

**UN Guiding Principles on Internal
Displacements: A Case Study of
Internally Displaced Reangs of Mizoram
in North-East India**

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Mizoram, previously known as Lushai Hills or Mizo Hills, lies in the Southernmost part of North-East India. Lushai / Mizo is the major tribal groups of Lushai Hills. The other tribal groups are Chakma, Lakher, Pawi, Hmar and Reang. The Mizos, the Lakhers, the Pawis and the Hmars are Christians whereas the Chakmas are Buddhists and the Reangs are Hindus. Ethnic conflict between the major tribal group Mizo and the minority Reang has resulted in internal displacement of 40,000 Reangs¹. Since their displacement in October 1997, they are living in the camps in the northern part of the neighbouring State of Tripura. This paper aims to examine the causes of the internal displacement of Reangs and suggest a possible course of solution to end this crisis.

The Historical Background

In order to understand the genesis of the conflict, it is important to consider the historical background of the Lushai Hills. The British suzerainty over Lushai Hills was limited. These Hills were conquered by the British because of the constant raids of the Lushai people on the plains of Cachar, in the Chittagong Hill Tracts and in Tripura. Punitive expeditions were sent out and the greater part of the district was occupied and pacified between 1890 and 1896. The south Lushai hills were at first included in Bengal but were later united with the north Lushai hills in Assam and the whole was constituted as a district in 1898.

Administration prior to 1937

Up to 1880: The Lushai Hill district came under the operation of the Deregulationizing Act (XXII of 1869), which was repealed by the Scheduled Districts Act XIV of 1874. The Bengal Eastern Frontier Regulation (V of 1873) enabled the Provincial Government, with the previous sanction of the Governor-General in Council, to prescribe “an inner line” which could not be crossed without a pass from the Chief Executive Officer. It also made unlawful the acquisition by non-natives of any interest in land beyond the inner line without the sanction of the Provincial Government or an Officer appointed by them in this behalf.

1880-1920: In 1880, the Assam Frontier Tracts Regulation (II of 1880) was passed, under which power was given to the Provisional Government, with the previous sanction of the Governor-General in Council to direct that any enactment in force in any frontier Tracts should cease to be in force. This regulation was brought into force in the Lushai Hills area. Under it, the operation of the enactment relating to Civil and Criminal procedures, Court fees, stamps, transfer of properties and registration, was barred. Instead, a simpler system of administration of justice in civil and criminal matters was prescribed by rules framed under Section 6 of the Scheduled Districts Act, 1874.

Under the Government of India Act, 1919:

The Lushai Hill district along with other hill districts were declared, under sub-section (2) of section 52-A of the new Government of India Act, 1919 to be “Backward Tracts”, and an express provision was made therein requiring a mandatory section to be inserted in any Provincial or Central Law solely intended for Lushai Hills that it should apply only as directed by the Governor-General in Council or the Governor in Council, as the case may be, and with such exceptions and modifications as might be made by him. The Instrument of Instructions enjoined upon the Governor to take due care for the advancement and social welfare of the tribals in the hills. Very few of the enactments applicable to other districts were applied to Lushai Hills. The administrative rules framed before 1920 under the Scheduled Districts Act were followed. The activities of the regular police force were barred. Under special orders, subject to the control of the

district officers, the village authorities discharged the ordinary duties of police. The civil laws and customs of Lushai people regulated the life of the people in respect of marriage and divorce, inheritance of properties, etc. The rules for the Lushai Hills prescribed the conditions for the recognition of succession to chieftainship and the determination of their territorial jurisdiction.

The Government of India Act, 1935:

The Simon Commission which was constituted in 1927 to review the working of the Government of India Act, 1919 had recommended that the responsibility of administration of the Backward Tracts should be entrusted to the Central Government. But the views of the Commission were not accepted and the Lushai Hills continued to remain within the province of Assam and were classified as Excluded Areas. On the executive side, the Governor acted in his discretion in the Excluded Areas and the Ministry in the State had no responsibility, except that of including financial provision in their budget. In respect of legislation no Act either of the Central or Provincial Legislature applied *proprio vigore* to these areas; they could only be extended, with or without modifications, by the Governor.

