CHAPTER V

HUMANITARIAN ASSISTANCE FOR REFUGEES IN INDIA
Protection of refugees in today's world is a much more complex undertaking than it was forty three years ago when the 1951 Convention relating to the Status of Refugees was drafted. Today's refugees are not only those individuals who satisfy the definition in the Convention or in UNHCR's Statute. They are victims of all sorts of conflicts. The refugee problem is reaching critical proportions in almost all parts of the world, placing the structures and institutions of international protection under stress. Global and unpredictable, but tragic in their persistent appearance, refugee movements have evoked a variety of governmental responses. In the past, open lands and free migration greatly eased the problem of finding refuge. Refugees then were considered immigrants and not a special class of problem. Today, however, refugees often have no place to go. It is true that the majority of the world refugees today are fleeing from violent conflict and chaotic breakdown of civil order in their home countries. They need, at a minimum, international assistance and protection for the duration of the violence and disorder that displaced them, followed by assistance to reintegrate in their own societies when conditions permit them to return. Permanent exile is neither necessary nor desirable for most people in these circumstances.

However, the essential elements of international protection are admission to safety, exemption from forcible return, non-discrimination, and assistance for survival with growing numbers
of people in need of protection, these principles are more important than ever.

India is one of the few countries in Asia which has provided humanitarian assistance to millions of refugees of the world since its independence in 1947. It has been confronted with stupendous tasks of relief and resettlement of refugees, and the country can well be proud of the fact that it handled and has been handling these situations fairly well according to international standards\(^1\). Here it may be mentioned that India's long open terrain and rambling border with Pakistan, China, Tibet, Bhutan, Nepal, Bangladesh and Burma make it difficult to have an effective control over the movement of people across the borders. It is absolutely true that India is geographically, politically, socially and economically vulnerable to the influxes of refugees. Despite its failure to ratify the 1951 Refugees Convention and the Protocol of 1967, India fulfilled its international obligation by providing all kinds protection to the refugees who entered into its territory. Indian philosophy is a universal philosophy of love, compassion and brotherhood. From the ancient period, India is the land of moral philosophers, and all the resources of human rights are found in the moral ideas of a society. In early period, respect towards humanity, was a code of conduct in the Indian society. In the 'Atarvaveda' it is mentioned that - "All

have equal rights in articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all. All should live together with harmony supporting, one another like the spokes of a wheel of the chariot connecting its rim and hub.2.

The following analysis highlights on the humanitarian assistance for refugees in India by the Government of India and various other international institutions. An effort is made to examine the Indian practice in providing assistance to refugees against the backdrop of the international standards discussed in the previous chapter.

The Declaration of Indian Independence Act, 1947 paved the way for partition of India into two sovereign nations India and Pakistan, resulting world's largest uprooting and movement of people in the Indian sub-continent. The movement gave rise to incidents of violence and thousands of people perished in the holocaust. The administrations swung into action and literally made the relief and rehabilitation work the sole mission of their life. Various schemes were prepared for the rehabilitation of the refugees. Refugees from urban rural areas were resettled on land. For the refugees a number of

self-contained refugee townships and colonies were set up and loans were given for setting up business, trade and for taking up other professions. Besides these, they were given jobs through Employment Exchanges, Union Public Service Commission, State Public Service Commissions and other government organisations.

Housing constitutes the basic need of refugees and has been the largest single item of rehabilitation expenditure. In all 2,20,000 of houses and tenements were constructed with government help and 1.2 million refugees were provided with accommodation. The total expenditure incurred was over Rs.66 crores. By 1954 a total of 4,80,000 families or 2.4 million persons were provided with 27.5 lac acres of land, and a sum of Rs.4.53 crores was sanctioned to them for the purchase of agricultural equipment and other necessities. Agricultural loans advanced to the settlers amount to Rs.4.64 crores. Encouragement was given for promoting the growth of industries in refugee areas. A provision of Rs.12 crores was made for setting up large scale industries in the pockets of refugee concentration. A number of rehabilitation loan schemes were sanctioned for the petty shopkeepers, traders, businessmen, professionals etc. In December 1960, the beneficiaries of this scheme were about 3 lacs and the total amount sanctioned was Rs.29 crores. Finally, the total direct expenditure on relief and rehabilitation of refugees from west Pakistan amounted to Rs.206 crores of which Rs.66 crores represented relief and Rs.140 crores as rehabilitation expenditure. Besides, 191
crores were paid to the refugees out of the compensation pool. The rehabilitation of the refugees from East Bengal was a more difficult, and unending problem. Unlike in the Western part, influx from East Bengal did not stop in 1949. The rehabilitation of pre-1958 refugees was completed in India by 1960 except in the case of West Bengal for which a sum of Rs.22 crores was provided to the State Government for the final solution of the problem. By 1960 Rs.38 crores were spent for the construction of residential units and another 1,40,000 refugees took the benefit of other housing schemes of the Government.

The Dandakaranya Project was initiated in 1958 with a view to achieve integrated development of the area for the resettlement of refugees. This is one of the major projects of this period for the rehabilitation of the refugees. The project was spread over areas of Orissa and Madhya Pradesh. The total expenditure incurred on the project by the end of September 1971 was Rs. 44 crores of which Rs.21 crores was spent on the resettlement of refugees, Rs.10 crores on general development, Rs.7 crores on tribal welfare and Rs.6 crores as miscellaneous expenditure. For the post-1964 refugees a number of land resettlement schemes were drawn on the basis of land offered by the relevant State Governments. Educational and medical facilities were also arranged to meet the requirements of the refugees. As medical

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facilities, a sum of Rs.4.2 crores was spent upto 1960 and since 1960 a further sum of Rs.3 crores was spent for the same purpose. To sum up, till 1971, out of a total influx of 5.28 million from East Pakistan of 10,00,000 families, 7,00,000, families were given rehabilitation assistance.\textsuperscript{4}

Here it may be submitted that a special ministry was created in the Centyral Government with branches in the States to look after the refugees and their intricate problems like transport and communication, provision for earning a livelihood and allotting agricultural land. Another type of assistance provided to the refugees was in the form of training in industrial and commercial enterprises. A special effort was made to provide technical education. Financial assistance was given to students in a number of ways. Women refugees and children were providing special relief by establishing a Central Advisory Board which helped women without suporrt, dependent children, the aged, the infirm and orphans coming within the displaced persons category.

5.1. Refugees from Tibet:

Background -

In 1949, soon after the communist victory, Chinese troops marched into Tibet quickly defeating the small and ill-equipped

\textsuperscript{4} See P.N. Luthra, Rehabilitation, Publication Division, Ministry of Information and Broadcasting, Government of India, New Delhi, 1972.
Tibetan Army. Soon after, the Delhi Lama's government was forced to negotiate with the Chinese Central government and to accede to the Agreement on Measures for the Peaceful Liberation of Tibet\(^5\), which was signed on May 23, 1951.

Thereafter, the Chinese began to colonize Tibet, setting up machinery and institutions to control the country. Popular rebellion began in the eastern regions and culminated in March, 1959 in an uprising in the capital city of Lhasa. The Dalai Lama escaped only hours before the Chinese troops began shelling his residence. The Tibetan revolt was crushed by well-around Chinese People's Liberation Army, sending Tibet into a state of terror. Approximately 85,000 Tibetans fled in the next few years, establishing make-shift camps in the hot Indian lowlands. Thousands died during these years of resettlement, either in attempting to escape Tibet or from sickness or

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5. Under the terms of the agreement, Tibet had to admit that its territory was part of the People's Republic of China and to hand over foreign affairs and defence to Peking. Internal administration was left temporarily in Tibetan hands. But clearly the ultimate powers passed to the Chinese.
disease associated with the radical climate changes encountered in exile. Since 1950, an estimated 1.2 million Tibetans have been killed and many temples, monasteries and ancient treasures destroyed by the Chinese. Young Buddhist monks have continued their protests, primarily in the capital, Lhasa. There is a simple reason behind this. Tibetans feel no national identification with China. Many do not know the Chinese language, and they do not have "Chinese mentality". The unique Tibetan culture is very different from ethnic Han Chinese. But China does not see it that way. "Tibet is a part of China and will remain a part of China for good", said one Chinese diplomat while rejecting the comment that Tibet is a "seething cauldron of anti-Chinese Sentiment" and the Dalai Lama's recent statement of "an explosive situation there of potential violence".

The continuous influx of Chinese population in Tibet is now seriously posing a threat to Tibetan culture and identity. That is the central focus of a document released recently by the Tibetan Youth Congress. Titled "Strangers in Their Own Country", the document has been sent to several international human rights organizations. The two salient points made in the document are:

1) The Chinese in Tibet have already out-numbered Tibetans in all the major cities and towns. Today there are 7.5 million Chinese in Tibet as against six million Tibetans.

2) The situation is expected to deteriorate following an official decision to ensure population transfer from mainland China to make it demographically impossible for the Tibetans to put up any resistance against the Chinese design.

Incidentally, the human rights wing of the United Nations has already viewed population transfer as violation of fundamental rights. And several non-government organizations have confirmed the Chinese influx in Tibet under Government Patronage. Another factor that is accelerating Chinese influx into Tibet is the "Lasha 2000". "Lasha 2000" is the name of a "development plan". Its primary objective is to muscle in "modernization" in Tibet and, thereby, pave the way for the movement of a large number of Chinese settlers in U-Tsang. Military personnel, technicians and professionals, labourers and agricultural workers, related to such major development projects, all swell the Chinese population in Tibet. The ongoing militarization of Tibet has escalated in recent months with the shifting of the Tibet regional military headquarters from Chengder, a city on the eastern edge of Tibet, to Lasha. As a result of this, Tibetan villagers are being forced to give up their land and vacate their homes to accommodate Chinese settlers. The Prime Minister, Mr. Li Peng, and the party chief of the Communist Party of China, Mr. Jiang Zemin, have pledged to improve the Himalayan region's primitive economy but also vowed to crush any efforts to "Split" Tibet from China.
China vehemently denounced the awarding of the 1989 Nobel Prize for Peace to the Dalai Lama as "interference in China's internal affairs" and said it had "hurt the Chinese peoples feeling". The Chinese line today is that the Dalai Lama is welcome in Tibet, but he should renounce his demand for the independence of Tibet, and as long as he is unwilling to discontinue his activities aimed at splitting China, there is no point in allowing him back". The Dalai Lama is ready to drop the demand for independence. As he expressed in a Press interview on March 18, 1989: "we cannot throw them out. By shouting slogans and burning effigies you cannot achieve freedom. They (impatient Tibetans) call me silly, but I think I am not silly but being realistic". His terms were "autonomy within China. But only if we are genuinely equal" - a negotiated and guaranteed autonomy. The Dalai Lama also stated that any agreement that was proposed through negotiations with the Chinese should be submitted to the Tibetan people in Tibet and in exile for a popular referendum. Mr A.G. Noorani, in one of his writings on Tibet supported the view of His Holness the Dalai Lama in the following words:

"The gulf is not unbridgeable. Tibets parlous plight will not be improved by rhetoric alone. Undoubtedly, China's disgraceful record on human rights in Tibet must be exposed thoroughly. Tibet's cause must not be

ignored. But, along with advocacy of respect for human rights, some thought should be given in earnest to the vital task of negotiations between the Government of China and the Dalai Lama on the lines of Chinese offer of December, 1988. It is not a perfect solution. But as Dr. B.R. Ambedkar said in his famous lecture "Ranade, Gandhi and Jinnah" in 1943, "you must not refuse, what is offered when you know that your sanctions are inadequate to compel your opponent to concede more".

