

# “ALL WHAT I’M NOT A REFUGEE”: A CASE STUDY OF CHAKMAS IN ARUNACHAL PRADESH

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**Abstract-** *The studies on tribes have contributed immensely not only a height in knowledge in academics but also have enriched the potentiality of human civilization. Here I dealt with studying Chakmas in Arunachal Pradesh (AP) living sparsely in three district namely Changlang, Namsai and Papumpare. During the field survey and observation, I have found that their true story has truly a living history that has been spreading over the past half a dozen of decades and that small tribe known by the name “CHAKMA”. The name which is actually been given by the colonial master during pre-independent period of time and are originally pronounced as “SAWNGMA”. Their history started turning over cosmetically days back to their Chakma Kingdom in Chittagong Hill Tracts (CHT) and are still unrest in the realm of different names and status, such as ‘Statelessness’, ‘Denizens’, ‘Refugee’, ‘foreigners or illegal migrants or aliens’, somewhat ‘Nowhere people to Rejected People’ etc. are tracing their way of everyday life and struggle. Despite seeming all these words, more or less same in nature, its far wider and larger in computing their variety of life. Here I might not be at the take up of wrong directions, if I say that the chakmas in Arunachal Pradesh are actually not merely remained victimized or felt sympathized tribe in general but are also covered under the ‘Burden of History in this century’ in particular.*

*The research methodology will apply mixed method and based on participant -observations and mostly descriptive and historical-analytical in nature. Qualitative as well as Quantitative methods will be used to explain variables of cause and effect. The study will be largely on primary sources, but the secondary sources will be judiciously used. The prime objectives of my research problem is to highlights and analyze critically the relevance and implications of being chakma as a problem and issue, having been deprived of basic rights and became a part of their normal life and struggle.*

**Key words:** *Human Rights, Empowerment, Culture, Development, victims, Life and Struggle, equity, CHT.*

The studies on tribes have contributed immensely not only a height in knowledge in academics but also have enriched the potentiality of human civilization. Despite great advances in human rights since the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations in 1948, the gaps between the UDHR's ideals and current world realities remain massive. The religious persecution and completion of Kaptai Hydroelectric Project dam between 1959 and 1963 (funded by USAID at a cost of 2.4 million and to generate 80,000 kilowatts for use in CHT but till date most of the indigenous people even have not electricity in their home) on Karnapuli river in CHT. Here I dealt with studying the climax level of Chakmas’ situation and highest level of insecurity towards self-determination and peaceful co-existence in Arunachal Pradesh, India but a gap is found commonly in their study that is far less attention is given on the principle of tolerance in Buddhism, the struggle for peace and self-determination, the liberal and flexible society and a critical note over their in-depth social structure in relations to their political modernization. Whereas the realm of struggling for peace and co-existence and self-determination is overlooked by the scholars. They were forced and made to become Pakistanis for sixteen years (1947-1964) as Chittagong Hill Tract (CHT) was given to Pakistan without taking into account their due share of freedom struggle for Independent India (**Sneha Kumar Chakma: 2014**) and sad part is that yet they are under confused state of life and governance for the past 54 years in Arunachal Pradesh and the dominant mainstream politics bother not about it but citizenship rights itself. They ask “why Arunachal?”. The interesting part over too many successive verdicts by the court (from regional High Court to the Apex court) and subsequent resistance from Pressure groups not benefited at large to the ground zero but the intensity of political consciousness articulated at both of the case.

Resultantly, a notion of ‘conditional and limited citizenship’<sup>1</sup> came to emerge to manipulate shortcomings. Based on participant observation in three district namely Changlang, Namsai and Papumpare (they are highest in the former and least at the later), during the field survey and observation I have found that they brought with them a number of stories which has truly a living history that has been spreading over the past half a dozen of decades and that small tribe known by the name “CHAKMA”. The name which is actually been given by the colonial master during pre-independent period of time and are originally pronounced as ‘SAWNGMA’ or ‘CHAWNGMA’.

