MELLON-MIT FOUNDATION ON NGOs AND FORCED MIGRATION

ILLEGAL IMMIGRATION FROM BANGLADESH TO INDIA: THE EMERGING CONFLICTS

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food, and took great personal risks to talk to me boldly. The fieldwork was not just another research activity. It gave me an excellent opportunity to meet people and make friends. I express the same heart-felt thanks and gratitude to my "sources" from the days I was a journalist. They supplied me with not only information, but a host of classified documents.

Last, but not least, no words are enough to express my thanks to Bibhuti Bhushan Nandy – my father – who goaded me morning, noon and night so that I could complete the task in time. His intellectual depth has been my strength that saw me through. Finally.

Chandan Nandy
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EXECUTIVE SUMMARY

Population movements have been a constant feature of the evolution of human civilisation. For a variety of reasons – social, political, economic, natural and climatic -- migration occurs within the geographical limits of states and beyond. In recent years, globalisation has given a new thrust to the international labour market, adding a new dimension to inter-state migration. While migration between countries in the developed world is a two-way traffic, demographic mobility from the developing to the more advanced countries is generally uni-directional.

India, though a developing country, has been at the receiving end of migrants from its relatively less developed neighbourhoods. While many Indians belonging to the upper economic strata have been moving out to the developed countries in search of better economic opportunities, the magnitude of migration into India is far in excess of the numbers going out. While migrants from Tibet, Nepal, Myanmar, Sri Lanka and Pakistan have been coming in varying numbers, the largest intake has been from Bangladesh.

Despite the enormity of the problem of illegal immigration from Bangladesh to India, its systematic research and study has been few and far between. The paucity of literature on the subject is striking. The existing literature on the South Asian migration problems and previous research works yielded only a limited picture of the range and nature of illegal immigration from Bangladesh to India in the last several decades. In the given situation this research had to depend on extensive survey of the problem at the ground level in different areas and states. The insight thus gained from field visits pointed toward as-yet untapped sources of information, including public servants dealing with the problem at policy-making and policy-execution levels. A good number of them were contacted, their information and perceptions recorded and factored into the research framework. Contacts with one group of individuals working in diverse fields of public service, academics, non-governmental organisations, national and local level political figures helped to not only assess the enormity of the problem possible lines of solution, but also exposed an

incredible lack of initiative among decision-makers at the bureaucratic and political levels.

Extensive public contact at the grassroots level in the border belts resulted in flow of very useful information about activities of organised racketeers who play a crucial role in arranging border crossings without necessary inter-state travel documents. The linkages of these networks with the border guards, local police, administrative officials and also politically influential people revealed yet another dimension of illegal immigration, i.e. the nexus between the mafia and the officialdom. For identifying the areas and the routes of border crossings, local guides at important locations along the international border were employed. They put across the researcher to the main persons who control the activities on both sides of the Indo-Bangladesh border in West Bengal and Assam sectors. The guides, who themselves are involved in the organised trans-border movements, introduced the researcher to a number of immigrants both Hindus and Muslims from different geographical areas and diverse occupational backgrounds. The migrants' stories were a vivid account of the different push and pull factors that have made them come over to India. Discussions and conversations with senior officers of the Border Security Force, intelligence agencies and state-level police forces were helpful in deciding the areas to visit and how to go about collecting the required information.

Persecuted ethnic and religious minorities, who are victims of discrimination by the state and subjected to recurring communal and racial atrocities have been coming over to India in droves since the Partition of 1947. For a brief period of three-and-a-half years after liberation, Bangladesh was committed to secular governance when the Hindus and other minorities experienced some let up in the persecution by the majority Muslim community. Ever since 1975, the country has gone through a steady process of Islamisation, ranging from deletion of secularism from the constitution to legitimisation of banned communal and fundamentalist Islamist parties to declaration of Islam as the state religion of Bangladesh. The consequent heightening of insecurity among the minorities intensified migration of the Hindus to the bordering states of India.

The second type of migrants consist of pauperised landless Muslims from rural Bangladesh in search of employment. The in-flow of economic migrants began during the 1974 famine in Bangladesh and has continued unabated ever since.

There has been no census of immigrants yet, but academics, government agencies, research organisations and demographers estimate 15-20 million migrants have found their way to different Indian states in the last three decades, the ratio of Hindu-Muslim immigrants being approximately 1:3. While the migration pressure is understandably on the border states (Assam, West Bengal, Meghalaya and Tripura), significant numbers have traveled further afield and have been living in concentration in metropolitan cities like Delhi, Mumbai, Ahmedabad, Jaipur and a host of other urban conglomerates.

Besides generating tensions between the natives and the alien migrants on racial and communal lines, immigration on such a massive scale has completely changed the demographic profile of the border districts of eastern and north-eastern India. So much so that "demographic invasion" has become an oft-repeated phrase in migration discourse in India.

Open and poorly controlled and managed borders in the absence of a sound and comprehensive immigration policy in India has greatly facilitated illegal immigration. Rampant corruption among the border guards and the cynical policy of turning the foreign migrants into captive voters by political parties has rendered the problem all the more intractable. The stubborn denial by the Bangladesh government of the very existence of the problem has exacerbated its gravity and the potential for inter-state conflicts. India is worried about the long-term adverse impact of the maasive and unrestrained immigration on its sovereignty, national security and territorial integrity.

The problem has two aspects. One, how to repatriate millions of aliens to their country of origin. Two, how to prevent the in-flow of immigrants. While improved border management and enforcement could significantly check the ingress over a period, sending back millions who have already settled down in India with all the trappings of

Indian citizenship is almost an impossible task. Any attempt to deport such an enormous mass of humans is bound to encounter serious legal and physical resistance. In the given situation, a consensus seems to be gradually emerging that India must work out an innovative approach focused on accepting the migrants of longstanding as "guest workers" with right to employment only but no political rights. As an imperative, the Indian state and its many government agencies should shed their particularistic border functions and put in place an immigration policy.

Considering that the border belts are sensitive from the national security perspective, concentrated presence of aliens is a cause for discomfort to the political elite as much as the native Indians. To avoid social tensions and unrest, dispersal of the migrants to less vulnerable interior regions of the country would need to be considered, though here too any serious initiative would run into resistance.

Creation of employment opportunities in the migration-prone economically lean districts of Bangladesh could significantly reduce the flow of economic migrants. But that would call for active support from the donor countries and the international community to employment-generating projects in the districts that contribute large number of migrants. The Indian authorities must play a constructive role in persuading the donor countries and international organsiations to earmark aid for such specific projects. An appropriate percentage of jobs thus created could be reserved for migrants in India who are relatively late-comers still having economic interests and emotional and social ties in their homeland who may not be averse to return if conditions for assured employment and economic stability are created.

Insecurity of life and property among religious and ethnic minorities is a major push factor for Bangladeshi nationals to cross over to India for shelter and succour. The Bangladesh government has not been particularly mindful of the need to create and sustain conditions in which the minorities can live in their native land in peace and dignity like members of the majority community. The rise of radical Islam and related problems in Bangladesh have to be contained in coordination with the regional and

international powers. International pressure on Bangladesh to ensure protection for the minorities could also significantly contain the flow of asylum seekers.

India has a special responsibility and role in this matter, not only as the major regional power in South Asia, but also because it is directly and seriously affected by the flow of unrestrained immigration. While continuing its efforts to persuade Dhaka to recognise the gravity of the problem and its adverse impact on bilateral relations, New Delhi would need to become a signatory to all the United Nations conventions on refugees and immigration, and other international instruments that govern migration issues. The Indian authorities must understand and appreciate that without the involvement of the international community the immigration problem cannot be effectively tackled.

If all these efforts bear no fruit, India may have to consider following a policy of using economic sanctions. Although coercive diplomacy has often proved to be an effective tool in settling conflicts, it has been fruitful only as a short-term measure. India will have to go beyond such short-term measures and look for lasting solutions. To that end, cooperation and not confrontation with Bangladesh should be the linchpin of any conflict resolution mechanism.

Bangladesh should also realise that it has much to gain from migration and must, therefore, first acknowledge the problems posed by illegal immigration from its territory to India, reconsider the notion that migration is the panacea for all ills and take urgent steps to protect the lives and property of its minorities, eradicate poverty, check over-population and try to raise the standards of living of its people justly and equitably.

ABBREVIATIONS

AGP	Asom Gana Parishad
AAGSP	All Assam Gana Sangram Parishad
AL	Awami League
AASU	All Assam Students Union
BDO	Block Develoment Officer
BDR	Bangladesh Rifles
BJP	Bharatiya Janata Party
BNP	Bangladesh Nationalist Party
BRAC	Bangladesh Rural Advancement Commitee
BSF	Border Security Force
BoP	Border out Post
CHT	Chittagong Hill Tracts
CPI	Communist Party of India
CPI-M	Communist Party of India-Marxist
GDP	Gross Domestic Product
GoM	Group of Ministers
HDI	Human Development Index
IDL	Islamic Democratic League
IDPs	Internally Displaced Persons
IMDT Act	Illegal Migrants (Determination by Tribunals) Act
ISI	Inter-Services Intelligence
IOM	International Organisation for Migration
JeI	Jamaat-e-Islami
LFO	Legal Framework Order
KLO	Kamtapur Liberation Organisation
MAR	Minorities at Risk
MPNIC	Multi-Purpose National Identity Cards
MULTA	Muslim United Liberation Tigers of Assam
NAFTA	North American Free Trade Agreement
NGOs	Non-Governmental Organisations
NRC	National Register of Citizens
OIC	Organsiation of Islamic Conference
PIP Act	Prevention of Infiltration from Pakistan Act
PCJSS	Parbattya Chattagram Jana Sanghati Samiti
RSS	Rashtriya Swayamsevak Sangh
SAFTA	South Asian Free Trade Area
SAARC	South Asian Association for Regional Cooperation
SARS	South Asia Research Society
TMC	Trinamool Congress
UCRC	United Central Rehabilitation Council
ULFA	United Liberation Front of Asom
UMF	United Minorities Front
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
US	United States

TABLES AND PHOTOS

Tables

Photos

MAP OF BANGLADESH

Source: Human Rights Watch.

MAP OF INDIA

Source: Ministry of External Affairs, Government of India

MAP OF ASSAM
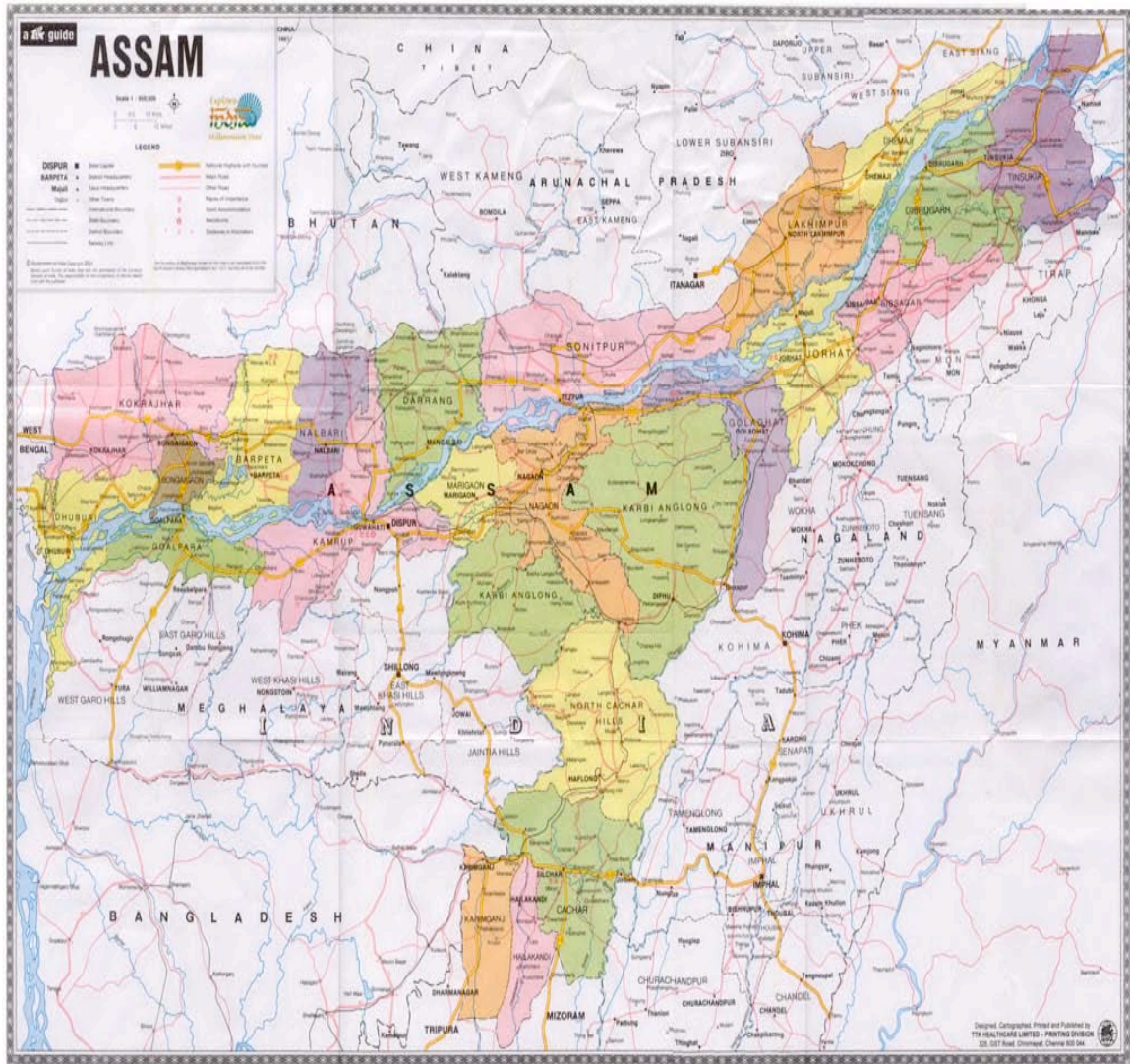
Source: Indian Institute of Technology, Guwahati

MAP OF WEST BENGAL

MAP OF WEST BENGAL
The bounderies of this map are not verified or authenticated. The map is not drawn to scale and for general guidance only.