5.1.1 Granting of Asylum to Tibetans :-

As a result of the Chinese take over to Tibet, Dalai Lama along with his 13,000 followers crossed over to India and they were granted asylum in India. With the unabated influx of Dalai Lama's followers due to the Chinese persecution, this number swelled to about 50,000 in subsequent months. India was on friendly terms with China at that time, but it had no choice but to grant asylum, and it was a perfectly valid act according to International Law as grant of asylum to refugees is not an unfriendly act. As required under that law, it was made clear to Dalai Lama and his
followers that they were not to engage in any political activities while in India.  

8. In 1965 while Tibetan Question was being debated in the floor of the 20th Session of the United Nations General Assembly, the Indian representative Mr. Zakaria strongly established the Government's Policy of asylum with these words:  

"Although the relationship between Tibet and India is centuries old and has flourished all through the ages in all its manifestations, whether religious, cultural or economic, we have always taken care not to make that relationship a political problem. In recent years, despite the fact that the Dalai Lama and thousands of his Tibetan followers have come to our land, and despite the fact that China has turned Tibet itself into a base for aggression - against our northern borders, we have not exploited the situation. Undoubtedly, our national sentiments are now and again aroused as a result of the atrocities and cruelties committed by the Chinese against Tibetans, but we have exercised the greatest caution, for we believe that what should concern all of us is the much larger human problems, namely, the plight of those good and innocent people who are being victimized merely because they are different, ethnically and culturally, from the Chinese."
The responsibility for receiving refugees was initially assigned to the Ministry of External Affairs. As most of the refugees arrived via Bhutan and Sikkim, two transit camps were established at Misamari (Assam) and Buxa (West Bengal). When the refugees arrived they were temporarily accommodated in these camps and provided with ration, clothing and cooking utensils, besides some medical assistance. After a preliminary screening procedure, which was aimed at excluding infiltrators and non-Tibetans, Tibetans were registered as refugees and were given registration certificates initially valid for three-months. Initially, the Indian Government considered Tibetans refugee problem as a temporary one and hoped that they could be repatriated in near future. But it realized the impossibility of repatriation only in 1962 after the Sino-Indian War. Then, on the request of the Dalai Lama, India undertook some long-term rehabilitation programmes. Tibetan refugee community in India has been rehabilitated mainly in three sectors, namely, land-based agriculture sectors, agro-industry based sector; and handicraft-based settlement in the states of Jammu and Kashmir, Himachal Pradesh, Uttar Pradesh, Sikkim, West Bengal, Orissa, Madhya Pradesh, Karnataka and Arunachal Pradesh. The headquarters of the Central Tibetan Administration (CTA) and the residence of Dalai Lama is made in Dharamsala, Himachal Pradesh.

The Tibetan National Working Committee is the highest policy making body of the Tibetan Administration-in-exile. In matters of great importance connected with any of the offices of Tibet, in New York, Geneva, Japan, New Delhi and Nepal, the representative of the office concerned is summoned to attend the meeting of the National Working Committee. The Committee may also call for an Annual General Meeting on matters of the utmost importance. The National Working Committee has the final say in matters concerning financial matters. The annual budget of every office under the Tibetan administration is scrutinized, rejected or approved accordingly by the National Working Committee.

The Council for Home Affairs in Dharamsala, Himachal Pradesh, is another major department of the Tibetan Administration. The Home Affairs deals with the rehabilitation schemes of the Tibetan refugees in exile. All the settlement officers, the welfare officers and the managers of the handicraft centres are directly responsible to the Home Affairs office and through them keeps close contact with all the Tibetan establishments. With constant effort the Home Affairs office and the Ministry of Rehabilitation of the Government of India and other voluntary agencies have already settled 60,000 Tibetans in India. By working in close collaboration with the Ministry of Rehabilitation of the Government of India, the Home Affairs draws up future plans for resettlement of more Tibetan refugees in India.
The Council for Tibetan Education (CTE) is responsible for the education of the Tibetan refugee children in exile. It aims to provide them with the best possible educational facilities and to this end, the Council works in close collaboration with the Central Tibetan Schools Administration (CTSA) New Delhi. Central Tibetan Schools Administration is an autonomous body set up by the Indian Government for the over-all management of the Central Tibetan Schools. There are currently four residential schools and 46 day schools, with a total strength of 2670 and 10309 students respectively.

The Bureau of His Holiness the Dalai Lama, headed by Mr Tashi Wangdu in his capacity as the acting representative of His Holiness, is the overall incharge of the Dalai Lama's representative offices abroad. Its prime function is to act as a liaison mainly between the Government of India and His Holiness the Dalai Lama and between the countries sympathetic to the Tibetan Issue and the Dharma administration. There are a large number of Tibetans settled throughout India, the main concentration of Tibetans settlements being in South India. Also, there are a number of Tibetan residential schools in the hill stations in North India and day schools wherever there are Tibetan communities. Both these projects are largely financed by the Government of India. In order to obtain the financial help from the Indian Government for both the education of the Tibetan children and the Tibetan settlements the Bureau of His Holiness the Dalai Lama acts as a permanent liaison with the Indian Government, helped by representatives of both the Council of Tibetan Education and the Home Affairs Department.
5.1.2 Education of Tibetan Refugee Children:

The education of the Tibetan refugee children has been a major concern of the Tibetan people since the first massive inflow of refugees into India. Dalai Lama opened the first Tibetan School in Mussoorie, on March 3rd, 1960, with 50 students initially. In subsequent years the number of children - many of them orphans - increased with the continuing influx of refugees, and the education problem became more acute. In 1961, the Dalai Lama approached the Indian Government for its support and assistance in Tibetan education. A special committee was established, consisting of four Indian officials and three Tibetans representing His Holiness. This committee later on became 'The Tibetan Schools Society', an autonomous body under the Ministry of Education of the Indian Government. Its main aim was to provide the Tibetan children the knowledge of their own culture, history and traditions and to introduce them to modern educational system. In 1979, the Tibetan Schools Society was renamed as Central Tibetan Schools Administration (CSTA).

To meet the particular problems of refugee orphans a centre was established for them at Dharmasala in May 1960, known at that time as the 'Tibetan Refugee Children's Nursery'. Over the years, the Nursery has grown into a flourishing community, now known as the 'Tibetan Children's Village' (TCV) which is affiliated to the international aid organization SOS. All Tibetan schools in India are staffed by both Indian and Tibetan personnel. Each residential school
has an Indian Principal and a Tibetan Rector appointed by the CTSA who jointly supervise the school affairs. Until 1975, CTSA provided free education for all Tibetan students; however, since then the school fees, although subsidised, are no longer paid in full by the Indian Government, except for 25 'Freeship' granted annually. In the beginning, the efforts of the Council for Tibetan Education were directed towards children who were born in Tibet and came to India as infants or youngstars. In more recent years the need to assist the Tibetan children born to their refugee parents living in India, Nepal, Bhutan and elsewhere arose. However, at present, the residential facility has been extended to any Tibetan children whose parents can pay Rs.105 per month per child, while the Indian Government make for the rest of the school fees. At present many international NGOs are also actively helping these Tibetan students. The NGOs are - the Service Civil International, the Swiss Red Cross, the Swiss Aid to Tibetans, Save the Children Fund, U.K., the Norwegian Refugee Council, Tibetan Refugee Aid Society, Canada, American Emergency Committee for Tibetan Refugees, the Catholic Relief Service etc.

5.1.3 Industry and Handicrafts:

There are almost a dozen handicraft centres in India which are cooperatives, employing many Tibetan families who are dependent on their goods as a means of livelihood. There are also smaller centres in many settlements, which provide a supplementary source of income to the agricultural products. Both these categories are under the overall
supervision of the Council for Home Affairs of the Tibetan Government in-Exile. With the Tibetan capacity for hard work and common sense, together with modern techniques of management and sales, the most of the Handicraft Centres are doing well. The carpets of Raipur, Dalhousie centres are most popular. The Tibetan Refugee self-help centre at Darjeeling is noted for its metal work and wood carvings. The Tibetan Refugee Handicraft Centre, Dalhousie, was established by the Government of India in November, 1959 in order to train refugees in their traditional crafts and eventually rehabilitate them in these trades. The training-cum-production centre was to be supervised by the Indian co-operative union. On the initiative of the Indian Government, the supervision of the centre was taken over by the Tibetan Government-in-exile in July 1962. Until 1973, the Government of India had been granting the rent of three workshop building, staff-quarters' electricity and water charges along with rations to the workers of the centre. In 1975, with the grant in aid from the United Nations High Commissioner for Refugees and Tibetan Refugee Aid Society, Canada, the centre has purchased property and land on which the existing twin workshops had been constructed. The centre specialises in Tibetan carpets, dresses, blankets, flags and paintings. Hence, the carpets of the Centre are rated among the best produced in various handicraft centres in India. In October, 1959, the Tibetan Refugee Self-Help Centre at Darjeeling was formally started by a ten-member Committee to rehabilitate the Tibetan refugees driven out of their country once again
by the Chinese. By the 1978 the number of people had risen to 650, of which 299 were workers. The Centre has undertaken multifarious activities, ranging from production of handicrafts to the care of the old and orphans and in 1961, was registered as a charitable organization under Indian Law.

