

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIAL TEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

CASE ANALYSIS ON NATIONAL HUMAN RIGHTS COMMISSION V. STATE OF ARUNACHAL PRADESH (1996)

AUTHORED BY: MAHI THAKUR,
KISHAN PAVAN DAAGA & AKHIL R JAYAN

ABSTRACT

This research focuses on the citizenship rights of the Chakma community in Arunachal Pradesh, India. Examining the software of prison provisions, particularly Articles 21 and 32, this research explores how those laws cope with the challenges confronted by using the Chakma people following their displacement in 1964 due to a mission. The paper also discusses the importance of the *Protection of Human Rights Act, 1993, and the Citizenship Act, 1955*. This study looks closely at a legal case called *NHRC v. State of Arunachal Pradesh*. The NHRC plays a vital role in safeguarding Chakma people's rights through legal channels, informed by precedents such as *Louis De Raedt v. Union of India* and the *Khudiram Chakma* case. The study underscores deficiencies in government and security measures to ensure the safety of the Chakma community. We explore how important it is to find a good balance between the rights of individual people and the safety of the whole country. The actions taken by the National Human Rights Commission (NHRC) show how laws can make a positive change in protecting people's rights. We suggest that the government needs to be fair and responsible, making sure to take care of everyone's rights. This case helps us understand the challenges around Chakma citizenship rights and why it's crucial to have a fair and just approach.

INTRODUCTION

In the case of the *National Human Rights Commission v. State of Arunachal Pradesh, 1996*¹ highlighted a few crucial questions surrounding the citizenship rights of the Chakma and Hajong groups in Arunachal Pradesh. This research paper delves into the legal battle, examining the significance of essential rights, mainly Articles 21² and 32³ of the Indian

¹ National Human Rights Commission V. State Of Arunachal Pradesh (1996) 1 Scc 742

² India Const. art. 21.

³ India Const. art. 32.

Constitution, the role of the National Human Rights Commission (NHRC), the concept of the Rule of Law and writ of mandamus in the context of this case.

In 1964, the development of the Kaptai Hydel Power Project resulted in the displacement of around 65,000 Chakma and Hajong tribals. These displaced individuals, originally from East Pakistan (now Bangladesh), sought refuge in Assam and Tripura, wherein they steadily assimilated into local communities and became Indian residents. While a sizable Chakma populace found a brand new home in Arunachal Pradesh, tensions among this group and certain neighbourhood groups ultimately emerged.

Article 21, safeguarding the right to life and personal liberty, has become paramount in shielding the Chakmas from arbitrary moves. The NHRC intervened to ensure the country upheld this essential guarantee, utilising Article 32, which empowers individuals to, without delay, method the Supreme Court to enforce fundamental rights. Although the NHRC isn't an individual, its authority beneath the Protection of Human Rights, Act probably enabled it to document a public interest litigation on behalf of the Chakmas, highlighting the powerful interaction between Articles 21 and 32.

The Protection of Human Rights Act, enacted in 1993, empowered the NHRC to technique the Supreme Court concerning human rights violations. Section 18 of this Act granted the NHRC the authority to intervene in such instances, aligning with its mandate to defend human rights. The case in all likelihood revolved round Section five(1)(a) of the Citizenship Act, 1955, which acknowledges descent into India through start, thereby acknowledging the Chakmas as Indian citizens. The NHRC's probable focus was on maintaining the identity and documentation of the Chakmas' citizenship rights under this act.

Focusing on the significance of the Rule of Law, the case affirmed that every human inside India's borders is entitled to constitutional safety, irrespective of ethnicity or nationality. While the judiciary played a important position in ensuring justice for marginalized groups, the NHRC strengthened its efforts by using making use of legal instruments such as the writ of mandamus. This writ ought to have pressured the Government of Arunachal Pradesh to satisfy its duty to sure the rights of the Chakmas as citizens.

This case underscores the importance of leveraging legal frameworks and channels, such as the

Citizenship Act and the writ of mandamus, within the combat for human rights in India. It highlights the NHRC's potential to use existing laws and legal tools to protect the rights of marginalised groups, emphasising the critical role of prison activism in upholding human rights.

