

CHAPTER- V

REFUGEE LIFE OF THE HAJONGS

South Asia is one of the most volatile regions of the world which has been witnessing conflicts of various dimensions of people commonly termed as refugees seeking shelter in neighbouring states. History reveals that most of the states had long colonial background in South Asia. The colonial masters, however, in most cases did not try to destabilise the traditional demographic i, e, ethnicity and community wise balance in the region. But this long protected balance was threatened with the formation of new nation states in South Asia in the wake of World War. India, the biggest nation state in South Asia had to face split in 1947 with the creation of Pakistan, which existed on the Western and Eastern borders of India. Once again another split of Pakistan, the East Pakistan ceased to exist after the born of Bangladesh in 1971. In fact, both the partition of 1947 and 1971 took place after fierce conflicts: large-scale communal violence before 1947 and armed conflict between the Pakistani army and the Mukti Juddhas of Bangladesh backed by Indian army in 1971. In both the cases a large number of humanity had to suffer. There were massive displacement and a vast population had to cross the newly defined international border as refugee. Among these refugees, a large number of people belonging to ethnic, linguistic and religious communities like Hajongs were worst affected. Living a scattered refugee life for a long period, these communities are facing acute identity crisis and most excluded and marginalized group.

Thus, an attempt is made in this chapter to focus on the refugee life of the Hajong tribe including the steps taken by the Government of India as well as concerned state Governments of the North Eastern states to resolve the unending statelessness of the Hajong tribe.

5.1. Protection of Refugees: A brief history:

Refugees are victims of human rights violation. The linkage between refugee and human rights is closer in the sense that while gross violations of human rights can create refugee flows. The problem of refugee flow is international in

character, because of the involvement of two or more states in the sense that they flee from one state to the other. However, the international actions for the protection of refugees did not start until 1920. The first co-ordinate international efforts at refugee protection were a response to the Russian exodus that followed the 1917 Revolution, subsequently civil war and resulting famine. By February 1921, Gustav Ador, the President of the **International Committee of the Red Cross** had written to the League of Nations about the plight of 8000,000 Russian refugees. He stated about these refugees that, without legal protection and living in desperate poverty', urging the League to intervene as 'the only supranational political authority capable of solving a problem which is beyond the power of an exclusively humanitarian organisation'¹. The immediate response of the League was to appoint Dr. Fridtjof Nansen of Norway as High Commissioner for Russian refugees in August 1921. He devised the system of League of Nations Passport, commonly known as Nansen Passport. In fact, it was like a travel document which was adopted by more than 50 states.² However, the League of Nations abolished the Higher Commissioner's post with the death of Dr. Nansen in 1930. Since then the task for the protection of refugees was entrusted to the Nansen International Office for refugees. The supreme authority of the office was vested in a governing body headed by a President nominated by League Assembly.³ But the problem of refugees assumed unproportionate dimensions after Hitler's accession to power in 1933 and his annexation of Austria in 1938, Czechoslovakia in 1939.

During the time of World War II, the Allied powers felt the necessity of an organization for the protection of refugees. Accordingly, the first international agency concerned with the **United Nations Relief and Rehabilitation Administration (UNRRA)** established on November 9, 1943 by 44 nations agreement. In the beginning of 1946, it was estimated that there were 1, 675, 000 refugees for whom new homes had to be found. The UNRRA concentrated on relief supplies and repatriation of millions of these displaced and refugees at the end of World War II. But the UNRRA discontinued its activities in 1947 and was replaced by the **International Refugee**

¹. Skran, C 1995, *Refugees in Inter-War Europe*, Oxford University Press, Oxford. pp. 84-85.

². Agarwal, H.O 2008, *Human Rights*, Central Law Publication, Allahabad, p. 134

³. Ibid.,

Organisation (IRO) approved by the UN General Assembly on December 15, 1946. It must be mentioned here that the UNRRA could not continue its activities due to the opposition of the Soviet Union to operate in its territory. The IRO had resettled more than a million displaced and refugees in new homes throughout the world. It repatriated approximately 73,000 refugees to their former homelands and provided some kind of assistance to more than 1,600,000 persons,⁴ before it ceased its operation in February in 1952.

However, the most significant attempt was taken by the UN General Assembly by establishing the esteemed Office of the **United Nations High Commissioner for Refugees (UNHCR)** on December 14, 1950.⁵ In fact, the IRO was replaced by the UNHCR whose main goal was to guide and cooperate with the international agencies to safeguard the refugees. During the initial years the UNHCR confined its activities on aiding refugees and displaced persons in Europe only. But in later decade's efforts was shifted to settling refugees who were victims of war, political turmoil or natural disaster in Afro-Asian and Latin American countries. However, the most important international instrument drawn up relating to the problem of refugees is the **Convention relating to the Status of refugees, 1951**. It was based on the Charter of the UN and the **Universal Declaration of Human Rights (1948)** which affirmed the principle that all human beings shall enjoy fundamental rights and freedom without discrimination. Subsequently, in order to widen the scope of the Convention, a number of refugees related Protocol was adopted like the **Convention of Stateless Person (1954)**, the **Agreement Relating to Refugee Seamen (1957)**, and the **UN Declaration of Territorial Asylum (1967)**. It is also worth to mention here that numerous efforts were made through some regional instruments like the **OAU Convention of 1969**, the Principle concerning the **Treatment of Refugees adopted by the Asian-African Legal Consultative Committee at its 8th Session (1966)**, the **Pact of San Jose (1969)**,

⁴. Ibid., p.135

⁵. UN General Assembly Resolution 428(v) dated December 14, 1950.

Cartagena Declaration of 1984,⁶ may be treated as steps taken towards the protection of refugees in international and regional level

5.2. Refugee in South Asia: - Refugees in South Asia have become a human and social problem. It has the fourth largest refugee population and constitutes approximately 12 per cent of the global refugee population.⁷ A large number of populations who have crossed international border in this region are not regarded as 'refugee' by the host Governments, rather treated them as 'undesirable aliens', 'illegal migrants', or 'foreigners'. In fact, there are no domestic laws which can define or distinguish refugees from others who cross the international border. Yasin and Upadhaya (2003) have identified three broad refugee generating factors in South Asia-(a) the breakdown of colonial rule and the rationalization of some of the colonial policies pre-eminently the policy of divide and rule which led to massive cross-border flows, (b) state and nation building process which precipitated political, ethnic and religious conflicts forcing people to migrate within and outside their countries and (c) extra regional development leading to the entry of refugees from outside the region.⁸ These factors provide a fertile ground for centrifugal tendencies to the growth of refugee population in the region.

India's position is regarded as one of the favoured destination for the refugees as we can see the consistent movement of refugees from many of its sub-continental adjoining countries. India, like all other South Asian states, is neither a party to the **Refugee Convention of 1951** nor its Protocol of 1967.⁹ In view of this, India is not legally bound to provide same status to refugees as laid down in the **Convention of 1951**. Many critics accuse the country of keeping itself at an arm's length from accepting financial responsibility avoiding the Convention's obligations. In fact, the Ministry of External Affairs of India considered the convention and the subsequent protocol as 'a partial regime for refugee protection drafted in a Euro-Centric context'.¹⁰ Although it is not a signatory member to the said Convention, it has invariably provided refugee status

⁶ . Yasin, Adil-UI & Upadhaya, A. 2003. *Human Rights: Issues and Challenges*, Akansha Publishing House, New Delhi. p.101.

⁷ . Ibid., P.102.

⁸ . Ibid. .pp.102-103.

⁹ . Das, M 2014, ' Protection of Refugees: Some Facts Beyond', *The Assam Tribune*. 9 April, p.6.

¹⁰ . Agarwal, H O. Op.cit. p.141.

to the people fleeing from countries like Tibet, Bangladesh, Nepal, Bhutan, Sri Lanka, Myanmar, Afghanistan, Iran, Sudan and Somalia.¹¹

5.3. Legal and Institutional Arrangements: - In the absenteeism of any explicit 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 a few central laws to tackle refugee problem 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**¹² 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. The official records reveal that the word 'displaced' was used more frequently than any other words during the partition of the Indian sub-continent. For example, the **Rehabilitation Finance Administration Act, 1948**; by defining the displaced person as one displaced by 'civil disturbance' in Pakistan who wanted to settle down in India avoided the term 'refugee'. J. N. Sexana (1986) stated that the term 'displaced persons' was at variance from the definition of a refugee as defined by the 1951 convention.¹³ In India, both the **Foreigners Act 1946** and the Indian **Citizenship Act 2003** avoiding any distinction between refugees and their special circumstances and are treated as foreigners.¹⁴ In fact, the **Foreigners Act of 1946** makes no differentiation between economic migrants, asylum-seekers and refugees.

More importantly, the other variations in using the term could be noticed during the time of Bangladesh war of Independence. The term displacement and refugee were abandoned to refer to those who left East-Pakistan in the 1960s. Again those who sought asylum in India between 1964 and 1971 were called 'new migrants' and those who arrived between 1946 and 1958 were described as 'old migrants'. But a

¹¹. Kapoor, Puja, 2013. The United Nations High Commissioner for Refugees, In Bhuyan, A. (ed). *Human Rights: Institutional Arrangements*, KKHSOU, Vikash Publishing House, U.P., p.69.

¹². Ibid., p.71.

¹³. Sexana, JN 1986, Legal Status of Refugees: in Indian Position', *Indian Journal of International Law*, Vol. 26. No.384. pp.502-504.

¹⁴. Das, M. op.cit. p.6.

migrant turned into refugees after their arrival in India. Thus, in the lack of any Municipal Laws, the term ‘displacement’, ‘refugee’ and ‘migrants’ were defined and redefined by the Government of India according at its convenience. At present, refugees are placed under three comprehensive groups, Group- I, includes refugees are those who receive complete protection from the Indian Government. For example, Tamil refugees from the Sri Lanka and Jumma refugees from the CHT of Bangladesh. Group- II, refugees are those who are granted refugee status by the UNHCR and sheltered under the principle of non-refoulment. For example, Burmese and Afghan refugees and Group- III, refugees who are neither recognised by the GOI nor the UNHCR but have moved to India and embraced the local community like the Chin refugees from Burma living in the state of Mizoram.¹⁵ The Government of India 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.....Although various practices and procedures evolved in India have been unique and creative, they are so substitute for a comprehensive law and policy to promote a consistency of practice of practice based on due process, norms and humanitarian considerations to achieve just ends”¹⁶

However, it does not mean that there is discrimination in treating the refugees. There are a number of provisions in the Indian constitution mainly right to equality (Art. 14), right to life and personal liberty under (Art. 21) and Article 25 about right to religion become applicable to refugees. Most importantly, the National Human Rights Commission (NHRC) of India also operates as a watchdog for the protection of refugees in the country. The NHRC in its Annual Reports for 2000-01 expressed its firm opinion that there is a need for comprehensive national legislation to deal with the refugee situation and this law should be enacted keeping in view of the decisions of the Supreme Court as well as the relevant international instruments, notably the **Refugee Convention of 1951** and the **Protocol of 1967**.¹⁷ In response, the GOI informed the

¹⁵. Kapoor, P. op. cit. P.72.

¹⁶. Dhavan, R 2004, *Refugee Law and Policy in India*, New Delhi, pp.136-37.

¹⁷. Annual Reports, NHRC, 2001-02. P.53.

Commission that the Ministry of External Affairs has initiated the process of examining the question of treatment of refugees or possibilities of signing the Convention on Refugees and its Protocol. Even before that in 2000, the GOI invited former High Commissioner for Refugees, Sadako Ogata, to make the first ever official visit to India by a High Commissioner for Refugees. A similar invitation was extended in 2002 to the High Commissioner, Rudd Lubbers.¹⁸ In fact, both these visits were the landmark event in consolidating relation between the GOI and the UNHCR. Moreover, both India and UNHCR maintains and share an ironic relationship, wherein India has been a member of the Executive Committee (EXCOM) of the UNHCR, without being a party to the 1951 Conventions. At the same time it is interesting to note that UNHCR agency is positioned in New Delhi and is not permissible to function in other parts of the country except repatriation aid to Sri Lankan Refugees. Consequently, refugees including the Hajong tribe situated in secluded parts of India do not have access to UNHCR assistance.

Most recently, some scholar suggested improvements in refugee laws to provide security and happiness to the refugees in India. It is not merely possible to deal with the existing refugee problem under Article 21 and Article 25 of the Indian constitution. In the absence of a refugee specific legislation, the genuine refugees staying in the country are often subjected to harassment and denied their basic rights. However, Indian courts have often come to the rescue of refugees, but judicial verdicts cannot be expected to be substitute for legislation. The administrative approaches followed so far expose the discrimination in treating the refugees in different parts of India. The need for a refugee-specific law is likely to get wider attention in the coming days as the problem facing the Chakma and Hajong refugees of Arunachal Pradesh (A.P) is getting more complicated owing to various push and pull factors.

5.4. Partition of India and Flow of Hajong Refugees: - Following the partition of India there had been a steady migration of Hajong refugees into undivided Assam from the erstwhile East Pakistan. The partition of India into two separate states also segregated the original inhabited land of the Hajongs into two independent states. This happened because the geographical location of the Garo Hill lie next to the international border, North of

¹⁸. Kapoor, P. op.cit. p.72.

Mymensing district, and immediately East of the extremely porous Goalpara district, through which the immense stretch of the mighty Brahmaputra and its tributaries flow into Bangladesh. On the other side of the international border inhabited by the same communities with similar traditions and dialects like Hajongs, Garos, Koch, Banai, Dhalu etc., Whenever, any unrest and persecution occurred, a large number of them crossed over the border and take refuge in Garo Hills where they met and merged with their own community. Some of them went straight to their relatives without informing the authorities. For this reason, the detailed statistics about the number of refugees is not clearly known and never reflected in the official entries clearly.

The influx of refugees from East Bengal (erstwhile East Pakistan) constitutes the biggest migration stream into Assam during the decade of 1941-51. Following the Noakhali disturbances in 1949 and partition of India, there had been steady exodus of refugees from East Bengal into Assam. According to a Refugee Census conducted in 1949, there were 24,625 refugee families consisting of 1, 14,501 displaced person in Assam.¹⁹ The arrival of refugees into Assam till 1951 may be presented in the following Table (5.1)

Table.5.1.

Arrival of Refugees from the erstwhile East Pakistan into Assam, 1946-1951.

Year	No of Refugees
1946	6,860
1947	42,346
1948	41,740
1949	33,138
1950	144,512
1951(Jan &Feb)	3,479
Total	272,075
From West Pakistan	647
District of origin not known	1,733
Grand Total	274,455

Source:-Census of India, 1951, Assam, Manipur and Tripura, p.359.

¹⁹. Deka, Nilmoni S 2013, Desh Bibhajan, Sylhet Sanghat aru Gopinath Bordoloi, Saraighat Offset Press, Gauhati. P. 164.

It is important to mention here that the continuous flow of refugees increased after the partition of the country into undivided Goalpara district of Assam. In 1951, about 44,967 numbers of refugees took shelter in Goalpara. ²⁰Again 23,611 families registered their name in Goalpara district in 1955-56. In this way the numbers of refugees increased to 85,946. Among the 23,611 families which arrived in 1955-56, about 2827 families were sheltered in town areas of Dhubri sub-Division (2544) and Goalpara Sub-Division (283) families. The remaining 20,784 families provided sheltered in village areas of both the Sub-Divisions. The rehabilitated places and the numbers of their families may be shown in the following table (5.2) ²¹

Table:-5.2.

Settlement of Refugees in Dhubri and Goalpara sub-divisions

Name of Sub-Division	Place of Settlement	No. of Families
Dhubri Sub-Division	Dhubri	711
	Bilasipara	1931
	Gulaokganj	2948
	Gusaigaon	1315
	Kokrajhar	2318
	Mankachar	395
	South Salmara	542
	Total	10,160
Goalpara Sub-Division	Goalpara	494
	Dudhnoi	747
	Lakhipur	668
	North Salmara	4239
	Sidley and Bijnee	4476
	Total	10624
All Total		20,784 Families

Source:- Gazetteer of India, Assam, Goalpara District, Govt. of Assam, Guwahati, 1979.

However, as a result of genocide in East-Pakistan in 1964, thousands of refugees arrived in India. Every day about 5000 to 6000 Hindus queued up in front of

²⁰. Sheikh, O 2013, 'Kukrajharer Ghusti Sangarsha Aru Kisu Prasangik Katha, in M. Abdul (ed) 'Ayna', vol. 1. No:XII, Guwahati, P.18.

²¹. Gazetteer of India, Assam, Goalpara District, Govt. of Assam, Guwahati, 1979. p.80.

the Indian Embassy in Dhaka to immigrate to India. But only 300 to 400 used to get the permit.²² In fact, more than 75,000 refugees from East Pakistan arrived into Assam within one and half months since the genocide began in 1964. The refugees, mostly Garos, Hajongs and Dalus from Mymensing took refuge in Garo Hills of Assam, now in Meghalaya.²³ By 28 March, 1964, around 78,000 tribal refugees had migrated Mymensing district in East Pakistan. It becomes obvious from the statement at the Lok Sabha by the then Deputy Foreign Minister that about 1000 refugees from Mymensing had been fired at by the East Pakistani rifles, while they were crossing over to India.²⁴

According to the Government of India estimate, by the middle of 1964, at least 1, 40,000 persons including Hajong and Chakmas 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. This alarmingly high rate of refugee influx caused resentment in different parts of North Eastern regions including West Bengal. Immediately the Government of India decided that all refugees crossing Indo-Pak border after 1.11.1964 should do so only with the permission of the Indian High Commissioner, Deputy High Commissioner or Assistant High Commissioner placed at Dacca and that India will not shoulder any responsibility for rehabilitating the refugees who enter India without such permission.

