



## Politics of Illegal Immigration and India Bangladesh Relations

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### **Summary**

The rhetoric and the politics surrounding illegal immigration issue is neither new nor is the stance of the BJP on illegal immigration unknown. It has always made a distinction between the Hindus and Muslims emigrating from Bangladesh considering the former as refugees and terming the later as illegal immigrants.

The illegal immigration from Bangladesh has been a burning issue in the North East of India, especially in Assam, and has serious socio-political implications. The issue makes seasonal appearances during the elections time which otherwise remains the business of the Border security force (BSF) and the Foreigner Tribunal who are authorized to deal with this issue as mandated by the State. Political salience of the issue of illegal migration, however, can be gauged from the fact that this issue led to verbal duel between the Bharatiya Janata Party (BJP) and the All Assam Student Union (AASU), which had spearheaded a movement against the illegal immigration. Not to be politically out maneuvered, the Trinamool Congress (TMC) joined the political muscle flexing emphasizing its stance on the issue – all of them in the pursuit of electoral gain by appealing to their support base. BJP's Prime Ministerial candidate Narendra Modi in an election rally at Ramnagar, said, "As soon as we come to power at the Centre, detention camps housing Hindu migrants from Bangladesh will be done away with ... We have a responsibility toward Hindus who are harassed and suffer in other countries. Where will they go? India is the only place for them. Our government cannot continue to harass them. We will have to accommodate them here."<sup>1</sup> This immediately brought the AASU to say that "Division of illegal migrants on the basis of religion is unjustified and all illegal migrants will have to leave the State." Later speaking in an election rally in Serampur in West Bengal Modi further said "after May 16, these Bangladeshis better be prepared with their bags packed" again bringing to the fore the politics of illegal migration. Mamta Banerjee, Chief Minister of West Bengal, speaking at an election rally in Nandigram dared Modi to touch the Bengalis saying that he has no understanding of the issue. Adding to this ongoing political posturing, Poresh Barua commander of United Liberation Front of Asom (ULFA, Independent) said, "politicians and lax Indian bureaucracy are allowing these aliens to become Indian nationals and settle in Assam...(to) make the indigenous inhabitants a minority in their own land."<sup>2</sup> In fact each political party in the past has tried to accuse the other of playing vote bank politics.<sup>3</sup>

All these rhetoric and the politics surrounding illegal immigration issue is neither new nor is the stance of the BJP on illegal immigration is unknown. It has always made a distinction between the Hindus and Muslims emigrating from Bangladesh considering the former as refugees and terming the later as illegal immigrants. However, in the past the reaction of the BJP when it was in power was muted to the post-election violence in Bangladesh in 2001 which led to the large scale displacement of the Hindus in Bangladesh; some of who migrated to India. Rather, it took a pragmatic view and sent Brajesh Mishra

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<sup>1</sup> <http://timesofindia.indiatimes.com/india/We-must-accommodate-Hindu-Bangladeshi-migrants-Modi-in-Assam/articleshow/30856540.cms>

<sup>2</sup> Sanjib Kr Baruah, Politicians, Babus let Migrants into Assam: ULFA Commander, *Hindustan Times*, 11 May 2014, p.12. Also see, "ULFA Appeal Against Illegal Immigrants", *Assam Tribune*, <http://www.assamtribune.com/scripts/detailsnew.asp?id=sep1712/state06>

<sup>3</sup> Poulomi Banerjee, "Immigration is a Dirty Word", *Hindustan Times*, May 11, 2014, p.15

as Prime Minister Vajpayee's special Secretary to establish contact with the Bangladesh Nationalist Party (BNP) that assumed power on October 28 in 2001 in Dhaka. From time to time, however, the BJP has raised its concerns regarding attacks on the Hindu minorities in Bangladesh and Pakistan. Since it is expected that the NDA may form a coalition government at the centre, the position of regional parties, apart from BJP's own stance, on this issue would drive the government's agenda.