After India's Independence:

Bardoloi Committee: The Constituent Assembly of India in 1947 had set up a Sub-Committee for the North-East Frontier (Assam) Tribal and Excluded Areas under the Chairmanship of Premier of Assam Mr Gopinath Bardoloi to find out from people of these hills as to how they wished to be governed in future.

The Sub-Committee visited Lushai Hills District and heard the representatives of different organizations. The representatives of the District Conference, an elected body of village chiefs stated before the Sub-Committee that “they were being taken for granted that they would like to join the Indian Union.”² The representatives of Mizo Union, the first political organization of the Lushai Hills stated that “they would like to join the Indian Union through Assam but desired that the Mizos should be allowed to control

immigration, land tenure and administration of justice.”³ The Editor of a weekly paper “The Mizo”, stated that “the Mizos must make their own decision and that the widest possible self determination should be given to the Lushai Hills. Before 1871, the Lushai Hills was practically independent but the British came and sliced out portions of Lushai Hills to Manipur and Burma and all these parts should be amalgamated into one.”⁴ The Superintendent of Lushai Hills, Mr McDonald, stated that “the whole district would be managed by a sort of District Council to be elected on democratic principles.”⁵ Non-Lushai Settlers in the Lushai Hills also stated before the Sub- Committee that “the rights and interests of about 4,000 Non-Lushai settlers from plains comprising Nepalese, Bengalees and Muslims should be protected and they should be given adequate representation in the District Council.”⁶

On the basis of the recommendation of the Sub-Committee, special provisions as to the administration of tribal areas in Assam were made under Articles 244 (2) and 275(1) of the Constitution of India and incorporated in the Sixth Schedule. The Lushai Hill District which was earlier classified as Excluded Area was reclassified as an Autonomous District. The name of the Lushai Hill District was subsequently changed into the Mizo District by the Lushai Hill District (Change of Name) Act, 1954 (18 of 1954), S.3. The autonomy in the Lushai Hills District was exercised chiefly through the District Council which was set up for the Mizo Hills. The Regional Councils were set up in certain minority tribal areas in the Mizo District. The District and the Regional Councils had the power to make laws with respect to (a) the allotment, occupation of land for the purpose of agriculture, (b) the management of any forest not being a reserved forest, (c) the regulation and the practice of jhum or other forms of shifting cultivation, (d) any matter relating to village and town administration including village or town police and public health and sanitation, (e) appointment of succession of chiefs or headmen, (f) inheritance of property, marriage and social customs. Setting up of such Councils, however, did not satisfy the aspirations of the Mizos who continued to demand greater autonomy.

Pataskar Commission: “A Commission was appointed vide the Government of India’s Resolution No.4/2/64-SR®-A of

16th March, 1965 under the Chairmanship of H. V. Pataskar to make an investigation and report on proposals for administrative and other changes in the autonomous districts and regions and also to go into the question how far the provisions of the Sixth Schedule to the Constitution could be varied and liberalized to confer a greater measure of autonomy on the District and Regional Council.”⁷ The Commission observed that “the Mizo District Council made great progress in respect of legislation. Besides legislation on land and revenue administration, forests, social customs etc., it had passed laws on house sites, inheritance of property, abolition of chiefs and establishment of village councils.”⁸

The Commission analysed the revenue and expenditure of the Mizo District Council and noted that “for the 4 years from 1960-61 to 1963-64 the receipts out of own resources amounted to Rs 2.22 million and grants amounted for Rs. 5.32 million thus the total receipt was Rs.7.54 million. As against that the total expenditure had been Rs.11.81 million of which the expenditure on establishment had been Rs.2.97 million, the rest being expenditure on development projects.”⁹ The Commission observed that “most of the revenue of the District Council came from land revenue and forest. And the Council had not been able to balance its receipts and expenditure and the expenditure was unduly heavy.”¹⁰

The Commission noted that “the dissatisfaction of the small tribes was most marked in the Mizo Hills District. The smaller tribes felt neglected and were afraid of being swamped by the Mizos.”¹¹ The Commission also reviewed the working of Pawi Lakher Regional Council which had been constituted to look after the interest of the minority tribes. The Commission observed that “the Regional Council did not enjoy the powers given to the District Council and the financial position of the Regional Council was not at all satisfactory. And suggested that the Regional Councils should be abolished and the smaller tribes could be given suitable representation by reservation of seats in the District Council”.¹²