## II. CHT Beginning!

Their history started turning over cosmetically days back to their Chakma Kingdom in Chittagong Hill Tracts (CHT) and are still unrest in the realm of different names and status, such as ‘Statelessness’, ‘Denizens (Baruah: 2004:105)’, ‘Refugee’, ‘foreigners or illegal migrants or aliens’, unwanted, somewhat ‘Nowhere people to Rejected People’ ((*Deepak K. Singh 2010:III*)), etc. are tracing their way of life and struggle. Despite seeming all these words, more or less same in nature, it’s far wider and larger in computing their variety of life. Here I might not be at the take up of wrong directions, at this vantage point if I say that the Chakmas in Arunachal Pradesh are actually not merely remained victimized or felt sympathized tribe but are also covered under the ‘*Burden of History in this century*’<sup>2</sup>. The researchers and historians who have carefully examined the demographical changes of Chakmas, have reportedly told that since the Corpus treaty in 1787 between British regime and Chakma king and aftermath of the Diaspora scattered from CHT to most of the states of Seven Sisters like Mizoram, Tripura, Assam, Meghalaya and Arunachal Pradesh, they have lost many a thing in due course of transition although having a distinct tribal culture, religion, and own script and language. Sneha Kumar Chakma in his autobiography wrote that only during the ‘Great Exodus’ in arduous journey (‘Borporang’ in Chakma tongue) a good number of children, women, old lost life due to lack of medicines, money etc and cases like abduction of girls, sexual abuse and kidnapping were at its climax point (chakma:2014: 74) he said,

“...The government was the decisive to let live or die. In the mean time, hearsay went spreading that the government was all set to send the refugees to ‘*Dandakaronnya*’ in Bihar for rehabilitation. A part of the refugees was transported to Mona Chara of Cachar district in Assam. Altogether 60, thousands of chakma refugees migrated to India”.

They are as vulnerable as they face hostile locals and rising threat of eviction (*Hazarika 2009:44*). Though Chakmas are small tribe and are minority Buddhist but wherever they are, under threatened by the impediments like ‘*politics of number*’<sup>3</sup> against the mainstream politics, such as in Mizoram and in Arunachal Pradesh, they are between for and against ‘*Politics of*

<sup>1</sup> On September 13, 2017 the Centre said it would grant citizenship to Chakma and Hajongs Refugees in AP but without Land Rights and Schedule Tribe Status. Consequently, the Chakmas highly condemned the so called ‘Limited Citizenship’ (<https://scroll.in/article/851111/open-letter-dear-rajnath-singh-the-limited-citizenship-for-chakmas-is-too-little-too-late>).

<sup>2</sup> AAPSU movement is targeted against the Chakmas and not so much the other groups which are not insubstantial, viz, the Nepalis (55,000), Tibetans (45,000), Bangladeshi Muslims (35,000) and Yobins (8,000). Incidentally, the Yobins are a small Arunachalee tribe and their inclusion in the ‘quit list’ was purely I an error. After deadline over 2,000 Chakmas have fled the state while several thousands have left their homes seeking safety in the jungles of Arunachal Pradesh and neighboring Assam. Fleeing Arunachal, some 1,600 Chakmas entered Assam only to find the Assam authorities adopting a tough stance. The Assam chief minister, already under pressure with the Bangladeshi influx, unabated, promptly issued shoot-at-sight orders and later prohibitory orders to prevent any Chakma and associated refugee influx. deploying CRPF companies in the refugee-dominated areas to ensure that things do not get out of hand. Significantly, during the Gegong Apang ministry fear and psychosis was high and has supported the AAPSU and several ministers addressed the large public rallies organized by the AAPSU during September at Miao in Changlang district and at Itanagar, the state capital, after ‘delhi chalo’. (saikia:1994)

<sup>3</sup> ‘The politics of numbers’ refers to the unstable and tentative number of population misrepresented by the people for guiding an undefined and willing attitudes for self-adjustment and achieve some political end. Which may be often seen among the politicians, students’ leaders, media etc misrepresenting the demographic profile of the Chakmas in terms of numbers in Arunachal Pradesh.

