Chapter-I

INTRODUCTION

"Injustice anywhere is a threat to justice everywhere"

- Martin Luther King-
CHAPTER-I

INTRODUCTION

Today the problem of refugees is among the most complicated issues before the world community. Much discussion is taking place at the United Nations (UN) as it continues to search for more effective ways to protect and assist these particularly vulnerable groups. While some call for increased levels of cooperation and coordination among relief agencies, others point to gaps in international legislation and appeal for further standard setting in this area. Everyone, however, agrees that the problem is both multidimensional and global. Any approach or solution would therefore have to be comprehensive and to address all aspects of the issue, from the causes of mass exodus to the elaboration of responses necessary to cover the range of refugee situations from emergencies to repatriation. In this debate, some facts remain beyond dispute. The first is that while some mass displacements may be preventable, none is voluntary. No one likes or chooses to be a refugee. Being a refugee means more than being an alien. It means living in exile and depending on others for such basic needs as food, clothing and shelter. Information on the number of the world's refugees, their geographical distribution, and the causes of their exodus is generally available. The refugee problem has undergone drastic quantitative and qualitative changes in the past five decades. Since its creation, the UN has worked to protect refugees around the world. It is surprisingly true that the international refugee regime has not been given greater prominence in international relations.

There is a fundamental contradiction between the principles of sovereignty and human rights, but argued that this conspiracy is mitigated by the practice of granting rights of asylum to foreign political refugees? Refugees actually buttressed a territoriality based conception of sovereignty because states could allow unwanted populations to flee without taking more extreme actions, and the international community could assist refugees without direct intervention. Refugees were, in


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essence, a necessary relief regulator for the system of sovereign states. Refugee regime represents a salient case for exploring the role of interconnections between issue-areas as an independent variable in cooperation. The absence of a binding normative framework on burden-sharing, and the fact that states have few interests in contributing to burden-sharing for its own sake, mean that the prospects for international cooperation have been determined largely by the ability of United Nations High Commissioner for Refugees (UNHCR) to use linkages to connect refugee protection to states' interests in issue-areas outside the immediate scope of the regime.

In 1951, the year in which the office of the UNHCR was established, there were estimated one million refugees within UNHCR's mandate. In 2005 the total number of persons of concerned office of the UNHCR rose by 8 percent to 20.8 million from 19.2 million in 2004, an additional 2.5 million refugees cared for by the United Nations Relief (UNR) and Works Agency for Palestine refugees in the Near East and more than 25 million Internally Displaced Persons (IDP). In 1951, most of the refugees were European. The majority of today's refugees are from Africa and Asia. Current refugee movements, unlike those of the past, increasingly take the form of mass exoduses rather than individual flights. Eighty percent of today's refugees are women and children. The causes of exodus have also multiplied and now include natural or ecological disasters and extreme poverty. As a result, many of today's refugees do not fit into the definition contained in the Convention relating to the Status of Refugees. This refers to victims of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. The UN system has also been very concerned by the rise in the number of mass internal displacements in recent years. The 'internally displaced' are persons who are forced to flee their homes but remain within the territory of their own country. Since they remain inside their own countries, these persons are excluded from the present system of refugee protection. In India the total IDP is about 600,000 looking for a durable solution.

Millions of people crossed over from one country to another when India got partitioned into two viz., India and Pakistan. These have been recorded as the largest

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3 Ibid, Pp. 1300-1320.
4 Ibid.
mass migration in history. Roughly seven million people each; Hindus, Sikhs and Muslims in Punjab and Bengal. The burning towns and villages, blood-soaked trains, the dead and dying in huge foot convoys, 40,000-50,000 strong, with desperation and fear as constant companions. On the issue of their rehabilitation and development India’s first prime minister Pt. Jawaharlal Nehru stated in the parliament that,

"You will notice that we call it the ‘Rehabilitation and Development board’, meaning thereby that we are combining the two functions or rather, looking at the two problems- rehabilitation and development together."

On the other hand the Minister for Relief and Rehabilitation, A.P. Jain put it like these,

"I consider rehabilitation to be a psychological question, and a person who feels that he is living well, that he can educate his children that he is a citizen of India like any other person, well, I treat him as rehabilitated. Unfortunately, no psychologist has yet been able to measure psychological rehabilitation."

Further, K.C. Neogy, another minister for relief and rehabilitation, of the Government of India drew the attention towards the problem of planning and development by saying that,

"we may have to be grateful to the refugees for having drawn our attention to the urgency of the problem of planning and development of this country, and perhaps future generations will acknowledge their gratitude to the so-called refugees for having punished the man power which is necessary for the purpose of developing the resources of the country as a whole."

Whatever the case may be, the relief and rehabilitation were the first major administrative challenges of independent India. It would test its capacity to cope with disaster, formulate policy with regard to migrants and refugees, provide itself as a humane, welfare oriented government organised relief on a massive scale, and at the same time engaged in rebuilding the nation’s economic, social and political life.

Nationally, a number of bills were introduced in the parliament to cover practically every aspect of refugee rehabilitation and resettlement. The evacuee property act in 1947; the finance administration bill dealing with loans to small

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7 Constituent Assembly of India (Legislative) Debates, Vol. 1 February, 1948, P.187.
9 Ibid., P.187.
business and urban refugees, was introduced in February 1948; the displacement persons (institution of Suits bill) in August 1948; the resettlement of displaced persons (land acquisition) bill in September 1948; the influx from Pakistan (control) bill April 1949; the administration of evacuee property bill and displaced persons (claim) act in August 1950; the interim compensation scheme in 1953; and finally, the displaced persons (compensation and rehabilitation act) in 1954. These acts were largely made to resettle the refugees who migrated to India just after partition or before the commencement of the Indian constitution in 1950. No doubt many refugees other than Muslims who came to India before 1950 got the Indian citizenship status but the second influx of those refugees who come to India after 1950 but before 1971 are still fighting for their status and basic human rights.

India has played the role of big brother with its neighbouring open border South Asian countries which is a refugee-prone region. India discovered this while absorbing the Tibetan Refugees in 1959, the Bangladeshi refugees in 1971, the Chakma influx in 1963, the Tamil influx from Sri Lanka in 1983, 1989, and again in 1995, the Afghan refugees 1980s, the Myanmar refugees for a similar period migration and refugee movements from Bangladesh over the years. India's ambivalence towards the UNHCR is characterised by its act of indirectly seeking its assistance through the Red Cross in the 1960s, and later allowing the UNHCR to determine the refugee status of those from beyond South Asia, asking the UNHCR to assist in verifying the volunteers for repatriation of the Tamils to Sri Lanka, and permitting an office in Delhi through the United Nation Development Programme (UNDP).