Union Territory Status to Mizo Hills: The Government of India constituted a Committee under the Chairmanship of Shri Ashok Mehta to consider the question of re-organisation of the State of Assam in 1967. The Committee recommended

“that the Autonomous Hill Districts of Assam should be given maximum autonomy. There should be a Legislative Authority in each of these Autonomous Districts with Legislatures having full legislative authority in respect of the subjects assigned to such Legislatures. The Legislature should consist of not more than 40 and not less than 20 elected members including not more than 3 nominated members to represent the interests of minorities. The executive powers should be exercised by the Governor with the aid and advice of an Executive Council headed by the Chief Executive Councillor appointed by the Governor. The Executive Council should have its own Secretariat.”¹³ Under the North Eastern Areas (Reorganisation) Act 1971, Mizoram was made into a Union Territory in 1972, under the charge and control of the Central Government. The Mizo District Council along with Pawi-Lakher Regional Council was abolished. The Pawi-Lakher Regional Council was trifurcated into three Regional Councils, viz., the Pawi Regional Council, the Lakher Regional Council and the Chakma Regional Council and each was upgraded to the District Council, in 1972 under the same Act.

Statehood to Mizo Hills: While the Government of India had been conceding more autonomy to the Mizo Hills an insurgency movement for creation of an independent Sovereign Mizo State continued in the Mizo Hills. The Mizo National Front (MNF), which was formed in 1961, was in the forefront of the insurgency movement. The MNF activities were declared prejudicial to the security of Mizo District under Rule 32 of the Defence of India Rules. As a counter-insurgency measure, the Government of India resorted to regrouping of villages which affected “roughly 75% of the population of Mizoram.”¹⁴ Insurgency disturbed the peace of Mizo Hills for twenty years and ultimately a peace accord was signed on 30th June, 1986 between the Government of India and Mr Laldenga on behalf of the MNF. The agreement *inter alia* stated that “ in order to satisfy the desires and aspirations of all sections of the people of Mizoram, the Government would initiate measures to confer Statehood on the Union Territory of Mizoram.”¹⁵

The Conflict

The Reangs also called Brus are distributed in the states of Mizoram, Tripura and Assam. In Mizoram they have settled in the valleys along the banks of Lengai and Teirei rivers in the Aizwal district, and the Karnafuli river in the Lunglei and Chhimtuipui districts. This area is surrounded by hills and covered with dense forests. The Reangs by and large live in relative isolation. The exodus of Reangs to the adjoining Cachar in Assam and north Tripura started in October 1997 following generalized violence against their community. The controversy started when the Bru National Union, a political party of Reangs formed in the early 90s, in a general assembly meeting in September 1997, passed a resolution demanding an Autonomous District Council for the Reangs within Mizoram. There was a strong reaction from Mizo Student Federation (MZF) which said that “if the Reangs wanted to divide or disintegrate Mizoram further, it would be better that they go away. The resolution demanding Autonomous District Council could not be accepted by MZF. If the Reangs go ahead with their plan, the MZF was ready to fight against such a demand. Mizoram is the only land Mizos have and it could not be lost to foreigners or other communities.”¹⁶ The Reangs who crossed over to Tripura spoke of “a fear psychosis following the killing in October, 1997 of 10 Reangs, allegedly by the MZF. The flow was not stopped, suggesting tension and lack of security. MZF went on the rampage after the murder of a Mizo forest warden allegedly by the Bru National Liberation Front.”¹⁷

“An armed militant group called the Bru National Army (BNA), believed to be the Militant Wing of the Bru National Union (BNU), was formed in 1994 to protect, develop and uplift the Reangs. According to the Bru leaders, their cultural practices were obstructed and they were forced to adopt Mizo names and Mizo languages as their medium of instruction instead of the native Kokbarak. The Bru leaders also alleged that the names of about 20,000 Reangs were deleted from the Electoral Rolls.”¹⁶

Efforts made to resolve the crisis:

The Mizoram Government had sent a delegation led by the State Home Minister, in October, 1997 to persuade the