### **The Issue of Illegal Immigration from Bangladesh:**

Illegal immigration from Bangladesh has been part of political discourse in the North Eastern region. India has from time to time raised this issue. It actively pursued this issue with General Ershad and later with Begum Khaleda Zia when she visited India in 1992. Since Bangladesh refuses to accept that the Bangladeshis are illegally migrating; India decided to fence the border<sup>4</sup> and has adopted push back policy, which sometimes has resulted in tension in the border. The magnitude of this issue, ambivalence of political parties and complete denial on the part of Bangladesh government made the then Prime Minister of India, Atal Behari Vajpayee in 2001 to announce that the BJP government is contemplating to provide work permit of all the illegal immigrants in India admitting the difficulties in deporting them because of legal and constitutional hurdles.<sup>5</sup> In 2003 a crisis erupted when 213 nomadic people especially the snake charmers from Bangladesh were stranded in no-man's land and Dhaka refused to take them back.<sup>6</sup> This led to border tension and a bilateral political crisis as both India and Bangladesh refused to own these people creating a humanitarian crisis. Finally these people were mysteriously made to vanish from the no-man land as a face saving measure.<sup>7</sup> To deal with the issue in 2003 the BJP government introduced Amendment to the Citizenship Act which for the first time defined 'illegal migrants' by inserting clause b to section 2 of Citizenship Act 1956.<sup>8</sup>

Given the political salience and the reverberation it may have for Bangladesh domestic politics both the Awami League and the BNP do not accept illegal immigration from Bangladesh creating hurdle to resolve this longstanding issue that has been source of

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<sup>4</sup> The fences are erected in two phases and border road is being constructed to address illegal cross border activities. Government of India, Ministry of Home Affairs *Annual Report 2012-13*, p.29.

<sup>5</sup> Nitin A Gokhle, "A Election Gimmick", *Outlook*, May 8, 2001, <http://www.outlookindia.com/printarticle.aspx?211561>

<sup>6</sup> For the details of this incident see, Suhrid Sankar Chattopadhyay, "A Border Face-off", *Frontline*, Vol 20(4), February 15-28, 2003, <http://www.frontline.in/static/html/fl2004/stories/20030228003210100.htm>. Also see "They have no right to stay here: Advani", *The Hindu*, February 6, 2003, <http://www.hindu.com/thehindu/2003/02/06/stories/2003020605540100.htm>

<sup>7</sup> Haroon Habib, "Bangladesh Immigrants go back", *The Hindu*, February 7, 2003, <http://hindu.com/2003/02/07/stories/2003020705430100.htm>

<sup>8</sup> Section 2 (i) of Citizenship (Amendment) Act of 2003, <http://indiankanon.org/doc/949775/>

political problem in the North East and has contributed to the identity politics in these states. This is one issue on which the civil society groups and intellectuals in Bangladesh maintain a studied silence if prodded join the government bandwagon and deny the phenomena of illegal immigration while privately admit the phenomena, however, justifying it on the ground of *lebensraum*. Some even go to the extent of arguing that India is not a lucrative destination for Bangladeshis without taking into account the fact that it is those extremely poor people who migrate to work in India as agricultural labourers, construction workers, housemaids and some are sold as prostitutes.<sup>9</sup>

Notwithstanding the Assam Accord, the issue of illegal migration remains a problem and has been politicized extensively eluding any solution. The issue of illegal immigration, according to Sanjoy Hazarika, "(V)isibly reshaping and transforming the demographic, ethnic, linguistic and religious profile of large parts of population in these areas, it stirred a potent brew of hatred, suspicion and fear."<sup>10</sup>

The Supreme Court of India in 2005 scrapped the IMDT (Incidentally this is an act applicable only to Assam while other states are governed by foreigner Act) as *ultra-virus*. Rejecting Centre's attempt to reintroduce the Act, the SC observed, "The earlier decision (the scrapping of the IMDT Act) had referred to the relevant materials showing that such uncontrolled immigration into north-eastern states posed a threat to the integrity of the nation. What was therefore called for was strict implementation of the directions... so as to ensure that illegal immigrants are sent out of the country..."<sup>11</sup> In 1998, Lt General Sinha who was then the Governor of Assam sent a report to the then President K.R.Narayanan in which he reportedly wrote, "The influx of illegal migrants is turning the lower Assam districts into a Muslim-majority region."<sup>12</sup> There are other analysts in India who recognize this trend, where Assam saw unprecedented Muslim population growth especially in Dhubri, Barpeta, Karimganj and Hailakandi.<sup>13</sup> Illegal immigration itself has internal dynamics within Assam where the Assamese Muslims also feel