In 1995, India, following Pakistan's example, joined the Executive of the UNHCR. Though welcome, this halfway house seems odd since India refuses to sign the 1951 Convention. Meanwhile, a series of judgments by the Supreme Court and the Gujarat, Punjab, Gauhati and Tamil Nadu High Courts has reinforced the need for a humane due process for the Chakmas, Sri Lankan and other refugees. Some of the judgments expressly recognise the value and worth of the UNHCR and invite it to involve itself more in the refugee questions in India. Unfortunately, this pro-refugee jurisprudence sits uneasily with the normal law relating to foreigners, which grants the Government near-arbitrary powers of deportation. Following the Law Commission's 175th Report of 2000, the law was made stricter to treat 'illegal entrants' harshly, irrespective of the cruel circumstances that may occasion their
migration. India blows hot and cold when dealing with the UNHCR, making policy statements at its UNHCR meetings in Geneva and negating either joining the Convention or changing its law to provide reliable legal entitlements to refugees in India.\(^{11}\)

By contrast, Article 17 of the Additional Terrorism Protocol of the South Asian Association for Regional Cooperation (SAARC) of January 2004 permits SAARC nations not to extradite and, perforce, to protect those being prosecuted or punished on account of their race, religion, nationality, ethnic origin or political opinion. This stand is mystifying. Thus, in South Asia, India agreed to the SAARC protocol in 2004. Globally, India steadfastly refuses to join the Convention of 1951 even though it is on the Executive Committee of the UNHCR without being a signatory to the Convention under which the Committee is constituted. Indeed, from 1997, its envoys to the UNHCR have been pleading for a more equitable global regime to participate in a discourse that India does not carry any further.

One needs to examine what India's doubts about protecting refugees are all about. The 'Cold War' reasons for not having a global refugee policy have gone cold. Refugees are a global problem. The latest UNHCR statistics show that in 2003, there were 20.55 million displaced persons of international concern, including 10.34 million refugees. Refugees are being created all the time no less due to America's Afghanistan and Iraq wars. But even otherwise, this is a problem that permanently haunts Africa and South Asia. Europe and Australia want to tighten their immigration walls with all kinds of sophisticated arguments to deal with refugees on a regional, rather than a global, basis. India, instead of leading the debate, is being evasive.

So far humanitarian definition is concerned on refugees it is said that, a refugee is someone who has fled his country because he has a well-founded fear of persecution if he remains. The major obligation of refugee protection is the principle of non-refoulement, which ensures that a person is not returned to a life-threatening situation. For India to evade such a principle appears subversive of its constitutional principles unless there are weighty reasons for doing so. New Delhi's reasons for resisting refugee protection are paradoxical. On the one hand, its track record in dealing with the Tibetan, the Sri Lankan and the Chakma crises has been exemplary. Its hesitation to provide an intelligible and comprehensive protection to refugees

seems to stem from two major considerations, which are artificial ghosts in the
machine.

If India wants to play a role in global affairs and make SAARC a success, it
must act as a global player entitled to its just seat in the Security Council of the UN.
But it cannot do so as long it pursues narrow policies. The South Asia Region
deserves better treatment. For strategic reasons, India was surprisingly quiet when
virtually one-sixth of Bhutan’s population was forced to leave the country for camps
in Nepal. In 2003, Nepal and Bhutan entered into a kind of agreement whereby
Bhutan agreed to take back about three to five percent of its citizens of Nepali origin
whilst offering illusory promises to some of the rest.

India’s refugee regime needs a strong change in its law. The model law has
not been sufficiently considered by the Union Government. For the last five years, the
National Human Rights Commission (NHRC) has been requesting the Government to
provide refugee protection. The argument of terrorism and numbers having been met,
there is no reason why the minimal protection against non-refoulement should not be
enacted. This can probably be done even through rules. But the argument is not just
over the Sri Lankan refugees, the Bangladeshis, the Afghans, the Bhutanese or the
Myanmarese. It is whether India wants its voice on the world’s most persecuted to be
heard so as to mould future policy. If India is waiting for a cue from its neighbour,
China has joined the convention and enacted refugee protection legislation. African
countries have got together to devise both national and regional solutions. India needs
to review its ambivalent refugee law policy, evolve a regional approach and enact
rules or legislation to protect persecuted refugees. This is one step towards supporting
a humanitarian law for those who need it. As a refugee-prone area, South Asia
requires India to take the lead to devise a regional policy consistent with the region’s
needs and the capacity to absorb refugees under conditions of global equity.

The 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 the Indian
Government keeps the international community at bay regarding refugees on its soil,
discourages discussions of refugee issues and bars access to some regions where
refugees live. It does not permit the UNHCR access to most refugees. More than
323,000 refugees live in India but only some 18,500 receive UNHCR protection and even they experience many difficulties.

The Indian Government deals refugees with at both political and administrative level which is largely applicable to the aliens. In the case of refugees' protection, the constitution of India guarantees certain fundamental rights, which are applicable to non-citizen, namely the right to equality (Article 14), the right to life and personal liberty (Article 21) and the freedom to practice and propagate their own religion (Article 25). Any violation of these rights can be remedied through recourse to the judiciary as the Indian Supreme Court has held that refugees or asylum seeker can not be discriminated against because of their non-citizen status.

The NHRC has functioned effectively as a watchdog for the protection of refugees. The commission has approached the Supreme Court of India under Article 32 of the Constitution and obtained protection for the Chakma refugees when their life and securities were threatened by local politicians and youth leaders in Arunachal Pradesh. Relief was granted by the Supreme Court on the basis of the rights aliens under Article 14 and 21. The former Chief Justice of the Supreme Court, Justice Ahmadi in NHRC versus State of Arunachal Pradesh (1996 SCC 742) speaking for the Court said that the State is bound to protect the life and liberty of every human being. He pointed out that the rights of refugees under the Constitution of India were confirmed by Article 21, which also included the rights to non-refoulement. The administrative experience of the Ministry/Department of Rehabilitation and the laws adjudicated at the time of Partition contributed towards a refugee policy for India. India's refugees are registered under the 1939 Registration act, which is applicable to all foreigners entering in India. Under the 1946 Foreigners Acts, the Government is empowered to regulate the entry, presence and departure of aliens in India, though the word 'alien' itself is nowhere defined. Entry is also governed by the Passport Act 1967. Entry can be restricted if a person does not have a valid passport or visa, though the Government can exempt person when it so desires.

These procedures are linked at this stage to individuals who enter India without a valid visa or any other document. Though it is related to illegal migrants, the exemption provision is applicable to refugees. Under these circumstances, refugees become an administrative to oversee the relief and rehabilitation process rather than to supervise who stays or does not stay.

