CHAPTER - VI
ROLE OF UNION GOVERNMENT IN THE PROTECTION OF REFUGEES

It is true that India is geographically, politically, socially and economically vulnerable to influxes of refugees. India’s porous border with Pakistan, China, Tibet, Bhutan, Nepal, Bangladesh and Burma makes it difficult to have an effective control over the movement of people across the borders. The other factors such as corrupt security personnel also contribute to such influxes of refugees. Though India has not ratified the 1951 Refugee Convention and its 1967 protocol, it has fulfilled its international obligation by extending its humanitarian assistance and providing all kinds of protection to the refugees who entered into its territory. The great moral philosophy, the tradition of compassion on brotherhood and respect for human rights made India a better protector of refugees in this era of wars and conflicts. In early period, respect towards humanity was a code of conduct in Indian Society and today also India is maintaining its humanitarian tradition with great zeal. And it is a matter of pride for every Indian citizen that India has been confronted with a very difficult task of relief and resettlement of refugees and handling these situations fairly on its own and that too according to international standards. As refugees are pouring in India from all the neighbouring countries it would be desirable to know the assistance provided by India to different refugee communities in different situations.

In India, refugees are placed under three broad categories. Category I refugees receive full protection from the Indian Government (For example, Sri Lankan, Tamils, Chakamas and Tibetans. Category II refugees are those who are granted refugee status by the UNHCR and are protected under the principle of non-refoulement (for example Afghani, Somali, Sudanese and Burmese refugees) and Category III
refugees who are neither recognized by the Indian Government nor the UNHCR but have entered India and assimilated into the local community (for example refugees from Myanmar living in the State of Mizoram, ethnic chin refugees from Chin State, Nagas and Rakhain refugees from Arakan State).

This Chapter explores the problems of Categories I refugees (Tibetans, Chakmas, Sri Lankan Tamils) receiving full protection from the Indian Government and analyze the role of the Government of India in the protection of refugees. This Chapter examines these refugee groups, according to the nature and importance of the refugee groups as well as the security implications, obligations and compulsions of Government of India.

**Perceptions of Government of India towards the Refugees:**

Recently answering to a refugee-related question Mr. Vidyasagar Rao, Minister of State for Home Affairs, said in Parliament on 16.05.2000, “Continued presence of a large number of refugees from various countries does create additional burden including financial. However, because of the continued disturbed situation in Sri Lanka, no organized repatriation has been possible after 1995. As regards Tibetan refugees, the policy of the Government of India is that those who moved to India after March, 1959 following the Chinese occupation of Tibet and Dalai Lama’s flight into India, should be allowed to continue to stay in India and treated as foreigners, subject to registration and grant of residential permits. Since the circumstances under which asylum was granted have not materially changed, there does not appear any possibility of repatriation of Tibetan refugees. Excepting Tibetan and Sri Lankan refugees, who are getting some assistance from the Government of India during their stay in India, all other foreign refugees have generally come on valid passports and visa and have been getting extension of stay. Their stay is governed under the provisions of different
Acts such as Foreigners Act 1946, Passport (Entry into India)Act 1920, and the rules and orders framed there under.

However, efforts to repatriate the refugees and to prevent their fresh influx are being made continuously by all concerned.¹

The Ex-Law Minister of India, Ram Jethmalani on 13.11.1999 said: “India’s principle of non-interference in the affairs of another was against the basic rights of refugees uprooted from their homes by hostile regimes.”²

In this introductory address to a judicial symposium on “Refugee protection organized for the first time in India by UNHCR and SCBA to discuss refugees” problem in south Asia. Stating that there was a need to evolve specific laws to deal with the problems of refugees, he said, “Right to asylum should be recognized by India. Refugees, like other citizens, have rights. They have the right to asylum and it must be incorporated in the domestic laws by the country. Besides, wherever natural legislation does not exist, the Supreme Court is guided by international conventions and laws, that the apex court played an exemplary role in protecting the rights of refugees by interpreting various provisions of the constitution to protect rights of not only citizens but of all.”³

Inaugurating the symposium, Justice K.T. Thomas of the Supreme Court said, “A comprehensive legislation for refugee protection is a legal necessity, as it is a problem which every civilized country should deal in a humane manner.”⁴

Though India is not a signatory to the 1951 UN Convention on refugees, one can draw a broad idea from the above mentioned examples that India does protect and treat refugees sympathetically uniformly on humanitarian grounds. The genesis of the refugee problem and

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¹ India, Lok Sabha, Debates, 16 May, 2000
³ Ibid.
⁴ Ibid.
governments dealing with it, of course, have been particularly since the
Partition, despite the Nehru-Liaquat Pact, proved futile and by 1950 an
estimated 15,75000 people left East Bengal for India. Nearly 10 million
refugees came from East Pakistan, now Bangladesh, in the early 1970s
for shelter and sustenance consequent to General Yahiya Khan’s military
 crackdown on the liberation movement. Most of them were Hindus.
Some of them were rehabilitated by the Government in West Bengal and
in Malkangiri in Orissa, and the rest were assimilated into the local
population. There were no such administrative or security problems in
India because of their settlement or the ethnic cultural similarities. But
those who settled in Assam valley faced problems of anti-foreigner issue
started by AASU in 1979.

Actual dealing of Government at the Centre and in the states of
refugees, of course, started directly, first with Chakma’s, Tibetans and
Sri Lankans. The Dalai Lama and his associates with about 80,000
Tibetans (now 1,80,000 Tibetans) were given asylum by Pt. Nehru in
1959 on humanitarian and political grounds due to China’s occupation of
Tibet and the perceived threat to Dalai Lama’s life. Similarly, due to
ethnic conflict in Sri Lanka in 1983 Sri Lankan Tamil refugees fled to
India’s Tamil Nadu and were given asylum there because of ethnic and
cultural affinities but also on humanitarian grounds. When Chakma
refugees (Buddhist Tribal) from CHT of Bangladesh settled in 1964 in
North-East, especially Assam valley’s NEFA/present Arunachal Pradesh,
started problems because of fighting over limited resources, employment
opportunities, fear of losing protected tribal ethnicity, insurgency and
inter-tribal or intra-tribal clashing. Therefore, the Chakma refugee a
problem peculiar issue in North East needs to be discussed in detail, first
of all.

Though there are many different groups of refugees in India, only
Tibetans, Chakmas and Sri Lankan Tamils, out of them, have been
recognized as refugees and supported financially for their rehabilitation by the Government of India, and other groups of refugees only put under non-refoulement principle in a broad way. But there is a slightly different policy towards even these groups of refugees. For instance, Tibetans and Tamils have been considered very important political refugees, given travelling and work permit cards and also given cultural autonomy and delegated authority, particularly to the Tibetans. But so far as Bangladeshi refugees including Chakmas and Hajons are concerned, even though some of them were put in camps and subsequently repatriated, most of them have been assimilated with the local people because of their cultural similarities and because of 4480 K.M. long porous Indo-Bangladesh borders and friendly Bangladesh, the number of Bangladeshis continues to swell. Therefore, the Government of India have been taking a different approach towards Bangladeshi refugees, such as no-hard- and- fast rule of repatriation, consideration of their Indian citizenship status unlike the case with Tibetans and Sri Lankan Tamils. So perceptions of the successive Governments at the Centre and in the States vis-à-vis the refugees have been categorized into three groups.

**Tibetan Refugees:**

The flow of extra-regional Tibetan refugees into India from Tibet has been the result of communist China’s military action in Tibet during the fifties. The Tibetan struggle for autonomy and Chinese action to suppress that struggle have continued since then and also the flow of refugees. The intensity of this flow has varied, depending upon the intensity of conflict in Tibet, which has been most serious in 1959, when the Dalai Lama, the religious and political leader of the Tibetans, with thousands of his followers, came to India for asylum. Subsequently, Tibetan refugees have come to India during the second half of the sixties when the Cultural Revolution in China caused extensive disturbances.
Since 1988-89, Tibet’s struggle for autonomy has picked up momentum again generating more refugees.

In 1949, after the communist victory, Chinese troops marched into Tibet quickly defeating the small and ill equipped Tibetan Army. Soon after the Dalai Lama’s government was forced to negotiate with the Chinese Central Government and to accede to the agreement on measures for the peaceful Liberation of Tibet, which was signed on May 23, 1951. Thereafter, the Chinese began to colonize Tibet, setting up machinery and institutions to control the country. Popular rebellion began in the Eastern regions and culminated in an uprising in the capital city of Lhasa in March 1959. The Dalai Lama escaped only hours before the Chinese troops began shelling his residence and arrived in India. The Tibetan revolt was crushed by well-armed Chinese People’s Liberation Army, sending Tibet into a State of terror. More than 85,000 Tibetans fled in the next few years for taking shelter in India or Bhutan. Thousands died during these years of resettlement, either in attempting to escape Tibet or from sickness or disease associated with radical climate changes encountered in exile. Since 1950 an estimated 1.2 million Tibetans have been killed and many temples, monasteries and ancient treasures destroyed by the Chinese. Young Buddhist monks have continued their protests, primarily in the capital Lhasa. There is a simple reason behind this conflict. Tibetans feel no national identifications with China. Many do not know the Chinese language, and they do not have “Chinese Mentality”. The Unique Tibetan culture is very different from ethnic Chinese. But China does not see it in that way. They suppose that Tibet is a part of China and will remain a part of China.

With the arrival of the Dalai Lama in 1959 nearly 56,000 Tibetans entered in India and were granted asylum. Even though India did not support the independence or autonomy of Tibet, and the continued presence of the Dalai Lama and his followers has always been a thorn in
the side of Indian Chinese relation. It has scrupulously respected the principle of non-refoulement.\textsuperscript{5} The Indian Government had set-up transit camps at Misamari in Assam and Buza in West Bengal. In these transit camps refugees were provided with rations, clothing and cooking utensils as well as medical care.