5.5. Refugee Relief Camps in 1964:- In India, the refugees were provided relief in temporary camps in Assam, West Bengal and Tripura. Later they were provided rehabilitation in different parts of India. By 1961, about 6, 40,000 Lakh of refugees were sheltered in the refugee camp in Assam. About 12 provisional refugee camps were set up at Tura in Garo Hills to provide relief to around 50,000 Garos and other tribals arrived from the East Pakistan.²⁵ In fact, during 1964 mass exodus there were nine transit refugee camps under Dhalu area of Garo Hills district. These camps were on the Indo-Bangladesh border belt of Garo Hills District, namely, (i) Machangpani (ii) Bhogai (iii) Chandabhoi (iv) Bilkona (v) Deplipara (vi) Dalu (vii) Magupara (viii) Mineng and (ix) Dindini.

²² . Baidya, K 2005, *Bangalir Muktiyuddha Antaraler Sheikh Mujib*, Shankar Kumar Publisher, Kolkata. p.91.

²³ . Bhattacharya, S K 1987, *Genocide in East Pakistan/ Bangladesh*, A. Ghosh Publisher, Houston, p.108.

²⁴ . Ibid. P.114.

²⁵ . Ibid. p.109.

Besides, there were other transit camps at Baghmara, Sibbari, Purakhasia, Chesengpara, Chandbhui, Dimapara etc. About 300 refugee camps were established inside the border areas between East Pakistan and Garo Hills District by the Government of India. Even a large number of refugees were shifted from the above mentioned camps to other interior camps, like Rongnabak, Ganol and Rongram of the Garo Hill District and to Matia, Molonggaud, Panchali area of Goalpara district of Assam. In fact, those who were shifted outside the Garo Hills District were sent to the plains areas of Goalpara district like Matia, Dudhnoi and Srirampur. Even in 1966, some refugees from Rongram, Ganol and Rongnabak camps of Garo Hills were shifted to Matia and other neighbouring places of Goalpara District of Assam. It is known that in Matia there were six refugee camps and the numbers of refugees were around 60 to 75 thousands. Many Garo refugees and other communities including the Hajongs were also shifted to Goalpara and other districts of Assam. However, the Bengali refugees were shifted to Boko camp of Assam. Besides, there were a number of districts in which refugees are sheltered, Cachar(93,177), Goalpara(44,967), Kamrup(42,871), Nowgong (38,599), Darrang(18,853), Lakhimpur(13,965), Sibsagar(7,514) and United Mikir and North Cachar Hills(1,943).

5.6. Number of Hajongs and other Communities at various Refugee Camps in 1964:-

It is important to note that, in 1964 influx, the refugees were not only Hajongs but also there were other communities like Garo, Koch, Dalu, Banai, Rajbangsi, Bengali, Bihari etc. There were total 82,132 numbers of refugees and among them 13,842 were Hajongs. The community wise numbers of refugees accommodated at different camps under Dalu area in 1964 ²⁶ may be shown under the following (5.3) table.

²⁶ . File no. GRRO 1/64/...Accommodation of Refugees, D.C. Office, West Garo Hills, Tura.

Table. 5. 3.**Community wise Refugees at Various Camps under Dhalu Area in 1964.**

SL. Name of No. Refugee Camp.	General		Backward Classes			Scheduled Caste				Schedule Tribes		Total	
	Bengali	Bihari	Koch	Banai	Raj- Bongshi	Dalu	Barbar	Sweeper	Fisher- man	Cobbler	Garo		Hajong
1. Machangpani	322	26	201	21	----	701	30	5	47	25	4008	1638	7024
2. Bhogai	450	297	----	67	170	683	----	----	----	8	3958	1336	7077
3. Chandabhoi	6	16	474	---	2	48	----	9	9	9	609	1626	2849
4. Bilkona	309	43	----	332	----	9	----	----	----	----	5319	1158	7167
5. Deplipara	29	----	----	----	5	----	----	----	----	----	1400	2042	2476
6. Maghupara	438	----	2304	481	37	710	----	16	16	6	1429	3829	9291
7. Mineng	163	201	120	----	26	1051	----	66	66	34	3506	129	5296
8. Dindini	----	----	27	5	----	25	----	----	----	----	7392	20	7469
9. Dalu	17905	5001	991	----	1003	----	----	----	----	500	5019	3064	33483
Total	19619	5584	4117	906	1243	3227	30	96	96	582	32640	13842	82132

Source:- File no. GRRO 1/64/..Accommodation of Refugees, D.C. Office, West Garo Hills, Tura.

Moreover, it was also mentioned that “ it is very difficult to give the correct figure of the refugees took shelter with their relatives without giving any information to their camps. Even some refugees were directly gone to the plains on their own accord” Likewise, it was also mentioned in Annexure-‘B’ of GRRO-10/65/3423-27 dated 8th April, 1965, that about 4068 refugees were released to their relatives from Dalu Relief camp.²⁷

From November 1964, up to the 8th February, 1965 a total of 1,556 numbers of refugees shifted from Dhalu transit camps to the Dudhnoi and Srirampur refugee camps becomes clear from the Table (5.4).

Table.5.4.
Number of Refugees shifted from Dhalu Transit Camps:

To Dudhnoi	in November,	1964	=	1,057 Nos.
Srirampur	in December,	1964	=	84 Nos.
Srirampur	in January,	1965	=	272 Nos.
Srirampur	in February,	1965	=	143 Nos.
Grand Total			=	1,556 Nos.

²⁷. File No: GPRO-10/65/3423-27, dated : 8 April, 1965, West Garo Hills, D. C. Office, Annexure-B.

Source- Sangma, SN 2005, *Bangladeshi Immigrants in Meghalaya*, Anshah Publishing House, Delhi, p. 23.

The refugees in Rongnabok refugee relief camp were 8,243 as on 14 - 11-1964. There were Garo Christian 7,619, Garo non-Christian 590 and Hindus 34 in numbers. The numbers of refugees in Rongram camp were around 5,197 as on 20th June, 1964. In Ganol Relief camp there were around 4,195 numbers of refugees as on 24th October, 1964.

5.7. Flow of Refugees in 1971:- The Bangladesh Mukti Yuddha (Liberation war) in 1971 also saw a lakhs of refugees; both Hindus and Muslims immigrate to Assam. The refugee influx in India and subsequent independence of Bangladesh as a nation can be traced back to a root cause the partition of 1947. Since the formation of the East Bengal as an integral part of Pakistan, the language remained the most problematic issue between West and East Pakistan.²⁸ As the East Pakistani people demanded the same status of Bengali language with Urdu and English. Immediately the movement turned into a freedom movement on the one hand and the brutal repression of Bangladeshi nationalists both Muslims and Hindus by the west Pakistani army on the other. When the East Pakistani revolted against its own West Pakistani Government, India had to intervene and fought 14 days war in 1971. From March 26, 1971, onwards thousands of refugees began to cross international border to take shelter in India.

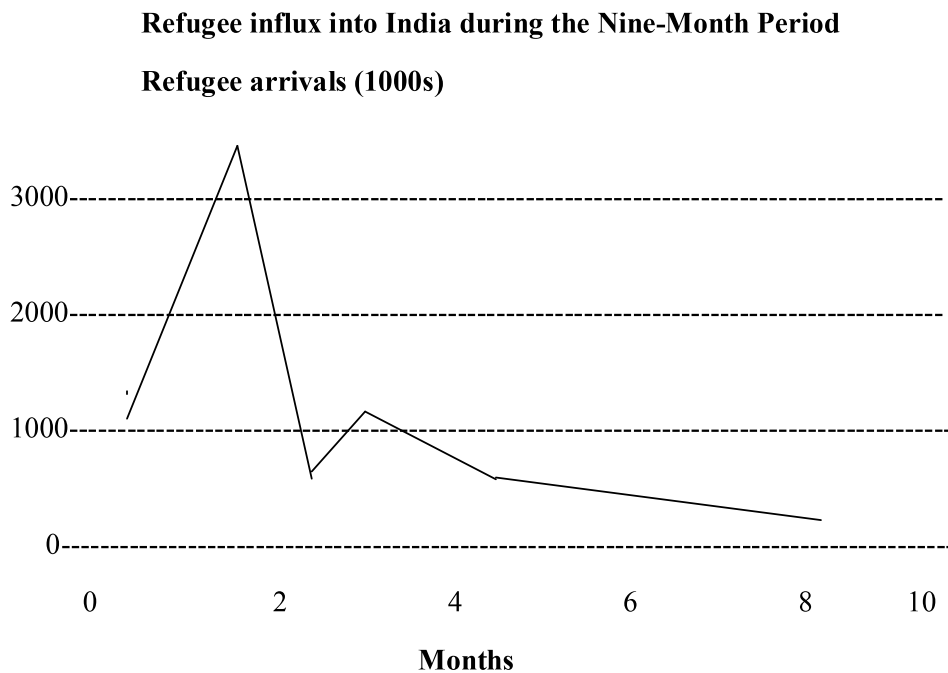
As the violence escalated and the oppression of Pakistani military intensified, the Government of India had to open border to allow Bangladeshi refugees. The state Government of West Bengal, Bihar, Assam, Meghalaya and Tripura established refugee camps along with Indian border. According to an estimate 10 million²⁹ refugees fled to India during the period.

²⁸. Sangma, S.N 2005, *Bangladeshi Immigrants in Meghalaya*, Anshah Publishing House, Delhi, p. 52.

²⁹. Murshid, N 2011, 'India's Role in Bangladesh's War of Independence: Humanitarianism or Self-interest?', *Economic & political weekly*, Vol. XLVI, NO. 52, P. 55.

5.7.1. Number of Refugees:-The deluge of refugees from East Pakistan into India reached its alarming stage during the nine month period Figure (5.5) of freedom struggle of Bangladesh.

Figure 5.5.



Source: - Murshid, N 2011, 'India's Role in Bangladesh's War of Independence: Humanitarianism or Self-interest?', *Economic & political weekly*, vol. XLVI, NO. 52, P. 58.

The above figure (5.5) shows the refugee influx during the nine month period, from April –December, 1971. Murshid (2011) also stated that three million refugees entered in India in the month of April 1971 alone. By June, however, the monthly influx fell below a million a month. Then the number of influx suddenly came down to 1, 66,000 when the war came to an end in the month of December. It may be noted here that before intervening in East Pakistan in December, the Government of India had sought international help especially from the UN and the US to take action to end the deluge of refugees into India. The UN Secretary General censured Pakistani action in East Pakistan and sought help to the Government of India in its efforts to provide shelter

to fleeing refugees. This becomes amply clear from U Thant's appeal dated 19 May 1971, to the international community to help the refugee community and said that-

*"The international community has been seriously concerned at the plight of the sizeable and continuing influx of refugees.....from East Pakistan into adjacent states of India. I fully share this concern. Mindful that one of the purposes of the United Nations is 'to achieve international cooperation in solving international problem of a humanitarian character'; I am convinced that the United Nations and its family of organisations have an important role to play in alleviating the serious hardship and suffering which these are undergoing".*³⁰

Undoubtedly, India relied for international action and made her stand clear that in the absence of such action from the international community, India would be compelled to intervene militarily in East Pakistan and that happened in December 1971. Thus, the following table (5.6) would show the number of refugees accommodated in different refugee camps both inside and outside of the refugee camps and their total numbers.

Table.5.6.

Refugee In and Out of Camps-1971

Name of states	No. of camps	Inside camps	Outside camps	Total
West Bengal	492	48,49,786	23,86,130	72,35,916
Tripura	276	8,34,098	65,713	13,81,649
Meghalaya	17	5,91,520	76,466	6,67,986
Assam	28	2,55,642	91,913	3,47,555
Bihar	8	36,732	-	36,732
Madhya Pradesh	3	2,91,298	-	2,19,298
Uttar Pradesh	1	10,169	-	10,169
Total	825	67,97,245	31,02,060	98,99,299

Source: -Murshid, N 2011, 'India's Role in Bangladesh's War of Independence: Humanitarianism or Self-interest?', *Economic & political weekly*, vol. XLVI, NO. 52, P. 58.

³⁰. Ibid. ,p.57.

The table (5.6) reveals the large number of influx of refugees created resource pressure on India. India allocated Rs. 2.6 billion for refugees but their estimated requirement was Rs. 4.2 billion. This becomes clear from the appeal of the India's Labour and Rehabilitation Minister in May, 1971 and expressed that the burden of costs associated with refugee hosting is too severe for India to bear them. He had sought help from the international community like that the "extremely heavy expenditure involved in providing relief assistance to these refugees whose number is mounting every day, is causing a severe strain on India's economy".³¹ Even the Prime Minister of India Mrs. Indira Gandhi while addressing the Rajya Sabha on 15 June 1971 stressed that,

*".....in this country we have a shortage of practically everything which they [refugee] need. We have a shortage of tarpaulin; we have a shortage of corrugated iron sheets; we have a shortage of every possible thing you can think of. We have tried to round these items from every part of the country. We are rushing them to the camps. But no matter what we do-I am sorry to say-we cannot keep [supporting the] refugees".*³² However, there was sudden decline of influx of refugees with the intervention of India in December 1971 which becomes evident from the above mentioned figure (4.1).

5.7.2. Influx of Hajong Refugees in 1971- In 1971 a large number of minority tribes including the Hajongs were displaced from the East Pakistan. The events leading to Bangladesh Liberation War compelled the Hajongs, Garos and others to cross the international border and took shelter on the Indo-Bangladesh border of Garo Hills of Meghalaya. Every day hundred and thousands of refugees flooded into Garo Hills from 26 March, 1971 till December 1971. But the highest number was recorded in the Governments record was 2, 82,947 as on 9 December, 1971.³³ It is important to mention that during the period the refugees were not only from minority communities but also from the Muslims. The GOI, Department of Relief and Rehabilitation had constructed 16 Relief Camps for the refugees. Religion wise their numbers in these camps may be shown in the table (5.7)

³¹. Ibid., p.58.

³². Ibid., p.59.

³³. Sangma, S.N., op.cit. p.60.

Table: 5.7.
Religion wise Refugee classification in different Camps, 1971.
(As on 7.08.1971)

SL.NO	Name of Camps	Hindus	Muslims	Others	Total
1.	Dalu(Barenggapara	1,352	6	366	1,724
2.	Vety. Compund Dalu	3,930	1,037	1286	6,253
3.	Chandabhoi	5,573	1,156	1,290	8,019
4.	Sisengpara	2,985	852	1,799	5,633
5.	Halchati	2,125	2	584	2,711
6.	Machangpani	3,985	26	939	4,923
7.	Dimapara	5,037	1,934	8,352	15, 323
8.	Puraldiasa	5,086	737	2,100	7,923
9.	Baghmara	34,682	2,772	16,390	53,844
10.	Sibbari	7,138	1,713	5,864	14,715
11.	Bilkona	48	3,604	4,022	7,674
12.	Mineng	433	1,971	5,124	7,528
13.	Mahendraganj	---	----	----	----
14.	Kalipara	15,637	7,929	490	24,056
15.	Patijora	---	-----	----	----
16.	Ampati	3,074	8, 221	12	11,307
Total		91,058	31,960	48,618	1,71,636

Source:- Sangma, S N 2005, *Bangladeshi Immigrants in Meghalaya*, Anshah Publishing House, Delhi, p. 28.

The above table (5.7) clearly shows that there were 1, 71,636 numbers of refugees in 16 camps and the Baghmara camp had the highest number of refugees. The Hindu refugees outnumbered the Muslims and other refugees. It may be noted that some other tribes including the Hajongs were included in the Hindu refugees groups. The evacuees started to take shelter in the Garo Hills from 26/03/1971 onward till February 1972. Daily records show that there were continuous flow of evacuees since March 1971 and which lasted up to 9/12/1971. However, the reports received from the S.P Office, Garo Hills, Tura and was found that the maximum number recorded was around 2, 82,947 as on 9/12/1971. The number of non-Muslims were 1, 85,285, Muslims 52,216 and the Christians 45,446.³⁴ Even a large number of refugees were released to stay with

³⁴. Ibid., pp.26-27.

their friends and relatives. The S.P. Office Report, Tura stated that 54,494 numbers of refugees were released to stay outside the camps after their registration. This was done mainly to mitigate the pressure of refugees in different camps. It has been mentioned that some camps were not in good conditions and constructed temporarily with the locally available materials like small woods and bamboos. In some places school and other Government buildings were used as refugee camps. A photo of school building occupied by Hajongs and other refugees of 1971 is shown in photo section. Every camp was administered by a camp commandant appointed by the Government with official designation of Assistant Relief and Rehabilitation Officer. They were in charge of distribution of rations for the refugees. Despite, many refugees died of Cholera and other diseases in these camps. The Medical Report of the Civil Surgeon, Tura stated that since 26.03.1971 up to the month of October, 1971 the total number of deaths in the refugee relief camps was 2,302. Out of which 1,480 died of cholera and gastro-enterities, 178 of pneumonia and bronchitis and other diseases.³⁵

During my field visit, I have found that a few Hajong families have come during the time of Bangladesh liberation war 1971. This becomes evident from the Migration cum Ration Card issued to them by the Government authorities during their stay at refugee camps. Like many other refugees these people had also entered crossing international border with Garo Hills District. The Refugee Relief Certificates reveals the causes of their migration were the suppression by the majority people on the minority Hajongs (Appendix-V).

