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INDIA'S PARTITION AND THE CATASTROPHE OF CHITTAGONG HILL TRACTS (CHT): A RETROSPECTION

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Abstract:

The Partition of India in 1947 into two halves i. e. India and Pakistan, on the basis of the 'Two Nation Theory', had reshaped the political map of India in general and North-East India in particular. Due to that development, a huge chunk of land got separated from the geographical atlas of undivided India. Thus, the responsibility of redrawing the boundary between India and Pakistan was assigned to Sir Cyril Radcliffe. The Radcliffe Award was published on 17th August 1947. At the time of Partition, 97.2 percent of the Chittagong Hill Tracts (CHT) population was non-Muslims and thus its people thought that they would be a part of India and accordingly hoisted Indian tri-color flag. But on 21st August 1947 the Baluch Regiment of Pakistan entered into CHT and proclaimed over the area by hoisting the Pakistani star and crescent flag.

The Chittagong Hill Tracts (CHT) comprises about 10 percent of the total land surface of East Pakistan and includes three hill districts namely Rangamati, Khagrachari and Bandarban. CHT was first recognized as 'excluded area' in 1956 and then 'Tribal Area' in 1962. However, by a constitutional amendment of 1964 CHT was removed from the list of Tribal Area which paved the way for the easy access of the Bengali-speaking Muslim people into CHT. This development was followed by the construction of the Kaptai Hydro-electric Power Project over the Karnaphuli River; all these led to the displacement and thereby entity crisis of the thousands of indigenous people known as Jummas and the government records show that many of whom sought refuge in the neighboring states of India such as Tripura, Assam, Mizoram, Meghalaya and West Bengal.

Thus, in this paper an attempt will be made to highlight how the Radcliff Award gifted the CHT to Pakistan disobeying the basic principle of the Partition of India i.e. the 'Two Nation Theory' which led to the displacement and thereby entity crisis of the thousands of indigenous people of CHT.

Key words: Partition, India, Radcliffe Award, Chittagong Hill Tracts, Catastrophe, Retrospection.

Introducton

The election of 1946 radically altered India's political landscape as in that election the Muslim League attained an unambiguous verdict in its favor in the Muslim majority provinces. 'The League polled about 4.5 million or 75% of the Muslim votes in 1945- 46 and won 460 out of 533 Muslim seats in the central and provincial elections.'¹ 'It appeared at a stronger party in its negotiation with the British Government in the last phase of the 'transfer of power'. However, after the publication of the Cabinet Mission Scheme, M.A. Jinnah noticed that Pakistan was a far cry for the League. Though, Mr. Jinnah and the League accepted the Cabinet Mission Plan (6th June, 1946) but he was not very happy about it. Mr. Jinnah in his speech to the League Council made a clear statement, 'he recommended acceptance only because nothing better could be obtained.'²

Thus, the ultimate strategy what the League utilized to achieve its target i.e. Pakistan about which '...now the League leaders gave their demand a much wider connotation. They talked loosely of the partition of the country and the establishment of an independent state for the Muslim majority areas'³ came to be known as the 'Direct Action'. The League fixed the 16th August 1946 as the 'Direct Action Day' as a means to achieve Pakistan. In order to facilitate the work of the All India Muslim League, the League Ministry of Bengal pronounced 16th August 1946 as a public holiday.⁴ A widespread genocide took place in Calcutta and Sylhet on that day. Within a short span of time Noakhali, Tippera, Bihar and some other parts of the country followed the footsteps of the 'Great Calcutta Killing'. Gandhiji himself visited the riot stricken areas of East Bengal to restore communal harmony there. However, it was commented that the Bengal Government did not provide such much all round cooperation to Gandhiji that was required in course of his important campaign.⁵



