

**Endangered Lives on the Border:  
Women in the Northeast**

**Anjuman Ara Begum  
Chitra Ahanthem  
Sahana Basavapatna**

**2010**

## Contents

<b>Engendered Lives: Women in the West Garo Hills</b> <i>Anjuman Ara Begum</i>	1
<b>Sanitized Societies and Dangerous Interlopers I: Women in a Border Town called Moreh</b> <i>Chitra Ahanthem</i>	17
<b>Sanitized Society and Dangerous Interlopers II: Law and the Chins in Mizoram</b> <i>Sahana Basavapatna</i>	31

This number of the *Policies and Practices* series contains three research papers, entitled “Engendered lives: Women in the West Garo Hills” by Anjuman Ara Begum; “Sanitized Societies and Dangerous Interlopers I: Women in a border town: Called Moreh” by Chitra Ahanthem and “Sanitized Society and dangerous interlopers II: Law and the Chins in Mizoram” by Sahana Basavapatna. These articles are based on the CRG-ICSSR research programme on *Women and Borders in South Asia*. These studies intend to study the border both as a metaphor and in reality and these studies aim to take a hard look at the interface of gender and democracy.

# Engendered Lives: Women in the West Garo Hills

Anjuman Ara Begum

Partition is conceptually distinct from population transfer, though in most cases, it is accompanied by substantial sorting of populations<sup>1</sup>. Partition is a political outcome that impacts social life tremendously. With partition border creeps in creating lines that divides people, society and nation. Border becomes physical visible when it is fenced. Fences along the border lines make the border a concrete and fixed structure representing control of land and people. Border gives birth to the extremities of particular forms of violence that are enacted in the name of security and well-being — checkpoints, walls, fences, technologies of surveillance and governance<sup>2</sup>. At the space of the frontier.... also reminded of the particularities of borders — territorial, economic, social, religious, disciplinary, intellectual — and of fundamental concepts such as democracy, rights, sovereignty, belonging<sup>3</sup> and these factors determine different relationships in human beings as social beings.

As the core of the nation-state fails to bring the lives along the borders into the mainstream domain, the obvious imaginary concept of the communities within a geographical territory appear hollow and in many cases they prefer to belong to the brethren on the other side of the fence. This essentially heats the barbed wire. While doing so, it only cements the *Baul Singer Fakir Lalan Shah's* immortal take on: *The winged soul trapped inside a cage only flies off; how no one knows.*<sup>4</sup> By drawing a forced shadow Line, the exodus cannot be stopped. Free souls despite the repressive agencies to discipline and punish them, would sneak in to for various reasons, from right to liberty, lives and property as suggested by John Locke. *'In this context setting up of symbolic and real structures of differentiation which block flows, movement, of people, ideas, and productive exchange'* impacts relationships as social beings both inside and outside the border.

Border exists everywhere, between life and death, between the believer and the atheist, between the dweller and the neighbor and to continue between the void and the fullness<sup>5</sup>. The Borderland space in this paper is West Garo hills bordering Bangladesh with an area of 3714 Sq. Km. and population of 5,18,390 as per the census report of 2001. Partition of British India in 1947, creation of Bangladesh in 1971 and consequently fencing of borderlands including Garo

---

<sup>1</sup> Nicholas Sambanis and Jonah Schulhofer-Wohl, "What's in a Line?: Is Partition a Solution to Civil War?", *International Security*, Vol.34, No 2, Fall 2009, pp. 82-118.

<sup>2</sup> Vijay Devadas & Jane Mummery, "Protean Borders and Unsettled Interstices", *Borderland e-journals*, Vol.7, NO.1, 2008.

<sup>3</sup> *Ibid.*

<sup>4</sup> <http://en.wikipedia.org/wiki/Lalon> as on January 16, 2010.

<sup>5</sup> Paul Virilio, *The Open Sky*, London, Verso, 1997. p.1.

hills in 1980s has reinforced or gave birth to many borders in Garo Hills. It demarcated and divided plain and hill population, majority and minority, indigenous and non-indigenous, original inhabitants and migrant population, armed conflict or nationalism sentiments. It has created borderlines among the different ethnic and religious communities. Engendering the lives along the borders is a difficult one as the heat of poverty, virtual anarchy and repression are equally felt by both men and women. But as they are not the *Whole Women*<sup>6</sup>, the brunt to be borne is more. From political demagogue to local money lenders, from the security personnel to the scar faced ring leader of the cattle herd smugglers; it is a tight rope walk on a scaring altitude with no life-support, a small mistake could prove lethal. Nevertheless, the murky ambience the womenfolk surprisingly by sheer resilience and adaptive power, often come out unscathed and continue to nestle the home and the micro-world of her own. Women's lives in the borderlines of West Garo hills reflect their sheer resilience, silent tears and a burning desire to put a step outside the line called border. Heat of the barbed wire constructing the border melted their lives and concreted in a different shape inevitably.

### **How the Barbed Wire Came in the Indo-Bangla Border**

Several countries in the world have constructed fencing along the international border in the last century in an attempt to counter illegal migration, cross border terrorism, smuggling etc. Mexico-US border, Spain-Morocco border, India-Pakistan border etc can be quoted as examples. In the sub-continent, border has become a part of life after partition in 1947. Citizens of both the nascent states accepted it as inevitable with much pain in heart. Families got divided in two countries and borders became barrier. According to Eva (1998), 'borders ...are conceptual and concrete points of reference for establishing what is internal and what is external, what can come in and what must stay out. The logic of this selection is inevitably socially constructed — the creation of borders can thus be regarded as a process through which 'imagined communities' define their 'imagined territories'<sup>7</sup>.

The idea of protecting the border with a fence was not new<sup>8</sup>. Demand for fencing or 'complete sealing' of the border along the East Pakistan border was echoed in 1964<sup>9</sup> which grew much louder after the Assam agitation in 1980s. In 1986 Government of India approved the construction of fences along the Indo-Bangladesh border. The Indo-Bangladesh Border extends to a total length of 4095 kms Of this West Bengal has a border length of 2216 kms, Tripura 856 kms, Meghalaya 443 kms, Mizoram 318 kms and Assam 262 kms. "The barbed wire fencing would be very effective to check trans-border movement of terrorists, infiltration and border crimes,"<sup>10</sup>. 'As the entire Indo-Bangladesh border has been prone to large scale illegal immigration/infiltration from Bangladesh, the Government of India sanctioned the Indo-

---

<sup>6</sup> Germain Greer, *The Whole women*, first Ankor books edition, 2000,

[http://www.amazon.co.uk/gp/reader/1862300577/ref=sib\\_dp\\_pt#reader-page](http://www.amazon.co.uk/gp/reader/1862300577/ref=sib_dp_pt#reader-page) as on January 7, 2010.

<sup>7</sup> *Cooperation and Conflict: Journal of the Nordic International Studies Association*, Vol. 41(1): 53–71, [www.ps.au.dk/NISA](http://www.ps.au.dk/NISA) as on January 12, 2010.

<sup>8</sup> Willem Van Schendel, *The Bengal borderland: Beyond State and Nation in South Asia*, London, Anthem South Asian Studies, 2005. p. 212.

<sup>9</sup> *Ibid.*, p 212.

<sup>10</sup> The statement of G.M Srivastava, the then DGP of Tripura in Agartala cited in [http://ibnlive.in.com/printpage.php?id=105884 &section\\_id=3](http://ibnlive.in.com/printpage.php?id=105884&section_id=3) as on December 25, 2010.

Bangladesh Border Roads & Fence project in 1986 at a cost of Rs.371.74 crore with a view to preventing infiltration by Bangladesh nationals.... the cost of the project was subsequently revised to Rs.831.17 crore in 1992'<sup>11</sup>. Fencing was constructed in two phases. In 2001, the Director General of the Border Road Organization calculated that 1 km of border fence cost Rs. 2.2 million and 1 km of border road Rs 4.5 million<sup>12</sup>.

In October 2004, government of India decided to continue fencing the border. The UPA government allocated funds for border fencing, road and maintenance as well as for boats and aircraft for the BSF and spent Rs 2404.7 million for fencing the Indo-Bangladesh border. In 2007, India decided to replace the entire 861 km. of fence constructed under Phase-I in West Bengal, Assam and Meghalaya, as most of this fence have been damaged by adverse climatic conditions and repeated submergence. The replacement work has already commenced in the States of Assam and West Bengal. 193.70 km. of fencing has been replaced so far<sup>13</sup>. The fencing now has a concrete base with barbed wire and is also equipped for passing mild electricity.

One of the discontents between the two 'friendly countries' of India and Bangladesh was the clause of an agreement signed between the two country in 1974 and the clause puts an prohibition on construction of any objects within 150 yards of zero line in the border<sup>14</sup>. However, the construction of fencing along the Bangladesh frontier leaving 150 yards between the zero line and the fencing became impossible in many places because of geographical and sometimes historical reasons. Places of worship located right near the zero line or river area made it impossible to construct the fencing 150 yards away from the zero line. In a preliminary survey, the Home Ministry and the Border Security Force have stumbled upon 46 such patches where the fencing cannot be constructed as per the India- Bangladesh agreement of 1974<sup>15</sup>.

---

<sup>11</sup> *The Assam Tribune*, December 10, 1998.

<sup>12</sup> Razwana Shamshad, "Politics and Origin of the India-Bangladesh Border Fence", Paper was presented to the 17th Biennial Conference of the Asian Studies Association of Australia in Melbourne 1-3, July 2008 available at <http://arts.monash.edu.au/mai/asaa/rizwanashamshad.pdf> as on January 1, 2010.

<sup>13</sup> Annual Report 2007-08, Ministry of Home Affairs, Government of India, New Delhi, 2008, p.3.

<sup>14</sup><http://news.rediff.com/report/2009/jun/30/indo-bangladesh-border-fencing-pact-hurdle.htm> as on December 20, 2009.

<sup>15</sup> *Ibid.*

The presence of Shah Kamal Baba Dargah sheriff, (shrine of Pir Shah Kamal Baba) in Mahendraganj and presence of river near Hallidayganj are such examples. In the phase- I construction of fencing Dargah shariif fall outside the fencing as it is located within 50 yards from zero lines. Abdullah, the care taker of dargah informed that 'in 2009, Dargah was 'taken inside' India by constructing the fencing within 50 yards. 'Several flag meetings were held to fix this as there was strong opposition from Bangladesh. Sometime the workers worked at night to avoid any unpleasant incident', said Abdullah, care taker of Dargah on November 30, 2009. He also informed that people's movement across the fencing during the 'dargah mela' has been restricted since 2007. This is because, he said, it's 'difficult to guarantee the return of the Bangladeshis'. Border fencing now put the Dargah inside India. The fencing passed behind the dargah. We requested the authority to put the graves inside the fencing area. Devotees from Bangladesh long to see the Pir's grave. People from Bangladesh protested fencing the dargah site as it will prevent them to have a look of the grave and offer prayers. Border forces from both the sides conducted several 'flag meetings' to resolve the issue. The whole fencing was erected in a rush to avoid unwanted opposition from people from the other side'. Interview with Abdullah on November 2, 2009 at Dargah, Mahendraganj; see also Ministry of Home Affairs, Annual Report 2007-08.

Apart from this the issue of adverse possession of land along the India-Bangladesh frontier caught into wild fires many times. Infamous Pyrdiwah and Boroibari incident is still fresh in the minds of people. As on date 551 acres of Bangladesh land is under adverse possession of India while 226 acres of Indian land is under adverse possession of Bangladesh along Assam-Meghalaya sector along the international border<sup>16</sup>.

Construction of fencing along the international remained slow since its initiation. An editorial note published in local daily commented as follows. ‘Slow progress of construction of roads and fencing along the international border with Bangladesh has seriously affected border management and the Centre must take adequate steps to ensure that the work is completed within a specific time frame. The Centre has sanctioned construction of fencing in a stretch of 565.428 kilometres along the international border in Assam-Meghalaya sector, but so far, fencing is completed only in a stretch of 157.102 kilometres and work is in progress in a stretch of 133.735 kilometres. At this rate, no one knows as to when the job will be completed...’<sup>17</sup>

*“We are facing problems in about 270 kilometers due to various reasons. But we are persuading the construction agencies to speed up the work. The construction agencies are facing problems due to objection by the Bangla Desh Rifles at places, hostile terrain and weather, and opposition by locals who fear their land would fall outside the fence’.*

Inspector General of the Border Security Force (Assam and Meghalaya Frontier) Prithvi Raj informed the media on August 23, 2009<sup>18</sup>.

Newspaper reported that according to a Union Home Ministry report, 3,437 km border of the total 4,095 km India-Bangladesh border was to be fenced by March 2010. ‘Work has so far been completed along a 2,800-km stretch and construction on the remaining portion is on’<sup>19</sup>.

### **Factors that Impacted Women’s Lives in Fenced Borderlands of West Garo Hills**

Several factors impacted women’s life in the borderlands of West Garo Hills. These factors ranging from social, political or economic reflect power and control over women. Border regime itself is a system of control, regulating behaviour at the borders<sup>20</sup>. Control over borders has traditionally been an important attribute of the nation-state, intimately linked to issues of sovereignty and independence<sup>21</sup>. Fencing the border is a means of control over the flow of goods,

---

<sup>16</sup><http://news.rediff.com/report/2009/jun/30/indo-bangladesh-border-fencing-pact-hurdle.htm>,  
<http://www.sentinelassam.com/northeast.php?sec=2&subsec=9&ppr=1&dtP=2009-10-06>,  
<http://www.theshillongtimes.com/b-6oct.htm> as on October 6, 2009.

<sup>17</sup> *The Assam Tribune*, December 3, 2009.

<sup>18</sup> *Meghalaya Timeline*, 2009, [www.satp.org.in](http://www.satp.org.in) as on March 15, 2010.

<sup>19</sup> *The Assam Tribune*, December 1, 2009. Giving an account of the achievements of the force in the Assam-Meghalaya frontier, official said that the troops take care of 557 kilometres of international border in the sector, of which, 443 kilometres are in Meghalaya and 134 kilometres including 49.7 kilometres of riverine border are in Dhubri district of Assam and BSF nabbed 181 Bangladeshi infiltrators in the sector in 2009.

<sup>20</sup> Berg, Eiki, and Piret Ehin. “What kind of border regime is in the making? Towards a differentiated and uneven border strategy”. *Cooperation and Conflict*, Vol. 41, No. 1, March, p. 53.

71, <http://www.csa.com/ids70/gateway.php?mode=pdf&doi=10.1177%2F0010836706060935&db=polsci-set-c&s1=2a8ce637cd352c8de3c93418fca12d33&s2=878f07eac4de2168b5e51583e473e21d> as on December 3, 2009.

<sup>21</sup> *Ibid.*

human and animal movement and to regulate human behavior in the borderlands and this gives rise to 'border management'. A fencing was seen as a major deterrent for the 'infiltrators' and a great help to the Border Security Force (BSF) in improving border management<sup>22</sup>.

The most immediate impact of fencing in West Garo Hills is the loss of agricultural land. It's a loss, that resulted no adequate compensation and rehabilitation till today though displaced the residents of 150 yards along the border line due to insecurity and fear psychosis. Fencing proved detrimental for those who were dependent on cross border trades both legally and illegally. Above all, fencing created a feeling of being trapped in one's own land.

*In 1954, when there was 'allah hu akbar'<sup>23</sup>, we crossed the border and took shelter in East Pakistan. This is not possible now. If a group wants, they can really eliminate us as fencing is there as a barrier', said Abu Hussain<sup>24</sup>.*

In the borderlands of West Garo hills, it became almost impossible to cultivate the lands fallen outside the fencing. Local people complained that 'there is inadequate guard along the fencing and dacoits from Bangladesh would cut and grab our paddy once it is ready for harvesting and this forced many to stop cultivating their lands falling outside the fencing'<sup>25</sup>. Sometime there are inadequate openings or 'border gates' along the fencing lines that stopped cultivators to reach their land. Similar concerns were even echoed by the Meghalaya chief minister. The then Chief Minister Lapang said, 'his government will take into the account of survival needs for the people residing along the border..... instead of fencing better roads for smooth running of vehicles are required to check infiltration'<sup>26</sup>. Women landowners whose lands falls beyond the fencing have completely given up cultivating their lands in the border lands of West Garo Hills.

Land rights in West Garo hills is bit unique considering its sixth schedule status. The official website of the district traces the history of contact between the British and the Garos which started towards the close of the 18<sup>th</sup> Century after the British East India Company had secured the Diwani of Bengal from the Mughal Emperor<sup>27</sup>. Consequently, all the estates bordering upon Garo Hills, which for all practical purposes had been semi-independent were brought under the control of the British. Website further articulates that though political control had passed from the Mughals to the British, the latter, like Mughals, had no desire to control the Estates or their tributaries directly. The Zamindars were not disturbed in the internal management of their estates. In fact, they were entrusted, as they had been by the Mughals, with the responsibility of keeping the hill Garos in check with help of their retainers. Thus in the beginning, the intermittent conflict between the Zamindars and the Garos went on unabated until the situation deteriorated to the extent that the British were forced to take notice. This development led ultimately to the annexation of the Garo Hills in 1873. Captain Williamson was the first Deputy Commissioner of the unified district. The district was bifurcated into two districts viz. East Garo Hills and West Garo hills districts in October 1979.

---

<sup>22</sup> *The Assam Tribune*, same as note 17.

<sup>23</sup> Many residents of Mahendraganj referred to "Allah hu akbar" of 1950s. It is not clear what happened in that year. It seems there was a sort of communal riot and during this riot Muslims shouted 'allah hu akbar' to seek help from other Muslims. In all probability, it could be the time of Language movement of 1952 in East Pakistan.

<sup>24</sup> Interview on November 28, 2009.

<sup>25</sup> Interview with Abu Hussain, Ayub Ali and others at Mahendraganj and Mankachar, October 30, 2009.

<sup>26</sup> Willem van Schendel, same as note 8.

<sup>27</sup> <http://westGarohills.gov.in/history.htm> as on January 2, 2010.