As mentioned, the Government of India alone determine refugee status and has no specific legislation to deal with refugees. Despite this lacuna India does apply in practice certain articles of the 1951 Convention. This includes:

- Article 7; India provides refugees the same treatment as all aliens,
- Article 3; India fully applies a policy of non-discrimination,
- Article 3A; No penalty is imposed on illegal entry,
- Article 4; Religious freedom is guaranteed,
- Article 16; Free access to courts is provided,
- Articles 17 and 18; It provide wage-earning rights and as work permits have no meaning and refugees do work, this article is complied with,
- Article 21; Freedom of housing allowed and refugees need stay in camps. Freedom of movement as guaranteed to aliens except in certain areas where special permits are required not only for aliens but also all Indians,
- Article 27 and 28; the issuing of identity and travel cards

On many occasions it is pointed out that the majority of Sri Lankan Tamil refugees and almost all Chakma refugees were forced to live inside camps. Severe restriction was imposed on their freedom of movement. The asylum seekers from Burma were arrested and jailed during 1995-97 approximately 5000 Chinese/Burmese was pushed back. It is also reported that as the government does not issue “Residence Permit” to all refugees, they are unable to open bank account, rent house and set up any business. India’s educational institutions do not give admission to refugees; as a result young refugees are unable to pursue their academic career.

India is not a party to the 1951 United Nation Refugees Convention (UNRC) or it’s Protocol and domestic laws have not been found to be in conflict with international laws. It followed a program of humane treatment of different refugees, with respect to refugee’s rights; there is still an absence of assistance and opportunities. To protect the refugees by means of the activists’ approach has its own limitations.
Brief History of Arunachal Pradesh

Arunachal Pradesh is the eastern most state on India’s northeast frontier. Itanagar is the capital of the state. Arunachal Pradesh is next to the state of Assam to the south and Nagaland is to the south east. Myanmar also lies towards the eastern side of the state, Bhutan towards the west, while the Line of Actual Control separates it from China to the north. Arunachal Pradesh is one of two main disputed regions between India and China, the other being Aksai Chin. The People’s Republic of China does not recognize the state of Arunachal Pradesh, nor the McMahon Line. The Permanent Residence Certificate (PRC) regards the entire territory that is administered by Arunachal Pradesh as Chinese territory occupied by India, and divides the entire area nominally among six border counties of the Tibet Autonomous Region. India does not recognize any of these claims, and considers the state to be an integral part of the country. The entire region is administered by Indian authorities, despite the attempts by the PRC to eject them from the region.

Arunachalees believe that if the problem of Chakmas viewed from the demographic perspective emerging on account of fast growth rate then it becomes abundantly clear that the ethnic population will soon be reduced to a minority. The recent history of administration of Arunachal Pradesh can be said to date back to 1838 when the British extended their administration to the frontiers which now form Arunachal Pradesh. The administration to this area under that regime failed to meet the desired result due to absence of good communication. It was only in 1914 that the British Government thought of treating these areas as a separate frontier tract to be administered somewhat differently from the rest of Assam. Consequently, the Assam Frontier Tracts Regulation, 1880 was extended to the North East Frontier Tracts and the Tracts were declared as ‘Excluded Areas’ of Assam. They were administered by the Governor of Assam through the political officer in his discretion.

When the Constitution of India came into force in 1950, another change was effected in the administrative set up. The Government of Assam was relieved of its responsibility of looking after administration of the ‘Excluded Areas’. However, the discretionary power was vested in the Governor of Assam, who served as the agent of the President of the Republic of India. In 1954, all these tracts formed into the North East Frontier Agency (NEFA). On the enactment of North Eastern Area

13 See website, http://arunachalpradesh.nic.in, for detail information of the state.
(Reorganization) Act 1971, NEFA was made Union Territory of Arunachal Pradesh on 21st January 1972. On 20th February 1987, Arunachal Pradesh was made a full fledged state within the Indian Union.

Even after so many political and administrative developments which culminated in the formation of the present state of Arunachal Pradesh the laws, rules and regulations which were applicable during the British period continued to be in force even today. The state of Arunachal Pradesh consists exclusively of different tribes. Part X of the Constitution read with the Sixth Schedule to the Constitution governs the administration of the state of Arunachal Pradesh. The entire area of the state has been declared as Scheduled areas. It was the endeavor of the constitution of India and various other enactment to protect and maintain the exclusive culture, custom and traditions of the local tribal people and was consistent with their ethos and aspirations.

The ethnic tribes of Arunachal Pradesh have very similar culture, tradition and custom with very rare differences. They have been following their customs and traditions, evolved over ages from time immemorial. These customs, traditions which are integral part of their life and living in tough hilly terrain in challenging circumstances have given rise to a distinctive identity to the indigenous tribal people.

The efforts being made by the state Government in preserving the tribal identity and culture are however being jeopardized by the presence of the Chakma refugees in the state. The people of Arunachal Pradesh distinguish themselves that there is nothing common between the tribal people of Arunachal Pradesh and the Chakma refugees. The fact that both bear Mongoloid features further complicated the issue. Both belong to the tribal groups, one from the state of Arunachal Pradesh and another from the Chittagong Hill Tract (CHT) respectively. No doubt there are religious differences. Chakmas are largely Buddhist but on the other hand the Arunachalees are largely animist (believes in nature).

Under the Constitution of India, Arunachal Pradesh has been given special status and the ethnicity of the state has been protected by declaring the entirety of the area of the state as scheduled area to be administered under part X read with the Sixth Scheduled of the Constitution of India, as the tribal state of the Northeast India.

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16 See constitution of India (Vth and VI th scheduled provisions).
Unlike the other states of India, is not a linguistic state but an ethnic state. The policy of formation of the separate tribal states resulted from two major objectives. The first was to win the confidence of the central way of life and had no intention to destroy it and impose values from outside and secondly, in new India the tribal people, whatever may be their language, dress, customs or religion were equal and respected citizens with the rest of their fellow citizens in the country. It may be noted that even the proposal moved at one point of time of settling people from the rest of India in these thinly populated areas but from the security point of view was resisted and turned down after considering the adverse consequences of such settlement on the identity of the tribal people.

Laws do not allow Chakma Refugees to Settle in Arunachal Pradesh

As far back in 1838, the British occupied Assam including the frontiers which now form Arunachal Pradesh. These frontiers were inhabited exclusively by tribal communities of various culture values and socio-religious norms. The British made sincere efforts to preserve the tribal society in its pristine form and to protect it from any outside interference. It was the affirmation by the British of this very fact and of the areas that prompted them to enact a separate set of regulations/Acts for administration of these frontier tracts which have developed into the present day of Arunachal Pradesh.

The Government of India Act 1980

It enabled the Governor-General-In-Council to legislate in a summary manner for the less advanced parts of India like the Hill Areas now comprising Arunachal Pradesh.