Reangs living in camps in Tripura to return. A programme of repatriation was also chalked out with Tripura Government. “However barring 3000 Reangs most of the Reangs refused to return to Mizoram even after the Government promised to provide adequate security by deploying Central Paramilitary Forces in the area. The State Home Minister also stated that President of the Bru Students Union on March 9, 1998 warned all the Reangs who had not left the state to leave the state by March 22, 1998 or face excommunication by the community or even death.”¹⁷ The biggest camp is at Narsingpara packed with 18,000 people. The other camps are located at Ashapara, Khasi Thappara and Hamsapara. The living conditions in these camps are not satisfactory and there is lack of potable water. “Over 500 deaths were reported in these camps due to gastro epidemic in June 1998. The Reangs have survived on the 450 grams of rice given by the Tripura Government.”¹⁸

The demands of the Bru National Union spearheading the movement include “formation of Reang Autonomous District Council, deployment of Central Security Forces in their inhabited areas, Rs. 100,000 as compensation for each family whose house has been destroyed, Rs.50,000 for each of those willing to go back, inclusion of Reangs in voter’s list, protection of their culture and reservation of 3 seats in the assembly.”¹⁹ The Union Home Minister Mr. L. K. Advani during his visit to North East on September, 1998 stated that “the Mizoram Government must take back every Reang tribal now housed in relief camps in Tripura for whom the Centre is bearing the expenses and there was no question of taking back selectively. He rejected the Chief Minister Mr. Lal Thanhawla’s assertion that he would take back only those Reang tribals whose names were in Mizoram electoral rolls.”²⁰

The Reangs living in camps have demanded guaranteed protection from the Mizoram Government as a precondition for their return to their homeland though Mizos believe that the Reangs are rank outsiders and hence have no right to claim that they are permanent settlers. The Chief Minister of Mizoram, Mr Lal Thanhawla in a statement had said that “Reangs were not original residents of Mizoram and they had crossed over to Mizoram areas from Tripura and the Chittagong Hill Tracts of Bangladesh in search of land for

ghum cultivation and that his Government had no obligation to take back the Reangs.”²¹ The Reangs are believed to be increasingly joining the insurgent groups to wage war against the Mizos. A high level delegation of the National Human Rights Commission (NHRC) visited the Reang camps in Tripura. The delegation members talked to the Reang leaders and also the state officials in Tripura regarding problems of the Reangs. Later on the basis of delegation’s report the NHRC wrote to the Mizoram Chief Secretary “to make necessary arrangements without any further delay so that they could go back to their villages in Mizoram. Reangs living in camps are residents of Mizoram and that it was the responsibility of the state government to arrange for their immediate repatriation.”²² The Union Government has also requested the Mizoram authorities for taking necessary steps for early return of the Reangs.

Analysis of the causes of the conflict:

The genesis of the conflict is that the Reangs and for that matter other minority tribal groups feel that the majority Mizos would swamp them and their rights and interests would not be protected. This important issue as to how to protect the interest of minority tribal groups was addressed by the Bardoloi Committee. The Committee, in order to grant autonomy to some minority tribes, like Pawis and Lakhers, had recommended “setting up of Regional Councils for them.”²³ It is felt that instead of setting up of separate Regional Councils, it would have been better had the minority tribes been given adequate representation in the District Council for Mizo Hills. While Regional Councils were set up for Pawis and Lakhers, the other minority tribes were completely ignored probably considering their small population.

The Pataskar Commission had recommended “the abolition of the Regional Councils.”²⁴ The mistake of creation of multiple Councils was again repeated when Mizoram became a Union Territory in 1972. The Mizo Council was abolished consequent upon the creation of Union Territory of Mizoram but instead of abolishing the Regional Councils for Pawis and Lakhers they were upgraded to District Councils and a separate District Council was set up for Chakmas

ignoring the claims of other minority tribes like Hmars, Reangs, etc. The other minority tribes feel that such Councils should be set up for them also as that would give them political identity and such Councils would be in a better position to look after their welfare. While co-existence and harmony amongst different tribal groups having different social and cultural identity continued from time immemorial but the same suffered a set back when each tribal group wanted to establish a separate political identity by way of creation of a separate Autonomous Council. To achieve their goal, some members of the minority tribal groups often resorted to insurgency activities. The minority Hmars, after a prolonged struggle backed by insurgency, could secure a Development Council for themselves. Once a Government yields to such pressures, it sends wrong signals to other minority tribal groups that they can also get such Councils only through the same approach. The Bru National Army is one such insurgent outfit which has recently taken up the cause for the Reangs.