The Tibetan Women’s Co-operative Association, as it was initially called, was started in April, 1963, with the aim and objective of providing work and assistance for the Tibetan women specially the very poor, old and infirm ones. In the beginning, the association was to be on temporary basis and later on, to be amalgated with another handicraft centre in Simla. By late 1968, however, the Government of India assured that it had no objection for continuing the association in Dharamsala. Since then, the association received some funds from the Indian Government and voluntary aid agencies. Of the donors who donated funds for industrial settlements in India from 1965-1972, the following are worth mentioning: -(i) European Refugee Campaign, (ii) Catholic Relief Services (iii) Norwegian Refugee Council (iv) Indo-German Social Service Society, (v) Swiss Aid to Tibetans, (vi) Christian Aid, London, (vii) UNHCR, (viii) OXFAM. 10.

5.1.4 Settlements and Rehabilitation Programmes in India:

The first Tibetan refugee resettlement was done in the state of Karnataka at Bylakuppe, 52 miles from Mysore City. It was then agreed to resettle 3,000 refugees in the first instance and India Govt.

sanctioned Rs.37,84,800 for this purpose. The place chosen is over 3,000 acres leased to the tibetans by the Karnataka State Government. The Government of India also paid the major part of their transportations costs. The Tibetan settlers received rations of rice, flour, maize, meat, oil, milk powder, salt, tea, vegetables, fuel and vitamins from the Scheme Fund provided by the Indian Government. In addition, the Central Relief Committee (an organization established in 1959 by some prominent Indians to co-ordinate relief assistance to Tibetan refugees) supplied gift clothing for the settlers. In total six camps were built consisting of 500 persons in each camp. However, during the first few years, The tibetan settlers faced great difficulties. They received supplementary assistance from the rations supplied to them by the Indian Government Scheme Fund. The regular rations were stopped in 1965, but by that time the settlers were having a better yield from the land and had organised other income-earning activities through their Co-operative Society. In the late 1960's Tibetan refugees were still coming into India. Thus, the Government of India was approached with a request to provide rehabilitation facilities for the new commers. The Government of India agreed and allotted 405 acres of land in Bhandara District of Maharastra. A sum of Rs.18,83,780 was sanctioned to cover the settler's transportation costs, construction of temporary camps and permanent housing, ration and medical supplies, de-forestation, purchase of agricultural implements including bullocks for ploughing, demarcation and distribution of land, irrigation and drinking water facilities, three years staff salary and the maintenance
of settlement office. All the settlers who were 10 years old were given land with 3 acres of land for 5 people. Besides the tractors that the settlement has under its Co-operative Society, each family is provided with a pair of bullocks for ploughing with all necessary land tools for agricultural work. Seeds, fertilizers and insecticides were also provided for 4 years.

Tenzingang Tibetan Refugee Settlement, Bomdila, Arunachal Pradesh:

This settlement is situated in Kameng District of Arunachal Pradesh and about 83 Kilometres in the north eastern side of Bomdila town. The present population of the settlement is 1,348 people in 265 families, settled in five different villages. The Tibetan authorities and the settlers have submitted plans in each year from 1972-1975, to the Government of India, to provide rehabilitation facilities for the settlers. The settlement has neither a proper co-operative Society nor any handicraft centre from where the settlers can earn their living. The main source of income in the settlement is agricultural work. With the financial assistance from the State Government, the settlement has set up some flour mills.

As agricultural settlements seemed to be the best answer to a quick solution of the refugees' problems, efforts were continued in search of more settlement lands. The State Govt. of Madhya Pradesh offered some lands at Mainpat. The Govt. of India sanctioned Rs.21,320,000 for this project in March, 1963.
The Phuntsokling Tibetan Settlement at Chandragiri of Orissa was set up in 1963 in Ganjam District, about fifty miles to the west of Berhampur. The total population of the settlement at present is 6,964 people.

The Ministry of Home and Rehabilitation of Govt. of India also provided necessary assistance to rehabilitate 1,000 Tibetan refugees in Sikkim. A total of 600 acres of land was sanctioned in South Sikkim and the Government of India sanctioned Rs.9,72,000/- through the State Government for one hundred families.

However, presently there are in total 34 tibetan settlements in India. India's assistance to the tibetan refugees operates within the economic constraints of a larger refugee assistance programme that must provide for refugees from Sri Lanka, Bangladesh, Burma and other surrounding countries. The Indian Governments commitment to assisting the Tibetan refugees is well established. In time, it may be submitted that the scarcity of large tracts of suitable land under government ownership and a shortage of funds for all refugee programmes have drastically changed refugee settlement policies and have presented the Indian Government from assisting the CTA in meeting many of the needs of
the displaced Tibetans\textsuperscript{11}. As refugees are still coming from Tibet, about 14,000 of them are yet to be accommodated. Three decades after their rehabilitation, Tibetan refugees feel today that they lack mobility as they are resettled in remotest parts of the country. Some other significant problems and fears are that the "limited opportunities for higher education and economic possibilities force Tibetan out of the refugee communities and soon could lead to an irreversible –

\textsuperscript{11.} In 1969 India Government requested the United Nations High Commissioner for Refugees to provide more substantial aid. A UNHCR Representative was appointed in New Delhi, and an allocation of 300,000 dollars was included in the UNHCR Programme for 1969. The money was used in a number of projects to consolidate rural settlement zones. In the following year further UNHCR funds were used to complement these collected in an European fund-raising campaign in 1966, which were allocated from year to year to different projects in progress, with a view to completing the integration of the Tibetans in India.

From 1970 until 1975, UNHCR allocations were used for certain under-funded parts of the programme, such as professional training and handicrafts centres, the construction of housing and the fight against tuberculosis.
assimilation in to the dominant surrounding cultures".

However, inspite of all these hardships & economical constraints - the Government of India is providing all the necessary supports and humanitarian assistance to these 100,000 Tibetan people who are in distress. Mr. Zakaria, the Indian Representative to the United Nations, strongly re-iterated the Indian Stand in the floor of the United Nations in 1965 before the General Assembly that -

"For our part, we assure the United Nations that - as in the past - we shall continue to give all facilities to the Tibetan refugees, and do our best to alleviate their sufferings and hardships. The Dalai Lama has been living in India for some years now, and is carrying on his religious and humanitarian activities without any restrictions from us. We shall continue to give the Dalai Lama and his simple and peace loving people these facilities and all our hospitality".

5.2. The 1971 Influx of Refugees from East Pakistan:

It is a matter of common knowledge all over the world, that since March 25, 1971, when the armed forces of Pakistan went into

action against the people of East Bengal to deprive them by force of their legitimate political aspirations, there had been an unending massive stream of refugees pouring into India by crossing the international border of East Bengal in all directions. The rate of influx, and the short span of time within which it occurred made the refugee situation in India the most-exceptional one in world history. Following the arrest of Sheikh Muzibur Rahman, the people of East Bengal proclaimed independent Bangladesh on April 10, 1971, and a government in exile was established. A reign of terror was let loose by the Pakistani Armed Forces. People fleeing the Pakistani terror and oppression sought refuge in India. During just eight months before November 1971, 9.9 million people crossed over to India. Responding to its humanitarian obligation India admitted all refugees from East Pakistan without any restrictions. The state of West Bengal received 7.5 million refugees, Tripura 1.4 million, Meghalaya 0.7 million and Assam 0.3 million. On average, at one point of time about 1700 refugees entered every hour. As Dr. S.P. Jagota observed:


14. Between 25 March 1971 and 31 December 1971 the total number of refugees from Bangladesh was 9,899,305 and during the 1971 Indo-Pak war 79,595 Pakistani nationals also took shelter in India. India, Lok Sabha, Debates Vol. XXV, 28 March 1973, Cols. 57-58.

15. See Supra Note 13.
"By way of comparison, the refugee migrants from West Pakistan to India after the partition in 1947 was 48 lakhs during the 1947-51 period. The Hindu refugees from East Bengal from 1947 to 1970, who were forced to leave their homeland by the communal policy followed by the rulers of Pakistan, also numbered about 50 lakhs over that period. The number of refugees from Tibet in 1959 onwards ran only in thousands. The present refugee situation is thus quantitatively and qualitatively different from any typical refugee situation in the world, or even from those experienced by India heretofore".

The Pakistan Government had alleged that India and some other countries were violating the principles of the Charter of the United Nation by (1) intervening in their internal affairs, and (2) resorting to the threat or use of force to disrupt the territorial integrity of Pakistan by supporting the secessionist movement. India too replied the Pakistani allegations with strong words by saying that to express sympathy with the people in their hour of distress resulting from a total denial of their human rights and fundamental freedoms does not amount to intervention in a country's internal affairs.

When all efforts to bring about reconciliation, restore calm and permit the return home of the refugees had failed, India
considering the continuing influx as a threat to its stability, declared war on Pakistan on December 6. Hostilities ceased on December 17, and were immediately followed by the proclamation of the new independent State of Bangladesh. Soon after the creation of favourable conditions after the independence of Bangladesh, the voluntary repatriation was facilitated with the co-operation of the newly formed Bangladesh Government and the task was completed by March-April 1972.

Although the exile of the Bangladesh refugees was short compared to that of others, the account of the trials they underwent during their flight to India can not be short, and neither can that of the amazing achievements of those who helped them, in particular the Indian authorities and the Indian voluntary agencies. The relief operation was carried out under the auspices of UNHCR by the main humanitarian agencies of the United Nations, such as the WFP, UNICEF and WHO, as well as the League of Red Cross Societies, and many other non-governmental agencies. With great efficacy they faced and brought to a successful conclusion an assistance operation of unforeseeable size, in which every item of food, shelter, medicine or transport had to be provided, and that fast enough to save the lives of vast numbers of people in distress.

Until April 15, 1971, the world press was busy with the reporting of the Vietnam War. Ten days later it was reported that half a million people had entered India. By the end of the month there were 4 million, and a fortnight later, 6 million. The
Government of India forced with a sudden and most serious influx, requested the Secretary General on April 23, 1971 to make available necessary assistance from the United Nations in order to alleviate the suffering of the mass of refugees. Refugee relief work started on war-footing, keeping in mind, the five major requirements, that is, the requirement of space, construction of shelters, provision of medical aid, supply of water and supply of food. Besides these, Rs. 40 crores was required providing blankets to them in winter and Rs. 4 crores for clothing. By June 1971, 1,200 refugee camps were set up, and 615 camps were set up only in West Bengal. The Government of India had obtained transport planes from the United States and the USSR to carry food to remote areas, and bring refugees to the interior of the country, because there were too many in the border regions.

