

Illegal Bangladeshi Immigration into Assam: Conflict in Political Context

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Abstract: Illegal migration to India, particularly from Bangladesh has been a major political issue. The interstate relations are marked by a kind of turbulence due to various illegal transnational activities and ethnic violence most of which revolve around the land and language issue. This paper deals with the several cases of ethnic violence in Assam because of the Illegal Bangladeshi migration to this region. This paper does not question about the socio - economic impact of migration in Assam. Though Assam's problem of migration issues is not only from Bangladesh but this paper only examine about the illegal Bangladeshi issue because of the political system, historical backgrounds geographical variants, ethno-religious affinities. This particular topic was choose for the paper because it is the high time that India takes stringent measures against the illegal migrants who have become a real threat to the security of the country. This paper also looks at various policy options for the government to tackle migration related issues of Assam. It concludes that this serious problem of Assam should be considered as national problem because now- a- days this problem is not only considered as the problem of Assam but also the question of social, economic, political security of entire North – East as well as the whole country .

Keywords: Illegal Migration, Security, Conflict, IMDT Act (Illegal Migrants Detection Tribunal Act).

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I. INTRODUCTION

Migration is as old as human civilization. Population movements have always played a vital role in the structural transformation of the society. Although human history it has been a significant factor influencing population change. During the ancient period migration usually took place in small groups. There are two forms of migration: a) *Internal Migration*: movement of people from one area of a country to another for the purpose or with the aim of establishing a new residence); and (b) *International migration* (movement, either permanently or temporarily, of people from their country of origin or of habitual residence to another country). International migration can be: (a) *Emigration* (people moving out of the country); and (b) *Immigration* (people coming into the country).

Being the most developed of all south Asian countries India has been faced immigration from neighboring countries. India's north east is one such area that has traditionally been an attractive destination for migrants from its neighboring countries. This region of India shares a long international boundary with its neighboring states of Bangladesh, China Myanmar and Bhutan. Assam shares 262 km international border with Bangladesh. Due to lack of adequate and efficient border protection system at this particular place and because of another various factors this region is facing serious problem of illegal migration specially from Bangladesh. The origins of immigration into Assam began at the turn of the 19th century when Assam's virgin lands were opened up for settlement by landless peasants from East Bengal further the migration began with the building of the railway link between Assam and East Bengal.

II. HISTORICAL BACKGROUND

The influx of Bengalis inhabiting the region now call as "Bangladesh", largely Muslims into North Eastern part of India is a phenomenon which goes back to 19th century. The partition of Bengal (1905) administratively clubbed Assam with East Bengal, thus facilitating the process further. There is a well documented report of 1931 which spoke of how an entire population from East Bengal had transplanted itself into Assam "In the last 25 years".

Following addition of Bengali Muslim districts of Sylhet and the Bengali Hindu district of Cachar to Assam Province, a minority Muslim league government led by Sir Mohammed Sadullah came to power in Assam in 1937. This Sadullah government followed a policy of encouraging Bengali Muslims from East Bengal

to settle in Assam. The settling of Bengali Muslims into Assam as a part of a preconceived design prompted the then Governor General Lord Wavell, to say that “this chief political problem is the desire of the Muslim Ministers to increase this immigration into in cultivated governments lands under the slogan ‘Grow more food’ but what they are really after is grow more Muslims”. Sadullah was in fact laying the foundation for a demand by Jinnah for Assam's inclusion in a future Pakistan by emphasizing the size of Muslim population in Assam. The difference in growth rates between Assam and India during the pre-independence period shows that Assam's population grew at the rate of 103.51% while the rest of the country's growth rate was 33.67%. To solve this migration problem an accord popularly called "The Assam Accord" was signed in 1985.

WHO IS ILLEGAL MIGRANT?

An illegal migrant is a person who crosses an international boundary without any valid document, enters into another country for the purpose of carrying on any illegal activities in that country or for other economic and political purpose.

