

Memorandum Submitted

to

**The Hon'ble Chief Minister of Arunachal Pradesh,
Shri Pema Khandu ji**

during

His visit to Miao /Deban Area

on

25th March 2021

by

Joint Chakma Community Based Organisations (CBOs)

of

ARUNACHAL PRADESH

Dated, Miao the 25th March 2021

To

The Hon'ble Chief Minister of Arunachal Pradesh

Shri Pema Khandu Ji

The CM Secretariat, CM Bungalow, Niti Vihar, Itanagar, 791111

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Sub: Resolution of Chakma issue either through full-fledged Restoration of Rights (RoR) or by creation of a separate Autonomous Territorial Council for Chakmas in Arunachal Pradesh.

Dear Pema Khandu Ji,

We, the undersigned representing the most marginalized Chakma tribal people of Arunachal Pradesh do recognize the difficult situation of your government as you respond to the challenges posed by the COVID-19 pandemic. We write to you, however, to express our concern about the reported proposal to create Patkai Autonomous District Council (PADC) and the Mon Autonomous Council (MAC) in Arunachal Pradesh but keeping under wraps the most burning Chakma-Hajong issue pending resolution since last many decades¹ (Refer link in footnote). It is a fact that the Chakma tribals are the most deprived and backward community in Arunachal Pradesh and carving out a single administrative unit under the 6th schedule of the Constitution for the Chakma people of Arunachal Pradesh mainly concentrated in Changlang district will be the best way to resolve this intractable issue.

It is unfortunate that the Chakmas were systematically stripped of and continue to be denied even access to basic fundamental rights like right to apply to government jobs, ration cards and PDS, central government schemes like MGNREGA at a time when the Government of India is on the verge of launching the Indian Human Spaceflight through its Gaganyaan mission.

While we applaud the resolution adopted recently by the Arunachal Pradesh state legislative assembly to bring the state under the purview of sixth schedule of the Indian Constitution, what is concerning is the exclusion of Chakma CBOs to the consultative meetings held prior to the resolutions. The justice for indigenous people rights of Arunachal Pradesh should not imply injustice for the most deprived Chakma tribals who are also indigenous people of pre-colonial India.

According to official records, of the total 65,875 Chakmas and Hajongs, only 5,097 of them have voting rights² (Refer link in footnote), which means the voter registration or enrolment ratio as a percentage of total population is only 7.7% as against the national average of 67.3%. Applications for voter registration are rejected on flimsy grounds as the entire process becomes a tool for unnecessary bureaucratic harassment as our poor, illiterate and vulnerable Chakma tribals are asked to submit documents after documents to no end.

¹ The Hindu - <https://www.thehindu.com/news/national/other-states/arunachal-pradesh-assembly-resolution-for-inclusion-of-state-in-sixth-schedule/article32462132.ece>

² New Indian Express - <https://www.newindianexpress.com/nation/2020/jan/11/only-5097-chakmas-hajongs-in-arunachal-have-voting-rights-2087506.html>

Rehabilitation:

As you are aware, the Chakma refugees had little say in where they were going to be finally rehabilitated after they were forced out of East Pakistan due to religious persecution and Kaptai dam deluge left their homes under water in the early 1960s. Thanks to the conscious policy decision taken by the then government/ NEFA administration in consultation with the local leaders and public representatives like late Shri CK Gohain (MP) and Late Shri Pisila Singpho (local leader) who agreed to resettle them in NEFA. That decision should have been honored by the subsequent governments, when NEFA became UT and subsequently a state of the Indian Union. Instead, the state government adopted a policy of disenfranchisement, denial and deprivation stripping the Chakmas of all their fundamental rights one after another since 1980.

Root Cause:

It is this question of restoration of rights that were promised, granted and then taken away from poor innocent Chakma tribals that is at the heart of the issue. If the Foreigners agitation had not started in mother state of Assam, probably the cry for deportation of foreigners would not have started in Arunachal Pradesh and Chakmas/Hajongs/Tibetans/Yobins would not have become easy targets.