Source: www.india.travel.com

Introduction, Methodology and Literature Review

This field project has grown out my work as a journalist in India. Thirteen years ago when the issue of illegal immigration from Bangladesh to India stirred a hornet's nest in New Delhi's corridors of power, I was a cub reporter for *The Observer of Business and Politics*. For the newspapers and news magazines, illegal immigration was a relatively new story; nothing much had been heard or written about it in the past. But thanks to the Bharatiya Janata Party's (Hindu Nationalist Party) politically-motivated drive to deport Bangladeshi "infiltrators" from Delhi and Bombay, the problem, which had remained entombed for years, was brought into focus and a threatening 'Other' created. My interest led me to pursue the problem in its various aspects and the outcome was an investigative story for *The Observer*. Since then, I have intermittently written on significant developments on the problem.

Twelve years later (in 2004), thousands of miles from Delhi, at Brandeis University's Slifka Program in Inter-Communal Coexistence, I was able to comprehend the explosive potential for conflict engendered by the demographic, economic, political and cultural pressures of illegal immigration from Bangladesh to India's east and north-east. The three-month field research (June 25 to September 25, 2005) in the border districts of Assam and West Bengal has only deepened and confirmed those fears. It is a complex matter, not only limited to the economic and political causes that usually generate international migration. Illegal immigration is mired in the electoral politics of India and I dare say that as much as Bangladesh, illegal immigration is a creation of India's political elite for short-sighted political gains. Political parties are not the only ones to have benefited from the process of illegal immigration. For the Indian border guarding force, the Border Security Force, which has an unenviable record on corruption, illegal immigration is a money-spinner. The local bureaucracy in the Indian states of Assam and West Bengal, hit the heaviest and hardest by unauthorised immigration from Bangladesh

in the last 35 years, act in tandem with the political parties to "promote" illegal immigration. Organised cartels of border migration-brokers, touts, racketeers and smugglers developed ingenious means to smuggle in poor and helpless humans, as well as goods and contraband. The dynamics of illegal immigration morphed into the dynamics of vested interests. While these are important factors at work, the long, permeable and ill-managed border provides opportunities for cross-border movement of men and material.

Under these conditions and circumstances, I had to approach the field research with extreme caution lest I ended up "taking sides", especially because the pernicious debate between the left, centre and right of the Indian political spectrum invariably casts researchers as either "communal" or "secular", on the one hand, and the controversy over the factum and extent of illegal migration between New Delhi and Dhaka on the other. Indian authorities have been emphasising, of and on, on the need to detect and deport the immigrants. Bangladesh's response to the problem has been one of total denial of the existence of the problem. And yet it seemed that the projected security measures of the Indian state to stop illegal immigration is an elaborate façade with no serious intent to prevent unauthorised entry of foreigners. For all the domestic din and uproar over the issue in India, the lack of political will stands out sharply.

In this backdrop a detached and objective research was not easy and was frought with dangers of developing an "observer bias",[1] obstacles and hurdles, often times created by political parties and elected local bodies who had everything to lose if the cover on the issue was blown. Politicians, public servants and other people who have intimate knowledge of the problem on the ground were less than forthcoming because they have a vested interest in concealing, misguiding and misleading rather than revealing the facts. Most politicians and bureaucrats were less than candid, others blandly turned down interviews and yet others camouflaged information and data. The Assam government's Congress Minister for *Char* Development, Wajed Ali Chowdhury, would not speak on

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[1] Angrosino, Michael V. and Kimberly A Mays de Perez, Rethinking Observation, in Norman K. Denzin and Yvonne S. Lincoln (eds), *Handbook of Qualitative Research*, Sage Publications: Thousand Oaks, California, 2000, pg. 676.

the plea that he was unwell, though he attended office in Dispur's new secretariat building. In India, civil servants believe in keeping a lid over information, suppressing and withholding facts by invoking the shroud of secrecy. So it was not surprising when a senior police officer in charge of West Bengal's border affairs did not respond to specific queries on the magnitude and extent of the problem in his state. In some border stretches in Assam and West Bengal, access to the border was difficult, if not impossible.

For the depth and complexity of the reasons cited above, I had to navigate through the subject and the challenges that it posed by situating and locating myself as a participant observer. It was difficult to assume the role of a "complete observer" for, at times, my fieldwork involved living with and sharing the food offered by some of the subjects. In West Bengal, for instance, I lived for three days and three nights with a border migration-broker not only to win his trust and that of his family members, but also to understand at close quarters the complex web of means adopted by him to undertake his job under difficult and life-threatening circumstances. Making friends was as important as conducting fieldwork. On certain other occasions, BSF officers on the border viewed my research subject and me with suspicion. Some questioned me no end to satisfy themselves that I had "come with patriotic intent", that I would approach the subject with national interest in mind. Others suspected my motives, assuming that research work by an Indian for an American university was, in fact, designed to further the interests of a foreign power, that the unseen hands of a foreign power were behind the research.

Methodology

As many as 51 immigrants, 30 Hindus and the rest Muslims, were interviewed. Of these, only ten women immigrants, again both Hindus and Muslims, could be interviewed. The fewer number of women subjects (who tended their families) interviewed was primarily because in the border villages women usually do not talk openly and often shy away from interviews. The Hindu immigrants comprised those who fled Bangladesh because of religious persecution. They are either of peasant stock, often low caste Namasudras, some were weavers, others former school teachers who had taken to other means of livelihood

after coming over to India, and yet others who engaged in petty businesses or are simply worked as border brokers. Very few Hindus owned land in the border areas of West Bengal. Almost all the Muslims interviewed were economic migrants: agricultural labourers, vegetable vendors, masons, rickshaw pullers, roadside shop owners, border brokers, rag pickers, and boatmen. Some of the Muslim migrants in Assam, however, had done well for themselves, owning several acres of land. Hindu as well as Muslim immigrants were chosen keeping in mind: (a) length of time lived in the area, (b) gender, (c) current income levels, (d) birth of children and (e) availability of resident status and voting documents.

The 25 Indian officials interviewed ranged from BSF and police officers in West Bengal and Assam of various ranks, officials respresenting the governments of Assam and West Bengal at the district level, senior bureaucrats dealing with border management and policy-makers in the federal government in Delhi, and retired and serving intelligence officers. Most of the officials I interacted with had direct knowledge of the problem of illegal immigration. Besides, a host of politicians – Members of Parliament and Members of the Assam and West Bengal legislative assemblies from various political parties such as the Congress, Bharatiya Janata Party, Communist Party of India-Marxist and Trinamool Congress, academics, analysts and newspaper commentators were interviewed to develop wide-ranging perspectives. The Indian Home Minister, as well as the chief ministers of West Bengal and Assam, could not be interviewed for time constraints. For reasons mentioned below, only a handful of Awami League politicians and academics from Bangladesh could be interviewed informally.

The immigrant subjects themselves were more fearful than the border officials. Their apprehensions were understandable. In 1992, it was relatively easy as a journalist to observe the field and interact with Bangladeshis settled illegally in different parts of India. It was the time when the BJP had raked up the issue of illegal immigration and deportations of some Bangladeshis followed. The Marxists reacted in a predictable fashion. In West Bengal, they lambasted the right-wing BJP for its anti-Muslim drive, "snatching" groups of Bangladeshis (more often than not Muslims) from trains taking

them to the border for physical push back The press highlighted the deportation drive and the Marxist theatrics. Commentators took positions that were in line with their ideological leanings. The conservatives welcomed the BJP's action; the liberals branded it as a violation of the human rights of immigrants. Some attacked the move as being anti-Bengali-speaking Indian Muslims. As the shroud was cast on the truth, the issue became politicised. But the immigrants living in the border districts of West Bengal and Assam and in Delhi, Bombay and other cities of India, were far removed from the issue that would haunt them in the years to come.

Over the past few years, and more recently, illegal immigration has been thrown up in the national agenda. Conferences have been organised by the federal as well as the concerned state governments to tackle the problems posed by illegal immigration, the BSF has been asked to be more vigilant in checking the entry of foreigners, and laws that purportedly protected encouraged and protected the immigrants have been held unconstitutional and scrapped. All these have made the immigrants aware of the dangers of continued stay in India, forcing them to adopt strategies to cope with the emerging anti-immigrant situation. That strategy is one of silence.[2] This was most noticeable among the Muslim immigrants who are labeled as "infiltrators" and as the cause of all the perceived economic, social and political problems that have beset parts of the country where they have settled. I interviewed scores of Muslim and Hindu immigrants in the course of my fieldwork in three border districts of West Bengal and two of Assam. Barring a few, most of the Muslim immigrants shied away from being interviewed, let alone willingly admitting that their home country is Bangladesh and that they had immigrated illegally to India. In Assam's Nellie, Bengali-speaking Muslims, who are identified as Mymensinghias from Bangladesh, insisted that they were originally from Nowgong, or Nagaon. They produced "proof" of residency and Indian citizenship, most of them obtained for a consideration, or simply fake, to claim membership to the Indian state.

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[2] Blacklock, Cathy and Alison Crosby, The Sounds of Silence: Feminist Research across Time in Guatemala, in Wenona Giles and Jennifer Hyndman (eds), *Sites of Violence: Gender and Conflict Zones*, University of California Press: Berkeley, 2004, pg. 45.

The Hindus, for reasons not too difficult to understand, readily admitted to their Bangladeshi backgrounds. First, they had more to "gain" by admission and not suppression of their national identity because of their perceived empathy for them among the Indian Hindu community for their sufferings stemming from the Partition. Secondly, for the Hindus, it was a useful strategy to highlight their plight as refugees who fled a Bangladesh that has increasingly become more hostile towards its ethnic and religious minorities. Finally, it seemed that proclaiming themselves as refugees would act as a pressure on the Indian state to declare them as refugees that had its benefits too.

Religion, and who adhered to which of the two denominations, often guided the response of the subjects. Care and caution both had to be exercised in interviewing the immigrants. It was not always easy to distinguish an immigrant from a native because of their shared ethnicity, language, religion, culture and modes of dressing. Their political beliefs and predispositions also shaped their responses. An immigrant with Marxist leanings would be more wary of talking about illegal immigration, while someone who voted for Hindutva parties like the BJP had no reservations talking about their Bangladeshi origins. In Assam, for example, most immigrants swore by their allegiance to the Congress party. Communal considerations and group affiliations characterised how interviewees interacted with me. Most of the interviews, in the form of "face-to-face group interchange",[3] and the act of listening had to be conducted keeping in mind the religious and "cross-cultural dimensions".[4]

For the Hindus of Bangladesh, their country of origin is a violent site. Hindu men have been murdered, with the killers often enjoying political patronage, and Hindu women and girls, regardless of age, have been raped or gang-raped with the culprits going scot-free. Criminal cases are either not entertained by the police or, even when complaints are

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[3] Fontana, Andrea and James H. Frey, From Structured Questions to Negotiated Texts, in Denzin K. Norman and Yvonne S. Lincoln (eds), *Handbook of Qualitative Research*, Sage Publications: Thousand Oaks, California, 2000, pg. 645.

[4] Slim, Hugo and Paul Thompson, *Listening for a Change*, Panos Publications: London, 1995, pg. 61.

lodged, no enquiries or investigations are conducted. The "gendered impact"[5] of violence and how it contributed to the emigration of Hindu Bangladeshi women had not only to be taken into account, for violence was one of the means to eraze the "Other" in the quest for achieving homogenisation, but also had to be studied to gauge its effects on the decision of men to migrate to India where, they consider, the honour of their womenfolk would be safe. Border-crossing women, regardless of their religion, are at the mercy of the border guarding forces. Besides being voluntary migrants, there were women who were victims of trafficking. It is they who were exploited the most, often having to trade their bodies to the police or soldiers of the two border guarding forces for safe passage to India. A gender analysis, therefore, revealed a power structure in which women migrants are at the lowest rung. I have, therefore, identified them not by their original names, but have applied assumed names wherever a specific request to conceal their identity was made. Most men, on the other hand, had no problems disclosing their names or allowing me to quote them. I did not have to take a decision on this aspect of the ethics of fieldwork; the immigrants, both men and women, took that decision themselves by making their own judgments. But women who requested anonymity have not been named. Assumed names have been used for the benefit of the reader and in maintaining consistency in the footnotes.

Although some of the basic questions to individual migrant interviewees were the same, I did not follow any structured interview pattern. Questionnaires were often of no use because on most occasions the conversations meandered to other subjects and issues allied to illegal immigration. For example, while Hindu migrants showed a great deal of enthusiasm for unrestricted conversation, Muslims were not as forthcoming for the reasons cited above. The questions varied according to whether they were directed to those who emigrated because of economic reasons (primarily Muslims) and those who crossed over to India because of religious persecution (minority Hindus). Some of the questions fielded to the immigrants were:

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[5] Blacklock, Cathy and Alison Crosby, The Sounds of Silence: Feminist Research across Time in Guatemala, in Wenona Giles and Jennifer Hyndman (eds), *Sites of Violence: Gender and Conflict Zones*, University of California Press: Berkeley, 2004, pg. 47.