According to Section 2(b) of The Citizenship Act, 1955, an “illegal migrant” means a foreigner who has entered into India -

- (i) Without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or
- (ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time.

The definition of illegal migrants in Assam as firstly it is to be noted that after the partition of India and Pakistan, the Muslim-dominated East Bengal and the Sylhet district of Assam became a part of Pakistan and as a result, a large number of Hindu refugees migrated to India. The Indian Constitution made special provisions for granting citizenship to these refugees from Pakistan for a limited period of time (until January 1, 1966). Although the refugees who entered India during that period were required to go through a process of naturalization, most of them did not follow the legal procedures and thus became a part of the illegal immigrants.

secondly, according to the ‘Indo-Bangladesh Treaty of Friendship, Cooperation and Peace’, or the ‘Mujib Treaty’, signed between then Indian Prime Minister Indira Gandhi and Prime Minister of Bangladesh Sheikh Mujibur Rahman in 1971, India agreed to take the responsibility of all migrants who entered India on or before March 24, 1971. Under this treaty, any migrant, irrespective of their religion, who entered Assam before the cut-off date. i.e., March 24, 1971, would not be an illegal migrant in India.

Thirdly, the historic Assam Accord which was signed, between the All Assam Students Union (AASU), All Assam Gana Sangram Parishad (AAGSP) and the Government of India, stated that anybody who came to Assam from Bangladesh on or after March 25, 1971 is not a citizen of India, but an illegal migrant. This Accord also provided that those who came to Assam between January 1, 1966 and March 24, 1971 could apply for Indian citizenship only after expiry of a period of ten years. Thus, those who crossed the international border and entered Assam before March 25, 1971, became citizens of India through the legal process similar to naturalization.

CAUSES RESPONSIBLE FOR THE ILLEGAL MIGRATION:

Dr. Imtiaz Ahmed, a prominent scholar of Bangladesh scholar says “one finds the number of people crossing over to India increasing during periods of environmental disaster” he estimated the no of illegal migrant to India between 1971- 1981 1.72 million and not less than 6000,000 crossed over to Assam alone between 1981-91.

The “Push and Pull” factors are the most important variables in migration. *Push factors* are the once, which more or less compel people to leave a place. For example: factors refer to the poor economic conditions, lack of opportunities for advancement, which push people out of a reason in search of better livelihood opportunities. *Pull Factors*: Pull factors are like better employment opportunities, higher wages, and facilities of modern life that encourage migration. Besides these, there are multiple factors that have paved the way for migration to Assam from Bangladesh are -

- *Open border*: The open border between India and Bangladesh cover a length of 4096.7 K.M. out of 262 K.M. of Assam and this border includes plains, reserved forest, rivers, mountains, agricultural lands, national parks etc. The lack of permanent boundary pillars is also responsible for the illegal migration.
- *Persecution of minority communities*: The national identities construction in Bangladesh has led the persecution of minority communities. After declaring Islam as a state religion the ethnic minorities (Hindu Bengali) found themselves to be minorities in both the ethnic and religious sense.
- *Vote bank politics*: some Indian political party in Assam encourage illegal migration from Bangladesh to strengthen their political base and capture favorable votes in election.

- *Excessive population growth:* Because of excessive population in Bangladesh it led to huge destruction on natural resources which created environmental crisis. It was an important factors which helped in outflow of people from Bangladesh to Assam.
- *Economic Factor:* Because of the differences in current wage rate between Assam and Bangladesh can be regarded as a motivating factor for migration. Higher wages in Assam attracts the poor and unemployed Bangladeshi to migrate. Illegal Bangladeshi migrants have systematically appropriated farming, grazing and forest lands in Assam for their livelihood.

Illegal Bangladeshi immigration into Assam and conflict:

The issue of Bangladeshi immigration in Assam has become a major concern for policy makers in recent years. It involved with violent conflicts terrorism insurgency, trafficking of drugs, human, arms and animals. This issue of migration is now viewed as threat to the internal security of Assam. It also led to various clashes basically land and language issue in Assam.