*Recognition or say identity politics<sup>4</sup>*, in the former they are merely as 'Second Citizen' after 'Zo' People ; one major similarity is that recently four students passed NEET exam but were racially discriminated and deprived by the state and in comparison it happened with four students in AP too, they were denied State Civil Service Exams and the matter is under sub-judicial. Whereas in Tripura, they are so microscopic that they are not interested in the mainstream politics though there have been two Chakma members in state legislative assembly and comparatively having slightly better human development in quality and quantity of life than the Chakmas elsewhere in the world as a group of people, whereas the rest of the world don't know or small portions of knowledge about existence of Chakma people in lower Assam too. The Chakmas became as issue of demographic security and channel of ethnic based consciousness quite after the Assam Movement and gradually spread to newly born Arunachal Pradesh in 1980s. Critically speaking, since inception it became a state wide symbol for the cause of unity and integrity in Arunachal Pradesh if not Mizoram, if we compare ethnic based consciousness then Mizo people have its origin quite after the Naga peoples greater dissatisfaction and discontentment toward government of India days back to Yandabu treaty or Burmese attack in the region ,whereas taking liberty to contextualize the Chakmas' resettlement into dense hilly forest in AP in the 1960s , who then flourished and flew up to the equal terms of development and quality of life (tribal) with all available required documents like Birth and Death Certificate, Ration Card, Business Permits and having government service but aftermath of NEFA (North East Frontier Agency) converted to Statehood in 1980s , the things drastically changed and politicized for highlighting self –based identity in the political life of newly formed state and then the Chakmas started losing everything they had, including their basic freedoms and rights, their dignity and human rights- at the time that was nothing but there was latent question over the very essence of being human because there were nothing more objecting them other than human made laws especially the various policies and acts left by the colonial masters, thus, there arose a human rights question over contradiction between human made laws and the essence of being 'suitable human being' under the prerequisite framework of reference under the paucity of refugee related amendment or laws in the entire nation. Yet, this not only pause with question over the credo of relevant and application of being 'suitable human beings' objecting over the policies and setting imposed by so called 'superior human being', the colonial master (who actually structured and framed the life-style of the Tribals including Chakmas, the Chakmas whose transition of life from being a very protected excluded group to tribal group and then sky-downfall to a life-time tag of being 'refugee' in itself). However, by studying the history, I found that the Chakmas are lost in the history. Whatever, they know and conscious about the world is not higher than the world knows about them. A small tribe whose voice is never heard due to less political significance in the aftermath of partition. And now their past is so strongly freeze that it became a bitter truth of being 'unsuitable human beings' now in AP (which having double protection i.e. colonial master and Constitution) by instinct of not being protected by regulations and policies of colonial masters and now substantiated by the state, Protection under sixth schedule, 83<sup>rd</sup> Constitutional Amendment ,Bengal Eastern Frontier Regulation Act (BEFR) 1873, Chin Hills Regulations 1896, Jhum Hills Regulations 1847, Assam Frontier Tract Regulations 1871, Assam Frontier (Administration of Justice) Regulation 1945 etc. which provide special protection and safeguard for the peaceful existence of the indigenous tribal people of AP. These laws prohibit the entry of outsiders in the tribal area without 'inner line permit'. Only the indigenous tribal people are allowed to participate in the democratic process but as a researcher it made me more enthusiastic when the Chakmas became 'suitable human' after Gauhati High Court Verdict that While searching the roots cause of the genesis of the Chakmas' problems in history, one can be a sympathizer only to this tribe but cannot do much in the setting, may be because the past which is gone or

<sup>4</sup> *The northeast is a hub of a number of a good number of mongoloid and non-mongoloid tribal people and most of these tribal groups have a history of migration to Northeast India irrespective of timelines and a very common notion of the term 'indigenous'-associated with land is debated and therefrom ethnic identity is traced and gradually it is widely acclaimed for recognition of that uniqueness. The Chakmas in AP are between a state of stateless and unrecognized political situation. According to the summary report of 2012 by CCRCHAP only a 6087 numbers of Chakma and hazong alive since migration from East- Pakistan and it is observed that many of them don't know or listened about Bangladesh because they are victims of nation-state development also. They were born in undivided greater India, later awarded them to East Pakistan against their will and concern, yet many of their siblings, ancestors and relatives are in CHT, Bangladesh. Thus, they are still unfixed to destiny and behind a politics of recognition.*

already done is beyond control such as the Radcliffe Award and Unjust Partition pushed these people outside India and later became 'outsider' inside India or let say incidentally made 'unsuitable human', but the situation does not ends here, in fact too many problems and crisis arose from this false nation-state building project, which is actually to create hegemony over minority to be more like them or west and discover virtual (un)self because we were not like this earlier and it is why South Asia, especially India needs to re-invent itself towards reinventing security, reinventing development, rethinking security and revisiting Human Rights in a post nationalist outlook before it is turned apart by internecine conflicts in the name of growing more modern west inside its Citizens i.e. suitable human (I.Ahmed :1996, A. Nandy: 1996) and consequently categorized as 'environmental and developmental refugee'<sup>5</sup> and those quarters of people who migrated India are still racially minor and discriminated in general and quarters of the quarters of those numbers are still unrecognized by the state to which they fought once for freedom but now the truth bitterly lies in the fact that these tribe is a sympathized, forgotten, uncalled or so called unwanted-migrants although living in independent India for the past more than half a century. Which allotted the CHTs to the then East- Pakistan (now Bangladesh), and secondly, the ethnic based politics and consciousness in the region is older than chakmas' 'arduous journey'<sup>6</sup> in Northeastern hilly areas.

