



Bangladeshi Illegal Migration into Assam: Issues and Concerns from the Field

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Summary

The issue of Bangladeshi illegal migration has troubled the state of Assam for decades now. Assamese political and social discourses fear that this unchecked migration from across the border will subvert their way of life and change the demographic profile of the state in the near future. The lack of authentic data on illegal migrant flows only adds to the discomfort. This Issue Brief traces the political, social, economic and security discourses within Assam in response to the migrant issue. Based on insights from the field, the author offers certain policy recommendations to deal with the illegal Bangladeshi migrant issue in a cost effective and timely manner.

Illegal migration from Bangladesh into Assam has been a major political, economic, social and security issue for Assamese society, so much so that it evoked the non-violent, highly visible, Assam Agitation (1979-1985) spearheaded by the All Assam Students Union (AASU). That agitation resulted in the Assam Accord of 1985 which stated that anybody settled in Assam from Bangladesh after March 25, 1971 is not a citizen, but an illegal migrant. This provision of the Accord has not been implemented and has therefore failed to change the nature of Bangladeshi immigration into Assam, now termed as a “silent invasion” with the majority of the infiltration taking place through the Dhubri district in lower Assam bordering West Bengal, the districts of Cachar and Karimganj in Assam bordering Bangladesh and the 443 km Bangladesh-Meghalaya border. Assam shares a highly porous 262 kilometre border with Bangladesh with portions of it left completely unchecked due to the difficult nature of the terrain.

Though there is no documented data on the number of illegal migration, it is assumed that out of the 26 million people residing in Assam, around six million are illegal Bangladeshi migrants. Influential Assamese intellectuals like Dhiren Bezboruah, who is also the editor of *The Sentinel* warns that Assam could become a part of “Greater Bangladesh” with districts like Dhubri and Goalpara witnessing a change in their demographic profile by becoming migrant-dominated while other districts like Barpeta, Nalbari, Nagaon and Darrang are also heading in that direction.