The Government of India proposed three approaches: First, resettlement in agriculture, horticulture and animal husbandry, secondly the establishment of centers for training refugees in the production and sale of Tibetan handicrafts, and finally the establishment of small industries to be run and operated by Tibetans.\textsuperscript{6}

The main land settlements were set up at Bylakuppe, Mundgod and Cauvery Valley in Mysore State, at Mainpat in Madhya Pradesh, at Chandragiri and Mahendragarh in Orissa, at Tezu and Changlang in Arunanchal Pradesh and at Paro, Thimpu, Jumenyang and Khaskha in Bhutan. At Bylakuppe settlement, 3257 Tibetan refugees had been settled in an area of 3500 acres of land, each family of 5 members had been provided with a house and 5 acres of cultivable land and a small plot of land for a kitchen garden. Roads, water-supply and medical and educational facilities had also been provided. At Mundgod settlement, 1400 acres of reclaimed land have been put under cultivation and similar facilities like those, given at Bylakuppe had been provided.

In Cauvery Valley settlement, 700 families have been provided with permanent houses and some 1800 acres of land reclaimed from the forest. At Mainpat settlement in Madhya Pradesh, 303 families have been settled in an area of 2000 acres of land. At Tezu and Changlang settlements in Arunachal Pradesh, 2002 Tibetans have been settled, each family of five members had been allotted 5 acres of land. At Chandragiri

\textsuperscript{6} Ibid, p. 389.
and Mahendragarh settlement in Orissa, 3000 Tibetans have been settled, 1800 Tibetans have been settled in Bhutan.\footnote{Annual Report of the Ministry of Labour, Employment and Rehabilitation, Government of India, 1968-69.P.93-94.}

Handicraft centers were started for Tibetan refugees where carpets, blankets, brass wares, Tibetan and Indian garment and knitted wares were produced. An emporium, which serves as a Clearinghouse for the articles produced and different handicraft centers have been set up in the Tibetan House in New Delhi. A Tibetan Industrial Rehabilitation Society was set up in 1965 to provide the administrative framework to formulate and implement industrial projects for the rehabilitation of Tibetan refugees with funds from voluntary agencies. The Society had established the following projects in Himachal Pradesh like woolen Mills at Bill, Lime Quarry at Kumraoh etc.

Educational facilities are being provided to the Tibetan refugees through the Central Tibetan Schools Administration set up by the Ministry of Education, Government of India. The Central Tibetan School Administration is at present running seven residential schools besides a number of day schools in the land settlement areas and also near the camps. The Central Relief Committee of India is providing medical facilities which had set up seven well equipped hospitals in relief camps and other areas for Tibetan refugees. They have been issued ration cards by the various State Governments. Up to 1992-93, an expenditure of Rs. 161.6 million was incurred on Tibetan refugees and in the year 1995-96 it was Rs. 3.42 million.\footnote{Annual Report of Ministry of Labour, Employment and Rehabilitation of India, 1968-69.P.97.}

In addition to the assistance, India allowed them to protect and maintain their separate cultural and religious traditions. Over the years, Tibetan community is living peacefully side-by-side with local communities. In an interview by the Sunday Times of India 8\textsuperscript{th} May
1994,⁹ the Dalai Lama reiterated that, “India has helped Tibetans culturally in education and settlement. There can be no doubt that without India’s help, we would not be in this position today.”

**Debates on the Tibetan Refugees in Parliament:**

Recently policy and perception of Government of India reflected during debates over Tibetan refugees or Tibet in Parliament are concerned; Home Ministry of Government of India briefs Parliament from time to time on issues like non-repatriation as well as rehabilitation assistance. Replying to a parliamentary question relating to Indian citizenship of Tibetan refugees. Mr. P.M. Sayeed, Minister of State for Home Affairs, said in Parliament on 10th March, 1993 that the Tibetan refugees had already been provided with rehabilitation assistance and about 82 Tibetan refugees had applied for Indian citizenship so far, out of them 77 persons had been granted Indian citizenship.¹⁰ On 26 August, 1993 a question relating to citizenship of Tibetans who had migrated to India after March, 1959 had been allowed to stay on in India as Tibetan refugees and were treated as foreigners. However, those Tibetan refugees who had been married to Indian nationals were considered for grant of Indian citizenship under the citizenship Act 1955, if they so applied.¹¹

Replying to a Parliamentary question on “whether the Government are considering the question of granting Indian citizenship rights to certain categories of refugees”. Home Minister B.S. Chavan said in Parliament on 12th May 1994: “As regards the Tibetan refugees, those who moved to India after March 1959, following the Chinese occupation of Tibet and the Dalai Lama’s flight into India, they are allowed to continue to stay in India as Tibetan refugees and treated as foreigners subject to registration and grant of residential permits. The Tibetan refugees who migrated to India earlier than March 1959, and have been

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¹⁰ India, Rajya Sabha, Debates, USQ No. 1875, 10.3.93.
¹¹ India, Lok Sabha, Debates, USQ No. 4548, 26.8.93.
since then ordinarily residents in India are considered for grant of Indian
citizenship on individual merits.\textsuperscript{12} On another occasion on 11\textsuperscript{th} March 1993, Government of India also informed Parliament that the Tibetan
refugees had been given asylum in India and were free to live as long as
they like or till an amicable settlement with China\textsuperscript{13}.

Answering to a member question on “whether the Tibetan
refugees have been issued ration cards and photo-identity cards, and
whether they have the right to exercise their franchise and to context
election in India, Mohd. Maqbool Dar, Minister of State for Home
Affairs said in Parliament on 17\textsuperscript{th} December, 1996: “Tibetan refugees
have been issued ration cards by various state Governments. However,
they have not been issued photo-identity cards by Election Commission
of India as they are not Indian citizens. As for exercising franchise and
contesting of elections are concerned, they have no right to do so\textsuperscript{14}.

Replying to a Parliamentary question on “whether any efforts
have been made to negotiate the issue of Dalai Lama in our bilateral
talks with China, Mohd. Maqbool Dar, Minister of State for Home
Affairs said in Parliament on 10\textsuperscript{th} December 1996: “The Dalai Lama is
in India as a revered religious figure. India regards Tibet as an
autonomous region of China. There is no change in India’s Policy on
Tibet which is well known\textsuperscript{15}. This policy of government of India
reflected on 12\textsuperscript{th} March 2000 a group of Tibetan women held a
demonstration at Parliament Street, New Delhi and burnt the effigy of
the Chinese President along with 41 pieces of red cloth, 60 women
demonstrators were detained by Delhi Police under Section 65 of the
Delhi Police Act 1978 and were subsequently released, (as Parliament
was informed by Minister of State for Home Affairs, Mr. Vidyasagar

\textsuperscript{12} India, Lok Sabha, Debates, SQ No. 677, 12.5.1944.
\textsuperscript{13} India, Lok Sabha, Debates, USQ No. 2401, 11.3.1993
\textsuperscript{14} India, Lok Sabha, Debates, USQ No. 3550, 17\textsuperscript{th} December, 1996
\textsuperscript{15} India, Lok Sabha, Debates, USQ No. 2533, 10 December 1996.
Rao, on 3rd May 2000\textsuperscript{16}. It shows that India does not allow anti-Chinese activities in India, and only allows the Dalai Lama as religious leader and his associates to stay in India on humanitarian grounds.

The presence of Tibetan refugees in India may continue to be there, but their political fate and prospects of repatriation are closely linked to the changing dynamics of the Tibetan question and the Sino-Indian relations. Once India recognized Tibet as an autonomous region of China much before in 1954 (Indo-Sino Treaty-PanchSheel Declaration), it did not really allow Tibetan refugees to undertake political activities against China. On the other hand, India continues to have serious border disputes with China after the latter militarily occupied Indian Territory in the 1962 Sino-Indian war. This is of immediate concern and formidable national interest. “There is no change in India’s policy on Tibet which is well known. There is no proposal under the consideration of the Government to repatriate them to their homeland. They are free to live as long as they like or till an amicable settlement with China.”\textsuperscript{17}

**The Chakma Refugees:**

The tribals- Chakmas, Hajongs, and Marmas- of the Hill Tracts of Chittagong in Bangladesh are actually not homogenous groups, but have been clubbed together under the title Chakmas’ in official documents.

Chakmas are the tribals of Chittagong Hill Tracts of South East Bangladesh. Since the creation of Bangladesh and even prior to that, the Chakma refugees have been seeking refuge in India from persecution at home. In the year 1964, thousands of Chakma families entered India fleeing the then East Pakistan.

After the partition of the Indian Sub-continent, Chittagong Hill

\textsuperscript{16} India, Rajya Sabha, Debates, USQ NO. 3990, 3rd May 2000.

