Chapter-II

REFUGEE LAWS AND POLICIES

"Law and order are the medicine of the body politics and when the body politics gets sick, medicine must be administered"

-Dr. B.R. Ambedkar-
CHAPTER-II

REFUGEE LAWS AND POLICIES

A refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” Every person has the right to live free from persecution, or the fear of persecution, based on their race, caste, sex, religion, nationality, membership in a particular social group, or political opinion. The concept of a refugee was expanded by the Conventions’ 1967 Protocol and by regional conventions in Africa and Latin America to include persons who had fled war or other violence in their home country. A person who is seeking to be recognized as a refugee is an asylum seeker. In the United States a recognized asylum seeker is known as an asylee.

Refugee was defined as a legal group in response to the large number of people fleeing Eastern Europe following World War Second. The leading international agency coordinating refugee protection is the UNHCR, which counted 8.4 million refugees worldwide at the beginning of 2006. This was the lowest number since 1980. The major exception is the 4.3 million Palestinian refugees under the authority of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The United States Committee for Refugees and Immigrants gives the world total as 12,019,700 refugees and estimates there are over 34,000,000 displaced by war, including IDP, who remains within the same national borders. The majority of refugees who leave their country seek asylum in countries.

1 Article 1 of the Convention as amended by the 1967 Protocol provides the definition of a refugee as well as the 1951 United Nations Convention, relating to the status of refugees.
3 Ibid.
neighbouring their country of nationality. The ‘durable solutions’ to refugee populations, as defined by UNHCR and governments, are: voluntary repatriation to the country of origin; local integration into the country of asylum; and resettlement to a third country.

UNHCR was established on December 14, 1950, and succeeded the earlier United Nations Relief and Rehabilitation Administration (UNRRA). The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily, integrate locally or to resettle in a third country. UNHCR’s mandate has gradually been expanded to include protecting and providing humanitarian assistance to what it describes as other persons of concern, including IDP’s who would fit in the legal definition of a refugee under the 1951 United Nations Convention Relating to the Status of Refugees and 1967 Protocol, the 1969 Organization for African Unity Convention (OAUC) or some other treaty if they left their country, but who presently remain in their country of origin. It is having headquartered office in Geneva, Switzerland to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country.

Convention relating to the Status of Refugees Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. In more than six decades, the agency has helped an estimated fifty million people restart their lives. Today, a staff of around 5,000 people in more than twenty countries continues to help some more than seventeen million persons.

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6 UNHCR (2006), Statistical Yearbook.
10 Ibid.
Table: II (A)

Estimated Asylum Seekers, Refugees Concern to UNHCR (1\textsuperscript{st} Jan, 2007)

<table>
<thead>
<tr>
<th>Continent</th>
<th>Total No's</th>
</tr>
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<tr>
<td>Asia</td>
<td>14,910,900</td>
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<tr>
<td>Africa</td>
<td>9,752,600</td>
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<tr>
<td>Europe</td>
<td>3,426,700</td>
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<tr>
<td>Latin America and Caribbean</td>
<td>1,143,100</td>
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<td>Northern America</td>
<td>3,542,500</td>
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<tr>
<td>Oceania</td>
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<td><strong>Total</strong></td>
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Sources: Report on Migration (UNHCR), 2007

To deal with some of the important questions like what is protection, who protects, is the convention still relevant for the new millennium, and how refugees protected. As we know governments are responsible for enforcing a country's laws. When they are unable or unwilling to do so, often during a conflict or civil unrest, people whose basic human rights are threatened flee their homes, often to another country, where they may be classed as refugees and be guaranteed basic rights. The host government particularly responsible for protecting refugees and the 143 parties to the convention and the Protocol are obliged to carry out its provisions. UNHCR maintains a 'watching brief', intervening if necessary to ensure bona fide refugees are granted asylum and are not forcibly returned to countries where their lives may be in danger. The agency seeks ways to help refugees restart their lives, either through local integration, voluntary return to their homeland or, if that is not possible, through resettlement in third countries\textsuperscript{11}.

Government normally guarantees the basic human rights and physical security of their citizens but when civilians become refugees this safety net disappears. UNHCR's main role in pursuing international protection is to ensure that states are aware of and act on, their obligations to protect refugees and persons seeking asylum\textsuperscript{12}. However, it is not a supranational organization and cannot be considered as a substitute for government responsibility. Countries may not forcibly return refugees to a territory where they face danger or discriminate between groups of refugees. Convention was originally adopted to deal with the aftermath of World War-II in Europe and growing East-West political tensions. But though the nature of conflict

\textsuperscript{11} Ibid.
\textsuperscript{12} Ibid.
and migration patterns have changed in the intervening decades, the convention has proved remarkably resilient in helping to protect an estimated fifty million people in all types of situations. As long as persecution of individuals and groups persists, there will be a need for the convention. In 2007, world refugee day focused the search for, and implementation of, durable solutions for refugee and declared World Refugee Day (WRD) theme as 'a new home, a new life'.

Refugees

Definitions of Populations

Refugee: Persons who flee persecution for protection in another country. These persons are so designated by international law and their entry into a host country is determined by internationally cooperating governmental and private agents.

Displaced Person: Persons who flee persecution in their locality but remain in their own country.

Evacuee: Persons who flee their locality due to natural or man-made disasters.

Asylee: Persons fleeing persecution who enter another country by means other than the established refugee process and who later seek legal protection status in the country to which they fled. These persons must establish conditions similar to those required by refugees, and they may not be eligible for some services until their legal status is regularized.

Unaccompanied Minor: Persons under the legal majority age in any country who arrive as refugees but not as members of families or related to persons who are of majority age. While these persons may have been considered adults in their country, they are deemed to be in need of child welfare protection services here.

Victims of Torture: Persons who establish that they, personally, suffered torture as part of the persecution they fled, and, as such, were at such risk that they could not await the normal refugee process to escape, resulting in their seeking asylum as a torture victim.

Victims of Human Trafficking: Persons who come to any country understanding that they are arriving legally for employment purpose, but are in reality brought illegally through traffickers and are held captive in their places of work. These
persons often are required to turn their passports over to their 'handlers' and then have no proof of citizenry in any country\textsuperscript{13}.

**UNHCR Provisions related to the Refugees**

**Preamble**

*The High Contracting Parties,*

- a. Considering that the Charter of the UN and the Universal Declaration of Human Rights (UDHR) approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,
- b. Considering that the UN has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,
- c. Considering that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement,
- d. Considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the UN has recognized the international scope and nature cannot therefore be achieved without international co-operation,
- e. Expressing the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,
- f. Noting that the UNHCR is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner\textsuperscript{14}.

Have agreed as follows:

\textsuperscript{13} ibid.

\textsuperscript{14} Prakesh, Talwar (ed.) (2006), Human Rights, Isha Books Publication, Delhi, Pp. 32-41, also See the Preamble of the UNHCR for detail information.
Chapter I (General Provisions)

Article 1- Definition of the term 'refugee'

A. For the purposes of the present Convention, the term refugee, shall apply to any person who:

1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization (IRO);

2) Decisions of non-eligibility taken by the IRO during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

3) As a result of events occurring before 1st January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term 'the country of his nationality' shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.\footnote{UNHCR (2001), Ministerial Declaration of States Parties, Geneva, Switzerland, 12-13 December, Declaration of States Parties to the 1951 Convention and/or its 1964 Protocol Relating to the Status of the Refugees.}

B. For the purposes of this Convention;

1) For the purposes of this Convention, the words 'events occurring before 1st January 1951' in article 1, section A, shall be understood to mean either (a) 'events occurring in Europe before 1 January 1951'; or (b) 'events occurring in Europe or elsewhere before 1 January 1951'; and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.
2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the UN.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

a) He has voluntarily re-availed himself of the protection of the country of his nationality; or

b) Having lost his nationality, he has voluntarily reacquired it; or

c) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

d) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

e) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; Provided that this paragraph shall not apply to a refugee falling under section A (I) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

f) Being a person who has no nationality he is, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence; Provided that this paragraph shall not apply to a refugee falling under section A (I) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the UN other than the UNHCR protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the UN, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.
F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that

a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

c) He has been guilty of acts contrary to the purposes and principles of the UN.

Article 2- General obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conforms to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3- Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4- Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accord to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 5- Rights granted apart from this Convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

Article 6- The term in the same circumstances

For the purposes of this Convention, the term in the same circumstances, implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirement which by their nature a refugee is incapable of fulfilling.

\[16\text{bid.}\]
Article 7- Exemption from reciprocity

Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally. After a period of three year's residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8- Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign state, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9- Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisional measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10- Continuity of residence

Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of

17 ibid.
residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

**Article 11- Refugee seamen**

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country\(^\text{18}\).

**Chapter – 2 (Juridical Status)**

**Article 12- Personal status**

The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he/she not become a refugee.

**Article 13- Movable and immovable property**

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

**Article 14- Artistic rights and industrial property**

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting States, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

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Article 15- Right of association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances\textsuperscript{19}.

Article 16- Access to courts

A refugee shall have free access to the courts of law on the territory of all Contracting States. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance. A refugee shall be accorded in the matters referred to in paragraph-2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

Chapter 3 (Gainful Employment)

Article 17- Wage-earning employment

The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempted from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

a) He has completed three years' residence in the country;

b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;

c) He has one or more children possessing the nationality of the country of residence.

The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

\textsuperscript{19} Ibid.
Article 18- Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19- Liberal professions

Each Contracting State shall accord to refugees lawfully staying in their territory, who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

Chapter – 4 (Welfare)

Article 20- Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21- Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22- Public education

The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.
**Article 23- Public relief**

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

**Article 24- Labour legislation and social security**

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters;

a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations;

c) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition.

National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the states signatory to the agreements in question. The Contracting States will give sympathetic consideration by extending to refugees so far as possible the benefits
of similar agreements which may at any time be in force between such Contracting States and non-contracting States.\textsuperscript{20}

\textit{Chapter – 5 (Administrative Measures)}

\textit{Article 25- Administrative assistance}

When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority. The authority or authorities mentioned in paragraph-1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services. The provisions of this article shall be without prejudice to articles 27 and 28.

\textit{Article 26- Freedom of movement}

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.

\textit{Article 27- Identity papers}

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

\textit{Article 28- Travel documents}

The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their

territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence. Travel documents issued to refugees under previous international agreements by Parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

**Article 29- Fiscal charges**

The Contracting States shall not impose upon refugee's duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

**Article 30- Transfer of assets**

A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

**Article 31- Refugees unlawfully in the country of refuge**

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

**Article 32- Expulsion**

The Contracting States shall not expel a refugee lawfully in their territory saves on grounds of national security or public order. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of
law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

**Article 33- Prohibition of expulsion or return (refoulement)**

No Contracting State shall expel or return (refoul) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.

**Article 34- Naturalization**

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

**Chapter – 6 (Executory and Transitory Provisions)**

**Article 35- Co-operation of the national authorities with the United Nations**

The Contracting States undertake to co-operate with the office of the UNHCR, or any other agency of the UN which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention. In order to enable the Office of the High Commissioner or any other agency of the UN which may succeed it, to make reports to the competent organs of the UN, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:

a. The condition of refugees;

b. The implementation of this Convention, and

\[21\] Ibid.
c. Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

**Article 36 - Information on national legislation**

The Contracting States shall communicate to the Secretary-General of the UN the laws and regulations which they may adopt to ensure the application of this Convention.

**Article 37 - Relation to previous conventions**

Without prejudice to article 28, paragraph 2, of this Convention, this Convention replaces, as between parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.

**Chapter 7 (Final Clauses)**

**Article 38 - Settlement of disputes**

Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice (ICJ) at the request of any one of the parties to the dispute.

**Article 39 - Signature, ratification and accession**

This Convention shall be opened for signature at Geneva on 28 July 1951 and shall thereafter be deposited with the Secretary-General of the UN. It shall be open for signature at the European Office (EO) of the UN from 28 July to 31 August 1951 and shall be re-opened for signature at the headquarters of the UN from 17 September 1951 to 31 December 1952. This Convention shall be open for signature on behalf of all States Members of the UN, and also on behalf of any other state invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the UN. This Convention shall be open from 28 July 1951 for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the UN.

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22 Ibid.
**Article 40- Territorial application clause**

Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the UN and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the UN of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each state concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

**Article 41- Federal clause**

In the case of a federal or non-unitary state, the following provisions shall apply:

a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of parties which are not Federal States;

b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the UN, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action\(^\text{23}\).

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\(^{23}\) Ibid.
**Article 42 - Reservations**

At the time of signature, ratification or accession, any state may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1), 33, 36-46 inclusive. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the UN.

**Article 43 - Entry into force**

This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such state of its instrument of ratification or accession.

**Article 44 - Denunciation**

Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the UN. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the UN. Any State which has made a declaration or notification under article 40 may, at any time thereafter, by a notification to the Secretary-General of the UN, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

**Article 45 - Revision**

Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the UN. The General Assembly of the UN shall recommend the steps, if any, to be taken in respect of such request.