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<sup>9</sup> For example Ministry of Home Affairs of Bangladesh confirms unskilled labourers constitute the bulk of labour force. About 50 percent of Bangladeshi migrant workers are classified as low skilled, 16 percent are semi skilled, 31 percent are skilled and 03 percent are professionals. Bangladesh is one of the major labour sending countries in the world., Ministry of home affairs, Government of Bangladesh, p.28

<sup>10</sup> Sanjoy Hazarika, *Rites of Passage: Border Crossing, Imagined homelands, India's East and Bangladesh*, Penguin, Delhi, 2000, p.7

<sup>11</sup> [http://articles.economicstimes.indiatimes.com/2006-12-06/news/27459228\\_1\\_illegal-immigrants-imdt-act-tribunals](http://articles.economicstimes.indiatimes.com/2006-12-06/news/27459228_1_illegal-immigrants-imdt-act-tribunals))

<sup>12</sup> Nitin A Gokhle, "A Election Gimmick", *Outlook*, May 8, 2001, <http://www.outlookindia.com/printarticle.aspx?211561>

<sup>13</sup> Wasbir Hussain, "Demographic Jitters", *Outlook*, September 20, 2004, <http://www.outlookindia.com/article.aspx?225190>

increasingly marginalized by the migrants from Bangladesh. Radical parties like the AIUDF has expanded its support base to include local Muslims who are called *Ujani* or *tholua* in Assamese and also Bengali Muslims known as *Mian* and *Bhatia*. Now, given the religious polarization precipitated by communal clashes between Muslims and tribes in Kokrajhar last month. The fear that this issue can open ethnic and religious fault line is real. According to D.N.Bezboruah, "It is the Congress that sowed the seed of illegal immigration from Bangladesh for electoral gains, and now it does not know what to do with an explosive situation."<sup>14</sup>

It is true that many illegal migrants from Bangladesh possess ration cards and other documents due to the nexus between the officials and the vested interest which want to win them over as vote banks. At the same time, except for Congress, this issue of illegal immigration has been raised by Budhadeb Bhattacharya, the then Chief Minister of West Bengal and Manik Sarkar, Chief Minister of Tripura.<sup>15</sup> Non-acceptance of the issue by Bangladesh only leads to the exploitation of the poor immigrants in the hand of unscrupulous elements. Similarly attempt by police who have little understanding of the problem and unfamiliarity in understanding the language in the metropolis have the danger of lumping even Indian citizens to the illegal category. Deportation without cooperation from Bangladesh remains a problem. For example: till July 2012 total number of 2442 people were deported or pushed back while 42,338 people were declared as foreigners.<sup>16</sup> In the absence of bilateral agreement which lays down the procedure for deportation and given the position of the Bangladesh government on the issue India has adopted the policy of push back.<sup>17</sup>

## Constructing a Counter-narrative in Bangladesh: De-emphasising the Issue

Interestingly over the years there seem to be an attempt by Bangladeshi intellectuals and columnists to build a counter narrative to the issue of illegal Bangladeshi immigration to

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<sup>14</sup> As quoted in Samudra Gupta Kashyap, "As Much for Land as for Votes, *Hindustan Times*, May 14, 2014, p.7

<sup>15</sup> "Home Ministry will issue citizenship to Tripura people", *Deccan Herald*, October 7, 2004, <http://archive.deccanherald.com/Deccanherald/oct072004/n1.asp>. The issue of illegal immigration was also discussed with the Foreign secretary of Bangladesh. See "Bangladesh foreign secretary in Tripura", *Times of India*, July 28, 2012, <http://timesofindia.indiatimes.com/city/guwahati/bangladesh-foreign-secretary-in-tripura/articleshow/15220670.cms>

<sup>16</sup> Home and Political Department, *Government of Assam on Foreigners' Issue White Paper*, October 20, 2012, p.18

<sup>17</sup> Home and Political Department, *Government of Assam on Foreigners' Issue White Paper*, October 20, 2012, p.21

