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Displacement and Statelessness: A Study of the Chakma Refugees of Diyun Circle of Arunachal Pradesh

Dr. Adidur Rahman Asso. Prof. Deptt. of Pol. Science Haji Anfar Ali College, Doboka (Assam) adidurrahman7@gmail.com

Abstract: The displacement and statelessness are the words have long been recognized as relevant issues in international law. Nowhere the problem of displacement and statelessness is more acute than in South Asia and Southeast Asia. The Sri Lankans, Tibetan, Afghani etc. in India, Burmese in Thailand and Rohingiya in Bangladesh, Vietnamese refugees in Cambodia and many ethnic Chinese in all parts of Southeast Asia are currently living a stateless life. Similar type of human rights abuses are suffering by the Chakmas of Diyun circle of the Changlang district of Arunachal Pradesh. The Chakmas are the victims of the partition of the country in 1947. They were displaced from their original inhabitant of Chittagong Hill Tracts and subsequently migrated to different Northeastern states of India. They were rehabilitated in NEFA (now Arunachal Pradesh) by the Government of India are still fighting for citizenship rights and living a stateless life. The present paper examines the causes of displacement and statelessness of the Chakmas of Arunachal Pradesh especially in Diyun Changlang district. It examines the causes of reactions from the indigenous Arunachali tribes; the All Arunachal Pradesh Student's Union and even from the State Government. The paper concludes with study of the role of the Chakma organizations, the Union Government and the Supreme Court in their fight for acquiring Indian

citizenship rights for the Chakmas with relevance of the study.

Key Words-, Statelessness, Displacement, Migration, Refugee, Rehabilitations and its reactions.

Introduction: A few words such as displacement, migrations, refugee rehabilitations and statelessness were widely used in international spheres during the World War-II. Since then the displacement of people and communities has been one of the challenges facing the statelessness of people in different regions of the world. It obviously renders people homeless and is being deprived of their places of abode. In Indian subcontinent several thousand of people have been affected by displacement.. At the time of partition of the country, the Northeast region of India is territorially organized in such a manner that ethnic and cultural specificities were ignored during the process of delineation of state boundaries, giving rise to discontentment and assertion of one's identity. The region has experienced massive displacement, migration and refugee problem causing statelessness in the wake of independence

International Journal of Research

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including the Chakmas of Diyun circle of present Arunachal Pradesh.

Methodology: The present study adopted multi method approaches of the study, which include historical, descriptive. Required data are collected from both primary as well as secondary sources. The primary sources include the firsthand information from the informants belonging Chakmas of Diyun circle and extensive field works. The informants were selected primarily from the knowledgeable person having good information about the Chakma history, polity and culture. The secondary sources such as relevant books, journals, periodicals and various websites have also been used in the study.

Objectives: The main objectives of the study are:

- To find out the causes of displacement, migration and rehabilitation of the Chakmas in the Diyun.
- To identify the causes of opposition by the indigenous Arunachali to the rehabilitated Chakmas.
- To know the present role of the Chakma organizations, Union Government and the Supreme Court of India on the issue.

Diyun Circle: A Brief Profile

According to a legend prevalent among the local tribes of Diyun that the name Changlang owes its local origin the indigenous word 'Changlangkan' which means a hilltop where people where people discovered the poisonous herb, as used for poisoning river water for trapping fish. The present Changlang district came into existence through a gradual development of administration. Earlier it was a part of Tirap district and bifurcated by the Arunachal Pradesh Reorganization of district Amendment Bill, 1987. The Government of Arunachal Pradesh formally declared Changlang as the 10th district on 14th November, 1987. The district lies in the southeastern corner of Arunachal Pradesh. It has an area of 4662 sq. km and lies in between 260⁰40'^N-27040'^N latitude and 95⁰1'^E- 97⁰1'^E longitudes in the globe. The district is bounded by Tinsukia district of Assam and Lohit district of Arunachal Pradesh in the North; and Tirap district in the West and by Myanmar in the South-East.

