

RAJYA SABHA
COMMITTEE ON PETITION

HUNDRED AND FIFTH REPORT

On the petition signed by Smt. Snehadini Talukdar of Mizoram and Shri Subimal Chakma of Delhi on the Petition pertaining to problems being faced by the Chakma Tribal population in Mizoram and Arunachal Pradesh.

(Presented on the 14th August 1997)

RAJYA SABHA SECRETARIAT
NEW DELHI
AUGUST 1997.

COMPOSITION OF THE COMMITTEE ON PETITIONS
(1995-96)

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(1996-97)

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(1997-98)

1. Shri O. Rajagopal -Chairman

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2. Shri S.M. Krishna
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8. Shri Naresh Yadav
9. Shrimati Jayaprada Nahata
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SECRETARIAT

Shri Raja Ram -Director
Shri M.K. Khan -Under Secretary
Shri Jagdish Kumar - Committee Officer

HUNDRETH AND FIFTH REPORT OF THE
COMMITTEE ON PETITIONS

I, the Chairman of the Committee on Petitions, have been authorized by the Committee to present the Report on its behalf, present the Report of the Committee.

2. At a sitting of the Rajya Sabha held on 23rd August, 1995, Shri Sangh Priya Gautam, Member, Rajya Sabha presented a petition (Appendix-I) signed by Smt. Snehadini Talukdar and an other person regarding problems faced by Chakma Tribal population in Arunachal Pradesh and Mizoram.

3. The petition was found to be in conformity with the provisions of the Rules and Procedures and Conduct of Business in Rajya Sabha.

Issues raised in the Petition

4. The petitioner inter-alia stated that 80,000 Chakma Tribals living in a contiguous belt along Indo-Bangladesh border, covering the three Districts of Mizoram, namely Aizwal, Lunglei and Chhimtuipui respectively have been inhabiting this ancestral homeland since centuries before 1982. Though the 80,000 Chakma Tribal population have been inhabiting this contiguous area of Mizoram, they have been under four separate Administrative units, namely, Aizwal District, Lunglei District, Chakma Autonomous District Council and the Lai Autonomous District Council. As a result, the cultural, social and political unity of the Chakmas has been disrupted leading, to gross under-development of Chakmas inhabited areas.

The petitioner has inter-alia stated that about 30,000 Chakma and Hajong tribals had migrated to India in 1964 from the Chittagong Hill Tracts in East Pakistan (now Bangladesh) and were rehabilitated by the Government of India in the then North East Frontier Agency (NEFA), now Arunachal Pradesh. Their present population is stated to be around 65,000.

The Chakmas and Hajong tribals have not been granted Indian Citizenship even after 32 years of their migration to Arunachal Pradesh. The petitioner has contended that as per the Assam Accord of 1985, all the migrants who had settled in Assam, on or before January 1, 1966, were ipso-facto citizens of India. These migrants were facing lot of difficulties as they were not considered Indian citizens.

6. The petitioner in regard to Mizoram prayed that -

(i) The ancestral homeland of the Chakmas bordering Indo-Bangladesh on the Western belt of Mizoram, and all the 80,000 Chakmas inhabiting therein should be put in a single administrative unit and administered separately through a suitable Central Government agency, such as Chief Commissioner/Administrator etc.

(ii) All eligible Chakma voters should be enrolled on the Electoral roll and no Chakma should be treated as a doubtful foreigner.

- (iii) Immediate security measures for the safety of the life and properties of the Chakmas be taken.
- (iv) A special development programme may be undertaken by the Central Government directly under the ongoing Border Area Development Programme (B.A.D.P.) envisaged by the Government of India in the Chakma-inhabited areas of Mizoram.

7. The petitioner in regard to Arunachal Pradesh prayed that -

- (i) The Chakmas and Hajongs of Arunachal Pradesh may be granted Indian citizenship.
- (ii) Ban on employment, admission to schools, medical facilities, trade and business of Chakmas and Hajongs in Arunachal Pradesh should be lifted immediately and ration cards restored.
- (iii) The virtual economic blockade imposed by the State Government be immediately withdrawn.
- (iv) All victims of deliberate arson at Bijoypur village and other Chakma settlement areas be compensated.

Comments of the Ministry of Home Affairs, Government of India

8. Written comments were obtained from the Ministry of Home Affairs. The Ministry, supplied the comments in respect of Mizoram on the basis of information supplied by the State Government and in respect of Arunachal Pradesh on the basis of its own perception as the State Government, as per the Home Ministry did not supply the information asked from them on the various issues raised in the petition (Appendix-II).

Views of the Petitioners :-

9. The Committee heard the petitioners at Delhi on the 20th September and 29th November, 1995 respectively.

- (i) Chakma Tribals did not face any trouble when Arunachal Pradesh was a Union Territory and they, were getting every facility that was available for an Indian, Citizen. Only after 1979, when Arunachal Pradesh was given State status, Chakmas were harassed and treated as refugees.
- (ii) Since 1980, no Chakma has been given employment.
- (iii) Government of Arunachal Pradesh vide their circular CS/PR-154/89/99, had banned the issue of ration cards to Chakmas and Hajongs of Changlang District.
- (iv) Again in 1994, the Government of Arunachal Pradesh expressed its inability to

provide coverage of public distribution systems to Chakmas and asked them to surrender all the ration cards already held by Chakmas.