The Bengal Frontier Regulation 1873

The regulation has been extended to this area by section 7 of the Scheduled Districts Act, 1874. Section-2 and Section-7 of this regulation provide that no person other that local natives shall pass through the tracts without a ‘PASS’ and no person who is not a native of the district shall acquire any interest in a land or the produce of land. The state Government has the conditions of the Inner-Line Pass (ILP).

The Scheduled District Act 1874

This area was declared as 'Scheduled District' under the provisions of the Scheduled Districts Act, 1874. The Governor-General In-Council had power to make laws for these territories.

The Assam Frontier Tracts Regulation 1880

By this regulation, the Hill Areas now called Arunachal Pradesh separated from the province of Assam by notification dated 25th September, 1914 issued under the provisions of the Government of India Act, 1915-1919. These Tracts were included in the 'Backward tracts'.

The Assam Forest Regulation 1891

This regulation has been extended to the state. This provides protection to the forests and the indigenous people's rights for Jhum (Shifting) cultivation, village forest for tribal communities etc. This regulation further provides prohibition of acquisition of forest land by any outsider. According to customary laws and social practices the tribal people have full protection given under the Assam Forest Regulation, 1891 which has stood test of time for over hundred years. Their personal rights, communities' clan rights or village rights remain unfettered and undisturbed till date.

The Chin Hills Regulation 1896

This empowered the district administration to examine any person not being a native of the area if his presence is found injurious to the peace and good administration of Government. In 1919, Sadiya Frontier Tracts, Balibara Frontier Tracts and Lakhimpur Frontier Tracts which comprised the backward tracts in 1919 were later termed as 'Excluded Areas' now called Arunachal Pradesh under the provisions of Section 91 (1) of the Government of India Act, 1935\textsuperscript{18}.

All the laws aforesaid and various other laws run in consonance with the provisions of the Constitution of India Act, 1838, 1870, 1915, 1919 and 1935. From the continuous protection and a series of statutory covers given to this area down from the British times, the intention is clearly seen that the local natives or aboriginals are not exploited or encroached upon in any way, whatsoever.

**The North-Eastern Areas (Re-Organization) Act and Central Act 81 of 1971**

The Governor of Assam who until then administered the area as the agent of the president under Para 18 of the Sixth Scheduled ceased to function as such with effect from 21st January, 1972, the date when this Act came into force. The 'Tribal Areas' which formed this Territory was granted the status of a Union Territory from 21st August, 1972.

On 15th August, 1975 the provisions of the Government of Union Territories Act 1973 made applicable and the existing ‘Pradesh Council’ was constituted as the Union Territories Legislature. The first general election was held on February 1978 and the Chief Commissioner of the territory came to be known as ‘Lt, Governor’. in 20th February, 1987 this area become a full fledged state under the provisions of the state of Arunachal Pradesh Act, 1986 compassing the territories which immediately before that day were comprised in the existing Union Territory of Arunachal Pradesh. Keeping in view the sensitivity of the area, ILP was introduced to restrict the entry of outsiders in the area and it continues to be in force even now. The employees of the State Government, Central Government, Public Enterprises, Business Communities and Working Labourers who are all Indian citizens, by virtue of their service within the state have been given ILP and have to leave the area when the contractual work is over, in view of the fact that they cannot reside or settle as per the laws applicable to the area, principles for Administering Tribal Areas19.

Arunachal Pradesh, the youngest (21st) State of the Union of India which has been the most peaceful state in the northeastern region of India. Much credit for it goes to Jawaharlal Nehru, the first Prime Minister of India who spelt out 'Panchasheela'- five fundamental principles for administration of tribal areas.

1. People should develop along the line of their genius and we should avoid imposing anything on them.
2. Tribal rights on land and forest should be respected.
3. We should try to train and build up a team of their own people to do the work of administration and developments.
4. We should not over-administer these areas or overwhelm them with multiplicity of schemes; we should rather work through and not as rivals to their own social and cultural institutions.

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5. We should judge not by statistics or the amount of money spent but by the quality of human character that is evolved.

The above principles have been underlined as the policy of the Government in the various developmental activities in the tribal areas.\textsuperscript{20}

The Chakma problem in India goes back to Bangladesh issue.\textsuperscript{21} The Chakma influx into Indian can be traced to the partition of the sub-continent from the beginning, "inconsistency and political expediency" governed India's CHT policy. They have been rehabilitated and allotted land in the Balijan Circle of the Lower Subansiri district, Miao Sub-Division of the Changlang district and Chowkham Circle of the Lohit district of the Indian state of Arunachal Pradesh. They are the Mongloid tribes probably of Arakanese origin. As archival materials amply show, Mountbatten, Nehru and Patel also wanted the CHT to remain as a part of India. Yet, 600,000 Buddhist, like other 'Kafirs' were thrown to the wolves and offered on a platter to East Pakistan\textsuperscript{22} though no specific reasons were given by the Boundary Commission for taking such an unethical division. Thus, the fate of the Buddhist Chakmas was decided by a treacherous appeasement plan put forward by the shrewd representatives of the dominating communities. To their great dismay no referendum was held to elicit the opinion of the Chakmas regarding the future of their destiny.\textsuperscript{23} To register proclamation, a delegation of the Chakmas set out for Delhi to vindicate the apprehension of the Buddhist tribes to Nehru. Despite all the assurance that their viewpoint would be given due respect by the Radcliff Commission, unceremoniously the CHT was gifted away to the Islamic Nation of Pakistan. Thus, the authority committed one of the earliest mistakes in handling the minorities issue ineptly objection from some disgruntled student leaders of the CHT only amplified their agony inviting the wrath of the Pakistani Army. The storm measures taken by the army thus, made the students flee leading to the first Chakma exodus to India since Independence.\textsuperscript{24}

As we know justice delay is justice denied. Chakmas of Arunachal Pradesh are fighting for their basic democratic and fundamental rights as well to get representation

\begin{itemize}
  \item \textsuperscript{20} Ibid.
  \item \textsuperscript{21} S.P, Talukdar (1994), Chakmas: An embattled Tribes, Uppal Publishing House, New Delhi, Pp. 64-65.
  \item \textsuperscript{22} The Pioneer, 21\textsuperscript{st} October, 1994.
  \item \textsuperscript{23} S.P.Talukdar (1988), Chakmas: Life and Struggle, Giyan Publishing House, New Delhi, p. 48.
  \item \textsuperscript{24} Deepak K. Singh (2001), Stateless Chakmas in Arunachal Pradesh: From Rejected Peoples to Unwanted Migrants, Social Science Research Journal, 9(1), Pp. 47-82.
\end{itemize}
in the affairs of the state since 1964. In the region human rights violation is also in 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 are not allowed to sell their goods, medical facilities completely stopped, as well as electricity, drinking water roads etc are completely blocked\(^25\).