Setting up of separate Councils has other problems too. The population of a particular tribal group is not confined to a particular area of the Council only. The members of the same tribal group who are living outside the area of the Regional Council feel that their interests have not been protected and there is a tendency to make a demand that the area of the Regional Council / District Council should be extended to include such other areas so that such left out population of the tribal group could be brought under their purview. Moreover, in view of the limited resources, such multiple Councils are not in a position to discharge their roles effectively and remain merely paper organizations. The whole scheme of autonomy of tribal groups was envisaged keeping in view their overall integration. But this has not happened since each tribal group wants to have a distinct political identity.

When Mizoram became a state in 1986, a separate mechanism of representation of minority tribal groups could have been thought of by making necessary provisions in the Constitution. Such representation in the highest Legislative body of the State would have effectively protected their interests. Moreover, creation of such Councils have

undermined the role of the village authorities which had a special importance in the Mizo society.

The Mizos have always lived in isolation and they have a very strong attachment to their homeland. Thus, the moment any minority tribal group talks of autonomy and demands creation of separate District Council for themselves. Mizos consider it as an attempt to fragment the Mizo State further and it becomes a very emotive issue. To counter such demands such minority tribal groups are branded as outsiders who have settled in Mizoram. And all sorts of attempts are made for de-legitimising their claims by deletion of names from the voters' list, questioning the census report, etc. Any minor incident can provoke a violent reaction from the majority tribal group. In the case of Reangs, killing of a forest warden allegedly by Bru National Army resulted in burning of hundreds of houses of Reangs in many villages and killings of many Reangs. The entire Reang community was considered as the enemy of the Mizo people. Consequently, panic gripped the Reang community and many of them were forced to flee their homes. The insurgent groups affiliated to the minority tribal groups take full advantage of such a situation and project that it is they who can protect the interest of the minority tribal groups. The Bru National Army, the insurgent outfit of the Reangs claims to protect the interests of the Reangs. The Reangs in the adjoining State of Tripura are the second largest tribal community in the State. The internally displaced Reangs from Mizoram took shelter in Tripura with the hope that they would get support from the Reang community of Tripura. Before proposing a possible course of solution, it is proposed to consider *U.N. Guiding Principles on Internal Displacement*²⁵ in the context of internally displaced Reangs. Though the Principles have not been adopted by any country, they may help the Reangs to make their demands to the State and the Central Governments. Moreover, these Principles would make the State and the Central Governments aware of their responsibilities.

UN Guiding Principles in the Context of the Internally Displaced Reangs

Definition:

The displaced Reangs fully meet the definition of IDPs as contained in the Guidelines, as they were obliged to flee and leave their homes due to generalized violence towards their community when their houses were burnt and there had been indiscriminate killings of many members of their community.

Protection from Displacement:

The Principles relating to Protection from Displacements, particularly those contained in Principles 5 and 9, were completely violated in the case of Reangs. In terms of the Principle 5, the State and the Central Government were required to take all such measures which could have prevented their displacement. But effective measures were not taken by the State and the Central Government to contain the generalized violence towards the community. The Reangs, under the circumstances, were obliged to flee their homes. Principle 9 puts special obligation on States to protect against the displacement of indigenous minorities. The conflict between the majority Mizos and the minority Reangs had been brewing over a period of time but no special protection measures were taken by the State for their protection.

Protection during Displacement:

Principle 18 talks about making available essential food, potable water, basic shelter, essential medical services, etc. The conditions in the camps are not satisfactory as they lack basic amenities. There is no facility for education. The Central Government is meeting the expenditure in providing assistance in terms of essential food and other amenities but the same is not adequate enough considering their long stay in camps. The State Government of Tripura is also not able to

provide adequate assistance as the State is currently afflicted with serious insurgency problems and ethnic conflicts. As the Reangs are not getting adequate assistance, Principle 18 stands violated to some extent.

Resettlement of Reangs:

Principle 28 requires that the competent authorities should create conditions for early return of the IDPs. The Central Government as well as the NHRC have given directions to the State Government of Mizoram to take necessary steps for early return of the Reangs but these directions have not yet been implemented. Steps taken by the State and the Central Government so far for creating conditions for their early return are not adequate. Thus the obligations of the State under Principle 28 have also not been met.