### **Dilemma in Human Rights based on cultural relativity in AP**

In an important turn over the literature review while exploring knowledge about this tribe, is as much as simple as turning for field survey and as complicated as visiting historical facts and pages. Similarly, a cleavage of colonial legacy and its contradiction with the cultural relativity has left a wide trajectory of unruly question marks into subsistence of life of the Chakmas lacking behind a setting around political arrangement. Further, in psychoanalysis, history has been stopped at a certain point because Chakmas were then under foreign ruler and are still foreigner or alien in its own motherland or say still trapped between nation-state building and made the burden of history. Whereas the common understanding is that it's repeating itself only; then they were under colonial ruler and now under their policies under the patronage of the state. Surprisingly, by chance of timing no one could be directly held responsible for their deteriorating conditions of life but making the colonial master alive by sustaining such laws and regulations; the Chakmas will continue to live status-quo so far till master alive. Whereas, in another perspective, the inclusion of the Chakmas in AP was nothing less than imposition of Human Rights over the tribal Rights on the other hand because they are more compromised and pressurized by the international community and alleged that the Chakmas are exploring more ways and sources from humanitarian organization like Amnesty International, Red Cross Society, Asian Centre for Human rights, NHRC etc. Both Tribals and Chakmas are helpless in human rights and thereby needed to compromise because if the former are innocent then the later are no less than victims. Therefore, a sharp distinction of understand is to be postulated here to go beyond the existing syllabus of human rights education to understand more comprehensively the social cleavage between the cultural relativity and homogeneity and the degree of accepting of it. Nevertheless, there is not a kind of doubt or dilemma that the human rights till its fifth generations are political in nature and bear cultural relativity having a broad economic base and in the case of the Chakmas it could be speculated that someday their question for social upliftment and political emancipation may not be recovered, get equilibrium or could be compensated by the policy of reservation, as demanded by every ethnic community in the northeast. However, the way the volatile political situations making sense and subsequently the recent instability in government says that the issue will go green as a major electoral exercising platform from Chakmas as well as indigenous tribal because the Election Commission of India (ECI) knows well that the fair 4685 Chakma- Hajongs<sup>7</sup> voters in four Assembly

<sup>5</sup> (Bose 1997:49; Chaudary 2000; Hazarika 2009; perera 1999:20)

<sup>6</sup> *The journey of Chakmas in AP from CHT is arduous and true living history which still lies in a undefined destiny of life. They are victimized under century long negligence days back to the Colonial MASTER and till date by the State Mechanisms. Meanwhile they are forgotten as a tribal or excluded-protected (in CHT) people but are recognized as refugee in its own beloved-nation. Yet, they say "something is remained in our memory and something in our history-an incomplete and arduous journeys of lives".*

<sup>7</sup> *The Hazongs are Hindu by religion and share a common experience and political status with the Chakmas in AP. Whose population is one-fourth of the Chakmas in AP.*

Constituencies by January 2018 ([ceorunachalpradesh.nic.in](http://ceorunachalpradesh.nic.in)) which may bring twist in the story and history. This power is not earned overnight that demands responsibility to make fate and history<sup>8</sup>. Therefore, coming over to a number of opinions shared by the young informants, a common parlance found is saying “*All what I’m not a Refugee by the right given by Section 5 of Birth and Death registration Act (from three to two generation at least), order 1996 of Supreme Court, by having voter cards (not assembly election and Panchayat election as subjects under state list so far)*”. There is seen a deep sentiment to a genuine feeling of attachment towards this land along with consciousness towards empowerment and emancipation from the term ‘refugee’, which aggressively in a psychological sense alienate their essence of being equal human and more toward at its best acceptance, equity and suitability.

<b>Chakma-Hajong Voters in AP</b>			
<b>Name of the Constituency</b>	<b>mother roll</b>	<b>2018</b>	<b>Total</b>
49 <sup>th</sup> - Bordumsa-Diyun	2673	341	3014
46-Chowkham	496	22	518
50-Miao	469	60	529
14-Doimukh	601	23	624
	3307	446	4685

Table No 1.

