

**MIGRATION AND ETHNIC CONFLICT IN ARUNACHAL PRADESH:
A CASE STUDY OF CHAKMAS-HAJONGS AND THE ROLE OF
ALL ARUNACHAL PRADESH STUDENT UNION (AAPSU)**

**Dissertation submitted to Jawaharlal Nehru University in
Partial fulfillment of the requirements
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MASTER OF PHILOSOPHY

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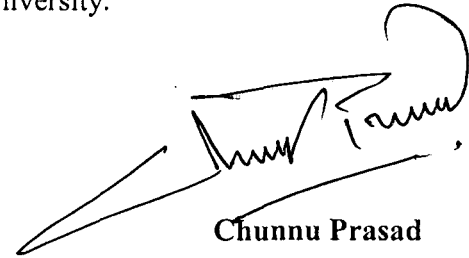
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I hereby, declare that the Dissertation entitled, *Migration and Ethnic Conflict in Arunachal Pradesh: A Case Study of Chakmas-Hajongs and the Role of All Arunachal Pradesh Student Union (AAPSU)*, submitted by Chunnu Prasad, Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi, for the award of the degree of **Master of Philosophy** is my original work and has not been submitted in part or full for any other degree or diploma in any other University.




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Dedicated to my Grand Mother
&
All the Buddhist of this Universe
“May all being be well and Happy”

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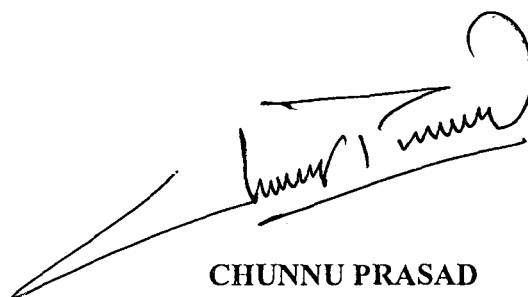
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CHUNNU PRASAD

ACRONYMS AND ABBREVIATIONS

AAL	:	Assam Agitation Leaders
AAPSU	:	All Arunachal Pradesh Student Union
AASU	:	All Assam Student Union
AHD	:	Abor Hill District
AIAS	:	All India Anthropometrical Survey
AIR	:	All India Radio
AMSU	:	Adi-Mishmi Student Union
ANEFASU	:	All North Eastern Frontier Agency Student Union
APCS	:	Arunachal Pradesh Civil Services
ASUD	:	Arunachal Pradesh Student Union of Delhi
BEFRA	:	Bengal Eastern Frontier Regulation Act
BFR	:	Bengal Frontier Regulation
BFT	:	Balipara Frontier Tract
CCRCAP	:	Committee for Citizenship Rights of Chakmas of Arunachal Pradesh
CHT	:	Chittagong Hill Tract
CM	:	Chief Minister
COLP	:	Common Organization of Indigenous People
DFO	:	District Forest Officer
DP	:	Deputy Commissioner
IAS	:	Indian Administrative Services
IDP	:	Internally Displaced Persons
ILP	:	Inner Line Permit
MEA	:	Ministry of External Affairs
MHA	:	Ministry of Home Affairs
MHD	:	Mishimi Hill Districts
NCM	:	Non Cooperation Movement
NEFA	:	North Eastern Frontier Agency
NEFT	:	North Eastern frontier Tract

NER	:	North Eastern Region
NERI	:	North Eastern Region of India
NESO	:	North Eastern Student Organization
NF	:	National Federation
NFT	:	North Frontier Tract
NHRC	:	National Human Rights Commission
PO	:	Political Officer
PPA	:	Peoples Party of Arunachal Pradesh
PRR	:	Peoples Referendum Rally
PUCL	:	Peoples Union for Civil Liberties
RSO	:	Regional Student Organization
SDO	:	Sub Divisional Officer
SP	:	Superintendent of Police
TFD	:	Tuensang Frontier Division
TFT	:	Tirap Frontier Tract
UEAM	:	Union External Affairs Ministry
ULFA	:	United Liberation Front of Asom
UNHRCR	:	United Nation Human Rights Commission for Refugees
URRM	:	Union Relief and Rehabilitation Minister

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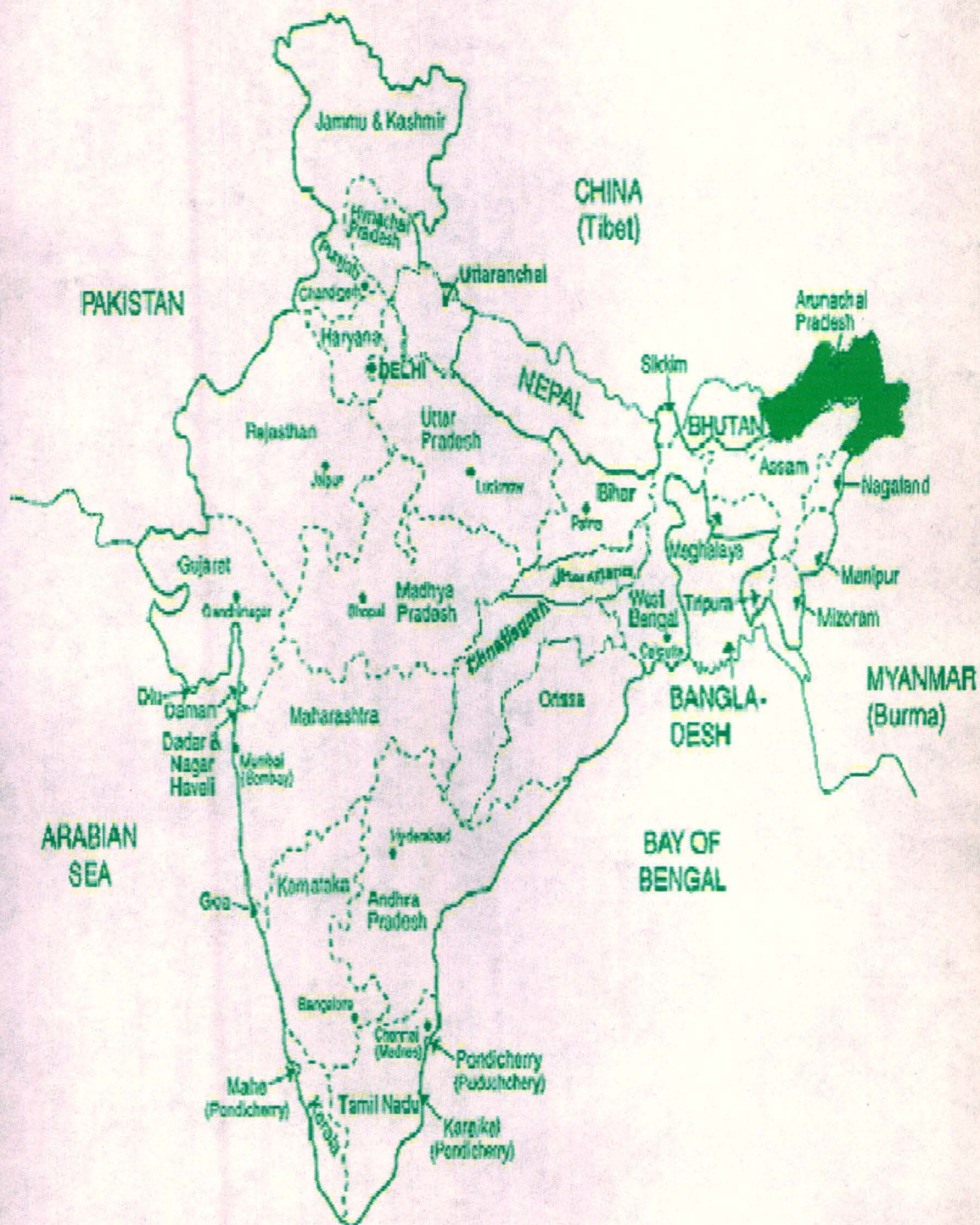
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CHAPTER – I

INTRODUCTION:

DEMOGRAPHY OF THE 2001, CENSUS OF INDIA

INDIAN STATES AND UNION TERRITORIES



ARUNACHAL PRADESH (District Map)



Map not to Scale

- State Capital
- District Headquarter
- State Boundary
- International Boundary

CHAPTER-I

INTRODUCTION:

Migration has taken place from the beginning of history. There has been a general impression that the free movement of people contributes to economic growth. Europe's economic recovery after the Second World War was fuelled in large part by the labour of immigrants. The pendulum has, however, now swung to the other extreme. There is pressure on land, resources are getting scarce and employment opportunities are limited. As a consequence, there is anti-immigrant feeling in several countries. In 1947, when British India was partitioned, Hindus moved out in large numbers from what was carved out as East Pakistan. After the liberation of Bangladesh in 1971, Hindus and Muslims continued to cross over to India for a variety of reasons. It is estimated that about 16 million Bangladeshis have managed to infiltrate into India.

Large-scale illegal migration of Bangladeshis into India is, arguably, the most serious problem along this border. Due to continuous migration, the entire complexion of populations in several districts and areas in the Northeastern states, Bihar and West Bengal has undergone a dramatic transformation. Even in Delhi, the composition of some constituencies for legislative and local bodies' elections has changed. A statement issued by the Union Ministry of Home Affairs said that over 20 million illegal Bangladeshi immigrants are residing in the country, of which above 10 million are in Assam and West Bengal alone.

Coming to the Arunachal Pradesh, the area which kept practically in Isolation till independence, social movement in its concept of creating an entirely new politico-economic and socio-cultural order or in the sense of an explicit and conscious indictment of the whole or part of the social order together with a conscious demand for change or static-ness has rarely occurred in the state. This was mainly because of the historical, social, demographic and political as well as the geographical background, the state that are being discussed hereafter. Besides these, widespread illiteracy, lack of political consciousness unfamiliarity with modern institutions and procedures, absence of vernacular press and other media for effective political communication, slow pace of elite formation and high degree of elite recruitment to government jobs, have prevented for a long time outbreak of any major social

various considerations, particularly problem of communication and defiance, Government of India decided to administer North East Frontier Tracts as “Exclusive Area” through Governor of India. In the year 1950, the plain portions of these tracts namely Balipara Frontier Tract (BFT), Tirap Frontier Tract (TFT), Abor Hill District and Mishimi Hill Districts were transferred to the Government of Assam. In 1951 the units of the tracts were reconstituted again and Tuensang Frontier Division (TFD) was created which latter merged with Nagaland. The remaining portion of the tracts after the introduction of the North East Frontier (Administration) Regulation 1954 was designated as the North East Frontier Agency (NEFA). There after the administration was brought under Ministry of External Affairs (MEA) and in August 1965, it was brought under the supervision and control of the Ministry of Home Affairs (MHA). It remains so, till the attainment of Union Territory status by Arunachal Pradesh in 1972, under the 27th Constitutional Amendment Act of 1971.

It was only in 1975 that the virtue of the enactment of 37th Constitutional Amendment Act 1975 that the Pradesh Council was constituted as a separate Legislative Assembly and Lt. Governor was appointed as the head of the Union Territory of Arunachal Pradesh. The Pradesh Council becomes provisional Legislative Assembly having 23 members during 1975 to 1978. The first elected Legislative Assembly constituting of 33 members (30 elected members and 3 nominated) was formed on 4th March 1978, which lasted only for about 20 months. In November 1979, the Assembly was dissolved and president’s rule was imposed which continued till January 1980. The second General Election was held in January 1980, the third General Election for Legislative Assembly was held simultaneously with the General Election for the eight Lok Sabha in December 1984 and the Assembly was continued till January 1986.

On 20th February 1987 Statehood was conferred on Arunachal Pradesh under the 55th Constitutional Amendment Act of 1986, and becomes the 25th state of the Union of India. In fact the evolution and formation of Arunachal Pradesh is a tribute to the farsighted tribal policy formulated by ‘Verrier Elwin’ in its stage. Arunachal Pradesh in its area wise is the largest state in the North Eastern Region of India (NERI) around 83,743 sq. km, having not more than eleven lack population. It forms a complex hill system of Shivalik and Himalayan origin and is criss-crossed by numerous rivers and streams. The state shares a total of 1630 km’s of international boundary with neighboring countries; 1030 km with China, 160 km with

Bhutan and 440 km with Myanmar. The Mc-Mohan lines define the International boundary between India and China. Administratively the state is divided into sixteen districts. Capital of the state is Itanagar in Papumpare District. Itanagar is named after Ita Fort, meaning Fort of bricks, which was built by Ahom Kings in 14th century A.D. The Hindu influences penetrated along the Brahmaputra up to the Dibang Valley. Sacred centers sprung up between 11th and 13th centuries. The ruins of the Bhismark site have reportedly been located in the Dibang Valley and those of Parsuram Kund in Lohit District.

1.2 STATE PROFILE:

Geography

According to 2001 census the total population of Arunachal Pradesh is about 1,091,117 of which 573,951 are male and 517,166 are females. The sex ratio is 901 females per thousand males. The total Scheduled Tribe population of the state is about 705,156 out of which 353,141 are males and 352,017 are females, rest is the non-tribal populations. Arunachal Pradesh has total 6188 Scheduled Caste Population also, out of which 3590 are males and 2598 females. The literacy rate of the state is 487,796 out of which 302,371 are males and 185,425 are females. In percentage wise the literacy rate is about 54.74 percent out of which 64.07 percents are male and 44.24 percents are females. At present the state is divided into 16 districts for effective administration and development point of view. The Districts, Towns, Headquarters, Population, Literacy both Male and Female, and the Ranking of Districts (1991-2001) are shown in the figures given below:²

² According to 2001 Census Report on Population, Government of India.

Table 1.1 - District wise male and female populations of Arunachal Pradesh

S No.	Districts.	Town	Total Population	Male	Female
1	Tawang	Tawang	34705	17676	17029
2.	West Kameng	Bomdila	74595	42638	31957
3.	East Kameng	Seepa	57065	28743	28322
4.	Papumpare	Itanagar	121750	64122	57628
5.	Lower Subansiri	Zero	97614	49184	48430
6.	Upper Subansiri	Daporizo	54995	27873	27122
7.	West Siang	Along	103575	54139	49436
8.	East Siang	Pasighat	87430	45139	42299
9.	Upper Siang	Along	33146	17844	15302
10.	Dibang Valley	Anini	57543	31280	26263
11.	Lohit	Tezu	143478	77252	66226
12.	Changlang	Changlang	124994	65608	59368
13.	Tirap	Khonsa	100227	52461	47766
14.	Lower-Dibang Valley	Roing	N.A	N.A	N.A
15.	Kurung Kumey	Laying-Yangte	N.A	N.A	N.A
16.	Anjaw	Hawai	N.A	N.A	N.A

Table 1.2 – District wise male and female literacy rate of Arunachal Pradesh

S. No.	Districts.	Total Literacy	Male	Female	% Of Literacy	Male	Female
1	Tawang	11589	7318	4271	41.14	51.05	30.87
2.	West Kameng	38488	25864	12624	61.67	71.02	48.56
3.	East Kameng	14548	12072	6476	40.89	52.66	28.86
4.	Papumpare	72021	42602	29419	70.89	79.00	61.72
5.	Lower Subansiri	36025	21673	14352	45.01	53.68	36.19
6.	Upper Subansiri	22623	13270	9353	50.89	58.81	42.74
7.	West Siang	52015	30176	21839	60.31	66.72	53.24
8.	East Siang	44196	25779	18417	61.22	69.02	52.87
9.	Upper Siang	13409	8655	4754	49.80	58.64	39.09
10.	Dibang Valley	28131	17706	10425	59.45	68.02	48.96
11.	Lohit	64899	41323	23576	56.05	65.68	44.59
12.	Changlang	52166	33248	18868	51.98	62.83	39.85
13.	Tirap	33736	22685	11051	42.01	53.76	29.00
14.	Lower-Dibang Valley	N.A	N.A	N.A	N.A	N.A	N.A
15.	Kurung Kumey	N.A	N.A	N.A	N.A	N.A	N.A
16.	Anjaw	N.A	N.A	N.A	N.A	N.A	N.A

Table 1.3 - Ranking of districts by population size in 1991-2001 (Arunachal Pradesh)³

Rank In 2001	Districts.	Population 2001	% Total Population Of the State	Population 1991	% Total Population Of the State	Rank In 1991
1	Tawang	143478	13.15	109706	12.69	1.
2.	West Kameng	124994	11.45	95530	11.05	2.
3.	East Kameng	121750	11.16	72811	8.42	3.
4.	Papumpare	103575	9.46	89936	10.40	4.
5.	Lower Subansiri	100227	9.19	85508	9.89	5.
6.	Upper Subansiri	97614	8.95	83167	9.62	6.
7.	West Siang	87430	8.01	71864	8.31	7.
8.	East Siang	74595	6.84	56421	6.53	8.
9.	Upper Siang	57543	5.27	43068	4.98	9.
10.	Dibang Valley	57065	5.23	50395	5.83	10.
11.	Lohit	54995	5.04	50086	5.80	11.
12.	Changlang	34705	3.18	28287	3.27	12.
13.	Tirap	33146	3.04	27779	3.21	13.
14.	L/Dibang Valley	N.A	N.A	N.A	N.A	14.
15.	Kurung Kumey	N.A	N.A	N.A	N.A	15.
16.	Anjaw	N.A	N.A	N.A	N.A	16.

Tribes

Arunachal Pradesh has 24 major tribes with a number of sub-tribes. The major tribes are Adi, Apatani, Bugun, Galo, Hrusso, Jingpho, Khamba, Koro, Mcmba, Mcyor, Mishmi (including Idu, Taroon and Kaman), Monpa, Nyishi (including Bangru, and Puroik), Sajolang, Sartang, Sherdukpen, Tagin, Tai Khamti (including Khamyang), Yobin, Tangshang (including Muklam, Lonchang, Tutsa, Tikhak, Howoi, Longri, Mungrey, Mushung, Lungphi, Joglai Ngaimong, Ponthai, Khalak, Lungkhailialry, Chellim, Sheehu, Shiangwal, Rera, Shiangte, Lowchang, Dohe, Moitai, Hatseng Gajee, Gaja, Kochong, Laki, Gallon, Chamehang, Ringkhu, Shohra, Bowngtai, Rourong of Changlang district and Nocte, Wanchoo

³ According to 2001 Census Report on Population, Government of India.

and Tutsa of Tirap district. Chakma and Hajongs also included in the census as the population of Arunachal Pradesh. The All India Anthropometrical Survey (AIAS) extended to Arunachal Pradesh under the people of India project suggests that the people of Arunachal Pradesh are short below medium in stature, have a round head, a medium broad nose and a broad face.

Agriculture

Agriculture was totally of Jhum practice in Arunachal Pradesh, to select one area slash and burn method of shifting cultivation called Jhum practiced on rain-bed slopes of forests hills and valleys. But because of the awareness of the environment in the people this practice is decreasing day by day but still this practice are seen in some pockets of the state. Rice is the principle crop. Other important crops are Maize, Wheat, Pulses, Potato, and Oil Seeds etc. Ecological condition in Arunachal Pradesh is congenial for the growth of horticulture. Besides Pineapple, Orange, Lemon, Lichi, Papaya, Banana, Guava, temperate food such as Apple, Palm, Peer, Peach, Cherries, Walnut, Almond etc grown in large scale.

Religion

Most of the communities of the state believe in traditional tribal religion. Important aspects of tribal religion are the observance of various festivals, ancestral worship and taboos. The beliefs in malevolent and benevolent spirits and deities and rituals performed by the concept of the supreme beings or god (called various as Ske, Matai, Rang, Rangkuwa by different communities), constitute the animistic tribal religions. Donyi-Poloism is the major tribal religion of Arunachal Pradesh. It has a vast mythology with all its mundane and supernatural elements. Donyi-Polo is a combination of two terms Donyi means 'Sun' and Polo means 'Moon'. Donyi is the source of power and energy for living beings, which cannot be disputed scientifically and philosophically. Thus, Donyi-Polo, the spiritual source and symbol is believed to be the supreme power governing the universe. The total percentages of religions are seen in the table given below according to the 2001 census report.

Table 1.4 – Total percentage of religion in Arunachal Pradesh

S. No.	Religion	Total Percentage
1.	Hindus	34.6
2.	Muslims	1.9
3.	Christians	18.7
4.	Sikhs	0.2
5.	Buddhist	13.0
6.	Janis	0.0
7.	Others/Animism	30.0

Festivals

Festival is the day or a period of celebration and an essential part of the socio-cultural life of the people. Festivals reflect the customs, traditions and lifestyle of the people. Like other parts of the India, in Arunachal Pradesh also festivals are celebrated with great joy, enthusiasm and most importantly, with a feeling of togetherness. The festivals of Arunachal Pradesh serve a two fold purpose- A thanks giving ceremonies in homage to god and for his gifts of good crops and freedom. Animal sacrifice is a common ritual in most of the festivals of Arunachal Pradesh. Some of the major festivals of the tribal communities of Arunachal Pradesh, are for example, Mioko, Losar, Khan, Nyokum, Orankum-Garkuyo, Boori-Boot, Dree, Si-Donyi, Mopin, Solung, Aran, Tamladu, Sangken, Reh, Oriah, Lodu, Ojiele and Mot.

Political Structure

Arunachal Pradesh is not a linguistic state. It is an ethnic state inhabited by colorful tribal people of diverse culture and life style. All of them have unique culture and traditions. They also have customary laws and a time tested dispute resolution mechanism. The disputes in tribal societies are resolved by a system of administration of justice founded on customs and customary laws of each tribe by the village council. The most important is of Adis Kabang system, Apa-Tanis Bulliang system and etc.

The political system of Arunachal Pradesh may be defined as a part of the total process, which engaged in the maintenance or establishment of social order or social

equilibrium among the Arunachalees. It essentially consists of the activities connected with the political institutions of the area, in its broadest sense, a political system of institutionalized customs by which law, order and peace are maintained in a society. The traditional forms of government govern almost all the communities of Arunachal Pradesh. The Dying Ering Committee introduced modern democratic norms in Arunachal Pradesh by providing the people an opportunity to exercise their rights for franchise. Till 1967 Arunachal Pradesh was represented in the Lok Sabha by a member nominated by the President of India. The first general election was held on January 3, 1980 for the formation of a Legislative Assembly during its tenure as a Union Territory. At that time there was only two political parties, namely the Congress (I) and People's Party of Arunachal Pradesh (PPAP), a new entrant in the political arena of the state, so far two Assembly and Parliamentary elections have taken place and the people have taken part without any fear or compulsion.

As we know migration is a natural phenomenon, even the tribals of the Arunachal Pradesh who are fighting from last so many decades to deport Chakmas-Hajongs, Tibetans and Yobins from the state, had migrated long back from neighboring countries and near by border areas. Some of the major tribes who migrated and settled in Arunachal Pradesh before independence are as below.

Akas: Akas believe that they originally inhabited the plains. They settled on the bank of the river Bhoroli and Bhalukpung. They claim that king Bhaluka, the grandson of king Bana who was defeated by Lord Krishna at Tezpur, was their ancestor.

Apa-Tanis: Folk tales of the Apa-Tanis claim that they were migrated at Ziro valley from the extreme north of the Subansiri district through the river routes of Kuru and Kamla. They first settled at Buri, near the present Hong Government Middle School. Thang Sampo valley is identified with the erstwhile Miido Supang. Abotani was their ancestor.

Adis: Padam, Minyong, Pasj etc. are Adi's Sub-groups and each group has its own story of migration. For example, the forefathers of Shimongs migrated at Nigong village; the Tangams migrated towards Kuging and so on. But all the sub-groups of Adis probably migrated from Mayu, then Gelling and Tuting. Abotani is claimed to be the earliest ancestor.

Galos: The Galos mythology also claims Abotani as their ancestor. The Galo tradition and legend claim that they had migrated from the fingers of Indo-Tibetan border. Each sub-group of Galos has its own story of migration. Karkas claim to settle first at Pigru near Tadedege.

Hill Miris: They are believed to have migrated from Ane Singik Nite, so claim their legends. According to the folk tales, the Apa-Tanis followed them in their southward journey, as the earliest ancestor of the Hill Miris.

Monpas: Buddhist legends and chronicles refer to the influx of people from the plain to Tawang district during the early century of the Christian era. Crossing Bhutan and Chumbi valley they originally migrated from Sikkim and Pahari, so says their tradition.

Mishmis: The earliest forefathers of the Mishmis were born of a couple, who survived through holocaust of storm, fire and rain. Another legend claims them to be the descendent of Rukma, the son of the king Bhisamka. They first migrated to the Lohit valley. They were followed by Digaru and Miji Mishmis. From Kennedy's account they probably migrated from Myanmar, the language spoken is similar to those of the Kachin, Chim and Lepcha.

Membas: During the early twentieth century the Membas and Khambas intruded the Mathu valley of Lohit from Tibet. It is contended that they came in search of their promised land, Pemako. But took wrong route and settled at Yagn sang Chu valley of the Siang.

Nishis: Oral literature and folk tales of the Nishis claim that their migration is from Tang Sampo valley of Tibet. The Nishis and Apa-Tanis call this place as Miido-Supung. The earliest ancestor of the Nishis was Abotani. They also trace their origin to the three groups of Dopum, Dodum and Dol.

Nocte: Every Nocte village has its own story about its ancestor. According to some traditions their original abode was Haki, Hoja, while others claim it to be Maukum of Myanmar.

Sherdukpens: The forefathers of the Sherdukpens were Japtang Bura, so say the legends. They first settled at Khoinia and later on moved to Rupa. From Kennedy's account it is found that they had migrated from the direction of Bhutan.

Tagins: Tagins are believed to have migrated from Penji, a village in Tibet to Tadedege, so claim their legends. From Sukula's account it is found that they came to Pui. Pedu from Tibet then proceeded towards Punta and from there to Debeh.

Tangsa: Tangsas were believed to be originated in a hill called Masoi Sinarupam, a place believed to be beyond Myanmar. Probably they migrated to India in the 1740's from the north of Myanmar. These people migrated to their present habitat only in the early 18th century.

Yobins: During 1940-41, the Yobins or Lisu of Vijayanagar migrated here from Puto of Myanmar. The first settled on the Indo-Myanmar border then descended on their present habitat.

Zakrings: During 1906-07, this tribe migrated to Dri valley of Lohit district from Zayul, a district in Tibet. They were forced back to Tibet by the Idu-Mishmis. Some retained the Walong area of Lohit district. After migration they first settled at Nyigong (Sun 1993; Weidert 1987; Van Driem 2001).

Migration has been the major element for violent conflict in India's North-East since the early twentieth century. Almost all the seven Indian states of this region have experienced varying degrees of political mobilization and organized violence against migrants (both insiders & outsiders) many of which have overblown into anti-outsiders identity movements leading to persecution and expulsion of communities of migrant origin.⁴

Migration has been a part of the changing dynamics of South-Asian Society in which there exist a verity of border regimes. In many places migration has facilitated and promoted the socio-economic development process. It has helped in consolidating the social and national integration process. On the other hand, migration has also led to conflict in the following sequences:

*Population migration—Migration induced scarcity,
Political and social imbalances and distortions—Conflict.*

The northeast India has had a long history of migration internal as well as external, starting right since the tern of the century. However, the magnitude of this phenomenon of migration assumed gigantic proportions in the post-partition phase in general and particularly in 1971 and there after. Migration of all kinds' i.e. foreign nationals, job seekers, etc. has come in at times in a flood and at others in a trickle. Moreover, in the Northeast relations between the states and indigenous minorities have long been problematic, leading to frequent out burst of violence or protracted insurgencies. Further, the indigenous minorities in the Northeast India are geographically concentrated and traditionally have viewed external authority as an imposition on their semi-autonomous status.⁵ Already faced with greater administrative penetration of the post-colonial state and threatened by growing in migration of the lowland people, the phenomenon of foreign nationals from the neighboring Bangladesh

⁴ Dasgupta, Anindita (2001), Migration, Identity and Conflict in North-East: The Case of Assam, *Himalayan and Central Asian Studies*, Vol.5 Nos.3-4, July-Dec, P. 33.

⁵ Aristide, R.Zolberg, Astri, Suhrkee and Sergio, Aguayo (1989), *Escape from Violence: Conflict and Refugee Crisis in the Developing World*, New York, Oxford University Press, p. 138.

and other countries has future worsened the situation of these Northeastern states viz., Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. Out of these states Assam, Arunachal Pradesh and Tripura are the worst victims of the process of migration. The Indian state of Assam for example, witnessed its most serious clash between its indigenous people and the migrant Bengalis in 1883 which left some 5,000 people killed and thousands homeless.⁶ The main reason behind this was the political competition and the ruling party's vested interest in allowing illegal migration from Bangladesh in order to build up its 'Vote Bank'.⁷ Tripura has suffered the most as a result of immigration into the area. The large number of Bengali Hindus who fled East Pakistan in the post-partition period took shelter not only in West Bengal and Assam but also in the small Union Territory of Tripura, where the Bengali population soon outnumbered the local indigenous inhabitants⁸ faced with Bengali hegemony in Tripura, the indigenous people have taken up arms and have been killing Bengali settlers with some regularity. Tripura had also been host of many Chakma immigrants who fled Chittagong Hills Tract (CHT) to escape politico-religious persecution perpetrated upon them by the Bangladesh army and Bengali Muslim settlers from the plain areas of Bangladesh.⁹

Arunachal Pradesh is another Indian state in the Northeast which has suffered the most as a result of immigration into the area. Today Arunachal Pradesh is one of the most effected Northeastern state having problem of Chakma-Hajong Refugees, which created a tension between the migrants and the Arunachalees relating to the question of Identity and Culture and the most concerned is of states economy.

In many ways, the present day Arunachal Pradesh resembles the pre-1964 Chittagong Hill Tracts. Like CHT in pre 1964 period Arunachal Pradesh also enjoys a unique status among the other Indian states because of certain special statutory safeguards provided to it under the Indian Constitution. The Bengal Frontier Regulation, 1873 (Inner-Line), for example, continues to exist which restricts free movement at all the Non-Arunachalees Indian Citizens into the state without obtaining an Inner-Line Permit. Also restricts non-tribals to

⁶ Weiner, Myron (1978), *Sons of the Soil: Migration and Ethnic Conflict in India*, Oxford University Press, Delhi, Pp. 27-143.

⁷ *Ibid.*, P. 114

⁸ *Ibid.*

⁹ Zolberg et. Al, N.6, p. 138.

purchase/hold land. This is one provision that has generated heated divisions over its efficacy in the recent past. There are some of the so called champions of globalization and liberalization who took at the existence of such a protective mechanism as an artificial and arbitrary barriers thwarting the process of assimilating or integrating these 'tribal' with the 'mainstream' India. On the other hand, there are others and a sizable number of them are from within the societies, who strongly believe that the existence of such a control mechanism is crucial for the purpose of protecting the culture and identity of the indigenous peoples.

Another example of such constitutional provisions is the Schedule Sixth of the Indian Constitution, which is applicable to the state of Arunachal Pradesh. The allocations of Sixth Schedule in Arunachal Pradesh prevent all non-indigenous Indian citizens from settling down permanently in the state. The underlying logic behind the introduction and the continuing presence of these statutory safeguards is to protect the indigenous culture and identity of the people from the onslaught of external influences.¹⁰ It is the interrupted continuation of these apparently protectionist mechanism which has forced the Arunachalees to demand an explanation for the arrival and continued presence of the Chakmas and Hajongs in the state.¹¹

The Chakmas and Hajongs are the indigenous tribal community in the CHT of Bangladesh. The CHT despite its 97% Buddhist population was handed over in 1947 against the will of the local people.¹² The Chakmas, numbering 3,50,000 are the largest of 13 hill tribes¹³ that inhabit the area in the Southern part of Bangladesh bordering Myanmar and the Indian states of Tripura and Mizoram. The Chakmas differ from Bengalis in three respects; they are of Sino-Tibetan decent; their languages are more a kin to those spoken by their neighbours in the Northeast India and Myanmar than to Bengali; and they are predominantly Buddhist.¹⁴ (Appendix-B)

¹⁰ Singh, Deepak K. (1996), The Arunachal Tangle: Migration and Ethnicity, *Journal of Peace Studies*, Vol.3, Issue, 18019, September-December, Pp. 50-51.

¹¹ *Ibid.*, p. 51.

¹² Syed, Aziz-al Ahsan and Bhumitra, Chakma (1989), Problems and National Integration in Bangladesh the CHT, *Asian Survey*, Vol. XXI, No. 10, October, p. 963.

¹³ Weiner, Myron (1993), Rejected Peoples and Unwanted Migrants in South Asia, *Economic and Political Weekly*, Vol. XXVIII, No. 34, 21 August p. 1740.

¹⁴ Weiner, Myron (1993), Rejected Peoples and Unwanted Migrants in South Asia, *Economic and Political Weekly*, Vol. XXVIII, No. 34, 21 August, p. 1740.

Before attempting to analyse the nature of the Chakma and Hajong question in Arunachal Pradesh, it would be desirable to identify, the specific category of refugee (Foreign National) to which the Chakma-Hajong belong since the term 'Refugee' cannot be treated as a generic category for it has different connotations in different context. This is necessitate by a general consensus among the students of refugee studies who believe that different types of social conflict give rise to different types of refugee flows and that the pattern of conflict are themselves related to more general economic and political conditions, not only in the countries from which the refugee originate, but also in the world at large¹⁵ taking in the context of South Asia. Myron Weiner¹⁶ has classified different kinds of refugee flows into three dominant categories- Rejected Peoples, Political Refugees form Repressive Regime; and Unwanted Migrants.¹⁷ Following this classification, the Chakmas and Hajongs who fled CHT in 1964 and took refuge in India fall into these categories, they were treated as rejected people, back home in CHT who have now become 'Unwanted Migrants' in Arunachal Pradesh. It is with these two categories of refugees that we are presently concerned with. By 'Rejected People', Weiner means, 'citizens or legal residents of the country forced to leave as a result of persecution, violence or threats to their lives or property and whose departure is sought by their governments or those among whom they live. He further maintains that in several countries of South Asia 'Rejected Peoples are often dumped upon a neighboring country in the expectation that they will be accepted because they share the ethnicity of groups within the receiving country. He includes those people in the category of political refugees who are forced to leave their homeland as a result of the outbreak of a civil war. By 'Unwanted Migrants' means 'people crossing an international boundary legally or illegal, who are unwell come and often asked or forced to leave'.¹⁸

Question arises that, what was it that made the Indian Government settle these Chakmas and Hajongs, of all the places in the country and Arunachal Pradesh which has been enjoying a "Special Protected Area" status since the pre-independence period under the Bengal Eastern Frontier Regulation, 1873 and various other constitutional provisions. The Chakmas-Hajongs brought and settled in Arunachal Pradesh in 1964 as a result of politico-

¹⁵ See, Zolberg et, al. N.6, p. V-X.

¹⁶ Weiner, Myron, N.14, Pp. 1737-40.

¹⁷ Ibid.

¹⁸ Ibid.

administrative decision taken by the then Governor of Assam, Vishnu Sahay along with the then Chief Minister B.P.Chatia.¹⁹ At that time Arunachal Pradesh was known as NEFA and was administered by the Central Government through the Governor of Assam. Vishnu Sahay, while expressing his desire to settle these immigrants in Arunachal Pradesh in a letter addressed to B.P.Chatia argued, “It occurs to me that we may get trouble between the Mizos and the Chakmas in the Mizo districts. These Chakmas would be quite suitable people to go into the Tirap division of NEFA where there is easily found vacant land in the area about which you and I have often spoken”.²⁰

It was then that about 20,000 Chakmas²¹ were settled in Abhaypur Block of Diyun Circle of erstwhile Tirap district of Arunachal Pradesh purely on temporary and humanitarian grounds by the then NEFA administration which was directly under the control of the Central Government.²² It is this element of temporary-ness of their settlement in the state which has now become a bone of contention between the leaders of the ‘Chakma go back’ movement and the Central Government. At present the Chakmas are settled in Chowkham in Lohit district, Miao Bordumsa and Diyn in Changlang district; and Balijan and Kokila in Papumpare district of Arunachal Pradesh.

Al though voices of protest against the settlement of the foreigners have been expressed from time to time, it was only with the Guwahati High Court’s verdict of April 1992 declaring the Chakmas and Hajongs residing in Arunachal Pradesh as ‘Foreigners/Aliens’²³ that the ‘Chakma go back’ movement flared up. The Court also held that the Chakmas and the Hajongs of the state have no right to ask them to quite the state if they so desire.²⁴ Further, the Supreme Court vindicated the Guwahati High Court’s verdicts in 1993. The All Arunachal Pradesh Student Union (AAPSU), one of the key actors in the anti-

¹⁹ Singh, Deepak K (1996), The Arunachal Tangle: Migration and Ethnicity, *Journal of Peace Studies*, Vol.3, issue, 18019, September-December, p. 52.

²⁰ White Paper on Chakma and Hajong Refugee issue, Government of Arunachal Pradesh, Itanagar, 12 March 1996, p. 47.

²¹ The figure is approximate as there is hardly any authentic documentation of the actual number of people who were brought in during 1964-69, stated in the white paper issued by the Arunachal Government, March 1996, Pp. 1-84, Itanagar.

²² As quoted in a pamphlet, Why Arunachalees are opposed to permanent settlement of Chakma and Hajong Refugees in Arunachal Pradesh brought out by AAPSU on the eve of the peoples referendum rally held on 20th September, 1996, P. 2.

²³ As quoted in white paper, N. 39, p. 12.

²⁴ Ibid, Pp. 12-13.

foreigners movement drowning strength from the above two verdicts, has organized itself as a powerful force and has emerged as the most articulate spokesman of the people in the state.²⁵ Since, then AAPSU has consistently held that the Chakmas and Hajongs settled in Arunachal Pradesh are foreigners and that Arunachal Pradesh will not be allowed to be used as a 'Dumping Ground' by the Central Government.²⁶ This view is widely shared by almost all the existing political parties and several local NGO's operating in the state.

1.3 Statement of the Problem:

The study would like to address a wide range of questions regarding the Chakma-Hajong refugee problem in Arunachal Pradesh. The proposed study will attempt to respond the question like the following:

Why Chakma-Hajong refugee problem has not been settled down till today?

Does the continuing presence of the refugees in the state really pose a big threat that it deserves the adoption of such extreme positions as taken by all important political and non-political forces alike at the rally held over a period of time?

Who is to be blamed for their continuing presence in the State, anyway?

Would it be fair to blame it on to the refugees for where there are today, for it was certainly not they themselves who opted to stay in Arunachal Pradesh?

Can they simply be blamed for not having a home and seeking refuge in India? After all, what was it that made them seek shelter in India?

Moreover, what was it that brought them, of all the places in the country, to the state of Arunachal Pradesh?

Objectives of the Study:

The main aim of the proposed research work is to study the issue and outcome of the concerned problem in the region. This can be stated in the form of following specific objectives: To study the role played by the All Arunachal Pradesh Student Union (AAPSU) in the state to deport the Chakmas and Hajongs.

To understand the present status and developmental strategy implemented by the Central as well as State Government to tackle the problem in the state.

²⁵ Deepak K. Singh, N. 34, p. 53.

²⁶ Ibid.

To look on the various aspects of constitutional provision of citizenship rights related to the Chakmas and Hajongs as well as indigenous peoples.

To analyse the political aspects which is responsible for the settlement of the Chakmas and Hajongs in Arunachal Pradesh.?

Hypothesis:

Ad-hoc government policy, education and mobilization by AAPSU have contributed to increase ethnic conflict in Arunachal Pradesh.

I.4 Review of the Existing Literature:

A large number of Articles, in various Research Journals, Periodicals, weeklies and News-papers have been published from time to time as an when the situation demanded. Plenty of books have been written on the problem and issues related to the immigration from Bangladesh to India not only in Arunachal Pradesh but also in the other parts of the Northeast and Northern India, also the issue related to the migration and ethnic conflict in different states of Northeast India.

The problem of illegal immigration from Bangladesh to India burst forth on to the mainstream political and academic discourse in 1992 with the deportation of 132 Bangladeshi nationals across the Indo-Bangladesh border. Ever since, the subject has remained mired in controversy. Occasioned by knee-jerk political, bureaucratic and security reactions, manifest in the physical “push back” of aliens from time to time, the issue has failed to receive the holistic and comprehensive treatment it deserves. Although there is a wide corpus of literature on international immigration, focused on nearly every conceivable aspect and feature of the Mexico-United States model, there is a near-total dearth of any scholarly effort to study the problem of illegal immigration from Bangladesh to India in its entirety both in India and Bangladesh. There are some publications that are products of the ideological anxieties of far-right political parties.

There is a greater emphasis on the plight of refugees in the wake of the Partition of India in 1947.

Nevertheless, some Indian and western scholars have attempted to address the problems associated with undocumented trans-border migration and their conflict potential in a communally polarised Indian socio-cultural, socio-religious and socio-political structures.

Baruah (1999, 1994, and 1986) focused on the social, economic, cultural and political consequences of immigration from Bangladesh to Assam and how it contributed to the mobilisation of Assamese identity and formation of a distinct Assamese micro-nationalism or sub-nationalism. Baruah's seminal work (1999) drew the history of immigration in Assam, when it was a part of pre-Partition undivided Bengal, the anxieties of the ethnic Assamese to the migration of Bengali-speaking Muslims from areas that are now part of Bangladesh. Sanjiv Barua's, *Durable Disorder: Understanding the politics of Northeast India*, which is dealing and discussing about the Northeast India, its policy, implementation and programs, migration problem of Chakmas and Hajongs and their settlement as well as the question of citizenship.

Hazarika's works (1993, 2000), written in a style characteristic of journalists, follows the broad thematic scheme outlined by Baruah, but he limits himself to identifying the problems that illegal immigration caused for Assam – perceived threat to Assamese culture and identity and the rise of militant nationalism and insurgencies. His central thesis is that though illegal immigration from Bangladesh to India is a reality, the attitude of journalists, academics, officials and politicians to brand every Bengali-speaking Muslim as an illegal immigrant “borders or xenophobia and skepticism is necessary if we are to look at such emotive issues with rationality and common sense.” Hazarika has interviewed a few migrants in Assam and residents of Kurigram district in Bangladesh to draw a conclusion that contiguity is a key factor in the decision of Bangladeshis to migrate. Unlike Baruah, however, Hazarika (2000) goes a step further to suggest a limited set of recommendations which he believes would curb the inflow of Bangladeshi immigrants. By restricting themselves to their state of origin – Assam – Baruah and Hazarika have revealed how the researcher's own identity plays an important role in their decision to choose their sites of research.

Markedly similar to Baruah's and Hazarika's approach is that of Verghese (1997). But the main shortcoming in Verghese's account is that he relies completely on newspaper reports and other published literature. It is singularly devoid of qualitative analysis based on fieldwork or face-to-face interaction with immigrants. But Verghese cannot be blamed for such lacunae: he looks at the factors that have caused the many insurgencies in India's north-east and has kept it in state of perennial turmoil and emasculated the region economically.

Some western scholars like Weiner (1978, 1983, 1995) and Teitelbaum (1984) have focused on the Bangladeshi immigration into Assam, leaving out West Bengal altogether from their studies. Although they make for stimulating and refreshing reading, the omission of West Bengal by both Weiner and Teitelbaum is surprising considering the fact that since 1971 the Northeast Indian state has had to take the brunt of the illegal immigration from Bangladesh. Assam was a natural choice for western researchers because the conflict between foreigners and natives was broke out there first in a pluralist Indian society.

Only recently, some scholars like van Schendel (2005) have taken a more holistic approach to explain the historical and contemporary causes of immigration from Bangladesh to both West Bengal and Assam. Van Schendel's painstaking effort in compiling an exhaustive study, complete with detailed notes and citations, is yet to hit the stands in India, but his books and articles clearly reveal his grasp of the subject. He should be lauded for his effort to study an issue from the perspective of what he calls "border Landers" – border communities, including migrants, who, since Partition, have been bound up not only with the struggles of negotiating territorial control over the border, but also "with a multiplicity of identities, old and new, that border-Landers juggled in their efforts to make sense of a new situation and shape a future for themselves." Van Schendel's thesis is that "the state's pursuit of territoriality – its strategy to exert complete authority and control over social life in its territory – *produces* borders and makes them into crucial markers of the success and limitations of that strategy...Territoriality actively encourages the 'zero-sum games' that characterize geopolitical, national and border conflicts." Essentially, van Schendel has tried to give a voice to the border Landers and their daily travails, including their counter-strategy of defiance and ignorance of the border.

Samaddar (1999) is perhaps the only Indian scholar who has attempted to analyse the connected issues of illegal immigration and national security in the context of West Bengal. In his narrative format, peppered with theoretical inputs, Samaddar has tried to focus on a wide range of issues: the migrants as a "marginalised nation" and the dynamics of the push and pull forces in operation in Bangladesh and West Bengal; and the migrants as labour and a part of what he calls "historically influenced flows" and prompted by "historical and social affinities, geographical contiguity, and the economic imperative". His work, he claims, is "written in an activist and interventionist mode", but makes for excruciating reading, laden as it is with abstractions and platitudes. He is also mute when it comes to identifying the insidious political

machinations of the Communist Party of India-Marxist in encouraging illegal immigration in a state the party has been governing for the past 30 years. The complete omission of such a strong pull factor appears to have been made by strategic considerations than a simple overlooking of facts.