Immediately the formation of Meghalaya state in February 21, 1971, government of Meghalaya passed Meghalaya Transfer of Property Act 1971. As a result, transfer of lands from tribal to non-tribal became illegal. For instance, during the 1977 parliamentary elections, the Congress 'issued a press note reminding the people that unauthorised transfer of land ... from tribals to nontribals and from non-tribals to *others*.... Transfer of land from tribals to nontribals and from non-tribals to *others* was illegal, void and punishable under the Meghalaya Transfer of Land Act 1971<sup>28</sup>.

Women in borderlands of West Garo Hills are found to be the owners of land resources but only in papers. Male members of their family enjoy the possession and overall control over the resources. Women are denied of their legitimate rights over their own land. The denial is from their 'own' family members where the nation-state has no 'interference'. A typical case study can be cited here.

*I got married at an early age in 1968 probably. My husband was a tailor by profession. After marriage we shifted to Tura for business purpose. After sometime 'liberation war' (liberation war of Bangladesh) prevented us moving to Mahendraganj. After the declaration of independence of Bangladesh, my husband was served a notice of 'quite India' as he was found to be a 'Bangladeshi'. I wanted to move and relocate with him in Bangladesh. But my father interrupted and said that he cannot allow anyone to take away her daughter. My husband left me. Life became terrible as there was no one to look after me. My remarriage was arranged with a local man in Mahendraganj. I got remarried to this man who had another wife and children. Life became more terrible after the second marriage. My husband first wife, wanted to poison me. I left my second husband's home after two years. Then I lived with my younger sister for 17 years. My second husband gave me lands as 'mehr' (dower) during my remarriage. He never handed over the possession of this land. Later these lands fall outside the fencing. I tried a lot to get the possession of this land. I complained to the local leaders. No one could help me. Then I left Garo hills and decided to go back to my first husband. I started living in a border village in Assam. Fencing was already erected in the border and it became difficult to cross border. Somehow I managed to go though and finally met my husband after years. My husband remarried there and made a big family. I stayed there for six months and then he died. I came back to India. And now I have no one in this world. I stay in a village in Assam and teach Arabic and Qoran to students. This gives me livelihood' - Zubeida Khatun<sup>29</sup>*

## **Border Trade and Extra National Interest**

Border trade whether legal or illegal is always a source of income and livelihood for many. Fencing proved barrier for the people who were dependent on barter system of border trade. Barter system is the preferred mode of trade as money exchange booths are still unknown to these remote areas and also for security reasons. Such trades are often mocked as 'trade of *banga-bandhu market*' were an important means of livelihood for the people along the borderland of West Garo Hills. A police official requesting anonymity informed, 'sometime we allow such activities to continue as people are left with very less options for livelihood.' People's protest obstructed the construction of fencing for quite some time. Meghalaya Government is yet to give

---

<sup>28</sup> Rajesh Dev, "Ethno-Regional Identity and Political Mobilisation in Meghalaya: Democratic Discourse in a Tribal State", <http://argueindia.org/wallace.pdf> as on May 1, 2010.

<sup>29</sup> Interview with Zubeida Khatun in Agia, Assam on November 27, 2009. Name changed on request.

nod for construction of fencing in some parts of the international border<sup>30</sup>. In barter trade people usually exchange food, cloths, dry fish, mosquito net, utensils, gold, silver etc. After fencing this type of cross border trade became illegal and is now know as informal trade, black marketing, illegal trade or smuggling and persons carrying out such business are commonly called ‘blackers; or ‘*blackdari*’. It was estimated that informal trade resulting through smuggling is worth 200 crore INR annually while formal trade through Meghalaya border with Bangladesh was around 170 to 200 crore INR a year<sup>31</sup>. The total volume of informal trade is much higher than the formal trade. It is observed that the majority of ‘blackers’ were women. A local resident informed:

*These women are now working as domestic workers or under NREGA (National Rural Employment Guarantee Act 2005) or otherwise. But none of them are into ‘business’ now<sup>32</sup>.*

The importance of the border trade and adverse impact of its sudden closure is reflected in the fact that both India and Bangladesh agreed to reopen the border *haats* (weekly markets) in October 2009. Border *haats* were functional from the Moghul period. Bahadur kata, Sherpur, Purakhasia, Dalu, Mankachar Mahendraaganj etc were important border *haats* for years till the border and fencing came in. Most of the border *haats* were closed down by 1971 though some were open till 1974. Of late, discussions on reopening of transit points and passages are very much revived<sup>33</sup> which signifies its importance. Reopening of these century old *haats* would provide livelihood opportunities for women and their families along the borderlines.

## **People and Security Forces along the Fencing**

As a matter of policy, border is necessarily ‘armed’, well protected with trained armed security personnels. Security personnels target and are sometime are targeted and had to done with lives. On April 14, 1987, the Rishi Community of the Baghmara (now in South Garo Hills district) town was celebrating Charak Puja in the Primary School building. The establishment apprehended disturbance to peace and tranquility in the town therefore alerted the law enforcement agencies. Within a few hours after Puja, the town experienced serious communal disturbance. A senior Sub-Inspector (Sardul Singh) of Border Security Force (BSF) stationed in the town opened fire on a crowd near a place called MT garage at 21.15 hours. Several persons were injured as a result of the firing.

Most terrific incident of brutality along the Indo-Bangla border is that 15 BSF jawans, taken hostage by the BDR from Boroibari in Assam's Mankachar sector bordering West Garo Hills on April 18, 2001 were killed. Their bodies were returned to the BSF on April 20 at Mahendraganj check point on the Indo-Bangladesh border, 26 km from Assam's Mankachar town. It was termed as ‘murder in cold blood’ by the Indian authority and even refused to accept

---

<sup>30</sup> *The Assam Tribune*, same as note 17.

<sup>31</sup> *The Shillong Times*, October 23, 2009.

<sup>32</sup> Interview with Anowara Bewa, Mahendraganj on August 23, 2009.

<sup>33</sup> *The Assam Tribune*, January 10-12, 2010.

the badly mutilated bodies of BSF. Only seven bodies could be identified as those of BSF men...the rest were disfigured beyond recognition<sup>34</sup>.

It was reported that during the exchange of fire in the Mankachar region on April 18, a patrol of 16 BSF jawans reportedly got separated from the rest of the troops and fell into the hands of the Bangladeshis. Director-General of the BSF Gurbachan Jagat said: "One of our patrols strayed and got caught by the Bangladesh Rifles or Bangladeshi villagers on the other side of the border." However, the BDR claimed that it was not responsible for the death of the captured BSF jawans and added that the marks on the bodies indicated that it was the work of a mob of Bangladeshi villagers. A probe team led by a former BSF Director-General is investigating the circumstances that led to the death of the BSF jawans<sup>35</sup>.

*'The actual fact of the case never came out. The real incident is that a small river island surfaced in the river. Some families from Bangladesh settle there. BSF used to extort money from them saying that the island falls under Indian territory. This incident is a result of their greed'*<sup>36</sup>.

Occasional tension on both the side of the border is a constant phenomenon. 'Flag meetings' are organized quite often to negotiate the difference between the border security forces of both the countries.

India and Bangladesh share a 4,096-km frontier, regarded as one of the world's most fluid borders. More than 1,500 miles of the border have been fenced with barbed wire and concrete under the 1.2 billion dollars project during the past seven years.<sup>37</sup>

*'Now after fencing, smuggling has come under control. Women, who were earning good money through door to door sale of smuggled items, now became domestic labourers. One woman who named Sahera was very close to me. She expired. Government paid compensation about 50 thousand INR per bigha for the lands that fall outside the fencing'*<sup>38</sup>.

Not only smuggling or cattle lifting, the West Garo hills border is also a transit point for insurgent groups having their base camps across the border. As many as 479 infiltrators were captured on the Indo-Bangladesh border in Meghalaya and Assam in 2009 while nine people were killed. The nine deaths which took place were reported to be caused by the apparent firing by forces which took place between January and December 22, 2009 along the border, the BSF was quoted in a statement. 32 militants and 42 linkmen of different militant groups were taken custody during border patrolling, and counter-insurgency operations Assam-Meghalaya frontiers. 10 militants gave up around the time. As many as '9 militants of Muslim fundamentalist organizations were also caught in the border and various arms and explosives were recovered from them' various reports in news papers claim<sup>39</sup> though completely different versions of such claims are not absent.

*'I thought the fencing would act as the boundary wall for me and protect my family. But it proved to be a killing site. BSF first arrested my son while crossing border, took to the camp and then brought him back near the fencing and shot him dead. Many of my neighbours witnessed it. Later BSF told us that he was trying to flee in Bangladesh with some contraband substance and BSF personnels were forced to open fire. Everyone fled. No one gave true witness about the incident. I*

---

<sup>34</sup> The Frontline, Volume 18, No.9, Apr. 28 - May 11, 2001.

<sup>35</sup> *Ibid.*

<sup>36</sup> A senior officer of BSF requesting anonymity informed the researcher in Guwahati on November 15, 2009.

<sup>37</sup> *Ibid.*

<sup>38</sup> Interview with a female ex-smuggler in Nandichar, October 25, 2009.

<sup>39</sup> <http://www.india-server.com/news/479-infiltrator-captured-along-the-18401.html> as on June 2, 2010.

*contacted the local MLA. MLA gave 1500 INR and asked me to keep silent.’ We are poor people. My son was the only earning member. I cannot work anymore. There is possibility of justice for son. They branded him as ‘smugglers’. We have friends and families in Bangladesh. Once the border appear we cudnot meet them. Tell me how my son can refuse if somebody calls to share a bidi while working in the field? It would be impolite and indecent. We have land on the other side of the fencing. Sometime BSF allow us to go, sometime not depending on their mood. Sometime they will allow to go if we clean the area surrounding their watch tower. Sometime they ask to show identity card to go to the other side of the border and work. Now, from where we will get an identity card? We had voter’s card but we shifted our house several times and we lost these documents. Many stopped cultivating their lands that fall outside the fencing. May be I have to do that as well’ ..... Gumeljan Bewa<sup>40</sup>.*

Young girl of 14 years old too has experienced and could narrate correctly the ‘successes of several armed encounters along the fences border.

*‘My father Mujahar Ali, 32-34 years old [as he was], son of Lt Nabu Hissain and Lt Haliman was killed by the BSF 14 years ago. I was one year old then. My mother, Ameena could do nothing as she is illiterate and afraid of BSF. My father was a fisherman and daily wager. He went to the nearby shop on the fateful day. BSF asked the shop keeper to shut the shop owned by Dakat. Some heated argument took place and BSF shot at my father twice and the bullets hit his genitals. He died. Another person Todo was hurt by he survived. Myself and my mother now live with this horrible memory and count our sufferings’... Arfina<sup>41</sup>:*

### **‘Lifting’ of Animals and Women**

Cattle lifting and dacoity was a daily phenomenon till border fencing controlled the menace to some extent in border areas of West Garo Hills. But occasional theft and dacoity are continuing even today. Cattle smuggling too remained a lucrative ‘trade’ among the border though fencing was aimed to prevent this. In 2008, the BSF seized contraband goods and cattle worth 155 million rupees<sup>42</sup> and in 2009, BSF seized smuggled goods including cattle, forest products, ganja and other contraband items worth Rs 53.80 crore<sup>43</sup>. Same news item also reported that the seizure of fake Indian currency of the face value of Rs 1.07 lakh, Bangladeshi taka worth 2.60 lakh and Indian currency worth Rs 39.76 lakh along the international border.

Though cattle lifting are common, lifting of woman was somewhat unheard untill the abduction of a female from Hallidayganj, a small business place in West Garo Hills. Mafusa Begum<sup>44</sup>, aged about 22 years was forcefully abducted by about 15-16 men from Bangladesh. Her husband, a school teacher narrates the days as follows:

*‘On that fateful night, January 21, 2004, I and my wife were sleeping in our bedroom. Around 1-15 am, dacoits numbering about 15-16 encircled our house. We are joint family. My elder brother, Nurul Hasan’s house too shares the same courtyard. On January 20, 2004, I organized a Hepatitis B vaccination camp and sold the injection at a discounted rate. Such camp was very new in our village. Probably the dacoits got information that I collected lots of money. They first*

---

<sup>40</sup> Interview with Gumeljan Bewa on October 25, 2009.

<sup>41</sup> Interview with Arfina on November 22, 2009.

<sup>42</sup> <http://aboutmegalaya.blogspot.com/2009/02/cattle-smuggling-to-bangladesh-poses.html> as on December 15, 2009.

<sup>43</sup> *Ibid.*

<sup>44</sup> Interview with Mafusa Begum and her husband on November 29, 2009 at Hallidayganj.

*entered my elder brother's house by breaking the door. I think probably they planned to attack my home instantaneously. It was not well planned as they mistook my elder brother's house as mine. In 2004, there was no cell phone service, but land lines were there. I had land line connection. That night I watched TV till 12 midnight. I was sleeping soundly. Suddenly I woke up hearing a loud cry from my brother's house. I made out that dacoits have come. I asked my wife Mafuja who was in 'half dress' (sleeping dress) to wear proper cloths. I tried to call a friend from the landline. But my friend did not pick up. I went to the door and peeped through the hole and found that a man standing at the door step. I was worried about my wife and she is not so brave. I pretended as if there is no one in the room. Soon after two three minutes, someone shouted 'open the door'. I did not open. They tried to break the door. Then I opened the door. Immediately, two three persons entered the room and asked for money. I said that I have no money. You can check the safe. I told them that I work in a private college and get 750 INR as salary. They searched everywhere in my house. Initially I was afraid of the dacoits but now I have gained my courage and was answering them. There was a fat man among the group. He was looking after the activities. After sometime he ordered, 'hurry up'. One of them put the torch at my wife's face but no one behaved badly with her. The fat man asked one of his companion, 'if there is no money, take her'. After hearing this, I asked my wife, 'pray to Allah'. One of the man took her on his shoulder and all of the dacoits left immediately. Before leaving they locked me. After they left everyone came and rescued me. I went out running and called her name. I called all the villagers. Some came out and informed they that they have no clue. I ran around for till it was 5 am. I got no clue of my wife. She disappeared in the fog'. After about 48 hours of this incident, Mafusa was rescued by the locals in Bangladesh and was handed over to the BSF stationed near Hallidayganj. Mafuja, still traumatized remembers her ordeal and narrates, 'as soon as they took me out of the house, I became unconscious. They took me in their shoulders. After sometime I could hear my husband calling me. After sometime his voices faded in the fog. Next day morning I found myself in a house with tin roofed. My captors went behind the house and was whispering some conspiracy. I saw some women and children. I went near to them and asked for help. 'please rescue me', I requested. They replied, 'they are devils. They don't know humanity and have no mercy. You take allah's name'. I was surprised to see that no women asked anything on why I was brought here. Day light got brighter. I gained my courage. One captor came close to me and proposed me for marriage. He said, 'your husband did not try to save you. I have lots of money. Be my wife.' I replied that I will kill myself before marrying you'. I was crying all the time. After sometime, they asked for a burqa from the women and asked me to wear it. Then they boarded me in a cycle rikshaw. As the rikshaw passing by, I could see people moving around. They are all in lungis. Before reaching Rowmari, I saw three men in trousers standing near a motorcycle. I decided that I will ask their help. Before reaching the standing men, the chain of the cycle rikshaw fall down. I thought this is the chance to run away, but couldnot gather courage. The cycle started moving again. I thought I missed the golden chance to rescue myself. As we were passing the standing men, again the chain fall. I immediately gathered courage and jumped from the rikshaw and cought hold of the three men standing there and I could utter, 'please save me'. One of men said that you are like my sister. Don't worry, we will help you.' I discovered that I am in Bangladesh, not India. They three men were teachers in a college. They took me to the house of chairman and explained how I was kidnapped from India. The chairman has two daughters and the eldest one is of my age. The chairman adopted me as his daughter and promised for help. Whole day and night I stayed in his house. Chairman scolded the dacoits and asked not to do the same again in future. Next day with the help of the BDR and BSF, I reached the border and saw my husband came to receive me. After a day and a night, I reached my home back. This incident will shiver my throughout my life'.*

## Relation between the Garos and Non-Garos in West Garo Hills

Relationship between the people of the borderlands in West Garo Hills is an important factor to understand the social breath of the area. Creation of border has much thrust on the social live as well. It is observed that border has created many social borders within the region. It created border between people, culture, language, traditions and practices. The total population of Meghalaya on 1st March 2001 is 2,306,069 as per the results of the Census 2001. About 85 percent of Meghalaya`s population constitutes the tribal people. In interior reaches of the Garo Hills, the percentage of tribal population is as high as 97%. The Khasis are the largest group, followed by the Garos. Other groups include the Jaintias, Koch, Hajong, Dimasa, Hmar, Kuki, Lakhar, Mikir, Rabha. Only fifteen percent of the population is non-tribal which include about 54,000 Bengalis and 49,000 Muslims<sup>45</sup>.

During the Moghul period some Bengalis were in contact with the Garos<sup>46</sup> of the border areas through trade of essential commodities like salt, rice, kerosene, garments etc. They were then employed by the Zamindars of Bijni, Mechpara and Gauripur to cultivate the marshy lands and re-settled some of them. When the British came, more of them were brought as labourers and traders in the weekly markets. The Muslims are who found in the plain area of West Garo hills are mainly from the present Bangladesh where Dhaka was the eastern-most outpost of the Moghul Empire<sup>47</sup>. The successive invasions of the Muslims against the Ahoms left behind a sprinkling of Muslim population at the Plain foothills of Garo Hills. Later on, they were also drawn into these areas as they found that there were lots of virgin soils while some of them came as petty traders and labourers.

Meghalaya was created in February 21, 1971 vide the North Eastern Area (Reorganisation) Act 1971 with the assertion of preserving indiginity and ethnic identity of the tribals in the state. All the five districts of the state (now seven states) were already placed under the sixth schedule. As a result democratic limitations were placed upon the non-tribals of the states. Out of the 60 assembly seats 55 seats were reserved for the tribals to contest and 5 seats were kept open for the non-tribes to contest.

A fact finding report published by North East People`s Initiative on `Police firing on demonstrations in Garo Hills` articulates that `several developments since 1972 have seriously set back the hopes of the indigenous people who assumed that separate statehood was all they needed to accelerate their socio-economic advance while preserving their cultural identities. First, with the government setting up district councils under sixth schedule of the Indian constitution, conflict arose between the traditional tribal bodies and the newly instituted official councils. Secondly, boundary disputes cropped up between local tribal landowners and central government establishments and army cantonments. Thirdly, the new state with its abundant natural resources attracted a huge number of non-tribal investors and businessmen.` The last factor created tensions between the tribals and non-tribals.