5.7.3. Registration of Refugees, 1971:- As per the orders issued by the GOI under Foreigners Registration Act 1946 that all refugees coming from East Pakistan must get themselves registered. They must have a valid Registration Certificate issued by the Registration Authority in which the place and period are clearly mentioned for them to stay in India. It may be mentioned that the Registration Certificate are issued by the police officer attached to each Relief camp. Sopenra Hajong, Tengripar, Assam stated that:

³⁵. Ibid., pp.31-32.

*“right after registration of our names the ration cards were issued to each family and on the basis of which we are provided Rice, Dal, Mustard Oil, medicines and other necessary things by the Relief Authorities”.*³⁶ The same order was equally applicable to the refugees of Assam and Meghalaya. The state Government of Meghalaya fixed December 1, 1971 as the last date by which the refugees were to complete their registration.³⁷ However, temporary permits were given to a large number of refugees to stay in the adjoining areas of the Indian Union.

It has been found that a number of refugees were not registered as a citizen of India section 5 (1) (a) and (d) of the Citizenship Act,1955, while they were in the relief camps in 1971. For example, those who had citizenship certificate issued by the GOI were only rehabilitated in the Garo Hills District during 1960s. But the same opportunity was not provided to the refugees migrated during Bangladesh Liberation war of 1971 as GOI cut off issuing citizenship certificate in that year.³⁸

5.8. Rehabilitation of the Hajong Refugees: - The flow of refugees in 1964 and in 1971, subsequently their rehabilitation was a stupendous task in front of the **Ministry of Relief and Rehabilitation of the Government of India**. Along with other refugees most of the Hajong refugees were rehabilitated into undivided Assam which included present Meghalaya and NEFA (now Arunachal Pradesh). In fact, the Government of Assam, Revenue (Settlement) Department: Settlement Branch had taken all the initiative for the allotment of land of rehabilitation of East Pakistan refugees in Assam in 1964. This becomes obvious from the order of the Joint Secretary to the Government of Assam, Shri U. C. Nampui to the Deputy Commissioners of Nowgong, Cacher, Darang and Sub-Divisional Officer of Barpeta and Goalpara for making necessary arrangement for land allotment to the refugees. This is placed in Appendix-IV for more information. Apart from these two districts, rehabilitation of Hajongs is found in Jalpaiguri, Kochbihar and

³⁶. Interviewee-Sopendra Hajong (57) S/O-Siddeswar Hajong, Tengripar, Nagaon, Assam

³⁷. Sangma. op. cit..37.

³⁸. Ibid. p.73.

Darjeeling of West Bengal, Andaman and Nicobar Islands, Dandhakaryana of Orissa and in some other places of Tripura.³⁹

5.8.1. Assam: - The Hajong tribe those who were displaced from the erstwhile East Pakistan in different phases e.g. 1947, 1964 and in 1971 steamed into India as refugee. Most of these refugees were rehabilitated in Assam were issued valid migration certificate confirming their legal entry into India. It has already been mentioned that after expulsion from the East Pakistan the Hajongs were sheltered in different refugee camps at Garo Hills and Goalpara district of Assam. Subsequently, they were rehabilitated in different districts of Assam like Goalpara, Lakhimpur, Dhemaji, Darrang, Tinsukia, Changlang district and Garo Hills of undivided Assam. At present, the rehabilitated Hajongs inhabitation are found in Goalpara, Darrang, North Lakhimpur, Dibrugarah, Cachar, Dhubri, Chirang, Nagaon, Kamrup, Dhemaji, Dima-Hasao and Tinsukia district of Assam.⁴⁰

It is important to mention here that a number of Hajongs refugees were settled into two villages i.e, Kotha Sema Adarsha Hajong Gaon and Manmao Kohiar Bari Hajong Gaon in Tinsukia district of Assam . The Hajongs of both the villages were shifted from the Dhubapara refugee camp of Goalpara district to the Ledo camp (known as Thermal now a day) with a view to rehabilitate them in NEFA in 1969. A total of 130 families were rehabilitated at the first batch at Manmao Kohiyarbari Hajong Gaon and 50 more families were brought to the village from the Goalpara district later on.⁴¹ The Kotha Sema Adarsha Hajong Gaon was also settled with 150 Hajong refugee families. Besides, it has been found that a number of Hajong families of both the villages came on their own from the Ledo camp and a few returned from NEFA without the notice of the authorities. Subsequently, the rehabilitated Hajong families of both the villages were allotted 7 bighas of land and cash amount of Rs 1,800/- as per family by the Government. During personal interview with the Gaon burah (village headman) Jyotish Hajong of Manmao Kohiar Bari Hajong Gaon, Tinsukia informed me that-

³⁹. Sheikh, E A 2012, *Hajong Jonoghosti*, Moromi Printers, Goalpara, Assam. p.38.

⁴⁰. Sonowal, K 2014, 'Tribes of North-East India: A Study on Hajongs', *GJRA-Global Journal of Research Analysis*, vol-3, Issue. 2, p.8.

⁴¹. Sonowal, K 2012, ' Margarita Mohokumar Hajong Sokol (in Assamese) ', *Assam Sahitya Sabha Patrika*, 66th Year, 4th Issue, March-May, pp. 52-55.

“.....we are forced to settle in Diyun of Changlang district of NEFA (now Arunachal Pradesh) in the hilly barren land by the Government of Assam. But we could not stay long in the hilly areas of Changlang district. The Hajongs are habituated to live in the plain areas having wet cultivable land. In the absence of these facilities, a few Hajongs families had left the rehabilitated places of Arunachal Pradesh without the notice of the authorities and returned to the Ledo camp. Later on, about 80 families were rehabilitated at the Manmao Kohiar Bari Hajong Gaon allotting 5-7 bighas of land to each family”.⁴² The Kotha Sema Hajong Gaon was also settled with the returnee Hajong refugees of Arunachal Pradesh and remaining Hajongs of Ledo camp. Subsequently, a few Hajong refugees were shifted from different refugee camps of Goalpara district and rehabilitated to that village.

In fact, the Hajongs those who came before 1971 were rehabilitated under ‘Khas Land’ scheme in the Nagaon district of Assam. Unlike many other Hajongs refugees, the rehabilitated Hajongs of Nagaon district came from the Sylhet district of the erstwhile East Pakistan. Khorid Chandra Hajong,⁴³ a rehabilitee at Tengripar, Nagaon District of Assam narrated the story of their rehabilitation during interview that:

“.....once we belonged to the Sylhet district of the then East Pakistan. We along with our kith and kins had left East Pakistan during the time of Mukti Yuddha (freedom movement) to settle somewhere in India. Even before that a few Hajong families of our native areas including some other tribes including Banais, Dhalus had left their homes leaving behind their properties to settle down in the Garo Hills district. As the Garo Hills District was adjacent to the Sylhet district and situated on the northern side of international border. On our arrival in India, we are provided all kinds of relief facilities by the Government of India. After spending about three month at Dhalu Refugee camp in the Garo Hills District, we were shifted to the Jamunamukh transit camp in the Nagaon District of Assam. Then again, after spending a few days we were taken to the Barhampur Refugee camp in Nagaon District. In the mean time, Government authorities arranged land for our rehabilitation in the South Nagaon District of Assam (now Hojai

⁴². Interviewee-Jyotish Hajong (61), S/O-Lt. Dijendra Hajong, Manmao Kohiwar Bari Hajong Gaon, Tinsukia, Assam.

⁴³. Interviewee- Khorid Chandra Hajong, (70), s/o. Lt. Sadhuram Hajong, Tengripar, Nagaon. Assam

Sub-Division). As per plan, 33 Hajong families in Tengripar, 17 in Moudanga pather (Debastan) and 75 Hajong families in Derapather allotting half bighas of land per family”.

It is important to mention that the Goalpara district has the highest number of refugees including the Hajongs in the undivided Assam. It is because of 1964 influx majority of the refugees of Garo Hills were shifted to different refugee camps in Goalpara. A total of 1,556 nos. of refugees shifted to the Dudhnoi and Srirampur refugee camp up to the 8th February, 1965. Even in 1966 some refugees from Rongram, Ganol and Rongnabak were shifted to Matia and other neighbouring places of Goalpara district of Assam.⁴⁴ It is known that about 1, 00,000 refugees including the Hajongs were sheltered in different 11 camps for their rehabilitation.⁴⁵ Those who remained in Garo Hills were rehabilitated by the GOI and sanctioned a scheme for reclamation of land for East Pakistani displaced person in Garo Hills implemented by the Soil Conservation Department.

Thus, as per rehabilitation plan of the government, the Hajong refugees were rehabilitated in Matia, Sidhabari, Dhamora(Pub-Patpara), Dhamor, Harimura, Gasua Para, Khaglamari (Lakhipur), Rang Juli (Rupnagar), Dhari Gaon, Bhai-Bhoni, Khardang, Dubapara, Milan Para(Raksha sini), Paikan(Makoribari), Medhipara, Kushdhua, Manasha Para and in Baghuan. During my field study I have found that except Suwarkuna of Goalpara district all these villages are rehabilitated by the Hajong refugees especially those who were displaced from East Pakistan. There are records of indigenous Hajongs in Suwarkuna of the Goalpara district. Similarly, a few native indigenous Hajong villages like Dhanua, Dhapabil, Putimari, Aidhuba could be found near Assam-Meghalaya border under the Mankachar sub-division of Dhubri district. According to Biren Hajong (2000) one cannot say that besides the native Hajong living the southern part of Dhubri district and some parts of Goalpara district are all migrants from erstwhile East Pakistan.⁴⁶

⁴⁴. Sonowal, K, op. cit. p.8.

⁴⁵. Sheikh, E. A. op. cit. p. 38.

⁴⁶. Hajong, B. op.cit.,P.9.

Besides, there are a few districts like Dhemaji and North Lakhimpur where a large number of Hajongs were rehabilitated. It has been found that a few Hajong refugees were directly gone to these districts on their own accord mainly from Tinsukia and Arunachal Pradesh. Similarly, both the Hills Districts of Assam, the Karbi Anglong and Dima Hasao also recorded the presence of a few Hajong inhabitations in the Census Report of 1971. But they lacked the record of Hajong rehabilitation in both the districts. However, other districts like Kamrup and Cachar also have a number of Hajong populations which are considered as a result of internal migration.

Moreover, a large section of the Hajong refugees returned to Goalpara camps from the NEFA without the notice of the authorities were also rehabilitated in Assam. Most of the Hajong refugees of Sidhabari Camp of Goalpara district are returnees from the NEFA. Bholonath Hajong, a returnee stated their case distinctly as :

*“.....after spending a few months in Matia refugee camp of Goalpara, we are along with some other Hajong families were taken to the NEFA (now Arunachal Pradesh) for the purpose of rehabilitation. As per the plan we were shifted to the Ledo Camp before rehabilitating at the NEFA. Along with other refugees (Chakmas) we are provided shelter at the designated Diyun areas of the present Changlang district allotting land for cultivation and a few cash amount. The land allotted in the hilly and uneven areas for cultivation was not suitable for wet cultivation. Unlike some other tribes the Hajongs are not proficient and habituated in hilly cultivation. Consequently, a large number of Hajong families returned to the Ledo Camp and Sidhabari camp of Goalpara district without the notice of the concerned authorities. Later on, we are provided merely half bighas of land per family for our rehabilitation”.*⁴⁷

5.8.2. Land Transfer Deal: -The Hajong tribe those who migrated as a result of mutual land transfer deal and settled in Assam after independence deny to call themselves as rehabilitated Hajongs. During my field study I could find out such a few Hajong villages in Assam. In the wake of communal disturbance of 1950, especially in the year 1951, there were several village transfer or Rewaj Bodal or mutual land transfer deal happened between East Pakistani aboriginal tribals and Muslims of Assam. As per the system of the deal prior approval and consent of both the communities was a must .Once the deal was finalized both the communities evacuated their inhabited village and

⁴⁷. Interviewee- Bholanath Hajong (62) , S/O, Surya Sarkar, Sidhabari Camp, Matia, Goalpara, Assam.

own the new one crossing the India-Pakistan border. Many remnants and remaining are still present in some villages indicates the evidence of village transfer deals. There are some Mosques of Muslims in some Hajong villages and some temples in Muslims inhabited villages could easily be visualized. In Chirang district a few such villages like Batabari, Bishnupur, Jakhati etc, were inhabited once by the Muslims could easily be noticed. The Muslims inhabitants of these villages became the residents of once Hajongs inhabited villages like Laoachpara, Kornajora etc. under present Mymensing district of Bangladesh. Likewise, a few other villages were completely transferred between both the communities in Dhubri and Darrang (presently Udhalghuri) district of Assam. Similarly, in Udhalguri District a number of Hajong villages namely, Nepal Basti, Mymensingh Hajong Gaon, Kachari Tup, Dhansari are examples of transferred Hajong gaon. The Hajong tribes of these villages were the inhabitants of Sidleey, Manpara, Maokura, Bhabeer etc.⁴⁸ of the Mymensing district of erstwhile East Pakistan. This obviously shows that migration of Hajong tribes also took place in Assam as a result of village transfer deal among the Muslims communities of Assam and the Hajong communities of erstwhile East Pakistan.

This becomes obvious that in Assam there are indigenous and rehabilitated Hajongs. But the numbers of rehabilitated Hajongs are much more than the native. Subsequently, the rehabilitated Hajong refugees were granted Indian citizenship certificate allotting huge reserved land and cash money for their settlement by the Government of India in different parts of Assam.

5.8.3. Dandakaranya:-It had been reported that the number of refugees that outnumbered in different camps of Goalpara District of Assam and reached its climax in 1964. In fact, the number of refugees had increased as a result of shifting of large number of refugees including Hajong, Garo and even Bengalis from the Garo Hills District. Due to lack of infrastructure especially health facilities and poor sanitation in different camps caused untold miseries to the refugees. Everyday there was illness and death in different camps. A large number of them died of Diarrhea, malaria and water born diseases like gastroenteritis. There were reports that daily about 15-20 refugees had

⁴⁸. Sheikh, E A., op. cit. pp. 40-41

died in Matia and neighbouring camps. The steps taken by the Government to control the epidemic proved futile. Consequently, the Government had decided to shift the refugees from different camps of Goalpara to other areas. As per the plan in the month of January 1964, about 2000 refugees including the Hajongs were sent to the then NEFA for rehabilitation. Another 500 families were sent to Dandhakaranya of Orissa. On their way to Dandhakaranya, a few Hajong families had left the overcrowded railway compartment on their half way and the whereabouts of these Hajongs are still not known.⁴⁹ Sri Dinesh Hajong also informed and ascertained about the deportation of a numbers of Hajong refugee families to Dandhakaranya. It was mainly done as part of the Refugee Rehabilitation Programme by the Government.⁵⁰

5.8.4. Andaman Islands: - The partition of the Indian sub-continent had brought untold miseries to millions of people in both the newly born states. Since the partition there were huge displacement and deportation of tribal families from the erstwhile East-Bengal (later on East-Pakistan) to Andaman Islands. In 1949 about 171 tribal families had been deported to Andaman from the East Bengal. Subsequently, a large numbers of deported tribal families from East-Pakistan were sent and rehabilitated mainly in Great Andaman, Neil, and Havelock and in Little Andaman. Again in 1961 about 2842 tribal families were deported to settle in different areas of Andaman. In fact, the process of deportation of tribal families continued till 1964.⁵¹ The deportee tribal people, however, received help from the Government of that state including dwelling house, cultivable land and cash money.

During that time, there was a rumor that the tribal people were sent to Andaman because of available sparsely populated areas for rehabilitation. But the real fact behind the deportation of tribal families was something different. The tribal people those who were involved in the Tonko Revolt, Hati-Kheda (Elephant Capturing) Revolt, Teh-Bhaga Revolt and Borga Prota against the exploitative zaminders and feudal system of East Bengal captured and exiled them to the Andaman. History reveals that the tribal people including the Hajong, Dhalu, Banai, and Koch were involved with these revolts.

⁴⁹ . Ibid. p.38.;

⁵⁰ . Interviewee- Dinesh Hajong,(79), S/O- Lt-Sochin Mohan Hajong, Camp-1, Matia, Goalpara. Assam.

⁵¹ . Sheikh, E, A, ,op. cit. p. 39.

As per the report collected from Goalpara by Seikh (2000) about 5000 tribal people including the Hajongs were sent to Andaman Islands in 1964 alone.⁵² Sri Monoranjan Roy Hajong also narrated the incident of settlement of Hajongs in the Islands and stated that they have lost their identity and assimilated with local people.

5.8.5. West Bengal: - Beyond the North Eastern states of India, a few Hajong families those who migrated from the erstwhile East Pakistan were also rehabilitated in several areas of West Bengal including Koch Bihar, Nodia, Santipur and Khordah. The census of 1981, also recorded 1035 numbers of Hajong tribe in the state and especially in the Jalpaiguri district.⁵³ It is pertinent to mention here that there is no documentary evidence which could ascertain the rehabilitation of the Hajong refugees in West Bengal. In the month of January 1964, about 2000 refugees including the Hajongs were sent to the then NEFA for rehabilitation. A few refugees especially Bengalis were shifted to the Silighuri for rehabilitation. Another 500 families were sent to Dandhakaranya of Orissa. On their way to Dandhakaranya, a few Hajong families had left the overcrowded railway compartment on the half way and the whereabouts of these Hajongs are still not known. However, there is much possibility that the Hajong refugees those who had left the railway compartment on their half way to Dandhakaranya were rehabilitated in some areas of West Bengal later on. Sri Jublal Hajong⁵⁴ wanted to say that the Hajong tribes of West Bengal once were in the same refugee camp in Goalpara district of Assam. He also stated that a few Hajong families might have taken to West Bengal along with Bengali refugees for rehabilitation.

