

CONTEXTUALIZING CHAKMAS MOVEMENT FOR CITIZENSHIP: AN ANALYSIS OF THE POSITION AND CONDITION OF CHAKMA REFUGEES IN ARUNACHAL PRADESH; INDIA

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Abstract:

Arunachal Pradesh, geographically largest state of the North East India has been a hub of different tribe like Nishi, Adi, Nocte, Wangcho, Khamti etc. But the partition of India in 1947 brought a dramatic change in the politics of India both geographically and demographically. The partition of India created a turmoil situation, which is one way led to the division of people physically and later psychologically too. Now the present situation is such that some people of one nation India before partition have been treated as outsiders or refugees in their own country after partition. This study intends to deal with the politics of citizenship with regard to the Chakma refugees of Arunachal Pradesh. In Arunachal Pradesh, the Chakmas have been given refugee status, but it has been found that the Chakmas are leading a miserable life, deprived from all the facilities, even from those facilities which are supposed to have even as a refugee. This condition became the ground for their assertion of citizenship in Arunachal Pradesh. In this regard an effort has been made to study the position as well as socio-economic and political conditions of Chakmas in Arunachal Pradesh.

Methodology: While preparing this paper both analytical and descriptive methods based on both quantitative and qualitative data has been applied. So, far primary sources of data are concerned we had engaged in informal conversations with the chakmas as well as some tribal people of the Arunachal Pradesh. And secondary sources of data, we have taken help from different thesis, books, newspapers, articles and journals.

Introduction: Migration is human nature and everyone has to migrate. The only thing is who come first settle and claims to be the original settler. India, particularly the North East India has been burning from this problem. In North East India, over the time, demands have been made for separate identity, separate autonomy, special status etc. by the different tribes of this region. However, it has been seen that such type of demands often leads to the dissatisfaction of other section of the society, often resulting in conflicts.

In 1964, in the first week of April, nearly 40,000 Chakma refugees entered Assam throughout Chittagang Hill Tract, Bangladesh. The Government of India headed by then Prime Minister Pandit Jawaharlal Nehru promised to extend their possible support including financial aid, employment, trade licenses so that the migrants could rebuilt their shattered lives. In Assam, these refugees had to stay in refugee camps at Demagiri (present in Mizoram), Ledo, Banipur, Siliguri, Margherita and in some places of Tripura.

In the East Pakistan, the Chakmas were the minority. The Pakistani Government in order to settle the Bengali Muslims pursued the policy of establishing modern Industries viz, paper mills, hydroelectric projects and other industries in CHT. These programmes created job opportunities for non-tribal population at the cost of the local tribal population. Moreover, the earlier special status of the CHT which was given by the British as 'Excluded Areas' has also been replaced by the term 'Tribal Area' after the enactment of the constitution of Pakistan. All these things created a feeling of identity crisis among the Chakmas. The factors which led this mass immigration of Chakmas to India was that they were religiously persecuted. The Chakmas were the followers of Buddhism (branch of Hinduism) hence they had been forced to convert into Islam.

In the sixties, however the first major tension was felt, with the construction of Karnafuli dam at Kaptaimukh. The high water level of Kaptai Hydro Electric Project inundated a vast Chakma inhabited areas, which practically turned into a vast sheet of water uprooting many thousands families and in the absence of proper and adequate re-settlement

programme, many of them were forced to cross borders into the neighbouring countries namely India and Burma. (S.P. Talukdar 1988)

After the demise of then Prime Minister of India, Pandit Jawaharlal Nehru on 26th May 1964, a turning point came in this case of Chakma refugees. Here it is noteworthy that along with Chakmas nearly 1000 members of Hajong tribe, a Hindu group also entered the Assam as a refugee. The then Government of Assam expressed their inability to settle such a large number of migrants in the state and consequently requested for their shifting to other places. A suggestion was also made that a substantial number of families could be accommodated in NEFA as some surplus land was available there and NEFA agreed to accommodate some new migrants including the Chakmas and Hajongs under the already approved scheme i.e. the “Definite Plan of Rehabilitation”. These refugees were divided into 22 bases and were shifted to NEFA 1964-1968. Approximately 35,000 of these Chakmas were given valid migration certificates and settled in what was then the North East Frontier Agency today the Arunachaleese districts of Lohit, Changlang, and Papumpare. These migration certificates indicated legal entry into India and the willingness of the Government of India to accept Chakmas as future citizen (Prasad: 2006: 479). But irony is that since these people were unaware of the importance of these cards or since they were engaged in the problem of rehabilitation, some of these people lost their migration card, while some cards got damage. In NEFA, the Chakmas were given settlement in six blocks. Today these blocks are known as Moitripur, Gautampur, Shantipur, Jyotipur, Avoipur, Dumpani.