\textsuperscript{17} M.P. Lam, “Managing Refugees in South Asia,” RMMRU, April, 2000.
Tract which is at the north west and east border of Indian states, Tripura and Mizoram was given over to Pakistan in a controversial award by the Bengal Boundary Commission headed by Sir Cyril Radcliffe. The decision shocked the tribals because Pakistan was conceived as one-religion state, based on Islam and 98 percent of the population of the CHT in 1947 was non-Muslim. The tribals started agitations, which were swiftly crushed by Pakistan Army. The Jummas were considered as ‘pro-Indian’ by Pakistan and were persecuted. Large-scale infiltration of Bengali Muslims also brought different problems. To compound the Chakmas’ plight, the contribution of the multipurpose hydroelectric project on river Karnafuli in 1960 led to the uprootment of 10, 00,000 people without any rehabilitation or compensation. Pakistan Government abolished the Special Status of CHT by an amendment to the Constitution of 1964 putting them in distress, which was followed by bloody ethnic conflict. After Bangladesh came into existence in 1971, the conditions of the Jummas worsened, which resulted in mass exodus of tribals into India. They were initially sheltered in government camps in Assam. They were later shifted to a camp within the state of Arunachal Pradesh, where the Arunachal Pradesh Student Union (AAPSU) started agitation for their repatriation to Bangladesh. By 1981 their numbers was about 81,000\(^\text{18}\). In 1992m there were an estimated 56000 refugees mainly Buddhist Chakmas, from CHT of Bangladesh\(^\text{19}\). Till 1994 Indian Government spent nearly Rs. 49 crores towards the expenditure for relief and shelter of Chakma refugees. They had been put in camps in Tripura State. The Tripura Government had also spent


\(^{19}\) After repeated deliberations with Bangladesh Government for repatriation of Chakmas, India, could succeed to repatriate in the first phase about 2500 people in the month of February 1994 and about 3,767 people in the second phase in the month of August.
over Rs. 2.5 crores to look after these refugees. Each adult refugee was entitled to receive 400 grams of rice, 50 grams of lentils, 15 grams of salt, 10 grams of chilly, 15 grams of dry fish, 5 milliliters of edible oil, 25 grams of molasses, 25 grams of flattened rice and 20 paise in cash dole per day. Minors were entitled to half of that amount and females were additionally entitled to 100 milliliters of coconut oil for application to hair every month. The rations were generally given once a week, but very often, the officials tended to delay, forcing the refugee to stretch the weekly ration to ten days. On one occasion, it was stretched to 23 days, leading to revolt in the camps and at least three deaths, ascribed by the refugees to suicide on account of starvation. Refugees in camps stayed in long sheds in which there was little privacy. The sheds had no kitchen or latrines attached to them. Food was cooked in the open air on the roadside. Drinking water was not readily available. Though tube wells had been dug large number of them reportedly did not work. Since there was scarcity of fuel in the camps, the women had to go to the nearby forests for collecting firewood. This had exposed them to sexual assaults. Seven to eight cases were said to be reported each year. The culprits had been rarely apprehended. So far as medical facilities were concerned, they were virtually non-existent. There were only five Doctors for six camps and five Dispensaries. The supply of medicine was irregular, alleged by Mr. Ravi Nair, the Executive Director of the Delhi based ‘South Asia Human Rights Documentation Center; to put in his words:

…………to describe the medical facilities in the camps as minimal would be a generous statement since at the moment they are practically non-existent. The Doctors, who rarely visit, give prescription.

21 Ibid.
The refugees do not have the money to buy the medicines in the local market.

So far as education facilities were concerned, there was a lack of adequate educational facilities. There were primary schools in all the six camps. There were secondary schools up to X Class. The students were not entitled to appear in the final exam under Tripura Board, the government had provided some materials such as chalks, black-boards, text books and geometrical materials but the amounts in proportion to the number of students was totally insufficient. They were provided with one set of clothing each per year. Because of poor economic conditions, the Chakma refugees had to find ways of earning some money. Usually they went for manual labour. Some refugees were involved in selling essential commodities, vegetables and other items grown inside the relief camps.

The Repatriation of Chakmas:

The Chakma refugees took refuge in Tripura, India to escape from armed conflict between the Shanti Bahini and the Bangladesh Army and systematic massacre by the Bangladesh Security forces and Muslim settlers. The Government of India tried to repatriate the refugees in 1987 and then fresh attempt was made in 1992, but it did not succeed. After repeated deliberations with Bangladesh Government for repatriation of Chakmas, the Government could succeed in repatriating about 2,500 people in the first phase in February 1994. In the second phase about 3,767 people were returned to their homeland in the month of August. The Government of Bangladesh offered to the refugees a sixteen point package consisting of money and material assistance along with assurance of security. It was alleged by refugee Leader Dr. Upendralal Chakma that the package was never implemented for them. However, in 1997 a bi-partite agreement was signed between the Bangladesh Government and refugee leaders. The Bangladesh Government
announced a 20-point package benefit programme for the refugees. Accordingly, the fresh repatriation of refugees started from March 28, 1997 and it was completed on February 27, 1998. A landmark peace accord was signed in Dhaka between the National Committee of Chittagong Hill Track affairs formed by the Government and Parbottiya Chattogram Jana Shangati Samiti or PCJSS, on behalf of the inhabitants of Chittagong Hill Track, K.C.Saha observes:

The Chakma Peace Accord is an attempt to find a solution to the in surging problem in the CHT within the framework of the Constitution. The disturbed condition in CHT continued for a long period because on the one hand, the insurgents who claimed to fight for the cause of tribals carried on their activities and on the other hand, the Police and the Army carried on the counter insurgency operations. There were serious violations of human rights of the hill people causing massive refugee flow to India. The peace accord is expected to reserve such trend and is supposed to assure the hill people that their human rights would be protected.

The accord is recognition of the fact that the life and property of the ethnic minority groups need to be protected by special legal provisions and institutional changes in the political and administrative systems. The accord emphasizes the fact that the political, economic, civil, social and cultural rights would be maintained by necessary legal and administrative measures.\(^\text{23}\)

**Chakma Refugees and Policy Perceptions of the Government of India:**

One Central Government team that had visited Arunachal Pradesh in 1982 to study the problem of these refugees, while recommending citizenship for them, had also commented that the grant of citizenship would induce an element of responsible social behavior in these refugees.

refugees.\textsuperscript{24} The issue of Chakma refugees was also raised many times in Parliament especially since 1978. For example, there was a debate calling attention to the urgent public importance of this issue in the Lok Sabha; “Reported influx of Tribal refugees into Tripura from CHT of Bangladesh on July 27, 1978.\textsuperscript{25} There was also another calling attention to a matter of urgent public importance in the Rajya Sabha; “serious situation arising out of reported heavy influx of people from Bangladesh and Burma into North-Eastern States, particularly Assam and Meghalaya” on August 21, 1978.\textsuperscript{26}

Minister of External Affairs, Mr. A.B.Vajpai said:

“Moreover a number of Bangladesh nationals who came to India with valid-documents donot return to their country but stay on in India illegally. Because of their common ethnic origin with Indians of the neighboring states, it is difficult to trace illegal migrants.\textsuperscript{27} But in 1980, the issue of tribal refugees or Chakmas came to the forefront when Bangladesh denied that any Chakma refugee from Bangladesh was staying in India.\textsuperscript{28} However, in 1980 itself both India and Bangladesh started negotiating for the first time in Dhaka on the Chakmas.\textsuperscript{29}

India’s view was very clear that the Chakma problem was an internal problem of Bangladesh. On 28 April 1987, the Indian media reported that K.P.S. Menon, the then Indian Foreign Secretary had said on Chakma refugees: “It is the responsibility of Bangladesh side to begin the process of repatriation by convincing their citizens to return home from Indian Territory and involvement of India was ruled out.\textsuperscript{30} Again India started negotiating with Bangladesh on the Chakmas as Mr. Narsimha Rao visited Dhaka on 25h August, 1987 as a special envoy of

\textsuperscript{24} Saradindu Mukherjee, Subjects Citizens and Refugees, (Delhi, 2000) P.91
\textsuperscript{26} Ibid P.911.
\textsuperscript{27} Ibid, P.1010.
\textsuperscript{28} Ibid, P. 1020.
\textsuperscript{29} Ibid, P. 1100.
\textsuperscript{30} The Bangladesh observer (Dhaka) September 18, 1987.
the Prime Minister Mr. Rajiv Gandhi to discuss the refugee issue. Both Mr. Rao and Bangladesh President Gen. H.M. Ershad described the refugee issue as essentially Bangladeshi problem and said Dhaka had to take the initiative for a solution.\textsuperscript{31}

Despite the sympathetic and humanitarian initiative of Government of India repatriation of Chakma refugees to Bangladesh, the local governments like Arunachal Pradesh Government raised the Chakma refugee issue in March, 1989 elections as a political matter. Another blow was dealt to their precarious existence when the Arunachal Pradesh Government decided not to issue ration cards to the Chakma and Hojong refugees with effect from 1 Nov., 1991 and those already issued, were to be surrendered immediately.\textsuperscript{32}

The Minister of State for Home Affairs, M.M. Jacob replying to a Parliamentary question reiterated on 16\textsuperscript{th} December 1991 in Parliament stated that the Chakma students in Arunachal Pradesh were not to be given scholarships, book grants and hostel facilities. But their access to free schooling and merit scholarships continued undisturbed.\textsuperscript{33} Similarly, the Minister of State for Industry P.J. Kumar informed the Lok Sabha on December 1991 that the trade license was not required for setting up small scale industries by Chakma refugees.\textsuperscript{34}

On February 21, 1992 a full year prior to elections to the Arunachal Pradesh State Assembly yet another circular was signed by Circular Office Mr. Diyun withdrawing all facilities under the D.D.S. to Chakma and Hajong refugees.\textsuperscript{35} Throughout that year the Apang administration began a full-scale persecution of the refugees in keeping with a December 3, 1992 resolution unanimously passed by the State

\textsuperscript{31} Times of India, (New Delhi), August 25, 1987.  
\textsuperscript{32} Saradindu Mukherjee, Subjects, Citizens and Refugees (Delhi: 2000), P.92.  
\textsuperscript{33} India, Lok Sabha, Debates, USQ No. 3861, 16 December, 1991.  
\textsuperscript{34} India, Lok Sabha, Debates USQ No. 712, 18 December, 1991.  
\textsuperscript{35} Hindustan Times, 14 Nov. 1996.
Assembly “to depart all refugees from Arunachal Pradesh.”