Political parties and politicians of all hues played to the gallery and used the Chakma issue as a plank to garner votes. Right to access government employment was banned in 1980, ration cards was stopped in 1991 and the Gaon Burahs were stripped of their Panchayati powers in 1994 in the name of 'citizenship' notwithstanding the promises made and citizenship implied at the time of resettlement.

Lack of understanding and media hype led to further confusion and distortion of reality mixing up different categories of Chakma refugees from Bangladesh who took temporary shelter in Tripura in the 1980s and were later repatriated to Bangladesh in 1997. Similarly, Tibetan and Chakma /Hajong refugees were bracketed together although the case of Tibetan refugees is totally different and there is a separate Tibetan Rehabilitation Policy (TRP) outlining the legal status and rights and privileges entitled to the Tibetan refugees in India. They are here only as 'honored guests' unlike the Chakmas who were resettled with the intention of permanent settlement and hence were taken to NEFA, 1200 km away from the land of their origin, Chittagong Hill Tracts of undivided India.

At first glance, the issue seems like an outsider (refugees) versus insider (indigenous) problem. But at a deeper level, both are indigenous tribal groups separated in time and space. At the root, if one goes back 150 years or so, people of what is now called 'Arunachal Pradesh' and Chakmas were in fact part of the same geographical area (space) in the Bengal Presidency of the erstwhile British dominion. Both were governed as Excluded areas by the British under the Bengal Frontier Areas Regulation Act, under different labels. Had it not been for the partition of Bengal in 1905, creation of India and Pakistan in 1947 and redrawing of map and renaming of states in post-colonial India, the fate and status of the indigenous tribes in the frontier areas be it in the NEFA or the CHT would have been no different. In fact, except for in Arunachal Pradesh, Chakmas and Hajongs are recognized as indigenous /Scheduled Tribes in all other domicile states of India.

Possible Solution(s):

We believe that there are broadly two possible solution alternatives to resolve the long pending issue:

1. Restoration of Rights (RoR):

The best way of resolving the conflict is to accept the reality of government sponsored rehabilitation as a fact of history and use the same as the basis to find the key to resolution of the issue through assimilation/integration. It is a historical fact-based approach and built on constitutional pluralistic ethos where there is trust, mutual respect and tolerance. In fact, the foreigner issue in the mother state of Assam was resolved using the dimension of 'time' - 25 March 1971 being used as the cut-off date. The same guiding principle can be used in Arunachal Pradesh too and acceptance of the Chakmas with restoration of all rights including APST and PRC rights is the ideal solution to resolve the issue once and for all. Once they are accepted as integral part of the state and due rights are restored to them, there will be a sea change in the minds and heart of all communities including the Chakmas themselves as they will become more responsible citizens. RoR includes but not limited to:

- Call for revocation of circular No. Pol-21/81 dated 29 Sep 1980 and restore access to employment rights in state government to all Chakma and Hajong citizens of India by birth.
- Instruct the state government to revoke FP-5D/90-91 dated 31 Oct 1991 and pass necessary instruction to the Ministry of Food and Civil Supplies to re-start issue of Ration cards and PDS items to all Chakmas /Hajongs.
- Issue necessary instructions to the state government to withdraw the impugned circular No.16045-67 dated 11 Oct 1994 and restore the pride of the Chakma Gaon Burah(headman) by issuing a fresh order of appointment of Chakma Gaon Burahs as village Panchayat authorities at par with and in line with the Arunachal Pradesh Panchayati Raj Act, 1997.
- Direct the state government to withdraw the circular No. DYN-JUD1/97 dated 31 Oct 1997 and allow free flow of goods and labor services involving all communities including the Chakma/ Hajong people in village work, contract and business without any discrimination
- **PRC and ST certificates to Chakmas who are citizens of India by birth:**

As per the Constitution (Scheduled Tribes) Order, 1950 (Part XVIII) (in respect to State of Arunachal Pradesh), the list of Scheduled Tribes of Arunachal Pradesh is an open-ended list covering all tribes in the State including 16 communities listed therein. Therefore, an advisory may be issued from the Ministry of Tribal Affairs to the State to extend benefits / issue caste certificates to 'Chakma' tribe.

