

FISHWORKERS AS PRISONERS OF WAR



A Fact Finding Report
and
A Note on Pakistani Initiative

Fishworkers as 'Prisoners of War'

A Fact Finding Team Report
On
The Arrest and Detention of Indian and Pakistani Fishworkers

H Mahadevan (AITUC), Raghbir Mali (CITU), K K Niyogi (AICCTU), Ashim Roy
(HMKP), R Venkataramani (Senior Advocate, Supreme Court), Mukul Sharma
(Editor, Labour File), Souparna Lahiri (CEC)

and
A Note on Pakistani Initiative

Published by
Centre for Education and Communication

For
Preparatory Committee, South Asian Labour Forum
F20, Jungpura Extension, New Delhi-110014
Telephone & Fax: 91 11 4646468

November 1998

Preface

On July 15, 1997, 195 Pakistani fishworkers from Indian jails and 193 Indian fishworkers from Pakistani jails were released in exchange. In this 'major step towards normalization of bilateral relations', Trade Unions from both the countries had a significant role to play. They were the ones who consistently took up the issue of the plight of fishworkers, mobilized public opinion internationally and lobbied with the respective governments for their release.

'Fishworkers in jail' was the first issue taken up by the Preparatory Committee, South Asian Labour Forum (SALF), in which trade unions and their support groups are constituents. Trade unions and support organisations decided to form SALF at Kathmandu, in May 1996, in a South Asia level meeting. In December 1996, a delegation from SALF had met Mr. I K Gujral, the then External Affairs Minister, and Mr. Indrajit Gupta, the Union Home Minister seeking release of fishworkers.

There are more to SALF initiative on the captive fishworkers. Trade Unions have forged an alliance, on a 'non-economic issue', that too on something that very remotely affects them. Central Trade Unions, trade unions of workers in informal sectors and labour support organisations have established solidarity among themselves, which has led them to a coordinated action. Not only was the method employed by the trade unions unconventional, but it was also a unique instance of international labour solidarity.

The trade union initiative has contributed in bringing to the forefront, the human aspect, in a situation where diplomatic exercises have reduced the detained fishworkers to mere numbers.

An important aspect of the SALF initiative on jailed fishworkers was that simultaneous action took place in India and Pakistan. Violations of the rights of the fishworkers evolved similar responses from Trade Unions and support organisations in respective countries, viewing their national interests from the perspective of concern and recognition of the other'.

The Indian Chapter of SALF has brought out a Report. Fishworkers as 'Prisoners of War'. The Report was based on an on-the-spot observation by a Fact Finding Team, which visited Porbandar where the prisoners are kept. Part I of this document gives this report.

The Report brings out vividly the sufferings of Pakistani fishworkers in Indian jails and the families of Indians in Pakistani jails. It drives home the fact that the fishworkers do not have any intention to cross the maritime border of neighbouring countries. They are engaged in genuine employment activity in the sea. Violations have taken place because there does not exist any visible demarcation line defining the maritime border. It points out that the Maritime Zones Acts of both the countries are not in consonance with the UN Convention on the Law of the Sea'. The Report reveals that Pakistani fishworkers have been kept under Indian captivity for about four years. Nevertheless, there are many among them who have been

forcefully stay put in India for about nine years. Scores of them have completed the terms served on them by various Court Orders, yet not released. The Report proves that fishworkers are subjected to violations of rights guaranteed in the Indian constitution and those guaranteed in International Covenants to which India is a signatory.

The Report strongly pleads for bilateral agreement between India and Pakistan, defining the maritime border; a SAARC level Regional Agreement considering the right of fishworkers in the South Asian Countries to fish in the Indian Ocean, the Bay of Bengal and the Arabian Sea; and a Policy regarding the capture and release of unintentional violations of maritime borders. Detained fishworkers should not be termed as 'Prisoners of War', it says.

Without such measures, SALF points out, the exchange of detainees between India and Pakistan will not guarantee the cessation of arbitrary arrests and illegal detention. In the exchange process carried out on July 15, 1997, both the countries, simply matched 'the numerical of 194, sapped of all humaneness. Many innocent fishworkers continue to be incarcerated in the jails of India and Pakistan.

The Part II of this document is a brief note on the initiative taken by Trade Unions and other organizations in the civil society on behalf of the Indian fishworkers detained in Pakistani Jails.

The arguments put forward by the respective initiatives are substantiated by detailed documentation on the captured fishworkers from both the sides.

"Fishworkers as 'Prisoners of War'" is an important document, the implications of which may go beyond Indo-Pak relations to that among all the South Asian countries. A pioneering effort by trade unions of India and Pakistan, it can also lead to greater solidarity and more joint programmes based on mutual understanding and recognition.

J John
For Preparatory Committee
South Asian labour Forum (SALF)

INTRODUCTION

*"humari jaat machimaar
humari naat machimaar
hum sab machimaar ek"*

(our caste is fishing, our occupation is fishing, we all fishermen are one.)
-- a favourite statement of fisherfolk of Vanakwada village in Diu.

India, Pakistan, Myanmar, Bangladesh, Sri Lanka and Maldives share the water and the resources of the Bay of Bengal, Indian Ocean and Arabian Sea. India itself has a long coastline of 7417 kilometres. It stretches from the Delta of the Ganges in the east to the Rann of Kutch in the west.

Pakistan has its coastline adjacent to that of the 1640 kilometres long Gujarat coast of India. In the Bay of Bengal India shares an adjacent coastline and thus a part of the Bay's marine resources with Bangladesh. Sri Lanka has its northern coastline along the Palk Strait.

Though the United Nations Convention on the Laws of the Seas has a very clear guideline regarding protection and utilisation of precious marine resources vis-a-vis the territorial integrity and sovereignty of the coastal states, the south Asian fishworkers, fishing in the Bay of Bengal, Indian Ocean or the Arabian Sea are a much troubled and harassed lot. Over the years, the marine security agencies of one country or the other have been picking up at will the fishermen of the South Asian states. The fishermen have been accused of nothing but of violations of the maritime boundaries and EEZ of the respective countries. The fishing boats are captured, catch confiscated and the crew and fishworkers are detained and imprisoned for indefinite period.

In the absence of a clear and visible demarcation line between the maritime boundaries of the neighbouring countries, specifically, between India and Pakistan, the fishermen are left at the mercy of the marine security agencies. It is a irony that the fishworkers in the traditional and small mechanised boats are caught and penalised, whereas the industrial fishing vessels and big trawlers are poaching at will.

During the last few years the insecurity of the fishermen from both Pakistan and India, fishing off the coast of Rann of Kutch have risen manifold. The fishermen are being frequently apprehended mid-sea, charged with violations of maritime boundary and EEZ, detained and sent to jail.

According to the available jail records, there are 205 Pakistani fishermen in Indian jails. Documents available to us from Pakistan shows that there are 254 Indian fishermen in Pakistani jails.

While the poor and hapless fishermen are rotting in jails for years, their families back home give a story of intense human tragedy and utter distress. They are facing starvation and acute economic problems in absence of their bread earners.

The fishworkers unions and the trade unions from both the countries have been demanding for at least a decade to release the jailed fishermen and also for some kind of a permanent solution for this vexed problem.

Since 1987-88 there have been periodic releases of fishermen by both the governments. This has been called 'exchange protocol'. But till date governments of India and Pakistan have failed to come to an agreement on maritime boundary and thereby to find a long term solution to redress the problems faced by these fishermen.

In several meetings between India and Pakistan, declarations had been made to the effect that the fishermen in jails will be released soon. But, in almost all the cases, these declarations have never been implemented. And, the arrest and detention of the fishermen from both the sides continued with the same verocity. In June 1997, after the Secretary-level talks between India and Pakistan, it has been announced once again that 194 fishermen from each side will be exchanged by 15 July, 1997. Going by the past experiences one could wonder whether the recent declaration will also meet the same fate! It is also worthy to note that inspite of all these declarations, till date, no policy or agreement exists on this burning issue of the fishworkers.

When trade unions and the labour support groups from South Asian countries met in Kathmandu in May 1996, under the banner of the emerging South Asian Labour Forum, several common issues affecting South Asian labour came out for discussion. The fishworkers unions from Bangladesh, Sri Lanka, Pakistan and India pointed out the suffering and pain of the fishworkers arising out of the maritime border dispute. The South Asian Labour Forum took this hitherto neglected matter as a subject for immediate action and also, for the policy formulation at the respective governments and at the SAARC level.

Thus, the Indian Chapter of the South Asian Labour Forum decided to send a team of labour leaders, legal expert and media person to meet the Pakistani fishermen in Indian jails and also the family members of the Indian fishermen jailed in Pakistan to make an on the spot assessment of the situation arising out of these

arbitrary arrests and also to come out with a comprehensive report on the entire problem with specific observations and recommendations.

The Fact Finding Team had the Following Terms of Reference:

1. To get a first hand experience of the plight of the Pakistani fishworkers detained in Indian jails, including the conditions in which they were kept; and of the families of Indian fishermen detained by Pakistani authorities.
2. To look into the context in which the fishworkers were arrested and convicted, and the reasons thereof, including a critical examination of the present laws, their adherence to the International Laws and, the role of the responsible authorities and law enforcement agencies.
3. To find out and propose ways and means for immediate release of the detained fishworkers; and to propose policies and programmes for a long term solution to the problem.
4. To convey to the fishworkers in Indian jails and also the Pakistani authorities of the genuine concern of the Indian working class over recurrences of violations of rights of the fishworkers; and thereby to urge both the governments to work out a long term solution.

The Fact Finding Team comprised of:

1. Ashim Roy, National Organising Secretary, HMKP
2. H Mahadevan, Secretary, AITUC
3. K K Neogi, National Secretary, AICCTU
4. Mukul Sharma, Journalist
5. Raghubir Mali, State Secretary, CITU, Gujarat
6. R Venkataramani, Advocate, Supreme Court
7. Souparna Lahiri, Centre for Education and Communication.

The Fact Finding Team visited Porbander and Diu between 21 and 23 May, 1997. The team got the permission to visit the jails from Ministry of Home Affairs, Government of India and the Government of Gujarat State. The team visited the Porbander Special Jail, where the Pakistani fishermen have been lodged, the District Police Head Quarters, Porbander, where the Pakistani fishermen awaiting deportation have been detained and the District Head Quarters of Coast Guards.

The Fact Finding Team met P V Khokhari of Porbander Machhimar Boat Association, Mr. Jadeja and H M Shah, Jailors, Porbander Special Jail, Atul Karawal, DSP, Porbander and K C Pande, Commandant, Coast Guards and a large number of Pakistani fishworkers in Porbander jail and in the Police Head Quarters.

At Diu, in the fishing village of Vanakvada, the team met Ramji Bhai, Lakhan Bhai and Jeevan Bhai of Fishermen Boat Association, Diu, a large number of the family members of Indian fishermen detained in Pakistan and a group of children who were released by Pakistan in March, 1997.

INITIATIVES BY FISHWORKERS UNIONS AND TRADE UNIONS

Fishworkers unions, boat owners associations and trade unions of both the countries have repeatedly appealed to the concerned authorities to release the innocent fishermen and called for bilateral agreement towards working out a long term solution.

Shree Akhil Gujarat Machhimar Mahamandal, Fishermen Boat Association, Diu, Porbander Machhimar Boat Association, Gujarat Marine Products Exporters Association and National Fishworkers Forum have all sent petitions, appeals and representations to the respective prime ministers, home and external affairs ministers of India since 1988.

In a letter to the then Prime Minister, Rajiv Gandhi, dated 20.2.1988, Shree Akhil Gujarat Machhimar Mahamandal states that, since 1986-87 a number of fishermen and their fishing boats have been captured by Pakistan Security Authority and due to the fear of seizure by Pakistan the fishermen 'are not willing to operate their boats in this area...as a result the boats are idle and have stopped fishing...resulting in losses amounting to crores of rupees to our country, including foreign exchange'.

"It's a matter of great regret that inspite of such frequent happenings, capture of innocent fishermen by Pakistani Authority...and our protests and recommendations to concerned Government Offices during last year, it seems no effective measures have so far been taken or contemplated by Indian Government Authorities," the letter says.

Shree Akhil Gujarat Machhimar Mahamandal demanded immediate financial assistance to the family members of the fishermen who have been captured under National Welfare Seamen Scheme, covering of hull insurance of confiscated boats and compensation for rehabilitation of the family members of the fishermen and the boat owners. The letter has listed a total of 38 boats and 320 fishermen apprehended between 12.1.1987 and 6.1.1988. Some of these boats along with fishermen were released by Pakistan and returned to India on 26.10.87 and 20.11.87.

Gujarat Marine Products Exporters Association, in its letter to Shri Rajiv Gandhi dated 2.2.1988 talked about the plight of not only the Indian fishermen captured but also of the Pakistani fishermen: "...capture of fishing boats with fishermen onboard has now become a regular phenomenon in both the countries (Indian and Pakistan) and has thus created panic amongst our fishermen conducting fishing operations in the Gulf of Kutch. The remaining fishing boats with their crew

members, of late, have deserted the above mentioned fishing ports and stopped their fishing activities in the Gulf of Kutch, where exportable varieties of quality prawns and fish are available in plenty during September to March."

Further it said, "To overcome this problem our Association had addressed local Government Authorities as well as Chairman, Marine Products Export Development Authority, Ministry of Commerce, Government of India...with a request to take up this matter with concerned Central Government Agencies for immediate action to stop this problem but so far no concrete steps have been taken by the Government which has resulted in non-availability of exportable varieties of marine fish....Closure of our Units will not only result in loss of foreign exchange earnings to the tune of Rs 35 to 40 crores per annum but will also deprive employment to about 8,000 to 10,000 workers working in fish processing factories.

"To avoid closure of our fish processing plants located in Saurashtra region of Gujarat State, we feel that steps like (1) immediate release of fishing boats and crew members by negotiating, across the table, with concerned Pakistani authorities, (2) demarcation of water line between India and Pakistan by using light-buoys at every 5 fathoms depth upto international waters, (3) providing customs identification cards to our fishermen to enable them to prove their identity to Coast Guards, (4) establishing Indian Coast Guard Units at Okha as well as on the Northern (sic) border point of India, which according to us is about 70 to 80 kms. west of Jakhau port and (5) coast guard vessels should make regular trips along our territorial water-boundary line to protect our fishermen fishing in our waters and also guide them in order to avoid their entry in Pakistani waters during actual fishing, till water line of India and Pakistan is clearly demarcated".

On the other side of the border, the Fishermen's Co-operative Society Ltd., Karachi and Pakistan Institute of Labour Education and Research (a constituent of South Asian Labour Forum) have taken up the issue of the fishermen and carried on a concerted campaign to seek the release of both Indian and Pakistani fishermen.

As late as in July 1996, the National Fishworkers' Forum, India in a letter to the then Indian Foreign Minister, Mr. I K Gujral, requested him 'to take necessary steps to release these innocent fisherpeople who are incarcerated in Pakistani jails for no reason of theirs'.

On December 4, 1996, a South Asian delegation under the aegis of the Preparatory Committee, South Asian Labour Forum, comprising trade union representatives from India, Pakistan, Sri Lanka, Bangladesh and Nepal had met Mr. I K Gujral, the then external affairs minister and Mr. Indrajit Gupta, the home minister and brought to their attention that these fishermen are being punished for no faults of

theirs, no incriminating evidence has been found on any of them or their boats, the only accusation being that they have violated the territorial borders.

In a memorandum submitted by the delegation, the labour leaders had urged that the fishermen be immediately released and sent back to their home countries. They also called for bilateral agreement by which the fishermen involved may be set free and their boats released in cases of unintentional violations of borders.

On 15 April this year, AITUC, CITU, HMS and AICCTU, in a joint statement, released in Delhi, stated:

Since these fishermen have not committed any offence other than crossing unidentifiable borders in the sea, we strongly urge that the government should make public the list of those who are in Indian jails, where they are kept. Government should also ensure that their basic rights are not violated when they are in India.

Meanwhile, the Government should set aside the convictions of Pakistani fishermen and start the due process for their release. Government of India should also take initiative in formulating a long term policy, whereby such arrests and long term detention of innocent fishermen are not repeated.

FISHERFOLK AS VICTIMS OF RIVALRIES

Hundreds of fisherfolk, settled on the borders of India and Pakistan share the same grief and trauma. They are Hindus and Muslims. They are young and old, they have children. Many are languishing in jails, many are under trials and facing court cases. And many have completed their punishment, but are awaiting their release from the police headquarters since months and years. When will these fisherfolk be released? When will they go back to their country, their family, their work -- they have no idea.

The source of their sole livelihood snatched away, the lives of these fisherfolk and their awaiting families have been ruined. There is no ray of hope, no end to pain.