While the works of the scholars noted above have been able to distance themselves from a state-centric approach to the problem of illegal immigration, over the past few years, the national security and national interest paradigms have received some attention. Nandy (2003, 2004) considers the massive immigration from Bangladesh as a “demographic invasion” of India. He is relentless in his trenchant criticism of the Indian federal government for its half-measures in controlling the border and believes that the Government of India’s kid-glove approach toward such a critical issue bespeaks a lack of political will on the one hand or even actual disinclination in resolving the problem. He is unsparing toward the political parties – the Congress and the CPI (M) – whom he holds responsible for encouraging and proliferating illegal immigration on a scale that has adversely affected the country’s economy, society, culture and polity, which, if ignored, could lead to cessation of parts of India’s east and north-east. But Nandy also sees Bangladesh’s undeclared policy of getting rid of its unwanted and excess population as one of the more important factors of human displacement and forced migration in the region. Constructed within the national security framework, Pramanik’s (2005) argument is that illegal immigration from Bangladesh is a result of the stark failure of Bangladesh to evolve as a secular, multi-cultural polity.

If there is a paucity of literature on the India side, there is a complete lack of it on the Bangladesh side. Except for some brave attempts by a miniscule minority of Bangladeshi scholars to highlight the flight of Hindus, academics of that country have totally ignored – willingly or otherwise – the migration of Muslims to India. Most scholarly works, for instance that of Siddiqui (2003), have restricted themselves to concentrate on the “safe” terrain of migration of skilled Bangladeshi labour to countries other than India. This omission is, perhaps, guided by the status policy of denying that there is any out-migration from Bangladesh to India. In contrast, there is a body of literature notably that of Barakat et al (2000) that has analysed and explained how laws like the Enemy Property Act in East Pakistan and the Vested Property Act in Bangladesh dispossessed millions of Hindus and drove them to seek shelter in India. Others like Goswami and Nasreen have undertaken research to project how cultural prejudices

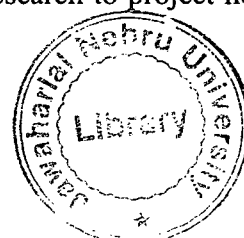
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against Hindus contributed toward discrimination. Demographers such as Begum (1979, 1990) have not minced words about the reasons why Hindu population has come down drastically in Bangladesh since 1971.

A few other scholars like Ahmad (1995), Zaman (1996) and Khan (1982), besides some government officials have, however, written extensively on the economic and environmental factors within Bangladesh that cause internal (rural-urban) and external (cross-border) migration – extreme poverty, landlessness, rural unemployment, natural calamities, poor agricultural reforms and a general economic backwardness.

A most valuable corpus of historical writings is available on the social, economic and political effects of Partition and the flight of refugees from India to East Pakistan and from East Pakistan to India between 1947 and 1965. Chakrabarti's (1999) treatment of the plight and hopelessness of Partition refugees, especially Hindu refugees from East Bengal/East Pakistan, is vivid and incisive. His book is substantive in its scholarship and exhaustive in basic research that applies Marxian tools of historical analysis to chart the course of the influx of refugees and their quest for attaining recognition and membership in the new Indian state.

Others like Das (2003) have carried forward Chakrabarti's work to assess the Indian government's response to refugee crises it was faced with between 1947 and 1965. Chimni (2003) describes and examines the legal status of refugees in India, including those who arrived from East Pakistan/Bangladesh, and explores the validity of the reasons why India has not acceded to be a signatory of the 1951 UN Convention on the Status of Refugees and the 1964 Protocol relating to the Status of Refugees.

Myron Weiner's *Sons of the soil: Migration and ethnic conflict in Northeast India* highlighted the issue of migration and ethnic conflict. Book also discuss the reason for migration by taking example of some states like Madhya Pradesh, Bihar, Uttar Pradesh, Rajasthan, Maharastra etc., Donald L. Horowitz, *Ethnic groups in conflict*, focus on the different theory of ethnic conflict and also discuss about the tension between different groups. Ranabir Samaddar's, *The marginal nation trans-border migration from Bangladesh to west Bangladesh*, Mahavir Singh's, *Home away from home: Inland movement of people in India* and K.V. Joseph's *Migration and economic development of Kerala* are some of the important books

which are deeply dealing with the issue of different types of migration and reason for migration from one region to another.

S.Dutta's, *Student movements in Arunachal Pradesh* is one of the most important literatures which specifically deals and discusses about the student movement in the region and their role towards the Chakma-Hajong deportation. S.K. Chaube's, *Electoral politics in Northeast India*, M.C. Goswami and P.B.Das, *The People of Arunachal Pradesh: A physical survey*, Sajal Nag's, *Roots of ethnic conflict: Nationality question in northeast India*. M.M. Agrwal's *Ethnicity, Culture and Nationalism in northeast India*, S.R. Maitra's *Ethnographic study of Chakmas of Tripura*, S.P. Talukdar's, *The Chakmas: Life and struggle*, and *Chakmas: An embattled tribes*, which discusses the historical background of the Chakmas, their life style, culture, tradition, and etc. and their movement of to fight for identity are some the above books however, have helped in one way or the other in completing the study.

Very few articles have been written by the scholars on the various aspects of Chakmas and Hajongs and the question of their citizenship in Arunachal Pradesh in particular and North Eastern region in general. Sanjiv Kr. Sharma's, *Mapping Northeast India's foreign policy: Looking past, present and beyond*, published in the *Indian journal of political science*, Vol. LXV, No. 4, October-December 2004, Shabnam Mallik and Rasarshi Sen's, *Ethnic conflict in the Indian sub-continent and international security*, in the *Aakrosh*, Vol.5, No.6, July 2002. Subrata Ghatak, Paul Levine and Stephen Wheatly Price, *Migration theories and evidence: An assessment in the journal of economic survey*, Vol. 10, No.2, 1996. Sreeradha, Dutta's, *India and Bangladesh the border issues in the journal of Himalayan and Central Asian studies*, Vol.7 No.3-4, July-December 2003, examined the migration theory and the role played by both India and Bangladesh on the border and illegal migrants issue and also the program and policy relocating in the northeast region of India to minimize the conflicts. BJP is playing with fire, an exclusive interview of Byaban Taj, which published in the *Northeast SUN*, May 31, 2004 relating to the issue of granting citizenship rights, and right to vote to 1047 Chakmas and Hajongs are focused.

Particularly on the issue of Chakma-Hajong and the question of citizenship of these migrants of Arunachal Pradesh, very few scholars' came into light who is regularly writing on these issues. Deepak K. Singh's *The Arunachal Tangle: Migration and ethnicity* which published in the *Indian Journal of Peace Studies*, Vol. III, September-December 1996, and the

Chakma question in Arunachal Pradesh in the Omprakesh Mishra and A.J.Majumdar's book, *The elsewhere people* (ed). Who argue about the citizenship rights of Chakmas and Hajongs in Arunachal Pradesh, These articles not only give historical information about the problem in the region but also discussing the various movements which has been run by the All Arunachal Pradesh Student Union (AAPSU) and state Government to deport the Chakmas and Hajongs from the region as such. His main criticism the role played by the Supreme Court, because even having legal rights to get citizenship or rights to vote they are denying not only right to vote but the basic fundamental rights to get education, Job, medicine, drinking water, electricity etc.

The available published texts and analyses have confirmed my findings on the ground, supplemented the information unearthed in the course of the field research, and provided new ideas that I have tried to elaborate on, and reshaped and reconfigured to infuse textual and informative richness into my account. This research is shaped by my identity as a student of political science. In that capacity I have analysed the problem not merely as a demographic phenomenon whose consequences on regional economic, social, and political stability need not be overstressed, but as a coexistence problem between adherents of two great religions. This report is the product of three months of fieldwork which, I believe, is wholly inadequate to address one of history's worst demographic experiences in one of the world's most pluralist and multi-cultural regions. There is an urgent need for intensive and extensive laboratory-like research and analysis of the problem in other parts of India's Northeast, in general and Arunachal Pradesh in particular which have so far escaped the attention of social scientists, ethnographers, conflict resolution experts and demographers.

After going through all the existing literature, I came to understand that there is not a single book available which covers the issue of migration and ethnic conflict and the case study of Chakmas and Hajongs of Arunachal Pradesh from post 1947 to till date. Perhaps the study which I did will definitely fill the gap.

1.5 Scope of Methodology:

The data for the present study has been collected from the primary and secondary sources available in India, particularly the Census of India and the subject has been studied not only problem wise but in a chronological order. Mostly the Government publication, document published by the UN, newspaper clipping, news weeklies, research journals and books related

with the various issues and problems of migration and ethnic conflict and the Chakma-Hajong as well as the student movement in Arunachal Pradesh has been used. There is also some unpublished and relevant material as well as personal interviews that, some of the problem could be grasped.

I.6 Plan of Study:

The study is organized in the following manner. Chapter-I begin with an introduction which explains about the historical background of Arunachal Pradesh, the problem and the scope of the study and sets out a framework of enquiry. The methodology used and a brief review of the work done in this field so far is also undertaken.

Chapter-II is a theoretical part to the migration and ethnic conflicts. It discusses the various theories of the migration and ethnic conflict. It also analyses the reasons for migration of Bangladeshis to India as well its problems.

Chapter-III is a historical origin to Chakma and Hajong and their historical background. It examines the Mujib-Indira agreement of 1972 on the immigration as well as also analyzes different political aspects for the settlement of Chakmas and Hajongs in Arunachal Pradesh.

Chapter IV focuses on the historical background and the Formation of All Arunachal Pradesh Student Union (AAPSU). It also looks on the Chakmas and Hajongs problem and the role played by the AAPSU in the state. Settlement of Chakma-Hajong created lots of problem in the region, which discuss the various tools used by the AAPSU to deport the Chakmas and Hajongs in the state.

Lastly, Chapter-V is the Conclusion part, which suggests some solution to the problem as well as critical assessment of the other related issues.

The Appendix has also been added to focus on the various legal petitions as well as different cases and judgment by Guwahati High Court, Delhi High Court and Supreme Court of India. as well as various committees of Rajya Sabha, and National Human Rights Reports relating to the issue of Chakma and Hajong problem in Arunachal Pradesh and Citizenship rights.

CHAPTER – II

MIGRATION AND ETHNIC CONFLICT: THEORITICAL PERSPECTIVE

CHAPTER- II

MIGRATION AND ETHNIC CONFLICT: THEORITICAL PERSPECTIVE

Migration generally refers by dictionaries as a change of residence from one place to another. Migration like fertility and mortality holds a place of prominence in a geographical analysis of population change in any area.¹ Migration cannot be considered a mere shift of people from one place of residence to another, as it is most fundamental to the understanding of continuously changing space content and space relationship of an area² considers a movement of people as an instrument of cultural diffusion and social integration that result into more meaningful distribution of population.³ It is in this context that migration has been of central interest to a discipline like geography, which is spatially oriented and which lays its emphasis upon the understanding of spatial process and spatial interest.

A migrant is a person who changes his normal place of habitation by crossing an administrative boundary in the process. This shows the flow of the people from place to place. The term migration connotes a change of residence, journey to work, and types of boundaries crossed etc. Migration helps in the diffusion of ideas and information, indicates symptoms of social and economic change and can be regarded as a human adjustment to economic environment and social problem.⁴ The spatiotemporal change of population on the earth's surface in relation to differential human society is known as population migration.

II.1 MIGRATION:

Migration means the movement of the people in space.⁵ Migrants are people who move and settle down temporarily or permanently in new settlements. It is classified as: Emigration, the movement of individuals across their national boundary, outbound; Immigration, movement within one's national boundary in bound; Internal migration,

¹ Trewartha, G.T. (1969) *A Geography of Population: World Patterns*, John Wiley and Son, Inc., New York.

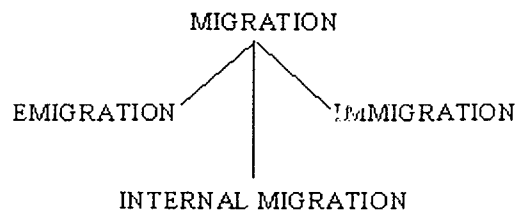
² Gosal, G.S. (1961) *Internal Migration in India: A Regional Analysis*, *Indian Geographical Journal*, Vol. 36, Pp. 106-121.

³ Bogue, D.I (1971), *Internal Migration in O.D.Duncan and P.M.Houser (ed.), The Study of Population: An Inventory and Appraisal*, Chicago University Press, Chicago.

⁴ Mandal, R.B (ed.) (1981), *Frontiers in Migration Analysis*, Concept Publishing Company, New Delhi, p. 25.

⁵ Singh, Mahavir (ed.) (2005), *Home Away From Home: Inland Movement of People in India*, Anamika Publisher and distributors (p) Ltd. (MAKAIAS), p. 11.

movement within one's national boundary. Migrant is generally a person who moves residence either during emigration, immigration or internal migration.



Migration may be forced i.e. involuntary and voluntary i.e. based on choice. Peterson⁶ classifies migrants into two types- Innovating migrants, who move in order to a change in their circumstances hoping by migrating to retain their way of life in another locus. On this basis he recognizes five broad classes of migration – Primitive, Forced, Impelled, Free and Mass.

Malthus regarded migration, “as an inevitable consequence of over population”, and consider the great open space of the new world as providing a temporary escape from the cycle of poverty and misery which kept death rates high and prevented improvements in living standards for the majority. Eisenstadt defines migration “as the physical transition of individual or group from one society or another. This transition usually involves abandoning one social setting and entering another and different ones”.⁷ Weinberg points out “Human migration is the changing of place of abode permanently or when temporarily, for an appreciable duration as e.g. in the case of seasonal workers”. Lee broadly considers migration as a “permanent or semi permanent change of residence with no restriction on the distance involved in the movement”. Such a broad connotation of the term migration may give rise to more complications. For instance, inter-urban residential mobility or inter-village residential mobility cannot by any stretch of imagination to be considered as migration. Marx highlighted the complexity of Governments and the military in coercing peasants and small farmers into migration, through enclosure movements, clearances and state assisted emigration movement.

⁶ Peterson, W, A (1958), General Typology of Migration, *Sociological Review*, No. 23.

⁷ Eisenstadt, S.N (1954), The Absorption of Immigrants: A Comparative Study based mainly on Jews Community in Palestine and the State of Israel, P.1, Cited in Amal Dutta, *Human Migration: A Special Phenomena*, Mittal Publication, New Delhi, 2001, p. 19.

Weber saw migration as an incidental factor creating new social classes and ethnic status group. While Durkheim saw migration, "as one of the factors which led to the breakdown of traditional communities held together by mechanical solidarity". In Kosinki's classification the major dimensions are: Time(Temporary/Permanent); Distance (Long/Short); Boundaries Crossed (Internal/External); Decision Making (Voluntary/Impelled/Forced); Member Involved (Individual/Mass); Social Organization of migration (Family/Clan/Individual); Political Organization of Migration (Sponsored/Free); Causes (Economic/Non-Economic); and Aims (Conservative/In narration).⁸

Migration is an experience with which most of us are familiar, defined in simple terms it is a shift in the place of residence for some length of time. But when studied carefully it is seen to be both a cause and a consequence of various social, economic and political factors. Therefore an explanation based on a single variable cannot lead to a meaningful understanding of such movement further more a set of factors affecting movement during a particular period and from a particular area may be different from the variables which influence such movement in another region, during a different or the same span of time. Thus any attempt at defining migration or different migrant groups must be preceded by an understanding of the specific conditions responsible for such a movement. This also means that the migrant groups placed in a particular situation must be understood in the context of the same situation, without allowing our understanding to be colored by our knowledge of merely similar situation elsewhere.⁹

Broadly speaking there may be two classified migration voluntary and involuntary or forced migration. The 'Pull' factor may be said based on the comparative advantage that can be derived from movements into west Bengal. The 'Push' factor is provided by the economic condition and subsequent pressure on the population.

It is noted that according to the traditional push-pull theory migrant flows occur from 'Poorer' to the 'Richer' countries. However in this context the terms need to be modified slightly and more appropriately, it should be stated that the migration is from a 'Poorer' to

⁸ Singh Mahavir, op., cit, Pp. 1-2.

⁹ Ibid.

'Less Poorer' country. Involuntary migration is a broad term including all those individuals affected by crisis such as war, riots etc. the 'Pull' effect in these causes is created by the desire to inhabit in a more congenial atmosphere, the over whelming objective being to reach a heaven by the specific conditions hostile or turbulent at home; mainly the deterioration of the military, political or social situation at home. These broad categories of migrants include what Hugo and Kwak Bun have feared to as natural disaster migrants and refugees.

Involuntary migration from Bangladesh into West Bengal may be seen to have occurred at certain intervals during 1950 and 1971 wars, political upheavals in the year 1975 and 1988, disasters like the famines of 1974 and floods which occurred very frequently and which were responsible for large scale devastations and in the wake of the Ayodhya incident in 1992. On the other hand, voluntary migration may be said to have been a steady phenomenon at times quite significant.

Migration is defined broadly permanent or semi-permanent change of residence. No restriction is placed upon the distance of the move or upon the voluntary or involuntary nature of the act, and no distinction is made between external and internal migration. Migration is one of the demographic dynamics of particular concerns to the geographers; though interest in population movement is also strong between anthropologist and sociologists. There are persons like E.G.Ravenstein, E.Lee and D.J.Bouge, who have analysed all kind of migratory movements and research into certain generalizations or it should be called the "Theory of Migration". The first attempt at formulating migration theory was made by E.G.Ravenstein in his two papers of 1881 and 1889 on the "Laws of migration". These laws, which outlined demographic and economic variables particularly in relation to the factors of distance, represent the beginning of an attempt to relate in a systematic way, the factor which enters into a temporary or permanent change in residence. As Lee and others have noted, in dealing with either short or long distance moves, the analysis must take into account factors in the area of origin, factors in the area decision factor which leads to move.

In every area there could be countless factors, which act to hold people within the area or attract people to it, and there are others, which tend to repel them. Perhaps the question arises why do people move? One attempt to cover all moves under a general heading is the 'Push' and 'Pull' factors. It suggests that migration is due to socio-economic imbalances

between areas, certain factors 'Pushing' people away from the origin and others 'Pulling' them to the area of destination. For this reason they are of changing significance in time and space varying in accordance with their causes, objectives directions and intensities.¹⁰

Migration has become a worldwide phenomenon in recent years. Millions of people all over the world move out of their normal place of residence to seek their fortune elsewhere. If military operations or political operation or religious persecutions in the past would not been happened, might condition may not be arise but, it is by and large economic factors that induce people to migrate in the modern period. However, the exact circumstances under which people migrate from time to time and place to place vary considerably. Migration is having far reaching impact not only on the migrants but also on the society at large both in the place of origin and destination. Migration has naturally become a lively topic for serious study.

Migration is a term, which encompasses a wide range of patterns. From the geographical points of view it may involve the movement of people from one locality to another within the country or from one country to another. Such geographical mobility may take place from rural to rural area or from rural area to urban areas. Urban to rural or urban to urban migrations are also possible. On the basis of duration of the process, migration may be classified into permanent or short term. Short-term migration comprises seasonal migration and circular migration involving the return of migration and circular migration involving the return of migration to the place of origin. Further, occupational migration can be thought of which involves shifts from one occupation to the others, say for example from agricultural to industrial or service occupations. Occupational migration may encompass all occupational categories: unskilled labor to specialists and professionals. In short, any movement of persons from their normal place of residence to other places either within the same country or to countries outsides with a view of talking permanent or long period residence falls within the definition of migration.

¹⁰ Todaro, Michael P. (1976), *Internal Migration in Developing Countries: A Review of Theory Evidences Methodology and Research Priorities*. ILO Publisher, Geneva, Pp. 16-17.

THEORIES OF MIGRATION: Different Approach:

The Classical Approach

Though the genesis of migration as a significant development can be traced to the closing day of the mercantilist era during the later of the 18th century, systematic analysis of migration is of recent origin. The mercantilists who dominated economic thinking for over a century had preached the utility of poverty and frowned upon migration of all categories.¹¹ The classical economists who succeeded them did not favor external migration either. Further, they did not formulate any theory on migration, though different patterns of migration took shape during the period of their intellectual domination. They were rather preoccupied with free trade and competition unfettered by state interference. The implications of internal mobility of the factors of production as a concomitant of competition were the only theme, which they could project as an analytical tool for migration.¹² Even the so-called free mobility was confined to the members within each stratum of society and not between “non competing groups”.¹³ Nevertheless, some among them advocated colonialism as a remedy to the impending law of diminishing returns. It becomes a handy weapon in the hands of Marx for his attack on capitalism. The neo-classical economists too did not formulate any theory of migration.¹⁴

Ravenstein’s Laws on Migration

Ravenstein’s stated the ball rolling by providing a theoretical analysis of migration for the first time. Through two papers published in 1885 and 1889 he formulated seven laws of migration based on the census reports of England.¹⁵ According to him migration between two points will inversely be related to the distance and migrants will move by stages from nearby towns to distant lands. Movement is mainly to centers of commerce and trade, which accelerate over time as a result of “the increase in the means of locomotion”. He maintained that each stream of migration would produce a counter stream. The propensity to migration would be more with the inhabitants of rural areas than with those of towns. Among the different motives, the inherent desire in men “to better themselves in material respects” is the

¹¹ Theodore, W. Schultz (1978), Migration an Economist’s View, in William, H.Mcneill and Adams, Ruth. S (ed) Human Migration Patterns and Policies, Indiana University, London, Pp. 377-79.

¹² Brinley, Thomas (1973), Migration and Economic Growth, Cambridge University Press, Cambridge, Pp. 26-30.

¹³ Cairness, J.E (1874), Some Leading Principles of Political Economy, Macmillan, London, Pp. 66-68.

¹⁴ Joshep, K.V (1988), Migration and Economic Development of Kerala, Mittal Publications, Delhi, 1988, p. 10.

¹⁵ Ravenstein, E.G (1985), Laws of Migration, in *Journal of Royal Statistical Society*, London.

most important in influencing the decision to migrate. Ravenstein's laws were able to stand the test of time. However they contain mere generalizations without the understanding of a theoretical framework.

Lee's General Scheme of Migration Analysis

There were particularly no excursions into migration theory for a long period since Ravenstein. The sum total of the constitutions upon the thirties of the 20th century consisted of the generalization made by Dorothy Swaine Thomas that, migration tended to be young adults and a few mathematical formulations about the relationship between migration and distance.¹⁶ Stouffer's theory of intervening opportunities as the basis of migration is yet another feeble attempt to formulate a theory of migration.¹⁷

It was Everett Lee who took up the mantle from Ravenstein and put forward a general scheme of migration analysis. He introduced a simple conceptualization of migration, "involving a set of intervening obstacles and a series of personal factors". In every area there are countless factors, which act to hold people in the area or attract people to it and there are others, which tend to repel them. People are indifferent to some others. The effects of these forces varies from person to person depending his age, experience, education skill, sex etc. He further introduces the concept of intervening obstacles like distance cost of transport restrictive immigration laws etc. which also tend to exert different influence on people. Therefore, he concedes that the actual decision to migrate is "never centrally rational". The actual volume of migration depends on the degree of diversity of area, occupation and size of the population. Migration tends to increase with time and with the state of progress of the country.¹⁸

The Situational Approach of Walpord (1965)

Migration occurs "when the place utility", in a few locations becomes greater than that of the present location according to Walpord place utility represents the social, economic and

¹⁶ Everett, S.Lee (1996), A Theory of Migration in Demography, Vol. 3, No.3, Pp. 47-48.

¹⁷ Samuel, A. Stouffer (1940), Intervening Opportunities: A Theory Relating to Mobility and Distance in American Sociological Review, December, New York.

¹⁸ Everett, S.Lee, Op. Cit., Pp. 47-58.

other costs and benefits derived from an “individuals integration at some position in space”.¹⁹ The range of alternatives will be limited by one’s own experience, information available and even position in his life cycle. It is known as situational approach because the determinants of migration such as population, density, political and social structure etc. vary from situation to situation. The approach fails to take into account the fact that the individuals rational behavior is caused by the system of which the individual is a part only. How the system varies from place to place and the method through which it changes is more important in determining the type and size of migration.

Michael Todor (1969) has formulated another model suitable for analyzing migration originating in the context of rising unemployment. According to him any migration based on rational economic calculation, takes place in respected rather than actual earnings.²⁰ Migrants as decision makers consider the various labor market opportunities available to them and choose the one, which maximizes their expected gains from migration. He maintains that rural-urban migration acts as an equilibrating force. According to him migration is possible even there is unemployment in the urban sector. The model is applicable only to migration of labor towards urban destinations for paid employment.

The Historical Approach

On account of the shortcomings of the neo-classical equilibrium model in analyzing migration from the proper angle, an alternative approach known as the historical structural-perspective approach has been tried out by a large number of authors. Prominent among them are Portes, Balan, Cardoz, Mangalam and etc. According to this approach any study on migration must necessarily “probe into the pressure and counter-pressure both internal and external to the economy which causes changes in the organization of production”. It is the historical processes, which determine the availability of labour, and effect changes in the migration of social set up rather than individual motives assume priority in anywhere the unit of analysis should be the stream than the individual unit. Any study on migration therefore

¹⁹ McGree, T.G (1978), Rural Urban Mobility in South and South East Asia in William, H. McNeill and Adams Ruth S. (ed.), Human Migration Patterns and Policies, Indiana University Press, London, Pp. 202-04.

²⁰ Todor, M.P (1969), A Model of Labor Migration and Urban Unemployment in Less Developed Countries, in the *American Economic Review*, March, Pp. 138-148.

calls for a broader theory of socio-economic and political changes to which migration is only a part.²¹

The historical structural perspective pays scant attention to the factors that motivate individuals factors especially because no attempt is made to examine the nature of the decision making process or the various elements that enter into the calculus. The dynamic element associated with the endeavors of pioneering migrants is equally strong in creating a stream.

Marxian Approach

Against the several non-Marxian approaches, Marxist has evolved their, own model to migration studies. As a matter of fact, it was Karl Marx who initiated an analysis on migration from a historical angle. However, Marxian line of thinking is to consider migration as a part of dialectical materialism. The Marxian contention of the law of population relevant is the basis of historical analysis in migration studies. Marx points, when accumulation increases the ratio of variable to constant capital falls and therefore, the demand for labour declines. As Marx and Engel's commented, "it is not population that presses on productive power; it is productive power that presses on population".²² Capitalist expansion in production results in the simultaneous conversion of labour force into a marketable commodity ready to be sold and at the same time formation of different categories of surplus labour floating, latent and stagnant- out of the working population. Workers are therefore compelled to migrate far and wide in search of employment. In short, the pauperization of the working class as a result capitalist expansion is the basis of all forms of migration.

The migratory movement recorded in South Asia can be categorized by two phenomena, Viz, Internal i.e., within the country; and External i.e. across the border. Both these phenomena have three basic triggering factors.

²¹ Charles, Wood (1982), Equilibrium and Historical Structural Perspective in *Migration, in International Migration Review*, Vol. XVI, No. 2.

²² Marx, Karl and Engles (1971), Frederick, Forced Emigration, in Ireland and Irish Question, Progressive Publications, Moscow, p. 56.

Environmental Migration

There are two varieties of environmental migration in South –Asia. Exodus variety, primarily caused by large development projects or unprecedented natural disasters and Trickle variety, which is a slow but steady displacement caused by various environmental reasons. The Kaptai Dam Project (1957-62) located in the CHT (Chittagong Hill Tracts) in which 100,000 Chakmas and Hajongs tribal people lost their land (40% of arable land) as it submerged over 54,000 acres of agricultural land is an example of the exodus variety. As a result over 40,000 Chakmas left for India and settled in the parts of the Northeastern and the Eastern region of India which was the first major environmental displacement. Over 21,000 families were uprooted and ousted when the Pong Dam was constructed nearly 25 years ago. A majority of these people migrated to Rajasthan, Haryana and Punjab.

Development projects have always generated serious controversy in South-Asia, as they tend to be a major source of displacement related conflicts. We have the example of the Arun-III Project of Nepal, Kalabagh and Bhasha Dam in Pakistan, Mahaveli Project in Sri Lanka and Sardar Sarovar and Tehri Projects in India. In India alone the estimates of national resettlement forced by development projects during 1950-90 shows that 18.5 million people were affected.²³ 21.3 million Developments induced IDPs include those displaced by dams (16.4 million) mines (2.55 Million), Industrial development (1.25 million) and wild life sanctuaries and national parks (1.6 million) respectively. (Appendix- J & K)

The fact that development projects are usually located in remote villages, hills and forests has meant that those displaced have tended to be indigenous tribal peoples who have been the traditional agents of conservation. Displacement disruption and disorder and severance from an eco-system that had sustained them, most critically these displacements threaten the poor and the weak with even greater impoverishment. It is only those cases, which come to the attention of social and environmental activists that get highlighted and lead to some state international in most cases total displacement with loss of home and livelihood has resulted. There has also been a massive and recurrent displacement due to floods, cyclones and landslides. A very pertinent example of the trickle variety is the Farakka Dam Project. The diversion of Farakka in 1976 generated several adverse environmental

²³ Figure provided by the Indian Social Institute, India.

consequences. According to a report prepared by Bangladesh water development board, the effected area by water shortage for irrigation, moisture depletion and increased salinisations have been estimated to be about nearly four million acres. The most effected regions are the Khulna divisions and the Southern part of the Rajasthan division. The Gangetic water system in Bangladesh supports a large variety of fresh water fish and prawns. Due to reduced flow and stagnation of the water in the dry seasons, aquatic organisms and revering fishery have been badly impeded. The majority of the 'illegal migrants' into India are from the Southwestern part of Bangladesh mostly Khulna division (Kushtia, Meherpur and Chuadanga districts) they come through West Bengal border.

Forced Migration

South Asia forced migration could be broadly categorized into three types. Firstly, the state has been the main actor in forcing emigration to achieve cultural homogeneity or asserting the dominance of one ethnic community over another in the socio-economic and political areas. This is pursued as a politically popular policy, arising from officially instigated or organized state actions. Secondly, Government's have forced emigration to deal with political; dissidents hostile to the regime and its class enemies. And thirdly, forced migration has invariably to achieve foreign policy objectives.

The post-cold war, South Asia has 'destructured conflicts' or 'low intensity wars' as the major causes of displacement. These types of forced migration have generated millions of refugees including Rohingyas in Bangladesh, Afghans in Pakistan, and Lhotsampas from Bhutan in Nepal, Tibetans and Srilankan Tamils in India. They number around 2.32 million, which is 19.23% of the total world refugee population of 12.07 million.

Economic Migration

Economic Migrants are primarily triggered by poverty related displacement in their regions/countries of origin. In Nepal the regional disparity along with poverty factors has always produced both rural to urban and cross border migrants.

Largely, the environmental, economic and forced migration is directly or indirectly applicable to the migrants of CHT (Chakmas, Hajongs and other Bangladeshis) who victimized and migrated to India over a period of time.

II.2 Refugee Flow of 1971:

The Awami League of Shiakh Mujib-Ur-Rahman won majority of seats in the election for Pakistan's National Assembly in February 1971. The League called for the National Federation (NF) in which Central Government would be responsible for defense and foreign affairs with federating units maintaining more autonomy with having control over the rest of the affairs of the state.

Intense negotiations followed between the Pakistani people, mostly Hindus moved to India, as the Pakistani forces started marching into East Pakistan. By September 1971 number of refugees who had crossed over to India and settled in West Bengal, Tripura and Assam reached to 8 Million. India intervened military in November 1971 as the conflict intensified with India actively supporting the Mukhti Bahini, the people of East Pakistan, especially who were residing along the borders were forced to move to India.

Environment crisis in the rural areas of developing countries is increasingly an important cause of cross border migration of population and South Asia is no exception to this phenomenon such movement of population in the Indo-Bangladesh context is generating a range of destabilizing socio-political tensions in India. It has emitted Indo-Bangladesh relations, causing tensions between the two countries. Large-scale movement of population from Bangladesh (East-Pakistan) to India, which started in the early part of the twentieth century, is continuing unabated. The early movement of population was confined mainly to the neighboring Indian states like Assam, Tripura, and West Bengal, but in the recent years migrants have moved to even far off states like Tamil Nadu, Maharastra, Gujarat, Rajasthan and Delhi. It has been reported that there are approximately 20 million illegal Bangladeshi living in various parts of India.

The refugee influx in 1971 disrupted normal life and threatened to disturb the demographic scenario in the four bordering states of India, Viz. West Bengal, Tripura, Meghalaya and Assam.²⁴ Large-scale migration of Muslim Bangladeshi into non-Muslim areas of the neighboring states of India like Assam has culminated in conflicts between

²⁴ Sandip, Bandopadhya (2000), Million Seeking Refugee: The Refugee Question in West Bengal, in Pradeep Kumar Bosh (ed.), Refugees in West Bengal. Institutional Practices and Contested identities, Calcutta Research Group, Calcutta, p. 35.

migrants and natives. The situation got complicated as under political patronage of the party in power, large number of migrants from Bangladesh got their names enrolled in the electoral rolls of the states.²⁵ Political Parties especially the Congress has used Bangladeshi migrants as 'Vote Bank' in Assam and in West Bengal, the Communist Parties considers migrants as helpful to their electoral victories.²⁶

Since 1971 there has not been any mass cross border movement of people between India and Bangladesh. However, migration has been taking place from Bangladesh to India especially into the Northeastern states. The push factors environmental, economic, social and political- all impact upon the migration process. Infact, it is the combination of all these factors like porous nature of the Indo-Bangladesh border, better economic opportunities in India as compared to Bangladesh and less deportation rates, etc, also plays a role in causing migration.

II.3 Causes of Migration from Bangladesh to India:

There are mainly three specific condition have been responsible for migratory movement into the Indian Border States like West Bengal, Assam and etc., Poor Economic Situation at home and consequently, the desire on the part of the people to eke out a better living. Unstable condition created by Wars, Riots and Political Upheavals, Persecution of the minorities because of their religious affiliations, has a considerable extent, been responsible in the escalation of such migratory movements during wars riots and at time political upheavals. A closer look at each of these conditions reveals interesting facts, which help considerably in understanding the situations, which caused people to move.

The Partition of India between 15th August 1947 and 1958, communal riots in Pakistan between 1st January 1964 and 24th March 1971 and the civil war and Pakistan army atrocities in East Bengal from 25th March 1971 to 31st October 1971 are seen as the another important causes for migration from Bangladesh to India over a period of time. The partition of the Indian Sub-Continent in 1947 witnessed one of the largest refugee movements recorded in the world history. About 8 million Hindus and Sikhs left Pakistan to resettle in India while about 6 to 7 million Muslims left India to settle in the newly created country Pakistan. Since then

²⁵ Singh, Munju (1990), Assam: Politics of Migration and Quest for Identity, Anita Publications, Jaipur, p.183.

²⁶ Ibid., Pp.179-185.

about 35 to 40 million people have moved across national boundaries in India, Pakistan, Bangladesh, Sri Lanka, Nepal and Bhutan. Despite the fact that none of the South-Asian countries have signed international refugee instruments, viz, the 1951 United Nations (UN) Convention on the Status of Refugees and 1967 Protocol relating to the Status of Refugees and also not enacted a domestic refugee law or procedure, this region has some interesting success stories in refugee management. One can cite the example of Tibetans in India and Nepal where over 150,000 Tibetan refugees have been quietly and tightly integrated into these societies.²⁷

The management of East Pakistan (Bangladesh) in India is still a fresh when over 10 million refugees came to Eastern and Northeastern states of India on the eve of liberation was in Bangladesh. More recently, given the magnitude of the exodus of Afghan refugees to Pakistan, it can be said that both the host and the participating humanitarian and other international agencies have successfully managed the refugee situation in this country. Despite many odds the fact remains that the regular manner for a particular period of time.

II.4 ETHNIC CONFLICT:

Some have prognosticated about the next pattern of conflict in world politics. Among the many competing worldviews, the end of the history; return of traditional rivalries of the nation state and rise of a super-nation, are among others that are jostling for prominence. However, a category of conflict that is a combination of ideological, economic and cultural appears to hold sway.

As we know the revival of the ethnic cleavages and increasing tensions is one of the major problems for today's Community of Nations. The term 'Ethnicity' was first used by *David Riesman* in 1953 and makes its appearance in the Oxford English Dictionary only in 1972.²⁸ The concept of ethnicity was advanced as a generic term covering tension and conflict arising due to cultural heterogeneity in a state. In many senses, it was put forth as a replacement for class to conceptualize Social Stratification in society. Social scientists have been provoked to give personal impression in the context of the changing world order vis-à-vis ethnic conflict. To have a better understanding of the concept 'Ethnicity' and its

²⁷ Batchelor, C. (1995), Stateless Persons: Some gaps in International Protection, *International Journal of Refugee Law*, Vol. 49, No. 1.

²⁸ Hutnik, Nimmi (1991), 'Ethnic Minority Identity- A Social Psychological Perspective'. Clarendon press, Oxford, Delhi, p. 54.

implications in the existing political order it would not be out place to consider its views put forward by well-known social scientists.

Donald Horowitz has used the concept of Ethnicity in the year 1985 to refer the groups defined by ascriptive differences, whether the idiom is color, appearance, language, religion and some other indicator of common origin or some combination thereof.²⁹ Mostly, he stresses on the salience of ethnic conflict in heterogeneous third world societies.

Ethnicity is very close to *Weber's* conception of a 'Subjective Belief' in 'Common Decent'. It generally embraces group differences by colour, language and it covers Tribes, Races, Nationalities and Castes.

In addition to it he explains that feelings of common ethnicity and notion of kinship are usually caused by the diverse economic and political conditions of various groups and therefore, both economic and political factors are crucial variables in determining the nature of ethnic relations.

Paul Brass distinguishes ethnic group, community and nation on the basis of the level of consciousness. An ethnic group is an objectively distinct group, but its members don't necessarily attach subjective importance or political significance to the fact. A community is an ethnic group whose members has developed an awareness of common identity and has sought to draw boundaries of the group. A community becomes a nationality or nation when it mobilizes for political action and attains political signification. Some disintegrate or merge into a large society; others retain their separate identity.³⁰

Birth asserts that though the ethnic makers (Dress, Language, House form, Life style and Basic value orientation) used by members of ethnic groups to signal belonging may change with time, the process of self-ascription and identification need not necessarily undergo a similar change. Ethnic groups may thus become behaviorally assimilated with yet

²⁹ Nationalism and Ethnic Politics, Vol-7, No.2, *A Frank Class Journals*; Summer. 2001.

³⁰ Paul Brass (1974), *Language, Religion and Politics in North India* CUP, Cambridge, Pp. 389-92.

maintaining a strong sense of ethnic identity.³¹ In this light, ethnicity is not so much a product of common living as a product of self-awareness of one's belonging in a particular groups and one's distinctiveness with regard to other groups. The organizing principles of a state, which has territorially bound diversities of population, require that the totality of the nation state be in a significant sense constituted by the relationship between these diversities. This relationship may be relatively simple and harmonious on account of some over-arching social or civilization commonalities or they may be complex due to limited social or civilization contact or due to historical relation of domination-subjugation between these diversities. The latter phenomena bring forth demands especially from peripheral and minority groups for new cultural and political rights insisting upon their group's distinctiveness and identity. A heightened sense of group awareness takes the form of an ethnic community.³²

Ethnicity as *Jyotirindra Das Gupta* suggests, may be regarded as an enclosing device, which comes out a recognizable social collectivity based on certain shared perceptions of distinctive commonness often augmented by diachronic continuity.³³

Ethnic identities are not fixed; they are seen as variable subject to change according to the context and circumstances.³⁴ In a powerful centralized state like India according to *Ashis Nandy* is the cultural push for decentralization often gets ethnicised in a geographically bounded context.³⁵ In India the most inclusive basics for identity for-motion is the territorially defined 'Region'. A region in India has its own composite of ethnic and linguistic groups.³⁶ By region we generally refer to a cultural and social area the regional boundaries being co-terminus with linguistic ones.³⁷ This is similar to what Lenin and Stalin meant by 'Nation', A Nation is a historically Territory, Economic life and Psychological make-up manifested in a

³¹ Barth, F (1969), 'Ethnic Groups and Boundaries' in Allen, George and Unwin, (ed.) *The Social Organization of Cultural Difference*, London, p. 152.

³² A.S.Narang (1995), 'Ethnic Identities and Federalism, I.I.A.S, Shimla, p. 2.

³³ Jyotirindra Das Gupta (1978), *Ethnicity: Language Demand and National Development in India*, in Nathan Glazer and Daniel.P. Moynihan (ed.) *Ethnicity: Theory and Experience*, Horward University Press, p. 467.

³⁴ Paul Brass (1991), *Ethnicity and Nationalism*, Sage Publication, New Delhi, Pp. 5-8.

³⁵ Ashis, Nandy (1992), *Federalism the ideology of the state and cultural pluralism in Balveer, Arora and Nirmal Mukharjee (ed.) Federalism in India, Origins and Development*, Vikas Publication, New Delhi, p. 38.

³⁶ Rasheeduddin, Khan (1992), *Federal India: A design for change*, Vikas Publication, p. 32.

³⁷ Forrester, D.B, (1972), *Sub Regionalism in India*, Pacific Affairs, Spring.

community of culture.³⁸ Regional boundaries may also be assumed to be the political boundaries of linguistic states in India.³⁹

K.R. Bombwall defines a region as homeland of a distinct ethno-national community. Thus, the essence of Regionalism, as *Bombwall* argues, is a territorially based Identity Consciousness rooted in the shared Language and Culture of the people.⁴⁰

However, authors such as *Huntington* go beyond the point of considering purely intrastate violent ethnic conflict as the dominant form of conflict in the twentieth century. He opines that the fundamental source of conflict will occur between civilizations. In his view, "In this world the most pervasive, important, and dangerous conflict will not be between social classes, rich and poor, or other economically defined groups, but between peoples belonging to different cultural activities. Tribal war and ethnic conflict will occur within civilization".⁴¹ He further defines civilization as the highest cultural groupings of people differentiated from each other by History, Language, Culture, tradition and most importantly religion. He identifies eight major civilizations Viz- Western, Confucian, Japanese, Islamic, Hindu, Slavic, Orthodox, Latin American and African.

Understanding in the light of these views put forward by different writers, ethnicity may be defined as The tendency of human beings to associate with one another around shared religion, sect, language, cultural tradition, beliefs in common ancestry and a host of other usually multidimensional and therefore, ethnic identity can be rather pliable depending on varying contexts and situation. Ethnicity necessarily involves feelings of solidarity and loyalty towards fellow members and very often, it derives from some real or felt sense of deprivation and denial. At any rate, ethnic identity helps in societal interaction and forms as a basis for collective action. However, particularistic claims and interest of human beings while interacting with each other determine the question of identity.

³⁸ Kivyan, I (1981), *India: National and Language Problem*, New Delhi.

³⁹ Forrester, D.B, op., cit.

⁴⁰ Bombwall, K.R (1988), *Regional Parties in Indian Politics: A Preview*, In S.Bhatnagar (ed.) *Regional Political Parties in India*. E.S. Publication, New Delhi.

⁴¹ Huntington, S.P (1996), *The Clash of Civilizations and Remarking of World War Order*, Penguin Books, 1996, p. 2.

A most sinister angle of ethnic cleavages is ethnic conflict and the violent form it takes. In fact, ethnic conflict is a phenomenon present in almost all the multiethnic societies. However, it may be manifested in non-violent form too, but in most circumstances, it may turn to ethnic violence, which may threaten political and social order of respective territorial states. It may also lead to internationalization of problems at any point of time and thus we can reach to this conclusion that with such a progressive trend towards ethnic mobilization and war is greater than ever.

As *Ted Robert Gurr* in his article points, that the conflict phenomena are the overt, coercive interaction of contending collectives. This working definition is intended to be broad enough to encompass the full range of threatening, forceful and violent interaction that occurs among groups and nations. There are many definitions of conflict, some broad and some narrower. Coming to definition of ethnic conflict, according to the Michael Howard, The term 'ethnic conflict' is thus used to indicate either conflicts between ethnic groups that have not yet achieved statehood, or those arising when such groups are trying to resist assimilation into, or to seek independence from, larger groups which they see as threatening their cultural or political identity.

From last so many decades the number of ethnic groups had began to demand more rights and recognition, demands that are recognized as the major source of domestic and international conflict in the post cold war. The protagonist in the most intense ethnic conflict wants to established their autonomy or independence. On the other hand other ethnic conflicts arise from efforts by subordinate groups to improve their status within the existing boundaries of a state rather than to secede from it. There are various reasons responsible for the ethno political mobilization and conflict. Gurr and Hurff provided the following reasons.