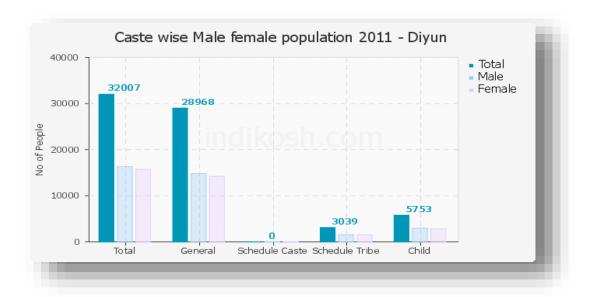


Available at https://pen2print.org/index.php/ijr/

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It is to mention that the highest numbers of Chakma refugees are rehabilitated in Diyun circle of Changlang district. To facilitate the administration, the entire circle is further divided into 31 revenue villages. The Diyun circle is mostly populated by the Chakma tribes. It is the most populous circle in the Changlang. As per the latest census report (2011), it has population of 32,007. Out of which 16,227 are male while

15,730 are females. The average sex ratio of Diyun circle is 966 and a total of 5,949 families have been residing in the circle. However, the population of Diyun circle has increased by 10.7 per cent in last 10 years. As per the census report of 2001, the total population was about 29,000 in comparison to the 32,007 of 2011. The Caste-wise male and female population as per 2011 Census Report may be presented in the following chart:



Source: District Census Abstract-2011.

Displacement and Migration of Chakmas: Chakmas is a record of distant migration. The word 'migration' has almost become synonymous with the Chakmas. The Chakmas belong to a tribal group which has for centuries inhabited the CHT of Bangladesh (earlier East-Pakistan). Since the Unlike many other tribes, the history of the beginning of the 19th century following natural calamities and socio-political disturbances the Chakmas were disintegrated and displaced from their original abode and started living a scattered refugee life in different parts of Assam, Tripura,

International Journal of Research

Available at https://pen2print.org/index.php/ijr/

e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

and Mizoram and Arunachal Pradesh. After the partition of the country, the Chakmas which remained in East Pakistan (present Bangladesh) was displaced massively. The displacement was caused primarily due to the construction of the Kaptai hydroelectric project over the river Karnaphuli in 1962¹ with its funding from USAID (United States Agency for International Development). About 40 Per cent of the best agricultural land of CHT was submerged due to the commissioning of this dam. The project displaced about 100,000 indigenous comprising about one-third of the total indigenous Chakma people who were forced to evacuate their native land. Finding no shelter, the Chakmas along with other community had left the CHT of East Pakistan and took shelter in India as refugee.

During interview with respondents in Divun circle, a number of causes like- demand for amalgamation with India, abolition of pre-colonial Special status, lack of consensus among the Chakma leaders. construction Kaptai Hydroelectric Project, religious discrimination, and communal tensions are also found mainly responsible for the displacement and migration of the Chakmas including those who rehabilitated in the Diyun Circle of Changlang district. Finding no shelter, the Chakmas had left East Pakistan sought asylum in India as refugee. In

1964, about 60,000 Chakma refugees migrated to India. M. Chakma, an inhabitant of CHT of the erstwhile East-Pakistan, presently living in Kamakhyapur, Diyun circle, expressed his anguish during interview and said,

" the Chakma people were worst affected along with other tribes by the bifurcation of the country in 1947. The Chakma people were mainly concentrated in the Chittagong district of the East Bengal before independence. The freedom fighters had tantalized the whole Buddhist Chakma people. Our forefathers supported the freedom movement in order to free the country from the clutch of the mighty British Raj. The appeal and memorandums submitted by our people to amalgamate our land with the Indian territory was turned down without assigning any reasons. Even, I remember that some Chakma people hoisted Indian National flag to celebrate the Independence Day in our locality. But the leaders poured cold water to our long cherished dreams and plunged into grief the whole Chakma tribe and which helped the anti-people government to displace us forcefully from our land (East Pakistan).²