Pakistani Fisherfolk in Indian Jails

31 year old Ghani Rehman is suffering punishment in the Porbander jail of India for two and a half years. Though his punishment term is almost ending, he also has a fine of Rs. 8,500 on his head. If the fine is not paid, he will have to spend another 11 months in the jail. And Ghani will inevitably have to do this. Ghani was the captain of Al Jashan boat, which had 14 more fishermen. All were caught and penalised. The rest were punished for 2 years and 2 months and after having completed their period, they moved to the police headquarters on 1 January '97.

Residing in the Sarhad State, Ghani Rehman's father Sayid Rehman was also a fisherman. The son walked on his father's footsteps. This is Ghani's sole occupation. The three brothers of Ghani also have only this vocation. They go to the ocean, fish for 10-15 days and then come back home. Three children and wife are sustained only through this. Hoping for a better income, Ghani came from his Sarhad state to Karachi. And started working on the boat of a businessman.

Ghani narrates, "This time we were in the ocean for more than a month. We were standing on the water and were throwing our net to catch fish. It was not possible to make out where the wind and water were driving the boat. If there are some marks on the ocean, it is possible to find out. Suddenly the navy came. We did not even know as to the navy belongs to which place. And then we were all captured in the Indian check post."

After being arrested, Ghani wrote a letter to the boat owner. No reply came. He wrote to his family to do something but they were helpless. While living in the jail, the constant worry of Ghani is how his wife and children will be surviving. How will they be living their traumatic life. The wife and children are slowly going

through their life by asking for help and loans. The wife writes to Ghani but does not state her pain. But her helplessness is clearly visible.

Ghani has no anger against the Indian jails. But sadly he says, "Who wants to stay in any jail? No one can be happy here for even 5 minutes. Jail is the worst place in the world. We are poor, we are workers. Thus there is no one to hear us."

A seaman of Al Kabutar boat, 18 year old Muhammad Alam has a similar moving story. Residing at Madipur Road, Karachi, with his mother, father, wife and two children, Alam left of the boat to fish. He distinctly recalls, "It was the morning of 8 January of 1994. We all boarded the boat and started our journey for fishing. We were altogether six people on the boat: Muhammad Hussain, Abdul Sakur, Nurul Islam, Abdul Kalaam and Nur Alam. At night we threw our net and were half asleep. It was just dawning, when the Indian coast guards caught us. The boat was kept at Porbander. We were sent to the police station and then to the Porbander jail. The case is going on.

The tale of Alam has not even finished, when Muhammad Hussain cannot stop from narrating his story. Muhammad Hussain was the captain of Al Kabutar. In these six months, his parents have passed away in Pakistan. There is no one left in his home to work. His wife has written that even to manage bare food is proving to be difficult. Life is burdensome and tough. Alam starts weeping, "We are poor. We came to work. We were captured. We are innocent, but still have been caught since so long."

20 year old Abdul Sakur of Al Kabutar is also a broken man today. He had old parents, nine sisters and he was the eldest brother. He himself was married with one child and was solely responsible for all of them. But he is imprisoned here and his mother and child have died during this time.

Abdul Sakur says in a lifeless and waning voice, "What should we do! There is no instrument in our boat by which we can gauge our speed or direction." He stops and whispers, "Wife-children are dying there; we also may die here!"

Freed, But Still Fettered

In the custody of Police Headquarters at Porbander, there are 87 such Pakistani fishermen, who were caught for crossing the ocean borders, and who have already completed their term of punishment according to the many court orders, but even then they have not been released since months and years. Legally they are not in jail now but are still in police custody. Under no law of the country can they be kept in police custody but they are and will continue to be so.

There are some rooms near the police headquarters at Porbander. Some guards stand outside it. In scorching heat, these fishermen are clubbed and packed together in these rooms. No fan, no beds, no other facility. One person has died due to illness. Compared to the jail, there are almost no restrictions here but the irony is that there is still no freedom.

Naushad Ali, Muhammad Iqbal, Abu Usmaan, Ali Abu Samariya, Babal Gulmuhammad, Gaunar Khan Bahadur, Nisar Ahmed Usmaan, Ibrahim Adam and Khasina Ramzaan -- all of them were on the Samira boat and were caught on Indian waters on 8 October 1989. Going through the torturous process of captivity, police custody, court case and jail, and after completing their interlude, they were sent to the police custody at Kutch in September 1991. And since March 1992, they are in the custody of Porbander Police.

Waiting endlessly for his release and return to his country, Naushad Ali is completely shattered. He feels like committing suicide and consuming poison. He yearns for his family of seven. Hiding his trauma and dishevelled appearance, says he, "Why should we bear this pain because of tensions between two powers? Our heart is dead. Our hopes have been constantly belied. We don't think that we will ever be free."

These five people of one family. Residents of Sindh state, Sikander, Nizamuddin and Nissar are real brothers. Didar, Ashiq Ali and Muhammad Azhar are their cousins. And Muhammad Yakub their uncle. They were all caught while fishing, in 1994. They never knew when did they enter the Indian border in the ocean. Even after completing their jail term, they keep asking as to what is their crime.

Didar does not want to say much, "What to say? Every brother has three, four children. All of them are now begging on the streets. They are dying of hunger. In every letter they ask when will we be released. We have no answer." Muhammad Yakub has seen life and is very bitter, "Here and there, workers are languishing. No one gives a damn. And thus we are dying."

Indian Fisherfolk in Pakistani Jails

The two villages of Varanwada and Saudwara, in the Union Territory, Diu of India, are a catchment area for fisherfolk, not only of these two villages but also of the nearby areas. There are more than 2000 fisherfolk in these two villages and almost that many come here from outside. All go to far off waters in the ocean to fish.

The sole source of livelihood in these villages is catching fish and selling it. However both these villages are full of narratives of anguish and pain of fishermen, caught by the Pakistani coast guards or navy, on the charge of crossing ocean

borders. Innumerable families of the villages -- old parents, wives, sisters, children -- are facing grave difficulties due to the arrest of earning male members.

According to Lakhan Bhai Puja, chief of Boat Association Vari Vistaar at Varanwada, in the past 20 years, more than 500 fishermen of this area have been arrested by the Pakistani Coast Guards and more than 150 boats seized. One fisherman of Nawa Bandar died in the Pakistan jail.

Lakshman, Kanji Veera and Devji Nathu are very old. Their sons -- Velji Lakshman, Kanji and Devji respectively -- had gone to fish in the ocean but did not come back. They were caught by the coast guards and even their boat seized. They have families, children, who are living a life of extreme hardship. Old Lakshman, watching with his barren eyes, can barely say, "When will my dear son be released? How much time will it take? Only God knows."

Dhanji Harji Rathod, writing to his family from the Landhi Jail, Barrack No. 11, Karachi East 34, says, "In our fate, there is only jail. Jail is our destiny... They caught us by force in the ocean. For five days we were kept in the boat itself. Then they took us to the jail. We get one cup of pulses and two breads to eat. Bread is baked only on one side. Even our enemy may never suffer jail... There is one Pakistani prisoner who helps us sometimes and gives us cigarettes and soap."

Mulji Lakhman is in the jail of Pakistan since the past three years. Here in the village are his wife Ramila Mulji, 10 and 12 year old two sons, and 8 and 6 year old daughters. They have a small piece of land. The land is full of saline water and thus unfit for cultivation. Ramila does some casual labour. Under the 'Jawahar Rozgar Yojana', she gets work for 10-15 days in a month. She is thus able to earn between Rs.350-400 per month. And for the rest she takes help from her brother and father. She is thus making ends meet with difficulty.

Ramila met the collector, commissioner and others, for the release of her husband. She also requested for some financial help. But in these three long years, she only got false promises. Ramila narrates the letter of her husband, written in April, "There are no clothes to wear. No bed to sleep on. Half a bread in the morning. Two in the afternoon... Take care of the children. Do not have any hope of us."

Venji, the son of Mani Behan Ukra, is in Pakistan jail since the last three years. She has two more sons, who are agricultural labourers in the village. Her husband keeps very ill. Venji has his wife, two sons and three daughters. Two sustain the family of his son, Mani Behan takes a loan of Rs. 100-150 every month. Every year an interest of Rs. 25 over every 100 rupees. She has taken a loan of Rs. 15,000 till now. She

went to the Collector but got no help. Mani Behan has no idea till when she can continue like this.

The same is the case with Ladu Behan. Her husband Ukradeva, had gone to catch fish about seven months back, and landed in jail in Pakistan. Ladu has five sons and three daughters. All are small. Ladu cannot say anything, she only moans, and her children start weeping loudly.

The Scared Children

There are many children in these villages, who went with their fathers on the boat and were captured and kept in Pakistani jails. For years they stayed in jails or Edhi Home for the Children. These children have lost their innocence, their laughter, their childhood. Their life has changed. They remember their past, full of fear and dread. They speak with ire and contempt.

Last March, the Pakistan government has released 38 such children. Now free, 18 year old Manji Dayar of Varanwada village of Diu, is fearful, when remembering that day of 1994, when he was caught in the ocean. It was early morning, when there was firing in the air. The Pakistani navy stopped the boat and cut the net. There were five people on the boat and all were caught and taken to Karachi. There they were kept in police custody for three days and then jail. Then Edhi Home.

Manji has old parents, two younger brothers. After returning home, he has become a wage labourer. He does not venture to the ocean at all and neither would he do so in the future. Manji says, "In the Edhi Home, we did not have problems. But here our family was full of distress. No one helped our family. Three years of our life were just wasted."

Manji does not want to remember his past, but he is very bitter of the present, "When we came back, there was a meeting at Diu. Collector, commissioner, all were present. All said that we will get some help. We even filled a form. But nothing came out of it. Whoever comes here, comes for his own selfish reasons. If the son of collector-commissioner would have gone to jail this way, they would have realised our pain."

Manji is afraid of his future life. He is worried for his family. He says, "I do not want my brother to be lost like me. We will die just like this, but atleast my brother should study."

12 year old Nanji Murji was released from the jail but his father is still in the Karachi jail. Nanji has his mother, two younger sisters and one younger brother. When this incident occurred in 1994, Nanji was studying in 7th class. There were holidays for a

month in school and he had gone with his father to enjoy the ocean for the first time.

Nanji stayed in the jail for 5 months and then went to Edhi Home. He says, "The home had good eating-living facilities but there was no freedom, no friends. One felt like crying. I really missed my mother, sisters. And I used to write letters to my father in the other jail." Nanji's studies, school were left behind. Now he does not want to go to school. He just constantly thinks of one thing, "When will my father come back? What will happen in the home in the meantime?" He has only one desire, and that is that his father be released.

On the other hand the fisherfolk are unable to comprehend as to what it is all about. As a fisherman of Varanwada eloquently states, "We fisherfolk of India and Pakistan have no problem with each other. We have no conflict. This is a problem of power, of state, of coast guards, of navy. We go there, they come here, we together catch fish. If we meet each other on the ocean, we wish each other and share our food together."

OFFICIAL RESPONSES

The Government and its several departments -- Jail, Police, Coast Guards, etc. -- are aware of the problem and also express their desire to solve it, but their practical responses towards the suffering fishworkers and also towards taking any initiatives in this regard seem to be retarded. They have a cold, callous, careless and non-committal attitude.

The territorial waters are controlled by Coast Guards, BSF, Customs and Army Inland Units. "There are no signals on the sea which demarcate the sea border. Above all, there is no agreed boundary on the Arabian sea between India and Pakistan. For their mutual convenience, the patrolling agencies have worked out an imaginary line along the Sir Creek region, off the coast of Kutch", says Mr. K. C. Pande, Commandant, District Headquarters, Coast Guards, at Porbandar.

Mr. K. C. Pande has no hesitation in acknowledging to the visiting team, "Fishing boats can unwillingly and unknowingly cross into other's territory because of tidal currents, wind force, cyclone and engine failures. The captured Pakistani fishing boats have no navigational aids. Also, no Pakistani fishing boats were found with arms and ammunitions on board."

But this does not stop the Coast Guards from continuing the blatant practice of arresting the innocent fishworkers. "The moment we see the crossing of boats, we arrest them. We don't ignore it. We capture them, make the FIR and hand them over to the police. Our responsibility ends here. Normally, we don't go to the courts. We have nothing to do with the exchange. We have better things to do than this", says Mr. Pande.

The Coast Guard officials also candidly admit the practice of "tit for tat" among the enforcement agencies, patrolling the territorial waters where "they capture so many of our boats and we capture that many in retaliation."

The jailed fishworkers are a harassed lot, deprived of their basic legal and human rights. At every stage, right from their apprehension, trial and conviction and thereafter, they are completely kept in the dark. The visiting team was uniformly told by the Pakistani fishworkers that they had no idea of any legal aid or assistance, they did not get any information about the legal proceedings and sadly, they did not even know anything about their crime and punishment, except the number of years that they were supposed to spend in Indian Jails. Thus the members of the team had a serious handicap in not being able to get copies of the first information

reports (FIRs) pertaining to those lodged in Porbandar jail and orders passed on the detention of those who had spent their periods of conviction.

The Pakistani fishworkers in Porbandar jail have no complaints regarding the treatment being meted out to them inside the jail, but they have a series of complaints on denial of their basic rights. When the team asked the jail authorities on the modus operandi they follow with the detained Pakistani fishworkers, Mr. Jadeja and Mr. H. M. Shah, Jailers in Porbandar jail said, “We don’t inform the Pakistani High Commission on our own. The consular access for the Pakistani prisoners is available only in Central Jail of Jodhpur, Rajasthan. But they are sent to Central Jail, Jodhpur for consular access only on the orders from the Union Home Ministry, routed through the Gujarat Government.”

There are a large number of fishworkers who have completed their period of conviction, but even then, they await in police camps at Porbandar for the exchange to take place. The so-called ‘Police Headquarters’ at Porbandar is a new jail for them.

The living conditions of the illegally kept Pakistani fishworkers are pathetic and deplorable. Deprived of basic amenities, they have nobody to whom they can complain. Mr. Atul Karwal, DSP, Porbandar, who is in-charge of these particular cases of ‘freed but fettered’ fishworkers, accepts clearly, “These people should be deported immediately, after the completion of conviction.” However, in practice, he does not seem to accept the basic rights of these fishworkers. That is why, we see them living in cramped, crowded, small rooms and hear them bitterly complaining about their living conditions. They don’t even get enough to feed themselves. There is only one toilet for more than 70 people. The fans of their rooms have been removed recently.

Mr. Atul Karwal, DCP, says to the visiting team, “They are nice people. They do a lot of work in the Headquarters. There are no problems from their side while they are here. But there is always an initial suspicion regarding their intention. The result is a mental block, which works against these poor people.”

The Government Officials also have some suggestions to offer, based on their specific experiences. For example, the DCP suggests that there should be a permanent structure to house the detained fishworkers, who have completed their conviction. The Coast Guard Commandant suggests that there should be a visible demarcation lines on the sea. In case of violations, the boats should be seized, the crew and fishermen fined and released. Further, there should be separate and speedy courts for these type of offenses.

The Governments, both Indian and Pakistani, act in a most arbitrary and illegal manner. They have released the captive fishworkers from time to time on an exchange basis, but they have never tried to formulate a concrete policy on this issue. They have also not taken some small measures, so that the poor fishworkers can be stopped from crossing the invisible sea borders. It is significant to note that in the recent past, whenever official level talks were held between the two countries, they always announced their intention to release the detained fishworkers but in the same ad-hoc fashion, devoid of any principles or policy. The recent announcement to exchange a fixed number of detained fishworkers by 15 July, 1997, is also a testimony of this trend.

The Governments speak with many faces and voices. When labour leaders from India, Pakistan and Sri Lanka, representing the South Asian Labour Forum, met the then Foreign Minister Mr. I. K. Gujral and the Home Minister Mr. Indrajit Gupta on 4 December, 1996, seeking their immediate intervention on the issue of arrest and detention of marine fishworkers, both of them assured immediate and long term action. Mr. I. K. Gujral confirmed that no charges were leveled against any of the detained fishworkers, except that they had violated territorial waters of the respective countries. He also offered that he was willing to sign orders for the release of Pakistani fishworkers immediately, if a commensurate response was there from the Government of Pakistan. The Home Minister, Mr. Indrajit Gupta, expressed the need for working out a long term solution, so that detentions of innocent fishworkers were not repeated.

In the course of a SAARC meeting at New Delhi on 18 December, 1996, the then External Affairs Minister of India, Mr. I. K. Gujral and his Pakistani counterpart, Mr. Sahibzada Yakub Khan, agreed to go ahead with the “exchange of captured Indian and Pakistani fishermen.” But around the same time, some of the detained Pakistani fishworkers at Porbandar jail were convicted by the courts, served jail terms and fined heavily.

After the new Government in Pakistan under the Prime Ministership of Nawaz Sharif came to office, the new Foreign Minister, Gohar Ayub Khan, announced that 38 Indian children of Indian fishermen, kept in detention at Edhi Home, Karachi, will be released. These children were eventually released and sent back to their families in India in March 1997. But the Government of India did not reciprocate in the same manner.