The chakmas everywhere other than AP are not so called refugee but yet it is observed that there is a space which makes them even in other state not liberated from the narrow meaning (non-indigenous or not the son of the soil) of the concept of ‘refugee’, and felt exploited with this term if not etymologically and somewhere this space is occupied by the tag of being refugee in AP supported by the reason that it is the last resort the same family resettled or left out in separate states in the Northeast since Diaspora Scattered and they are provided with a constitutional category of Hilly Schedule Tribe and duly recognized autonomy. For instance, Chakma Autonomous District Council in Mizoram (CADC). Nevertheless, whatever be the reason behind and days in future the chakmas in India in general and Arunachal Pradesh in Particular will be historically a good example of peaceful tribe and then refugee. The Chakmas of AP has really been positively a hardcore contribution to the study of Human Rights studies and deepen study of non-violence and Peace studies. It is the time for the state to resolve the same peacefully and at the earliest make it not complicated and pro-sensitive within a bracket understanding and blanket policy. Over the time, it is continuously very much detrimental to the cost of life giving acute effect to the cause of worst of life to the chakmas in AP. It is already a lapse a three more generations of time, where there are over less than 5000 of the 14,888 original migrants of chakmas that are alive now in AP and the harsh and bitter plight of the situation is not only to entertain those of equal political rights and economic rights or bunch of pitiful Human rights (because it’s an open fact that rights cannot be eaten) but about the space for non-traditional security like poverty, inequality in (re)distribution, illiteracy, unemployment, agrarian livelihood etc. which are basics for all the above. If all the former rights are attained one day but there is absence of the later then it may

<sup>8</sup> ECI is at large fair enough to empower people but looking at its ground zero, as per the informants it is critically a big round of complicating the situations by the ERO, BLO and Verifying Officers on hearings and scrutinizing the documents in person. People backed with suspicious attitude and alleged them having myopic outlook and reluctant democrats as other than being politically influenced and are indigenous too. May be this is why in a family many a times only a members seldom fortunate to be enrolled in the electoral list having the same documents. Each hearing cost much expensive and lost of huge money in doing scanning, Xerox, travelling etc. consequently, they owe a compelled life having no trust and thereby many don’t apply or present hearings. After *Mirina Chakma VS Arunachal Pradesh* case, AAPSU more aggressively apprehended to delete more people from electoral list.

automatically bring them to social exclusion. unless we adopt the fact that there are always possibility of some alternative to it, then we can say that there is also a need for a space to develop 'social acceptability' with the people in vicinity, so that a culture of amalgamation (not interference) and open society based on rationalism upheld along with human rights and the state is duty bound to establish that even though they are late migrants or so called refugee in the state and in fact, resettled there for more than half a century under their knowledge of the state. Somewhat, the whole machinery of the state is responsible for dividing their heart and then home (Indian Government not keeping the promises made to the chakma political leaders to assimilate Chakmas in India during partition), making refugee and then a persuasive mechanism to resettle them. Therefore, state as a supreme political entity is more detaching these people to the kind of development that we call and or desire to, far from what eminent economist Prof. Amartya Sen propagated for human development. Since days before partition to till date the state is failed reconcile between its various set of policies regarding refugees problems and therefore need to build a uniform refugee law in true sense of the terms with international norms led by Refugee Conventions 1951 and others. Whereas there seems no logic to maintain status-quo to the chakmas in AP for another half a century and since it is the problem of demographic security now then it is very obvious for the policy makers that the chakmas, with a mere 3.9% of total state population (13,83,727) is not avoidable nor desirable to be repatriated or deport those 54,203 Population of chakmas ( Census by CCRCHAP in March 2012 but strategically its total population of 65,000 as reported to have said by General Secretary). Precisely saying there is not a question of Voluntary return since after they fulfilled the definition of Refugee in 1960s as provided by Refugee Convention 1951 but until it gets amicable solutions there may be end number of questions seeking for a organic state. To make it a little generalized, it is migration which is very natural and in fact India has been the place of highest refugee in the entire South Asia.