In a contrary stand, the Government of India as late as 1992, had not only ruled out their deportation, but also held the view that the Chakma and Hajong refugees who numbered 30,000 then, were eligible for citizenship. However, the Government of India wanted to repatriate the Chakma refugees. As on 26th November, 1992, Mr. Eduardo Faleriro, Minister of State for External Affairs said in Parliament that it was agreed between Bangladesh and India to arrange a speedy repatriation of all Chakma refugees to Bangladesh in full safety and security.

Replying to a Parliamentary question on “Supreme Court ruling on citizenship to Chakmas” Mr. P.M. Sayeed, Minister of State for Home Affairs said on 5th August, 1993 in Parliament said that the Government was aware about the Supreme Court judgment of May 1993 regarding right of Bangladeshi refugees to Indian citizenship in the case of special leave petition by the Government of Arunachal Pradesh and M/S Khudiram and others. In its judgment, the Supreme Court quoted its earlier ruling in the case of Lous De Rae It. Vs. Union of India wherein it had, inter-alia, ruled that “the Fundamental Rights of the foreigner is confined to Article 21” for ‘Life and Liberty’ and does not include the right to reside and settle in this country as mentioned in Article 19(1)(e), which is applicable only to the citizens of this country.

Mr. Sayeed also said that the question of citizenship of these refugees was to be decided under Section 5(1) (a) of the citizenship Act 1955. Replying to another question on deportation of Chakma refugees to Bangladesh, Mr. P.M. Sayeed, Minister of State for Home Affairs said on 29th July, 1993 in Parliament that the Government of India was keen that the Chakma refugees should have returned to their homeland at the earliest. It had

36 Hindustan Times, 14 January, 1996.
39 Ibid.
40 Ibid.
been impressed upon the State Government to convince the refugees to go back to their homeland without further delay. The Bangladesh authorities had already assured the safety and security of the refugees on their return to Bangladesh. But in view of the internal character of the problem, and the uncertainties arising out of its humanitarian aspect, it would not be possible to indicate any definite time-frame for this exercise.41 Earlier, answering to a question on “Financial assistance maintenance to Chakmas”, Home Minister, S.B.Chavan said in Parliament on 29th April 1993 that an amount of Rs. 44 crore of rupees had been spent on Chakmas and Hajong refugees’ maintenance till 31.03.93 and repatriation process had been started after a full assurance of safety and security from Bangladesh.42 Again replying to a Parliamentary question on “Indian Citizenship to Chakma and Hajong refugees in Arunachal Pradesh”, Mr. P.M.Sayeed, Minister of State for Home Affairs said in Parliament on 16 Dec. 1993 that the issue of granting citizenship to the Chakma and Hajong refugees who had come to India before 25.03.1971 and were residing in Arunachal Pradesh was under consideration. There was no such consideration, however, for the Chakma refugees who had come to Tripura from Bangladesh subsequently and who were citizens of Bangladesh and therefore, were to be repatriated to their homeland. The grant of citizenship was determined in accordance with the provisions of the citizenship Rules under the Indian Citizenship Act 1955. With regard to the issue of grant of citizenship, the State of Arunachal Pradesh appeared to have certain reservations. The State Government of Arunachal Pradesh had been expressing its inability to accommodate a large number of refugees on account of local considerations.43 Government of India reiterated on the question of repatriation of Chakmas and Hajongs, on 25 August 1993 in

41 India, Lok Sabha, Debates, USQ No. 1685, 5 August, 1993.
42 India, Lok Sabha, Debates, SQ No. 808, 29 April, 1993.
43 India, Lok Sabha, Debates, USQ No. 2288, 16 Dec. 1993.
Parliament that the refugees had been reluctant to return to Bangladesh. As a result, the process of repatriation was slow.\textsuperscript{44}

Talking about the Chakma and Hajong refugees ‘demand for citizenship’ Chief Minister of Arunachal Pradesh Mr. Gegong Apang retorted immediately in May 1993; “….all I can say is that if India starts to settle refugees, then what will happen to our own people? After all land is scarce”.\textsuperscript{45} Mr. Apang also went on to offer an alternative. He suggested that the Bangladesh Government would have to adopt a more humanitarian approach and take back those who were the country’s bonafide citizens. He urged the Central Government to take immediate steps, as there was a “potentially explosive situation”.\textsuperscript{46} Officially too, the Government of Arunachal Pradesh suggested to the Government of India in 1993 that like the Chakma refugees sheltered in Tripura who were to be deported, those kept in Arunachal Pradesh might be shifted to Tripura refugee camps for onwards repatriation on Bangladesh.\textsuperscript{47}

Replying to a Parliamentary question on grant of Citizenship to refugees, “Minister of State for Home Affairs Mr. P.M. Sayeed said in Parliament on 16\textsuperscript{th} March, 1994 that the issue of the grant of citizenship to the Chakma refugees who had come to India before 25.03.1971 and were residing in Arunachal Pradesh had been receiving consideration. There was no such consideration, however for any other category of refugees.\textsuperscript{48} On 4\textsuperscript{th} May, 1994, Government of India in Parliament reiterated its stand on repatriation of Chakma refugees to Bangladesh as going on.\textsuperscript{49} Answering another question on repatriation of Bangladesh tribal refugees, Minister of State for Home Affairs, Mr. P.M. Sayeed said in Parliament on 8\textsuperscript{th} December, 1994 that after the repatriation of its

\textsuperscript{44} India, Rajya Sabha, Debates, USQ NO. 4041, 25 Aug. 1993.
\textsuperscript{45} Indian Express, 19 July 1993.
\textsuperscript{46} Indian Express, 19 July 1993.
\textsuperscript{47} The Statesman, 4 Aug. 1994.
\textsuperscript{48} India, Rajya Sabha, Debates, USQ No. 2904, 16 March, 1994.
\textsuperscript{49} India, Lok Sabha, Debates, USQ No. 215, 4\textsuperscript{th} May, 1994.
5199 Chakma refugees from Tripura in 2 phases in February and July-August 1994, the refugee leaders had declined to resume the repatriation process alleging that assurances given by the Government of Bangladesh had not been fully implemented and conditions in the CHT area were not conducive for their return. The Government of India had been making efforts to facilitate the process of repatriation of the Chakma refugees.\(^{50}\) Minister of State for Home Affairs, said on a Parliamentary question on “Quit Arunachal Notice to Bangladesh refugees”, in Parliament on 14\(^{th}\) December, 1994 that some of the Chakma refugees from Arunachal Pradesh had temporarily crossed over to Assam in September, 1994. They had since returned to their settlement in Arunachal Pradesh.\(^{51}\)

Replying to another Parliamentary question of financial burden on Chakma refugees, Minister of State for Home Affairs Mr. P.M. Sayeed said in Parliament on 5\(^{th}\) May 1994 that Government of Bangladesh assured the Government of India about life, security and protection of Chakma refugees to Bangladesh but the repatriation was slow because of reluctance of the refugees to return to Bangladesh. The financial burden of maintenance of Chakma refugees Camps was being borne by the Government of India.

Since 1986, a total of Rs. 53.01 crores had been released to the State Government of Tripura during 1993-94.\(^{52}\) Minister of Home Affairs, Mr. Sayeed Sibtay Razi informed Parliament on 6\(^{th}\) December, 1995, while speaking on a question of whether the Government’s attentions had been drawn to a news item published in the Hindustan Times dated 14\(^{th}\) November, 1995 captioned “Chakma issue puts Center in a spot”. Arunachal Pradesh was demanding shifting of Chakmas and the Chakmas had been asking for Indian Citizenship whose number had grown to 31,140. He outlined the steps Central Government proposed to

\(^{50}\) India, Lok Sabha Debates, USQ No. 312, 8th Dec. 1994.
\(^{51}\) India, Rajya Sabha, Debates, USQ No. 1187, 14 December, 1994.
\(^{52}\) India, Lok Sabha, Debates, USQ No. 6438, 5\(^{th}\) May, 1994.
take to avoid violence and ethnic clashes in the State. The Government of Arunachal Pradesh threatened to quit on the 31st December, 1995, but was advised to protect the Chakma and Hajong refugees. Also based on a complaint filed by the NHRC, the Supreme Court had on November 2, 1995, issued interim orders directing that Chakma refugees residing in Arunachal Pradesh should not be ousted from the state by coercive action not in accordance with law. The State Government was advised to take immediate action in accordance with these directions.53

With reference to a Parliamentary question whether or not the Government to India were treating all Muslim refugees as illegal immigrants or some of them were treated as refugees, Minister of State for Home Affairs, Mr. P.M. Sayeed said in Parliament on 10th May 1995 that all persons irrespective of their religion who had entered the country without valid documentations were being treated as illegal immigrants. Such persons irrespective of their religion who were recognized as refugees were being treated as refugees. No separate figures were being maintained in respect of refugees on the basis of their religion.54 Government of India’s Home Ministry reiterated over a Chakma refugee repatriation issue in Parliament on 3rd August, 1995 that even the repatriation discussed during meeting Indo-Bangladesh Joint Working Group held at Dhaka from 19-21 April 1995, had no specific time frame as the resumption of the repatriation process was dependent upon a satisfactory resolution by the Government of Bangladesh on the issues raised by the Chakma refugee leaders.55

Replying to a Parliamentary question ‘whether the Chakma and other refugees in Arunachal Pradesh are illegal settlers’, Minister of State for Home Affairs, Mr. Syed Sibtay Razi said in Parliament on 7th