At present the chakmas are reseding in Diyun and Miao of changlang district, Kakila in Papumpare district , Chowkham in Lohit district. According to 2011 census , their total population was 60,000 and their ethnic rank was 2nd rank .They have been given refugee status ,but since 1991 they have been demanding for Indian citizenship . So before going to discuss more about their movement for citizenship, let’s look into the constitutional provision for granting citizenship as well as constitutional provision for refugees under Indian constitution.

The Citizenship Act, 1955 regulates the acquisition and determination of citizenship after commencement of the Constitution. It provides for citizenship by birth, descent, registration, naturalisation and by incorporation of territory. In addition, it provides for renunciation and termination of citizenship under certain circumstances. It also contains provisions regarding registration of Overseas Citizens of India and their rights.

Citizenship by registration and naturalisation: The Act allows a person to apply for citizenship by registration or naturalisation if they fulfil certain qualifications. For example, a person may apply for citizenship by registration if they or their parents were earlier citizens of India, and if they resided in India for one year before applying for registration.

Overseas Citizen of India cardholders: The Act outlines certain qualifications for registering a person as an Overseas Citizen of India. The Bill provides certain additional grounds for registering for an Overseas Citizen of India card. These are: (i) a minor child whose parent(s) are Indian citizens; or (ii) spouse of foreign origin of an Indian citizen or spouse of foreign origin of an Overseas Citizen of India cardholder subject to certain conditions; or (iii) great-grandchild of a person who is a citizen of another country, but who meets one of several conditions (for example, the great-grandparent must be a citizen of India at the time of commencement of the Constitution or any time afterwards).

Merger of Overseas Citizen of India and Persons of Indian Origin schemes: Currently, the central government provides for two schemes for Indian origin persons, and their families, the Persons of Indian Origin card and the Overseas Citizen of India card. Persons of Indian Origin enjoy fewer benefits than Overseas Citizens of India. For example, they are entitled to visa free entry into India for 15 years, while Overseas Citizens of India are provided a life-long visa.

Though India did not sign the international refugee convention of 1951 but still there are certain fundamental rights to refugees. Namely , Right to Equality , (Article 14) Right to life and personal liberty (Article 21) , Right to protection under arbitrary arrest (Article 22), Right to protect in respect of conviction of offences(article 20) Freedom of Religion (Article 25) Right to approach supreme court for enforcement of fundamental right(Article 32) (Bare Act2015). Although, India has not signed 1951 Convention but is practice still it is applying certain Articles of the 1951 Convention which are the following:

- Article 3 as India applies a policy of non-discrimination.
- Article 4 where religious freedom is guaranteed.
- Article 16 as free access to the courts is provided.
- Article 21 allows freedom of housing and refugees need not stay in camps.
- Article 27 and 28 provides identity and travel cards to refugees

Now let us come to the origin of Chakma movement for citizenship. In the wake of anti-foreigner agitation in Assam, the state government of Arunachal Pradesh undertook a series of repressive measures beginning in 1980. The state government vide letter no. pol-21/80 dated 29th sep., 1980 banned public employment for Chakmas and Hajongs in the state. In 1991 the state government of Arunachal Pradesh under its order no-FPSO-3/90-91 of 31st October 1991 issued by circle officer of Diyun, district Changlang, withdraw ration cards under the public distribution system. Since almost all the Chakmas were dependent on agriculture, even after toiling days, they don’t get enough rice to sustain them throughout the year. So they dependent on the PDS (Public Distribution System) for rice and kerosene oil for lighting their home at night. Thus, snatching away of those facilities resulted in hunger among the community. Under such condition in 1991, the committee for citizenship rights of the Chakmas of Arunachal Pradesh [CCRCAP] was formed to demand for citizenship right of the Chakmas and Hajong of Arunachal Pradesh.

The demand for citizenship right made the state government of Arunachal Pradesh more hostile towards the Chakmas and Hazong of Arunachal Pradesh and started In citing sectarian violence against the Chakmas and Hazongs. In 1994, the state government began closing and burning down of schools in these area, effectively denying them right to education .community resources were close down or destroyed. In 1994 the state government under its order vide no CXS/HOME/94 date 21 November 1994 further directed withdrawal of all kinds of facilities from the Chakma settlement area.

Why the indigenous people of Arunachal Pradesh want deportation of Chakma – Hajongs?

The government and the local organization oppose this on the grounds that “in the opinion of indigenous tribal people, their customary laws have been violated and traditional rights have been encroached upon by allowing settlement of Chakma and Hajong refugee by the central government much against their wishes as well as damage done by them and their ethnicity by criminal misconduct, territorial expansion, and unbridled growth of refugee population” according to white paper.

The presence of Chakma–Hajong communities in the state is perceived as a potential threat to their indigenous tribal culture and tradition by the host tribal communities. Their apprehension is that the 65,000 strong Chakma-Hajong numbers could in future emerge as a dominant political force. Such an eventuality would seal any prospects of their deportation. They are also increasingly worried about the alleged gradual transfer of their land to them. Besides the refugees are also accused of encroaching on the reserved forest land. They have been demanding deportation of Chakmas.