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In Noakhali, where the Hindus numbered only 18 %, riot took a devastating shape. About three hundred distinguished persons were killed discriminately, sixty thousands huts were looted, broken or burnt and women were also raped in some specific regions.⁶ Even the minority Hindus were subjected to forceful conversion there.⁷ When law and order came to standstill and anarchy prevailed in every nook and corner of the country the attempt of the heavy weight leaders of the Congress even some of the British representatives met with drastic failures. It became quite clear to them that they had no other alternative way than accepting partition of India. Percival Spear argued that partition became inevitable as the tension 'could no longer be restrained within peaceful bounds, and to the bloody August riot in Calcutta (where the Hindus were the sufferers) was added the communal outbreak in Bihar (where Muslims were the victims).⁸ Thus, on 20th February, 1947 British Premier Clement Attlee announced that the British would leave India by June 1948.⁹ However, Lord Mount Batten's plan of June 3rd 1947 proposed to advance the date of 'transfer of power' from June 1948 to August 1947.¹⁰

Mountbatten was sent to India in March, 1947 as Viceroy with a clear instruction to dismantle the British Empire in India as early as possible. He after making long discussions with the leaders of the Congress and the Muslim league worked out a compromise that the country would be free but not united i.e. India was to be partitioned and a new state of Pakistan was to be created along with a free India. The Indian independence Act, 1947 was ratified by the Crown on 18th July and implemented on 14th and 15th August 1947. It was fixed that British rule in India would come to an end on 15th August 1947 and the British India¹¹ would be bifurcated into two new Sovereign Dominions: Union of India and the Dominion of Pakistan.

However, the nationalist leaders did not agree to hand over the one third of the country to the Muslim league as it demanded. They agreed to the separation of only those areas where the Muslim league had predominant influence. Thus, decision was made for the partition of Bengal, Punjab and Assam. Consequently, the Muslim majority British provinces i.e the provinces of Baluchistan with 91.8% Muslims and Sind with 72.7 % Muslims in the north were to become the foundation of Pakistan and these two provinces were entirely granted to Pakistan. Following independence, the North-West Frontier Province and Sylhet district of Assam (excluding Krimganj sub-division) also voted in a referendum to join Pakistan. As two provinces did not have an overwhelming Muslim majority namely Bengal in the northeast with 54.4 % Muslims and the Punjab in the North-west with 55.7% Muslims hence, these provinces were fixed to be bifurcated mostly on the basis of the 'Hindu-Muslim majority'.

Lord Wavell, the Viceroy of India, before his replacement as viceroy in February 1947, by Lord Louis Mountbatten, had drawn a rough borderline. However, in order to determine exactly that which regions were to assign to which country, in June 1947, Britain appointed Sir Cyril Radcliffe, Vice Chairman of the General Council of the English Bar to chair two Boundary Commissions i.e. one for Bengal and another for Punjab. Each Commission also had four representatives i.e. two representatives from the Indian National Congress and two representatives from the Muslim League, though the final decision was essentially of Radcliffe. The Bengal Boundary Commission consisted of Radcliffe, the Chairman, Justice Charu Chandra Biswas and Justice Bijoy Kumar Mukherjee nominated by the Indian National Congress while Abu Saleh Muhammad Akram and S.A. Rahman were nominated by the Muslim League.

Radcliffe arrived in India on 8th July, 1947 and was given just five weeks to decide on such a crucial border. The Commission was instructed to demarcate the boundaries on the basis of ascertaining 'the contiguous majority areas' of Muslims and non-Muslims and considering the 'other factors'. But neither Radcliffe nor the other members of the Commission had the specialized knowledge needed for drawing such a crucial boundary. Even they did not have any advisor to inform them of the well-established procedures and information needed to draw a boundary. Besides, because of the insufficiency of time they failed to gather the up-to-date survey reports and regional information. The system of equal representation from the Indian National Congress and the Muslim league, instead of making a balance created a deadlock situation. Radcliffe thus, considering the situation as intractable and urgent, started taking all the difficult decisions himself and started drawing the bloody line which is popularly known as the Radcliffe Line.