1. When did you immigrate to India?

2. Why and under what circumstances did you emigrate?

3. How many members of your family emigrated?

4. What was your occupation or source of income while in Bangladesh?

5. What kind of jobs are you engaged in? Or, if none what are your sources of livelihood now?

6. Who helped/assisted you in settling in Indian territory? How did you manage to cross the border? Who provided for your resident status papers?

7. Do you know other people in India who belonged to your village in Bangladesh? If so, how many?

8. Do you know people who have moved from the border regions to cities such as Delhi? Why did they move? Do you intend to move or stay here? Why?

9. Do you think you are better off in India than you were in Bangladesh?

10. Why did you choose to settle in West Bengal/Assam/Delhi/Mumbai?

11. Would you return to your country if the Bangladesh government took steps to improve social and economic conditions in your village(s)?

12. What other steps do you think the governments of India and Bangladesh should do to help you return?

Interviews with Indian politicians, officials and officers of the BSF were comparatively more structured, following a pre-specified set of questionnaires. But in these interviews too, "diversions" had to be made to achieve a better understanding of the subject and comprehend the depth of the problem. The objective was to elicit information so as to ascertain the views of a range of local, regional and national policymakers the problem of illegal immigration, and their perspectives on how inter-state and intra-state conflicts can be ameliorated. The following questions directed at politicians and officials:

1. Do you recognise that there is a problem of illegal immigration?

2. What has been the history of illegal immigration to/from this area?

3. What according to you are the main factors for the demographic movement to/from this area?

4. (For Indian interviewees) Are you aware of how many leave these areas and move to Delhi or other cities?

5. What do you know about what India and Bangladesh have done so far at the national and local levels to contain the outflow/inflow?

6. What are your current and future estimates of such inflow/outflow?

7. What political or social initiatives have been taken to address the situation?

8. Do you think the problem is a security or a humanitarian issue?

9. Are you aware of any specific plans for future initiatives? Do you think they will adequately address the problem?

10. Do you have any ideas yourself about how to resolve the problem?

11. Given the existing communal tensions and occasional violence between Hindus (of India) and Muslims ("outsiders" from Bangladesh) of the Eighties, do you think the present immigration patterns increase such tensions?

12. Do you think India and Bangladesh would be prepared to cooperate bilaterally? If so, to what extent? If not, why not?

The migrants, both Muslims and Hindus, were randomly selected, with discussions taking place in a group setting in the border areas where people usually gather around inquisitive outsiders seeking information on a most sensitive and controversial subject. Only on very rare occasions did interviews take place privately and in seclusion. In the case of politicians, bureaucrats and security officials, I had to approach specific individuals who are representatives of the people of areas where illegal immigration has been heavy, those who have knowledge about the problem as they dealt with the border in the ministries and government departments, and those who actually guard the border.

This research has been more qualitative than quantitative; qualitative, as I had to rely on "empirical material"[6] – case studies, personal experience, interviews, narratives, observation, texts, including published and unpublished tracts and newspaper reports, government documents, both classified and declassified, a host of analyses, and

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[6] Denzin, Norman K. and Yvonne S. Lincoln, The Discipline and Practice of Qualitative Research, in Norman K. Denzin and Yvonne S. Lincoln (eds), *Handbook of Qualitative Research*, Sage Publications: Thousand Oaks, California, 2000, pg. 3.

population census data. My reliance on quantitative research was minimal because representative samples in studying a subject as complex illegal immigration and the problems it poses, are often not reliable means to arrive at any definite conclusions. In my opinion, quantitative research, which "emphasise the measurement and analysis of causal relationship between variables, not processes,"[7] was not ideally suited to sites of research, as the Assam and West Bengal borderlands, where the power of human emotions over-rides all other sentiments. Applying a quantitative approach of inquiry, in which representative sample is the king, would have failed to capture the mosaic of problems that illegal immigration or cross-border movement of peoples across international boundaries pose. I, therefore, relied on a synthesis of journalistic investigative reporting techniques and the qualitative mode of enquiry to dig for empirical information and then analyse those inputs.

My position as in "insider", who spoke the same language – Bengali – or its dialects that are spoken in the borderlands as well as in Bangladesh helped me a great deal. The knowledge and use of Bengali not only gave me access to the migrants and their families, it also opened up other doors – trust and confidence between the researcher and the researched could be established because of shared language. In Nellie, for example, one old Bengali-speaking Muslim addressed me as *dadu bhai* or "dear grandson". Some wept openly, some laughed and joked casually, some expressed anger (not directed at me) and a host of other emotions that I believe would not have come to the fore in a bland and strict interview setting, even if it was conducted in Bengali. The shared mother tongue put the researcher and the researched on an even keel, broke down barriers and power structures, if there was any in the first place, and -- I hate to say it – produced excellent results.

Such results were a little mixed when I found myself to be an "outsider" -- a Hindu in a village dominated by Muslim immigrants or natives Muslims. Cordiality was not in question. What was in question was the immigrants' recognition of the researcher as "not

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[7] Ibid. pg. 8.

one of us". But such problems were overcome and resolved by the intervention of native Indian Muslims who acted as competent intermediaries and interpreters of cultures.

I did encounter a problem with data. Not only because of the lack of it, but also because of the plentitude and, by extension therefore, its unreliability. There multiple agencies and government departments in India that deal with border issues, including border management, illegal immigration, cross-border smuggling, and Islamic fundamentalism with cross-border linkages. The Indian federal government as well as the state governments of Assam and West Bengal employ their respective agencies to keep a vigilant eye on the border and its allied activities. Each of these agencies come up with varied data and information – the number of Bangladeshi illegal immigrants estimated to be have entered the country since 1971, the number of illegal immigrants and "border violators" apprehended annually, the number of migrants deported to Bangladesh, and the number of those who "disappeared" even after the country with valid travel documents. There is, however, one unifying feature of these documents: all consider illegal immigration to be a threat to India's integrity greater than any other threat experienced or perceived in the past. Above all was the "spin" that each political party gave to the data, thereby muddying the waters further; all proclaim that each and every restrictive measure adopted has been paying rich dividends; but all admit that illegal immigration nevertheless continues unabated.

As part of the original proposal for the field project I had included in my itinerary to look at the problem of illegal immigration from the Bangladesh side as well by visiting some of the migration-prone areas in that country. However, as my work progressed in India, and I interacted with a cross-section of Indian academics, civilian bureaucrats, politicians, border security forces, local police, common people in the border regions and the migrants themselves, I was invariably advised to abandon the idea of visiting and conducting fieldwork in Bangladesh.

Bangladesh has persistently refused to accept the reality of the influx of its nationals to India and has rebuffed all Indian attempts to repatriate Bangladeshi illegal immigrants

intercepted at the point of their crossing the border or after their entry into India. I was warned that as far as the Bangladesh government was concerned, immigration was a taboo word and anyone wanting to focus on the movements of Bangladeshi nationals into India was bound to offend the government of that country and come to grief. In the wake of the general elections in October 2001, the Hindu minority community was subjected to state-sponsored atrocities that drove Hindus in thousands to the bordering states of India for shelter. Bangladeshi and western journalists and human rights activists who had focused on the plight of the religious minorities and their flight to neighbouring India were arrested, tortured and jailed without trial on charge of "tarnishing the image of Bangladesh". In the given situation, I considered discretion as the better part of valour and resisted the temptation of visiting Bangladesh by crossing the border illegally as, it was but certain that the Bangladesh authorities would not have issued visa in connection with my research assignment. In view of these constraints, I had to be satisfied with Bangladesh census reports and papers written by Bangladeshi academics and demographers and also interviewing a limited number of Bangladeshi nationals invited and brought over to the Indian side. For obvious reasons of their security, they have not been named.

The fieldwork was completed in four phases. The first phase involved setting up and conducting interviews with Indian federal government officials, political party leaders and officers of the security agencies. The second phase was taken up traveling and conducting interviews with borderlanders and immigrants settled in the three border districts of Murshidabad, Nadia and North 24 Parganas in West Bengal. The third phase took me to the border districts of Dhubri and Karimganj in Assam, when I also covered parts of the West Garo Hills the border region in Meghalaya. In the fourth phase, I collected texts and published accounts from the archives of newspapers in Calcutta, Guwahati and New Delhi, besides scouring the Internet for additional facts and information.

Scheme of the field project report

Each chapter of this field project examines one or more dimensions of the problems of illegal immigration from Bangladesh. Chapter 1 discusses and analyses the different theoretical models of international migration: the whys and hows of population global movement. In this chapter I have also drawn a comparison of the differences and the similarities between the migration of Mexicans to the United States and of Bangladeshis to India, besides developing a limited theory on illegal immigration in the Indo-Bangladesh context.

Chapter 2 explores the structural and psycho-cultural causes of the problem of illegal immigration by examining how Partition not only imposed a border on a region that had not earlier known an international boundary, but how Partition shaped and hardened identities – of Hindus of India and of Muslims of East Pakistan and, since 1971, of Bangladesh. In more ways than one, Chapter 2 shows how the roots of the problem had and always has been seen through the Partition prism. Chapter 3 examines deals with several issues at the same time: the beginnings of the emergence of the "push and pull forces" of migration, the 1971 civil and Indo-Pakistan wars in Bangladesh that gave birth to a new country in India's east and how the cataclysmic events forced millions to migrate to India to escape violence, war, destitution and hunger. The Bangladesh liberation war produced migrants in their millions. That process of mass human movement has not ended.

Chapter 4 exclusively addresses the powerful "push and pull" factors by identifying the economic and political reasons that force people to leave their homelands for foreign climes. Among these forces are persecution of ethnic and religious minorities in a predominantly Muslim country, how martial law regimes institutionalised policies of Islamisation of the Bangladesh constitution and resorted to repression that created an atmosphere of fear and suspicion in the minds of the ethnic and religious minorities that ultimately led them to decide in favour of emigrating. The chapter then focuses on ineffective border control by Indian authorities that make it easy for potential migrants to cross over to India. I have devoted an entire chapter (Chapter 5) to the politics of illegal immigration in India. The chapter examines how political parties encouraged

immigration for reaping electoral benefits. In fact, political patronage and protection to Bangladeshi immigrants, even by legal means, is perhaps the most insidious pull factor and negates all efforts by the Indian federal government to stop illegal immigration. The chapter then goes on to highlight the Bangladesh's strategy of denial and its refusal to take back its own nationals when Indian border guards physically pushed them back across the border.

In discussing the extent of the immigration, Chapter 6 analyses the Bangladesh and Indian population census data to show the abnormal growth of population in Indian border districts of Assam and West Bengal as opposed to less than normal growth of population in the contiguous districts in Bangladesh, suggesting consistent in-flow of people into India. Chapter 7 explores the emerging conflicts in the region and how they have the potential of turning violent and intractable. Chapter 8 makes some policy recommendations to the Bangladesh government and to the Indian state particularly for it is the one that regards illegal immigration as a threat to its security and stability. The field project is rounded up by Chapter 9 which considers an evaluation and monitoring programme for the intervention/recommendations suggested in the previous chapter.

Literature Review

The problem of illegal immigration from Bangladesh to India burst forth on to the mainstream political and academic discourse in 1992 with the deportation of 132 Bangladeshi nationals across the Indo-Bangladesh border. Ever since, the subject has remained mired in controversy. Occasioned by knee-jerk political, bureaucratic and security reactions, manifest in the physical "push back" of aliens from time to time, the issue has failed to receive the holistic and comprehensive treatment it deserves. Although there is a wide corpus of literature on international immigration, focused on nearly every conceivable aspect and feature of the Mexico-United States model, there is a near-total dearth of any scholarly effort to study the problem of illegal immigration from Bangladesh to India in its entirety both in India and Bangladesh. There are some publications that are products of the ideological anxieties of far-right political parties.

There is a greater emphasis on the plight of refugees in the wake of the Partition of India in 1947.

Nevertheless, some Indian and western scholars have attempted to address the problems associated with undocumented trans-border migration and their conflict potential in a communally polarised Indian socio-cultural, socio-religious and socio-political structures. Baruah (1999, 1994, 1986) focused on the social, economic, cultural and political consequences of immigration from Bangladesh to Assam and how it contributed to the mobilisation of Assamese identity and formation of a distinct Assamese micro-nationalism or sub-nationalism. Baruah's seminal work (1999) drew the history of immigration in Assam, when it was a part of pre-Partition undivided Bengal, the anxieties of the ethnic Assamese to the migration of Bengali-speaking Muslims from areas that are now part of Bangladesh.

Hazarika's works (1993, 2000), written in a style characteristic of journalists, follows the broad thematic scheme outlined by Baruah, but he limits himself to identifying the problems that illegal immigration caused for Assam – perceived threat to Assamese culture and identity and the rise of militant nationalism and insurgencies. His central thesis is that though illegal immigration from Bangladesh to India is a reality, the attitude of journalists, academics, officials and politicians to brand every Bengali-speaking Muslim as an illegal immigrant "borders or xenophobia and skepticism is necessary if we are to look at such emotive issues with rationality and common sense." Hazarika has interviewed a few migrants in Assam and residents of Kurigram district in Bangladesh to draw a conclusion that contiguity is a key factor in the decision of Bangladeshis to migrate. Unlike Baruah, however, Hazarika (2000) goes a step further to suggest a limited set of recommendations which he believes would curb the in-flow of Bangladeshi immigrants. By restricting themselves to their state of origin – Assam – Baruah and Hazarika have revealed how the researcher's own identity plays an important role in their decision to choose their sites of research.