LITERATURE REVIEW

MIGRATION AND REFUGEE ISSUE BETWEEN INDIA AND BANGLADESH,

Chirantan Kumar (2009)⁴: This paper explores the task of migration and refugees between India and Bangladesh, a complicated problem bound by using borders and countrywide identity. Since the introduction of Pakistan in 1947, ongoing migration from East Bengal (now Bangladesh) to India has brought about social and political tensions. It addresses the challenges inherent in the India-Bangladesh relationship and with the broader debate on how to deal with migrants from Bangladesh.

SYMPOSIUM ON THE HUMAN RIGHTS OF REFUGEES, B S Chimni (1994)⁵

This study paper delves into India's complex immigration scenario, that specialises in Chakma refugees from Bangladesh's Chittagong Hill Tracts. The Chakmas, often Buddhists, sought refuge in India, escaping persecution by Bangladesh's security forces and the appearance of Muslim settlers. The research takes a look at highlights of the unique demanding situations faced with the aid of the Chakmas, presenting insight into the complex dynamics of their displacement and how it impacted India's immigration situation. It aims to shed light on the unique problems associated with the remedy of Chakma refugees, adding to a broader knowledge of the immigration demanding situations India confronted at that point.

CHAKMA REFUGEES IN ARUNACHAL PRADESH: THEIR INCLUSION AND

SETBACK, Kallol Debnath, Kunal Debnath (2020)⁶

This paper looks at the situation of Chakma refugees in Arunachal Pradesh, India. It examines the government's approach to granting them citizenship and the resulting challenges. The study delves into issues like the Chakmas' identity debates, political isolation, and the need for more than just citizenship to address their problems. It suggests solutions such as stable livelihoods, legal land rights, and

⁴ Chirantan Kumar, *Migration and Refugee Issue Between India and Bangladesh*, 1 Scholar's Voice: A New Way of Thinking 64-82 (2009).

⁵ B. S. Chimni, *The Legal Condition of Refugees in India*, 7 J. REFUGEE STUD. 378 (1994)

⁶ Kallol Debnath & Kunal Debnath, *Chakma Refugees in Arunachal Pradesh: Their Inclusion and Setback*, 7 Emerald Publishing Limited 137-148 (2020).

stronger social connections for better integration. In essence, the paper directly deals with the immigration and citizenship issues faced by Chakma refugees in India.

MIGRATION AND DISPLACEMENT REFUGEE CRISIS: A STUDY OF THE CHAKMAS REFUGEES IN MIZORAM, Suparna Nandy Kar, K. C. Das(2018)⁷:

This paper explores the struggles of the Chakma ethnic organisation, who became refugees from the Chittagong Hill Tracts because of political and environmental demanding situations. Seeking autonomy in Bangladesh, many faced oppression and sought refuge in India's North Eastern States. The Chakmas treated problems like poverty, illiteracy, and unemployment, dwelling in a prolonged refugee kingdom. The examination calls for guidance from governments, human rights establishments, and NGOs, highlighting the continued demanding situations confronted through the Chakma refugees in India. It closely relates to the immigration and citizenship problems of the Chakma refugees.

FORCED MIGRATION AND THE PLIGHT OF THE CHAKMA REFUGEES IN ARUNACHAL PRADESH: 'CITIZENSHIP' AS A BONE OF CONTENTION, Nawang Choden(2022)⁸:

This paper looks at the citizenship issues of the Chakma community in Arunachal Pradesh. Originally displaced from the Chittagong Hill Tracts, their forced migration raises questions about exclusion and citizenship rights. The study explores how refugee identity intersects with citizenship rights, focusing on how the state grants or denies entitlements. It sheds light on current perspectives and practices of citizenship, closely tied to the rights of non-citizens and refugees in North East states, especially addressing the unique challenges faced by the Chakmas.

ANALYSIS & CRITICAL ANALYSIS

Factual Matrix

In 1964, due to the Kaptai Hydel Power Project, many Chakmas from East Pakistan (now Bangladesh) needed to flee their houses. They settled in Assam and Tripura and subsequently have become Indian residents. As their numbers grew, the Assam government sought assistance. About 4,012 Chakmas were relocated to parts of NEFA (now Arunachal Pradesh)

⁷ Suparna Nandy Kar & K. C Das, *Migration and Displacement Refugee Crisis: A Study of the Chakma Refugees in Mizoram*, 6 International Journal of Humanities & Social Studies (2018).