The public sittings of the Bengal boundary commission took place in Kolkata from 16th July to 24th July, 1947. At these sittings, the Indian National Congress, the Bengal Provincial Hindu Mahasabha, New Bengal Association and Muslim



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league presented their arguments. The Congress' demand claimed the Hindu majority districts as well as several chunks of Muslim majority areas such as parts of Faridpur, the whole of Jessor, Nadia, Murshidabad districts, better part of Dinajpur district, eastern part of the Muslim majority Sylhet district of Assam and the Chittagong Hill Tracts. Thus, Congress claimed 55.41 percent of total land surface to be included into West Bengal while Muslim League claimed 80.64 percent of the area of undivided Bengal. In spite of the complex claims and counterclaims, Radcliffe completed his work within the stipulated time and submitted it to the Viceroy.

The Radcliffe Award gave East Pakistan an area of 54,501 square miles while West Bengal was given 28,000 square miles. When the Radcliffe Award was published it came to the limelight that the Award was full of bangles as there were many instances where the border was drawn leaving some parts of the same village in India and some in Pakistan. Even in some cases the boundary was drawn in between a single house bifurcating it into two halves leaving one part in Pakistan and the rest in India. And Radcliffe in many cases gifted the Hindu and non-Muslim majority districts to Pakistan such as Khulna district with a marginal Hindu majority of 51% and Chittagong Hill Tracts with 97.2% of non-Muslim population (mostly Buddhists) were gifted to Pakistan and Muslim majority Districts to India such as Murshidabad and Malda in West Bengal, Gurdaspur in Punjab etc. However, the two major disputes regarding the Radcliffe Line were the Chittagong Hill Tracts and the Gurdaspur District. The present paper, however, attempts to throw light on the Chittagong Hill Tracts between the lines.

Both the Congress and the Chittagong Hill Tracts People's Association (CHTPA) petitioned the Bengal Boundary Commission on the ground that as the CHT was inhabited largely by non-Muslims hence it should remain within India. However, their petition remained un-heard as finally CHT got excluded from the Indian Union. Thus, Sardar Patel, regarded the Radcliffe Award as 'monstrous and a blatant breach of the terms of reference' and warned Mountbatten that 'I am urging the tribesmen (of CHT) to resist amalgamation with Pakistan by force, if necessary.' After getting the letter, Mountbatten lost his balance. Thus, Philip Ziegler wrote that 'India's indignation at the award of the Chittagong Hill Tracts to Pakistan may have been a factor in making up Mountbatten's mind to keep the reports to himself till after independence.'¹² But at last, the inclusion of the CHT into Pakistan could not be arrested. And the reasons which inspired Radcliffe to gift the CHT to Pakistan is still unknown as he burnt down all the papers before his move to England. However, it is said that CHT was gifted to Pakistan considering its easy communication with the latter. And it is also alleged that Sir Frederick Baroj, the then Governor of Bengal, played an important role behind the inclusion of CHT into Pakistan. He was said to have sent a telegram to Lord Mountbatten on 26th June 1947 in this regard.¹³

The Chittagong Hill Tracts has a long history to say. Till the 18th century CHT existed as an independent territory. In 1715, Jalal Khan, the Chakma king¹⁴ made a treaty with the Mughal Nawab and thus, during 1715 to 1760, CHT maintained its internal sovereignty by paying revenue in the shape of cotton or *karpas* to the Mughal Nawab. The English East India Company after annexing Bengal made an attempt to capture the CHT. And ultimately in 1787, Raja Jan Bux Khan was compelled to make a treaty of peace with Lord Cornwallis, the British Governor General. Between the periods 1787 to 1860 the British Government followed a policy of non-intervention. However, after 1860, the British Government started administering the CHT through a set of rules promulgated from time to time. The Chittagong Hill Tracts Regulation Act of 1900 provided a limited self-Government to the CHT which is considered as the chief legal document for the CHT.