India. Some Bangladeshi authors<sup>18</sup> now argue that there are 500,000 Indians who are staying illegally in Bangladesh and sending USD 3,716 million quoting *Silicon India* magazine as if it is some primary source of information.<sup>19</sup> One of the authors also cites the source of his information to a survey<sup>20</sup> without giving the details of where these surveys were published and who did the survey. Even the article of *Silicon India*<sup>21</sup> that various Bangladeshi authors have generously quoted which includes recent editorial in the *New Age*<sup>22</sup> does not say how they arrived at this figure and the source of their data.<sup>23</sup> For example it says “People who are migrating to Bangladesh illegally are from West Bengal, Meghalaya, Assam, Tripura and Mizoram. According to the government authorities of the country, most of them come in search of job opportunities and mostly work in NGOs, garments and textile industries.”<sup>24</sup> It is not clear who is the government authority and from which department this information is sourced from. The authenticity of this report that appeared in *Silicon India* that has been used as a single source for citation remains highly problematic, as this article does not have the name of the author or the name of the sources it has cited. Email to *Silicon India* magazine is yet to elicit any response.

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<sup>18</sup> Syed Jamaluddin, “Bangladesh India Economic Relations” *Financial Express*, July 26, 2009, <http://web.archive.org/web/20090815032813/http://www.thefinancialexpress-bd.com/2009/07/26/74259.html>. Also see Mody-fying Bangladesh India Relations By Shahab Enam Khan and Parvez Abbasi *Dhaka Tribune*, 1 April, 2014, <http://www.dhakatribune.com/long-form/2014/apr/01/modifying-bangladesh-india-relations>). “BJP leader’s dangerous affront to Bangladesh” *Editorial*, *New Age*, April 21, 2014, <http://newagebd.net/?p=4516>. These data are verbatim reproduced from *Silicon India* in all these three articles including Wikipedia,

<sup>19</sup> “15 Nations Sending highest Remittances to India”, *Silicon India*, 21 May 2013, <http://www.siliconindia.com/news/business/15-Nations-Sending-Highest-Remittances-to-India-nid-147515-cid-3.html>. It is difficult to imagine the illegal immigrants from West Bengal, Tripura, Assam, Mizoram and Meghalaya sending USD 7,400 per annum by working in NGOs, garment and textile industries which would mean they would be earning more than 800 USD per month to be able to save USD 7,432 per year to send back.

<sup>20</sup> Syed Jamaluddin, “Bangladesh India Economic Relations” *Financial Express*, July 26, 2009, <http://web.archive.org/web/20090815032813/http://www.thefinancialexpress-bd.com/2009/07/26/74259.html>

<sup>21</sup> “15 Nations Sending highest Remittances to India”, *Silicon India*, 21 May 2013, <http://www.siliconindia.com/news/business/15-Nations-Sending-Highest-Remittances-to-India-nid-147515-cid-3.html>.

<sup>22</sup> BJP leader’s dangerous affront to Bangladesh (April 21, 2014, <http://newagebd.net/?p=4516>, editorial, *New age*)

<sup>23</sup> “15 Nations Sending highest Remittances to India”, 21 May 2013) <http://www.siliconindia.com/news/business/15-Nations-Sending-Highest-Remittances-to-India-nid-147515-cid-3.html>. This news is reproduced in another news portal on February 22, 2014, see <http://bdinn.com/articles/500000-indians-live-and-work-in-bangladesh/>

<sup>24</sup> 15 Nations Sending highest Remittances to India”, 21 May 2013) <http://www.siliconindia.com/news/business/15-Nations-Sending-Highest-Remittances-to-India-nid-147515-cid-3.html>.