**Article 46 - Notifications by the Secretary-General of the UN**

The Secretary-General of the UN shall inform all members of the UN and non-member states referred to in article 39;

a) Of declarations and notifications in accordance with section B of article 1;
b) Of signatures, ratifications and accessions in accordance with article 39;
c) Of declarations and notifications in accordance with article 40;
d) Of reservations and withdrawals in accordance with article 42;
e) Of the date on which this Convention will come into force in accordance with article 43;
f) Of denunciations and notifications in accordance with article 44;
g) Of requests for revision in accordance with article 45.

In faith whereof the undersigned, duly authorized, have signed this Convention on behalf of their respective governments, done at Geneva, this twenty-eighth day of July, one thousand nine hundred and fifty-one, in a single copy, of which the English and French texts are equally authentic and which shall remain deposited in the archives of the UN, and certified true copies of which shall be delivered to all members of the UN and to the non-member states referred to in article 39.

Refugee Laws

Refugee law is the branch of international law which deals with the rights and protection of related to, but distinct from, international human rights law and international humanitarian law, which deal respectively with human rights in general, and the conduct of war in particular. On 12 May 1993 Ministry of Foreign Affairs (MFA), SG No 88/1993 (Protocol, considering the convention relating to the status of refugees done at Geneva on 28 July 1951) mainly covers only those persons who have become refugees as a result of events occurring before 1 January, 1951, considering that new refugee situations have arisen since the convention was adopted. The refugees concerned may therefore not fall within the scope of the convention, considering is desirable equal status should be enjoyed by all refugees covered by the definition in the convention irrespective of the dateline 1 January 1951, have agreed as follows:

Article 1- (General provision)

1) The States that are Parties to the present Protocol undertake to apply Articles 2 to 34 inclusive of the convention to refugees as hereinafter defined.

2) For the purpose of the present Protocol, the term 'refugee' shall, except as regards the application of paragraph- 3 of this Article, mean any person within the definition of Article 1 of the convention as if the words 'As a result of
events occurring before 1 January 1951 and a result of such events’ in Article
1 A (2) were omitted.

3) The present Protocol shall be applied by the States Parties hereto without any
geographic limitation, save that existing declarations made by states already
parties to the convention in accordance with Article 1 B (1)(a) of the
convention shall, unless extended under Article 1 B (2) thereof, apply also
under the present Protocol.

Article 2 – (Co-operation of the national authorities with the United Nations)

1) The States Parties to the present Protocol undertake to co-operate with the
Office of the UNHCR, or any other agency of the UN which may succeed it,
in the exercise of its functions, and shall in particular facilitate its duty of
supervising the application of the provisions of the present Protocol.

2) In order to enable the Office of the High Commissioner, or any other agency
of the UN which may succeed it, to make reports to the competent organs of
the UN, the States Parties to the present Protocol undertake to provide them
with the information and statistical data requested, in the appropriate form,
concerning:

   (a) The condition of refugees;
   (b) The implementation of the present Protocol;
   (c) Laws, regulations and decrees which are, or may hereafter be, in force
relating to refugees.

Article 3 – (Information on national legislation)

The States Parties to the present Protocol shall communicate to the Secretary-
General of the UN the laws and regulations which they may adopt to ensure the
application of the present Protocol.

Article 4 – (Settlement of disputes)

Any dispute between States Parties to the present Protocol which relates to its
interpretation or application and which cannot be settled by other means shall be
referred to the ICJ at the request of any one of the parties to the dispute.

Article 5 – (Accession)

The present Protocol shall be open for accession on behalf of all States Parties
to the convention and of any other state member of the UN or member of any of the
specialized agencies or to which an invitation to accede may have been addressed by
the General Assembly of the UN. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the UN.

Article 6

Federal clause in the case of a federal or non-unitary state, the following provisions shall apply:

a) With respect to those articles of the convention to be applied in accordance with Article I, paragraph-1, of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which are not Federal States;

b) With respect to those articles of the convention to be applied in accordance with Article I, paragraph-1, of the present Protocol that come within the legislative jurisdiction of constituent states, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

c) A Federal State Party (FSP) to the present Protocol shall, at the request of any other State Party hereto transmitted through the Secretary-General of the UN, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of the convention to be applied in accordance with Article I, paragraph-1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

Article 7 - (Reservations and declarations)

1) At the time of accession, any state may make reservations in respect of Article IV of the present Protocol and in respect of the application in accordance with Article I of the present Protocol of any provisions of the convention other than those contained in Articles 1, 3, 4, 16 (1) and 33 thereof, provided that in the case of a State Party to the convention reservations made under this Article shall not extend to refugees in respect of whom the convention applies.

2) Reservations made by States Parties to the convention in accordance with Article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.
3) Any State making a reservation in accordance with paragraph 1 of this Article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the UN.

4) Declarations made under Article 40, paragraphs 1 and 2, of the convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the UN. The provisions of Article 40, paragraphs 2 and 3, and of Article 44, paragraph 3, of the convention shall be deemed to apply mutatis mutandis to the present Protocol.\(^{29}\)

**Article 8** – (Entry into force)

1) The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.

2) For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such state of its instrument of accession.

**Article 9**– (Denunciation)

1) Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the UN.

2) Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the UN.

**Article 10** – (Notifications by the Secretary-General of the UN)

The Secretary-General of the UN shall inform the states referred to in Article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

**Article 11** – (Deposit in the archives of the Secretariat of the United Nations)

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the UN, shall be deposited in the archives of the Secretariat of the UN. The Secretary-General will transmit certified

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copies thereof to all states members of the UN and to the other states referred to in Article V above\textsuperscript{30}.

**Refugees in India**

The 1991 final census count gave India a total population of 846,302,688. However, estimates of India's population vary widely. According to the Population Division of the UN Department of International Economic and Social Affairs, the population had already reached 866 million in 1991. The population division of the UN Economic and Social Commission for Asia and the Pacific (ESCAP) projected 896.5 million by mid-1993 with a 1.9 percent annual growth rate. The United States Bureau of the census, assuming an annual population growth rate of 1.8 percent, put India's population in July 1995 at 936,545,814\textsuperscript{31}.

India accounts for some 2.4 percent of the world's landmass but is home to about 16 percent of the global population. The magnitude of the annual increase in population can be seen in the fact that India adds almost the total population of Australia or Sri Lanka every year. A 1992 study of India's population notes that India has more people than all of Africa and also more than North America and South America together. Between 1947 and 2001, India's population more than doubled\textsuperscript{32}.

The upward population spiral began in the 1920s and is reflected in intercensal growth increments. South Asia's population increased roughly 5 percent between 1901 and 1911 and actually declined slightly in the next decade. Population increased some 10 percent in the period from 1921 to 1931 and 13 to 14 percent in the 1930s and 1940s. Between 1951 and 1961, the population rose 21.5 percent. Between 1961 and 1971, the country’s population increased by 24.8 percent. Thereafter a slight slowing of the increase was experienced: from 1971 to 1981, the population increased by 24.7 percent, and from 1981 to 1991, by 23.9 percent. The 1991 census, which was carried out under the direction of the Registrar General and Census Commissioner of India (part of the MHA), in keeping with the previous two censuses, used the term *urban agglomerations*. In India urban agglomerations with a population of 1 million


\textsuperscript{31} These higher projections merit attention in light of the fact that the Planning Commission had estimated a figure of 844 million for 1991 while preparing the Eighth Five-Year Plan (FY 1992-96; see Population Projections, this chapter).

\textsuperscript{32} ibid.
or more, there were twenty-four in 1991 are referred to as metropolitan areas. Places with a population of 100,000 or more are termed 'cities' as compared with 'towns,' which have a population of less than 100,000. Including the metropolitan areas, there were 299 urban agglomerations with more than 100,000 populations in 1991. These large urban agglomerations are designated as Class I urban units. There were five other classes of urban agglomerations, towns, and villages based on the size of their populations: Class II (50,000 to 99,999), Class III (20,000 to 49,999), Class IV (10,000 to 19,999), Class V (5,000 to 9,999), and Class VI. In 1991 the twenty-four metropolitan cities accounted for 51 percent of India’s total population living in Class I urban centres, with Bombay and Calcutta the largest at 12.6 million and 10.9 million, respectively. In the early 1990s, growth was the most dramatic in the cities of central and southern India. About twenty cities in those two regions experienced a growth rate of more than 100 percent between 1981 and 1991. Areas subject to an influx of refugees also experienced noticeable demographic changes. Refugees from Bangladesh, Burma, and Sri Lanka contributed substantially to population growth in the regions in which they settled. Less dramatic population increases occurred in areas where Tibetan refugee settlements were founded after the Chinese annexation of Tibet in the 1950s.

The partition of the Indian subcontinent into India and Pakistan in 1947 resulted in the largest human movement in history resulted an exchange of 18,000,000 Hindus and Sikhs (from Bangladesh-65 percent and Pakistan-35 percent) for Muslims (from India). During the Bangladesh Liberation War (BLW) in 1971, owing to the West Pakistani army’s operation searchlight, more than 10 million Bengalis fled to neighbouring India. As a result of the BLW, on 27 March 1971, Prime Minister of India, Indira Gandhi, expressed full support of her Government to the Bangladeshi struggle for freedom. The Bangladesh-India border was opened to allow panic-stricken Bengalis safe shelter in India. The governments of West Bengal, Bihar, Assam, Meghalaya and Tripura established refugee camps along the border. Exiled Bangladeshi army officers and the Indian military immediately started using these

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camps for recruitment and training members of Mukti Bahini. During the Bangladesh War of Independence around 10 million Bengalis fled the country to escape the killings and atrocities committed by the Pakistan army. Following the war, the Bangladesh Government actively supported by the Indian military indiscriminately tortured and killed thousands of Biharis who were mostly against the independence of Bangladesh. Those who survived the massacre were forced into squalid camps where they live to this day. There are between 126,000 and 159,000 Biharis who have been living in camp-like situations in Bangladesh ever since the war. As mentioned before India is the home of largest number of refugees particularly from the South Asian Countries. Some of the major refugee groups are Chakmas, Srilankan, Afghan, Tibetan, Myanmar (Burma), Kashmir, Chin and etc.

Chakma Refugees

Chakmas originally are the people from CHT of Bangladesh. CHT was the part of India before Independence, when India was the colony of British. British had followed a policy of exclusion in the CHT in order to exploit the natural resources of the region, thereby isolating the Chakmas from national politics. After Independence, the CHT were awarded to East Pakistan, much against the wishes of the Chakmas, who wanted to integrate into India. In 1964, the Pakistan president, Ayub Khan, abolished earlier regulation preventing settlement of plains people (Bengalis) in the hills. Consequently, Bengali Muslims were encouraged to settle in the area to counter the Chakmas who were thought to be pro-Indian. After the creation of Bangladesh, the Chakmas continued to struggle under an oppressive regime. The Awami League government, led by Sheikh Mujibur Rahman, advocated a Bangladesh for Bengalis only. This alienated the Chakmas further and pushed them on to the path of violence.

In 1976, the Shanti Bahini, the armed wing of the Parbattya Chattagram Jana Samhati Samiti (PCJSS), attacked the Bangladeshi army. The ensuing violence

36 Mukti Bahini was the Liberation Army and also termed as the "Freedom Fighters" collectively refers to the armed organizations fought against the Pakistan Army during the Bangladesh Liberation War.
39 The Shanti Bahini is the Peace Force was the name of the military wing of the Parbatiya Chaiagram Jana Sanghati Samiti, the United People's Party of the CHT in Bangladesh. It was formed in 1972 to preserve the rights of the tribal people in south-eastern Bangladesh, and fought for many years
forced over 56,000 Chakmas to seek refuge in the Indian state of Tripura. Not wanted however, this was not the first time that Chakmas had been forced to flee to India. In the early sixties, a dam built in the hill districts in East Pakistan displaced nearly 18,000 Chakma families. They were the first batch of Chakmas who migrated to India in search of a new life.

Eventually, they ended up in refugee camps in the Lohit, Tirap, Changlang, and Papumpare districts of Arunachal Pradesh, where they remained largely forgotten by the administration. Despite a Supreme Court order in 1996, the Chakmas were denied the right to vote. The Arunachalees feared that if the Chakmas were given voting rights, they would end up controlling politics in the state in the future. In neighbouring Mizoram, the Chakmas, some of whom were regarded as Congress-backers, were granted an autonomous district council in 1972. The Mizos resented the move and lent their support to a militant campaign that sought to intimidate the Chakmas. As a result, members of the community were assaulted, their houses torched and their names struck off the electoral lists. They were also pushed to the Myanmar-Bangla border. A hostile indigenous population is not the only problem that the Chakmas face. The hilly terrain makes it impossible to provide adequate healthcare facilities in the region. The absence of infrastructure, education and a common language are some of the other problems that have stalled the uplift of this community. The conflict in the CHT was largely a struggle for militarization and Islamization of this particular region. Ironically, a decision taken nearly sixty five years ago continues to torment a small community on either side of the Indo-Bangladesh border. Unfortunately, for the Chakmas, military oppression in their home country has forced the community to flee and seek refuge in an alien land. Even today after many decades they continue their struggle for a homeland and an identity.

against the central government. It abandoned militancy following the peace treaty signed by the government and the Shamiti on December 2, 1997.