In May an epidemic of cholera broke out in West Bengal. In three days 2.5 millions doses of vaccine and 200,000 litres of rehydrating fluid had been sent to Calcutta, and on June 18 the press announced that the epidemic had been contained. However, the principle underlying the provision of relief to the refugees was that they would return to their home state at the earliest possible. Thus, the camp facilities were provided to them on a temporary basis. Some camps were run by West Bengal, Tripura, Meghalaya, Assam, Madhya Pradesh, Bihar and Uttar Pradesh Governments and others were funded
by the centre.

A branch secretariat of the Ministry of Labour and Rehabilitation was established in Calcutta and became the central machinery for the planning and implementation of the refugee relief programmes. About 30 voluntary organizations operated in the various states to assist the administration of the camps. They also ran orphanages and training homes for unattached girls. To combat the problem of malnutrition and diseases, 100 nutrition therapy centres were set up in various states. The programme was known as "Operation Lifeline", which covered two phases of work styled as Alpha and Beta. The former programme - included provision of supplementary nutrition diet to children while the latter was intended to cure malnutrition diseases amongst children. The expenditure incurred by the scheme amounted to about Rs.4 crores. The administration of the relief programme involved heavy financial expenditure. It required an amount of Rs.2.20 per day to maintain a refugee. In this way the total daily - average expenditure on refugee population came to Rs.1 crore, leading to a total expenditure of Rs.323 crores. Against this, the foreign aid received amounted to Rs.137 crores. The required extra funds, to some extent, were collected by imposing extras taxes. Many development programmes of the State were also slowed down. Some 35,000 government functionaries were employed to run the organization.

However, during their exile life in India, the refugees suffered terribly during the monsoon, i.e., in the month of June and
July. In the states of Bihar and Uttar Pradesh thousands of people were cut off by swirling waters. Thirteen thousand localities were flooded; 200,000 inhabitants of Bengal lost their houses, while hundreds in Assam lost their lives. Thousands of refugees left the camps to seek safety on the raised roads, along which the supply lines for relief goods passed. Ironically, the next problem was a lack of drinking water. The distribution of food caused difficulties everywhere. Fortunately, at first, the Food Corporation of India had sufficient reserve stocks which were used and then later built up again by deliveries from World Food Programme (WFP), and other international organizations. More than 300,000 tons rice, 11,000 tons of milk, 70,000 tons of edible oil, 7600 tons of sugar and other foodstuffs were sent in, or bought locally with international funds. The greatest anxiety was caused by the supply channels for the distribution of food, and the condition of the vehicles needed to link the Port of Calcutta with the warehouses, and these with the camps, along the 3000 km. of the frontier between India and East Pakistan. The roads, between Calcutta, Assam and Meghalaya had been rendered impassable by floods. There was the same difficulty in getting to Balat of Meghalaya, where there were 150,000 refugees. But it was in Tripura that the greatest problems were encountered. The camps lay in the mountains, and the roads leading to them were hardly fit for motor transport. Local transport could not be found, and trucks had to be obtained urgently. A thousand trucks, tailors
and other vehicles were ordered from Japan, the United Kingdom and the United States, and were delivered to Calcutta. Ambulances arrived by plane, and 700 other vehicles were purchased in India. Indian Red Cross distributed the urgent supply of rations which contained milk, protein foods and vitamins.

5.2.1 International Aid:

The Secretary-General's decision to mobilize all competent United Nations agencies in response to India's appeal, and to name UNHCR as the 'Focal Point' without first referring the question to the General Assembly was praiseworthy in itself. On May 19, 1971, U Thant appealed to "governments, inter-governmental and non-governmental organizations, as well as private sources, to help meet the urgent needs for humanitarian assistance in the present tragic situation". The size of the operation fully justified. The Secretary-General's decision to involve many agencies in the task. WHO became responsible for health matters, while the provision of food was undertaken by FAO and WFP. UNICEF cared for mothers and children, and made available its purchasing service for all the material bought outside India.

The system of international co-operation and consultation rested on two pillars. In New Delhi a UNHCR office assumed liaison with the Government of India, interested United Nations agencies and the embassies of donor countries. Their findings and requests were
transmitted to UNHCR Headquarters in Geneva, and were placed before a Standing Inter-Agency Consultative Unit (SICU), in which were also represented the United Nations Organization, UNICEF, FAO, WFP, WHO and the League of Red Cross Societies. Certain governments sent their contributions in cash and kind straight to the Government of India. Others directed theirs to one or other of the organizations involved. The donors required to be informed regularly of the type and amount of aid needed, and sometimes made their own decisions on the form and timing of their contributions.

The urgency of the requests, and the orders constantly modified when new refugees arrived, or were expected to arrive, not only tested the international system, but also tried the patience of India in face of the inefficiency of "Secret diplomacy", which based itself on the hope that the refugees would return home. Instead, the exodus continued, in spite of a resumption of the United Nations, East Pakistan Relief Operation (UNEPRO), a visit of the High Commissioner to Islamabad, and the opening of reception centres for returning refugees. At its July session the Economic and Social Council could only allow the representatives of India and Pakistan to express their opposing points of view and confirm the need for continued international aid. In November the General Assembly did the same.

The ever-increasing number of refugees caused the Focal Point to make four appeals for funds in the course of seven months. The
last was to raise money for repatriation. Its target could be fixed by recalling that the total cost of the programme had been estimated at 440 million dollars, of which 290 million had been received from international sources, 184 million dollars of it in cash and kind having been given by United Nations agencies.

However, even before the end of hostilities, the tide of refugees had begun to flow in the opposite direction, back across the frontier, on foot, by bicycle or pulling a rickshaw. On January 6, 1972, three weeks after the cease-fire between India and Pakistan, the UNHCR Representative in India announced that more than one million had returned to their country. Journey allowances were granted to these refugees and they were provided with rations for 14 days. India, anxious to help these people, agreed to release the goods, as well as cargoes still en route. Supplementary food, tents, clothing, blankets and more than 1000 vehicles were thus added to the supplies to be collected by the United Nations Relief Operation in Dacca (UNROD). The Focal Point, for its part, raised some 14 million dollars as a contribution to the costs of repatriation incurred by India for transport and distribution of food for the journey. Some of these funds were used to organize staying camps where the repatriates could stay for a short time before each of them went off. In order to facilitate the resettlement of the refugees in Bangladesh itself the Government of India sanctioned cash allowance at the rate of Rs.30 per adult and Rs.15 per child. On this account
Rs.18.58 crores was placed at the disposal of the Government of Bangladesh. Several other types of assistances, like supply of milk powder, blankets, medicines and others amounted to Rs.15.5 crores. In addition, the Government of Bangladesh was also given house building materials of the value of Rs.1.36 crores.

5.3 Refugees from Sri-Lanka:

Decade after the 1971 refugee influx - India once again was severely affected by the influx of thousands of Tamil refugees from Sri Lanka in 1983. Four years prior to the 1987 Indo-Sri Lanka Accord, an estimated 135,000 Sri Lankan Tamil sought refuge in India. And again, during the period between August 1989 to February 1991 - nearly 1,2200 Tamil refugees, took shelter in various refugee camps in India. Like other refugee communities in India, the Sri Lankan Tamils are considered as refugees in political sense and thus granted asylum by the Govt. of India.

5.3.1 Background of the Tamil Refugee Influx from Sri Lanka:

The British rule came to an end in 1948 in Ceylon, as it was then called, when it was granted independence and later on became a republic in 1972. Of its total population 74 per cent constitutes the majority Sinhalese community. Among the minority community 18.5 per cent are Sri Lankan Tamils, which include 5.6 per cent of Indian Tamils who migrated to ceylon in the 19th Century to work for
Britishers' plantation. Sri Lankan Tamils claim that they were discriminated against by the majority Sinhalese community in respect of their language, education and employment. On the other hand, the mood among the majority Sinhala population is that the island is theirs and that the Tamils, many of whose families had been settled there for hundreds of years, are interlopers.

Here it is interesting to note that the Sri Lanka Freedom Party, which supported the principle of equal status for Tamil and Sinhala when it was formed in 1951, changed its policy in 1956 radically. Upon becoming Prime Minister in 1956, Mr. S.W.R.D. Bandaranaike declared Buddhism as the state religion and sinhale the sole official language. Though Tamil was permitted to be used in 'predominantly Tamil' areas. On May 22, 1958 the first major anti-Tamil riots in the island broke out, in which many members of the minority community were killed. However, Prime Minister Bandaranaike followed a policy of giving in to most Sinhala demands, while simultaneously conceding a few Tamil ones as well. This made him anathema to Sinhala fanatics, and subsequently he was assassinated on September 26, 1959. The successors of Bandaranaike distanced themselves from his soft policy towards the Tamils, and by January 1, 1961 Sinhala was enforced as the sole official language of the country. Tamil protests against this policy were suppressed. It is important to note that - the continuing ethnic crisis has all along been regarded by the Government of India as an internal matter of
Ceylon. Nevertheless, India was naturally concerned with the problems, including the racial, of a friendly neighbour. In 1974, a solution of sorts was devised for the problem and embodied in the Sirimavo-Shastri Pact. This Pact provided for the repatriation of over half-a-million Tamils to India. While 525,000 Tamils were to be sent to India, 300,000 were to be given Ceylon citizenship and the fate of another 150,000 was to be decided later. Needless to add, while the transfer to India took place at a brisk pace, the granting of Ceylon citizenship lagged. By August 1970, Ceylon had given citizenship to only around 7,000 Tamils, while ten times that number had been sent to India. By September 1971, 1,12,074 persons were granted Indian citizenship. Besides providing custom concessions and permission to bring their savings and assets to India, six other schemes for the resettlement of Sri Lankan repatriates on tea and rubber plantations in Mysore, Tamil Nadu, Kerala, Andaman and Nicobar Islands were sanctioned. Agricultural loans were provided, ranging from Rs.3000 to Rs.4300. People with background in trade and commerce were given loans upto Rs.5000 per family. For the rehabilitation of the refugees and repatriates from Burma and Sri Lanka, the "Repatriates Co-operative Finance and Development Bank" was established in 1969.