5.8.6. NEFA (Now Arunachal Pradesh):- . Along with other refugees the Hajongs are also rehabilitated in Changlang district of the then NEFA under a “**Definite Plan of Rehabilitation**”.⁵⁵ However, the process of rehabilitations of the Hajong tribes in NEFA ((now Arunachal Pradesh) was a challenging task for the Assam Government. It may be noted here that in 1964, the then NEFA was administered by the Ministry of

⁵². Ibid.

⁵³. Baruah, S K (ed.) 2014, *Tribes of Assam, Assam Year Book*, Jyoti Prakashan, Panbazar, Guwahati, pp.415-16.

⁵⁴. Interviewee- Jublal Hajong (69) S/O- Lt. Chandra Nath Hajong. Madhupur-1, Dibrugarh, Assam, Arunachal Pradesh.

⁵⁵. Prasad, C. (2007). *Chakma-Hajong Refugees and Their Rights* [Internet]. Global Politician. Available from: <http://globalpolitician.com/226...>[Accessed 24 March 2010].

External Affairs of the Central Government through the Governor of Assam. Regarding the rehabilitation of refugees in NEFA Vishnu Sahay, the Governor of Assam in his Letter No. GA-71/64, dated April 10, 1964⁵⁶ addressed to the then Chief Minister of Assam, Bimola Prasad Chaliha and decided to make necessary arrangement to settle down more than 10,000 Chakma refugees to Tirap divisions of NEFA to avoid any troubles between local Mizo people and refugees. He pointed out in his letter that, “ *it occurred to me that we may get trouble between the Mizos and 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.*”⁵⁷. In fact, Sahay felt the continuing presence of the Chakmas in the Mizo Hills might lead to Mizo-Chakma conflicts. In order to avoid growing conflicts, he suggested to Chaliha that the refugees be settled in NEFA which was thinly populated at that time. There was also an external factor for rehabilitation of refugees in NEFA which was by no means unimportant. As Choudhury (2003) stated that:⁵⁸

...Perhaps the policy of settling the Chakmas in the NEFA originated in the idea of erecting a human wall in view of the potential Chinese threat following the Sino-Indian war of 1962, because those seeking support from the Indian state could be expected to provide security in the scantily populated NEFA region. If necessary, a section of these people could also be utilized by the Indian Army and other Intelligence Agencies for controlling insurgency in the area. (Chaudhury, Basu Ray, 2003:257).

On 16 April 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. Besides, the justification of settlement of refugees in NEFA was made from different angles. According to the white paper, P. N. Luthara in his letter No. RR. 17/64 dated April 21, 1965 addressed to All Political Officers and Additional Political Officers, NEFA, wrote:

⁵⁶. Sing, D. K 2010, *Stateless in South Asia, : The Chakmas between Bangladesh and India*, Sage Publication, New Delhi, p.84.

⁵⁷. White Paper, 1996, Government of Arunachal Pradesh, Itanagar.p.9.

⁵⁸. Chaudhury, Sabyasachi. B R 2003, ‘Uprooted Twice: Refugee from Chittagong Hill Tracts’, in R. Samaddar (ed.) , *Refugees and the State: Practice of Asylum and Care in India*, Sage publication, New Delhi, p.257.

*“.....the settlement of people in NEFA will also help in developing the pockets that are lying unused and unoccupied by the local population. Besides, the presence of stretches of vacant land along the border is strategically not desirable and last emergency had highlighted this problem. Resettlement of people in the vacant border areas will help to strengthen our frontiers and their defence.”*⁵⁹

It is important to note that both the Buddhist Chakmas and Hindu Hajongs intended to rehabilitate in NEFA migrated from the Chittagong Hill Tracts (CHT) and Mymensing districts simultaneously through different routes. The Chakmas arrived into undivided Assam through tenuous jungles tracts in Tripura and Mizoram, while the Hajongs migrated through the Garo Hills District of Assam who was shifted to different camps of Goalpara and other districts of Assam. Besides, both the tribes were rehabilitated by the Government of India in the same designated areas of NEFA simultaneously.

In the midst of opposition from the locals, the Government devised a scheme to accommodate these refugees in the desolated land of the NEFA. Initially about 57 families of Hajong and Chakmas from the Ledo camp in Dibrugarah, Assam. There were also reports that these refugees were shifted to Betiah in Bihar. However, unable to adjust with the hot climate of Bihar they were brought to rehabilitate and settled in Abhaypur block of Diyun Circle of the erstwhile Tirap district of NEFA. The Government record of Arunachal Pradesh indicates that between 1964 and 1969, a total of 2,748 refugees comprising some 14,888 persons were sent to the NEFA as part of Refugee Rehabilitation Programme. Nearly 1000 members of the Hajong tribe, a Hindu group from Mymensing district of Bangladesh were also settled in these areas.⁶⁰

Besides, the arrival of fresh refugees from the East-Pakistan added the rehabilitation process more complicated. One of the records available reveals that the new migrants families of former East Pakistan, the families who arrived from 1.1. 1964

⁵⁹. Talukdar, R.B 2008, ‘ Human Rights: Chakma, State of Denial’. [Internet]. *Frontline*, vol. 25-Issue 17, August 16-19, Available from: <http://www.frontline.in/./f1251700.htm> [Accessed 1 November 2012].

⁶⁰. Prasad, Channu, N. (2006). Students Movements in Arunachal Pradesh and the Chakma-Hajong Refugee problem. [Internet]. Available from: <<http://www.academia.edu>>. < Accessed on 4 March.2013>.

to 25. 3. 1971 were rehabilitated outside Dandakaranya and West Bengal in the agriculture and small trade sectors⁶¹ are indicated in the following table No (5.8)

Table. 5.8.
Rehabilitation of Refugees in the Agriculture & Small Trade Sectors

State	Agriculture	Small Trade	Total
1. Andhra Pradesh	1786	135	1921
2. Assam	6784	8714	15498
3. Bihar	1032	1552	2584
4. Karnataka	732	----	723
5. Madhya Pradesh	5305	2002	7307
6. Maharashtra	5674	509	6183
7. Manipur	145	-----	145
8. Meghalaya	1938	212	2150
9. Orissa	6	253	259
10. Punjab	-----	3	3
11. Tripura	5675	707	6382
12. Uttar Pradesh	1823	601	2424
13. Arunachal Pradesh	2902	----	2902
14. Rajasthan.	537	335	908
15. Andamans	774	31	805
Total	35,140	15,054	50,194

Source- Sangma, S.N 2005, *Bangladeshi Immigrants in Meghalaya*, Anshah Publishing House, Delhi, p. 80.

The above table (5.8) indicates and confirmed the settlements of refugees in Arunachal Pradesh (AP) newly those who arrived in 1964-1971. However, total figure manifested in different Government reports about the Hajongs is ambiguous and not based on actual facts. According to the Goan Burah (village Headman) of Madhupur-1, Sri Binanda Hajong⁶² revealed that the Hajong population in A.P. would not exceed more than 15,000 to 17,000 in 2014. At present, the Hajong populated areas in Changlang district are—Diyun Area; Madhupur No-1; Madhupur No-2; Srirampur; Haripur-1; Haripur-2; Haripur-3; Daha para and Miyun area.

5.9. Rehabilitations and its Reactions: - The rehabilitation of refugees was a challenging task in front of the Government. The Government faced stiff opposition from

⁶¹. File No. GRRO 16/64/...Resettlement of Refugees. Released from Camps., D.C. Office, West Garo Hills, Tura. Also in Sangma. Op.cit. p.80.

⁶². Interviewee-Binanda Hajong (70), S/O-Lt. Bhera Hajong, Madhupur-1, Diyun, Changlang, Arunachal Pradesh.

the local tribes especially in NEFA in the process of rehabilitation of Hajong and Chakma refugees. In fact, the main prevention that came from the local Arunachali tribes, the **All Arunachal Pradesh Student Union (AAPSU)** and mainly from the state Government itself. Their perceptions of opposition may be stated as follows:

5.9.1. Opposition of the Local Arunachali Tribes: - According to Sebastian (2008) that the Indigenous people developed cultures that were in tune with the specific eco-system and resources in their spatial reality. This accounts for the diversity of human cultures in the world. Any rupture to the indigenous system developed by a particular group of people is a degradation of that society and detrimental to its very existence.⁶³ He also stated that nearly all the civil wars after the Second World War were fought to preserve one's own ethnicity and cultural identity in the face of this danger. Arunachal Pradesh is no exception to this. In fact, the issue of rehabilitation of the Hajong and Chakma refugees issue 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 Hajong-Chakma refugees in their areas. It has become apparent from the letter that indicated the opposition from the local tribes. It reads as, in April, 1966, Deputy Secretary (P&D) Shillong wrote to the Liaison Officer, Ministry of Labour, Employment 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*".

5.9.2. Demographic Imbalances: - It has been alleged by the local Arunachali tribes that the large influx of the Chakma and Hajongs from the then East-Pakistan (now Bangladesh) are responsible for the major demographic imbalance and displacement of the indigenous population. The immediate consequence is that the problem of indigenous people getting marginalized and displaced one way or other is felt very acutely in the district of Changlang. The Changlang district occupies a unique position in the state of

⁶³. Sebastian, K.O 2008, Internally Displaced Persons of Changlang District. In: Das, S.K. (ed.) *Blister on their Feet: Tales of Internally Displaced Persons in India's North East*, Sage Publication, New Delhi, p.69.

Arunachal Pradesh and in the geopolitics of the entire North East. It is hemmed in between the Tirap and Luhit districts and bounded by 441 km of international border with Myanmar in the North and the state of Assam in the South. It may be noted here that the Tangsas, Singphos, Tutsas and Khamtis are the main tribes of the regions.⁶⁴ These tribes maintained their territorial integrity taking recourse to their age old method of fighting it out in inter-tribal feuds and wars. Even prior to the independence of India these tribes were in perpetual feud and fight for their cherished habitat. The independence was seen by these tribes as a new era of peace and security and greater integration within the tribes. However, their dreams were shattered when the Tibetan, Chakma and Hajong refugees were settled by the Government of India in what they consider as their habitat. The refugee influx has been the prime reason for the displacement of these indigenous communities causing major imbalances in its demographic scale. The phenomenal growth of refugee population in the region since 1964 and subsequent decline in the indigenous tribal population at least in percentage terms is peculiar to the Changlang district alone. The following table (5.9) is the indicative of the population growth in Changlang district between 1961 and 1971 as:

Table: 5.9.
Population Growth in Changlang District, 1961-71.

Year	Total Population			Tribal Population		
	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.

From the above table (5.9) it appears that the decadal growth of the total population is 63.56 percent while that of the scheduled tribe population is 24.90 percent. During the same period of time the non-indigenous population has made a leap from a

⁶⁴. Ibid. pp.69-70.

mere 4,487 to 26,625 in gross terms. With this change in a decade, the tribal population which constituted 92.8 percent of the Changlang district in 1962 was reduced to a mere 34.84 percent in 1991. It has been stated that the ‘original group of refugees’ who immigrated between 1964 and 1969 consisted of a total number of 2,748 families with about 15,000 persons who were settled in three districts of Lohit, Subansiri and Tirap.⁶⁵ In 1969, the Chakma and the Hajongs in the regions numbered around 12,563 in 2,296 hamlets. Later on, the Special Census was carried out by the Arunachal Government in 1979 which also hints at the phenomenal growth of the refugee population increased from about 15,000 to 21,500 by 1979 and further swelled to 30,064 in 1991.⁶⁶ In 1991, the registered number of refugee population increased over 65,000.⁶⁷ It is a phenomenal growth of 400 per cent over three decades. It is important to note that if the total figure of refugee population is separated from the Chakmas, then the Hajongs will not exceed more than 15,000 in Arunachal Pradesh in 2014.⁶⁸ Despite, the rapid growth of refugee population has created a panic and fear psychosis among the local tribes who face the threat of being reduced to a minority in their homeland.

It has been mentioned that in October 1979, the Special Census carried out by the Government exclusively for Chakma and Hajongs refugees. The demographic profile which has emerged after the Census (1979) is detailed in the following Table(5.10)

Table: 5.10.

Demographic profile of Refugees in A. P. 19979

Districts	Number of Families	Number of Persons
1. Lohit	319	1900
2. Subansiri	290	1600
3. Tirap	----	-----
(a) DiyunCircle	1480	8474
(b) BordumsaCircle	412	2248
(C) Miao Circle	1160	6131

⁶⁵ . Panigrahi, P. K. op. cit. p.57.

⁶⁶ . Ibid.

⁶⁷ . White Paper, 1996, Government of Arunachal Pradesh, Itanagar. P. 13.

⁶⁸ . Interviewee-Tirap Hajong (54) S/O- Jotindra Hajong, Madhupur-I, Diyun, Dist-Changlang, Arunachal Pradesh.

Source- White Paper, 1996, Government of Arunachal Pradesh, Itanagar. P. 9.

5.9.3. Losing Control over land: - It has been found that the traditional tribal societies have a direct relationship with their land around them. The indigenous people's 'love for the land' and their strong sense of attachment to it are not unique to the indigenous peoples of A.P., but apply to all indigenous peoples across the world; this has long been acknowledged by various UN bodies and other international non-governmental organizations. There has been a uniform response to the question of indigenous land rights the world over. Whether it is the Indians of the Western Hemisphere or the Maories and aboriginal peoples of Australasia or the Maasai of Eastern Africa, their responses are strikingly similar with respect to the land issue and the variety of life system supported by it. Stavenhagen (1990) ⁶⁹stated the centrality of land in the indigenous worldwide rather vividly that:

"...indigenous people have always had a special relationship with the land. Land has been, and to a great extent still is, the source of their basic sustenance.....their culture and way of life is linked to the land. But the land is not only an economic factor of production; it is the basis of cultural and social identity; the home of the ancestors, the site of religious and mythical links to the past and to the supernatural." (Stavenhagen, Rudolfo. 1990:100).

Thus, apart from the psychological fear of being reduced to a minority in their own habitat, the local tribes of A.P. are afraid of losing control over their ancestral land. It may be noted that initially the refugees were granted 10,799 hectare of land. Each family was allotted five acres of virgin land in deep forest. As the refugee population increased they began to encroach on the forest reserves as well as pastoral land.⁷⁰ Obviously, the land allotted earlier to the original group of refugees is now insufficient. They have spread out to nearby vacant land of local tribals. According to the 1980 agricultural census, 1,071 hectares of land was leased out-partly or wholly operated by 739 tenants.⁷¹ Thus, there is fear among the local tribes that their ancestral lands are transferred into the hands of the refugees. Fearing such a threat, H.S. Dubey, Lieutenant

⁶⁹. Stavenhagen, R 1990, *The Ethnic Question: Conflicts, Development and Human Rights*, UN University Press, Tokyo.p.100.

⁷⁰. White Paper, 1996, Government of Arunachal Pradesh, Itanagar. P. 9.

⁷¹. Directorate of Agriculture. 1980, 'Report on Agricultural Census 1980-81', Naharlagun, Government of Arunachal Pradesh, p.46.

Governor, Arunachal Pradesh wrote a letter on May 3, 1982 to M.L. Kampani, Additional Secretary to the Government of India, Ministry of Home Affairs as:

*“...I feel that the matter granting Indian citizenship to these refugees even after due verification/screening should be taken up only after looking into the possibility of their resettlement elsewhere in India, in order to lessen the burden of these refugees on the local people who are already finding it difficult to subsist on the scarce cultivable land available to them and to restore their confidence and faith in the government”.*⁷²

Thus, the local Arunachali tribes began to lose the community's right to land due to the settlement of Hajong and Chakma refugees. They are increasingly worried about the alleged gradual transfer of their land to the refugees.

5.9.4. Threat to Indigenous tribal culture: - Another psychological fear of the indigenous Arunachali community is that their identity and culture as a unique group will be jeopardized by the presence of the Chakma and Hajong refugees. The indigenous people argue that they have nothing in common with the migrant population. From the very beginning when the British took possession of the hill tract between India and Burma, efforts were made to preserve the tribal society in its pristine form and protected it from any outside interference in its culture, values and socio-religious norms. Keeping in mind the growing number of refugee population, they fear that the refugees pose a formidable community which will eventually swallow the smaller indigenous tribes creating an identity crisis among the tribes.