53 India, Rajya Sabha, Debates, USQ No. 984, 16 December, 1995.
54 India, Rajya Sabha, Debates, USQ No. 5601, 10th May, 1995.
55 India, Lok Sabha, Debates, USQ No. 727, 3rd August, 1995.
December 1995, “following large scale violence in the then East Pakistan in 1964, about 1.40 Lakh people belonging to minority communities had migrated to Assam. After consultations with the State Government of Assam, then North-East Frontier Agency (NEFA) Administration and the Central Government, 2902 Chakma/Hajong refugees families were settled in parts of the then NEFA now Arunachal Pradesh. As a part of rehabilitation scheme, most of these families were allotted plots of land and also sanctioned rehabilitation grants. There is some resentment in the state on account of the settlement of Chakma/Hajong refugees and the issue of the grant of Indian Citizenship to them. This had led to tensions. The State Government has been requested to maintain law and order and to ensure the security of all residents in the State, including the Chakma and Hojong refugees. Based on writ petition filed by the NHRC, the Supreme Court issued directions on 2.11.1995 that the Chakma refugees living in Arunachal Pradesh shall not be ousted from the state by coercive action not in accordance with law. These directions were immediately conveyed to the State Government for compliance.56

In its editorial, the national newspaper the Hindu (Dated 11 Nov. 1995) critically analyzed the role of NHRC vis-à-vis the plight of Chakma and Hojong refugees in North-East region as follows: THE DIRECTIVE OF the National Human Rights Commission to the Chief Minister of Arunachal Pradesh, Mr. Gegong Apang, not to evict the Chakmas must be welcomed as any action which results in their displacement would cause untold misery to them. The Chakma refugees have been in that State for over 30 years now and cannot be treated on at par with those who left Bangladesh some 10 years ago when they were virtually driven out of the CHT. Some 60,000 of them had settled in Tripura and vigorous efforts to bring them back to the CHT have not yet

56 India, Lok Sabha, Debates, USQ No. 1821, 7 December, 1995.
fully succeeded. The Chakma and Buddhist refugees in Arunachal Pradesh had to flee from the erstwhile East Pakistan and they landed in the former North East Frontier Agency (NEFA) which is now known as Arunachal Pradesh, Mr. Apang, who has been Chief Minister for a record number of years is very keen that they should be sent out of the State as his Government is finding it extremely difficult to maintain them. Mr. Rangnath Mishra, who was the Chairman of the Human Rights Commissions, was emphatic that even if the Chakmas were not Indian citizens, they were entitled to protection as they had been in the state for over 30 years. During the elections to the Assembly all the political parties, including the ruling Congress (I), had promised the people that the immigrants would be thrown out. As an election promise their assurance was understandable, but it must not be forgotten that they were first allowed to come to India purely on humanitarian grounds. In Assam and elsewhere in the North-East, refugees had been accepted although reluctantly and it would be most uncivilized act to push them back to a country where they are not wanted. The All Arunachal Pradesh Students’ Union has been carrying on a propaganda war to secure their eviction. Precisely for this reason, the Government of India was toying with the idea of conferring Indian citizenship on them so that they could live in peace in any part of country. Mr. P.M. Sayeed who was then Minister of State for Home Affairs, having first announced in Parliament that the Government was considering the grant of citizenship, later backed out under pressure from the Chief Minister when he said that it would not be granted until the issue was considered in its total perspective. Meanwhile the committee for citizenship of the Chakmas in Arunachal Pradesh has sent a representation to the Human Rights Commission asserting that while the Chakmas and the Hojong communities settled in the other North-Eastern States were enjoying full-fledged rights of Indian citizenship, those in Arunachal Pradesh were
treated as aliens because of the State Government’s adamant opposition to the Central Government policies in this respect. There have been reports that the State Government had behaved irresponsibly towards them in withdrawing facilities they had been enjoying under the public distribution systems. The Chief Minister should realize that the Chakmas are a national problem and it is imperative on his part not to allow the administration to behave in an arbitrary manner towards them. The Human Rights Commission’s intervention had added a new dimension to the problem and its resolve to send a fact-finding mission, if necessary, to study at first-hand their status and position in the State as a positive step. This is in consonance with broad objective of the Commission, which is endeavoring to emphasize the point that the nation is going through a phase, “when there is a profound yearning for a return to decency and fair play in society. “ This yearning is manifesting itself in a variety of ways- from demands for greater probity in public life to, as the commission has rightly said, demands for greater respect for the rights of the people in all parts of country.57

Replying to a Parliamentary question on ‘whether the Supreme Court gave a ruling recently that there should be no forcible eviction of Chakma refugees from Arunachal Pradesh ‘, Minister of State for Home Affairs, Mr. Syed Sibtey Razi said in Parliament on 6th March, 1996: “ The Supreme Court, by its order dated 9.1.1996, has directed, inter alia, that the life and personal liberty of each and every Chakma residing within the State shall be protected and that, except in accordance with law, the Chakmas shall not be evicted from their homes. Certain groups in Arunachal Pradesh have expressed their resentment in this regard. Earlier, on 29.12.1995, orders were issued constituting a High Level Group under the Chairmanship of the Union Home Minister to look into the background of the issue of Chakmas and Hajongs in Arunachal

Pradesh and identify the course of action to be adopted. The Group in its meeting held on 5.1.1996, decided to setup an official level sub-committee to suggest the course of action which could be adopted expeditiously for a resolution of the problem. The Sub-Committee was also expected to visit Arunachal Pradesh. On the reference from the Government of Arunachal Pradesh, the State Government has been informed that the High Level Group and the sub-committee can continue to carry on their work but such work will have to be in pursuance of the directions given by the Supreme Court, and not in derogation thereof. As such, the State Government was requested to indicate its convenience for continuing the work of the sub-committee, which included a visit to the state. The State Government was also directed to “enter applications of Chakmas for registration as citizens under section V of the Citizenship Act of 1995 in register maintained for that purpose. Immediately after the Supreme Court’s verdict on the Chakma refugees, the Arunachal Pradesh Government prepared a white paper in March, 1996. It warned: “If the issue is not resolved quickly, fissiparous tendencies may again gain ground in Arunachal”. The White Paper had blamed the Assam Governor, Vishnu Sahay who was instrumental in setting these refugees from East Pakistan in NEFA. In doing so, the White Paper pointed out, not without reason, the constitutional and legal provisions which prohibited people from outside Arunachal from even entering the State. In this White Paper, presented to the President Dr.S.D.Dharma, an appeal was also made to have the Supreme Court order reconsidered. Chief Minister Mr. Apang also said that the Supreme Court had made a mistake.

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58 India, Rajya Sabha, Debates, USQ. No.627, 6th March 1996.
59 Hindustan Times, 15 March 1996.
60 Times of India, 15 March, 1996.
Sri Lankan Tamil Refugees:

In Sri Lanka the State, through a gradual process beginning in 1956, acquired a Sinhala-Buddhist bias. The original violent communal conflict of 1956 was limited mainly to a part of the Eastern Province and erupted as sequel to the enactment of the official language Act which made Sinhalese the only official language of Sri Lanka. Political representatives of the Tamil organized protest against this measure, was considered discriminatory, and the Sinhalese retaliated. Tamils feared the prospect of Sri Lanka turning into a Sinhalese Buddhist state as a threat to their existence and the distinctiveness of their culture. On the other hand, Tamils entertaining plans of separatism or autonomy bring to the Sinhalese mind fears of getting integrated with the over 50 million ethnic Tamils living across the narrow stretch of sea separating the Island from Tamil Nadu in Southern India. In this context, when Tamils, who fled from violence in 1983 and in years thereafter, went particularly to Tamil Nadu, The presence of Tamil refugees numbering more than 2, 20,000, there became a problem both for India and Sri Lanka. Half of the Sri Lankan refugees in India were sent back following the conclusion of the Indo-Sri Lankan Agreement in July 1987 and subsequently through the good offices of the UNHCR.

Sri Lankan Tamil Refugees in Tamil Nadu:

Existence of large numbers of Sri Lankan Tamils in Tamil Nadu naturally spelt problems to India which had to house, feed, care of them and provide security. To the Sri Lankan Government, it meant working out a suitable relationship with its proximate neighbor that would not cause misunderstanding, embarrassment and unwholesome international relation. Also, the Sri Lankan Government feared the refugee Tamils getting together with the Tamil Nadu Tamils as a threat. The Sri Lankan refugees, who entered India, by their quantity alone, posed a formidable problem to Tamil Nadu and the Indian Government. The Sri Lankan
Tamil refugees came to India- to the state of Tamil Nadu in two waves. The first exodus- of refugees commenced on 24 July 1983 and continued till 29 July, 1987. During this period, 1, 34,053 refugees arrived in India. Following the India-Sri Lanka Accord of 1987 and 31 August 1989, 25,585 camp and non-camp refugees returned to Sri Lanka by chartered ships. Remaining refugees either returned to Sri Lanka without government assistance or continued to stay in Tamil Nadu either with their relatives or by their own means. The second Eelam war triggered a fresh exodus of refugees. After 25 August 1989, 1, 22, 000 refugees came to Tamil Nadu. Many of these were destitute and were accommodated in refugee camps. An estimate shows that since 1990 approximately 1, 20, 2000, Sri Lankan Tamils have been living in Southern India in refugee camps run by the Government of India, while another 80,000 were living outside the camps.\footnote{Betram, Basitiampillai “Sri Lankan Tamil Refugees in Tamil Nadu: Trouble to the Host,” in S.D. Muni and Lok Raj Baral (Ed), Refugees and Regional Security in South Asia (Delhi, 1996), p.195, 220.} The Sri Lankan refugees in Tamil Nadu could be categorized into three classes: (1) those in Refugees camps: According to the Policy note for 1994-95, issued by the Tamil Nadu Government, 68,543 refugees were accommodated in 122 camps located in different parts of the state, (2) refugees who have been identified as belonging to militant groups, 1, 629 militant refugees are stationed in five special camps in the state, (3) refugees who maintain themselves, outside the camps. Following Rajiv Gandhi’s assassination (May, 1991), the Tamil Nadu government asked these refugees to register themselves with the nearest police station. By July 1991, 26363 refugees registered themselves with police. Soon afterwards, the police wanted to apprehend those who had not registered, which resulted in the arrest of 1, 800 refugees under the Foreigners Act.