Rehabilitation in NEFA: The Chakmas migrated in a hopeless and pathetic condition to the Lushai Hill district (now Mizoram) of Assam and Tripura from the CHT of erstwhile East Pakistan. According to the Government of India estimate, by the middle of 1964, at least 1, 40,000 persons including Chakma and Hajongs consisting of 2902 families had migrated to Assam. The then Government of Assam expressed their inability to settle such a large number of migrants in the state and requested for their shifting to other places.

International Journal of Research

Available at https://pen2print.org/index.php/ijr/

e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

Even the Government of Tripura did not encourage these displaced Chakmas to settle in the state despite request from Chakma leaders. During that time a suggestion was made that a substantial number of families could be accommodated in NEFA as 'some surplus land was available there in NEFA agreed to accommodate some new migrants including the Chakmas under a 'Definite Plan of Rehabilitation'.³

But the rehabilitation of the Chakma tribes in NEFA ((now Arunachal Pradesh) become a headache for the administration. It may be mentioned here that the NEFA was administered by the Ministry of External Affairs of the Government of India with the Governor of Assam acting as an agent to the President of India. On April 10th 1964, Vishnu Sahay, the Governor of Assam, in his letter No. GA-71/64, dated April 10, 1964,⁴ addressed to the then Chief Minister of Assam, Bimala Prasad Chaliha, pointed out that:

"it occurred to me that we may get trouble between the Mizos and the Chakmas in the Mizo district. These Chakmas would be quite suitable people to go into the Tirap Division of NEFA where there is easily found vacant land in the area about which you and I have often spoken.".

Vishnu Sahay, the Governor of Assam, decided to make necessary arrangement to settle more than 10,000 refugees to Tirap divisions of NEFA to avoid any troubles between local people (Mizos) and refugees. On April 16th 1964, P.N. Luthara, the advisor to the Governor of Assam, replied that 3000 families of refugees may be rehabilitated and expressed his inability to accommodate 10,000 families. In the mean time there was strong opposition from the indigenous tribe against the rehabilitation plans in their areas. In April, 1966, Deputy Secretary (P&D) Shillong, wrote to the Liaison Officer, Ministry Labour. **Employment** of and Rehabilitation, NEFA, that:

"in Lohit district we had contemplated to settle 1000 families but on account of opposition from Khamtis, Singhpos, and Mishimis, we had to slow down our program. We shall be rehabilitating nearly 2253 families by the end of 1966-67". ⁶

In the midst of strong opposition, initially about 57 families of Chakmas from Government camp of Ledo in Dibrugarah were settled in Abhaypur block of Diyun Circle of the erstwhile Tirap district of NEFA. The Government records of Arunachal Pradesh indicate that between 1964 and 1969, a total of 2,748 refugees comprising some 14,888 persons were sent to the



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e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

NEFA. Nearly 1000 members of the Hajong tribe, a Hindu group from Mymensing district of Bangladesh were also settled in these areas. Initially these refugees were settled in 10,799 acres of land in the three districts namely, Lohit (214 families settled and 1192 persons altogether), Subansiri (now in Papum Pare;238 families and 1133 persons in total) and Tirap (now in Changlang :2146 Chakma families with 11,813 persons in total and 150 Hajong families with 750

persons in total). By 1979 these figures increased up to 3919 families consisting of 21,494 persons and 65,000 as per census in 1991.⁸ In 2001, it has been found that there are more than 85,000 Chakmas refugees living in different areas of Arunachal Pradesh especially in Diyun circle of Changlang district. The following table (1) is the indicative of the population growth in Changlang district between 1961 and 1971 as:

Table: 1 Population Growth in Changlang District, 1961-71.

