

# Refugees and Security in Arunachal Pradesh and Mizoram



Chandan Kumar

This book puts forward a broader understanding of refugees' security and makes an important contribution towards understanding and addressing forced displacement in a comprehensive manner. The discussions are provocative and draw attention to the potential weaknesses of the human security approach. This debate is important as there appears to be consensus that a reappraisal of the current refugee regime is needed in order to deal effectively with the nexus between displacement and security and between displacement and development and with external and internal movements of people. For too long the study of refugee issues has been seen as an isolated and often secondary challenge. It should now be analysed within a much broader context, with the needs and rights of people at the center rather than on the periphery. This book represents a substantial input into this developing debate.

*CONTENTS: Chakma and Hajong Refugees; Armed in North-East India: Special Powers Act; Refugees, Illegal Migrants and Local Perceptions; Burmese Community; The Brus of Mizoram; Refugee Populations; Strangers within Our Borders; Refugees, International Security and Human Vulnerability; Refugees: Grounds for International Action; Refugees and Human Displacement in Contemporary International Relations; Refugee Protection Policies and Security Issues; Human Security and the Protection of Refugees; Thinking Ethically about Refugees.*

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# REFUGEES AND SECURITY IN ARUNACHAL PRADESH AND MIZORAM

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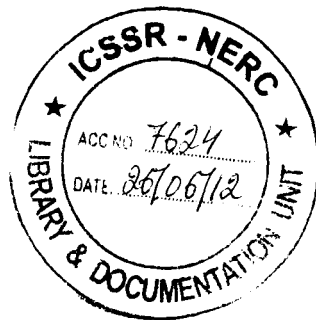
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# 1

## Chakma and Hajong Refugees

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### INTRODUCTION

Migration is almost as characteristic of homo-sapiens as tool making and culture building. Man is the most widely distributed social animal on the earth's surface. From their probable origin in Africa, human groups had spread out to occupy all the major land areas of the earth excepting Antarctica about 20,000 years earlier, long before the beginning of agriculture or written history. Thus migration is a geographical phenomenon that seems to be a human necessity in every age. Since man has a tendency to leave the areas in which life is difficult, he migrates to those areas where life may be easy and better.

One of the important causes of migration, especially after the Second World War, is the political situation. Political refugees are a world wide phenomenon today. One can list numerous examples of political migration. These include, Turkish, Armenians and White Russians early in the twentieth century; European Jews after the Second World War; Palestinians, Chinese, Hungarian Freedom fighters, Cubans, Indians, Pakistanis, Bangladeshis, Kashmiris, Tamils, Vietnamese, Afghans, Iranians, Somalians, Kurds, Serbians, Bosnians, Kosovians and Albanians.

All these are the examples of forced migrations induced by political factors. On 20 February 1987 statehood was conferred on Arunachal Pradesh under the 55 Constitutional Amendment Act of 1986, making it the 25 state of the Union of India. In fact the evolution and formation of Arunachal

Pradesh is a tribute to the farsighted tribal policy formulated by Verrier Elwin. Arunachal Pradesh, area wise, is the largest state in the North Eastern Region of India (NERI), with an area of 83,743 sq. km, but with a population not more than eleven lakhs.

It forms a complex hill system of Shivalik and Himalayan origin and is criss-crossed by numerous rivers and streams. The state shares a total of 1630 km's of international boundary with neighbouring countries; 1030 km with China, 160 km with Bhutan and 440 km with Myanmar. The Mc Mohan Line defines the international boundary between India and China. Administratively, the state is divided into sixteen districts. Itanagar in Papumpare district, the state's capital, is named after Ita Fort, meaning Fort of Bricks. Hindu influences penetrated along the Brahmaputra up to the Dibang Valley. Sacred centers sprang up between the 11 and 13 centuries.

The ruins of the Bhishmak site have reportedly been located in the Dibang Valley and those of Parsuram Kund in Lohit District. According to the 2001 census the total population of Arunachal Pradesh is about 1,091,117 of which 573,951 are males and 517,166 female. The sex ratio is 901 females per thousand males. The total Scheduled Tribe population of the state is about 705,156 out of which 353,141 are males and 352,017 are females. The remainder are the nontribal populations. Arunachal Pradesh has 6,188 Scheduled Castes, out of which 3590 are males and 2598 females.