A confidential letter of Ministry of Foreign Affairs, Islamabad, which we managed to get, also shows that the detained fishworker is nothing, but a pawn in the hands of the Governments under constant conflict and tension. A Fax Message from Asghar Ali Golo, M/O Foreign Affairs, Islamabad to Mr. Nizamuddin, Secretary,

Board of Directors (No 1/3/95-FSO, Dated 4 January 1996), says, “The Foreign Secretary was against the proposal to release 31 Indian boats in exchange of 6 Pakistani boats and in case the Indian side were unable to reclassify Pakistani boats then Pakistan side too reclassify 25 Indian fishing boats as ‘cargo boats’ leaving 6 to be exchanged on each side. However, on the question of crew members, Pakistan side can be flexible.” Thus, the lives and destiny of hundreds of fishworkers is being decided since many years through this kind of bargaining, slyness, falsehood and insensitivity.

Further, according to the United Nations documents on Maritime Boundary Agreements, India has Maritime Boundary Agreement with Myanmar only . There is no agreement till date with Bangladesh, Pakistan or Sri Lanka. This agreement between Myanmar and India on the Delimitation of the Maritime Boundary in the Andaman Sea, in the Coco Channel and in the Bay of Bengal, was signed on 23 December 1986 and provides detailed geographical co-ordinates to specify the agreed boundary.

THROUGH THE EYES OF LAW

The Maritime Boundaries of Pakistan are governed by Exclusive Economic Zone (Regulation of Fishing) Act, 1975 and Territorial Waters and Maritime Zones Act, 1976.

The Maritime Boundaries of India are governed by Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 and (The) Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.

MZI Acts and the International Laws

India and Pakistan are entitled to take enforcement procedures to protect its EEZ, marine resources and territorial waters. Some level of enforcement measures is necessary if foreign fishermen are to comply with fishery regulations. The problem, therefore, is how to accommodate the said measures while respecting the interests of the international community in freedom of navigation, innocent passage, particularly, that of the fishing community and more particularly, in conformity with the internationally binding regime of the Law of the Seas.

Part 2 of Article 56 on Rights, Jurisdiction and Duties of the Coastal State in the Exclusive Economic Zone of the United Nations Convention on the Law of the Sea says:

In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.

The provisions of Article 73 of the UN Convention on the Law of the Sea pertaining to Enforcement of laws and regulations of the coastal State allow the coastal State considerable powers and led Judge Oda to describe them as 'somewhat unbalanced' (International Court of Justice Reports, 1982 , pp. 230), particularly, as disputes concerning law-enforcement activities in the exercise of sovereign rights or jurisdiction within the EEZ cannot be unilaterally submitted to compulsory settlement by the Flagstate in case of a dispute. Clearly, the broad powers given to the coastal State under Article 73 may cause, further restraints on the freedom of fishing boats and the fishermen community to navigate within the EEZ. The restraints, if any, that could be imposed under the Maritime Laws, may have to be reasonably fair and just and to be in accord with the International Covenants on Civil and Political Rights and Economic and Cultural Rights.

In case of violation of territorial waters or Exclusive Economic Zones (EEZ), both the Indian and Pakistani fishermen are booked under the Maritime Zones Acts, 1975 and 1976 by the Pakistani Maritime Security Agencies and under Maritime Zones Acts, 1976 and 1981 by the Indian counterparts.

The court documents and the copies of FIRs in connection with the arrest and trial of Pakistani fishermen and that of the copies of the FIRs in connection with the arrest of the Indian fishermen that this Fact Finding Committee is in possession with, clearly shows that the Indian Coast Guards have booked the Pakistani fishermen under (The) Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 and the Pakistani Marine Security Agency have booked the Indian Fishermen under Exclusive Economic Zone (Regulation of Fishing) Act, 1975.

Violation of both the Acts is punishable by imprisonment and/or imposition of a hefty fine. Section 10 of the MZI Act, 1981 of India says

- (a) ...where such contravention takes place in any area within the territorial waters of India, be punishable with imprisonment for a term not exceeding three years or with fine not exceeding rupees fifteen lakhs or with both; and
- (b) ... where such contravention takes place in any area within the exclusive economic zone of India, be punishable with fine not exceeding rupees ten lakhs.

Part 2 and 3 of the Article 73 of the United Nations Convention on the Law of the Sea, 1983 states:

Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security. And

Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in absence of agreements to the contrary by the States concerned, or any other form of corporal punishment.

It is clear that the MZI Act of 1981 violates the spirit of the United Nations Convention and does not fully adhere to the International Laws of the Sea.

Contraventions

The provisions of Article 73 have attracted such a widespread and general practice, that they can be considered as part of customary law. New Zealand, for example, enables any authorised officer to 'stop, board, inspect and search any foreign fishing craft...where he has reasonable cause to believe that an offence...relating to fishing within the exclusive economic zone, has been committed...he may inter alia seize all

fish on board the craft, apprehend suspected persons, and seize the vessel. Provision is also made for the release of a detained vessel to be effected on payment of a bond. Australia eliminated imprisonment penalties in its 1978 amendments to the 1975 Fisheries Act.

The Indian and Pakistani legislations do not share this trend towards protection of common interests of humanity. Indeed, as a matter of general international law, a coastal State may enforce any measures necessary to ensure compliance with its laws and regulations in jurisdictional zones. The power of the coastal State is one of the police and control; however, violators cannot be met with measures which amount to retaliation or summary punishment. Even fishing agreements now provide for the release of a seized vessel if a bond has been deposited. Furthermore, both legislation and fishing agreements envisage the prompt notification clause found in Article 73(4) of the Law of the Seas. The necessity of bilateral agreements for humane enforcement of law and which have to be incorporated in the corpus of the law need not be emphasised.

Moreover, there are large number of cases, since 1987, relating to the apprehended Pakistani fishermen, where they have been booked under MZI Act of 1981 for violation of EEZ, tried by the court and served with jail sentences. About 84 Pakistani fishermen tried in Porbander First Class Judicial Magistrate's court, since 1993 have been convicted and sentenced to imprisonment in total contravention of the clause (b) of section 10 of the MZI Act.

A close analysis of these cases and the application of the concerned laws shows that there is a complete disregard of realities and avoidance of issues relevant for humane enforcement of the statutes.

Under the MZI Act of 1981, Chapter IV Offences and Penalties reads:

...where any foreign vessel is used in contravention of the provisions of section 3, the owner or master of such vessel shall, - (a)...be punishable...

Where as, as recently as December 1996, all the 78 crew members of six Pakistani fishing boats - Al - Mohammadi, Al - Faizan I, Al - Faizan II, Subhannallah, Al - Bashir and Al - Jaison were convicted by the court to 2 years and 2 months of imprisonment.

On 9th February, 1988, The Hon'ble Mr. Justice M. B. Shah of High Court of Gujarat, in a Criminal Revision Application filed by the state against the judgement and order of the Additional Sessions Judge, Porbander, setting aside the judgement of the lower court, rejected the application of the state and refused to interfere with the discharge of the Pakistani fishermen citing that 'the respondents have not entered the territorial limits of India...the impugned vessel was intercepted at the distance of 27 nautical miles...that the owner or master of the vessel is required to be punished and not the crew men'.

The Gujarat High Court in its judgements on 9.2. 1988 and 26.9.1996 refused to take cognizance of offence under the Passport Act and Foreigners Act relating to the arrested Pakistani fishermen. The Passport Act and Foreigners Act are not applicable beyond the territorial waters. The Fact Finding Committee has documented proof that 9 Pakistani fishermen have been detained illegally since 1988 under these two Acts. Six masters (captains) and 78 crews members of the aforementioned fishing boats have been detained under these acts since 1994, tried and served with imprisonment.

Section 3. Innocent Passage in the Territorial Sea of the United Nations Convention on the Law of the Sea reads:

Article 17

Right of innocent passage

Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.

Article 18

Meaning of passage

1. Passage means navigation through the territorial sea for the purpose:

- (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) proceeding to or from internal waters or a call at such roadstead or port facility.

2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

The second para of sub-section (1) under section 17 of MZI Act, 1981 states:

Provided that nothing contained in this sub-section shall render any such person liable to any such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

As stated earlier, in course of his conversation with the Fact Finding Team, Mr. K. C. Pande, Commandant, Coast Guards confirmed that 'fishing boats can unwillingly cross into other's territory because of tidal currents, windforce, cyclone and engine failures' and the apprehended Pakistani fishing boats have no navigational aids.

In the light of the above it is expected that the maritime security agency, the investigating agency and the judiciary should be beyond reasonable doubt that the fishing boats and the fishermen had entered into the Indian maritime zone willingly and for conducting fishing activities. This discretion has not been applied in any of the cases.

In fact, the master of one of the Pakistani fishing vessels, Al - Jaison, told the team that they were caught by the Coast Guard people when they had anchored because of an engine failure. Talking to the crews of other vessels the team felt the fishermen did not have a clue that they were in the Indian waters when they were apprehended.

Unlawful Detention

But the worst human tragedy that the law of this land permitted is the completely illegal and wrongful detention of 87 persons in the custody of the DSP, Porbander within the confines of the Police Head Quarters. Their detention is clearly in contravention of Article 21 of the Indian Constitution by which guarantee is available to all persons including aliens or foreigners.

The Fact Finding Team found out that 78 persons, all Pakistani fishermen, are awaiting deportation for the last six months after they had served out sentences handed out to them by the trial court. In fact, a majority of them are now in detention for the last three years which is more than the prison sentence that they were required to serve. We have also seen that another group of nine Pakistani fishermen are in detention for the last nine years!

The laws requires that they be deported immediately to the country of their origin once they are either acquitted or duly serve out their sentences.

What is the authority of law for detaining in places other than jails, persons, who have been convicted and who have duly served out their sentences and whether detention of such persons for any reason outside the law, will not be violative of Article 21 of the Indian Constitution?

The answer is that their incarceration is unconstitutional.

It came out of the Fact Finding Team's meeting and discussion with the Jailer of Porbander Special Jail, DSP of Porbander, Atul Karwal and the Indian Fishermen in Diu who were earlier apprehended by the Pakistani Security Agency that since the late eighties, the only way out for both Pakistani and Indian fishermen of this incarceration is the protocol of exchange of prisoners. The last exchange took place

in 1993 when an equal number of Pakistani and Indian fisherman were exchanged by both the countries and not released.

It is an open secret in the official circles that irrespective of the fishermen being acquitted or released from jail after serving out their sentences, they have to wait for the next round of exchange to take place.

Considering the specific context in which the fishworkers were arrested, there is also one very important point to be taken care of: whether they have crossed the maritime boundaries intentionally or not. All the evidences, interviews, documents available with the team show that the attributed violation of maritime boundary was unintentional. What are the legal principles involved in this.

It is a well-settled principle of construction of Penal statutes, that a statute included an offence or imposing a penalty, is strictly construed. Livingstone Hall has stated:

As the boundaries of crime have been extended to include more and more conduct made criminal only because in seeming conflict with some vague ideal of social policy, or to reach some potential evil in an indirect manner, the need for a clear and comprehensive statement of the prohibited acts has become increasingly pressing. A canon of strict construction, limiting the statute to its obvious meaning, and excluding potentialities, perhaps implicit to the legislature, but uncertain of application to the uniformed reader, does much to prevent injustice. (Principles of Statutory Interpretation, G P Singh, 1996)

It is also a further principle of fundamental importance that the expense of the guilty instant is an essential ingredient of crime and even in cases where the legislature creates an offence of "strict liability" mens-rea may not be totally ruled out. Certain rules which have been handed down by Courts in this regard are illustrative and the logic of those principles can be extended fruitfully also to cases where, in pursuance of penal statute, necessary provisions have not been made to enable persons to take steps to avoid acting in contravention of the law.

When the state of an accused person's mind and his knowledge are ingredients of an offence he has to be judged on the facts as he believed them to be. For example, when the accused smuggled a controlled drug mistakenly believing that he was importing currency and also mistakenly believing that the import of currency was prohibited and he was committing an offence, he could not be punished for the criminal offence of being "knowingly concerned" in the importation of a controlled drug. The express inclusion of the word "knowingly" prima facie requires knowledge by the accused to each of the facts constituting the actus reus. (ibid)

It can be safely stated that in the case of fishworkers of either country, in the absence of lines of demarcation being drawn and the prohibited zones being made clear, no intention to violate the law can be attributed. Additionally, the natural factors such as the tidal forces, oceanic currents, etc. also have to be accorded due room before one can reach a conclusion or draw an inference that the lines of demarcation have been wilfully crossed. It would be preposterous and opposed to all notions of fair play, that despite the serious deficiencies, in the implementation of the law or that the law has so far not been rendered implementable, to accuse persons of violating the law.

It also appears that the release of the prisoners has taken place from time to time on the basis of long drawn out negotiations between the two governments. The detainees are never told or communicated, the reasons or the grounds for their continued detention or about the impediments in the way of their release.

At every stage of the process, right from their apprehension, trial and conviction and thereafter, they are completely kept in the dark, their families are kept guessing about their welfare and whereabouts and all the basic rights available to a person deprived of liberty, such as legal aid assistance, and information about proceedings against them, etc., are also denied to them. Even though there is a solitary case, where the High Court of Gujarat refused to interfere with an order of discharge passed by the Sessions Court, on the ground that the concerned accused have not violated the Acts they were charged with, it is not clear as to the procedure adopted by the Indian Government thereafter to expeditiously secure the liberty of those persons.

The members of the Fact Finding team are therefore, left with no option than to conclude that those who are detained in jails as well as those who are detained in police camps, have been deprived of their Article 21 rights as well as the guarantees under the International Covenant on Civil and Political Rights, 1966. It needs to be noticed seriously that the legislations themselves in the absence of provisions for their implementability would constitute unconstitutional encroachment on the rights of these fishworkers.

MAJOR FINDINGS

1. There is so far no bi-lateral agreements on Maritime boundaries by India with any of the South Asian countries.
2. Since there are no visible and clear demarcation line defining the borders of India and Pakistan, violations by fishworkers are unintentional and accidental.
3. Arrests of fishworkers engaged in employment in the sea are mostly arbitrary and in some cases, simply a 'tit for tat' or a retaliatory action.
4. It can be safely stated that in the case of fishworkers of either country, in the absence of lines of demarcation being drawn and the prohibited zones being made clear, no intention to violate the law can be attributed, Additionally, the natural factors such as the tidal forces, oceanic currents, etc. also have to be accorded due room before one can reach a conclusion or draw an inference that the lines of demarcation have been wilfully crossed. It would be preposterous and opposed to all notions of fair play, that despite the serious deficiencies, in the implementation of the law or that the law has so far not been rendered implementable, to accuse persons of violating the law.
5. There exists no established policy or legal provision to deal with the release of captured fishworkers.
6. There is gross miscarriage of justice in the case of those Pakistani fishworkers who are continued to be detained in Police Head Quarters, Porbunder even after the completion of their terms in jail. Nine Pakistani fishworkers are in the Police Head Quarters who have completed their terms in jail, but waiting to be released for more than nine years.
7. Those who were arrested and kept in jail, particularly in the Porbunder Police Head Quarters, are not provided with the vary basic necessities including proper food, clothing, medical assistance.
8. At every stage, right from their apprehension, trial and conviction and thereafter, Pakistani fishworkers are completely kept in the dark. They had no idea of any legal aid or assistance, they did not get any information about the legal proceedings and sadly, they did not even know anything about their crime and punishment, except the number of years that they were supposed to spend in Indian Jails.
9. The Indian fishworkers in Pakistani jails are also a harrassed and violated lot, according to the letters their families receive. Most of the letters complain about lack of proper food and other basic amenities..
10. Children of Indian fishworkers, who spent more than two years in Pakistani jail have lost their innocence, their laughter, their childhood. They remember their past, full of fear and dread and incapable of dreaming a future.

11. The families of captive Indian fishworkers are undergoing extreme deprivation, indebtedness and trauma. Most of them have lost their only bread earners. No government agency had offered them any information on their missing beloved ones, nor any financial or material support.
12. Maritime Zones of India Act 1976 and 1981 under which the fishworkers are detained and punished do not correspond with the UN Convention of the Law of the Sea, of which India is a signatory.
13. Captured fishworkers in India and Pakistan are considered as objects of "exchange protocol". They are never "released" even after the completion of their jail terms. **Those who are engaged in economic activities for their sustenance are being treated as "Prisoners of War". Basic rights of workers are never acknowledged by both the countries.**
12. Fishworkers organisations and trade unions as well as the South Asian Labour Forum met with practically no response from the Governments in spite of their repeated efforts, for more than a decade, on this issue. The fishworkers organisations and trade unions have virtually no say at the bilateral or SAARC level negotiations.