**Sri Lankan Tamil Refugees and Indian Politics:**

The refugee phenomenon is the offshoot of the Sri Lankan Government’s savage attacks on Sri Lankan Tamil Population. The Sri
Lankan Tamils are highly politicized and the refugee became reservoir for recruitment into Tamil militant groups. The competitive nature of Tamil Nadu politics, with the two Dravidian parties vying with one another in championing the Sri Lankan Tamil cause and New Delhi’s policy of arming the Tamil militants naturally resulted in the Government turning a ‘Nelson’s eye’ to the atrocities committed by the Tamil militants. Whether it was the bomb blast in the Meenambakkam airport, the conversion of Tamil Nadu coast into sanctuary-supply base for the war machine or intra-militant violent clashes- the Tamil militants had their way and became a law unto them. It was only in March 1990 that Tamil Nadu refused asylum to 1,638 Tamil Eelam Liberation Organization (TELO), Eelam National Democratic Liberation Front (ENDLF) and Eelam People’s Revolutionary Liberation Front (EPRLF) cadres who were dispatched to Malkangiri in Orissa State. Later only the ENDLF members remained in a militants’ camps. All trained by Indian Security Forces, they could dismantle and assemble a gun in seconds. The dastardly assassination of Rajiv Gandhi in May 1991, allegedly by a suicide squad of a LTTE, swung the pendulum to the other extreme. Tamil Nadu is yet to recover from the catharsis, the Sri Lankan Tamils, obviously, overnight became unwelcome in Tamil Nadu as well as in India as a whole.

A decrease in refugees in Tamil Nadu afterwards was owing to the implementation by the government of India and Sri Lanka from the beginning of 1992, of their bilateral agreement on repatriation. Accordingly at end of May 1992 itself over 23,000 persons returned to Sri Lanka. However, the repatriation scheme did not operate smoothly or uninterruptedly. Yet it was resumed on 13th August, 1993 after almost one year. Allegations were made that repatriation was not of a voluntary nature and conditions in Sri Lanka were not conducive for the return of

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63 Ibid, P.197.
refugees. T.N.Gopalan in “A Report on the conditions of the Sri Lankan Tamil refugees in Tamil Nadu and Sri Lanka” in November 1993 presented a somewhat contrary view about repatriation: but it appears to be more emotionally informed and hence relatively partisan.64 Between March 1991 and September 1993, out of 1.2 lakhs of refugees in Tamil Nadu camps, 36,000 were sent back.65 Refugees ‘once cared for, well protected’ and for whose children places were reserved in higher educational institutions, suddenly became unwanted guests, were suspected harassed and even persecuted after Rajiv Gandhi’s assassination in 1991. Additionally, special camps with sub-jail conditions were designed to make the refugees’ life difficult.66 However, conditions of reception by the host even earlier had soured when the Liberation Tigers of Tamil Eelam (LTTE) confronted in 1987 the Indian Peace Keeping Forces (IPKF). Refugees’ boats had been seized in 1990 so as to dissuade their influx into India and conditions in camps were allowed to deteriorate order to coax refugee to leave. But remarkably there still was no violence against the Sri Lankan Tamil refugees even after Rajiv Gandhi’s assassination unlike the scenario vis-à-vis the Sikhs after Indira Gandhi murder.67 After August 1993, about 69,000 Tamils returned from Tamil Nadu following a limited improvement in human rights and a lull in fighting in Sri Lanka in early 1993 which promised that “…….Peace was close at hand”.

Linguistic and religious affinities made Tamil Nadu familiar to Tamil refugees ever since they fled, mostly later from North and East of Sri Lanka.68 Hence the burden of bearing the refugees influx strained principally Tamil Nadu. The Center reimbursed the costs of the state but even then there was resentment as to why Tamil Nadu alone had to

64 Ibid, P. 198
65 Ibid, P. 198.
66 Ibid, P.199.
67 Ibid, P. 199.
68 Ibid, P.200.
shoulder the problem of refugee accommodation. Of about 68,000 refugees in Tamil Nadu, one third obtained assistance from the Indian Government and about 90 percent of the refugees in camps confessed that they fled to Tamil Nadu through fear of Sri Lankan security forces. And more than 10 percent of the arrivals had suffered the loss of a family member or more.

India was host to refugees from countries such as Afghanistan, Iran and Burma and had allowed UNHCR to have a small office and assist some of them in a limited way. Nevertheless, India was not a signatory to the 1951 UN Refugee convention. This restricted UNHCR from “exercising its full assistance and protective mandate in regard to the 2, 10,000 Sri Lanka in Tamil Nadu…. ” The only help taken by India from UNHCR following Tibetan (1959) and Bangladeshi (1951) crises and arrival of refugees was financial. But in a surprise move in July 1992 India signed a Memorandum of understanding with UNHCR. This made UNHCR to get involved in repatriating Sri Lankan refugees. Indeed, India had even dispatched a ship to Sri Lanka in Sept. 1983 for collecting about 1000 up country Tamil people from camps in Colombo after the July ethnic riots.

Sri Lankan Tamil Refugees and Militancy (LTTE) vis-à-vis Security implications of the Refugees:

To a country like India, the refugees were a financial burden and an added administrative chore. But more seriously, in addition to genuine asylum seekers fleeing in fright, with India showing a concern for the affected Tamil people of Sri Lanka during Premiership of Indira Gandhi, the Tamil militant presence in Tamil Nadu also increased. This brought in its wave grave problems. After July 1983 all the principal Tamil militant groups operated from Madras receiving from the government both covert and overt support. Clearly, both the central and the state governments were not only supplying aid to them but also
assisting Sri Lankan Tamil guerrillas with training. Indira Gandhi
“…….helped Tamil secessionist groups to the maximum extent
possible.69 Later no doubt, her successor” Rajiv Gandhi declared that
Eelam was against India’s interests and cracked down on Tamil militants
groups in India.70 But already in Tamil Nadu, militant Tamil groups,
especially LTTE found a patron in M.G. Ramachandran, Chief Minister
who at one time donated, Rs. 30 million (Indian) to the Tigers and also a
lesser sum to Eelam Revolutionary Organization of Students (EROS).71
Prime Minister Rajiv Gandhi did not completely cut off support but
distanced himself from Tamil militants as he played peacemaker in Sri
Lankan ethnic conflict. He organized negotiations between Sri Lankan
government and Tamil militant groups in July 1985 in Thimpu (Bhutan).
But they failed and Indian mediation tried again in April and December,
1986 too failed likewise. Rajiv Gandhi gave almost eviction notice to
them in Tamil Nadu. Tiger leadership then shifted to Jaffna peninsula in
Sri Lanka in January 1987 and has since continued fighting Sri Lankan
Government during uneasy peace intervals that followed Indo-Sri
Lankan Agreement of 29 July 1987 and the lull during a period of secret
but fruitless discussions between 1989 and 1990.72 Prof. S.D. Muni,
South Asian expert, has given a detailed picture of ethnic violence of
July 1983 and the out flow of victims directly affected India. As he says
victims of violence were not only Sri Lankan Tamils but also estate
workers of Indian origin. The government in India then could not
“remain a silent spectator”. Apart from “affecting the Indian Nationals
and the Indian establishments” in Sri Lanka, “India’s regional concern as
well as its ideological sensitivities, including threats to internal stability
and order in its own Southern state of Tamil Nadu all “weighed more

70 Ibid, P. 204.
71 Betram Bastiampillai “Sri Lankan Tamil Refugees in Tamil Nadu” Trouble to the Host” in S.D. Muni
72 Ibid, P. 205.
heavily on India’s policy-making”. In such a situation no wonder Tamil militants were able to exploit to advantage their stay in India when they found that India’s concern brought strains between India and Sri Lanka and empathy towards Tamils. However, the activities of the Tamil Militant groups who had a free run of Tamil Nadu clearly till 1987 and especially of LTTE among the refugees there spelt dangers to the State Government of Tamil Nadu and also to the Indian Government. When it thus became evident that India and Tamil Nadu were exhibiting concern over the ethnic conflict in Sri Lanka, refugees who had sought sanctuary discerned that there was also active sympathy towards them. In such an embittered mood many refugees saw in the Tamil militant groups their saviours and often there grew a symbiotic relationship between refugees and militants. Whenever the militant posed their law and order problems or even worse, severe threat to peace and security in Tamil Nadu or India elsewhere, the relationship that had developed and prevailed between refugees and militants caused greater difficulties. It was not a surprise then that repatriation of Sri Lankan refugees occurred in 1987 and 1992, the first movement being after Indo-Sri Lankan Agreement. Then the assassination of Rajiv Gandhi on 21 May 1991 prompted India to repatriate refugees again more than ever before. Before UNHCR’s entry, India repatriated 23,126 refugees between 20 January and 15 May 1992.

Even though its mandate was very limited, yet “the UNHCR presence deterred any forcible repatriation”. That out of 2,948 refugees screened by UNHCR only 90 withdrew applications for repatriation leads one to believe that a number of refugees went back voluntarily and the complaint of coercion was exaggerated.