Explaining the socio-political scenario in Garo Hills, Rajesh Dev wrote, `...issue that has dominated..... in Meghalaya, which is similar in most of the states of the region, is the concern for the preservation of indigenous identity given the popular perception about the `sustained

---

<sup>45</sup> [www.westgarohills.nic.in](http://www.westgarohills.nic.in) as on June 2, 2010.

<sup>46</sup> <http://dadenggiri.gov.in/essay.pdf> as on January 1, 2010.

<sup>47</sup> *Ibid.*

exodus and influence of nonindigenous communities' upon the fragile socio-economic and cultural fabric of the state'<sup>48</sup>. Marriages between the Garos and the non-tribal are treated as an invasion to the indiginity of the Garos.

*With partition some people fall in India or Hindustan and some fall under Pakistan. Border emerged and we saw state authorities putting pillars and marking the border. There was one place where the river was very deep and labourers couldnot erect pillar there. Then they put the pillar on the embankment. Later the pillar was stolen by some East Pakistanis. I heard there is pillar sign in the map, but not in the reality. [This created confusion..... emphasis added]. This is how the river came under Bangladesh today. Now with the fencing coming in, we feel that we are trapped. We cannot enter Bangladesh freely like before. We are a sort of refugees now [separated from our relatives who are in Bangladesh due to border...emphasis added]. The Gaors are not giving us equal status<sup>49</sup>.*

Social relationship between the Garos and the non-tribals in Garo hills is ever changing with time and situation. It fluctuates from 'peaceful' to 'violent'. Mutual distrust and uncertainty prevails and is the chemistry of this relationship. 'Garo noi karo' (Garo is for no one) is the popular punch used by the non-tribal residents along the borderliners of West Garo hills which is intended to depict the 'selfishness character of the Garos', as observed among the borderland non-tribals. On the other hand, the Garos believe that non-tribals or 'bangals' as addressed by the Garos, have enough land to accommodate themselves outside Garo Hills as they don't constitute the aboriginal people of Garo Hills. An ordinary villager in Chapahati said 'Garo Hills is the land of the Garos and not for others. If others [other communities] keeps pouring in Garo Hills then where shall we go?'. The Garo nationalism more intensified after the nationalist movement spearheaded by Achik National Volunteers Council (ANVC). In the 1990s when the groups was very active, carried out wide spread extortion, kidnapping and killings for ransom. Several youths from non-tribal areas of West Garo hills left their job in fear. A typical case could be quoted here.

*We were happily settled in Tura [headquarter of West Garo Hills] for ages. My mother was Garo married to a Muslim man. I brought up as Garo. I married a muslim man from Mahendraganj and we had 7 children. My husband was a well settled contractor and had good business. We had all the comfort in life. Suddenly in a day in 1987, I don't remember the date but it was Friday. The cause of the riot was over a dispute of beating the principal of a college by a non-tribal boy from Mankachar, Assam. At around 2 pm, riot started in Tura. Several Garo youths attacked our house at around 8 pm and asked for my husband. They said that since my husband is non-tribal, I should hand over him to them and rest of us can live in Tura as I am a Garo. How can I hand over my husband to them? They started beating us. My son is handicapped. He was severally beaten and my daughters were molested. All our household things were taken away by our Garo neighbours. We ran away to save ourselves and reached police station. We found one of my daughters is missing. We stayed there for the whole night. Next they police arranged for buses and we were to leave for a nearby place called Mankachar in Assam. There were about 22 buses and all the affected non-tribals boarded the buses and suddenly we found our daughter in one of the buses. We lost everything but I was happy to see our daughter. We all wept together. We stayed in Mankachar for 15 days. Then we shifted to a small plot of land that we bought in Mahendraganj long back. Since then we are settled here. In that riot we 6 members of our family and relatives were killed by the Garos. Our house maid's deadbody was lying there under the bed and we heard that people saw worms coming out of her brain. The lost incurred on us on that day was never*

---

<sup>48</sup> Rajesh, Dev, same as note 28.

<sup>49</sup> Interview with Abu Hussain: aged about 80 years, resident Mahandraganj on November 20, 2009.

*compensated, neither by any individual nor by the state. There was no investigation too. About 50 non-tribal people were killed during that riot*<sup>50</sup>.

Occasional riots among the non-tribal themselves are also experienced. On October 10, 1997, clashes erupted when an immersion procession was passing through a place of Muslim worship, a mosque in a village in Mahendraganj. Two persons were killed, houses were torched on both sides and about 100 were wounded. Curfew prevailed for three days continuously and officials brought the situation 'under control'<sup>51</sup>.

Non-tribal's perspective about the Garos varies. Positive aspect of their perspective is that Garos are simple, honest and hardworking while the negative aspects brands Garos as dictators, aggressive and repressive by nature who lacks fellow-feeling. Non-tribals view themselves as the son of the soil as they are here since time immemorial and hence they should be provided the enjoyment of equal rights. The bitterness of the relationship is much enhanced because of the mutual suspicion over each other which are influenced by several social and political factors. Non-tribals are sometime dependent on the Garos for their economic gain, natural resources and so on. The Garos are too dependent on the non-tribals for their skills based works and business skills.

### **Narratives of 'Trapped Women' in the Border Lands of West Garo Hills**

Kadamphool, daughter of Kodu Sheikh and Naychan Khatun, was only 14 years old when she got married in 1946. She belonged to the village Dhanua, Kamalpur, now in Bangladesh. She said:

*I could visit my parents for two years freely. Then border came in in 1947. Once the border is created, my husband would took me to the border and my parents would receive me from the other side. This continued for two years only. Since then I havn't visited my parents or my siblings. Now with the fencing coming in, my heart pains and my soul weeps as I will never be able to see my relatives or my place of birth. There is no restriction for birds of the two countries, why restriction for human being? I live like a maid for my husband as if he divorces me, I have no place to go.*<sup>52</sup>

With the border and fencing women along the border lines of West Garo hills think they got 'trapped' in the process and their movement is restricted. They compromised with everything in life, faced domestic violence silently. Some women migrated to Garo hills due to communal riot during partition. Sharashi Prabha Das who belonged to Akoa village of Mynmensing district (now Bangladesh) was only 15 years old when she got married. Her husband Naresh Das has land properties in Garo Hills that helped them to shift during communal riot in 1952.

*Due to riot I couldn't meet parents and never met after that. They died. I never met any of my family members since I left my place of birth. Today I can only shed tears for them. With border and fencing I am restricted now. I cannt move freely like before*<sup>53</sup>. ' Similar situation is experienced by many women. Saraswati Das, daughter of Manindra Das and Priyabal Das of Kailapatti, Sirajganj (now Bangladesh) was married to Ramen Das at the age of 14. After marriage she along with her husband migrated to Kolkata soon after partition in 1947. 'After that four 30 years I didn't hear anything about my parent. Later I came to know that my father died thinking of me all the time. Its only after 1971, I came to know about it. Many developments took

---

<sup>50</sup> Interview with Nur Jahan T. Sangma and her family on January 6, 2010.

<sup>51</sup> <http://www.rediff.com/news/oct/13curfew.htm> as on January 1, 2010.

<sup>52</sup> Interview with Kadamphool at Mahendraganj on May 7, 2010.

<sup>53</sup> Interview with Sharashi Praba Das at Mahendraganj on May 7, 2010.



*place in between. Border became very 'strict' and fencing came in. only in 2009, I could connect with my family after 40 years and I heard that my mother died six years back<sup>54</sup>.*

Border crossing became a part of women's life after 1947. Border crossing was easy till the fencing came in. In case of Lalphool, daughter of Lalchan Bepari of Mahendraganj proved favourable. Lalphool was married in 1971.

*In that year people from East Pakistan moved towards Garo Hills area. One boy from East Pakistan took shelter in her house. She fall in love with this boy and she eloped in 1972. They crossed the border and lived with the boy's family in Bangladesh. Lalphool faced heavy domestic violence that forced her to come back to India. Fencing came in 1986 and it was difficult for her to cross border. Finally she managed to do so. He ex-husband accepted her and she has three children later<sup>55</sup>.*

Similar real life stories of women are found echoing in the area and are usually cherished with silence and tears. These women have no space to be vocal about their sufferings.

### **In Lieu of Conclusion**

Creation of border and fencing created bottle necks and people's movement became restricted. The most nearest port of business proved far reaching. People's life and livelihood took several transformations, got divided and became unstable. Land, people and societal space of West Garo hills got divided into tribals and non-tribals and created layers of borders physically and psychologically. Land rights of non-tribals over their own lands were restricted in order to protect tribal interest. Democratic participation of the non-tribals became limited. Only 5% seats of 60-member legislative assembly is kept open for the non-dominant non-tribals. With fencing coming in, non-tribals feel more vulnerable.

Among all these developments, women's lives and their aspiration met no attention. They remain the silent mass visible only in voter lists. Women formed the left outs and their sufferings continued and their voices were muted by the heat of the poverty, gender discrimination and religious sedimentation and above all the fenced borderline. To add to the nefarious power structure surrounding them, another vicious embargo often restricts the growth of the women, the Religion. Instead of the supposed protection inscribed in the Sacred texts, wrong and false interpretation by the Oligarchs, subjugates them more. Often the women are pushed to an anemic, perpetually pregnant, many times divorced and a mimetic self of her true existence, who perhaps don't figure in the welfare Programs run by the Government.

---

<sup>54</sup> Interview with Saraswati Das on May 8, 2010.

<sup>55</sup> Interview with Anowara Bewa on October 21, 2009.

## Acknowledgement

*The author is indebted to Subhra Sankar Roy Choudhury, Sulema Khatun, Noor Banu Begum, Jamat Miah, Saidur Rahman, Erik de Maakar, Nokma of Chapahati, Nunu Sangma and borderlanders who shared their experiences.*



**Woman seen fetching water from a pond near the fencing**



**A mother passing by fencing where her son was killed by BSF in West Garo hills**



**Fencing under construction and a border road along with fencing in West Garo hills**



**Arfina (left side) along with her mother. Her father was killed by the BSF in 2002. (left) Gumeljan Bewa's son was tied with the fencing and shot dead by BSF on being a suspected smuggler.(right)**



# Sanitized Societies and Dangerous Interlopers I: Women of a Border Town: Moreh

Chitra Ahanthem

## Introduction

*Boundaries split and maintain territorial imperatives through nation state politics but at the same time regulate, constrict and allow a natural movement of people in a historically precedented process across borders*

(Robert R. Alvarez 1995)<sup>1</sup>

The available studies on borderland reveal interesting linkages between transnational capitalism and relationship between modern nation states. While the “economic” borders continue to shrink under well administered and well engineered economic policies with shift in economic and human resources and new trade routes are carved out, still the global world feels the need to securitise and limit the resources to ensure territorial sovereignty as far as geographical “borders” are concerned. The way “borders” are managed reflect a combination of managing “geography” and “politics”. The state management of “borders” as William Van Schendel<sup>2</sup> argues reflects “state’s pursuit of territoriality – its strategy to exert complete authority and control over social life in its territory – produces borders and makes them into crucial markers of the success and limitations of that strategy”. In this context, it is important to understand “borders” not from the perspective of state management of the geopolitical space where “borders” are joining what is different but also dividing what is similar. Thus in the study on borders it is not only important to trace how states manage borders and the relationship between border and state but also realizing as Van Schendel would argue reconfiguring the spatial politics of border through social relations.

In this essay through the narratives of women living in the border town of Moreh on the Indo-Myanmar border I would like to examine the contradiction, paradox, difference and conflict of power and domination in contemporary global capitalism and the nation state, especially as manifested in local level practices. The everyday life stories of these women reflect not only their identity as women but how these realities are shaped by their location near a porous international border-town Moreh, where the border not only divides the lives of “women” but plays a crucial role in joining them in their labouring lives as women continue to cross borders take on multiple roles as traders/ sex workers. Women not only negotiate with the “borders” through crossing as a

---

<sup>1</sup> Robert Alvarez, Jr, “The Mexican-US Border: The Making of an Anthropology of Borderlands”, *Annual Review of Anthropology*, Vol. 24, 1995, pp. 447-470, <http://www.jstor.org/stable/2155945> accessed on 17 February 2010

<sup>2</sup> William Van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia*, London, Anthem South Asian Studies, 2005.

“labouring subject” but also negotiate at a socio-cultural level on a day to day basis through shifting identities produced by “borders”. This essay will examine the relationship between women who stay in Moreh during daytime, crossing over from the Myanmar border as traders/sex workers and women of Moreh. The lives of women in Moreh indicate the multiple realities faced by women living at a border area with a history of protracted conflict.

## **Background and Context**

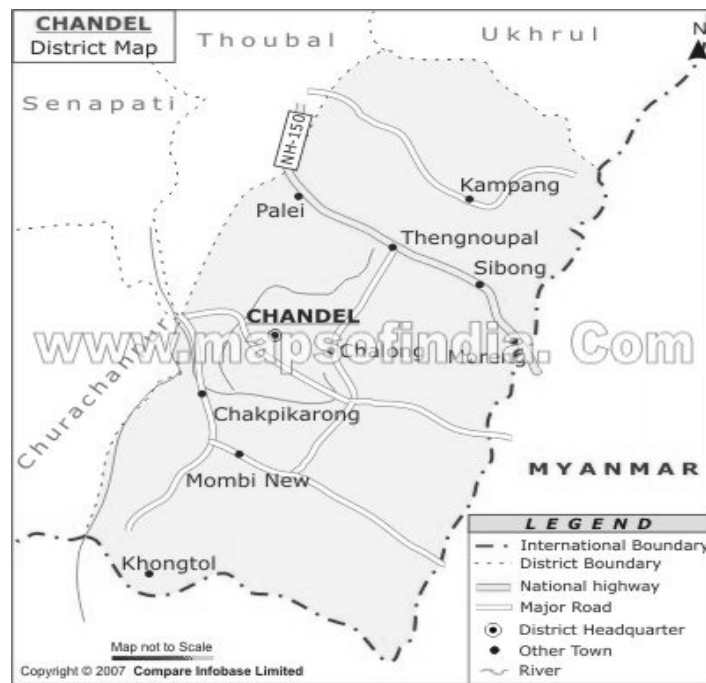
The Indo-Myanmar border town of Moreh is located in Chandel District (formerly known as Tengnoupal District) and lies in the southeastern part of Manipur. It is the border district of the state with Myanmar (erstwhile Burma) on the south, Ukhrul district on the east, Churachandpur district on the south and west, and Thoubal district on north. It is about 64 km. away from Imphal (See Map 1). The National Highway No. 39 passes through this district. The Moreh town, the international trade centre of the state, lies on the southernmost part of the district. When the Trans-Asian Super Highway comes into existence, Chandel district will be one of the gateways to the Asian countries. It is a hill district with an area of 3,313 sq. km. As per Census 2001, the population of the district is 1, 34,462 (Male 67,965 & Female 66,497) and, the literacy rate is 42.73% (Male 48.77% & Female 36.56%). The density of population per sq. km. is 41.

The district is inhabited by several communities. It is sparsely inhabited by about 20 different tribes. They are scattered all over the district. Prominent tribes in the district are Anal, Lamkang, Kuki, Moyon, Monsang, Chothe, Thadou, Paite, Maring and Zou etc. There are also other communities like Meiteis and Muslims in small numbers as compared to the tribes. Non-Manipuris like the Tamils, Bengalis, Punjabis, and Biharis are also settled in this town<sup>3</sup>. This first segment of the population are traced to the British era when timber traders and loggers were brought in by the British, who settled down over the years and either married into the existing communities along the border or have family extensions coming over. India and Myanmar share a total of 160 km border, which is not fenced properly.

Map 1: Manipur

---

<sup>3</sup> www. <http://chandel.nic.in/>, accessed on 15 February 2010.



Source: <http://www.mapsofindia.com/maps/manipur/districts/chandel.htm>, accessed on 16 February 2010.

India shares a porous boundary with a country that is recognized for its military regime and its physical proximity to the famed Golden Triangle comprising an area of around 350,000 sq. kms that overlaps the mountain regions of Myanmar, Laos, Thailand, Vietnam and Yunnan Province of China.

Moreh also has an integral link to the conflict between the Kuki and the Naga tribes that has had social and political impacts besides leading to hundreds of people belonging to both communities being killed in the early 90's. The demographic profile of the small border town changed following the Kuki-Naga clashes which had its origin from this place. The killing of 21 yr old Onkholet Haokip on June 3, 1992 at Bongjang village under Moreh Police Station by suspected armed Nagas in the backdrop of Naga insurgents collecting "house taxes" from four Kuki inhabited hill districts of Manipur which included Chandel. This killing provoked Kuki youths who supported by their leaders, got together in various groups demanding a Kukiland homeland that would carve out Naga settled areas. This sowed the seeds of conflict that escalated into the violent Kuki-Naga clashes in 1993-94 leaving many brutally killed, maimed and rendered homeless.<sup>4</sup>

## Rationale and Methodology

The present study wants to examine how women negotiate with the "border" as a conflicting geo-political site. Borders in South Asia are not only porous but often cut across common cultural and

<sup>4</sup> Tarapot Phanjoubam, *Insurgency Movement in North Eastern India*, Vikas Publishing, New Delhi, 1996, p-215-216.

linguistic communities and the relationship with border becomes much more complex in a situation of protracted ethnic conflict like Moreh. The study is based on personal interviews to understand and capture the background and circumstances of women in Moreh including women who stay in the town during daytime, crossing over from the Myanmar border as traders/sex workers.

1. what set of circumstances have led to present occupation (sex worker/gun runner/ courier for militant groups/trader/ women group leader)
2. What are common issues faced by women cutting across ethnic lines? Is there a common response? If not, what comes into play and why?
3. Have you faced any police/military/UG/community action against you because of the work that you do? If yes, what happened? If no, are you aware of what can happen or share experiences of other women?
4. Does the heavy military presence in the town affect your life? How?
5. How do you spend the money you earn in a day?