Kaptai Dam (Kaptai Hydel Power Project) was built in CHT by the Pakistan Government in which Chakmas lost more than 60 percent of their cultivated land and largely displaced.


Arunachal Pradesh was known as North East Frontier Agency (NEFA) before 1982.


Srilankan Refugees

Tamil refugees from Sri Lanka began fleeing to India in 1983 when violence broke out in their country between the majority Sinhalese and the minority Tamil militant group, the Liberation Tigers of Tamil Eelam (LTTE). Although many of the refugees have been repatriated to Sri Lanka over the years, at present 61,000 Sri Lankan Tamils are living in 103 government-run camps in the South Indian state of Tamilnadu and an additional 20,000 refugees live outside the camps. The camp-based refugees were aided by the Indian Government and permitted to stay in India and ensured that educational and health facilities be made available to their children. In particular, the Sri Lankan refugees were pleased with the opportunities they have for the education of their children in India, although a quota is imposed on Sri Lankan refugees attending universities. They receive a small stipend each month and a few basic supplies from the Indian Government, which are inadequate for survival. In one camp more than a thousand people have been living for a decade in crowded warehouses where each family lives in a 10 feet by 10 feet partitioned area. In other camps, refugees are living in ‘temporary’ shelters, which were built prior to the refugee influx as short-term housing and are now falling apart. Basic facilities in the camps, such as toilets and water pumps, constructed by Indian authorities in the early 1990s, broke down long ago and have not been repaired. Sanitary problems in the camps were cited by many as a serious problem. They have had very few options to living in the camps, especially as returning to their homes in Sri Lanka was not feasible in the past due to the ongoing war between the LTTE and the Government.

With the cease-fire agreement between the Sri Lankan Government and the LTTE in early 2002, the security situation has improved significantly in Sri Lanka. Several thousand refugees have returned perhaps 10 percent of those in India to Sri Lanka. Some of the returning refugees have been assisted by UNHCR, which is facilitating their return via air, while others have paid fishermen thousands of rupees to smuggle them back by boat. UNHCR’s policy is not to encourage returns to Sri Lanka.

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Lanka because of concerns about security, but the agency assists voluntary returnees. That policy seems correct and prudent at the present time. None of the refugees alleged to the government of India pressuring them to go home, although they fear that pressure may come in the future ⁴⁹.

Other refugees are hesitant to return to Sri Lanka at this point because their homes lie in High Security Zones (HSZ), occupied by the Sri Lankan army, from where all residents have been displaced. These refugees only want to return when they will be able to go back to their original homes. A reason also mentioned by the refugees for not returning is the fear that their children will be recruited by the LTTE, which continues to fill its ranks with child soldiers. An additional cause affecting return is the standard of educational facilities in parts of Sri Lanka, which is not as high as the standard in India. As Sri Lankan Tamils place a high value on education, they do not want to return before the education of their children is completed in India ⁵⁰. The number of Sri Lankan refugees in India has risen to 12,062, resulting in Indian authorities opening a new camp in South India’s Coimbatore to accommodate the number of overflowing refugees ⁵¹.

**Afghan Refugees**

From the Soviet invasion of Afghanistan in 1979 through the early 1990s, the Afghan War (1978–92) caused more than six million refugees to flee to the neighbouring countries of Pakistan and Iran, making Afghanistan the greatest refugee-producing country ⁵². Since the early 1980s, approximately 3 million Afghan refugees were settled in Pakistan and about two million in Iran. Many of them also made their way into the European Union, North America, Australia, India ⁵³, Turkey, and other parts of the world. The U.S. invasion of Afghanistan in 2001 and continued ethnic cleansing and reprisals also caused additional displacement. Though there has been some repatriation sponsored by the UN from Iran and Pakistan ⁵⁴. India is a home to 8,400 Afghan refugees of whom 7,560 are Hindus and Sikhs refugees and according

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⁵¹ Asian Tribune, 26 September, 2006.
⁵² The Hindu, 6 July, 2002.
⁵⁴ UNHCR (2007) Census identified over two million Afghan refugees still living in Pakistan alone.
to UNHCR about 4,000 applying for Indian citizenship and as on date more then 510 now Indian nationals\(^55\).

Since the beginning of 1999, the Indian Government's Foreigners Regional Registration Office (FRRO) has refused to renew their residence visas. As a result, the residence visas of most of these refugees have expired and they are now living in the country illegally. This situation has had predictable consequences. For example, most of these refugees are now wary about travelling outside their own neighbourhoods for fear of extortion, or, even worse, deportation, at the hands of the Indian police\(^56\). The situation for Afghan refugees is rapidly deteriorating\(^57\). The Indian Government's new policy of non-renewal is in significant part of the product of tensions between India and Pakistan, which reached a fever pitch during the Kargil crisis\(^58\) and because of this Afghans were victimised by both private individuals and the state\(^59\).

**Tibetan Refugees**

There are an estimated 110,000\(^60\) Tibetan refugees in India, who fled their homeland in 1959 after Chinese troops crushed their uprising. The total of 68,639 Tibetan refugees has resettled with government assistance and self-employment under agriculture and handicraft schemes. The rehabilitation of these refugees is being achieved through the scheme of Government of India as well as relief agencies under the Tibetan Administration in India\(^61\). They mainly settled in Delhi, Bangalore and several places, but their main centre is in the Himalayan resort of Dharamsala, the home of the Tibetan government-in-exile\(^62\). In India the overwhelming majority of Tibetans born are still stateless and carry a document called an Identity Card (IC) issued by the Indian Government in lieu of a passport. This document states the nationality of the holder as Tibetan. It is a document that is frequently rejected as a valid travel document by many customs and immigrations departments. Tibetan

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\(^{55}\) The Hindu, 19 June, 2009.


\(^{58}\) Times of India, 9 July 1999.

\(^{59}\) Hindustan Times, 5 July 1999.


\(^{62}\) Indo Asian News Service, August 30, 2008.
leaders in India consistently state that the government of India has treated them extremely well, but these understandably sincere statements of gratitude fail to testify to a changing reality both practical and political under which Tibetan refugees in India must live. Tibetans, as one of the only refugee groups to be officially recognized by the Indian government and thus legally permitted to stay in India, are often considered to be in a more advantageous position than other refugees in India. It is, however, necessary to recognize that the proximity and strategic importance of their country of origin, China, makes their situation politically delicate. As political pressure continues to mount on India from China, human rights observers fear that the practice of tolerance and permissive freedom will give way to subtle and even overt forms of repression, which are technically supported under Indian law. As the Tibetan refugee community in India has existed for over 50 years and many Tibetans have been born in India. However, conflicting information exists about whether or not Tibetan refugees living in India are able to acquire Indian citizenship. Further, a number of sources indicate that only 1-3 percent of Tibetans are eligible to apply for Indian citizenship. Few of them apply because there is a general belief that their exile in India is temporary and a return to Tibet will eventually follow. Many do not see India as their country and look forward to returning to a free Tibet. As a result, they see no need for the acquisition of Indian citizenship. Other sources, however, reveal that the acquisition of Indian citizenship is not so straightforward for Tibetans. In an interview with the Unites States Bureau of Citizenship and Immigration Services, a Liaison Officer from the Office of Tibet in New York stated

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64 United States Committee for Refugees and Immigrants, World Refugee Survey 2007, India, available at http://www.refugees.org. This report indicates that unlike other refugees with the exception of Sri Lankan Tamils, Tibetans are provided with documents that legalize their stay in India; permission to work though there is no legal basis for doing so, certification to practice profession that was not available to other refugee groups, and have been successful in acquiring land, something that other refugees are unable to do.
66 The Hindu, 26 May 2005.
67 See Immigration and Refugee Board of Canada, Responses to Information Requests (100699.E), op. cit.
68 The Hindu, 26 May 2005.
that in general, Tibetans have trouble obtaining Indian citizenship and are subsequently denied the concomitant rights it bestows.\footnote{United States Bureau of Citizenship and Immigration Services, India: Information on Tibetan Refugees and Settlements, op. cit.}

Kashmiri Refugees

Kashmiri Hindus are living in Kashmir only due to the ongoing anti-Indian insurgency. Some 300,000 Hindus have been internally displaced from Kashmir due to the violence.\footnote{See website, http://www.britishcouncil.org.in.} Azad Kashmir is a territory of Kashmir under Pakistan’s jurisdiction twelve miles (19 km) outside of Muzaffarabad, capital of Azad Kashmir. More than 100 refugees have just moved into a new camp there above the Jhelum River. The refugees, Kashmiri Muslims, are trying to rebuild lives ravaged by the decades-old Pakistan-Indian Kashmir conflict. The newcomers join the 17,000 other refugees who have made Azad Kashmir their home some since 1989. More than 350,000 refugees have flooded other parts of Kashmir. In 1999, the latest group of refugees began a slow mass migration to Azad Kashmir from villages near the Neelum Valley, which straddles the Line of Control (LoC) between Indian and Pakistan Kashmir. The refugees claim that Indian soldiers forced them out of their homes.\footnote{Annual Report (2007), Ministry of Home Affairs, Government of India, Chapter VIII, Human Rights, P. 4.} At first the refugees migrated only five miles from their villages, hoping they might soon return to their homes in India. But constant shelling near the LoC forced them to start new lives elsewhere. For Kashmiri Muslims, Pakistan appeared safer than Indian-held Kashmir. With the Kashmir conflict in its more than sixth decade of deadlock, the outlook for resolution is bleak.\footnote{See website, http://news.nationalgeographic.com, Zoltan Istvan (2003), Refugee Crisis Worsening in Western Kashmir.}

Chin Refugees

A majority of Chin forced to flee Burma cross into neighboring India and settle in the Mizoram hills, which are adjacent to the Chin Hills. Although it is impossible to accurately determine their true number, it is estimated to be nearly 80,000. Out of this 1,800 Chin living in Delhi, 1,000 have been granted refugee status by UNHCR. Another 300 Chin cases have been registered by UNHCR and are
awaiting refugee status determination. In mid 2006, UNHCR also began resettling the Chin to third countries. Obtaining refugee status through UNHCR, however, has become increasingly difficult for the Chin community in India. Most Chin live in Mizoram, where UNHCR is not operational. As a result, Chin living in Mizoram seeking UNHCR recognition must make an arduous and expensive journey to Delhi. Once registered, they are required to remain in Delhi, where it is difficult to make a living and assimilate culturally. Further limiting the accessibility of refugee status for the Chin, UNHCR announced the closure of general registration in September 2007. Only ‘priority’ cases or those considered especially vulnerable, such as pregnant women, the elderly and the infirm, are now eligible for registration. ‘Non-priority’ cases will have to wait until the general registration process re-opens, which is unlikely to happen as per rules.

Although India is not a signatory to the 1951 UN Refugee Convention, New Delhi has always taken an active role in refugee-related problems. A report by the United States Committee for Refugees says there are more than 2,00,000 refugees living in India, including people from Sri Lanka, Tibet, Bhutan, Myanmar and Afghanistan. Gradually, both state and citizens began to ignore the refugees. At one point, when a short-lived peace reigned in Sri Lanka, many refugees were coaxed (some say forced) to leave India in an organised repatriation process. Accusations that Tamil militants were responsible for the assassination of India's former Prime Minister, Rajiv Gandhi, took away any remaining sympathy local people had for refugees. Sri Lankans suspected to be militants were thrown into what were 'special camps', where their movement was restricted and treatment was harsher. Some innocents were also detained here. Suspects could not seek judicial or political support. There have been many reports of ill treatment and torture, and human rights groups have recorded forced repatriation of ordinary refugees. In most cases, relief is not provided. It is clear, although nothing has been said officially, that India no longer wants the refugees. Article 33 of the 1951 UN Convention on the status of refugees says that no contracting state shall expel or return (refouler in French) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened. It means a nation cannot send back a refugee unless his or her claim to

76 The Hindu, 10 May, 2000.
refugee status has been properly determined. But India is not a signatory to the Convention, and it treats rights of refugees differently. In India, there is no mechanism for redress for refugees when a right is refused. Like most countries, India’s stance on refugees depends on many things, most of them political or economic. Refugees who might have been acceptable last year are unacceptable this year, perhaps. Much depends on where they come from and when. Accepting large numbers of refugees is not always popular with the electorate. So, governments sometimes adopt a policy of pre-emptive deterrence to ensure that the flow is stopped at the point of origin itself. Here in India, it has been said that Bangladesh refugees in 1971, Tibetan refugees since the 50s and Tamil refugees since 1983 were all greeted with open arms because of political exigencies of that time. But that was not the case when Chakmas came into Arunachal Pradesh and Tripura. Now the UNHCR has been given the mandate to provide “protection and assistance” to refugees as legally defined by the UN. India, however, has taken the stand that it will deal with refugees itself, and that the UNHCR need not come into the picture. In many ways, then, the UN body does not have a very active role to play in matters concerning refugees in India. It played a big role in the repatriation of 10 million Bangladeshi refugees, and it has been called in occasionally to play a limited role in other cases, but even that has sometimes ended on a sour note. And inevitably, if large number of refugees do come into the country as with the Sri Lankan Tamils they will face all manner of human rights and other problems unless they are given a clear legal status.