RECOMMENDATIONS

1. The arrest of Indian and Pakistani fishworkers in the mid-sea and their imprisonment should be stopped immediately. All those who are in jail and detention should be released unconditionally.
2. The Pakistani fishworkers who are detained even after the completion of their jail term in India should be released immediately.
3. There should be bi-lateral agreement between India and Pakistan and also with other South Asian Countries to work out a permanent solution.
4. The bilateral agreement should clearly define the demarcation line between Indian and Pakistani maritime boundaries. Both the Governments should take practical measures like light-buoys to make the actual line visible to the fishworkers.
5. Considering the regional dimension of the issue, there must be regional maritime agreement at the SAARC level.
6. Maritime Zones of India Act should be suitably ammended to make it in consonance with the UN Convention on the Law of the Sea, of which India is a signatory.
7. The ridiculous practice of "exchange protocol" to release the arrested fishworkers as war prisoners should be done away with. Instead, a proper policy should be framed to release the arrested fishworkers, if any.
8. The Government should take immediate steps to provide emotional and material succour to the suffering families of arrested Indian fishworkers in Pakistani jails.
9. Fishworkers organisations and trade unions should be represented and consulted on any bi-lateral or regional negotiation regarding this matter.

Post-script

The Captivity Continues

On July 15, 1997, 195 Pakistani fishworkers were exchanged with 193 detained Indian fishworkers. In all, 388 fishworkers were released from Indian and Pakistani jails. But according to the South Asian Labour Forum's Fact Finding Report, there are many Indian and Pakistani fishworkers still languishing in jail and there is no clue regarding the release or exchange of these unfortunate fishworkers.

It was, in fact, with a view to getting more information about the detained fishworkers that a follow up visit was considered necessary. The main objective of the follow-up visit were: 1. To meet the Pakistani fishworkers who are still in detention in India; 2. to compile a list of Pakistani fishworkers yet to be released; 3. To ascertain their current status related to the cases filed against them; 4. to meet some of the Indian fishworkers who have come back from Pakistan and to know about their problems they have faced and are still facing; 5. Try to compile a list of Indian fishworkers who are yet to be released.

The follow- up team that consisted of P V Khokheri (National Fishworkers' Forum) Ms. Shobana Warriar and Souparna Lahiri of Centre for Education and Communication, met Pakistani fishworkers in Porbander and Jamnagar Jails and also those Pakistani fishermen who were in the custody of the DSP, Porbander. The follow up team visited Ahmedabad, Porbander, Jamnagar, Salaiah and Diu, between 16 to 20 September, 1997.

When the team visited the Porbander Special jail they found sixteen Pakistani fishworkers lodged in jail. They had been arrested on 19 March, 1997 aboard the boat named Al- Tabussum. Three of them seemed to be minors, around eighteen years of age or below. They are still undertrials having been booked under MZI Act and Passport Act. Their Verification by the Pakistani High Commission is over.

It is to be that the boat Al- Tabassum and its crew of sixteen were listed by the Pakistani authorities and according to the Pakistani press, they were to be exchanged on July 15, 1997. It seems, however, they have missed the train to Pakistan.

The team met eleven Pakistani fishworkers in Jamnagar Sub- jail, five of them had been arrested on 23 March 1997, aboard the boat Al- Sultan. They had been convicted under Passport Act, Foreigners Act and MZI Act. Their Release is

due on 24 February, 1998. The remaining six, who had been captured on 10 February aboard the boat Al- Kumsom, have been convicted under Passport Act and Foreigners Act. They too, were to be released on 15 January, 1998. Their verification by the Pakistan High Commission is over.

In the custody of Jamnagar's DSP, there were twelve Pakistani fish workers and eleven of them had served their sentences and had been released from the jail on 24 May 1997. The twelfth fish worker who was tried under Narcotics Act was released on 4 September, 1996. Six of them were arrested on board the boat Abdullah, three of them were arrested on board Al- Taibi, two were arrested on board Al- Minar and one was arrested from an unnamed boat without any number. Their verification by the Pakistan High Commission was also over.

The Plight of twenty two Pakistani fish workers who have been detained in the custody of Porbandar's DSP is miserable indeed. Thirteen of them had been arrested on board Al- Subhanallah in 1989 and tied under Customs Act and Gold Control Act. The other nine were arrested on board Al- Ameera on 9 February 1988

We were told by the Jamnagar Police that on 6 September 1997, these twelve fishworkers escaped from the custody of Jamnagar Police. A look- out notice has released by the district police administration along with the Photographs of these fishworkers.

The Inspector General of prison, Gujarat, Mr. Vijay Singh, told the team in Ahmedabad on 16 September 1997 that there was no Pakistani fisherman prisoner either in Bhuj jail or in Bhuj Police custody.

The plight of twenty two Pakistani fishworkers who have been detained in the custody of Porbandar's DSP is miserable indeed. Thirteen of them had been arrested on board Al- Subhanallah in 1989 and tried under Customs Act and Gold Control Act. The other nine were arrested on board Al- Ameera on 9 February 1988. They had also been tried under Customs Act and Gold Control Act.

They are legally awaiting deportation since 1994 as they have completed their sentences and the State's revision petition that had been against them has already been dismissed by the Gujarat High Court. There is a story of gross human rights violation and criminal negligence on the part of the Indian Government.

It is to be noted that the crew of the Al- Ameera boat had been booked under Gold Control Act but the authorities could not produce the contraband as evidence. Not only this, even the boat said to have been used in the alleged shady transaction could not be brought to the notice of the court. The boat simply vanished in the thin air. As was expected, they were acquitted from charged but not from the incarceration.

Observation of the team

1. The twenty- two fishworkers kept under the Porbander's DSP custody and detained in India since 1989 should be released and repatriated immediately.
2. It is clear that all fishermen were not released on July 15, 1997. There are many Pakistani fishermen who are still languishing in Indian jails.
3. Illegal detention continues to take place.
4. It is a matter of great concern that the team has not been able to trace the whereabouts of the boats named Al- Subhanallah (12126-B), Al- Shamrose, Al- Badar, BFD 1397, Al- Maklai, Al- Hyderi, Al- Babloo, Al- Anwar, Al- Sabagi, Al- Ibrahimi and their crews and the crews of Al- Majeed as mentioned in the list of Pakistani fishworkers still in Indian jails. This list was sent to the SALF Secretariat in New Delhi by SALF, Pakistan Chapter. SALF failed to gather any information on the boats and their crew from MEA, Government of India.

Meeting with the Released Indian Fishworkers in Diu

Vanakvada is a fishing hamlet tucked in an obscure corner of the picturesque island of Diu. It is the home of about 2000 fishing families. For these people, 17th July of 1997, was the day of deliverance. The whole village celebrated the homecoming of fifty of their brethren from across the sea, after years of incarceration.

Raja Ram, Velji Ukara, Kanji Veera and Velji Laxman came back home after spending three years in Landhi jail, Karachi, in Pakistan. These fishermen were aboard their boats Naran Prasad, Jal Sunderi and Manmoti, when Pakistani Naval Security apprehended them on the morning of Diwali, 1994. They were confused as they didn't have the slightest inkling that they had crossed the maritime boundary. They were accused of what they had not done: the intrusion into the territorial waters of Pakistan. Raja Ram, the owner and tandel (master) of the boat Naran Prasad, says in

exasperation, "We were in fact picked up from Indian waters. We had been away for less than 24 hours from our homes when arrested."

Velji and Kanji, in their early 20s, want to forget their days inside Landhi jail and their life in barrack- 10. Bitter and frustrated though they are, they don't fail to remember the warmth and helpfulness of Aslam Baba, the havaladar. He was the sole savior and the protector of all the Indian fishermen lodged in that notorious jail, home to drug smugglers and peddlers, robbers and murderers.

Raja Ram, in his early forties and father of four, is in anguish and anger. He has lost his boat and his son Dhiru. Both Raja Ram and Dhiru had been arrested. Dhiru escaped from the juvenile Jail in Karachi and the family has not heard of him since then. Raja Ram's wife, with a blank look in her eyes, says, "I Have got back my husband but I Have lost my son. Life will not be like before anymore."

Velji and Kanji, in their early 20s, want to forget their days inside Landhi jail and their life in barrack-10. Bitter and frustrated though they are, they don't fail to remember the warmth and helpfulness of Aslam baba, the havaladar. He was the sole savior and the protector of all the Indian fishermen

Most of the released fisherman complicated against the junk food. The Pakistani jail authorities used to throw at them only 4 rotis and a cup of dal on an average to each prisoner. After a spate of hunger strike and complaints to the Jail Superintendent, the Landhi jail authorities provided the Indian fishermen with provision and allowed them to cook their own food.

Laxman Bhai Punja, the secretary of Fishermen Boat Association of Diu, and a Boat owner himself, minces no words when he puts his views across: both Indian and Pakistani Government should come to a permanent and long term agreement to resolve this on- going crisis. The maritime boundary should be visible and light buoys could be used in this respect.

The Diu fishermen are not happy with the Indian coast guards either. " they are rare birds scarcely seen in the seas and they are of no help", says Raja Ram in what appears to be a hopeless tone.

Though most of their fishermen like Ramji Bhima, Nanji, Ramesh, Jayantilal and others have ventured into the seas again, people like Raja Ram, Velji, Laxman and Kanji are yet to recover. They are scared of the seas they are supposed to be children of. But they don't know a life without seas, without

their boats, and something bereft of the joy of fishing. Once the scars heal they will be the children of the seas again, surely and certainly.

The Indian government should compensate adequately the detained fishworkers and the boat owner considering the enormous sufferings and financial loss.

The Indian fishermen think that all is not lost. On a positive side their suggestion could be summed up as under: (it corroborates the recommendations of the Fact Finding Team)

1. Both Pakistan and Indian Government should come to a permanent and long lasting agreement to mitigate the harassment and suffering of the fishworkers and their families.
2. The maritime boundary between the two countries should be visible and light buoys could easily be used in this respect.
3. The Indian coast guards should be easily accessible in the sea and should protect the interest of the Indian fishworkers.
4. The Indian government should compensate adequately the detained fishworkers and the boat owners considering the enormous suffering and financial loss.

Epilogue

The release of 388 Pakistani and Indian fishworkers on 15 July, 1997, following the Secretary level talks between India and Pakistan, raised a flicker of hope and it was expected that a) the remaining fishworker detainees will be released shortly; b) the two governments will continue the necessary dialogue to resolve the present crisis; c) no fishworker or boat will be captured henceforth; and d) both the governments will strive to adopt a long term policy so as to safeguard the right to livelihood of the fishworkers.

It is, however, six months now that the last exchange took place and there is no sign or indication that the remaining fishermen prisoners are going to be released shortly. No further talks between the governments have taken place. The list of remaining fishermen prisoners has not been exchanged between the two countries and it seems that one is waiting for the other's response.

It must be pointed out that with the onset of fishing season another round of capture and counter-capture of fishing boats and crews have taken place. The

Indian and Pakistani coast guards have captured four boats each with fifty five and twenty four crews respectively.

We are awaiting the list of exact number of Indian fishworkers being detained in Pakistan and places of their detention. The Pakistani Chapter of SALF is trying to compile the list. For now we can only say that the number could be around 175.

Fishermen's Co- operative Society of Pakistani has sent to the SALF Secretariat a detailed list of Pakistani fishing boats and crew feared to be in detention in India. According to them 159 fishworkers are still languishing in Indian jails. AS mentioned earlier, we have not been able to trace many of them: only 117 crews have been identified.

New Delhi
December 18, 1997

Table I

Convicted¹ Pakistani Fishworkers in
Porbandar Jail, Gujarat, as on 21 May, 1997

Sl. No	Name of the Prisoner & Address in Pakistan	Date of admission in jail	Sentencing by the Court	Date of Sentence	Details of Offence & Sections under which confined	Total Sentence Awarded
1	Soni Safin (also Soban) Mandapur, Pakistan	22.8.94	JMFC, Porbandar	6.12.96	Passport Act & Foreigners Act	Y - M - D 2 - 6 - 0 Fine 8500/- ID-0-11-0 \$ 1
2	Haji Ibrahim Ahmed Near Fishan Masjid, Khabda, Karachi, Pakistan	15.10.94	- Do -	- Do -	- Do -	- Do -

¹ The above six fishworkers were arrested by the Coast Guards and handed over to the Porbandar police. Thereafter, they were produced before the JMFC, Porbandar and after trial proceedings they were convicted by the court and sent to jail. All the six fishworkers, being the Tankers (Captains) of their respective boats and arrested beyond the territorial waters of India, are punishable only under MZI Act, 1981, but they were tried under Passport Act and Foreigners Act and convicted accordingly.

3	Mehrab Noor Mohammed K T Baadar, Dist. Thatta, Pakistan	- Do -	- Do -	18.12.96	- Do -	- Do -
4	Ali Mohammed Creek Village, Ibrahim Hyderi, Karachi 20, Pakistan	- Do -	- Do -	27.12.96	- Do -	- Do -
5	Jalil Ahmed Yakoob P O Box No. 4477, Karachi 74000, Pakistan	23.11.94	- Do -	2.1.97	- Do -	- Do -
6	Ghani Rehman VIII, Faizal Shah, Tehsil Timargara, Dist Decc, Pakistan	7.12.94	- Do -	- Do -	- Do -	- Do -

Source: Jail Records, Porbandar Special Jail, Porbandar, Gujarat.

Table II

Details of Convicted Pakistani Fishworkers handed over² to DSP Portbandar for Deportation

Sl. No.	Name of the Prisoner	Address	Date of Arrest	Date of Conviction	Sentence	Date of handing over to DSP, Portbandar
1	Churaman Khuda Bux	Sakharot, Garden, Abbots, Bahawalpur, Pakistan	22.8.94	6.12.96	Y. M. D 2 - 5 - 0 Fine 1000/- 1 D 0 - 2 - 0 S I	5.2.97
2	Muhsin Ahmad	Khariba Market, Naphal, Khairpur, South, Pakistan	- Do -	- Do -	- Do -	- Do -

² These fishworkers were put in jail after the Coast Guards transferred them to the jurisdiction of the Portbandar police. They were tried while in jail custody and convicted by the court on 6.12.96. As their detention period in jail covered their term of conviction, the court released them for deportation immediately. The jail authorities handed them over to the Portbandar police for further action. The fishworkers, eventually, ended up being detained further in the police custody.

³ Fishworkers as Prisoners of War

3	Noor Mohammed	Mansipur, Pakistan	- Do -	- Do -	- Do -	- Do -
4	Nazim Masood	- Do -	- Do -	- Do -	- Do -	- Do -
5	Behram	Malik City, Jummagrah, Kazachi, Pakistan	- Do -	- Do -	- Do -	- Do -
6	Hareem	Mansipur-Tiki Vill, Mansipur, Pakistan	- Do -	- Do -	- Do -	- do -
7	Jahangir (alias Jangi)	- Do -	- Do -	- Do -	- Do -	- Do -
8	Ealoo	- Do -	- Do -	- Do -	- Do -	- Do -
9	Nabi Bux	- Do -	- Do -	- Do -	- Do -	- Do -
10	Nak Mahammed	Burda Camp, Biedac, Sontmyan, Pakistan	- Do -	- Do -	- Do -	- Do -
11	Ganjudat Mian	Adipur, Jhelum, Sontmyan, Pakistan	- Do -	- Do -	- Do -	- Do -

12	Rharrha Sulman	Adipur, Jhelam, Sontoyul, Pakistan	22.8.94	6.12.96	- Do -	5.2.97
13	Noordul	- Do -	- Do -	- Do -	- Do -	- Do -
14	Mohammed Ilyas	Muzal Camp, Sontoyul, Pakistan	- Do -	- Do -	- Do -	- Do -
15	Noorul Islam	Badin Hyderabad, Gulerni, Hyderabad, Pakistan	- Do -	- Do -	- Do -	- Do -
16	Khan Hassan	Sontoyul, Bander, Dist Tardella, Baluchistan, Pakistan	- Do -	- Do -	- Do -	- Do -
17	Baloo Ismail	Mandipur, Arakhor, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
18	Angaroo Sontur	Fadook, Kanda Market, Karachi, Pakistan	15.10.94	- Do -	- Do -	- Do -

Fishworkers as Prisoners of War

19	Yar Mohammed	Karnata Shop, No. 10 Road, Karachi 53, Pakistan	- Do -	- Do -	- Do -	- Do -
20	Aurawal Rahim	Ahmed Gali, Temalgara, Dir, Pakistan	- Do -	- Do -	- Do -	- Do -
21	Sawal (alias Sarnad) Fakir	- Do -	- Do -	- Do -	- Do -	- Do -
22	Aminul Haq	Ahmed Gali, Temalgara, Dir, Pakistan	15.10.94	6.12.96	- Do -	5.2.97
23	Bekram Sayeed	Hange, Temalgara, Dir, Pakistan	- Do -	- Do -	- Do -	- Do -
24	Raj Mohammed	Budga, Temalgara, Dir, Pakistan	- Do -	- Do -	- Do -	- Do -
25	Sikinder	Makwada, No. 2 Road, Sabadabad, Karachi, Pakistan	- Do -	- do -	- Do -	- Do -
26	Ali Mohammed	Mauki Mohd Sadiq Road, Khada, Karachi	- Do -	- Do -	- Do -	- Do -