Markedly similar to Baruah's and Hazarika's approach is that of Verghese (1997). But the main shortcoming in Verghese's account is that he relies completely on newspaper reports and other published literature. It is singularly devoid of qualitative analysis based on fieldwork or face-to-face interaction with immigrants. But Verghese cannot be blamed for such lacunae: he looks at the factors that have caused the many insurgencies in India's north-east and has kept it in state of perennial turmoil and emasculated the region economically.

Some western scholars like Weiner (1978, 1983, 1995) and Teitelbaum (1984) have focused on the Bangladeshi immigration into Assam, leaving out West Bengal altogether from their studies. Although they make for stimulating and refreshing reading, the omission of West Bengal by both Weiner and Teitelbaum is surprising considering the fact that since 1971 the east Indian state has had to take the brunt of the illegal immigration from Bangladesh. Assam was a natural choice for western researchers because the conflict between foreigners and natives was broke out there first in a pluralist Indian society.

Only recently, some scholars like van Schendel (2005) have taken a more holistic approach to explain the historical and contemporary causes of immigration from Bangladesh to both West Bengal and Assam. Van Schendel's painstaking effort in compiling an exhaustive study, complete with detailed notes and citations, is yet to hit the stands in India, but his books and articles clearly reveal his grasp of the subject. He should be lauded for his effort to study an issue from the perspective of what he calls "borderlanders" – border communities, including migrants, who, since Partition, have been bound up not only with the struggles of negotiating territorial control over the border, but also "with a multiplicity of identities, old and new, that borderlanders juggled in their efforts to make sense of a new situation and shape a future for themselves." Van Schendel's thesis is that "the state's pursuit of territoriality – its strategy to exert complete authority and control over social life in its territory – *produces* borders and makes them into crucial markers of the success and limitations of that strategy…Territoriality actively encourages the 'zero-sum games' that characterize

geopolitical, national and border conflicts." Essentially, van Schendel has tried to give a voice to the borderlanders and their daily travails, including their counter-strategy of defiance and ignorance of the border.

Samaddar (1999) is perhaps the only Indian scholar who has attempted to analyse the connected issues of illegal immigration and national security in the context of West Bengal. In his narrative format, peppered with theoretical inputs, Samaddar has tried to focus on a wide range of issues: the migrants as a "marginalised nation" and the dynamics of the push and pull forces in operation in Bangladesh and West Bengal; and the migrants as labour and a part of what he calls "historically influenced flows" and prompted by "historical and social affinities, geographical contiguity, and the economic imperative". His work, he claims, is "written in an activist and interventionist mode", but makes for excruciating reading, laden as it is with abstractions and platitudes. He is also mute when it comes to identifying the insidious political machinations of the Communist Party of India-Marxist in encouraging illegal immigration in a state the party has been governing for the past 30 years. The complete omission of such a strong pull factor appears to have been made by strategic considerations than a simple overlooking of facts.

While the works of the scholars noted above have been able to distance themselves from a state-centric approach to the problem of illegal immigration, over the past few years, the national security and national interest paradigms have received some attention. Nandy (2003, 2004) considers the massive immigration from Bangladesh as a "demographic invasion" of India. He is relentless in his trenchant criticism of the Indian federal government for its half-measures in controlling the border and believes that the Government of India's kid-glove approach toward such a critical issue bespeaks a lack of political will on the one hand or even actual disinclination in resolving the problem. He is unsparing toward the political parties – the Congress and the CPI-M – whom he holds responsible for encouraging and proliferating illegal immigration on a scale that has adversely affected the country's economy, society, culture and polity, which, if ignored, could lead to cessation of parts of India's east and north-east. But Nandy also sees Bangladesh's undeclared policy of getting rid of it unwanted and excess population as

one of the more important factors of human displacement and forced migration in the region. Constructed within the national security framework, Pramanik's (2005) argument is that illegal immigration from Bangladesh is a result of the stark failure of Bangladesh to evolve as a secular, multi-cultural polity.

If there is a paucity of literature on the India side, there is a complete lack of it on the Bangladesh side. Except for some brave attempts by a miniscule minority of Bangladeshi scholars to highlight the flight of Hindus, academics of that country have totally ignored – willingly or otherwise – the migration of Muslims to India. Most scholarly works, for instance that of Siddiqui (2003), have restricted themselves to concentrate on the "safe" terrain of migration of skilled Bangladeshi labour to countries other than India. This omission is, perhaps, guided by the status policy of denying that there is any out-migration from Bangladesh to India. In contrast, there is a body of literature, notably that of Barakat et al (2000), that has analysed and explained how laws like the Enemy Property Act in East Pakistan and the Vested Property Act in Bangladesh dispossessed millions of Hindus and drove them to seek shelter in India. Others like Goswami and Nasreen have undertaken research to project how cultural prejudices against Hindus contributed toward discrimination. Demographers such as Begum (1979, 1990) have not minced words about the reasons why Hindus has population has come down drastically in Bangladesh since 1971.

A few other scholars like Ahmad (1995), Zaman (1996) and Khan (1982), besides some government officials have, however, written extensively on the economic and environmental factors within Bangladesh that cause internal (rural-urban) and external (cross-border) migration – extreme poverty, landlessness, rural unemployment, natural calamities, poor agricultural reforms and a general economic backwardness.

A most valuable corpus of historical writings is available on the social, economic and political effects of Partition and the flight of refugees from Indian to East Pakistan and from East Pakistan to India between 1947 and 1965. Chakrabarti's (1999) treatment of the plight and hopelessness of Partition refugees, especially Hindu refugees from East

Bengal/East Pakistan, is vivid and incisive. He book is substantive in its scholarship and exhaustive in basic research that applies Marxian tools of historical analysis to chart the course of the influx of refugees and their quest for attaining recognition and membership in the new Indian state. Others like Das (2003) have carried forward Chakrabarti's work to assess the Indian government's response to refugee crises it was faced with between 1947 and 1965. Chimni (2003) describes and examines the legal status of refugees in India, including those who arrived from East Pakistan/Bangladesh, and explores the validity of the reasons why India has not acceded to be a signatory of the 1951 UN Convention on the Status of Refugees and the 1964 Protocol relating to the Status of Refugees.

There is a major gap in the analysis of the problem and its political, security, economic and social consequences for India and Bangladesh that this project has attempted to address. My fieldwork and this report has not only analysed the problem from different angles (quantum of migration, causes of migration, the affected areas in Assam and West Bengal, problems created by migration for the host country and the humanitarian aspect), but has also been prescriptive in the sense that it has come up with some policy recommendations and a definitive plan of action to resolve and prevent violent conflicts from emerging. The core argument contained in this report has been developed on the need for an interactive approach at conflict prevention and the futility of pursuing a narrow policy construct.

The available published texts and analyses have confirmed my findings on the ground, supplemented the information unearthed in the course of the field research, and provided news ideas that I have tried to elaborate on, and reshaped and reconfigured to infuse textual and informative richness into my account. This report is shaped by my identity as a student of conflict resolution and conflict prevention. In that capacity I have analysed the problem not merely as a demographic phenomenon whose consequences on regional economic, social, and political stability need not be overstressed, but as a coexistence problem between adherents of two great religions. This report is the product of three months of fieldwork which, I believe, is wholly inadequate to address one of history's

worst demographic experiences in one of the world's most pluralist and multi-cultural regions. There is an urgent need for intensive and extensive laboratory-like research and analysis of the problem in other parts of India's north-east, namely Meghalaya and Tripura which have so far escaped the attention of social scientists, ethnographers, conflict resolution experts and demographers.

Chapter 1

International Migration: Some Theoretical Frameworks

Immigration is an almost imperceptible process of population movement across national boundaries. But it comes into public focus and informs a debate when its economic, political and social pressures are acutely felt in countries that receive millions of migrants fleeing their countries of origin because of extreme poverty, unemployment, environmental disasters, state repression, persecution and violence. The contemporary history of migration – legal and illegal – in the 20th and 21st centuries suggests that the movement of humans in millions has been "truly global"[1] in that people have moved from less developed to more developed countries, either by crossing land borders or across oceans. Toward the end of the 20th and the beginning of the 21st centuries, a new form of migration process within developing countries took centrestage, not only because of the massive flow of people, but also because of the conflicts they engendered in the less developed word, forcing western scholars to view the process as inherently destabilising and a crisis of state and how both sending and receiving states respond to emigration/immigration crises.

This chapter deals with the various theoretical underpinnings that govern migration processes worldwide and attempts to find a causal correlation between the push and pull forces of immigration and conflict. More specifically, this chapter analyses the theories of migration, with special emphasis on illegal migration and its consequences on host countries. While much has been written on illegal immigration from Mexico and other Hispanic countries to the United States, and from less developed countries of Eastern Europe to the more economically advanced regions of Europe, very little attention has been paid to unauthorised immigration in South Asia, especially from Bangladesh to

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[1] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins College Publishers: New York, 1995, pg. ix.

India, over the last three decades. Based on the theories of immigration and empirical data that has emanated from this research project, it will be my endeavour to build a theory of immigration in the Bangladesh-India context and to show that economics apart, there are other considerations as to why people risk their lives to leave Bangladesh to immigrate to India, whether a distinction ought to be made between refugees and economic migrants, and whether they are entitled to citizenship. I have discussed separately the role of the Indian state and its response to illegal immigration and what it can do to contain out-migration from its eastern neighbour in chapter 8.

A Critical Analysis of the Theories of Migration

The major reasons to migrate to another country can be grouped into two broad categories: economic and non-economic, and the factors that actually encourage a migrant to move can be categorised as "demand-pull, supply-push and network forces."[2] There is a large corpus of literature on the economics of migration in which the economic differentials within and between countries force migration, as well as theoretical works by political scientists on the ways in which conflicts within countries generate migrant and refugee flows. Each of these broad theoretical frameworks has its comparative strengths and limitations and, therefore, cannot be looked at in isolation in any given situation. There is no common and accepted theoretical framework because "social scientists do not approach the study of immigration from a shared paradigm, but from a variety of competing theoretical viewpoints fragmented across disciplines, regions and ideologies."[3]

The Economics of Migration

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[2] Martin, Philip L., Sustainable Migration Policies in a Globalising World, *International Institute of Labour Studies*, International Labour Organisation, Geneva, 2003, pg. 6.

[3] Massey, Douglas, Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino and J. Edward Taylor, An Evaluation of International Migration Theory: The North American Case, *Population and Development Review*, Vol. 20, No. 4, December 1994, pg. 700.

From the economic point of view, the main themes that have been addressed by economists and economic demographers are the circumstances and conditions that attract particular kinds of migrants and the factors that explain the propensity to migrate. Essentially, economic migration focuses on wage differences and the economic perspective regards international migration as a process of distribution of labour across international boundaries.

The "neoclassical" macro-economic theory posits that people migrate to other areas with a higher wage level. In the words of Massey et al, "traditional economics views international migration as a simple sum of individual cost-benefit decisions undertaken to maximise expected income through international movement."[4] Citing the works of L.A. Sjaastad, Michael Todaro and Lydia Maruszko, Massey *et al* go on to elaborate that "the difference between incomes expected at origin and destination, when summed and discounted over some time horizon and added to the negative costs of movement, yields the expected net gain from movement, which if positive, promotes migration."[5] This view considers migrants as rational choice actors who migrate to other countries due to cost-benefit calculations. According to the neoclassical theory, labour moves from low-wage to high-wage countries where they can expect the highest net gain.

While this theory does explain the flow of emigrants from less developed countries to the more developed countries in the west, where attempts have been made to relate immigration flows and individual emigration propensity to differentials in wages and incomes, it is applicable only partially in the Bangladesh-India immigration model. The phenomenon of immigration from Bangladesh to India is characterised not only by economic but other factors, especially political. Undoubtedly, millions of Bangladeshis have immigrated to India in search of work, even the most menial, and there have been large in-flows after the liberation of Bangladesh in 1971. The overwhelming majority of

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[4] Ibid. pg. 701.
[5] Ibid. Massey *et al* have drawn extensively from the works of Michael P. Todaro, A Model of Labour Migration and Urban Unemployment in Less-Developed Countries, *The American Economic Review*, 1969, Vol, 59, pp. 138-148; Michael P. Todaro and Lydia Maruszko, Illegal Migration and US Immigration Reform: A Conceptual Framework, *Population and Development and Review*, Vol. 13, 1987, pp. 101-114; L.A. Saajstad, The Costs and Returns of Human Migration, *Journal of Political Economy*, 1962, Vol. 705, pp. 80-93.

the migrants of peasant stock entered the agricultural labour workforce in Assam and West Bengal. They worked as farm hands, some even managing to own lands as their income levels improved. Over the years, however, because of a massive influx, concentrated largely in Assam and West Bengal, the pressure on land increased, reaching almost a saturation point in the two Indian border states. Since the mid-1990s, the majority of Bangladeshi immigrants have moved away from their traditional skills as agriculture labour to daily wage-earners at the lowest rung of the labour market ladder, working in Indian megacities and as far away as large urban centres in northern and western India either at the minimum wage rate or below. But alongside the Muslim economic immigrants, there are the Hindus whose flight from Bangladesh has been occasioned by factors like state repression, religious persecution, extreme violence, human rights violation and discrimination. I shall deal with the theoretical conceptualisation of this issue separately in this chapter.