The literacy figures for the state is 487,796 out of which 302,371 are males and 185,425 are females. Percentage wise the literacy rate is about 54.74% out of which 64.07% are males and 44.24% are females. At present the state is divided into 16 districts for effective administration and development. The Chakma-Hajong problem started since the time NEFA was bifurcated and Arunachal Pradesh became a union territory. For a variety of reasons the locals became hostile towards the Chakmas. By the late seventies the situation started worsening and the facilities provided to the Chakma settlers were withdrawn slowly. In 1976 the real problem for them arose when all of a sudden Chakma-Hajongs who were enjoying free

education, stipend, scholarship and free books were deprived of these facilities. To their great dismay, admission of Chakma-Hajongs in different schools were blatantly denied. Their seats were instead allotted to the native tribals.

In the late seventies and early eighties when the foreigners issue was at its peak in Assam, AAPSU chose to be vocal on this matter. In this sense the anti-foreigner agitation in Arunachal Pradesh is nothing but a spill over from Assam. The Chakma-Hajongs became the easiest prey for this drive as there were no Bengali Muslims in Arunachal Pradesh to be thrown out of the state. The Chakmas and Hajongs are simple, innocent and peace loving Buddhists, having their own language, culture and script.

In undivided India they had mainly inhabited the regions of the Chittagong Hill Tracts (CHT) of erstwhile Bengal (now in Bangladesh). Chakmas were the majority community of the CHT but during the partition of India in 1947, CHT became part of East Pakistan. As CHT comprised 98% Buddhists, the Chakmas wanted to merge with India during partition and they should have been allowed to, as India was divided on religious grounds.

They even hoisted the Indian flag, sent delegations to Delhi. However, they were compelled to be a part of East Pakistan against their will. To add to this injustice, they were not given an opportunity of a referendum to decide on the country where they would like to live. After a long freedom struggle, India got independence on August 15, 1947 and the tricolour was hoisted across the length and breadth of the nation.

Chakmas of CHT also did the same thing with the belief that they are now free from colonial rule without knowing that India had been partitioned and that they belonged to a different world (*i.e.* Pakistan). With independence gained, The Pakistan Government immediately sent its Army to check these innocent tribals, because they thought that the Chakmas were anti-nationalist and that they are going to create problems in the future so it was necessary to nip the problem in the bud and ensure proper control. In the course of time the Pakistan Government forced these people to accept Pakistani identity,

and adhere to its rules and regulations. Pakistan captured CHT in a very authoritarian manner, and started torturing the tribal population. They burnt their houses, and started different types of projects for government control of the area some of which were, particularly large like the Kaptai Hydel Power Project which displaced lakhs of Chakmas from their indigenous land. More than 40% of the cultivated land was submerged in water and the remaining hilly areas were no safer because of the construction of the dam. People of the CHT started demanding compensation but instead of giving compensation these tribals were forced to leave their lands. Because of the loss of their cultivable land, and loss of other natural resources, the Chakma economy deteriorated considerably leading to severe poverty.

To protect their culture and even their lives from the Pakistani autocracy as well as to fulfill the basic demand of their stomachs, they found in India a suitable parental place to migrate and they started migrating to the North Eastern States. In March 1972, India and Bangladesh signed a 25 years treaty of friendship, cooperation and peace (the Indira-Mujib agreement). At a time when USA, China, Pakistan and a number of other countries had withheld their recognition of Bangladesh, Indo-Soviet support was both politically and economically significant.

Moreover, the dauntlessness displayed by India in winning independence for Bangladesh had already created a favourable atmosphere for a warm beginning of their relations. India had been the host of approximately ten million refugees and faced all the attendant problems they carried with them. After the birth of Bangladesh, refugees started retreating with India helping Bangladesh extensively in her refugee rehabilitation and economic reconstruction programme.

India supplied Rs.185.8 million for refugee rehabilitation. Besides, giving medicines, drugs, food, clothing, transport and building materials, India granted Rs.250 million to Bangladesh for purchase of essential commodities including food, sugar, salt, baby food, oil, petroleum products, cement, steel products, power generation equipment and vehicles. A credit of Rs.100

million was also provided for reconstruction of its railway network. In addition a foreign exchange loan worth 5 million pounds was also given to Bangladesh to meet her urgent requirements of foreign exchange. Besides all these, the Government of India opined that all the immigrants could not be termed illegal infiltrators because prior to and after partition, minorities were assured that they would be given complete protection in India if they were forced to leave Pakistan due to internal disturbances. Moreover, the government was firm on not agreeing to 1951 as the base year for it would lead to legal and international complications.