- (v) The Petitioner had also given the vivid description of other harrasments like burning of schools, houses, non-availability of medical facilities and merciless killings of Chakmas. Even some of them died out of hunger. The Petitioner had submitted several photographs and paper clippings in support of his evidence.
- (vi) The Petitioner informed that Shri M.M. Jacob, Union Minister of State in the Ministry of Home Affairs, had answered to the Lok Sabha on the 27th February, 1992 that in terms of Assam Accord, all person, who came and settled prior to 1 January 1966 were given Indian Citizenship. Further, on 27th February, 1992 Shri M.M. Jacob informed the House that Chakmas had migrated to Arunachal Pradesh from 1964 onwards. On the basis of Assam Accord, all those who migrated prior to 1.1.1966 are deemed to be Indian Citizens and those who came after 25.3.1971 are not to be accorded Indian Citizenship. On this basis, Chakmas living in Assam, Tripura and Mizoram have been recognized as Scheduled Tribes.
- (vii) In a letter written to Shri Laeta Umbrey, Shri Jacob had reiterated the same again and mentioned, "the general administration in the State will have to be convinced that the burden of rehabilitation of these refugees will have to be shared by the country as a whole.
- (viii) The Petitioner stated that time and again the Government has taken the aforesaid stand on the Chakma issues and answered to the questions raised in Parliament.
- (ix) Chakma issue has been politicised to a great extent and used for reaping support of native population. For that purpose, the AAPSU (All Arunachal Pradesh Students Union) has also been instigated against Chakmas.
- (x) Chakmas who have migrated to India from 1964 to 1971, their problem must be clearly distinguished from the problems of the influx of Chakma refugees into Tripura in the recent past.
- (xi) Shri Gegong Apang, Chief Minister of Arunachal Pradesh, on 8 September, 1995 requested the Prime Minister to take steps immediately to deport Chakma refugees.
- (xii) Arunachal Pradesh State Government has also instigated the police department and the law and order department to help remove the Chakmas out of Arunachal Pradesh.
- (xiii) Chakma Tribal Population is mainly concentrated in three districts of Arunachal Pradesh i.e. Popumpare, Lohit and Changlang. The Changlang district has the majority of Chakma Population.
- (xiv) At present, Chakmas' total population is 65,000 approximately. Out of them only 6-7

persons are employed in Government Service. All of them have adopted agriculture as major source of livelihood. Chakma students are not getting any monetary help either from the Central or State Government as they do not possess a Scheduled Tribe Certificate.

Views of the Home Secretary, Government of India

10. The Committee also heard the views of Home Secretary on the 21 September, 1996 on the problems faced by Chakma Tribal Population in Mizoram and Arunachal Pradesh. The Home Secretary informed the Committee briefly as under:

- (i) The State Government has provided high schools, hospitals and motorable roads in the entire Chakma inhabited area in Mizoram.
- (ii) There are three districts in Mizoram. The Southern most district is called Chhimtuipui. In that particular district, there are three autonomous Councils based on tribes. They have been given their right according to the Sixth Schedule of the constitution.
- (iii) The entire Mizoram population is about 6 lakhs. There are 54,000 Chakmas.
- (iv) In Mizoram, there are two Chakma MLAs out of 40 MLAs and one of the Chakma MLAs is a Minister.
- (v) In Arunachal Pradesh, there were only 14,888 Chakmas who had migrated to India in 1964 after their homes were uprooted.
- (vi) The Committee on Petitions of the Tenth Lok Sabha desired that the Government of Arunachal Pradesh may be persuaded not to deny basic facilities like education, trade, ration cards etc. to the migrants for their sustenance. In view of the long stay over 24 years in India as refugees, the Government should explore the possibility of granting Indian Citizenship to refugees as far as possible.
- (vii) Between 1964 and 1969, 1,40,000 Chakmas came into Assam. Out of 1,40,000, about 15,000 refugees were sent to NEFA which is now in Arunachal Pradesh. Loans and land have been given by the Government to the Chakmas of Arunachal Pradesh and State Government at one point itself recommended that these people should be given citizenship.
- (viii) The Government of India took the stand that the Chakmas and Hajongs had been there for so many years from 1964. Now it is 1996 and they should be granted citizenship. The State Government is not cooperating.
- (ix) In October, 1994 complaint regarding stoppage of ration card, ban on

employment and economic blockade of the Chakma settlements was made to the National Human Rights Commission.

- (x) The National Human Rights Commission had asked the State Government to submit the Report but almost after a year, there is no report.
- (xi) The Supreme Court heard the case of complaint and passed an interim order on 2.11.95 that they were not citizens because no citizenship had been granted but they were entitled to citizenship under a particular section of the Citizenship Act.
- (xii) The Supreme Court directed in the interim order that even if they were not citizens, their lives and limbs must be protected and they are entitled to their lives and limbs and that they cannot be evicted from their own places.
- (xiii) On 9.1.96, a final order was passed directing the State Government (i) not to take any action to evict them except under due process of law (ii) application for citizenship should be looked into and sent to the Central Government (iii) to give police force, Central Police for the protection of those people on the demand of State Government.
- (xiv) A high level group was constituted on 29.12.95 under the Home Minister of which the Chief Minister is also a member to decide this issue and find out what needs to be done in this particular issue.
- (xv) The Committee could not go to the State because there was no cooperation from the State Government till this review petition has been disposed of by the Supreme Court.
- (xvi) The contention of the State Government is that they had not been consulted when these people were settled.
- (xvii) The contention of the Chief Minister of Arunachal Pradesh was that they had been living there for the last 27 years. Citizenship can be given to them but they should be settled outside his State.
- (xviii) There is an Autonomous Council for Chakmas in Mizoram.
- (xix) In Arunachal Pradesh, their trade licenses have been stopped and their ration cards have been cancelled. Delegations of India and Bangladesh went to a particular area and convinced the people there.
- (xx) Shri Upendralal Chakma, a Leader of the Chakmas has said, "We will not go unless full guarantee is given to us that there will be total safety."

- (xxi) The Bengal Eastern Frontier Regulation, 1873 governs the Inner Line permit. The provision is that nobody who does not belong to that place can enter those areas without the permission of the State Government.
- (xxii) Recently, about one and a half year back, Mr. Chavan, the then Home Minister, made a statement about relaxation of the Inner Line Permit.
- (xxiii) Restricted Area Permit (RAP) from Assam, Meghalaya and Tripura has been removed with effect from 19 May 1995.