The state government and the local organizations also opposed the intention of the Central Government on the ground that in the opinion of the indigenous tribal people, their customary laws have been violated and traditional rights have been encroached upon by allowing settlement of Chakma and Hajong refugees by the Central Government much against their wishes as well as damage done by the refugees to their ethnicity by criminal misconduct, territorial expansion and unbridled growth of refugee population. All these psychological fears have accentuated tensions brewing within the communities in the state. Moreover, in view of extensive demand of Hajong and Chakma for Indian citizenship rights, the Arunachal Pradesh Legislative Assembly passed a Bill

⁷². Ibid. p.39.

called, “**The Arunachal Pradesh Protection of Customary Laws and Social Practices Bill, 1994.**”⁷³ for the protection of the cultures of indigenous tribes and native tribal institutions. According to former Chief Minister G. Apang:

‘.... *We are not against the grant of citizenship to the Chakma and Hajong refugees; we are only urging the Central Government to take them out of Arunachal as their temporary settlement is illegal*’.⁷⁴ Emphasizing upon the need to take them out from the state, he observed that the Chakma-Hajong refugees can very well be settled in other parts of the country where they are not likely to make significant demographic impact on the local population. If the large number of refugees are allowed to settle there, we are bound to lose our identity and culture.⁷⁵ In fact, the presence of Hajong-Chakma refugees in the state is perceived as a potential threat to their indigenous tribal culture and tradition.

5.9.5. Political and Economic Marginalization: - The political and economic marginalization is another threat to their indigenous tribal communities in A. P. Their main apprehension is that the growing number of Hajong and Chakma refugees could in future emerge as a dominant political force in Arunachal Pradesh. For example, the indigenous population is a minority in the Assembly segments of Bordumsa and Diyun-Miao. They are reduced to a minority groups in many areas of the state. In fact, in the context of a modern nation-state like India, the majority of some sort has the monopoly of power by which the minority will be marginalized and displaced.⁷⁶ This threat looms large if citizenship is granted to the Hajong and Chakma refugees in the state. As the Chakma and Hajongs grew in numbers (believed to be 65,000) , In such a state of affairs, small tribe like Tangsas, Singhpos and Khamtis will be politically displaced and this will eventually lead to the decay of their society. In a few years, they reckoned the Chakma and Hajongs would become the single largest tribe in A. P., and if

⁷³. Das, N K 2009, ‘Identity Politics and Social Exclusion in India’s North-East: The Case for Redistributive Justice’, *Bangladesh e-Journal of Sociology*, vol. 6, No.1, p.10.

⁷⁴. Sing, D K. Op.cit. P.144. also In, ‘Do not Delay Chakma Issue, Warns Apang’, *The Hindustan Times*, 7 January, 1996.

⁷⁵. Ibid.

⁷⁶. Sebastian, K O. op.cit. p.73.

they become the Indian citizens, they would become the major political power holder group.⁷⁷

Besides, the local Arunachali tribes fear that the marginalization in the political field will lead to economic impoverishment and weakening of their tribal society. They have every reason to fear of being pushed to the secondary sources of earning like government jobs, contracts, business, educational institutions etc. After all political power wields economic clout and the refugee populations have the power and opportunity to further their political and economic agenda to the detriment of the tribes.

5.9.6. Ethnic-conflict: - The rise of incidents of ethnic and inter-conflict between the indigenous tribes and Chakma and Hajong refugees became a matter of concern in Arunachal Pradesh. In fact, ethnic conflict have generated tension in many parts of the contemporary world in different ethnic groups⁷⁸ have sought to protect and assert their identity and at times have done so through violent means. It may be noted that one of the causes of such inter-ethnic conflict has been migration which generates tension between an indigenous ethnic community and a migrant community. In other words, such conflict may arise when different ethnic groups compete for valued resources and opportunities in societies undergoing social mobilization, industrialization and bureaucratization. In a system of ethnic stratification in which one ethnic group is dominant over the other, some member from one ethnic group may attempt to move into the economic niches occupied by the rival ethnic groups and if they fail to do so, they are likely to protest against the system of ethnic stratification as a whole and attempt to mobilize the ethnic group. The privileged group, on the other hand, may mobilize to defend its interests and may also use ethnic sentiments in doing so.⁷⁹ Such mobilization and counter-mobilization may lead to inter-ethnic conflicts. Paul Brass (1991) stated that the principal danger of violent conflict arises when all the routes to power to an existing system seem closed to an organized force and when the possibility of changing the

⁷⁷. Bhaumik, S 2008, 'Challenges Ahead: The Silent Push out', In Das, S. K. (ed.), *Blister on their Feet: Tales of Internally Displaced Persons in India's North East*, Sage Pub. New Delhi, p.309.

⁷⁸. Sengupta, S 2013. *Inter-Ethnic Conflict in Arunachal Pradesh* [Internet]. Available from: <<http://www.dspace.nehu.ac.in/bitstream/1/4978/1/susm>>. [Accessed 16 October 2014]

⁷⁹. Brass, P R 1991, *Ethnicity and Nationalism-Theory and Comparison*, Sage Publications, New Delhi, p.47.

political arena is a real one. According to him, the existence of one of these conditions is often sufficient to be conducive to ethnic conflict. In fact, the ethnic conflict between the Arunachalee and Chakma and Hajong refugees in terms of competition for resources and opportunities culminating in ethnic mobilization by the privileged Arunachalee to defend their interest from being threatened by the desperate struggle for existence launched by the Chakma and Hajong refugees.

After about three decades of peaceful co-existence, things suddenly threatened to reach a flashpoint when on August 1, 1994, the AAPSU issued “**Quit Arunachal**” notices to the Chakmas, Hajongs, Tibetans, Nepalese and Bangladeshis to leave the state peacefully by September 30, 1994. As a follow-up of their notice, the situation took a violent turn when sporadic violence and clashes were reported from Changlang district. The trouble began on September 15, when hundreds of Chakmas ransacked the daily market of Bordumsa and assaulted the indigenous people. In retaliation the local tribals burnt down about 50 houses in Borkhati village in September 20 and 22.⁸⁰ This has led to further escalation of tension and deepening of the ethnic divide. In such a volatile atmosphere, both refugees and natives hurled allegations and counter-allegations at one another.

It is important to note that Hajongs are more peace-loving people in comparison to the Chakmas. While reacting to the ethnic conflict with local tribes, a Hajong youth, Bholanath Hajong⁸¹ stated that we never involved with any conflict with the natives. Although they disdain us since we are fighting jointly for citizenship status. He reiterated his notion of co-existence with the local tribe as:

“.....we want to coexist peacefully with the locals, but is they who never intermingle with us and keep avoiding. They call us refugee and want us to go back to Bangladesh. But I do not consider myself a refugee as I was born and brought up here in Arunachal Pradesh. What mistake have our forefathers committed? It was the then prevailing situation, which compelled our fathers out of home leaving us with no option, but to cross the border”.

⁸⁰. Sengupta, S. op.cit .p.112.

⁸¹. Interviewee- Bholanath Hajong (25), S/O- Rongsing Hajong, Haripur-I, Diyun, Changlang, Arunachal Pradesh.

Thus, the native Arunachalee believe that their right over land is inalienable and any attempt on the part of the Central Government to make them part with their land would boast more ethnic conflict. It would not only result in violation of some of the constitutional provisions, which provide them unfettered and absolute right over land, but may also endanger their survival as a people.

5.10. Opposition of the Students' Organisation of A. P.:- On 20th February statehood was conferred to Arunachal Pradesh under the 55th Constitutional Amendment Act, 1986. However, the Chakma-Hajong problem started since the time of NEFA was bifurcated and Arunachal Pradesh became a Union Territory. By the late 70s the situation started worsening when the humanitarian facilities provided to the Chakma-Hajong settlers were withdrawn. It is important to mention here that when the anti- foreigner movement issue was at its peak in the late 70s and early 80s in Assam, the All Assam Students Union (AASU) seem to have encouraged the AAPSU to its imitational path. In that sense the anti-foreigners movement in Arunachal Pradesh in nothing but a spillover from Assam. However, till the end of 1993, no serious agitation programme was adopted by the AAPSU, though its major demands like Arunachal-Assam boundary disputes and refugee problem were still unsolved. But from the early part of 1994, the AAPSU come into limelight for its serious agitation programme against the Hajong and Chakma refugee problem in the state. In May 1994, the AAPSU organized a huge “**Delhi Chalo March**”.⁸² It may be noted in this connection that the AAPSU representing the educated elite in Arunachal Pradesh, has emerged as a major player in this politics of ethnic mobilization in the absence of any significant social force capable of articulating ethnic issues vigorously and effectively.

The agitation by AAPSU got its momentum following a letter written by the Union Home Minister of State for Homes, P.M. Sayeed to Nyodak Yonggam, a Rajya Sabha M.P. from the state, Sayeed in his letter dated July 7, 1994, indicated that the citizenship rights may be granted to Chakmas and Hajongs who settled in Arunachal Pradesh in 1964.⁸³ The news was spread like fire and as a consequence

⁸². Nag, Prasad, C 2007, ‘Student’s Movement in Arunachal Pradesh and the Chakma-Hajong Refugee \ Problem’, *Economic and Political Weekly*, April 14, 2007, p.1375.

⁸³. RayChaudhury, A. B. and Das, Samir. K. 2011. A Report on: The Stateless Chakmas in

AAPSU started opposing the issue of granting citizenship to the Chakma and Hajongs. Since then the AAPSU leaders took up various proposals to polarize their demand of ousting the Chakma and Hajongs from the state of A.P.

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.⁸⁴ 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. The AAPSU President Takon Sanjoy issued threat to the Union and State Government and declared,

*"....this is our last democratic move. We will go in for direct action once the last day of September is over....We do not crave violence. But we will fight to death to protect our land. Let us prepare for the worst..."*⁸⁵

As a consequence, a large number of Hajong and Chakma refugees fled from Arunachal Pradesh and took shelter as refugees in the neighbouring state of Assam. The then Chief Minister of Assam Hiteswar Saikia ordered curfew along the border with A.P. to prevent the Chakmas and Hajongs from crossing into Assam.⁸⁶ Even the state Government of Assam issued order to shoot at sight against the fleeing refugees⁸⁷, where they were reportedly seen in thousands after being driven out from the AP in 1995. It has been estimated that nearly 3000 Chakma and Hajongs fled from A.P. and settled down in Assam to escape frequent violence or threat of erupting violence. According to the World Chakma Organisation that a kind of 'silent exodus' is still on and Chakmas and Hajongs are leaving A.P. in small numbers every year.⁸⁸ It has been

Arunachal Pradesh, *Mahanirban*, Research Group, Calcutta. P.33.

⁸⁴ Ibid, p.1376.

⁸⁵ Sengupta, S 2013, *Inter-Ethnic Conflict in Arunachal Pradesh* [Internet], Available from: < <http://www.dispace.nehu.ac.in/bitstream/1/4978/1/susm>>. [Accessed 16 October 2013].

⁸⁶ Bhaumik, S. op.cit. p.310.

⁸⁷ Ahmed, ANS 2003, 'The Human Rights and the Chakma Problem', in B. Hazarackia (ed.), *Human Rights in India: Socio-Political and Legal Dimensions*, JBC, Human Rights Cell, Jorhat. pp.245-246. Also in C. Prasad (2007). Chakma-Hajong Refugees and Their Rights [Internet]. *Global Politician*. Available from:< <http://globalpolitician.com/226>..>.[Accessed 24 March 2010].

⁸⁸ Bhaumik, S. op.cit. p.310.

alleged that India's failure to grant them citizenship has aggravated their sense of insecurity and the fierce AAPSU reaction has unnerved the Chakmas and Hajongs. Although the crisis was defused with the intervention of the Gauhati High Court, which nullified the 'shoot at sight' issued by Hiteshwar Saikia. The reality is that the Hajong tribe is at risk of displacement for the second time who is regularly threatened with expulsion by influential Arunachal Students organizations.

The AAPSU categorically stated that "we do not want packages, but we want clear stand of the Centre on the refugee imbroglio."⁸⁹ The statement was made in the context of the then Union Home Minister Advani's visit to Arunachal in November 2003. Even to revive their old demand to deport Chakma-Hajong refugees from the state, the AAPSU has submitted a memorandum to the President of India Sri Pranab Mukherjee during his visit to the state in 2013. They urged the President to take permanent steps on the Chakma and Hajong imbroglio to protect the indigenous tribes of Arunachal Pradesh.

5.11. Perception of the State Government of Arunachal Pradesh: - Since the days of rehabilitation of the Hajong tribe in NEFA, the Central Government has consistently held the position that the case of Chakma-Hajong to Indian citizenship is legitimate and the Government is committed to granting them the same. However, the state Government of Arunachal Pradesh (AP) does not consider citizenship to be an issue at all. It opposed to any attempt by the Centre to settle them permanently in the state and views the very nature of Chakma-Hajong settlement to be problematic in view of the 'Protected Area' status the A.P. has been enjoying since the colonial period. The case of settlements of the Hajong refugees in the state explained by the state Government in terms of violation of the existing statutory covers and some of the constitutional safeguards provided to the indigenous people under the provisions of the **Bengal Eastern Frontier Regulation, 1873 and the Chin Hills Regulations of 1896**. The continuing applicability of the Bengal Eastern Frontier Regulation, 1873 in the state debar the entry of non-natives into the Hill tracts without obtaining an Inner Line Permit (ILP) from the competent authority. Besides, the Regulation also provides sole authority and discretion to the state Government by vesting in it the legitimate power to

⁸⁹. 'Advani Keeps Mum on Chakma Imbroglio', *The Shillong Times*, November 16 2003, p.1.

cancel or vary the conditions of the ILP.⁹⁰ Again, it is noted that these regulations was extended to A.P. by Section 7 of the Scheduled District Act, 1874 which reads:

*‘ all rules heretofore prescribed by the Governor-General Council or the Local Government for the guidance of officers appointed within any of the Scheduled District for all or any of the purposes mention in section 6, and in force at the time of the passing of this Act, shall continue to be inforce unless and until the Governor-General Council or the Local Government, as the case may be, otherwise district’.*⁹¹

The State Government of A.P. has also asserted that the Chin Hills Regulations of 1896 also empowered the district administration to extern any person not being a native of the area if his presence is found harmful to the peace and good administration of Government.⁹² In view of this regulation the state Government of A.P. raised the validity of the question of refugee rehabilitation in the state of A.P. The ex-Chief Minister Gegong Apang observed:

*‘ the settlement of these (Chakma-Hajong) refugees was done in violation of the provision of the constitution and various statutory provision and was not in accordance with the policies adopted by the Union Government in regard to the administration of the tribal areas.....when our Indian brothers and sisters are respecting our ethnicity and obtaining ILP to enter the state, how the Government of India is going to settle refugees in our areas permanently, I wonder.....’*⁹³

The Chakma-Hajong settlement in the state was also contested by the state Government on the ground that **Nehru’s Panchsheel Principles** with respect to the administration of the tribal areas were totally ignored while rehabilitating them in NEFA. In fact, the Panchsheel represented the quintessence of Nehru’s philosophy of governance of tribal areas, which clearly underlined the need for respecting tribal rights on lands and forest and avoiding introduction of too many outsiders into the tribal territory.⁹⁴ Thus, in view of the Nehru’s Panchsheel Principle, the state Government strongly contends that

⁹⁰. Government of Arunachal Pradesh, 1996, ‘White Paper on Chakma-Hajong Issue’, Itanagar, p.6.

⁹¹. Luthara, P N 1993, *Constitutional and Administrative Growth of the Arunachal Pradesh*, Directorate of Research, Government of Arunachal Pradesh, Itanagar, p.49.

⁹². Government of Arunachal Pradesh, 1996, ‘White Paper on Chakma-Hajong Issue’ Itanagar. p.6.

⁹³. The Hindustan Times, 1996, ‘Don’t Delay in Chakma Issue’ Warns Apang, 7th January, p.7.

⁹⁴. Elwin, Verrier 1988, *A Philosophy for NEFA*, Third Print, Directorate of Research, Government of Arunachal Pradesh, Itanagar, p.9.

while settling the Chakma-Hajong refugees in the state, the Central Government did not pay iota of attention to the Panchsheel Principles.⁹⁵

It is also important to note that the subsequent state Governments politicised the issue of Chakma-Hajong refugee issue by provoking the local indigenous Arunachali tribes. The state Governments openly challenged the contention of the Central Government that the settlements of the refugees were undertaken by the then NEFA administration in consultation with the local Arunachali people. Different official records reveal that during the period from 1964 to 1969 the local people opposed the refugee settlement on a number of occasions. But their resentment went unheeded. A reference is made in this regard by the state Government to a Letter dated 21 July 1964 by P. B. Kar, Director Forest, in which he reminded the District Forest Officer(DFO) of Changlang, that- ‘...the main work that requires to be done is to obtain concurrence of the villagers. They have sent a representation against such settlements. Whether the villagers have given this permission of their free will or out of fear that the administration wants it, we do not know.’⁹⁶ It may be noted here that the said letter was addressed to S. B. Roy, DFO, Changlang Forest Division, Tirap District of AP.

The state Government obviously alleged against the Central Government for its decision to settle the refugees in NEFA on the ground that the various Kebangs in the refugee settlement areas- the traditional village council which enjoyed undisputed power in all respects of community life and whose legal sanctity is duly acknowledged even by the Government- were not consulted before settling the Chakma-Hajong refugees in the state. It may be mentioned here that A, P. is a rare example of a society where both modern and traditional administrative structures operate in complete harmony with each other. Despite the introduction of modern institutional structure, the authority of the village Councils has remained intact and is judiciously exercised in all matters of disputes, both civil and criminal. As noted by Luthara:

“...a special provision known as the Assam Frontier (Administration of Justice) Regulations, 1945 was introduced with the express object ensuring that a vast majority of disputes and cases, both civil and criminal may be adjudicated in accordance

⁹⁵ Government of Arunachal Pradesh, 1996, *White Paper on Chakma-Hajong Issue*, Itanagar, p.10.