It would also have denied the Nehru-Liaqat Ali Pact of 1950 and the Indira-Mujib understanding of 1972. Under the Citizenship Act 1955 provisions exist for a person born out of India on or after January 26, 1950 to retain the right to become an Indian citizen by descent, if his father was a citizen of India at the time of his birth. Acceptance of 1951 would have perforce flushed out approximately four million people who had entered India after 1951 and were given recognition by the 1972 understanding.

The Chakmas and Hajongs of India have been residing in Arunachal Pradesh for more than forty two years. On 15th June 1971, Mrs. Indira Gandhi declared in the Rajya Sabha that: "as suggested, have to go through hell to meet the challenge passed by the developments in Bangladesh". From then onwards India started providing help for securing their rights, which involved the liberation of Bangladesh. Under the Indira-Mujib Agreement of 1972, it was determined that India and not Bangladesh would be responsible for the migrants who entered India before 25 March 1971.

Furthermore, the Central Government has often asserted that the Chakmas and Hajongs have a legitimate claim to Indian citizenship. In a letter, the Minister for Home and Parliamentary Affairs M.M.Jacob said: "being 'New Migrants', viz., refugees from Bangladesh who came to India between 1964 and 1971 respectively, are eligible to the grant of citizenship just as to the policy of the Government on the subject and most of these migrants have already been granted

citizenship". Again in 1994, Minister of State P.M. Sayeed stated: "under the Indira-Mujib agreement of 1972, it was decided that the Chakma and Hajong refugees who came to India from the erstwhile East Pakistan (now Bangladesh) before 25.3.1971 will be considered for grant of Indian Citizenship".

Further, a very large proportion of these refugees would have been born in India and therefore, would be automatically entitled to the grant of citizenship. It may be mentioned here that the Arunachal Pradesh government has been demanding deportation of all refugees including Chakmas and Hajongs temporarily settled in the State by the Centre. Several resolutions to this effect had also been passed in the Assembly. The All Arunachal Pradesh Students Union (AAPSU) has been spearheading the movement demanding deportation of all refugees from the state in a very volatile manner.

*The position which has to focus on the provisions of the Constitution on citizenship follows like this:*

- Article-5(1) Suggest that those who migrated to India before the commencement of the Constitution (1950) are liable to get citizenship rights.
- Article-5(a) A person born as well as domiciled in the territory of India - irrespective of the nationality of his parents.
- Article-5(b) A person domiciled in the territory of India, either of whose parents was born in the territory of India - irrespective of the nationality of his parents or the place of birth of such person.
- Article-5(c) A person who or whose father or mother is not born in India.
- Article-6 Migrants from Pakistan: Provides for citizenship rights of migrants from Pakistan before the commencement of the constitution.
- Article-7 Makes special provisions regarding the citizenship rights of persons who migrated to Pakistan after March, 1, 1947 but returned to India subsequently.
- Article-8 Provides that any person who or either

whose parents or grand parents was born in India as defined in the Government of India Act 1955 and who is ordinarily residing in any country outside India shall be deemed to be a citizen of India if he has been registered as an Indian citizen by diplomatic or consular representative of India in that country on an application made by him in the prescribed form to such diplomatic or consular representative, whether before or after the commencement of the constitution (26 January, 1950, Act of 1955).

Indira-Mujib Agreement: Bangladeshis who migrated to India before 1971 and got refugee status are liable to get citizenship rights just as to the agreement. Give the Chakmas and Hajongs who were born between 1964 and 1 July, 1986 and are citizens by birth under the Citizenship Act 1955, their rights. They Citizenship Act of 1955 is absolutely clear that those who are born prior to 1 July 1986 are eligible for citizenship unless “

- His father possesses such immunity from suits or legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and is not a citizen of India; or
- His father is an enemy alien and the birth occurs in a place then under occupation of the enemy” of the Citizenship Act, 1955.

Today Chakmas and Hajongs are settled in many parts of eastern and northeastern states. According to the 2001 census report on Scheduled Caste/Scheduled Tribes in the states which have these populations, their status are as below:

*Chakma and Hajong Status:*

Arunachal Pradesh	Refugee
Mizoram	Scheduled Tribes/Indian Citizens
Tripura	Scheduled Tribes/Indian Citizens
Meghalaya	Scheduled Tribes/Indian Citizens
Assam	Scheduled Tribes/Indian Citizens
West Bengal	Scheduled Tribes/Indian Citizens

My concern here in this document is that, Chakmas who migrated at the same time as their brethren who settled in

Arunachal Pradesh, but settled in various parts of North-East India got citizenship rights as well as Scheduled Tribes status in Assam, Meghalaya, Mizoram, Tripura and West Bengal (Eastern States). But these same migrants, who settled in Arunachal Pradesh largely got the status of "Refugee". Though they settled in Arunachal Pradesh in 1964, migrated at the time of India- Pakistan partition. The Chakmas and Hajongs are thus fighting for the last forty years to get their basic fundamental rights.