It has been mainly seen that the laws are affecting the rights of refugees in India. Here is one; the Foreigners Act of 1946 gives the executive wide powers of discretion to control foreigners in India. They can be prohibited, arrested, detained or confined and even asked to leave the country. The rights set out in the Refugees Convention are duplicated and complemented in the international human rights treatises and declarations, covering the Universal Declaration of Human Rights (UDHR) and the Covenant on Economics, Social and Cultural Rights (ESCR). In India, whether a person seeking asylum is termed an illegal alien or a refugee, the State is obligated to respect their fundamental rights. This was confirmed by the

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78 Ibid.
Supreme Court in the case of NHRC vs. State of Arunachal Pradesh\textsuperscript{79}, in which an attempt to drive out the Chakma refugees was brought before the court. It has been noticed on many occasions that India does not grant permission to media, Non-Governmental Organisations (NGOs) and international bodies to visit the refugee camps, thus stifling investigations into the affairs there. The question of repatriation of refugees and India's stand on this has come into focus and discussion during the repatriation process involving the Sri Lankan Tamil refugees. There is no clarity on this issue either, leading to interpretations governed apparently, which leads to abuse. So India's policy on refugees presents a paradox\textsuperscript{80}. While it has joined the UNHCR's Executive Committee, it does not concur with the Executive's policies on treatment of refugees and has declined to sign either the 1951 Refugee Convention or the 1967 Protocol. India's policy works more on a bilateral country-to-country basis, as with the Tamils of Sri Lanka\textsuperscript{81}.

UN body stresses need for law in India on refugee issues. The UNHCR has made out a strong case for enactment of a national law by India that would lay down the policy guidelines for recognising and assisting refugees who seek shelter in the country. The NHRC has turned little attention to such issues. Perusal of its annual reports shows that little or nothing has been done on the rights of refugees in India, the judiciary has played a very important role in protecting refugees. Court orders have filled legislative gaps and in many cases have provided a humanitarian solution to the problems of refugees. Moreover, Indian courts have allowed refugees and intervening NGOs to file cases before them. Furthermore, the courts have interpreted provisions of the Indian Constitution, existing laws and, in the absence of municipal law, provisions of international law to offer protection to refugees and asylum seekers.


\textsuperscript{80} The Hindu, May 10, 2000.

\textsuperscript{81} Ibid.
"Democracy is the road to socialism; History repeats itself, first as tragedy, second as farce"

-Karl Marx-
CHAPTER-III

CHAKMA ISSUE AND RESPONSE OF THE STATES
IN NORTHEAST INDIA

The Chakmas are the tribal groups of the Northeastern states of India. They are settled mainly in the states of Mizoram, Tripura, Assam, Arunachal Pradesh, Meghalaya and West Bengal. Chakmas believed to have migrated from the CHT of West Bengal to the Mizo hills. It is also believed that the Chakmas migrated from the Champa Kingdom in Cambodia and the Lushai's called Chakmas as Tui-Chek, which means the people who lived near water. Chakmas have close resemblance to Mongolians of the Tibeto-Burman groups. Khyangtha and Thangtha are the two groups within the Chakmas. They are classified on the basis of the places where they live. Khyangthas live on the bank of the river while Thangthas also called Jhumias live on hill tops. Chakmas believe in Buddhism and have a language of Burmese and Sanskrit scripts. Agar Tara a version of Buddhist scripture is their oldest scripture. It is read on the special occasions like marriages, funerals etc¹.

Chakmas are the Mongoloid tribes probably of Arakanese origin. The name Chakma some time spelt as ‘Tsakma’ Tsak or Thek in Burmese². They might have migrated from a place some where in South-East Asia.³ The Chakmas are the original inhabitants of the CHT are perhaps the least known people of Asia being the residents of a remote and backward area which is of little political or economic consequence⁴. This place has been the home land of the Chakmas particularly for centuries. Though the origin of the Chakmas is too murky, their history connects them with the mountainous kingdom of Kapilnagar⁵ in the Himalayan ranges. It is learnt that from 1052 A.D the Chakmas started moving from Arakan into the bordering area of Bengal right down the plain areas of Chittagong (Bangladesh) and made it their home.⁶

⁵ Ancient place of Lord Buddha, presently in Nepal.
There is very little documentation available on the early history of the Chakmas. However, there is evidence of the mention of a place known as 'Chacomas' in central CHT\textsuperscript{7}, probably referring to the land inhabited by the Chakmas, in the 1550s where a Burmese king claims himself to be the 'highest and most powerful king of Arakan, Tippera (Tripura), of Chacomas and of Bengala'. Moreover, one of the earliest maps of Bengal drawn by Jao de Barros & Gastadi indicate the presence of a Chakma kingdom in the region. An overview of the History of the CHT, 5093 square miles, 10 percent of Bangladesh's total land is 47 percent of the country's total forest land. Ethnic minority groups include Chakma, Marma, Tripura, Chak, Khyang, Khumi, Murung, Lushai, Bawm and Pankho. Chakma Queen Manikbi's husband fought many battles with Maghs in the country called Roang (Arakan) in the year 1118-1119 AD. During the reign of Chakma king Kamal Chega, there was war with Roang and the Chakmas migrated into that country. During 14th century Sawngma (Chakma) Raja Marekyaja migrated from Arakan hills to Chittagong belt to establish his rule and dynasty. So far the history of Chakmas are concerned it is stated that in 1715 the Chakma king Jalal Khan established treaty with the Mughal Nawab.

**Historical Understanding of the Chakma Settlement**

As per Chakmas history as well as the CHT information is concerned it is only available since 1715. In 1715-1760, CHT was independent kingdom, paying revenue from Cotton/Karpas to the Mughal Nawab, hence the name, 'Karpas Region'. Between 1760 to 1780 CHT maintains independent kingdom status, but pays revenue to the British rulers. From 1777 to 1780 Chakma warriors fight for the East India Company but in 1787 Chakma King Jan Baksh pledges allegiance to East India Company in which CHT goes under complete control of the British\textsuperscript{8}. British pledge not to intervene in administrative affairs of the region in which an 1829 regulation says, in 1829, Mr. Halhed, the Commissioner stated that,

"The hill tribes were not British subjects but merely tributaries and that we recognized no right on our part to interfere with their internal arrangement"\textsuperscript{9}.

\textsuperscript{7} Presently Chittagong Hill Tract is in Bangladesh.


On 20 June, 1860 (Notification No 3302) separated the hill area of Chittagong from Chittagong district and created an independent district called Parbatya Chittagong. In 1861 Parliament passed Indian Council Law by Governor General and local authorities with regard to areas outside the Law's jurisdiction. In 1870 Government of India Act (GIA) passed a law allowing the Governor General to amend laws related to the 'special areas' in which CHT Police Regulation in the year 1881 allows Hill Tracts people to form their own independent police force. Apart from this on 1 May, 1900 CHT Manual law was also passed. The area was given exemption from administration as an 'Excluded Area' to help preserve minority 'tribal' culture and heritage. After these laws CHT was divided into Chakma, Bomang and Mong Circle and the headmen (Karbari) to act as local administrators. After this the Manual's Regulation banned non-hill (those who are not from the area) people from buying or acquiring land in the area. In 1920 and 1925 the Manuals revised to further enhance the safety of the tribal people. In the year 1935 India Rule of Law (IRL) ratified and recognised validity of CHT Regulation respectively.  

On 17 August, 1947 as partition approached, Lord Mountbatten pressurized Sir Cyril Radcliffe to redraw his lines over the CHT and several Punjab districts. In the end, Radcliffe assigns CHT to the new state of Pakistan. In 15-20 August, 1947 CHT People's Association expresses their doubt as to whether their rights will be preserved if they are assigned to Pakistan. The association raises the Indian flag in the Rangamati district administrator's office. On 21 August, 1947 Baluch Regiment arrives in CHT and forces protesters to lower Indian flag. The regiment then raises the Pakistan flag. Finally tribal leaders Kamini Mohon Dewan and Sneha Kumar Chakma clash over whether tribal rights will be protected in Pakistan. A large group that is fearful for their rights gives up their land and cross over into India. 

In 1948 the new Pakistan Government expressed suspicion over allegiance of Hill Tracts people, removing CHT Police Regulation 1881. In fear of their safety, several thousand tribal people seek refuge in India and Burma. Later, when the Indian and Burmese governments attempt to bring international pressure to take back the refugees, the Pakistan government agrees to abide by 1900 CHT Manual Law. In 1950 Pakistan Government violated CHT manual law by settling several hundred Muslim families in Nanaichar, Longdu and Bandarban. Latter in 1956 CHT Manual

11 Ibid.
law of 1900 ratified in first constitution. In 1962 the Pakistan Government begins to take away tribal control by replacing the phrase ‘separate ruled area’ with ‘Tribal Area’ and made major changes to the regulation. During 1957-1962 Kaptai Hydro Electric Project Dam was built in which 40 percent of agriculture land in CHT goes under water. Thousands of Hill Tracts peoples lose their agriculture which was only source of income. In 1964 Hill Tracts peoples who lost their lands in the Kaptai Dam Project were moved to rehabilitation areas but dissatisfied with the rehabilitation efforts which results more than 50,000 families take refuge in India. Over a period of time 30,000 of these refugees are later settled by the Indian Government in Arunachal Pradesh (NEFA at that time) and remainder settles in Tripura and other Indian states.\(^{12}\)

In 1971, Bangladesh liberation war begins and in this Major Ziaur Rahman and his troops escape to India via CHT, with the help from tribals in the area. On 5 December, 1971, after Pakistani soldiers vacate Chittagong’s Panchori region, non-tribal freedom fighters kill 14 Hill Tracts people. Authorities forbid tribal freedom fighters when they attempt to intervene. On 29 January, 1972, newly independent Bangladesh’s leader, Sheikh Mujibur Rahman, assures Chakma representatives that Chakmas would get their due share of government jobs. On 15 February, 1972 the representatives of the Chakma king hand over a 4-point manifesto to Sheikh Mujib, asking for autonomy for CHT. On 24 April, 1972, Manobendra Narayan Larma, member of the king’s council, presents the 4-point manifesto to the committee drafting the Bangladesh constitution. Finally Larma forms a regional political party, the Chittagong Hill Tracts Solidarity Party (CHTSP), to champion the cause of regional autonomy. On 13 February 1973, during a tour of the Hill Tracts, Sheikh Mujib says,

‘From today, there are no tribal sub-groups in Bangladesh; everyone is a Bengali’\(^{13}\)

On 29 May 1977 the Shanti Bahini launches a lethal attack on local armed forces. In response, both the army and navy in the area fortified to the extent that the ratio of armed forces to CHT residents was 1:5. On 26 December 1977, a direct


warning to Shanti Bahini and Chakmas, Chittagong Cantonment Area Commander Major General Manzur announced,

"We don't want you. You can go off wherever you please. We just want your land"\(^{14}\)

On December 1980 Zia government, after light criticism of the Kalampati massacre, passes the Disturbed Area Bill, bestowing upon the Chittagong Police Sub-Inspector and any Non-Commissioned Army Officers the right to shoot individuals suspected of illegal activities and the right to raid any home suspected of storing weapons. On 29 July 1980, following an earlier closed-door meeting with Chakma leaders, President Zia quoted in the Guardian (London) as saying,

"We are doing some wrong there. We are being unfair to the tribes. It is a political problem that is being dealt with by Police and Army action. Yet it can be settled politically very easily. We have no basis for taking over these lands and pushing these people into a corner. We should at least call a meeting of these tribal leaders and ask them their demands"\(^{15}\)

On 5 February 1982, led by the President's secretary on tribal affairs Subimol Dewan, a group of tribal and non-tribal representatives meet with President Abdus Sattar. The Sattar regime does not see any further resolution of the tribal problem; the few educational and occupational quotas created under Zia are gradually eliminated. On 27 July 1982, after coming to power, General Ershad meets with three Chakma leaders. He sends Chittagong Cantonment Area Commander Major General Mannaf as his representative to Rangamati. On 3 October 1983, General Ershad proposes a package deal to resolve the Hill Tracts crisis. Meanwhile, a rift within the Solidarity Party leads to the assassination of Manabendro Narayan Larma at the hands of supporters of rival Priti Kumar Chakma. In 1984, in their report to the UN Working Group on Indigenous Populations (WGIP), the Anti-Slavery Society of London criticizes the Bangladesh delegation's report. In particular the Bangladesh delegation's claim that, "Bangladesh has no indigenous population" comes under attack\(^{16}\).