Degree of Group Discrimination

When the people with a shared ethnic identity are discriminated against they are like to be resentful and angry, they may use their angry constructively or destructively or they may be people opt for accommodation whereas others vent their frustration openly. Those who are motivated to action, the greater the discrimination they experience, and the more likely they are to organize for action against the source of discrimination.

Strength of Group Identity

Finding like-minded individuals with similar grievances intensifies discontent and increase willingness to take action. The more strongly a person identifies with an ethnic group discriminated against, the more he or she is likely to be motivated into action. Furthermore, the group identity is stronger when the number of traits common to a group is greater.

Degree of Ethnic Groups Cohesion

The cohesion of challenging ethnic groups and the strength and unity of its leadership is another important factors strong ethno-political leader created the required environment for people to subordinate their personal preference to group preferences. Thus in this atmosphere if the leaders want they can use violent protest or political action to protest grievances. Here the cohesive groups accept strong, autocratic leadership.

Type of Political Environment

In a democratic political environment, it is more likely that the ethno political groups will voice their opposition non-violently. On the contrary in other political environments, violence is more probability that challengers will respond with increased violence.

Severity of Government Violence

Those state authorities using extreme force, such as massacre, torture and genocide to subdue challengers respond with clandestine movements like terrorism and guerrilla warfare against the government, as they cannot organize open resistance or fear the consequence of doing so.

Extent of external Support

Many ethnic groups receive and depend on external support like verbal encouragement financial support, weaponry, military personnel and other forms of active and passive supports. Therefore, depending on the external support violent means are used by the groups to challenge the government.

International Status of Regime

States having abundant resources are more likely to be supported by the international community and are less likely to be interfered unlike their counterparts having fewer

resources. Hence, challengers against states having greater international status are less likely to receive external support. Most of those above-mentioned factors are independent and interrelated, their importance also vary. Hence, it's been argued that external support may have greater impact on the extent of the ethnic conflict than that of group cohesion.

Various scholars have commented on managing ethnic conflict and building a stable democracy in an ethnically divided society by means of deliberate constitutional Engineering, intermarriage, interaction of people along different line of cleavages, such as class etc. However, despite these efforts of modernization, democratization, intermarriage etc. ethnic cleavages have proved to be enduring and rigid in many societies e.g. Eastern Europe.

THEORIES OF ETHNIC CONFLICT:

Though the general theories of ethnic conflict have not been developed so far but the contextual factors and the diversity of social environments have proved to be important to understand and explain them. Some of the most important theories of ethnic conflict that have evolved are as stated below:

Traditional Theory of Ethnic Conflict

Ethnic Conflict is results of a traditional antipathy so strong that they can survive even the power solvent of modernization. It becomes possible to explain the persistence of ethnic allegiances even among modern elites and modern countries. From time to time ethnic conflict has been regarded as peculiarly potent when it reflects ancient enmities, and it has some times been dismissed as artificial or ephemeral where no such long-standing antagonism could be identified.⁴² A corollary of such a view may be that the strength of ethnic conflict is proportional to the depth of its traditional origins.

It is true, of course that some ethnic antagonism is of long duration. Memories of earlier, lapsed conflict, centuries and sometimes millennia old, can be revived to fit contemporary conditions. The Sinhalese and Tamil kingdoms fought recurrently in ancient Srilanka,⁴³ as did Mend and Temne in pre-colonial Sierra Leone and Maronites and Druze in

⁴² Robert I. Rotberg (1967), 'Tribalism and Politics in Zambis, Africa Report, Dec, Pp. 29-35.

⁴³ S.Arasaratnam (1964), Ceylon, Englewood Cliffs, N.J Prentice-Hall.

what is now Lebanon. The Acholi and Langhi clashed intermittently in pre-colonial Uganda,⁴⁴ and the Assamese king, Chakradhvaj Singha, “fought for independence which the war cries, ‘the better death then submits to Bengalies’”.⁴⁵ These old historical memory in contemporary ethnic relations is perhaps further suggested by survey evidence indicating that Africa University Students from groups which boast a glorious (and generally monarchical) past—Baganda, Bakongo, Ashanti, Yoruba seem to possess somewhat more ethnocentric attitudes and behavior patterns than do their fellow students from other groups.⁴⁶

It has been seen that many ethnic groups are rather new creations. As the groups are not themselves traditional, they could not have had traditional rivalries among themselves. Many groups encountered each other for the first time during colonial rule. This relationship obviously is the product of this relatively recent encounter. Finally, just as some traditional antipathies persist, others lose their relevance. The Maharastarian Hindu Folk hero, Shivaji, who led the armed struggle against the Muslim in the 17th century, was invoked once again in the 20th century in the form of the Shiv Sena (Army of Shivaji), but this militant Maharastarian movement directed its animus mainly against recently arrived migrants to Bombay, not Muslims, except secondarily but South Indian Hindus. Here then, is an adaptation of historical memory to fit a wholly new conflict. History can be a weapon and tradition can be fuel ethnic conflict, but a current conflict cannot generally be explained by simply calling it a revived form of an earlier conflict.⁴⁷

Modernization theory of Ethnic Conflict

Modernization is a product of the eighteenth century expansion of scientific and engineering knowledge. It involves the industrialization, urbanization, increasing level of literacy, education, wealth and social mobilization and more complex and diversified occupational structures. The attitudes, values, knowledge and culture of people in a modern society differ greatly from those in a traditional society.⁴⁸

⁴⁴ Nelson, Kasfir (1972), *Cultural Sub-Nationalism in Uganda*, In Victor A. Olorunsola, (ed.) *The Politics of Cultural Sub-Nationalism in Africa*, Garden City, N. Y, Anchor Books, p. 70.

⁴⁵ Hugh, Tinker (1968), *India and Pakistan: A Political Analysis*. Rev. (ed.) New York, Praeger, p. 15.

⁴⁶ Otto, Klineberg and Marisa, Zavalloni (1969), *Nationalism and Tribalism among African Students*, Paris and The Hague, Mouton, Pp. 77-81.

⁴⁷ Horowitz, Donald L. (1985), *Ethnic Groups in Conflict*, University of California Press, California, Pp. 96-99.

⁴⁸ Huntington, S.P (1996), *The Clash of Civilizations and Remaking of World War Order*, Penguin Books.

The modernization theory predicted that greater economic and political interaction among people and modern communication networks would break down ethnic parochial behavior and replace ethnic loyalties with loyalties to national, supranational and global communities. However, other scholars argued that the relationship between modernization and ethnic groups has been more ambiguous nothing that advances in communication networks have tended to increase the cultural awareness of minority ethnic groups. Political developments in 1970's 80's and 90's prove that instead of greater integration and more tolerance between ethnic groups, conflict based on the assertion of ethnic identities have increased sharply.⁴⁹

From the primordialist point of view modernization is considered as a threat to ethnic solidarity and culture. According to instrumentalist, ethnic identity is used as a means to attain certain goals. Ethnic identities and intellectuals for purposes of social manipulation are at least related to specific social and political projects.⁵⁰ *Paul Brass* emphasizes the role of elite competition as the basis for ethnic groups developing subjective consciousness and making political demands. The author presents an instrumentalist view of ethnic identity, which is simply not given but constructed from objective differences.⁵¹

More frequently and more systematic statement has been given to the view that ethnic conflict is a by-product of modernization itself. The mere statement that ethnic conflict is a by-product of modernization might invite the re-joining that such a theory is necessarily timebounded.⁵² How can it explain ethnic conflict in the pre-modern period, unless perhaps the modernization is given a capricious meaning that makes it equivalent of all changes or unless ethnic conflict is given an unduly narrow meaning that limits it to the modern period. There is something to this skepticism about the historical quality of modernization theories.

Karl Deutsh first advanced the idea that 'Social Mobilization' was related to ethnic conflict. Social mobilization was conceived as 'an overall process of change, which happens

⁴⁹ Vuckovic, Gujko (1997), *Ethnic Cleavages and Conflict: The source of National Cohesion and Disintegration: A Case of Yugoslavia*, CMTS, University of South California, Los Angeles.

⁵⁰ Rex, John (1996), *Ethnic Minorities in the Modern State*, Working Papers in the Theory of Multi Cultureless and Political Integration, In the Henry Ziglanton and Toly, Daniele (ed.) *Migration, Minorities and Citizenship*, Center for Research in Ethnic Relations, Macmillan press.

⁵¹ Brass, Paul R (1991), *Ethnicity and Nationalism: The theory and practice*, Sage Publication, New Delhi.

⁵² John, A. Armstrong (1982), *Nations before Nationalism*, Chapel Hill University of North Carolina Press.

to substantial part of the population in countries which are moving from traditional to modern ways of life.⁵³

It involves the substitution of new patterns of behavior for old, and it includes, “involvement in mass politics”⁵⁴ The component of this process are exposure to mass media and changes in literacy, residence (especially from rural to urban), occupation (especially from agricultural to non-agricultural), and other characteristics that break down “customs and traditional ways of living”.⁵⁵

Deutsch suggested that, ethnic conflict is product of some thing analogous to a race between rates of social mobilization and rate of assimilation. The proportion of mobilized but unassimilated person is ‘the first crude indicator’ of group conflict.⁵⁶ Social mobilization is argued, Fosters ethnic competition especially in the competitive modern sector, for “it is the competitor within the modern sphere who feels the insecurities of change most strongly and who seeks the communal shelter of ‘Tribalism’”.⁵⁷ Even he seeks the many new rewards brought by modernization. Educated urban elites “organized collective support to advance their position in the competition for the benefit of the modernity”.⁵⁸

Indeed, it is even said that- ethnic groups persists largely because of their capacity to extract goods and services from the modern sector and thereby satisfy the demands of their members for the components of modernity. Insofar as they provide these benefits to their members, they are able to gain their support and achieve their loyalty.⁵⁹

Democratic Theory of Ethnic Conflict

Scholars have given different opinion on the question if ethnic pluralism and democracy can be reconciled or, whether there is a possibility of democracy succeeding in

⁵³ Social Mobilization and Political Development, ‘*American Political Science Reviews*’. 55 (Sep.1961), Pp. 493-514, at 49, 918/Deutsch, M.I.T, Press, 1953.

⁵⁴ Deutsch, ‘Social Mobilization and political development, p. 494.

⁵⁵ Ibid.

⁵⁶ National and Social Communication, Chap-6, Deutsch, however has not been wholly consistent on this subject. See the careful review of his writing by Walker Connor, ‘Nation Building or Nation Destroying World Politics 24 (April 1972), Pp. 319-55.

⁵⁷ Melson and Wolp, ‘Modernization, p. 1115.

⁵⁸ Bats, Ethnic Competition. p. 468.

⁵⁹ Ibid., p. 471.

severely fragmented societies. In 1861, J.S. Mill, reasoned that democracy is next to impossible in a country, which is made up of different nationalities. Some scholars argue that ethnicity is a deciding factor of gains in deeply divided societies.

Two influential instrumentalists, *Glazer* and *Moynihan* feel that the government employe's ethnic categories as a basis for distributing rewards. Rather than missing ethnicity as a primitive hangover, in constant with a liberal democratic environment. They emphasis its normal place in modern US politics.⁶⁰ Scholars like *Horowitz* talk of politicization of ethnicity; on the other hand, optimism prevails in *Riggs* who recommends the strategy to promote democratization in countries burdened by deep cleavages between hostile ethno-nationalists. Accommodative elite practices might also be important in this case as suggested by *Robert Dahl*.⁶¹

We know how regimes that dispenses with the discipline of democratic election, in the interest of preserving ethnic harmony, as well democracy. Merely maintaining the electoral process in its original form is, of course, no answer to those problems since a majority can be obtained by setting half the state against the other half, elections commonly spur the very bifurcation that accelerates the side away from democracy. The avoidance of bifurcation along ethnic lines thus becomes a critical task in the maintenance of democracy, as it is in the limitation of ethnic conflict.

The political difficulties underlying the precarious state of democracy in ethnicity divided societies can be inferred from the experience of few states that have taken deliberate action in the simultaneous service of democratic values and conflict reduction. One way to read this experience is to conclude that democratic experiments are subject to deflection by untoward events beyond the central of policy makers. The Nigerian second Republic was overthrown at the end of 1983 by a military coup having little or nothing to do with ethnicity or with the accommodative provision of the constitution.⁶²

⁶⁰ Ahmed, Ishtiaq (1996), *State, Nation and Ethnicity in Contemporary South-Asia*, Pinter, London and New York, p. 43.

⁶¹ Vuckovic, Gujko (1997), *Ethnic Cleavages and Conflict: The source of National Cohesion and Disintegration: A Case of Yugoslavia*, CMTS, University of South California, Los Angeles.

⁶² Larry Diamond (1984), *Nigeria in Search of Democracy*, *Foreign Affairs* 62 (spring) Pp. 905-27.

The Nigerian coup was a blow to democratic institutions, but not necessarily an apt test of their durability in a severely divided society. The Lebanese arrangements were undone by a combination of external forces and long-term disaffection with some unfortunate features of the arrangements themselves. The Srilankan innovations were grievances antedated the innovations. Perhaps these instances suggest that democratic arrangement in conflict prone societies go awry for reason so various that the survival of democracy is merely a matter of chance.⁶³ To make clear the principal impediment to democracy in severely divided societies do not derived from deficiencies of knowledge. The experience of conflict prone societies is more revealing that might have been thought, on the question of conflict reduction and democratic institutions. The problems are not intellectual but political.

Still less can the problem be characterized as deriving from an alterable human nature embodying element of hostility to other ethnic groups so strong that it is likely to over whelm any and all political arrangements. There are recurrent tendencies to ethnic cleavage and identifiable patterns of conflict, but the outcomes of conflict are various rather than uniform. There is no case to be made for the futility of democracy or the inevitability of uncontrolled conflict. Even in the most severely divided society, ties of blood don't lead ineluctably to rivers of blood.

The importance of ethnic conflict, as a force shaping human affairs as a phenomenon to be understood, as a threat to be controlled, can no longer be denied. By one reckoning, ethnic violence since World War II has claimed more than ten million lives⁶⁴ and in the last two decades ethnic conflict has become especially widespread. Ethnicity is at the center of politics in country after country, a potent source of challenges to the cohesion among Biafra, Bangladesh and Burundi, Beirut, Brussels and Belfast were at first hesitantly made isn't one "Tribal", one "Linguistic", another "religious" but that is true no lingered, ethnicity has fought and bled and burned its way into public and scholarly consciousness.

It feels that ethnicity identity will be replaced by the common identity of a nation-state as communication networks advance and link ethnic groups more closely. The fundamental

⁶³ Donald L. Horowitz (1985), *Ethnic Groups in Conflict*, University of California Press, California, p. 684.

⁶⁴ Harold. R. Isaacs (1975), *Idol of Tribe: Group Identity and Political Change*, New York, Harperv and Raw; p. 3.

role of the state is to resolve the different condition either by using force or disciplinary power.

Another argument to explain ethnic conflict in some countries, for example, the regional separatist movements in developed as well as developing countries is internal colonialism. When people of different ethnic identities become more important to them inequalities increase if some groups are more successful than others are thus, providing the condition of ethnic mobilization and conflict. The approach emphasizes the economic and political subordination of one group to another.⁶⁵ Political domination serves to assure economic control and superiority. Control in the economic sector, particularly with respect to labour relations, is the principal source of domination.

Besides trying to theories upon ethnic conflict situations, scholars have also tried to identify strategies that could prevent ethnic violence or reconcile the differences among ethnic groups. A consociational formula involving power-sharing arrangements with four key features such as grand coalitions, mutual veto, proportionality and segmented autonomy and federalism have been propounded by Lijphart in deeply divided societies to manage ethnic cleavages.

Horowitz believes that in order to foster accommodate, homogenization by means of assimilation or loss of ethnic group identity can be followed. Thus, we can also conclude by saying that policies and strategies of both the leaders of ethnic groups and those created and followed by government are to be taken into account while, managing ethnic cleavages.

The Militarization of Ethnic Conflict

The Military is both a resource and an object of ethnic conflict. It is a resource in conflict because the ethnic composition of Military units is frequently out of joint with the composition of the societies from which they spring and of the government's to which they owe obedience. Consequently, the Military can become a hotbed for ethnic resentment and an instrument for the advancement of ethnic claims to power. Like the Civil Service, it is an object of ethnic conflict because Military positions, with substantial salaries and perquisites,

⁶⁵ Harold. R. Isaacs (1975), *Idol of Tribe: Group Identity and Political Change*, New York, Harperv and Raw, p. 3.

are coveted,⁶⁶ because skewed ethnic composition means that these advantages are unevenly distributed and because of control of the military is a significant symbol of ethnic domination.

The Military can play a variety of roles in ethnic conflict. The army may be an integrating institution, as has sometimes been claimed, though in a deeply divided society it is doubtful that any single institution can reserve the cumulative effects of all the others. Instead bitter experience in the armed forces often seems to generate ethnic resentments. The use of Military force may help control ethnic rioting, but if the army favors one group or another, its intervention may exacerbate the violence. If there is a secessionist movement on ethnically divided army by the time of Civil War the divided armies have become two or more armies, as was the case in Burma, Nigeria and Lebanon. Military is quit often seen as an active participant in Ethnic Conflict. Borrowing Civil war, the most powerful form of its participation and certainly the most recurrent is intervention in Civilian or the threat of intervention of Civilian Politics. In general, the Military reflects divisions in the society at large.

Broadly the action of the Army can reverse or reinforce the ethnic outcomes of Civilian Politics. The Military can attempt to bring exclude ethnic groups to power or prevent them from gaining power, and it can act to exclude from power groups that currently enjoy it. Under certain condition Military rule may perpetuate ethnic affinities and antagonism that prevailed under the former civilian regime. But, under different conditions, a Coup may cause old interethnic links to crack, and may result in a degree of ethnic exclusiveness unlikely to reverse once it occur.

Contrary to suggestions that the occurrence of a Coup changes essentially nothing in a Political System, Military intervention may have substantial effects on the ethnic distribution of power.

II.5 Historical Causes of Ethnic Conflict in South Asia:

Although during the course of development of the Indian civilization there were variety of identities, and thus latent conflict, the possibility of such conflict was largely unarticulated. This examination of possibility of ethnic conflict, although specific to the

⁶⁶ Lee, J.M (1969), *African Armies and Civil Order*, New York, Praeger, Pp. 93-95.

Indian subcontinent region may due to the concentric nature of historical causality, be approximately generalized to other regions as well. Throughout its development of the old sub-continental civilization thrust was all encompassing, and embraced within its fold the kingdoms of Nepal and Bhutan in the north, South Burma (Modern Myanmar) in the east and Afghanistan in the northwest. The unifying thread was its hierarchically structured social system along with a moral code that helped to preserve plural identities therein. In time identity-based pluralities did acquire their own specificities but avoided subverting the core adhesive values of the general system.

The western colonial era particularly the British penetrated and intrusive in nature not only in terms of institutional structures but also, in ideas and ideologies. Such colonial administration and intrusion was due to the imperial imperatives of political governance, economic exploitation and strategic dominance. Consequently, the strategy of coping with multi-ethnic India was that of 'divide and rule,' and in the Srilankan context, it was through the cooptation of the elites of both the Sinhalese and Tamil communities.⁶⁷ The route that colonial regions adopted to develop into statehood had an effect on their subsequent ethnic sensibilities too.

India one of the largest functioning democracies in the world, incessantly copes with extent pressure from its regional, linguistic and religious diversity. The rising challenges of regionalism and incipient erosion of state authority pose an increasing threat to its integrity. The seven Northeastern Indian states are collectively the hotbed of insurgency and secessionism, the major grievance of marginalization perhaps justified by the relative geographic isolation of the region. Assam, the second largest state after Arunachal Pradesh in the region, was in unrest for long and only recently has returned to a more stable and settled situation, notwithstanding ULFA's violent activities.⁶⁸ Political processes are back in place in the northwestern Indian states of Punjab-having gone through an agonizing and disturbing period of militancy and violence-which has settled to normal political functioning within the parameters of democratic processes. The north Indian states of Kashmir, often touted as 'the paradise on earth' due to its picturesque valleys and placid lakes nestled in the Himalayan

⁶⁷ Sidhu, W.P (1998), *Indias Security and Nuclear Risk-Reductions Measures in South Asia*, Washington, D.C, The Henry L. Stimson Centre, November, p. 8.

⁶⁸ Kotwal, Dinesh (2001), *The Contours of Assam Insurgency*, *Strategic Analysis*, New Delhi, Institute of Defense Studies and Analysis, March, Pp. 219-33.

mountain ranges, is never at the threshold of peace, even as steady efforts for initiation of political processes to bring it back to the national democratic mainstream yields limited results, through condition of parliamentary and Assembly Elections. The need for sustained efforts to patiently rebuild the sundered economic/political fabric of Kashmir and winning over the people of Kashmir continues to remain challenging.

Meanwhile, there is growing anxiety among circles in India regarding the sustained challenges posed by a strain of Hindutva, making for unsettled prospects for a society and civilization which had for centuries stood clear of such predatory mobilization. Religion fanaticism on both sides of the Hindi-Muslims divide has acquired alarming proportions in recent years, most recently manifest in the Godhra carnage in Gujarat. Political mobilization and cynical manipulation of religion for political gains threatens to erode the very basis of secular Indian polity. Indian democracy, based as it is on the framework of tolerant pluralism, would have to increasingly cope with the challenges of reconciling with identity issues of the majority, and credible guarantees for the rights of the minority. The great diversity of India necessitates a secular federal form for the country's survival as a viable entity. Given the enormous problems' facing the Indian polity, the need for strengthening secularism, firming democratic functioning and reinvigorating the role of state remain imperative.⁶⁹

II.6 Violence and Refugee Narrative:

Western social scientists had certainly been studying population movements, but did they realize that such movements might take place burden with a collective memory of similar movements of the post except perhaps in the obvious case of Israel. We were not allowed to forget that we were operating under the shadow of an event that had taken place 58 years ago the partition of India. About 14,000,000 people moved between 1947 and 1951 following the partition of the sub-continent. Some say, this was probably the largest and the most concentrated population movement at one time recorded in recent history. The number of those killed was 600,000 and thousands move were injured.

This unusual form of desalinization led to a massive migration of the minorities. The 'created borders on paper' thereafter transformed many myths into 'realities on the ground' by

⁶⁹ Mallick, Shabnam and Sen, Rajarshi (2002), *Aakrosh*, Asian Journal on Terrorism and Internal Conflict, July Vol. 5, No. 16, Pp. 27-35.

bringing into existence of nation-states on clearly demarcated grounds of religion and territory. The independence granted to India may have been 'moth eaten', but it created strong resilient realities which peoples of South-Asia were instructed and taught to obey. The massive migration following it put the seal of permanence on the reality of post-coloniality.⁷⁰ Associated with large-scale violence, these massive migrations were to become subjects of collective memory, some time of national memory and this was the ever-present shadow under which population movements renewed in 1980's in the Eastern part of the sub-continent.

The initial outbreaks of violence in the pre-independence period might have been due to efforts at influencing the political negotiations in 1946 and early 1947. Later, Sikhs fought the partition of the Punjab, Muslims the partition of Bengal. Within months, migration started with Bengal, Bihar and Punjab exploding into violence. Several million people took flight. When about 30,000 Indian Muslims were killed in one week in Bihar, the exodus from eastern India to East Pakistan commenced, eventually to cross the figure of 1,000,000. Migration in the order direction started in eastern after outbreaks of violence in East-Bengal/East Pakistan in 1947 and subsequently in 1950.⁷¹ Today we know that the factors that had determined migration like property relations, policies of political parties, attitude of the colonial administration, factors of traditions, ethno-characteristics, have all sunk deep into the abyss of oblivion. What remains, as the market of those times is the memory of violence and religions associated with brutal violence. The sudden displacement of millions of people influenced the psychology of post-coloniality. Thus Muhajir is not merely a generic term for refugee, it means a violent refugee. Similarly, this psychology forced into oblivion the Nehru-Liaquat Ali Pact of 1950 regarding the duty of the two Governments to protect people who moved between the two countries, as a result of partition.

Violence had blurred in this way the distinction between the various phase of migration and its memory in particular has continued to over whelm the reality. Though the two short conventional wars between India and Pakistan (in 1948 and 1965) did not produce a refugee flow, before the outbreak of the third war (1971), the refugee flow acquired enormous

⁷⁰ Zolberg, et al, Term this Phase as 'Reorganization of Political Communities in South Asia' in Zolberg et al, Ch.5, No. 4, Pp. 126-54.

⁷¹ Philips, C.H & Wainwright, M.D (1970), (ed.) The Partition of India, Allen & Unwin Publication, London, p. 45.

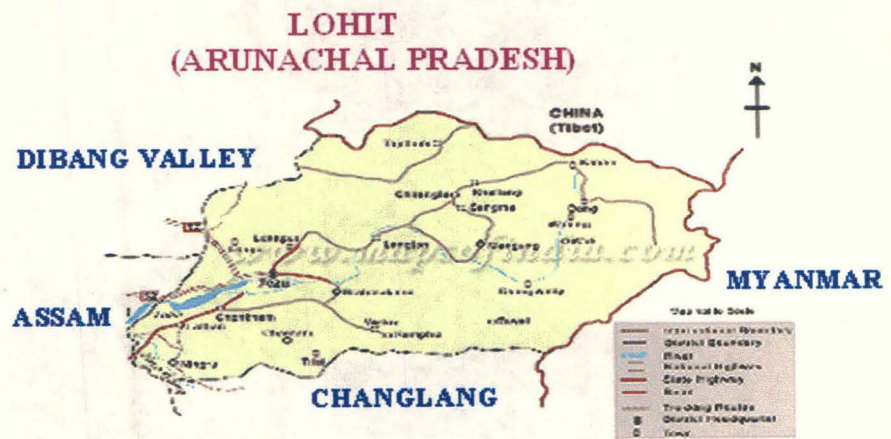
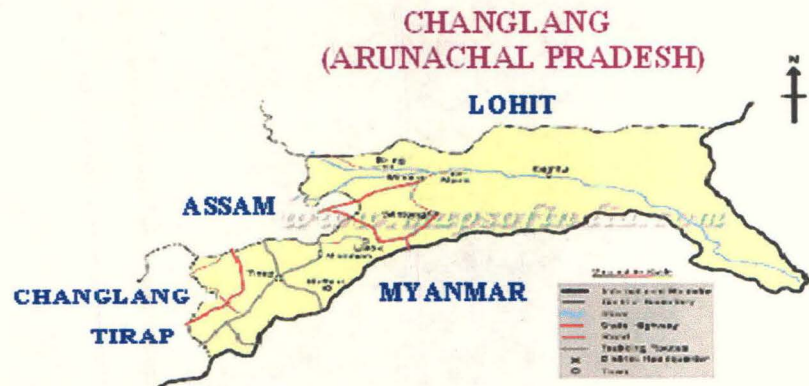
dimensions. Once again violence was the chief feature of the events. Though the legitimizing framework of some liberal democratic institutions may have acted as attraction for incoming people across the border, violence has continued to be associated with population movements both at the point of origin and resettlement. In 1983, violence in Assam compelled thousands of immigrants settled there to flee for safety to the neighboring states of West Bengal. About 5,000 people were killed. In 1985, the Government of India announced a stricter policy towards migrants including commitment to expel the estimated 200,000 to 300,000 illegal migrants who had entered Assam from Bangladesh after 1977. Bangladesh would not, however, accept them, claiming that the returnees in fact belonged to migration waves prior to 1977 and qualified for Indian citizenship. In the entire northeastern India population movements have taken a bizarre character. From across the border about 50,000 Chakmas have poured in, as about 300,000 Bengali settlers moved to the Hill Tracts of Chittagong as the Bangladeshi army continued its 'pacification campaign' there. Similarly restive groups of people have moved into Myanmar or Bangladesh from the Indian northeast.

Thus, we found that much though we wanted to study post-1985 migration from Bangladesh to West Bengal, we were being pushed back in terms of time and text. The migrants of the 1980's and the 1990's have faced violence, hunger, and oppression there on the other side of the border where they find their way into great metropolises like Bombay, Delhi or Calcutta for their final destination.

CHAPTER – III

CHAKMA-HAJONG: ORIGIN AND POLITICS OF THEIR SETTLEMENT IN ARUNACHAL PRADESH

CHAKMA-HAJONG DOMINATED DISTRICT'S IN ARUNACHAL PRADESH



CHAPTER-III

CHAKMA-HAJONG: ORIGIN AND POLITICS OF THEIR SETTLEMENT IN ARUNACHAL PRADESH

The problem of migration in Arunachal Pradesh is not very new. It has a long history to be understood. Arunachal Pradesh is the state where people not only migrate from within India rather a large number of people added every year to its population from outside the country. Particularly the Indian states who add with its population are Bihar, Uttar Pradesh West Bengal, Orissa, Assam and some other poor states of India. The external migration who are adding their unwanted and rejected people to the population of Arunachal Pradesh are Tibet, Nepal, Myanmar, and the large scale from Bangladesh which created lots of problem in the region largely since 1964. The question of Chakma-Hajong settlement and their citizenship rights is one of the burning issues, which creating lots of problem in Arunachal Pradesh.

As a result Chakmas were rehabilitated in the North East Frontier Agency (NEFA, presently Arunachal Pradesh) largely because it was sparsely populated. Beside the post 1962 strategic calculation vis-à-vis China the native being Buddhist provided a cultural environment for rehabilitation and absorption. From 1964-69, nearly 15,000 Chakmas and Hajongs were settled in NEFA.¹ Meanwhile the Indira-Mujib agreement of 1972 defined the status of Chakmas and those who had come to India in 1960s were declared Non-Bangladeshis. The prevailing political climate and the emerging Indo-Bangladeshi friendship necessitated India making such far-reaching concessions. Thus, New Delhi was saddled with permanently absorbing and re-settling the Bangladeshi Chakmas and Hajongs in the Northeast in general and Arunachal Pradesh in particular.

However, the rehabilitation process was not without its drawbacks and was anything smooth. By not consulting the local populace over the resettlement, the Indian Government appeared to have miscalculated its implications. There were strong ethno-cultural cleavages between Chakmas. The Chakmas were seen as outsiders and resettlement against them

¹ See Chaudhury and Biswas, No. 49, Pp. 140-49.

persisted in the region especially after the NEFA become a separate state of Arunachal Pradesh. From just under 15,000 in 1969, the Chakma population grew to over 21,000 in 1979; at the turn of the century, the figure stood at over more than 65,000. (Appendix-C)

Having declared the Chakmas and Hajongs to be 'foreigners' Arunachal Pradesh has been unwilling to 'absorb them permanently' especially when Chakmas and Hajongs were brought in the region by the Central Government without any consultation or agreement with the local leadership. For the Chakmas, the Arunachalees argues, that they did not come from the neighboring districts or province within India but from outside the country. Hence, the Chakmas and Hajongs to be provided only a temporary home in NEFA before their eventual repatriation to East Pakistan/Bangladesh. The resettlement is also seen as a violation of the indigenous Jumma (tribal) character.²

The Chakma-Hajong problem started since the time NEFA was bifurcated and Arunachal Pradesh become a union territory. For a variety of reasons the locals became hostile towards the Chakmas. By the late seventies the situation started worsening and the facilities provided to the Chakma settlers were withdrawn slowly. In 1976 the real problem for them concerned when all of a sudden the Chakma-Hajong enjoying free education, stipend, scholarship and free books were deprived of these facilities. To the great dismay, admission to the Chakma-Hajong in different schools were denied blatantly, rather their seats were allotted to the native tribals. In the late seventies and early eighties when the foreigners issue was at its peak in Assam, AAPSU chose to be vocal on this matter. In this sense the anti-foreigner agitation in Arunachal Pradesh is nothing but a spill over effect from Assam. The Chakma-Hajong becomes the easy prey of this drive as there was no Bengali Muslim in Arunachal Pradesh to be thrown out of the state.

With the banning of Chakma-Hajong along with Yobins and Tibetans, form the public employment in 1980, began the saga of a well organized operation of 'de-indianization' of these people by the state government. In an utter disregard to the sentiment of these people the government order of September 29, 1980 stated that those people already in government

² Nirmal Nibedon (1985), *Night of the Guerrillas*, Lancer Book Publication, New Delhi, p. 90.

service may continue without their post being made permanent. Though an official notification in 1991, issuing of trade license and ration cards were canceled. While in February they were stripped off the facilities of public distribution system, all other facilities including that of health care were withdrawn in September, 1994. Even the Chakma-Hajong village headmen enjoyed administrative and judicial powers were not spared. The state government devoured all the rights of the Chakma-Hajong tribes through the deliberate policies of deprivation. (Appendix-E)

But the situation took an ugly turn when the AAPSU issued notice to all the foreigners including the Chakmas and Hajongs to leave the state by 30th September 1994. The harassment which led to the exodus of the Chakmas and Hajongs began with 2000 of them fleeing Kokila in August, following the Anti-Chakma and Hajong rally organized by the AAPSU on August 21, 1994. Although the AAPSU's demand to detect and deport all foreigners including the 60,000 Chakmas, the Tibetans, the Hajongs and Yobins from Arunachal Pradesh is more than a decade old, they made a determined bid to pursue their goal only in 1994. In the month of May 1994, the AAPSU after holding a rally in New Delhi submitted a memorandum to the Prime Minister condemning the Central Government for making Arunachal a dumping ground and pasture land for illegal migrants and refugees.³ Before going to discuss the political aspects of the settlement of Chakmas and Hajongs of Arunachal Pradesh, it is very necessary to know who these people are, from where they came and what is their culture, tradition, language, religion, social structure etc.

III.1 CHAKMAS:

Historical Understanding of Chakmas

The Chakmas of Arunachal Pradesh were expatriated from their abode in the Hill Tracts of Bangladesh in year 1964. They migrated to India through the Mizoram and Tripura border. They have been rehabilitated and allotted land in the Balijan Circle of the Lower Subansiri district, Miao Sub-Division of the Changlang district and Chowkham Circle of the Lohit district. They are the Mongloid tribes probably of Arakanese origin. The name Chakma some time spelt as 'Tsakma' Tsak or Thek in Burmese (Dutta and Choudhuri 1978). Their long association with the sanskritised Bengalis of the Chittagong Plains has led to certain

³ The Arunachal Times, 4th April, 1995.

Sanskritic cultural traits mingling with the traditional ones. Popular myth belief that the Chakmas migrated from Champanagar in the Champaran area of Bihar to the Arakan Hills, and finally settle down in the Chittagong district area as mentioned in British India, is not at all a historical fact. However, detail studies conducted earlier suggest that they might have migrated from a place some where in South-East Asia.⁴ What ever the case may be but the Chakmas and Hajongs are the inhabitants of the CHT are perhaps the least known people of Asia being the residents of a remote and backward area which is of little political or economic consequence. This place has been the home land of the Chakmas particularly for centuries. Though the origin of the Chakmas is too murky, their history connects them with the mountainous kingdom of Kapilnagar (an ancient place of the Lord Buddha, presently in Nepal) in the Himalayan ranges. It is learnt that from 1052 A.D the Chakmas started moving from Arakan into the bordering area of Bengal right down the plain areas of Chittagong (Bangladesh) and made it their home.⁵

Socio-Economic Aspects and Livelihood

The community practices wet rice settled cultivation for producing cotton. They cultivate paddy, mustered-seeds, chilies, potatoes and vegetables in huge quantities. The Chakma farmers sell their mustard-seeds in the Miao, Bordumsa and Namsai village markets. They also produced chilies in large quantities, which are sold to the marwari traders. More than 50 percent of the venders in the weekly and non-weekly markets at Bordumsa, Chawkham, Miao and Dayum belong to the Chakma community. Other occupation is collecting honey from neighboring jungle and selling it in the market. Rice is the staple food of the people. Varieties of wild leafy vegetables, roots, tubers other tropical vegetables and bamboos/cane shoots ate part of their diet. Though the Chakmas are Buddhist but they eat fish, meat but not beef. The community is endogamous and is divided into various Gazas (clans) which are neither exogamous nor endogamous. Each of the Gaza has a mythical or historical ancestor. Each Gaza is again divided into exogamous gustis (lineages).

Social Structure and Lifestyle

The Chakma dress for the men is the Chillung (Shirt) and Dhoti. The women wear a Pinon (Lungi stretching from the waist to the ankles) and a Hadi (a long narrow piece of cloth

⁴ Lewin, 1869 & Choudhury, 1975.

⁵ The Observer, 23, September 1994.

covering the breast). Their ornaments are made of beads and silver. The older men and women wear a Khobong (white turban)⁶. The Chakma society is patriarchal and patrilocal. It is composed of numerous extended families, through nuclear families are also prevalent; an avoidance relation exists between the father and daughter-in-law and between the wife and her husband's elder brother. The eldest son often takes up the responsibility of the family after the father's death. Only sons are allowed to inherit property. The mode of succession is patrilineal. There is a strong bond between the members of a family and among the individual member of the Chakma community.⁷

Religious Rituals

The Chakmas are mostly Buddhist of the Himalayan sect. Minor are the followers of Animism (Natural God). Though the Chakmas are the followers of the Buddhism, their contact with the Hindus in the adjacent part of Bengal has helped mould their religion in the present form. During mid nineteenth century they came under the influence of Vaishnavism. Tungjainya sub-tribe worship Laxmi as the goddess of harvest. A rude block of stone draped in cotton seven times around it represents her. The votaries' offers pigs and fowls and eat the same later on. The Chakmas also reverse the goddess Laxmi and worship her with some change in the performance pattern. Some vestiges of primitive animism, which is believed to be the religion of the Chakma prior to their acceptance of Buddhism, are still found in the festivals called Shongbasa when 'Nats' or the 'Spirit' of wood and stream are worshiped. Apart from that, the Chakmas have as many as fourteen tribal gods and goddesses' whom they worship.

The Chakmas has been distinct marks of old tradition of Buddhism. Every well to do family generally built a worshipping place, a small temple for Lord Buddha, in front of their house raised from the ground on a machan.⁸ Their religious beliefs are highly flow through their attitude to the Buddhist Monks, who perform religious ceremonies, are common features among the Chakmas. Each Chakma village has a village Monastery known as Buddha Vihar or Kyang. The Vihar is adorned with the image of Lord Buddha. The Buddhist priest is known as Bhikshoo or Bhantey. The priesthood or Monkship is not hereditary and anyone can

⁶ Singh, K.S, op, cit, p. 151.

⁷ Ghose, Arobindo and Gillani, S.I (1993), Life and Times of Chakmas: Survival, Human Rights and self Determination, *Mainstream*, July 3, p. 25.

⁸ Traditionally made up of Bamboos used to sleep or sit.

become Bhikshoo or Bhanthey after having had training from a Buddhist Monastery. The Monk resides in the Monastery and it is the duty of the villagers to provide them with Swaing (food) regularly. The Chakmas cremate their dead. If man dies, the body is burnt with the face to the east and five layers of wood are used. If it is a woman, the body is burnt facing westwards and seven layers of wood are used in the funeral pyre. Before the pyre is lit, the body is circumambulated around it seven times. The member of the declared person's family follows the corps during the circumambulation⁹.

Family Structure

In the Chakmas society polygamy is socially approved but the widows can scarcely remarry. The custom of 'Dowry' or 'Dafa' is existent in some orthodox families. Though parents consent is highly essential for marriage; if girl manages to elope four times with her husband then she is socially entitled to marry a man of her choice. The tradition is that for each elopement, the eloping couple will have to pay a fine along with two pigs. The most important thing in a marriage, Chumulong and Jurget (Nuptial knot) are ceremonies by an Ojha, a village priest. Marriages and divorce as well as other related problems are still tried by headman in Mauza and the Chief constitutes the final tribal court of appeal in matrimonial affairs and petty offences; the system involves a cumbersome process. For instance, if any one is found guilty of sex offense, the parties involved will have to pay a fine in the shape of buying one or two pigs and the man has to tonsure his head; carry a chicken basket on it and while moving from door to door will have to confess his guilty¹⁰.

Language

They speak the Chakma language, but for all practical purpose they use the Bengali script. On certain occasion they use the traditional Chakma script with the Khmer character. The younger people are now using the Devanagri script and the Hindi language for communication. The mother tongue of the Chakmas is a mixed language of Bengali, Pali and Sanskrit written in Burmese Script. The cursive style of the Chakma script brought from India in the 5th century A.D. by the Buddhist religious teachers to Burma was adopted as Burmese script. Among the dialect comes nearest to Bengali, yet it is quite different from the Bengali language. It is said that, it is a shortest and corrupt form of the original Bengali language.

⁹ Singh, K.S, op., cit, p. 153.

¹⁰ Ibid., p. 154

III.2 HAJONGS:

Historical Understanding of Hajongs

The term Hajong is derived from the word 'Ha' meaning 'Land' and 'Jong' meaning 'Insect' i.e. insect of land.¹¹ Hajongs, an ethnic group living in the hilly parts of Mymensingh district of Bangladesh. Some of them live in the Sherpur, Sylhet and Netrokona regions. Their main settlements are in Sreebardi, Haluaght, Nalitbari, Susong Durgapur, Kalmakanda and Birishiri areas. In terms of ethnicity, they are descendents of the Kachhari people (Assam) of the Mongolide race; several hundred years ago they came to the region adjacent to the Garo Hills and started living there. Hajongs people are divided into two main classes-paramarathi and Byayabchhadi. In their life-style, Hajong people maintain, to a large extent, their traditional ethos of simplicity, honesty and hospitality as well as other common plebeian characteristics.

The Hajongs are the inhabitants of Hajo of Kamrup district of Goalpara, Dhubri, Kokrajhar, Nalbari, Kamrup, Darrang, Lakhimpur Nagaon and Karbi Anglong of Assam. The main concentration of the community is found in Goalpara district and Nagoan district. Outside the Assam the Hajongs also inhabit in the plains of South and Western border of the Garo hills of Meghalaya and the adjacent area of south. Most of the Hajongs are found in Arunachal Pradesh, who is fighting for their citizenship rights with Chakmas. According to the census of the India (1971) the total population of Hajongs was 378 (in two hill districts). Hajongs people have protested vehemently against injustice, operation, exploitation and persecution in the past and have history of rebellion against feudal and imperialist forces. They took part in historic movement, like the Hatikheda movement, the Tonk movement, agitation against Zamindars, and the Tebhang movement.

Socio-Economic Aspects and Livelihood

Like many other aborigines, Hajongs are basically a farming community. At once time they were accustomed to Jhum farming (Shifting cultivation) but now they are following plough farming. Side by side with rice and other crops they grow cotton and make fabrics at home. In addition to these activities the people belonging to the Hajong community collect wood from jungles and do some other kind of work. Bamboo and cane articles are found in

¹¹ Singh, K.S (2002), People of India: Assam, ASI, Calcutta, p. 286.

almost all the families in the village. The main articles made for domestic requirements are Dhari, Murha, Dala, Chalani (sieve) and fishing basket such as cheap, Jakoi, Khaloi, Polo etc. It is observed that these items are mainly for household requirements. Wearing is an important household requirements of the members of the family¹².

Social Structure and Lifestyle

Rice is the staple food of Hajongs. Fruit, vegetable, mutton, pork, ducks, and chickens are other major items of their diet. Hajong men wear dhoti and women wear a piece of cloth to cover the upper part of the body and a separate piece for the waist downward. They usually wear homeland cloths. Hajongs lead simple lives like Garos. Most families live in thatched houses. Relatively better off families have tin-shed or brick-built houses. Houses are neat and clean reflecting the neatness of their life-style. Like other ethnic groups, Hajongs built and maintain community houses for social needs as well as for other purposes. The Hajongs are very much found of singing folksongs like Rasik Gahen, Dhamaligeet, and Lewatena etc. Ballads Folktales and nursery rhymes are very popular in Hajong communities. There are some folk songs related to spring festivals i.e., Hajong Bihu, these songs are known as Lewatana. Folk dances and songs are performed by the young folk during the month of Kartick (October-November) known as Letwatana dance. The musical instruments are Dhol (small drum) Khol (a kind of drum), Bahi (flute) Khanjuri (a pair of place) etc.

Religious Rituals

In terms of religious belief Hajongs are close to Hindus. Hajongs worship Durga and other Hindu gods and goddesses but Shiva is their chief deity. They observe a number of Bratas (vows) including the Kartika brata performed in the Month of Kartik (October-November). Girls and women's dance and sing in Brata ceremonies. Hajongs also worship the Brahmaputra River. Like Hindu Brahmans, Hajongs wear Paita (the holy thread) on their bodies. Hajongs are believers in reincarnation too. Hajongs cremate dead bodies. Usually, after ten or thirty days of death the Shraddha (obsequies) ceremony is performed. The Hajongs cremate their dead. Children's below the age of twelve years are buried. In case of

¹² Singh, K.S, op., cit., Pp. 268-69.

the death of a child, the period of pollution¹³ is usually three days whereas in the case of the death of an adult member the pollution period varies from ten days to fifteen days¹⁴.