Visits undertaken by the Committee

11. The Committee undertook study visit to Itanagar and Agartala from 1st to 5 November, 1996. The Committee also heard the views of the State Government of Arunachal Pradesh and Tripura and Representatives of Chakmas and indigenous people during the course of the study visits. The view gathered are as under :

Views of the Representatives of Non-Chakmas of Arunachal Pradesh

12. The Committee heard non-Chakmas at Naharlagun on 2 November, 1996. Their views in brief are:-

- (i) India as a nation must protect the interests of minority tribes, who are mostly below the poverty line. In spite of the existing legal functioning in the form of Inner Line Regulation, the migrant population of the more advanced people from other States is increasing day by day. In order to gain foothold in the tribal State, the migrant population indulges in activities which often results in communal conflicts.
- (ii) About 80% of the native population is below the poverty line and are ignorant.
- (iii) India must not legalize the stay of the Chakmas and other outsiders in the State. The Government must wait for 80 percent of the native population of the state to reach a stage when they can consider themselves equal partners in the nation building.
- (iv) The total population of the Chakma tribals although scattered in different parts of South-East Asia, is more than the native population of Arunachal Pradesh.
- (v) Our country has enough tribals whose living conditions are below than those of the Chakmas. Thus, it becomes imperative that the country gives priority to the interests of its own tribals, particularly of those, whose existence is being threatened, like the natives of Arunachal Pradesh.
- (vi) In an Institute like North Eastern Regional Institute of Science & Technology (NERIST), where class XI and Class XII levels are also taught, requirements for

appointment to lecturers' posts to the local tribals must be relaxed. The backlog of over 10 years for Scheduled Tribes must be filled up in order to absorb more of the existing indigenous (read local) human resources.

(vii) The population of indigenous tribals is not more than 6 lakhs. If 60,000 population of Chakma and Hajong refugees are granted citizenship and allowed to stay in Arunachal Pradesh, their population shall comprise a sizeable chunk of tribal population and shall encourage influence of Chakmas and Hajongs from all over the world.

(viii) Their population will overgrow and completely overwhelm the indigenous population rendering them to minority in their own State.

(ix) The natives will not allow the refugees to stay in Arunachal Pradesh at the cost of indigenous people of Arunachal Pradesh.

(x) Appeal to the Central Government to take immediate action for removal and deportation of Chakma and Hajong refugees from the land of Arunachal Pradesh.

(xi) In the year 1964, a large number of Chakma and Hajong refugees migrated to India due to displacement caused by Kaptai Hydel Project in Chittagong and also to escape persistent religious persecution.

(xii) Chakmas and Hajongs are natives of Chittagong Hill Tracts and Maimen Singh district of the then East Pakistan (now Bangladesh)

(xiii) Chakma and Hajong refugees were settled in Arunachal Pradesh purely on temporary basis. This settlement was done surreptitiously without taking the consent of the indigenous people.

(xiv) On the contrary, one of the Chakma appealed to the Hon'ble Guwahati High Court which after going into the details of all facts and various legal provisions ruled that the Chakmas settled in Arunachal Pradesh are Foreigners.

(xv) The Hon'ble Supreme Court also ruled that Chakma refugees are foreigners and they have no right to have permanent abode in the State and that the State Government has the authority to evict them.

(xvi) Chakma and Hajong refugees are not only encroaching upon the community land of indigenous people but are also indulging in heinous crimes of murder, arson and loot, encroachment of Reserved Forest, manufacturing arms and ammunition, training their youth in underground activities.

(xvii) There are altogether 76 cases registered upto November, 1979 against the Chakmas and most of them related to theft, assault and other cases under the Forests

Act.

(xviii) If Chakma/Hajong refugees are not removed from Arunachal Pradesh, days are not far when the prevailing peace and tranquility of the State will give way to disruptive forces and turmoil.

(xiv) If the Government of India is insisting for settling the Chakma/Hajong refugees in a protected area, and if the refugees are settled permanently after granting citizenship, it is bound to open a flood-gate and invite similar demands from Tibetan refugees, Bangladeshis, Nepalese and others for permanent settlement in Arunachal Pradesh.

(xx) In Diyun Government Secondary School, there are more than 1900 Chakma and Hajong students with four local indigenous students.

(xxi) Refugee students are dominating the local students psychologically and physically. They are also threatening the local indigenous people not to collect any contributions and donations from their (refugees) dominated areas and claim that the land is theirs (Refugees).

(xxii) Refugee students are misguided by the Chakma leaders who are staying out of Arunachal Pradesh, engaging them to violence to create havoc type of psychosis to the indigenous people and against the Government of Arunachal Pradesh.

(xxiii) The Chakmas have created an environment of fear and danger to lives of local indigenous people.

(xxiv) The local people cannot visit the refugee dominated areas.

(xxv) The refugees have conveyed to the Arunachal Students Federation (ASF) that they are eager to leave Arunachal Pradesh if the Central Government provides them a settlement area elsewhere.

(xxvi) The leaders and GBs (Gaon Buras) of Chakmas and Hajongs also want that they should be granted compensation if deported from the soil of Arunachal Pradesh.

(xxvii) The ASF also found that the living conditions of the local indigenous people of Shingpos, Khamtis, Thangsas and Indian citizens are in a pitiable condition in the refugee dominated areas.

(xxviii) The Chakmas and Hajongs who are settled in a fertile land in Diyun and Miao are enjoying all the living standard with fertile cultivable lands. They have established business in Diyun with concrete houses and other Civic amenities which the local people had been deprived of.

(xxix) Refugees are also contributing funds for purchase of arms and ammunition to fight against the indigenous people of Arunachal Pradesh.