Since its NEFA days even in the pre independence era, the area has enjoyed a ‘Special Protected Area’ status under the provision of the Bengal Eastern Frontier Regulation of 1873. The state government cites a series of legislative measures taken by the Central Government to uphold the essentially tribal character as well as the right of the indigenous people in Arunachal Pradesh. Some of these being the Bengal Eastern Frontier Regulation of 1873, the Assam Frontier Tract Regulation of 1880, the Assam Forest Regulation of 1891 and the Chin Hills Regulation of 1876. According to this regulation even Indian citizens of other states cannot stay in Arunachal Pradesh permanently. In other words, any Indian citizen from states other than Arunachal Pradesh, as per the rules of the regulation, cannot own any piece of land or develop any permanent stake in the state.

An analysis of the direct interaction with the Chakma refugees of Arunachal Pradesh:

From 10th April to 17th April 2016 we had a direct interaction with 80 Chakma refugees of Arunachal Pradesh. These eighty (80) Chakma refugees were from Moitripur , Kamakhyapur , Gautampur , Shillong Pahad , Rajnagar , Avoipur and Santipur. We have divided these 80 people into two age groups i.e. 18-35 years of age and above 35 years of age.

Some of the data of survey:

Age group	Male	Female	Total
Between 18-35 years of age	28	12	40
Above 35 years of age	32	08	40

Education

Between 18-35 years of age	Illiterate		Below V		Between V-X		Above X	
	Male	Female	Male	Female	Male	Female	Male	Female
	04	5	9	2	8	2	7	3
Above 35 years of age	15	3	7	2	5	2	5	1

Voting Rights

	YES	No
Between 18-35 years of age	0	40
Above 35 years of age	0	40

On the question of the importance of the citizenship right, the people of both these age groups expressed the same views. According to them citizenship directly means an identity of a particular person and in today’s world without identity a person cannot live a dignified life. They also opined that the citizenship right automatically brings all other rights.

After having interaction with these people we came to know that these people are deprived from different kind of facilities given either by the central government or state government. Except water facilities and electricity facilities

they are deprived from all other facilities. Even these water and electricity facilities are not adequate. The village like Maitripur, Shillong pahad, Kamakyapur, Gautampur, there are only 4-5 water supply connective points , so they mostly have to depend on the rivers and during floods their situation becomes very terrible. Regarding health facilities, we came to know that there is only one Public Health Centre in the Diyun circle. Some of these people told that even in this hospital, the Chakma and Hajong people are treated badly.

So far education facilities are concerned, though now the primary and middle schools are established in the villages but the teacher- student ratio is very tragic. So here we can say that in one way Article 21 (A) of the Indian Constitution is seems to be violated. Article 21(A) of the Indian Constitution includes the provision of free and compulsory education to all children of the age of six to fourteen years. Further these people also told us that they do not get any documents which are necessary like birth certificate, death certificate, income certificate, ration card etc.

However the people of above 35 years admitted that under NEFA they received lots of facilities from the Government of India like ration card, license for trade but since 1980's after the formation of the state government in Arunachal Pradesh, these facilities have been gradually snatched away from them and by 1990's they became totally helpless. They became the victim of oppression, repression, discrimination. Their houses were burnt down, they became the victim of attacks by the tribal peoples, they were hindered to carry out their business or trade activities etc. Though the Election Commission of India in 2004 has given voting rights to some of these people. But even in this field, they are discriminated.

When we asked them that what do they think that why till today they are being deprived from citizenship right? Then these people expressed their views that it is only because of power politics. Since the Chakma's ethnic rank is third and since they are the skilled people, the other tribes fear that after having citizenship right, one day Chakmas will have power in their hands and by virtue of this power the Chakmas will take revenge of the oppression, discrimination, exploitation done by the tribals against Chakmas. These people also added that the central government is willing to give citizenship but it is because of the state government of Arunachal Pradesh , they are deprived from this right till today.

When we asked them that what type of improvement they have noticed after the Supreme court Verdict of 17 September 2015, do they hope or think that this time they will be given citizenship right ? Then they simply replied that they don't think that even this time they will get citizenship because even after Supreme Court's Verdict no such improvement has been seen. Only a formal census was done and even in this census maximum of these Chakmas and Hajongs were kept outside . However this time the Chakma and the Hajong people are given "Adhar Card".

The whole concept of citizenship with regard to the Chakma refugees in Arunachal Pradesh has been politicized. So for the concept of citizenship with regard to chakmas in Arunachal Pradesh is concerned we have not seen any effective role of media. We have found some contradiction within our constitutional provision with regard to fundamental rights, refugee rights, citizenship provision and right of the indigenous people. As a refugee, what the Chakma are supposed to have or get, they are deprived from those facilities and rights too. Comparatively, the condition of Chakma refugee is bad than the other refugees of Arunachal Pradesh. A step should be taken to continue dialogue process between the Central and state government. An independent committee should be formed to investigate the matter impartially so that the matter of refugees and violation of human rights can be observe

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