Family Structure

Hajong society is patriarchal. After the death of father sons inherit his property. Daughters however, are given dowry and ornaments at the time of their marriage. Young men and women marry with their parents' consent. A Hajong man can marry a woman of his own clan as well as of different clan. After marriage, women put on Sindur (vermilion) mark on their Sithi (parting of the hair on the middle of the head). Child marriage is not allowed and premarital sex is strictly prohibited. Hajongs generally abide by the rules and principles of marital purity. A husband cannot have more than one wife. Divorce is not uncommon and widows can remarry. Rules of divorce followed by Hajongs are in many respects similar to those found among Sandals and Murongs tribes.

Language

Hajongs have their own language, but do not have an alphabet. Their spoken language is mixture of local dialects. Speaking in colloquial Bengla is a common practice among them. The Hajong language was originally a member of the Tibeto-Burmese group of language, but later got mixed with Assamese and Bengla. Modern education has not yet spread in Hajong society.¹⁵

III.3 Political Aspects of Indira-Mujib Agreement of 1972:

In March 1972, India and Bangladesh (Indira-Mujib agreement) signed a 25 years treaty of friendship cooperation and peace. At a time when USA, China, Pakistan and a number of other countries had withheld their recognition of Bangladesh, Indo-Soviet support was both politically and economically significant. Moreover, the dauntlessness displayed by India in winning independence for Bangladesh had already created a favorable atmosphere for a warm beginning of their relations. India had been a host of approximately ten million refugees and faced all the attendant problems they carried with them. After the birth of Bangladesh, refugees started retreating and then India helped Bangladesh extensively in her

¹³ Rituals generally performed after the death of family members.

¹⁴ Singh, K.S, op., cit, p. 271.

¹⁵ Ibid., p. 286.

refugee rehabilitation and economic reconstruction program. India supplied Rs.185.8 million for refugee rehabilitation.¹⁶ Besides, giving medicine, drugs, food, clothing, transport and building material, India granted Rs.250 million to Bangladesh for purchase of essential commodities including food, sugar, salt, baby food, oil, petroleum products, cements, steel products, power generation equipments and vehicles. A credit of Rs.100 million was also provided for reconstruction of railway network. In addition a foreign exchange loan worth 5 million pound was also given to Bangladesh to meet her urgent requirements of foreign exchange.

Besides all these the Government of India opined that all the immigrants could not be termed illegal infiltration because before and after partition, minorities were assured that they would be given complete protection in India if they were forced to live Pakistan due to internal disturbances. Moreover, the government was firm on not agreeing to 1951 as the base year for it would lead to legal and international complications. It would have defined Nehru-Liaquat Ali pact 1950 and the Indira-Mujib understanding 1972. Under the Citizenship Act 1955 provisions exist for a person born out of India on or after January 26, 1950 to retain the right to become Indian citizen by descent, if his father was a citizen of India at the time of his birth. Acceptance of 1951 would have perforce flushed cut approximately four million people who entered India after 1951 and were given recognition by the 1972 understanding.

The Chakmas and Hajongs of India have been residing in Arunachal Pradesh for more than forty two years. On 15th June 1971, Mrs. Indira Gandhi declared in the Rajya Sabha that: "we will have to go through hell to meet the challenge passed by the developments in Bangladesh"¹⁷. From that onward India started providing help for securing their rights, which involved the liberation of Bangladesh. Under the Indira and Mujib agreement of 1972, it was determined that India and not Bangladesh would be responsible for the migrants who entered India before 25 March 1971. Furthermore, the Central Government has often asserted that the Chakmas and Hajongs have a legitimate claim to Indian Citizenship. In a letter for Home and Parliamentary Affairs M.M.Jacob said: "being 'New Migrants', viz., refugees from Bangladesh who came to India between 1964 and 1971, respectively are eligible to the grant of citizenship according to the policy of the Government on the subject and most of these

¹⁶ Brojendranath, Banerji (1982), *India's aid to its neighboring countries*, Select, New Delhi, p. 362

¹⁷ Ghai, U.R, op, cit., Pp. 371-374.

migrants have already been granted citizenship”¹⁸. Again in 1994, Minister of State P.M.Sayeed stated: “under the Indira-Mujib agreement of 1972, it was decided that the Chakma and Hajong refugees who came to India from the erstwhile East Pakistan (now Bangladesh) before 25.3.1971 will be considered for grant of Indian Citizenship”¹⁹. Further, a very large proportion of these refugees would have been born in India and therefore, would be automatically entitled to the grant of citizenship.

The fact is that, there was no agreement on the provisional settlement of Chakma and Hajong refugee in Arunachal Pradesh, according to the Union External Affairs Minister (UEAM) Mr. R.L.Bhatia. Mr. Bhatia replying to a question on the subject raised by members of parliament from Arunachal Pradesh, Mr. Nypdek Yonggam, in the Rajya Sabha. Mr. Bhatia further said that the salient features of the treaty of friendship, co-operation and peace between India and Bangladesh of March 19, 1972 popularly known as the Indira-Mujib Agreement are promotion of lasting peace and friendship, re-affirmation of faith in non-alignment and peaceful co-existence, determination to maintain regular contact on matters of mutual interest and development of co-operation in the economic, technical and cultural fields.²⁰ This was stated in a release by Mr. Yonggam.

It may be mentioned here that Arunachal Pradesh government has been demanding deportation of all refugees including Chakmas and Hajongs temporarily settled in the state by the centre. Several resolutions to this effect had also passed in the Assembly. The All Arunachal Pradesh Student Union (AAPSU) has been spearheading the movement demanding deportation of all refugees from the state which was politically settled without the consensus of the people of the Arunachal Pradesh.

III.4 Chakma Hajong Problem and Politics of Their Settlement in Arunachal Pradesh:

The Chittagong was ruled by the British as a part of India from 1787 to 1947 by providing the status of an autonomous area exclusively for the tribal people. To equip the hill subjects of Chittagong with some kind of administration the British Government formulated

¹⁸ Singh, Deepak K. (1996), The Arunachal Tangle: Migration and Ethnicity, *Journal of Peace Studies*, Vol.3, Issue, 18-19, September-December, p. 54.

¹⁹ White Paper on Chakma and Hajong Refugees, Government of Arunachal Pradesh, Itanagar, 12 March, 1996, p. 44.

²⁰ The Arunachal Times, 7th Oct, 1991.

an act in 1860 making way for the appointment of a superintendent of hill tribes in charges of the hill Tracts which was hence, known as the 'Hill Tract of Chittagong'.

The awfully inauspicious British Raj came to an end with the tragic partition of the Indian sub-continent. But this was even more catastrophic for the ill-fated Chakmas. In 1947 when the country was to be partitioned it was expected that the Chittagong Hill Tract (CHT) with over 98% non-Muslim population would be included in India, contemplating this, an Indian flag was hoisted by the optimist Chakmas in Rangamati district for three days from August 15, 1947.²¹ But brushing aside all the expectations Sir Cyril Radcliffe chairman of the Punjab and Bengal Boundary Commission, awarded the CHT to Pakistan on 17 August 1947 in contravention of the Indian Independence Act 1947 for political ends. Even Alastair Lamb was very critical about this arrangement when he stated, "Sir Cyril Radcliff's major qualification for this, it appeared was his almost total ignorance of Indian affairs".²²

As archival materials amply show, Mountbatten, Nehru and Patel also wanted the CHT to remain as a part of India. Yet, 600,000 Buddhist, like other 'Kafirs' were thrown to the wolves and offered on a platter to East Pakistan²³ through no specific reasons were given by the Boundary Commission for taking such an unethical division. Thus, the fate of the Buddhist Chakmas was decided by a treacherous appeasement plan put forward by the shrewd representatives of the dominating communities. To their great dismay no referendum was held to elicit the opinion of the Chakmas regarding the future of their destiny. To register proclamation, a delegation comprising the Bohmany and Mang chief and their younger brother of the Chakma chief representing of his behalf set out for Delhi to vindicate the apprehension of the Buddhist Tribes to Nehru despite all the assurance that their view point would be due respect by the Radcliff Commission, unceremoniously the CHT was gifted away to the Islamic Nation of Pakistan. Thus, the authority committed one of the earliest mistakes in handling the minorities issue ineptly objection from some disgruntled student leaders of the CHT only amplified their agony inviting the wrath of the Pakistani Army. The storm measures taken by the army thus, made the student flees, leading to the first Chakma exodus to India since Independence.

²¹ The Hindustan Times, 25th September, 1994.

²² Patriot, 19th May, 1993.

²³ The Pioneer, 21st October, 1994.

The Chakma-Hajong problem in India goes back to post 1971 and post Bangladesh issue.²⁴ The Chakma-Hajong influx into Indian can be traced to the partition of the sub-continent from the beginning, 'inconsistency and political expediency' governed India's CHT policy.²⁵ Until the 1970's, its policy vis-à-vis Chakmas was lukadaisical and short-sighted. The first influx of the refugees took place shortly after partition when 40,000 Chakma families fled to India. Having housed and absorbed a large number of non-Muslims Chakmas from East-Pakistan, India did not treat the Chakma differently and rehabilitated them in North India and latter Northeast India. The manageable number of the Chakmas, their widespread dispersal in the sparsely populated Northeast and their ethnic proximity largely mitigated any potential for opposition from the indigenous population. Further more, absorption was feasible party because ethnic consciousness in the Northeast was still in its infancy.

In 1964 a second wave of Chakma exodus was precipitated by the events surrounding the Kaptai Dam Project across river Karnaful, in Chittagong Hill Tract. Arable land used by the inhabitants for plough cultivation, it displaced an estimated 100,000 people mostly Chakmas and Hajongs. A faulty and inefficient resettlement policy resulted in about 40,000 seeking refugee in India.²⁶ Geographical, as well as, tribal proximity provided an additional incentive to the Chakmas fleeing to India, as they felt alienated by the Bengali Muslims.

Unlike the past however, India viewed this wave of influx with some apprehension. Though not demanding their repatriation into East Pakistan, it sought to minimize the friction between the immigrants and the local population of Tripura and Mizoram. If the Indo-Pakistan war of 1965 prevented the repatriation of Chakmas into CHT.²⁷

²⁴ Talukdar, S.P, Chakmas: An embattled tribes, op., cit, Pp. 64-65

²⁵ Saced, Amara (1987), The Chakma Unrest in Bangladesh, *Regional Studies*, Vol. 6 No.1, Winter, p. 63.

²⁶ Verghese, B.G (1997), India's northeast resurgent: Ethnicity insurgency, governance development, Konark publication, New Delhi, p. 225.

²⁷ Ibid.

Table: 3.1- Influx of Refugees from March 25 to December 15, 1971²⁸

States	Total Number
ASSAM	667986
BIHAR	8641
MEGHALAYA	141649
TRIPURA	312713
WEST BENGAL	7493474
Total	8624463

Decisions of the Government of India for providing relief to the immigrants from East Bengal were totally political motivated to increase the vote bank in the region. On 27th March 1971, Government of India took a decision that refugees from East Bengal in the wake of Pakistan military atrocities would be provided with relief, viz., shelter, food, medical aid etc, in India on humanitarian grounds and that the cost of such relief would be met by the central Government. The state governments were accordingly requested to undertake the requisite relief program on behalf of the central Government. Out of 7,143 thousand immigrants in West Bengal, 249 thousand immigrants have been dispersed to Central Transit Camps in Mana, Chakrabhatta (M.P), Gaya (Bihar) and Allahabad (U.P). Out of 1,413 thousand immigrants in Tripura, 28 thousand immigrants have been dispersed to Guwahati (Assam).

The Table has been given to understand the number of immigrants from East Bengal accommodated in Central Transit Camps (CTP) of various Northern, Eastern, and North Eastern States who had migrated before 31st October 1971.

²⁸ Source: Bangladesh Documents, Vol-I, p. 81, Nehru Memorial Museum and Library, New Delhi, 1981.

Table: 3.2- Number of immigrants from East Bengal accommodated in Central Transit Camps (CTP) as on 31st Oct 1971 States/Locations of Camps.²⁹

States and Their Districts	In Persons
West Bengal	
Coopers' Camp (Nadia)	14,000
Dhubulia (Nadia)	10,400
Salbori (Midnapore)	21,195
Brindabanpur (Midnapore)	15,495
Gamarbani (Bankura)	38,307
Tripura	
Ambassa	6,396
Dharamnagar	40,000
Manu	23,398
Assam	
Changsery	2,027
Sorbhog	5,984
Bahalpur	17,296
Bihar	
Panchanpur (Gaya)	28,091
Madhya Pradesh	
Mana (Raipur)	164,152
Chakrabhatta (Bilashpur)	47,236
Uttar Pradesh	
Iradatganj	10,293
All total	4, 44,270

The Chakmas and Hajongs refugee issue has been the matter of simmering discontent among the indigenous tribal people of Arunachal Pradesh. The Chakmas and Hajongs refugees hail from the Chittagong Hill Tracts and Mymensingh district respectively, the persecution of respective Government of erstwhile East Pakistan and partly due to the forced displacement as a result of the construction of Kaptai Hydel power Project in that country. The Chakmas and Hajongs first arrived in Assam and there after went to Bihar.

In 1964 North Eastern Frontier Agency (NEFA) now Arunachal Pradesh was administered by the Central Government through the Governor of Assam in April 10th 1964. Vishnu Sahay, the Governor of Assam casually decided to settle the Chakma refugees in Mizo district (Now Mizoram) of Assam to Tirap division of NEFA to avoid trouble between the

²⁹ Source: Bangladesh Documents, Vol.-I, p. 81, Nehru Memorial Museum and Library, New Delhi, 1981.

Mizo's and the Chakmas. On April 10th 1964 A.N.Kidwai Chief Secretary to Governor of Assam wrote to P.N.Luthra, the advisor to the Governor of Assam that his Excellency desire to make necessary arrangement for rehabilitation of 10,000 Chakma refugees in the Tirap division of NEFA. The advisor replied on April 16th 1964 that 3000 families of displaced persons from Mizo district might be rehabilitated in Tirap division of NEFA. He expressed his inability to accommodate 12,000 Chakma families.

U.Chakma, the Political Officer of Pasighat (East Siang District of Arunachal Pradesh) with intention to rehabilitate Chakmas in Tirap Division on permanent footing submitted a note on May 26th 1964 regarding scheme of resettlement of Chakmas refugees in Vijoy-Nagar Valley. He befooled the Governor of Assam when he had written, "I have met various headman of the locals who welcome the Buddhist and requested me to send them for settlement in their area as early as possible". He himself suggested that, "If it is decided that the Chakma tribes are to be settled in these areas, Shri U.Chakma, Political Officer (PO), Pasighat may be made settlement Officer-Cum-Additional Political Officer of Changlang district in addition to his present duties". L.B.Thanga, Development Commissioner NEFA confirmed that Shri U.Chakma personally undertook to certify and ensure about the antecedents of Chakma refugees. P.B.Kar, Director (Forest) NEFA endorsed a copy of the letter issued by U.Chakma to Manoranjan Dewan who was apparently leader of the Chakma refugees.³⁰

The Director (Forest) had categorically told U.Chakma that the Chakma refugee must not be allowed to settle near Namphai but proceed to Miao. In any case, if he had issued this kind of directive, he should at least have informed the forest department of his action so that the concerned department did not issue contradictory orders. L.B.Thanga Secretary (P&D) NEFA greed with P.B.Kar Director (Forest) the manner under which U.Chakma had given directions to the Chakma refugees as in the enclosed letter was not quite proper.³¹

P.N.Luthra, the Advisor who on July 17th 1964 warned U.Chakma, "You will recall that none of the first batch of 490 people was initiated entirely on your own and before the

³⁰ Dr.Osik.N (1999), Modern history of Arunachal Pradesh-1825 to 1997, Himalayan Publication, Itanagar, Pp. 57-62.

³¹ Ibid.

administration gave approved. If these persons continued to come at their own and initiative or instruction issued by you then I regret to say, they will have to returned to wherever they came from". The false report of U.Chakma, Political Officer came to light when on August 25th, 1964 the Gaon Burah (Head of the Village) of six (6) Village, namely Namphai, Changpo, Kachang, Neochangpo, Chikaon-Maikhignpo and Ningrang submitted a representation in vernacular language to the Advisor and Director (Forests) projecting the settlement of Chakma refugees in NEFA. R.K.Patir, Political Officer Khonsa rightly wrote to U.Chakma on August 28, 1964 that "if we allow the refugees to settle their, against the will of the local tribes we may have to face law problem in future". On October 10th, 1964 P.N.Luthra agreed to resettle Chakma up to 1000 (one thousand) families from Assam to Miao area. On December 3rd, 1964 S.D.Laharkar Deputy Secretary (P&D), NEFA Shillong (Meghalaya) wrote to the Political Officer, Khonsa that "we must therefore ensure in the vicinity of villagers, a written consent should be obtained from the villagers concerned, there can be no question of settling the Chakma refugees at Nimphai unless the local people given their consent since a group of the people have not agreed to this settlement there, refugee will have to be shifted to some other suitable places". P.N.Luthra advisor to the Governor of Assam, advised the officers not to give undue publicity to arouse people's suspicion in bringing people from out side for settlement.

L.J.Jhonsen Additional Secretary to the Government of India Ministry of Rehabilitation wrote to T.C.Puri, Patna on October 4th, 1965 that "You had reported that these Chakmas were not happy in Bihar environment and that they longed to go to Assam for settlement. They felt that the climate of Bihar did not suit them and that there was no cultural affinity between them and the people of Bihar". He suggested that the Chakma families could be sent to NEFA for settlement. P.B.Kar Director (Forest) intimated Deputy Secretary (P&D) on May 19th, 1966 that "Unfortunately there has been tremendous opposition from the Khamptis Singphos and Mishmis in Lohit Division". He further added, "I do not see any prospect of our taking over any more as we have not been settlers can be settled with the hope of their forming viable social groups".³²

³² Dr.Osik.N, op., cit., Pp. 57-62.

On June 24th, 1966 Deputy Secretary (P&D) NEFA Shillong (Meghalaya) wrote to the Liaison Officer in the Ministry of Labour, Employment and Rehabilitation, NEFA Shillong that "In Lohit District we had contemplated to settle 1000 families but on account of opposition from Khamtis, Singphos and Mishmis. We had to slow down our program. We shall be rehabilitating nearly 2253 families by the end of 1966-67 as against the original target of 3000 families". N.M.Syiem, under Secretary (R&W) NEFA, Shillong wrote to Deputy Commissioner, Lohit District that, "The administration had decided that currently land will be allowed to the Chakma refugee for a period of five years at first instance of period lease basis. The question of extension of the lease beyond five years will be taken in due course. The form of lease as also the rate of revenue payable by the pattadars will be intimated latter". P.M.Malhotra, District Forest Officer (DFO) Lohit Division, Tezu informed on August 22nd, 1968 that the local people objected for settlement of 1000 families and they agreed to allow only 100 heads. Deputy Commissioner (P&D) NEFA intimated Director (Forest) that Tirap student passed resolution in the meeting held on June 16th, 1968 not to allow any more settlement of Chakma refugees. He wrote "The refugee problem is becoming a source of headache to the people and administration as well. No more refugees should be settled in Tirap District". During the year 1964-1969 a total of 2,748 families of Chakma and Hajong refugees consisting of 14,888 persons approximately went to NEFA. At present Chakma and Hajong refugee reside in Chowkham in Lohit District Miao Bordumsa and Diyum in Changlang District and Balijan in Papumpare District. (Shown in the District maps)

On April 13th, 1973 I.P.Gupta, Deputy Secretary to the Government of India reported on Chakma refugees' settlement in Arunachal Pradesh that "The Chakma settlers also appear to be politically conscious. They have submitted representation from time to time demanding recognition as Scheduled Tribes and grant of Indian Citizenship. These Chakma settlers have not however, been able to develop cordial relation with the local tribal. In quest for better land they have run into disputes with Dweep area in Bordumsa Circle, contrary to the instructions of local Civil authorities that they should confine themselves to the areas is more fertile and therefore, these Chakma settlers in this area are reportedly encouraging fresh settlement by their fellow settlers in other areas"³³.

³³ Dr.Osik.N, op., cit., Pp. 57-62.

On May 19th, 1973 C.L.Goyal Under-Secretary to the Government of India emphasized upon the Deputy Secretary (Political) of Arunachal Pradesh administration Shillong that before any person is registered as an 'Indian Citizen' Under Section 5(1) (a) of the Citizenship Act 1955, he should be thoroughly screened and his loyalty to Indian should be fully ascertained". On June 22nd, 1973 B.P.Mishra Deputy Secretary (Political) Arunachal Pradesh administration wrote I.P.Gupta, Deputy Secretary, (Government of India) Ministry of Home Affairs that, "The Chakma refugees have been taken possession of the land forcibly with the full knowledge that the said land belongs to the local tribes previously, the administration had taken the view that Chakma should be conferred citizenship as soon as possible, but taking these circumstance into consideration, the administration now want that the question of granting the citizenship rights to the Chakmas may be stayed for a few more years and meanwhile, their activities should be watched".

On September 27th, 1976 S.C.Gohain Member of Parliament (Lok Sabha) from Arunachal Pradesh wrote to K.A.A.Raja, Lt. Governor of Arunachal Pradesh that, "The Chakmas have spread over the areas of the Northern Boundary of Tirap to well inside the Southern Boundary of Lohit and destroyed the whole forest wealth in the region. The Gaon Burah (Headman of the village) of Enow who used the Chakmas to clear the Jungles of the whole area in the hope that they would go after a few years but his hope had been believed as the Chakmas have taken too late for settled way of life. It will be too late for the administration to contained these people after they become citizens of India and also are recognized as a tribe in Arunachal Pradesh with the right to vote which, I have been given to understand, the Chakmas have put up their all out efforts to achieve".³⁴ In 1980 All Arunachal Pradesh Student Union (AAPSU) called a Bandh demanding the deportation of Chakmas and Hajongs. The Chief Minister (CM) Mr. Gegong Apang has been raising the vexed Chakmas and Hajong issue before the Central Government since 1980 to till date.³⁵ (Appendix-I)

Inspite of all these facts, Shri, P.M.Sayeed, Union Minister of state for Home Affairs on July 7th, 1994 invited the attention of Nyodek Yongam Member of Parliament (Rajya Sabha) from Arunachal Pradesh by saying, "We have examine the matter in detail and find

³⁴ Dr.Osik.N, op., cit., Pp. 57-62.

³⁵ The Arunachal Times, 2nd, April, 1995.

out that those Chakma and Hajong refugees were settled in Arunachal Pradesh under the Indira-Mujib Agreement of 1972, it was decided that those Chakmas and Hajongs who came to India from erstwhile East Pakistan (Now Bangladesh) before 25 March 1971 will be considered for grant of Indian Citizenship. (Appendix-H)

On September 2, 1997 through TV, Government of India announced that those Chakmas and Hajongs migrated before 1971 will be granted citizenship, which created a tension between the Chakmas-Hajongs and the All Arunachal Pradesh Student Union (AAPSU). No doubt the State Government and the people of Arunachal Pradesh are not ready to grant citizenship to the Chakmas and Hajongs, but on the other side in 2002, the state Government of Arunachal Pradesh granted citizenship and scheduled tribe status to the 90 (Ninety) Tibetan families of Shyo village living in Tawang district of Arunachal Pradesh bordering China. These Tibetans had fled to Arunachal Pradesh in 1960's. Mr. Sanjoy Takam, who was the President of AAPSU and latter become the spokesman of the Government and the Education Minister was part of crucial decision-making process on the grant of citizenship to the Tibetans. Being a same migrant, and the principles of equality, non-discrimination and natural justice, undoubtedly, the Chakmas and Hajongs deserve the same rights as the Tibetans.³⁶

The AAPSU leaders, who were pawns of Gegong Apang, are once again the busy bodies of Itanagar. The AAPSU holds its session on 27th June 2003³⁷ at Miao under Changlang District Commission of India's notification of 31st March 2003 for special revision of electoral rolls for enrollment of Indian Citizen Chakmas and Hajongs into the voter lists. The decision to hold the AAPSU's session at the heart of the Chakma-Hajong inhabited areas at Miao is a desperate attempt to raise Xenophobia against the Chakmas and Hajongs after its earlier call for a Bandh (general Strike) abysmally failed to evoke any response amongst the neighboring communities of the Chakmas and Hajongs. With the election in the State Assembly scheduled to be held in 2004, the demand for expulsion of the Chakma and Hajongs in clear violation of the Supreme Court order on the issue is undoubtedly the "Most Sexy" issue to climb up the political leader. In the year 2004 nearly 1450 Chakmas and

³⁶ Indigenous issue, the voice of the Asian Indigenous and tribal Peoples Network (AITPN), Janakpuri, New Delhi, www.aitpn.org.

³⁷ The Assam Tribune, Guwahati, 18th June 2003.

Hajongs granted citizenship rights as well as right to vote by the BJP Government which was condemn and highly reacted by the AAPSU President Byaban Taj, and he stated, "The way the Center is responding, I don't rule out the possibility of turning our agitation violent".³⁸

The Chakmas-Hajongs are huddled together in the Northeastern states of India which are in volatile situation due to intermittent insurgency movement. Any efforts to study the impact of Chakma-Hajong problem in India in general and Northeast in particular requires a critical endeavor encompassing all the three states of the Northeastern region of India viz. Arunachal Pradesh, Mizoram and Tripura. While accommodate a sizable number of Chakma-Hajong in their soil, the issue involving Chakma-Hajong tangle differ considerably in each of these three states because of the different status accorded to them in these states. Each case, therefore, necessitates separate discussion for the proper understanding on the matter.

The Chakma-Hajong problem in the Northeast in general and Arunachal Pradesh in particular has evaded solution for a long time. The Government of India's handling of the matter over the past three decades had been far from satisfactory. Even the Indira-Mujib Accord of 1972 has not been implemented with required enthusiasm and sincerity.³⁹ Now the problem has acquired grave proportions. The gravity of the problem can be gauged from the fact that when the committee visited the Arunachal Pradesh, it had to face an angry protest of the students at the helipad for more than two hours. However, it is a matter of relief that negotiations with the Government of Bangladesh in the recent past have borne fruits and Bangladesh has agreed to take back 50,000 Chakmas of Tripura and the first batch of 5000 Chakmas has already been accepted by Bangladesh. There is urgent need for keeping this goodwill alive between the two countries and it can reasonably be hoped that this goodwill yield more fruitful result in the near future.

³⁸ Exclusive interview of Byaban Taj, BJP is playing with fire, *North East SUN*, May 31, 2004, p. 15.

³⁹ Rajya Sabha Committee on Petition, Hundred and Fifty Report, presented on the 14th August 1997 in Rajya Sabha on the problem faced by the Chakma tribals of three states Arunachal, Mizoram and Tripura. Pp. 20-21.

CHAPTER – IV

THE QUESTION OF CHAKMA - HAJONG AND THE ROLE OF AAPSU IN ARUNACHAL PRADESH

CHAPTER-IV

THE QUESTION OF CHAKMA - HAJONG AND THE ROLE OF AAPSU IN ARUNACHAL PRADESH

Society has generally being defined as a system of human organizations generating distinctive cultural pattern and institutions or an organized group of people associated for some specific purpose or account of some common interest. No society remain static in the progress of history, its organizations, institutions, cultural pattern value system etc. change and vary for various factors both internal and external. Of these factors 'Movement' in the society which is generally termed as 'Social Movement' plays a vital role in this respect. The pages of history are replete with such 'Movement' both peaceful and violent.¹

Therefore, as against Constitutional belief of 'Social Movements' is being rarely viewed as a source of change and development in the society along with other factors, such as technology, urbanization, industrialization, immigration, education etc. Now days there are evidence to suggest that 'Movement' is being increasingly perceived as vehicles of innovative and creating ideas change and development. The question comes how can we define 'Movement' and 'Social Movements'?

Webster's encyclopedic unabridged dictionary of the English language has defined 'Movement' as: The Act process or result of moving, action or activities as of a person or a body of persons; rapid progress of events or abundance of events or incidents; a progressive development; a series of actions or activities directed or tending towards a particular end; a diffusely organized or heterogeneous group of people or organization tending towards or favoring a general common goal. Conceptually, 'Movement' is an organized efforts made by some specific case. Beside all these, a movement may be a protest in nature wherein some persons or group of people of the community as such may lunch a protest movement in getting a number of irregularities or social inconsistencies corrected².

¹ Dutta, S. (1998), Student movement in Arunachal Pradesh, Himalayan Publication, Delhi. p. 4.

² Ibid.

Different thinkers have defined social movement differently. According to M.S.A.Rao, social movement is 'An organized effort on the part of a section of the population, involving collective mobilization based on ideology to bring about changes in the social system'.³ According to S.P.Arya 'Social Movement is mostly used in common practice, as designating any collective effort on a mass scale by the concerned society, aiming to tackle and eradicate some widespread social problem of wider dimensions having existed among the people of the region for a fairly long period'.⁴ Social movement may be defined as 'Collective' enterprises to establish a new order of life.⁵ Social movement is 'socially shared demands for change in some aspects of social order'.⁶ Social movement such as movements for political emancipation, peasant movement and labor movement are very old, other social movements, such as the feminist movement, the regional movement etc. are very new. The youth and the student movement also belong to the new genre of 'Social Movement'.⁷ One significant role of student movement is that contradictions of the society of which they are members.

Students of late have started holding a very significant position in any discussion on all types of 'Social Movement's'. But in spite of this, student movement as a branch of social science research, remained neglected till the 70's of this century. In fact scholarly interest in student movements is a rather recent phenomenon.⁸ There is no denying the fact that student movements have played a very crucial role particularly in the developing communities in their national liberation movements in the recent past in different parts of the world. For example Student movement has been important elements in the revolution of 1848 in Germany and Austria, the Russian Revolutionary atmosphere of 1917 and the growth of Chinese Revolutionary Organization. In many of the developing countries, student movements have brought significant social and political changes in the mid-twentieth century.

³ Rao, M.S.A (ed.) (1979), *Social movement in India: Studies in Peasant, Backward Classes, Sectarian, Tribal and Women's Movements*, Manohar Publication, New Delhi, p. 5.

⁴ Arya, S.P (1970) *Social Movement: A conceptual view*, *Social Movement for Development*, op. cit. Pp. 17f.

⁵ Blomer, Harbert (1978), *Social Movement in A.M (ed) New Outlines of Principles of Social Movements for Development*, op. cit, Pp. 17f

⁶ Joshep, R. Gusfield (ed.) (1970), *Protest, Reform and Revolt, A Reader in Social Movements*, op. cit. p. 18.

⁷ Pandey, Rajendra, (1970) *Student Movement in the Post Independent India: Structure and Dynamics*, *Social Movement for Development*, op. cit, p. 178.

⁸ Barua, A.K (1995), *Approaches to the Study of Student Movements in North-East India*, A Paper Presented in the National Seminar on Student Movement, March, Shillong, Pp. 30-31.

Even in the developed countries like France, England, USA and Germany or the Scandinavian countries, students had participated in anti-authoritarianism movements at various levels and this participation had taken various forms ranging from simple authoritarianism to more complex form of radicalism. Thus all though modern history and particularly, since nineteenth century participation of young people in mass movements have been very common and noteworthy.⁹ Student movement in India also played a pioneering and important role during the freedom struggle. It began during the 1920's with Mahatma Gandhi's Non-Cooperation Movement touched its zenith during the 1942 'Quit India' calls and subsided by 1947 after India became independent.¹⁰

IV.1 Historical Development of all Arunachal Pradesh Student Union (AAPSU):

The Student Union in the NEFA (Present Arunachal Pradesh) first started during the last part of 40's i.e., 1947 at Pasighat, East Siang District of Arunachal Pradesh by a few Adi and Mishing (Tribes of Arunachal Pradesh) students called the 'Adi-Mishing' Student Union (AMSU) with its headquarters at Pasighat. The students who formed this union were mostly the students of Sadiya Government High English School. Dr. Daying Ering was its founding father (President) and Sri. Martin Dai, was the General Secretary and Sri Oshong Ering was its treasure. Other founding members were Talom Rukbo, Obang Dai, Tajum Koyo, Sushen Pao, Toi Dai, Yonggam Legu and others¹¹.

The constant meetings of the Adi-Missing student union infact created awareness of social change and importance of education in the minds of the new schools organized the same and similar activities in their respective areas with establishment of branch student unions to intensify the student movement. Thus the Galong-Adi part and the Eastern Adi branch student union for eastern part of the Adi inhabited area were formed in quick succession. After the creation of these branch students union, the name of the union was changed to All North Eastern Frontier Agency Students Union (ANEFASU) with headquarter at Pasighat, East Siang district¹².

⁹ Dutta, S. (1998), Student Movement in Arunachal Pradesh, Himalayan Publication, Delhi. p. 4.

¹⁰ Philip, G. Altbach (1966), The Transformation of the Indian Student Movement, *Asian Survey*, Vol.6, Pp. 448-460.

¹¹ Dutta, S (1998), Student Movement in Arunachal Pradesh, Himalayan Publication, Delhi. p. 23.

¹² Ibid., p. 27.

After the creation of the Union Territory in 1972 and its naming as Arunachal Pradesh, the NEFA student's union was also renamed as the Arunachal Pradesh Student Union (AAPSU) with the elevation of the status of the area, the responsibility and burden of the AAPSU also become heavier. For AAPSU have been the strongest, oldest and the apex body having linkage with students of almost every educational institutions of the state and with students studying outside the state.

IV.2 AAPSU Movement: (1979 TO 1985)

The year 1979 was a turning point in the history of the student movement in Arunachal Pradesh as this year showed a drastic departure from the earlier policy on strategy tactics style of functioning and policy towards the government.¹⁰ So long AAPSU mainly remained as an elite club with a further limitation of small number of students in the state as a whole in its back. Its main mode of activities was to pray petition and partnership with the government to draw attention to some of the problems of the student community in particular and the people of the state in general. In the meantime, with the creation of the Union Territory and its corollary side effects the demand of the APPSU become more specific and broad based. Some of the important ones were as follows: -

- 1) Solution of Assam Arunachal boundary problem.
- 2) Detection and deportation of foreign nationals from the state.
- 3) Withdrawals of land allotment permit and trade license from the Non-Arunachalees.
- 4) Effective checks against further infiltration of foreign nationals.

For the first time a two-day Arunachal Bandh (Strike) call was given by the AAPSU in support of their demands listed in the early 1980. The Arunachal Pradesh government, took notice to the situation and in a radio broadcast on 23rd April 1980 from the Dibrugarh (Assam) station of the All India Radio (AIR) the Chief Minister Shri, Gagong Apang tried to persuade the student to desist from agitation path explaining his government's stand view points on the demands of the AAPSU. But the AAPSU was not satisfied with the governments stand and become increasingly agitation in the subsequent years¹³.

¹³ Dutta, S (1998), Student Movement in Arunachal Pradesh, Himalayan Publication, Delhi. p. 27.

The memorandum, besides covering the old demands included certain new ones such as 80% job reservation to the Arunachalees, stoppage of allotment of contract to Non-Arunachalees, etc. In support of these demands the AAPSU organized a series of district level Bandh from 17-7-82 to 27-7-82.

In the mean time the Assam agitation started by the All Assam Student Union (ASSU) in the state against the Foreign Nationals had taken a shape of a widespread mass movement. The AAPSU was inspired greatly by this student movement in Assam and it had given support to the Assam agitation by launching its movement in 1982 demanding the deportation of the Bangladeshi from the state besides pressing the Arunachal government for accepting its demands also. The more or less identical problems faced by the two student-organizations of the two states on immigrants and Foreign National's issues had thus established a concord between the AAPSU and ASSU.

Here it would be appreciable to analyse the roots of the Assam-Arunachal boundary problem and the refugee problem of Arunachal Pradesh, which have become the main course of the AAPSU agitation. So, far the boundary problem of Assam and Arunachal is concerned; it arises because of the very fact that the state of Arunachal Pradesh, Meghalaya, Nagaland and Mizoram were the part of the composite Assam states. The boundary was not properly defined and demarcated leading to claims and counter claim on the issue on which have persisted till today. The problem from the Arunachal can be best understood from resolutions of the AAPSU signed by its President Shri. Nabam Riba, and General Secretary Shri. Taban Taki adopted in the meeting held in Pasighat (East Siang District) on 26th August 1985, which was attended by representatives of tribes from different districts and political leaders of various Political Parties and was presided over by Vice-President of AAPSU Shri Dawa Tsering Thongdok.¹⁴ On Refugee problem the meeting took the following resolution. Some of the most important resolutions are as stated below:

Refugee Problem No. 'A'

The meeting resolves that the refugees like Chakmas, Hajongs, Tibetans, Yobins settled permanently in Arunachal Pradesh should be withdrawn immediately from Arunachal

¹⁴ S.Dutta. Student Movement, Pp. 30-31.

Pradesh. It is a sensitive area and as such which restricts entrance of even Indian citizens to Arunachal Pradesh without valid inner-line permit in accordance with the 'Bengal Eastern Frontier Regulation Act' (BEFRA). The meeting feels that the settlement of refugees of Arunachal Pradesh for a prolonged period may be risky to security and hamper the integration of the territory in due course. Further, in certain areas the concentration of refugees and the speedy growth of their population have threatened to change the demographic picture of the area. The Government was seized with the problem and the present Chief Minister said in his broadcast to the people of Arunachal Pradesh on 23rd April, 1980, that the Government of Arunachal Pradesh has taken up dispersal of these refugees with Central Government. The meeting now resolves to urge the government for immediate disperse of Tibetan and Chakma-Hajong refugees from Arunachal Pradesh, before they can destroy the demographic harmony of the territory¹⁵.

Influx of Outsiders No. 'B'

The meeting further resolves that the government of Arunachal Pradesh should take necessary steps to strengthen the 'Bengal Eastern Frontier Regulation Act, 1873' while issuing 'Inner-Line Permit' enrolment in 'Voter List', Land Allotment and Trading License, etc. In view of the recent agreement between Assam Agitation Leaders (AAL) and the Central Government, it is feared that there will be an Influx Displaced Persons (IDP) from Assam into Arunachal Pradesh. The meeting urges the government to take effective measures to prevent any such entrance and to take utmost care in issuing any inner-line permit to the people of doubtful origin¹⁶.

The meetings observe that while the Chief Minister assured in his broadcast on 23rd April, 1980 that no land allotment has been made to Non-Arunachalees on permanent basis, there are cases of permanent land allotment, trading license and other facilities granted to Non-Arunachalees in violation of the Inner-Line Act. The government is therefore, urge to check and withdraw such facilities extended to Non-Arunachalees at an early date.

It would be appropriate now to take stock of the refugee problem in Arunachal Pradesh that has created apprehension and anger in the minds of the students, people and the

¹⁵ Dutta, S (1998), Student Movement p. 32.

¹⁶ Ibid.

Government of the State. Following eruption of ethnic riots in 1961 in Chittagong Hill Tract (CHT) of else while East-Pakistan (now Bangladesh) thousands of tribal people, rendered homeless, fled away to India. In 1964 again the religious persecution of the Chakmas and Hajongs of the tract in East-Pakistan compelled them to leave their country to join the earlier harder of their refugee brethren in Tripura. As the Pakistan Government showed into signs of taking their people back and as the Tripura government had to take a tough stand because of the heavy burden of refugees there, the refugees moved further east. Mahavir Tyagi the then Union Relief and Rehabilitation Minister (URRM) tried to settle them in Bihar by offering cash doles. But majority of the Chakmas refused to move to Bihar and settled on the plea that the climate of that state would not suit them.

At that critical juncture the government of India contemplates a plan of settling these refugees in the NEFA. Thereafter, the history of settlement of Chakma and Hajong refugees in NEFA began. Even those refugees who went to Bihar for settlement at Gaya district with cash doles from Government of India came back to join their brothers in NEFA in 1968. Thus the flow of refugees continued from 1965-66 to 1968 and they settled in three districts Tirap, Lohit and Changlang.

So far the migration of the Tibetan people to India concerned, that started in 1959 when the Tibatan Religio-Political leader Dalai Lama. With his followers, entered India via Kamang district of Arunachal Pradesh and took Political Asylum in India. The Indo-Chinese war of 1962 added a further dose to stoke of refugees in NEFA. It was decided to allow settlement of a limited number of Tibetan refugees distributed over the district of NEFA. Though the Tibetans were settled in Changlang and Lohit, their main concentration remained confined to Kameng and Tawang district of Arunachal Pradesh.

The Chakmas, Hajongs and the Tibetans were allowed to settle in NEFA when it was under the Ministry of Foreign Affairs (MFA) up to 1965 and then directly under the Ministry of Home Affairs (MHA) till 1972. Thus while the seeds of a critical problem were sown in the area, NEFA did not have any representative lies the root of the entire problem, as neither the people nor their representatives were consulted in settling these refugees in the area.

IV.3 AAPSU Movement: (1985-1990)

The Assam Accord of 15th August 1985 seemed to have encouraged the AAPSU in its further agitational part. The new twin office bearers Sri Nabam Rebia and Sri Tabin Taki, President and General Secretary of the AAPSU respectively, turned out to be more hard-liners than their predecessors. After convening a public meeting at Pasighat on 26th August '1985 they prepared and submitted a six point memorandum to the government where in besides the government demands, a new demand urging to check possible infiltration of foreigners to Arunachal Pradesh from Assam as a result of fallout of the Assam Accord, was included. This time the demand for job reservation was increased from 80% to 100%. But government refused to accept these demands. In response to this AAPSU called bandhs on 15th January 1986, which passed peacefully with some stray minor incidents in its subsequent agitational programme. Sri Kipa Kache a student of Nyapin Secondary School was killed in police firing on 3rd February 1986. AAPSU reacted sharply by announcing late Kipa as the 'first Martyr' of Pasighat on 17-07-86 and decided to erect memorial for Kipa Kashe in every educational institutions¹⁷.

The AAPSU decided to further intensify the agitation and chalked out a year long Programme for it by deciding to have a poster campaign on 25th October which was to be followed by a statewide hunger-strike on 5th November 1986 and a march to legislative assembly on a subsequent date. Besides, they also decided to submit an ultimatum to the government to concede to their demands by September 1986.¹⁸ The introduction of Arunachal statehood Bill in the parliament in 1986 added a new dimension to the student's movement in Arunachal Pradesh. Since the Chinese aggression in 1962 the question of statehood to the union territory was gaining ground in the minds of the Arunachalees. During a visit of the parliamentary delegation to the then NEFA in 1963, the people of Arunachal Pradesh ventilated their desire in discussion.¹⁹

Arunachal Pradesh revived its demand for statehood after a gap of 10 years. The decision of the central government to the grant statehood of Mizoram as per terms of the Mizo Accord inspired the people of Arunachal Pradesh to intensify the demands, when cabinet to

¹⁷ Dutta, S (1998), Student Movement in Arunachal Pradesh, Himalayan Publication, Delhi. p. 39.

¹⁸ AAPSU Memorandum No. Gs-17/84-86, Dtd. 18-07-1986, Itanagar.

¹⁹ Mahanta, B. (1984), Administrative Development of Arunachal Pradesh 1875-1975, Uppal Publishing House, New Delhi. Pp. 192-193.

Delhi to discuss the possibility of granting statehood to Arunachal Pradesh on July 24th, 1986.²⁰

Meanwhile in September 1986, the government issued a clarification and explained its position. But the AAPSU convinced a joint meeting of students and public at Pasighat on 20-12-86 to oppose the statehood proposal. It however, adopted a number of resolutions seeking certain modification in the statehood Bill. It was believed that the opposition of the AAPSU to the statehood proposal was mainly engineered by the state's then opposition party i.e. the Peoples Party of Arunachal Pradesh (PPAP) interestingly, once the statehood was granted to Arunachal Pradesh in February 1987, the AAPSU did not pursue its stand of opposing by demanding a few amendments to the statehood till date. Thus it appears that the vehement opposition was largely uncalled for and without proper and calculated discourse and thought on the matter²¹.

With the changing of office bearers in 1988 and the then ensuring Assembly election, the AAPSU, it appears toned down its activities to a great extent but it continued pursuing its demands submitted in earlier memorandums to the state and Central Government's. Its President Sri Tok Bom Borang and General Secretary Sri.Liki Ete met the Home Minister in December, 1989 to pressurize for its demands. It also organized a dharna before the state Legislative Assembly in February 1990 to pressurize the state government. But till 1992 no agitation programme has been adopted by the AAPSU, although its demands, some of which were as old as student movement, in the area still remain unsolved.²²

IV.4 AAPSU Movement: (1990 onward)

Till the end of 1993 no serious agitational Programme had been adopted by the AAPSU, though its major demands like Assam-Arunachal boundary dispute and the refugee problem unsolved. But from the earlier part of 1994 the AAPSU has again come to the limelight for its serious agitational programme against the refugee problem faced by the state.