The chakmas, Within a very structured framework of life carried out by the state not only felt them simply 'stateless' but also may create and develop a sense of being 'orphan-abandoned child' in them in the near future. and this simply not because it animates humanity or alive the feelings of being not non-social animal but because its basic reliability co-exist after acknowledging the very essence of existence of human rationality and this makes us easiest way to know that the chakmas are having mere human rights with a mere protection by Article 21, Right to life and liberty of the constitution only after Gauhati High court judgment and Supreme Court judgment 1996. As such a long term historical movement for the 'rights against the rights' has actually driven and fomented various minds for a common legal battle in being legally more conscious and informed, which not only has been perceived as burdened over the limited resources of the state but actually a Burden of History and the fact is that we are witnessing a major problem over human rights arrangement, although it is also a product of west. a become essentially an inextricable part of their life and struggle and still continuing with pro-sensitive facets of changes.

While examining the unrest perceptions and volatile conceptions among various mindsets in two different people i.e chakma and indigenous tribal living adjacent are Singphos, Khampati, Naga, Nocte, Mishings, Mishmi etc then it is very much similar in the growth of political consciousness in the region, where the first two tribal populace are more conscious towards articulation of the problems against chakmas, but it seem sharply a bias into the exploration of knowledge and information, when all state owned mechanism is controlled and fourth pillar like media manipulated in constructing knowledge and manufacturing consent against these so called 'unsuitable people' and in exchange reproduced more consciousness in overcoming mindsets. While comparing with Tibetan refugee, the chakmas are bitter more submerged and subjected towards external conditions and internally facing paucity of integrity, inter-mingle attitude, commitment and connectivity. *Whereas the chakmas are more struggling towards acute plights like internal health, market and political economy, water and sanitation, mighty Dihing river and homeless situation, land alienation and scarcity of resources against population, unemployment, inter-state and intra-state migration and human trafficking, internal migration, education, Christianization etc.* which force them to not only for social exclusion but losing self-respect and subjected to be labour worker, waiter in restaurants, salesman and security guards in malls, tutor, contractual teachers, driver etc based on prerequisite skills in metropolitan city like Delhi, Mumbai, Bangalore, Gujarat etc.

and very often reported to have been harassed, molested, sexual abuse, beaten in the work or rented place because this is the structural system engineered by the state that push indirectly for violence or say not facilitate moral growth because no chakma entertain government service and not paid nor rehabilitate them when natural disaster or calamity hazards them. Therefore, it is surprisingly a very pathetic condition to learn about their sustenance and submission towards life and struggle.

### III. Legal battle for self-determination and coexistence

This ethnic community looks people rather than government for development. Critically speaking, living under a structured system of the Policy of Alienation and Denial by the state (A recent example- the Denial of Seats to four of the Chakma candidates in APPSCCE-2017 exam by the APPSC, Itanagar, *No. PSC-R(A)09/2016(Vol-I) (Part) 26<sup>th</sup> October 2017* and APCSU is monitoring the case *NO. WP(C)766(AP)2017, Marina Chakma VS Arunachal Pradesh Public service Commission* to the Guahati High Court ; Secondly, AAPSU's letter to Arunachal Press Club to prohibit the Chakmas to approach Press Release *,Dated: 24/12/2017.*), in addition, not only there is resistance and open protest and huge structural abuse to their identity and existence but also a major psychological threat to their dignity as much as 'honor killing' and humanness promoting inferiority, e.g. mass people and larger students community entertaining abusive songs on the golden jubilee on AAPSU last year. and has brought quite a numerical changes since the days of students led "**Chakma Go-Back movement**" (*Singh,2010:256*) to the recent landmark "**17 September 2015 judgment**" of Supreme Court of India, which ruled that the Chakmas in Arunachal Pradesh are to be given Citizenship Rights without any kind of discrimination within three month of the date, Vide its judgment dated 17.09.2015 in Writ Petition (Civil) No. 510 of 2007 (*Committee of Citizenship Rights of the Chakmas of Arunachal Pradesh and Others*), the Hon'ble Supreme Court directed the Government of India and the State of Arunachal Pradesh to finalize the conferment of citizenship rights on eligible Chakmas and Hajongs at the earliest preferably within three months from the date of judgment. The Hon'ble apex Court passed this judgment for implementation of its earlier judgment of 19.09.1996 in Writ Petition (Civil) No. 720 of 1995 (*National Human Rights Commission vs State of Arunachal Pradesh & Anr*) protecting 'life and personal liberty' Article 21 of the Chakmas and Hajongs against human rights violations during 1994 Gegong Apang government in AP (Rahman:2015:50-54).