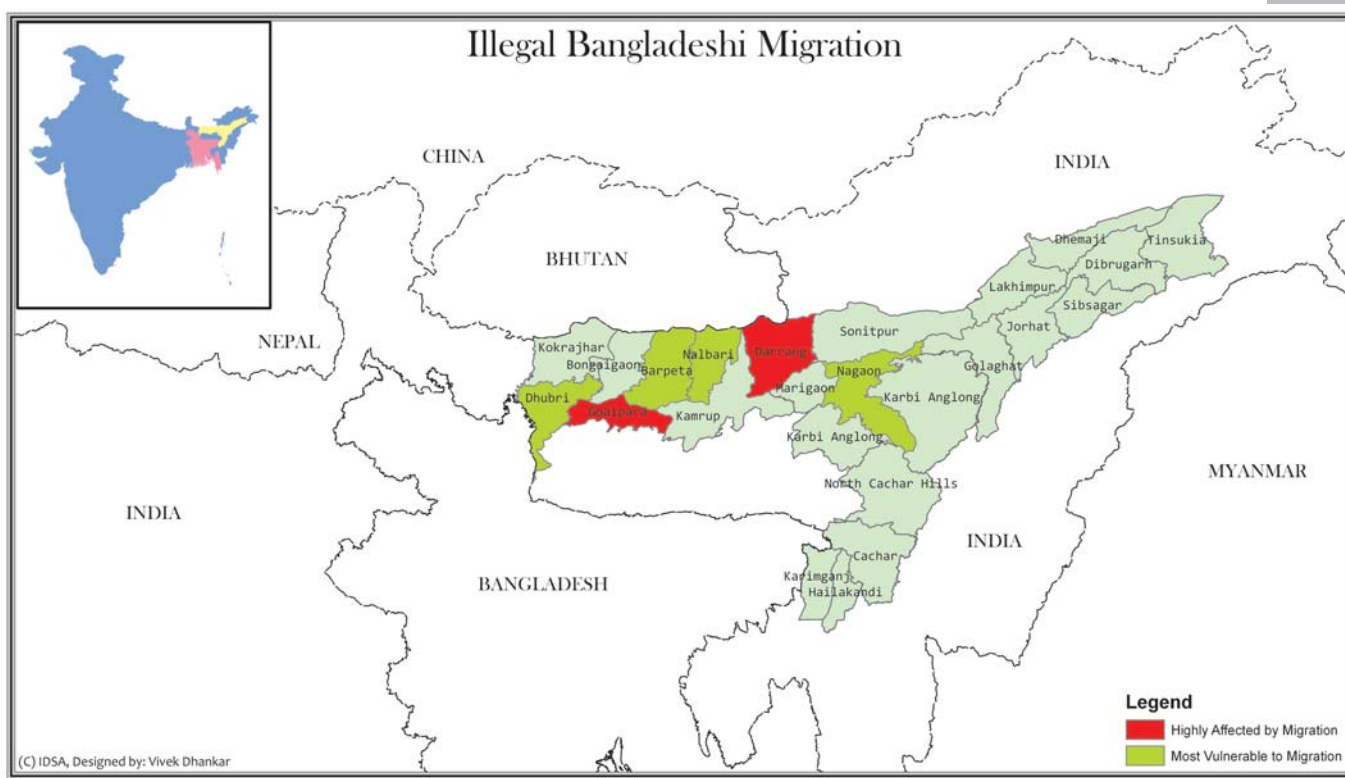


Figure I: Map of Affected Districts in Assam

Local politicians in Assam are mostly blamed by Assamese society for not doing enough about illegal migration influenced as they are by “vote bank” politics. Consequently, the first voter list discrepancy in Assam was noticed way back in 1979 when 45,000 illegal migrant names were found in the Mangaldoi Assembly election voters’ list. From 1994 to 1997, 57 out of 126 constituencies in Assam showed an increase of 20 per cent in the number of voters whereas the all India average was 7.4 per cent for the same period. This rather unnatural increase in the number of voters in Assam is perhaps due to the addition of names to the voters’ list through dubious means.

Consequently, the illegal Bangladeshi migrants issue tends to dominate the political, economic, social, and security discourses in Assam with residents of the state expressing concern of being taken over demographically by this silent invasion. The lack of data on migration adds to a sense of being ‘under siege’ by outsiders as no one is sure as to the number of migrants visibly infiltrating all walks of life in Assam.

In a visit to Sibsagar and Dibrugarh districts in December 2009, this author observed that most local people, while worried about the issue of illegal migration, were also desperate for an effective resolution of the issue at the earliest. The impact of illegal Bangladeshi migration on the contemporary political, social, economic and security discourses of Assam is discussed below.

Political

The issue has political resonance as there is a general understanding in Assam that most of the local political parties depend on the votes of these illegal migrants for their hold on power. This is a political paradox at its worst as it creates strong incentives (or perhaps motivation) to do nothing on an issue that affects the society which is ironically represented in power structures by these very political parties. Hence, there is a sense of growing helplessness and cynicism amongst the local population on the credibility of local political party discourses on tackling illegal migration from Bangladesh.

Significantly, in order to tackle 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. Applicable only to the state of Assam, the IMDT Act provided that anybody settled in Assam before March 25, 1971 was a legal citizen. Significantly, for the rest of India, the cut off date for acquiring Indian citizenship is July 19, 1948. The IMDT Act also laid the onus on the complainant rather than on the accused to prove the latter’s citizenship status. (The Foreigner’s Act, 1946, in contrast, lays the responsibility on the accused, and not on the complainant, to prove his/her citizenship status.) This was a killer clause as the person accused had to do nothing to prove his/her citizenship whereas the complainant had to prove that someone was illegal. The IMDT Act therefore failed to effectively identify and deport illegal migrants. Subsequently, on July 12, 2005, a three judge Bench of the Supreme Court comprising Chief Justice R. C. Lahoti, Justice G. P.