### **Border Economics and Moreh Town**

India and Burma signed an agreement on border trade in 1994, which has been in operation since April 12, 1995. The trading activities had been done under the laws and regulations of both the countries, where provisions have been made for the buyers (of both India and Burma) to take delivery of the marketed goods in freely convertible currencies. India's exports to Burma include primarily the finished products like machinery and instruments along with drugs, pharmaceuticals and agriculture based various products. On the other hand, Burma exports wood products, pulses, fruits, nuts and spices. The average annual volume of trade through Moreh is estimated at Rs. 250 million. However, the unofficial or illegal trade volume between the two countries lies around Rs 15 billion. The illegal trade flourishes in the unchecked 1640 km long border with Burma.

A wide and pitch road connecting Moreh to Kalewa town in Sagaing division of Burma was inaugurated on February 13, 2001. The path named Indo-Myanmar Friendship Road was built by the Border Roads Organization (of India) spending around Rupees 1 billion. The 165-km long Tamu-Kalaymyo-Kalewa road connects India's National Highway 39 in Northeast India that ends at Moreh. However, the pro-democracy activists of Burma had been opposing the trade with an argument that it would only benefit the military rulers of the country. Burma has been under military rule for more than four decades. The latest form of military junta (named State Peace and Development Council) is responsible for enormous human rights violation through out the country and also for detention of the Nobel laureate Burmese icon Daw Aung San Suu Kyi for the last 15 years now<sup>5</sup>.

The Look East Policy, which was initiated in 1991, marked a key and strategic shift in India's perspective of the world at large. The essential philosophy of the Look East policy is that India finds its destiny by linking itself more and more with its Asian partners and the rest of the world, and that India's future and economic interests are best served by greater integration with East and South East Asia. India's conscious efforts to forge closer economic ties with ASEAN countries have paid real dividends; with bilateral relations between India and ASEAN improving

---

<sup>5</sup> [www.http://burmadigest.wordpress.com/2006/07/31/trouble-at-indo-burma-border/](http://burmadigest.wordpress.com/2006/07/31/trouble-at-indo-burma-border/), accessed on 15 February, 2010.



rapidly. India –ASEAN cooperation now covers wide field including a long term Cooperative Partnership for Peace and Prosperity with ASEAN, which is the cornerstone of India’s Look East Policy. And finally, India has signed the FTA with ASEAN at Bangkok in Thailand on 13th August 2009.<sup>6</sup>

The Look East Policy is often flagged off as an indicator of a world of opportunities that will particularly benefit the North East region of India. With Moreh being a trading point on the Indo-Myanmar border, the natural assumption is that this border town would be an economic hub. The truth is far from it. Both legal and ‘informal’ trade is carried on between Manipur and Myanmar especially in the border town of Moreh on the Indian side and Tamu on the Myanmar side. Moreh is famous for all kind of illegal arms and drug consignment deals meant to enter the India’s Northeast region, destined for various part of the country. Since the Indo-Myanmar border area is unfenced, porous with thick forest and unmanned, drugs coming from the old Golden Triangle of South-East Asia have their easy entrance. Contraband drugs are brought in by Burmese smugglers and transhipped to inner part of Manipur by the various militant groups after deducting their share of percentage. However, they allow the purchaser to resell outside the state only. Proliferation of small arms in the area is an open secret and there is no lack of contacts at the Moreh market for illegal deals, though problem lies with further transshipments. The positioning of Assam Rifle (AR) troops along the Indo-Myanmar border doesn’t make much difference and illegal trans-movement of men and goods even takes place at a few meters from the observatory RP-post of the AR camp positioned at a distance of one kilometer East of Indo-Myanmar border gate number two. Four major ethnic groups namely, Kuki, Naga, Meitei and Tamils controlled the trade along the Indo-Myanmar border though a large number of Muslims and other communities were also engaged in this border trade. There is now a growing competition among these different communities living in the border areas for acquiring control over trade.

Furthermore, Moreh is famous for all kind of illegal arms and drug consignment deals meant to enter the India’s Northeast region, destined for various part of the country. Since the Indo-Myanmar border area is unfenced, porous with thick forest and unmanned, drugs coming from the old Golden Triangle of South-East Asia have their easy entrance. Contraband drugs are brought in by Burmese smugglers and transhipped to inner parts of Manipur by the various militant groups after deducting their share of percentage. However, they allow the purchaser to resell outside the state only. Proliferation of small arms in the area is an open secret and there is no lack of contacts at the Moreh market for illegal deals, though problem lies with further transshipment. The positioning of Assam Rifle (AR) troops along the Indo-Myanmar doesn’t make much difference and illegal trans-movement of men and goods even takes place at a few meters from the observatory RP-post of the AR camp positioned at a distance of one kilometer East of Indo-Myanmar border gate number two<sup>7</sup>.

---

<sup>6</sup> RC Agarwal, “North East needs proper connectivity with ASEAN”, *Assam Tribune*, 17 February 2009.

<sup>7</sup><http://www.merineews.com/article/look-east-policy-an-opportunity-or-uncertainty/15797260.shtml>, accessed on 10 February 2010.

## **Impact of Conflict: Situating Moreh**

In most parts of the world, economic opportunities are greatest in border areas and trade routes but also come with the risk of marginalization, the various nuances of migration and trafficking. Besides men, women too tend to migrate to border communities in search of work with or without their husbands. This is true of most countries and regions in the world. But in a conflict prone state like that of Manipur that shares boundaries and issues of militarization, there is a potent world of deprivations for the communities that live in the border areas. The heavy presence of various State and non State security forces often lead to regular large scale displacement, uprooting families and disrupting economic sustenance while many have fallen as statistics to crossfire between the various armed groups.

One of the major ethnic clashes in recent times in Manipur has been undoubtedly the one between the Nagas and Kukis that turned the hills of Manipur red during much of the early and middle parts of the 1990s. In the early 1990s, tension between the Nagas and Kukis reached a flashpoint with the United Naga Council serving a quit notice to the Kukis settled in “Naga areas” in 1992. Manipur has nine districts, four in the valley, dominated by the Meiteis and five in the hills, four of which are dominated by the Nagas. The Kukis and other kin tribes dominate in one. The Nagas consider much of the Manipur hills as their traditional homeland and that the Kukis living in these districts were in a way their tenants, hence the UNC quit notice. Persecution of the Kukis began thereafter but it was only in 1993 that the feud broke out in the open. The Kukis being largely migrants were scattered and were hence much more vulnerable. Moreover the Kukis at that time did not have any well organized militia of their own whereas the Nagas were well organised, having run an insurgency for over 50 years then. The results were predictable but the Kukis were the main victims, although in the years to follow, the Kukis too became more organized, and did hit back - causing casualties amongst the Naga villagers too.

It also caused the largest single displacement of population in recent times. Constituency profiles have virtually altered in many cases because of the ethnic cleansing. While some villages have disappeared new ones have come up. The ethnic divide between the two groups of tribal population has also become virtually water-tight with even government servants from either communities remaining away from areas dominated by the rival tribes. Without doubt, this is the conflict that resulted in the most of displacements. In the other conflicts, if there have been displacements, they were temporary. After the condition of feuding concluded, most of the displaced returned back to their original homes. In the case of the aftermath of the Kuki-Naga feud however, there were huge population shifts. Many villages were uprooted for good while new ones came up in different districts.

The chain reaction in the multiplication of insurgencies amongst the Kukis, to say the least, was phenomenal. It began with the Naga-Kuki clashes that left over a thousand dead and many more destitute and homeless. Unlike the Nagas, who had 50 years of militancy behind them, insurgency amongst the Kukis at the time was nascent and marginal, and if it did have a cognizable presence, it was the Kuki National Army (KNA) in the Moreh area but mostly along the Burmese side of the international border. But the clashes, in which the Kukis bore the major brunt, exposed the Kuki community’s vulnerability and it was this insecurity that became the fertile ground for the spawning of various armed militias amongst the community. This process

was catalysed by the virtual absence of any effective state intervention, or its impotence in instilling any sense of confidence amongst the victimized community.<sup>8</sup>

## Voices of Women

Universally and in the course of history the impact of armed conflict on women is telling and needs no further mention here. But in places like Manipur and within the state, given the complexities and the interweaving of various strands like ethnic tensions, social norms and practices; women continue to be affected by the course and interplay of armed and ethnic conflict. Contrary to the portrayal of women in this part of the country as “empowered”, women instead continue to be dogged by ties of ethnicity and issues of loyalty.

My first meeting is with a 62 year old Meira Peibi in Ward no. 5. She recounts her story to me sitting in the courtyard of another Meira Peibi since her own house has a security posse garrisoned at her gate.

Sanahanbi Devi (a 62 yrs, name changed), a Meitei says:

*I have lived here for more than 50 years. Moreh is very near to the International border with Myanmar where there are various armed groups having their training camps etc but once the ethnic grouping came about, even Meitei armed groups entered the picture to make their presence felt. I cannot understand who is getting any good out of this but in the long run, it is the women of this town that has paid the price of this situation.*

About 8 years back, some Meitei Under Ground (UG) cadres came to her house seeking shelter and food.

*“They stayed for over 3 days: I was mindful of what would happen in case security forces came to know about that but what could one do? All I hoped was that they would go away soon. What I did not know was that my daughter would get into their notice: she ended up leaving home to live with him. She never had a proper marriage: she still goes back and forth across the border to meet him or he comes escaping notice from security forces to be with her. They have two children now but how can I be happy about the situation? I have a younger daughter left with me and now I tell them that they can ask me to help them in any sphere: I will because they have the gun power but never ever to stay at my home.”*

Sanahanbi is like many other women who are deeply scarred by existing situations in manifold ways. In 1997, her younger brother who went fishing in the outskirts of Moreh disappeared: we never saw him again and till date have no idea what happened to him. The irony is that she holds a position in a women’s group of the Meiteis and takes the lead when there are crisis points with security forces while remaining unable to influence non state actors.

On June 3, 2007 Yumnam Shanti’s 22 year old son Roshan, an autorickshaw driver was shot dead by suspected Kuki armed cadres at the Community Variety Market Auto stand. This incident would spark off a series of violence among the Meiteis and the Kukis. Within a week, a total of 11 people got killed out of which 6 were Meiteis and 5 Kukis<sup>9</sup>.

---

<sup>8</sup> Pradip Phanjoubam, “Population Displacement in Manipur in last 100 years” in *A Status Report on Displacement in Assam and Manipur*, Policies and Practices No. 12, Kolkata, Calcutta Research Group, 2009.

<sup>9</sup> <http://www.indianexpress.com/news/clashes-leave-11-dead-in-manipur-border-town/33270/0>, accessed on 15 February, 2010.

Three years on, it is the families of the young men who got killed that are struggling to live with one another in the same locality with their resigned grief. 42 yr old Yumnam Shanti's voice breaks down as she says,

*"My son's life did not matter to those who wielded arms in their hand. Instead his death led to other retaliatory deaths and on both sides, it was us women who had to bear the loss of our children in the prime of their lives."*

She adds that unable to bear the loss of their son, her husband passed away within a year. A similar feeling of loss is echoed by Tongkholun's mother who does not want to give her name. Tongkholun was just 16 years when he was killed by alleged Meitei insurgents, right after Roshan was killed. Both were civilians and yet, got killed in the dynamics of power and control between two armed groups belonging to two different ethnic groups.

## **Fringe Borders**

Migration fuelled by poverty is often at the roots of the majority of the population settling in Moreh. The irony of course is the fact that Chandel district under which Moreh lies has the highest poverty ratio in the state of Manipur, which is at 64.07% per cent<sup>10</sup>. As in all other hill districts of Manipur (except Senapati) there is higher proportion of the population living in abject poverty here in comparison to the valley districts<sup>11</sup>. The Muslim community (also known as Meitei Pangals) living in Moreh now are mostly migrants from the adjoining district of Thoubal and live as a minority group in the ethnic cauldron.

Trying to normalize my meeting with the women of the community is difficult: Various questions are asked on why a Meitei woman would want to talk with them and then, write. As I sit down with Noor-Jehan and Mehr-an on the mud caked verandah, there is a curious crowd of onlookers, especially men who hover around, while the women look to them before they answer any of my questions. This makes me realize how much of an intruder I am to their world but the borders of doubt breaks off when I say I have been talking to other women in the area. They open up to me as I tell them that I had met women representatives of the Meitei community. Both women weave in their narratives together for me.

Noor-jehan, Secretary and Mehr-an President of the Minority Women Development Society claimed that,

*Our organization was established in the year 2004 for we felt that as a minority group/community in this place, our issues were getting lost. Also, the sense of ownership is never there unless you have your own group. So we got together. Having your own group means that there is a rallying point for responding to the issues that we face. Belonging to a small minority group is not easy: we end up as the last persons to be taken into account. We felt that coming together as a group would be the only way to stand up for our selves. Now, anytime there is a social issue or a matter of unrest, we are called upon to take part in deliberations and give our viewpoint. Earlier, we were never represented.*

The designations of Noor-jehan and Mehr-an can be misleading for the group they are heading does not have even an office. Noor-jehan and Mehr share living quarters in one huge

---

<sup>10</sup> Bharat Thiyam Singh, "Poverty in Manipur", *Economic and Political Weekly*, Vol. 42, No. 3, January 20 - 26, 2007.

<sup>11</sup> *Ibid.*

house along with another family. The space is so cramped that they cook in the verandah of the house that 28 people live in together. Both of them are second generation migrants whose parents came to the town of Moreh for better avenues of earning a living. Both women like many others have been born in the town to parents who came to the town after hearing about small time trade activities happening at the border.

*Our families hail from Wangjing,(Thoubal district) a predominantly Muslim area where most people do not own agricultural land. The poverty and the lack of any avenues for earning for livelihoods forced our parents to set out for Moreh, which at that point of time was sparsely populated,* added Mehr-an.

## **The Burden of Labouring Lives**

It was evident that Moreh was a mere trading point which in turn meant that only those with money or power or both prospered. The expanse of shops at Namphalong just across the boundary gate from the Indian side, are where traders and businessmen come from other parts of Manipur to buy an array of goods in bulk. Depending on economic power, one can go into the business of gems, gold and even drugs and guns. At Moreh itself, the Tamil population had settled in the town after they came in as lumbers during the erstwhile East India Company continuing to exert a hold over the trade in the town but the majority of people make their living as daily wage earners, working as porters and carriers. The abject poverty and the lack of avenues for people to earn a living, compounded by the lack of quality infrastructures like schools, hospitals etc only add to the cycle of vulnerability which has manifested in cases of trafficking of children by agents and even religious leaders who tell unsuspecting parents that their children are being taken away to be given free education.

The sheen of prosperity is fragile and the residents of this seemingly bustling town live with that reality every day of their lives. There aren't too many openings for making a living since the infertile land does not facilitate agriculture. Most people work as daily wage earners and pin their hopes on the NREGS scheme. But over the financial aspects of life, the nature of prevailing conflict impacts the lives of the people: in terms of both armed conflict drawn out between various factions of non state forces and the one between state and no state armed forces.

35 year old Shakila is a daily wage earner. On a good day, she earns about Rs 70 after a full day of carrying goods for traders across the border gates. I meet her sitting in her courtyard and she tells me that if it wasn't for the highway bandh, she would have been carrying loads for the day.

*I don't know the number of times I go back and forth over the border gate. For me, every time I cross the gate, it means more money to take home and run the family.*

Shakila's husband was also a daily porter. 16 years ago he was arrested by the Myanmar Army on the charges that the load he was carrying contained heroin.

*His job was to ferry goods back and forth across the border gate and not to query. We heard that he had been picked up but no action was taken on the man whose good he had been carrying. He was imprisoned for a whole 16 years and there was nothing that we could do. We had no idea if he was dead or alive but three years back he completed his prison term and came home. I had to fend for myself and my daughter on my own. When my husband came back, he said he had been tortured and after 9 months, he just collapsed one day while ferrying goods at the border gate.*

Shakila had in the meanwhile got pregnant with her second child, a son who is now 3 yrs old. She barely makes ends meet but takes on any amount of labour to be able to send her elder

daughter to school, collecting fodder for people (in which one month of work amounts to Rs. 1500) or doing quarry work by breaking boulders into smaller pieces. The later is a back breaking exercise that often leaves her exhausted and with minimum wages that is hardly enough to run her family.

*I get Rs. 7 per bin but the maximum number of bins I can manage in a day is about 4 or 5.*

A bit further in the tribal inhabited section of the town, 26 yr Yaosenlien Zou runs a local alcohol vending joint in a small un ventilated boxed in room that she's been renting. Last year, Yaosenlein handed her two children and son to a local pastor who told her that her children would be given free education at Chennai.

*Since he was a man of religion, I believed him. In any case, I did not have the means to support the costs of my children's' education. A few months I came to know through the newspaper that my children along with 20 other children from here were being kept in deplorable situations in a Children home in Chennai. They called it trafficking but I had no idea that sending my children for their education with someone needed rules and regulations. I am just happy that they are back.*

Her daughter Nengjengdin (12 yrs) recounts how she and the other children were made to clean floors, wash utensils and sent to just a few hours of class. "We got even less than the food that we had at home," she says happily showing off the report card of her latest examinations where she was ranked first. After she and her brother were rescued along with the rest of the 20 trafficked children by the Child Welfare Committee (Chandel), she has been staying in a shelter run by an NGO under central funding from the Ministry of Women and Child Welfare. The costs of education are being borne by the NGO.

Ibemhal (name changed) is an office bearer of a Meira Paibi group in Moreh. And though Meira Paibis in Manipur are generally known for their stand against alcoholism, she brews rice beer to make a living. In every locality, there is a Meira Paibi (torch bearer) association that takes up the responsibility of shutting down alcohol vending units, punishing vendors and those who indulge in intoxicants. An uprising led by Meira Paibis began around the mid 70's against the sale and consumption of liquor and intoxicants. In the year 1991-92, their efforts finally paid off. A prohibition order on sale and consumption of liquor was passed and Manipur was declared a dry state and is still in vogue<sup>12</sup>. Yet, in Moreh women holding posts within the Meira Paibi associations brew rice beer at their own homes.