Armed robberies in Tamil Nadu and rising crimes were blamed by

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Chief Minister Mrs. Jajalalitha on the Sri Lankan Tamil Refugees.\textsuperscript{74} In April 1994 two major highway robberies, one near Sri-Perumbudur off Madras and the other near Madurai, caused panic among local inhabitants. Mrs. Jayalalitha ascribed to the unemployed Sri Lankan Tamil youth the introduction of certain new crimes such as robberies and drug trafficking into the State.\textsuperscript{75} Sri Lankan Tamils countered “that barring some members of the militant outfits who go about on motor cycles and indulge in chain snatching, most of the refugees are law abiding.”\textsuperscript{76} Chief Minister Jayalalitha acknowledged the validity of their reasoning adding that Sri Lankan Tamils were up to crime for sheer survival. Nevertheless she felt that providing sustenance to refugees was neither Tamil Nadu’s nor the Indian Government’s responsibility but that of Sri Lanka.\textsuperscript{77} Tamil refugees alleged, in turn, that since Rajiv Gandhi’s assassination in 1991, anti-Sri Lankan Tamil feeling has escalated in Tamil Nadu and India and that Sri Lankan Tamil refugees had been made into scapegoats. Yet it was evident from a report from India in Daily News of 11 April 1994 that “Lankan Tamils have not been angels” and “….. Technology of crime in Tamil Nadu has been upgraded”. Since Sri Lankan Tamils had poured in after 1993.Additionally it was alleged that, “drug-trafficking and passport law violations have also been their contribution to Tamil Nadu’s changing crime culture.”\textsuperscript{78} In 1983, when violence rupted in Sri Lanka, reaction in Tamil Nadu was spontaneous. Chief Minister M.G. Ramachandran appealed for a week’s mourning and a state bandh. Prime Minister Indira Gandhi reinforced this show of sympathy and protest against treatment of Tamils in Sri Lanka by ordering Central Government establishments to close for the bandh.\textsuperscript{79}

\textsuperscript{74} Betram Bastiampillai “Sri Lankan Tamil Refugees in Tamil Nadu” Trouble to the Host” in S.D.Muni and Lok Raj Baral (ed), Refugees and Regional Security in South Asia (Delhi: 1996).P.207.
\textsuperscript{75} Ibid, P.207
\textsuperscript{76} Ibid, P.207
\textsuperscript{77} Ibid, P.208
\textsuperscript{78} Ibid, P-208.
\textsuperscript{79} Ibid, P-208.
The real difficulty in Tamil Nadu and India arose when inter-party rivalries were exploited by leaders like Karunanidhi, Chief of DMK in an endeavor to sympathize with the refugees flooding into Tamil Nadu and to demonstrate disapproval of the events in Sri Lanka. As Prof. S.D. Muni depicts the scene, the presence in Tamil Nadu of refugees “activated the Tamil Social Constituency in India and many Tamil public figures, media organizations and even local politicians started sympathizing with them.  

So far as security aspect was concerned, Tamil militant groups indulged in orgies of mutual annihilation, which compounded the already bad law and order problem faced by Tamil Nadu authorities owing to the influx of refugees. Even two militant leaders, Uma Maheswaran (PLOTE) and V. Prabhakaran (LTTE) had a “shoot out in pondy Bazar in May 1982, in Madras before the real influx of refugees. Then on 2 August 1985, a bomb meant for an Air Lankan plane was planted and exploded at the Meenambakkam airport in Madras. It killed 24 Sri Lankans and 6 Indians and damaged the airport badly. This showed how dangerous to Tamil Nadu could be the refugee militant activity of a small group, Tamil Eelam Army (TEA).Militant Groups in Tamil Nadu covered by “the patronage extended to them by RAW and other Central Intelligence Agencies behave as if they were a law unto themselves. On 1 Nov. 1986, Deepavali, day of rejoicing to Hindu, following a minor dispute, a member of the Eelam People’s Revolutionary Liberation Front (EPRLF) opened fire at Choolaimedu in Madras killing a lawyer and injuring several persons from Tamil Nadu. A leading newspaper, the Hindu editorially commented on this outrage cataloguing some of the violence committed earlier by refugee militants: Hospitality has been repaid with ‘terrorist machine gunning in the streets

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80 Ibid, P.208.  
81 Ibid, P.211.  
82 Ibid, P. 211.
of Madras……., and the government was asked to protect its citizens through enforcing law and order combined with political action. To aggravate the situation, in the same day ‘………..Cadres of another Sri Lanka Tamil Militant organization (PLOTE) had descended upon a Tanjavur village to back up their threat……’83. The Hindu emphasized that these were not isolated incidents. There were earlier shoot-outs between two leaders of militant organizations on 19 May, 1982 and Meenambakkam airport blast and then “…..The massacre of August 1984 (30 innocent people were killed), the clash between local incidents and armed militants in Vedaranyam in December 1985 and the shooting incident at Saligramam (Madras suburb) in May, 1986.84

Murder and Mayhem wore out the patience of the hosts whose law and order situation and security were in dire peril because of refugee militants. Moreover, India was to host the SAARC Summit in Bangalore from 15 to 17 Nov. 1986. Both the State and Central Governments were aware that militants could “attempt to cause physical harm to President Jayawardene”85 of Sri Lanka.

The severe danger, the presence and movement of armed refugee militants, posed to Tamil Nadu and India was sharply summarized by Thomas Abraham, a former Indian High Commissioner to Sri Lanka. He complimented the police and Chief Minister on having “acted to prevent the conversion of Tamil Nadu into another Lebanon.”86 Of course, Indian official stance was that there were “no militants or training camps in Tamil Nadu”. The police operation “had unearthed a large cache of arms and the militants were picked up from their camps.”87 It was indeed an embarrassment then for Indian Governments, caused by the presence of armed militants harbouried as refugees. Even the assassination of Rajiv

83 Ibid, P.211.
84 Ibid, P.211.
85 Ibid, P.211.
86 Ibid, P.212.
87 Ibid, P.212.
Gandhi could have been prevented if the LTTE had been curbed in South Asia.\textsuperscript{88} The LTTE is suspected of working towards the creation of sympathy in South India for its separatist scheme which could be a more grandiose separatist Pan-Dravidian greater Eelam movement there.\textsuperscript{89} The LTTE especially is thought of aspiring to establish connections with countries hostile to India, particularly to procure and smuggle weapons into India and Jaffna in Sri Lanka and to establish safe havens for escape and sanctuary, in the event of detection and danger. Already allegations of drug peddling by refugees and militants had been made. Further, the killing of the EPRLF leader Padmanabha and others on 19 June, 1990, caused fear and insecurity among the ordinary citizens, and such terror could again be aroused among citizens.\textsuperscript{90} While the threat and danger to Tamil Nadu and India because of refugee militants must be recognized and action should be taken to avert them, yet Indian policy towards the genuine refugees could be “more humanitarian and less political.”\textsuperscript{91} Indian policy towards Sri Lankan refugees was magnanimous until the time of Rajiv Gandhi’s assassination. There is occasional tussle between Tamil Nadu which wants the ban on the LTTE continued and the Central Government of India which is at times slow on doing it.

**Sri Lankan Tamil Refugees and Policy Perceptions of the Government of India:**

So far as official stand of Government of India is concerned, it is a humanitarian approach towards Sri Lankan refugees which was reflected in debates in Parliament from time to time. Replying to a Parliamentary question on “the number of Sri Lankan refugees in India and expenditure on their maintenance”. Mr. Subodh Kant, Minister of State for Home Affairs said in Parliament on 25\textsuperscript{th} Feb. 1991, “Up to 31\textsuperscript{st} 1990, 1, 21,790

\textsuperscript{88} Ibid, P.213.
\textsuperscript{89} Ibid, P.215
\textsuperscript{90} Ibid, P.215.
\textsuperscript{91} Ibid, P.215
Sri Lankan refugees arrived in India and an amount of Rs. 13.47 crores have been spent on providing relief facilities and accommodation to these refugees.\textsuperscript{92} Answering to Member question relating to repatriation of Sri Lankan refugees, Madhavsihn Solanki, Minister of External Affairs said in Parliament on 27\textsuperscript{th} Feb. 1992: “During the visit of the Sri Lankan Foreign Minister to Delhi from 5\textsuperscript{th} to 7\textsuperscript{th} January 1982, the Sri Lankan Government conveyed that it was in a position to take back Sri Lankan refugees presently in India. It was then decided to commence the reverse flow of refugees’ camps in India, based on their willingness, to return. In consultation and agreement of refugees commenced from 20\textsuperscript{th} of January 1992. Between 20\textsuperscript{th} of January and 21\textsuperscript{st} of February, 1992, 35038 Sri Lankan refugees have been repatriated to Sri Lanka.\textsuperscript{93}

Answering to another Parliamentary question an amount given by the Centre to Tamil Nadu and Orissa for providing relief to Sri Lankan refugees, Mr. M.M. Jacob, Minister of State for Home Affairs said in Parliament on 8\textsuperscript{th} July 1992: “An amount of Rs. 72.00 crores has been released by the Government of India so far to the State Government of Tamil Nadu and Orissa for providing relief facilities and accommodation for the Sri Lankan refugees.\textsuperscript{94} P.M. Sayeed, Minister of State for Home Affairs informed Parliament on 26\textsuperscript{th} August, 1993 over a question “whether some of them have expressed their desire to settle in India permanently”, as the refugees were Sri Lankan citizens, they were required to be sent back to Sri Lanka in due course. There was no question of their settling down permanently in India. However, some refugees had filed writ petitions in the Madras High Court for grant of Indian citizenship and consequent rehabilitation assistance. The petitions were being opposed by the Government.\textsuperscript{95} Government of India