- **MGNREGA and other Central /State Government Schemes in Chakma villages**

Necessary instructions be given to the state government to extend the flagship Mahatma Gandhi National Rural Employment Guarantee Act to all the 45 Chakma and Hajong villages so that they can take part in the nation building process by being active participants in the scheme. Also, the Chakmas should be given access to all other Central /State Government schemes, as applicable from time to time.

- **Enrolment of all Eligible Chakma Voters**

Elector population ratio for Chakma villages is the lowest at 7.7% as against the state average of 55% and repeated requests for inclusion have fallen on deaf ears and the state government must review the entire process and the Election Commission of India be

directed to conduct summary revisions once again to include all such eligible Chakma and Hajong voters without any prejudice.

2. Autonomous Territorial Council for Chakmas:

The other possible option is to carve out a separate territorial space in the form of an Autonomous Council for the Chakmas in AP and have it directly administered /governed by the Central Government under the 6th schedule of the Indian Constitution. For, it will remove the so-called “burden of Chakma refugees” on the state government on the one hand and will also not take the jobs of other Arunachalese on the other as the Council so created can be directly funded and administered by the Union government. In fact, there is a similar Autonomous District Council (ADC) for Chakmas in Mizoram which could be replicated in Arunachal Pradesh, with minor modifications, if required.

Way forward:

Arunachal Pradesh with more than 26 major tribes and more than 100 sub-tribes must be governed by the ethos of pluralism, mutual respect and tolerance , of ‘live and let live’, of ‘unity in diversity’ of India with various multi-ethnic, social and religious groups living together in peaceful co-existence. This is a key imperative if Arunachal Pradesh is to remain one.

It's sad that the Chakma Buddhists are having to go through this trial and tribulations due to their unique situation and ‘mistaken identity’ and have lost so many precious generations as they are forced to lead a life of right-less existence. It is high time we also harness the human capital of these 60,000 Chakmas, 95% of whom are citizens by birth in Arunachal Pradesh. It will not only be an important opportunity for them to start re-building their own lives but also will infuse in them a sense of belonging and meaningful contribution in a country built on multi-ethnic, religious and tribal diversity.

Sir, it's not surprising that no Chakma organization was invited to the All Arunachal CBO consultative meeting held in Itanagar on 19th Aug 2020 as it is generally the voiceless who are excluded from these crucial discussions. However, the million-dollar question in every Chakma is - what will be the status of the Chakmas should the proposed Patkai Autonomous Council is created, or the state is brought under the 6th schedule? Any further dilly-dallying and politicization on the issue could prove dangerous like a cancer in the future as has been rightly pointed out by you 3 years ago³ (Refer link in footnote).

In light of the extreme pulverization and sense of alienation amongst the marginalized Chakma tribals, we ask you to urgently consider restoration of all the rights such as right to government employment, ration card and PDS , MGNREGA and also restore the appointment with full-fledged powers and function of the Gaon Burahs as the head of village Panchayat.

We also urge you to ensure compliance with all international obligations, judicial pronouncements and end the gridlock by creating a congenial atmosphere for a just and humane society.

³ Arunachal Times - <https://arunachaltimes.in/index.php/2017/10/01/chakma-hajong-issue-is-like-a-cancer-could-prove-dangerous-in-future-pema/>

We, the undersigned signatory organizations and individuals, would be highly grateful for any dialogue with your government representatives to help determine the best routes for finding a solution to the issue. Any decision that does not consider the general well-being, will and genuine aspiration of the Chakma tribal community is not going to work.

We hope, it remains the responsibility of leaders such as yourself to ensure that the rights of all people within the state are protected and justice dispensed including the restoration of rights of Chakmas who have always belonged here, remained loyal to India and have nowhere to go. The creation of a separate autonomous territorial council for the Chakmas could be the best way to resolve the imbroglio.

We remain grateful and indebted to you for your act of kindness,

Sincerely Yours,

(Signed by all the leading NGOs , GBs, social workers of the community)