*What other options are there? Sometimes, we work as porters but that does not bring in the money. The choices are either to open a small paan shop, depend on the men who come to Moreh for trade or to carry arms or drugs across the border. In any given situation, we are the ones who are left to fend for our selves. We also get labels from the rest of the society - says Ibemhal.*

## **HIV/AIDS: A Border Disease?**

The day I am in Moreh, a daily newspaper has a headline story that says "Moreh: a sex worker's paradise". This is a popular concept held by most people – that women in the town are "immoral" and are there to make "easy money". Ironically though, women in Moreh who work as sex workers explain their circumstance as one out of a lack of choice but are disapproving of women who come in from other districts or who cross over from the border to take up sex as work. The marking of Moreh as a high HIV prevalence area on the other hand has meant access to

---

<sup>12</sup> [http://www.e-pao.net/epSubPageExtractor.asp?src=leisure.Essays.Tigress\\_dont\\_chicken\\_out](http://www.e-pao.net/epSubPageExtractor.asp?src=leisure.Essays.Tigress_dont_chicken_out), accessed on February 15, 2010.

HIV/AIDS, STI and drug use treatment options for people from across the border who live under a military regime that is highly critical of a HIV positive status. But for the residents of Moreh, there are genuine needs for regular doctor attendance and setting up infrastructural support systems like testing centers etc.

The National AIDS Control Organisation (NACO) reveals that 0.75% of pregnant women in the state are infected by HIV (according to 2007 estimates), more than twice the national average of 0.36%. Andhra Pradesh tops the list with 1% and Manipur and Mizoram share second ranking with 0.75%. Three per cent of pregnant women in Chandel and Churachandpur districts and an alarming six per cent of pregnant women in Ukhrul district are HIV-positive.

For people like K T Shangrein, secretary of the Chandel Network of Positive People, the irregular attendance of doctors at the district hospital means that when she goes to get her monthly stock of anti-retroviral (ART) medicines, she cannot always get a health check-up at the same time.

*I always end up coming to Imphal to go to the main hospitals or have my check-up done by the doctors who give time to the Manipur Network of Positive People,” she says. “The doctors posted at the district hospital are from other districts and do not turn up regularly. This is true for most departments but for people living with HIV/AIDS who have opportunistic infections that need to be treated immediately, it means that we have to take out time and spend money to go to Imphal<sup>13</sup>.*

Sanatombi (about 45 years, name changed) is one of the many women who “depend on the men” who come to the town to trade: drivers, security personnel, traders etc. Every day or every night, she runs a small paan shop at the Moreh main market where I sit as she points to me the security personnel who “go to the immoral women who come to Moreh”.

*I have a husband who drinks all day and four children to bring up. Do I have any other choice? Those who can manage by carrying loads do that but I cannot make do on the Rs.70 odd that you get from that work. I run this paan shop every night and when things work out, I settle the time and charge with the men who come here: they are mostly people from outside Moreh and are decent people. It is so easy to level us as immoral women at one go but do we want this life? Would we be doing this if we could have another means of earning a livelihood? I do not do sex work daily and with a series of men unlike the women who come from other districts and the women from Tamu in Myanmar.*

## **Bordering Lives: Women in Moreh**

Apart from the interplay of conflict, power play and ethnic tensions that tell on the lives and circumstances of women living in Moreh, there are also intimate nuances on what the “border” exists and has come to exist. In my own experience while writing this paper, I had great difficulty demarcating the borders of each section since all strands wove in as one whole. My dilemma was in separating one narrative from the other, not in terms of lived experiences but in how one aspect led to the other: gender, social status, marital status, impact of conflict, ethnicity. What was clear though was that the crisis of living in perpetual poverty, conflict, poor infrastructure and development, compounded with a ready association for drug use and its associated HIV/AIDS companion has only served to marginalize and isolate the women of Moreh in terms of social standing, access to basic services and from the “mainstream society”. Many women drug users

---

<sup>13</sup><http://www.hivaidsonline.in/index.php/Vulnerable-Groups/insurgency-makes-health-care-dangerous.html>; Accessed on 15 February 2010.

would not allow their narratives to be included in the study despite recounting their experiences on the grounds that they would be more stigmatized and singled out in terms of being the “other”, responsible for the “bad name” given to the town. Women, who worked at poppy plantation along the porous boundary refused to share their narratives and took affront that they “would be involved in such activities”.

Asked what the border means to her, Shakila who lost her husband twice: once when he was imprisoned for 16 years in a jail in Myanmar and then his death after a home coming of 9 months says:

*It (the gate) has come to mean many different things: my source of livelihood, a force that took away my husband and a barrier that comes in the way of a better way of life. You know, I have a childhood friend who moved away from Moreh to Churachandpur district after her marriage. She does not have to worry about where her next meal is coming from: when we do meet about once a year on her trips to her family here, I see the difference between us in the way we dress, in the way we look and the way we cope with life. Compared to her, I am like a small bird that flutters half heartedly in the vast sky looking for crumbs on the ground, unsure whether I can get that crumb.*

Physical boundaries of state and nation borders do not make sense for Sanathoi who crossed the border from Myanmar 16 years ago to marry a Meitei man. Sanathoi has another legal Burmese name and still possesses a Burmese ID card.

*But I have my name entered in the electoral rolls here and so I am a legal Indian as well. I have voted since the last three general elections - she says.*

Yet, Sanathoi considers herself first as a Meitei since her ancestors crossed over to Myanmar during the late 16<sup>th</sup> century following the then King of Manipur’s edict that his subjects convert to Hinduism from the earlier Meitei formless way of worship. Those who refused to convert were persecuted and killed and many fled to neighbouring kingdoms. Sanathoi’s forefathers ran to Yangon inside Myanmar where over the years they assimilated themselves to a different nationhood but kept their earlier/original cultural identity intact. The name she is known by now “Sanathoi” that is entered as her official Indian name is of Meitei origin, meaning the most precious one and is a common Meitei pet name for the youngest daughter of a family.

Sanathoi’s story only mirrors that of many other women to whom the idea of citizenship is a blurred line. Her living testimonial of her cultural affinity and her own name in itself is in direct contrast to the political, social and economic sub text of borders. From across the Myanmar border, crossing over to the Indian side ironically means an opportunity to better health care and improved finances. For the people living with HIV/AIDS in Myanmar, the dictatorial regime in the country coupled with a high level of stigma and discrimination means a clamour for the HIV related services that are available on the Indian side of the border. To them, crossing the border means hope and better health.

At the Angel’s Care Center run by an NGO called the Meitei Leimarol Sinnai Shang (MLSS) 33 year old Ching Toi Kim, from Myanmar and her infant son have been staying for a week now.

*My husband was an alcoholic but what I did not know was that he was a drug user as well. He died about two years back after he was diagnosed with HIV/AIDS. They tested us for HIV/AIDS free of cost but did not have any other avenues of help for us. I came to know about this Center from my friends and came here.*

Besides Ching, there are other Myanmarese nationals staying at the Care Center who get to receive free ART (Anti-retroviral drugs) for free, most of which are women.



## Conclusion

With emergence of border towns and the opening of economic trading zones under the ambit of Globalisation, it is often implied the increasing mobility of capital, goods and labour across political boundaries, just as the earlier creation of national economies required the increasing mobility of the factors of production within national borders. Such an economic order supersedes the old world of separate and politically defined national economies. Yet, the economic question of facilitating mobility is subordinated by nation states to the political issue of migrants as new citizens or as invaders. The economics of the new system, thus, collide directly with the politics of the old.<sup>14</sup>

Mainstream discussions on development, progress and visions like the Look East Policy with its promises of a boom in trade that will improve the economy and infrastructure of the people of the state and its trading points is far removed in this small town where an unending number of armed groups tax passenger and good vehicles plying on the highway between Imphal and Moreh. Under the Look East Policy of the Central government, Moreh an Indian town in Chandel district of Manipur bordering Myanmar was projected as one of the Land Custom Station (LCS) in the North-East region and was bustling with trading activities worth crores of rupees. It was projected that the land routes connecting Myanmar could give a boost in the development of the region and the country at large.

However, the actual ground scenarios seem to differ from the nation's projection in the metros. Un-tarred road; extortions by the underground outfits coupled with inhospitable nature of the security forces deployed on the highway makes the Look East Policy of India through land route in Northeast India, a nightmare. NH-39 still remains unsafe both for passages and transportation. The highway is abundant with pit-holes, un-repaired culverts and bridges and landslides, being left unattended by the concern authorities.

My own interactions with the women associated with Moreh validate the fact that policies, plans and visions are yet to make any significant contribution towards improving their lives and circumstances.

The uncertainty of the times gets reflected in breaking news of newspapers at regular intervals. By the second day of my stay in Moreh for this study, news came in that the Moreh-Imphal part of the highway was being blocked by a particular group protesting against job quotas. The flow of people to the town trickled dry and shop keepers shut their trade but it was the women porters who had to go with empty stomachs. In the next day of the study, there was a sudden flashpoint of certain trouble: the 31 Assam Rifles stationed at the town went and picked up a young player while he was playing in a football match in a tournament in full public view. No charges were made. The player was dragged into a waiting army vehicle and taken to their camp.

The public who had been caught with surprise reacted then and ran after accompanying vehicles, pelting stones. Some Army personnel ran inside the premises of the Moreh Police station where the mob pursued them. When the stone pelting did not subside, the Manipur police personnel had to blank fire in the air. This led to the women to come out in full force. They shielded the men at the front but by then, two young boys who were in the stone throwing mob

---

<sup>14</sup> Nigel Harris, "Immigration and State Power" in *Economic and Political Weekly*, Vol: xlv, No: 5, January 30, 2010.

had been caught by the security force and taken inside the police station. The women refused to go back to their houses till all three were released. By 11 p.m. the Assam Rifles relented after they were alerted of media presence in the town. Efforts were made to make the story stay off the press in the form of requests but the story made it to headlines the next day. The most recent “breaking news” on this border town is that closed circuit cameras will now monitor the movement of people at the border trading point (gate no. 2) and that all names of Burmese nationals crossing into the Indian side will be registered<sup>15</sup>.

Is the border then a boundary marker as a political construct, entailing intrinsic tension against “natural” connectivity in terms of typology as well as the movement of people as put forth by Mayumi Murayama? Murayama says that in South Asia particularly, the artificiality of borders has been continuously challenged, not only by intellectual exercises but also by the movement of people across the borders. Yet, the political significance of borders remains as strong or even stronger today as the “illegality” of people’s movement has become a concern of Governments<sup>16</sup>. Mayumi’s paper on “Borders, Migration and Sub-Regional Co-operation in Eastern South Asia” argues however that, it is not correct to assume that those who have crossed the borders, borders have become meaningless to them as borders are instrumental in constructing identities such as “migrants” and “outsiders” as well as in making the “migrant issues” problematic.

As far as the position of women in the context of conflict (political, ethnic, identity positioning), N. Vijaylakshmi Brara<sup>17</sup> questions whether questions of identities and nationhood in light of Meitei-Naga identity politics and conflict would be met with emotional zest had the youths of both the communities had employment opportunities, other avenues and a developed infrastructure. Would there be assertions of such non-compromising stands if there were no excesses by the security forces.

In her own words:

*Women in Manipur have understood such problems. Among the Meities we have the "Meira Paibis" (the torch bearing women). They hold Mashaals and roam in the locality to keep a watch on drunkenness and drug-abuse. They make a human wall in cases where innocent local youths are forcibly being taken away by the Armed Forces in the name of insurgents. They are the only one who can dare to warn and scold the people in under-ground movement for their accesses. Everybody is cautious of them. They dare to get lathicharged, to sit for hunger strikes and even go to jail for a right cause. So are the women's groups in the hills. The Naga Mother's Association and the Kuki women's association are the guardians of their respective tribe. They played a pivotal role during Naga-Kuki clashes, where barbarism got unleashed in its naked proportions in the name of ethnic cleansing. It was at that moment that NMA and Kuki women went long stretches in the hills (sometimes walking 3-4 days continuously) to meet their respective under-ground outfits to tell them to stop killing each other. The voices of these mothers are heard. If they shed their ethnic loyalties and come together only as Mothers, not a Naga mother or a Kuki mother or a Meitei mother peace and development will not be far. Unless there is peace, Human Rights and Civil Liberties are neither safe nor possible. We should call the mothers. They should be targeted and focussed by the social planners and activists who are interested in this region.*

---

<sup>15</sup> <http://www.e-pao.net/GP.asp?src=20..130210.feb10>, accessed on 10 February 2010.

<sup>16</sup> Mayumi Murayama, “Borders, Migration and Sub-Regional Co-operation in Eastern South Asia”, *Economic and Political Weekly*, April 8, 2006.

<sup>17</sup> Vijaylakshmi N. Brara, “Womens' role in human rights and peace in the northeast”, *PUCL Bulletin*, 2002.

One common thread that ran through all the women who gave their narratives and experiences was the leitmotif of having to eke out one more day of survival, one more day of fending for their children, home and lastly for their own self. For the women whose lives are interlinked with Moreh, the border is a mere geographical footnote that enhances their vulnerabilities further but also gives opportunities, though it is little and too far in between. These would be universal of people living in border areas and women especially. But for the women of Moreh, the nature of conflict in terms of power equations and the armed conflict add various other nuances that blur for them the political context of borders and boundaries.

# **Sanitized Society and Dangerous Interlopers II: Law and the Chins in Mizoram**

**Sahana Basavapatna**

## **Introduction**

Migration between Mizoram and the Western part of Burma, specifically Chin State, Sagaing Division and Arakan State dates back to the pre-independence period when Burma and India were part of British India and where migration of both Mizos and the Burmese<sup>1</sup> was a commonplace event. However, in recent history, migration, for a host of reasons, is mostly a one-sided affair, with more Chins from Chin State and Sagaing Division coming over to Mizoram and other parts of the North eastern states. The developments in Burma especially since the 1980s changed the way migration from Burma was perceived. While those fleeing Burma following the 8-8-88 students revolution were considered as having genuine claim of asylum under international refugee law, the ones that came later, especially in the last decade were considered more of “economic migrants”. Any discussion about Burmese migration to Mizoram is at once a fascinating, sensitive and disturbing topic. The porous borders have ensured that with the flow of goods, both legal and illegal, the flow of people continues despite reports of high handedness of organizations like the Young Mizo Association and the threats and at times actual deportation of Burmese for illegal stay. It is thus fascinating for the way in which the Burmese are able to carry out business activities on a daily basis, live on in various parts of Mizoram either as daily wagers, petty gatherers or work as domestic help. This has attracted hostility and seemingly indifferent attitude towards the Burmese, given their long history of common ethnic and religious affinity.

It is sensitive, for difficulty in engaging in a debate on the Chin-Mizo relationship in a way that can be self-reflexive. For instance, a request for access to case laws involving Burmese nationals under the Narcotic Drugs and Psychotropic Substances Act, 1985 by this researcher was turned down by the officers at the Aizwal District Court. This, the authorities perceived, would open up Mizo society to criticism and bring a bad name to Mizos.<sup>2</sup> Commonplace understanding

---

<sup>1</sup> Among the Burmese who are known to migrate to India, the Chins, Kachins, Nagas of Burmese origin, Burmans and the Rahkine (from Arakan state) are known to migrate between India and Burma. For the purposes of this essay, the term “Burmese” is used to refer only to the Chins.

<sup>2</sup> The rising use of drugs amongst the Mizo population is attributed to the increasing access to drugs through the Burmese who bring it with them from the Chin State/Sagaing Division in Burma. Mizos argue that they are the “victims” of drug trafficking wholly controlled and promoted by the Burmese, without conceding that they are also part of this trade. This makes any talk about drug trafficking in Mizoram a sensitive topic.

of Burmese in Mizoram seems to revolve around mostly the negative impact of Burmese migration on Mizo society and culture. Examples include the fact that the Burmese commit crime and are responsible for all the drug trade. Those in authority more often than not appear to steer clear of any “controversial” topics in this regard, be it Indo-Burma border trade, Mizoram's official policy on Burma, trade with it or the constant flow of people.

The issue is also disturbing because commonplace assumptions dominate the “understanding” of issues, concerns and associated problems, without then being able to transcend these received notions and delve deeper into the complex nature of migration and its impact on both the Burmese community and the Mizo state.

In relative terms, Mizoram is predominantly an ethnically homogenous community. The majority population being Mizo, minority communities with distinct ethnic-religious and linguistic identities, the Hmars, Pawi, Lakher (or Mara), Riangs (or Brus) and Chakmas have been granted political autonomy with the establishment of Autonomous District Councils under the VI Schedule of the Constitution of India (Patnaik, 2008, 74).<sup>3</sup> It is considered a model of peace in the north east and this has been attributed to the cohesive nature of the Mizo community.<sup>4</sup> The Burmese experience in Mizoram thus has to be contextualized in the social, political and economic situation of Mizoram that we see today. Admittedly, the Burmese are foreigners in India but the borders and its dynamics problematizes identity, democracy and citizenship<sup>5</sup>, as a class who straddle the various fluid categories of migrants.

In the existing literature, the Burmese have been categorized either as “refugees” or “illegal migrants”. In trying to understand Burmese migration in the context of citizenship and what it means in the Indian context, I choose to refrain from any labeling at the outset<sup>6</sup> but would use the term 'migration' referring to the act of migration. I will try to argue that the Mizoram experience points to the need to reconsider the flippant way in which generalizations are made to label migration of this nature either as "refugee flow" or "flow of economic migrants". Very few studies focusing on the migration of Chins in Mizoram have tried to view them, for instance, as “stateless”. What I intend to ask by not taking on the burden of these categories is not to lessen in any way the protection that follows by labelling. Not is it being suggested that the Burmese do not fall into either of these categories. However, the lines between “economic migrants”, “refugees” and “stateless” or any other are fine and there is every possibility of an overlap. I will try to argue that the Mizoram experience points to the need to reconsider the existing flippant way in which generalizations are made to label migration of this nature either as "refugee flow" or "flow of economic migrants". India's refugee/immigration policy or the UNHCR's approach to

---

<sup>3</sup> Jagdish K Patnaik, ed., *Dimensions and Perspectives: Society, Economy and Polity*, New Delhi, Concept Publishing Company, 2008, p. 74.

<sup>4</sup> *Ibid.*, p.20.