27	Fakeer Mohammed	- Do -	- Do -	- Do -	- Do -	- Do -
28	Shair Mohammed	Aphabad, Bapil, Pakistan	- Do -	- Do -	- Do -	- Do -
29	Wali Mohammed	Ali Mohammed, Macholla, Bakhai Road, Dir, Pakistan	- Do -	- Do -	- Do -	- Do -
30	Mohammed Usic	Aphabad, Bapil, Pakistan	- Do -	- Do -	- Do -	- Do -
31	Qasim Baloch	Kari Nyari, Karachi, Pakistan	- Do -	18.12.96	- Do -	17.2.97
32	Orman Shah	Thartha, Pakistan	- Do -	- Do -	- Do -	- Do -
33	Dil Muzed	Kari Nyari, Sheikh Masjid, Karachi, Pakistan	15.10.94	18.12.96	- Do -	17.2.97
34	Majeed Suleman	Kari Nyari, Sheikh Masjid, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
35	Asif Husain	Gadi, Dir, Pakistan	- Do -	- Do -	- Do -	- Do -
36	Omer Gul	Thartha, Pakistan	- Do -	- Do -	- Do -	- Do -

37	Hassan Karimyar	Sejawanali, Thartha, Pakistan	- Do -	- Do -	- Do -	- Do -
38	Abdullah	Sheekh Masood, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
39	Abdul Ghafar	Narhtana Jabba, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
40	Manzoor Ramehio Khan	Nawari, Daudu, Pakistan	- Do -	- Do -	- Do -	- Do -
41	Yakoub Haji	Agoralad, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
42	Altauhin	Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
43	Ali Jaganm	Agda, Gogad, Kherapura, Pakistan	- Do -	- Do -	- Do -	- Do -
44	Rajib Ali	Tikrayanah, Thartha, Pakistan	15.10.94	18.12.96	- Do -	£72.97
45	Haji Abdullah	West Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
46	Lal Bux	Khar, Thartha, Pakistan	- Do -	- Do -	- Do -	- Do -

47	Sultan Ali	Ibrahim Hyder, Karachi, Pakistan	- Do -	27.12.96	- Do -	26.2.97
48	Azhar Ali Mohammed	Mithani, Mausero, Pakistan	- Do -	- Do -	- Do -	- Do -
49	Tahir Ali Ahmed	Firazi, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
50	Asghar Ali	Khadro, Dir, Pakistan	- Do -	- Do -	- Do -	- Do -
51	Mohammed Yakoob	Mithyani, Navsaro	- Do -	- Do -	- Do -	- Do -
52	Ashiq Ali	- Do -	- Do -	- Do -	- Do -	- Do -
53	Sakinder Ali	- Do -	- Do -	- Do -	- Do -	- Do -
54	Mohammed Nisar	- Do -	- Do -	- Do -	- Do -	- Do -
55	Nizaruddin	- Do -	- Do -	- Do -	- Do -	- Do -
56	Dudar Ali Mohammed	- Do -	- Do -	- Do -	- Do -	- Do -
57	Gul Hasan	Sayadpur, Thartha, Pakistan	- Do -	- Do -	- Do -	- Do -

58	Yousaf	- Do -	- Do -	- Do -	- Do -	- Do -
59	Sheehan	East Chakroad, Karachi, Pakistan	15.10.94	27.12.96	- Do -	26.2.97
60	Ladhoon (alias Lagho)	Sajidpur, Thartha, Pakistan	- Do -	- Do -	- Do -	- Do -
61	Abdul Kalam (alias Karnal Fakir)	Fish Ayari, Meechi Colony, Karachi, Pakistan	23.11.94	21.97	- Do -	1.3.97
62	Suleman (alias Sultan) Noor Mohammed	Kaurangi Qees, Ali Akbar, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
63	Bashir Ahmed	Kaurangi Town, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
64	Riaz Abdul Khaliq	ICC Burma Colony, Karachi, Pakistan	- Do -	- Do -	- Do -	- Do -
65	Fazal Khan	Gadisarani Pole, Dargal, Malapad, Pakistan	7.12.94	- Do -	- Do -	- Do -
66	Amir Bahadur	- Do -	- Do -	- Do -	- Do -	- Do -
67	Asadullah	- Do -	- Do -	- Do -	- Do -	- Do -

Fishworkers as Prisoners of War

68	Khan Mohammed	- Do -	- Do -	- Do -	- Do -	- Do -
69	Shah Karam	Pughal, Temalguzar, Pakistan	- Do -	- Do -	- Do -	- Do -
70	Jamal Sayyed	- Do -	- Do -	- Do -	- Do -	- Do -
71	Asghar, Ali	Pughal, Temalguzar, Pakistan	7.12.94	27.12.96	- Do -	26.2.97
72	Usmar Khan	Samar Akbar, Darengi, Malakhd, Pakistan	- Do -	- Do -	- Do -	- Do -
73	Dost Mohammed	Hakim Khan Gad, Peshawar, Pakistan	- Do -	- Do -	- Do -	- Do -
74	Munawar Khan	Kharqan, Sakandara, Dir, Pakistan	- Do -	- Do -	- Do -	- Do -
75	Wazir Zada	Saraphah, Temalguzar, Dir, Pakistan	- Do -	- Do -	- Do -	- Do -
76	Abdul Hakim	- Do -	- Do -	- Do -	- Do -	- Do -

77	Nasrullah Khan	Pasin, Baluchistan, Pakistan	- Do -	- Do -	- Do -
78	Fuzal Hussain	Monrope, Dist, Pakistan	15.10.94	28.2.97	- Do - 26.4.97

Source: Jail Records, Porbandar Special Jail, Porbandar, Gujarat

Table III³

Details of Undertrial Pakistani Fishworkers in Portbandar Jail, as on 21 May, 1997

Sl. No.	Name of the Prisoner	Address in Pakistan	Date of Admission in Jail	Trial Court	Date of Arrest	Section under which confined
1	Jamshuddin	Burma Colony, Karachi, Pakistan	14.1.96	JMFC Portbandar	13.1.96	MZI Act 3/10/7/14 Passport Act 3-7-12- 14
2	Siraj Ahmed Hakim	- Do -	- Do -	- Do -	- Do -	- Do -
3	Alluddin	- Do -	- Do -	- Do -	- Do -	- Do -
4	Mohammed Hahel	- Do -	- Do -	- Do -	- Do -	- Do -
5	Akhtae Hussain	- Do -	- Do -	- Do -	- Do -	- Do -
6	Shoukat	- Do -	- Do -	- Do -	- Do -	- Do -
7	Mohammed Hussain	- Do -	- Do -	- Do -	- Do -	- Do -
8	Abul Kahon	- Do -	- Do -	- Do -	- Do -	- Do -

³ This list was prepared prior to the release of 195 Pakistani fishworkers on July 15, 1997
Fishworkers as Prisoners of War

9	Mohammed Alam	- Do -	- Do -	- Do -	- Do -	- Do -
10	Nurul Islam	- Do -	- Do -	- Do -	- Do -	- Do -
11	Abdul Shakoor	- Do -	- Do -	- Do -	- Do -	- Do -
12	Noor Alam	- Do -	- Do -	- Do -	- Do -	- Do -
13	Asghar Ali			5.6.96	- Do -	12.96
						MZ1 3(10) 13(2)
14	Saeedul Islam	- Do -	- Do -	- Do -	- Do -	- Do -
15	Abdul Salam	- Do -	- Do -	- Do -	- Do -	- Do -
16	Javed Husain	- Do -	- Do -	- Do -	- Do -	- Do -
17	Mohammed Salam	- Do -	- Do -	- Do -	- Do -	- Do -
18	Abdul Ghani	- Do -	- Do -	- Do -	- Do -	- Do -
19	Shahabuddin	- Do -	- Do -	- Do -	- Do -	- Do -
20	Mohammed Husain			5.6.96		
21	Mohammed Alam	- Do -	- Do -	- Do -	- Do -	- Do -
22	Amrullah	- Do -	- Do -	- Do -	- Do -	- Do -
23	Nazrul Islam	- Do -	- Do -	- Do -	- Do -	- Do -

Fishworkers as Prisoners of War

24	Zakir Husain	- Do -	- Do -	- Do -	- Do -
25	Samsu Alam	- Do -	- Do -	- Do -	- Do -
26	Abdul Shakoor	- Do -	- Do -	- Do -	- Do -
27	Mohammed Kalu	- Do -	- Do -	- Do -	- Do -
28	Nausheed Ali	- Do -	- Do -	- Do -	- Do -
29	Gasfoor	- Do -	- Do -	- Do -	NZI 3(9) 13(2)
30	Ahsan (alias Ihsan)	- Do -	- Do -	- Do -	- Do -
31	Mianir Akhmed	- Do -	- Do -	- Do -	- Do -
32	Jafar	- Do -	- Do -	- Do -	- Do -
33	Abdul Gasfur	- Do -	- Do -	- Do -	- Do -
34	Ilyas	Kaurangi, Karachi	- Do -	- Do -	- Do -
35	Amir Ali	- Do -	- Do -	- Do -	- Do -
36	Manzur	Barma Colony, Karachi, Pakistan	- Do -	- Do -	- Do -
37	Mohammed Amin	Kasi, Sonmiani, Lasbella, Pakistan	20.3.97	- Do -	NZI 1981 3/10/14 Passport Act 3
38	Imman Bux	Hisingi Lakhna, Beda, Baluchistan	20.3.97	JMPC Porbandar	19.3.97 NZI 1981 3/10/14 Passport Act 3
64					Fishworkers as Prisoners of War

39	Sajan Mohammed	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
40	Janu Mohammed	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
41	Maula Bux	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
42	Mohammed Sekhly	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
43	Rahim Bux	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
44	Maru Ibrahim	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
45	Ayjeem	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
46	Lal Mohammed	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
47	Karim Bux	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
48	Ab Mohammed	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
49	Khan Mohammed	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
50	Mercula	- Do -	11.4.97	- Do -	- Do -	- Do -	- Do -
51	Musafa	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -
52	Akram Ali	- Do -	- Do -	- Do -	- Do -	- Do -	- Do -

Source: Jail Records, Porbandar Special Jail, Porbandar, Gujarat

Table IV⁴

List of Detained Pakistani Fishworkers and Boats since 1993

Sl. No.	Name of boat	No. of Crew	Names of the Crew	Date Capture	Jails where detained
1	Al - Galzar	Nil		August '93	
2	Al - Mohammadi	5	Jalal Ahmed, Yakoob Nabi, Raza Abdul Khalique, Bashir Ahmed, Saleman Noor Mohammed, Kamal	December '93	Bhujh, Kutch
3	Al - Deedar	Nil		February '94	-Do-
4	Al - Anwar	5	Siddiq, Aachar, Mullah, Meehan, Hussain, Mohammed Hanif	August '94	-Do-
5	Al - Furzan	19	Solan, Bashir, Ghuman, Noor Mohammed, Behram, Haroon, Decolag ⁵ , Jangi, Firdos, Nabi Bux, Taloo, Ganjilal, Khanisa, Noordad, Bhas, Noorul Islam, Nalik Mohammed, Khan Hasan, Alarood	August '94	Porbandar

⁴ This list was compiled by the SALT Fact Finding Team with the help of FCS Employees Union and PILER of Pakistan and includes fishworkers detained in Bhuj and Jamnagar whom the Fact Finding Team was unable to meet.

⁵ Expired on April 22, 1996 while in jail custody

56

Fishworkers as Prisoners of War

6	Al - Faizan 12404-B	17	Mehrab, M Yakoob, Abdullak, Rajab Ali, Husan Kainar, Alla-e-Din Bhang, Osman Shah, Abdul Chahar Qadir, Lal Bax, Mohammed Asif, Onar Gul Mohammed, Al Jagran, Mohammed Qasim Baloch, Mansoor Rangho Khan, Hagi Daraz, Majeed Sulman Baloch, Dilmard Baloch	October '94	-Do-
7	Subhannallah	15	Forshin, Samad Fakcer, Amirul Haq, Anwarul Rahim, Raz Mohammed, Behram Syeed, Mohammed Utra, Fakcer Mohammed, Sakinder, Angeroo, Yar Mohammed, Ali Mohammed, Wali Mohammed, Fazal Husain, Saar Mohammed	-Do-	-Do-
8	Al - Bashir	15	Ali, Sahran, Mohammed Yakoob, Larhoo, Gul Husain, Nazamuddin, Yousof, Mohammed Nisar, Dudar Ali, Shehban, Sakinder Ali, Tahir Ali, Azhar Ali, Ashiq Ali, Asghar Ali	-Do-	-Do-
9	Al - Jaisoon	14	Ghani Rehman, Asadullah, Khan Mohammed, Abdul Hakim, Fazal, Shah Karim, Farid Gul, Nasrullah Khan, Amir Bahadar, Wazir Zada, Asghar, Mansoor, Jamal Sayyed, Dost Mohammed	December '94	-Do-
10	Gulbahar 5465-B	1	Khaniso Bala	January '95	Bhujh,
11	Gulbahar	Nil		-Do-	-Do-
12	Al - Ameen	2	Noor Akber, Ali Akbar	February '95	-Do-

Fishworkers as Prisoners of War

13	Al - Azreen	Nil		April '95	-Do-
14	Al - Shabbaz	Nil		Details n/a	-Do-
15	Jaya Laif	4	Qasim, Ibrahim, Lashoo, Hussain	August '95	-Do-
16	Pardesi	6	Husain, Maroza, Younsaf, Ghulam, Anwar, Mohammed Ali	-Do-	-Do-
17	Al - Osman	Nil		Nov. '95	-Do-
18	Al - Maroza	6	Osman, Mukhtyar Ahmed, Noor Mohammed, Kamal	January '96	Portburck
19	Al - Noor	6	Abdul Ghafoor, Samsu Alam, Javed Hassan, Shabbuddin, Munir Ahmed & Marzooq	-Do-	-Do-
20	Al - Islam	6	Abdul Ghani, Abdul Salam, Mohammed Alam, Ghafoor, Amir Ali, Younus	-Do-	-Do-
21	Sabaghi	6	Abdul Shakoor, Laqari A.K, Rashid, Mohammed Siddik, Arman, Younus	-Do-	-Do-
22	Karnali	6	Muzamil, Boudi Alam, Kabir, Shakoor, Jafar	-Do-	-Do-
23	Al - Kaboovar	5	Mohammed Husain, Moharrazed Alam, Noor Alam, Noor ul Islam, Abdul Shakoor	-Do-	-Do-
24	Al - Nafis	6	Asghar Ali, Ibrahim, Zakir Husain, Nazrul Islam, Abdul Shakoor, Jafar	-Do-	-Do-

25	Al - Shaki	6	Mohammed Saeedul Islam, Badi Alam, Nausbad, Mohammed Husain, Mohammed Kala, Amanullah	February '96	-Do-
26	Al - Rubab	6	Jamal-ud - Din, Siraj Ahmed, Mohammed Bilal, Shoukat, Alibuddin, Akhtar Husain	-Do-	-Do-
27	Muqaddar	Nil		March '96	Rouf
28	Amar Kala	Nil		-Do-	-Do-
29	Sahil - II	12	Saeed Khan, Mohammed Qasim, S. Mohammed Khan, Rashid, Fazal Mola, Shabir Rahman, Zaher Ullah, Fazal Khan, Khairi Rahman, Ismail, Khan Bahadur	September '96	Khas, Jam nagar
30	Al - Marium	14	B. Mohammed, Jafar Ali, Jamal Sayeed, Aziz Mohammed, Aqeel Mohammed, Yousaf Khan, Noor Bahadur Khan, Masoom Shah, Fazal Khaliq, Shah Zaman, B. Chauri, Toofi Rahman, Man Umer, Hakim Ullah	-Do-	-Do-
31	Al - Tabassum	15	Inam Bux, Khan Mohammed, Mohammed Siddiqui, Mustafa, Maru Ibrahim, Akram Ali, Rahim Bux, Anjerna, Ali Mohammed, Meralia, Molla Bux, Karim Bux, Sajid Mohammed, Lal Mohammed, Mohammed Arifin	February '97	Pander
TOTAL CREWS			197 (at present 196)	As on May 20, 1997	