⁹⁶ Ibid. p.75.

*with the prevailing traditional codes of the tribal communities. The Indian Penal Code (IPC) was, however, introduced in the year 1916 for the purpose of holding trials by regular courts of law if this became absolutely necessary.....thus, at the basic level of village, the social, cultural and legal affairs of the villages continued to be handled with complete freedom by traditional village authorities ”.*⁹⁷

The state Government of A. P. went further to say that the absence of a popularly elected Government in NEFA in 1964 facilitated an easy and smooth settlement of the refugee in the then NEFA. As the NEFA was directly under the control of the Central Government and was ruled by the President of India through the Governor of Assam, who in turn was assisted by an Advisor in administering the areas. According to a statement made by the State Government that the whole situation was exploited by a Chakma Officer, U. Chakma, who was not only biased against the local indigenous people, but also took personal interest in settling the Chakma and Hajong refugees by disregarding the guidelines for implementation of settlement scheme as formulated by the then Advisor to the Governor of Assam. While elaborating the role played by U. Chakma in settling refugees in NEFA, the state Government contends:

*‘.....settlement got started on the basis of the report of Sri U. Chakma, the then political officer, Pasighat who was highly biased against the indigenous peoples. His bias against the local tribal peoples was amply reflected in his note on the relevant file, on ‘settlement of Miao-Bijoynagar Valley’ wherein he advised that ‘too much indulgence should not be given on tribal reactions and so-called tribal policies which encouraged pampering and spoils the tribals’.*⁹⁸

Yet another bone of contention between the Centre and the Chakma-Hajong issue relates to the mutually conflicting perceptions over the time-frame for Chakma-Hajong settlement in A. P. While the state Government has all along viewed the settlement to be temporary in nature, the Central Government is of the view that the settlement was permanent. As is evident from the contention of the state Government:

‘Till the Central Government made its intention clear in January 1993 to grant citizenship to these refugees without any mention of their removal/deportation, the indigenous tribal people and the State Government were under the impression that the refugees were settled temporarily and that they would be shifted out to some other place

⁹⁷. Luthara P N. op.cit. p.33.

⁹⁸. Government of Arunachal Pradesh, 1996, *White Paper on Chakma-Hajong Issue*, Itanagar. p.11

*outside A.P. But this did not happen. On the contrary, these refugees campaigned for early grant of citizenship and their permanent settlement in A.P.*⁹⁹

In other words, 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 ILP and not to allow permanent 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.’¹⁰⁰ 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 A.P. 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’.*¹⁰¹

All these obviously show that a lot of bitterness was generated between the Central Government and the state Government of A.P. due to the Centre’s decision to grant citizenship to the Chakmas and Hajongs. It may be noted here that there was a sort of propaganda war unleashed by the state Government against the Centre over the Chakma and Hajong issue. This was reflected obviously in the statement of the ex Home Minister, Neelam Tarom, that the state Government should not be put to blame if the youth of the state went against the anti-national activities of the foreigners.¹⁰²

In fact, the demand for removal of the Chakma-Hajong from A.P. started surfacing right since the formation of a popular Government in 1979. In the wake of anti-foreigners agitation in Assam, the state Government of Arunachal Pradesh undertook a

⁹⁹. Ibid.p.12.

¹⁰⁰. Ibid. p.19.

¹⁰¹. Sing, D. K., op. cit., p. 145.

¹⁰². Report Titled, ‘Arunachal Assembly Expresses Resentment on Grant of Citizenship to Chakmas’, in *Eastern Panorama*, October 1994. P.14.

series of repressive measures including social and economic boycott in support of the agitation programme against the Hajongs tribe beginning in 1980. As many as three resolutions demanding removal of Chakma-Hajong were unanimously passed in the State Assembly between 1980 and 1994. During the period a number of drastic steps were taken by the then state Government to resist the prospects of Chakma-Hajongs permanent settlement in the state. The Arunachal Government vide its letter No. POL-21/80 dated 29th September 1980, banned public employment for the Hajongs and Chakmas in the state. Again, in 1991, the state Government under its order No FPSO-3/90-91 of 31 October 1991 issued by the Circle Officer of Diyun withdrew ration card facilities under the Public Distribution System. In 1994, the state government under its order vide no. CS/HOME/94dated 21 November 1994 further directed ‘withdrawal of all kinds of facilities ‘from the Hajong and Chakma settlement areas’¹⁰³ afflicting gross human rights violations on the Hajong refugees. While reacting to these drastic steps taken by the then state Government of Arunachal Pradesh, Sri Mohindra Hajong, during interview alleged the violation of their Human Rights at the hands of the state Government and AAPSU. While expressing his anguish and desperation over the widely reported withdrawal of ration card by the state Government and imposition of economic blockade by AAPSU. Mohindra Hajong remarked rather more poignantly:

*“.....what can I say about our sufferings. I just want to ask one question- why is it happening to us? Why are we treated like anything? It could be true that we are refugees, but we are also human being. No human being can survive without food; he would need something to eat. The state Government has taken away our ration cards. The economic blockade was also imposed by the AAPSU. We are not being able to sell our products. The local Arunachali tribes have been threatened by AAPSU not to buy anything from us. What do we do in such a situation? We cannot express our sufferings and humiliation ”.*¹⁰⁴

The frequent human rights violation by the state Government is a matter of grave concern of the Hajongs. The important fundamental right like the right to education guaranteed by the constitution of India was snatched away by state Government. Suresh Hajong, a resident of Haripur-1, of Arunachal Pradesh disclosed during interview that

¹⁰³. RayChaudhury, A. B. and Das, Samir. K. op.cit. P.33.

¹⁰⁴. Interviewee- Mohindra Hajong,(82) S/O, Lt. Sobindra Hajong, Haripur-1, Diyun, Dist-Changlang Arunachal Pradesh.

*“ all our rights were taken away one after another through the Government notification since the formation of Arunachal Pradesh as a full-fledged state. Our children are deprived of educational facilities in comparison to local Arunachali communities. We are forced to pay all kind of fee of our children at the school despite free educational facilities provided by the Government. I enquired about the fee structure of my offspring then what I found strange is that the indigenous (Arunachali) children are totally exempted of paying school fees. It is nothing but a policy of denial and deprivation by the state Government under the pressure of all powerful students’ organization of the state”.*¹⁰⁵

5.12. Struggle for Indian Citizenship: - For unknown reasons the Hajong tribes living in Arunachal Pradesh are not granted Indian citizenship. The stiff opposition from the indigenous Arunachalee tribes, repressive measures taken by the state governments and influential role of the All Arunachal Students’ Organisation stood as major hurdles in the way of acquiring citizenship of the Hajong tribe. In the midst of opposition the Hajong and Chakma communities have intensified their struggle for citizenship rights. The formation of the **Committees for Citizenship Rights of the Chakmas and Hajongs of Arunachal Pradesh (CCRCHAP)** in 1991 to campaign for the attainment of constitutional and basic rights was a landmark event for the Hajongs and Chakmas. In fact, the struggle for Indian citizenship rights by Hajongs and Chakmas arose following the Assam Accord of 1985, which accepted March 25, 1971 as the cut-off date for granting citizenship rights to East Pakistani refugees.¹⁰⁶

It is important to mention here that both Hajongs and Chakmas were fighting collectively for citizenship status in the state of Arunachal Pradesh till today. The fighting for Indian citizenship jointly by the rehabilitated Chakma-Hajong of A. P. and their present predicament becomes obvious from the narrated tale of an octogenarian lady Neoti Bala Hajong, of Haripur-1, Diyun, Arunachal Pradesh. During interview with thenarrated the whole story in halting Hajong and Bengali language that:

“ I had not heard anything like ethnic-conflict between we and local tribes as we were settled with the prior consent of the local communities of Diyun area.

¹⁰⁵. Interviewee-Suresh Hajong (62), S/O- Khawarang Hajong, Haripur-1, Diyun, Dist. Changlang, Arunachal Pradesh.

¹⁰⁶. Chakraborty, S. K. (n.d.). A Struggle for Homeland and Identity. [Internet] . Available from: <<http://www.northeastvigil.in>>. [Accessed 12 November 2013].

*We are (Hajongs) are very peace loving as we earned our livelihood without any obstruction since our rehabilitation. Since last 40-45 years, the local tribes started resenting our presence in the area. The politics of citizenship playing by the locals, student's organization and even by the state Government forced us to regard ourselves as refugee. It is our legitimate demand to grant us (Hajongs) Indian citizenship as we are staying here for more than 45 years. But still we are hopeful that one day we will be awarded citizenship status, because at present we have no place of our own to go".*¹⁰⁷

Sri Biren Hajong, a youth from Madhupur-II, during his interview succinctly remarked about his view of citizenship:

*'.... We have been here so long and are still called refugees. It really hurts to be called refugees, as we are Indian by birth. We may not be recognized as Indian citizens, but we have always looked upon ourselves as Indians. It is indeed disgusting to be called refugees even after living here for a long. Since we were born here, why should we be called refugees? As per the Indian constitution, nobody who has lived in India for more than 5 years is entitled to become an Indian citizen. Will anybody tell us how much more suffering and humiliation do we need to undergo before we are made Indian citizens?'*¹⁰⁸

5.13. Role of the Central Government:- The central Government often asserted that the Hajongs and Chakmas have a legitimate claim to Indian citizenship. The desire of granting citizenship to the Chakma-Hajong 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 Hajong and 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.¹⁰⁹ It was only on 23 September 1992 that the first official pronouncement to this effect was made in the Lok Sabha 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

¹⁰⁷. Interviewee-Neoti Bala Hajong,(80), W/O-Khawaram Hajong, Haripur-I, Diyun, Dist-Changlang, Arunachal Pradesh.

¹⁰⁸. Interviewee-Biren Hajong (25),S/O- Bhakti Hajong, Madhupur-II, Diyun, Dist-Changlang, Arunachal Pradesh.

¹⁰⁹. Prasad, C. op. cit, p.1373.

the grant of citizenship according to the policy of the Government on the subject and most of these migrants have already been granted citizenship” While referring to the visit of Central Team to A.P. in 1982, Jacob had communicated to Laeta Umbrey, the Member of Parliament (MP) representing Arunachal through a letter dated 23 September 1992:

“.... the Central Team of the Ministry of Rehabilitation which visited the A.P. on February 16, 1982 to study the problem of these refugees expressed the view that the grant of citizenship would introduce an element of responsible social behaviour in these refugees. Further, a very large portion of these refugees would have been born in India and therefore, would be automatically entitled to the grant of citizenship”.¹¹⁰ Responding to a letter from G. Apang dated 26 March 1992; Jacob reiterated the consistent stance of the then Central Government with regard to the question of grant of citizenship to the refugees rather emphatically by observing that as far as the Central Government is concerned, the issue is closed and ‘we see no merit in opening it’.¹¹¹ He again asserted that the general administration of the state will have to be convinced that the burden of rehabilitation of these refugees will have to be shared by the country as whole.

However, the Chakma-Hajong refugee issue was far from closed, as it came up for debate once again in the Rajya Sabha on 27 June 1994 when N. Yonggam, an M.P. Arunachal Pradesh, raised the issue with a view to knowing the current stands of the Central Government of India. P. M. Sayeed, the then Minister of State of Home Affairs, communicated the views of the central Government in a letter dated 7 July 1994. It mentioned that the settlement process of all refugee groups like the Chakmas, Hajongs, Tibetans and Yobins in A. P. was undertaken only after due consultation with the then NEFA administration. He further asserted that “under the Indira-Mujib agreement of 1972, it was decided that Hajong and Chakma refugees who

¹¹⁰ .White Paper on Chakma and Hajong Refugees, 1996, Govt. of Arunachal Pradesh, Itanagar, p. 59.

¹¹¹ .Ibid. P. 15.

came to India from the erstwhile East Pakistan (now Bangladesh) before 25. 03. 1971 will be considered for grant of Indian citizenship”.¹¹²

In fact, the Central Government is strongly of the opinion that citizenship should be granted to these 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 A.P. This strong perception of the central Government on the question of citizenship was vindicated by the Supreme Court of India in its historic verdict delivered on 9 January 1996.¹¹³ Yet, the issue remained unsolved with no tangible solution. It was alleged that the Centre’s inability in finding a lasting solution to the issue should fall on the Congress (I), as it has been at the helm of affairs for nearly 50 years in the more than 65 years of India’s independent existence. Moreover, it was during the Congress (I) regime under the leadership of P. V. Narasimha Rao that the Chakma and Hajong had ascended to national and international prominence by attracting the attention of not only the then Central Government, National Human Rights Commission and the Supreme Court of India, but also several international human rights organizations.

The leader of opposition at the Lok Sabha has also often asserted that the Hajongs and Chakmas have legitimate claim to Indian citizenship. As a member of the opposition, L. K. Advani was critical of the Government’s ineffectiveness in granting citizenship and related rights to the Chakmas and Hajongs. Even he raised the issue in parliament on several occasions. It is important to mention here that during his tenure as the Home Minister, he failed to make the Arunachal Pradesh Government comply with constitutionally binding judicial orders and directives from the Ministry of Home Affairs.¹¹⁴

¹¹². Saikia, Anup 1994, ‘Tension over Chakma Issue’, *Economic and Political Weekly*, vol. 29, No. 53 (Dec-31, 1994), pp.3311-3312. Also in White Paper on Chakma and Hajong Refugees, 1996, Government of Arunachal Pradesh, Itanagar, p. 60.

¹¹³. Singh, D. kumar. op.cit. p. 135.

¹¹⁴. Prasad. C. op. cit., p.1378.

The pronouncement of the Supreme Court verdict was soon followed by the publication of 105th Report of the Rajya Sabha Committee on Petition, the Upper House of the Indian Parliament on 14 August 1997. Once again, the Chairman of the Committee, O. Rajagopal upheld the consistent position of the issue of citizenship to the Chakma and Hajongs in Arunachal Pradesh. The Committee after investigation and spot investigation and interviewing the victims recommended that:

“41. The committee feels that the spirit of the Indira-Mujib Accord as well as the judgment of the Supreme Court in the matter may be made applicable to all the affected states for the solution of the problem. As per the Accord, all those Chakmas and Hajongs who came to India prior to 25.03.1971 are to be granted Indian citizenship”.

“42. The Committee, therefore, recommends that the Chakmas and Hajongs of Arunachal Pradesh who came there prior to 25.03.1971 be granted Indian citizenship. The Committee also recommends that those Chakmas who have been born in India should also be considered for Indian citizenship. The Committee further recommends that the fate of those Chakmas who came to the state after 25.03.1971 be discussed and decided by the Central Government and state Government jointly. The Committee also recommends that all the old applications of Chakmas for citizenship which have either been rejected or withheld by Deputy Commissioners or the state Government continue to block the forwarding of such applications to Central Government, the Central Government may consider to incorporate necessary provisions in the rules (or the Act if so required) whereby it could directly receive, consider and decide the applications for citizenship in the case of the Chakmas of Arunachal Pradesh”.

The Committee also recommended that Chakmas be also considered for granting them the status of Scheduled Tribes at the time of granting citizenship. The committee likes to earnestly urge upon the Central Government to ensure until amicable solution is arrived at, the Chakmas are allowed to stay in Arunachal Pradesh. With full protection, safety, honour and dignity.¹¹⁵

Although the GOI has submitted action taken report, practically none of the recommendation of the Rajya Sabha Committee on Petitions has been implemented until today.

In spite of the apex court's clear verdict, the Hajong and Chakma could not apply for the citizenship rights due to intimidation by the AAPSU. As a result, both the communities directly submitted its citizenship application to the Central Government on the 18th February and 19th June, 1997. The Ministry of Home Affairs (MHA) forwarded these applications to the District Collectors (DC) for necessary verification.

¹¹⁵ . Rajya Sabha Committee on Petition (1997), pp-29-30.

But no action has been taken to ensure that the Hajongs and Chakmas are enrolled in the voters' list. On May 4, 1998, 27 Chakmas submitted citizenship application to the D.C. of Changlang district, but he refused to accept them. Once again, the Hajong and Chakma had to submit application directly the Ministry of Home Affairs (MHA). Over four years after the Supreme Court's judgment, the CCRCAP and PUCL challenged the Government in court over its continued inaction by filing a writ petition against the Election Commission of India, the state Election Commission of Arunachal Pradesh and the Union of India in the Delhi High Court. The Central Government, during the course of the case stated: "the Central Government is of the view that persons settled in Arunachal Pradesh after their migration in 1964 but before the 1986 would be provided Indian citizenship."

To put more pressure on the Central Government, the state Government threatened that all members of State Assembly would resign in mass if the Chakmas and Hajongs were not expelled by 31 December 1995. A Sub-Committee under the Chairmanship MHA was formed to find an amicable solution to the problem. The MHA officials headed by P. D. Shenoy, Additional Secretary, representing the Sub-Committee visited the Chakma and Hajong inhabited areas on 6 and 7 March 1999.¹¹⁶ The Sub-Committee, however, submitted its report in January 2000 to the Union home Minister, containing specific recommendations to resolve the Chakma and Hajong problem. No decision has been taken for implementation of the Home Ministry team.