The United States, one of the largest recipients of migrant labour from Mexico and other Hispanic countries, is an ideal example for testing the neoclassical theory. In neoclassical terms, the regional economic conditions are key determinants of population movement – legal and illegal – between Mexico and the United States. There is a high demand for labour in the United States, whereas there is a surplus of labour in Mexico prepared to work on wages as low as $6 an hour. This "stimulates" the movement of labour which is determined by average wages and labour market conditions in the host-country, and the cost of travel. Therefore, "uneven economic development among states and a severe maldistribution of income within states may induce individuals and families to move across international boundaries to take advantage of greater opportunities."[6]

A second theory, "the new economics of migration",[7] has also been developed from the western perspective on international immigration, though elements of it are true for the South Asian experience. According to this analytical model,

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[6] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins College Publishers: New York, 1995, pg. 134.
[7] Massey, Douglas, *et al*, An Evaluation of International Migration Theory: The North American Case, *Population and Development Review*, Vol. 20, No. 4, December 1994, pg. 711.

international migration stems from failures in other markets that threaten the material well-being of households and create barriers to their economic advancement…The new economic model does not posit complete and well-functioning markets…Given the relatively higher wages in developed countries, international migration offers a particularly attractive and effective strategy for minimising risks and overcoming capital constraints.[8]

The theory appears to be consistent with an economic push force that hypothesises that "individuals who migrate from one location to another are responding to fluctuations in economic conditions. Individuals are most likely to emigrate when economic conditions decline."[9] By analysing data on the apprehension of illegal Mexican entrants in the US labour market between 1948 and 1972, Craig Jenkins concludes that the "basic pattern of this emigration is that of a society in transitional modernisation, experiencing rapid population growth unmatched by expansion of rural or urban economic opportunities."[10] In the context of Europe too, some migration flows are determined by economic disparities between countries. Particularly advanced countries with "flourishing economies, high demand for labour and high wage levels become attractive for migrants from countries with high unemployment rate, low wage levels and stagnating economies."[11]

A similar scenario prevails in Bangladesh where a variety of factors – extreme poverty, landlessness among a considerable section of the rural population, rural unemployment and a very high rate of population growth – have caused large numbers of economic emigrants to move to India (See Chapter 3 for a detailed discussion on the economic push factors). The new economic theory holds that migrants, again acting as rational choice actors, move from a less developed to a more developed country to "self-insure against

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[8] Ibid.

[9] Jenkins, Craig A., Push/Pull in Recent Mexican Migration to the U.S., *International Migration Review*, Vol. 11, No. 2, Summer 1977, pg. 179.

[10] Ibid. pg. 186.

[11] Fassman, Heinz and Rainer Munz, Patterns and Trends in International Migration in Western Europe, in Heinz Fassman and Rainer Munz (eds), *European Migration in the Late Twentieth Century: Historical Patterns, Actural Trends, and Social Implications*, Edward Elgar Publishing Limited: Aldershot (UK), Vermont (USA), 1994, pg. 17.

risks to income, production, and property, or to gain access to scarce investment capital".[12] But this is far from the truth in the case of the Bangladeshi immigrants who barely eke out a subsistence existence doing marginal jobs. Typically, they are not in the lookout for accumulating property or investment capital. "For most, the dominant identity, at least for the moment, is human beings whose basic need is to fill their stomachs."[13] The slums of Seemapuri and Yamuna Pushta in east Delhi, where there are huge clusters of rudimentary tenements housing thousands of undocumented migrants from Bangladesh, are interesting sites for further testing of the new economic theory in the larger context of international migration from a "poverty-stricken country" to a developing country where the demand for cheap labour is limited to undesirable jobs that very few Indians living in urban centres would do.

Opposed to the neoclassical and new economic theories of international migration is the dual labour market or segmented labour market theory[14] which holds that international migration is essentially because of a constant demand for foreign labour and is "built into the economic structure of advanced industrial countries."[15] Capitalist economies have a segmented labour market in which the primary sector produces jobs with security or tenure, high pay, generous benefits and good working conditions. It is the secondary sector, marked by insecurity, poor pay, limited or no benefits and poor and hazardous working conditions in which foreign immigrant labour is pushed into because these jobs are not taken up by locals or natives. The main hypothesis built around this theory is that economic conditions in industrialised countries necessitate established occupation hierarchies in which there is a demand for unskilled labour who are given access to the bottom of the labour market with little prospects of inter-sector mobility. A study by Alejandro Portes and Robert Bach[16] found that sections of the Mexican and Cuban

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[12] Massey, Douglas, *et al*, An Evaluation of International Migration Theory: The North American Case, *Population and Development Review*, Vol. 20, No. 4, December 1994, pg. 711.

[13] Lin, Sharat G and Madan C. Paul, Bangladeshi Migrants in Delhi: Social Insecurity, State Power, and Captive Vote Banks, *Bulletin of Concerned Asian Scholars*, Vol. 27, No. 1, 1995, pg. 10.

[14] Piore, M.J., *Birds of Passage: Migrant Labour in Industrial Societies*, Cambridge University Press: Cambridge, 1979.

[15] Massey, Douglas, *et al*, An Evaluation of International Migration Theory: The North American Case, *Population and Development Review*, Vol. 20, No. 4, December 1994, pg. 715.

[16] Portes, Alejandro and Robert L. Bach, *Latin Journey: Cuban and Mexican Immigrants in the United States*, University of California Press: Berkeley and Los Angeles, 1985. Quoted in Massey, Douglas, et al,

migrant workers entered the secondary labour market in the United States and, at times, they formed what has been described as the "ethnic enclave" or a form of ethnic solidarity that strengthened the social networks and in turn attracted and promoted new immigrants. The same trend is noticeable in the case of Europe where the "labour markets have become increasingly internationalised by attracting and integrating labour migrants from Europe's peripheries and from overseas"[17] such as the countries of eastern and southern Europe, the Balkans, Turkey, and some North African countries like Algeria, Morocco and Tunisia.

Closely allied to the three macro- and micro-economic theories of international immigration stated above is the world systems theory which hinges on the argument that migration is caused by sectoral and institutional imbalances between three distinct geographical zones – the core, the semi-periphery and the periphery. According to the world systems theory, international migration "flows directly from the globalisation of the market economy."[18] Pointing out that the "leading conceptual account of the forces that promote emigration from developing countries is the world systems theory,"[19] Massey argues that

> contemporary immigration flows originate in the social, economic, political, and cultural transformations that accompany the penetration of capital markets into non-market or pre-market societies. In the context of a globalising economy, the entry of markets and capital intensive production technologies into peripheral regions disrupts existing social and economic arrangements and brings about the displacement of people from customary livelihoods, creating mobile population of workers who actively search for new ways of earning income, managing risk, and acquiring capital. In the short run, international

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An Evaluation of International Migration Theory: The North American Case, *Population and Development Review*, Vol. 20, No. 4, December 1994, pg. 718.

[17] Fassman, Heinz and Rainer Munz, Patterns and Trends in International Migration in Western Europe, in Heinz Fassman and Rainer Munz (eds), *European Migration in the Late Twentieth Century: Historical Patterns, Actural Trends, and Social Implications*, Edward Elgar Publishing Limited: Aldershot (UK), Vermont (USA), 1994, pg. 29.

[18] Massey, Douglas, *et al*, An Evaluation of International Migration Theory: The North American Case, *Population and Development Review*, Vol. 20, No. 4, December 1994, pg. 722.

[19] Massey, Douglas, International Migration at the Dawn of the Twenty-First Century: The Role of the State, *Population and Development Review*, Vol. 25, No. 2, June 1999, pg. 304.

migration does not stem from a lack of economic development, but from development itself.[20]

But Aristide Zolberg, who took elements from the "modified" world-systems approach and state theory to project population movement trends in the late 20th and early 21st centuries, said in 1989 that although global inequalities have left "no corner of the globe…restructured by market forces, uprooting the last remnants of subsistence economies and propelling ever growing numbers to search for work," it is usually states who are the "determinitive factor" in population movement.[21] Elsewhere, Massey and Zolberg *et al* have said that the United States and Europe, in pursuit of capital accumulation and unhindered access to markets and natural resources, have used diplomatic and military means to protect and ensure the continuation of their economic and business interests, continued penetration of markets in developing countries, and communication networks that contributed to global population movements.[22] The world systems approach is a derivative of the Marxist approach to international migration. According to the Marxist approach, "imperialist expansion can provide an outlet for surplus populations as well as a source of labour during periods of growth in capitalst economies…Migration is the direct consequence of inequalities that result from the process of capital accumulation and class differences, within and among nations."[23] The essence of the Marxist interpretation of international migration is that capitalist states import cheap foreign labour as a means to bring down the wage levels within those states.

The increasing spatial mobility of peoples on the move, while being caused by a combination of economic forces based on the rational choice of individual migrants, is perpetuated in time and space by migrant networks. While the economic theory of migration posits trans-national movement of labour, the networks theory holds that

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[20] Ibid.
[21] Zolberg, Aristide R., The Next Waves: Migration Theory for a Changing World, *International Migration Review*, Vol. 23, No. 3, Special Silver Anniversary Issue for 90's, Autumn 1989, pp. 403-405.
[22] Zolberg, Aristide R, Astri Suhrke and Sergio Aguayo, *Escape from Violence: Conflict and The Refugee Crisis in the Developing World*, Oxford University Press: New York, 1989.
[23] Hollifield, James F., Migration and International Relations: Cooperation and Control in the European Community, *International Migration Review*, Vol. 26, No. 2, Special Issue: The New Europe and International Migration, Summer 1992, pg. 571.

family members of individual migrants move simultaneously or they follow in stages after one member relocates himself in the destination country. Both migrants and their family members are dependant on the networks already existing in host society that help them to adapt to the new conditions in an alien land. In the words of Massey *et al*, "migrant networks are sets of interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas through ties of kinship, friendship and shared community origin."[24]

These networks help to lower the costs of movement, raise benefits, mitigate risk factors, such as apprehension by law enforcement authorities, and transmission of information to family members prior to their movement. These networks not only help in strengthening and solidifying diaspora numbers, but also "constitute a valuable form of social capital that people draw upon to gain access to employment and high wages".[25] In the case of unauthorised immigration from Bangladesh to India, migrants networks are part of a larger social milieu which prospective migrants draw upon as individuals or groups to cross the international border and to settle down. Both Hindu and Muslim migrants take the help and assistance of their co-religionists already settled in India. In Assam and West Bengal, for instance, they form clusters of easily identifiable and well-known migrants' colonies located either very close to the border or in the interior areas of border states or even further afield in the country's far-flung metropolises.

It was found in the course of the field research that once they cross the border illegally, Hindu migrants from particular districts of Bangladesh establish links either with fellow villagers or with those belonging to the same district of origin in Bangladesh. So, migrants from a certain village in Khulna district along the Indo-Bangladesh border were found to take advantage of the economic and social network support extended to them by other migrants or their relatives from the same district who had come over earlier. Likewise, a Muslim from Rajshashi district in Bangladesh would be more prone to "contact" members professing his faith and living in the bordering district of

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[24] Massey, Douglas, et al, An Evaluation of International Migration Theory: The North American Case, *Population and Development Review*, Vol. 20, No. 4, December 1994, pg. 728.
[25] Ibid.

Murshidabad in India. At times, Muslim migrants receive support from their Indian co-religionists. Officers of the Indian Border Security Force (BSF) disclosed that mosques in border villages and districts are often used as support structures by migrants. Although it was difficult to establish such linkages, academics, law enforcement officers and politicians agreed that Muslims migrants enjoyed a religious advantage in that they could project elderly Indian members of their faith as "fathers" and "mothers" when census enumerators or the police came knocking on their doors while carrying out exercises to detect "Bangladeshi infiltrators" (read illegal immigrants). Some Hindu immigrants who, apart from their regular jobs, also double up as border brokers, who help potential migrants to cross the Indo-Bangladesh land border for a consideration, only assist Hindus leaving Bangladesh.

Massey *et al* have carried forward the networks theory to formulate the theory of "cumulative causation" which "refers to the tendency for international migration to perpetuate over time, regardless of the conditions that originally caused it."[26] According to this view, migration creates networks which in turn generate new migrations and the process gradually becomes independent from the original causes and conditions. It assumes an independent and self-sufficient character and with the growth and extent of migrant networks the process displays a strong tendency to continue thereby channeling a steady stream of departure (from a sending country) and arrival (to a receiving country).

Besides the analytical models shaped by neoclassical economics, new economics, segmented labour market, world-systems, migrant networks and the cumulative causation theories, there other frameworks which governs the principles that cause international migration. One of them is the relationship between demography and migration that is based on the assumption that rapid and heavy population growth in one region leads to migration to a less populated area. But Myron Weiner is of the opinion that the "relationship between rapid population growth and emigration is a complicated one, not

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[26] Ibid. pg. 733.

easily encompassed by the simple notion that one necessarily leads to the other."[27] Weiner contends that "population growth is clearly an intervening variable, in itself rarely a cause, but in combination with other factors, it can be a force for emigration."[28] These factors, as in the case of Bangladesh, are extreme levels of poverty, uneven and unequal distribution of wealth, landlessness, declining wages, rural unemployment, environmental and natural disasters, and deteriorating economic conditions.