Fishworkers as Prisoners of War

Table V

Pakistani Boats/Fishworkers Agreed to be Released by India on July14/15 1997

Sl.No.	Name of the Boat	No. of Fishworkers	Names of Fishworkers
1	Al-Mohammadi 10879-B	5	Jalal Ahmed, Riaz Abdul Khaliq, Bashir Ahmad, Suleman, Kamal
2	Al-Faizan 10634-B	19	Solan, Bashir Ahmed, Ghurman, Noor Mohammad, Tameez, Behram, Haroon, Deedag (died), Jangi, Eadoo, Nabi Bux, Baboo/Ismael, Gunjad, Khamisa, Nooodad, Mohammad Ilyas, Noor-ul-Islam, Naik Mohammad, Ghobar Khan
3	Al Faizan 12404-B	17	Mehrab, M.Yaqoob, Abdullah, Rajab Ali Gogo, Hasan Mari Katipar, Alla-u-Din Bangli, Usman Shah, Abdul Ghafar Qadri, Lal Bux, Omar Gul Mohd., Mohammad Asif, Bahi Bux, Mohd. Qasim Baloch, Manzoor Ranjho Khan, Haji Daras, Majeed Suleman Baloch, Dilmurad Baloch
4	Subhannallah 11716-B	15	Ibrahim, Samad Fakeer, Aminul Haq, Anwarul Rehim, Raz Mohammad, Behram Syeed, Saleh Mohammad, Fakcer Mohammad, Sikinder, Angarlo, Yar Mohammad, Ali Mohammad, Vali Mohammad, Fazal Hussain, Sher Mohammad
5	Al-Bashir 9634-B	15	Ali, Sultan, Mohammad Yaqoob, Ladboo, Gul Hasan, Nizamuddin, Yousaf, Mohammad Nisar, Didar Ali, Shehban, Sikinder Ali, Tahir Ali, Azhar Ali, Ashiq Ali, Asghar Ali
6	Al-Jaison 101919- B	14	Ghani Rehman, Asadullah, Khan Muhammad, Abdul, Hakim, Fazal, Shah Karim, Farid Gul, Nasrullah Khan, Amir Bahadur Shah, Wazir Zada, Asghar, Munawar, Jamal Sayyed, Dost Muhammad
7	Gulbahar 5405-B	1	Khamiso Bahi

8	Al-Ameen 8781-B	2	Noor Absar, Ali Akbar Not confirmed by Indian side
9	Jeya Latif 11971-B	4	Qasim, Ibrahim, Ladhoo, Husain
10	Peedee 6564-B	6	Husain, Hamza, Yousaf, Ghulam, Anwar, Muhammad Ali
11	Al-Macca 13428-B	6 (5 confirmed)	Osman, Mukhtyar Ahmed, Noor Muhammad, Kamal, Booda Main, Abdul Salam
12	Al-Noor 13289-B	6	Abdul Ghafoor, Khamiso Alam, Ghafoor Alam, Shahbuddin, Abdul Manzoor, Manzoor
13	Al-Islam 10225-B	6	Abdul Ghani, Abdul Salam, Mohammad Alam, Ghafoor, Amir Ali, Younus
14	Al-Kamali 12769-B	6	Muzimal, Buddi Alam, Kabir , Shakoor, Jafar, Muhammad Hussain
15	Al-Kabootee 10739-B	5+1 (6 confirmed)	Muhammad Hussain, Muhammad Alam, Noor Alam, Noor-ul-Islam, Abdul Shakoor
16	Al-Nafa 13384-B	6	Asghar Ali, Ihsan (Kalo), Zahir Husain, Nazirul Islam, Abdul Shakoor, Jafar
17	Al-Shakil 7942-B	6	Mohd. Saeedul Islam (name of 2 crew not known) Buddi Alam, Moshal the owner, Mohd. Husain
18	Al-Rubab 18991-B	6	Jamal Din, Siraj Ahmed, Muhammad Bilal, Shoukat, Allauddin, Afrab
19	Sahil-II 10929-B	12	Saeed Khan, Muhammad Qasim, S. Mohd. Khan, A. Rasheed, Fazzal Mola, Shabir Rahman, Zaheer Ullah, Fazal Khan, Khaista Rahman, M. Ismail, Bhakat Zaman, Khan Bahadur
20	Al-Mariara 9190-B	14	Hail Mohd, Jafar Ali, Jamal Syeed, Aziz Mohd., Aqeed Mohd., Yousaf Khan, Noor Bahadur Khan, Masoom Shah, Fazal Khaliq, Shah Zaman, Bassah Ghani, Tooti Rahtan, Mian Umer, Hakim Ullah

21	Al-Aslam 9936-B	13	Shan, Altaf, Rahim Bux, Hadi Bux, Asghar Ali, Hassan, Rahim Dad Khan, Khamisa, Khan, Ghafoor, Hussain, Siddique Chacha, Walidat
22	Al-Shahrol 5811-B	13	Mohd. Siddiq, Ahmed, Urs, Natha, Abdul Shakoor, Abdul Sattar, Mohd. Osman, Mohd. Ramzan, Asif, Razzak, Riaz, Sayed Bakht Shah, Mohd. Rafique
23	Al-Tabbasam 9345-B	15 (Crew not confirmed)	Imam Bukhsh, Sber Mohd, Mola Bukhsh, Lal Mohd, Habsullah, Maula Bukhsh, Imam Bukhsh, Sajon, Mohd Amin, Lal Mohd, Mohd Siddique, Ali Mohd, Karim Baskhsh, Jan Mohd, Ayub, Khan Mohd.
24	Al-Hasan 10941-B	5 (Crew not confirmed)	Yam Dino, Menthar (Released), Ismail (Released), Juman, Yousof
25	Al-Gulzar	Nil	Without crew
26	Al-Deedar 7109-B	Nil	Without crew
27	Gulbahar 9364-B	Nil	Without crew
28	Al-Azcm 11799-B	Nil	Without crew
29	Al-Osman 9927-B	Nil	Without crew
Total :- 29 boats			195 Crew

Source: Ministry of Home Affairs (Foreigners Division), Government of India vide communication no. 25019/P/3/98-F.IV of Ministry of Home Affairs (Foreigners Division), dated 13.1.98, sent to H. Mahadevan, Dy. General Secretary, AITUC

Table VI

List of 35 Indian Boats and 193 Fishworkers Repatriated by Pakistan on July 15, 1997

Sl. No.	Name of the Boat	Name of Fishworkers
1	Dhanalaxmi (VRL-6648)	Ramji Bhika, Kala Arjan, Arjan Mals, Jernlal Ramji
2	Hansa Raj (VRL-5018)	Devi Nathu, Ghika Jiva, Mahesh Vasa, Somo Vasa
3	Krishna Raj (VRL-6622)	Nhaji Laxman, Meghi Vashwan, Naresn Bhagwan, Babu Govind, Pals Parbat
4	Liladi Dharti (VRL-6066)	Dilip Laxman, Jina Pancha, Uka Rama
5	Mami Sagar (VRL-4306)	Rama Bhama, Vaswan Lakha, Bhama Lakha, Naresn Sidi, Chhagan Laxman
6	Chandra Sagar (VRL-5409)	Devi Karan, Panja Deva, Babu Lakha, Tapu Sagar, Zina Parbat
7	Hari Sagar (VRL-6541)	Shankar Rama, Babu Nares, Anil Bhagu, Ramesh Pyema, Kishan Chhama, Arjan Rama, Prabhu Lakha, Vishnu Jivala
8	Jal Sundari	Naraji Vira, Veli Ukarda, Babu Karan, Bhama Naga, Kanti Chhabika, Ramji Laxman
9	Shivani (VRL-5630)	Veli Bhagwan, Budha Aala, Chanta Rama, Jayanti Uka, Laxman Govind
10	Surya Mukhi (VRL-6005)	Naraji Vashwan, Sany Lakhman, Naraji Ramji
11	Veer (VRL-7077)	Babu Raroj, Pradip Ramji, Bhika Kana, Ramji Vira, Lalohman Varjan
12	Dariya Sagar (MHAV-06)	Harul Jiva, Ramesh Jiva, Chadha Pama, Chadha Pama, Janta Hamir
13	Jal Durga (VRL-6198)	Bhama Lakhman, Ganda Rama, Manu Rama, Dhara Hamir, Rama Hamir, Pancha Pals
14	Khodiyar Jyoti (PBR-1354)	Ashok Lakhman, Ramji Bhagwan, Budha Nambhhu, Meghi Vitthal, Nagaji Somar

15	Mahalaxmi (VRL-6140)	Masji Lakhon, Uka Rama, Nara Uka, Anu Naran
16	Mira Sagar (PBR-716)	Vira Sakar, Soniya Baba, Jivan Mangal, Jivan Mangal, Vasi Bhago
17	Naran Prasad (VRL-1325)	Ran Rama, Govind Laxman, Bhago Bhiko, Hamir Bhana, Babu Gobes
18	Raj (VRL-1779)	Iskwar Laxman, Iskwar Maraji, Dilip Dhunji
19	Raj Moti (VRL-5203)	Bhara Nandu, Dama Laxi, Pavin Karan, Dala Laxi, Han Vasiya
20	Vijay Shri (VRL-5017)	Jayanti Ranji, Parbat Zira, Chanda Varda, Taku Pitha Rathod, Bhiko Deva
21	Jai Devi (UMR-1212)	Karu Varnag, Ukarla Rama, Nagaji Lakhon, Manu Maje
22	Mangal Murti (MNV-1205)	Narajbhai Narajbhai, Bhayabhai Govind, Jiva Devayat, Yasubhai Nara, Dilip Roopabhai, Deva Rama, Bhaya Karan
23	Manmoti (PBR-1197)	Velji Laxman, Vama Baghu, Dilip Rama, Iso Navin, Suresh Navin
24	Parshvanath (VRL-6151)	Ranji Lakshman, Jiva Shaakar, Babu Rama, Hanu Raviya, Kama Govind
25	Payal (VRL-6636)	Velji Vira, Govind Lakha, Bhugat Karbha, Bhaya Deva, Bhugat Vitthal
26	Shri Ram Sagar (PBR-1615)	Govind Punjabhai, Masji Laxman, Masji Bhagwanbhai, Chhanganlal Panjabhai, Ashok Govindbhai
27	Shiv Deep (VRL-6153)	Velji Ukarla, Nara Ranji, Bhama Maya, Dhuru Lakha
28	Bhavsagar (VRL-4631)	Ranji Hira, Sahel Jiva, Karan Jerba, Paruman Karan, Balu Uka
29	Dhanprasad (VRL-6162)	Ranji K. Solarhi, Balu Kala, Raju Narbu, Bhugat Mala, Hamir Uka, Rama Mepa
30	Sudershan (VRL-6637)	Lakshman Varjang, Bhama Naga, Dhama Deva, Rana Raja, Prabhakar Birje
31	Surekha (VRL-6082)	Kantilal Lakshman, Sahel Daya, Sahel Daya, Uka Vashran, Mala Hamir, Gopalgiri Ramgiri

32	Sagar Putra	Joshi Rama, Nilesh Atmaram, Marlo Dharna, Matu Dharna, Banda Rama, Ramu Sukar, Sonu Devi, Burke Panda, Pooxa Rajya Bamaniya
33	Syed Maqini	Abdul Rahiman, Saleem, Jagdishbhai Morebhai, Shankar Katti, Prakash Chander Babubhai, Thakurbhai Ramabhai Patel, Karim Ali, Ubaidullah, Suresh Kumar Vithalbhai, Shukarabhai Bhanubhai Patel
34	Chandra Jansona	Sukhabhai Patel, Rajesh Patel, Nareshbhai Patel, Dinesh Dhadra Patel, Bhaur Bhai Patel, Shukrabhai Patel, Nattu Patel, Mahesh Ramesh, Prakash Patel, Hemantbhai Solanki, Satish Prabhubhai Solanki
35	Al-Azafat	Amin Saleman Chamadia, Ramk Yakoob Raj, Elyas Ismail Lons, Adam Osman Dhadu, Iqbal Tayab Gandhar, Haiman Aliyas Gandhar, Salir Saleman, Osman Saleh Mohammad, Hemant Jasab Lora, Hashim Umar Gajun, Mandun Ogad Chavada, Rana Viru Chavada, Lakshman Sangana, Arjan Jiva

Source: Ministry of Home Affairs (Foreigners Division), Government of India
vide communication no. 25019/P/3/98-F.IV of Ministry of Home Affairs
(Foreigners Division), dated 13.1.98, sent to
H. Mahadevan, Dy. General Secretary, AITUC

Table VII

List of the Pak Boats/Fishworkers in the Custody of Indian Authorities
(According to Government of India)

Sl. No.	Name of the Boat/Number	Names of Fishworkers	Present Position
1	Al-Minara 19771	Imran, Farooq (2)	Absconded from jail on 6.9.97
2	Al-Sultan 8739	Mohd Saajid, Noor Arim, Mir Ahmed, Abdul Sukar, Mohd Alam (5)	
3	Al-Kubam	Mohd Yusuf, Harid Ull Bas, Abdul Gani, Abdul Malek, Abdullah Abdul, Nasir Islam (6)	
4	Abdullah 9691-B	Mohd Nooral, Nooral Kabir, Jahangir Alam, Mohd Farooq, Mohd Najarul, Mohd Bhan (6)	Absconded from jail on 6.9.97
5	Al-Majid 7899	Bader, Sabbir Ahmad, Mohd Tariq (3)	
6	Al-Armin	Abu, Ali, Nazim Ali, Nisad Ahmed, Mohd Iqbal, Ibrahim, Gulam Khan, Babul, Khurshid (9)	
7	Al-Tariyah (Boat not seized)	Jafar, Saied, Mirza (3)	Absconded from jail on 6.9.97
8	Al-Tabassam 696/96	Imam Baksh, Janoo Mohd, Azeem, Lal Mohd, Mola Baksh, Mohd Amin, Saam, Akram, Merah, Mustafa, Raizad, Maru, Ali Mohd, Karim Bas, Khan Mohd, Mohd Siddique (16)	
9	Al-Hasan 18941-B	Yusuf Jai, Karimam, Jumamala (3)	
10	Al-Rafiqe (8603-B)	Moustaq Mohd, Mohd Hassan Jan, Mohd Imad, Mohd Siddique, Al Mohd Saikh, Mohd Urah Nathu, Al Mohd Ad Saikh, Mohd Hassan, Mohd Nathu, Noor Mohd Sale, Vazirah, Umarsiddique, Mohd Jaraman Nathu, Ghulam Hassan (13)	20.11.97

11	Al-Mola-Madad (1122-B)	Gul Khan, Wahid Khan, Sachha, Parvez Khan, Anam Khan, Sale Mohd, Sahid Khan, Lajkar Ali, Sabir Khan, Hadir Khan, Mohd Gafoor, Hamir Navah, Ramesh Khan (13)	24.9.97
12	Al-Allah Jagaban (13398-B)	Wahid, Vals, Imran Buk, Anasim Ali Khan, Faisal, Mayad, Akardas, Basir, Mohd Bux, Gose Mohd, Hari Rehanan, Allah Bux (13)	24.9.97
13	Taj Mahal (11522-B)	Mohd Khan, Amjad Ali, Abdul Karim, Soodar Bux, Harun Rasid, Basir Uddin, Sheerhan Bux, Hajeer Rahman, Mohd Jara, Khaodir Rehanan, Jehazi, Jai Mohd, Nansar Rehanan (13)	24.9.97

Absconding: 11
In Jail/Police Custody: 94
Total: 105

Source: Ministry of Home Affairs (Foreigners Division), Government of India vide communication no. 25019/P/3/98-F.IV of Ministry of Home Affairs (Foreigners Division), dated 13.1.98, sent to H. Mahadevan, Dy. General Secretary, AITUC

Table VIII

List of Indian Boats and Crews Still In Pakistani Custody
(According to Government Of India)

Sl. No	Name/No. of the Boat and Date of Capture	No. of Crew	Names of Crew Members
1	Jay Harshad VRL No. 7021 May-June 1995	7	Chhotu Bhikhal, Sarva Bhikhal, Gaju Birat, Shrad Kakaiya, Lavni Narba, Vinod Lagin, Madhubhai
2	Mirani VRL 6230 09.12.96	6	Mansing Bhebi, Sakar Karan, Karan Kana, Mahadev Bhai, Bhanu Karan, Karan Bhebi
3	Dharmaram VRL 4497 09.12.96	6	Dharmji Harji, Laxman Kana, Pravin Beva, Ranji Varan, Ranji Narba, Niran Karan
4	Kailash Sagar VRL 4707 09.12.96	6	Punjabhi Rama, Jansadai Deva, Karm Singh Naran, Gajabhai Bhikha, Sibu Gaju, Shanta Naran
5	Patil Ganga VRL 9138 09.12.96	4	Ukarda Deva, Uka Bijal, Babo Bhagwan, Dinesh Deva, Kanj Uka
6	Durga Prasad PBR 403 (Boat not Captured) 09.12.96	3	Kanj Deva, Ranji Narba, Dada Jiva
7	Jay Sagar BLS 2095 14.12.96	8	Amar Lalla, Ramesh Amar, Bhagesh Amar, Rajesh Ranji, Lalla Sukha, Dhara Manoh, Niran Athan, Shankar Parcha
8	MSV Nil Mani PBR 637 13-15.11.93	13	Oman Mahmud, Somabhai Badhyabhai, Adnan Soman, Dada Hassan, Mahesh Soman, Ranjibhai Somabhai, Jiker Kari Sap, Dina Chhama, Naman Hassan, Somabhai Ramabhai, Ilyas Tanyab, Abobakar Easar Sap, Sava Soma
9	MSV Noor Al-Manboob BDI 1265 13-15.11.93	18	Hanif Abobakar, Noor Mahmud, Abobakar, Mahanad Elias, Noor Mahmud Hasan, Abdul Noor Mohd, Anwar Abdul, Raqib Noor Mahmud, Talab Hassan, Saleman Sid, Issa Daad, Jafar Osman, Noor Mahmud Haroon, Umar Mahmud, Abbas Jama, Ahmad Jwab, Abbas Darood, Dilipbhai, Salim Hassan