In January, 1995, some Tripura based Chakma leaders in a bid to internationalize the issue made an appeal to Srilankan President, Mrs. Chandrika Kumaratunga urging upon her to intervene in the aid of beleaguered Chakmas in the northeast. Again in July, 1995 the Committee for Citizenship Rights for Chakmas of Arunachal Pradesh (CCRCAP) demanded implementation of the assurance given by the Central Government on the floor of the Lok Sabha to grant citizenship rights to the Chakma refugees of Arunachal Pradesh before the parliamentary election to be held in 1996. The Committee had written to the Union Home Minister demanding direct intervention of the Home Minister on the plea that the citizenship rights would enable the eligible Chakma voters to exercise their fundamental rights of franchise in the 1996 parliamentary election.

In August 1995, All Arunachal Pradesh Student Union (AAPSU) lunched ‘Jago Arunachal’ by holding rallies in various parts of the state in pursuance of the decision taken in its General Council Meeting held at Itanagar on 5\(^{th}\) August, 1995. It also issued notice to the members of the parliament from Arunachal Pradesh and legislators to seek their explanation for their ‘Silent and adamant attitude’ on the vexed issue through the platform of ‘Massive explanation-Cum-Public open rally’ on 29\(^{th}\) September, 1995\(^26\).

The study addresses a wide range of research questions relating to the refugees of the Indian state of Arunachal Pradesh like; who is a refugee and what are his or her rights under international law? What are the rights of those asylum seekers who fail to qualify as refugees under the 1951 Convention and the 1967 Protocol? What are the determinants of India’s refugee regime in general and Arunachal Pradesh in

\(^{25}\) NHRC Vs State of Arunachal Pradesh & Anr (720/1995) and the present plight of the Chakmas of Arunachal Pradesh16th December 2002 Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh.

\(^{26}\) Why Arunachalees are opposed to permanent settlement of Chakma refugees in Arunachal Pradesh, Pamphlet brought out by AAPSU on the eve of the peoples referendum rally held on 20\(^{th}\) September, 1996, P. 2.
Particular? How state government and civil society groups dealing with the refugee situations in Arunachal Pradesh? How can refugees be distinguished from economic and other migrants? Can the International community deny protection to those who claim not to receive protection from their country of origin? Are the refugees in India treated well and fair? Moreover, what exactly is the link between India's refugee regime and resettlement policies? In what ways can the rights of refugees be violated in the process of asylum-seeking in host countries? Can repatriation be truly voluntary when the country of origin is unable, or unwilling, to guarantee respect for the civil, political, economic, social and cultural rights of its citizens?

It goes on the various statements of the problems like the fate of Chakma refugees in the Indian state of Arunachal Pradesh is largely decided though the issues of citizenship originated initially after partition. The Chakma refugee problems relate to the state policies of Indian state of Arunachal Pradesh. The nature of the politics gets reflected in the attitudes of the government's ad-hoc policies of settling the refugee's problems. A deep study of Chakmas in Arunachal Pradesh is possible by looking the socio economic and political conditions by analyzing the various aspects of Governmental and Non-Governmental activities undertaken in the region over time to time. India needs to review its ambivalent refugee laws and policies, evolve a regional approach and enact rules or legislation to protect persecuted refugees. This is one step towards supporting a humanitarian law for those who need it. As a refugee-prone area, South Asia requires India to take the lead to devise a regional policy consistent with the region's needs and the capacity to absorb refugees under conditions of global equity.

The main aim and objective of the proposed research work is to study the issues and outcomes of the concerned refugee problems in the Indian state of Arunachal Pradesh in particular and northeast in general. This can be stated in the form of specific objectives like; to examine the question as to whether international refugee law is in conflict in any way with Indian legislations or, in the absence of such legislations, with Indian attitude and policy on refugees, to analyze the socio-economic and political aspects, responsible for the resettlement of the Chakma refugees in Arunachal Pradesh and its response of civil society groups, to understand the politics of partition responsible for migration with regard to Chakmas in the Indian state of Arunachal Pradesh, to look into the various aspects of constitutional provision and citizenship rights related to the Chakma refugees, to understand the
cleavages and contradiction in the refugee regime in India, to analyze the various national and international refugee policies and laws related to the refugees in the region, to examine the inadequacies of the international regime for the protection of the refugees like Chakmas in India, to see the socio-economic and political conditions of the Chakma from the date of settlement to till now and various rights and judgments extended to Chakmas in the region.

Although Refugee problem today is one of the core problems of the modern India in particular and world in general, the study focuses on the problems of the Chakma refugees in the Indian state of Arunachal Pradesh in particular and northeast in general since independence. Study largely deals with the problems related to Chakma refugees, their rights as well as examines the various aspects of India's refugee regime and resettlement policies and laws to tackle the refugee problem in the region as such.

At present the Chakmas are settled in Chowkham in Lohit district; Miao, Bordumsa and Diyun in Changlang district, and Balijan and Kokila in Papum Pare district of Arunachal Pradesh. Personal interviews scheduled twice to administer the selected Chakma refugee settlement in the various districts of Arunachal Pradesh to grasp the problem deeply. The selected Chakmas settled areas where survey was done are Lohit, Changlang and Papumpare districts of the Indian states of Arunachal Pradesh.

**Literature Review**

So far existing literature is concerned a large number of books and articles, in various research journals, periodicals, weeklies and news-papers have been published from time to time as and when the situation demanded. Plenty of books have been written on the problems and issues related to the Refugees of Arunachal Pradesh in particular and India in general. There is a greater emphasis on the plight of refugees in the wake of the partition of India in 1947. Nevertheless, some Indian and western scholars have attempted to address the problems associated with undocumented trans-border migration and their conflict potential in a communally polarized Indian socio-cultural, socio-religious and socio-political structures.

**Pia Oberoi's** book on *Exile and Belonging: Refugees and State Policy in South Asia* analyzed the various aspects of the refugees in South Asia and State policy towards the refugees. To determine why the states of South Asia construct a particular
understanding of refugees and how they communicate this understanding in their policy behavior. The strength of the book lies in detailed empirical accounts of the six major instances of forced displacement in the South Asian region including the large population movements at the time of partition in 1947. Tibetan refugee influx from Tibet, Bangladeshi refugees from East Pakistan to India in the run-up to the 1971, war between India and Pakistan; Afghan refugees who took shelter in Pakistan after soviet intervention in Afghanistan in 1979; Rohingya Muslim refugees in Bangladesh and Srilanka's Tamil populace who were both internally displaced as well as become refugees in India due to its ethnic crisis which subsequently turned into a civil war. Book explains that both Indian and Pakistani representative's were clearly influenced by their own experiences of the partition, stresses statelessness was often a lesser hardship than lack of food, clothing, shelter and work. Book also provides an excellent account of the subcontinent’s overall interactions with the international refugee regime especially during the early United Nations debate on the legal protection versus material assistance. But Oberoi in his book does not discuss much more prominent examples of refugee crisis such as Chakma exodus from Bangladesh into India and the internally displaced community of Kashmiri Pandits in India.