<sup>5</sup> Roxanne Lynn Doty, “Democracy and the Undocumented”, <http://www.re-public.gr/en/?p=62> (undated) accessed January 2010.

<sup>6</sup> In case of Bangladeshi immigration into India, Dr Ranabir Samaddar in *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications, 1999, pursues a project of comprehending how borders turn our conception of nation states on their head. Such a project, in my understanding, also problematizes received categories of legal and illegal. See also, Giorgio Agamben, *We Refugees*, European Graduate School website (undated) <http://www.egs.edu/faculty/giorgio-agamben/articles/we-refugees/>, where he brings out the fluidity of the categories of stateless people and refugees in the context of the collapse of the Russian, Astro-Hungarian and Ottoman empires.

Chins would have to keep these realities in mind. The emerging concepts of “mixed migration”<sup>7</sup> within the UNHCR or the concept of “survival migrants” proposed by Alexander Betts<sup>8</sup> is telling of the need to take these realities into consideration in migration policy. Clearly, the international refugee regime, adopted in the 1950s is increasingly losing relevance, with its narrow definition of “refugee” and most States ensuring that refugees do not seek asylum in their territory.

The attempt to analyse the received categories such as the ones discussed above forces us to look at how citizenship is constructed, considering that the nation state, which primarily has defined a citizen, is itself being transformed by emerging social, political and economic changes that we witness in contemporary times. In its classical definition, a citizen is a member of a political community who enjoys rights and assumes duties flowing from the membership.<sup>9</sup> Citizenship thus requires that the state provide its citizens a comprehensive package of civil, political and economic rights. At a time, when the nation state is no longer the only dominant player, the way citizenship is constructed in law and in politics has also changed.<sup>10</sup> For instance, Yishai Blank argues that citizenship is determined, managed and controlled in three distinct yet intertwined territorial spheres: the local, the national and the global. He further argues that sub-national territorial units as well as supranational political organizations are increasingly impacting citizenship.<sup>11</sup> Further, studies on how migration is impacting citizenship rights across the globe have also provided us rich literature on transformation in citizenship discourse as well as migrants as a category of citizens.

In India, citizenship has been constructed largely in the context of its partition in 1947 and the nation building efforts thereafter. As Ratna Kapur explains and goes on to show in the context of Bangladeshi immigration into India, “cultural identity, increasingly conflated with religious identity, and the principle of descent and blood ties are central to the constitution of Indian citizenship”.<sup>12</sup> In the Constitution of India, persons who reside outside of India can register as Indian citizens if they or either of their parents or grandparents were born in India.<sup>13</sup> However, no person is entitled to become a citizen of India if he or she has voluntarily acquired the citizenship of a foreign state.<sup>14</sup> The courts have also held that a person who migrated to Pakistan after March 1, 1947, and acquired Pakistani nationality could not subsequently claim Indian citizenship.<sup>15</sup> The project of building a Hindu nation in India, as Samaddar explains, has been

---

<sup>7</sup> Jeff Crisp, Beyond the Nexus: UNHCR’s evolving perspective on refugee protection and international migration, Research Paper No. 155, *New Issues in Refugee Research*, UNHCR, April 2008, <http://www.unhcr.org/4818749a2.html> accessed 6 June 2010

<sup>8</sup> Alexander Betts, Towards a “soft law” framework for the protection of vulnerable migrants, Research Paper No. 162, *New Issues in Refugee Research*, UNHCR, May 2010, <http://unhcr.org/48b7f9642.html> accessed 6 June 2010.

<sup>9</sup> “Citizenship”, *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/citizenship/> accessed January 2010.

<sup>10</sup> Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages*, Princeton, Princeton University Press, 2006.

<sup>11</sup> Yishai Blank, “Spheres of Citizenship”, *Theoretical Inquiries in Law*, Vol.8, 2007, pp.114-149.

<sup>12</sup> Ratna Kapur, “The Citizen and the Migrant: Post Colonial Anxieties, Law and Politics of Inclusion/Exclusion”, *Theoretical Inquiries in Law*, Volume 8, No.2, Article 8, July 2007. p.544.

<sup>13</sup> Please refer Article 5, Constitution of India, Government of India.

<sup>14</sup> Please refer Article 9, Constitution of India, Government of India.

<sup>15</sup> Please refer Article 7, Constitution of India, Government of India.

“reflexive”.<sup>16</sup> He argues, “India is predominantly nationalistic with reference to Pakistan or Bangladesh and not with reference to the US or the United Kingdom”. He then goes on to argue that “It makes ethnic suppression and sufferings due to forced migration tolerable to the ethics of a nation”.<sup>17</sup> This has meant, in the context of North east, that contests for identity and citizenship in much of the North Eastern states have been ignored. Only with its Look East Policy, which was adopted in the mid-1990s has the government focused on this frontier region as it can aid in India's economic and political ambitions. Even so, the north east hardly figures in India's national imagination. What this has meant is that the contests over territory and identity between the various tribes in the north east and how these are changing the citizenship discourse in India is relatively unknown in most other parts of 'mainstream' India.

In this context, this essay is an attempt to bring out the various ways in which the Chins and Mizos interact with each other. How does one understand this migration across borders? How has the Chin-Mizo relationship and Mizoram's recent political history impact the Chins? What does the easy permeability of the borders say about migration in this region? Does it help in understanding the traditional notions of citizenship in India/South Asia? The borders play a significant role in not only limiting executive decision making, but are also exploited by a variety of actors in the act of “crossing over”, be it of people or goods. A further dynamic of the changing economic fabric of Mizoram has consequences for the Chin-Mizo relationship that oscillates between convenience and hostility. How are the Chins viewed not only by the laity but also by those in authority? Does law prove a useful medium of protection, given the changes in the economic and political context? On a normative level, what should be the response of both Mizoram and India towards Chins? Should they be deported because they cross over illegally or be accepted as members of the community by legalizing their stay? Does this particular experience add to the debate about refugees in India? These issues are the subject of discussion in this essay.

This research is based on primary and secondary literature. Experts from academics, government officials, lawyers, officers of the judiciary, NGO staff and current and past functionaries of the Young Mizo Association were interviewed on several aspects of Chin migration.

In the next section, *Mizoram and the Chin influx*, I explain Burmese migration in the economic, social and political context in Mizoram, highlighting the role played by some of the prominent community organizations in keeping Mizoram a “cohesive society”. Thereafter, the various issues of Burmese migration in Mizoram are highlighted. In the subsequent section, *Law and legal institutions and Burmese women's experiences*, I attempt to comprehend experiences of Burmese women in seeking to use law as an instrument of protection. This is followed by the section, *Conclusion* where I attempt answer some of the questions raised in the *Introduction*.

## **Historical Overview of the Chin-Mizo Relationship and Migration across Borders**

It would be pertinent to introduce the Chins in Mizoram in the context of political and economic developments in the region over the last 60 years. This includes an overview of the shared

---

<sup>16</sup> Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, New Delhi, Sage Publications, 1999, p.28.

<sup>17</sup> *Ibid.*

relationship between the Mizos and Chins, Mizoram's history of development (political, economic, cultural and social) that plays a significant part in impacting the Chin population and a sketch of India's policy on refugees and migrants.

The Chin-Mizo relationship as we understand now can be traced back to much earlier times. Both the Chins and the Mizos believe in a similar origin myth. According to the Mizo oral tradition, their ancestors are believed to have emerged from a cave or rock known as 'Chhinlung', believed to be in present day China. This population then moved on through what is now Tibet into the Hukwang valley in Burma and over time moved to Kubaw valley (in west of Sagaing Division of present Burma) to enter into what was then called Lushai Hills in the 18<sup>th</sup> century.<sup>18</sup> Lian Sakhong, in drawing a picture of the Chin ethnicity, describes the accepted myth of common descent and notes, "All sources of Chin traditions maintain that their ancestors originated from 'Chinglung' or 'Cin-lung'".<sup>19</sup>

However, the decade of the 1940s which lead to the creation of independent states of Burma/Myanmar and India is significant to understand the recent trends we witness in Mizoram and the more complex dynamics at work.

While a common descent is invoked by the two communities in relating to each other ("they are our brothers"), the break up of the territory that lay to the north east of British India in 1947 lead to an identity contest.<sup>20</sup> This contest to claim a superior status over each other also manifests itself to claim the dominant identity continues to impact the relationship between the several sub-tribes, including between the Mizos and the Chins. Thus, for instance, the Kukis do not identify themselves with the Chins and seek a separate territory within Burma, the Chins believe that they are the original inhabitants of the region and thus call the Mizos as 'chins living in western Chinram'.<sup>21</sup> Mizos on the other hand, believe that Chins are a sub-tribe of the Mizos. This contest continues to this day albeit in a different form and forms a factor in the Chin-Mizo relationship in Mizoram.

Burma and India were British colonies until they gained independence in 1948 and 1947 respectively. The creation of Burma as a separate dominion under the Government of India Act, 1935 led to the division of the Lushai population across the geographical region<sup>22</sup> that we now call the 'north east'. The Treaty of Yandaboo drew the boundary line between India and Burma in 1937.<sup>23</sup> By this time, the Lushai population that was found across the 'north east' was now divided between three countries, India, Burma and Bangladesh. Chungkhosei Baite, in *Independence of India and Burma: Its Impact on Chin People*, gives an account of the break up<sup>24</sup> thus: "about 5,00,000 in Manipur, about 8,00,000 in Mizoram, about 50,000 in Tripura and about 2,00,000 in Cachar and North Cachar Hills of Assam in India, about 2,00,000 in the Chittagong Hill Tracts of Bangladesh and about 30,00,000 in Chin Hills Matu area, Khumi area, Mara area and Arakan in

---

<sup>18</sup> Lian H. Sakhong, "In Search of Chin Identity: A Study in Religion, Politics and Ethnic Identity in Burma, (NIAS Press, 2003), pp. 8-17.

<sup>19</sup> *Ibid.*, p.6.

<sup>20</sup> Robin K (ed.), *Chin: History, Culture and Identity*, Dominant Publishers and Distributors, 2009, pp. xv-xxiii.

<sup>21</sup> *Supra* note 19, pp. xiii-xxi.

<sup>22</sup> Robin K, same as note 21. p. 341.

<sup>23</sup> *Ibid.*

<sup>24</sup> It is however not clear if the estimation of the population is recent or belongs to the time the borders were drawn.



Burma (ibid).<sup>25</sup> It is thus highly conceivable that migration of Burmese and the Mizos in areas that are now divided by official boundaries was commonplace. In fact, Mizo historians argue that the Mizos were in the Chin Hills in present day Burma from the 15<sup>th</sup> to the 18<sup>th</sup> century before they migrated to what is now the north eastern region in India, including Manipur, Assam, Bangladesh (Chittagong Hill Tracts) and Burma due to “the pressure of the Chin or the stronger clans of Burma and the pressure of over population.”<sup>26</sup> Keeping this historical fact in mind, it is difficult to argue for a closed society that can stop the movement of people.

## Migration in Contemporary Times

In relatively more recent times, specifically, the end of the decade of the 1980s, is known to have characterized Burmese migration differently from the previous decades.<sup>27</sup> The increase in the military strength of the junta during this period and its gaining control of the ethnic states that were otherwise autonomous, led to large scale internal displacement.<sup>28</sup> A large number of Burmese nationals are now known to have escaped to countries in the neighbouring South and South East Asia and sought asylum.<sup>29</sup> The increase in military strength by the military junta by more than twice its size since 1988 lead to setting up of camps throughout the ethnic states. Bhaumik for instance notes that the Burmese junta's control over the south-western region of Burma, which includes Chin State and Sagaing Division “resulted in the establishment of over 20 new battalions of soldiers throughout this remote and mountainous area”, essentially leading to “...growing persecution and impoverishment of the local people” (Bhaumik, 2003, 204).<sup>30</sup> The characterization of the Chin migration has been a factor of the political relationship between the two countries. While initially, India was welcoming of Burmese nationals who fled following the student demonstrations in the late 1980s, this was not so in the late 1990s when its foreign policy considerations in the region changed.<sup>31</sup> Burmese nationals living in Delhi and recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR) are issued Residence Permits and thus tacitly recognized by the Indian government, but those in Mizoram are still believed to be largely “economic migrants”.

This brings us to another essential factor that impacts Mizo-Chin relationship and revolves around the political, economic, social and cultural factors that make up Mizoram. Mizoram is largely a homogenous Christian community with smaller minority tribes comprising the Chakmas, the Hmars and the Bru who as per the Sixth Schedule of the Constitution of India, administer their affairs through Autonomous District Councils.<sup>32</sup> Politically, Mizoram witnessed about two decades of insurgency demanding a sovereign state before it was granted statehood in

---

<sup>25</sup> *Ibid.*, Supra note 23.

<sup>26</sup> Jagdish K Patnaik (ed.), same as note 4, p.3.

<sup>27</sup> Ranabir Samaddar (ed.), *Refugees and the State: Practices of Asylum and Care in India: 1947- 2000*, New Delhi, Sage Publications, 2003, p.182.

<sup>28</sup> Paula Banerjee and others (ed.), *Internal Displacement in South Asia*, New Delhi, Sage Publications, 2005, p.216.

<sup>29</sup> *Ibid.*, p.222.

<sup>30</sup> Supra note 28, p.204.

<sup>31</sup> *Ibid.*, pp.196-204.

<sup>32</sup> Jagdish K Patnaik (ed.), same as note 4, pp. 74-90.

1987.<sup>33</sup> In terms of the social and economic development, numerous changes have taken place since the last two decades and the existing economic policy in the form of the Look East Policy and the border trade would lead to further changes.

Mizoram boasts of second highest literacy rate in the country after Kerala at 88 per cent and generally low poverty levels.<sup>34</sup> The Look East Policy is being received with enthusiasm and the border trade is believed to have become an essential feature of Mizoram's economy.<sup>35</sup> Emerging changes also include a transition from shifting cultivation to a semi-settled agricultural system which has led to significant and substantial changes in the rural agricultural economy among others, in the form of change in the agrarian structure from common ownership of land to private ownership, cultivation for subsistence to commercial production.<sup>36</sup> Changes have also been visible in the structures of rights institutions and the legal system. The system of chieftainship where the Chief held powers of village administration as well as administration of justice according to customary laws was abolished by the establishment of the District Councils in 1952 which in turn had legislative, executive, financial and judicial powers.<sup>37</sup> A decision to separate the executive from the judiciary was taken in 2002 and was effectuated in 2009.

### **Chin Nationals in Mizoram**

There is little agreement on the number of Chin nationals living in Mizoram. However, rough estimates suggest the Burmese<sup>38</sup> population accounts between between 70,000 to 100,000 apart from a smaller number of Nepali and Bangladeshi population. A large number of the Chins work in the informal labour market, in weaving units, tenant farming, quarries, road construction, trade, housekeeping and domestic work<sup>39</sup> and in government services. It is generally agreed that the Burmese are able to work in any circumstances and take up all kinds of employment given the overwhelming need to earn.

---

<sup>33</sup> Jagdish K Patnaik, *ed* , Peace and Development in Mizoram: Role of the State and Civil Society, Mizoram, Department of Political Science, Mizoram University, 2008, pp.72-83.

<sup>34</sup> *Ibid.*, p.17.

<sup>35</sup> Julien Levesque and Mirza Zulfiqar Rehman, Tension in the Rolling Hills: Burmese Population and Border Trade in Mizoram, *Institute of Peace and Conflict Studies*, April 2008, [www.ipcs.org](http://www.ipcs.org), accessed July 2009.

<sup>36</sup> Jagdish K Patnaik (ed.), same as note 4, pp. 91-125.

<sup>37</sup> H.C. Thanhranga, District Council in Mizo Hills, (Updated), Aizawl, Lengchhawn Press, 2007; See also, Jagdish K Patnaik (ed.) , same as note 34, pp. 206-217.

<sup>38</sup> See for instance, Julien Levesque and Mirza Zulfiqar Rehman, Tension in the Rolling Hills: Burmese Population and Border Trade in Mizoram, *Institute of Peace and Conflict Studies*, April 2008, [www.ipcs.org](http://www.ipcs.org), accessed July 2009, Burma Human Rights Year Book, 2008, Human Rights Documentation Unit, National Coalition Government of the Union of Burma, [http://www.burmalibrary.org/docs08/HRDU\\_YB-2008/pdf/refugees.pdf](http://www.burmalibrary.org/docs08/HRDU_YB-2008/pdf/refugees.pdf), accessed January 2010, pp. 946-971; We Are Like Forgotten People: The Chin People of Burma: Unsafe in Burma, Unprotected in India, Human Rights Watch 2009, <http://www.hrw.org/en/reports/2009/01/27/we-are-forgotten-people>, accessed December 2009, p. 65; Looking Forward: A Report from Community Consultations, WLB and Centre for Refugee Research, University of New South Wales, 2007, India, <http://www.crr.unsw.edu.au/news-and-events/new-report-on-burmese-refugees-in-delhi-103.html>, accessed November 2009, p.3.

<sup>39</sup> Interview with Sr. Rose Piate, Ferrando Integrated Women's Development Centre (Peace Home), 3 December 2009, Aizawl.

Over the years, Burmese organizations such as Women's League of Chinland (WLC) and Human Rights and Education Institute of Burma (HREIB) have set up bases in Mizoram focusing on legal protection, health care, advocacy and training. Some of the Mizo organizations, that have played a role in the Chin-Mizo relationship include Young Mizo Association, Mizo Zirlai Pawl and MHIP, and some NGOs such as Ferrando Integrated Women Development Centre (Peace Home),<sup>40</sup> that works with Burmese domestic workers, the Centre for Peace and Development (CPD)<sup>41</sup>, which as a Service Provider under the Protection of Women from Domestic Violence Act has intervened in matrimonial issues involving the Burmese, Grassroots Development Network<sup>42</sup> that provides a safe house for women facing domestic violence and Human Rights & Law Network (HR&LN) that has focused on human rights education, advocacy and intervention.