Role of the State: Internal Reasons and Foreign Policy

Scholars, essentially political scientists, believe that economics apart, the worldwide phenomenon of migration is to a large extent the result of forces of globalisation in world trade, transportation and communications. But they also agree in the dynamics of state policies "that encourage or force emigration in pursuit of various political, economic and foreign policy objectives."[29] Some others are of the opinion that "foreign policies have frequently served (often unintentionally) to stimulate international migration. In particular, foreign military or political interventions, or internal or external responses to intervention, often result in mass migrations."[30] Massive out-migration also takes place when domestic economic or political conditions deteriorate into economic desperation, large-scale internal repression, or the rise of totalitarian regime.

The repressive and discriminatory measures taken by the Pakistani regime immediately before and during 1971 led to the mass exodus of million of refugees to India, of both Muslims and Hindus, from East Pakistan before the birth of Bangladesh. The1971 war of liberation and the India-Pakistan war later the same year followed the pattern of "internally generated economic and political instability, or both, followed by externally induced pressures or intervention intended either to exploit or to reverse that growing

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[27] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins College Publishers: New York, 1995, pg. 11.
[28] Ibid.
[29] Ibid. pg. 25.
[30] Teitelbaum, Michael S., Immigration, Refugees, and Foreign Policy, *International Organisation*, Vol. 38, No. 3, Summer 1984, pg. 433.

instability."[31] Foreign policy as an instrument favouring international immigration has been employed by the United States vis-à-vis Mexico to attract temporary Mexican labour. Likewise, in the Sixties and Seventies West Germany and other European countries signed treaties with source countries for the admission of "guest workers". Conversely, some of the Caribbean countries, Mexico and the Philippines have employed foreign policy pressures to facilitate out-emigration. The United States, where "immigration, foreign policy and national security are closely intertwined," foreign policy has induced migratory movements, especially during the Cold War era.[32]

States often encourage out-migration for the remittances generated from the income of migrants living abroad. Although Bangladesh denies out-migration of its population to India, it is quite candid about the emigration of Bangladeshi nationals to others parts of the globe, including the United States, Great Britain and other European countries, South East Asian countries and those of West Asia, including the Gulf sheikhdoms. Between 1976 and 2002, over 3 million Bangladeshis have migrated overseas in search of employment and the "data on remittance flows to Bangladesh show an annual growth of 10 per cent for the past 25 years…A significant portion of remittances also reaches Bangladesh through unofficial channels" called *hundi*.[33]

On a more controversial plane, sending countries have often pursued repressive and discriminatory measures that have led to forced migration of populations, especially the vulnerable ethnic and religious minorities. The flight of Hindus and the Buddhist Chakmas from Bangladesh is a case in point and it had direct consequences for the receiving country – India. The ethnic and religious minorities of Bangladesh fled their home country when the "integrity" [34] of their person was threatened and crossed over the

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[31] Ibid.

[32] Franzblau, Kenneth J., *U.S.Immigration and Foreign Policy*, Research Paper, U.S. Commission on Immigration Reform, October 1997, pg. 11-12.

[33] Siddiqui, Tasneem, *Migration as a Livelihood Strategy of the Poor: The Bangladesh Case*, Paper presented at the Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia, Dhaka, June 22-24, 2003, pg. i.

[34] Davenport, Christian A., Will H. Moore, Steven C. Poe, Sometimes You Just Have to Leave: Domestic Threats and Force Migration, 1964-1989, *International Interactions*, Vol. 29, 2003, pg. 27.

permeable border into India where they expected conditions to be better. Weiner is of the opinion that

> most of the world's population flows since World War II did not merely happen; they were made to happen. For the governments of sending countries, emigration may serve a variety of political objectives. Emigration can be a solution to the problems of cultural heterogeneity. It can be a device for dealing with political dissidents, including class enemies. And it can be a mechanism for affecting the domestic and foreign policies of other states.[35]

Across the globe, examples abound of how states have sought to achieve cultural homogeneity by forcing out ethnic communities. In Rwanda, the dominant Hutus resorted to genocidal practices to eliminate or drive out the minority Tutsis; in the former Yugoslavia, the Serbs carried out ethnic cleaning of Bosnian Muslims and Croats. While the expulsion of the Tutsis was an overt form of ethnic cleansing, other states have employed covert or undeclared means to achieve population and cultural homogeneity. Such means were adopted against the Tamils of Sri Lanka, the Kurds of Turkey, Iran and Iraq, and the Chakmas and Hindus of Bangladesh. I have separately dealt with the emigration of Chakmas and the Hindus in Chapter 3.

Although Bangladesh would deny any such intention of forcing emigration, the out-migration of its population belonging to both the ethnic and religious minorities as well as that of poor and unemployed mass of Muslims amounts to dumping of its unwanted and excess population. Weiner says that "governments facing unemployment within the majority community" and an antagonistic but a "prosperous, well-placed minority" regard their expulsion as a "politically popular policy."[36] This has understandably led to making a distinction between Hindus as refugees fleeing Bangladesh for the safety of a Hindu India and the Muslims emigrating because of economic reasons. Inherent in the Indian discourse is the underlying belief that Bangladeshi Hindus can remain in India, but

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[35] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins College Publishers: New York, 1995, pg. 29.
[36] Weiner, Myron, Security, Stability and International Migration, *International Security*, Vol. 17, No. 3, Winter 1992-1993, pg. 99.

the Muslims, who are described as "infiltrators," should be repatriated or deported to Bangladesh. In the absence of an appropriate state response or policy toward the massive immigration from Bangladesh, certain sections of Indian politicians and officials are concerned by the demographic and economic consequences of immigration and the conflicts that it is likely to generate because of xenophobia, backed up by rightwing nationalist parties and the past history of violent conflicts between natives and migrants.

Security/Stability Approach of States:

As a consequence of the sending state's role in encouraging or facilitating emigration, the receiving state's response to immigration is significant in any discussion of the analytical frameworks explaining international migration. These responses are guided by the "security-stability"[37] and "national interest"[38] frameworks that are invariably tied up with the concept of sovereignty, border control measures, questions of assimilation, and economic, social and political concerns, not to speak of incendiary demographic and communal issues when a greater proportion of the immigrants belong to a religious denomination different from the native majority community. The security/stability framework is essentially a "realist" interpretation of the associational link between international relations and international migration in which states contend that they are sovereign and "thereby have the power to protect and defend territorial integrity…The notion of sovereignty includes the legal right of states to regulate entry into (if not the departure of any individual from) the national territory. From this perspective, states will regulate migration according to their 'national interests'".[39] These national interests may include a range of issues – from population, labour markets and human capital, to issues of ethnicity, race, culture, and religion. More importantly, the security/stability approach, supported by views that consider the illegal immigration from Bangladesh to India as a

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[37] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins College Publishers: New York, 1995, pg. 131.
[38] Franzblau, Kenneth J., *U.S.Immigration and Foreign Policy*, Research Paper, U.S. Commission on Immigration Reform, October 1997, pg. 1
[39] Hollifield, James F., Migration and International Relations: Cooperation and Control in the European Community, *International Migration Review*, Vol. 26, No. 2, Special Issue: The New Europe and International Migration, Summer 1992, pg. 568.

demographic invasion, has put the Indian state on a collision course with Bangladesh, leading to the emergence of inter-state and intra-state conflicts.

A central issue is the legality of the migration. As a rule, it is the host country that imposes restrictions on illegal immigration and most of its concerns stem from the unauthorised entry of undesirable migrants. In India, as long as there was a need for skilled agricultural migrant labour from Bangladesh, the issue of illegal immigration was of little interest to the host communities in Assam and West Bengal because these societies were "quite willing to admit such migrants".[40] But immigration from Bangladesh of the illegal kind began to be resented when political parties as well as officials began to regard immigration of Bangladeshis as a threat to India's security, economic well-being, political stability, and cultural identity. Weiner points out that "governments want to control the entry of people and regard their inability to do so as a threat to sovereignty." Such threats are either perceived as real or reasonable or the result of paranoia and mass anxieties. The problem is compounded when the issue at stake is controlling or stopping illegal immigrants who, in India, are perceived to be a threat to the state's security.

Who then are illegal immigrants and how do they constitute a threat to a country's security? According to Vernon Briggs, illegal immigrants can be classified into two kinds. One group enters a country "in a surreptitious manner".[41] In the context of border crossings into India, illegal entrants from Bangladesh simply swim, row, climb or walk over some stretch of the land and riverine border. They cross over as individuals or in groups. In certain cases, for instance when there is a heavy presence of border guards, or when they have to encounter physical barriers such as barbed wire fencing, they take the help of border borkers or human smugglers/traffickers for a monetary consideration. Border crossings also made by bribing the border guards at the time of exit from Bangladesh and during entry into India. The common characteristic of this group of

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[40] Ethier, Wilfred J., Illegal Immigration: The Host-Country Problem, *The American Economic Review*, Vol. 76, No. 1, March 1986, pg. 57.
[41] Briggs, Vernon, Methods of Analysis of Illegal Immigration into the United States, *International Migration Review*, Vol. 18, No. 3, Special Issue: Irregular Migration: An International Perspective, Autumn 1984, pg. 623.

illegal entrants is that they do not possess appropriate travel documents – passports, visas. In other words, their entry remains undocumented and their very act of entering India without being inspected renders them as being classified as illegal immigrants.

The second group of persons described as illegal immigrants are those that cross the border at well-established check posts manned by immigration authorities. They present valid travel documents. But once inside India, they either violate their visa terms by overstaying or simply disappear into the vast multitude of India's population. There are some persons who present forged documents to seek successful entry.

The unifying characteristic of both these categories is that they are rarely apprehended. The failure to arrest illegal immigrants from Bangladesh is partly because the migrants belong to the same ethnic, linguistic, religious and cultural, making their detection well neigh impossible as they melt into India's multi-cultural society in which they take advantage of the migrant networks to seek jobs, bring over their families – also by illegal means – and to settle down, never to return. Almost as a rule, illegal immigrants use their initial time of arrival to India to transform themselves as Indian residents – of "becoming Indian" -- by procuring, through the migrant networks, fake or even genuine certification of proof of Indian residency or citizenship. Unlike in the United States or other western countries where there are tighter controls over issuing residency proof or citizenship documents, in India no such complications arise because of their easy availability. These are supplied, for a consideration, either by touts within the migrant networks or by political parties who seek to take advantage of the migrants' vulnerability to induce them into becoming captive vote banks.

Since most of the illegal immigrants are Muslims, the response of the Indian government and its largely Hindu citizenry toward them is "they are not one of us", while their response toward the Hindus has been more sympathetic as they are perceived to share the same religion, and some have even gone to extent of classifying the Hindus as refugees who emigrated because of a well-founded fear of persecution in Bangladesh. The Hindus are then identified as members of the in-group. The Hindus who immigrated to India

during the Partition of 1947 and for almost 17 years since then were admitted into the Indian fold and granted citizenship. The Muslims stand out as the threatening "Other" and, therefore, regarded as a political threat or a security risk. However, both Hindu and Muslim refugees who did not return to Bangladesh after its liberation in 1971, and those who continue to immigrate to India are labeled as illegal immigrants, though the attitude towards the Hindus is softer when compared to the "infiltrating" Muslims who cannot enjoy the status of refugees because they are economic migrants.

This has given the debate over illegal immigration from Bangladesh to India and New Delhi's response to the problem a moral and ethical dimension which Teresa Sullivan describes as "the ethics of immigration".[42] Ideally, migration ought to be regarded as beneficial for both the sending and receiving countries. It is beneficial for the sending country because it helps to tide over the problem large-scale unemployment and brings in remittances. On the other hand, it is considered advantageous for the receiving country as it is a way to get over labour shortages. But the security/stability argument introduces the moral dilemma of whom to admit and absorb and whom to expel, whom to assimilate and whom to separate. In the Indian context, the "moral crisis"[43] assumes greater importance because most of the illegal immigrants have now obtained all the trappings of Indian citizenship by means fair or foul.

Is Immigration from Bangladesh to India Different?

On the face of it, immigration from Bangladesh to India has certain obvious similarities with the Mexico-United States model in terms of the nature and extent of the movement of peoples across international boundaries. According to research by Samuel Huntington, despite strong restrictive policies by successive US administration, there was no let up in illegal immigration from Mexico through the 1990s and the trend does not seem to have abated in the first few years of the second millennium. Huntington writes that the

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[42] Sullivan, Teresa A., Immigration and the Ethics of Choice, *International Migration Review*, Vol. 30, No. 1, Special Issue: Ethics, Migration and Global Stewardship, Spring 1996, pg. 95.
[43] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins College Publishers: New York, 1995, pg. 18.

"estimates of the total number of illegal immigrants in the United States rose from four million in 1995 to six million in 1998 and eight to ten million by 2003…Illegal immigration is, overwhelmingly, Mexican immigration."[44]

In the Indian case, although there is a lack of reliable data and statistics on the number of Bangladeshi illegal immigrants, various Indian officials have estimated – "guesstimates", if you will – the presence of 15-20 million illegal immigrants from Bangladesh since 1971. Assuming that this estimate is a close approximation, the influx into India is overwhelmingly Bangladeshi and pales the in-flow of other foreign immigrants into insignificance. The presence of an estimated 2.5-3 million Nepalese,[45] the next largest group of foreign immigrants after the Bangladeshis, or that of Bhutanese is nowhere near as close to that of the Bangladeshis. Illegality marks the very nature of both the Mexican and Bangladeshi immigration into the United States and India, though in the Indian case the estimated numbers are almost two times that of America and is considered a burden in an already overpopulated country. Both the Mexicans and the Bangladeshis cross land borders to immigrate to the United States and India, respectively.