(xxx) The social pattern of Arunachal Pradesh comprises 22 major tribals and various sub-bodies which is multi-lingual and multi-cultural.

(xxxii) These indigenous tribals who are not more than 6 lakhs in population are living peacefully and with harmony.

(xxxiii) The Protected Area Order of 1958 and other relevant Acts and Rules categorically state that Chakmas are foreigners and that they have no rights and claim to have permanent settlement in the State of Arunachal Pradesh and that the State Government has the authority to evict them out of the State.

Views of State Government of Arunachal Pradesh

13. The Committee heard the representatives of State Government of Arunachal Pradesh at Naharlagun on 2 November 1996. Their views in brief are:-

(i) The Chakmas in Arunachal Pradesh may be shifted to places other than the State of Arunachal Pradesh.

(ii) The Guwahati High Court has declared Chakmas as foreigners, since they have no right to vote.

(iii) The number of Chakmas in Arunachal Pradesh is about 60,000/- as per Refugees calculation.

(iv) For acquiring land, one has to be an indigenous person.

(v) Land cannot be given to Chakmas under Legislation passed in 1873 and under the existing laws.

(vi) About 10 schools for Chakmas and non-Chakmas children are functioning there. There is no difficulty in running those schools.

(vii) The people of Arunachal Pradesh have been tolerating the Chakmas for the past 30 years.

(viii) There is no political problem in the State.

(ix) The problem of settlement of Chakma and Hajong Refugees in Arunachal Pradesh arose during the period of 1964-69. During that time, there was no popular Government in Arunachal Pradesh. In 1964, North-East Frontier Agency (NEFA) was administered by the Central Government, through the Governor of Assam. The

Indian People have not been consulted on the settlement of Chakmas in Arunachal Pradesh.

(x) The Chakmas are foreigners so they are not entitled to vote.

(xi) The customary laws of the indigenous tribal people have been violated and their traditional rights have been encroached upon by allowing settlement of Chakma and Hajong refugees by the Central Government much against their wishes.

(xii) The indigenous tribal people of Arunachal Pradesh are of the view that the presence of Chakma and Hajong refugees on their soil is a serious threat to their own survival, their age-old customs and traditions and also the peace.

(xiii) There is nothing common between the tribal people of Arunachal Pradesh and the Chakma refugees.

(xiv) Under the Constitution of India, Arunachal Pradesh has been given special status

(xv) The Chakma and Hajong refugees hail from Chittagong Hill Tracts and Maimen Singh District respectively of erstwhile East Pakistan (now Bangladesh).

(xvi) Arunachal Pradesh, the youngest State of the Union of India, has been the most peaceful State in the North-Eastern Region of the country.

(xvii) There is Chakma lobby in Delhi. They go to Minister for assistance and they have association in Delhi. They also go to Human Rights Commission.

(xviii) A day will come when Chakmas will be in majority, and indigenous tribal people of Arunachal Pradesh will be in minority.

Views of the Representatives of the Chakmas of Arunachal Pradesh

14. The Committee heard the views of representatives of Chakmas of Arunachal Pradesh at Calcutta on 3 November, 1996. The views in brief are:-

(i) A large number of Chakmas from erstwhile East Pakistan were displaced by the Kaptai Hydel Power Project, 1964.

(ii) Since a large number of refugees had taken shelter in Assam, the State Government had expressed its inability to rehabilitate all of them and requested assistance in this regard from certain other States.

(iii) They were also allotted some land in consultation with local tribals.

(iv) The Government of India had also sanctioned rehabilitation assistance @

Rs.4,200/- per family. The present population of Chakmas in Arunachal Pradesh is estimated to be around 65,000/-.

(v) In recent years, relationship between citizens of Arunachal Pradesh and Chakmas have deteriorated, and the latter have complained that they are being subjected to repressive measures with a view to forcibly expel them from the State of Arunachal Pradesh.

(vi) The Chakmas have been residing in Arunachal Pradesh for more than three decades having developed close social, religious and economic ties. To uproot them at this stage would be both impracticable and inhuman.

(vii) The Census Figures for Chakma and Hajong resettlements in Arunachal Pradesh indicate that in 1981, 24083 Chakmas and 1433 Hajongs and in 1991 Census 30062 Chakmas and 2134 Hajongs were recorded.

(viii) The State Government of Arunachal Pradesh, have reiterated their stand that Chakma/Hajong refugees should be shifted from Arunachal Pradesh.

(ix) As regards those people from the erstwhile East Pakistan (now Bangladesh) who had migrated to India, a joint statement was issued by the Prime Ministers of India and Bangladesh after detailed talks at New Delhi in February 1972.

(x) In August, 1994, the AAPSU (All Arunachal Pradesh Students Union) demanded the expulsion of all foreigners including the Chakma/Hajong refugees from Arunachal Pradesh.

(xi) The Central Government has been advising the State Government to take all necessary steps for providing security to all residents including Chakmas/Hajongs and to take steps to control the explosive and worsening situation.

(xii) In the light of the reports of the hardships faced by Chakmas, the Central Government have also advised the State Government to provide normal supply of essential commodities and medical facilities.

(xiii) The AAPSU started enforcing economic blockade of the refugee camps resulting in adverse effects on supply of rations, medical and other facilities to the refugees.

Views of the Representatives of Chakmas of Tripura

15. The Committee heard the views of representatives of Chakmas of Tripura at Agartala on 4 November, 1996. Their views in brief are:

(i) So long as the CHT refugees are living in Tripura, their ration scale be reviewed

and improved so that their grievances in the camps are ameliorated.

(ii) The influx of Chittagong Hill Tract refugees presently living in Tripura which took place in 1986 and onwards is purely political in nature.

(iii) The Government of India was generous enough to shelter them on humanitarian ground but the scale of ration sanctioned for them is very meagre.