The 1970s saw the Tamil United Liberation Front (TULF) coming into prominence, which for the first time spoke of a separate homeland or 'Eelam' for the Tamils. The TULF got widespread support
after measures such as Tamil standardisation rules were passed, which restricted entry of Tamil students into Ceylonese universities despite their getting higher marks than the Sinhalese. In the 1977 elections, the bulk of the Tamil vote went to the TULF and its new leader, A. Amirthalingam. However, Amirthalingam's acceptance of the district council scheme offered by the Government of Sri Lanka led to a split in the TULF, with a faction breaking away in November 1980 to form the Tamil Eelam Liberation Front. It was from this, more radical group that younger elements drifted towards armed groups - TELO, the EPRLF, PLOTE and, of course the LTTE (Liberation Tigers of Tamil Eelam). And thus began the armed struggle for Eelam, a struggle that rages in the hapless island to this day.

However, by 1983, the situation had changed radically and officials, at first security forces and later even civilians, overtly aided or abetted anti-Tamil violence. For example, the massacre of Tamil prisoners in Welikade prison in Colombo in July 1983 would hardly have been possible without the complicity of prison officials. Tamil homes and business establishments in Colombo were systematically destroyed. Soon the violence spread like wild fire to the other towns of Sri Lanka. Then violence spread to the northern and Eastern provinces of Sri Lanka and is still continuing unabated. The military action of Sri Lankan Government against the Tamil insurgents is resulting in mass killing and torture, and fleeing of Tamils, in general, to India for safety. More than one hundred and
twenty five thousand people have crossed over to India since July 1983, and they have been 'granted refugee status'.

From 1981, and especially 1983, onwards Sri Lanka Tamils began crossing to India fleeing the action of the Sri Lankan security forces. The reactions in India, and particularly in Tamil Nadu, naturally caused deep concern. Concern not only from the aspect of human rights, but because of the obvious political repercussions likely to develop in India. Hence, Indira Gandhi deputed G. Partha Sarathi to visit Sri Lanka and to offer India's good offices in seeking a solution to the problem. While the shuttle mediatory efforts continued, with emissaries from either country visiting the capital of the other, the Tamil extremists intensified their fight, as did the Sri Lankan armed forces to overcome the Tamils. Sri Lankan search for assistance to meet this problem took that government to various countries to the U.K., USA, Israel, Pakistan and others. Mr. J.R. Jayewardene, reportedly approached the USA and Britain for military assistance but drew a blank. Only then he did turn to India which swallowed the bait to prove its ascendancy in the region. On July 29, 1987, Jayewardene and Rajiv Gandhi signed the

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'India-Sri Lanka accord', acknowledging the legitimacy of India's security concerns in the region and, consequently jointly seeking to implement a solution to the ethnic problem.

However, except for Tamil becoming the official language, the "accord" remains on paper. Mr. Premadasa's assurance to New Delhi proved to be an eyewash as Mr. Jayewardene's statement that the 'accord' has been implemented. In reality, there is nothing on the ground. Sri Lanka is the only neighbouring country with which India has no territorial, water or any such dispute. It is the treatment meted out to Tamils that has come between the two because of the sentiments it has touched in Tamil Nadu and elsewhere. At present, even that sort of reaction is more or less absent. The violence committed by the Liberation Tigers of Tamil Eelam has left India cold. Whatever sympathy was there, it has been squeezed out by Rajiv Gandhi's assassination in 1991. A limited stir is already visible in a few coastal areas of Tamil Nadu. The Pattali Makkal Katchi (PMK), led by S. Ramadoss, has been able to evoke a favourable response on the banning of the LTTE in India. The former Tamil Nadu Chief Minister, Mr. K. Karunanidhi, echoes the feelings of a large number of Tamils when he says, "we have no sympathy for the militants - but this does not mean that we have no sympathy for the Sri Lankan Tamils".
5.3.2 Assistance Programmes:

During the first phase, that is between July 24, 1983 and November 30, 1987, in total 1,34,053 Tamil refugees are reported to have came to India, and were sympathetically received by the Indian authorities. Only 17000 of them were registered and the rest stayed with their relatives. As a result of the 1987 Indo-Sri Lankan Accord, the Government of India repatriated 25,885 Tamil refugees during the period between December 1987 and March 1989. India, however, had to stop the repatriation programme since there was a fresh wave of refugees to its shores due to the escalated violence in Sri Lanka in late 1989. During the second phase of their flight, i.e. between August 26, 1989 to April, 1991, 1,22,241 Tamil refugees are reported to have come to India. Unlike the earlier influx the Indian authorities at Mandapam made arrangements for registration of Sri Lankan refugees. After registering them as refugees, the authorities classified them on the basis of primary enquiry into ordinary refugees and the refugees who are suspected to have links with militants. 1,10,552 ordinary refugees are kept in 186 camps in 19 Districts of Tamil Nadu and 218 in Orissa. 2,239 refugees, who are suspected to have links with militants, are kept in separate camps along with 763 refugees who have violated the Rules relating to Registration under Foreigners Act. These refugees who are lodged in Special Camps are strongly guarded by the security forces and the freedom of movement of these refugees is drastically curtailed.
Total number of refugees outside the camp, as on 19.1.92, are 96,421, out of which 30,977 have registered with District Authorities (as on 15.12.1992).

SCALES OF RELIEF ASSISTANCE ADMISSIBLE TO PERSONS OF INDIAN ORIGIN (REPATRIATES AS WELL AS REFUGEES) COMING FROM SRI LANKA:

(Last revised in June, 1990)

1. **Cash doles**:

<table>
<thead>
<tr>
<th>Size and composition of the family no.</th>
<th>Amount to be paid per month (In Rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Family with one member</td>
<td>150.00</td>
</tr>
<tr>
<td>2. Family with two members (both adults)</td>
<td>270.00</td>
</tr>
<tr>
<td>3. Family with three members (two adults and the child)</td>
<td>345.00</td>
</tr>
<tr>
<td>4. Family with four members (two adults and two children)</td>
<td>382.50</td>
</tr>
<tr>
<td>5. Family with five members (three adults and two children)</td>
<td>502.50</td>
</tr>
</tbody>
</table>

For every additional adult and child, an amount of Rs.120.00 and Rs.37.50 per month respectively, would be admissible.

18. Most of the Statistical information is provided unofficially by the Ministry of Home Affairs, Rehabilitation Division, Government of India, New Delhi.
Note:
The amount of cash doles to be granted to a family would, however, be determined with reference to the actual number of adult/child members in a family. While the first adult will get cash doles at the rate of Rs. 150/- every subsequent adult in the family would be entitled to an assistance of Rs.120/-. Likewise, while the first child would get Rs.75/- every subsequent child would be entitled to a cash assistance of Rs.37.50 only.

(A child is one who is less than 12 years of age)

2. Food:

On their arrival at Rameswaram, the repatriates from Sri Lanka covered under the Indo-Sri Lanka Agreement of 1964 are supplied one free Coffee/Milk and Cater Meal, as per scales and within the ceilings as below:

Coffee/milk Rs.0.50 per adult (12 years and above)
Rs. 0.50 per child (below 12 years)

Cater Meals Rs.3.50 per adult (12 years and above)
Rs.2.00 per child (below 12 years)

3. Ration scales:

at subsidised rates, Rate:

Rice/Wheat atta @ 57 paisa per kg.
Wheat @ 51 paisa per kg.
4. Medical

A 20 beded Government hospital is there in the Transit Camp at Mandapam for the benefit of repatriates. The recurring expenditure involved on the entertainment of the hospital staff as also on the provision of medicines and diet etc. are apportioned between the Central Government and State Government of Tamil Nadu in the ratio of 2:1 respectively.

5. Passanger & landing dues and excess baggage charges

The expenditure on 'Passenger and landing dues' and 'Excess Baggage' charges paid to the State Minor Port Fund and Shipping Corporation of India Ltd., respectively, is met by the Central Government.

6. Porterage charges:

Rs. 1.40 per head irrespective of age limit.

7. Travel Concessions

Free travel facilities (Second Class tickets) by (Ordinary) trains are provided to the repatriates from Sri Lanka who are admitted to the transit came and are granted cash doles for the journey from the part of disembarkation (Rameswaram) to the transit camp, Mandapam and from there to the rehabilitation sites

8. Journey allowances

The repatriates eligible for grant of free travel facilities are given journey allowance (Rs.8/- per adult aged 8 years and above) and Rs.5/- per child (below 8 years) per journey day of 24 hours of part thereof.
9. Cremation & Sradh Grant: A grant for cremation and Sradh etc. not exceeding Rs.100/- in the case of an adult (more than 12 years) and Rs.50/- in the case of minor (aged 12 years or less) deceased Sri Lankan repatriates, provided the head of the family to which the deceased belongs did not bring liquid assets worth more than Rs.5,000/- from Sri Lanka. This grant is admissible in the Transit Camp only.

10. Additional relief assistance: The families of the persons of Indian Origin (repatriates covered under the Indo-Sri Lanka Agreements of 1964 and 1974 and the refugees) who have arrived or may arrive in destitute condition from the riot affected areas in Sri Lanka and are admitted in the Transit Camps in Tamil Nadu are eligible to the supply of clothing, utensils etc. at the following scales:

(Applicable w.e.f. 1.04.1992)

<table>
<thead>
<tr>
<th>Name of the article</th>
<th>Scale of supply per member</th>
<th>Cost of unit</th>
<th>Expenditure ceiling per member</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. CLOTHINGS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male adult</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Dhoti/Lungi</td>
<td>2</td>
<td>30</td>
<td>60</td>
</tr>
<tr>
<td>b) Vests</td>
<td>2</td>
<td>12</td>
<td>24</td>
</tr>
</tbody>
</table>

(contd.)
**Name of the article** | Scale of supply per member | Cost of Unit | Expenditure ceiling per member
---|---|---|---
Male child  
  c) Half Pants | 2 | 35 | 70  
  d) Vest | 1 | 9 | 9  
  e) Slacks (Bush-shirts) | 1 | 27 | 27

Female adult  
  f) Saree | 2 | 70 | 140  
  g) Blouse | 2 | 20 | 40  
  h) Petticoat | 1 | 30 | 30

Female child  
  i) Lehnga (Pavadi) | 1 | 37 | 37  
  j) Blouse | 1 | 37 | 37  
  k) Gown | 1 | 50 | 50  
  l) Towels (per family) | 2 | 17 | 34

II. Mat (one per adult) | 1 | 20 | 20

III. Blanket/Chaddar*  
  (one per adult) | 1 | 50 | 50

IV. Utensils (per family)*  
  Rice cooking vessel with lid. | 1 | 25 | 25  
  Soup Boiling Vessel | 1 | 20 | 20  
  Large Speen for service | 2 | 6 | 12  
  Eating Plates | 2 | 8 | 16  
  Tumbler | 2 | 5 | 1

* These two items are supplied after every alternate year.