Mathur and Justice P. K. Balasubramanyan ruled that the IMDT Act “created the biggest hurdle and is the main impediment or barrier in identification and deportation of illegal migrants.” The Bench also noted strongly that despite the fact that enquiries were initiated in 310,759 cases under the IMDT Act, only 10,015 persons were declared illegal migrants and out of this declared number, only 1,481 were physically expelled as of April 30, 2000. In comparison, West Bengal, which also has a huge influx of illegal Bangladeshi migrants, has deported nearly half a million till date under the Foreigners Act, 1946. The Bench held the Act unconstitutional and stated that it contravened Article 355 of the Constitution. Article 355 of the Indian Constitution entrusts upon the Union of India the duty to protect every state against “external aggression and internal disturbances”. The Supreme Court also directed the setting up of fresh tribunals under the Foreigners Act, 1946 and Foreigners (Tribunal Order) 1964. The effectiveness of these legal mechanisms to deal with the issue is however suspect. Till date, about 12 lakh Bangladeshi nationals have entered India legally with visas but have subsequently vanished without trace. This reflects the inability on the part of law enforcement agencies to perform the tasks of detecting and deporting these Bangladeshi citizens.

Social

The social impact of Bangladeshi migrants on Assamese society is mostly to do with culture and lifestyles. The social fear is that the Assamese way of life will get subverted once the migrants dominate the state. A strong impact is also envisioned in the spheres of language and religion. Assam, being a Hindu majority state, fears that it will become Muslim-dominated due to the influx of illegal migrants. This has also resulted in unnecessary tensions between Assamese Hindus and Assamese Muslims who have made Assam their home for centuries. The fears and tensions are noticeable in the universities and the media as well. Government reports like the 42-page report sent by former Assam Governor, Lt. Gen. (Retd.) S.K. Sinha to President K. R. Narayanan in 1998 also created a sense of insecurity in Assam as it categorically stated that “the influx of illegal migrants is turning the lower Assam districts into a Muslim-majority region. It will only be a matter of time when a demand for their merger with Bangladesh may be made.... The loss of lower Assam will sever the entire land mass of the Northeast from the rest of India and the rich natural resources of that region will be lost to the nation.” The October 2008 violence in Udalguri and Goalpara districts between the Bodos and the Bangladeshi migrants was a flare up based on such social fears resulting in the death of nearly 36 people.

Earlier in 2005, the Chiring Chapori Yuva Morcha, which is a youth organization based in Dibrugarh, led a campaign against illegal migration in the district urging Assamese society to avoid Bangladeshis in social functions. Leaflets and mobile phone messages were sent out to boycott goods sold by Bangladeshis and avoid using cycle rickshaws manned by Bangladeshi pullers. However, the movement fizzled out in the face of the logic of market

economics as Bangladeshis are realistically the cheapest labour force available in Assam. Hence, despite the anger against them illegally procuring voting rights, Assamese society routinely employs these migrants for manual jobs.

Economic

It is important to note that most Bangladeshi migrants form the manual workforce in Assam: rickshaw pullers, house construction workers, house painters, gardeners, field workers, road construction workers, vegetable vendors, etc. Women immigrants mostly work as maids. Significantly, these migrants are willing to work very hard, at odd hours and in the most arduous activities which local Assamese labour are unwilling to do. Hence, there is enough space in the workforce for the poorer sections of Bangladeshi society in Assam motivating them to risk coming illegally to the state to make a living. The flip side to this is that these illegal migrants manage to procure Indian citizenship by producing documents bought in the black market. Subsequently, the migrant families, being amongst the poorest section of society benefit from schemes like the National Rural Employment Guarantee Scheme (NREGS) and the National Rural Health Mission (NRHM). Hence, the legal Indian citizens lose out against this illegally created citizenry in Assam. This situation is prevalent in states like Meghalaya and Nagaland as well.