Consequences of illegal immigration in Assam:

There are some consequences of illegal migration in Assam. Migration creates impact on the overall socio-economic, political and demographic aspects of the host country. The districts of Assam which are mostly affected by the problem of illegal migration are Goalpara, Dhubri, Darrang, Nagaon, Barpeta and Nalbari. Other districts of Assam are also by and large affected by this problem.

The supreme court of India has recognized the impact of illegal migrants from Bangladesh during the hearing of a Public Interest Litigation filed by a lawyer O.P Saxena representing All India Lawyers Forum for Civil Liberties in the following words “Bangladeshi migrants are eating into the economy of the country and had become to a large extent a security threat”

The impact of illegal Bangladeshi migration into Assam can be seen into –

- 1) Social.
- 2) Political.
- 3) Economic.
- 4) Environmental, etc.

For this study we basically put emphasis on political context of impact of illegal Bangladeshi migration into Assam.

THE POLITICAL ASPECTS:

Among the various impact of Illegal Bangladeshi migration in Assam its effects is seen in the political sphere most. Assam is a plural society of separate communities and it is the structuring effect of sudden demographic change and Because of the Assam Movement was carried out by the students of Assam. The movement was mainly emerged as a response to the nationality question, as stated by Sanjib Baruah. But Hiren Gohain in his article entitled “Cudgel of Chauvinism” stated that there is a class character in the Assam Movement leadership. The Assam Movement continued till the Assam Accord was signed at the mid night of August 14, 1985. The new AGP government (Assam Gana Parishad) was failed to achieve the actual motive of Assam Movement and also because of its misgovernance and misrule the government was dismissed in 1990.

Although the foreign national issue appeared to have died down soon after the Assam Accord, it again surfaced recently after a period of two decades. It was kept alive within the IMDT Act (Illegal Migrants Detection Tribunal Act) which was enacted in 1983 to protect the indigenous Muslims, but in reality this Act protect the illegal migrants .Because of which the Act was nullified by the Supreme Court on July 12,2005. After years of government neglect and apathy and a failure to address the issue of illegal immigration, the Bodos launched an armed insurgency in the 1980s to carve out a separate Bodoland state from Assam (within India). Bodo insurgent groups initially laid down their arms in 1993 in return for greater autonomy and the creation of the Bodoland Autonomous Council (BAC). The insurgency, however, resumed until 2003 when the Bodos signed a peace accord with the state and central governments, resulting in the creation of the Bodoland Territorial Council (BTC). In the Assembly Election 2006 the illegal migration issue was once again returned to the political scene when an organization “Chiring Chapori Yuva Mancha” in Dibrugarh of Assam spearheaded a campaign against the Bangladeshi migration .The Manch appealed to the people to take recourse to economic boycott of the people and sent SMS messages to the effect that no one should engage the ‘Bangladeshi’ nationals in any activity and give any scope for their livelihood. The campaign led to the exodus of several hundred ‘Bangladeshi’ people from Dibrugarh and later on from other parts of Upper Assam while some hailed this step uprooting the foreign nationals others decried it as a handiwork the communal forces to disturb peace in the State. Though Amalendu Guha criticized Assam Movement induced upsurge of chauvinism in his article “Little nationalism turned chauvinist” stated that the movement engineered by an internal and external class interest. He argued about three points regarding the illegal Bangladeshi migration .First, the Assam Movement is not a struggle for self determination .Second, the notion of a threat to the cultural identity of assamese is a myth .Third, the class axis

Amalendu Guha in his article “Raj to Swaraj; Freedom Struggle and Electoral Politics in Assam 1826-47 (New Delhi, 1977)” states that he found in adequacy in understanding the logic and rationality of the Assam movement which had just begun with the reports that names of several thousand illegal migrants were entered in the electoral role prepared for the bi election to be conducted at the Mongoldoi constituency, which fell vacant at the death of the setting Member of Parliament named Hiralal Patowari. Guha argues that the Assam movement was national in form but chauvinist and undemocratic in manifestation therefore its methods represented its intolerant and fascist phase its dealing with the dissidents and minorities both linguistic religious, was coercive and hence violent.