²⁰ The Times of India, July 23, 1986.

²¹ Dutta, S. (1998), Student Movement in Arunachal Pradesh, Himalayan Publication, Delhi. p. 41

²² Ibid., P. 46.

At the initiative of the Congress-I and government of both the state, a series of meetings have been conducted between the Chief Ministers, Chief Secretaries and Commissioners, in which many misunderstandings and irritants have been removed by creating a congenial atmosphere for dialogues. A tripartite committee has also been constituted to go into the details of the problem to find out a lasting solution. In the last meeting of the chief minister of the two states, it was resolved to constitute a Boundary Committee of equal ratio of representative from both the sides by involving the local elected representatives, Deputy Commissioners and Superintendent of Police wherever, it was found to be necessary. The election manifesto of the Congress-I for the election of the Legislative Assembly of Arunachal Pradesh in March 1995, has promised to leave no stone unturned to come to the expectation of the people on the problem and convince both the central and the Assam Governments, the importance and urgency for coming to the negotiating table to find an acceptable and permanent solution to this thorny but burning problem.²³

As a result of the above, the AAPSU could now concentrate on the life and death problem of the Chakmas and Hajongs in the state. On May 1994 the AAPSU organized a huge 'Delhi Chalo March'²⁴ where a delegation of about 400 students went to Delhi, organized rallies and stayed there for about a month to attract the attention of the Central leaders to the problem. In spite of their month long effort to meet the Prime Minister, to drive home these refugees and inform about the problems in Arunachal Pradesh, it has been reported that Prime Minister refuse to meet the delegates. It has been alleged that the Prime Minister, on the other hand meet the Chakma students delegation. In the mean time AAPSU joined in the wider Regional Student Organization (RSO) of all the seven states of the Northeast India known as North Eastern Student Organization (NESO). Besides demanding central attention and action on rapid economic development of the North Eastern Region (NER) the main demand of this Regional Students Organization is to detect and deport the illegal Foreign National's from the North- East that has posed a serious threat to the demographic case of the other four states i.e. Assam, Meghalaya, Manipur and Tripura. The problem is more critical as it requires detection and deportation in states like Arunachal Pradesh, Mizoram and Nagaland, where

²³1955 Assembly Elections Manifesto of the Arunachal Congress (I) Committee of Indian National Congress, P. 8f.

²⁴ Procession from Arunachal Pradesh to Delhi and to meet Prime Minister to Submit a Memorandum, Pamplet issued by the AAPSU, 1994.

Inner-line Permit System (ILP) prevails, deportation is the major action required for the purpose.²⁵

AAPSU therefore joined in eleven hour 'North East Bandh Call' given by the NESO on 15th August'1994 demanding detection and deportation of the Foreign Nationals and expressing resettlement on Center's indecisiveness and step-motherly attitude to the North East. In spite of having sympathy for the cause of the students, the Arunachal Pradesh Government because of the suspiciousness of the day i.e. 15th August had to arrest about 150 students including the AAPSU General Secretary Sri Domin Loya. It also led to the closure of two schools in West Siang District.²⁶

In the mean time the commencement of the process of election to State Assembly in February 1995 brought a low profile to the AAPSU agitation. It was also due the postponement of any decision on the citizenship issue by the Central Government.²⁷ On 26th February 1996 Arunachal Student Union of Delhi (ASUD) started a protest rally at Jantar Mantar to express the solidarity of the people's of Arunachal Pradesh, also distributed pamphlets for support against the Foreign Nationals who settled in Arunachal Pradesh.²⁸

IV.5 Question of Chakma Hajong in Arunachal Pradesh:

The current question of the Chakma and Hajong refugees in Arunachal Pradesh is rooted in the conflicts which emerged between the reactionary ruling blocs of India and Pakistan and, subsequently, Bangladesh, which engendered the expulsion of the Chakma and Hajong peoples from their traditional homelands. AAPSU points that the Indian Government violated the legal provisions which prohibit people from outside Arunachal Pradesh from even entering the state. Moreover it rode roughshod over the wishes of the indigenous tribal peoples of the state who at no time were consulted in the matter of the settlement of the refugees.

²⁵ Dutta, S. (1998), *Student Movement in Arunachal Pradesh*, Himalayan Publication, Delhi, p. 47.

²⁶ Highland Observer, Naharlagun, Dtd. 16-30, September, 1994.

²⁷ Arunachal Times, AAPSU Appealed, Dtd. 26th February, 1995.

²⁸ Pumplet Distributed on 26th February, 1996 by Arunachal Student Union of Delhi (ASUD), Malik Tamuk (Gen. Sec) and Okeng Apang (President).

The question of the deportation of the Chakmas and Hajongs, Buddhist refugees from the erstwhile East Pakistan, from the State has continued to occupy the centre-stage of Arunachal Pradesh politics for quite some time now. The "Refugee Go-Back" movement originally launched by the All-Arunachal Pradesh Students Union (AAPSU), which has consistently held the view that the refugees are 'foreigners' and Arunachal cannot be made the 'dumping ground', gained momentum in the wake of the 'People's Referendum Rally' held on September 20, 1995 at Naharlagun, Itanagar. It was at this rally that AAPSU and the leaders of all existing political parties in the State including the ruling Congress-I under Gegong Apang, the Chief Minister of the State since 1979 had set December 31 as the deadline for the Centre to evict the refugees from the State. Also the leaders of all existing political parties present at the rally had vowed to resign from the primary membership of their respective parties and form a 'Common Organization of Indigenous People' if their demand was not met by the Central Government before the expiry of the deadline²⁹.

What has, however, happened in the post-deadline phase of the movement was only expected. The Central Government did intervene at the eleventh hour by announcing the formation of a 'high-level committee' to look into the matter. Acting on a petition filed by the National Human Rights Commission (NHRC), the Supreme Court in its recent verdict of January 9, 1996 has ruled out any forcible eviction of the refugees by directing the State Government to seek all possible help from the Central Government to protect the lives of the Chakma and Hajong refugees residing in the State. In opposition to the pronouncement of this verdict by the Supreme Court, a 15-member Core Committee comprising largely of members from the Apang Ministry and some other important leaders from the opposition parties has been set up to look into the question of deportation of the refugees from the State. Expressing its resentment over the verdict, AAPSU has further hardened its stance on the refugees issue by declaring that they are not bound by the verdict. Protesting against the verdict, AAPSU gave a 10-hour *bandh* call on Republic Day making its celebration only symbolic in nature³⁰.

The Buddhist Chakmas and Hindu Hajongs are the innocent victims of partition, originally belonged to the Chittagong Hill Tracts and Maimensingh districts respectively, a part of erstwhile East Pakistan (now Bangladesh). Pakistan's policy of persistent religious

²⁹ Dutta, S. (1998), Student Movement in Arunachal Pradesh, Himalayan Publication, Delhi. p. 47.

³⁰ Ibid.

persecution of these Buddhist tribes and the displacement caused by the Kaptai Hydel Power Project forced them to migrate and take refuge in India in 1964. But what was it that made these refugees finally settle down in Arunachal Pradesh which has been enjoying a 'Special Protected Area' status since the Pre-Independence period under the provisions of the Bengal Eastern Frontier Regulation, 1873? According to this regulation even Indian citizens of other states cannot stay in Arunachal Pradesh permanently. In other words, any Indian citizen from states other than Arunachal Pradesh, as per the rules of the regulation, cannot own any piece of land or develop any permanent stake in the State. Interestingly, following an order issued by the Governor-General in 1876 even the British subjects were prohibited from going beyond the Inner-Line without a pass under the hand and seal of an authorized Political Officer. It is, therefore, only natural for the Arunachalees to demand an explanation for the arrival and continuing presence of the refugees in the state despite all these protectionist measures adopted by the Government of India³¹.

Initially, only about 57 families of Chakmas and Hajongs were given shelter in government camps at Ledo in Dibrugarh, Assam in 1964. Thereafter, they were settled in Abhaypur Block of Diyun circle of the erstwhile Tirap District of Arunachal Pradesh purely on temporary and humanitarian grounds by the then North-East Frontier Agency (NEFA) administration which was directly under the control of the Central Government. The indigenous people of the state perceive a danger to their identity and culture being posed by an ever-increasing concentration of the Chakmas and Hajongs in the state. According to AAPSU, the population of the refugees has swollen to approximately 65,000 as against the 57 families originally settled in 1966 in Diyun. It may not be fair to blame it on the indigenous people for their increasing assertiveness on the issue of eviction of the refugees from the state for they fear that rapid demographic changes in three districts since 1951 may soon see them being outnumbered with all its concomitant social, economic, and political consequences. For example, according to the figures given in the 1991 census, the indigenous tribal population of the two districts of Lohit and Changlang where the Chakmas and Hajongs are residing, is only 74,000 out of the total population of 202,523 (which includes other Indian citizens also)

³¹Singh, Deepak K. (2003), *The Chakma Question in Arunachal Pradesh*, in the edited book by Omprakesh, Mishra and A.J. Majumdar, *The Else Where People: Cross Border Migration, Refugee Protection and State Response*, Lancer's Books Publication, New Delhi, Pp. 94-105.

in these two districts. The total population of the state according to the 1991 Census is 858,392.

The issue of granting citizenship to the refugees has also figured prominently in all debates and is being considered seriously by the Central Government. S.B. Chavan's repeated remarks in this respect have met with strong opposition from all quarters in the State. AAPSU has strongly condemned Chavan's insistence on granting citizenship to the refugees and believes that it is an attempt to woo the potential voters at the cost of annoying the indigenous people of the State. Could the grant of citizenship end the helplessness of the refugees? May be not as the real issue facing the leaders of the movement is not whether the refugees are granted citizenship or not but that they must be resettled outside the state. The State Government is quite determined that even if the settlers were to be granted citizenship they would have to leave the State³².

Though the Chakmas and Hajongs have continued to stay on in the state they have suffered immensely for no fault of their as they themselves did not volunteer to come to Arunachal Pradesh but were instead brought here as a matter of policy decision. The withdrawal of basic amenities like employment opportunities, termination of trade license and confiscation of ration cards have made it quite difficult for the refugees to survive. Faced with frequent quit notices issued by AAPSU and the Center's insincerity in finding out a long term solution, the refugees find themselves in the midst of uncertainty.

Over the course of the past few years, the State Government of Arunachal Pradesh has denied the Chakmas and Hajongs access to the most basic infrastructure and opportunities. These conditions persist despite intervention on behalf of the communities by the National Human Rights Commission (NHRC), the Ministry of Home Affairs, the Rajya Sabha (Upper house of Parliament) and clear judgements in their favour by the courts. Government inaction and inefficacy has left these communities vulnerable to threats and violence by organizations in the state such as the All Arunachal Pradesh Students Union (AAPSU). (Appendix- D)

³² Information Issued by the IPCS, New Delhi, on the Article no 1107, 27th August, 2003, Pp. 1-11.

On 9 January 1996, the Supreme Court of India, ruling in the case of National Human Rights Commission Vs State of Arunachal Pradesh and ,directed the government of Arunachal Pradesh to ensure protection of the life and personal liberty of Chakmas resident in the state, and to process their applications for citizenship in accordance with law. The Supreme Court's judgement was followed by a positive decision by the Delhi High Court. In the case of People's Union for Civil Liberties and Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh Vs Election Commission of India and others, the Delhi High Court ruled in favour of registering Chakmas and Hajongs as voters in Arunachal Pradesh. However, these court directives have been ignored. (Appendix-A)

Some historical background is necessary to understand the devastating nature of the present situation. The Chakmas of Arunachal Pradesh belong to a tribal group that has for centuries inhabited the Chittagong Hill Tracts (CHT's) of Bangladesh. Despite the fact that most of the inhabitants of the CHT's are either Buddhist or Hindu, the region became a part of Pakistan with the partition of India in 1947. In 1964, communal violence and the construction of the Kaptai Hydroelectric Dam displaced nearly 100,000 Chakmas. A large number of these displaced people sought refuge in India. (Appendix-B)

Nearly 1,000 members of the Hajong tribes, a Hindu group from the Mymensingh district of Bangladesh, were also settled in these areas. In the more than 30 years since their resettlement, the Chakmas and Hajongs have built villages, developed the land granted to them and paid state taxes on their land. Additionally, they have become integrated into the social fabric of Arunachal Pradesh and established strong ties to the region. Many of these Chakmas and Hajongs, who now number about 65,000, were born in India and know no other home.

The Chakmas and Hajongs are legal residents of India. In 1964, the Government of India granted migration certificates into the country to approximately 35,000 Chakmas and 1,000 Hajongs. The migrants were settled by the Government of India in the erstwhile North East Frontier Agency, an area that comprises the present-day districts of Lohit, Changlang and Papumpare in Arunachal Pradesh. These certificates indicated legal entry into India and the willingness of the Government of India to accept the migrants as future citizens. Additionally,

under the Indira-Mujib Agreement of 1972, it was determined that India and not Bangladesh would be responsible for all migrants who entered India before 25 March 1971³³. (Appendix-J)

Many Chakmas and Hajongs also have the right to citizenship and the right to vote. Under Section 3(1) (a) of the Indian Citizenship Act 1955, every person born in India on or after 26 January 1950 and before 1 July 1957 (Constitutional Amendment on Citizenship) is a citizen of the country. There are about 35,000 Chakmas and Hajongs who were born in India after 1964. Under the Indian Citizenship Act, they are Indian citizens by birth and, consequently, eligible to vote. However, when the Chakmas and Hajongs who satisfy the Act's requirements tried to register in the electoral rolls, the concerned State Government officials refused to accept their applications. (Appendix-A)

The Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP) approached the Ministry of Home Affairs to remedy the situation. The Ministry indicated that the Election Commission had been requested to include all legitimate Indian citizens in the electoral rolls. But the Election Commission took no action on this regard. The People's Union for Civil Liberties (PUCL) and the CCRCAP filed a writ petition before the Delhi High Court in the related matters (CWP No. 886 of 2000). To date, not a single Chakma or Hajong has been included in the electoral rolls. (Appendix-D)

In response to the condition of the Chakmas and Hajongs, the NHRC filed a writ petition in the Supreme Court against the State of Arunachal Pradesh. The case arose in response to allegations of human rights abuses suffered by the Chakmas and Hajongs at the hands of the State Government of Arunachal Pradesh in collaboration with private entities like the AAPSU. In September and October of 1994 the CCRCAP made numerous appeals to the NHRC, alleging human rights abuses and imminent threats to the lives and property of the Chakmas and Hajongs in the region.

Upon inquiry, the NHRC determined that the Arunachal State Government was acting in concert with the AAPSU to issue "quit notices" with a view to intimidating the Chakmas and Hajongs and expelling them from the State. Because of the State Government's delayed

³³ Ghai, U.R (1998), Foreign Policy of India, New Academic Publishing, Co. Jalandhar, Pp. 371-374.

statements and lack of action in response to the inquiries and directions of the NHRC, the matter was brought before the Supreme Court. Despite the Supreme Court's clear ruling, the Chakmas and Hajongs still could not apply for citizenship within Arunachal Pradesh due to intimidation by the AAPSU, which has the support of the State Government. Consequently, on 18 February and 19 June 1997, the groups submitted citizenship applications directly to the Central Government. The Union Home Ministry forwarded these citizenship applications to the District Collectors for necessary verification. (Appendix- E)

On 4 May 1998, 27 Chakmas submitted citizenship applications to the Deputy Commissioner of Changlang District but, he refused to accept them. Perforce, the Chakmas and Hajongs had to submit applications directly to the Union Home Ministry once again. More than two years later, the Chakmas and Hajongs have yet to be granted citizenship. Over four years after the Supreme Court judgement, the PUCL and CCRCAP challenged the government in court once again over its continued inaction. They filed a writ petition in the Delhi High Court against the Election Commission of India, the State Election Commission of Arunachal Pradesh, and the Union of India.

During the course of the case, the Central Government stated: "The Central Government is of the view that persons settled in Arunachal Pradesh after their migration in 1964 but before the 1986 Amendment to the Act should be citizens of India". The Delhi High Court directed the Election Commission of India and the State Election Commission to process Chakma and Hajong applications for inclusion in the electoral rolls. The directive is yet to be implemented. (Appendix-D)

The Central Government has also often asserted that the Chakmas and Hajongs have a legitimate claim to Indian citizenship. As a member of the opposition, the former Minister for Home Affairs, L K Advani was exceptionally critical of the government ineffectiveness in granting citizenship and related rights and privileges to the Chakmas and Hajongs. He raised the issue in Parliament on several occasions. During his own tenure as Minister of Home Affairs, however, he has failed to make the Arunachal Pradesh government comply with constitutionally binding judicial orders and directives from the Ministry of Home Affairs.

The Government of Arunachal Pradesh has systematically denied the Chakmas and Hajongs access to social, economic and political rights to which they are entitled under Indian and international law. It has conducted a three-pronged strategy of discrimination against them – denying them political rights, economic opportunity and access to basic social infrastructure. Additionally, the State Government has not checked the intimidation and threats issued by the AAPSU. In fact, on occasion it has openly supported AAPSU activities. The Chakmas have been suffering forcible eviction at the hands of the State Government and AAPSU for decades – one particular village in the district of Changlang, Vijoypur, was reportedly destroyed on three occasions, in 1989, 1994 and 1995.

In 1980, the State Government banned the employment of Chakmas and Hajongs. It has stopped issuing trade licenses to members of either community. Furthermore, all trade licenses issued to the Chakmas in the late 1960s were seized in 1994. Their employment options are thus effectively sealed off, and the Chakmas and Hajongs are locked into a vicious cycle of poverty. The situation has been exacerbated by AAPSU-organised economic blockades of the Chakma and Hajong Refugee Camps. (Appendix-E)

The State Government has steadily dismantled basic social infrastructure in Chakma and Hajong settlements, rendering these people ever more vulnerable. All persons legally resident in India are entitled to ration cards if their income falls below a specified amount. In October 1991, the State Government discontinued issuance of ration cards to Chakmas and Hajongs, many of whom live in extreme poverty. In September 1994 the State Government began a campaign of school closing, burning and relocations that have effectively denied the Chakmas and Hajongs their right to education. Schools built by the Chakmas using local-community resources were closed down or destroyed. Also, health facilities in Chakma and Hajong areas are all but nonexistent.

The Chakmas and Hajongs of Arunachal Pradesh have a verdict in their favour from the Apex Court and the Delhi High Court, the support of the Rajya Sabha and, ostensibly, bureaucratic compliance from the Central Government. The Arunachal Pradesh Government, the Election Commission of India and the State Election Commission of Arunachal Pradesh must now implement the directives of the Supreme Court and the Delhi High Court to ensure that the Chakmas and Hajongs receive their full rights of citizenship.

CHAPTER – V

CONCLUSION:

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Migration is almost as characteristic of homo-sapiens as tool making and culture building. Man is the most widely distributed social animal on the earth's surface. From their probable origin in Africa, human groups had spread out to occupy all the major land areas of the earth excepting Antarctica about 20,000 years before present, long before the beginnings of agriculture of written history. Thus migration is a geographical phenomenon that seems to be a human necessity in every age. Since the man has a tendency to leave the areas in which life is difficult, he migrates to the areas where life may be easy and better.

One of the important causes of migration, especially after the Second World War, is the political one. Political refugees are a world wide phenomenon today. One can list numerous examples of political migration. These included, Turkish, Armenians and white Russians early in the twentieth century; European Jews after the second world war, Palestinians, Chinese, Hungarian (Freedom fighters), Cubans, Indians, Pakistanis, Bangladeshis, Kashmiris, Tamils, Vietnamese, Afghans, Iranians, Samalians, Kurds, Serbians, Bosnians, Kosovos and Albanians. All these are the examples of forced migrations induced by political factors.

The present demand for the grant of citizenship and Scheduled Tribe status by the Chakmas and Hajongs clearly shows that they are not only unwilling to move out of the state, but also that they are politically conscious and quite determined to stay permanently in the state. Even though, the Chakmas and Hajongs have been denied citizenship at several occasions, the Indira-Mujib agreement of 1972 makes it mandatory for the Indian Government to treat their applications lawfully for the grant of citizenship. Under the Indira-Mujib agreement of 1972, it was decided that the Chakmas and Hajongs who came to India from the erstwhile East Pakistan before 25 March 1971, will be considered for grant of citizenship. Moreover the Supreme Court in its recent ruling of 9 January 1996 has directed the State Government to forward all applications of Chakmas and Hajongs for citizenship to the Government of India and not to evict any of them while their application is under consideration. M.M. Jacob, while expressing the view of the Central Government stated that

“The presence of these Chakmas and Hajongs in the area has also not resulted so far in any major law and order problems though some isolated instances of friction between locals and these Chakmas and Hajongs have come to our notice.... That the Central Team which visited Arunachal Pradesh to study the problems of these refugees expressed the view that the grant of citizenship would introduce an element of responsible social behavior in these refugees”¹. He further added “Refugees from Bangladesh who came to India between 1964 and March 25, 1971 are eligible to the grant of citizenship according to the policy of the Government, as most of the migrants have already granted citizenship”. Further more he asserted that, “keeping the above in view there is no question of deporting these refugees from the state of Arunachal Pradesh. The general public in the state will have to be convinced that the burden will rehabilitation of the refugees will have to be shared by the country as a whole including Arunachal Pradesh”².

Very often it has been referred to India-Mujib agreement of 1972 from different corners that refugees coming before 1972 from East Pakistan are to be settled here in India. But Mr. R.L.Bhatia, the Union Minister for External Affairs while replying to a question in the Rajya Sabha on the subject rose by Mr. Nyadek Yanggam, Member of Parliament from Arunachal Pradesh very specially said that there was no agreement of provisional settlement of Chakmas and Hajongs in Arunachal Pradesh. It means that the agreement which was done between the two leaders, Indira and Mujib on migrants being misused politically in the Northeast in general and Arunachal Pradesh in particular.

Though the issue contains humanitarian aspect, which involving innumerable human beings, political and ethnic expediency demands settlement of the problem, at the earliest. On diplomatic front, India should pressurize the Bangladesh Government to take back the Chakmas and Hajongs who settled in Arunachal Pradesh, as has been done in case of Tripura-Chakmas. It should be seen that refugees thus repatriated should get the scope of settling in their old place honorably with some kind of autonomy, so that the problem of infiltration into India doesn't occur again.

¹ Singh, Deepak K. (1996), *The Arunachal Tangle: Migration and Ethnicity*, Journal of Peace Studies, Vol.3, Issue September-December, New Delhi, p. 54.

² Ibid.

In many ways the present day Arunachal Pradesh resembles the Chittagong Hill Tracts. Like the CHT in pre 1964 period, Arunachal Pradesh also enjoys a unique status among the other Indian states because of certain special statutory safeguards provided to it under the Indian Constitution. The Bengal Frontier Regulation Act 1873, for example, continues to exist which restricts free movement of all Non-Arunachalees Indian Citizens into the state without obtaining an Inner-Line Permit. This is one provision that has generated heated debates over its efficacy in the recent past. There are some- the so called champions of globalization and liberalization who looks at the existence of such a protective mechanism as an artificial and arbitrary barrier thwarting these 'tribal' from the 'mainstream' India. On the other hand, there are others and sizable number of them is from within the society who strongly believes that the existence of such a control mechanism is crucial for the purpose of protecting the culture and identity of the indigenous peoples.

Another example of such constitutional provisions is the Scheduled Sixth of the Indian Constitution which is applicable to the state of Arunachal Pradesh. The application of Sixth Scheduled in Arunachal Pradesh prevents all Non-Indigenous Indian Citizens from settling down permanently in the state. The underlying logic behind the introduction and the continuing presence of these statutory safeguards is to protect the indigenous culture and identity of the people from the onslaught of external influences. It is the un-interrupted continuation of these apparently protectionist mechanisms which has forced the Arunachalees to demand an explanation for the arrival and continued presence of the Chakmas and Hajongs in the states. But if we see the another side of the constitutional provisions related to the question of citizenship, it suggest that those who came at the time of partition or migrated to India before the commencement of the Indian Constitution-1950 and Constitutional Amendment Act of 1987, shall have the legal rights to become the citizen of the Republic of India, also Indira Mujib agreement of 1972 suggest that those who came to India from East Pakistan/Bangladesh before 1971 have right to get settlement as well citizenship.

Till such settlement become reality with Bangladesh and China, which may be a time-consuming process to specify the Arunachalees sentiment and to preserve peace in a strategically located "island of peace", the Indian Government should consider the proposal of settling these Chakmas and Hajongs in other states of the country on a distributive basis. For, when the fruits of independence are being enjoyed by all states, the disadvantages and

difficulties should also be equally shared. Though the Chakmas and Hajongs problem is a human problem and they may refuse to accept such distributive, disintegrative settlement system, in a critical situation this appears to be the only way of temporary settlement of the problem.

In India students were initiators and agents in independence movements. Political and Student Movements are interlinked and have advanced more or less simultaneously, the latter always being under the direction of the former. Before independence political activities of students were focused on issue of independence and all grievances were given political tone. From the beginning student movement in one way or the other have aligned themselves with one party or the other parties have been utilizing their voice and strength for political goal.

Student unrest is a major ailment which is posing a serious threat to the functioning and to the healthy growth of the democratic institutions. It has been mixed with many political issues and has aggravated the law and order situation in a particular area. No doubt the student organization or student unity was one of the strongest pressure group who worked for social transformation, but now this pressure used for only political gain by support on some political ideology and political parties, which is not justified in any way. The role played by the AAPSU relating to the matter of the Chakma and Hajong Refugees problem in Arunachal Pradesh is directly or indirectly motivated by political factors. Political parties using these Student Unions only for their 'Vote Bank' and political support, i.e. the reason the problem of Chakma and Hajong refugee not settled down even after forty two years.

The table which is given below shows the status of Chakmas and Hajongs of the various Northeastern and Eastern States of India, according to the 2001 Census Report. Being same type of migrants at the time of partition Chakmas and Hajongs granted not only the Citizenship Rights but also the Scheduled Tribes status viz., Assam, Meghalaya, Mizoram, Tripura, West Bengal but having a largest population (Third largest ethnic group in the state, according to 2001 census) they got the status of 'Refugee' and still after 42 years fighting for their basic fundamental rights to survive in Arunachal Pradesh.

**Table: 5.1-Present Status of Chakmas-Hajongs in the
Northeastern and Eastern states of India (2001 Census Report)**

S. No.	States	Chakmas	Hajongs	Status
1.	Arunachal Pradesh	Refugee	Refugee	Refugee
2.	Assam	Citizenship	Citizenship	ST
3.	Mizoram	Citizenship	Citizenship	ST
4.	Meghalaya	Citizenship	Citizenship	ST
5.	Tripura	Citizenship	NA	ST
6.	West Bengal	Citizenship	Citizenship	ST

Ruling Congress in Arunachal Pradesh suggested that the United Progressive Alliances (UPA) Government in the Center should announce an Rs.200 Crore package for the settlement and rehabilitation of Chakmas and Hajongs out side the state. AAPSU, the Refugees, the State and the Central Government should start dialogue on the resettlement of the thousands of the Chakmas and Hajongs who are staying in the state since 1964 and Centre should offer a financial package for the purpose, Arunachal Pradesh Congress Committee (APCC) working president Takam Sanjay told a press conference here; "We feel if the Central Government becomes a little more serious about the issue, a solution would emerge"³.

But the solution which ruling government suggested is baseless and illogical because on one side they are not solving the problem rather on another side creating new problems by settling these refugees in other areas which is not suitable to them. The ad-hoc policy of any government is not going to solve the Chakma and Hajong problem in Arunachal Pradesh as such.

In 2002, the State Government of Arunachal Pradesh granted citizenship to the ninety Tibetan families of Shyo village living in Tawang district bordering China. The Tibetans had fled to Arunachal Pradesh in 1960s. The State government cites the East Bengal Regulation Act of 1873 for forcible deportation of the Chakmas and Hajongs. The 1873 Act requires

³ Arunachal Pradesh: A Focus on Security Concern. Displayed by IPCS, in a Article No. 1107, 27 August, 2003, New Delhi, p. 4.

taking of prior permission (Inner Line Permit) before entering into Arunachal Pradesh. However, the Chakmas and Hajongs who fled from then East Bengal (now Bangladesh) did not go to Arunachal Pradesh on their own. They were taken to North East Frontier Agency (NEFA, present Arunachal Pradesh) by the Central Government with a view to permanently settle there⁴.

The question is if the Tibetans who fled to Arunachal Pradesh on their own can be given India Citizenship, why can't the Chakmas and Hajongs, who had migrated from undivided India. The Chakmas and Hajongs had been settled in the State by the Central Government and they also have same right to get all the facilities without any type of discrimination based on social, economical, political and legal. With the very point it is a clear case of discrimination for political gains of a few AAPSU and Core Committee leaders in Arunachal Pradesh.

Undoubtedly, the Chakmas and Hajongs deserve the same rights as the Tibetans. In addition the Supreme Court has recognized the citizenship rights to the Chakmas and Hajongs who had migrated over a period of time. The State Government of Arunachal Pradesh and Central Government in the affidavit to the Delhi High Court have recognized the Chakmas and Hajongs are indigenous like the rest of the people of Arunachal Pradesh. They share more commonalities with their immediate neighbours including belief in Buddhism, than any other communities elsewhere in the state. The very basic logic is that one cannot use different law for the same kind of migrants. The Constitutional Law on Citizenship, Rights to life etc are equal to all and one cannot wear two different glasses to solve the problem.

Finally, we can conclude by saying that a democratic solution to the problem has to be sought out which satisfied the people of Arunachal Pradesh as well as which also, at the same time, takes into full consideration, the humanitarian and legal requirements of the innocent Buddhist Chakmas and Hajongs of Arunachal Pradesh.

⁴ Information Displayed by the Asian Centre for Human Rights, Application written by Suhas Chakma to Justice A. S. Anand, Chairman NHRC, Complaint for full implementation of the Supreme Court judgement in the Case of NHRC Vs State of Arunachal Pradesh (CPW 720 of 1995) of 9 January 1996, New Delhi, p. 3.

APPENDICES:

APPENDIX-A**IN THE SUPREME COURT OF INDIA ORIGINAL CIVIL JURISDICTION WRIT
PETITION (CIVIL) NO. 720 OF 1995 National Human Rights Commission . . . Petitioner****Versus****State of Arunachal Pradesh & Anr. . . . Respondents****JUDGMENT, AHMADI, CJI**

This public interest petition, being a writ petition under Article 32 of the Constitution, has been filed by the National Human Rights Commission (hereinafter called "NHRC") and seeks to enforce the rights, under Article 21 of the Constitution, of about 65,000 Chakma/Hajong tribals (hereafter called "Chakmas"). It is alleged that these Chakmas, settled mainly in the State of Arunachal Pradesh, are being persecuted by sections of the citizens of Arunachal Pradesh and the second respondent is the Union of India. The NHRC has been set up under the protection or Human Rights Act, 1993 (No. 10 of 1994). Section 18 of this Act empowers the NHRC to approach this Court in appropriate cases. The factual matrix of the case may now be referred to. A large number of Chakmas from erstwhile East Pakistan (now Bangladesh) were displaced by the Kaptai Hydel Power Project in 1954. They had taken shelter in Assam and Tripura. Most of them were settled in these States and became Indian citizens in due course of time. Since a large number of refugees had taken shelter in Assam, the State Government had expressed its inability to rehabilitate all of them and requested assistance in this regard from certain other States. Thereafter, in consultation with the erstwhile NEFA administration (North East Frontier Agency - Arunachal Pradesh), about 4,012 Chakma families were settled in parts of NEFA. They were also allotted some land in consultation with local tribals. The Government of India had also sanctioned rehabilitation assistance @ Rs. 4,200/- per family. The present population of Chakmas in Arunachal Pradesh is estimated to be around 65,000. The issue of conferring citizenship on the Chakmas was considered by the second respondent from time to time. The Minister of State for Home Affairs has on several occasions expressed the intention of the second respondent in this regard. Groups of Chakmas have represented to the petitioner that they have made representations for the grant of citizenship under Section 5(1)(a) of the Citizenship Act, 1995 (hereinafter called "The Act") before their local Deputy Commissioners but no decision has been communicated to them. In recent years, relations between citizens of Arunachal Pradesh and the Chakmas have deteriorated, and the latter have complained that they are being subjected to repressive measures with a view to forcibly expelling them from the State of Arunachal Pradesh. On September 9, 1994, the People's Union for Civil Liberties, Delhi brought this issue to the attention of the NHRC which issued letters to the Chief Secretary, Arunachal Pradesh and the Home Secretary, Government of India making enquiries in this regard. On September 30, 1994, the Chief Secretary of Arunachal Pradesh faxed a reply stating that the situation was totally under control and adequate police protection had been given to the Chakmas. On October 15, 1994, the Committee for Citizenship Rights of the Chakmas (hereinafter called "The CCRC") filed a representation with the NHRC complaining of the persecution of the Chakmas. The petition contained a press report carried in "The Telegraph" dated August 26, 1994 stating that the All Arunachal Pradesh Students Union (hereinafter called "AAPSU") has issued "quit notices" to all alleged foreigners, including the Chakmas, to leave the State by September 30, 1995. The AAPSU had threatened to use force if its demand was not acceded to. The matter was treated as a formal complaint by the NHRC and on October 28, 1994, it issued notices to the first and the second respondents calling for their reports on the issue. On November 22, 1994, the Ministry of Home Affairs sent a note to the petitioner reaffirming its intention of granting citizenship to the Chakmas. It also pointed out that Central Reserve Forces had been deployed in response to the threat of the AAPSU and that the State Administration had been directed to ensure the protection of the Chakmas. On December 7, 1994, the NHRC directed that first and second respondents to appraise it of the steps taken to protect the Chakmas. This direction was ignored till September, 1995 despite the sending of reminders. On September 25, 1995, the first respondent filed an interim reply and asked for time of four weeks' duration to file a supplementary report. The first respondent did not, however, comply with its own deadline. On October 12, 1995 and again on October 28, 1995 the CCRC sent urgent petitions to the

NHRC alleging immediate threats to the lives of the Chakmas. On October 29, 1995, the NHRC recorded a prima facie conclusion that the officers of the first respondent were acting in coordination with the AAPSU with a view to expelling the Chakmas from the State of Arunachal Pradesh. The NHRC stated that since the first respondent was delaying the matter, and since it had doubts as to whether its own efforts would be sufficient to sustain the Chakmas in their own habitat, it had decided to approach this Court to seek appropriate reliefs. On November 2, 1995, this Court issued an interim order directing the first respondent to ensure that the Chakmas situated in its territory are not ousted by any coercive action, not in accordance with law. We may now refer to the stance of the Union of India, the second respondent, on the issue. It has been pointed out that, in 1964, pursuant to extensive discussions between the Government of India and the NEFA administration; it was decided to send the Chakmas for the purpose of their resettlement to the territory of the Arunachal Pradesh for more than three decades, having developed close social, religious and economic ties. To uproot them at this stage would be both impracticable and inhuman. Our attention has been drawn to a Joint Statement issued by the Prime Ministers of India and Bangladesh at New Delhi in February 1972, pursuant to which the Union Government had conveyed to all the States, concerned, its decision to confer citizenship on the Chakmas, in accordance with Section 5(1)(a) of the Act. The second respondent further states that the children of the Chakmas, who were born in India prior to his amendment of the Act in 1987, would have legitimate claims to citizenship. According to the Union of India, the first respondent has been expressing reservations on this account. By not forwarding the applications submitted by the Chakmas along with their reports for grant of citizenship as required by Rule 9 of the Citizenship Rules, 1995, the officers of the first respondent are preventing the Union of India from considering the issue of citizenship of the Chakmas. We are further informed that the Union of India is actively considering the issue of citizenship and has recommended to the first respondent that it take all necessary steps for providing security to the Chakmas. To this end, central Para-military forces have been made available for deployment in the strife-ridden areas. The Union Government favours a dialogue, between the State Government, the Chakmas and all concerned within the State to amicably resolve the issue of granting citizenship to the Chakmas while also redressing the genuine grievances of the citizens of Arunachal Pradesh. The first respondent, in its counter to the petition, has contended before us that the allegation of violation of human rights are incorrect, that it has taken bona fide and sincere steps towards providing the Chakmas with basic amenities and has, to the best of its ability, protected their lives and properties. It is further contended that the issue of citizenship of the Chakmas has been conclusively determined by the decision of this Court in *State of Arunachal Pradesh v. Khudiram Chakma* (1994 Supp. (1) SCC 615 - hereinafter called "Khudiram Chakma's case"). It is therefore contended that since the Chakmas are foreigners, they are not entitled to the protection of fundamental rights except Article 21. This being so, the authorities may, at any time, ask the Chakmas to quit the state, if they so desire. According to the first respondent, having lost their case in this Court, the Chakmas have "raised a bogey of violation of human rights." The first respondent has filed a counter to the stand taken by the Union of India. The first respondent denies that the Union of India had sent the CRPF Battalions of its own accord; according to it, they were sent pursuant to its letter dated 20.9.1994 asking for assistance. It has also denied that certain Chakmas were killed on account of economic blockades affected by the AAPSU; according to it, these casualties were the result of a malarial epidemic. The first respondent reiterates that the sui queries Constitutional position of the State debars it from permitting outsiders to the settled within its territory, that it has limited resources and that its economy is mainly dependent on the vagaries of nature; and that it has no financial resources to tend to the needs of the Chakmas having already spent approximately Rs.100 crores on their upkeep. It has also been stated that the Union of India has refused to share its financial responsibility for the upkeep of the Chakmas. Referring to the issue of grant of citizenship it is submitted as follows: "It is submitted that under the Citizenship Act, 1995 and the Rules made there under a specific procedure is for grant of citizenship. According to that after receiving the DC of the area makes necessary enquiries about the antecedents of the applicant and after getting a satisfactory report forwards the case to the State Government which in turn forwards it to the Central Government. It is submitted that on enquiry if the report is adverse the DC would not forward it further. It is submitted that the applications, if any, made in this regard have already been disposed of after

necessary enquiry. There is no application pending before the DC." It may be pointed out that this stand of the first respondent is in direct contravention of the stand adopted by it in the representation dated September 25, 1995, submitted by it to the NHRC where it had stated: "The question of grant of citizenship is entirely governed by the Citizenship Act, 1955 and the Central Government is the sole authority to grant citizenship. The State Government has no jurisdiction in the matter." It is further submitted by the first respondent that under the Constitution, the State of Arunachal Pradesh enjoys a special status and, bearing in mind its ethnicity, it has been declared that it would be administered under Part X of the Constitution. That is the reason why laws and regulations applicable during the British Regime continue to apply even today. The settlement of Chakmas in large numbers in the State would disturb its ethnic balance and destroy its culture and identity. The special provisions made in the Constitution would be set at naught if the State's tribal population is allowed to be invaded by people from outside. The tribals, therefore, consider Chakmas as a potential threat to their tradition and culture and art, therefore, keen that the latter do not entrench themselves in the State. Besides, the financial resources of the State without Central assistance, which is ordinarily not forthcoming, would throw a heavy burden on the State which it would find well nigh impossible to bear. In the circumstances, contends the first respondent, it is unfair and unconstitutional to throw the burden of such a large number of Chakmas on the State. We are unable to accept the contention of the first respondent that no threat exists to the life and liberty of the Chakmas guaranteed by Article 21 of the Constitution, and that it has taken adequate steps to ensure the protection of the Chakmas. After handling the present matter for more than a year, the NHRC recorded a prima facie finding that the service of quit notices and their admitted enforcement appeared to be supported by the officers of the first respondent. The NHRC further held that the first respondent had, on the one hand, delayed the disposal of the matter by not furnishing the required response and had, on the other hand, sought to enforce the eviction of the Chakmas through its agencies. It is to be noted that, at no time, has the first respondent sought to condemn the activities of the AAPSU. However, the most damning facts against the first respondent are to be found in the counter affidavit of the second respondent. In the assessment of the Union of India, the threat posed by the AAPSU was grave enough to warrant the placing of two additional battalions of CRPF at the disposal of the State Administration. Whether it was done at the behest of the State Government or by the Union on its own is of no consequence; the fact that it had become necessary speaks for itself. The second respondent further notes that after the expiry of the deadline of October 30, 1994, the AAPSU and other tribal student organisations continued to agitate and press for the expulsion of all foreigners including the Chakmas. It was reported that the AAPSU had started enforcing of economic blockades on the refugee camps, which adversely affected the supply of rations, medical and essential facilities etc. to the Chakmas. Of course the State Government has denied the allegation, but the independent inquiry of the NHRC shows otherwise. The fact that the Chakmas were dying on account of the blockade in want of medicines is an established fact. After reports regarding lack of medical facilities and the spread of malaria and dysentery in Chakma settlements were received, the Union Government advised the first respondent to ensure normal supplies of essential commodities to the Chakma settlement. On September 20, 1995 the AAPSU, once again, issued an ultimatum citing December 31, 1995 as the fresh deadline for the ousting of Chakmas. This is yet another threat which the first respondent has not indicated how it proposes to counter. It is, therefore, clear that there exists a clear and present danger to the lives and personal liberty of the Chakmas. In *Louis De Raedt v. Union of India* [(1991) 3 SCC 554] and *Khudiram Chakma's case* this court held that foreigners are entitled to the protection of Article 21 of the Constitution. The contention of the first respondent that the ruling of this Court in *Khudiram Chakma's case* has for closed the consideration of the citizenship of Chakmas is misconceived. The facts of that case reveal that the appellant and 56 families migrated to India in 1964 from erstwhile East Pakistan and were lodged in the Government Refugee Camp at Ledo. They were later shifted to another camp at Miao. In 1996, the State Government drew up the Chakma Resettlement Scheme for refugees and the Chakmas were allotted lands in two villages. The appellant, however, stayed out and secured land in another area by private negotiations. The State questioned the legality of the said transaction since, under the Regulations then in force; no person other than a native of that District could acquire land in it. Since there were complaints against the appellant and others who had settled

on this and, the State by order dated February 15, 1984, directed that they shift to the area earmarked for them. This order was challenged on the ground that Chakmas who had settled there were citizens of India and by seeking their forcible eviction, the State was violating their fundamental rights and, in any case, the order was arbitrary and illegal as violative of the principles of natural justice. On the question of citizenship, they invoked section 6-A of the Act which, inter alia, provides that all persons of Indian origin who came before January 1, 1996 to Assam from territories included in Bangladesh immediately before the commencement of the Citizenship (Amendment) Act, 1985, and who had been ordinarily resident in Assam since their entry into Assam shall be deemed to be citizens of India as from January 1, 1996. Others who had come to Assam after that date and before March 25, 1971, and had been ordinarily resident in Assam since then and had been detected to be foreigners, could register themselves. It will thus be seen that the appellant and others claimed citizenship under this special provision made pursuant to the Assam Accord. The High Court held that the appellant and others did not fall under the said category as they had stayed in Assam for a short period in 1964 and had strayed away there from in the area now within the State of Arunachal Pradesh. On appeal, this court affirmed that view. It is, therefore, clear that in that case, the Court was required to consider the claim of citizenship based on the language of Section 6-A of the Act. Thus, in Khudiram Chakma's case, this Court was seized of a matter where 57 Chakma families were seeking to challenge an order requiring them to vacate land bought by them in direct contravention of clause 7 of the Bengal Eastern Frontier Regulation, 1873. The issue of citizenship was raised in a narrower context and was limited to Section 6-A (2) of the Act. The Court observed that the Chakmas in that case, who were resident in Arunachal Pradesh, could not avail of the benefit of Section 6A of the Act which is a special provision for the citizenship of persons covered by the Assam Accord. In the present case, the Chakmas are seeking to obtain citizenship under Section 5(1) (a) of the Act, where the considerations are entirely different. That Section provides for citizenship by registration. It says that the prescribed authority may, on receipt of an application in that behalf, register a person who is not a citizen of India, as a citizen of India if he/she satisfies the conditions set out therein. This provision is of general application and is not limited to persons belonging to a certain group only as in the case of Section 6-A. Section 5, therefore, can be invoked by persons who are not citizens of India but are seeking citizenship by registration. Such applications would have to be in the form prescribed by part II of the Citizenship Rules, 1956 (hereinafter called "The Rules"). Under Rule 7, such application has to be made to the Collector within whose jurisdiction the applicant is ordinarily resident. Rule 8 describes the authority to register a person as a citizen of India under Section 5(1) of the Act. It says that the authority to register a person as a citizen of India shall be an officer not below the rank of a Deputy Secretary to the Government of India in the Ministry of Home Affairs, and also includes such officer as the Central Government may, by a notification in the Official Gazette, appoint and in any other cases falling under the Rules, any officer not below the rank of a Joint Secretary to the Government of India in the Ministry of Home Affairs, and also includes such other officer as the Central Government may, by notification in the official Gazette, appoint. Rule 9 next enjoins the Collector to transmit every application received by him under Section 5 (1) (a) to the Central Government through the State Government or the Union Territory administration, as the case may be, along with a report on matters set out in clauses (a) to (e) thereof. Rule 10 provides for issuance of a certificate to be granted to persons registered as citizens and Rules 11 and 12 provide for maintenance of registers. These are the relevant rules in regard to registration of persons as citizens of India. From what we have said herein before, there is no doubt that the Chakmas who migrated from East-Pakistan (now Bangladesh) in 1964, first settled down in the State of Assam and then shifted to areas which now fall within the State of Arunachal Pradesh. They have settled there since the last about two and a half decades and have raised their families in the said State. Their children have married and they too have had children. Thus, a large number of them were born in the State itself. Now it is proposed to uproot them by force. The AAPSU has been giving out threats to forcibly drive them out to the neighbouring State which in turn is unwilling to accept them. The residents of the neighbouring State have also threatened to kill them if they try to enter their State. They are thus sandwiched between two forces, each pushing in opposite direction which can only hurt them. Faced with the prospect of annihilation the NHRC was moved, which finding it impossible to extend protection to them, moved this Court for certain reliefs.