The Chittagong Hill Tracts bordering India and Myanmar comprised about 10 percent of the total land surface of East Pakistan and includes three hill districts namely Rangamati, Khagrachhari and Bandarban. Four rivers namely Feni, Karnafuli, Sangu and Matamuri have watered this region and created a fertile valley there. According to Government statistics in 1960, about 3,85,079 persons lived there. The different groups of people living in this area are Chakma, Marma, Tippera, Tongchengya, Mru, Mrung/Reang, Bawm, Khuni, Sak, Pangkhua, Khyang and Lushai. They are collectively known as the *Jumma* and differ markedly from the Bengali majority of Bangladesh in respect of language, religion, culture, physical appearance, dress and farming methods. Among all these tribes, the numerical strength of the Chakma community was the highest and second being the Marma Tribe as according to an estimation of 1981 there were 2,60,000 members of the Chakma community while it was 1,20,000 for the Marma community. And they were followed by the Tippera community as they numbered about 40,000 according to that estimation.¹⁵ Both the Chakmas and Marmas have been following Theravada Buddhism.



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At the time of partition of India, 97.2 percent of the Chittagong Hill Tracts population was non-Muslims and thus its people arguably thought that they would be part of India and accordingly they hoisted Indian tri-colour flag on 15th August 1947 at Rangamati, the Administrative Centre of the Chittagong Hill Tracts.¹⁶ The Radcliffe Award was published on 17th August 1947. And on 21st August 1947 the Baluch Regiment of Pakistan entered into Chittagong Hill Tracts and proclaimed over the area by hoisting the Pakistani star and crescent flag. During 1950s and 1960s the Government started making different experiments in the Chittagong Hill Tracts to industrialize the area. And one of the major projects under the scheme was construction of a dam on Kaptai River, near Rangamati between 1957-1963, to produce hydroelectric Power. As a result of that hydroelectric power project, at least 54,000 acres of settled agricultural land, mostly cultivated by the people of the Chakma community, went under water. And over four hundred square miles of land were submerged with far-reaching effects on economy and everyday life of the indigenous¹⁷ people there and 18,000 families lost their homes and prime cultivable land.¹⁸

The construction of the dam on the Kaptai River, economic exploitation and religious persecution compelled the *Jummas* to leave the CHT and seek refuge into the neighboring states of India. In the face of the continuous influx of the *Jummas* in ever increasing numbers in those states Indian Government was compelled to undertake some rehabilitation measures for them. And accordingly, decision was taken to resettle them in the North Eastern Frontier Agency (NEFA) which was later renamed as Arunachal Pradesh in 1987. The religious affinity of the Chakmas with some of the local tribal groups of Arunachal Pradesh such as Khamptis and Singphos in Tirap and the Monpas and the Sherdukpens in Kameng District might have encouraged the Government of India to settle them in Arunachal Pradesh. Since then, the Chakmas have been residing in Chowkham in Lohit District, Miao, Bordumsa and Diyun in the then Tirap (presently Changlang) and Balijan and Kokila in the Lower Subansari (presently Papumpare) District of Arunachal Pradesh. 1,976 refugee families comprising 16,000 people and nearly 300 families were resettled in Lower Subansari and Lohit District respectively.¹⁹

The CHT was given the status of 'tribal area' in the year 1962. However, in the year 1964 through a constitutional amendment the Chittagong Hill Tracts was removed from the list of tribal area and was made open to all and was brought under the direct central rule. The 1972 constitution of Bangladesh also did not include any provision for recognition of the distinct identity of the indigenous people of the Chittagong Hill Tracts. Rather, after the emergence of Bangladesh, the government started resettling the poor and landless Bengali Muslims in the Chittagong Hill Tracts from the densely populated plain areas of Bangladesh often evicting the tribal population from their land in that area.