\(^{16}\) May 1985, Asian Conference on Religion and Peace (South Korea) presents report on the crisis of the Chittagong Hill Tracts, which accuses Bangladesh of violating ILO Convention 107 on Tribal and Indigenous Populations.
Treaties with the Mughals (1713)

When the Mughal Emperors held sway over India, the Hill Tracts remained outside their direct control, despite attempts made to bring it within the writ of the Mughal emperors. The hill people resisted all such attempts, but finally entered into treaties with the Mughal emperors. In 1713 the Chakma Raja, Fateh Khan, obtained permission from the Mughal Emperors to allow the bea-paries (Bengali merchants) to trade with the Jummas on the payment of a one-time tribute of 11 mounds of cotton. This tribute on trade between the Jummas and the plains constituted the only link, albeit a commercial undertaking, between the Mughals and the Hill Tracts. The Chittagong Hill Tracts continued to be administered by the traditional indigenous authorities without any external interference\(^{17}\).

Treaty of Peace

By 1760, the British East India Company had succeeded in annexing Bengal. The East India Company was essentially a commercial enterprise, and economical interests guided their actions. The Hill Tracts drew their attention as a strategic frontier area which would facilitate access to neighboring countries, especially as their relations with the independent frontier tribes, Lushais, Shendus, others, were very unsatisfactory\(^{18}\). Another significant factor was that the Hill Tracts were rich in natural resources, in particular forest produce. The forests contain a great variety of valuable timber trees, and have large areas under bamboo and cane. The British first started a military campaign in 1776 designed to include the Hill Tracts within their control. They met with strong resistance from the Chakma Raja, Jan Bux Khan, and his general, Ranu Khan Dewan (earlier referred to as Ramu Khan). After the fighting had continued for a decade, the British imposed an economic blockade cutting off essential supplies to the area, including salt, and in 1787, Raja Jan Bux Khan was forced to conclude a treaty of peace with the British Governor General, Lord Cornwallis. By the terms of the treaty, signed at Fort William, Calcutta, the Chakma had to pay about 20 maunds of cotton to the British for the right to trade. This cotton


tribute was later extended to the Marmas and eventually the entire area came to be known as the Kapas Mahal (Cotton Area)\textsuperscript{19}.

**British Tributaries**

Initially, the jurisdiction of the British extended to the collection of the cotton tax only, but gradually this tax collection exercise was instrumental in the British establishing their authority over the Hill Tracts. However, they did not interfere in the internal administration of the area, which remained in the hands of the chief and their headmen, a fact noted in an official record. In 1829, Mr. Halhed, the Commissioner stated that the hill-tribes were not British subjects, but merely tributaries, and that he recognized no right of the British to interfere with their internal arrangements. The near neighborhood of a powerful and stable government naturally brought the chiefs by degrees under British influence, and by the end of the 18th century every leading chief paid to the Chittagong Collector a certain tribute or yearly gift made to purchase the privilege of free trade between the inhabitants of the hills and the plains. These sums were at first fluctuated in amount but gradually were brought to specified and fixed limits, eventually taking the shape, not of tribute but of revenue paid to the State\textsuperscript{20}. The Government did not, however, interfere directly with the internal economy of the hill tract. In 1860, the British declared the Hill Tracts a district within Bengal and appointed a superintendent. Even with the introduction of British power, the region remained under the rule of the three chiefs or rajas in their respective circles, i.e. the Chakma, Bohmang and Mong, while continuing with the payment of the tribute in cotton\textsuperscript{21}.

The Mong circle located in the north which was under the jurisdiction of the Chakma Rani, was created by the British even though the predominant people in that area at that time were Tripuras 18,559; the Chakma population was 6,980 while the Marmas accounted for 6,704 persons only. The appointed chief was related to the Bohmang chief. In 1900, the British enacted the CHT Regulations for administrative purposes. The most relevant in these regulations was to preserve the area as an indigenous region separated from the plains of Bengal\textsuperscript{22}. The regulations placed

\textsuperscript{19} S.P, Talukdar (1994), Chakmas: An Embattled Tribe, Uppal Publication House, New Delhi, p.87.

\textsuperscript{20} Ibid., Pp. 64-95.

\textsuperscript{21} Ibid.

restriction on outsiders to enter and reside in the region and the creation of the Frontier Police composed of hill people. In 1935, the Government of British India declared the CHT to be an ‘Excluded Area’ i.e. an exclusive homeland for indigenous people with restrictions to settlement on non-indigenous persons. In 1947, when the subcontinent was divided into two sovereign states such as India and Pakistan, the CHT, despite having a 97 percent non-Muslim population was included into Pakistan. The new government respected the ‘excluded area’ status until 1964, when the government abolished it by making an amendment to the constitution, against the wishes of the people and in contravention of stipulations in the constitution23.

In 1965, the inhabitants were given voting rights to the legislative assemblies for the first time. Furthermore, despite opposition from indigenous leaders, the government created a massive lake by creating a dam for generating electricity that submerged 54,000 acres of agricultural land and 40 percent of the total cultivable land and displaced more than 100,000 persons in Central Hill Tracts24. More than 50,000 Chakmas were forced to seek shelter in Indian states of NEFA presently Arunachal Pradesh, Assam, Tripura and other parts of the country25.

**Chittagong Hill Tract was ceded to Pakistan**

Throughout the British period the 1900 Act functioned as a safe guard for the Jumma people prohibiting migration of the non-indigenous people to the CHT. In 1947 Radcliffe ceded the CHT district to Pakistan, when the Indian subcontinent was partitioned on the basis of religion into Islamic Pakistan and secular India, though the district was 98.5 percent Buddhist and Christian, and against the express wishes of the Jumma people. On the 15th of August 1947, Chakma youths under the leadership of Sneha Kumar Chakma hoisted the Indian tricolour at Rangamati, while in the south; the Marmas hoisted the Burmese flag at Bandarban26. Six days later the Pakistanis lowered the Indian tricolor at gunpoint27.

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On the another side Jawaharlal Nehru after promising Sneha Kumar Chakma, the representative of the Parbattya Chattogram Jana Samity, that the Bengal Boundary Commission had no jurisdiction over the CHT. Before India’s independence Sneha Kumar Chakma had met Sardar Patel, and Jawaharlal Nehru in July 1947 and was promised by both, that CHT would remain with India. On 18th of July 1947, when the Indian Independence Act was published, it showed that Radcliff had not listened to the submissions of the two Hindu members of the Bengal Boundary Commission, Justice Bijon Mukherjee and Charu Biswas, that CHT should be with India. Sneha Kumar ran to Delhi after hoisting the Indian Tricolor at Rangamati on the 15th of August 1947, to meet the Indian leaders to try and revise the decision of Radcliffe. He met Sardar Patel, who told him that he was with him but he should meet Jawaharlal Nehru. It took 50 days for Sneha Kumar Chakma to meet Nehru. When he finally got an audience and told Nehru the CHT should be with India, and the Chakmas were ready to fight for this and would India help with arms, Nehru got up in anger and shouted, “Do you propose to bring India under foreign rule again?” That decision sounded the death knell for the hapless Chakmas. Thus, the Chakmas had to unwillingly cede with Pakistan.

Chakmas Settlement in India

The Chittagong was ruled by the British as a part of India from 1787 to 1947 by providing the status of an autonomous area exclusively for the tribal people. To equip the hill subjects of Chittagong with some kind of administration the British Government formulated an act in 1860 making way for the appointment of a superintendent of hill tribes in charge of the hill tracts which was hence, known as the ‘Hill Tract of Chittagong’. The awfully inauspicious British Raj came to an end with the tragic partition of the Indian sub-continent. But brushing aside all the expectations Sir Cyril Radcliffe chairman of the Punjab and Bengal Boundary Commission, awarded the CHT to Pakistan on 17 August 1947 in contravention of the
Indian Independence Act 1947 for political ends.31 Even Alastair Lamb was very critical about this arrangement when he stated,

"Sir Cyril Radcliff's major qualification for this, it appeared was his almost total ignorance of Indian affairs."32

As history is concerned the Chakma problems in India goes back to post 1971 and post Bangladesh issue.33 The Chakma influx into India can be traced to the partition of the sub-continent from the beginning, 'inconsistency and political expediency' governed India's CHT policy.34 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 did not treat the Chakma differently and resettled in North India and later in Northeast India. The manageable number of the Chakmas, their widespread dispersal in the sparsely populated Northeast and their ethnic proximity largely mitigated any potential opposition from the indigenous population. Furthermore, absorption was feasible partly because ethnic consciousness in the Northeast was still in its infancy.35

In 1964 a second wave of Chakma exodus was precipitated by the events surrounding the Kaptai Dam Project across river Karnaful, in Chittagong Hill Tract.36 Arable land used by the inhabitants for plough cultivation, it displaced an estimated 100,000 people mostly Chakmas. A faulty and inefficient resettlement policy resulted in about 40,000 Chakmas seeking refuge in India.37 Geographical, as well as, tribal proximity provided an additional incentive to the Chakmas fleeing to India, as they felt alienated by the Bengali Muslims.38

The present demand for the grant of citizenship and Scheduled Tribe status by the Chakmas clearly shows that they are not only unwilling to move out of the state,

33 S.P, Talukdar (1994), Chakmas: An Embattled Tribe, Upal Publication House, New Delhi, Pp. 64-65
but are also politically conscious and quite determined to stay permanently in the state. Their desires are not fulfilled even after five decades; they have been denied citizenship at several occasions even after the Indira-Mujib agreement of 1972 which makes mandatory for the Indian Government to treat their applications lawfully for the grant of citizenship. Under the Indira-Mujib agreement of 1972, it was decided that the Chakmas who came to India from the erstwhile East Pakistan before 25 March 1971, will be considered for the grant of citizenship. Moreover the Supreme Court in its recent ruling of 9 January 1996 has directed the State Government to forward all applications of Chakmas for citizenship to the Government of India and not to evict any of them while their application is under consideration. M.M. Jacob, while expressing the view of the Central Government stated that,

"The presence of these Chakmas in the area has also not resulted so far in any major law and order problems though some isolated instances of friction between locals and these Chakmas have come to our notice.... That the Central Team which visited Arunachal Pradesh to study the problems of these refugees expressed the view that the grant of citizenship would introduce an element of responsible social behavior in these refugees." He further added,

"Refugees from Bangladesh who came to India between 1964 and March 25, 1971 are eligible to the grant of citizenship according to the policy of the Government, as most of the migrants have already been granted citizenship". Further more he asserted that,

"Keeping the above in view there is no question of deporting these refugees from the state of Arunachal Pradesh. The general public in the state will have to be convinced that the burden of rehabilitation of the refugees will have to be shared by the country as a whole including Arunachal Pradesh."

The Chakma problem started since the time NEFA was bifurcated and Arunachal Pradesh became a Union Territory. For a variety of reasons the Arunachalees became hostile towards the Chakmas. By the late seventies the situation started worsening and the facilities provided to the Chakma settlers were withdrawn slowly by the State Government. In 1976 the real problem for them surfaced when all of a sudden the Chakmas enjoying free education, stipend, scholarship and free books were deprived of these facilities. To the great dismay,

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admission to the Chakmas in different schools were denied blatantly, rather their seats were allotted to the native tribals. In the late seventies and early eighties when the foreigners issue was at its peak in Assam, AAPSU chose to be vocal on this matter. In this sense the anti-foreigner agitation in Arunachal Pradesh is nothing but a spill over effect from Assam.\footnote{Ibid.}

With the banning of Chakmas, Hajongs along with Yobins and Tibetans, from the public employment in 1980, began the saga of a well organized operation of ‘deindianization’ of these people by the state government. In an utter disregard to the sentiment of these people the government order of September 29, 1980 stated that those people already in government service may continue without their post being made permanent. Through an official notification in 1991, issuing of trade license and ration cards was canceled. While in February they were stripped off the facilities of public distribution system, all other facilities including that of health care were withdrawn in September 1994. Even the Chakma village headmen who enjoyed administrative and judicial powers were not spared. The state government devoured all the rights of the Chakma tribes through the deliberate policies of deprivation.\footnote{Deepak K. Singh (2001), Stateless Chakmas in Arunachal Pradesh: From Rejected Peoples to Unwanted Migrants, Social Science Research Journal, 9(1), Pp. 47-82.}

The situation took an ugly turn when the AAPSU issued notice to all the refugees including the Chakmas to leave the state by 30th September 1994. The harassment which led to the exodus of the Chakmas began with 2000 of them fleeing Kokila in August, following the Anti-Chakma rally organized by the AAPSU on August 21, 1994. Although the AAPSU’s demand to detect and deport all refugees including the 60,000 Chakmas, the Tibetans, the Hajongs and the Yobins from Arunachal Pradesh is more than a decade old, they made a determined bid to pursue their goal only in 1994. In the month of May 1994, the AAPSU after holding a rally in New Delhi submitted a memorandum to the Prime Minister condemning the Central Government for making Arunachal a dumping ground and pasture land for illegal migrants and refugees.\footnote{The Arunachal Times, 4th April, 1995.}

General debate is about the constitutional provisions i.e. the Schedule Sixth of the Indian Constitution which is applicable to the state of Arunachal Pradesh. The application of Sixth Schedule in Arunachal Pradesh prevents all Non-Indigenous Indian Citizens from settling down permanently in the state. The underlying logic
behind the introduction and the continuing presence of these statutory safeguards is to protect the indigenous culture and identity of the people from the onslaught of external influences. But if we see the another side of the constitutional provisions related to the question of citizenship, it suggests that those who came at the time of partition or migrated to India before the commencement of the Indian Constitution-1950 and Constitutional Amendment Act of 1987, shall have the legal rights to become the citizen of the Republic of India. Also Indira-Mujib agreement of 1972 suggests that those who came to India from East Pakistan/Bangladesh before 1971 have right to get settlement as well citizenship.\textsuperscript{46}

**Chakmas in other Northeastern States and their Response**

Apart from Arunachal Pradesh the Chakmas are found in the other Indian states like Assam, Mizoram, Meghalaya, Tripura, and West Bengal. Many of them were expatriated from their abode in the hill tracts of Chittagong but many have an origin from the hilly states in India. The Chakma in Arunachal Pradesh are settled mainly in the districts of Papumpare, Changlang and Lohit. The Arunachal Pradesh Government has not yet implemented a single welfare programme to help the Chakmas in particular and Hajongs, Yobins and Tibetans in general. Even after getting huge money and other support the development projects are yet to reach the Chakmas settlements. There is a conditional threat by both the student organizations as well as the State Government of the eviction of Chakmas.