It may be mentioned here that a change of Government at the Centre in late 1990s could not bring about any significant changes on the position of the Centre. Even the BJP-led National Democratic Alliance (NDA) coalition Government did not focus attention on the issue in any significant manner. It maintained the status quo on the issue which becomes evident from the blame game it got into by shifting the game on to the state Government. For example, in April 1998, the NDA submitted to the Supreme Court that it was helpless in doing anything about the question of grant of citizenship to the Chakma-Hajong refugees, as the state Government was not complying with the

¹¹⁶ . Prasad, C. (2007). Chakma-Hajong Refugees and Their Rights [Internet]. *Global Politician*. Available from: <http://globalpolitician.com/226...> [Accessed 24 March 2010].

Supreme Court order. More importantly, there was propaganda war between the BJP-led state Government and the Congress opposition on the issue of granting citizenship to the refugees. This became evident when the Government spokesman referred to Congress criticism of Union Home Minister L. K. Advani, for his reported statement favouring granting of citizenship to the refugees in the state and stated that the Congress was using the situation as a weapon to mislead the people of the state.¹¹⁷

The AAPSU continued to provide fuel to the inter-ethnic conflict in the state. It categorically stated that “we do not want packages, but we want clear stand of the Centre on the refugee imbroglio.”¹¹⁸ The statement was made in the context of the then Union Home Minister Advani’s visit to Arunachal Pradesh in November 2003. A nine-point memorandum was submitted by the former Arunachal Chief Minister Mukut Mithi to the then visiting Deputy Prime Minister. Mithi contended that the issue had reached a climax following the directive of the Election Commission of India to enroll Chakma and Hajong refugees in the electoral roll. Highlighting the Congress stand on the issue, Mithi asserted that his party’s stand has always remained unchanged as various political parties, students’ organizations and NGOs had unanimously opposed the residency of the refugees, but not their citizenship. He added that the resettlement of the refugees outside the state should be considered to end the impasse.¹¹⁹ However, an element of uncertainty continues to plague the political atmosphere of Arunachal Pradesh over the Chakma and Hajong citizenship issue. Because of this the Ministry of Home Affairs of the Government of India maintained a studied silence on the contentious issue till today.

It has been found that majority of the interviewees expressed their concern on the indifferent attitude of the Indian Government for its failure to extend the

¹¹⁷. Sengupta, S. op.cit.p.115. also in ‘Arunachal to Press Centre for Shifting of Chakma, Hajong Refugees’, *The Shillong Times*, October 29, 2003, p.3.

¹¹⁸. Ibid. Also in Advani Keeps Mum on Ckakma Imbroglio’, *The Shillong Times*, November 16, 2003, p.3.

¹¹⁹. Ibid.

protection of Indian citizenship. During the time of interview with Nilopati Hajong,¹²⁰ Haripur-1, Diyun, of Changlang District narrated that:

“ it is the Central Government solely responsible for not granting citizenship to us. If the Central Government is genuinely interested in conferring citizenship to us, the Home Ministry of India can do so in no time. The Central Government committed a big mistake by not conferring citizenship to us at the time of our rehabilitation in NEFA. This problem could have been solved right then. At present, the Central Government is busy in seeking the consent of the local tribes when it did not do so when it brought us to NEFA for rehabilitation ”.

5.14. Role of the National Human Rights Commission:- The National Human Rights Commission (NHRC) established by the Protection of Human Rights Act, 1993¹²¹ (No. 10 of 1994), also plays active as a watchdog for the protection of refugees. The Commission is competent to investigate *suo motu* or on the basis of a petition, the violation of human rights of any person. The NHRC played a formidable role in the struggle for citizenship of Chakmas and the Hajongs in Arunachal Pradesh. In fact, on September 9, 1994, the People’s Union for Civil Liberties, Delhi brought the issue of Hajong and Chakma to the notice of NHRC. On October 15, 1994, the Committee for Chakma-Hajong Citizenship Rights (CCHCRAP) filed a representation to NHRC, complaining persecution of Hajong and Chakma refugees in Arunachal Pradesh. Even before that CCHCRAP made numerous appeals to the NHRC alleging human rights abuses and imminent threats to the lives and properties to the Chakmas and Hajongs .In response to the CCHCRAP petition, NHRC sought replies and issued letters to the Chief Secretary, Arunachal Pradesh and Home Secretary, Government of India for making inquiries in this regard. In its reply, the Government of Arunachal Pradesh stated, “if at all any in this regard has to be issued, this has to be done by the central Government and the state Government is not competent to amend any Central Act or rules framed there under.” However, on its part the GOI stated, “as per provisions of the Citizenship Act, 1955, every person born in India on or after 26 January, 1950 and before 1st July 1987

¹²⁰. Interviewee—Nilopati Hajong (40), W/O-Dhaneshwar Hajong, Haripur-1, Diyun, Dist- Changlang, Arunachal Pradesh.

¹²¹ . Agarwal, H.O. op.cit. p.306.

are citizens of India by birth and therefore are eligible for inclusion in the Electoral Rolls.”¹²²

In fact, the NHRC intervened in the matter when the AAPSU activists were agitating and demanding the expulsion of about 65,000 foreigners Chakma and Hajongs from the state. As noted by Limpert (1998) ‘upon inquiry the NHRC determined that the Arunachal Pradesh State Government was acting in concert with the AAPSU to issue ‘quit notices’ with a view to intimidating the Chakmas and Hajongs and expelling them from the state.’¹²³ The NHRC invoked Article 21 of the Indian constitution concerning the right to life and recommended adequate measures for ensuring the life and liberty of the Hajongs and Chakmas in the state. It was thus in the state Government’s ‘dilatory statements and inadequate responses’ to inquires and directions, the NHRC headed by Justice Ranganath Misra approached Supreme Court seeking relief and filed a writ petition (720/ 1995) (Appendix-VI).

O. P.V. Vyas, a representative of NHRC argued that,

“a democratic society is one where the state and its citizens come together to create an open society and there is maximum and effective public participation. The administration of care is the primary responsibility of the state but it can only be achieved with active participation of all the stakeholders and the people can effectively participate and contribute only when they are empowered with knowledge of their rights and avenues of redress.” He also said that, the commission had reviewed the provisions of the National Policy on Resettlement and Rehabilitation sent to it by the Ministry of Rural Development. The commission suggested specifically that the Union and the State Government should examine and appropriately amend their laws, regulations and practices in order to ensure the rights of the marginal people of the society.

5.15. The Role of Judiciary: - The legal battle for the acquisition of Indian citizenship status by the Chakma and Hajongs had started since the formation of the CCRCAP in 1991. Since 1992, the State Government of A.P. and AAPSU became more hostile and started inciting sectarian violence against the Chakmas and Hajongs. Consequently, the

¹²². The Election Commission of India fails Chakma and Hajong of Arunachal Pradesh.[Internet]. *Indigenous Rights Quarterly*, Vol.III, No. 2-3, April-September, 2008. Available from: www.aitpn.org/./story02.html [Accessed 20 April 2014]

¹²³. Limpert, Nathan A. 1998. ‘People Without a Country’ Seminar, 463 (March) in *Stateless in South Asia: The Chakmas between Bangladesh and India*. Sage Publication India Pvt. Ltd. P.99.

Hajongs and Chakmas intensified their struggle for acquisition of Indian citizenship especially in the Supreme Court of India. However, the judgment of the Gauhati High Court, the Delhi High Court and even the State of Arunachal Pradesh Vs, Khudiram Chakma cases in the Supreme Court, went against the Chakma and Hajongs in the state. The exception was the judgment of the Delhi High Court which directed the state Government, the EC for the inclusion of Hajong and Chakmas in the electoral rolls.

5.15.1. Judgment of the Gauhati High Court- The judgment passed by the Gauhati High Court played a decisive role in deciding the fate of the Chakma and Hajong refugees in AP. The Gauhati High Court in its judgment passed on 30 April 1992¹²⁴ categorically held that in view of the laws applicable providing special protection to AP the Chakma refugees are foreigners and have no right and claim to have a permanent residence in the place and that the authority concerned may at any time ask them to move or to vacate the place and the authorities have right to ask them to quit the state if they desire. The judgment was against the Chakmas and Hajongs for permanent settlement in the state.

However, the Gauhati High Court on humanitarian ground directed the state government of AP to give adequate compensation in case these Chakmas were evicted from their place. The Court also maintained that we are unable to accept the contention of the respondent (the State of Arunachal Pradesh), that no threats exists to the life and liberty of the Chakmas guaranteed by Article 21 of the constitution, and that it has taken adequate steps to ensure the protection of the Chakmas. The verdict of the Court boosted morale of the organization like AAPSU. The AAPSU has been giving out threats to forcibly driven them out to the neighbouring state which in turn is unwilling to accept them. The resident of the neighbouring state has also threatened to prevent them if they try to enter their state. They are thus sandwiched between two forces, each pushing in opposite direction which can hurt them. Moreover, the state Government of AP contended that since the Chakmas are foreigners, they are not entitled to the protection of fundamental rights except Article 21 of the Indian Constitution. They have

¹²⁴. RayChoudhury, A. B. and Das, Samir, K. op.cit. p.21.

the right to ask the Chakmas to quit the state if so they desire. Subsequently, the defeated Chakmas appealed the same to the Delhi High Court for justice.

5.15.2. Judgment of the Delhi High Court- The judgment of the Delhi High Court was crucial in protecting the rights of the Chakmas and Hajongs in AP. Since no action has been taken to ensure that the Hajong and Chakmas are enrolled in the voters' list by the Election Commission. In fact, aggrieved by repeated failure of the Election Commission for the inclusion of names of eligible Hajong and Chakma voters, the CCRCAP and PUCL filed a Public Interest Litigation (PIL) (Civil Writ Petition No. 886 of 2000) ¹²⁵ before the Delhi High Court. In its judgment 28 September 2000, the Court ordered the registration of all eligible Hajong and Chakma voters.

However, the Delhi High Court judgment continued to be flouted both by the Election Commission of India and the State Government. More importantly, the local electoral officials summarily rejected thousands of application forms of the Hajongs and Chakmas on various pretext. The EC failed to take any action when the arbitrary decisions of the local electoral officials have been brought to its notice by the CCRCHAP. During the revision of electoral 2001, around 2000 Chakmas and Hajongs filed claim application. All the claim applications were, however, rejected for not specifying house enumeration number and due to lack of polling station in their areas. Again in 2002, the PUCL and CCRCHAP had to approach the Delhi High Court by way of a contempt petition.

5.15.3. State of Arunachal Pradesh vs. Khudiram Chakma case- It has been stated that the judgment passed by the Supreme Court of India on the **State of Arunachal Pradesh Vs. Khudiram Chakma** was responsible for human rights abuses suffered by the Hajongs and Chakmas at the hands of the State Government in collaboration with the AAPSU. Because of the state Government of AP contended that the issue of citizenship of the Chakmas has been conclusively determined in State of Arunachal Pradesh Vs. Khudiram Chakma (1994 Supp. (1) SGG 615). ¹²⁶ It is worth to

¹²⁵. Prasad, C. (2007). Chakma-Hajong Refugees and Their Rights [Internet]. *Global Politician*. Available from: <http://globalpolitician.com/226...> [Accessed 24 March 2010].

¹²⁶. Agarwal, H.O. op.cit. p.142.

mention here that in the said case the apex court passed its judgment on the dispute over the land rights between the Chakmas and the State Government of Arunachal Pradesh. The apex court observed that the settlement of refugees in Arunachal Pradesh shall disturb its ethnic balance and destroy its culture and identity. The special provision made in the constitution would be set at naught if the tribal population of the state is allowed to be invaded by people from outside. This implies that refugees are not allowed to own land in the state in protected areas. It is important to mention that the NEFA was declared a protected areas by the Government of India Act 1935. Thus, the Court categorically stated Chakmas are foreigners in accordance with the Citizenship Act of 1955 and therefore they are not entitled to all the fundamental rights enshrined in part III of the Indian constitution.¹²⁷

In the case, the apex court concentrated specially on Section 6-A (2) of the Citizenship Act, 1955, Section 3 of the Foreigners Act, 1946, the Foreigners Order, 1948 as well as Art. 19 (1) (d) and (e) of the constitution.¹²⁸ Because the appellants (Chakmas) relied upon Section 3 of the Foreigners Act, 1946 and Clause 9 of the Foreigners Order, 1948, which restricts foreigners from acquiring land within protected areas. In fact, the SC observed that that two conditions required to be fulfilled under Section (2) of the Section 6-A of the Citizenship Act of 1955. First, those claiming citizenship under the section must be of Indian origin (undivided India) and must have come to Assam before 1 January, 1966 from the specified territory. Second, they must have been ordinarily residing in Assam as it existed in 1956 since their date of entry. Here the 'Ordinary Resident' was held to mean 'resident break'. The appellants contended that since the territory of AP was included in the State of Assam, they should be entitled to the benefit of Section 6-A. However, the Court pointed that the Immigrants (Expulsion from Assam) Act 1950, applied to the territories forming parts of Meghalaya, Nagaland and Arunachal Pradesh. Under the North Eastern Areas (Reorganisation) Act, 1971, the territories of AP are excluded from the purview of the above mentioned

¹²⁷. Ibid.

¹²⁸. Zutshi, R. Trakroo, Satpute, J, & Tahir, S (ed.) 2011, *Refugees and the Laws*, Human Rights Law Network (HRLN) Publisher, New Delhi-110014, p. 109.

Immigrants Act.¹²⁹ The Court therefore held that the second requirement under Section 6-A (2) was not satisfied. Similarly, with respect to the first condition the Court held that they could not be regarded as Indian citizens. Eventually, in an attempt to buttress their case, the appellants argued that they were entitled to certain Fundamental Rights under the Indian constitution including the right to reside or settle in India. However, the Court stated that only Art. 21 were applicable to foreigners and that they could not invoke any provision under Art. 19.¹³⁰ In the wake of this judgment, the state government intensified their coercive activities against the Hajongs and Chakmas in the state.

5.15.4. National Human Rights Commission Vs. State of Arunachal Pradesh & Another -The role of the judiciary especially the apex court plays a significant role in protecting the right of the people in a democratic country like India. More importantly, its role in maintaining cordial relations between Centre and states is really commendable. In fact, a series of development over the Chakma and Hajong refugee issue in the last few years had necessitated the intervention by the Apex Court.

In view of the dead line set by the AAPSU for 'Quit Notice' to the Hajongs and Chakmas and other foreigners, the CCRCAP had filed numbers complaints of human rights violation at the hands of the state Government and AAPSU with the NHRC, which prompted it to approach the Supreme Court (SC) for effective redress of their grievances. On failure of the state Government to take necessary steps to protect the lives of the refugees, it was then the NHRC filed a **Writ Petition (720/1995)** to the SC under Section 18 of the Protection of Human Rights Act 1993.¹³¹ The apex court in its interim order directed on 2 November 1995 the state Government of Arunachal Pradesh to 'ensure that the Chakmas situated in its territory are not ousted by any coercive action, not in accordance with law'.¹³² The pronouncement of the interim order by the SC was just like a jolt for the state Government and AAPSU and respite for the Chakma and Hajong refugees in the state.

¹²⁹ . Ibid.,

¹³⁰ . Ibid. pp. 109-110.

¹³¹ . Singh, D. Kumar, op.cit. p.136.

¹³² . Ibid. p. 137.

The Supreme Court in a historic judgment in the case of **NHRC vs. State of Arunachal Pradesh & Another (AIR 1996 SC, 1234)**¹³³ had far reaching consequences and directed the state government to provide adequate protection to the life and liberties granted by Art. 21 of the constitution to the refugees and to ensure against their forcible eviction from their place. Drawing attention to a joint statement issued by the Prime Minister of India and Bangladesh in 1972, the judgment upheld Chakmas' right to citizenship by nothing, among other things, that the Union Government had decided to confer citizenship on to the Chakmas in accordance with the Section 5(1) (a) of the Citizenship Act which provides for citizenship status by registration. The Court held that by refusing to forward the citizenship application of the Chakmas and Hajongs to the Central Government the Deputy Collector had failed in his duty and had also prevented Central Government from performing its duty under the Act and its rules. The three-member bench of the SC, comprising Chief Justice A. M. Ahmedi, Justice B.L. Hansuria and S. C. Sen, made a number of remarks and stated:

“ we are a country governed by the Rule of Law. Our constitution confers certain rights on every human being and certain other rights on citizens. Every person is entitled to equality before the law and equal protection of the laws (Art. 14). So also, no person can be deprived of his life and personal liberty except according to procedure established by law (Art.21). Thus, the state is bound to protect the life and liberty of every human being, be he a citizen or otherwise, and it cannot permit anybody or group of persons, e.g., the AAPSU, to threaten the Chakmas to leave the state, failing which they would be forced to do so. No state Government worth the name can tolerate such threats by one group of person to another group of persons; it is duty- bound to protect the threatened group from such assaults and if it fails to do so, it will fail to perform its constitutional as well as statutory obligations. Those giving such threats would be liable to be dealt with in accordance with law. The state government must act impartially and carry out its legal obligations to safeguard the life, health and well –being of Chakmas and Hajongs residing in the state without being inhibited by local policies.”¹³⁴

Furthermore, the apex court clearly directed the state Government to the effect to ensure that ‘...the life and personal liberty of each and every Chakma residing within the state shall be protected’. The bench also ruled that ‘...except in accordance with law the Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein’. Any attempt, the ruling observed to evict them

¹³³ . Zutshi, R. T, Satpute, J, & Tahir, S (ed.) op.cit, p. 107.