The systematic settlement of Bengali population in the Chittagong Hill Tracts from the plain areas caused a rapid growth of demographic imbalance in the Chittagong Hill Tracts. All these incidents led to the emergence of regional parties like Parbatya Chattagram Jana Samhati Samiti (PCJSS) and the Shantibahini, an armed indigenous group in 1972. However, the Government of Bangladesh responded through the forceful imposition of its strategy of '*Bengalization*' of the Chittagong Hill Tracts until a peace agreement was made in December 1997.²⁰

Before the peace agreement of 1997, there prevailed an armed conflict in the Chittagong Hill Tracts for more than two decades. The government took the assistance of the Special Power Act, passed through the second constitutional amendment of 1974 and the Curbing of Terrorist Activities Act, passed in November, 1992 to carry out coercive activities.²¹ During the conflicting period, the Bangladesh Armed Forces committed more or less 12 massacres upon the indigenous people of the CHT.²² As a result, thousands of indigenous people of the Chittagong Hill Tracts lost their lives, several thousand houses were burnt down and hundreds of women were raped.²³ The result was that, for avoiding the conflicts and atrocities of the armed forces some groups of the hill people silently moved towards the small towns and administrative centers, deep forest and also towards the north-eastern states of India.

The peace accord was signed between the PCJSS and the Sheikh Hasina Government of Bangladesh on 2nd December 1997. On behalf of the Government of Bangladesh, Abul Hasnat Abdullah, the Convener of the National Committee on the Chittagong Hill Tracts Affairs and Jyotirindra Bodhipriya Larma, popularly known as Santu Larma on behalf of the PCJSS were the signatories of the Peace Accord. The Peace Accord of December, 1997 ushered a new hope in the minds of the indigenous people of the Chittagong Hill Tracts as the main motto behind the signing of that Peace Accord was to establish



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peace and stability in the Chittagong Hill Tracts and development and empowerment of the indigenous people of that region. In fact, various measures were included in the Peace Accord for that purpose and some of them were-²⁴

1. Establishment of Ministry of CHT affairs which is to be headed by one indigenous person from CHT.
2. Creation of the Regional Council for the entire CHT with a two third majority of the indigenous people in representation.
3. Widening the areas of functioning of already existing Hill District Councils by adding new subjects under its jurisdiction.
4. Creation of an independent land commission to resolve the dispute over land rights acting as tribunal for hearing the complaints and dispossession of lands.
5. Withdrawal of military camps from the CHT region except the cantonments.

The main success of the Peace Accord, as the Government of Bangladesh demands, was the repatriation of some 65,000 of *Jumma* refugees who fled their homes in the CHT in 1986 and took shelter in Tripura, deposition of arms and ammunition by the armed cadres of the PCJSS and withdrawal of 62 out of 500 camps till May 2000. With a view to smooth functioning of the rehabilitation work of the repatriated refugees and the internally displaced persons, a nine member taskforce committee was formed with the representatives from the PCJSS, Returnee Jumma Refugee Welfare Association (RJRWA), Members of three Hill Districts Councils, Members of the Parliament from the CHT region, representatives of 24 Infantry Division of Bangladesh Army and Divisional Commissioner of Chittagong Division. However, regarding the identification of the internally displaced persons there arose a serious controversy among the members of the taskforce. Reportedly, some members of the Task Force Committee wanted to include the non-indigenous people of the settlers' families in the internally displaced people's list which was opposed by the members of the PCJSS and RJRWA. Finally the Government prepared a list of the 1, 28, 364 internally displaced families in the CHT of whom 90,208 families 'tribal' and 38, 156 were 'non-tribal'.²⁵ And for solving the land dispute though initiative was taken to form a land commission to resolve the dispute over land rights but the issue remains still unsolved.²⁶