⁸ Nawang Choden, *Forced Migration and the Plight of the Chakma Refugees in Arunachal Pradesh: 'Citizenship' as a Bone of Contention*, 8 Journal of Migration History 483-512 (2022).

with guide from the authorities, which include land and monetary useful resource. However, existence in Arunachal Pradesh posed challenges. Tensions escalated, and in 1994, issues had been raised by the People's Union for Civil Liberties (PUCL). The National Human Rights Commission (NHRC) investigated following threats from the All Arunachal Pradesh Students' Union (AAPSU).

In 1994, the Ministry of Home Affairs proposed granting citizenship to the Chakmas. Despite delays, NHRC intervened, issuing orders in 1995 to ensure Chakmas' protection. The Union of India emphasised the injustice of forcing Chakmas to depart and opted for talk, deploying valuable paramilitary forces for protection. The NHRC filed a Public Interest Litigation (PIL) in opposition to the State of Arunachal Pradesh and the Union of India, in search of safety for the Chakmas. They invoked a writ of Mandamus to guarantee Chakmas' safety. This narrative underscores the plight of Chakmas in Arunachal Pradesh and underscores the necessity for a non-violent decision to their citizenship predicament.

Legal Background

This matter concerns Article 21 of the Constitution of India, which guarantees everyone in India the right to life and personal liberty, whether he is a citizen or not⁹. The key question here is whether non-citizens like the Chakma tribe can enjoy the protection of Article 21 in this context and whether they can be forcibly removed from the country. Another issue is whether the process of granting Chakmas citizenship followed the proper procedures outlined in the Citizenship Act of 1955¹⁰. Furthermore, the Human Rights Protection Act of 1993¹¹ is important because it provides for searches in the violation of rights. In this regard, the Court directs the State and Central Governments to take necessary action by implementing the statutory vesting mechanism of the writ of Mandamus provided for in Article 32¹² of the Constitution of India.

The petitioner argued that Chakmas' rights under Article 21 must be protected, they should be granted citizenship, and the State and Union of India must ensure their safety and well-being. It also said on the merits of their investigation that officers of the state govt actively played a part in oppressing the Chakma as the DC did not let their citizenship applications pass. No

⁹ INDIA CONST. art. 21.

¹⁰ Citizenship Act, No. 57, 1955 (IND)

¹¹ Human Rights Protection Act, No. 10, 1993 (IND)

¹² INDIA CONST. art. 32.

strict action was taken by the authorities against the AAPSU. On the other hand, the respondent, the State of Arunachal Pradesh, opposed the settlement of Chakmas due to limited resources and ethnic concerns and also argued that they have done to the best to their ability to safeguard and protect the Chakmas and the Union of India refused to share financial responsibility for the Chakmas and also agreed to the fact that there are tensions in the state and was ready to send military aid to suppress the movement of the AAPSU.

In the case of *Louis De Raedt v. Union of India* and the *Khudiram Chakma* case, the court held that foreigners are not entitled to the protection of their fundamental rights except Article 21. In *Louis De Raedt v. Union of India*¹³ case, the petitioner was a foreigner who continuously resided in India for over 5 years before adopting the Indian constitution. He was ordered to leave India while he was claiming Indian citizenship. He used Article 5(c) of the Indian constitution, which granted citizenship to individuals residing in India for over five years before the commencement of the Indian constitution. But the government dismissed his application, stating that he lacked the required “animus manendi” (intention to stay permanently).

Similarly, in the *Khudiram Chakma Case*¹⁴, 1964, the appellant and 56 other families moved to India from East Pakistan and were housed in the government refugee camp at Ledo. They were later sent to another camp in Miao. In 1966, the state government handed them lands in two villages. Nonetheless, the appellant ventured out and obtained land in another country through private agreements, and the government questioned the legitimacy of the transaction. This order was challenged because the Chakmas who settled there were Indian citizens, and the state infringed their fundamental rights; the order was arbitrary and unlawful, since it violated natural justice principles. Section 6-A of the act states that people of Indian origin who came to Assam before 1-1-1966 from territories included in Bangladesh just before the commencement of the Citizenship (Amendment) Act, 1985 and have already resided in Assam since their entry into Assam shall be deemed to be citizens of India as of 1-1-1966. The court ruled that Chakmas in this case could not benefit from Section 6-A since it is a particular provision for persons covered by the Assam Accord. They sought citizenship under Section 5(1)(a) which allows a person to register themselves as a citizen of India if the said person satisfies the conditions given. Therefore, the Court held that the Chakmas were not "foreigners" and were entitled to the rights guaranteed under the Constitution of India. Also, the State

¹³ *Louis De Raedt v. Union of India*, 1991 3 SCC 554

¹⁴ *State of Arunachal Pradesh v. Khudiram Chakma*, 1994 Supp (1) SCC 615

Government's notification declaring the Chakmas as "foreigners" violated Article .21 of the Constitution of India.