The basic point being made here is that, there can be no dual policies in any country to deal with the same type of migrants/immigrants. All the legal provisions in the Constitution of India which is the supreme law of the land and the laws made by the Parliament of India are in favour of the Chakmas and Hajongs who migrated before 1950 and 1971 respectively.

All of them should thus be given citizenship as well as Scheduled Tribes status in Arunachal Pradesh, because they fulfill all the requirements of citizenship to avail the fundamental rights in the state in particular and India in general. If we compare with the Chakmas of the other states of the northeast, Arunachal Pradesh has the largest population which is dominant in three districts (Lohit, Tirap and Changlang). The Chakmas are the third largest ethnic group in Arunachal Pradesh.

If this is the case why is there a delay in providing justice to these innocent Buddhist Chakmas and Hajongs who have been fighting for their rights for the last forty two years? Why is the Parliament of India silent in these issues, even after the High Court Delhi, Supreme Court of India (in the Supreme Court of India original civil jurisdiction writ petition (civil) no. 720 of 1995 National Human Rights Commission... Petitioner Versus State of Arunachal Pradesh have passed judgements relating to the issue of the Chakmas and Hajongs. Justice delayed is justice denied. Every Chakma and Hajong of the state has equal constitutional rights to get representation in the affairs of the state and nobody can be denied justice and their rights. Chakmas and Hajongs of Arunachal Pradesh have

equal rights to get citizenship and Scheduled Tribe status, like the Chakmas of the eastern and north eastern states.

All the provisions of the constitution on citizenship are in favour of the Chakmas and Hajongs in the state. As this is the case, then why do they still need to fight for their rights. In Arunachal Pradesh human rights violation is very common, and at its peak. For example Chakma and Hajong children have no right to get admission in schools, they are not allowed to get government jobs, not allowed to use the public distribution system, their trading licenses have been canceled, markets are not allowed to sell their goods, medical facilities completely stopped. Electricity, drinking water, roads etc are not even there in name.

In 2002, the State Government of Arunachal Pradesh granted citizenship to ninety Tibetan refuge families of Shyo village living in Tawang district of Arunachal Pradesh bordering China. The Tibetans had fled to Arunachal Pradesh in 1950s and 1960s. But in the case of Chakmas and Hajongs the State government cites the East Bengal Regulation Act of 1873 for their forcible deportation. The 1873 Act requires taking of prior permission (Inner Line Permit) before entering into Arunachal Pradesh.

However, the Chakmas and Hajongs who fled from then East Bengal (now Bangladesh) did not go to Arunachal Pradesh on their own. They were taken to the North East Frontier Agency (NEFA, present Arunachal Pradesh) by the Central Government with a view to permanently settle them there. The question is that if the Tibetans who fled to Arunachal Pradesh on their own can be given India Citizenship, why can't the same be provided for the Chakmas and Hajongs, who had migrated from undivided India.

The Chakmas and Hajongs had been settled in the State by the Central Government and thus, they also have same right to get all the facilities available to other citizens without any type of discrimination: social, economical, political or legal. In Arunachal Pradesh it is a clear case of discrimination for political gains of a few AAPSU and Core Committee leaders. Undoubtedly, the Chakmas and Hajongs deserve the same

rights as the Tibetans. The Supreme Court has recognized the citizenship rights of the Chakmas and Hajongs who had migrated over a period of time.

The State Government of Arunachal Pradesh and Central Government in the affidavit to the Delhi High Court have recognized that the Chakmas and Hajongs are indigenous like the rest of the people of Arunachal Pradesh. They share more commonalities with their immediate neighbours including belief in Buddhism, than any other community elsewhere in the state. The logic is that one cannot use different laws for the same kind of migrants. The Constitutional Law on Citizenship, Rights to Life etc are equal to all and one cannot wear two different glasses to solve the problem.

The innocent Chakmas should be given political as well as social rights without delay. Because Chakmas are the people from CHT who participated in the India's struggle for independence and lost their families, they should be given their share of independence in a democratic country like India which believes in social justice and equality. These are the people who suffered most after partition. The Chakma and Hajong movement should be recognized on humanitarian grounds so as to protect these victims and their future generations by giving them their basic fundamental rights without delay.