The upheaval in the CHT could not be solved as the indigenous leaders of the CHT such as Santu Lamar has expressed his discontents as he apprehended that a large number of Bengali speaking temporary and casual inhabitants have been included in the voter list of the CHT.²⁷ And more surprisingly according to an estimation 1,50,000 Rohingya Muslim refugees from Burma are taking preparations to be settled permanently in the CHT²⁸ and it was stated further that the name of the Rohingya Muslim refugees from Burma were found in the voters list of Cox Bazaar.²⁹ Thus, even after the signing of the Peace Accord of December 1997 the CHT has experienced a series of communal disturbances which resulted into the influx of several thousands of *Jumma* refugees from the CHT into the North-eastern states of India. As in 2014 disturbance took place in the CHT and following that from 25-05- 2014 the refugees from CHT started entering into Tui Chakma and Ratannanagar, Gandachara subdivision of Tripura. According to an estimation, 88 victims of 44 families were given temporary shelter in a camp at Tui-Chakma. Chakma Socio-Cultural Development Society and Chakma Youth and Students Council, Gandachara, gave all the possible assistance to those victims. Later on, they were repatriated to the CHT.³⁰ Thus, the aim of establishing peace in the CHT seemed to be a far cry till date.

Since the signing of the Peace Accord of December 1997, a long period gone but the fundamental issues of that Accord such as solving of the land dispute of the CHT, restoration of land to the internally displaced and repatriated *Jumma* refugees and their rehabilitation etc. are yet to be fully implemented.³¹

Following that the Chakma Community of India observed the 17th August, 2018 as the 'Black Day' against the award of the CHT to Pakistan in 1947. Uday Jyoti Chakma, General Secretary of Chakma National Council of India, Tripura State Committee, expressed that they had organized a silent rally in Agartala to protest against the inclusion of the CHT into East Pakistan. He also expressed that indigenous people of the CHT have been orphaned by Partition of India and later on the Pakistani Government and subsequently the military dictators of Bangladesh reduced them to minority by sponsoring demographic invasion. He further added that around 7.5 lakh. Chakmas residing in Tripura, Manipur and Arunachal Pradesh and Assam observed the 17th August as the 'Black Day' to mark a protest against the illegal occupation of the CHT. He also



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stated that the Chakma Community of the north east region earlier requested the Prime Minister Narendra Modi to raise the issue of Human Rights violation in the CHT. He expressed that the Chakma community, living in the north-east India, will observe 17th August as Black Day each year to recall the deprivation of the Chakmas that began due to the decision of the Bengal Boundary Commission headed by Radcliffe.³²

Conclusion:

Thee boundary commission was instructed to demarcate the boundaries of the two parts of the Punjab and Bengal on the basis of contiguous majority areas of Muslims and non-Muslims. It was instructed to look into other factors also.³³ But Radcliffe had no connection with India and absolutely lacked local knowledge of the territories he was to divide. At the same time, he was given only five weeks for such a 'Himalayan task'. 'He was evidently shocked when told that he had only five weeks to complete his work'.³⁴ At the same time, the instructions given to the boundary commission were vague in nature. The term such as 'contiguous majority areas', 'other factors' etc. was full of ambiguities. And again if all these factors such as 'contiguous majority areas' and 'other factors' came into play at the same time then which one would gain precedence over the other was not made clear. And in case of CHT, Radcliffe definitely had paid much emphasis on 'other factors' in awarding it to Pakistan.

On the eve of his departure from India, Radcliffe revealed that, 'nobody in India will love me for the award about Punjab and Bengal and there will be roughly 30 million people with their grievances will begin looking for me. I do not want them to find me.'³⁵ Radcliffe award was un-favorable to the Hindus as well as to the Muslims. When Mountbatten gave the new maps of the subcontinent to Jawaharlal Nehru and Pakistan's Prime Minister Liaquat Ali Khan for studying it, both of them seemed equally enraged.³⁶

However, the situation in the CHT could have been different if the Pakistan Government and later on Bangladesh Government followed a radical policy with regards to the CHT. The transmigration of the Bengal settlers under the auspices of Bangladesh Government and frequent appearance of the Rohingya Muslims in the CHT had deteriorated the situation there. And an environment of peace and prosperity can be created in the CHT if the Bangladesh Government takes an honest effort to implement all the terms and conditions of the Peace Accord of December, 1997 in a more efficient way.

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