\textsuperscript{92} India, Lok Sabha, Debates, USQ No. 302, 25\textsuperscript{th} Feb. 1991.
\textsuperscript{93} India, Lok Sabha, Debates, SQ No. 51, 27\textsuperscript{th} Feb. 1991.
\textsuperscript{94} India, Rajya Sabha, Debates, USQ No. 56, 8\textsuperscript{th} July 1992.
\textsuperscript{95} India, Lok Sabha, Debates, USQ No. 4692, 26\textsuperscript{th} August 1993.
informed Parliament over a Parliamentary question on expenditure for Sri Lankan refugees on 16th December 1993 that from July 1983 to Oct. 1993 an expenditure of Rs. 89.77 crores was incurred on providing relief facilities and accommodation to Sri Lankan refugees.96

Replying to a Parliamentary question on “whether the UNHCR was willing to set up additional transit camps and to arrange ships to repatriate the Sri Lankan refugees” P.M. Sayeed, Minister of State for Home Affairs said in Parliament on 8th Dec. 1993 that as the Sri Lankan refugees staying in camps in Tamil Nadu were being repatriated, the question of setting up additional transit camps did not arise. To facilitate early repatriation of refugees willing to go back home, the UNHCR did not indicate its willingness to offer logistic support for transportation of such refugees but it was not considered necessary as the Government on its own could arrange the necessary transportation.97 Home Minister S.B. Chavan said in Parliament on 12th May, 1994 relating to a question “whether the Government are considering the question of granting Indian Citizenship rights to certain categories, “ that so far as refugees from Sri Lanka were concerned, as they were Sri Lankan nationals, there was no question of granting them Indian citizenship. 98

In regard to the Sri Lankan refugees’ repatriation question, Government of India said in Parliament on 22nd Dec. 1994 that repatriation was an on-going process and would commence as and when adequate number of willing refugees were available and conditions became favourable.99 It showed the Government never repatriated Sri Lankan refugees forcibly as was alleged in 1992. Union Home Minister informed Parliament on 23rd March 1995 that from July 1983 to Feb. 1995, an amount of Rs. 108.34 crores had been incurred on providing

96 India, Lok Sabha, Debates, SQ No. 25, 16th December, 1993.
97 India, Rajya Sabha, Debates, USQ No. 736, 8th December, 1993
98 India, Lok Sabha, Debates, USQ No. 677, 12.05.94.
99 India Lok Sabha, Debates, USQ No. 2438, 22nd Dec., 1994.
relief facilities and accommodation to Sri Lankan refugees. Annual Report (1997-98) Home Ministry, G.O.I. mentioned: “In the wake of ethnic violence in Sri Lanka, 1, 34,053 refugees had crossed over to India between July 1983 and November 1987. Of these 46,101 refugees returned to Sri Lanka. In the second phase of ethnic violence, 1, 22,241 refugees arrived in India between August 1989 and April 1991. Thus, the total number of Sri Lankan refugees in India as on 19th January 1992 was 2, 10,193. Of these, 1, 13,772 refugees were staying in camps in Tamil Nadu and Orissa. 94,421 refugees were staying outside the camps. On humanitarian considerations, the refugees were granted temporary stay facilities in the hope that once ground conditions in Sri Lanka improved, they would return to their homeland. With the improvement in ground conditions in Sri Lanka, the process of repatriation of refugees commenced with effect from 20th January 1992. The repatriation process could not be resumed after March 1995 because of the lack of sufficient number of refugees willing to be repatriated and due to disturbed conditions in Sri Lanka.

The Refugees and India’s Security:

Victims of a threat to their own security, refugees in turn pose a security dilemma to the host country. As the most important refugee receiving nation of South Asia, the problem of refugees affects India’s domestic and regional security. The arrival of refugees in India has affected the dynamics of nation-building and perceptions of national and regional security. This requires an assessment of the external dimension of the refugee problem vis-à-vis the impact it has no relation between the host country and the refugee-creating country.

Primary source of refugees or illegal migrants into India in the years after partition in 1947 has been from the Eastern Wing of Pakistan now Bangladesh. The attitude of the government of India in the early

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100 India, Lok Sabha, Debates, USQ No. 1414, 23rd Dec. 1995.
days after partition was clearly enunciated by Jawaharlal Nehru who had said: “People, especially those who are in danger should for the present be allowed to come away anyhow, and the door should be kept open for them to travel from one part of Bengal to the other.”\textsuperscript{101} The fear which prompted people to free erstwhile East Bengal/East Pakistan was well recognized by the political establishment. Pandit Nehru had said: The Present position is that, so far as the Hindu population of East Bengal is concerned……..the entire population is full of fear and apprehension about the future and given the opportunity, would like to come way.\textsuperscript{102} Among forced migrants, the position of Chakma tribals from CHT, permanent victims of insecurity, both as a small ethnic, linguistic, cultural minority in Bangladesh. Some of 45,000 Chakmas fled across the international border into India in 1963 pushed out by the pressures of a modernizing East Pakistan and the Kaptai Hydro-Electric Project that inundated their home land. They settled in Arunachal Pradesh, Tripura, and Mizoram. It is a case study in the security dilemma of nations in the making, coping with the internal dynamics of identity-formation in pluralistic societies and external problem of regional security. The varying facets of struggle were visible in Assam during the Bengal Kheda movement in the 1950s. This gathered momentum in the next decade only to transform itself into a militant ‘sons of the soil’ agitation which acquired legitimacy, culminating in the intense turbulence of the AASU between 1979 and 1985.\textsuperscript{103} Since then the Assam Valley has been rocked by successive waves of ethnic conflicts, affecting internal security and destabilizing the political environment. The AASU was followed by the ULFA insurgency movement that splintered into Bodo agitation. The Bodo agitation began in the early 1990s provoked by

\textsuperscript{102} Ibid, P.262.  
\textsuperscript{103} Ibid, P. 106.
Assamese linguistic chauvinism and turned into a violent struggle in the Barak Valley. The Indian Army was involved in two major operations namely: Operations Bajrang and Operation Rhino in 1990-91 to try and break the back of ULFA movement.\textsuperscript{104} In 1965, Chakma refugees were given titles to land in the tribal areas of Arunachal Pradesh/NEFA. The original Chakmas may be unrecognized by the Census, but their progeny born in India have a right to citizenship.\textsuperscript{105} The emergence of these Chakmas, Indian by birth but refugees by parentage, has upset the demographic political and social balance in Arunachal Pradesh.\textsuperscript{106} The local population is threatened by an increasing sense of being marginalized in their homeland by a culturally and ethnically different group. In a bid to protect themselves from being ousted, the Chakmas have built links, according to reports, with militant organizations, causing the balance of forces to change the posing problems for internal security. It is significant that the tribal Chief Minister of Tripura, Mr. Dasarath Deb has opposed the Government of India’s move to lift the inner line regulation system, which imposes restrictions on free movement and settlement of people within the area of state. Rejecting the proposal, Mr. Deb said in Agartala that “the socio-economic identity of the most backward tribal areas had already been seriously threatened as a result of unchecked influx from Bangladesh and the then East Pakistan.\textsuperscript{107} The presence of Chakmas in Tripura has exacerbated the tensions between the Bengalis and the Tribals, increasing the violence against the former in the state, spearheaded by organizations like the militant Tripura National Volunteers (TNV). There are fears of collusion between unhappy Chakmas and the TNV which has, according to reports form Indian Intelligence sources, contributed to build up arms with the

\textsuperscript{104} Ibid, P.106.
\textsuperscript{105} Frontline, 2 July, 1994.
\textsuperscript{106} Times of India, 28 July, 1994.
\textsuperscript{107} Times of India, 25 June 1994.
militant TNV. So far as repatriation is concerned, in 1994 first batch of 11,000 Chakmas were repatriated to Bangladesh. But while it may be possible to repatriate the 50,000 Chakmas from Tripura, it would be impossible to repatriate about 80,000 Chakmas who live in Arunachal Pradesh and a few thousands more who have been absorbed into the polity in Meghalaya. Under the terms of the 1985 Assam Accord signed by AASU and the Congress Government headed by former Prime Minister, Rajiv Gandhi, foreigners who had entered the state from Bangladesh were to be detected their names, scratched off the electoral rolls and they were to be sent back to country of their origin. 108 In a peculiar arrangement, those who had come over from Bangladesh immediately before 1971 would be given a ten year guarantee period, to serve as probationary citizens, before their legitimacy would be recognized. The Assam accord for the first time in India’s independent history sought to create a sieve that would filter out the infiltrator/refugee/migrant from the citizens of the state. The Assam movement was a serious threat to India’s internal security and the problem was contained through the device of an accord, conceding the principle that illegals had entered Indian soil, polluted the environment and therefore ought to be removed. The yardstick, however, would not work in the hands of a political elite with a different ideological orientation. In the hands of the votaries of Hindutva, none of the Hindus in India, not even migrants/infiltrators are aliens but the religious minority of Muslims from Bangladesh most certainly is unfortunate, the historical process of migration has not worked in ways that can fit the theoretical proportions of the Hindutva Votaries. 109

As a convenient rallying point, the issue of religious identity is recurring motif in the politics of India. Sudipto Kaviraj has pointed out

that the secular model in the politics of nationalism constructed by the Congress, particularly “its Nehruvian stream” “underestimates the alarming extent to which the power of Indian nationalism emerged from, or was a merely politically redescribed or redirected from the power of violated religious sentiments” and which continues to manipulate sentiments in pursuit of power, by playing upon the theme of identity.\(^{110}\)

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