10	MSV Idaraya BDI 437 13-15.11.93	16	Satar Ahmad, Osman Bachu, Hasron Kadir, Albar Ahmad, Rahim Suleman, Abbas Adan, Saich Wali Mahamad, Sale Mahamad Iyas, Gulam Hassan Abu, Abbas Suleman, Jitka Hasron, Bilal Saja, Saevri, Jaysuth Jiva, Ayroob, Suleman, Yonus Ibrahim, Hasron Talib
11	MSV Sali Oka 127 13-15.11.93	12	Abdul Salim, Razuqan Jamal, Charda Chandra, Mahamad Jusub, Puzuar Jayuth, Suresh Ranji, Kasim Iyas, Mahamad Ibrahim, Osman Kadir, Abjash Pachani, Yacob Hassan, Adreman Kasu
12	Nikkaath 13-15.11.93	13	Jaya Devi, Chhagan Megha, Narsi Babul, Bhabha Bhikha, Kartaji Naras, Ravi Mejs, Anu Narsi, Ramesh Chaitur, Bhimsi Pascha, Kasam Yakub, Mannuth Pascha, Laxman Devi, Juma Musa
13	Al-E-Azir VRL 2415 11-12.11.96	11	Ihsa Ibrahim Mepani, Mario Irudaya Sathaya, Rehmatalah Mahamad, Ismail Mahamad Humada, Ibrahim Mahamad Ghomada, Alibas Abdullah Mepani, Mousa Sialik Bhatri, Iqbal Mahamad, Karim Yakub Sumbharia, Bachu Ilyas Mepani, Abdul Razuq
14	Krishna Prasad BEL 704 May 1996 (Strik off Pakistan Coast)	10	Ramesh Virhal, Sukker Manglu, Rameshchandra Lalra, Daluikh Virhal, Paschim Palra, Karu Radu, Babu Bhai Chanda Bhai, Ram Kewal Choudhan, Vivek Kumar Singh, Duddhoseh Rajbhai
15	Kannath Krupa VRL 7009 October 1997	6	Vira Arjan, Manshi Bhikha, Bhikha Babu, Karan Rajandi, Naja Bhikha, Dhuru Govind
16	Promeshwari VRL 8205 October 1997	6	Monsi Jiva, Mahesh Jayanti, Siva Bhama, Kalu Bhikha, Bhima Megha, Vinod Naras
17	Ramsagar VRL 7594 October 1997	6	Darya Chagan Jiva, Solanki Dilip Karai, Rathod Varjog, Solanki Jalar Laxman, Shivid Anis Bhama, Vaja Babu Bhagwan
18	Nagrani VRL 9169 October 1997	6	Kanu Bhagwan, Manu Rama, Parbat Bhagwan, Bhikha Govind, Devi Bhikha, Dinesh Rama
19	Mayavati VRL 8386 November 1997	4	A. Laxman, A. Shanti, Kasam Vani, Kasam Varjog

20	Julesen VRL 8636 November 1997	4	Babulal Harji, N. Bhagwan, Laju Ganda, Bhanu Vasa
21	Bachmath VRL 8337	4	Jayantil Bhagwan, Anuridh Rerji, Kamlesh Karsan, Premeji Hira
22	Roni Krova VRL 8342	4	Kanji Vira Solanki, Deyji Laxman, Nanoman Laxman, Meghji Vraj
25	Child of Indian Fisherman Raja Ram who had run away from Edhi Centre	1	Ushu Bhikha

Total Boats: 21 Total Crew: 175 as of 31 December, 1997

Source: PAFIRAF Division, Ministry of External Affairs, Government of India

Part II

A Note on Pakistani Initiative

In the first meeting of the Preparatory Committee of South Asian Labour Forum (SALF) in New Delhi, in December 1996, where some important South Asian issues were identified and discussed. One issue needing immediate attention at that time was the prolonged imprisonment of about 400 Pakistani and Indian fishermen in the jails of the two countries. Representative of PILER, Pakistan Trade Union Federation and Fishermen Cooperative Society Employees Union, Karachi not only participated in the deliberations of the Preparatory Committee meeting but also in presenting a Memorandum on the Pakistan-India fishermen's issue to the Indian Ministers of External and Home affairs, on 4th December 1996, jointly with representatives of trade unionists from other South Asian countries.

Subsequently, SALF Pakistan was formed, and efforts were initiated to enlist the support of as many trade unions and federations as possible for the SALF Programme. Simultaneously, a targeted initiative was launched for the immediate purpose of exerting pressure on the Governments of Pakistan and India to release the detained fishermen, while chalking out a plan for long-term measures to ensure the prevention of arrest and detention of fishermen by the marine authorities of the two countries.

Initiatives of Fishermen Issue

Following up on the joint SALF initiative in Delhi, the Pakistan Chapter launched a press campaign in December 96 focussing on the prolonged detention of Pakistani and Indian fishworkers. Reports based on the resolutions adopted at the Delhi meeting and the memorandum submitted to the Indian Ministers were published in leading Pakistani newspapers and the issue began to receive closer attention of the press and some social organisations too. Journalists began to take the initiative to gather more information about the detained fishworkers in particular and the problems faced by the fishworkers of the South Asian countries in general. Comprehensive reports prepared by investigative journalists appeared in the newspapers.

Simultaneously, PUILER and SALF Pakistan, with the cooperation of the Fishermen's Cooperative society and the Human Rights Commission of Pakistan, paid visits to all the jails in Sindh where Indian Fishworkers were detained, and collected information about them and compiled a comprehensive list and sent it to SALF-India, Shree Porbandar Machhimar Boats Association and national Fishworkers Forum, Kochi for tallying the particulars of detained fishworkers and their boats with Indian sources.

This group also personally met 242 Indian fishworkers detained in the jails of Sindh, namely: Karachi Central Prison, Karachi Juvenile Jail, Landhi Central Jail,

Karachi, Malir Districts Jail, Karachi, Central jail, Hyderabad and Nara Jail, Hyderabad and delivered to each of them a packet containing:

One blanket

One towel

One pair of pants

One shirt

One coat

One pair of chappals

One bottle of coconut oil

One packet of sugar

Tooth paste, tooth brush, washing soap, bathing soap and medicines for skin diseases, stomach problems and other ailments as prescribed by the jail doctors

Subsequent to the personal visits to the Indian prisoners by PILER/SALF representatives, we received several letters from the prisoners, written from jail, deeply appreciating the efforts we were making to secure their freedom and repatriation to India. (Even after they were released later on and repatriated to India, some of them wrote letters of appreciation from India to PILER.)

SALF Pakistan regularly kept in contact with 35 Indian child fishworkers detained at the Edhi Home, Karachi. Their release and repatriation to India was delayed due to the absence of an kind of identification papers, and SALF took up the matter with Indian High Commission in Islamabad to expedite the provision of necessary identification papers by the latter. An authentic list of the children was also sent to the Indian Foreign minister, Mr. I.K. Gujral at his request. SALF's efforts in this regards did help in their eventual release and repatriation to India in March 1997.

SALF, Pakistan established contact with the Pakistan Caretaker Prime Minister Malik Meraj Khalid in December 1996 and appraised him of the plight of the detained fishworkers in the two countries, requesting him to ask his Foreign Minister Sahibzada Yaqub Khan to discuss this matter with the then Indian External Affairs Minister Mr. I.K. Gujral during their scheduled meeting in Delhi. In fact, the two Foreign Ministers, during their meeting in New Delhi on 18th December, announced their agreement to 'go ahead with the exchange of captured Indian and Pakistani fishworkers, which was reported in the Indian Press.

Following Pakistan's General Elections, Mian Muhammad Nawaz Sharif became the Prime Minister in the month of February '97. We immediately sent him a memorandum, repeating what we had written to the Caretaker Prime Minister, with the following concluding remarks:

“We hope that as Pakistan’s Prime Minister with a massive public mandate, you will take the first initiative in this regard and order the implementation of Pakistan’s part of the December ’96 agreement between the two Foreign Ministers, by releasing the Indian fishworkers detained in our jails and facilitating their speedy return to India, which will put moral pressure on the Indian Government to implement their part of the agreement by releasing the Pakistani fishworkers detained in Indian Jails and facilitating their return home”.

SALF Pakistan and SALF India regularly exchanged information on the fishworkers detained in their countries and the efforts being made by them at their respective ends to expedite the release of these fishworkers.

SALF Pakistan also made written representations to the Indian Foreign Minister, apprising him of the initiative they had taken to press the Government of Pakistan to release the Indian prisoners and appealing to him to initiate a positive dialogue with the Pakistan Government in this regard.

The new Foreign Minister of Pakistan Gohar Ayub Khan and the Indian Foreign Minister I.K. Gujral, during their meeting at Delhi in April 1997, finally took the decision to release the fishworkers and boats, following which, at the Foreign Secretary level talks in Islamabad on 19-23 June 1997, it was decided to ‘release by 15th July 1997, the vessels and crew that have been verified by the two sides’.

Eventually, thanks to a large extent, to the sustained efforts of the Pakistan and India Chapters of SALF, the two Governments finalized the lists of 35 Indian boats and 193 Indian fishworkers and crew and 29 Pakistani boats and 195 Pakistani fishworkers and crew to be exchanged on July 15, 1997, and they were subsequently released on that date and repatriated to their respective countries.

SALF Pakistan, while appreciating the release of the fishworkers by the two governments, called upon them to provide compensations to the released fishworkers (Pakistan to the Indian fishworkers and India to the Pakistani fishworkers) who were in fact illegally detained, maltreated, and mentally tortured, while their families unduly suffered. Such compensation should be the equivalent of the average annual income those fishworkers would have carried had they not been arrested and detained for so many years.

Since the release of the 35 Indian child fishworkers from detention in Pakistan and the subsequent exchange of 389 Pakistani and Indian fishworkers, SALF Pakistan has been trying to locate and identify the Indian fishworkers who are still in jail, having not been released on 15th July 97, as well as the boats and their crew / fishworkers who were arrested thereafter and detained in different jails.

There is a great deal of confusion about the names of the arrested/detained fishworkers, many of them too similar to be separately identified. Then there are discrepancies in the numbers. The following figures will bear this out:

Boat Fish s work ers		
Number of Pakistani fishing boats and fishworkers/crew left over in Indian jails or captured by India after the release of 195 on 15/07/1997 (as per the list compiled by 'Fishermen's Cooperative Society, Karachi).	16	148
Number of Pakistani fishing boats and fishworkers/crew left over in Indian jails or captured by India after the release of 195 on 15/07/1997 (Name as provided by Government of Gujarat, India and given to SALF India Chapter by the India Home Ministry, vide their letter dated 13/01/98.	9	53
Number of Indian fishing boats and fishworkers detained in Sindh jails (as per list provide by the Home Department, Government of Sindh)	52
Number of Indian fishing boats and fishworkers detained in Pakistani jails (as per list provided by the Home Ministry of Government of India to SALF India)	21	175

SALF, Pakistan is investigating into how such a wide discrepancy in numbers has occurred. As far as Indian fishworkers in Pakistani jails are concerned, our information is that quite a number of them have been arrested on the Mekran Coast and detained in Baluchistan jails. Steps are being taken to gather accurate information about these prisoners from friends in Baluchistan and concerned government department.

In recent weeks, there have been more arrests of boats and fishworkers on both sides. The latest reported incident in Pakistan is the arrest of 9 Indian boats and 50

fishworkers by the Pakistani maritime authorities. These fishworkers have been lodged in the Karachi Central Prison and we are trying to meet them and collect information about how and why they were arrested.

Meanwhile, it has been learnt that the Baluchistan High Court had favourably dealt with a petition filed by some Indian fishworkers detained in Baluchistan jails (they are reported to be cargo boat crew) and ordered their release. More details about this and the Indian fishworkers reportedly detained in March and other jails of Baluchistan will be provided to the SALF Secretariat.

Table IX⁶

Details of Boats and Indian fishworkers apprehended by the
Pakistani Security Agencies since 1993

Sl. No.	Name of the Fishworkers	Name of the Boat	Jail Lodged in
1	Jayanti Rama	Sagar Putra	Landhi Jail, Karachi
2	Nirlesh Babu	- Do -	- Do -
3	Ramu Suker	- Do -	- Do -
4	Sonu Velji	- Do -	- Do -
5	Mozha Dharma	- Do -	- Do -
6	Badu Ramu	- Do -	Not Available
7	Virabbai	- Do -	- Do -
8	Mansingh Bola	Maruti	Landhi Jail
9	Sakar Karsan	- Do -	- Do -
10	Karsan Kama	- Do -	- Do -
11	Mahadev Lanoor	- Do -	- Do -
12	Karsan Bachu	- Do -	- Do -
13	Bharat Karsan	- Do -	Not Available
14	Dhanji Harji	Dhan Laxmi	Landhi Jail
15	Laxman Kama	- Do -	- Do -
16	Pravin Bava	- Do -	- Do -
17	Ramji Vashram	- Do -	- Do -

⁶This list was prepared prior to the release of 195 Indian fishworkers on July 15, 1997

18	Ramji Natha	- Do -	Not Available
19	Naran Karsan	- Do -	- Do -
20	Karji Deva	Durga Prasad (not apprehended)	Landhi Jail
21	Ramji Natha	Durga Prasad	Landhi Jail
22	Dado Jiva	- Do -	- Do -
23	Panji Rama	Kailash Sagar	Landhi Jail
24	Jamnadas Deva	- Do -	- Do -
25	Ramshi Naran	- Do -	- Do -
26	Gigabhai Bhikha	- Do -	- Do -
27	Chhibu Gajoo	- Do -	- Do -
28	Sharji Nazam	- Do -	- Do -
29	Ukarda Deva	Patal Ganga	Landhi Jail
30	Ukar Bhal	- Do -	- Do -
31	Babu Bhagwan	- Do -	- Do -
32	Dinesh Deva	- Do -	- Do -
33	Karji Uka	- Do -	- Do -
34	Bharu Nani	Rajmoti	Not Available
35	Vinu Laxman	- Do -	- Do -
36	Budha (child, released)	- Do -	- Do -
37	Daru Laxman	- Do -	- Do -
38	Pravin Laxman	- Do -	- Do -
39	Babu Laxman	- Do -	Nars Jail, Hyderabad
40	Natresh Ravaiya	- Do -	Not Available
41	Ishtar Laxman	Raj	- Do -
42	Ishtar Masyi	- Do -	Landhi Jail
43	Dilip Dhanji	- Do -	- Do -

44	Babu Miraji	- Do -	Not Available
45	Vinu Sakar	Mira Sagar	Landhu Jail
46	Jivan Mangal	- Do -	- Do -
47	Vinu Babu	Mira Sagar	Landhu Jail
48	Soni Babu	- Do -	Not Available
49	Ashok Laxman	Khodiyar Jyoti	Landhu Jail
50	Razji Bhagwan	- Do -	- Do -
51	Meghji Vitthal	- Do -	- Do -
52	Bodhu Natesh	- Do -	Not Available
53	Naggi Sonal	- Do -	- Do -
54	Nanjibhai Nethu	Mangal Murti	Hyderabad Central Jail
55	Bhayabhai Govind	- Do -	- Do -
56	Bhaya Karan	- Do -	- Do -
57	Jethubhai	- Do -	Not Available
58	Vasantbhai Nethu	- Do -	- Do -
59	Behabhai Rarji	- Do -	- Do -
60	Devabhai Rama	- Do -	- Do -
61	Govind Purja	Ram Sagar	child, released
62	Miraji Laxman	- Do -	Hyderabad Central
63	Manji Bhagwan	- Do -	- Do -
64	Chhaganlal Purja	- Do -	- Do -
65	Ashok Govind	- Do -	- Do -
66	Velp Laxman	Manmoti	- Do -
67	Dip Soma	- Do -	- Do -

68	Mahesh Navin ⁷	- Do -	- Do -
69	Navin	- Do -	- Do -
70	Suresh Navin	- Do -	- Do -
71	Vasta Raghu	- Do -	- Do -
72	Ukanda Rama	Jai Devi	Landhi jail
73	Kala Varzang	- Do -	Hyderabad Central
74	Nanji Laxman	- Do -	- Do -
75	Mani Manu	- Do -	- Do -
76	Ramji Bhima	Dhana Laxmi	- Do -
77	Kala Arjan	- Do -	- Do -
78	Arjan Mula	- Do -	- Do -
79	Jayantilal Ramji	- Do -	- Do -
80	Dilip Laxman	Laluri Dharti	Hyderabad Central
81	Uka Rama	- Do -	- Do -
82	Jiva Pacha	- Do -	child, released
83	Bhama Bahu	- Do -	- Do -
84	Jyanti Chhagan	- Do -	- Do -
85	Rama Bhima	Mani Sagar	Hyderabad Central
86	Vashram Lakha	- Do -	- Do -
87	Shana Lakha	- Do -	- Do -
88	Naran	- Do -	- Do -