In order to solve the issue of illegal migration into Assam, the Centre set up the Illegal Migration (Determination by Tribunals) Act, 1983 on December 12, 1983 under an act of Parliament. IMDT Act provided that anybody settled in Assam before March 25, 1971 was a legal citizen.

Case 1:

It is nearly 20 years of the movement that began as a peaceful, anti-align agitation with picketing and hartals but led to bloodshed and violence across the Brahmaputra valley, specially in 1983. In election to the State Assembly and to 14 seats to the Lok Sabha ethnic and sectarian clashes erupted in which not less than 3000 people are believed to have died. The worst killings took place in the harvested paddy fields near the small town of Nelliein which a mob killed an estimated 1700 men women and children- all “immigrant” Muslim settlers- in the space of a few hours on a cold Feb morning. The reason for that massacre were rooted in land alienation- these settlers had bought and taken over land of the native Lalung/ Tiwa community in an area where selling of land to a non tribal was illegal. Bitterness there elsewhere continues to simmer.

Case 2:

On July 20, 2012 unidentified assassins reportedly killed four Bodo youths in Kokrajhar of BTAD. As response of this unidentified gun man opened indiscriminate fire at Duramari village pre dominant by the Bengali speaking Muslim population which killed 1 and injured .This violent incident outbreak in Kokrajhar, Chirang, Dhubri and Udalguri districts of lower Assam .This violent outbreak was continued for about a month ,a hundred ,four lakhs people were displaced, police firing throughout BTAD area and there was a complete breakdown of law and order situation. Although the immediate cause of the riots was the targeted killings of four Bodo men by Bangladeshi Muslims, Indian political and security analysts attribute the violence to larger economic, social, and political issues. For instance, Dr Bhagat Oinam, Director of the North-East India Studies Program at Jawaharlal Nehru University in New Delhi, contends that the riots were the result of Bodo resentment against Bangladeshi immigration and the consequent loss of land and cultural identity.

Case 3

In the aftermath of the riots, there have been widespread protests across the northeast demanding “early detection and deportation” of illegal Bangladeshi immigrants. The Bodos have now joined other indigenous tribal communities in Assam to collectively address the issue. Following the violence, northeastern students living in other parts of India received threats from a radical Muslim organization known as the Popular Front of India (PFI), according to India’s National Cyber Investigation Agency. Moreover, Muslims groups organized violent protests in Mumbai in response to the Assam riots (and violence in Mynamar), resulting in two deaths and 53 injuries. And the All Bodoland Muslim Student’s Union (ABMSU) has threatened to declare jihad and take up arms against the state. These are some examples of direct violence in Assam but negative violence is also present here in day to day life of these people.

ROLE OF GOVERNMENT:

Some steps that should be undertaken by Government of India-

- Awareness should be promoted about illegal migration into Assam being not only a threat to identity of the Assamese people but what is more, being a grave threat to our national security
- Border fencing in Assam should be completed on a war footing. Observation towers and lighting should be provided.
- All country boats, playing in the river near the border should be registered and their registration number marked on them.
- Multipurpose photo identity cards should be provided to all our nationals. Districts bordering Bangladesh should be accorded higher priority.
- Effective arrangements should be made for registration of births and deaths.
- The National Register of Citizens should be updated and computerized. A separate register of Stateless citizens should also be maintained.
- As far as possible, we should assist in the process of economic development in Bangladesh. Socio economic programmes designed to improve the lot of women should be given priority due to its multiple beneficiary

spin-offs-improving the families income, women's education curbing population growth and educated women becoming a bulwark against the spread of Islamic fundamentalism.