(iv) Sri Lankan refugees were getting a dole of Rs. 75/-every fortnight per adult a family and free medicine, free education and highly subsidized rations, whereas Chakmas are being given paltry sum.

(v) Setting up of an impartial inquiry commission composed of members of the judiciary, submission of a white paper on the incidents, exemplary punishment to be given to those guilty of attacking the innocent tribals.

(vi) Grants of compensation of at least Rs 2,00000 in cash per affected family or more if the judicial commission (to be set up) so recommends.

(vii) Removal of all Bengali settlers from Langadu and other areas of the greater Chittagong Hill Tracts Region.

(viii) Government guarantee that incidents like the Langadu massacre Will not occur in future.

(ix) State Government has allocated land to the Chakma Refugees.

(x) Refugees from Sri Lanka became Indian Citizens on the basis of 1964 Agreement between India and Sri Lanka .

(xi) Chakmas have been given meagre ration from Government in comparison to other Chakma refugees living outside Tripura.

(xii) The area MPs are not worried for their problems. They never tried to visit their areas. Chakma representatives requested the Committee on Petitions of Rajya Sabha to visit their Refugee Camps to witness their pathetic condition.

Views of State Government of Tripura

16. The Committee heard the views of representatives of State Government of Tripura at Agartala on 4 November, 1996. Their Views in brief are :

(i) The first batch of tribal refugees from Bangladesh entered into Tripura in April 1986.

(ii) Again, during the period from May, 1989 to July, 1989 there was a fresh influx of Tribal refugees numbering about 25,000 persons, taking the total number of refugees to 67,000 persons. Thereafter, the strength came down to 53,418 persons.

(iii) The refugees belong to three main tribes namely, Chakma, Tripuri and Mog, of which majority are from the Chakma community.

(iv) The tribal refugees have been sheltered in six relief camps of South Tripura District, temporarily constructed for them, of which 5 relief camps are under the jurisdiction of S.D.O., Amarpur and the sixth is under the jurisdiction of S.D.O. Sabroom.

(v) There was fresh influx of 3146 tribal refugees from Chittagong Hill Tract of Bangladesh from 25 April, 1992.

(vi) The refugees are provided ration consisting of rice, salt, dal, edible oil, coconut oil, dry fish, dry chilly, fire wood and cash dole.

(vii) Pocket allowance and clothing every year, blankets - once in three years.

(viii) In addition to the above benefits, medical facilities, drinking water sources and educational facilities are provided in each of the relief camps.

(ix) Several official teams of Bangladesh have also visited the Relief camps at different times to convince the refugees for their repatriation on the ground that the conditions now prevailing in C.H.T. are conducive.

Comments Of State Government Of Mizoram:

17. Written comments were obtained from the State Government of Mizoram (Appendix-III). The Comments in brief are as under:-

18. Regarding Chakmas settlement in Mizoram the State Government informed that during the British period, the Chakmas were under proper control through the local Mizo Chief who looked after them through the Karbari. Their habitations were confined only to South Lushai Hills. For ensuring effective control of their settlements, specific principles were laid down which, in brief are :-

(i) No further application for settlement will be considered but for the most exceptional reasons.

(ii) Passes for new separate houses will be considered except where the applicant is -

(a) the grown-up married son of a Chakma who has been settled for at least

ten years in Lushai Hills.

(b) the grown-up married grand-son of such settlers. In both cases, applicant must be a permanent resident of Lushai Hills. Passes for daughters will not be considered.

(iii) The site of each Chakma basti will be decided by the Chief (former Lushai Chief) in consultation with the Karbari and will be reported to the Circle Inspector. The site will not be changed without permission from the S.D.O.

(iv) The basti shall consist of not less than 15 houses.

(v) The Chakmas will make and maintain throughout the year foot path from their bastis to the Chief's village.

(vi) The rules about cutting jhums on the river banks will be strictly observed.

(vii) Chief will be responsible for the general control of Chakmas in their 'Ram' (land). They will work through Karbari who will be removable.

(viii) Mass movement of a whole or a large part of a basti from one Chief's 'Ram' (land) to another will require the sanction of the S.D.O. or Superintendent.

19. Regarding reports of the number of houses, the State Government informed that there were 93 houses (families) of Chakmas in Circle XII and 857 houses (families) in Circle No. XVIII. The total was 950 houses (families) and the population would be about 5,000 in 1946. The Chakmas were confined in those two circles only. The British Government used to grant sparingly permission to settle down in the Lushai Hills to the Chakma applicants with a clear condition that they would be the subjects of the Chief of the villages. After 1947, due to absence of proper arrangements to prevent their entry into Mizoram, the Chakmas started infiltrating into Mizoram.

20. Regarding population of Chakmas, it was informed that upto 1947, there were about 5,000 Chakmas who were permitted to settle in Mizo Villages. After 1947, due to the absence of proper arrangements to prevent their entry in Mizoram, the Chakmas kept on infiltrating into Mizoram. The 1991 Census final figures are yet not available. The provisional figure is 54,149. In their recent Memorandum to the Prime Minister, the Chakma leader contended that there are about 80,000 Chakmas in Mizoram. In 1972, the Chakma Autonomous District Council was created. Due to the absence of proper arrangements to prevent entry from across the border, the Chakmas kept on infiltrating into Mizoram. The illegal infiltrators made their settlements at places of their own choice. It is the considered view of the State Government that the demand of the petitioners for carving out from the State of Mizoram a separate administrative unit for the Chakmas is totally unjustified and completely out of question. Regarding influx of foreigners and deletion of names of Chakmas from Electoral Rolls, the State Government informed that the continuing influx of illegal foreigners both from Myanmar and Bangladesh in larger scales has demanded serious concern. The problem poses serious threats and it is imperative for the Government to adopt measures to it is imperative to for

check such continued infiltration. Under such compelling circumstances, the State Government decided to take action to detect and deport all foreigners illegally staying in Mizoram. The scheme is for detection and deportation of foreigners illegally residing in Mizoram whether they are from Myanmar, Bangladesh or any other country. The scheme will be operated through the Government agencies only and deportation of illegal foreigners will be done through legal process only. Instructions issued in this regard:

- (a) In the first phase, persons whose names are not included in the recently prepared Electoral Rolls, who can prima facie be regarded as foreigners will be targeted.
- (b) A public Notice requiring all foreigners to leave Mizoram within a period of two months will be issued by the Deputy Commissioner concerned.
- (c) Simultaneously a team of officers formed by the Legislative Deputy Commissioner will visit the villages/towns in which foreigners are suspected to be present and prepare a list of foreigners based on electoral rolls.
- (d) After expiry of the period specified in the public Notice issued by the Deputy Commissioner concerned, Teams of officers each consisting of Magistrates, Police Officers and other concerned officers will visit the villages, towns, arrest and put on trial any foreigners found remaining in the village/town and issue orders of deportation to those convicted.
- (e) In the second phase, cases of other suspected foreigners, including those who have been enrolled as voters will be taken up

21. The above scheme was only for detection and deportation of foreigners illegally residing in Mizoram. It is not intended for causing harassment to Indian Chakmas.

22. The allegation that the M.Z.P. (Mizo Students Union) had connived with the State Government in deletion of Chakma voters from the Electoral Rolls is entirely wrong. The preparation of Electoral Rolls was conducted by the election machinery of the State Government strictly in accordance with the instructions issued by the Election Commission of India. There was no deletion of Chakma names as such from the Electoral Rolls as alleged in the petition. A complaint was submitted by Chairman, Chakma Autonomous district Council to the Election Commission of India on the same matter. The Election Commission of India after proper investigation found that the allegation was not correct.

23. On the Report regarding burning of houses of Chakmas in Marpara, Hnahya and Sachin villages, it has informed that the houses of Marpara I and II could not be saved due to shortage of man-power. On 30.8.1992, houses of Aivapui were burnt. Some houses at Sachan (Lunglei district) were also burnt. The causes of burning of houses and death of Hari Mohan Chakma of Aivapui are the direct retaliation by the angry and uncontrollable mob collected from various villages on account of two persons missing who were believed to have been killed by Chakmas. The State Government informed that payment of Rs. 17,06,862/- was made towards compensation and relief to 304 affected

families. Full report of the incident were furnished to the Government of India.

24. Regarding Development Schemes, the State Government has informed that an Autonomous District Council was granted to Chakmas in the year 1972. The Council received an average annual budget allocation of Rs.5/- crores. The Chakmas have at present two sitting M.L.As. in the State Legislature and one of them is a Minister. The entire funds provided by the Government of India under Border Area Development Programme are utilised for various developmental works in the areas bordering Bangladesh where the Chakmas have now settled. The State Government have opened High Schools in all the big villages of Chakma inhabited areas viz.

Tlabung, Chawngte, Marpara, Borapanauri, Parva and Kamalanagar. Two Primary Health Centres, two subsidiary Health Centres and 32 Sub-Health Centres, have been opened in Chakma inhabited villages. As for road communication, all the big villages of the Chakma inhabited areas have been connected by motorable roads. Under the Government of India's scheme of India-Bangladesh Border Roads, the Border Road Task Force has been undertaking construction of roads from Demagiri (Tlabung) Khojoisury-Borapansary and Denagri- Bindesure- Marpara and major portion of the projects has been completed.

25. In addition to above, the State Government of Mizoram have also submitted.

(i) That no part of Mizoram was ever the ancestral homeland of the Chakmas. The demand for carving out from Mizoram State a separate administrative unit for the Chakmas is totally unjustified and completely out of the question.

(ii) That the State Government have been following the relevant provisions of law and the instructions issued by the Election Commission of India in the matter of registration of voters and it will continue to do so. The State Government is aware that providing security to all the bonafide citizens is the responsibility of the Government and the Government will take all necessary actions to ensure safety and security of the loyal citizens and their properties; and

(iii) That due care and attention have been taken by the State Government to bring about all-round development of all sections of the society. There is no need for introducing a separate development programme from the Central Government for the Chakma community.

Views of Chief Secretary, Mizoram

The Committee heard the oral evidence of the Chief Secretary of Mizoram on the 21 March, 1997 in New Delhi. The Chief Secretary agreed that there were some Chakmas in the Southern parts of Mizoram right from the time when the British ruled. The number of Chakmas was very small but they were not included in the Scheduled Tribes list of 1950 and there was a steep increase within 10 years and this was because of infiltration. These Chakmas were not treated as indigenous people. The foreigner (Chakmas) were detected and excluded from the electoral roll. A complaint was also made by the Chakmas to the Election Commission but after enquiries, the Election Commission found

complaint unsubstantiated. They went to Guwahati High Court which also rejected the Petition. Then they went to Human Rights Commission. The Human Rights Commission gave a right to the State Government to detect and push back the foreigners. It was done strictly according to Law. The State Government has taken up the Programme of detection and pushing the foreigners back. It is a fact that non-political organisations and even student bodies are involved in this.

27. As far as different administrative units are concerned, he has mentioned that originally they were confined to the area which is now covered by two Legislative Assembly Constituencies. Chakmas crossed the areas and spread in three districts of Mizoram-Aizwal, Lunglei, Chakma Autonomous District Council and Lai Autonomous District Council. But these District Councils come under one district area. He has further stated that Indian Chakma are treated well. The Chakma District Council the area of which is 907 sq. kms., has a number of high schools, 15 middle schools and 84 primary schools. Though this District Council has been given only 5 crores allocation, the Government is spending more than 65% on Chakma-inhabited areas. There is the Border Area Development Programme. The Chakma District Council has never complained of shortage of funds. He agreed that employment, literacy etc. are very low as far as the Chakmas are concerned. The Chakmas were like criminal tribes and very migratory. The Chief Secretary opposed the idea of expansion of the area of Chakma Autonomous District Council and putting it under the Central Rule.