⁷Expired in May, 1997

89	Chhagan Laxman	- Do -	- Do -
90	Pala Panchal	- Do -	Not Available
91	Mulji Laxman	Krishna Raj	Hyderabad Central
92	Meghaji Vashram	- Do -	- Do -
93	Naran Bhagwan	- Do -	- Do -
94	Balu Govind	- Do -	- Do -
95	Pala Parbat	- Do -	- Do -
96	Devji Nadro	Hansraj	Hyderabad Central
97	Jutha Jiva	- Do -	- Do -
98	Mahesh Vasa	Hansraj	Hyderabad Central
99	Soma Vasa	- Do -	- Do -
100	Karji Vira	Jal Sundari	Nara Jail
101	Velji Ukarda	- Do -	- Do -
102	Balu Karan	- Do -	- Do -
103	Bhans Naga	- Do -	- Do -
104	Kantu Chhabika	- Do -	- Do -
105	Dilip Karji	- Do -	Child, released
106	Ramji Laxman	- Do -	Hyderabad Central
107	Ramesh Rama	- Do -	Child, released
108	Balu Ramji	Veer	Nara Jail
109	Pradip Ramji	- Do -	- Do -
110	Bhikha Kana	- Do -	- Do -
111	Ramji Vira	- Do -	- Do -

112	Laxman Varjang	- Do -	- Do -
113	Shanji Laxman	Surya Mukhi	Nara Jail
114	Nanji Ramji	- Do -	- Do -
115	Nanji Vashram	- Do -	Not Available
116	Nanu Vijatra	- Do -	- Do -
117	Shivji Uka	- Do -	- Do -
118	Velji Ramji	- Do -	- Do -
119	Devi Karan	Chandra Sagar	Nara Jail
120	Punja Deva	- Do -	- Do -
121	Babu Lakha	- Do -	- Do -
122	Bapu Sajun	- Do -	- Do -
123	Babu Naran	- Do -	- Do -
124	Jina Parbat	Chandra Sagar	Nara Jail
125	Velji Bhagwan	Shivani	Not Available
126	Bodha Ala	- Do -	Nara Jail
127	Chima Rana	- Do -	- Do -
128	Jayanti Uka	- Do -	- Do -
129	Laxman Govind	- Do -	- Do -
130	Jayanti Shanji	Vijaystree	Not Available
131	Sahu Laxman	- Do -	- Do -
132	Ramesh Sukar	- Do -	- Do -
133	Bhikha Deva Socha	- Do -	- Do -
134	Parbat Jina	- Do -	Landha Jail

135	Tapu Pitha Rathod	- Do -	- Do -
136	Mavji Laxman	Mahalaxmi	Not Available
137	Bhimsa Vira	- Do -	- Do -
138	Ano Naran	- Do -	- Do -
139	Uka Rama	- Do -	Hyderabad Central
140	Nanju Uka	- Do -	Landhi Jail
141	Bhimsa Laxman	Jai Durga	Landhi Jail
142	Goda Rama	- Do -	- Do -
143	Monsu Rama	- Do -	- Do -
144	Dhiru Hamir	- Do -	- Do -
145	Rana Hamir	- Do -	- Do -
146	Panchu Pala	- Do -	- Do -
147	Sakar	Hari Sagar	Landhi Jail
148	Balu Naran	- Do -	- Do -
149	Atul Bhagu	- Do -	- Do -
150	Ramesh Prema	Hari Sagar-	- Do -
151	Kishan Dima	- Do -	- Do -
152	Aryon Balu	- Do -	- Do -
153	Prabhakar Bachu	- Do -	- Do -
154	Vishnu Jivan	- Do -	- Do -
155	Raja Ram	Naran Prasad	- Do -
156	Hamir Bhagwan	- Do -	Not Available
157	Dhiru Bhagwan	- Do -	- Do -

158	Govind Kana	- Do -	- Do -
159	Bhago Bhikha	- Do -	- Do -
160	Hamir Bhana	- Do -	- Do -
161	Ramji Laxman	Parshnath	Nara Jail
162	Jiba Shanker	- Do -	- Do -
163	Kana Govind	- Do -	- Do -
164	Sasmakh	- Do -	Not Available
165	Velji Vira	Payal	Hyderabad Central
166	Govind Lakha	- Do -	- Do -
167	Bhupat Kumbha	- Do -	Nara Jail
168	Bhaya Deva	- Do -	- Do -
169	Bhupat Vahal	- Do -	- Do -
170	Velji Ukarda	Shivdip	Hyderabad Central
171	Bhima Bhaya	- Do -	- Do -
172	Naran Ramji	- Do -	Not Available
173	Dhira Lakha	- Do -	- Do -
174	Dharmendra Kanji	- Do -	- Do -
175	Ramji Karsan	Dhanprasad	Nara Jail
176	Bila Kala	- Do -	- Do -
177	Raja Nathu	- Do -	- Do -
178	Bhupat Mala	- Do -	- Do -
179	Hamir Uka	- Do -	- Do -
180	Rama Mensa	- Do -	- Do -

181	Lakhan Varjarg	Sudareshan	Nara Jail
182	Bhuna Naga	- Do -	- Do -
183	Bhuna Deva	- Do -	- Do -
184	Rana Raja	- Do -	- Do -
185	Prabhakar Bujo	- Do -	- Do -
186	Ramji Hira	Bhav Sagar	Nara Jail
187	Sakar Jiva	- Do -	- Do -
188	Karsan Jetta	- Do -	- Do -
189	Parshantam Karsan	- Do -	- Do -
190	Balo Uka	- Do -	Not Available
191	Kantilal Laxman	Surekha	Nara Jail
192	Sadul Daya	- Do -	- Do -
193	Uka Vashram	- Do -	- Do -
194	Mulu Hamir	- Do -	- Do -
195	Gopalgin Ramgiri	- Do -	Not Available
196	Hiralal Jiva	Dariya Sagar	Landhi Jail
197	Ramesh Jiva	- Do -	- Do -
198	Johar Hamir	- Do -	- Do -
199	Santu Naran	- Do -	- Do -
200	Samji Punja	- Do -	Not Available
201	Chhota Bhikha	Jay Harshad	Not Available
202	Sanva Bhikha	- Do -	- Do -
203	Gajor	- Do -	- Do -

204	Sharad	- Do -	- Do -
205	Laxmi Nathu	- Do -	- Do -
206	Vinod Laxman	- Do -	- Do -
207	Madhu	- Do -	- Do -
208	Sukayona	Not Available	Central Prison, Karachi
209	Thakur	- Do -	- Do -
210	Salceem	- Do -	- Do -
211	K. Ali	- Do -	- Do -
212	Abdullah	- Do -	- Do -
213	Abdul Rehman	- Do -	- Do -
214	Shankar	- Do -	- Do -
215	Jagdish	- Do -	- Do -
216	Parkash	- Do -	- Do -
217	Suresh Patial	- Do -	- Do -
218	Mohan Bhai	- Do -	- Do -
219	Hemant Bhai	- Do -	- Do -
220	Parkash Ranchor	- Do -	- Do -
221	Natho Choto	- Do -	- Do -
222	Setash Parbo	- Do -	- Do -
223	Natho Choto s/o Ravia	- Do -	- Do -
224	Bahoorat Bhai	- Do -	- Do -
225	Mahesh Amar	- Do -	- Do -
226	Sakkar Bhashi	- Do -	- Do -

227	Sakha Chala	- Do -	- Do -
228	Danash Baghi	- Do -	- Do -
229	Rajesh Bhashi	- Do -	- Do -
230	Hussain	- Do -	- Do -
231	Shabbir	- Do -	- Do -
232	Elyas	- Do -	- Do -
233	Mohammed Hussain	- Do -	- Do -
234	Razzak	- Do -	- Do -
235	Usman	- Do -	- Do -
236	Rana	- Do -	- Do -
237	Arjun	- Do -	- Do -
238	Laxman	- Do -	- Do -
239	Mundan	- Do -	- Do -
240	Hashim	- Do -	- Do -
241	Iqbal	- Do -	- Do -
242	Amin	- Do -	- Do -
243	Adam	- Do -	- Do -
244	Govind	- Do -	- Do -
245	Daya Bhai	- Do -	- Do -
246	Utarn Waley	- Do -	- Do -
247	Prem Bhai	- Do -	- Do -
248	Devaram	- Do -	- Do -
249	Jaykishan	- Do -	- Do -

250	Parbhoo	- Do -	- Do -
251	Sylesh Kumar	- Do -	- Do -
252	Sylesh Bhai	- Do -	- Do -
253	Soman Bhai	- Do -	- Do -
254	Amrat Lal	- Do -	- Do -
255	Sarash Kumar	- Do -	- Do -
256	Saddo Ram	- Do -	- Do -
257	Nurul Amin	- Do -	- Do -
258	Eilaysh	- Do -	- Do -
259	Arnikilla Chana	- Do -	- Do -
260	Atiqar Rehman	- Do -	- Do -
261	Dilok	- Do -	- Do -
262	Ramesh	- Do -	- Do -
263	Vivek Kumar	- Do -	- Do -
264	Baba	- Do -	- Do -
265	Sokar	- Do -	- Do -
266	Kardo	- Do -	- Do -
267	Dodnat Herdew	- Do -	- Do -
268	Ram Kewal	- Do -	- Do -
269	Panchum	- Do -	- Do -
270	Ramchand	- Do -	- Do -

Total number of Indian fishermen lodged in Pakistani jails as of June 30, 1997 is 254⁹

⁹The list was prepared with information supplied by the Fishermen's Co-operative Society (FCS) Employees Union and Pakistan Institute of Labour Education and Research (PILER) in Pakistan and National Fishworkers' Forum (NFF), India. We have not been able to identify names of 11 children among the 38 released and two fishermen have died while in jail.

Table X

Pakistani Boats and Crews Still in Indian Custody
(According to FCS, Pakistan and SAUF)

Sl. No.	Name of the Boats	Name of Crew	Date of capture and arrest	Remarks
1	Subhanallah (3553-B)	Saleh Mohammed, Younif Ahmed, Dawood Ahmed, Kharrisa Mohammed, Haroon, Abdul Rehman Ibrahim, Hassan, Qadir Ijaz, Yaqoob Ahmed, Usman Ghani, Ahmed, Adam, Abbas Siddiqui, Abdulfah Noor Mohammed, Fakir Mohammed Ismail (13)	1989	Detained under DSP Porbandar's custody. No court case or prosecution pending since 1994
2	Al-Ameera	Abu Osman, Iqbal Saleh Mohammed, Kharrisa Ramzan, AE Aze, Ibrahim Adam, Nisar Ahmed Khan, Babul Gul Mohammed, Nausaad AE Abdul Aziz, Gohar Khan Bahadar (9)	February, 1988	Detained under DSP Porbandar's custody. No court case or prosecution pending since 1996

3	Al-Subhanallah (12126-B)	Fareed Alam, Noor Nabs, Fareed, Dil Mohammed, Ali Hussain (5)	Del	February, 1996	Whereabouts of the crews unknown, though the Pakistani Fishworkers' Co-operative Society says that they are lodged in Blaujail.
4	Al-Majeed (7899-B)	Buzehi Ch. Sharma, Shahid Akmed, Tariqab Shah, Ibrahim, Nooral Ameen (5)	Terrab	October, 1996	Whereabouts unknown but Ministry of Home Affairs (GOI) admits that 3 of the crews are in Indian custody.
5	Al-Anwar (7766-B)	Siddique, Achar, Meeh Wasayo, Humain, Mohammed Hanif (5)	Huzain,	August, 1994	According to FCS, Karachi, they are lodged in Ahmedabad Central Prison and sentenced by the Sessions Court to 15 years of prison terms.
6	Sabagi (8831-B)	Abdul Shakoor, Liaquat Ali, Rasheed, Mohammed Siddique, Ameen, Mohammed Qadoun Ali (6)	Mohammed	January, 1996	Whereabouts unknown

7	Al-Baloo (9235-B)	Mohammed Rafique, Syed Ghaffar Shah, Mohammed Noohad, Jalaluddin, Iqbal Hussain, Mohammed Abbas, Rafique, Mehfooz Ahmed, Mohammed Ilyas, Abid Qasim, Mohammed Aslam, Saïdul Haq Khan, Wajidul, Mohammed Noor (14)	January, 1996	Whereabouts unknown
8	BFD 1397	(11)		Whereabouts unknown, the boat is registered in Baluchistan.
9	A.L.-Tabassum (9345-B)	Imam Bux, Sher Mohammed, Mola Bux, Rahim Bux, Anisam, Mirzafa, Ilyas Sajid, Mohammed Anwar, Jal Mohammed, Karim Bux, Mohammed Siddik, 'Ili Mohammed, Janu Mohammed, Jyoth, Khan Mohammed, Merulla, Akram Ali (17)	March, 1997	Boat released, but crew lodged in Portbandar jail and not released on 15 July, 1997
10	Al-Hassan (10941-B)	Karim Choo, Jamun, Yousof, (3)	August, 1996	Boat released, but crew not released on 15 July, 1997.
11	Al-Shamrose (10487-B)	Shakoor, Kamal, Habibur Rehman, Zakir Alam (6)	February, 1996	Whereabouts unknown
12	Al-Badar (13000-B)	Mahar Ali, Mohsin Ali, Mohammed Sultan, Mohammed Sharif, Aboo-ul-Hussain, Jalal Khan, M.Sharif Mogan, Saeed Ahmad, Ahsolakar (9)	March, 1996	Whereabouts unknown Not in Portbandar jail

Fishworkers as Prisoners of War

13	Abdullah (9601-B)	Mohammed Btas, Jabangiz, Manto, Farooque, Shepi, Norul Kabir (6)	Dec., 1996	Released from Jamnagar jail, but absconding from police headquarters since 6/9/97
14	AJ-Kalam (13477-B)	Bhola Hameedullah, Abdul Malik, Hajj Abdullah, Noor Islam, Mohammed Yousof, Abdul Ghani (6)	January, 1997	Jamnagar jail
15	Al-Ibrahimi (9276-B)	Saeed Alam, Noorul Ameen, (2)	January, 1997	Whereabouts unknown Not in Probansar jail
16	Al-Sultani(8739-B)	Siraj, Mohammed Alam, Abdul Jalil, Noorul Azeem, Abdul Aziz, Mohammed Shukoon, Mir Ahmed (5)	February, 1997	Jamnagar jail
17	Al-Talib	Jafar Alam, Saïyed Noor, Manto (3)		Absconding from Jamnagar Police Headquarters since 6/9/97
18	Al-Minar	Imran Khan, Farook Ibrahim (2)		- Do -
19	Post without name and number	Anwar Husain Maashri (1)		- Do -

Fishworkers as Prisoners of War

20	Al-Makla (5640-B)	Muosa Ahmed, Fazal Karim, Yousof, Qasim, Abdul Raheed, Yousof Qasim, Qasim Easa, Noor Mohammad, Yousof Yaqoob, Syed Afzal Khan (10)	1988	Whereabouts unknown
21	Al-Mola Madad (1122-B)	Gul Khan, Valid Khan, Baehba, Parvez Khan, Anwar Khan, Sale Mohammad, Sahid Khan, Laykat Ali, Sabay Khan, Haidr Khan, Mohammed Gafour, Hamir Nawab, Raees Khan (13)	September 24, 1997	Portbandar Jail
22	A 1 - A 1 1 a b Naghelan (13398-B)	Vahid, Vah, Imran Bak, Anasam Ali Khan, Fazal, Miraj, Mirad, Akadhis, Boser, Mola Piter, Gose Mohammed, Han Rehman, Allah Baw (13)	- Do -	- Do -
23	TajMadad (11522-B)	Mohabbat Khan, Arzad Ali, Abdul Karim, Saedar Bax, Harem Rusid, Bost Udim, Sheephans Bax, Hayate Rahman, Jekran, Md Jans, Kharidat Rehman, Jai Mohad, Sumser Rehman (13)	- Do -	- Do -
24	Al- Raftique (8603-B)	Mousya Mohad, Mohd Hussain Jan, Mohd, Ismael, Mohd Siddique, Al Mohad Saikh, Mohd, Uri Nathu, Al Mohd Ad Saikh, Mohd Hussain, Mohd Nathu, Noor mohd Sale, Vazirah Umar Siddiqui, Mohd Juman Nathu, Ghulam Hussain (13)	November 11, 1998	- Do -

Total No. of Pakistani Fishworkers detained in India according to FCS, Pakistan and SALF Records is 188 as of 31 December, 1997

Fishworkers as Prisoners of War

