the discussions and prepared a note, this might be available there. Shri G.S.Bajpai accompanied me to Sri Lanka in that visit. Mr. Jayawardene was also telling me that cars would be stopped and used to be searched and asked who were travelling in the car and if Tamilians were found in the car, the car used to be set on fire."

6.6 The tragedy evoked a spontaneous empathy in the minds of the public in Tamil Nadu which manifested in various forms of protests and demands for intervention by India. The attitude of the Sri Lankan President was also seen as apathetic and partisan. In Tamil Nadu there was a genuine anxiety for the safety and security of Sri Lankan Tamil minority in Sri Lanka under the prevailing circumstances. The reactions in Tamil Nadu have been narrated in affidavits filed by many witnesses. Some relevant extracts are reproduced below:-

Extracts from the affidavit of Shri K. Mohandas, former Director General of Police, Tamil Nadu (Affidavit no. 64/92-JCI) :-

Para 12 :- "Organised attacks in July-August, 1983 on the Tamils in Sri Lanka, which was again in the news, appalled not only Tamils all over the world but also non-Tamil leaders including Pope John Paul I who expressed concern about the Sri Lankan army's atrocities on the Tamils. The reaction in Tamil Nadu was spontaneous, with students and even Government Servants taking out processions and organising demonstrations."

Extracts from the affidavit of Shri A. X. Alexander, Inspector-General of Police (Intelligence) of Tamil Nadu, (affidavit no. 80/92-JCI) :-

"In 1983, when the Sri Lankan Tamils were attacked in Sri Lanka and when they fled the country and sought asylum and shelter in Tamil Nadu, most of the people of Tamil Nadu, irrespective of their political tinge, sympathised with them. All political parties were exercised over the problem, and all of them, between 1983 and 1986, met and discussed the issue under the auspices of the Government itself more than once. The Government servants commiserated with the Tamils and contributed a day's salary. The Government itself organised a statewide bandh. The opposition too, for its part, observed a bandh. M.G. Ramachandran, the then Chief minister of Tamil Nadu, in sympathy with the suffering Sri Lankan Tamils, directed his partymen to wear black shirts. M. Karunanidhi, the D.M.K. leader, resigned his membership of the Legislative Council, pledging unstinted support to the suffering Sri Lankan Tamils. Students all over the State went on strike, condemning the atrocities against Tamils. Thus, the cup of sympathy in Tamil Nadu was full to the brim for the Sri Lankan Tamils."

Extracts from the affidavit of P. Nedumaran, leader, TNKC (affidavit no. 87/93-JCI) :-

PARA 5 :- " It is stated that in the months of June- July, 1983, great riots broke out in Colombo against the Tamils and more than 3000 Tamils were massacred. To condemn this and to draw the attention of the Indian people to this matter, a Padayatra was started under my leadership from Madurai to Rameswaram. About 5000 people took part in that journey. It aroused a great upheaval among the people. The people of Tamil Nadu raised their voice in indignation against the ethnic riots against the Tamils in Sri Lanka. The political parties, labour unions, public associations, etc. unitedly voiced their protests. As a result of this, the Government of India was forced to intervene. hence the then Prime Minister Mrs. Indira Gandhi deputed her then Minister for External Affairs, Mr.P.V.Narsimha Rao to Sri Lanka. In continuation she also sent Mr.G.Parthasarathi as her special representative. The talks held with the Sri Lankan President Mr.Jeyewardene bore no fruit. He indulged in dilatory tactics."