The above two cases were used to give the judgement for NHRC v. State of Arunachal Pradesh as the cases are connected through the issue of Citizenship rights for foreigners who reside in India and are ordered to be evicted from the state. In both cases, the petitioner challenged their classification as “foreigners” by the government of India and recognised their fundamental rights. These cases established that fundamental rights were guaranteed to the parties, including the right to reside and settle in India. The Khudiram Chakma case allowed the people who already resided in India to acquire citizenship, whereas the Louis case established procedures for obtaining citizenship through residence.

After a thorough assessment of the arguments of both sides and analysis of the previous precedent and cases, The court, in the case of National Human Rights Commission v. State of Arunachal Pradesh, held in favour of the petition, allowing it and issuing directions to protect the rights of Chakmas and ensure the citizenship process is followed in accordance with the law. The reasoning included the State's duty to protect Chakmas from forced eviction and threats, forwarding citizenship applications to the Central Government for consideration, and refraining from evicting Chakmas pending citizenship decisions. The State was also directed to pay the costs of the petition to NHRC.

Rule of Law

The rule of law means that everyone must follow the same laws, and no one is exempt from them.¹⁵ In this situation, the Rule of Law is crucial for dealing with the problems faced by the Chakma community in Arunachal Pradesh. When the Chakmas had to leave their homes in 1964, legal and human rights became big concerns. The National Human Rights Commission (NHRC) stepped in, issuing orders to protect the Chakmas' rights. The government's citizenship plan and efforts for peaceful talks showed a commitment to solving things within the law. The NHRC's legal petition emphasised that everyone, even the government, must follow the law. This highlights how the Rule of Law applies to ensure fair treatment for all.

This case shows how important it is to follow the rules and laws to protect the Chakma

¹⁵ M P Jain, *Indian Constitutional Law* 7-9 (7th ed. 2014).

community. The actions taken by the National Human Rights Commission and the Union of India highlight the need to ensure justice and human rights. The focus on resolving issues peacefully through legal means emphasises that everyone, including the government, must obey the law. The concept of the rule of law is further emphasised in the case of *Yusuf Khan v. Manohar Joshi*, whose judgement says that. It is the responsibility to uphold and safeguard the law and constitution, and it cannot allow any violent act that might undermine the rule of law.¹⁶

It should be noted that nobody is above the law, which includes the state government of Arunachal Pradesh, as well as the Active DC in the Chamkas area at that time. According to the constitution, it is the basic duty of the government to provide all people with the safety of life under Article 21, which talks about the right to life and personal liberty. The concept of law being superior to all or the Rule of Law is emphasised in the case of *Indira Nehru Gandhi vs Shri Raj Narain & Anr* in which Indira Gandhi, the then PM of India, also had to bow down to the rules and regulations prevalent in the nation¹⁷.

Judicial Intervention

In India, judicial intervention plays a crucial role in upholding human rights. The Indian judiciary has actively intervened in cases where there have been violations of human rights. The Constitution of India, under Article 32 and Article 226, empowers the Supreme Court and High Courts, respectively, to issue writs for the enforcement of fundamental rights. In this case as well, the supreme court of India issued a writ of mandamus to order the government to take necessary actions. One landmark case highlighting judicial intervention in human rights violations is *Maneka Gandhi v. Union of India*¹⁸. In this case, the Supreme Court expanded the scope of Article 21 (right to life and personal liberty) and held that the procedure established by law must be fair, just, and reasonable. This case emphasized that the right to life includes the right to live with human dignity. Furthermore, in *Nilabati Behera v. State of Orissa*¹⁹, the Supreme Court awarded compensation to the family of a person who died in police custody, recognizing the state's liability to protect the human rights of individuals. In this case as well, the Supreme Court intervened in order to ensure the Chakmas get justice.