**Note**: In December 1993 the Home Minister of India declared that the Government till date spent Rs. 90 crores for the refugee from Sri Lanka.
However, adjustments can be made by the State Govt. in the items of clothing to be supplied and/or the prior thereof as may be found necessary subject to the overall monetary ceiling per family which would be worked out on the basis of family composition, keeping in view the ceilings per adult/child.

5.3.3 Repatriation of Lankan Tamil Refugees:

The repatriation of refugees from Tamil Nadu to Sri Lanka has been the largest organised exercises of its kind done in collaboration with the United Nations High Commissioner for Refugees (UNHCR). In the first phase, nearly 42,000 Sri Lankan Tamils returned between 1987 and 1990. Of them, two thirds were part of the organised repatriation involving the UNHCR. A second phase of the repatriation of Sri Lankan refugee from India commenced in early 1992 under a bilateral agreement between the Government of India and Sri Lanka. In July 1992 the Government of India and UNHCR reached an agreement on UNHCR verification of the voluntary nature of the repatriation. Some 29,000 refugees returned in the course of 1992, leaving about 80,000 in 131 camps and an estimated 30,000 outside camps in Tamil Nadu, according to official Government figures.

The repatriation was suspended at the onset of the monsoons in October 1992 and was not resumed in early 1993 due to the shortage of shipping transport. In January 1993 UNHCR offered to finance the rental of a flat-bottomed boat for the voyage from Rameswaram to Talaimannar and an ocean-going vessel from Madras to Trincomalee to
transport a further 7000 refugees. The offer was accepted in June, paving the way for a resumption of the repatriation. Again in February 1994, another 3,600 refugees were repatriated to Mannar island from Rameswaram. However, the process of repatriation was suspended in February and had resumed again in September, 1994 when 1054 refugees left Madras for Trincomalee in eastern Sri Lanka by the ship M.V. Nicobar. The Government has completed this phase of repatriation on October 2, 1994.

What has bothered the UNHCR is the political pressures and sensitivity involved in the repatriation of Tamil refugees. On the allegation of forceful repatriation of Tamil refugees from India - Mr. Hasim Utkan, the UNHCR's Representative in Sri Lanka, refuted the allegation strongly by stating that -

"We have made it abundantly clear there is no sinister operation in progress. Our Indian mission monitors the refugees in Tamil Nadu to make sure they are leaving willingly, we are here to receive them, assist them and provide all the assistance we can".

The United Nations High Commissioner for Refugees (UNHCR) has been overseeing the repatriation for its voluntariness and so far, this world body has not come across any case of forcible repatriation. While UNHCR's main concern on the Indian side has been to ensure the voluntary nature of the repatriation, in Sri Lanka it has been focused on assisting the returnees in their first steps towards reintegration. The continuing military conflict in the north
and east of the country and the delay in a political settlement have slowed down the movement of returness from reception centres in Sri Lanka to their villages of origin. The UNHCR has achieved some success in its micro project in Mannar island of Sri Lanka, covering 37 villages. Returnees in 1992 and 1993 are enjoying the benefits of this project. Widows and children have a special focus in the project, because income-generating projects and education are the thrust of the programme.

5.4 **Chakma Refugees from Bangladesh:**

Since May 1986, over 70,000 tribals have fled their habitats in Chittagong Hill Tracts of South East Bangladesh and taken refuge in the neighbouring Indian states of Tripura and Mizoram. While those entering Mizoram were immediately pushed back, 56,000 of them remain in six evacuee camps in South Tripura. A majority of these refugees are Chakmas. The rest comprise members of nine other indigenous tribe - Marma, Tripuri, Bourem, Lushai, Murung, Pankhu, Khumi, Khijang and Chak.

5.4.1. **The Genesis of the Crisis:**

The Chittagong Hill Tracts (CHT) lies in the south eastern fringe of Bangladesh. It is bordered by Chittagong district of Bangladesh in the west, the Indian states of Tripura and Mizoram on the north-west, and east and the Burmese province of Arakans on the
south. The British took over the port city of Chittagong in 1760 from the Mughals and slowly expanded their influence into the Hill Tracts. In 1900, the British Government passed the Chittagong Hill Tracts Regulation Act and in 1935 the CHT was declared an 'excluded area'. Since then, the Hill Tracts people, known as Jummas, came to enjoy a certain amount of autonomy.

After the partition of the Indian sub-continent, Chittagong Hill Tracts was given over to Pakistan in a controversial award by the Bengal Boundary Commission headed by Sir Cyril Radcliffe. The decision shocked the tribals because Pakistan was conceived as an one-religion state based on Islam and the population of the CHT in 1947 was 98 per cent non-Muslim. Led by the Chittagong Hill Tracts People's Association, the tribals hoisted the Indian flags all over the district. But their agitations were crushed swiftly by the Pakistan army. The Jummas began to demand autonomy, but the Pakistan Government considered them 'Pro-Indian' and started persecuting them. The CHT Frontier Police was dissolved and in its place the East Pakistan Police was deployed. Also, large-scale infiltration of Bengali Muslims into the Hill Tracts began, in violation of the Regulation Act. To compound the Chakmas' plight, the construction of the multipurpose hydro-electric project on the river Karnafuli in 1960 led to the submersion of 253 sq. miles of rich agricultural land—amounting to 40 per cent of Jumma homeland. About 100,000 people were uprooted, and they were neither rehabilitated in other areas nor
given any compensation. Caught in dire straits about 40,000 took refuge in India and another 20,000 in Burma. Unmoved by the tragedy, the Pakistan Government abolished the special status of CHT by an amendment to the constitution in 1964 and thus threw open the flood gates to plainsmen migration, leading to the subsequent bloody ethnic conflicts and periodic mass exodus of tribals into India. After Bangladesh came into existence in 1971, the conditions of the Jummas worsened. The Hill Tracts people formed the Parbatya Chattagram Jana Samhati Samity or JSS. In 1972 a delegation of hill peoples' leaders met with Sheikh Mujibur Rahman, the first president of Bangladesh. The delegation was led by the Chakma Member of Parliament Mr. Manobendra Narayan Larma and included around 12 people from the CHT. The memorandum sought autonomy for the CHT with its own legislature, retention of the 1900 regulations and a ban on the influx of non-hill peoples. But Sheikh Mujib rejected the demands out of hand. No provisions on the CHT had been included in the new constitution. Increased numbers of Bengali settlers were coming into the Hill Tracts. One of the Amnesty International Reports describes the meeting, and adds:

"It is reported that after this meeting a massive military action was started including the Army, Police and Air Force attacking villages in the tribal areas, several thousands of men and women and children were killed according to sources close to the tribes people"\(^{19}\).

Failing thus to achieve regional autonomy through constitutional means, it launched an armed campaign by forming a military wing, 'Shanti Bahini', under the leadership of Shantu Lama, the brother of Mr. Manobendra Narayan Lama.

Meanwhile, under successive military juntas after the assassination of Mujibur Rahman in 1975, the repression of the Chakmas reached unprecedented levels. Three full-fledged Cantonments, one school of jungle warfare and about 60,000 police and armymen have been deployed by the Bangladesh administration in the Hill Tracts. Cases of torture, mass killings, rape and ransacking of temples have since been well documented by international human rights monitoring agencies. The Chakmas were forcibly resettled in concentration-camp like settlements in the name of 'ideal villages'. The Bangladesh military has reportedly carried out at least eight major massacres since 1980, in which nearly 2,000 people are said to have killed.

Chakma refugees say their religious and social rights were curtailed, Buddhist temples razed and monks tortured and forced to perform namaz. Meanwhile, the Bengali Muslim infiltrators have been reportedly grabbing the tribals' land with government backing. For their part, the Bangladesh military has forcibly occupied large chunks of Jumma land to set up camps. Not surprisingly, the Jumma population in the Chittagong Hill Tracts has been steadily dwindling, outnumbered increasingly as they are by Bengali Muslim settlers. As per
statistics - in 1947, the non-tribal population of the Hill Tracts was only two per cent; in 1971, it was up to 7.78 per cent; in 1980 the figure shot up to 40 per cent, in 1986 to 45 per cent. And in 1990, the non-tribal population stood at a staggering 47 per cent.

On April 29, 1986, tribal guerillas of the 'Shanti Bahini' attacked Bangladesh army and Muslim settler colonies. As the news of the guerilla raids spread, units of the Bangladesh army went on the rampage, along with Muslim settlers, in vast areas of Khagracheri district of CHT. According to a report of the Amnesty International - more than fifty tribal people were killed in the mayhem and over a dozen villages, inhabited by the tribesmen, were affected. Some eye witnesses alledged that after entering the tribal villages, law enforcement personnel ordered the inhabitants to assemble in open ground, men separate from women, away from the villagers' huts. While the villagers were held in this way, their settlements were reported to have been set on fire by non-tribal people. "Law enforcement Personnel were then reported to have opened fire randomly on the groups of villagers, who attempted to escape."20. The killings sent thousands of tribemen fleeing into Tripura state. By 30 November, 1986, the number of CHT refugees in the six camps of Tripura had risen to 48,206. Nearly 66,000 refugees reported to the refugee camps since May 1986 in the phases, between May and November 1986 and between May and August 1989. As pressure mounted on India from the international

community, India ultimately granted official refugee status to these peoples. They are now sheltered in six camps in Tripura.