**Rajat Ganguly & Ian Macduff's** *Ethnic Conflict and Secessionism in South and Southeast Asia; Causes, Dynamics*, is an excellent attempt to study ethnic conflicts in South and Southeast Asia in a theoretically informed manner and from a comparative cross-regional perspective. The introductory chapter provides a theoretical perspective and a succinct survey of the existing literature on the subject and highlights the dynamics of the secessionist movements. The subsequent chapters take up case studies like Kashmir conflict in India; the Tamil-Sinhala conflict in Sri Lanka; the Mohajir-Sindhi conflict in Pakistan; the conflict in East Timor in Indonesia; the conflict in Mindanao in the Philippines and the conflict in Bougainville in Papua New Guinea. The contributors are well known scholars and they have brought to bear their academic specialization in the treatment of the subject. The book will be an excellent reference tool for all students of South and Southeast Asian Studies. Political scientists unfortunately use the terms, state and nation, as synonymous and this semantic confusion has done incalculable harm in understanding the politics of developing countries. An analysis of the origins of ethnic insurgencies clearly brings out that these secessionist movements had developed as a response to nation building experiments. In many newly independent states, the ruling elite tried
to build the nation on the basis of the language and religion of the majority community, to the exclusion of minority claims. The alienated minority groups wanted the new states to reflect their identities; initially the movements were non-violent, but when their demands were put down with force, they took violent forms. In Sri Lanka, for example, the political system gravitated from consensual politics to competitive politics to conflict politics and then to confrontational politics. The approach of the governments was to view minority agitation as a law and order problem. Gradually the insurgencies got entrenched; a war of attrition ensued posing a challenge to the stability and security of the state. The insurgent groups tried to get legitimacy by mobilizing international support. Some of them like the Tamils in Sri Lanka and the Bengalis in East Pakistan received sustenance from kinsmen across the borders. In order to sustain the struggle, many insurgent groups began to resort to terrorism and also to highly profitable guns-for-drugs syndrome.

B.S. Chimni's *International Refugee Law: A Reader* is a themed collection of extracts from a variety of different books and articles has generally fallen into disuse. Chimni demonstrates that there is considerable value in a volume that provides readers with direct and easy access to a wide variety of literature on a given subject. As the title of the volume indicates, Chimni's given subject is that of international refugee law-a concept that he interprets in a sensibly broad manner. Thus in addition to chapters on the refugee definition, asylum, UNHCR, and the rights and duties of refugees, Chimni's collection examines issues such as causes of refugee flows, the notion of state responsibility, durable solutions and the protection of internally displaced persons. In addition, Chimni provides a concluding chapter of readings on the legal condition of refugees in India. Chimni's volume has a number of important assets. It is comprehensive in scope. The readings presented are generally well chosen, drawing from a wide range of contemporary and historical sources. Chimni's commentary presented the preface and in the introduction to each chapter, provides an incisive, honest and user-friendly guide to the contents of the book. In the opinion of this reviewer, Chimni has correctly resisted the temptation of assembling a set of purely legal readings, choosing instead to incorporate a substantial amount of material from anthropology, sociology, political science and philosophy. The result is a volume which places international refugee law in an operational context, and which provides an ideal introductory resource for students, scholars and practitioners alike.
Mahendra P. Lama's *Managing Refugees in South Asia: Protection, Aid, State Behaviour and Regional Approach*, is an excellent monograph touching upon the different groups of refugees in the countries in the South Asian region. It has attempted to look at the refugee problem prevailing in the South Asian sub-continent in all its perspective and in so doing, has thrown up some fresh food for thought. By looking at the four major issues, even if not very exhaustively, which are of direct importance to the context, namely, protection, aid, state behaviour and regional approach, the monograph makes out a case for evolving a regional approach to deal with refugee problems in the area rather than on a restrictive national scale by each of the South Asian countries. In this context, the factors enumerated by the author which generate refugees in this region, besides the politics behind the manner in which the unfortunate refugee situation has been put to abuse in furthering violence and terrorist activities, highlight the geo-political ground realities which are not necessarily conducive for evolving a regional approach at least for the present. The author has taken pains to identify the specific causes of flow of refugees in South Asia. He made it a point to draw attention to the fact that unlike in the case of 'population displacements' which was characteristic of the cold war confrontations between super powers, it is 'de-structured conflicts' or 'low intensity wars' that is causing such movements in the South Asian region. It is noteworthy that the monograph has drawn pointed attention in 'Refugees as a Threat to the Host Country' an aspect of the 'refugee scene' which is not frequently touched upon. The author has identified situations when the refugee situation gives rise to 'security/instability framework'. He has therefore, rightly drawn attention to a reality that “*The sending-country can be at risk as well, especially when the host country arms the refugees to invade the home country*”. These aspects have been dealt with in the monograph with the help of examples and events which have some cases are continuing to happen nearer home. What is more, the all important linkages with drug trade as well as narco-terrorism and their consequences both to the host and receiving countries have not been lost sight of by the author. The monograph is a timely addition to the literature on such a vital segment of governance at the national and international levels.

**Manoj Kumar Sinha's Basic Documents on International Human Rights and Refugee Laws**, contain some of the most important, as well as basic, documents in the field of International Human Rights and Refugee Laws. The division of the book into segments containing the various aspects such as the International Bill on Human
Rights, Genocide and War Crimes, Rights of the Child, Rights of Indigenous Peoples, Regional arrangements for the protection of Human Rights, Refugee Instruments and also the inclusion of important Indian legislation makes the book easy to use and a pleasure to browse. In fact, the exhaustive bibliography offers a treasure of reading material for persons who desire to be introduced to the subject, and is also a handy reference point for those already initiated to the subject.

Pradip Kumar Bose’s *Refugees in West Bengal: Institutional Practices and Contested Identities* bring a strong understanding about the West Bengal and its major host to the massive refugee inflows. The partition led influx of Hindus from Pakistan during 1947-50 and the Liberation war triggered refugees during 1971-72 changed the very demographic content of West Bengal for many years to come. The management of East Pakistanis (Bangladeshis) is still afresh when over ten million refugees came to Eastern and North Eastern India on the eve of Liberation War in Bangladesh. After a massive relief operation most of them were voluntarily repatriated within a year of their arrival. However, this major refugee flow, its management and its after effects were largely submerged and diluted in the jubilance and cacophony caused by independence of Bangladesh. This was possibly one of the most serious refugee flows to India and in South Asia that drew maximum worldwide attention. Yet surprisingly even the academic treatment extended to this entire refugee issue has been utterly poor and inadequate. This volume puts together a dozen of articles on various issues related to refugees in West Bengal, which for many years remained a major threat as the refugee host region. More importantly, this volume deals with the two major influxes of the immediate aftermath of partition and the liberation war of East Pakistan. Bose raises the issue of cultural dimension of refugee hood, a much ignored aspect. He tries to relate it to the question of rehabilitation. If effective rehabilitation is to be built then the refugee managing institutions should go much beyond the construction of ideal-typical refugee concept and incorporate in them the cultural and social milieu that have characterized the past of the refugees.