¹⁶ *Yusuf Khan v. Manohar Joshi*, (1999) SCC (Cri) 577

¹⁷ *Indira Nehru Gandhi vs Shri Raj Narain & Anr*, AIR 1975 SC 2299

¹⁸ *Maneka Gandhi vs Union Of India*, 1978 AIR 597

¹⁹ *Smt. Nilabati Behera Alias Lalit Behera ... vs State Of Orissa And Ors*, AIR 1993 SC 1960

NHRC's Involvement

The NHRC, or the National Human Rights Commission of India, was created with the sole purpose of upholding basic human rights and protecting vulnerable communities from persecution and discrimination. There is no doubt that in the current case, there were life-threatening threats made to a vulnerable community, the Chakmas, by the AAPSU. In cases like these, it becomes of grave importance to conduct Judicial Inquiries. In the case of *Extra Judl.Exec.Victim Families ... vs Union Of India & Anr*, it was held that NHRC Inquiry in cases of Human Rights Violations is extremely necessary²⁰. The NHRC must have jurisdiction in all cases of human rights violations, and the NHRC should intervene wherever required to protect fundamental rights; this was held in the case of *Ram Deo Chauhan Alias Raj Nath Chauhan v. Bani Kanta Das and Others*²¹. Further, the judgement given in the case of *Gujarat Urja Vikas Nigam Limited v. Amit Gupta and Others* discussed the fluidity of human rights and the NHRC's Role in protecting fundamental rights. This judgement expands on the jurisdiction of the NHRC to protect human rights, including cases where individuals are denied benefits under the law.²² All these cases tell us how the NHRC is important in making sure the human rights in India are not violated and that, if violated, justice is delivered. In this case, the NHRC also played a pivotal role by investigating the matter and assisting the Chakmas in getting justice.

States Duty

The Protection of Human Rights Act 1993 extends the scope of human rights to all persons in India²³. It states that the state government must protect the fundamental rights of all. Moreover, in the case of *People's Union for Civil Liberties v. Union of India and Another*²⁴, it was held that the security forces and the executive must take every necessary step to uphold the constitutional rights of an individual. In the present case, it is evident that the security forces of Arunachal Pradesh failed to provide reasonable security care to the Chakmas. In India, non-citizens are also entitled to certain rights under the Constitution and other laws. One of the landmark cases that significantly impacted the rights of non-citizens is the case of *NHRC v. State of Gujarat*²⁵, where the Supreme Court held that non-citizens, including refugees and

²⁰ Extra Judl.Exec.Victim Families ... vs Union Of India & Anr, 2016 INSC 527

²¹ Ram Deo Chauhan Alias Raj Nath Chauhan v. Bani Kanta Das And Others, 2010 SCC 14 209

²² Gujarat Urja Vikas Nigam Limited v. Amit Gupta And Others, 2021 SCC ONLINE SC 194

²³ The Protection of Human Rights Act, 1993

²⁴ People's Union for Civil Liberties v. Union of India and Another, 2005 SCC 2 436

²⁵ National Human Rights Commission vs State Of Gujarat & Ors, 2008 SCC 16 497

asylum seekers, are entitled to the protection of their human rights under Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. Additionally, in *Louis De Raedt v. Union of India*, the Supreme Court reiterated that protecting human rights is a constitutional obligation of the government, and all individuals, including non-citizens, are entitled to equal protection of laws²⁶. Further, the rights and protection of non-citizens are provided under The Foreigners Act 1946 and the Foreigners Order, 1948, which govern the entry, presence and exit of foreigners in India.²⁷ All of this states the government's duty to protect the right to life under Art 21 for citizens and non-citizens, which, in this case, was a failure.