Here it's not finished but consistency over contesting rights against the rights GoAP with AAPSU prayed to review order of September 2015 judgment and finally on hearing date 12.12.2017, subsequently, Apex court directed to the Member Secretary, Arunachal Pradesh State Legal Services Authority, Itanagar , to give appropriate directions in the matter and complete the proceedings within forty-five days. The below details are collected from the office of Members Secretary, Arunachal Pradesh State legal Service Authority, Itanagar, sent to CCRCHAP in 05<sup>th</sup> March 2018 ( vide letter No. APSLSA-02/2018) and the case is listed again in the month of April 2018.

<b>Status of Citizenship Application in districts viz Changlang, Iohit (Namsai) &amp; Papumpare</b>	
Total Citizenship Applications	4637
Application already forwarded to MHA*	- 271
<b>Total</b>	<b>4366</b>
<b>Missing Applications</b>	<b>-539</b>
Applications taken up for hearing	3827
Absent/expired//duplicate/mutilated applications etc. including 915 applicants absent and 1 mutilated)	2029

Applications forwarded to MHA after hearing	1798
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Table No. 2: a certified true copy No. APSLSA-02/2018, of the status total Citizenship Application by APSLSA , dated 05.03.18

From the above Table No. 1, it is understood that out of total 14,888 population of original Chakma migrants settlers from 2902 families , only a 4637 Citizenship application of Chakma-Hajongs between 1997-2003, a total number of 3827 applications were taken up for hearing, 271 applications (\*including 265 applications with negative recommendation and 6 applications with positive recommendation, informed to state vide the Union Ministry of Home Affairs letter 26030/14/1997-IC.II dated 27.10.2011) are with MHA, 3827 applications have been taken up for hearing by 3 Deputy Commissioners of Papumpare, Changlang and Namsai District and 539 applications are missing from Changlang District. Admittedly, out of 539 missing applications, the DC Changlang has found the name 452 applicants but the details of 87 missing applications are still remained traceless. Again out of 2029 rejected for remaining absence during hearing and one application was found mutilated. Thus, in the whole of the Chakma issue it's a mere politics of numbers, like the administration is responsible for missing of 539 Citizenship Applications forms, mutilation of one application form, pending of 271 applications before MHA and showing 915 persons as absentee applicants at Changlang District during hearing are an issue require further consideration to the following.

- i. MHA to furnish 452 missing Citizenship applications to State Government as per rule or if not available then making a fresh Citizenship Application (here problem is that those applicants are alive or not)
- ii. Since the remaining 87 Citizenship Applications forms of Chakma-Hajongs are missing from the custody of Deputy Commissioner, Changlang, DC, Changlang shall make all efforts to trace out and if failed then inform to state government in writing and then take names and address from MHA to issue individual notice to these persons for fresh application.
- iii. Member Secretary of APSLSA recommended to MHA to issue all 271 applications along with respective deficiencies, Since state government has taken stand that they have not received applications of 271 persons from MHA.
- iv. The One Mutilated Citizenship Application, will be issued notice for fresh application.
- v. In respect of the 915 absentee applicants, the DC, Changlang shall issue notice individually in writing and make a publication in English for further claims before him.

The breakup of above 2029 Applications are shown below	
Absent	915
expired	919
Shifted	06
Duplicates Applications	178
Triplicate applications	10
Mutilated applications	01
Total	2029 Applications

Table No. 3.

**In table No . 4-**

- i. The DC, Papum Pare district , submitted that 10 Nos. of Citizenship Applications received through GoAP, out of 10 applicants 4 applicants are reported to have died, 3 applications left Kokila Village for Diyun under Changlang district, AP.
- ii. The DC, Changlang district, submitted to have received 4103 citizenship applications, out of which 1685 applications were present, 915 applications remained absent, 862 applicants reported to have expired during the process and confirmed, 452



application forms found missing from the office ,178 applications were found out to be double applications and 10 triple applications which were rejected and 01 application was found mutilated.

iii.The DC, Namsai district,submitted that a total of 172 Nos. of Citizenship Applications were received by the DC, Tezu, District Lohit(before bifurcation), out of which 6 Nos. of Citizenship applications were directly forwarded to MHA by DC, Tezu for consideration. But remaining 166 Nos. of application were transferred to DC, Namsai district (after bifurcation) . the applicants were heard for consideration where out of 166 applicants only 122 applicants appeared,52 applicants were reported to have expired and confirmed and 2 applicants remained absent having migrated to other places, after consideration 122 Citizenship applications forms were forwarded to GoAP.