Security

The issue of illegal migration has an implication for India's national security. It is now established that most of the armed insurgent groups in Assam like the United Liberation Front of *Asom* (ULFA), the Kamtapur Liberation Organization (KLO), and the National Democratic Front of Bodolond (NDFB) had established camps in Bangladesh and also procured their weapons from the Cox Bazaar area near the Bangladesh-Myanmar border. With the change of government in Bangladesh and the explicit co-operation of the Awami League government led by Sheikh Hasina, Tapan Patowary, the leader of the KLO was caught in Dhaka in October last year. The chairman of ULFA, Arabinda Rajkhowa, and its Deputy Commander-in-Chief, Raju Baruah, were caught in Cox Bazaar on December 4, 2009 and later arrested by Assam Police across the Meghalaya-Bangladesh border. The ULFA had been running some ten camps in the Mymensingh-Chittagong areas and had amassed a huge fortune through the real estate and restaurant businesses in Bangladesh. Rajkhowa's Sonali Bank deposits in Dhaka totalled 3,990 crore taka (Rs. 2,710.9 crore) held under the false name of Aurobindo Ray. The ability to function with impunity within Bangladesh was not only due to help from within Bangladesh but also because of facilitation provided by a network of illegal migrants from within Assam to the ULFA. Logistical information about the areas in Bangladesh is also provided by this network in lieu of money given to them, which in turn compromises the security of Assam. The October 30, 2009 attacks in Assam which killed 83 civilians and injured 30 was suspected to be the handiwork of ULFA, the NDFB and the Harkat-ul-Jihadi-e-Islami (HuJI) from Bangladesh

with perhaps certain elements from the migrant population helping them in their devious tasks. The HuJI's involvement was inferred from the use of RDX. Such connections could be fostered with other outfits like the NSCN (IM) as well given the large presence of Bangladeshi migrant population in Dimapur and nearby areas if a close security monitoring system is not established.

As a response mechanism to the issue of illegal Bangladeshi migration into Assam, the author has collated certain recommendations suggested by academics, civil society and policy makers from Assam.

Recommendations from the field

Political

1. Discourage 'vote bank' politics by consistent public writings and propaganda against it.
2. Vigilant media coverage of election patterns and voter increases in Assam based on census data analysis.
3. Effective profiling of politicians in Assam to check corruption in political processes.
4. Vigilant monitoring of Assam's voter list by a 'special body' constituted by the Election Commission of India.

Social

1. Assamese society must establish a mechanism of assimilation of the existing migrant population into their way of life so that they do not get radicalized.
2. A migrant till date who has made Assam home to be granted a right akin to that of a "denizen" which will include work permit and health care facilities without voting rights.
3. Work permits have support of the population of Assam and are therefore perhaps the only way to monitor the flow of illegal migration into Assam.

Economic

1. Work permits to be issued at the border posts in the India-Bangladesh border by a separate body named the "Work Permit Issuance Authority" which should not form a part of the Border Security Force (BSF) though working in close co-operation with it.
2. Systematic documentation of illegal migrants so that they can be monitored and turned into a viable workforce in India duly paying its taxes to the state.
3. Jobs to be duly identified in which Bangladeshi migrants can work in Assam so that local people do not feel threatened by an outside workforce in their midst.

Security

1. Inculcate greater professionalism in the BSF personnel as well as offer better monetary incentives to prevent bribe taking in border posts.
2. Border fencing to be completed diligently. Since certain areas of the fencing are in riverine areas, these have to be secured manually.
3. Floodlighting and laying of roads to enable effective patrolling as well as reducing gaps between border posts.
4. Ensuring that the BSF is equipped with the latest technology for border patrolling.
5. Assignment of the border guarding duties to a single force.
6. Un-interrupted dialogue mechanism with Bangladesh on the issue of insurgent camps in its territory. A positive development in this direction was the signing of five pacts on January 11, 2010 in New Delhi between Prime Minister Manmohan Singh and his counterpart Sheikh Hasina related to “mutual legal assistance in criminal matters, transfer of sentenced persons, fight against terror, organised crime and illegal drug trafficking, power cooperation and cultural exchange programmes.” This would hopefully ensure an uninterrupted dialogue between India and Bangladesh on these issues notwithstanding future changes of government in both countries.
7. Keep a vigilant check on the linkage between local politicians and insurgent leaders by an outside body.

While it is perhaps wise to refrain from overstating the negative implications of the impact of illegal Bangladeshi migration on Assam’s overall health since every migrant is not necessarily bad, it is good to have a check on *who is the crossing the border, when he or she is crossing and for what purpose* as that ensures better security against future crimes. This will also instill a sense of security in India’s border populations who fear domination by a migrant population especially in matters related to politics.