Views of Shri M K Khisha, an Expert

28. The Committee heard the oral evidence of Shri Khisha on the 21 March, 1997 in New Delhi.

29. He has stated that Mizos are treating Chakmas as enemies and this enmity is because they helped the Indian Army to maintain law and order in Mizoram when Mizos were fighting for independence. The Mizoram Government are not taking proper Census. There is a discrepancy in the population figures. They formed Chakma Autonomous District Council for local administration but are providing a meagre fund/allocation. 50% of Chakmas are outside the District Council and the Council is not doing much in reviving the ethnic, cultural and social traditions of Chakmas. He has requested that Chakma Autonomous District Council be extended to other Chakma-inhabited areas. He has further stated that the Chakmas under the Mizoram Government, are subjected to discrimination, harassment and intimidation. He has requested for a separate administrative Unit, preferably under the Central Government. Shri Khisha added that even after reaching their home-land in Chittagong Hill Tract, they are refugees. Shri Khisha also opined that U.N. High Commissioner for Refugees and International Committee for Red Cross should be involved for repatriation and resettlement.

OBSERVATIONS AND RECOMMENDATIONS.

30. The Chakma problem in the North East has evaded solution for a long time. The Government of India's handling of the matter over the past three decades had been far from satisfactory. Even the Indira - Mujib Accord of 1972 has not been implemented with required enthusiasm and sincerity. Now the problem has acquired grave proportions. The gravity of the problem can be gauged from the fact that when the Committee visited the Arunachal Pradesh, it had to face an angry protest of the students at the helipad for more than two hours. However, it is a matter of relief that negotiations

with the Government of Bangladesh in the recent past have borne fruits and Bangladesh has agreed to take back 50,000 Chakmas of Tripura and the first batch of 5000 Chakmas has already been accepted by Bangladesh. There is an urgent need for keeping the goodwill alive between the two countries and it can reasonably be hoped that this goodwill will yield more fruitful results in the near future.

31. Since the nature and gravity of the problem differs from State to State, the succeeding paras deal with the problem Statewide:

Mizoram:

32. The Committee has considered the views placed by representatives of Chakmas and the State Government of Mizoram. The Chakmas have, inter-alia, demanded that the Western belt of Mizoram inhabiting 80,000 Chakmas should be put in a single administrative unit and be administered separately through a suitable Central Government agency (map enclosed Appendix-IV). They have also demanded voting rights, security and special development programmes for the Chakmas of the State. The State Government of Mizoram has however strongly opposed carving out of a separate administrative unit for the Chakmas and is adamant on deporting the Chakmas who came thereafter 25.3.1971. The State Government has also contended that adequate developmental schemes have been undertaken in Chakma-inhabited areas. They have stated that there are 3 High Schools, 15 Middle Schools and 84 Primary Schools (Appendix-V), 2 Primary Health Centres, 2 Subsidiary Health Centres and 32 Sub-Health Centres in Chakma-inhabited areas (Appendix-II).

33. The Committee feels that in case of Chittagong Hill Tracts which is the home-land of Chakmas, a historical injustice has been done. As the Chakma population in Chittagong Hill Tracts was more than 98%, it should have, as per the formulae devised at the time of Partition, been given to India and the Chakmas should have been, by virtue of that fact, citizens of India. For that reason, the Chakmas are to be treated differently from other refugees and thus with sympathy and on humanitarian basis.

34. The Committee, after considering all facts, feels that the expansion of the area of Chakma Autonomous District Council may be considered after taking into account the density of population, the percentage of Chakmas in those areas and their overall conditions etc. The Committee feels that the Autonomous District Council after expansion may be put under the direct control of the Centre for a period till the Chakmas living conditions come at par with other inhabitants of the State.

35. As regards the conditions in Chakma Autonomous District Council, the Committee feels that the situation is not all that happy. The basic amenities being provided are inadequate, literacy rate is quite low and backwardness is all pervading.

The funds being given by the State Government to the Council are Rs. 6/- crores out of a Budget allocation of Ra.600/- crores which are extremely insufficient. Moreover, the ratio of Chakmas in Mizoram comes to 1:10 in comparison to other communities. The Committee, therefore, recommends that in order to bring the inhabitants of Chakma inhabited areas at par with other people of the State, the Chakma Autonomous District Council be allocated the development funds on pro-rata basis, i.e. in the ratio of 1:10

36. As regards the issue of Chakma refugees, the Committee has been informed that the State Government is ready to accommodate those refugees who came there before 25.3.1971. It would mean that the problem, can be solved on the basis of the principles enshrined in the Indira-Mujib Accord of 1972. The Committee, therefore, recommends that the Chakma refugees who came to the State of Mizoram prior to 25.3.1971 may be granted citizenship. The Committee further recommends that the Chakmas who are born in India, should also be granted citizenship. The Committee also recommends that the Chakmas who are so granted the Indian citizenship, be declared as Scheduled Tribes. As regards the refugees who came to the State after 25.3.1971, the Committee recommends that negotiations be held by the Government of India with the Government of Bangladesh on the lines of Indira-Mujib Accord and the Government of Bangladesh be persuaded to accept them as all of them came from that country.

(ii) Arunachal Pradesh

37. The Committee have noted that the Chakmas have demanded citizenship, stoppage of their harassment, lifting of ban on their employment, allowing admission to schools, providing medical facilities, trade and business facilities, restoration of ration cards and compensation to the victims of atrocities.