	Total Population			Tribal Population		
Year	Male	Female	Total	Male	Female	Total
1961	30,601	28,990	59,591	27,423	27,681	55,104
1971	51,774	45,696	97,470	34,493	34,352	68,845

Source: Dutta, Choudhury, S. (ed.) 1980. *Gazetteer of India, Arunachal Pradesh. Tirap District*, Directorate of Information and Public Relations, Shillong, p.43.

Hindrances for Rehabilitation: The issue of rehabilitation of the Chakma refugees has been a matter of simmering discontent among the indigenous tribal people of Arunachal Pradesh. There was strong opposition from the indigenous tribes against the Central Government's initiatives of the rehabilitation plans of Chakma refugees in their areas. It has been alleged by the local Arunachali tribes that the large influx of the Chakmas East-Pakistan (now Bangladesh) are responsible for major demographic imbalance

and displacement of the indigenous population. The immediate consequence is that the problem of indigenous people getting marginalized and displaced. Apart from the psychological fear of being reduced to a minority in their own habitat, the local Arunachali tribes are afraid of losing control over their ancestral land.

In the wake of anti-foreigners agitation in Assam, the state Government of Arunachal Pradesh undertook a series of repressive measures against the Chakmas

International Journal of Research

Available at https://pen2print.org/index.php/ijr/

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beginning in 1980. The All Arunachal Pradesh Students Union (AAPSU) launched 'Refugee go back' movement serving 'Quit Arunachal Pradesh' notice to the settlers to leave the state by 30 September, 1995, in the wake of 'people's referendum rally 'held on September 20,1995 at Naharlugun, Itanagar. All the major political parties including the ruling Congress-I Chief Minister Gegong Apang participated at the rally and vowed to resign from the primary membership of parties and organisations if their demand was not met by the Central government before the expiry of the deadline. As a consequence, a large of Chakma refugees fled from Arunachal Pradesh and took shelter as refugees in the neighbouring state of Assam. The reality is that the Chakmas are at risk of displacement for the second time who is regularly threatened with expulsion by influential Arunachal student's organizations. Even before that state government of Arunachal Pradesh undertook a series of repressive measure including social and economic boycott in support of the agitation programme against the Chakmas. For instance, the Arunachal Government vides its letter No. POL-21/80 dated 29th September 1980, banned public employment for the Chakmas in the state. In 1994, the state government further directed 'withdrawal of all kinds of facilities

'from Chakma settlement areas' afflicting gross human rights violations on the Chakma refugees.

The state Government of A.P. is of the view that even if the Central Government is obliged to confer citizenship on to the Chakma-Hajong refugees under Indira-Mujib Agreement in 1972 cannot settle them permanently within the state since '....the Agreement [does] not take away the rights of the state Governments to restrict the entry of non-locals through the instrument of Inner Line Permit (ILP) and not to allow permanent settlements of non-locals in the state. The issue is not of conferment of citizenship rights on these refugees but against the permanent settlement of these refugees in A.P. Furthermore, while responding to the charge of violating the political sanctity of the Indira-Mujib Agreement of 1972 by demanding the removal of the Chakma-Hajong refugees from the state, ex Chief Minister of Arunachal Pradesh Mr. G. Apang has remarked:

"The Indira-Mujib accord was signed in 1972; our constitution came into being in 1950. The Indira-Mujib Accord has not mentioned specifically about Chakma and Hajong refugees of Arunachal Pradesh. Moreover, the Chakma and Hajong settlement in the state has been done violating the legal sanctity and constitutional provisions, the questions of violating the political sanctity of Indira-Mujib Accord does not arise". 11

In fact, the ignorance of the Supreme Court's judgment and indifferent attitude

International Journal of Research

Available at https://pen2print.org/index.php/ijr/

e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

of the state government and dubious role played by the AAPSU made the Chakma refugee issue a more vexed politicized problem in the state. P. Chakma,¹² a resident of Avoypur-I, Diyun, Changlang of A.P. stated that,

"...the present state of statelessness indicates a close link between the failures of the Central Government in extending the protections of Indian citizenship to the Chakmas on the one hand and their consequent statelessness and human rights violation at the hands of the state government and AAPSU, on the other".