**Chakmas of North East and Eastern States\textsuperscript{48}**

The Chakma population is estimated to be around 550,000. It is spread over three different countries. The majority 300,000 people are located in the Chittagong Hill Tracts of Bangladesh. There are about 71,283 Chakmas in Mizoram, 64,293 in Tripura, 60,000 (Changlang-40,000, Lohit-15,000 and Papumpare-5,000) in

\textsuperscript{47} Yobins and Tibetans are the other refugees settled in Arunachal Pradesh.
\textsuperscript{48} I had chosen scheduled tribes population only because Chakmas are the hill people of Chittagong Hill Tract and they constitute all the characteristics of tribes as stated by British India and also these populations are scheduled tribes in other Northeastern and Eastern States of India.
\textsuperscript{49} Census of India, 2001 did not have proper record on the total population of Chakmas in Arunachal Pradesh the number various from institutions to institutions, SNEHA a Delhi based civil society group and other NGO’s like Asian Human Rights suspected there’re are 60,000 Chakma.
Arunachal Pradesh, 610 in Meghalaya, 5000 in Assam and 3000 in West Bengal\(^50\) in India, and 20,000 in Burma (Myanmar).

**Table: III (A)**

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<th>Country</th>
<th>Total Population</th>
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**Sources:** UNHCR Report on Migration, Global Resettlement, 2009

**Table: III (B)**

<table>
<thead>
<tr>
<th>State</th>
<th>Status</th>
<th>Scheduled Status</th>
<th>Total Population</th>
<th>Ethnic (Rank)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arunachal Pradesh</td>
<td>Refugees</td>
<td>Refugees</td>
<td>60,000</td>
<td>II</td>
</tr>
<tr>
<td>Assam</td>
<td>Citizens</td>
<td>ST</td>
<td>5,000</td>
<td>IX</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>Citizens</td>
<td>ST</td>
<td>610</td>
<td>IIV</td>
</tr>
<tr>
<td>Mizoram</td>
<td>Citizens</td>
<td>ST</td>
<td>71,283 (8.5%)</td>
<td>II</td>
</tr>
<tr>
<td>Tripura</td>
<td>Citizens</td>
<td>ST</td>
<td>64,293 (6.5%)</td>
<td>III</td>
</tr>
<tr>
<td>West Bengal</td>
<td>Citizens</td>
<td>ST</td>
<td>3000</td>
<td>XI</td>
</tr>
</tbody>
</table>

**Source:** Office of the Registrar General, Government of India, 2001 on Population. Also see Migration Report-2009.

\(^50\) The number of Chakmas between 100 to 200 and this is the reason why the census report on the population of India, 2001 did not mentioned properly their number and percentage in detail.
Chakmas are the Second largest ethnic group after Nyishi in Arunachal Pradesh, second largest in Mizoram, third largest in Tripura and fourteenth largest in Meghalaya. In other states like Assam and West Bengal their number is less than one hundred. So far status is concerned they are refugees in Arunachal Pradesh settled in the forest areas of Papumpare, Changlang and Lohit district since 1964 but, in other states they are scheduled tribes and stated in the constitution of India.
Chakmas and other Tribes of Arunachal Pradesh

The total population of Arunachal Pradesh in 2001 Census has been 1,097,968 out of which 705,158 persons are Scheduled Tribes (STs), constituting 64.2 per cent of the total population. The major Scheduled Tribes of Arunachal Pradesh which are identified in the census 2001 are Abor, Aka, Apatani, Dafla, Galong, Khampti, Khowa, Mishmi, Monpa, Momba, Any Naga tribes, Sherdukpen, Singpho etc\(^{51}\). In this population Chakmas and Hajongs are not included who constitute nearly 50,000 population approximately.

**Table: III (C)**

<table>
<thead>
<tr>
<th>Name of Scheduled Tribes</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>All ST Population</td>
<td>705,158</td>
</tr>
<tr>
<td>Abor</td>
<td>19,927</td>
</tr>
<tr>
<td>Adi</td>
<td>32,582</td>
</tr>
<tr>
<td>Adi Gallong</td>
<td>48,126</td>
</tr>
<tr>
<td>Adi Minyong</td>
<td>33,984</td>
</tr>
<tr>
<td>Adi Padam</td>
<td>11,625</td>
</tr>
<tr>
<td>Aka</td>
<td>5,140</td>
</tr>
<tr>
<td>Any Naga Tribes</td>
<td>6,978</td>
</tr>
<tr>
<td>Apatani</td>
<td>27,576</td>
</tr>
<tr>
<td>Bangni</td>
<td>7,870</td>
</tr>
<tr>
<td>Dafla</td>
<td>45,276</td>
</tr>
<tr>
<td>Deori</td>
<td>5,693</td>
</tr>
<tr>
<td>Galong</td>
<td>27,239</td>
</tr>
<tr>
<td>Idu/Chulikata Mishmi</td>
<td>9,350</td>
</tr>
<tr>
<td>Khampti</td>
<td>12,890</td>
</tr>
<tr>
<td>Miji</td>
<td>5,721</td>
</tr>
<tr>
<td>Mishing/Miri</td>
<td>13,591</td>
</tr>
<tr>
<td>Mishmi</td>
<td>25,161</td>
</tr>
<tr>
<td>Monpa</td>
<td>41,983</td>
</tr>
<tr>
<td>Nishang</td>
<td>21,907</td>
</tr>
<tr>
<td>Nyishi</td>
<td>87,656</td>
</tr>
<tr>
<td>Nocte</td>
<td>33,680</td>
</tr>
<tr>
<td>Tagin</td>
<td>39,091</td>
</tr>
<tr>
<td>Tangsa</td>
<td>20,962</td>
</tr>
<tr>
<td>Tawang Monpa</td>
<td>7,500</td>
</tr>
<tr>
<td>Wancho</td>
<td>47,788</td>
</tr>
<tr>
<td>Chakmas</td>
<td>60,000(^{52})</td>
</tr>
</tbody>
</table>

**Source:** Office of the Registrar General, Government of India, 2001 on Population

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\(^{52}\) Chakma population is not stated in the general census of India, 2001 report but to my study shows that they are the second largest ethnic groups in the state after Nyishi.
Chakmas and other Tribes of Assam

The total population of Assam in 2001 Census has been 26,655,528 out of which 3,308,570 persons are STs, constituting 12.4 percent of the total population of the state. The major Scheduled Tribes of Assam which are identified in the census 2001 are Boro, Miri, Mikir, Rabha, Kachari (Sonowal Kachari), Lalung, Dimasa, Deori etc. rest of the Scheduled Tribes are very small in their population size including Chakmas.

Table: III (D)

Major Scheduled Tribe Population in Assam

<table>
<thead>
<tr>
<th>Name of the Scheduled Tribes</th>
<th>Total Population</th>
<th>In Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All ST Population</td>
<td>3,308,570</td>
<td>100</td>
</tr>
<tr>
<td>Boro</td>
<td>1,352,771</td>
<td>40.9</td>
</tr>
<tr>
<td>Miri</td>
<td>587,310</td>
<td>17.8</td>
</tr>
<tr>
<td>Mikir</td>
<td>353,513</td>
<td>10.7</td>
</tr>
<tr>
<td>Rabha</td>
<td>277,517</td>
<td>8.4</td>
</tr>
<tr>
<td>Kachari</td>
<td>235,881</td>
<td>7.1</td>
</tr>
<tr>
<td>Lalung</td>
<td>170,622</td>
<td>5.2</td>
</tr>
<tr>
<td>Dimasa</td>
<td>110,976</td>
<td>3.4</td>
</tr>
<tr>
<td>Deori</td>
<td>41,161</td>
<td>1.2</td>
</tr>
</tbody>
</table>


Chakmas and other Tribes of Meghalaya

Meghalaya is predominantly a tribal state. The population of Meghalaya at 2001 Census has been 2,318,822 out of which 1,992,862 persons are ST constituting 85.9 percent of the state’s total population. The major Scheduled Tribes of Meghalaya which are identified in the census 2001 are Khasi, Garo, Hajong, Raba, Koch, Synteng, Mikir, Any Kuki Tribes, Any Mizo (Lushai) Tribes, Boro Kacharis, Hmar etc. and rest of the Scheduled Tribes are very small in their population size including Chakmas.53

Table: III (E)

Major Scheduled Tribe Population in Meghalaya

<table>
<thead>
<tr>
<th>Name of the Scheduled Tribes</th>
<th>Total Population</th>
<th>In Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All ST Population</td>
<td>1,992,862</td>
<td>100</td>
</tr>
<tr>
<td>Khasi</td>
<td>1,123,490</td>
<td>56.4</td>
</tr>
<tr>
<td>Garo</td>
<td>689,639</td>
<td>34.6</td>
</tr>
<tr>
<td>Hajong</td>
<td>31381</td>
<td>1.6</td>
</tr>
<tr>
<td>Raba</td>
<td>28153</td>
<td>1.4</td>
</tr>
<tr>
<td>Koch</td>
<td>21381</td>
<td>1.1</td>
</tr>
<tr>
<td>Synteng</td>
<td>18,342</td>
<td>0.9</td>
</tr>
<tr>
<td>Mikir</td>
<td>11,399</td>
<td>0.6</td>
</tr>
<tr>
<td>Any Kuki Tribes</td>
<td>10,085</td>
<td>0.5</td>
</tr>
<tr>
<td>Any Mizo (Lushai) Tribes</td>
<td>3,526</td>
<td>0.2</td>
</tr>
<tr>
<td>Any Naga Tribes</td>
<td>3,138</td>
<td>0.2</td>
</tr>
<tr>
<td>Boro Kacharis</td>
<td>2,932</td>
<td>0.1</td>
</tr>
<tr>
<td>Hmar</td>
<td>1,146</td>
<td>0.1</td>
</tr>
</tbody>
</table>


Chakmas and other Tribes of Mizoram

The population of Mizoram in 2001 Census has been 888,573 out of which 839,310 are STs constituting 94.5 per cent of the total population of the state. The major Scheduled Tribes of Mizoram which are identified in the census 2001 are Any Mizo (Lushai) Tribes, Chakma, Pawi, Lakher, Any Kuki Tribes, Hmar, Khasi, Any Naga Tribes, Synteng, Dimasa, Garo, Mikir, Man (Tai Speaking), Hajong etc. and rest of the Scheduled Tribes are very small in their population size.

Table: III (F)

Major Scheduled Tribe Population in Mizoram

<table>
<thead>
<tr>
<th>Name of the Scheduled Tribes</th>
<th>Total Population</th>
<th>In Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All ST Population</td>
<td>839,310</td>
<td>100</td>
</tr>
<tr>
<td>Any Mizo (Lushai) tribes</td>
<td>646,117</td>
<td>77</td>
</tr>
<tr>
<td>Chakma</td>
<td>71,283</td>
<td>8.5</td>
</tr>
<tr>
<td>Pawi</td>
<td>42,230</td>
<td>5</td>
</tr>
<tr>
<td>Lakher</td>
<td>36,018</td>
<td>4.3</td>
</tr>
<tr>
<td>Any Kuki Tribes</td>
<td>21,040</td>
<td>2.5</td>
</tr>
<tr>
<td>Hmar</td>
<td>18,155</td>
<td>2.2</td>
</tr>
<tr>
<td>Khasi</td>
<td>1,514</td>
<td>0.2</td>
</tr>
<tr>
<td>Any Naga Tribes</td>
<td>1,194</td>
<td>0.1</td>
</tr>
<tr>
<td>Synteng</td>
<td>419</td>
<td>NA</td>
</tr>
<tr>
<td>Dimasa</td>
<td>95</td>
<td>NA</td>
</tr>
<tr>
<td>Garo</td>
<td>74</td>
<td>NA</td>
</tr>
<tr>
<td>Mikir</td>
<td>21</td>
<td>NA</td>
</tr>
<tr>
<td>Hajong</td>
<td>2</td>
<td>NA</td>
</tr>
</tbody>
</table>

Chakmas and other Tribes of Tripura

The total population of Tripura in 2001 Census has been 3,199,203 out of these 993,426 persons are STs constituting 31.1 percent of the total population. The major Scheduled Tribes of Tripura which are identified in the census 2001 are Tripuri, Riang, Jamatia, Chakma, Halam, Mag, Munda, Any Kuki Tribe, Garoo etc and the rest of the STs are small in population size.