As a organization that claims to have a membership of 3.5 lakh members, 750 branches spread all over Mizoram and in the other neighbouring states of Assam, Manipur, Meghalaya, Nagaland and Tripura,<sup>43</sup> YMA is one of the strongest non-political voluntary organizations and defines its role, as also noted on its website as “running adult education centres, afforestation, construction of houses for the rural poor, conservation of Mizo culture and heritage, cleanliness drive, campaign on health and sanitation, running public libraries and campaign against the evils of drugs and alcohol”.<sup>44</sup> Although claiming to be a social organization, a number of YMA functionaries and members are either associated with political parties or hold positions within the Government, casting doubts on its identity purely as a “social organization”. The influence that YMA wields in Mizoram is enormous, including in politics, economy and social life. Some others such as the Mizoram Hmeichhe Insuihkhaw Pawl (MHIP) was established in 1974 as a Mizoram government program “to facilitate... the work of SSWAB [State Social Welfare Advisory Board]<sup>45</sup> and the various government departments” and works for the “upliftment of women and children”.<sup>46</sup> Reaching out to women without “discriminating between caste, creed or religion”, its activities include, similar to those of the YMA, with particular focus on women, fighting against atrocities against women, championing the cause of the destitute women, counselling and leadership training and social integration. It seeks to build its image as the “mother of social, economic and cultural liberty”.<sup>47</sup>

---

<sup>40</sup> See the website of National Domestic Workers Movement (NDWM), of which Ferrando Integrated Women's Development Centre (Peace Home) is a member. <http://www.ndwm.org/aboutus/regional-offices.asp>, accessed on January 2010.

<sup>41</sup> Interview with Ms Diana Hmingthanpari, Centre for Peace and Development (CPD), 1 December 2009, Aizawl.

<sup>42</sup> *Report of the Consultative Meeting with local civil society organizations in Mizoram*, The Foundation for Social Transformation and Department of Social Work, MZU, 2008, <http://fstindia.org/download/What%20we%20do/Mizoram%20Consultation%Report.pdf>, accessed January 2010.

<sup>43</sup> *Young Mizo Association, A Profile*, Pamphlet (undated).

<sup>44</sup> <http://centralyma.org.in> as on January 2010.

<sup>45</sup> The State Social Welfare Advisory Board (MHIP page of the Mizoram Government Website) was set up in 1972 by the then Union Territory of Mizoram to carry out various activities to promote the welfare of women and children.

<sup>46</sup> Jagdish K Patnaik (ed.), same as note 4, pp. 340-378 at p.366.

<sup>47</sup> *Ibid.*

Studies on Chin population in Mizoram and their status in law done by Mizo academics or activists are scarce.<sup>48</sup> An unpublished MPhil dissertation of the Department of Economics, Mizoram University, titled *The Pattern of Migration and its Effects on Economic Development with Special Reference to Mizoram* gives a perspective of how Burmese migration is viewed in Mizoram. It notes, "...Myanmar alone contributes as high as 84.08 percentage of the total international migration (to Mizoram) while Nepal and Bangladesh contribute 9.61 per cent and 6.01 per cent respectively".<sup>49</sup> A large number of these people live in Aizawl, in smaller towns along the border as well as in the south including Champhai, Saiha, Lunglei and Lawngtlai.<sup>50</sup> It argues, like most others, that the Burmese are "illegal migrants" and concludes that "work or employment opportunity is the main reason of migration for external migrants".<sup>51</sup> On the basis of data taken from Census 2001 Government of India, the author notes that "the most important reason for migration is family", accounting for 40.04 per cent of the total international migrants while "26.38 per cent do not specify their reasons for migration".<sup>52</sup> Relying on this data, he argues that a high percentage of the population moving because of "family" and "unspecified reasons indicate that Mizoram receives a good number of illegal migrants from other countries". He further adds, "family is an important reason for migration of females".<sup>53</sup> To begin with, to classify all those migrating to Mizoram, including the Burmese, Nepali and Bangladeshi nationals as "migrants for work" is to take a narrow view of the complex nature of migration. Further, even if true, the Census data relied upon in this instance is insufficient in itself to lead to such a conclusion. The categories that the author relies on, "family" and "unspecified", is broad and fails to capture other factors that result in migration. Lastly, and importantly, migration as a phenomenon cannot be explained by oversimplified variables such as the ones adopted in the Census data.

In similar vein, dominant perceptions, some of which run the risk of being mere opinions in the absence of a holistic study, hold the Chins responsible for smuggling, alcohol abuse, illegal trade, entry without identity documents, violation of laws and "misuse of freedoms they have in Mizoram".<sup>54</sup> Crimes allegedly committed by the Burmese such as theft<sup>55</sup>, rape,

---

<sup>48</sup> Some research has been done on the Burmese migration, such as the dissertation by Z Zirnunsanga referred in this essay. However, there is little systematic study of the Chin migration that analyses the phenomenon from the perspective of Mizo history. The existing literature, in the form of media reporting etc dwells on issues such as "illegal migration" of the Chins, thus being narrow in its approach. Interestingly, none of the contributions to the two recent publications brought out by the University of Mizoram (and referred extensively in this essay) consider it important to focus on this issue, despite Chin migration being such a sensitive issue in the State.

<sup>49</sup> An unpublished MPhil dissertation of the Department of Economics, Mizoram University, titled *The Pattern of Migration and its Effects on Economic Development with Special Reference to Mizoram*, The study however does not indicate the total population of migrants from these countries.

<sup>50</sup> *Ibid.*, p.120.

<sup>51</sup> *Ibid.*, p.212.

<sup>52</sup> *Census of India*, 2001, <http://www.censusindia.gov.in> accessed on January 2010.

<sup>53</sup> The Census (2001) data however is not helpful in coming to this conclusion as it does not give enough disaggregated data.

<sup>54</sup> Interview with Mimi Khar, Journalist, Mizzima News (and Consultant for the British Broadcasting Corporation), August 2009, Aizawl.

<sup>55</sup> "Mizoram to deport Burmese into criminal activity": Home Minister, *Khonumthung News*, 2 March 2009.

smuggling of arms<sup>56</sup> and such others have also been reported. The Mizo police as well as organizations such as the YMA also arrest and initiate legal action against the Burmese involved in these crimes and are what clearly appears as selective arrests of “illegal” Burmese nationals.<sup>57</sup>

Research carried out by some organizations, academics and journalists that are based outside of Mizoram give an account of the various aspects of Chin migration into India. The report by Human Rights Watch in 2009 while focusing on protection and livelihood problems faced by the Chin refugees highlight the “discrimination and abuses Chin face in Mizoram State in India at the hands of voluntary associations and Mizoram authorities, and the continuing lack of protection for Chin refugees”, “...the abuses, severe discrimination, and religious repression” faced by the Chins and “serious obstacles to finding jobs, housing, and affordable education” because of discrimination and lack of legal status. They also note the periodic “anti-foreigner” campaigns and the targeting by Mizo voluntary associations and Mizoram state authorities.<sup>58</sup>

The Centre for Refugee Research, University of New South Wales, Australia carried out a survey where it interviewed 48 women and 10 men in November 2008.<sup>59</sup> The objective was to understand two aspects; “the risks and issues of concern for refugees living in Mizoram and Manipur and the description of the situation of ongoing persecution in Chin State which is causing refugees to flee and to have a fear of forced return”.<sup>60</sup> The study revealed the because of the difficulty in finding employment, women have taken to sex work. It also brought out the problems associated with domestic work, including low wages and sexual violence, domestic violence, and the inability to access education, health care and political rights. It further notes that Chin women, “are particularly at risk working in abusive and exploitative environments in Mizoram. Many are employed as traditional hand-loom weavers, where they are often required by their employers to work very long hours and live at the workplace. Most Chin weavers are not paid salaries but instead receive low wages on a piece-by-piece basis. Their wages typically depend on the intricacy of the weaving pattern and how much the weaving is sold for, decisions decided upon by the employer. Although exact wages depend on many factors, most Chin weavers receive 150 Rupees (US\$3.50) for completing four to five weavings a day. Chin weavers in Mizoram typically work in small, cramped rooms with limited natural light. As handloom machines take up a considerable amount of space, there is little room to sleep. In some instances, weavers must sleep on their machines. Domestic work, according to the report, employs women and girls aged between 12 and 20 years and involves often work very long hours for little pay. The exact wages often depends on the employer, but Chin domestic workers typically earn 200 to 1,500 Rupees (US\$4.50 to \$35) per month for 16-hour days. The risk of abuse and exploitation,

---

<sup>56</sup> Four Burmese arrested in arms case in Mizoram, *Khonumthung News*, 24 March 2009.

<sup>57</sup> Mizoram police arrest Burmese nationals, *Khonumthung News*, 15 June 2009. This reported the arrest of 54 Chin people who worked in a restaurant and handloom factories. The arrests were made on the grounds of illegal stay but were released on payment of fine. While a large number of Burmese are known to live illegally, it is baffling that the police is selective in its arrests.

<sup>58</sup> “We Are Like Forgotten People: The Chin People of Burma: Unsafe in Burma, Unprotected in India”, *Human Rights Watch 2009*, <http://www.hrw.org/en/reports/2009/01/27/we-are-forgotten-people>, accessed December 2009.

<sup>59</sup> “Looking Forward: A Report from Community Consultations”, WLB and Centre for Refugee Research, University of New South Wales, 2007, India, <http://www.crr.unsw.edu.au/news-and-events/new-report-on-burmese-refugees-in-delhi-103.html>, accessed November 2009.

<sup>60</sup> *Ibid.*, p.8.

including rape and sexual violence, beatings, failure to receive promised wages, and other problems, is high”.<sup>61</sup>

The social and economic context that animates the life of the Chins indicates that exploitative conditions are a result of the legal status of Chins, who in turn, due to this factor, keep a low profile of themselves.<sup>62</sup> Articulation by the collective community in a way that criticizes the local authorities runs the real risk of clamp down, as recent experience suggests. The Human Rights Watch released its report on the Chin population in Mizoram in 2009, referred above. Among others, it concludes that Chin nationals in Mizoram lack basic protection of their rights and adequate humanitarian assistance. It goes on to state that the Government of India, despite not being a signatory to the 1951 Convention on the Status of Refugees and the 1967 Protocol, is bound by the principle of non refoulement. In its assessment, the Government has failed to protect refugees as per international law. Further, in Mizoram, the Chin nationals face discrimination and threats of “forced return” by “Mizo voluntary associations in collusion with the Mizoram authorities”.<sup>63</sup> The Report was not well received by several organizations, some of whom noted that Human Rights Watch misrepresented the situation. The General Secretary of Central YMA was of the opinion that not all facts were taken into consideration and report was biased. When asked if he could give an example, he stated that contrary to what is stated in the report<sup>64</sup>, the situation is not as bad as is made out to be.<sup>65</sup> Another YMA functionary noted that the HRW report only considered information from only “one side” and “hurt the sentiments of Mizos”.<sup>66</sup> He stated that while some information provided by the report was true, “people have to be careful about reporting the conflict, otherwise it will lead to an undesirable situation”<sup>67</sup>. Following its publication, the YMA held a meeting with all Chin Associations and asked them to publicly apologise for it. It also decided to undertake a census of the Chin population in the entire Mizoram. At the time of the interview, out of a total of 772 YMA branches, 173 had submitted their reports.<sup>68</sup> Although the General Secretary of YMA did not explain the purpose of the census, the President of the MZP, V L Krosshnehzova stated that the Census would aid in addressing the “social problem” of Chin nationals getting into illegal activities.<sup>69</sup>

---

<sup>61</sup> *Ibid.*, pp.75-76.

<sup>62</sup> Although it is widely known that Chins arrive in Mizoram, live in different parts for varying periods of time, carry on trade etc, a number of Chins this author was able to speak to during a visit in 2006 note that they keep a low profile as it is impossible to tell when one might be deported or sent to the borders.

<sup>63</sup> *Supra* note 59, <http://www.hrw.org/en/node/79892/section/4>, accessed May 2010.

<sup>64</sup> The Report quotes a Chin national The way [the Mizos] think is that killing a Chin person is like killing a dog. It is not that serious

<sup>65</sup> Interview with Pu Lalbiakzuala, General Secretary, Central Young Mizo Association, 2 December 2009, CYMA Office, Aizawl.

<sup>66</sup> Interview with Pu Lalkhama, NC State Planning Board, Government of Mizoram.

<sup>67</sup> *Ibid.*

<sup>68</sup> According to these reports, there are 6912 Chins living in Mizoram making them 877 families. The rest of them are yet to submit the report. The census was supposed to be completed by April 2009 but because “some are active branches and some are not”, the census is still not complete.

<sup>69</sup> In specific reference to the report of the Human Rights Watch and the manner in which it was received in Mizoram, Pu Krosshnehzova also noted that while they are aware of Chins living in Mizoram for business etc, some others, in his opinion are into illegal activities, which has turned into a social problem. In his view, the YMA may have felt that it is important to eradicate this problem and Census may aid in towards this purpose.

## Legal and Social Institutions: Burmese Women's Experiences

From the foregoing section, three specific issues may be flagged including the way Chins are perceived in Mizoram, their legal status, basic protection and the efforts made to overcome discrimination and lack of rights.

As the law stands, the entry, stay and exit of a foreigner arriving in India is regulated under the Foreigners Act, 1946, the Constitution of India, the Registration of Foreigners Act, 1939 and the Passports Act, 1967. The Government of India has plenary power to pass executive orders on any issue concerning foreigners, as the subject falls under the Union List of the Constitution of India. India's policy towards refugees has been, at a minimum, an adherence to the principle of non-refoulement (but as in the case of Mizoram, even this principle has been violated by India). Burmese nationals who apply for asylum in Delhi with the Office of the United Nations High Commissioner for Refugees (UNHCR), have been tacitly recognized by the government of India once they are given refugee status by the refugee agency. This is the current practice as refugees get Residence Permits from the Foreigners Regional Registration Office (FRRO). Under the Foreigners Act, 1946, a foreigner entering India is required to hold valid passport and visa and a permit from the local authorities.

Chin women who live in Mizoram often do not have valid legal identity papers. Usually Chins arrive in cities like Aizawl or the bordering towns either for a short duration or for a longer haul. Entry into Mizoram is easy as border trade is also encouraged. Moreover, it is not easy to distinguish a Chin from a Mizo. In the case of Mizoram, a notification issued by the state government in 2003 laid down guidelines- “for the regulation of entry etc., of Myanmar Nationals in Mizoram”.<sup>70</sup> (2003 Notification, Government of Mizoram) They required that a Burmese national “ordinarily resident in any area within 40 kilometres on the Myanmar side of the Indo-Myanmar frontier, entering into India across the said frontier after...July 1968” should possess “a permit or other like document” by the the Myanmarese authority and “a permit...by the authorities” in the State of Mizoram<sup>71</sup> Burmese nationals could thus travel within Mizoram within a 40 Kilometre radius from the border, but travel “which is beyond the 40 kilometres from the crossing-point along the aforesaid border” would require the Burmese to have a valid passport and visa under the Indian Passports Act, 1920 and the Passports Act, 1967. This notification was suspended by the Government of Mizoram in 2006<sup>72</sup> following complaints by the Assam Rifles of arms smuggling across the borders.<sup>73</sup>

The significance of this Notification must however be understood. Burmese nationals could, under this law, apply for a “Temporary Stay Permit” under Guideline 8(1) but would need to specify a sponsor, who is a “a bona fide indigenous resident of Mizoram residing within 40 (forty) kilometres of the Indo-Myanmar Border”<sup>74</sup>, The Form II, specified in the notification, is

---

<sup>70</sup> Notification No. D.32030/146/2003-HMP(BMC), dated 5 November 2003, Mizoram Gazette, Vol. XXXII, Issue No. 347, Government of Mizoram.

<sup>71</sup> *Ibid.*, Part-A: Issue of Permit, Guideline 1(a) and 1(b).

<sup>72</sup> Interview with Pu Lalbiakzuala, General Secretary, Central Young Mizo Association, 2 December 2009, CYMA Office, Aizawl.

<sup>73</sup> Interview with Pu Lalhriathpuia, Home Department, Government of Mizoram, 2009.

<sup>74</sup> Guideline 8.2, Notification No. D.32030/146/2003-HMP(BMC), dated 5 November 2003, Mizoram Gazette, Vol. XXXII, Issue No. 347, Government of Mizoram.

required to be filled in by the applicant along with an 'Undertaking by the Sponsor', who would be required by law to assist Mizo authorities in arranging deportation of the permit holder when "...I no longer require his service for my work". Thus, this notification not only regulated the entry, stay and exit of Burmese in Mizoram but also amounted to a temporary work permit. No further notification has however replaced this law.

To the extent that the Chins do not have valid documents, they are "illegal" entrants in Mizoram and run the risk of deportation, and abuse by the police. Employment although easily found, is exploitative and affordable housing or education is also not easily found (Human Rights Watch, 2009).<sup>75</sup> However, the fact that they are "illegal" in law only partially explains the situation. The precarious legal status of Chins in Mizoram makes it difficult, if not impossible to claim basic rights, either of education, or humane conditions of work or access to employment. Under the law, the Chins entering Mizoram without valid identity documents and visa are illegal migrants, against whom proceedings under the Foreigners Act and other legislations can be initiated. However, Chin's have also been granted refugee status by UNHCR and tacit recognition by the Government of India, by way of Residence Permits for recognized refugees in Delhi. The Chins in Mizoram however, are caught in the situation where it is not possible to make a clear distinction as to their legal status.

In sum, the Mizo's response to Chin's social, economic and political status is one of focusing for instance, on the "illegal acts" of the Chins while at the same time, perceiving them as "brothers". For instance, the Chairperson of the State Women's Commission, Ms Rozami argues that Chins commit illegal activities ("the Burmese steal and run away"), such as drug trafficking and other criminal activities that may attract State action criminal laws. This, according to her is the direct result of the poor economic situation of Chins.<sup>76</sup> No logical explanation is given as to the real connection between these two factors. Perhaps, it is meant that their dire situation in Chin state forces them to commit crime, say theft or drug trafficking, as an easy way to overcome their impoverished status. She continues that despite their "criminal activities", the government of Mizoram cares for the Chins and therefore does not initiate legal action against them. Similarly, the President of the Mizo Zirlai Pawl (MZP), on being asked about the legal status of the chins stated that "one cannot say that Chins are illegal because they are brothers". He added that "they are refugees and risk their lives to survive".<sup>77</sup> The repeated invocation of these two opposing factors in explaining Mizo relationship with the Chins is commonplace amongst the Mizos generally and the Mizo (and non-Mizo) authorities interviewed for the purposes of this research.