CASE COMMENT

The case of *NHRC v. State of Arunachal Pradesh, 1996*, is a landmark case concerning the protection of human rights and the balance between individual rights and national security. This case mainly revolved around the protection of human rights. The National Human Rights Commission intervened to safeguard the Chakma tribe residing in Arunachal Pradesh who migrated from Bangladesh. In the beginning, the state of Arunachal Pradesh granted land for resettlement. Still, conflicts and tension arose as the All Arunachal Pradesh Students Union (AAPSU) issued “quit notices” against the Chakma tribe, due to which NHRC approached the court about the violation of the Chakmas’ fundamental rights and threats to their safety. The court acknowledged its duty to protect the liberty of all individuals residing within the territory. In our view, the court recognised the importance of protecting the human rights of other communities that migrated from a different country. The court stated that Chakmas, who had become Indian citizens, deserved equal protection to the citizens of India, which shows that the court’s decision struck a balance between the rights of Chakmas and the interests of Indian citizens. They considered existing residents' concerns as well. It is commendable that the state upheld the law and followed a proper procedure. They immediately ensured the safety and security, took effective legal measures, and facilitated a peaceful settlement. While the court’s verdict focused mainly on the protection of human rights, it did not explicitly specify punishments for AAPSU or the District Collector as they are the ones who started the whole thing of removing Chakmas from the territory, and the District Collector did not forward their application for the citizenship of India which was violative of their fundamental right.

²⁶ *Louis De Raedt v. Union of India*, 1991 3 SCC 554

²⁷ The Foreigners Act, 1946

Overall, the case serves as a crucial reminder that protecting human rights and upholding the law are important. Although the court did not prescribe punishments, the judgement ensured the safety of chakmas against AAPSU and the District collector.

CONCLUSION & SUGGESTIONS

Therefore, we can conclude that the case of NHRC v. State of Arunachal Pradesh is of significant importance for human rights in India. The court's decision also emphasised that the government has to respect people's rights and uphold human dignity by holding the State accountable for the same. The Court's decision against the State of Arunachal Pradesh symbolized the fact that arbitrariness would not be accepted, and the violators of rights would be accountable. Also, the case showcased the need for bodies like the National Human Rights Commission (NHRC) to appropriately execute their roles of protecting the rights of people and raising the level of transparency in the activities of the government authorities. Consequently, this judgement immensely helped in bringing about more inclusive and accountable administration across the board, and as a result, the country will become a more just and equitable society in which all of the citizens of India are treated fairly.

Moreover, NHRC's intervention in the case of the Chakmas underscores the pivotal role of the rule of law in safeguarding the rights of individuals and communities. It was during the period when their rights were at stake that the legal mechanism emerged as the crucial tool for addressing the situation. Through NHRC's legal action, it became clear that the public and the government have the same rights to apply the law. It means that no citizen should be chosen based on who they are or how they look but on the basis of what they do. Also, the fact that the government seeks the resolution of the problem through legal ways and using a democratic approach highlights the sense of recognizing the Chakmas as proper citizens.

Lastly, intervention is one of the paramount functions of the Indian judiciary that has contributed to protecting human rights. The Constitution allows the Constitution court to enforce writs, like writ of mandamus in the case of NHRC v. Arunachal Pradesh, related to the fundamental rights under Articles 32 and 226, respectively. All those cases where the courts acted to prevent deprivations of human rights show how judicial intervention is a potent tool in making the law work for all individuals.

SUGGESSTIONS

The NHRC v. State of Arunachal Pradesh case is a significant legal matter, necessitates a series of recommendations to establish sustainable solutions and uphold the principles of the rule of law despite the State's fulfillment of its duty to uphold the law. It focused on the protection of human rights of the tribe that migrated to Andhra Pradesh from Eastern Pakistan. Here are some suggestions for the further development of the same:

- Conflict Resolution: Foster amicable talks between AAPSU, Chakma, and the state government, which will identify the root cause of the issues behind the insecurity of the AAPSU Chakma community and propose solutions by the concerned.
- Social Integration: Let's consider creating initiatives that would enable Chakmas' smooth social and economic integration into the State and ensure that it's inclusive.
- Civil Society Involvement: In partnership with NGOs, nurture peaceful coexistence and make the rule of law criteria elements that would help the tribe to foster. It would help create a sense of belonging and reduce tension.
- Economic Upliftment: To positively respond to international conflicts, specific economic measures should be directed to reduce tensions and give equal opportunities to both sides. It could be addressed through creating targeted programs that mitigate feelings of competition and resentment.
- Collaborative Approach: Involve the State authorities, community members, and civil society organizations for a successful implementation, addressing people's inclination to law and order.
- Protecting Fundamental Rights: Promote equality and sustainability by giving all citizens within the State a chance to be involved.
- Promoting Social Harmony: Establish causes that are related to conflicts and make the dialogue a settlement for coexisting peacefully together.
- Upholding Judicial Review: The judiciary should monitor the conformity of the State on the rule of law, and the protection of fundamental rights should also be overseen by the judiciary.