- Hindu illegal migrates who have enter after March 24,1971, should not be given refugee status. They should be treated as illegal migrants.

DIPLOMATIC ARRANGEMENTS

The following institutional arrangements for cooperation between the Indian Government and Bangladesh Government have been put in place

a) Home Secretaries of India and Bangladesh meet once a year.

(b) A Joint Working Group (JWG) comprising representatives of Home and Foreign Ministries of each country and BSF/BDR has been set up. JWG is required to meet twice a year and examine in depth all outstanding issues and to recommend practical measures for resolving them.

OWN SUGGESTION:

- Illegal migration from Bangladesh must be recognized as a national problem and not a regional issue. All political parties should put the issue of illegal migration and their view on ways to tackle it on their agenda.
- The Central Government should appoint a National Immigration Commission to frame a National Migration Policy and a National Refugee Policy. The Commission should examine ways of strengthening the Foreigners Act, 1946, as well as feasibility of Identity Cards for both citizens and non-citizens and Work Permits for migrants.
- Preventive measures should be taken urgently to curb further illegal migration. The existing Border Security Force posts and the BSF water wing should be strengthened and border fencing, patrolling and lighting should be improved.
- The National Register of Citizens of 1951 should be reviewed, computerized and updated. The process of updating the NRC should be done regularly and citizen registration should be made compulsory by law.
- Vigilant monitoring of Assam's voter list by a 'special body' constituted by the Election Commission of India.

III. CONCLUSION

From the above discussions it is seen the problem of illegal immigration from Bangladesh should be treated as a national problem instead of regarding it as a regional issue. Though the Indian Government has failed to stop the influx from Bangladesh due to lack of political will on their part to solve this highly problematic issue and the desire to use these illegal migrants as vote banks for their own vested interest. Government should take prompt measures to intensify the process of identification and deportation of the illegal migrants. The fencing along the entire India-Bangladesh border should be completed as early as possible and a very high security alert should be maintained along the entire border. People must be made aware of the ill-effects of the illegal migration so as to arrive at a national consensus. But above all, there must be a strong political will of the Union Government, the State Governments and all the political parties to save the country from the menace of the illegal migrants, otherwise it will completely destroy the political, economic and social stability of not only the North-east, but of the whole. Prime Minister Narendra Modi's interest in developing the eastern part of India, and his government should take the lead in settling all existing and disputes. During the election campaign in the summer of 2014, Narendra Modi criticized rivals in Assam for allowing illegal Bangladeshi immigrants to stay in Assam terming them a drain on resources that were meant for the locals.

Though On December 17,2014 n Supreme Court of India passed a 70-page judgment referred Clause 6A of the Citizenship Act to the Constitution Bench besides giving a slew of directions to the centre as well as the state for immediate implementation of certain aspects of Assam Accord concerning a bunch of writ petitions filed under Article 32 of the constitution, by the Assam Sanmilita Mahasangha, All Assam Ahom Association and others, relating to the issue of illegal Bangladeshi migrants in Assam. The SC also has set the deadline for finalization of final updated 'National Register of Citizenship'(NRC) by January, 2016. But if we see the current updating news of the documents or the Legacy data,we will see there are various issues like fake documents submission. The new BJP government in Assam raises the issue of illegal migrants with their counterpart, but any attempt to actually displace them would be both impractical and fraught with security challenges internally, and would hurt ties with Bangladesh. Migration and national security have become intertwined in this age of globalization. And, in turn, the state must consider them in an integrated manner in order to understand the implications of human flows, to maximize their benefits, as well as to respond to their challenges. Thus, there is a need to change perceptions about illegal Bangladeshi migrants. They can be developmental partners in India's growing economy. Skilled and unskilled cheap labour could minimize development costs and accelerate economic growth. Work culture is also one of the the best method to stop further inflow of immigrants and also to stop land alienation from the indigenous people to the immigrants which is threatening to uproot the indigenous people from their own homeland and to marginalize them politico- culturally.

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