The study also shows that the present state of statelessness has made them more susceptible to oppression at the hands of the state Government and the local Arunachali tribes, threatening from the AAPSU for mass eviction.

Role of the Central Government: The central Government often asserted that the Chakmas have a legitimate claim to India citizenship. The desire of granting citizenship to the Chakma in A.P. by the Centre turned the relationship bitter with the state. Since their resettlement in NEFA during 1964-69, the issue of granting citizenship to the Chakma refugees had figured prominently in almost all the debates and was being considered seriously by the Central Government. It becomes clear from the S. V. Chavan's repeated remarks in this respect met with strong opposition from all quarters in the state. The AAPSU strongly condemned Chavan's initiative on granting citizenship to the Hajong and Chakma refugees and accused that it was an attempt to woo the voters at the cost of annoying the indigenous people of the state. It was only on 23 September 1992 that the first official pronouncement to this effect was made in the Lok Sobha by M. M. Jacob, the Minister of State for Home and Parliamentary Affairs. He categorically stated that being 'New Migrants', viz., refugees from Bangladesh who came to India between 1964 and 1971 respectively, are eligible to the grant of citizenship according to the policy of the Government on the subject and most of these migrants have already been granted citizenship. In fact, the central Government is strongly of the opinion that citizenship should be granted to the Chakma refugees to which they are entitled under the Citizenship Act, 1955, under section 5(1)(a) which provides for citizenship status by registration and the Indira-Mujib Agreement of 1972, which also reveals the centre's firm determination to settle them permanently in Arunachal Pradesh. This strong perception of the central Government on the question of Chakma citizenship issue was vindicated by the Supreme Court in its historic verdict delivered on 9 January 1996.¹³

Fighting for Citizenship Status: On September 9, 1994, the People's Union for Civil Liberties, Delhi brought the issue of Chakmas to the notice of the

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International Journal of Research

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e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

National Human Rights Commission, 14 which in reply issued letters to the Chief Secretary Pradesh ,Arunachal and Home Secretary, Government of India for making inquiries in this regard. On October 15, 1994, the Committee for Chakma-Hajong Citizenship Rights filed a representation to NHRC, complaining prosecution of Chakma-Hajong refugees and the later brought the matter before the apex court. The Supreme Court in its historic judgment in January, 1996, in the case of National Human Rights Commission vs. State of Arunachal Pradesh directed the state government to provide adequate protection to the refugees to ensure against their forcible eviction. 15 The apex court also directed that application made by refugees for registrations as citizens under Section 5 of the Citizenship Act should be properly acted upon by local authorities and forwarded the same to the central government for consideration.

Following the Supreme Court directions the Election Commission of India (ECI) after scrutinizing 15,000 applications 1,497 Hajong and Chakma tribes born in India between 1964 and 1987 were included in the Voters' List and allowed to exercise their franchise during the 2004 Lok Sabha election. For the first time in the history of their settlement in Arunachal Pradesh, a limited number of Hajong and Chakma were given

voting rights as Indian citizens. There was a vehement protest against the order of the ECI in the state. The AAPSU submitted a memorandum to the ECI demanding revocation of the said order and decided to ban forthcoming Parliamentary Election on 5 May 2004. Even the Chief Minister Gegong Apang resigned from the All-Party Core Committee on the Chakma and Hajong refugee issue in protest against the inclusion of these voters in the electoral rolls. In the midst of severe protest, the ECI held that the non-inclusion of the implied a violation of 1497 voters constitutional mandate given to it by Article 325. The state government, however, yet to take decision on rest of the Chakma refugees seeking Indian citizenship and whose number is growing day by day.