The Chakmas, the fourth largest ethnic tribal group in Tripura migrated from the CHT and settled in the territory of hill Tripura. They are attracted towards this land because of splendid opportunities available in the territory for jhooming. They are now generally settled in Kailusahar, Udaipur, Amarpur, Sabroom and Belonia. Most of them are Buddhist. Their chiefs, called Dewans, exercise great authority and influence within the community in all internal matters.\(^{54}\)

\textbf{Table: III (G)}

<table>
<thead>
<tr>
<th>Name of the Scheduled Tribes</th>
<th>Total Population</th>
<th>In Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All ST Population</td>
<td>993,426</td>
<td>100</td>
</tr>
<tr>
<td>Tripuri</td>
<td>543,848</td>
<td>54.7</td>
</tr>
<tr>
<td>Riang</td>
<td>165,103</td>
<td>16.6</td>
</tr>
<tr>
<td>Jamatia</td>
<td>74,949</td>
<td>7.5</td>
</tr>
<tr>
<td>Chakma</td>
<td>64,293</td>
<td>6.5</td>
</tr>
<tr>
<td>Halam</td>
<td>47,245</td>
<td>4.8</td>
</tr>
<tr>
<td>Mag</td>
<td>30,385</td>
<td>3.1</td>
</tr>
<tr>
<td>Munda</td>
<td>12,416</td>
<td>1.2</td>
</tr>
<tr>
<td>Any Kuki Tribe</td>
<td>11,674</td>
<td>1.2</td>
</tr>
<tr>
<td>Garoo</td>
<td>11,180</td>
<td>1.1</td>
</tr>
</tbody>
</table>

\textbf{Source:} Office of the Registrar General, Government of India, 2001 on Population

Chakmas and other Tribes of West Bengal

The total population of West Bengal at 2001 Census has been 80,176,197 out of which 4,406,794 persons are ST constitutes 5.5 per cent of the total population of the state. The major Scheduled Tribes of West Bengal which are identified in the census 2001 are Santal, Oroan, Munda, Bhumij, Kora, Lodha, Mahali, Bhutia, Bedia, Savar etc and the rest of the Scheduled Tribes are very small in population size including Chakmas.

\(^{54}\) Ibid.
Table: III (H)

Major Scheduled Tribe Population in West Bengal

<table>
<thead>
<tr>
<th>Name of the Scheduled Tribe</th>
<th>Total Population</th>
<th>In Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All ST Population</td>
<td>4,406,794</td>
<td>100</td>
</tr>
<tr>
<td>Santal</td>
<td>2,280,540</td>
<td>51.8</td>
</tr>
<tr>
<td>Oraon</td>
<td>617,138</td>
<td>14.0</td>
</tr>
<tr>
<td>Munda</td>
<td>341,542</td>
<td>7.8</td>
</tr>
<tr>
<td>Bhumij</td>
<td>336,436</td>
<td>7.6</td>
</tr>
<tr>
<td>Kora</td>
<td>142,789</td>
<td>3.2</td>
</tr>
<tr>
<td>Lodha</td>
<td>84,966</td>
<td>1.9</td>
</tr>
<tr>
<td>Mahali</td>
<td>76,102</td>
<td>1.7</td>
</tr>
<tr>
<td>Bhutia</td>
<td>60,091</td>
<td>1.4</td>
</tr>
<tr>
<td>Bedia</td>
<td>55,979</td>
<td>1.3</td>
</tr>
<tr>
<td>Savar</td>
<td>43,599</td>
<td>1.0</td>
</tr>
</tbody>
</table>


Views and Responses on other Northeastern States of India

So far Chakma ethnic group is concerned, they constitute approximately 200,000 of population and are sparsely settled in the parts of the Indian states of Northeast (Arunachal Pradesh, Assam, Mizoram, Meghalaya and Tripura) and east (West Bengal). There is not much study done on the responses and views of the states like Assam, Meghalaya, and West Bengal on Chakmas and the only reason is their small number. The majority of Chakmas are presently living in Arunachal Pradesh, Mizoram and Tripura. In Arunachal Pradesh they are refugees since 1964 but in the states of Mizoram and Tripura they are citizens and Scheduled Tribes.55

Views of State Government of Arunachal Pradesh

State Government of Arunachal Pradesh at Naharlagun on 2 November 199656 has given their view relating to the Chakmas of Arunachal Pradesh which goes like these:

a. The Chakmas in Arunachal Pradesh may be shifted to places other than the State of Arunachal Pradesh.

55 Rajya Sabha, committee on petition, hundred and fifth, report, (presented on the 14th august 1997), Rajya Sabha secretariat, New Delhi, august 1997, New Delhi: (O. Rajagopal), 14 august 1997 chairman, Committee on petition.

56 The Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP) had approached the National Human Rights Commission to look on the issue to protect the life of the refugee in the state and restore the fundamental rights i.e. Right to life.
b. The Guwahati High Court has declared Chakmas as foreigners, since they have no right to vote.
c. The number of Chakmas in Arunachal Pradesh is about 60,000 as per Refugee calculation.
d. For acquiring land, one has to be an indigenous person.
e. Land cannot be given to Chakmas under Legislation passed in 1873 and under the existing laws.
f. About 10 schools for Chakmas and non-Chakmas children are functioning there. There is no difficulty in running those schools.
g. The people of Arunachal Pradesh have been tolerating the Chakmas for the past 30 years.
h. There is no political problem in the State.
i. The problem of settlement of Chakma and Hajong Refugees in Arunachal Pradesh arose during the period of 1964-69. During that time, there was no popular Government in Arunachal Pradesh. In 1964, NEFA was administered by the Central Government, through the Governor of Assam. The Indian People have not been consulted on the settlement of Chakmas in Arunachal Pradesh.
j. The Chakmas are foreigners so they are not entitled to vote.
k. The customary laws of the indigenous tribal people have been violated and their traditional rights have been encroached upon by allowing settlement of Chakma and Hajong refugees by the Central Government much against their wishes.
l. The indigenous tribal people of Arunachal Pradesh are of the view that the presence of Chakma and Hajong refugees on their soil is a serious threat to their own survival, their age-old customs and traditions and also the peace.
m. There is nothing common between the tribal people of Arunachal Pradesh and the Chakma refugees.
n. Under the Constitution of India, Arunachal Pradesh has been given special status.
o. The Chakma and Hajong refugees hail from Chittagong Hill Tracts and Maimen Singh District respectively of erstwhile East Pakistan (now Bangladesh).
p. Arunachal Pradesh, the youngest State of the Union of India, has been the most peaceful State in the North-Eastern Region of the country.

q. There is a Chakma lobby in Delhi. They go to Minister for assistance and they have association in Delhi. They also go to Human Rights Commission.

r. A day will come when Chakmas will be in majority, and indigenous tribal People of Arunachal Pradesh will be in minority.

Views of State Government of Tripura
The view of the State Government of Tripura at Agartala on 4 November, 1996 goes like these:-

a. The first batch of tribal refugees from Bangladesh entered into Tripura in April 1986.

b. Again, during the period from May, 1989 to July, 1989 there was a fresh influx of Tribal refugees numbering about 25,000 persons, taking the total number of refugees to 67,000 persons. Thereafter, the strength came down to 53,418 persons.

c. The refugees belong to three main tribes namely, Chakma, Tripuri and Mog, of which majority are from the Chakma community.

d. The tribal refugees have been sheltered in six relief camps of South Tripura District, temporarily constructed for them, of which 5 relief camps are under the jurisdiction of SDO, Amarpur and the sixth is under the jurisdiction of SDO Sabroom.

e. There was fresh influx of 3146 tribal refugees from CHT of Bangladesh from 25 April, 1992.

f. The refugees are provided ration consisting of rice, salt, dal, edible oil, coconut oil, dry fish, dry chilly, fire wood and cash dole.

g. Pocket allowance and clothing every year, blankets - once in three years.

h. In addition to the above benefits, medical facilities, drinking water sources and educational facilities are provided in each of the relief camps.

i. Several official teams of Bangladesh have also visited the Relief camps at different times to convince the refugees for their repatriation on the ground that the conditions now prevailing in CHT are conducive.

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See Rajya Sabha, committee on petition, hundred and fifth, report, (presented on the 14th august 1997), Rajya Sabha secretariat, New Delhi, august 1997, New Delhi: (O. Rajagopal), 14 august 1997 chairman, Committee on petition.

Ibid.
Views of State Government of Mizoram

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

a. No further application for settlement will be considered but for the most exceptional reasons.

b. Passes for new separate houses will be considered except where the applicant is
   
   a) The grown-up married son of a Chakma who has been settled for at least ten years in Lushai Hills.
   
   b) The grown-up married grand-son of such settlers. In both cases, applicant must be a permanent resident of Lushai Hills. Passes for daughters will not be considered.

b. The site of each Chakma basti will be decided by the Chief (former Lushai Chief) in consultation with the Karbari and will be reported to the Circle Inspector. The site will not be changed without permission from the SDO.

d. The basti shall consist of not less than 15 houses.

e. The Chakmas will make and maintain throughout the year foot path from their bastis to the Chief's village.

f. The rules about cutting jhums on the river banks will be strictly observed.

g. Chief will be responsible for the general control of Chakmas in their 'Ram' (land). They will work through Karbari who will be removable.

h. Mass movement of a whole or a large part of a basti from one Chief's 'Ram' (land) to another will require the sanction of the Sub Divisional Officer (SDO) or Superintendent 60.

Regarding reports of the number of houses, the State Government informed that there were 93 houses (families) of Chakmas in Circle XII and 857 houses (families) in Circle No. XVIII. The total was 950 houses (families) and the population would be about 5,000 in 1946. The Chakmas were confined in those two circles only. The British Government used to grant permission sparingly to settle down in the

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59 Ibid.
60 Ibid.
Lushai Hills to the Chakma applicants with a clear condition that they would be the
subjects of the Chief of the villages. After 1947, due to absence of proper
arrangements to prevent their entry into Mizoram, the Chakmas started infiltrating
into Mizoram. Regarding population of Chakmas, it was informed that up to 1947,
there were about 5,000 Chakmas who were permitted to settle in Mizo Villages. After
1947, due to the absence of proper arrangements to prevent their entry in Mizoram,
the Chakmas kept on infiltrating into Mizoram. The 1991 Census final figures are yet
not available. The provisional figure is 54,149. In their recent Memorandum to the
Prime Minister, the Chakma leaders contended that there are about 80,000 Chakmas
in Mizoram. In 1972, the Chakma Autonomous District Council was created. Due to
the absence of proper arrangements to prevent entry from across the border, the
Chakmas kept on infiltrating into Mizoram. The illegal infiltrators made their
settlements at places of their own choice. It is the considered view of the State
Government that the demand of the petitioners for carving out from the State of
Mizoram as a separate administrative unit for the Chakmas is totally unjustified and
completely out of question. Regarding influx of foreigners and deletion of names of
Chakmas from Electoral Rolls, the State Government informed that the continuing
influx of illegal foreigners both from Myanmar and Bangladesh in larger scales has
demanded serious concern. The problem poses serious threats and it is imperative for
the Government to adopt measures to check such continued infiltration. Under such
compelling circumstances, the State Government decided to take action to detect and
deport all foreigners illegally staying in Mizoram. The scheme is for detection and
deporation of foreigners illegally residing in Mizoram whether they are from
Myanmar, Bangladesh or any other country. The scheme will be operated through the
Government agencies only and deportation of illegal foreigners will be done through
legal process only. Instructions issued in this regard:

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

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

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61 Direction was given by the National Human Right Commission, Latter (No. 2/12/96 LD), to protect
the refugees in the state of Arunachal Pradesh.
c. Simultaneously a team of officers formed by the Legislative Deputy Commissioner will visit the villages/towns in which foreigners are suspected to be present and prepare a list of foreigners based on electoral rolls.

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

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

The above scheme was only for detection and deportation of foreigners illegally residing in Mizoram. It is not intended for causing harassment to Indian Chakmas. The allegation that the M.Z.P. Mizo Students Union (MSU) had connived with the State Government in deletion of Chakma voters from the Electoral Rolls is entirely wrong. The preparation of Electoral Rolls (EL) was conducted by the election machinery of the State Government strictly in accordance with the instructions issued by the Election Commission (EC) of India. There was no deletion of Chakma names as such from the Electoral Rolls as alleged in the petition. A complaint was submitted by Chairman, Chakma Autonomous district Council to the EC of India on the same matter. The EC of India after proper investigation found that the allegation was not correct\textsuperscript{62}.

On the Report regarding burning of houses of Chakmas in Marpara, Hnahya and Sachin villages, it has informed that the houses of Marpara I and II could not be saved due to shortage of man-power. On 30.8.1992, houses of Aivapui were burnt. Some houses at Sachan (Lunglei district) were also burnt. The causes of burning of houses and death of Hari Mohan Chakma of Aivapui are the direct retaliation by the angry and uncontrollable mob collected from various villages on account of two persons missing that were believed to have been killed by Chakmas. The State Government informed that payment of Rs. 17,06,862. was made towards compensation and relief to 304 people from the affected 18 families\textsuperscript{63}.