The other area of similarity between the United States and Indian models of immigration is that a huge majority of the immigrants (in the United States, there is a sizeable chunk of legal migrants) in both the cases are economic migrants, though in India most of the Bangladeshis are employed not in the industrial sector, as the Mexicans are in the United States, but in the agricultural sector with a good number being unskilled labourers employed in jobs considered marginal and undesirable by the natives.

The distinguishing characteristics of the two immigration models takes into account the identity and ethnic backgrounds of the migrants. While the Mexicans are Hispanics and Catholics in a largely Anglo-Protestant setting of America, the Bangladeshis, primarily

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[44] Huntington, Samuel P., *Who are We?*, Penguin Books: New Delhi, 2004, pg. 225.
[45] Unlike the Bangladeshis, under an Indo-Nepal treaty of 1950, the Nepalese have a right to work and settle in India, and Indians in Nepal. Moreover, under the same agreement, the Indo-Nepal border is an open one with few travel restrictions for Indians and Nepalese. The Nepalase immigrants are spread over Assam, West Bengal, Sikkim, Uttar Pradesh and Bihar -- Indian states which are either close to the Indo-Nepal border or share the border with Nepal.

the Muslims, have shared ethnic, racial, religious and linguistic similarities with the Bengali-speaking Muslims of West Bengal, though their markers of identity are different from the Assamese and other parts of India where they are concentrated. In India, there are an estimated 5-6 million Hindus who emigrated from Bangladesh because of religious persecution, state repression and discrimination and communal violence.

Leaving aside the question of illegality, the immigration from Bangladesh to India is unique. There is near-total lack of analytical literature backed up by theoretical frameworks to explain what some in India consider as the world's worst immigration crisis. Some western scholars like Myron Weiner and Michael Teitelbaum have focused on the Bangladeshi immigration into Assam, leaving out West Bengal altogether from their studies. Only recently, some scholars like Willem van Schendel[46] have taken a more holistic approach to explain the historical and contemporary causes of immigration from Bangladesh to India. In India, there has been only limited research of a patchwork nature by taking Assam[47] and West Bengal[48] as case studies, with some scholars exclusively highlighting the social and political problems that each of the two states faced. Besides these, there are some publications that are products of the ideological anxieties of far-right political parties. Other scholarly works have dealt with the refugee problem that India and East Pakistan encountered after the Partition of 1947.

Notwithstanding the dearth of India-specific immigration literature, a limited theory of what leads Bangladeshis to emigrate to India can be developed on the basis of data and information gathered in the course of my field research in Assam and West Bengal. I do not claim that the theory is by any means complete. It is a mere effort to understand in theoretical terms what moves people from a poor country to another developing country where there are no sure guarantees of "making it good" or even bringing about any significantly qualitative improvement in conditions and welfare. Further research on

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[46] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005.
[47] See Sanjib Baruah, *India Against Itself: Assam and the Politics of Nationality*, Oxford India Paperbacks: New Delhi, Second impression, 2003; Sanjoy Hazarika, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Pengun India Books: New Delhi, 2000.
[48] Samaddar, Ranabir, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999.

Bangladeshi migrants in India, the ways and standards of their living and those of borderlanders could give better insight into the problem and help develop a more acceptable theory of migration in the Indo-Bangladesh context.

As a general principle, people do not leave their homes and hearths for an alien destination unless it becomes absolutely necessary on account of unbearable economic, social or political conditions in their homeland, or they consider it imperative to migrate for enhancing their livings standards or securing their future. In the context of Bangladesh, the vast majority of the migrants come from the lowest economic stratum where lack of employment opportunities and social welfare force starvation on the marginalised people. For the sake of securing sheer existence, starving millions from Bangladesh move out and the destination of this migration is mostly India-specific for reasons of physical proximity, relatively easy and less expensive travel and familiar and friendly socio-cultural milieu that exist across the border. Relatively skilled and "white collar" Bangladeshi labour with higher educational and professional qualifications and expertise also migrate to the more developed western or Asian and South East Asian countries in search of better economic opportunities than what Bangladesh can offer.

The vast majority of the Bangladeshi migrants being illiterate and/or unskilled, seek and find employment mainly in the rural sector as farm labourers at wages lower than the legally enforced minimum wages fixed for the indigenous agricultural workers. On account of their illegal status, they are vulnerable to blackmailing pressure and tactics that force them to work at smaller wages. Even in a state governed by Marxist parties, the contemporary rulers have turned a blind eye to the fact that the capitalist mode of production puts a premium on migration because it allows employers to dilute the power of citizen-workers who demand higher wages and better working conditions than the alien workers can afford to do. The political consideration of West Bengal's ruling Leftists to build up captive vote banks has prompted them to encourage and welcome migrants from the neighbouring country in the east, no matter how adversely it may have impacted on agricultural wages. And, this at a time, when in the industrial sector of the same state the Marxist trade union entity, Central Industrial Trade Union (CITU) has

consistently and systematically indulged in irrational industrial disputes pressing the demand for absurdly high wages which has led to closure of innumerable industries and capital flight from the state. In other words, the wage differentials between the indigenous workers and the migrants reinforced by the political consideration of securing captive voters are important pull forces operating in the border states of India for the Bangladeshi migrants.

Viewed from another angle, the persistent and continuous migration in waves from Bangladesh is related to factors beyond mere availability of employment opportunities. The Dhaka-centric, relatively prosperous middle-country in Bangladesh has not attracted labour from the economic backward Bangladesh borderlands. Compared to Dhaka and Bangladesh's second largest urban centre, Chittagong, and the areas thereabouts, Calcutta and the surrounding industrial belt, as well as their agricultural hinterland, are closer to the economically lean rural border districts of Bangladesh.

It is generally the case that "the further people move from their home areas the greater will be the contrast in social and cultural environments between which they move." [49]Moreover, socio-culturally the areas on both sides across the border are more homogenous than the border districts in Bangladesh and its interior districts. For example, linguistically the border districts of Bangladesh like Khulna, Bagerhat, Satkhira and Jessore will be more akin to Calcutta and the contiguous North 24 Parganas and South 24 Parganas district than to Dhaka, Chittagong, Noakhali and Rajshahi in Bangladesh. For all these reasons, a prospective Bangladeshi migrant finds it practically and psychologically a more acceptable proposition to migrate to the border areas of West Bengal rather than move internally to distant places within Bangladesh itself. For them, emigration to a nominally foreign country is easier and less expensive than internal displacement to relatively strange areas and climes within the homeland. Contiguity, therefore, breaks through international boundaries and imposed borders as in the case of the 4096-kilometer-long porous Indo-Bangladesh border. Contiguity not only blurs the

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[49] Parnwell, Mike, *Population Movements and the Third World*, Routledge: London and New York, 1993, pg. 16.

border but also solidifies and strengthens trans-national communities which states try to separate by their restrictive polices of border enforcement and other security-specific control measures.

Over the past 35 years or so, the continuity of Bangladeshi immigration to India has built on itself. It has been the result of a process which, in effect, can be explained by the synthesis of economic theories and statist policies outlined above. We now turn to an analysis of the problem of illegal immigration in the historical and contemporary contexts, how it generated conflicts in the region and how the problem has further potential for exacerbating violent conflicts in the region.

Chapter 2

Partition: The Great Divide

Bad borders make bad neighbours. Ever since Sir Cyril Radcliffe[1] drew the eastern border that created India and East Pakistan, the lives of the inhabitants of what was once undivided Bengal (that also included Assam) has never been the same again. With the "phoenix-like emergence"[2] of two new states – Pakistan and India -- violent upheavals spurred on by Partition riots between Hindus and Muslims and bloody carnage that left millions dead, to three wars, the birth of Bangladesh under violent circumstances, and now the rise of nascent radical Islam, the Gangetic region has also been a fluid arena of uncontrolled immigration from Bangladesh to India. Population movements date back to even before Partition, but since 1947 out-migration from the territory that was the former East Pakistan have not only been caused by conflicts but, in the 21st century, have the potential for causing conflicts. This study focuses on the massive illegal immigration from Bangladesh to India between 1971, when Bangladesh liberated itself from Pakistan, and now. But the root cause of migration was Partition, devised on the basis of the "two-nation" theory, and which subsequently shaped the history of migration, forced and otherwise, in India's East and North-east.

As Willem van Schendel points out, any study of the "Bengal borderland must start from this event (of Partition)" for two reasons. In van Schendel's words, "Partition coincides with the birth of the Bengal borderland" and, secondly, "the border has always been

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[1] A British colonial lawyer who headed the Bengal Border Commission just before the 1947 Partition. He is credited to have "arbitrarily" drawn the border that divided the two Bengals -- West and East – with the East going to Pakistan and the West becoming a part of India. Radcliffe was given only six weeks to draw the border to separate the Mulim majority areas from the non-Muslim. The Radcliffe award was officially declared on August 17, 1947, three days after the birth of Pakistan and two days after India came into being.

[2] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 24.

looked at through the lens of Partition"[3] as it came to be viewed that the "border assigned a state identity to people on the basis of where they lived".[4] Van Schendel, as also other Partition scholars, is right. Indeed, even a study of the problem of illegal immigration from Bangladesh to India cannot but dwell on the complexities that Partition brought forth in the lives of the people of the two Bengals where "disruption was overwhelming and almost all people were directly and personally affected".[5]

The Partition border was drawn over the hearts and minds of the inhabitants of undivided Bengal without their knowledge and "its creation took the people who now found themselves to be living in a borderland by surprise".[6] The focus of Schendel's study of the Bengal borderlands has been state-specific – the "strategy of territorialising state power and sovereignty"[7] – and his treatment of the issue of immigration has been defined in terms of popular strategies of "ignoring and defying"[8] the border. In his incisive study, van Schendel has pointed out that prior to Partition, Bengal (comprising both East and West) was one composite unit – spatially, politically, socially, economically and culturally.

Van Schendel argues that Radcliffe's ominous line not only hindered the free flow of people, but also hampered the economics of the region which was – and still is – largely dependant on agriculture and agricultural labour, and trade and commerce undertaken over land and a network of rivers that criss-cross the Gangetic plain. Under such conditions, when the Parition border was imposed on the region, the "people found their social world truncated, their relatives and neighbours turned into foreigners and their livelihoods threatened by unwelcome new arrangements"[9] by the governments of Pakistan and India. As suddenly as the border was drawn, the people who, till 1947 had

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[3] Ibid.
[4] Ibid. pg. 191.
[5] Ibid. pg. 25.
[6] Ibid. pg. 2.
[7] Ibid. pg. 5.
[8] Ibid. pg. 118.
[9] Ibid.

"always been highly mobile and expansionary",[10] became international migrants overnight.

PHOTO 1: A pillar demarcating the Indo-Bangla border at Gobindopur village, Karimganj, Assam. The photographer in the background has stepped into Bangladesh territory.

Other scholars like Prafulla Chakrabarti, have viewed Partition and the resulting exodus of millions of Hindus from East Pakistan to India from the Hindu perspective and described it as one of the most "tragic episodes of contemporary history" and an "agonisingly protracted process" which began with the "Noakhali riots (as also in Tippera, later to be renamed Tripura) of 1946 and continues to this day".[11] Van Schendel, who insists on taking a nuanced approach, is of the opinion that the border did not separate Hindus and Muslims; it was created as part of the "two-nation" theory to separate Muslims and non-Muslim majority areas.[12] Neither does he agree with the view that the Partition was a Hindu-Muslim divide which he considers to be a "false assumption"[13] contained in the Partition literature and "reveals the bias of the dominance of nationalist perspectives".[14] On the other hand, Suranjan Das has sought to identify both popular participation in riots and institutionalised politics of the Indian National Congress and the Muslim League as responsible for the Hindu-Muslim violence in

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[10] Ibid. pg. Ibid. pg.. 210.
[11] Chakrabarti, Prafulla K. *The Marginal Men*, Naya Udyog, Calcutta, 1999, pg. 1.
[12] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 40.
[13] Ibid. pg. 47.
[14] Ibid.

undivided Bengal and the resulting Partition and migration to and from East Bengal and West Bengal.[15] He writes: "Muslim and Hindu community consciousness had assumed a distinct political identity, nourished by propaganda and hardened by the riots of the 1940s".[16]

Das' explanation of the communalism of the 1940s is in line with the Batesian competition model of ethnic and group mobilisation. Das points out that a "rising Muslim elite challenged the entrenched position of the Hindu *bhadralok* (Bengali middle class professionals and the landed aristocracy). The result of this elite competition was mobilisation along communal lines". Das refers to Rajat Ray's work to expand this model as "competition for jobs between the 'centre' (Calcutta) and (the) 'periphery' (the hinterland) in a colonialist framework (that) initiated modern communal tensions in Bengal which later led to the communal political movements".[17] This is distinctly close to Robert Bates' competition model. Bates says that "ethnic groups represent, in essence, coalitions which have been formed as part of rational efforts to secure benefits created by the forces of modernisation – benefits which are desired but scarce".[18]

But to argue that competition for scarce resources among Hindus and Muslims led to their political mobilisation would be to miss the popular perceptions of communalism and the role played by Geertzian primordialism in identity formation and group mobilisation. While Das is of the view that "communal animosities are primarily motivated by conflicts over power and economic resources"[19], pre- and post-Partition literature is replete with accounts of political mobilisation among Hindus and Muslims who were

[15] Das, Suranjan. *Communal Riots in Bengal: 1905-1947*, Oxford University Press, New Delhi, 1993, pg. 207.
[16] Ibid. pg. 213.
[17] Quoted from Suranjan Das' *Communal Riots in Bengal: 1905-1947*, Oxford University Press, New Delhi, 1993, pg. 9, where he cites Rajat Ray's *Social Conflict and Political Unrest: 1875-1927*, Delhi, 1984.
[18] Bates, Robert. Modernisation, Ethnic Competition and the Rationality of Politics in Contemporary Africa, in Donald Rothchild and Victor A. Olunsorola (eds), State Vesus Ethnic Claims: African Policy Dilemmas, Westview Press: Boulder, Colorado, 1983, pg. 152.
[19] Das, Suranjan. *Communal Riots in Bengal: 1905-1947*, Oxford University Press, New Delhi, 1993, pg. 10.