The Chakmas continues to face an uncertain future with a status worse than that of refugees—as a stateless people. The denial of right to nationality directly affects their personal security and makes them extremely vulnerable. The lack of citizenship and statelessness deprives them of their basic human rights such as the right to education, health, water, employment, freedom of movement and developmental facilities. This becomes vivid from the expression of 68-year-old villager V. Chakma of village, Dumpani-I, Diyun circle, Dist.-Changlang, that:



Available at https://pen2print.org/index.php/ijr/

e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

"....I was just nine years old when I came to India. I and family fled Chittagong of East-Pakistan in 1964 along with thousands of other families. I have spent half of my life at Diyun, but I am still deprived of my voting rights. Because i am not a citizen of India," ¹⁶

The deprivation of political rights of the Chakmas becomes obvious from the following table (2)

Table -2
Political Conditions of the Chakmas of Arunachal Pradesh

Political Status	Total Percentage
Having Right to Vote	10%
Not Having Right to Vote/Rejected	30+40=70%
Minor	20%
Citizenship Rights	0%

Source: Prasad C2013, *India's refugee Regime and resettlement Policy: Chakmas and the Policy of nationality in Arunachal Pradesh*, Kalpaz Publication, Delhi, pp.106-107.

The ignorance of the Supreme Court's judgment, indifferent attitude of the state government and dubious role played by the AAPSU made the Chakma refugee problem a mere politicized issue in recent time. The perception of the respondents of Chakmas of Diyun circle becomes evident from the following table (3):

Table (3)
Hurdles on the way of Citizenship Rights of the Chakmas

	Respondents	Percentage
The Govt. of India	47	13.82%
The State Govt. of A.P.	80	23.52%
AAPSU	123	36.17%
The Local Arunachali Tribes	90	26.47 %

Source: Field data generated by the investigator

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e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

From the above table (3) it becomes clear that majority of the respondents considers AAPSU is the major hurdle in obtaining citizenship rights for Chakmas in A.P. In the absence of any explicit (refugee) statute it is not clear as to what shall be the legal status of refugees and how refugees shall be identified in India. At present the Central laws to tackle refugee problems in India are the Registration of Foreigners Act, 1939, the Foreigners Act 1946, the Foreigners Order 1948, the Passport Act 1967, the Emigration Act 1983 and above all the Indian constitution under Art. 21. are the primary documents dealing with the treatment of foreigners in India. However, the Foreigners Act 1946 prevails over the other Acts. The most significant lacuna in the Act is that it does not comprise the term 'refugee'. Instead the term 'foreigner' was used to cover aliens temporarily or permanently residing in the country. In fact, Indian Government has dealt with refugee issues of different groups with a different administrative approach. According to an eminent legal expert Rajeev Dhavan, "Indian governance has not devised any systemic policy to deal with refugees, but has dealt with each particular crisis differently". As a result the present statelessness issue of Chakma remained an unsolved problem in the state of Arunachal Pradesh.

Recent Development: In its election manifesto for the Lok Sabha elections 2014, the BJP had declared India as 'a natural home for persecuted Hindus'. After it came to power at the Centre, the NDA government has taken several steps to simplify the process for granting long-term visa and citizenship to Hindu minorities from neighbouring countries. In 2015, the Centre was given a deadline by the Supreme Court to confer citizenship to the Chakma and Hajong refugees within three months. The Arunachal government approached the apex court an appeal against the order but in vain.

In fact, the initiative on the Chakma and Hajong refugees comes amid the ongoing row over the Central government's plans to deport Rohingya Muslims, who came to India due to alleged persecution in Myanmar. Minister of State for Home Kiren Rijiju, who hails from A. P., had recently raised the citizenship issue at a Northeast meet chaired by Union Home Minister Rajnath Singh and attended by A. P. Chief Minister Pema Khandu, Rijiju and National Security Adviser Ajit Doval. After the hour-long meeting, Rijiju said that a 'middle ground' will be found so that the 2015 Supreme Court order to grant citizenship to Chakma-Hajong refugees can be honoured and the rights of the local population are not diluted. It becomes obvious that the

International Journal of Research

Available at https://pen2print.org/index.php/ijr/

e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

Centre is trying to find a workable solution by proposing that the refugees will not be given rights, including land ownership, enjoyed by Scheduled Tribes in A. P, an official said. However, they may be given Inner Line Permits (ILP)-required by non-locals in A. P. to travel and work.

