Refugees are an integral part of the international system in ways that we do not usually realize and this is also the case with India. The current international refugee regime, embodied in core legal documents such as the Refugee Convention, the Refugee Protocol, institutions such as the United Nations High Commission for Refugees and the International Organization for Migration, and prominent Non-Governmental Organizations, represents only the most recent manifestation of what, in fact, is a fundamental institution of the international system. Refugees matter because of a substantive change in the nature of the state-citizen relationship and one of the most important concerns to any state system, which saw a mutually constitutive relationship created between states and their citizens in which states guaranteed sets of rights in exchange for legitimacy.

The refugee problem continues to be a major international concern. This study is based on the situation of Chakma refugees in Arunachal Pradesh in particular and northeast in general. It provides some general insights in the on-going debate about the notions of home, trans-nationalism, citizenship and return migration. The thesis examines the factors that influence the decision of Chakma refugees in Arunachal Pradesh concerning their status and various rights for survival.

Different sources of data and several methods of data collection have been used. These include participant observation as well as interviews with refugees and certain officials. A central question is, what or where is ‘home’? The notions of home and of exile are continuously negotiated, contested and transformed in the context of ever-changing socio-economic and political conditions in the refugees’ country of asylum and their country of origin. The study shows that the decision concerning return migration is not only influenced by socio-economic conditions, but also by human rights violations in both countries, the arrival of new asylum-seekers, and the hope for resettlement in countries. One of the most significant findings is that whether refugees return to their country of origin or not has little or nothing to do with the initial factors that prompted them to flee.

As we know India has been the home for a large number and different types of refugees throughout the past. India has dealt with the issues of ‘refugees’ on a bilateral basis. India’s ‘refugee regime’ generally conforms to the international
instruments on the subject without, however, giving a formal shape to all practices adopted by in a form of separate statute. The current position in India is that they are dealt with under the existing Indian laws, both general as well as special, which is applicable to all the foreigners who came to India over a period of time. This is only because there are no separate laws and policies to deal with ‘refugees’. India does not have on its statute book a specific and separate law to govern refugees. India is also not a signatory to the 1951 convention on refugees and also the 1967 protocol, but a signatory to a number of United Nations and World Conventions on Human Rights, Refugee Issues and other related matters.

Generally refugees are allowed freedom concerning their movement, practice of religion and residence. In case of refugees whose entry into India is either legal or is subsequently legalized, there is limited interference by the administration regarding their basic freedom. Those refugees who enter India illegally or over stay beyond permissible limits, have strict restriction theoretically imposed upon them in accordance with the statutes governing refugees in India, i.e. the Foreigners Act of 1946, Foreigners Order, Passport Act etc.

India is home to over 323,000 refugees and various reports say that some of the refugee camps in India were well maintained, but others were neglected. Shelter and sanitation facilities were inadequate. Indian authorities gave camp residents cash grants and provided them some items at subsidized rates. The refugees were allowed to work, but restrictions on their movement made it difficult for them to keep their jobs. It says that the Indian Government keeps the international community at bay regarding refugees on its soil, discouages discussions on refugee issues and bars access to some regions where refugees live and does not permit the UNHCR access to most refugees. Of the more than 323,000 refugees in India, only some 18,500 receive UNHCR protection and even they experience many difficulties. India never had a clear policy as to whom to grant refugee status. There is a need for a change in the law. The model law has not been sufficiently considered by the Union Government. For the last so many decades, the NHRC has been requesting both the State and Union Government to provide refugee protection.

The Chakma influx into India can be traced to the partition of the subcontinent. From the beginning, ‘inconsistency and political expediency’ governed India’s Chittagong Hill Tract (CHT) policy. Until the 1970’s, its policy vis-à-vis Chakmas was lackadaisical 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 rehabilitated them first in North Indian states and latter to the North Eastern states of 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 state government and civil society groups. Furthermore, absorption was feasible partly because ethnic consciousness in the northeast was still in its infancy. In the region human rights violation was also at peak, and very common. For example Chakmas children have no right to get admission in schools, not allowed to get government jobs, public distribution system properly stopped, trading license being cancelled, markets were not allowed to sell their goods, medical facilities completely stopped, as well as electricity, drinking water roads etc were completely blocked.

India’s refugee regime is yet to evolve a transparent framework linking rights, laws and policies; it results in great prevarication between policies and practices. Treatment of refugees widely differs in India from state to state and is subject to much pressure from civil society groups. Largely research is focused on the India’s refugee regime, its resettlement policies, laws, working of civil society etc. Methodologically, research has been concentrated to the primary, secondary as well as field survey in the three districts of Arunachal Pradesh where Chakmas’ settlements are concentrated particularly Papumpare, Lohit and Changlang. The genesis of this refugee group and their treatment has also been looked out. It reviewed the shifting ad-hoc and confusing stands of the Central and State machineries through the various policies and laws over a period of time. The inadequacies of the national as well as international regime for the protection of the Chakma refugees particularly in Arunachal Pradesh and northeast India in general have been examined. Thesis is largely divided into seven parts, in which first and last parts is introduction and conclusion respectively. The chapter on introduction discusses the detailed information of the Indian states of Arunachal Pradesh as well as the Chakma refugees, their settlement in the Northeastern region of India as well as a brief understanding about the India’s refugee regime. The second chapter theoretically deals with India’s refugee laws and policies. The third chapter is about the detailed historical understanding on their origin to settlement and the issue on their problems and governmental response by the states in the northeast. The fourth chapter is dealing with the international laws, human rights
and consideration extended to the Chakmas of Arunachal Pradesh in particular and northeast India in general. The fifth chapter deals with the treatment of Chakmas by the central and state machineries particularly in the refugee settled areas over a period of time and space. The sixth chapter largely focuses on the issues of various cleavages and contradictions in the refugee regime in India. And lastly the conclusion tries to develop an over all argument to prove the hypothesis and also suggests solution to the problem as well. Over all the research tries to bring a concrete work on the India’s refugee regime and the resettlement policies and their treatment to the Chakmas of Arunachal Pradesh in particular and northeast in general.

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