5.4.2 Relief assistance to Chakma Refugee:

At present, about 55,000 refugees are housed in the six camps - Takumbari, Kathaleharri, Karbok, Pancharam, Silacharri, and Lebacherra. All these camps are situated in the South District of Tripura state. Takumbari is the largest of the camps. In September 1986, it had 11,352 refugees; this rose to 15,561, comprising 3,004 families in January 1992. The inmates are housed in long, partitioned 'sheds'. The camp is administered by a 'central executive committee' with representatives from the 'blocks', each comprising three or four 'sheds'. The management oversees 'Camp discipline' and the distribution of rations. In Silachari Camp the numbers of refugees registered are 6178, in Karbook it is 11,000, in Pancharan Para it is now nearly 10,000, in Kathalcheri Camp it is nearly 11,000 refugees.

India Government bears the expenditure for relief and shelter provided to these refugees and till January 1994, had spent nearly Rs.49 crores for these people. The Tripura Government also has spent over Rs.2.5 crores to look after these refugees. Each adult refugee is entitled to receive 400 grams of rice, 50 grams of lentiles, 15 grams of salt, 10 grams of chilly, 15 grams of dry fish, 5 millilitres of edible oil, 25 grams of molasses, 25 grams of flattened rice and 20 paisa in cash dole per day. Minors are entitled
to half that amount and females are additionally entitled to 100 millilitres of coconut oil for application to hair every month. The rations are generally given once a week, but very often, the officials tend to delay, forcing the refugees to stretch the weekly ration to ten days - on one occasion, it was stretched to 23 days, leading to near revolt in the camps and at least three deaths ascribed by the refugees to "suicide on account of starvation". Refugee leaders alleged that the officials often cheat on weights - and threaten refugees with dire consequences, if they complain. Most refugees interviewed by the researcher complained that the quantity of rice and dry fish are much short of individual requirements. The sleeping space available for a refugee is very short. There are only 86 makeshift huts in Silacherrri Camp for 6000 refugees, 260 for 11000 refugees in Korbuk, 145 for 11000 refugees in Panchrampara, 219 for 1,600 refugees in Takumbari, 85 for 5,700 refugees in Lebacherra and 229 for 12,000 refugees in Kathakherri Camp. About 90 to 95 persons are accommodated in a makeshift hut of 100 by 15 feet - which means about 15 square inches per person. Though the refugees are supposed to be provided 40 paisa per head for purchase of firewood, the officials buy wood from contractors and supply to refugees. There is an acute scarcity of drinking water in the camps, because sink - tubewells, the only source, are scarce and those installed are mostly unserviceable. Moreover, tubewells are inadequate in numbers. As per one report of the Relief Department of Govt. of Tripura - there are in
total 9 MK II and 29 shallow tubewell in Silachari camp, 12 MK II and 15 shallow tubewells in Karbook Camp, 16 MK II tubewells in Pancharampara Camp, 32 MK III tubewells in Takumbari Refugee Camp, 5 MK II tubewells in Lebacherra and 29 MK II tube wells in Kathal Chari relief camp. The refugees are thus compelled to collect impure drinking water from natural sources. No wonder, most of the common diseases prevalent in the camps are water borne- like diarrhoea, gastroentritis, dysentry, enteric fever etc. There is also a shortage of blankets and winter clothing. The Government has issued only two blankets to each family, which is generally of five to six members on the average. The refugees have built up a school with volunteers from amongst them - but books and teaching materials are scarce. Of course, the teachers are given an honorarium of Rs.100 per month by the Government. So far the medical care and facilities are concerned - these are also very much nominal comparing to the necessity of the refugees. It is very neglected in all camps. The doctors reside far from the camps and they are very much irregular in visiting the camps. Supply of medicine is also too much irregular and inadequate. Out of the six camps - only four camps are having a temporary health centre for its inmates. In Panscharampara refugee camp, at present there are one Doctor, five helpers; in Takumbari Refugee Camp - there are one doctor and five medicine helpers; in Lebacherra refugee camp - there are only one compounder and one nurse; and in Kathal Chari Refugee Camp -
there are one Doctor, two MPW, eight helpers and 2 contingent workers. The refugee leaders have already raised their strong demands for more rations. In a memorandum to the Chief Minister of Tripura in 1991, they demanded increase of the rice dole to 600 grams per adult per day and half that for minors, increase of the cash dole to Rs.2 per adult per day, to appoint a doctor and at least two nurses for every 5000 refugees and to open a temporary medical centre with 15 to 20 beds in every refugee camp, to increase number of tubewells at least one for every five hundred refugees, to open centres for weaving and handicrafts for refugees skilled in bamboo craft, to improve education facilities in camps, to supply of cooking utensils and warm clothes to refugees every year.

However, it seems very difficult for Indian Government to increase the level and quality of relief, because it has already incurred a substantial expenditure on the Chittagong Hill Tracts refugees. The Indian Government is not at all willing to involve international relief organisations, even the United Nations High Commissioners for Refugees: partly, because it regards the issue as a temporary one and partly because it is not in favour of allowing foreigners into north-east Indian states, which are regarded as sensitive areas. At present, any foreigner desirous of entry into North-Eastern states need a restricted area permit from Indian Home

21. All these statistical information was provided unofficially by the Relief Dept., Govt. of Tripura, Agartala.
Ministry which is very rarely granted.

Recently, the grievance over inadequate relief is growing in the refugee camps. In a letter to the Chief Minister of Tripura, Mr. Dasharath Dev on 12th August 1993, the refugee leaders of all the camps alleged that all the ration items have been curtailed since long and presently they are being given only rice and salt. This has caused a severe sufferings to the refugees who are passing their days in the camps almost without food. The refugee leaders strongly appealed to the Chief Minister to release immediately all the ration items to them as were given previously.

Here it may be noted that, the Executive Director of the Delhi based 'South Asia Human Rights Documentation Centre' - Mr. Ravi Nair recently presented a fifteen-page report in the International Conference on Refugee Affairs held in Oslo, in June 1994 - brought an allegation directly against the Govt. of India for its present policy on humanitarian assistance to Chakma refugees. He alleged that the Government of India has been encouraging 'voluntary repatriation' by making living conditions in the refugee camps untenable\(^a\). Between October 1992 and July 1993 rice and salt were the only provisions available to the refugees. Sometimes even salt supplies were not

\(^a\) "The Jumma Refugees: Post script on Prologue" - Report on CHT Refugee, prepared by the South Asia Human Rights Documentation Centre, New Delhi, Dtd. 1 June 1994, P.9
provided. The food provisions are given in 10 days cycles. The quantity given normally suffice for only 8 days. According to a recent report - the cash dole given to the refugees up to 30th Nov. 1992, the cash in lieu of dry fish given up to 30th Nov. 1992, the cash in lieu of dry chilly given up to 30th September 1992, masurdal given up to 30th September 1992, mustard oil given up to 31 December 1992 and again from 1st July 1993 to 30 July 1993, coconut oil given up to 20th February 1993, Milk Powder for children given up to 10th August 1991. So far the medical facilities are concerned - Mr. Ravi Nair alleged that -

"To describe the medical facilities in the camps as minimal would be a generous statement since at the moment they are practically non existent. The doctors who rarely visit, give prescription. The Refugees do not have the money to buy the medicines in the local market".

He further added that -

"The family of Miss Romana Chakma of Takumbari Refugee Camp managed to afford a bottle of eye drops for their daughter who was suffering from a serious eye disease. When SAHRDC researchers checked the bottle, it was found that the drops which had been sold on that day had already passed the expiry date."

22. Ibid,
The educational facilities in the camps are minimal. The students are not entitled to appear in the final exams under Tripura Board. The government has provided some materials such as chalk, blackboards, text books and geometrical materials but the amounts in proportion to the number of students is totally insufficient. For example, for the 528 students in the Karbook Refugee Camp high school there are only 92 copies of the text books required for the syllabus.

The refugees are provided with one set of clothing each per year. The quality is so bad that the items barely last for a month. Material for the repair of the thatched huts has not been given for over two years. In the last year, over 400 huts have burnt down due to accidental fires in the camps. But, the Government has not yet taken any initiative to repair that. Here it may be mentioned that 'Tripura Voluntary Health Association,' situated in Agartala, has taken some Programmes to promote health education, preventive health care and supply of medicare for the refugees of all six camps. The main activities of the Voluntary Health Association are -

i) Training of health workers - sixty health workers of the different camps were trained up by the Association. They were selected from the inmates of the camps.

ii) Training of traditional dais - The refugee traditional dais of all the camps were trained with the help of nearby Government Primary Health Centres.
iii) Health Education Campaign - The health workers imparted the health education among the inmates of the camps through group discussion, poster exhibition, songs etc. The songs were mainly written in the chakma language. The health education was given mainly on preventive health care, control of communicable diseases, personal and community hygiene etc.

iv) Immunisation programme is being regularly done in the camps with the help of state government officials.

v) Weaving project - The voluntary Health Association has launched one small weaving project for the distressed refugee women. The association constructed the office-room for the project at Takumbari Camp in collaboration with the 'Distressed Jumma Refugee Women's Welfare Association'. The cotton threads are purchased and distributed among 62 distressed women for production of cloths for women with the help of their traditional belly-looms. Production has already been started.

5.4.3 The repatriation of CHT refugees:

The Jumma refugees took refuge in Tripura, India, just to escape from armed conflict between the Shanti Bahini and the Bangladesh army and systematic massacre by the Bangladesh security forces and Muslim settlers. The Government of India tried to repatriate the refugees on January 15, 1987. The fresh
influx on the eve of repatriation and the serious international concern helped postpone the attempt. With the outcome of discussion between Sri P.V. Narasimha Rao, Prime Minister of India and Begum Khaleda Zia, Prime Minister of Bangladesh during later's visit to New Delhi on May 26, 1992, fresh initiative was taken for repatriation of the refugees by December 31, 1992. Due to some political reasons the plan could not take shape.

After the summit of the south Asia Association for Regional Co-operation in Dhaka in April, 1993 a fresh move was taken up to start the repatriation. A Bangladesh delegation led by its Communication Minister, Col. (Retd.) Oli Ahmed visited refugee camps on May 9, 1993. The refugee leaders submitted a 13-point Charter of demands for repatriation. However, Dhaka and New Delhi decided and released a joint statement on May 10, 1993 to start the repatriation process without any further delay. The repatriation was scheduled from June 8, 1993. The refugees refused in budge until the CHT situation develops and their demands are met. Many human rights organisations came forward to postpone the repatriation. The United Nations High Commissioner for Refugees asked both the governments of India and Bangladesh to make the repatriation voluntary and involve its machinery in this process. However, after a long negotiations among the representatives of the Govt. of Bangladesh, India and the leaders of the Jumma refugees, Mr. Upendralal Chakma, the president of the Jumma Refugees Welfare Association, acceded to the appeal of
Bangladesh Government for starting repatriation as a mark of good will towards the peaceful solution of the CHT crisis. The Government of Bangladesh offered to the refugees a sixteen points package consisting of money and material assistance along with the assurance of security. The first phase of repatriation took place on February 15, 1994 when 1,845 people of 379 families went back to their homes in Bangladesh. Mr. P.M. Sayeed, Union Minister of State for Home and Col. (Rtd.) Oli Ahmed, Bangladesh Minister for Communication were present on the occasion.