Possible Courses of Solution

□ ***Bridging the divide between the Mizos and the Reangs:***

The divide between the Mizos and the Reangs have increased over the last few years. If the demand of the Reangs for setting up of a separate District Council is accepted this divide would further aggravate. A time has come to reconsider the question of adequate representation of minority tribal groups in the Legislative Assemblies. In the Legislative Assemblies of other States the seats for Scheduled Tribes are reserved in proportion to their population but in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland by a special provision under Article 332 (3A) of the Constitution of India, except for few seats all seats are reserved for the Scheduled tribes. In Mizoram Legislative Assembly out of 40 seats 38 seats are reserved for the Scheduled Tribes. Keeping in view the aspirations of the minority tribes the Government could consider reservation of seats in the Legislative Assembly for them by a similar special provision in the Constitution. For the Legislative Assembly of the State of Sikkim under Article 371F(f) of the Constitution of India the Parliament for the purpose of protecting the rights and interests of the different

sections of the population may make provisions reserving seats for different sections of the population in the State. The Sikkim Legislative Assembly has 32 seats out of which 12 seats are reserved for Lepcha and Bhutia communities.

The minority tribes can also be represented by nomination in the Legislative Assemblies by suitable amendment to the Constitution of India. At present, such nomination is possible only for the Anglo-Indian community in terms of the Article 333 of the Constitution of India. Setting up of resourceless intermediate tiers of administration in the form of Autonomous Councils for individual tribal groups may not be in the overall interest of the State. Moreover, this runs counter to the current thinking of the Government of India regarding decentralization of administration which lays emphasis on strengthening the village level authorities by vesting more authority and resources with them.

□ ***Concerted Efforts for Return:***

In the past the Government of Mizoram has shown reluctance in accepting all the Reangs living in camps. Both the Central Government and the NHRC have given categorical directions to the State Government of Mizoram to accept all the Reangs but the directions have not yet been complied with. The fact that the directions of NHRC have also been ignored by the State Government is quite serious. Concerted efforts of the State and the Central Government can alone bring about their return. Most of the Reangs would return to their villages if proper security arrangements are made. In order to assure them that no harm would come to them, such security arrangements should continue for sufficiently long period of time. It would be necessary to take strong action against the insurgent outfit “the Bru National Army” who would try by all means to prevent their return.

□ ***Assistance to Reangs on their return:***

It would be necessary to provide adequate assistance to the Reangs on their return. They have demanded that adequate compensation should be paid for the houses which have been destroyed during the generalized violence. As the Reangs are

basically dependent on subsistence agriculture in the hilly terrain and their economic conditions being very poor, it would be necessary to continue the assistance now being given in relief camps for a few months after their return.

□ ***Control of Immigration from Neighbouring States:***

It is very necessary to control the immigration of other tribal groups from the neighbouring States and also other population from the plains into Mizoram. The uncontrolled immigration would further bring about demographic changes aggravating ethnic conflicts. The Mizos have always resisted such immigrations.

Conclusion

Internal displacement of Reangs, a minority, indigenous, backward tribe, has caused untold sufferings to them. They have remained in camps for the last three years. They are in such a remote area and their socio-economic conditions are such that they are not even in a position to articulate their demands in terms of UN Guiding Principles. It is therefore all the more important that the State and the Central Government meet their obligations as enumerated in the Principles so that they can return to their homes and enjoy the basic human rights. A concerted effort of the State and the Central Government with strict monitoring by NHRC can certainly bring about their return to their homes.

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Views expressed in this Paper are author's personal views and should in no way be construed as the view of the Government of India.

The author is thankful to Prof. B S Chimni, School of International Studies, Jawaharlal Nehru University for his valuable suggestions.

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- ⁶ Ibid, p. 67.
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- ²² Ibid.
- ²³ Report of the Commission on Hill Areas of Assam, 1965-66, Government of India, Ministry of Home Affairs, p. 15.
- ²⁴ Ibid, p. 106
- ²⁵ For text of UN Guiding Principles on Internal Displacement, see *Internally Displaced People-A Global Survey*, Norwegian Refugee Council, pp. 205-213 or go to www.reliefweb.int/ocha.ol/pub/idp.gp/idp.html