Applicants District –Wise in total	
Changlang	4103 +452(missing)
Lohit (Now Namsai)	172
Papumpare	10
Total	4637

*Table No. 4*

*Source: a letter to CCRCHAP from the Member secretary of State Legal Service Authority (AP).*

## Conclusion

India was born in the midst of huge refugees crisis and India has been always in a position to offers refuge and asylum, over 14 million people displaced due to partition and 6-7 million people came from Pakistan into India, entire population was handled by an infant nation struggling from communal riots, struggling to set a national agenda and form a government is critically appreciable to India with no international help, the recorded largest movement of refugees in modern history is the movement of 10 million refugee from Bangladesh to India with in short period of time to India, as nobody want to leave their home and living in another country, e.g. as some Chakmas from Tripura repatriated after the situation calmed down but it's been six decades for Chakmas in AP. There is no other solution unless they are given equity and equal citizen and make a part of development of the state. India needs refugee law with global solidarity, now is the time the world is so global than ever before, Chakmas are Buddhist and have more tolerance. Therefore, it's time to be more inclusive and diverse by not building wall raising barrier and the learning from each other is best possible way to solve Chakma Issue; the accountability and inclusive facilities in the ways of refugee resettlement may take business out of the way of criminal and traffickers, then people will be safer inside and outside home. First and primarily, now the Refugees are not only a developing countries problem but also a global problems, the problems cannot be managed and handled overnight but that solution is not to raise barriers (like what has being with the Chakmas) but build more bridges, responsibility sharing, and be more prepared before refugee problems are merely an external forces rather say sometime a deep internal product of the society and international cooperation and working through UN may bring resolution to it. it is not that the question of local population resistance but the question is what is the view of the world? Do you think a part of one humanity?

The Chakmas continue to face an uncertain future with a status worse than that of refugees or as stateless people. The denial of right to nationality directly affects their interface between life and personal security and makes them extremely vulnerable tribal categories. Where the rest of the world in entire North Eastern region is already disturbed and discontent about their prevailing status-quo in socio-economic and political development despite having all those facilities and opportunities granted by the constitution of India and on the other side of the world the Chakmas are governed by only few articles of the

constitution. The Chakmas problems in Arunachal Pradesh is nothing but only a political problem under indefinite abeyance. Therefore, the handful of Chakma Voters in four constituencies is the largest democratic power that can ascertain their present and future. Of course, there is no dual citizenship in India like USA but the recent trend seems like a negligence of that voting rights of Chakma Citizens in the political apparatus of AP and that negligence deprives them of their basic human rights such as the rights to education, health, water, employment, freedom of movement and developmental facilities. Under such circumstance, they are remained as refugee-as a myth until the political mindset change or accept. In the absence of any explicit (refugee) statute, it is not clear as to what shall be the legal status of refugees and how refugees shall be identified in India. Despite the fact, the Chakmas are tribal (except in AP) under Constitutional Schedule Caste and Schedule Tribes list, 1950 and Gazette Notification No. 316-A,29/11/1956 (schedule caste and schedule tribes list (modification)order,1956) recognized as hilly schedule tribes but they are worse than the Tibetan refugee, Tamil refugees or else, who have no comparison with Chakmas in terms of historical and political attachment with this land or comparing from Myron Weiner 's proverb "son of the soil".

Further, ideally state as a human institution need to account every human's rights, dignity, life and security, development etc. Possibly, there seems no logic and rationality behind states policies against the Chakmas by depriving them the opportunity of employment and development. The Chakmas are very hard-working people. Whose numbers are increased during six decades in AP but that 5 acres of land (allotted during rehabilitation) is not enough for them due to growing demands and challenges of life and due to the mighty Bor-Dihing River 15 percent of the peoples cultivable land submerged under river and now majority of them work in the tribal people's land on rent basis but the unfortunate is that they are yet questioned of survival-they are left to reproduce in that 5 acres of land without future, without birth and death certificate, residential certificate, ration card etc. apart from Schedule tribe certificate. In Short analysis, outside the census paper there are officially no Chakmas or only some couple of thousands of Chakmas are there in AP because they are officially neither born nor died. Thus, their living and survival is pathetic and are longest term vulnerable tribal in Indian History. Where there is no future for joining school except achievement of knowledge that too without implications.

Hence, the perceptions and conceptions about Chakmas overviews a negligible life stimulating and creating an idea of being unsuitable human being in AP and so called 'refugee' itself. They differ from being recognized as 'Refugee' and are originally pronounced as 'Chawngma or Sawngma'.

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