Here it is interesting enough to note that just after the first phase of repatriation in February 1994, Mr. Upendralal Chakma, in an exclusive interview with the 'Statesman' in Calcutta, directly blamed the Indian Government for this repatriation. He alleged that:

"last year we understood we were no longer welcome here. We did not receive the full quota of rations and survival in the camps became a struggle in itself".

He further added that:

"We have been persuaded both by Dhaka as well as New Delhi to agree to the repatriation. New Delhi, through the Tripura Governor, Mr. Ramesh Bhandari, have been persuading us to give repatriation a try - at least on an experimental basis. Dhaka had also been sending over delegations time and again. So we thought we would give it a try".

23. See Statesman, February 20, 1994 - The interview of Mr. U.L. Chakma, interviewed by Mr. Y. Laba.
However, in the month of April, 1994, an eleven member team of Jumma refugees along with three Indian officials visited the Chittagong Hill tracts to make verification of the conditions of the refugees who went back in February 1994. At the end of their visit - the Jumma Refugees' Welfare Association published a report where, its leader, Mr. Upendralal Chakma has alleged that the Bangladesh Government had not implemented the 16 point package agreed upon for the rehabilitation of refugees who had returned to Bangladesh in February last.

Meanwhile, the Humanity Protection Forum (a Tripura based Human Right Association) and the Baratya Chettagram Janasamhiti Samity, which had been fighting for regional autonomy of the CHT tribals, has reiterated in separate statements their demands that the United Nations High Commissioner for Refugees and other international human rights organizations - should be involved in the repatriation and rehabilitation process. They said that more than 70,000 Bangladesh army and more than four lakh Muslim settlers had occupied the Tribals' lands. Massive atrocities and other kinds of crime against tribals had been continuing in the Chittagong Hill Tracts which they said was not conducive for the return of the remaining 55,000 refugees from India.


In reply to this allegation of Chakma leaders - Mr. Farookh Sobhan, Bangladesh High Commissioner in India, told in a press conference that the Chakma refugees in Taipura were behaving like political exiles and their leader Mr. Upendra Lal Chakma was "playing games". He said that the conditions listed by the refugees for their return were humiliating for any sovereign Government.

However, the process of fresh repatriation of the CHT refugees is doubtful as the Centre is not in favour of "exerting any kind of moral or physical pressure on the refugees who are unwilling to go back to their homeland now. The refugee leaders have on the contrary announced their decision on not preparing any fresh list of evacuees for the third phase of repatriation. In total 5,169 refugees went back to their homes in Bangladesh uptil August 1994.

5.5 **Afghan Refugees:**

In 1979, both Afghanistan and Iran had political upheavals which spilled their nationals into other countries in search of safety and security. In Afghanistan the political turmoil and power struggles started since 1973 when the last king of Afghanistan, Zahir

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Shah, was deposed in a coup and a republic was created under the Presidentship of General Muhammad Daud. A new constitution was approved by a Special National Assembly in February 1977 and Daud was elected President for a Six-year-term. However, he began to crack down on his opponents and in April 1978 there were massive demonstration in Kabul. On April 27, 1978, a military coup took place, in which Daud was killed with the help of the military, the leaders of the People's Democratic Party of Afghanistan (PDPA) came to power. Soon after that, however, a power struggle developed within the PDPA between the Khalq and Parcham factions. On December 27, 1979, the Soviet forces intervened, the then President Noor Muhammad Taraqui was killed and a new regime was installed under the leadership of Babrak Karmal. Throughout this turmoil and after the installation of the Pro-Russian Government, all political opponents were suppressed, arrested, or made to flee.27 A clear polarization was made between pro-communists and Muslim fundamentalists. The campaign against the occupying Russian forces and the Afghan army was waged by the Mujaheddin guerrillas based in Pakistan. Immediately after the Soviet intervention and following the armed conflict between the Russian forces and Mujahiddin guerrillas, approximately four million civilians fled to Iran and Pakistan to escape the war-like situation in Afghanistan. Some of them, especially those belonging to elite and upper-middle class of the Afghan Society came to India in the

beginning. Most of them had valid travel documents or tourist visas and stayed in India temporarily on their way to the countries of asylum in the western world. And those, who could not go to any other country stayed back in India and sought protection from the Representative of the United Nations High Commissioner for Refugees, New Delhi. These refugees can broadly be classified as political persecutees since they fled their country for (a) the fear of persecution owing to their political beliefs, (b) opposition to the Government, (c) evading drafting into the military service. In late 1980s many ordinary civilians fleeing the armed conflict between Mujahiddins and Government forces came to India. They qualify the criteria of humanitarian refugees and deserve international protection. By January 1991 there were about 20,000 Afghan in India. The United Nations High Commissioner for refugees accorded refugee status to all of them. Although the Government of India did not adopt any specific policy towards these refugees, it allowed all Afghans having valid travel documents and willing to stay in India to get the UNHCR's protection and assistance.

However, by the end of May 1993 the Afghan refugee population increased to some 25,000 due to a large influx of Hindu and Sikh Afghans, the majority of whom have arrived in India since July 1992 owing to events in Afghanistan. The monthly rate of influx was about 2,000 until the beginning of 1993 and imposed severe strains on the
office of the United Nations High Commission for Refugees in Delhi. The Representative of the UNHCR in Delhi sought the permission from the Indian Government to engage a local non-governmental organization (NGO) as a partner to implement the assistance programme which comprises the permission of subsistence allowances, medical coverage, education and vocational training. Educational assistance at the primary level was provided in 1992 to 2,910 students. In addition, 50 students are receiving lower secondary education, and 250 are receiving vocational training in 1992-93. Meanwhile, 741 persons were resettled between January 1992 and March 1993, the highest number to the United States of America under a programme of family reunification, and 2,366 persons returned to Afghanistan during the same period, of whom 354 with UNHCR assistance. Educational assistance at University level given to 40 students in 1992.

5.6 Iranian Refugees:

Iranian refugees fled their country following the Islamic revolution in 1979 which led to the downfall of the State of Iran and the emergence of an Islamic fundamentalist government under the leadership of Ayatollah Khomaiini. A referendum was conducted in March

1979 which resulted in an overwhelming vote in favour of Iran becoming an Islamic republic which in turn created a rift between left-wing groups and Muslim extremists. Before these development in Iran, many Iranian students were studying in the various educational institutions in different parts of India. After these political developments in their country they claimed refugee status. They came to India on valid travel documents and sought refuge. Their status in international refugee law is that of refugees who flee their homes for the fear of persecution. About 2000 of them are at present getting all the necessary assistance from the UNHCR office in Delhi.

5.7 Refugees from Burma:

In the sixties, Burma nationalised trade and placed various types of restrictions following which a number of Indian nationals who were settled there for years had to return and from June 1963 to February 1972, 1,90,989 persons entered India from Burma.

The repatriates were granted concessional air and sea passages and were granted liberal customs concessions. A number of transit camps were set up in States like Tamil Nadu, Andhra, Orissa and West Bengal. They were allowed monthly cash doles, the basic necessities were provided at a subsidised rate and housing loans were also granted. Arrangements for business loans upto a maximum of Rs.5,000 per family were made as well as provisions were made for children and unattached women. The State Governments were sanctioned a sum of Rs.207,75,000 as
grant and Rs.985,92,000 as loans for undertaking relief and rehabilitation schemes.

Another wave of Burmese refugees started pouring India in 1988 following large scale political turmoil in the country. A widespread civil unrest erupted in Burma in March 1988. Mass demonstration demanded an end to the one-party rule of General Ne Win of Burma Socialist Programme Party (BSPP). The people demanded the resignation of General Ne Win's government and also free and fair elections for multi-party democracy. The military came down with heavy hands and killed many peaceful and unarmed demonstrators. In July 1988 General Ne Win resigned. The power was transferred from military to civilian, Dr. Maung Maung. But the peaceful demonstrators continued their pro-democracy movement. As their movement swayed the entire country, the army led by the Chief-of-staff, General Saw Maung, took direct control of the country in September 18, 1988, by deposing Mr. Maung Maung.

After the September coup thousands of people fled Burma for the fear of military reprisal. Most of them went to Thailand but a few thousands reported at Indian borders. India has taken an active but cautious pre-democracy stand on Burma and granted asylum in 1981 to the

former Prime-Minister of Burma, Mr. U. Nu, his daughter, Ms. Than Nu, and his son-in-law, Mr. Aung NYein. The Government of India also accepted all the people, who left Burma in fear of persecution, as refugees. The Ministry of External Affairs responded to this situation very quickly and humanly. These refugees are now camped in Mizoram. They are getting all necessary assistance from Indian Government. It is only from the humanitarian point of view that the Government of India decided not to send back those who were seeking shelter for political reasons but they were not allowed to mix with the political elements of India. The Government of India constructed some make-shift houses and provided some basic needs to them. Presently, the United Nations High Commissioner for refugees in Delhi also providing necessary assistance to nearly 150 Burmese students. According to one UNHCR's release it is learnt that the amount of assistance received by each case will be commensurate with its means. Thus a refugee who receives financial support from relatives in India or overseas will receive a lower amount from UNHCR. On the other hand, special attention will continue to be given to meeting the needs of refugee women, children and vulnerable groups. Vocational training will continue to be given to refugees through community centres, where their health and nutritional needs will also be met.

31. See Supra Note 28.
From the discussion above - it becomes very much apparent and
evident that India has all along been generous in its humanitarian
assistance to refugees and thus it's commitment to assisting the
refugees is now well established. Of course, the result has been a
serious economic, social and political strains upon India - as the
resources, financial and otherwise, are often in inverse proportion to
the large number of arrivals. Nevertheless, the overall reaction has
been one of generosity despite the huge and often complex problems
involved.