Thus, despite the existing uncertainty, – the inability to implement the laws, the inability to differentiate between a Mizo and a Chin, and the inability to stop people from crossing over the borders – many examples of varying kinds indicate a mixed response. Burmese nationals are often arrested, threatened with deportation and at times "left near the borders" (who then return back).<sup>78</sup> Every news report detailing the arrest notes that the Burmese are "illegal" or that it has lead to disturbance of social fabric and thus is intended to drive home the point that a "peaceful"

---

<sup>75</sup> We Are Like Forgotten People: The Chin People of Burma: Unsafe in Burma, Unprotected in India, Human Rights Watch 2009, <http://www.hrw.org/en/reports/2009/01/27/we-are-forgotten-people>, accessed December 2009.

<sup>76</sup> Interview with Ms Rozami, Chairperson, Mizoram State Women's Commission, Government of Mizoram, 1 December 2009, Aizawl.

<sup>77</sup> Interview with V L Krosshnezhova, President, Mizo Zirlai Pawl, 2 December 2009, MZP Office, Aizawl.

<sup>78</sup> The often quoted joke is that even if Chins are left near the borders, they get back faster than the police!



and “clean” Mizo society cannot be allowed to be contaminated by non-Mizos. This function of maintaining law and order is carried out by the YMA<sup>79</sup> apart from the state authorities who by law have been entrusted this mandate. As pointed out by a YMA functionary, the idea is to separate the “good” Chin who are “good citizens” of Mizoram from the “bad” ones.<sup>80</sup> The several instances where such action to deport or issuance of quit notice is given are in one of the words of one member of YMA, a “request” and not an order.<sup>81</sup> What could it mean to call a “good” Burmese a “citizen”? Does it refer to the ethnic and religious ties that continue to define partly how they view each other? If it is so, then there is a constant switching between rejection of the Burmese and their identification as one of “our” own. And at the very local level, does it mean that “citizenship” itself is constantly defined and redefined, indicating that formal citizenship is not static and is unable to explain the experiences of a large number of migrants?

However, it would be unfair to judge the Chin situation in Mizoram and the response of the Mizos as one of constant opposition. While to a large extent women are unable to access protection under existing laws, two examples are given below that explain how women use laws to protect themselves. The first example, unique in many respects involves a case of domestic violence against a Chin woman. The second involves issues of employment and the efforts of an organization that seeks to secure rights of domestic workers.

In a case of domestic violence, the complainant approached the court under the Protection of Women from Domestic Violence Act, 2005 seeking an Order prohibiting the respondent from committing an act of domestic violence (physical violence)] under Sec.18, custody of her daughter under Sec. 21, an order for compensation under Sec. 22 and monetary relief under Sec. 20. In this case, the respondent was a Mizo while the complainant was a Chin, who having come to Aizawl for a visit, married the respondent and had a child aged about a year and a half at the time of filing the complaint. The complainant alleged that the respondent has been physically violent, “abused the complainant verbally and emotionally by calling her names and looking down at her because of her family background and also due to the native place where the complainant has come from”.<sup>82</sup> It was further alleged that the respondent “prevented her from taking up any kind of job and that the complainant is living in constant fear”. The respondent denied these allegations and stated “that he was never married to her under any provision of law”<sup>83</sup> but accepted that “they were living together”. The complainant decided to initiate legal action despite threats from the respondent that he would complain to the police that she was a Chin and therefore illegally staying in Aizawl. The Centre for Peace and Development, one of the Service Providers under the DV Act had helped the complainant file a Domestic Incident Report under the Act and facilitated counselling of both parties on the direction of the court. It submitted its report stating that “despite” four rounds of counselling, the parties had opted for divorce.<sup>84</sup>

On the basis of all the facts put before her, the Judge held in favour of the complainant and ordered the respondent under Sec. 18 to prohibit from “causing any sort of physical hurt to

---

<sup>79</sup> Lalneihzovi, District Administration in Mizoram, (Mittal Publications, 2006), p.63.

<sup>80</sup> Supra note 63.

<sup>81</sup> Supra note 68.

<sup>82</sup> Order of JMFC dated 22 October 2009, in connection with Criminal Complaint No.96 of 2009 (parties) (Domestic Violence), Para 10.

<sup>83</sup> Order passed by the Judicial Magistrate First Class in Criminal Complaint No.96 of 2009, para 11.

<sup>84</sup> *Ibid.* para 13.

the complainant”,<sup>85</sup> “using obscene words”,<sup>86</sup> “entering in the house where the complainant presently lives”,<sup>87</sup> “causing any obstruction to the complainant from her going to different places where she desires”<sup>88</sup> and “causing any hardships to the minor child at any time”.<sup>89</sup> The respondent was also ordered under Sec. 20 to “pay a monthly allowance of Rs. 2000 and pay maintenance to his child till minor attains the age of majority”.<sup>90</sup> The custody of the child was given to the complainant under sec. 21 “till the said minor attains the age of 3 years in accordance with the customary practice”.<sup>91</sup> Although the Centre for Peace and Development was aware that the complainant was a Chin, it did not disclose it in the DIR. The Magistrate, Sylvie Ralte who heard the case was also aware of this fact, but as stated in her order that “the purpose of the Act is to give protection to the aggrieved woman from domestic violence”,<sup>92</sup> did not consider this a material fact given the circumstances of the fact and thus, proceeded to make the order in favour of the complainant.

Issues of employment tell a different story. Ferrando Integrated Women's Development Centre (hereafter Ferrando Centre), is an organization that focuses on domestic workers and in addition, runs a weaving and tailoring centre, a piggery and pottery centre, an embroidery centre, drug treatment centre and has drop-in-centres in Aizwal, Champhai, and Saiha. A majority of Ferrando Centre's clients are Chin women. A total of 30 staff members are responsible for 5 projects, including on drugs/HIV, skills development, disabilities and domestic workers. As none of the Mizo women acknowledge that they are “domestic workers”, any talk about domestic workers more often than not, involves the Chins. A large number of Chin women work as domestic workers in Mizoram. According to figures cited in the Annual Report, National Domestic Workers' Movement, North East Region for the years 2006-2007, 65 per cent of those registered with the organization, amounting to 1187 women are Chin and the rest of about 645 women are Mizo. The feeling of being looked down upon by the Mizos, discrimination, low wages, non-payment of wages, verbal, physical and sexual harassment and abuse, excessive work over what is allowed in law, lack of security of accommodation, inability to find employment and inadequate nutrition were identified as problems of women that registered with the organization.<sup>93</sup>

As a response to the problems identified, Ferrando Centre registers domestic workers, which is a first step in attempting to exercise their rights. In explaining some ground realities of Burmese domestic workers, Sr. Rose Paite states that it is sheer survival that prevents women from negotiating for their rights when they start off. However, women who register with the NGO are found employment, and a contract is signed between the employee and the employer, attempting to put in place a framework of relationship that has the potential to ensure rights, including pay, hours of work and weekly leave in the contract. Those who are registered are also asked to inform Ferrando Centre of any problem arising in the workplace, who then takes the

---

<sup>85</sup> *Ibid.* para 15(1).

<sup>86</sup> *Ibid.* para 15(2).

<sup>87</sup> *Ibid.* para 15(3).

<sup>88</sup> *Ibid.* para 15(4).

<sup>89</sup> *Ibid.* para 15(5).

<sup>90</sup> *Ibid.* para 16.

<sup>91</sup> *Ibid.* para 17.

<sup>92</sup> *Ibid.* para 14.

<sup>93</sup> Annual Report, National Domestic Worker's Movements – North Eastern Region, 2006-2007, p.20.

necessary action. This according to Sr. Rose is an improvement considering that women were subject to more exploitation in the past. For instance, she notes that while earlier Burmese women had to settle for anywhere between Rs. 400 to Rs. 800 as monthly salary, the now do not agree to work unless they are paid atleast Rs. 1500. Another advantage of registration is that trainings are regularly conducted on legal rights and negotiation skills and weekly meetings are held every Sunday so that women have a forum to share their concerns which are then raised with the concerned employer.<sup>94</sup> While the organization is among the few that focuses on legal rights of Chin women who work as domestic help, a large part of its interventions also concentrates on rehabilitation of women and provision of opportunities for vocational training. Thus, given the focus on assistance as opposed to legal interventions, the organization is limited in its efforts to make an intervention on workers rights and migration.

These two examples suggest that there are some instances where recourse to the law is the only option, for instance in case of rape or sexual assault. However, sexual abuse, including harassment and rape are rampant but women hardly complain or choose to initiate legal action. In their experience, even when a rape case is filed, the fact that Sr. Rose has to accompany the complainant personally during the hearing and the possibility of the trial to drag on for years often results in inaction. Thus, not all instances get reported, let alone investigated and charges framed against the perpetrator.

Some of the non legal ways of improving the situation of migrant women have been the training of women to negotiate for their rights at the time they start working. For instance, where earlier women ended up agreeing to working long hours, seven days a week and for low wages, now they insist on a weekend off, a minimum salary without which they do not agree to take up the employment and share their experiences in a regular weekly meeting in Fernando integrated centre. According to Sr Rose, this has raised the level of confidence of women.

Some inferences can be drawn from these two examples. The case of a Chin woman seeking protection under the Domestic Violence Act seems to be the first such case and indicates that the complainant was seen not as an illegal migrant but as a survivor of domestic violence, in need of assistance. This is a significant order considering that Chin women are often subject to violence without being able to access the legal system even if they are theoretically entitled to take recourse to the law. Employment however, is a more sensitive issue in Mizoram. A large number of domestic workers are Chin women, and reports suggest that the Mizos have come to be dependent on them as not many Mizos take to this nature of work. At the same time, the fact that the Chins are forced by survival needs to take up any employment under the most trying circumstances make employment exploitative. At an informal level, therefore, the space to negotiate with the existing system exists and is aided by Mizo individuals and organizations as in the two instances shown above. Significantly, numerous examples also suggest that legal protection is not easily available and therefore these examples may be exceptions.

Thus there is an element of truth in the argument that "...the integration of Chins in Mizo society oscillates between rejection, solidarity and dependency".<sup>95</sup> At the cost of stretching the

---

<sup>94</sup> Interview with Sr. Rose Paite, Ferrando Intergrated Women's Development Centre (Peace Home), 3 December 2009, Aizawl.

<sup>95</sup> Julien Levesque and Mirza Zulfiqar Rehman, Tension in the Rolling Hills: Burmese Population and Border Trade in Mizoram, *Institute of Peace and Conflict Studies*, April 2008, [www.ipcs.org](http://www.ipcs.org), accessed July 2009.

argument, there is yet another inference that I wish to draw. Both these cases, where the importance of protection and entitlement dominate over concerns of formal citizenship, is the allusion to the notion that although illegal, there is something more fundamental that needs to be factored in, in understanding that the illegal migrant is also a rights bearing subject. The Constitution of India may be said to recognize this in Article 14 and 21, which extends to all persons and not just citizens in India. Linda Bosnaik for instance, calls this “ethical citizenship”<sup>96</sup> where she argues that “...a person’s physical presence within the territory of a state – whether a national or supranational state--should be the basis for extending them important rights and recognition”.<sup>97</sup> She further argues that a “territorialist commitment is a constitutive part of law of many liberal democratic states”<sup>98</sup> and “ethical territoriality correctly treats membership as matter of social fact rather than as legal formality and it honors egalitarian and anti-caste commitments that liberal democracy purports to stand for--does stand for at its best”.

How does this reality impact our notions of citizenship? India as a post-colonial state, in defining its policy towards foreigners has displayed “cartographic anxiety”, especially in relation to its neighbours. As B.S Chimni explains, “this cartographic anxiety has been accentuated by porous borders and the fact that states in South Asia have been carved out of people’s inhabiting a ‘common space’ for long periods in history”.<sup>99</sup> This cartographic anxiety is true of Mizoram, with numerous instances of demarcating the insider from the outsider. Mizoram displays this through a strong sense of identity, visible in its relationship with the Chakmas or the Bru’s (which run the risk of turning antagonistic), or in the mandate of social organizations such as the YMA.<sup>100</sup>

Fundamentally, how may one explain such a response where on one hand, there is a clear show of solidarity and recognition of the factors underlying the flight of Chins to Mizoram and at the same time, this solidarity is conspicuous by its absence if one recognizes that the Mizo response to allegation of illegal acts is usually by way of threat or actual deportatation? Further, how is the law and legal enforcement institutions used in their application in the Chin “immigration” context? It is submitted that there is, an *incorrect* understanding or perhaps indifference to how existing law applies to refugees in India. This has a bearing in its impact on the Chins, even if it is argued that not all of them are “refugees” under existing law. A few examples would clarify this point. The Chairperson of the State Women’s Commission in Mizoram argues that the Chins “reach Delhi and get a lot of money from the UN after which they come back and continue with illegal work”.<sup>101</sup> Yet another interviewee, a lawyer practising in the Aizwal district court notes that the Burmese are given refugee status by the Government of India.

---

<sup>96</sup> Linda S. Bosnaik, Ethical Territoriality and the Rights of Immigrants, *Amsterdam Law Forum*, Vol.1, No.1, 2008, accessed January 2010, p.1.

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*, p.3.

<sup>99</sup> R Bhargava and H Reinfeld, eds, *Civil Society, Public Sphere and Citizenship: Dialogues and Perceptions*, (Sage Publications, New Delhi, 2005), p.290.

<sup>100</sup> See for instance, Check List for Identifying NGOs/CBOs/Traditional Institutions, YMA Note (undated) Copy with the author,. An example is the decision taken by YMA to declare each year dedicated to various issues. While some have been dedicated to the promotion of education, cleanliness, wild life protection, the years 1998 to 2002 and 2004 were declared as “Ram leh Hnam humhalh-Preservation/protection of mizoram and its Identity”. The notes do not explain its programs or activities done towards this objective.

<sup>101</sup> *Supra* note. 72.

It is thus clear, that the presence of the Chins or others from Burma in Mizoram is characterized as illegal without a clear understanding of how the law operates vis-à-vis the Burmese nationals. For instance, Paula Banerjee argues, in the context of trafficking of people across borders, that women from Chin State who survive sexual harassment are not given refugee status as that is one a ground for asylum (Banerjee, 2009, 442-463) . “Denied citizenship by the Myanmar government and refugee status by the Government of India (GOI) these women become stateless”.<sup>102</sup> It is for this reason that it is difficult to characterize the Chins as “refugees” or “migrants” conclusively. These legal terminologies, while admittedly serve the purpose of ensuring protection; also run the risk of misuse in a context that serves a specific political purpose. In the Chin context, as has been substantiated in this essay, the Mizos acknowledge that Chins face “hardships” in Burma and therefore are compelled to flee, this argument is not translated in the legal discourse which continues to stress on “political” persecution as a standard for refugee status. If there is a tacit recognition that the Chins continue to flee owing to the political situation and the economic conditions that are precipitated by Burma’s political situation, it is imperative that a mechanism be developed to give an opportunity for those seeking asylum to do so, after which a decision on asylum claim can be made. In a context where India’s policy is ad-hoc and therefore subject to the plenary powers of the executive, to consider “a large part” of the Chins as “illegal migrants” not only leads to violence, but is selective use of law that only serves the purposes of real-politics.

## Conclusion

What explains the reality of this experience, in a situation where the brotherhood and ties between the two communities acknowledged, the migration articulated as a problem and international relations between Mizoram/India and Burma valorized? This question points out at and forces us to look at the various factors at play. As has been raised earlier, as non-citizens, are the Burmese to be deported for illegal stay? Or does the experience suggest various ways in which the Burmese have been able to work the system in Mizoram? Deportation in this case is not only selectively carried out but also difficult for a variety of reasons. Suggestions that a strengthening of the border forces and the police forces would resolve this issue also do not provide answers.

The social, political and economic context sketched in this essay is equally important to make meaningful conclusions of the nature of the Chin-Mizo relationship. What can be noted from the the Chin-Mizo relationship is solidarity, on account of ethnic similarities but also hostility, owing to the political and economic implications of the migration. Law and legal institutions are inadequate in protecting the Chins and are not the only instrument that Chins have employed in ensuring protection in Mizoram. At times, as the examples above suggest, law has been used as a means of claiming rights, but non-legal factors, such as invocation of ethnic similarities also play a role. On the other hand, voluntary organizations such as the YMA, and their mandate to create a cohesive and peaceful Mizo society where all are integrated into their way of life, has the effect of taking law into their own hands.

In almost every interview done and most literature referred there is an acknowledgement and acceptance of the fact that the Chins are unable to survive in Chin state/Sagaing division

---

<sup>102</sup> Sanam Roohi and others, *Key Texts in Social Justice in India*, New Delhi, Sage Publications, 2009, pp.442-463.

because of the deteriorating political, economic situation. Given Burma's history, a radical change is also unlikely in the short term. Thus while India is keen to trade with Burma, it would be forced to consider the growing (predominantly) Chin population both in Mizoram, other north eastern states as well as metropolitan centres like Delhi. Seen in a national security perspective, Chins are then problematized and although a desire to control the movement of people is articulated, the nature of the borders clearly makes the task difficult.

Mizoram itself is undergoing far-reaching transformation; the agrarian structures are changing with new modes of production resulting in new legal systems. What was traditionally a classless society now has to grapple with private property, the landed and the landless. The number of people in big cities like Aizawl is likely to grow for the opportunities for livelihood it has the potential to provide in the coming decades. It is well known that the chins are concentrated in Aizawl, which also raises the possibility of more tensions.

Could a society continue to deal with its migrant population without factoring in these changes? What would a policy on migration have to consider? I wish to make two points by way of suggestions in conclusion. The debate about how we understand migration and how the various categories of migration are constructed becomes relevant. In refusing to be trapped in either of the categories at the start of this essay, the objective was to understand if the characteristics of one construction are found in another. From the Mizoram experience, it is evident that these categories are at best convenient but do not suggest anything conclusive. The second point relates to the every day experiences of migrants and the conception of citizenship that dominates a particular social and political context. The argument that geographical presence should be the basis of membership in a community needs to be explored further in the scenario that Mizoram presents us.