¹³⁴ . Singh, D. K, op.cit. pp.136-137. Also In *National Human Rights Commission V. State of Arunachal Pradesh*, AIR 1996 SC . p.1239.

forcibly ‘...shall be repelled, if necessary, by requisitioning paramilitary or police force’.¹³⁵ Finally, on the matter of citizenship, the apex court also directed that application made by refugees for registrations as citizens under Section (5) of the Citizenship Act 1955 should be properly acted upon by local authorities and forwarded the same to the Central Government for consideration. Apart from establishing the legal claim of the Chakma and Hajongs to Indian citizenship, the apex court upheld the principle of non-refoulment-a cardinal principal of International Refugee Law, by taking into account the humanitarian dimension of the problem. It is important to mention here that the principle of non-refoulment requires that a state shall not expel or return a refugee ‘in any manner whatsoever to the frontiers or territories where his life or freedom would be threatened on account of his race, religion, membership of a particular social group or political opinion’.¹³⁶ In fact, the application of non-refoulment principle eventually influenced the judgment of the Supreme Court in extending protection to the refugees in Arunachal Pradesh.

It is worth to be noted here that the Supreme Court of India distinguished the NHRC vs. State of AP Case 1996 from that of State of Arunachal Pradesh Vs. Khudiram Chakma (1994 Supp. (1) SCC 615). As already noted earlier that in the latter case, the Court was required to consider the claim of citizenship under Section 6-A (2) of the Citizenship Act 1995. The Court ruled in favour of the State Government in a dispute over land between the state and 57 Chakma families.¹³⁷ However, in the former Case, the Court stated the Chakmas and Hajongs were seeking citizenship under Section 5 (1) (a) of the Act, which provides for citizenship for registration, and so the consideration was entirely different.

Thus, the verdict of the SC has been hailed as a landmark judgment in respecting of safeguarding constitutional rights of foreigners including Hajong refugees of Arunachal Pradesh. The verdict came as a shot in the arm for the CCRCAP, which had been instrumental in stalking the claiming of Indian citizenship. However, there was strong reaction against the Supreme Court’s verdict as it marked a significant departure in

¹³⁵. *National Human Rights Commission V. State of Arunachal Pradesh*, AIR 1996, S C. pp. 1234-1239.

¹³⁶. Singh, D. Kumar, op.cit. pp.101-102.

¹³⁷. Ibid. pp. 100-101.

the AAPSU-led 'refugee go back' movement. Even the then CM of AP Mr. G. Apang went to the extent of describing the verdict as the "step-motherly attitude of the Centre, and calling it biased judgment".¹³⁸ In the midst of all these opposition, the verdict cleared all hurdles and the Hajongs and Chakmas could apply for the Indian citizenship for the first time. Subsequently, the Supreme Court's verdict was overruled by the local administration of AP. As B. R. Choudhury comments (2003) "...despite the court judgment, the Chakmas and Hajongs have remained subject to intimidation, harassment, torture and other forms of abuse".¹³⁹ The ignorance of the Supreme Court's judgment and indifferent attitude of the state government and dubious role played by the AAPSU made the Hajong refugee problem a more vexed politicized issue.

5.15.5. Role of the Election Commission of India:- The role of the Election Commission of India (ECI) in resolving the Chakma and Hajong citizenship issue in A.P. Because of the post-verdict scenario of the Supreme Court is marked by discrimination and helplessness of the Hajongs and Chakmas. Following the Supreme Court directions, on 4 May 1998, 27 Chakmas submitted citizenship certificate to the Deputy Commissioner (DC) of Changlang district, which he refused to accept them. As a result, the Chakmas and Hajongs had to submit applications directly to the Union Home Ministry in February 1997. The Union Home Ministry forwarded the same to the DC for necessary verification. But no verification was conducted by the DCs on the applications. Again, in May 1999, when the Chakmas and Hajongs approached the Electoral Registration Office in A.P. to submit their claims and objections to their exclusion, the local officials refused to accept their petitions.

In 2004, breaking all expectations the ECI directed the state Government of A.P. that 1497 Chakmas and Hajongs born in India between 1964 and 1987 would be enrolled in the State Electoral Roll after scrutinizing 11,360 applicants.¹⁴⁰ However, the Chakma and Hajong refugee issue took a new turn when the ECI declared and allowed the entire 1497 eligible voters to exercise their franchise during the 2004

¹³⁸. Prasad, C. (2007). Chakma-Hajong Refugees and Their Rights [Internet]. *Global Politician*. Available from: <http://globalpolitician.com/226...> [Accessed 24 March 2010].

¹³⁹. RayChaudhury, A.B. & Das, S. K. op. cit.. P.269.

¹⁴⁰. Ibid., P.24.

Lok Sabha election. For the first time in the history of their settlement in Arunachal Pradesh, the Hajongss and Chakmas 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 G. 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 strong protest, the ECI held that the non-inclusion of the 1497 voters implied a violation of the constitutional mandate given to it by Article 325.¹⁴¹

On the contrary, the CCRCAP accepted the steps of the ECI for inclusion of Chakma and Hajong in the state electorate rolls with half-heartedly. Because of the non-inclusion and legal status of rest of the Chakma and Hajong continues to remain one of non-citizens. It welcomed the resignation of the CM G. Apang from the Core Committee and appealed to the AAPSU to withdraw the call for poll boycott of 2004. In fact, a new history is created as the Chakma and Hajong confirmed their right to vote and voted for the first time in 2004 Lok Sabha election. The estimated turnout was 50 per cent of the newly enlisted voters. The state Government, however, is yet to take a decision on rest of refugee seeking Indian citizenship. The ignorance of the Supreme Court's judgment, indifferent attitude of the state government and dubious role played by the AAPSU made the Hajong refugee problem a more vexed politicized issue.

5.16. Discrimination in equal Treatment of Refugees: - The Government of A.P., AAPSU and the local Arunachali tribes are not ready to provide shelter and grant citizenship to the Chakmas and Hajongs in the state. P. M. Sayeed mentioned the centre's decision to consider the granting of citizenship status to Chakma and Hajong refugees in the light of the Indira-Mujib pact of 1972.¹⁴² The firm conviction of the Centre is that the Chakma, Hajong and Tibetan refugees had been settled in Arunachal Pradesh in consultation with the then North Eastern Frontier Agency (NEFA) administration. Further, under the Indira-Mujib pact it had been decided that Chakma and Hajong

¹⁴¹. Ibid.

¹⁴². Saikia, Anup. op.cit. p. 3311.

refugees who entered India prior to March 25, 1971 would be considered for Indian citizenship, while the Tibetan refugees who came to India around the time of the flight of the Dalai Lama in 1955 and Chinese occupation of Tibet in 1959 would be allowed to stay in India solely as refugees with no claim to citizenship rights.¹⁴³ Moreover, the principle of non-refoulment was strictly adhered to by the Indian Government while providing asylum to the Tibetan refugees in the 1950s. As stated by B. S. Chimni (1994) that:

“...in the 1950s, culminating with the arrival of Dalai Lama in 1959, nearly a hundred thousand Tibetan refugees were granted asylum. Even though India did not support the independence or autonomy of Tibet, and the continued presence of Dalai Lama and his followers has always been a thorn in the side of Indian-Chinese relations, it has scrupulously respected the principle of non-refoulment....”¹⁴⁴

While setting aside the stand of the Central Government on the Tibetan refugee, the state Government of A. P. granted citizenship and S.T. status to the 90 Tibetan refugee families of Shyo village living in Tawang district of A.P. bordering China in 2002. India hosted about One Lakh Tibetan refugees who entered into India with Dalai Lama and were provided all basic facilities including assured education, health, comfortable livelihood support and also employment opportunities mostly Indian Army. According to Rajeeb Dhavan, “Tibetans are often said to be the model refugee community and are among the best treated refugees in India with semi-autonomous settlements, Government expenditure on their education and freedom to pursue their cultural, social and political goals”.¹⁴⁵ This obviously shows the discriminatory policy of the state Government in dealing with the Hajong refugees living in the state. Despite valid migration certificate issued by the Government, the Hajongs were deprived of citizenship rights in the state.

From the forgoing analysis it becomes clear that the perception of the Central Government is exclusively centered on the question of citizenship; the state government does not view citizenship to be an important issue. What is of central

¹⁴³. Ibid.

¹⁴⁴. Chimni, B.S 1994, ‘The Legal Condition of Refugees in India’, in *Journal of Refugee Studies*, 7(4), p-381.

¹⁴⁵. Dhavan, Rajeeb. Op.cit. p. 123.

importance to the state government instead, is the question of Chakma-Hajongs permanent settlement in the state, which they strongly contest. Even the position of the central government has been vindicated both by the Supreme Court and the Parliamentary Committee on Petition and several other human rights organization like the People's Rights Organization, People's Union for Civil Liberties, National Human Rights Commission, etc. The state government is of the view that the question of citizenship is the prerogative of the Central Government which it can grant them citizenship status to the Hajong and Chakma refugees, but not before taking them out of the state of A. P. It becomes evident from the response of the state government to the NHRC that the question of grant of citizenship is entirely governed by the Citizenship Act, 1955 and the Central government is the sole authority to grant citizenship. The state Government has no jurisdiction in the matter. (NHRC Vs. State of Arunachal Pradesh,1996). Thus, because of the growing rift between Centre and State, the issue has remained unresolved with tangible solution in sight till the date.

5.17. Statelessness in South Asia: A Brief History

Recent studies have revealed that there is a close relationship between state formation and forced population movement. In earlier days also, there are evidences which shows that state have forced large number of people to migrate from their traditional habitat. In general, a person is referred to as a stateless person when he does not possess the nationality of any state. All individuals who have lost their original nationality without having acquired another are in fact, stateless person.¹⁴⁶ He does not possess or enjoy those rights which are conferred to a person in international law. Even a stateless person is not essentially recognized a refugee with status. In fact, it is the states which have increased the numbers of stateless people by denying citizenship to those forcibly displaced people.

South Asia has the largest concentration of refugees and stateless person in the world. A large number of displaced persons who have crossed international border in the region are not regarded as refugees by the host Governments forcing them

¹⁴⁶. Agarwal, H O. Op.cit. p.146.

to live a statelessness life... They are usually treated as ‘undesirable aliens’ or ‘illegal migrants’ and most frequently ‘foreigners’. Besides, there are no domestic laws which define or treat the statelessness in the region. The partition of Indian sub continent displaced about 15 million people in both India and Pakistan. About 5 Lakh people of Indian origin were uprooted by the programme of Burmanisation after Burma’s independence in 1948. Likewise, the Sri Lankan independence created about 9 Lakh stateless persons by refusing to grant them citizenship. These Tamil plantation workers were taken the island by the British in early 19th century. India awarded citizenship to 3, 40,000 repatriated persons of Indian origin from Sri Lanka, after several rounds of bilateral negotiations between 1964 and 1987. But remaining are still waiting for citizenship, living a stateless refugee life. However, the liberation of Bangladesh in 1971 had sent about 10 million refugees to India and most of them went back after its liberation. The liberation of Bangladesh has left about 300,000 Pakistani as stateless. These people are mainly Hindi speaking Bihari Muslims who migrated to the erstwhile East Pakistan in 1947 from India. The Bangladesh government does not want to grant them citizenship as they did not support the liberation movement and Pakistan refuses to take them back leaving them stateless.¹⁴⁷ Many small tribes like Hajongs are still living a stateless refugee life in the state of Arunachal Pradesh of India.

5.17.1. Statelessness in of the Hajong Tribe: - The Hajong tribe continues to face an uncertain future with a status worse than that of refugees—as a stateless people in Arunachal Pradesh. 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.

It may be noted here that there has been threat to forcible expulsion of the Hajongs in Arunachal Pradesh in recent times. The Government measures and assurances to protect the Hajongs against all kind of harassment were not adequate because of the fact that although India is party to all the international Human Rights

¹⁴⁷. Banerjee, Paula.(1998). *Protection of Refugees, Migrants, Internally Displaced and Stateless Persons*. [Internet} Refugee Watch Issue No. 1, January. Available from: <http://www.mcrg.ac.in/rw/%2520files/Rw1-d0c>. [Accessed 12 December 2013].

Conventions, the provisions with regard to the protection of the refugees have not been so far incorporated in the domestic legislation leaving enough room to expose to forcible deportation of Hajong refugees.¹⁴⁸ They have become the target of malicious anti-foreigners agitation in Arunachal Pradesh. The state government of Arunachal Pradesh, the Student's Organisation and more importantly the local tribals want to throw them out from the state boundary and creating pressure on the Central Government to resettle them somewhere else.

Despite repeated appeals from the CCRCAP and the efforts made by Central Government, Supreme Court of India and NHRC proved futile so far. The Hajongs are still stateless people like the Palestinian in different countries of Middle East, even though they have been staying there since 1964.¹⁴⁹ Despite being issued valid migration certificate at the time of their arrival in India and repeated assurances from the Central Government to grant them Indian citizenship, the Hajong have continued to remain stateless in A. P. Almost every single interviewee unfailingly acknowledged and reiterated the fact of their statelessness in spite of their self perception as Indians. Sri Videsh Hajong,¹⁵⁰ a resident of Maghupur-1, 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 Hajongs on the one hand and their consequent statelessness and human rights violation at the hand 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. Had the Hajongs been granted Indian citizenship nearly 45 years ago as promised, they would have been more fully integrated into the social fabric of the state of A.P. and released from the obligation to remain in allotted areas, would not have been vulnerable to the blockades by AAPSU, threatening from the locals and mass eviction.

¹⁴⁸. Ahmed, A. N. S. (2003) op.cit. p.246.

¹⁴⁹. Ibid., p.247.

¹⁵⁰. Interviewee-Videsh Hajong (47), S/0-Girandra Hajong, Madhupur-1, Diyun, Changlang, Arunachal Pradesh..

The threat perception of statelessness became evident from the personal interview with Binoy Hajong,¹⁵¹ Haripur-1, Diyun, Changlang, A. P. that:

“.....the Hajongs continue to languish in a state of statelessness in the absence of grant of citizenship in A.P. We identify ourselves with the place where we and our ancestors lived since 1964. We fear, once ousted from the present in habitat, we will have nowhere to go. As no other states in India or country is showing any interest in taking us in. The Government of India has also no plan to rehabilitate us for the second time anywhere else in the country. The insistence by the Hajongs and Chakma people to settle them permanently in A.P. rather aggravated our relationships with the indigenous tribes here. The concerted efforts made by the Hajongs and Chakmas for Indian citizenships yields no results.”

The following table(5.11) shows that Hajong tribe those who migrated at the time of partition were granted not only citizenship rights but also scheduled tribe status in India except Arunachal Pradesh.

Table.5.11.

Present Status of the Hajongs in North Eastern States

SL.	States	Hajong	Status
1	Assam	Citizenship	ST
2	Arunachal Pradesh	Refugee	Refugee
3	Meghalaya	Citizenship	ST
4	Mizoram	Citizenship	ST
5	Tripura	N/A	ST
6	West Bengal	Citizenship	ST

Source-Prasad, C, 2007, Students’ Movement in Arunachal Pradesh and the Chakma-Hajong Refugee Problem, *Economic & Political Weekly, Vol-XLIII*, No-15, April 14, pp.1378-1379.

The contention that refugees do have the right to live like human is still an illusion in the case of the Hajongs. As it has been explicitly stated that the human rights of the Hajongs had been grossly violated in the erstwhile East-Pakistan in the name national unity and as they crossed over to India in search of protection against ruthless

¹⁵¹ . Interviewee-Binoy Hajong (52), S/O- Jotindra Hajong, Haripur-1, Diyun, Changlang, Arunachal Pradesh.

oppression and killing, as they are in no better position in Arunachal Pradesh. As Rajni Kuthari ¹⁵² stated that despite the phenomenal increase in the number of human rights bodies and also there is remarkable awareness among the people of the issues of human rights, there has been an alarming tendency to stifle the human rights of small ethnic and minority groups all over the world in the name of promoting national unity. The human rights of Hajongs had been grossly violated in their state of East Pakistan and they are in no better position in AP.

Thus, Myron Weiner (1993) is right as he analyses 12 major trans-border population movements in South Asia starting with the 1947 partition refugees. Though his classification absent in the case of the Hajong refugees, but fit absolutely into two of his categories. Because before the migration of the Hajong in India, they were treated as rejected peoples by the then East Pakistani regime and as refugee now become ‘unwanted migrants’ in Arunachal Pradesh. Rejected people are defined as citizens of a country forced to leave as result of persecution, violence or threats to their lives or property and whose departure is sought by their Governments or those among whom they live.¹⁵³ Similarly, unwanted migrants are defined as ‘People crossing an international boundary, legally or illegally, who are unwelcome and often asked or forced to leave. ‘as is the case of the Hajong and Chakma refugees of the Arunachal Pradesh’. They continue to face an uncertain future with a status worse than that of refugees, as a stateless people in AP. In fact, the denial of right to nationality directly affects their personal security and makes them extremely vulnerable. Besides, the lack of nationality deprives them of other basic rights such as the right to education, health, water, employment and other facilities. It appears that there can be no end to such statelessness of the Hajongs and no tangible progress in resolving the vexed refugee issue unless the wholehearted cooperation of the Central and State Government and local tribal bodies of Arunachal Pradesh.

¹⁵². Kothari, R 1997, ‘ Human rights – Growing Advocacy, Declining Prospects ?’. in *Indian Journal of Human Rights*, Special Issue, January-June, p.18.

¹⁵³. Weiner, Myron 1993, ‘Rejected People and Unwanted Migrants in South Asia’. in *Economic and Political Weekly*, vol. 38(34), pp.1737-46.