By virtue of their long and prolonged stay in the State, the Chakmas who migrated to, and those born in the State, seek citizenship under the Constitution read with Section 5 of the Act. We have already indicated earlier that if a person satisfies the requirements of Section 5 of the Act, he/she can be registered as a citizen of India. The procedure to be followed in processing such requests has been outlined in Part II of the Rules. We have adverted to the relevant rules hereinbefore. According to these rules, the application for registration has to be made in the prescribed form, duly affirmed, to the Collector within whose jurisdiction he resides. After the application is so received, the authority to register a person as a citizen of India is vested in the officer named under Rule 8 of the Rules. Under Rule 9, the Collector is expected to every application under Section 5(1) (a) of the Acts to the Central Government. On a conjoint reading of Rules 8 and 9 it becomes clear that the Collector has merely to receive the application and forward it to the Central Government. It is only the authority constituted under Rule 8 which is empowered to register a person as a citizen of India. It follows that only that authority can refuse to entertain an application made under Section 5 of the Act. Yet it is an admitted fact that after receipt of the application, the Deputy Collector (DC) makes an enquiry and if the report is adverse, the DC refuses to forward the application; in other words, he rejects the application at the threshold and does not forward it to the Central Government. The grievance of the Central Government is that since the DC does not forward it to the Central Government. The grievance of the Central Government is that since the DC does not forward the applications, it is not in a position to take a decision whether or not to register the person as a citizen of India. That is why it is said that the DC or Collector, who receives the application should be directed to forward the same to the Central Government to enable it to decide the request on merits. It is obvious that by refusing to forward the applications of the Chakmas to the Central Government, the DC is failing in his duty and is also preventing the Central Government from performing its duty under the Act and the Rules. We are a country governed by the Rule of Law. Our Constitution confers certain rights on every human being and certain other rights on citizens. Every person is entitled to equality before the law and equal protection of the laws. So also, no person can be deprived of his life or personal liberty except according to procedure established by law. Thus the State is bound to protect the life and liberty of every human-being, be he a citizen or otherwise, and it cannot permit any body or group of persons, e.g., the AAPSU, to threaten the Chakmas to leave the State, failing which they would be forced to do so. No State Government worth the name can tolerate such threats by one group of persons to another group of persons; it is duty bound to protect. The threatened group from such assaults and if it fails to do so, it will fail to perform its Constitutional as well as statutory obligations. Those giving such threats would be liable to be dealt with in accordance with law. The State Government must act impartially and carry out its legal obligations. Those giving such threats would be liable to be dealt with in accordance with law. The State Government must act impartially and carry out its legal obligations to safeguard the life, health and well-being of Chakmas residing in the State without being inhibited by local politics. Besides, by refusing to forward their applications, the Chakmas are denied rights, Constitutional and statutory to be considered for being registered as citizens of India. In view of the above, we allow this petition and direct the first and second respondents, by way of a writ of mandamus, as under:-

(1) the first respondent, the State of Arunachal Pradesh, shall ensure that the life and personal liberty of each and every Chakma residing within the State shall be protected and any attempt to forcibly evict or drive them out of the State by organized groups, such as the AAPSU, shall be repelled, if necessary by requisitioning the service of Para-military or police force, and if additional forces are considered necessary to carry out this direction, the first respondent will request the second respondent, the Union of India, to provide such additional force, and the second respondent shall provide such additional force as is necessary to protect the lives and liberty of the Chakmas;

(2) Except in accordance with law, the Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein;

(3) The quit notices and ultimatums issued by the AAPSU and any other group which tantamount to threats to the life and liberty of each and every Chakma should be dealt with by the first respondent in accordance with law;

(4) the application made for registration as citizen of India by the Chakma or Chakmas under Section 5 of the Act, shall be entered in the register maintained for the purpose and shall be forwarded by the Collector or the DC who receives them under the relevant rule, with or without enquiry, as the case may be, to the Central Government for its consideration in accordance with law; even returned applications shall be called back or fresh ones shall be obtained from the concerned persons and shall be processed and forwarded to the Central Government;

(5) while the application of any individual Chakma is pending consideration, the first respondent shall not evict or remove the concerned person from his occupation on the ground that he is not a citizen of India until the competent authority has taken a decision in that behalf; and

(6) The first respondent will pay to the petitioner cost of this petition which we quantify at Rs.10,000/- within six weeks from today by depositing the same in the office of the NHRC, New Delhi.

The petition shall stand so disposed of.

..... CJI

..... J.

New Delhi;

January 9, 1996.

APPENDIX-B

RAJYA SABHA COMMITTEE ON PETITION HUNDRED AND FIFTH REPORT

On the petition signed by Smt. Snehadini Talukdar of Mizoram and Shri Subimal Chakma of Delhi on the Petition pertaining to problems being faced by the Chakma Tribal population in Mizoram and Arunachal Pradesh. (Presented on the 14th August 1997)

RAJYA SABHA SECRETARIAT, NEW DELHI, AUGUST 1997.

COMPOSITION OF THE COMMITTEE ON PETITIONS, (1995-96)

1. Shrimati Sushma Swaraj – Chairman Members
2. Shri Shivajiroa Giridhar Patil
3. Shri Virendra Kataria
4. Shri K. R. Jayadevappa
5. Shri Lakkhiram Agarwal
6. Shri Narain Prasad Gupta
7. Shri Ram Deo Bhandari
8. Shri Anant Ram Jaiswal
9. Shrimati Renuka Chowdury
10. Shri Mohd Masud Khan

(1996-97)

1. Shri O. Rajagopal –Chairman Members
2. Shri Mohinder Singh Kalyan
3. Shrimati Basanti Sharma
4. Shri Gundappa Korwar
5. Shri Thennala Balakrishna Pillai²
6. Shri Raghavji
7. Shri K.R. Malkani
8. Shri Naresh Yadav
9. Shrimati Jayaprada Nahata
10. Shri Mohd. Masud Khan

(1997-98)

1. Shri O. Rajagopal -Chairman
- Members
2. Shri S.M. Krishna
3. Shrimati Basanti Sharma
4. Shri Gundappa Korwar
5. Shri Thennala Balakrishna Pillai
6. Shri Raghavji
7. Shri K.R. Malkani
8. Shri Naresh Yadav
9. Shrimati Jayaprada Nahata
10. Shri Mohd. Masud Khan

SECRETARIAT

- Shri Raja Ram -Director
 Shri M.K. Khan -Under Secretary
 Shri Jagdish Kumar - Committee Officer

I, the Chairman of the Committee on Petitions, have been authorized by the Committee to present the Report on its behalf, present the Report of the Committee.

2. At a sitting of the Rajya Sabha held on 23rd August, 1995, Shri Sangh Priya Gautam, Member, Rajya Sabha presented a petition (Appendix-I) signed by Smt. Snehadini Talukdar and an other person regarding problems faced by Chakma Tribal population in Arunachal Pradesh and Mizoram.

3. The petition was found to be in conformity with the provisions of the Rules and Procedures and Conduct of Business in Rajya Sabha. Issues raised in the Petition

4. The petitioner inter-alia stated that 80,000 Chakma Tribals living in a contiguous belt along Indo-Bangladesh border, covering the three Districts of Mizoram, namely Aizwal, Lunglei and Chhimituipui respectively have inhabited this ancestral homeland since centuries before 1982. Though the 80,000 Chakma Tribal populations have inhabited this contiguous area of Mizoram, they have been under four separate Administrative units, namely, Aizwal District, Lunglei District, Chakma Autonomous District Council and the Lai Autonomous District Council. As a result, the cultural, social and political unity of the Chakmas has been disrupted leading, to gross under-development of Chakmas inhabited areas. The petitioner has inter-alia stated that about 30,000 Chakma and Hajong tribals had migrated to India in 1964 from the Chittagong Hill Tracts in East Pakistan (now Bangladesh) and were rehabilitated by the Government of India in the then North East Frontier Agency (NEFA), now Arunachal Pradesh. Their present population is stated to be around 65,000. The Chakmas and Hajong tribals have not been granted Indian Citizenship even after 32 years of their migration to Arunachal Pradesh. The petitioner has contended that as per the Assam Accord of 1985, all the migrants who had settled in Assam, on or before January 1, 1966, were ipso-facto citizens of India. These migrants were facing lot of difficulties as they were not considered Indian citizens.

6. The petitioner in regard to Mizoram prayed that -

(i) The ancestral homeland of the Chakmas bordering Indo-Bangladesh on the Western belt of Mizoram, and all the 80,000 Chakmas inhabiting therein should be put in a single administrative unit and administered separately through a suitable Central Government agency, such as Chief Commissioner/Administrator etc.

(ii) All eligible Chakma voters should be enrolled on the Electoral roll and no Chakma should be treated as a doubtful foreigner.

(iii) Immediate security measures for the safety of the life and properties of the Chakmas be taken.

(iv) A special development Programme may be undertaken by the Central Government directly under the ongoing Border Area Development Programme (B.A.D.P.) envisaged by the Government of India in the Chakma-inhabited areas of Mizoram.

7. The petitioner in regard to Arunachal Pradesh prayed that -

(i) The Chakmas and Hajongs of Arunachal Pradesh may be granted Indian citizenship.

(ii) Ban on employment, admission to schools, medical facilities, trade and business of Chakmas and Hajongs in Arunachal Pradesh should be lifted immediately and ration cards restored.

(iii) The virtual economic blockade imposed by the State Government be immediately withdrawn.

(iv) All victims of deliberate arson at Bijoypur village and other Chakma settlement areas be compensated. Comments of the Ministry of Home Affairs, Government of India.

8. Written comments were obtained from the Ministry of Home Affairs. The Ministry, supplied the comments in respect of Mizoram on the basis of information supplied by the State Government and in respect of Arunachal Pradesh on the basis of its own perception as the State Government, as per the Home Ministry did not supply the information asked from them on the various issues raised in the petition.

Views of the Petitioners:-

9. The Committee heard the petitioners at Delhi on the 20th September and 29th November, 1995 respectively.

(i) Chakma Tribals did not face any trouble when Arunachal Pradesh was a Union Territory and they, were getting every facility that was available for an Indian, Citizen. Only after 1979, when Arunachal Pradesh was given State status, Chakmas were harassed and treated as refugees.

(ii) Since 1980, no Chakma has been given employment.

(iii) Government of Arunachal Pradesh vide their circular CS/PR-154/89/99, had banned the issue of ration cards to Chakmas and Hajongs of Changlang District.

(iv) Again in 1994, the Government of Arunachal Pradesh expressed its inability to provide coverage of public distribution systems to Chakmas and asked them to surrender all the ration cards already held by Chakmas.

(v) The Petitioner had also given the vivid description of other harassments like burning of schools, houses, non-availability of medical facilities and merciless killings of Chakmas. Even some of them died out of hunger. The Petitioner had submitted several photographs and paper clippings in support of his evidence.

(vi) The Petitioner informed that Shri M.M. Jacob, Union Minister of State in the Ministry of Home Affairs, had answered to the Lok Sabha on the 27th February, 1992 that in terms of Assam Accord, all person, who came and settled prior to 1 January 1966 were given Indian Citizenship. Further, on 27th February, 1992 Shri M.M. Jacob informed the House that Chakmas had migrated to Arunachal Pradesh from 1964 onwards. On the basis of Assam Accord, all those who migrated prior to 1.1.1966 are deemed to be Indian Citizens and those who came after 25.3.1971 are not to be accorded Indian Citizenship. On this basis, Chakmas living in Assam, Tripura and Mizoram have been recognized as Scheduled Tribes.

(vii) In a letter written to Shri Laeta Umbrey, Shri Jacob had reiterated the same again and mentioned, "the general administration in the State will have to be convinced that the burden of rehabilitation of these refugees will have to be shared by the country as a whole.

(viii) The Petitioner stated that time and again the Government has taken the aforesaid stand on the Chakma issues and answered to the questions raised in Parliament.

(ix) Chakma issue has been politicised to a great extent and used for reaping support of native population. For that purpose, the AAPSU (All Arunachal Pradesh Students Union) has also been instigated against Chakmas.

(x) Chakmas who have migrated to India from 1964 to 1971, their problem must be clearly distinguished from the problems of the influx of Chakma refugees into Tripura in the recent past.

(xi) Shri Gegong Apang, Chief Minister of Arunachal Pradesh, on 8 September, 1995 requested the Prime Minister to take steps immediately to deport Chakma refugees.

(xii) Arunachal Pradesh State Government has also instigated the police department and the law and order department to help remove the Chakmas out of Arunachal Pradesh. (xiii) Chakma Tribal Population is mainly concentrated in three districts of Arunachal Pradesh i.e. Popumpare, Lohit and Changlang. The Changlang district has the majority of Chakma Population.

(xiv) At present, Chakmas' total population is 65,000 approximately. Out of them only 6-7 persons are employed in Government Service. All of them have adopted agriculture as major source of livelihood.

Chakma students are not getting any monetary help either from the Central or State Government as they do not possess a Scheduled Tribe Certificate.

Views of the Home Secretary, Government of India

10. The Committee also heard the views of Home Secretary on the 21 September, 1996 on the problems faced by Chakma Tribal Population in Mizoram and Arunachal Pradesh. The Home Secretary informed the Committee briefly as under:

(i) The State Government has provided high schools, hospitals and motorable roads in the entire Chakma inhabited area in Mizoram.

(ii) There are three districts in Mizoram. The Southern most districts are called Chhimituipui. In that particular district, there are three autonomous Councils based on tribes. They have been given their right according to the Sixth Schedule of the constitution.

(iii) The entire Mizoram population is about 6 lakhs. There are 54,000 Chakmas.

(iv) In Mizoram, there are two Chakma MLAs out of 40 MLAs and one of the Chakma MLAs is a Minister.

(v) In Arunachal Pradesh, there were only 14,888 Chakmas who had migrated to India in 1964 after their homes were uprooted.

(vi) The Committee on Petitions of the Tenth Lok Sabha desired that the Government of Arunachal Pradesh may be persuaded not to deny basic facilities like education, trade, ration cards etc. to the migrants for their sustenance. In view of the long stay over 24 years in India as refugees, the Government should explore the possibility of granting Indian Citizenship to refugees as far as possible.

(vii) Between 1964 and 1969, 1, 40,000 Chakmas came into Assam. Out of 1, 40,000, about 15,000 refugees were sent to NEFA which is now in Arunachal Pradesh. Loans and land have been given by the Government to the Chakmas of Arunachal Pradesh and State Government at one point itself recommended that these people should be given citizenship.

(viii) The Government of India took the stand that the Chakmas and Hajongs had been there for so many years from 1964. Now it is 1996 and they should be granted citizenship. The State Government is not cooperating.

(ix) In October, 1994 complaint regarding stoppage of ration card, ban on employment and economic blockade of the Chakma settlements was made to the National Human Rights Commission.

(x) The National Human Rights Commission had asked the State Government to submit the Report but almost after a year, there is no report.

(xi) The Supreme Court heard the case of complaint and passed an interim order on 2.11.95 that they were not citizens because no citizenship had been granted but they were entitled to citizenship under a particular section of the Citizenship Act.

(xii) The Supreme Court directed in the interim order that even if they were not citizens, their lives and limbs must be protected and they are entitled to their lives and limbs and that they cannot be evicted from their own places.

11. On 9.1.96, a final order was passed directing the State Government:

(i) not to take any action to evict them except under due process of law

(ii) Application for citizenship should be looked into and sent to the Central Government to give police force, Central Police for the protection of those people on the demand of State Government.

(iii) A high level group was constituted on 29.12.95 under the Home Minister of which the Chief Minister is also a member to decide this issue and find out what needs to be done in this particular issue.

(iv) The Committee could not go to the State because there was no cooperation from the State Government till this review petition has been disposed of by the Supreme Court.

(v) The contention of the State Government is that they had not been consulted when these people were settled.

(vi) The contention of the Chief Minister of Arunachal Pradesh was that they had been living there for the last 27 years. Citizenship can be given to them but they should be settled outside his State.

- (vii) There is an Autonomous Council for Chakmas in Mizoram.
- (viii) In Arunachal Pradesh, their trade licenses have been stopped and their ration cards have been cancelled. Delegations of India and Bangladesh went to a particular area and convinced the people there.
- (ix) Shri Upendralal Chakma, a Leader of the Chakmas has said, "We will not go unless full guarantee is given to us that there will be total safety."
- (x) (xxi) The Bengal Eastern Frontier Regulation, 1873 governs the Inner Line permit. The provision is that nobody who does not belong to that place can enter those areas without the permission of the State Government.
- (xi) Recently, about one and a half year back, Mr. Chavan, the then Home Minister, made a statement about relaxation of the Inner Line Permit.
- (xii) Restricted Area Permit (RAP) from Assam, Meghalaya and Tripura has been removed with effect from 19 May 1995. Visits undertaken by the Committee. The Committee undertook study visit to Itanagar and Agartala from 1st to 5 November, 1996. The Committee also heard the views of the State Government of Arunachal Pradesh and Tripura and Representatives of Chakmas and indigenous people during the course of the study visits. The view gathered are as under : Views of the Representatives of Non-Chakmas of Arunachal Pradesh

12. The Committee heard non-Chakmas at Naharlagun on 2 November, 1996. Their views in brief are:-

- (I) India as a nation must protect the interests of minority tribes, who are mostly below the poverty line. In spite of the existing legal functioning in the form of Inner Line Regulation, the migrant population of the more advanced people from other States is increasing day by day. In order to gain foothold in the tribal State, the migrant population indulges in activities which often results in communal conflicts.
- (ii) About 80% of the native population is below the poverty line and are ignorant.
- (iii) India must not legalize the stay of the Chakmas and other outsiders in the State. The Government must wait for 80 percent of the native population of the state to reach a stage when they can consider themselves equal partners in the nation building.
- (iv) The total population of the Chakma tribals although scattered in different parts of South-East Asia, is more than the native population of Arunachal Pradesh.
- (v) Our country has enough tribals whose living conditions are below than those of the Chakmas. Thus, it becomes imperative that the country gives priority to the interests of its own tribals, particularly of those, whose existence is being threatened, like the natives of Arunachal Pradesh.
- (vi) In an Institute like North Eastern Regional Institute of Science & Technology (NERIST), where class XI and Class XII levels are also taught, requirements for appointment to lecturers' posts to the local tribals must be relaxed. The backlog of over 10 years for Scheduled Tribes must be filled up in order to absorb more of the existing indigenous (read local) human resources.
- (vii) The population of indigenous tribals is not more than 6 lakhs. If 60,000 population of Chakma and Hajong refugees are granted citizenship and allowed to stay in Arunachal Pradesh, their population shall comprise a sizeable chunk of tribal population and shall encourage influence of Chakmas and Hajongs from all over the world.
- (viii) Their population will overgrow and completely overwhelm the indigenous population rendering them to minority in their own State.
- (ix) The natives will not allow the refugees to stay in Arunachal Pradesh at the cost of indigenous people of Arunachal Pradesh.
- (x) Appeal to the Central Government to take immediate action for removal and deportation of Chakma and Hajong refugees from the land of Arunachal Pradesh.
- (xi) In the year 1964, a large number of Chakma and Hajong refugees migrated to India due to displacement caused by Kaptai Hydel Project in Chittagong and also to escape persistent religious persecution.
- (xii) Chakmas and Hajongs are natives of Chittagong Hill Tracts and Maimen Singh district of the then East Pakistan (now Bangladesh)

- (xiii) Chakma and Hajong refugees were settled in Arunachal Pradesh purely on temporary basis. This settlement was done surreptitiously without taking the consent of the indigenous people.
- (xiv) On the contrary, one of the Chakma appealed to the Hon'ble Guwahati High Court which after going into the details of all facts and various legal provisions ruled that the Chakmas settled in Arunachal Pradesh are Foreigners.
- (xv) The Hon'ble Supreme Court also ruled that Chakma refugees are foreigners and they have no right to have permanent abode in the State and that the State Government has the authority to evict them.
- (xvi) Chakma and Hajong refugees are not only encroaching upon the community land of indigenous people but are also indulging in heinous crimes of murder, arson and loot, encroachment of Reserved Forest, manufacturing arms and ammunition, training their youth in underground activities.
- (xvii) There are altogether 76 cases registered up to November, 1979 against the Chakmas and most of them related to theft, assault and other cases under the Forests Act.
- (xviii) If Chakma/Hajong refugees are not removed from Arunachal Pradesh, days are not far when the prevailing peace and tranquility of the State will give way to disruptive forces and turmoil.
- (xix) If the Government of India is insisting for settling the Chakma/Hajong refugees in a protected area, and if the refugees are settled permanently after granting citizenship, it is bound to open a flood-gate and invite similar demands from Tibetan refugees, Bangladeshis, Nepalese and others for permanent settlement in Arunachal Pradesh.
- (xx) In Diyun Government Secondary School, there are more than 1900 Chakma and Hajong students with four local indigenous students.
- (xxi) Refugee students are dominating the local students psychologically and physically. They are also threatening the local indigenous people not to collect any contributions and donations from their (refugees) dominated areas and claim that the land is theirs (Refugees).
- (xxii) Refugee students are misguided by the Chakma leaders who are staying out of Arunachal Pradesh, engaging them to violence to create havoc type of psychosis to the indigenous people and against the Government of Arunachal Pradesh.
- (xxiii) The Chakmas have created an environment of fear and danger to lives of local indigenous people.
- (xxiv) The local people cannot visit the refugee dominated areas.
- (xxv) The refugees have conveyed to the Arunachal Students Federation (ASP) that they are eager to leave Arunachal Pradesh if the Central Government provides them a settlement area elsewhere.
- (xxvi) The leaders and GBs (Gaon Buras) of Chakmas and Hajongs also want that they should be granted compensation if deported from the soil of Arunachal Pradesh.
- (xxvii) The ASF also found that the living conditions of the local indigenous people of Shingpos, Khamtis, Thangsas and Indian citizens are in a pitiable condition in the refugee dominated areas.
- (xxviii) The Chakmas and Hajongs who are settled in a fertile land in Diyun and Miao are enjoying all the living standard with fertile cultivable lands. They have established business in Diyun with concrete houses and other Civic amenities which the local people had been deprived of.
- (xxix) Refugees are also contributing funds for purchase of arms and ammunition to fight against the indigenous people of Arunachal Pradesh.
- (xxx) The social pattern of Arunachal Pradesh comprises 22 major tribals and various sub-bodies which is multi-lingual and multi-cultural.
- (xxxi) These indigenous tribals who are not more than 6 lakhs in population are living peacefully and with harmony.
- (xxxii) The Protected Area Order of 1958 and other relevant Acts and Rules categorically state that Chakmas are foreigners and that they have no rights and claim to have permanent settlement in the State of Arunachal Pradesh and that the State Government has the authority to evict them out of the State.

Views of State Government of Arunachal Pradesh

13. The Committee heard the representatives of State Government of Arunachal Pradesh at Naharlagun on 2 November 1996. Their views in brief are:-

- (I) The Chakmas in Arunachal Pradesh may be shifted to places other than the State of Arunachal Pradesh.
- (ii) The Guwahati High Court has declared Chakmas as foreigners, since they have no right to vote.
- (iii) The number of Chakmas in Arunachal Pradesh is about 60,000/- as per Refugees calculation.
- (iv) For acquiring land, one has to be an indigenous person.
- (v) Land cannot be given to Chakmas under Legislation passed in 1873 and under the existing laws.
- (vi) About 10 schools for Chakmas and non-Chakmas children are functioning there. There is no difficulty in running those schools.
- (vii) The people of Arunachal Pradesh have been tolerating the Chakmas for the past 30 years.
- (viii) There is no political problem in the State.
- (ix) The problem of settlement of Chakma and Hajong Refugees in Arunachal Pradesh arose during the period of 1964-69. During that time, there was no popular Government in Arunachal Pradesh. In 1964, North-East Frontier Agency (NEFA) was administered by the Central Government, through the Governor of Assam. The Indian People have not been consulted on the settlement of Chakmas in Arunachal Pradesh.
- (x) The Chakmas are foreigners so they are not entitled to vote.
- (xi) The customary laws of the indigenous tribal people have been violated and their traditional rights have been encroached upon by allowing settlement of Chakma and Hajong refugees by the Central Government much against their wishes.
- (xii) The indigenous tribal people of Arunachal Pradesh are of the view that the presence of Chakma and Hajong refugees on their soil is a serious threat to their own survival, their age-old customs and traditions and also the peace.
- (xiii) There is nothing common between the tribal people of Arunachal Pradesh and the Chakma refugees.
- (xiv) Under the Constitution of India, Arunachal Pradesh has been given special status
- (xv) The Chakma and Hajong refugees hail from Chittagong Hill Tracts and Maimen Singh District respectively of erstwhile East Pakistan (now Bangladesh).
- (xvi) Arunachal Pradesh, the youngest State of the Union of India, has been the most peaceful State in the North-Eastern Region of the country.
- (xvii) There is Chakma lobby in Delhi. They go to Minister for assistance and they have association in Delhi. They also go to Human Rights Commission.
- (xviii) A day will come when Chakmas will be in majority, and indigenous tribal People of Arunachal Pradesh will be in minority.

Views of the Representatives of the Chakmas of Arunachal Pradesh.

14. The Committee heard the views of representatives of Chakmas of Arunachal Pradesh at Calcutta on 3 November, 1996. The views in brief are:-
- (i) A large number of Chakmas from erstwhile East Pakistan were displaced by the Kaptai Hydel Power Project, 1964.
- (ii) Since a large number of refugees had taken shelter in Assam, the State Government had expressed its inability to rehabilitate all of them and requested assistance in this regard from certain other States.
- (iii) They were also allotted some land in consultation with local tribals.
- (iv) The Government of India had also sanctioned rehabilitation assistance @ Rs.4,200/- per family. The present population of Chakmas in Arunachal Pradesh is estimated to be around 65,000/-.
- (v) In recent years, relationship between citizens of Arunachal Pradesh and Chakmas has deteriorated, and the latter have complained that they are being subjected to repressive measures with a view to forcibly expel them from the State of Arunachal Pradesh.
- (vi) The Chakmas have been residing in Arunachal Pradesh for more than three decades having developed close social, religious and economic ties. To uproot them at this stage would be both impracticable and inhuman.
- (vii) The Census Figures for Chakma and Hajong resettlements in Arunachal Pradesh indicate that in 1981, 24083 Chakmas and 1433 Hajongs and in 1991 Census 30062 Chakmas and 2134 Hajongs were recorded.

- (viii) The State Government of Arunachal Pradesh has reiterated their stand that Chakma/Hajong refugees should be shifted from Arunachal Pradesh.
- (ix) As regards those people from the erstwhile East Pakistan (now Bangladesh) who had migrated to India, a joint statement was issued by the Prime Ministers of India and Bangladesh after detailed talks at New Delhi in February 1972.
- (x) In August, 1994, the AAPSU (All Arunachal Pradesh Students Union) demanded the expulsion of all foreigners including the Chakma/Hajong refugees from Arunachal Pradesh.
- (xi) The Central Government has been advising the State Government to take all necessary steps for providing security to all residents including Chakmas/Hajongs and to take steps to control the explosive and worsening situation.
- (xii) In the light of the reports of the hardships faced by Chakmas, the Central Government has also advised the State Government to provide normal supply of essential commodities and medical facilities.
- (xiii) The AAPSU started enforcing economic blockade of the refugee camps resulting in adverse effects on supply of rations, medical and other facilities to the refugees.

Views of the Representatives of Chakmas of Tripura

15. The Committee heard the views of representatives of Chakmas of Tripura at Agartala on 4 November, 1996. Their views in brief are:

- (I) So long as the CHT refugees are living in Tripura, their ration scale be reviewed and improved so that their grievances in the camps are ameliorated.
- (ii) The influx of Chittagong Hill Tract refugees presently living in Tripura which took place in 1986 and onwards is purely political in nature.
- (iii) The Government of India was generous enough to shelter them on humanitarian ground but the scale of ration sanctioned for them is very meagre.
- (iv) Sri Lankan refugees were getting a dole of Rs.75/-every fortnight per adult a family and free medicine, free education and highly subsidized rations, whereas Chakmas are being given paltry sum.
- (v) Setting up of an impartial inquiry commission composed of members of the judiciary, submission of a white paper on the incidents, exemplary punishment to be given to those guilty of attacking the innocent tribals.
- (vi) Grants of compensation of at least Rs 2, 00000 in cash per affected family or more if the judicial commission (to be set up) so recommends.
- (vii) Removal of all Bengali settlers from Langadu and other areas of the greater Chittagong Hill Tracts Region.
- (viii) Government guarantee that incidents like the Langadu massacre will not occur in future.
- (ix) State Government has allocated land to the Chakma Refugees.
- (x) Refugees from Sri Lanka became Indian Citizens on the basis of 1964 Agreement between India and Sri Lanka.
- (xi) Chakmas have been given meagre ration from Government in comparison to other Chakma refugees living outside Tripura.
- (xii) The area MPs are not worried for their problems. They never tried to visit their areas. Chakma representatives requested the Committee on Petitions of Rajya Sabha to visit their Refugee Camps to witness their pathetic condition.

Views of State Government of Tripura

16. The Committee heard the views of representatives of State Government of Tripura at Agartala on 4 November, 1996. Their Views in brief are:

- (I) The first batch of tribal refugees from Bangladesh entered into Tripura in April 1986.
- (ii) Again, during the period from May, 1989 to July, 1989 there was a fresh influx of Tribal refugees numbering about 25,000 persons, taking the total number of refugees to 67,000 persons. Thereafter, the strength came down to 53,418 persons. (iii) The refugees belong to three main tribes namely, Chakma, Tripuri and Mog, of which majority are from the Chakma community.

- (iv) The tribal refugees have been sheltered in six relief camps of South Tripura District, temporarily constructed for them, of which 5 relief camps are under the jurisdiction of S.D.O., Amarpur and the sixth is under the jurisdiction of S.D.O. Sabroom.
- (v) There was fresh influx of 3146 tribal refugees from Chittagong Hill Tract of Bangladesh from 25 April, 1992.
- (vi) The refugees are provided ration consisting of rice, salt, dal, edible oil, coconut oil, dry fish, dry chilly, fire wood and cash dole.
- (vii) Pocket allowance and clothing every year, blankets - once in three years.
- (viii) In addition to the above benefits, medical facilities, drinking water sources and educational facilities are provided in each of the relief camps.
- (ix) Several official teams of Bangladesh have also visited the Relief camps at different times to convince the refugees for their repatriation on the ground that the conditions now prevailing in C.H.T. are conducive.

Comments of State Government of Mizoram:

17. Written comments were obtained from the State Government of Mizoram, The Comments in brief are as under:-

Regarding Chakmas settlement in Mizoram the State Government informed that during the British period, the Chakmas were under proper control through the local Mizo Chief who looked after them through the Karbari. Their habitations were confined only to South Lushai Hills. For ensuring effective control of their settlements, specific principles were laid down which, in brief are:-

- (i) No further application for settlement will be considered but for the most exceptional reasons.
- (ii) Passes for new separate houses will be considered except where the applicant is -
 - (a) The grown-up married son of a Chakma who has been settled for at least ten years in Lushai Hills.
 - (b) The grown-up married grand-son of such settlers. In both cases, applicant must be a permanent resident of Lushai Hills. Passes for daughters will not be considered.
- (iii) The site of each Chakma basti will be decided by the Chief (former Lushai Chief) in consultation with the Karbari and will be reported to the Circle Inspector. The site will not be changed without permission from the S.D.O.
- (iv) The basti shall consist of not less than 15 houses.
- (v) The Chakmas will make and maintain throughout the year foot path from their bastis to the Chief's village.
- (vi) The rules about cutting jhums on the river banks will be strictly observed.
- (vii) Chief will be responsible for the general control of Chakmas in their 'Ram' (land). They will work through Karbari who will be removable.
- (viii) Mass movement of a whole or a large part of a basti from one Chief's 'Ram' (land) to another will require the sanction of the S.D.O. or Superintendent.

18. Regarding reports of the number of houses, the State Government informed that there were 93 houses (families) of Chakmas in Circle XII and 857 houses (families) in Circle No. XVIII. The total was 950 houses (families) and the population would be about 5,000 in 1946. The Chakmas were confined in those two circles only. The British Government used to grant sparingly permission to settle down in the Lushai Hills to the Chakma applicants with a clear condition that they would be the subjects of the Chief of the villages. After 1947, due to absence of proper arrangements to prevent their entry into Mizoram, the Chakmas started infiltrating into Mizoram. 20. Regarding population of Chakmas, it was informed that up to 1947, there were about 5,000 Chakmas who were permitted to settle in Mizo Villages. After 1947, due to the absence of proper arrangements to prevent their entry in Mizoram, the Chakmas kept on infiltrating into Mizoram. The 1991 Census final figures are yet not available. The provisional figure is 54,149. In their recent Memorandum to the Prime Minister, the Chakma leader contended that there are about 80,000 Chakmas in Mizoram. In 1972, the Chakma Autonomous District Council was created. Due to the absence of proper arrangements to prevent entry from across the border, the Chakmas kept on infiltrating into Mizoram. The illegal infiltrators made their settlements at places of their own choice. It is the considered view of the State Government that

the demand of the petitioners for carving out from the State of Mizoram a separate administrative unit for the Chakmas is totally unjustified and completely out of question. Regarding influx of foreigners and deletion of names of Chakmas from Electoral Rolls, the State Government informed that the continuing influx of illegal foreigners both from Myanmar and Bangladesh in larger scales has demanded serious concern. The problem poses serious threats and it is imperative for the Government to adopt measures to it is imperative to check such continued infiltration. Under such compelling circumstances, the State Government decided to take action to detect and deport all foreigners illegally staying in Mizoram. The scheme is for detection and deportation of foreigners illegally residing in Mizoram whether they are from Myanmar, Bangladesh or any other country. The scheme will be operated through the Government agencies only and deportation of illegal foreigners will be done through legal process only. Instructions issued in this regard:

(a) In the first phase, persons whose names are not included in the recently prepared Electoral Rolls, who can prima facie be regarded as foreigners will be targeted.

(b) A public Notice requiring all foreigners to leave Mizoram within a period of two months will be issued by the Deputy Commissioner concerned.

(c) Simultaneously a team of officers formed by the Legislative Deputy Commissioner will visit the villages/towns in which foreigners are suspected to be present and prepare a list of foreigners based on electoral rolls.

(d) After expiry of the period specified in the public Notice issued by the Deputy Commissioner concerned, Teams of officers each consisting of Magistrates, Police Officers and other concerned officers will visit the villages, towns, arrest and put on trial any foreigners found remaining in the village/town and issue orders of deportation to those convicted.

(e) In the second phase, cases of other suspected foreigners, including those who have been enrolled as voters will be taken up

21. The above scheme was only for detection and deportation of foreigners illegally residing in Mizoram. It is not intended for causing harassment to Indian Chakmas.

22. The allegation that the M.Z.P. (Mizo Students Union) had connived with the State Government in deletion of Chakma voters from the Electoral Rolls is entirely wrong. The preparation of Electoral Rolls was conducted by the election machinery of the State Government strictly in accordance with the instructions issued by the Election Commission of India. There was no deletion of Chakma names as such from the Electoral Rolls as alleged in the petition. A complaint was submitted by Chairman, Chakma Autonomous district Council to the Election Commission of India on the same matter. The Election Commission of India after proper investigation found that the allegation was not correct.

23. On the Report regarding burning of houses of Chakmas in Marpara, Hnahya and Sachin villages, it has informed that the houses of Marpara I and II could not be saved due to shortage of man-power. On 30.8.1992, houses of Aivapui were burnt. Some houses at Sachan (Lunglei district) were also burnt. The causes of burning of houses and death of Hari Mohan Chakma of Aivapui are the direct retaliation by the angry and uncontrollable mob collected from various villages on account of two persons missing that were believed to have been killed by Chakmas. The State Government informed that payment of Rs. 17,06,862/- was made towards compensation and relief to 304 affected 18 families.

24. Regarding Development Schemes, the State Government has informed that an Autonomous District Council was granted to Chakmas in the year 1972. The Council received an average annual budget allocation of Rs.5/- crores. The Chakmas have at present two sitting M.L.As, in the State Legislature and one of them is a Minister. The entire funds provided by the Government of India under Border Area Development Programme are utilised for various developmental works in the areas bordering Bangladesh where the Chakmas have now settled. The State Government have opened High Schools in all the big villages of Chakma inhabited areas viz. Tlabung, Chawngte, Marpara, Borapanauri, Parva and Kamalanagar. Two Primary Health Centres, two subsidiary Health Centres and 32 Sub-Health Centres, have been opened in Chakma inhabited villages. As for road communication, all the big villages of the Chakma inhabited areas have been connected by motorable roads. Under the Government of India's scheme of India-Bangladesh Border Roads, the Border Road Task Force has been undertaking construction of roads from Demagiri (Tlabung) Khojoisury-Borapansary and Denagri- Bindesure- Marpara and major portion of the projects has been completed.

25. In addition to above, the State Government of Mizoram have also submitted.

(i) That no part of Mizoram was ever the ancestral homeland of the Chakmas. The demand for carving out from Mizoram State a separate administrative unit for the Chakmas is totally unjustified and completely out of the question.

(ii) That the State Government have been following the relevant provisions of law and the instructions issued by the Election Commission of India in the matter of registration of voters and it will continue to do so. The State Government is aware that providing security to all the bonafide citizens is the responsibility of the Government and the Government will take all necessary actions to ensure safety and security of the loyal citizens and their properties; and

(iii) That due care and attention have been taken by the State Government to bring about all-round development of all sections of the society. There is no need for introducing a separate development programme from the Central Government for the Chakma community. Views of Chief Secretary, Mizoram the Committee heard the oral evidence of the Chief Secretary of Mizoram on the 21 March, 1997 in New Delhi. The Chief Secretary agreed that there were some Chakmas in the Southern parts of Mizoram right from the time when the British ruled. The number of Chakmas was very small but they were not included in the Scheduled Tribes list of 1950 and there was a steep increase within 10 years and this was because of infiltration. These Chakmas were not treated as indigenous people. The foreigner (Chakmas) were detected and excluded from the electoral roll. A complaint was also made by the Chakmas to the Election Commission but after enquiries, the Election Commission found 19 complaints unsubstantiated. They went to Guwahati High Court which also rejected the Petition. Then they went to Human Rights Commission. The Human Rights Commission gave a right to the State Government to detect and push back the foreigners. It was done strictly according to Law. The State Government has taken up the Programme of detection and pushing the foreigners back. It is a fact that non-political organisations and even student bodies are involved in this.

27. As far as different administrative units are concerned, he has mentioned that originally they were confined to the area which is now covered by two Legislative Assembly Constituencies. Chakmas crossed the areas and spread in three districts of Mizoram-Aizwal, Lunglei, Chakma Autonomous District Council and Lai Autonomous District Council. But these District Councils come under one district area. He has further stated that Indian Chakma are treated well. The Chakma District Council the area of which is 907 sq. kms., has a number of high schools, 15 middle schools and 84 primary schools. Though this District Council has been given only 5 crores allocation, the Government is spending more than 65% on Chakma-inhabited areas. There is the Border Area Development Programme. The Chakma District Council has never complained of shortage of funds. He agreed that employment, literacy etc. are very low as far as the Chakmas are concerned. The Chakmas were like criminal tribes and very migratory. The Chief Secretary opposed the idea of expansion of the area of Chakma Autonomous District Council and putting it under the Central Rule.

28. The Committee heard the oral evidence of Shri Khisha on the 21 March, 1997 in New Delhi.

29. He has stated that Mizos are treating Chakmas as enemies and this enmity is because they helped the Indian Army to maintain law and order in Mizoram when Mizos were fighting for independence. The Mizoram Government are not taking proper Census. There is a discrepancy in the population figures. They formed Chakma Autonomous District Council for local administration but are providing a meagre fund/allocation. 50% of Chakmas are outside the District Council and the Council is not doing much in reviving the ethnic, cultural and social traditions of Chakmas. He has requested that Chakma Autonomous District Council be extended to other Chakma-inhabited areas. He has further stated that the Chakmas under the Mizoram Government are subjected to discrimination, harassment and intimidation. He has requested for a separate administrative Unit, preferably under the Central Government. Shri Khisha added that even after reaching their home-land in Chittagong Hill Tract, they are refugees. Shri Khisha also opined that U.N. High Commissioner for Refugees and International Committee for Red Cross should be involved for repatriation and resettlement.

Observations and recommendations:

30. The Chakma problem in the North East has evaded solution for a long time. The Government of India's handling of the matter over the past three decades had been far from satisfactory. Even the

Indira - Mujib Accord of 1972 has not been implemented with required enthusiasm and sincerity. Now the problem has acquired grave proportions. The gravity of the problem can be gauged from the fact that when the Committee visited the Arunachal Pradesh, it had to face an angry protest of the students at the helipad for more than two hours. However, it is a matter of relief that negotiations with the Government of Bangladesh in the recent past have borne fruits and Bangladesh has agreed to take back 50,000 Chakmas of Tripura and the first batch of 5000 Chakmas has already been accepted by Bangladesh. There is an urgent need for keeping the goodwill alive between the two countries and it can reasonably be hoped that this goodwill will yield more fruitful results in the near future.

31. Since the nature and gravity of the problem differs from State to State, the succeeding paras deal with the problem Statewide:

Mizoram:

32. The Committee has considered the views placed by representatives of Chakmas and the State Government of Mizoram. The Chakmas have, inter-alia, demanded that the Western belt of Mizoram inhabiting 80,000 Chakmas should be put in a single administrative unit and be administered separately through a suitable Central Government agency. They have also demanded voting rights, security and special development programmes for the Chakmas of the State. The State Government of Mizoram has however strongly opposed carving out of a separate administrative unit for the Chakmas and is adamant on deporting the Chakmas who came thereafter 25.3.1971. The State Government has also contended that adequate developmental schemes have been undertaken in Chakma-inhabited areas. They have stated that there are 3 High Schools, 1 Middle Schools and 84 Primary Schools 2 Primary Health Centres, 2 Subsidiary Health Centres and 32 Sub-Health Centres in Chakma-inhabited areas.

33. The Committee feels that in case of Chittagong Hill Tracts which is the home-land of Chakmas, a historical injustice has been done. As the Chakma population in Chittagong Hill Tracts was more than 98%, it should have, as per the formulae devised at the time of Partition, been given to India and the Chakmas should have been, by virtue of that fact, citizens of India. For that reason, the Chakmas are to be treated differently from other refugees and thus with sympathy and on humanitarian basis.

34. The Committee, after considering all facts, feels that the expansion of the area of Chakma Autonomous District Council may be considered after taking into account the density of population, the percentage of Chakmas in those areas and their overall conditions etc. The Committee feels that the Autonomous District Council after expansion may be put under the direct control of the Centre for a period till the Chakmas living conditions come at par with other inhabitants of the State.

35. As regards the conditions in Chakma Autonomous District Council, the Committee feels that the situation is not all that happy. The basic amenities being provided are inadequate, literacy rate is quite low and backwardness is all pervading. The funds being given by the State Government to the Council are Rs. 6/- crores out of a Budget allocation of Ra.600/- crores which are extremely insufficient. Moreover, the ratio of Chakmas in Mizoram comes to 1:10 in comparison to other communities. The Committee, therefore, recommends that in order to bring the inhabitants of Chakma inhabited areas at par with other people of the State, the Chakma Autonomous District Council be allocated the development funds on pro-rata basis, i.e. in the ratio of 1:10.

36. As regards the issue of Chakma refugees, the Committee has been informed that the State Government is ready to accommodate those refugees who came there before 25.3.1971. It would mean that the problem can be solved on the basis of the principles enshrined in the Indira-Mujib Accord of 1972. The Committee, therefore, recommends that the Chakma refugees who came to the State of Mizoram prior to 25.3.1971 may be granted citizenship. The Committee further recommends that the Chakmas, who are born in India, should also be granted citizenship. The Committee also recommends that the Chakmas who are so granted the Indian citizenship, be declared as Scheduled Tribes. As regards the refugees who came to the State after 25.3.1971, the Committee recommends that negotiations be held by the Government of India with the Government of Bangladesh on the lines of Indira-Mujib Accord and the Government of Bangladesh be persuaded to accept them as all of them came from that country.