Zainal Abedin in his informative and research-based book, *The Chittagong Hill Tracts: A Victim of Indian Intervention* has reflected the problem of insurgency in the CHT of Bangladesh from multi-dimensional points of view. A number of books on CHT issue are available in the realm of publication, but this book makes a distinctive and analytical approach to rethink about the long-term desire and interest of some vested quarters at home and abroad. The writer has highlighted all the issues
relating to CHT, geo-political importance and economic potentials of CHT in this region, the origin of migrated tribal and settlers in CHT. The premise narrated that CHT is a part and parcel of Bangladesh from time immemorial and the tribal people migrated to CHT from adjoining areas of India and Myanmar. The Bengalis have been the original inhabitants in CHT even before British rule in this region. India plotted conspiracy to destabilize and hinder economic upliftment of Bangladesh by floating guerrilla war in CHT instigating the tribal secessionists. Only a section of Chakma tribals is involved with the insurgency and majority of resident tribals are against this secessionist group. During Pakistan rule, tribal community never claimed regional autonomy of CHT. The peace treaty was suicidal and detrimental to the interest of the country. The withdrawal of army from CHT area will give the secessionists an opportunity for strengthening their position. The writer has also clearly reflected the impracticability, non-transparency, and duplicity of various clauses of the peace treaty, which need to be reviewed and amended for greater national interest. Some clauses incorporated in the treaties are directly against the majority people of the land and contradicts the basic premise of the constitution.

Sanjoy Hazarika's *Within, Refugees Without*, shows that the Chakmas are few to be so fragmented and scattered, but there is little incentive for anyone to try and redress their condition. On 15 August 1947, the Indian tricolour went up a flag post in Rangamati, the main town in the Chittagong Hill Tracts. The Chakma leaders had believed during the tortuous negotiations leading up to Partition that, given the religious composition of the largely Buddhist CHT, their district would be parcelled out to India. Not so, decided Sir Cyril Radcliffe, head of the commission with the task of apportioning the territories, and the Hill Tracts were awarded to (East) Pakistan. On 18 August, Pakistani troops marched into Rangamati, pulled down the Indian flag, and sent up in its place the star and crescent of Pakistan. The days of travail had begun for the Chakma, a minority, over the following half century, has had more than its share of fragmentation, even by South Asian standards. Today, their own homeland, the CHT, is overrun with Bengali settlers from the overpopulated Bangladeshi mainland, and divided groups survive under trying circumstances in Tripura, Mizoram and Arunachal Pradesh. However, for all the tragedy they have suffered, the world knows too little about Chakmas. Within Bangladesh, they paled to insignificance before the size of the mainland population and the suffering that regularly visited them. In India, Chakmas make up three segregated groups whose
problem is one among so many in the increasingly violent Northeast, itself a region that suffers neglect from India's rulers.

**Muni and Baral's Refugees and Regional Security in South Asia**, brings an understanding about the noise and hype of the invasion of developed countries. By the waves of the refugees and economic migrants from the third world leading to an obsession among governments to develop mechanisms to permanently shut the door. On those seeking asylum, the truth is that the bulk of people compelled to involuntarily leave their homes remain in their own region. Thus, while studies on a global scale of the effect of the movement of large number of people have its own uses, focusing on this issue on a regional basis is likely to be more practical and worthwhile. In his introductory chapter, the editors note that at the end of 1993, South Asia with 2.14 million refugees, ranked fourth in concentration among regions of the world. In the recent past, however, South Asia was forced to cope, with the displacement of far larger numbers, 20 million between India and Pakistan during 1947-50 following partition, 10 million from East Pakistan to India during 1970-71 prior to the birth of Bangladesh and 3.5 million Afghans to Pakistan during the eighties following Soviet intervention. Most South Asian countries have generated as well as received refugees. In the context of South Asia, the three main refugee generating factors were: a) breakdown of colonial rule (India/Pakistan-20 million resettled and rehabilitated Burma-150,000 Indians repatriated Sri Lanka-338,000 Indians resettled till 1987); b) nation-building processes (East Pakistan/Bangladesh—10 million in India most of whom subsequently returned, and more than 300,000 'Bihari Muslims' still stranded in Bangladesh, Sri Lanka-295,000 Tamils in India and outside the region, Bangladesh-1.8 million Hindus and 50,000 Chakmas to India, Bhutan more than 100,000 southern Bhutanese to Nepal and India); and c) extra-regional refugee flows (Tibet-133,000 in India, Nepal and Bhutan, Afghanistan-1.5 million in Pakistan, Burma-200,000 Muslim Rohingyas in Bangladesh). Book suggests that there may be emerging 'a crisis of membership' for such populations and it is those who are not full members of the society in which they aside, or whose membership is some how disputed or thrown into doubt that are targeted for expulsion, regardless of national citizenship status.

**Guy Goodwin-Gill's The Refugee in International Law** brings a strong understanding about the millions of people today forced to flee their homes because of conflict, systematic discrimination, or other forms of persecution. The core
instruments on which they must rely to secure international protection are the 1951 Convention relating to the status of refugees and its 1967 protocol. This book examines key challenges to the Convention such as the status of refugees, applications for asylum, and the international and domestic standards of protection. The situation of refugees is one of the most pressing and urgent problems facing the international community and refugee law has grown in recent years to a subject of global importance. In this long-awaited third edition, each chapter has been thoroughly revised and updated and every issue, old and new, has received fresh analysis. Features include analysis of internally displaced persons; so-called preventive protection; access to refugees; safety of refugees and relief personnel; the situation of refugee women and children; a detailed examination of the role of the UNHCR and the Palestinian situation; and an assessment of the protection possibilities in the European Convention on Human Rights.