Moreover, 500,000 Indians earning 3,716 million would mean each migrant remitting USD 7,500 approximately per annum to India. It is difficult to imagine that the migrants from North East state working in the sectors that is mentioned by the Silicon India would be getting such a high salary that again employed illegally in Bangladesh to remit such a high figure. An analysis of the report of the Reserve Bank of India which keeps the record of remittances from abroad shows that in terms of remittances that India received from abroad, the Gulf countries topped the list followed by North America, South America, Europe, Africa, East Asia and Others (Australia and New Zealand).<sup>25</sup> The Bangladeshi authors cite the Ministry of Home Affairs of Bangladesh possessing "Information about illegal staying of Indians in Bangladesh".<sup>26</sup> The question is if the Ministry of Home Affairs in Bangladesh has the information why it is not cracking down on the people staying illegally. Moreover, Bangladesh's Ministry of Home Affairs website does not contain any document with regard to this issue. Rather, the Ministry of Home Affairs in its Annual Report has elaborated its cooperation with India to address the issue of human trafficking.<sup>27</sup> As an analyst points out in South Asia there is a blurring of "distinction between labour migration, irregular migration, and trafficking... it involves a well-organized network of *dalals* in Bangladesh and India - 'manpower' agencies, recruiters, touts, brokers, 'travel' agents, and their employees or contacts in many Bangladeshi villages."<sup>28</sup>

Trafficking of Women and children is a major issue for Bangladesh. Recent arrest of traffickers in Jessore by the Bangladesh Border Guards shows that there are attempts to traffic people to India illegally. These traffickers are sometimes engaged to help people cross border illegally. This issue has been affirmed by the Border Security Forces. As an official from Bangladesh Foreign Ministry said that the issue of illegal immigration would be addressed within the larger issue of human trafficking as it remains a politically difficult subject. For domestic political reasons while Bangladesh remains silent on the issue, India highlights the issue for the same reasons. While Bangladesh may not accept the issue of illegal migration, the fact of missing Hindu population is well recognized. Their population is reduced from 9.5 in 2001 census to 8.5 in the 2011 census.<sup>29</sup> It is obvious that majority of them migrated to India illegally.

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<sup>25</sup> RBI Monthly Bulletin, "Remittances from Overseas Indians: Modes of Transfer, Transaction Cost and Time Taken", December 2013, p.116

<sup>26</sup> Syed Jamaluddin, *Financial Express*, July 26, 2009, <http://web.archive.org/web/20090815032813/http://www.thefinancialexpress-bd.com/2009/07/26/74259.html>

<sup>27</sup> Ministry of Home Affairs, *Combating Human Trafficking: Bangladesh Country Report, 2012*, [http://mha.gov.bd/wp-content/uploads/2013/10/Country\\_Report\\_2012.pdf](http://mha.gov.bd/wp-content/uploads/2013/10/Country_Report_2012.pdf), pp15-16

<sup>28</sup> Sujata Ramachandran, *Indifference, impotence, and Intolerance: Transnational Bangladeshis in India*, Global Migration Perspectives, No.42, Geneva, 2005, pp..6-7

<sup>29</sup> Kalyan Borooah "Nine Lakh Hindus Vanishes", *Assam Tribune*, August 29, 2013, <http://www.assamtribune.com/scripts/detailsnew.asp?id=aug2913/at05>

It appears that by arguing that there are Indian migrants who are illegally living in Bangladesh, there is an attempt to justify illegal immigration from Bangladesh. None of the authors who speak of presence of illegal Indian migrants stress the need to deport those who are staying illegally or make a case for addressing the issue bilaterally. While firing in the border gets more attention, the reasons for such firing gets de-emphasised and framed in humanitarian parameter. No question is asked on why these people were present near the border in the darkness of the night. Thus from India and Bangladesh national perspectives the issue is framed in a nationalistic framework without any thinking on how to resolve the issue. Any zero sum game will whip up nationalistic sentiments. As Ranabir Samaddar points out, "the questions of legality/illegality, therefore, operate in a region away from the life lived on the border."<sup>30</sup>

### Dealing with the Issue: India and Bangladesh

The issue of illegal movement is now addressed within the larger framework of human trafficking. The Ministry of Home Affairs of Bangladesh in the 2012 Annual report defines trafficking as, "the end-object of this crime is commercial sexual work, forced labour, prostitution, or other forms of exploitation. As such, unsafe/irregular migration always runs the risk of human trafficking."<sup>31</sup> However, the moot issue is Bangladesh does not accept that Bangladeshis are voluntarily migrating to India under forced circumstances. Nevertheless, the bilateral Task Force of Bangladesh and India on Rescue, Recovery, Repatriation and Integration of Trafficked victims/survivors to discuss human trafficking at least provides a political space to deal with the sensitive subject of people who have migrated 'involuntarily'.