Regarding Development Schemes, the State Government has informed that an Autonomous District Council (ADC) was granted to Chakmas in the year 1972. The

\textsuperscript{62} Ibid.
\textsuperscript{63} The Arunachal Times, October 4, 1995.
PhD, CPS/SSS/JNU.

Council received an average annual budget allocation of rupees five crores. The Chakmas have at present two sitting Member of Legislative Assemblies (MLAs), in the State Legislature and one of them is a Minister. The entire funds provided by the Government of India under Border Area Development Programme are utilised for various developmental works in the areas bordering Bangladesh where the Chakmas have now settled. The State Government has opened High Schools in all the big villages of Chakma inhabited areas viz. Tlabung, Chawngte, Marpara, Borapanauri, Parva and Kamalanagar. Two Primary Health Centers, two subsidiary Health Centres and 32 Sub-Health Centers, have been opened in Chakma inhabited villages. As for road communication, all the big villages of the Chakma inhabited areas have been connected by motorable roads. Under the Government of India's scheme of India-Bangladesh Border Roads, the Border Road Task Force has been undertaking construction of roads from Demagiri (Tlabung) Khojoisury-Borapansary and Denagiri-Bindesure- Marpara and major portion of the projects has been completed.

As far as different administrative units of Mizoram are concerned, the area which is now covered by two Legislative Assembly Constituencies. Chakmas crossed the areas and spread in three districts of Mizoram-Aizwal, Lunglei, Chakma Autonomous District Council and Lai Autonomous District Council. But these District Councils come under one district area. The Chakma District Council, the area of which is 907 sq. kms. has a number of high schools, 15 middle schools and 84 primary schools. Though this District Council has been given only 5 crores allocation, the Government is spending more than 65 percent on Chakma-inhabited areas. There is the Border Area Development Programme. The Chakma District Council has never complained of shortage of funds and the employment, literacy etc. are very low as far as the Chakmas are concerned. The Chakmas were like criminal tribes and very migratory. The Chief Secretary opposed the idea of expansion of the area of Chakma Autonomous District Council and putting it under the Central Rule. The Committee heard the oral evidence of Shri Khisha on the 21 March, 1997 in New Delhi. It has been stated that Mizos are treating Chakmas as enemies and this enmity is because they helped the Indian Army to maintain law and order in Mizoram when Mizos were fighting for independence. The Mizoram Government is not taking proper Census. There is a discrepancy in the population figures. They formed Chakma Autonomous

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64 The Pioneer, October 21, 1994.
District Council for local administration but are providing a meagre fund/allocation. 50 percent of Chakmas are outside the District Council and the Council is not doing much in reviving the ethnic, cultural and social traditions of Chakmas. He has requested that Chakma Autonomous District Council be extended to other Chakma-inhabited areas. The Chakmas under the Mizoram Government are subjected to discrimination, harassment and intimidation. Since the nature and gravity of the problem differs from State to State, the succeeding paras deal with the problem Statewide:

**Mizoram**

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

The Committee feels that in case of Chittagong Hill Tracts which is the homeland of Chakmas, a historical injustice has been done. As the Chakma population in Chittagong Hill Tracts was more than 98 percent, it should have, as per the formulae devised at the time of Partition, been given to India and the Chakmas should have been, by virtue of that fact, citizens of India. For that reason, the Chakmas are to be

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65 Ibid.

treated differently from other refugees and thus with sympathy and on humanitarian basis.\textsuperscript{67}

The Committee, after considering all facts, feels that the expansion of the area of Chakma Autonomous District Council may be considered after taking into account the density of population, the percentage of Chakmas in those areas and their overall conditions etc. The Committee feels that the Autonomous District Council after expansion may be put under the direct control of the Centre for a period till the Chakmas living conditions come at par with other inhabitants of the State.\textsuperscript{68}

As regards the conditions in Chakma Autonomous District Council, the Committee feels that the situation is not all that happy. The basic amenities being provided are inadequate, literacy rate is quite low and backwardness is all pervading. The funds being given by the State Government to the Council are Rs. six crores out of a Budget allocation of Rupees 600 crores which is extremely insufficient. Moreover, the ratio of Chakmas in Mizoram comes to 1:10 in comparison to other communities. The Committee, therefore, recommends that in order to bring the inhabitants of Chakma inhabited areas at par with other people of the State, the Chakma Autonomous District Council should allocate the development funds on pro-rata basis, i.e. in the ratio of 1:10.\textsuperscript{69}

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

\textsuperscript{67} Committee for Citizenship Rights of the Arunachal Pradesh (CCRCP), A Report Submitted by Subimal Bikash Chakma (President, CCRCP) to the NHRC on 12th December, 1997.
\textsuperscript{68} Ibid.
\textsuperscript{69} Ibid.
the Government of Bangladesh be persuaded to accept them as all of them came from that country\textsuperscript{70}.

\textit{Tripura}

The representatives of Chakmas of Tripura are of the view that so long as the Chittagong Hill Tract refugees are living in Tripura, their ration scale be reviewed and improved so that their grievances in the camps are ameliorated. The government should ensure that incidents like Langadu massacre do not occur in future. Refugees from Sri Lanka became Indian citizens on the basis of 1964 Agreement between India and Sri Lanka and the Chakma refugees in Tripura may also be accorded same treatment\textsuperscript{71}.

The State Government of Tripura has stated that the first batch of Tribal refugees from Bangladesh entered into Tripura in April, 1986. Again, during the period from May, 1989 to July, 1989, there was a fresh influx of Tribal refugees numbering about 25,000 persons taking the total number of refugees to 67,000 persons. Thereafter, the strength came down to 53,418 persons. The refugees belonged to the three main tribes namely Chakma, Tripuri and Mog, of which majority were from the Chakma community. There was fresh influx of 3146 tribal refugees from CHT of Bangladesh from 25th April, 1992. Several official teams of Bangladesh have also visited the Relief Camps at different times to convince the refugees for their repatriation on the ground that the conditions now prevailing in Chittagong Hill Tracts are conducive. The Government of Tripura is ready to accommodate the Indian Chakmas whereas foreigners/Bangladeshi Chakmas are not acceptable to them. Recently, after a Bangladesh delegation's visit to Tripura, the Chakma refugees have agreed to go back to Bangladesh. The first batch of about 5000 Chakmas have already gone back\textsuperscript{72}.

The Committee during its visit to Agartala found that there are Indian Chakmas also in Tripura who complained of severely inadequate facilities and discrimination in various respects. The Committee, therefore, recommends that special schemes be launched for overall upliftment of Indian Chakmas in Tripura. The Central Government should also provide adequate financial assistance to Government

\textsuperscript{70} Ibid.
\textsuperscript{71} P.K, Debbarma and Sudhir Jacob, George (1993), The Chakma Refugees in Tripura, South Asian Publishers, New Delhi, p.50.
\textsuperscript{72} Ibid.
of Tripura for the purpose. The Government of Tripura must ensure safety and security of Indian Chakmas in that State. The Committee hails the efforts made/being made in seeking peaceful solution of the problem with the Government of Bangladesh and exhorts all concerned to keep the good will going between them and continue to work toward finding peaceful and lasting solution to the problem.

So far study and census 2001 is concerned the Chakmas are the second largest ethnic community in Arunachal Pradesh if we compare to the tribes and sub-tribes of the state so far. They are largely dominant in three districts (Changlang, Lohit and Papumpare). If this is the case why there is a delay in justice to these innocent Buddhist Chakmas who are fighting for their rights since 1964. Why Parliament of India is silent on these issues, even after the High Court Delhi (Civil Contempt Petition No. 537 of 2001 in Civil Writ Petition No. 886 of 2000), Supreme Court of India (in the Supreme Court of India original civil jurisdiction writ petition (civil) no. 720 of 1995 National Human Rights Commission . . . Petitioner Versus State of Arunachal Pradesh & Anr. . . . Respondents Judgment Ahmadi, CJI), Rajya Sabha Petitions, (Committee Petition, 105th Report) and relating to the issue of the Chakmas.

Justice delayed is justice denied. Every Chakma of the state has equal constitutional rights to get representation in the affairs of the state and no body can be denied their justice and rights. Chakmas of Arunachal Pradesh have equal rights to get citizenship and Scheduled tribe status, like the other Chakmas of the eastern and north eastern states. All the provisions of the constitution on citizenship are in favour of the Chakmas in the state, if this is the case then why still they are fighting for their rights. In state the human rights violation is also at peak, and very common. For example Chakmas’ children have no right to get admission in school, not allowed to get government jobs, public distribution system properly stopped, trading license being

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73 ibid.
74 See Rajya Sabha, committee on petition, hundred and fifth, report, (presented on the 14th august 1997), Rajya Sabha secretariat, New Delhi, (O. Rajagopal), 14 august 1997 chairman, Committee on petition.
75 As per 2001 census report on population of Arunachal Pradesh (status of Chakmas).
canceled, markets are not allowed to sell their goods, medical facilities completely stopped, as well as electricity, drinking water roads etc are even not in name\textsuperscript{78}.

So far the Bengal Regulation Act of 1873\textsuperscript{79} and Sixth Schedule are concerned the centre has constitutional power under the centre-state relation to prevail over the state and change the present law and policies. The 1873 Act requires taking of prior permission before entering into Arunachal Pradesh. However, the Chakmas who fled from then East Bengal (now Bangladesh) did not go to Arunachal Pradesh on their wishes. They were taken to NEFA (present Arunachal Pradesh) by the Government of India with a view to permanently settle them there\textsuperscript{80}. It is also reported openly that the problem of Chakmas in the Indian state of Arunachal Pradesh is nothing more than a clear case of discrimination for political gains of a few AAPSU and Core Committee leaders in Arunachal Pradesh\textsuperscript{81}.

Chakmas are one of the most poor and marginalized sections of the Indian society\textsuperscript{82}. They are now running their third generation living in the flood affected areas of no protection and positive future\textsuperscript{83}. Over a period of time the ruling United Progressive Alliance (UPA) government in the center announced rupees 200 crore package for the settlement and rehabilitation of Chakmas outside the state\textsuperscript{84}. AAPSU, the Refugees, the State and the Central Government should start dialogue on the resettlement of the thousands of the Chakmas who are staying in the state since 1964 and Centre should offer a financial package for the purpose. Arunachal Pradesh

\textsuperscript{78} NHRC Report, Submission to the Chairman of National Human Rights Commission of India, Justice J. S. Verma on Non-implementation and violation of the Supreme Court judgment of 9 January 1996 in the case of NHRC Vs State of Arunachal Pradesh & Anr (720/1995) and the present plight of the Chakmas and Hajongs of Arunachal Pradesh, 16th December 2002 Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh.

\textsuperscript{79} The Bengal regulation Act 1873 also known as Inner Line Regulation/Permit introduced by the Britishers to all the Northeastern states in which Chakma settled CHT was also included before independence.

\textsuperscript{80} Information Displayed by the Asian Centre for Human Rights, Application written by Suhas Chakma to Justice A. S. Anand, Chairman NHRC, Complaint for full implementation of the Supreme Court judgment in the Case of NHRC Vs State of Arunachal Pradesh (CPW 720 of 1995) of 9 January 1996, New Delhi, p.3.

\textsuperscript{81} Committee for Citizenship Rights of the Arunachal Pradesh (CCRAP), A Report Submitted by Subimal Bikash Chakma (President, CCRCP) to the NHRC on 12th December, 1997.


\textsuperscript{83} My field work shows that the Chakmas are one of the most marginalized sections in India today living below poverty line. Their income level is 1000 to 2000 respectively and they are surviving only because of the low cost of living.

\textsuperscript{84} All money sanctioned by Central Government was spent on them by the Arunachalees and not a single rupee and development schemes has been reported so far my survey is concerned.
Congress Committee (APCC) working president Takam Sanjay\textsuperscript{85} told a press conference here,

"We feel if the Central Government becomes a little more serious about the issue, a solution would emerge\textsuperscript{86}\n
The Chakma problem in the Northeast has evaded solution for a long time. The Government of India’s handling of the matter over the past three decades had been far from satisfactory. Even the Indira-Mujib Accord of 1972 has not been implemented with required enthusiasm and sincerity. Now the problem has acquired grave proportions\textsuperscript{87}. The gravity of the problem can be gauged from the fact that there is an urgent need for keeping the goodwill alive between the two countries and it can reasonably be hoped that this goodwill will yield more fruitful results in the near future. The solution has to be made under the framework of the Indian constitution and their status as a member of the political community should be recognized.

\textsuperscript{85} Takam Sanjay who was against the Congress Party on the issue of Chakma settlement in the forests of Arunachal Pradesh is now the Member of Parliament on the Congress ticket.
\textsuperscript{86} Arunachal Pradesh: A Focus on Security Concern, Displayed by IPCS, in an Article No., 1107, 27 August, 2003, New Delhi, p. 4.