Sanjay K. Roy's *Refugees and Human Rights* highlights on the post World War II period when refugee problem emerged out to be one of the biggest problems before the international community. India has also experienced it at a large scale. Factors such as rise of religious nationalism, ethnicization of politics, state terrorism, and anarchic majoritarianism and above all state's refusal to conform to norms set by the international refugee regime rendered the refugees stateless and subjects for inhuman treatment. On the other hand, historical forces like religious, linguistic or ethnic nationalism and regional economic disparity continue to generate refugees in the eastern and north-eastern regions of India. Faced with unfriendly state, both in the country of origin and the country of adoption, the refugees struggle to find the ways and means for a healthy living, and wherever possible they make efforts to put up an organized movement for their 'human rights'. Written against this contextual backdrop, the articles in this volume are historical, social and political narratives on the major refugee groups in the eastern and north-eastern states of India, like Bengali refugees, Tibetan refugees, Bhutanese refugees, Chakma refugees and Arakanese refugees. The authors explore the genesis of each of these refugee groups and the areas of human rights violation in their treatment. Another feature of the book is the 'critical angle' from which the authors review the shifting, ad hoc and confusing stands of the state machinery in India in the treatment of various refugee streams. The inadequacies of the international regime for the protection of the refugees in India have also been examined. The effort to locate the refugee problem in the frame of
international relations theory and globalization ideology has added analytical flavour to the volume.

Satvinder Singh Juss in the first part of his book tries to show how national restrictions against immigration are deviations from traditional liberal norms. For most of this volume, Juss argues that fundamentally, these restrictions are also unjust mechanisms through which wealthier nations keep out the poor and displaced beyond their boundaries. Juss tackles a problem that seems to have no political or legal solution, as practically every nation-state now deals with unwanted immigrants. Juss focuses on immigration in Europe and Great Britain, but his arguments are addressed to policy-makers and scholars in all liberal nation-states. His work offers moral and legal rationales for a more open system of immigration. Ultimately, though, his reading of liberal norms and his understanding of contemporary immigration rules are less than persuasive. However, Juss does not discuss at length the particular problems associated with large-scale, unskilled immigration from the developing world into advanced industrial nations. He does not engage, for instance, scholars who have long insisted that these unskilled migrations have had a detrimental effect on the economic fortunes of the least well off in countries like the United States (US). Nor does he discuss political debates where politicians and scholars have insisted that the immigration of the poor should be decreased or otherwise heavily controlled, because poorer migrants stress the social welfare and criminal justice systems of advanced industrial nations. Juss focuses most of his concern about poorer immigrants by looking at refugee law and policy. Indeed, about half of his book is concerned with expanding the definition of refugees, and then arguing that more refugees should be admitted into wealthier countries. In his book many of his observations are uncontroversial. Displaced persons now lose their homes because of natural disasters, industrial accidents, political instability, and war. The current definition of a ‘refugee’ captures a very small fraction of this displaced population. Even where they are admitted as refugees, they are expected to return as soon as the situation at home improves and events in the current decade confirm that the rich countries of the North are not going to accept a proportionately fair share of the world's refugees today. Juss rightly points out that the rights of refugees today are embattled and are therefore uncertain and shrinking. In short, the need for sanctuary is gigantic, and yet the political will to meet that need through refugee admissions has dwindled.
Chiranjivi J. Nirmal's book is a much-needed anthology that looks at the issue of human rights in India at the turn of the century as well as the new millennium. Altogether, it contains thirteen essays dealing with different aspects of human rights in India. Some of the important topics touched upon include the debate between first generation rights and second-generation human rights, need for local understanding of human rights, the rationale for setting up the National Human Rights Commissions (NHRC) in 1993 and many others. However, since this collection to be a mixed bag with essays widely varying in their methodologies, organizational focus and above all their comparative success in developing a sustained thesis. In the first essay, 'Awakening of Human Rights', M. Sundara Raj traces the historical evolution of the concept of human rights through the ages and attempts to situate the Indian case in this broader frame. An interesting point that he notes is that in ancient times, both in India and in other places of the world, the concept of human rights was largely determined by humanitarian laws that regulated war-time conduct. Sundara Raj also traces the history of events through which the United Nations and the Universal Declaration of Human Rights came into existence. However, in spite of its well-researched documentation of the rise of the human rights movement in the West, this essay fails to address the issues of human rights in medieval India or colonial India. It therefore fails to situate the Indian case appropriately in the larger frame. The author also makes the claim that the concept of basic human rights needs to be understood locally. However, the rationale behind such a need and also how such a need can be met remain unaddressed. In the second essay, "Victims of Human Rights Violations: Native and Indigenous Populations", Rajagopal Ryali documents suggest that how the basic human rights of tribal people and indigenous people have been violated throughout the world in the name of 'progress', 'civilization' and 'education'. Explaining education's role in violating tribal rights, Ryali writes, 'Indifference to tribal cultural heritage is one way of depriving a person of human rights'. This argument needed to be made more carefully. If 'indifference' means 'leaving alone' then how it would violate one's human rights?, While discussing the issue of Uniform Civil Code, Sridharan mentions only in passing the Shah Bano case. However, if a Western reader is to understand the complexity of this issue, they need to know much more about this case. Finally, from Vijayakumar's essay on NHRC it appears that civil-political rights have been taken as the primary human rights by the commission. This seems to be in conflict with the general Indian line noted in quite a few earlier
essays that human rights are indivisible, and further no rationale has been provided for NHRC's implicit choice. These are only a few examples of cases where a serious reader would need more definitive information than is provided by this collection.

Deepak K. Singh on *Stateless in South Asia: The Chakmas between Bangladesh and India* contains nine chapters and focuses on how Chakmas have become rejected people in the Chittagong Hill Tracts (Bangladesh) and unwanted people in Arunachal Pradesh (India). It appears to be the only book from India focusing on stateless refugees as a central theme. The study mainly examines the interactions between the displaced Chakmas and the tribes of Arunachal Pradesh. The book historically explores the human predicament of one of the earliest episodes of mass displacement in the history of modern South Asia, creating what turned out to be one of the most intractable refugee issues. Most refugee studies rarely go beyond the concerns of the displaced people themselves. The key issue of the present study appears to be that in the absence of government concern, stateless people and refugees in South Asia are largely responsible for their own well-being and modern nation states rarely give any attention to such problems. Singh provides in all chapters a detailed account of the conflicts between the Chakmas and the Arunachalees. The authenticity of the book mainly relies on primary data, personal interviews, published reports and court cases. One can disassociate from the book by saying that the data collection was not done properly. It is certainly lacking in relation to formal issues regarding citizenship regulation. There are also very few comparative studies of other stateless refugees within India and Bangladesh. While newcomers to this topic may get lost in the sophistication, subtleties and detail of chapters, this type of critical study brings out a very concrete and clear understanding of this particular excluded community in relation to the issue of citizenship. This reviewer firmly believes that this book definitely will help researchers of different subjects to explore an area which has remained isolated and unknown even in other parts of northeast India. Singh wrote this book to provide a useful resource for scholars and students of politics, international relations, sociology, anthropology, history, policy makers and lawyers and to encourage critical thinking on issues related to statelessness, citizenship, migration and displacement. As an outsider Singh effectively accomplished this task, offering hopes to both Chakmas and Arunachalees, especially by opening a strong debate through questioning why there is no solution to these people's predicaments even after fifty years of refugee hood.