Both the countries have put in place joint Coordinated Border Management Plan (CBMP) signed in July 2011, the problem however continues. The reason is while there is night curfew on the Indian side of the border there is no such restriction on the other side. The BSF points out that the compulsion for border patrol for the Bangladesh Border Guard is less apart from the problem that their Border outposts are situated far apart from each other. It is also Delhi-Dhaka relations that influence the border cooperation dynamics. When the two governments are in friendly term there is close cooperation between the border guarding forces and issues are settled in an empathetic manner without recourse to legalistic interpretation of bilateral mechanisms that are in place.<sup>32</sup> Cattle smuggling remain a major problem for the BSF. They attribute cross border ethnic network and human traffickers that have network across the border that facilitates illegal migration

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<sup>30</sup> Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage, Delhi, 1999, p.55

<sup>31</sup> Ministry of Home Affairs, *Combating Human Trafficking: Bangladesh Country Report, 2012*", [http://mha.gov.bd/wp-content/uploads/2013/10/Country\\_Report\\_2012.pdf](http://mha.gov.bd/wp-content/uploads/2013/10/Country_Report_2012.pdf), p.9

<sup>32</sup> Interaction with BSF during a field trip to Meghalaya, Mizoram and Tripura in March 2014.



which is mainly step migration.<sup>33</sup> Even, India is used as transit route for some Bangladeshis who cross over to Pakistan and travel beyond.<sup>34</sup> In the larger framework the issue of illegal crossing remains a major challenge for both the countries. Rather than dealing with this issue as a problem of trafficking only, the two countries need to take steps to introduce mechanism to deal with this reoccurring problem of immigration. It is a fact that South Asia contributes to the foreign working forces in the Middle East, Europe, East Asia and other part of the world. Therefore, how long Bangladesh can “officially deny that ‘unofficially’ any coming over is taking place”.<sup>35</sup> The need is how to go beyond the zero sum game and address the issue. As Hazarika in his study points out, “the social, demographic and political tensions spawned by this problem are too deep to gloss over or to seek quick-fix solution like ‘throwing’ foreigners out.”<sup>36</sup>

The issue of illegal migration remains a potent political issue that is likely to cast shadow on bilateral relations especially in the context where the role of states in foreign policy is assuming increasing political salience.<sup>37</sup> But now with the BJP government in majority at the centre it has to be seen how the centre-state equation on foreign policy will develop.

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<sup>33</sup> Interaction with the BSF during a field trip to the India Bangladesh Border February-March 2014. Illegal immigrants initially migrate and stay for few days in the Border States before migrating to metropolis in search of work or they are provided work by traffickers.

<sup>34</sup> Anju Agnihotri Chaba, “With security tightened at Kashmir border, Bangladeshis take Punjab route to Pakistan”, *Indian Express*, April 11, 2014, Illegal Bangladeshi migrants using Punjab border to enter Pakistan: BSF, <http://ibnlive.in.com/news/illegal-bangladeshi-migrants-using-punjab-border-to-enter-pakistan-bsf/399315-3.html>. Also See Bangladesh, Ministry of Home Affairs, *Combating Human Trafficking: Bangladesh Country Report, 2012*, [http://mha.gov.bd/wp-content/uploads/2013/10/Country\\_Report\\_2012.pdf](http://mha.gov.bd/wp-content/uploads/2013/10/Country_Report_2012.pdf), p.56 which refers to 41 men, 4 women and 5 children repatriated in August 2012.

<sup>35</sup> Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage, Delhi, 1999, p.58

<sup>36</sup> Sanjoy Hazarika, *Rites of Passage: Border Crossing, Imagined homelands, India's East and Banglades*, Penguin, Delhi, 2000, p.7

<sup>37</sup> Shekhar Iyer, “States should have larger say in foreign policy: Modi”, *Hindustan Times*, 19 October 2013, <http://www.hindustantimes.com/india-news/allaboutnarendramodi/states-should-have-larger-say-in-foreign-policy-modi/article1-1137265.aspx>