Arunachal Pradesh

37. The Committee have noted that the Chakmas have demanded citizenship, stoppage of their harassment, lifting of ban on their employment, allowing admission to schools, providing medical facilities, trade and business facilities, restoration of ration cards and compensation to the victims of atrocities.

38. The Committee have also noted the contention of the representatives of non-Chakmas and the State Government of Arunachal Pradesh that the presence of Chakmas in Arunachal Pradesh is a threat to their survival, their culture, tradition and peace and that the Chakmas should be evicted from Arunachal Pradesh.

39. The Committee have also noted the following observations of the Supreme Court in the case of National Human Right Commission Vs. State of Arunachal Pradesh and Union of India (Judgement delivered on 9.1.1996):- "There is no doubt that Chakmas who migrated from East Pakistan (now Bangladesh) in 1964 first settled down in the State of Assam and shifted to areas which now fall within the State of Arunachal Pradesh. They have settled there since the last about two and a half decades and raised their families in the said State. Their children have married and they too have had children. Thus, a large number of them were born in the State itself. If a person satisfies the requirements of Section 5 of the Citizenship Act, he/she can be registered as a citizen of India. The procedure to be followed in processing such requests has been outlined in part II of the Rules. According to these Rules, application for registration has to be made in the prescribed form, duly affirmed, to the Collector within whose jurisdiction he resides. Under Rule 9, the Collector is expected to transmit every application under Section 5 (1) (a) of the Act to the Central Government. The Collector has merely to receive the application and forward it to the Central Government. The DC or Collector, who receives the application, should be directed to forward the same to the Central Government to enable it to decide the request on merit. The Supreme Court has further added that no person can be deprived of his life or personal liberty except according to procedure established by law. Thus, the State is bound to protect the life and liberty of every human being, be he a citizen or otherwise. The State is duty bound to protect the threatened group and if it fails to do so, it will fail to perform its Constitutional as well as statutory obligations. The State Government must act impartially and carry out its legal obligations to safeguard the life, health and well-being of Chakmas residing in the State without being inhibited by local politics." The Supreme Court, accordingly, directed that –

(i) The State of Arunachal Pradesh shall ensure that the life and personal liberty of each and every Chakma residing within the State shall be protected and any attempt to forcibly evict or drive them out of the State by organized groups shall be repelled.

(ii) The Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein except in accordance with law.

(iii) The quit notices and ultimatums issued by the AAPSU and any other group which tantamount to threats to the life and liberty of each and every Chakma should be dealt with by the State of Arunachal Pradesh in accordance with law.

(iv) The application made for registration as citizen of India by the Chakma shall be forwarded by the Collector or the DC who receives then under the relevant Rules with or without enquiry, as the case may be to the Central Government for its consideration in accordance with law.

40. The Committee after carefully considering the all facts and the whole issue has come to the conclusion that Arunachal Pradesh is the only State in the North East which has three International boundaries (with Bhutan, China and Myanmar), which is strategically very important and which has also relatively calm and insurgency free. It is the sincere desire of the Committee that a reasonable solution is found out to the problems and Justice is done to all.

41. The Committee feels that the spirit of the Indira-Mujib Accord as well as the Judgement of the Supreme Court in the matter may be made applicable to all the affected States for the solution of the problem. As per the Accord, all those Chakmas who came to India prior to 25.3.1971 are to be granted Indian citizenship.

42. The Committee, therefore, recommends that the Chakmas of Arunachal Pradesh who came there prior to 25.3.1971 be granted Indian citizenship. The Committee also recommends that those Chakmas who have been born in India should also be considered for Indian citizenship. The Committee further

recommends that the fate of those Chakmas who came to the State after 25.3.1971 be discussed and decided by the Central Government and State Government Jointly. The Committees also recommends that all the old applications of Chakmas for citizenship which have either been rejected or withheld by Deputy Commissioners or the State Deputy Commissioner or the State Government continue to block the forwarding of such applications to Central Government, the Central Government may consider to incorporate necessary provision in the Rules (or the Act if so required) whereby it could directly receive, consider and decide the application for citizenship in the case of Chakmas of Arunachal Pradesh. The Committee also recommends that Chakmas be also considered for granting them the status of Scheduled Tribes at the time of granting the citizenship. The Committee would like to earnestly urge upon the Central Government and State Government to ensure that until amicable solution is arrived at, the Chakmas are allowed to stay in Arunachal Pradesh with full protection and safety, honour and dignity.

Tripura:

43. The representatives of Chakmas of Tripura are of the view that so long as the Chittagong Hill Tract refugees are living in Tripura, their ration scale be reviewed and improved so that their grievances in the camps are ameliorated, the influx of Chittagong Hill Tract refugees presently living in Tripura which took place in 1986 and onwards is purely political in nature. The Government should ensure that incidents like Langadu massacre do not occur in future. Refugees from Sri Lanka became Indian citizens on the basis of 1964 Agreement between India and Sri Lanka and the Chakma refugees in Tripura may also be accorded same treatment.

44. The State Government of Tripura have stated that the first batch of Tribal refugees from Bangladesh entered into Tripura in April, 1986. Again, during the period from May, 1989 to July, 1989, there was fresh influx of Tribal refugees numbering about 25,000 persons taking the total number of refugees to 67,000 persons. Thereafter, the strength came down to 53,418 persons. The refugees belong to the three main tribes namely Chakma, Tripuri and Mog, of which majority are from the Chakma community. There was fresh influx of 3146 tribal refugees from Chittagong Hill Tracts of Bangladesh from 25th April, 1992. Several Official Teams of Bangladesh have also visited the Relief Camps at different times to convince the refugees for their repatriation on the ground that the conditions now prevailing in Chittagong Hill Tracts are conducive. The Government of Tripura are ready to accommodate the Indian Chakmas whereas foreigners/Bangladeshi Chakmas are not acceptable to them. Recently, after a Bangladesh delegation's visit to Tripura, the Chakma refugees have agreed to go back to Bangladesh. The first batch of about 5000 Chakmas have already gone back.

45. The Committee during its visit to Agartala found that there are Indian Chakmas also in Tripura who complained of severely inadequate facilities and discrimination in various respects.

46. The Committee, therefore, recommends that special schemes be launched for overall upliftment of Indian Chakmas in Tripura. The Central Government should also provide adequate financial assistance to Government of Tripura for the purpose. The Government of Tripura must ensure safety and security of Indian Chakmas in that State. The Committee hails the efforts made/being made in seeking peaceful solution of the problem with the Government of Bangladesh and exhorts all concerned to keep the good will going between them and continue to work toward finding peaceful and lasting solution to the problem.

NEW DELHI: (O. RAJAGOPAL)
14 August 1997 CHAIRMAN
COMMITTEE ON PETITION

APPENDIX-C

IN THE HIGH COURT OF DELHI AT NEW DELHI
Civil Contempt Petition No. 537 of 2001
IN CIVIL WRIT PETITION NO. 886 OF 2000

IN THE MATTER OF:

1. People's Union for Civil Liberties, through its General Secretary, 81, Sahayoga Apartments, Mayur Vihar, Phase – 1, New Delhi.
2. Committee for Citizenship rights of the Chakmas of Arunachal Pradesh through, its President, Ashok Buddha Vihar, Old Power House Road, Rajghat, New Delhi – 110 002**Petitioners**

VERSUS

1. Sh. Gyal Taji, Electoral Registration Officer/Extra Assistant Commissioner, Balijan, District Papumpare, Arunachal Pradesh.
2. Shri D. Reba, Assistant Electoral Registration Officer/Circle Officer, P. O. Diyun, Dist. Changlang, Arunachal Pradesh.
3. Sh. P. N. Thungun, Then Electoral Registration Officer/Extra Assistant Commissioner, P. O. Miao, District Changlang, Presently posted as Roing, P. O. Roing, Distt Debang Vally, Arunachal Pradesh.
4. Shri R. K. Sharma, Electoral Registration Officer/Extra Assistant Commissioner, P. O. Bordunsa, District Changlang, Arunachal Pradesh.
5. Shri Y. D. Tongshi, Then District Electoral Officer/Deputy Commissioner, P. O. Changlang, District Changlang, Presently posted as Deputy Commissioner, Tezu, P. O. Tezu, Distt. Lohit, Arunachal Pradesh.
6. Sh. Jay Prakash, Chief Electoral Officer, State Election Commission of Arunachal Pradesh, C-Sector, Itanagar.

Arunachal PradeshContemnors

PETITIONERS, THROUGH:

PRASHANT BHUSHAN

COUNSEL FOR THE PETITIONERS, 301 NEW LAWYERS CHAMBERS, SUPREME

COURT OF INDIA, NEW DELHI

**CIVIL CONTEMPT PETITION UNDER SECTION 11 & 12 OF THE CONTEMPT OF
COURT ACT, 1971**

TO,

The Hon'ble Chief Justice and his companion Justice of the High Court of India, Most Respectfully Showeth, That the petitioner are filing the present contempt petition aggrieved by the willful and deliberate omission on the part of Contemner Nos. 1 to 6 to comply with the judgment/order of the Hon'ble Delhi High Court in Civil Writ Petition No. 886 of 2000 delivered on dated 28. 9. 2000 whereby the Contemnors were directed to include in the electoral roils the name of such Chakmas and Hajongs who produced sufficient material to show that they are citizens of India. That the facts and circumstances giving rise to present Contempt Petition are being narrated here as under:

1. That the Petitioner No. 1 is an Organisation founded by Late Sh. Jay Prakash Narayanan and Justice V. M. Tharkunde to safeguard the Civil Liberties, human and democratic rights of the citizens of this country. During the last 26 years of its existence it had taken up and successfully agitated in and out of Courts various such said causes on behalf of the peoples of this country.
2. That the Petitioner No. 2 is an Organisation found in 1991 floated with the specific objective of ensuring to the eligible Chakmas and Hajongs primarily based in Arunachal Pradesh their most sacred right in a republic being the right to citizenship. The Petitioner No. 2 has also on behalf of natural born Chakmas and Hajongs been representing/agitating with the authorities including the Contemnors herein for ensuring to said citizens their primarily right to franchise in a democracy and which also forms the subject matter to the previous Writ Petition in this court.

3. That before narrating the facts of Contempt of Court Petition it is essential and necessary to refer to the facts in brief of the previous Writ Petition No. 886 of 2000 leading to passing of the order dated 28. 9. 2000;

i) In 1964, approximately, 35, 000 Chakmas and Hajongs were displaced by the large scale communal disturbance in the then East Pakistan (Now Bangladesh) and were forced to migrate to India and by the middle of July 1964, at least 1, 40, 000 persons belonging to various communities namely Hindu, Buddhist etc. including the above mentioned 35, 000 Chakmas and Hajongs had migrated to Assam but the then Assam Govt. expressed its inability to settle such a large population of the migrants in the state and therefore requesting their shifting.

ii) That thereafter consultations were held between the then NEFA administration, Govt. of Assam and Ministry of Rehabilitation, Govt. of India for settlement of the 35, 000 Chakmas and Hajongs in NEFA which is the present day Arunachal Pradesh.

iii) That such Chakmas and Hajongs are now settle in Arunachal Pradesh for the last three and half decades and have raised their families in the said state, Children born to such migrated Chakmas and Hajongs between 26. 1. 1950 and 1. 7. 1987 in India become citizens of India by virtue of their being born in India in accordance with provisions of Section 3 of the Citizenship Act, 1955.

iv) That despite their being a statutory application cast on the Election Commission to register the names of such natural born Chakmas and Hajongs citizens in the Electoral Rolls, the Election Commission had illegally, malafidely and capriciously failed/refused/omitted to do so thereby denying Chakma and Hajong citizens of their valuable voting rights.

v) That when the repeated request and representation of the Petitioner No. 2 to State Election Commission failed to elicit any remedial response and the Election Commission of India has also failed in fulfilling its statutory duty and turned a blind eye to the entire episode of refusal to register the names of the Chakmas and Hajongs the Petitioners were constrained to file a writ petition bearing No. 886 of 2000 before this Hon'ble Court seeking the following reliefs:

a. Direct the Respondents to immediately commence a special revision of electoral rolls for enlistment of the names of all the eligible Chakma and Hajong citizens born in India between 1964 and 1. 7. 1987 in the electoral rolls of the State of Arunachal Pradesh in accordance with the due process of law in a time bound manner;

b. Direct the Respondents to enquire into omissions/commissions/refusal on the part of the officers/persons responsible for non-inclusion of the name of eligible Chakma.

Penal/departmental proceedings against such indicted officials/persons.

vi) That notice was issued to the Respondents in the above said Writ Petition and the Writ Petition was finally disposed of by an order dated 28. 9. 2000. The Hon'ble High Court in para 3 of the judgment recorded the contention of the Election Commission that if a person produced material in support of his being citizen of India, the same will be considered by the Commission and a decision thereon shall be taken as to whether the claim is correct or not. Based on this the Hon'ble Court was pleased to direct the Respondents therein that 'Obviously if a person claims to be citizen of India, for the purpose of inclusion of his/her name in the electoral rolls material to substantiate the claim of citizenship has to be produced. Learned Counsel for the commission stated that if such material is produced, obviously the same shall be considered and the decision shall be taken as to whether claim of citizenship is correct or not. The claim obviously is relatable for the purpose of inclusion in the electoral rolls. So far the State Election Commissions role is concerned, it has also to be established that for the purpose of inclusion in the electoral roll, the applicant has to satisfy the requirement of residence or such other conditions as may be stipulated in law. Therefore, in case, any person who claims inclusion in the Electoral Rolls, produces material to that effect, same shall be considered by the Commission and, or the State Commission as the case may be. It goes without saying that decision in this regard would be taken within a reasonable time. The Hon'ble High Court therefore vide the said order dated 28. 09. 2000 was therefore pleased to direct the Election Commission of India as well as the State Election Commission through their respective officers to include the names of all the persons who are able to substantiate their claims for inclusion in electoral rolls with some evidence to be entered in the electoral rolls of the State within a reasonable period of time. (order, on dated 28. 09. 2000)

6. That given the past experience of interference and non-cooperative attitude adopted by the State Government i.e. Respondent No. 4 of previous Writ Petition in the enrollment of eligible Chakma and Hajong citizens into the Electoral Rolls, the Petitioner No. 2 has given representation to Election Commission of India on 3. 11. 2000 for issuance of necessary direction for implementation of the judgment of this Hon'ble Court dated 28. 09. 2000 to Contemnor No. 5 and 6. The Petitioner No. 2 has also sought for supply of claims application that is form No. 6 to make adequately available for the Chakmas and Hajongs.

7. That thereafter the Election Commission announced the Schedule of revision of electoral roll of India and 2nd November to 30th November 2000 was fixed as the period of submission of Claim applications for inclusion of names in the Voters' List. On approaching the Electoral Registration Office the Chakmas and Hajongs were denied claims applications form, which are provided by the government for making an application for inclusion of names in electoral rolls. As a result of this denial the eligible Chakma and Hajong voters had to print claims and forms themselves.

8. That the contemnors had created number of impediments in the way of the eligible Chakma and Hajong applicants to even submit their forms. This is clear from an instance where a delegation consisting of 7 persons went to submit Claims Application on at the Contemnor No. 1 Office, but the Contemnor No. 1 refused in writing to accept the claims applications. Thereafter the Chakma people rushed to District Electoral Officer in Naharlagun which is about a days journey from the Chakma inhabited area. The applicants were able to reach office of the District Electoral Officer only on November 30, 2000 who was on leave that day. The other officials present there refused to accept the form. That such deliberate omission on the part of the contemnors even to accept the claim forms of the eligible Chakmas and Hajongs will amount to contempt of the orders of this Hon'ble Court for which the Contemnors are liable to be punished.

9. That in pursuance of the Delhi High Court judgment the Chakmas and Hajongs had also given a representation to Contemnor No. 4 on 13. 11. 2000 and submitted Claim Applications numbering 33 accompanied with zerox copies of documents viz. Birth Certificates, Educational Institute Certificates and Refugee Identity Cards issued by the Government of Arunachal Pradesh to prove their age and place of permanent residences.

10. That subsequently the applicants were informed by the election commission Officials that enclosure of documents at the time of submission of forms was not necessary and the same could be produced during the process of hearing. It was in pursuance of such direction of the election officers that the applicants started submitting their applications without sustaining documents as they were asked to produce these documents at a larger stage at the time of personal hearing.

11. That by the end of November 2000 around 500 Claims Applications were been submitted at Contemnor No. 4 office and around 1200 Claims Applications have been submitted at Contemnor No. 4 Subordinate Office i.e. Assistant Electoral Registration Office at Diyun. Although, the Contemnor No. 4 has conducted hearing of 500 applications directly submitted at his Office but the 1200 applicants who submitted their applications at his Subordinate Officers Office were neither called for hearing nor any intimations were made to these applicants. During the process of hearing of 500 applicants, documents namely birth Certificates, Educational Institute Certificates and Refugee Identity Cards etc. have been produced to prove their age and place of permanent residence and Contemnor No. 4 never pointed out any mistake/lapses, if any, in the claims applications at any stage.

12. That a delegation of a Petitioner No. 2 has also went to submit Claim applications on 15. 11. 2000 at the Office of Contemnor No. 3 but the Contemnor No. 3 sought time to accept the same as according to him no direction has been issued with regard to the acceptance of the claims applications of the Chakmas and Hajongs from the higher authorities by him. So, Contemnor No. 2 asked the delegation to come the next day and accordingly on the next day i.e. 16. 11. 2000 claims applications of the Chakmas and Hajongs were accepted and by 30. 11. 2000 around 600 Claims Applications had been submitted with him.

13. That in all more than 2000 claim applications was filed by the eligible Chakmas and Hajongs in November 2000. Such applicants had all the documents to prove their Indian Nationality and in many cases the photocopies of the requisite documents were annexed to the claim application. Such material was also adduced by the applicants before the officials at the time of personal hearing wherever one

was granted by the election officials. It is also of essence to be added here that at no stage were the applicants ever intimated about the inadequacy of the documents on their part to prove their claim to the voting rights.

14. That the above facts make it clear that during the stage of submission of claim forms itself, the contemnors have spared no effort to harass and prevent the Chakma and Hajong people from applying for registration of their names in complete and willful disobedience of the orders of this Hon'ble Court dated 28. 9. 2000. It is clear from the fact that even the forms for applying for inclusion of names were not provided to the applicants and the same were got printed by the applicants themselves. The deliberate attempt on the part of the contemnors to ensure that the persons belonging to Chakma and Hajong tribes are not able to apply is further clear from the fact that as per rules the Election Commission is required to set up a Polling Booth at every two kilometers to facilitate the voters to register easily but no such Polling Booths were set up around the places where Chakmas and Hajong tribes stayed and the Chakmas and Hajongs making applications were made to travel long distances. Further, also the Election Commission at the time of scrutiny of the applications is required to give a personal hearing to the applicants and explain whether the documents are in order or not. But, in this case, no effective personal hearing of any kind was given to the applicants and they were not informed whether the documents are in order or not and if there are any deficiencies in the forms. In certain Polling Booths a lip services to this requirement was given and though the applicants were called for personal hearing but despite the production of all the relevant and essential documents by the applicants proving their Indian Citizenship their names were not included in the electoral list. The applicants were instead told that even if they produce bona fide documents, then also their claims for inclusion in electoral rolls will be rejected. The above mentioned behavior on the part of the contemnors clearly shows that they were acting with a premeditated mind not to include the names of the eligible Chakmas and Hajongs in the voter list even before the applications were actually submitted.

15. That the Petitioner No. 2 had informed the concerned officials of all the difficulties being faced by the Chakmas and Hajongs in getting their names registered in the electoral rolls. The Petitioner No. 2 has taken up the matter by a written representation to Election Commission of India on 1. 3. 2001 for issuance of necessary direction to Contemnor No. 5 and 6 for inclusion of Chakma and Hajong citizens of Arunachal Pradesh. Further as late as on 15. 1. 2000 a delegation of Petitioner No. 2 organisation met the Contemnor No. 5 and discussed various issues including stoppage of issuance of birth certificates to Chakmas and Hajongs immediately after Delhi High Court order and the issue of inclusion of names of the Chakmas and Hajongs in voters list but the Contemnor No. 5 failed to remedy the grievances of the Petitioners. The Petitioner No. 2 also brought to the notice of the contemnor impediments being created for the Chakmas and Hajongs for meeting the procedural requirements for inclusion of their names in electoral rolls.

16. That the electoral rolls prepared pursuant to the said revision in November 2000 were finally published in January 2001. It came as a shocking surprise to the Chakma and Hajong persons who had applied for inclusion of their names in the electoral rolls pursuant to the orders of this Hon'ble Court that not even the name of a single person out of more than 2000 who have applied for inclusion, was entered in the revised electoral rolls. It is of essence to be mentioned here that at no stage, any of the applicants were informed of any reason whatsoever as to why their names are not being included in the electoral rolls. The Contemnors have deliberately and in willful violation of the orders of this Hon'ble Court, failed to register even a single Chakma and Hajong citizens in the revised electoral rolls despite the applicants having documents to conclusively prove that they were citizens of India.

17. That thereafter also repeated oral requests for inclusion of the name of the Chakmas and Hajongs who have submitted their names for inclusion in the electoral rolls were rejected by the respective electoral officers on the ground that they have received no instructions for inclusion of the names of the Chakmas and Hajongs from the higher authorities. Aggrieved by this finally a representation/complaint dated 20. 03. 2001 was made by the Petitioner No. 2 to the Contemnor no. 5 and 6. It was requested vide the representation that necessary directions be issued to the Electoral officials to facilitate the process for enrolment of the names of the Chakmas and Hajongs in the electoral rolls who had submitted their claim applications. That subsequent representation dated 8. 8.

2001 were also made by the Petitioner No. 2 to the contemnors 3 and 4 seeking directions for inclusion of their names in the electoral rolls but all such representations went unresponded. Reminders were also sent by Petitioner No. 2 to Contemnor No. 5 on 20. 8. 2001 by Registered Post A/D complaining against Contemnor No. 3 and 4 for their unnecessary and unjustified delay in enrolling the Chakma and Hajongs applicants who had applied for enlistment in November 2000 in the Electoral Rolls. On 20. 8. 2001 another reminder was sent to the Contemnor No. 6 for issuance of direction for early disposal of more than 2000 claim applications of Chakmas and Hajongs which are pending at the Office of Contemnor No. 2 and 4. that the Petitioner No. 2 has drawn the notice of Election Commission of India again on 20. 8. 2001 through a written representation sent by Registered Post A/D about the non-compliance of the Delhi High Court judgment by its nominated/designated authorities in the state of Arunachal Pradesh.

18. That despite such repeated and persistent reminders the contemnors had failed to take any action for inclusion of the names of the eligible Chakmas and Hajongs in the voters list in complete and open defiance of this Hon'ble Courts order dated 28. 9. 2000. That such conduct to interfere and obstruct with the submission of the applications and subsequent omissions on the part of the contemnors to include the names of the eligible Chakmas/Hajongs voters in the voters list, has rendered them liable to be punished for the contempt of this Hon'ble Court's orders. 19. That the Contemnor No. 1 to 6 are the persons who at the relevant time were holding official positions and were responsible for the implementation of this Hon'ble Courts order dated 28. 9. 2000. The contemnors no. 1 to 6 are a statutory authorities nominated/designated by the Election Commission of India in consultation with the respective State Government to supervise the preparation, revision and correction of all the Electoral Rolls subject to the Superintendence, the direction and control of the Election Commission of India. The Constitution and powers of Contemnor No. 1 to 6 are set down vide Section 13A of the Representation of People Act, 1950. That the Contemnor No. 1 to 4 are simultaneously holding the post of Extra-Assistant Commissioner in different Sub-Division of the Government of Arunachal Pradesh and Respondent No. 4 is holding the Post of Deputy Commissioner in the District of Changlang, Government of Arunachal Pradesh. 20. That the Contemnor Nos. 1 to 4 have deliberately and willfully flouted the orders of this Hon'ble Court dated 28. 9. 2000 by failing to register the names of the eligible Chakma and Hajong citizens in the revised electoral rolls of the State. Instead, impediments were created by them to ensure that the applicants were not able to even submit their applications in time for inclusion of their names in the electoral rolls. Once the applicants were able to submit their applications for inclusion of their names, such claims were summarily rejected and the applicants were never informed the reasons as to why their names were not included in the electoral rolls.

21. The Contemnor No. 5 and 6 as appellate authorities have also rendered themselves liable to be dealt with in accordance with the law of contempt for their utter failure to exercise their powers towards the implementation of the judgment of this Hon'ble Court. The Contemnors No. 5 and 6 have totally turned a blind eye toward the entire episode of violation of the Courts order by the Contemnors No. 1 to 4 despite repeated notices/ representations to them for issuance of necessary directions to Contemnors 1 to 4. The total silence and contemptuous conduct of Contemnors No. 5 and 6 not only gave free hands to violators of law but also has the tendency of undermining the orders of this Hon'ble Court and hence have rendered themselves liable for being proceeded for contempt of this Hon'ble Courts orders.

22. That the Petitioner No. 2 has on numerous occasions both in written/personal representations has consistently drawn the notice of contemnors about their deliberate and willful violation of the Court order, but the contemnors had failed to take any remedial action which ultimately resulted in refusal/denial/omission to register even a single eligible Chakma and Hajong citizens in the revised Electoral Rolls. This deliberate omission on the part of the Contemnors to implement in letter and spirit the orders of this Hon'ble Court dated 28. 9. 2000 despite repeated presentations will be a case of contempt on the part of the contemnors for which they are liable to be punished.

23. That the Respondents No. 1 to 6, therefore, at the relevant time, were responsible for the implementation of the orders of this Hon'ble Court but had deliberately and willfully omitted to implement the same and therefore liable to be punished for contempt.

24. That the Petitioners have not filed any other similar Petition in this Hon'ble Court or in any other Court in the country. It is therefore, in these circumstances that the Petitioners most respectfully pray that this Hon'ble Court may be pleased to:

PRAYER

- a) Punish the Respondents No. 1 to 6 for contempt of the orders of this Hon'ble Court dated 28. 9. 2000 passed in Civil Writ Petition No. 886 of 2000 titled PUCL and Anr. Vs. Election Commission and Others,
- b) Direct contemnors and election officials to implement the orders of this Hon'ble Court dated 28. 9. 2000 passed in CWP No. 886 of 2000 by directing special electoral revisions of the electoral rolls for inclusion of the names of eligible Chakmas and Hajongs in the States of Arunachal Pradesh in the electoral rolls, specifically in areas inhabited by Chakmas and Hajongs namely 49 Bordumsa- Diyun Assembly Constituency and 50 Miao (57) Assembly Constituency in District Changlang, and Chowkham Assembly Constituency in Dist. Lohit and 14, Doimukh Assembly Constituency in District Pampumpare; and
- c) Pass any other or further order/s as this Hon'ble Court may deem fit and proper.

PETITIONERS

DRAWN BY: THROUGH:

SANJEEV K. KAPOOR PRASHANT BHUSHAN

COUNSEL FOR THE PETITIONERS

301 NEW LAWYERS' CHAMBERS

SUPREME COURT OF INDIA

NEW DELHI

APPENDIX-D

**Committee for Citizenship Rights of the Chakmas of
Arunachal Pradesh**

Ashok Buddha Vihar, Old Power House Road, Rajghat, New Delhi-110002

Phone: 011-325 3462

Most Urgent By Hand & Fax 12 December 1997 Mr. R V Pillai Secretary General National Human Rights Commission Sardar Patel Bhawan Parliament Street New Delhi-110001 Fax: 3340016

Dear Mr. Pillai,

This is to draw your attention to the denial of the right to franchise in the forthcoming Lok Sabha elections scheduled to be held in March 1998 to the Chakma and Hajong voters of Arunachal Pradesh who were born between 1964 and 1 July 1986 and are citizens under Section 3.1 of the Indian Citizenship Act, 1955.

Background:

In 1964, approximately 35,000 Chakmas and Hajongs from the erstwhile East Pakistan (now Bangladesh) migrated to India. They were issued valid migration certificates and settled in the then North East Frontier Agency, the present Arunachal Pradesh. The present population of the Chakmas and Hajongs is estimated to be around 65,000 persons. All other migrants who came before 25 March 1971 were given citizenship under the Indira-Mujib Agreement of 1972. However, instead of granting citizenship to these Chakmas and Hajongs, the State Government perpetrated a series of atrocities on the Chakmas and Hajongs. This compelled the National Human Rights Commission of India to approach the Supreme Court of India in October 1995. The Honorable Supreme Court found that there

was prima-facie evidence of atrocities perpetrated by the State Government of Arunachal Pradesh. In a judgement on 9 January 1996, the Supreme Court gave the following directions:

- "(1) the first respondent, the State of Arunachal Pradesh, shall ensure that the life and personal liberty of each and every Chakma residing within the State shall be protected and any attempt to forcibly evict or drive them out of the State by organized groups, such as the AAPSU, shall be repelled, if necessary by requisitioning the service of Para-military or police force, and if additional forces are considered necessary to carry out this direction, the first respondent will request the second respondent, the Union of India, to provide such additional force, and the second respondent shall provide such additional force as is necessary to protect the lives and liberty of the Chakmas;
- (2) Except in accordance with law, the Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein;
- (3) The quit notices and ultimatums issued by the AAPSU and any other group which tantamount to threats to the life and liberty of each and every Chakma should be dealt with by the first respondent in accordance with law;
- (4) The application made for registration as citizen of India by the Chakma or Chakmas under Section 5 of the Act, shall be entered in the register maintained for the purpose and shall be forwarded by the Collector or the DC who receives them under the relevant rule, with or without enquiry, as the case may be, to the Central Government for its consideration in accordance with law; even returned applications shall be called back or fresh ones shall be obtained from the concerned persons and shall be processed and forwarded to the Central Government;
- (5) while the application of any individual Chakma is pending consideration, the first respondent shall not evict or remove the concerned person from his occupation on the ground that he is not a citizen of India until the competent authority has taken a decision in that behalf;" The final petition of the State Government of Arunachal Pradesh for modification of the Supreme Court order was dismissed on 5 August 1996. More than a full year has passed and the State Government of Arunachal Pradesh has yet to forward a single Chakma citizenship application to the Central Government. None of the Chakmas could submit their applications because of the all pervading fear created by the State Government of Arunachal Pradesh in contempt of the Supreme Court judgement. The Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh informed the National Human Rights Commission in this regard. Consequently, some Chakmas and Hajongs submitted their applications directly to the Central Government in 18 February 1997 and 19 June 1997. The Union Home Ministry forwarded the citizenship applications to the District Collectors for necessary verification. At the time of filing this memorandum, no verification of the applications was conducted by the District Collectors.

The denial of the right to vote of the Chakmas and Hajongs who were born after migration in 1964 and 1 July 1986:

The Citizenship Act of 1955 is unambiguous on citizenship by birth. Section 3(1) of the Indian Citizenship Act of 1955 states: "3. **Citizenship by birth:** - (1) Except as provided in sub-section (2), every person born in India, --

- (a) On or after the 26th day of January, 1950, but before the commencement of the Citizenship Amendment Act, 1986;
- (b) On or after such commencement and either of whose parent is a citizen of India at the time of his birth shall be a citizen of India by birth." Among the 65,000 Chakmas and Hajongs in Arunachal Pradesh, there are a large number of persons who were born in India between the period 1964 and 1 July 1986 when the citizenship Amendment Act came into force. Many of them have completed 18 years and hence are eligible voters. There is no question that they are citizens by birth under the law and hence are not required to apply for citizenship. However, those Chakmas and Hajongs who migrated from East Pakistan and were not born in India are eligible to claim citizenship by registration as provided under the Supreme Court judgement of 9 January 1997.

PRAYER:

The State Election Commission of Arunachal Pradesh has so far refused to register the eligible voters under Section 3.1 of the 1955 Citizenship Act. The Committee for Citizenship Rights of the

Chakmas of Arunachal Pradesh (CCRCAP) shall be thankful if the National Human Rights Commission could kindly take into cognizance the difference between (1) the Chakmas and Hajongs who migrated from East Pakistan and hence are eligible for citizenship through registration and (2) the Chakma and Hajongs who are born between 1964 and 1 July 1986 and are citizens by birth under the Citizenship Act 1955. Allow me to reiterate that Citizenship Act of 1955 is absolutely clear that those who are born prior to 1 July 1986 are eligible for citizenship unless "(a) his father possesses such immunity from suits or legal process as is accorded to an envoy of an foreign sovereign power accredited to the President of India and is not a citizen of India; or (b) his father is an enemy alien and the birth occurs in a place then under occupation of the enemy" as provided under Section 3.2 of the Citizenship Act, 1955. As you are aware, Section 3.2 of the Citizenship Act, 1995 is not applicable in the case of the Chakmas and Hajongs who are born between 1964 and 1 July 1986. The CCRCAP shall be grateful if the National Human Rights Commission could take the following initiatives to ensure that those Chakmas and Hajongs who are born between 1964 and 1 July 1986 could enjoy their fundamental right to franchise in the forthcoming Parliamentary General Elections.

1. Direct the Union Home Ministry to issue a notification stating that those Chakmas and Hajongs who are born between 1964 and 1 July 1986 are citizens by birth under the Citizenship Act 1955 and eligible for enrollment in the voter lists if they have completed 18 years and that the Union Home Ministry coordinates with the Election Commission of India in this regard.
2. Direct the Union Home Ministry to take necessary steps to process citizenship applications submitted by the migrant Chakmas and Hajongs under the Supreme Court judgment to enable them to participate in the forthcoming general elections.
3. Direct the Election Commission of India to take necessary measures to enroll these eligible Chakma and Hajong voters who are citizens by birth under the Citizenship Act of 1955;
4. Direct the Union Government of India to provide adequate Central Security Forces to maintain law and order situation during enrollment of these voters.
5. Direct the Election Commission of India to make on the spot assessment of other measures that may be necessary to ensure a free and fair poll in all Chakma and Hajong inhabited areas of Arunachal Pradesh.

With respectful regards,

Yours sincerely
Subimal Bikash Chakma
President

APPENDIX-E

A Submission to the Chairman of National Human Rights Commission of India, Justice J. S. Verma on Non-implementation and violation of the Supreme Court judgment of 9 January 1996 in the case of NHRC Vs State of Arunachal Pradesh & Anr (720/1995) and the present plight of the Chakmas and Hajongs of Arunachal Pradesh 16th December 2002 Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh.

**Ashok Buddha Bihar, Old Power House Road
Rajghat, New Delhi-110002, India, Phone: +91-11-325 3462**

1. Executive Summary

In 1964, about 30,000 Chakmas and Hajongs migrated to India from East Pakistan, now Bangladesh. They were escaping untold atrocities, religious persecution and the fallout of the construction of the Kaptai Hydel Project. They were settled in Arunachal Pradesh after due consultation with the local leaders by the Central Government of India under a "Definite Plan of Rehabilitation". However, the Chakmas and Hajongs are yet to receive citizenship, unlike other migrants in the country. The Government of India extended all the help possible, including financial aid, employment, trade licenses and book grants so that the migrants could rebuild their shattered lives. However, in the wake of the anti-foreigner agitation in Assam, the State Government of Arunachal Pradesh in 1980 began a

policy of repression. The State Government vide its letter No. POL -21/80 dated 29th September 1980 banned employment for the Chakmas and Hajongs in the State. In 1991, the State Government under its order No FPSO-3/90-91 of 31 October 1991 issued by the Circle Officer of Diyun withdrew ration card facilities under the Public Distribution System. The State Government under its order vide no. CS/HOME/94 dated 21 November 1994 further directed 'withdrawal of all kinds of facilities from the Chakma Settlement area'. Accordingly, all educational facilities, medical facilities, employment facilities, trade licenses, and facilities under the Public Distribution System were withdrawn. As the repression on the Chakmas and Hajongs increased, the Committee for the Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP) approached the National Human Rights Commission of India (NHRC). The NHRC issued various directions to the State Government of Arunachal Pradesh. As the State Government refused to honour the NHRC directions, the NHRC approached the Supreme Court of India in October 1995. The apex court in its order of 9 January 1996, among others, issued the following orders: - except in accordance with law, the Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein; - the application made for registration as citizen of India by the Chakma or Chakmas under Section 5 of the Act, shall be entered in the register maintained for the purpose and shall be forwarded by the Collector or the DC who receives them under the relevant rule, with or without enquiry, as the case may be, to the Central Government for its consideration in accordance with law; even returned applications shall be called back or fresh ones shall be obtained from the concerned persons and shall be processed and forwarded to the Central Government; - while the application of any individual Chakma is pending consideration, the first respondent shall not evict or remove the concerned person from his occupation on the ground that he is not a citizen of India until the competent authority has taken a decision in that behalf; But the Chakmas and Hajongs could not submit their citizenship applications due to the repression by the State Government and the refusal of the Deputy Commissioners to accept the citizenship applications. Consequently, some of the Chakmas and Hajongs submitted their applications directly to the Central Government in 1997 through the CCRCAP. The CCRCAP has submitted more than 4,000 citizenship applications to the Ministry of Home Affairs (MHA). The Union Home Ministry forwarded these citizenship applications to the District Collectors for necessary verification. The CCRCAP has learnt that the State Government of Arunachal Pradesh has forwarded about 260 citizenship applications after completing the necessary verification. However, not a single application has been processed by the Central Government. In addition, the Rajya Sabha Committee on Petitions in its 105th report of 14 August 1997 also recommended the speedy grant of citizenship to the Chakmas and Hajongs of Arunachal Pradesh. Although, the Government of India has submitted Action Taken Report, practically none of the recommendations of the Rajya Sabha Committee on Petitions have been implemented. In December 1995, then Prime Minister P V Narashima Rao formed a high-level committee headed by the Prime Minister himself. A Sub-Committee under the leadership of the Home Minister was formed to resolve the problem. On 6-7 March 1999, Union Home Ministry officials representing the sub-committee visited the Chakma and Hajong inhabited areas. The CCRCAP has learnt that the Union Home Ministry team had submitted their report, containing specific recommendations to resolve the Chakma and Hajong problem, to the Home Minister. Unfortunately, no decision has been taken on the recommendations of the Home Ministry team. It is unfortunate and regrettable that the Government of India, as the sole authority to grant citizenship, has failed to respect the judgement of the Supreme Court of India. It is equally regrettable that the Union Home Ministry has not followed its own recommendations made after field visits to the affected areas. While the Central Government had earlier cited opposition by local tribal people, many of the local tribal leaders including former MLAs have written to the Home Minister L K Advani on numerous occasions to grant citizenship to the Chakmas and Hajongs, thereby once again proving that such sentiments were created by then State Government of Arunachal Pradesh. The Chakmas and Hajongs enjoyed excellent relationship with all neighbouring tribal people. The Delhi High Court in a judgement in the case of the *PUCL and CCRCAP Vs Election Commission of India* recognised that "as per the provisions of the Citizenship Act 1955, every person born in India on or after 26 January 1950 and before 1 July 1987 are citizens of India by birth and therefore eligible for electoral rolls." On 28 September 2000 ordered the registration of all eligible voters. This order was also flouted on various pretexts. Till date, not a single Chakma or Hajong has

been included in the electoral rolls. Six years have elapsed since the Supreme Court judgment, yet not a single Chakma or Hajong has been granted citizenship until today. Even after the Supreme Court order of 9 January 1996, the State Government refused to withdraw its order vide no. CS/HOME/94 dated 21 November 1994 directing 'withdrawal of all kinds of facilities from the Chakma Settlement area.' Consequently, educational facilities, medical facilities, employment facilities, trade licenses, facilities under the Public Distribution System remain withdrawn as of today. The root cause lies in the denial of the right to citizenship and the lack of mechanisms for implementation of the Supreme Court order. Unless the NHRC takes measures to monitor the implementation of the recommendations by assigning a Special Rapporteur for the task, the Chakmas and Hajongs may be continuously denied all other rights. In order to bring an end to untold sufferings and denial of fundamental rights to the Chakmas and Hajongs for the last four decades and to uphold the majesty of the rule of law and respect for the highest court of the country and the National Human Rights Commission, the CCRCAP urges the NHRC to take the following measures:

1. To send a NHRC team to Chakma and Hajong inhabited areas in Arunachal Pradesh to independently find out the fact of wide spread discrimination and deprivation towards the Chakmas and Hajongs.
2. To monitor the implementation of the Supreme Court Judgment for effective and expeditious processing of citizenship applications of the Chakmas and Hajongs.
3. To recommend the MHA to immediately grant citizenship to those Chakmas and Hajongs whose citizenship applications have been returned to the MHA after due verification.
4. To recommend to the Central Government to immediately resume the Anganwadi Centers and urge the State Government to re-open the schools in the Chakma and Hajong inhabited areas.
5. Seriously consider for filing of writ petition before the Supreme Court with a plea of contempt and seek necessary directions for implementation of the Judgment of the Supreme Court within a specified time frame.

2. Background:

During the partition of India in 1947, the people of the Chittagong Hill Tracts (CHTs) under present-day Bangladesh, sought to be a part of India and even hoisted the Indian National Flag on their lands. However, the Bengal Boundary Commission headed by Cyril Redcliff awarded the CHTs to Pakistan although 98.5% of the population of the CHTs was non-Muslim. The then Pakistan Government took a serious view of the hoisting of the Indian flag by the Chakmas and embarked on a series of repressive measures. Unable to bear the atrocities and faced with displacement on account of the construction of the Kaptai hydel project about 30,000 Chakmas and Hajongs migrated to India in 1964. They were settled in Arunachal Pradesh after due consultation with the local leaders by the Central Government of India under a "Definite Plan of Rehabilitation". The Government of India extended all possible kind of helps including financial aids, employment, trade, license, book grants etc for proper establishment of their shattered life. The Chakmas and Hajongs were not the only migrants. After the partition of India, the Government's policy was to grant citizenship to those who originated from areas that were part of Undivided India. The rest of the migrants were accorded Indian citizenship. However the Chakmas and Hajongs were not granted Indian citizenship. In the wake of the anti-foreigner agitation in Assam, the State Government of Arunachal Pradesh undertook a series of repressive measures beginning in 1980. The State Government vide its letter No. POL -21/80 dated 29th September 1980 banned public employment for the Chakmas and Hajongs in the State. In 1991, the State Government under its order No FPSO-3/90-91 of 31 October 1991 issued by the Circle Officer of Diyun withdrew ration card facilities under the Public Distribution System. In 1994, the State Government under its order vide no. CS/HOME/94 dated 21 November 1994 further directed 'withdrawal of all kinds of facilities from the Chakma Settlement area'.