38. The Committee have also noted the contention of the representatives of non-Chakmas and the State Government of Arunachal Pradesh that the presence of Chakmas in Arunachal Pradesh is a threat to their survival, their culture, tradition and peace and that the Chakmas should be evicted from Arunachal Pradesh .

39. The Committee have also noted the following observations of the Supreme Court in the case of National Human Right Commission Vs. State of Arunachal Pradesh and Union of India (Judgement delivered on 9.1.1996) :-

"There is no doubt that Chakmas who migrated from East Pakistan (now Bangladesh) in 1964 first settled down in the State of Assam and shifted to areas which now fall within the State of Arunachal Pradesh. They have settled there since the last about two and a half decades and raised their families in the said State. Their children have married and they too have had children. Thus, a large number of them were born in the State itself. If a person satisfies the requirements of Section 5 of the Citizenship Act, he/she can be registered as a citizen of India. The procedure to be followed in processing such requests has been outlined in part II of the Rules. According to these Rules, application for registration has to be made in the prescribed form, duly affirmed, to the Collector within whose jurisdiction he resides. Under Rule 9, the Collector is expected to transmit every application under Section 5 (1)(a) of the Act to the Central Government. The Collector has merely to receive the application and forward it to the Central Government. The DC or Collector, who receives the application should be directed to forward the same to the Central Government to enable it to decide the request on merit.

The Supreme Court has further added that no person can be deprived of his life or personal liberty except according to procedure established by law. Thus, the State is bound to protect the life and

liberty of every human being, be he a citizen or otherwise. The State is duty bound to protect the threatened group and if it fails to do so, it will fail to perform its Constitutional as well as statutory obligations. The State Government must act impartially and carry out its legal obligations to safeguard the life, health and well-being of Chakmas residing in the State without being inhibited by local politics."

The Supreme Court, accordingly, directed that -

(i) The State of Arunachal Pradesh shall ensure that the life and personal liberty of each and every Chakma residing within the State shall be protected and any attempt to forcibly evict or drive them out of the State by organized groups shall be repelled.

(ii) The Chakmas shall not be evicted from their homes and shall not be denied domestic life and comfort therein except in accordance with law.

(iii) The quit notices and ultimatums issued by the AAPSU and any other group which tantamount to threats to the life and liberty of each and every Chakma should be dealt with by the State of Arunachal Pradesh in accordance with law.

(iv) The application made for registration as citizen of India by the Chakma shall be forwarded by the Collector or the DC who receives them under the relevant Rules with or without enquiry, as the case may be to the Central Government for its consideration in accordance with law.

40. The Committee after carefully considering the all facts and the whole issue has come to the conclusion that Arunachal Pradesh is the only State in the North East which has three International boundaries (with Bhutan, China and Myanmar), which is strategically very important and which has also relatively calm and insurgency free. It is the sincere desire of the Committee that a reasonable solution is found out to the problems and Justice is done to all.

41. The Committee feels that the spirit of the Indira-Mujib Accord as well as the Judgement 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 who came to India prior to 25.3.1971 are to be granted Indian citizenship.

42. The Committee, therefore, recommends that the Chakmas of Arunachal Pradesh who came there prior to 25.3.1971 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 25.3.1971 be discussed and decided by the Central Government and State Government Jointly. The Committees also recommends that all the old applications of Chakmas for citizenship which have either been rejected or withheld by Deputy Commissioners or the State Deputy Commissioner or the State Government continue to block the forwarding of such applications to Central Government, the Central Government may consider to incorporate necessary provision in the Rules (or the Act if so required) whereby it could directly receive, consider and decide the application for citizenship in the

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

(iii) Tripura:

43. The representatives of Chakmas of Tripura are of the view that so long as the Chittagong Hill Tract refugees are living in Tripura, their ration scale be reviewed and improved so that their grievances in the camps are ameliorated. The influx of Chittagong Hill Tract refugees presently living in Tripura which took place in 1986 and onwards is purely political in nature. The Government should ensure that incidents like Langadu massacre do not occur in future. Refugees from Sri Lanka became Indian citizens on the basis of 1964 Agreement between India and Sri Lanka and the Chakma refugees in Tripura may also be accorded same treatment.

44. The State Government of Tripura have stated that the first batch of Tribal refugees from Bangladesh entered into Tripura in April, 1986. Again, during the period from May, 1989 to July, 1989, there was fresh influx of Tribal refugees numbering about 25,000 persons taking the total number of refugees to 67,000 persons. Thereafter, the strength came down to 53,418 persons. The refugees belong to the three main tribes namely Chakma, Tripuri and Mog, of which majority are from the Chakma community. There was fresh influx of 3146 tribal refugees from Chittagong Hill Tracts of Bangladesh from 25th April, 1992. Several Official Teams of Bangladesh have also visited the Relief Camps at different times to convince the refugees for their repatriation on the ground that the conditions now prevailing in Chittagong Hill Tracts are conducive. The Government of Tripura are ready to accommodate the Indian Chakmas whereas foreigners/Bangaladeshi Chakmas are not acceptable to them. Recently, after a Bangladesh delegation's visit to Tripura, the Chakma refugees have agreed to go back to Bangladesh. The first batch of about 5000 Chakmas have already gone back.

45. The Committee during its visit to Agartala found that there are Indian Chakmas also in Tripura who complained of severely inadequate facilities and discrimination in various respects.

46. The Committee, therefore, recommends that special schemes be launched for overall upliftment of Indian Chakmas in Tripura. The Central Government should also provide adequate financial assistance to Government of Tripura for the purpose. The Government of Tripura must ensure safety and security of Indian Chakmas in that State.

The Committee hails the efforts made/being made in seeking peaceful solution of the problem with the Government of Bangladesh and exhorts all concerned to keep the good will going between them and continue to work toward finding peaceful and lasting solution to the problem.

14 August 1997

CHAIRMAN
COMMITTEE ON PETITION