Once again, several organisations and civil society outfits in Arunachal have been opposing citizenship to the Chakma and Hajong refugees. They contend that it would change the demography of the state. There demonstrations and protest by the student's organisations against the move of the Cental Government. Rijiju replied that "We are trying to find a middle ground so that the Supreme Court order is honoured, the local people's rights are not infringed, and human rights of the Chakmas and Hajongs are protected." Rijiju further added that a petition may be filed on the issue in Supreme Court soon.

Relevance of the Study: The present study on the displacement and statelessness of the Chakmas especially of Diyun Circle of Changlang District of Arunachal Pradesh' have more national as well as international relevance in the present context:

1. It tries to draw the attention of the Government as well as the society for the eradication of their deprivation, exploitation,

- poverty, statelessness of the ethnic group, resolving the inter-ethnic conflict and to bring Chakmas into the mainstream.
- 2. The work also identifies a number of factors that were responsible for the displacement and forced migration of the Chakmas from the CHT of erstwhile East-Pakistan with the help of available materials.
- 3. The study tries to focus on the stateless refugee life of the Chakmas of Diyun circle of Changlang District and the role played by the Central Government, State Government, National Human Rights Commissions and even the Supreme Court of India in handling the issue of statelessness of Chakma in Arunachal Pradesh. This is the most relevant point of the study
- 4. The study emphasizes that India needs a specific domestic refugee laws and policy to tackle massive refugee problem of the country including the Chakmas which is lacking till today. The massive refugees are treated by some domestic laws of the country which are not enough to resolve the massive refugee issue of the country.
- 5. Moreover, living a refugee life for a long period, the identity and traditions of the Chakma are on the verge of ruin. Like many other little known tribes the Chakmas are

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International Journal of Research

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marginalized. The tribe is affected by poverty, illiteracy and political identity crisis. The study also tries to bring out that the tribe is neither represented politically to the Parliament nor the State Assemblies in the state of Arunachal Pradesh. It is because of their disintegration and scant in numbers in the state.

6. The study will encourages further investigation and research about other tribes like Chakma refugees facing displacement and living statelessness life in the region and to protect them from violation of human rights.

Conclusion: There can be no question that the Chakmas migrated from the Chittagong Hill Tracts of erstwhile East-Pakistan and has been residing in Arunachal Pradesh for more than 50 years. Under the Indira- Mujib Agreement of 1972, it was determined that India and not Bangladesh would be responsible for all migrants who entered India before 25th March 1971. If the Tibetans who fled to Arunachal Pradesh on their own can be given Indian citizenship status, why can not the Chakmas, who were given valid migration Certificate and settled by the Central Government in Arunachal Pradesh. This is discrimination towards Chakmas and violations of International Conventions relating to the rights

of refugees. More importantly, the state governments of Arunachal Pradesh and the Central Governments in the affidavit to the Delhi High Court have recognized that the Chakmas are indigenous like the rest of the people of Arunachal Pradesh. Therefore, it is legitimate on the part of the Chakmas to claim Indian citizenship removing their statelessness in Arunachal Pradesh. At the same time, basic human rights of both the Chakmas and indigenous Arunachali tribals need to be protected and both the Central and State Government should come forward to fulfill their democratic obligations in this regard.

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Available at https://pen2print.org/index.php/ijr/

e-ISSN: 2348-6848 p-ISSN: 2348-795X Volume 05 Issue 21 October 2018

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