3. Repression for demanding citizenship rights and the Supreme Court judgement:

In 1991, the Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP) was formed to demand for citizenship rights of the Chakmas and Hajongs of Arunachal

Pradesh. Starting in 1992, the State Government of Arunachal Pradesh became more hostile and started inciting sectarian violence against the Chakmas and Hajongs. The All Arunachal Pradesh Students Union (AAPSU) served a "Quit Arunachal Pradesh" notice to the Chakmas to leave the State by 30 September 1994. As a result, a large number of Chakmas fled from Arunachal Pradesh and took refuge in the neighbouring Indian State of Assam. However, the State Government of Assam issued shoot at sight orders against the fleeing Chakmas and Hajongs. The CCRCAP approached the National Human Rights Commission of India (NHRC) about the deadline set by the AAPSU and the threat to the lives and property of the Chakmas and Hajongs. The NHRC treated it as a formal complaint and asked the State Government and Central Government to report on the issue. On 7 December 1994, the NHRC directed the State Government of Arunachal Pradesh and Central Government to provide information about the steps taken to protect the Chakmas and Hajongs. This was ignored till September 1995. In the meantime, the harassment, intimidation, arrests and detention continued and increased. The issue became critical following the meeting of all-party leaders and the AAPSU held at Naharlagan, Itanagar on 20 September 1995. Political leaders of Arunachal Pradesh led by then Chief Minister Mr. Gegong Apang passed a unanimous resolution to resign *en masse* from the national party membership if the Chakmas and Hajongs are not deported by 31 December 1995. The resolution also prohibited any social interactions between the local Arunachalees and the Chakmas and Hajongs. The CCRCAP approached the NHRC again on 12 and 28 October 1995 to seek protection of their lives and liberty in view of the deadline and support extended to the AAPSU by the State Government. As the State Government was inordinately delaying the transmission of information regarding the steps taken to protect the Chakmas and Hajongs, the NHRC, then headed by Justice Ranganath Mishra, approached the Supreme Court to seek appropriate relief and filed a writ petition (720/1995). The Supreme Court in its interim order on 2 November 1995 directed the State Government to "ensure that the Chakmas situated in its territory are not ousted by any coercive action, not in accordance with law." As the 31st December 1995 deadline approached, then Prime Minister P V Narashima Rao formed a high-level committee headed by then Home Minister S B Chavan. On 9 January 1996, the Supreme Court gave its judgement in the case of *NHRC vs State of Arunachal Pradesh*, issuing the following orders:

- the first respondent, the State of Arunachal Pradesh, shall ensure that the life and personal liberty of each and every Chakma residing within the State shall be protected and any attempt to forcibly evict or drive them out of the State by organised groups, such as the AAPSU, shall be repelled, if necessary by requisitioning the service of para-military or police force, and if additional forces are considered necessary to carry out this direction, the first respondent will request the second respondent, the Union of India, to provide such additional force, and the second respondent shall provide such additional force as is necessary to protect the lives and liberty of the Chakmas;
- except in accordance with law, the Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein;
- the quit notices and ultimatums issued by the AAPSU and any other group which tantamount to threats to the life and liberty of each and every Chakma should be dealt with by the first respondent in accordance with law;
- the application made for registration as citizen of India by the Chakma or Chakmas under Section 5 of the Act, shall be entered in the register maintained for the purpose and shall be forwarded by the Collector or the DC who receives them under the relevant rule, with or without enquiry, as the case may be, to the Central Government for its consideration in accordance with law; even returned applications shall be called back or fresh ones shall be obtained from the concerned persons and shall be processed and forwarded to the Central Government;
- while the application of any individual Chakma is pending consideration, the first respondent shall not evict or remove the concerned person from his occupation on the ground that he is not a citizen of India until the competent authority has taken a decision in that behalf;

4. Violation of the Supreme Court judgement and the present situation:

Despite the clear and unambiguous order of the Supreme Court, the State Government of Arunachal Pradesh has not taken any measure to implement the court's directions. Rather, the State

Government has undertaken various measures to undermine and violate the Supreme Court judgement. The State Government has been making the conditions of the Chakmas and Hajongs untenable by denying them fundamental rights such as right to education and other basic facilities such as health care, employment facilities. Other measures included a complete halt to any development activities, refusal to provide trade licenses, refusal to deploy teachers in the schools located in the Chakma and Hajong areas, withdrawal of all preprimary (Anganwadi) centres and finally forcible eviction by claiming the lands of the Chakmas and Hajongs as forest lands.

4.1 Non-implementation of the Supreme Court judgment on processing of Citizenship applications:

After the Supreme Court judgment, the AAPSU and State Government of Arunachal Pradesh began inciting communal hatred. The State Government, however, became more tactful, calculated and deliberate in its anti-Chakma activities. With a view to repel any move to submit citizenship applications to the Deputy Commissioners, the State Government attempted to provoke communal passions by calling a state-wide *bandh* on 22 January 1996. The then Chief Minister, Mr. Gegong Apang, went to the extent of describing the Supreme Court judgment as the “step-motherly attitude of the Centre” and calling it biased judgment”. On 26 January 1997 the AAPSU also called a state-wide *bandh*. On 4 May 1998, 27 Chakmas went to submit the citizenship applications to the Deputy Commissioner of Changlang District. The citizenship applications were verified by the First Class Magistrate of Margarita, Assam. However, the Deputy Commissioner of Changlang refused to accept the applications. Due to the pervasive fear and the hostile situation engineered by the State Government, the Chakmas and Hajongs were unable to submit applications to the Deputy Commissioners. It was after discussions with the officials of Union Home Ministry that the Chakmas and Hajongs started submitting citizenship applications to the Deputy Commissioners through the Union Home Ministry in February 1997. Over the years, around 4000 citizenship applications have been submitted. However, the concerned Deputy Commissioners have been blocking the said applications by not verifying them and not forwarding them within a reasonable period of time in spite of an amendment in the Citizenship Rules, 1956. Under Rule 9 of the Citizenship Rules (Amended), 1998 the Deputy Commissioner/State Government is required to forward the citizenship application within a period of six months. The blocking of citizenship applications in this manner is a clear contempt of Supreme Court order in which the apex court clearly held that the Deputy Commissioners are bound to forward the applications received by them, with or without inquiry, as the case may be, to the Central Government for consideration. It has been learnt that the State Government has forwarded around 260 citizenship applications in January 2000 after due verification. However, until today the Union Home Ministry has not taken any decision on these applications despite the fact that all the applicants have provided documentary proof (such as identity cards issued by the State Government) that can stand judicial scrutiny to prove their migration in 1964 and continuous stay in Arunachal Pradesh. Justice delayed is justice denied. The refusal of the Central Government to grant citizenship to 260 applicants whose applications have been verified is further denial of justice.

4.2 Attacks on Chakma and Hajong individuals

i. Fatal assault on Phularam Chakma

On 28 January 1996, Mr. Pularam Chakma (50), of Udaipur village under Diyun Circle of Changlang district, and Mr. Maratsa Chakma, S/o- Mr. Ratna Kumar Chakma, aged 16, of Vijoypur village under Bardumsa circle of Changlang district went for harvesting the mustard crop. They were working for Mr. Chandra Kri and Mr. Pyola Kri of Namgo village under Chowkham circle of Lohit district. Mr. Pularam Chakma and Mr. Maratsa Chakma were attacked by about 20 AAPSU activists and beaten up mercilessly at Medo Bazar of Lohit district in full public view. Mr. Pularam Chakma was beaten to death on the spot. Mr. Maratsa Chakma, who was left for dead, however later gained consciousness and was able to get assistance at a nearby Chakma house. CCRCAP had approached the NHRC on the issue.

ii. Torture of Bipin Chandra Chakma and others

The State Government of Arunachal Pradesh was clandestinely settling some poor Chakma and Hajong families outside Arunachal Pradesh by providing financial incentives. On 16 December 1997, Mr. S P Bhutia, Officer-in Charge of Diyun Police Station arrested Mr. Bipin Chandra Chakma, Mr. Dhananjoy Chakma and Mr. Lusai Moni Chakma from Dharmapur village under Changlang district as they refused to move out of Arunachal Pradesh after Mr. Bhutia tried unsuccessfully to get them to accept money. They were released on the evening of 19 December 1997 after being tortured. Mr. Lushai Moni Chakma has filed a petition (Case 309 1998) in the Gauhati High Court against Mr. SP Bhutia the Officer-in-charge of Diyun Police Station. The case is continuing.

iii. Torture of CCRCAP members for meeting members of the Rajya Sabha members.

On 9 November 1996, Arunachal Pradesh Police led by Mr. S P Bhutia, Officer in Charge (OC) of Diyun Police Station in Changlang district tortured Chakma and Hajong representatives who met the members of the Rajya Sabha Committee on Petitions on 3 November 1996 in Calcutta. By torturing the Chakma and Hajong representatives, the Arunachal Pradesh Police had clearly sought to undermine the rule of law and respect for the highest lawmaking body, the Indian Parliament. The delegation of the Rajya Sabha Committee on Petitions consisting of Chairman, Shri O Rajagopal (Member of Parliament), Shrimati Basanti Sharma (MP), Shri Thennala Balakrishna Pillai (MP), Shri Raghavji (MP), Shri K R Malkani (MP) and Mr. Mohd Masud Khan (MP) were scheduled to visit Itanagar, Agartala and Aizwal to investigate the situation of the Chakmas. The Rajya Sabha (RS) Committee on Petitions in its letter of 12 October 1996 requested to meet representatives of the Chakmas of Arunachal Pradesh at 10 am on 2 November 1996 at Itanagar. The CCRCAP fearing for the physical safety and integrity of the Chakma representatives in Itanagar requested the RS Committee on Petitions to meet in Calcutta on 3 November 1996. The request was granted. A delegation of Chakma representatives from Arunachal Pradesh consisting of (1) Mr. Bimal Kanti Chakma, Assistant Village Headman, Jyotipur, Diyun (2) Mr. Kripadan Chakma, Village Headman, Santipur, Diyun, (3) Mr. Purna Kumar Chakma, Jyotsnapur, (4) Mr. Marati Chakma, Representative, Chowkham, Lohit district, (5) Mr. Bilash Chandra Chakma, village headman, Kokila, Papumpare district, (6) Mr. Punyadhan Chakma, Rajnagar, Diyun, Changlang district, (7) Mr. Sitesh Hajong, Madhupur II, Diyun, Changlang district and (8) Mr. Jayanta Bikash Chakma, Kokila, Papumpare district joined the other delegates of the CCRCAP in Calcutta and met the delegation of the Rajya Sabha Committee on Petitions on 3 November 1996 at the Great Eastern Hotel, Calcutta, West Bengal at 3.15 pm. While returning from Calcutta, Mr. Bimal Kanti Chakma (40); Mr. Kripandhan Chakma (66); Mr. Punyadhan Chakma (50); Mr. Purna Kumar Chakma (45) and Mr. Sitesh Hajong (45) from Diyun area of Changlang district were arrested without any warrant at Mudhoimukh, Diyun, Changlang district by the Arunachal Pradesh Police led by Mr. S P Bhutia, Officer in Charge of Diyun Police station at 7 pm on 9 November 1996. They were taken to the Diyun Police station and questioned about their visit. When the Chakma representatives informed the police that they had been to Calcutta to meet the Rajya Sabha Committee on Petitions, Mr. S P Bhutia abused them using indecent language and threatened them saying they would be taught a lesson for having met the Rajya Sabha Petition Committee members. The above mentioned Chakma representatives including then 66-year-old Mr. Kripadhan Chakma were tortured for five hours and released only at midnight. They were beaten with batons and belts and kicked in the stomach. They were made to do push-ups continuously for hours failing which they were mercilessly beaten. Mr. S P Bhutia also took away all their money and documents and threatened to torture them further if they mentioned the incident to anyone or met any more delegations. The Chakma and Hajong representatives could not even lodge a First Information Report (FIR) for their wrongful arrest, detention and torture against Mr. S P Bhutia. They could not also be treated in hospital. The incident created panic and fear within the communities. The issue was raised with the Ministry of Home Affairs and National Human Rights Commission of India. However, Mr. S P Bhutia was allowed to go scot-free.

iv. Arrest of CCRCAP leader, Bimal Kanti Chakma

On 6 June 1998, Mr. Bimal Kanti Chakma was arrested by the Arunachal Pradesh Police. Mr. Bimal Kanti Chakma is an assistant *Gaon Bura* (village headman) of Jyotipur village under Diyun circle of Changlang district and a CCRCAP leader. He has been providing help to several Chakmas of the Mpen area under the Miao circle of Changlang district, attempting to obtain bail for those who are detained. These Chakmas had been summoned by the Sub-Divisional Officer of Miao for alleged illegal occupation of forest land.

4.3 Attacks on Chakma and Hajong communities

i. Forcible eviction of the Chakmas and Hajongs

The State Government of Arunachal Pradesh has adopted various policies to evict the Chakmas and Hajongs by issuing orders for eviction to show that its actions were being done legally without violating the Supreme Court judgement. On 8 December 1997, the State Government of Arunachal Pradesh issued eviction notices to 66 Chakma families in Kamakhyapur and Raj Nagar areas under Changlang district. Earlier, on 11 November 1997, the Circle Officer of Diyun, Mr. D Riba served quit notices (memo No Diyun/LR/EVC/97) to 109 families of Jyotsnapur village under Changlang district and directed them to proceed to their original settlement areas. Mr. Riba did not give any explanation for such eviction notice. In his notice, Mr. Riba simply stated, "You are hereby directed to proceed to your original settlement Jyotipur village with family latest by 20 November 1997 without fail. Failing which legal action will be initiated against you." The Chakmas have been living in Jyotsnapur village for the last two decades. They have settled in Jyotsnapur village after the Diyun river flooded their areas and destroyed their houses during monsoon. For the last two decades, the State Government did not raise any objection. In fact, it was the officials of the State Government who ordered the Chakmas to settle in Jyotsnapur village.

ILLEGAL DETENTION AND TORTURE OF CHAKMAS FOR EVICTION:

On 14 October 1997, Mr. Siter Manpha, Officer in Charge of the Miao Police Station went to Mpen village and arrested Mr. Goal Mani Chakma, S/o- Madanjoy Chakma, Mr. Kali Mohan Chakma, S/o- Buddha Moni Chakma, Mr. Ranjan Dhan Chakma, S/o- Majarah mohan Chakma, Mr. Sunil Kanti Chakma, S/o- Agulukhya Chakma and Chironjeev Chakma, S/o-Phaigura Chakma without any warrant. The villagers were told that they were arrested for allegedly occupying alleged forest lands. They were severely tortured. On 13 January 1997, the CCRCAP filed a complaint with the National Human Rights Commission about the forcible eviction of over 150 Chakma families from Mpen village of Changlang district of Arunachal Pradesh by the Arunachal Pradesh Forest Corporation Limited. The Arunachal Pradesh Forest Corporation in its notice stated that the above mentioned Chakmas had allegedly committed illegal acts and the Range Manager of Mpen has made a report of 6 October 1995. The Chakmas have not been given a copy of the report of the Range Manager to submit their reply. Moreover, the Chakma families from Mpen village after receiving the notice on 8 January 1997 have submitted a memorandum to the Sub-Divisional Officer on 10 January for protection of their livelihood. But no action was taken. Despite the direction (No. 2/12/96 LD) of the National Human Rights Commission on 15 January 1997, the Arunachal Pradesh Forest Corporation Ltd destroyed 15 Chakma houses at the Mpen village on 16 and 17 January 1997 with the help of the Arunachal Pradesh Police. The demolition of the Chakma houses was conducted under the supervision of Mr. B Ajang, Divisional Manager, Forest Corporation, Miao, Mr. K K Dev, Range Manager, Range Manager, Forest Corporation and Mr. C H Deka, Officer in Charge of Miao Police Station. The following individuals' houses were demolished:

1. Mr. Raimohan Chakma, S/o- Buddha Moni Chakma
2. Mr. Mon Kumar Chakma, S/o- Bilet Moni Chakma
3. Mr. Juddha Deb Chakma, S/o- Padhabhan Chakma
4. Mr. Padha Kumar Chakma, S/o- Bujh Dhan Chakma
5. Mr. Madan Joy Chakma, S/o- Bilet Moni Chakma

6. Mr. Mohan Chandra Chakma, S/o- Buddha Moni Chakma
7. Mr. Gulmoni Chakma, S/o Madan Joy Chakma
8. Mr. Kali Mohan Chakma, S/o - Buddha Moni Chakma
9. Mr. Kandra Chandra Chakma, S/o Buddha Moni Chakma
10. Mr. Gulchoga Chakma,
11. Mr. Pradip Chakma, S/o- Kandra Chandra Chakma
12. Mr. Shanti Deb Chakma, S/o- Buddha Moni Chakma
13. Mr. Basanta Chakma,
14. Mr. Ranga Dhan Chakma, S/o Majara Mohan Chakma
15. Mr. Bhat Pagla Chakma

When three Chakma families re-built their huts, the Forest Officials visited the area on 21 January 1997 and demolished them again. The properties of all the damaged houses were seized by the Forest Corporation officials, transported in two trucks with the help of 40 labourers and auctioned at Miao market in Changlang District on 21 January 1997. On 2 February 1997, the Forest Corporation Ltd officials planted trees in that area. The plantation in the Chakma inhabited areas was carried by Shri B Ajang (Divisional Manager of Forest Corporation), Mr. K K Dev (Range Manager), Mr. A Dutta (Assistant Range Manager), Mr. D D Dubey, Forest Guard, Mr. L Abou, Forest Guard, Mr. R H Lowang, Forest Guard and Mr. S K Dhar, Forest Guard. In addition, the State Government in other places evicted many Chakmas from other villages.

ii. Banning of employment of Chakmas and Hajongs as labourers by local people

The Circle Officer of Diyun Mr. D Riba called a meeting with the local tribal leaders on 27 October 1997 at his office where it was unanimously decided not to “engage any Chakma/Hajong people for their agricultural field, contract work and business” by 30 October 1997. The Circle Officer issued a Circular Vide No DYN/CON-4/97 dated 27 October 1997. The Circle Officer also issued another notice on 31 October 1997 Vide No DYN/JUD-1/97, directing to “discontinue the engagement of Chakma/Hajong people in agricultural field/business and contract work forthwith”.

iii. Economic blockade

In 1998 the State Government imposed an economic embargo on the Chakmas and Hajongs. Agricultural products such as ginger, chili and master seeds produced by the Chakmas and Hajongs have no market in the local areas. They have to be sold in neighbouring Assam. However, to sell these cash crops in Assam require permission from the State Government. But, the Chakmas and Hajongs continue to be denied permission/licenses to sell their products in Assam. As a result, their products are damaged. The CCRCAP filed a PIL bearing No. Civil Rule 4/1998 before the Honourable Gauhati High Court and the same is still pending for adjudication. The State Government taking advantage of the judicial delay until today is denying them permission to sell their products.

iv. Denial of education facilities

While the Government of India has been taking measures to make the right to education a fundamental right, the State Government of Arunachal Pradesh has been taking all measures to completely deny the right to education to the Chakmas and Hajongs.

(a) Withdrawal of Anganwadi centers

All the 49 pre-primary schools (Anganwadis), were withdrawn in 1994 (vide No. CS/HOME/94 dated 21 November 1994) during the State sponsored agitation to oust the Chakmas and Hajongs from Arunachal Pradesh. The Anganwadi centres are yet to be restored. Consequently, the Chakmas and Hajongs have been facing a generation gap in education despite the Government of India making the right to education as a fundamental right. The Anganwadi centres had provided employment to 98 women. The withdrawal had resulted in their termination from job without any compensation.

(b) The following schools in the Chakma settlement areas were withdrawn in 1994 and continue to be so till date:

- (i) Government Middle School, Bijoypur, circle Bordumsa, district Changlang.
- (ii) Government Primary School, M-Pen, circle Miao, district Changlang.
- (iii) Government Primary School, Deban, circle Miao, district Changlang
- (iv) Government Primary School, Chakma Basti, district Lohit.

(c) Schools around the Chakma areas which denies admission to the Chakmas and Hajongs

Admission is being denied to Chakma and Hajong students in the following schools since 1994. There are no Chakma/Hajong students in the following areas:

- (i) Government Higher Secondary School, Miao, circle Miao, district Changlang.
- (ii) Government Secondary School, Innao, circle Diyun, district Changlang.
- (iii) Government Higher Secondary School, Bordumsa, circle Bordumsa, district Changlang.
- (iv) Government Higher Secondary School, Balizan, district Papumpare.

(d) Condition of the only secondary school at Diyun

For about 40,000 Chakma and Hajong population there is only one Government Secondary School at Diyun. In the absence of any middle school in the whole Diyun circle, this school has to accommodate all the Chakma and Hajong students passing out every year from more than 10 primary schools operating in the Chakma areas. Around 1,400 (12 teachers) are enrolled in this school with virtually no infrastructural facilities. The school building is built by the Chakmas and no grant is given by the State Government. No developmental works has been undertaken by the State Government-bench, desk, duster and other required furniture are self-arranged by the guardians of students.

(e) Villages without a primary school

Many of the Chakma villages in Changlang district are without even primary schools. The existing schools, which had 2-3 teachers each, are left behind with one or no teachers since 1994. The following villages do not have primary schools:

- (i) Udaipur (consisting of 500 families).
- (ii) Jyotsnapur (consisting of 220 families).
- (iii) Modoi Dweep (consisting of 300 families).
- (iv) Bijoypur-I & II (200 and 250 families respectively).
- (v) Seven villages in Deban (consisting of 700 families, circle Miao located at a distance of 24 kilometers from the nearest schools at Miao).

v. Withdrawal of the Public Distribution System

The State Government of Arunachal Pradesh in a circular on 31 October 1991 (No FPSO - 3/90-91) had ordered all the Chakmas and Hajongs to surrender their rations cards under the Public Distribution System to the Circle Officer. Thousands of Chakmas and Hajongs were forced to surrender their ration cards to the State Government. Despite the Supreme Court judgement the State Government has not returned the ration cards. The Chakmas and Hajongs are very poor and rely to a large extent on the Public Distribution System. Ration card facilities are indispensable for the daily labourers. By denying the ration card facilities, the State Government of Arunachal Pradesh has condemned them to poverty. As stated above, the Chakmas and Hajongs are not even issued permission to sell their cash crops in neighbouring Assam. They are not issued licenses for trade in the local markets. At the same time, hundreds of families were rendered landless due to soil erosion caused by the Noa-Dihing River and its tributaries. More than 80 percent of the Chakmas and Hajongs are below poverty line. Yet the Chief Secretary to the State Government of Arunachal Pradesh, Mr. P M Nair in a letter to Additional Secretary P D Shenoy, MHA vide letter no D.O.No.HMB(B)-74/96 of 9 March 2000 stated that "at present Chakmas are not covered under the Public Distribution System as

they are self-sufficient in food grains". It must be mentioned that if the local people can be covered under the PDS despite having all the facilities at their disposal, the claim of the State Government that the Chakmas and Hajongs are self-sufficient economically is far-fetched. In fact, the Chakmas and Hajongs are not covered under the PDS merely because they are not citizens, which is again contrary to the Supreme Court's directions.

vi. Denial of trade licenses

Since 22 October 1997, the Circle Officer of Diyun Circle, Officer in Charge of Diyun Police Station and Second Officer of Diyun Police Station came to the shops of Chakmas in Diyun Bazar and verbally ordered the closing down of shops belonging to the following persons:

<u>SL No</u>	<u>Name</u>	<u>License No.</u>
1.	Ranjan Chakma	Licence No. 23/79
2.	Niren Chakma	Licence No. 26/79
3.	Bira Lal Chakma	Licence No. 10/79
4.	Hemandra Hajong	Licence No. 14/79
5.	Mohendra Lal Chakma	Licence No. 15/79
6.	Priya Lal Chakma	Licence No. 16/79
7.	Amar Kanti Chakma	Licence No. 17/79
8.	Lakhi Chandra Chakma	Licence No. 18/79
9.	Tutya Chakma	Licence No. 8/79
10.	Kripa Dhan Karbari	Licence No. 1/75
11.	Kripa Dhan Karbari	Licence No. 28/79
12.	Birendra Chakma	Licence No. 3/79
13.	Shanti Lal Chakma	Licence No. 1/79
14.	Debendra Chak	Licence No. 5/79
15.	Prasanta Kumar Chakma	Licence No. 6/79
16.	Lohit Kumar Chakma	Licence No. 27/79
17.	Priti Kusum Chakma	Licence No. 20/79
18.	Kabi Raj Chakma	Licence No. 19/79
19.	Satish Chandra Chakma	Licence No. 11/79
20.	Shanti Kumar Chakma	Licence No. 4/79
21.	Anjan Prasad Chakma	Licence No. 2/79
22.	Binod Baran Chakma	Licence No. 22/79
23.	Abha Lal Chakma	Licence No. 21/79
24.	Prasanta Kumar Chakma	Licence No. 13/79
25.	Mangal Chandra Chakma	Licence No. -
26.	Raj Chandra Chakma	Licence No. -
27.	Upendra Lal Chakma	Licence No. -

The above victims filed a petition before the Guwahati High Court. The Guwahati High Court in its judgement (Civil Rule No 5255 of 1997) stated: "Whenever trade is regulated by licence, the licence is entitled for renewal of the licence as a rule and non-renewal of the licence is exception since granting or refusing of licence regarding trade or business is intrinsically connected with the livelihood of a person, a right rooted in the Indian Constitution. The licensing power is bristed with enormous ramification immensely affecting the rights and liberties of citizens and livelihoods of citizens in particular and thus require a fair procedure". In the light of the Supreme Court judgement in the National Human Rights Commission Vs the State of Arunachal Pradesh, the Guwahati High Court directed the State Government of Arunachal Pradesh "to consider the case of the petitioners for renewal of their licenses as per law. The Deputy Commissioner, Changlang, Arunachal Pradesh shall also ensure and to see that the original documents which were seized from the petitioners on 22 October 1997 by the Circle Officer, Circle Diyun along with the Officer-in-Charge, Diyun Police

Station and Second Officer of the said police station are returned to the petitioners. In the meantime, the Respondents are directed to allow the Petitioners to run their business and shops." While the State government has restored the trade licenses of the above victims, no fresh licenses have been issued since 1991.

vii. Ban on employment

The State Government vide circular dated 29th September 1980 and circular dated 31st October 1997 has banned employment in government service, agricultural field, contract work and business etc. for the Chakmas and Hajongs in the state, resulting in the unemployment among a large number of educated youths. The ban on employment continues until today.

viii. Denial of medical facilities

The entire Chakma-Hajong area consisting of 30 villages, there is only one Primary Health Centre (PHC) at Diyun circle, whereas, in other local areas PHC has been provided in almost all villages. The PHC of Diyun hardly able to cater the needs of Disseminated by Asian Indigenous & Tribal Peoples Network for public information Chakmas and Hajongs as it has only one doctor, five nurses and eight beds. The patients often remain unattended and therefore people prefer to give their own treatment gained by way of experience. Instances of malarial deaths and other simple and serious diseases otherwise not fatal are numerous. Though it is claimed that the Chakmas are provided medical facilities, in effect they are still denied treatment. Nurses also charge money to give injections. Some Chakma villages such as Dharmapur, circle Miao, Bijoypur, circle Bordumsa and Deban area (eight villages) in Changlang district are located far away from the nearest PHC. As there are rivers, which are sometimes flooded, people remain cut off sometime for a month from rest of the places. Therefore, even simple fever often proves fatal in these places.

ix. Ban on public development works in the Chakma and Hajong inhabited areas:

The State Government has banned all development activities in the Chakma and Hajong areas. In an order vide no. CS/HOME/94 dated 21 November 1994 the state government of Arunachal Pradesh directed "withdrawal of all kinds of facilities from the Chakma Settlement area". Some of the problems due to lack of any public development works are given below:

- (a) The Chakmas and Hajongs have not been provided with drinking water facilities. Some villagers have to travel a distance of more than one and half kilometer to fetch water for drinking as well as for other domestic uses. During rainy season the river water causes several diseases, as it becomes unfit for drinking.
- (b) No construction of roads, bridges and culverts are undertaken in the Chakma and Hajong inhabited areas. In the absence of infrastructures like roads, bridges, other developmental activities are unimaginable.
- (c) Almost 90 percent of the Chakma villages are not provided with electricity though economically and technically most viable. Even those few villages having connections, electricity supply has been cut off since 1994 due to the non replacement of worn out apparatus or because of willful negligence on the part of the concerned officials. Complaints/reminders to authorities for replacement of worn out apparatus all these years have gone unheeded.
- (d) The Chakma and Hajong farmers were provided improved seeds, fertilizers, pesticides, agricultural tools and implements at subsidized rates till 1991 and these facilities were stopped thereafter. On the other hand, the other locals are being provided with high yielding variety of seeds, technical know-how and agricultural training and other assistance including monetary aid.

4. Non-implementation of the recommendations of the Rajya Sabha Committee on Petitions

On 23 August 1995, a petition was filed before the Rajya Sabha Committee on Petition. After extensive visits to several places where the views of the local people, the Chakmas, experts, the State Government and the Central Government were taken into account, the Committee in its 105th Report of 14 August 1997 recommended the speedy granting of Indian citizenship to the Chakmas of Arunachal Pradesh. It was also recommended that "all the old applications of Chakmas for citizenship

which have been either been rejected or withheld by Deputy Commissioners or the State Government continue to block the forwarding of such applications to Central Government, the Central Government may consider to incorporate necessary provision in the Rules (or the Act if so required) whereby it could directly receive, consider and decide the application for citizenship in the case of Chakmas of Arunachal Pradesh.” The Committee further recommended that the Chakmas be also considered for granting them the status of Scheduled Tribe at the time of granting the citizenship. Although, the Government of India has submitted Action Taken Report, practically none of the recommendations of the Rajya Sabha Committee on Petitions have been implemented until today.

5. Non-implementation of the recommendations of the Sub-Committee headed by Home Minister of India

After the Arunachal Pradesh government threatened that all members of State Assembly would resign en masse if the Chakmas and Hajongs were not expelled by 31 December 1995, a committee headed by the Prime Minister of India was established. A Sub-Committee under the chairmanship of the Union Home Minister was formed to find an amicable solution to the Chakma problem. The Home Ministry officials headed by Mr. P. D. Shenoy, Additional Secretary, MHA representing the said Sub-Committee visited the Chakma and Hajong inhabited areas on 6 and 7 March 1999. The Sub-Committee in January 2000 submitted the report to the Union Home Minister, who is currently the chairman, containing specific recommendations to resolve the Chakma and Hajong problem. Unfortunately, no decision has been taken for implementation of the recommendations of the Home Ministry team.

6. Non-implementation of the Delhi High Court’s judgement

In addition to the Chakmas and Hajongs who migrated in 1964, there are about 5,000 Chakmas and Hajongs who are born after the migration of their parents in 1964. They are Indian citizens by birth under Section 3(1)(a) of the Indian Citizenship Act, 1955 which states that “except as provided in sub-section (2), every person born in India, - (a) on or after the 26th day of January, 1950 but before the commencement of the Citizenship (Amendment) Act, 1986” is a citizen by birth. The CCRCAP filed a complaint with the NHRC on 12 December 1997 against the denial of franchise rights to the Chakmas and Hajongs. The NHRC issued notice to the State Government of Arunachal Pradesh and the Union Government of India on the issue. In their replies to the NHRC, both the Central Government and the State Government of Arunachal Pradesh recognised that “as per the provisions of the Citizenship Act 1955, every person born in India on or after 26 January 1950 and before 1 July 1987 are citizens of India by birth and therefore eligible for electoral rolls.” However, when the Chakmas and Hajongs who were born after their parents’ migration and are citizens under Section 3(1)(a) of Indian Citizenship Act, 1955, went to the Assistant Electoral Registration Officer of Diyun under Changlang District of Arunachal Pradesh, the officer refused to accept their Form 6 – Application for inclusion of name in electoral rolls. The CCRCAP approached the Ministry of Home Affairs (MHA). The MHA informed it that the Election Commission had been requested to include all the Indian citizens into the electoral rolls. But the Election Commission took no action. Since no action has been taken to ensure that the Chakmas and Hajongs are enrolled in the voters’ list, the PUCL and the CCRCAP filed a writ petition (CPR no. 886 of 2000) before the Delhi High Court. In its judgement on 28 September 2000, the Delhi High Court ordered the registration of all eligible voters. This order, too, was flouted on various pretexts. Till date, not a single Chakma or Hajong has been included in the electoral rolls. During the revision of electoral roll 2001 around 2000 Chakmas and Hajongs filed claim applications enclosed therewith their proof of age, residence etc. All the claim applications were, however, rejected for not specifying house enumeration number and due to lack of polling station in the Chakma areas. It may be stated that the allotment of house enumeration number and setting up of polling station are tasks of EC and the Chakma and Hajong applicants cannot be punished for omission on the part of the officials of the EC. The repeated representations to the EC failed to elicit any positive result.

7. An alibi called local sentiments

One of the concerns of the Central Government that unfortunately prevailed over the need to uphold the rule of law by processing citizenship applications has been the Disseminated by Asian Indigenous & Tribal Peoples Network for public information. perceived opposition to the grant of citizenship to the Chakmas and Hajongs of Arunachal Pradesh by the local tribal communities. The CCRCAP has consistently stated that it was nothing but a creation of the then State Government of Arunachal Pradesh to deny the Chakmas and Hajongs the right to citizenship. The Chakmas and Hajongs since their migration enjoyed excellent relationship with the neighbouring communities. Even the Central Team that visited in 1982 to study the problems of the Chakmas and Hajongs had submitted in its report that "No reports have been received regarding involvement of these refugees in anti-national activities. The presence of these refugees in the area has not resulted so in any major law and order problem though some isolated instances of friction between the locals and these refugees have come to our notice. The grant of citizenship would introduce an element of responsible social behaviour in these refugees." Therefore, the plea of the State Government that opposition by local tribal people against grant of citizenship to the Chakmas and Hajongs is unfounded. In fact, many leaders of the local Singpho and Tangsa community leaders including ex-Members of Legislative Assembly have written to Union Home Minister, Mr L K Advani on various occasions supporting the grant to citizenship rights of the Chakmas and Hajongs of Arunachal Pradesh.

8. Conclusion and recommendations

The root cause of the suffering of the Chakmas and Hajongs of Arunachal Pradesh – ranging from denial of educational facilities including withdrawal of all pre- primary – *Anganwadi*- centres with a view to keep the Chakmas and Hajongs illiterate is the denial of citizenship rights in clear contempt of the Supreme Court order. While the CCRCAP admits that the NHRC and the MHA have applied the necessary pressure, the State Government often gets away by providing false information. Unless the NHRC takes measures to monitor the implementation of the recommendations by assigning a Special Rapporteur for the task, the Chakmas and Hajongs may be continuously denied all other rights. In order to bring an end to untold sufferings and denial of fundamental rights to the Chakmas and Hajongs for the last four decades and to uphold the majesty of the rule of law and respect for the highest court of the country and the National Human Rights Commission, the CCRCAP urges the NHRC to take the following measures:

1. To send a NHRC team to Chakma and Hajong inhabited areas in Arunachal Pradesh to independently find out the fact of wide spread discrimination and deprivation towards the Chakmas and Hajongs;
 2. To monitor the implementation of the Supreme Court Judgment for effective and expeditious processing of citizenship applications of the Chakmas and Hajongs.
 3. To recommend the MHA to immediately grant citizenship to those Chakmas and Hajongs whose citizenship applications have been returned to the MHA after due verification.
 4. To recommend to the Central Government to immediately resume the Anganwadi Centers and urge the State Government to re-open the schools in the Chakma and Hajong inhabited areas.
 5. Seriously consider for filing of writ petition before the Supreme Court with a plea of contempt and seek necessary directions for implementation of the Judgment of the Supreme Court within a specified time frame.
-

APPENDIX-FApril 10th 1964

No.GA-71/64

My Dear Chief Minister,

It occurs to me that we may get trouble between the Mizos and the Chakmas in the Mizo district. These Chakmas would be quite suitable people to go into the Tirap Division of NEFA where there is easily found vacant land in the area about which you and I have often spoken.

With kind regards,

Yours sincerely
Sd/- VISHNU SAHAY

Shri B.P.CHALIHA
Chief Minister, Assam,
Shillong

Copy to: Shri P.N.LUTHRA,
Advisor to the Governor of Assam.

Sd/- VISHNU SAHAY.

APPENDIX-G

**ARUNACHAL PRADESH
LEGISLATIVE ASSEMBLY SECRETARIAT**

**PRIVATE MEMBERS RESOLUTION
(As Adopted by the Assembly)**

No. 16

“This Assembly urges upon the Government to do steps to remove Chakma refugees from Arunachal Pradesh”.

The above resolution was adopted by the Arunachal Pradesh Legislative Assembly on 23rd September, 1980.

Sd/-
M.M.MATHUR
Secretary Legislative Assembly,
Arunachal Pradesh, Itanagar.

APPENDIX-H

**D.O.No. 13-12-1994. MZ
Minister of State, (State)
Ministry of Home Affairs (MHA),
North Block, New Delhi-110001.**

July 7th, 1994.

P.M.SAYEED

Dear Shri, Yonggamji,

During the debate in the Rajya Sabha on 27th June, 1994 you had raised the matter regarding repatriation of Chakmas/Hajongs, Tibetan and Yobin refugees from Arunachal Pradesh.

We have examined the matter in detail and find that the Chakmas/Hajongs, Tibetan and yobin refugees were settled in Arunachal Pradesh in consultation with the NEFA Administration (now Arunachal Pradesh) under the Indira-Mujib Agreement of 1972, it was decided that the Chakmas/Hajongs refugees who came to India from the erstwhile East Pakistan (now Bangladesh) before 25-03-1971 will be consider for grant of Indian citizenship.

The Tibetan refugee comes to India in the wake of the flight of His Holiness the Dalai Lama in 1955 from Tibet. The policy of the government of India is that those who came to India after march 1955 following Chinese occupation of Tibet and the Dalai Lama's flight to India should be settle in India as Tibetan refugees and they continued to be treated as foreigners. Information in respect of Yobin refugees is being collected and furnished separately.

With regards,

Yours sincerely,
Sd/-
(P.M.SAYEED)

Shri Nyodak Yonggam
Member of Parliament (Rajya Sabla)
66, South Avenue,
New Delhi-110001.

APPENDIX-I

P.N.LUTHRA
Addl Secretary

Ministry of Labour and Rehabilitation
(Department of Rehabilitation)
Branch Secretariat,
26, Shakespeare Sarani Calcutta-17
17th March, 1972

My Dear Rajaji,

Kindly refer to your telegram Nos. DRS 3/70 dated 8th March, 1972. At present, we are arranging the repatriation of refugees, who entered India from the 25th March, 1971.

The question to return of those who came to India prior to the above consideration, until a decision is given by the Government of India, the Arunachal Pradesh Administration may not arrange the return of Hajong families in Tirap District.

With regards,

Yours sincerely,
Sd/-
(P.N.LUTHRA)

Shri K.A.A.RAJA,
Chief Commissioner,
Arunachal Pradesh,
Shillong.

APPENDIX-J**INDIRA-MUJIB AGREEMENT OF 1972****No Pact on provisional settlement of Chakmas and Hajongs in Arunachal Pradesh**

There was no agreement on provisional settlement of Chakma and Hajong refugees in Arunachal Pradesh, according to the Union External minister Mr. R.Z. Bhatia.

Mr. Bhatia was replying to a question on the subject raised by Member of Parliament from Arunachal Pradesh Mr. Nyodek Yonggam in the Rajya Sabha recently. Mr. Bhatia further said that the salient features of the treaty of friendship, co-operation and peace between India and Bangladesh on March 19, 1972, popularly known as the Indira-Mujib agreement are promotion of lasting peace and friendship, reaffirmation of faith in non-alignment and peaceful co-existence and determination to maintain regular contact on matters of mutual interest and development of co-operation in the economic, scientific, technical and cultural fields

Released by Mr. Nyodek Yonggam
(MP from Arunachal Pradesh)

APPENDIX-K**Countries or areas with the highest numbers of international migrants: 1990 and 2005**

<i>Rank</i>	<i>Country or area</i>	<i>1990</i>		<i>Country or area</i>	<i>2005</i>	
		<i>Number of migrants (Millions)</i>	<i>As percentage of total</i>		<i>Number of migrants (Millions)</i>	<i>As percentage of total</i>
1	United States	23.3	15.0	United States	38.4	20.2
2	Russian Federation	11.5	7.4	Russian Federation	12.1	6.4
3	India	7.4	4.8	Germany	10.1	5.3
4	Ukraine	7.1	4.6	Ukraine	6.8	3.6
5	Pakistan	6.6	4.2	France	6.5	3.4
6	Germany	5.9	3.8	Saudi Arabia	6.4	3.3
7	France	5.9	3.8	Canada	6.1	3.2
8	Saudi Arabia	4.7	3.1	India	5.7	3.0
9	Canada	4.3	2.8	United Kingdom	5.4	2.8
10	Australia	4.0	2.6	Spain	4.8	2.5
11	Iran (Islamic Republic of)	3.8	2.5	Australia	4.1	2.2
12	United Kingdom	3.8	2.4	Pakistan	3.3	1.7
13	Kazakhstan	3.6	2.3	United Arab Emirates	3.2	1.7
14	Hong Kong, China	2.2	1.4	Hong Kong, China	3.0	1.6
15	Côte d'Ivoire	2.0	1.3	Israel	2.7	1.4
16	Uzbekistan	1.7	1.1	Italy	2.5	1.3
17	Argentina	1.6	1.1	Kazakhstan	2.5	1.3
18	Israel	1.6	1.1	Côte d'Ivoire	2.4	1.2
19	Kuwait	1.6	1.0	Jordan	2.2	1.2
20	Switzerland	1.4	0.9	Japan	2.0	1.1

Source: United Nations, *Trends in Total Migrant Stock: The 2005 Revision*, data in digital form, 2006.

APPENDIX-L**Number of refugees in the world and major areas, 1990 to 2005**

(In millions)

<i>Major area</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>2005</i>	<i>Refugees as percentage of international migrants in 2005</i>
World	18.4	18.4	15.5	13.5	7.1
More developed regions	2.0	3.8	3.1	2.6	2.3
Less developed regions	16.4	14.5	12.4	10.8	14.4
Least developed countries	4.8	5.6	3.1	2.4	23.2
Africa	5.4	6.4	3.6	3.0	17.7
Asia	9.8	8.2	8.8	7.8	14.6
Europe	1.3	3.0	2.4	2.0	3.1
Latin America and the Caribbean	1.2	0.1	0.0	0.0	0.5
Northern America	0.6	0.8	0.6	0.6	1.2
Oceania	0.1	0.1	0.1	0.1	1.6

Source: United Nations. *Trends in Total Migrant Stock: The 2005 Revision*. data in digital form.

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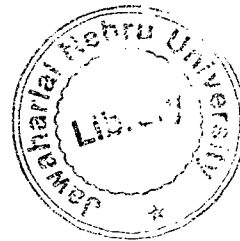
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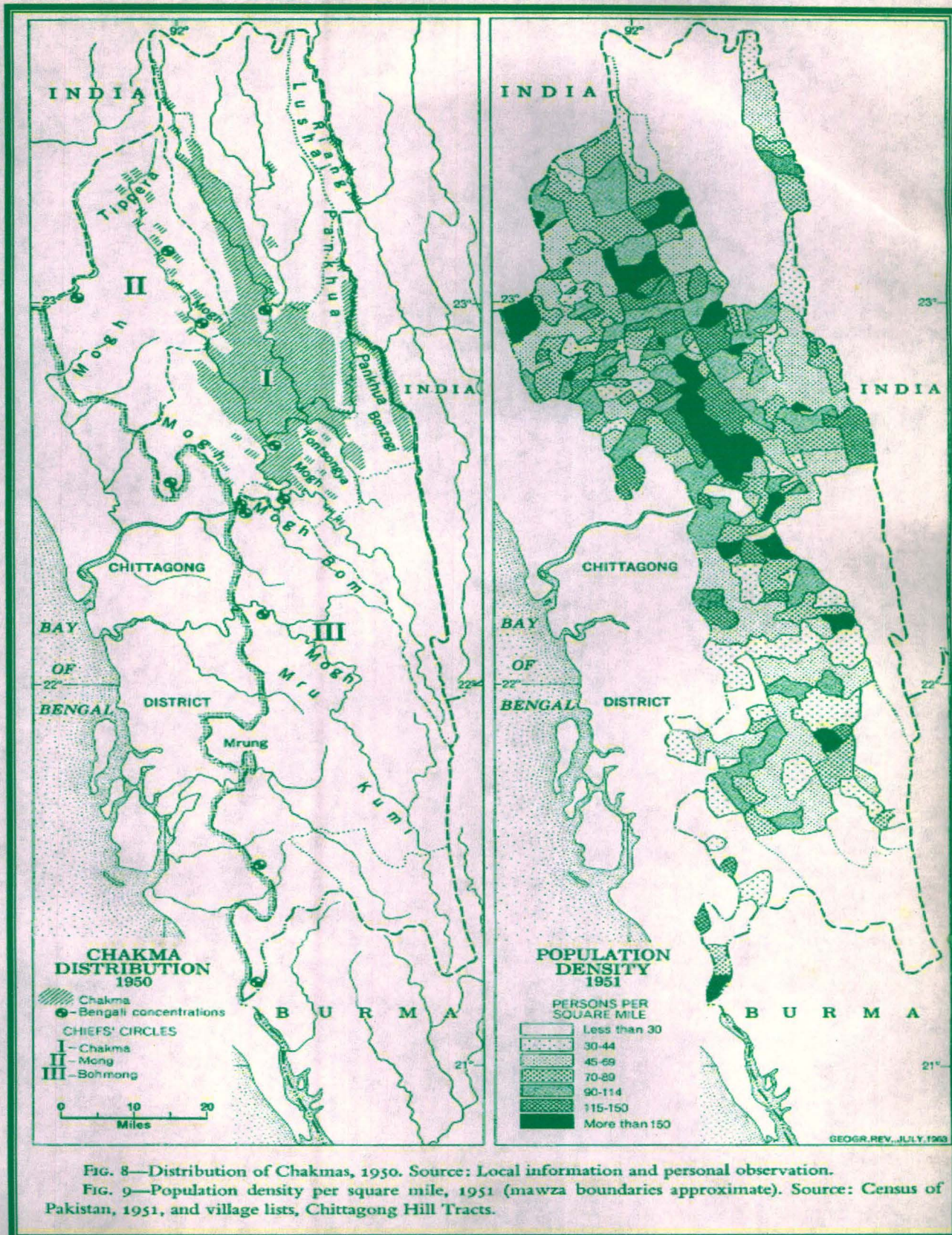


FIG. 8—Distribution of Chakmas, 1950. Source: Local information and personal observation.

FIG. 9—Population density per square mile, 1951 (mawza boundaries approximate). Source: Census of Pakistan, 1951, and village lists, Chittagong Hill Tracts.