"abnormally susceptible to serious disaffection based on primordial attachments".[20] Joya Chatterjee, whose work has largely concentrated on Hindu communalism, suggests that "Hindu communalism of the *bhadralok* had little to do with primordial loyalties, popular cultures or 'pre-bourgeois' modes of consciousness. Nor was it an instance of deliberate and cynical manipulation of ancient hatreds by an elite for their own ends". She concludes that "neither the 'primordialist' not the 'instrumentalist' approach, therefore, adequately explains the phenomenon of *bhadralok* communalism in Bengal."[21] In fact, ancient hatreds, demonising the Muslim "other" and reliance on sacred symbols which had emotive power and significance, were reinforced and played out in the Hindu political discourse as a means for not only constructing the Hindu identity but also for political mobilisation on communal lines. In highlighting the shift from Hindu nationalism to Hindu communalim, Chatterjee herself sites passages from acclaimed Hindu Bengali writers of the time – Saratchandra Chattopadhyay and Bankimchandra Chattopadhyay – for whom Hindu culture was superior to that of the Muslims.[22]

PHOTO 2: A Bangladeshi village, Naseempur, in Zakiganj sub-division of Sylhet district across the Kushiara river. The international border runs through the midstream. Picture taken from a boat in Karimganj.

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[20] Geertz, Clifford, The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States, in *The Interpretation of Cultures*, Basic Books: New York, 1973, pg. 259.
[21] Chatterjee, Joya, *Bengal Divided: Hindu Communalism and Partition, 1932-1947*, Foundation Books, New Delhi, reprint 2002, pg. 267.
[22] Ibid. pg. 173-174.

Primordial attachments, in the words of Geertz, are the "assumed givens…of social existence: immediate contiguity, and kin connection mainly, but beyond them the givenness that stems from being born into a particular religious community, speaking a particular language (as the differentiation was sought to be made by Bengalis who fought for liberation from Pakistan which had tried to impose Urdu over the people of East Pakistan), or even a dialect of a language and following particular social practices."[23] Geertz goes on to state that "in modernising societies, where the tradition of civil politics is weak and where the technical requirements for an effective welfare government are poorly understood (as in immediately before and after the formation of India and Pakistan), primordial attachments tend to be repeatedly…proposed and widely acclaimed as preferred bases for the demarcation of autonomous political units".[24] Primordial "discontent"[25] among both Hindus and Muslims brought about Partition in 1947 and, as we shall see later, was "proposed and widely acclaimed" in Pakistan in the 1950s and the 1960s against the minority Hindus who, though having preferred to stay back in that country after the tumultuous upheavals of separation, were forced to emigrate because of religious persecution or discrimination.

Clearly, Partition did not serve to either manage or resolve conflicts – both between the two new states or the people inhabiting them. If anything, communalism, defined by Robert Melson and Howard Wolpe, as "the political assertiveness of groups…(whose) membership is comprised of persons who share in a common culture and identity…and (who) tend to be differentiated by wealth, power and status"[26] exacerbated not only the inter-state and communal conflicts, but also led to large scale immigration from East Pakistan and subsequently Bangladesh in droves. Chaim Kaufmann has argued in favour of partition as a means to end ethnic civil wars.[27]

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[23] Geertz, Clifford, Geertz, Clifford, The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States, in *The Interpretation of Cultures*, Basic Books: New York, 1973, pg. 259.
[24] Ibid. pg. 260.
[25] Ibid. pg. 261.
[26] Melson, Robert and Howard Wolpe. Modernisation and the Politics of Communalism: A Theoretical Perspective, *The American Political Science Review*, Vol. 64, No. 4 (December 1970), pp. 1112-1130.
[27] Kaufmann, Chaim, Possible and Impossible Solutions to Ethnic Civil Wars, *International Security,* Vol. 20, (Spring 1996).

In his critique of theorists approving of and disagreeing to the usefulness of partition, Nicholas Sambanis says that "ethnic civil wars…are characterised by strong and fixed identities, by weak ideological and strong religious overtones, by the dissemination of tales of atrocities to strengthen mobilisation and by easy recognition of identities and the existence of only limited scope for individual choice. Therefore, once war starts…all members of the group must be mobilised because other ethnic groups will inevitably recognise them as enemies. This inescapable destiny reinforces the dynamics of war and must lead to partition…"[28] Kaufmann has argued that partition ensures that successor states are homogeneous and, therefore, stable. But Sambanis, who defines partition as a "war outcome that involves both border adjustment and demographic changes",[29] counters this view, saying that "even if successor states were homogeneous, the mobilisation perspective of ethnic conflict would suggest that, unless partition is accompanied by regime or leadership reform, there is no guarantee that ethnic groups in successor states will not be mobilised into another war against residual minorities".[30]

In his analysis of a data set of 125 partition cases, Sambanis concludes that "separating ethnic groups does not resolve the problem of violent ethnic antagonism",[31] and that is exactly what happened in East Pakistan and later on in Bangladesh where Hindus continued to be persecuted and where violent communal riots recurred. Van Schendel has pointed out that while the exodus from Punjab "has become the touchstone of Partition migration"[32] in the sense that the population exchange in 1947 was "swift, massive, ruthless and almost complete…the movement of Bengali Hindus from East Pakistan to West Bengal…was less intensely dramatic because it started later, extended over a much longer time, and was less complete".[33] This difference is primarily because the communal conflagration in the west was much greater, the violence more widespread and the killings more barbaric than what the East experienced. But for the refugees of the East,

[28] Sambanis, Nicholas, Partition as a Solution to Ethnic War: An Empirical Critique of the Theoretical Literature, *World Politics* 52 (July 2000), pp. 437-483.
[29] Ibid. pg. 445.
[30] Ibid. pg. 441.
[31] Ibid. pg. 479.
[32] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 192.
[33] Ibid.

the communal experience and the movement to West Bengal, Assam and Tripura was just as "heart-rending and traumatic".[34]

In East Pakistan, a mobilised Muslim community, or "ethnic activists", and "political entrepreneurs" produced "rapid and profound polarisation"[35] between the minority Hindus and themselves by the use of "political memories, myths and emotions" which magnified the polarising effects, further "accelerating the vicious cycle of ethnic fear and violence".[36] The vicious cycle of fear engendered by "entrepreneurs of fear" would be "constructed through narratives, myths, rituals, commemorations and other cultural representations" by which a "demonised, dehumanised or otherwise threatening ethnically defined 'other'"[37] would be repeatedly created with ominous consequences even after the liberation of Bangladesh in 1971. As Sambanis points out, "population movements to partition states during or after civil war are coerced, painful and costly and they may sow the seeds of future conflict".[38]

The communal violence of 1946, marked by the Noakhali, Tippera and Calcutta riots,[39] led to a fresh exodus of Hindus from East Pakistan to India. While millions of Hindus and Muslims migrated to Pakistan and India in 1947 and through 1949, a series of anti-Hindu "pogroms"[40] that began in Bagerhat sub-division of Khulna district of East Pakistan in February 1950 hastened another phase of migration which came down like an "avalanche"[41] onto several cities in West Bengal, particularly Calcutta. The Khulna riots spread to other districts like Rajshahi, Dhaka, Barisal and Faridpur. Chakrabarti,

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[34] Ibid.

[35] Lake, David A and Donald Rothchild, Containing Fear: The Origins and Management of Ethnic Conflict, *International Security*, Vol. 21, No. 2 (Autumn 1996), pp. 41-75.

[36] Ibid. pg. 53.

[37] Brubaker, Rogers and David D. Laitin, Ethnic and Nationalist Violence, *Annual Review of Sociology*, Vol. 24, 1998, pg. 442.

[38] Sambanis, Nicholas, Partition as a Solution to Ethnic War: An Empirical Critique of the Theoretical Literature, *World Politics* 52 (July 2000), pg. 479.

[39] See Joya Chatterjee, *Bengal Divided: Hindu Communalism and Partition, 1932-1947*, Foundation Books, New Delhi, reprint 2002, pp. 303. Chatterjee says that at least 5,000 people died in the Calcutta Riots of 1946. The riot "was not a spontaneous and inexplicable outburst of aggression by faceless mobs. Both sides (Hindus and Muslims) came well-prepared for it…More Muslims than Hindus died in the fighting…" Pg. 232-233.

[40] Chakrabarti, Prafulla K. *The Marginal Men*, Naya Udyog, Calcutta, 1999, pg. 2.

[41] Ibid.

however, says that the "organised killings of Hindus and looting of their property" was widespread and the "February riots started a chain reaction of organised violence in both Bengals and this time it (migration) was not a one-way traffic."[42] Both the Indian and Pakistani governments followed what van Schendel describes as "expulsion"[43] of minorities from the border regions of either country.

Not only did Hindus flee in large numbers from the East to the West, "terrified" Muslims from West Bengal also crossed over to the "other side of the border".[44] There is, however, little documentary evidence to indicate the volume of out-migration of Muslims. According to one account, that gives an indication of the Muslim out-flow from eastern India, "258,117 Muslim evacuees who had migrated to East Pakistan came back by 1952".[45] In 1948, 55,337 Hindus were officially admitted into Indian government-run refugee camps (the estimated number of refugees by June that year had touched 1.1 million[46]) and by the end of 1949 there were and estimated 1.6 million refugees[47] in West Bengal alone. A letter from then West Bengal Chief Minister B.C.Roy to Indian Prime Minister Jawaharlal Nehru, impressing upon the country's first chief executive the "insignificant"[48] central financial assistance in refugee relief and rehabilitation, puts the number of refugees who arrived in West Bengal at 2.6 million.[49]

Following the communal massacres of 1950, the number of refugees who found shelter in refugee camps in West Bengal, Assam and Tripura was 120,148.[50] On the estimated number of refugees displaced because of the ceaseless communal violence between 1950 and 1951, the literature on Partition and its aftermath quote different figures of Hindus

[42] Ibid.

[43] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 98.

[44] Chakrabarti, Prafulla K. *The Marginal Men*, Naya Udyog, Calcutta, 1999, pg. 2.

[45] Das, Samir Kumar, State Response to the Refugee Crisis: Relief and Rehabilitation in the East, in Ranabir Samaddar ed. *Refugees and the State: Practices of Asylum and Care in India, 1947-2000*, Sage Publications, New Delhi, 2003, pg. 122.

[46] Chakrabarti, Prafulla K. *The Marginal Men*, Naya Udyog, Calcutta, 1999, pg. 1.

[47] Ibid. pg. 21.

[48] B.C.Roy's letter to Nehru, quoted in Prafulla Chakrabarti's in *The Marginal Men*, Naya Udyog, Calcutta, 1999, pg. 21, from Saroj Chakrabarti's *With B.C.Roy and Other Chief Ministers*, Publisher Rajat Chakrabarti, Vol. 1, pg. 109.

[49] Ibid, pg. 21.

[50] Ibid. pg. 2.

who fled to eastern India as refugees. Chakrabarti says that in the first three months of 1950, the total number of refugees was 150,000 and by the end of the year the figure had touched nearly 2.1 million. Before long, the "refugees constituted one-tenth of the total population of West Bengal".[51] There appears to be considerable discrepancy in the figures. That happened partly because of the Indian federal and West Bengal government's use of the terms "refugee" and "displaced" alternately to describe those who were forced to leave East Paksistan after August 15, 1947. Those who migrated before that date were referred to as "migrants". The two governments' use of the term "refugee" has not been very consistent, but those among the displaced who registered themselves to avail of the relief and rehabilitation benefits were labeled as refugees.

The central government's reticence at using the term refugee was partly because of the fact that India was (and still is) not a signatory to the 1951 United Nations Convention on Refugees. I shall elaborate on this further in Chapter (4) to underscore exactly what prevented the government from treating Hindus fleeing Bangladesh as refugees. Nevertheless, the Nehru-Liaquat Pact of 1950[52] sought to stem the two-way flow. The agreement between the prime ministers of India and Pakistan "stopped the population movement effectively" and thousands of Muslims who had crossed over to East Pakistan from West Bengal returned to reclaim their homes and landed property that had been occupied by Bengali Hindu refugees from across the border. Van Schendel is of the opinion that apart from police and bureaucratic measures to secure the border, the 1950 Agreement was a means to control not only the territories of India and Pakistan but also

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[51] Chakrabarti, Prafulla K. *The Marginal Men*, Naya Udyog, Calcutta, 1999, pg. 79. Chakrabarti has sited from the Census of India, 1951.
[52] Liaquat Ali Khan was the first Prime Minister of Pakistan. Known as the Delhi Pact, the 1950 Agreement was signed between Nehru and Khan on April 8, 1950 in Delhi. It stated that the "governments of India and Pakistan solemnly agree that each shall ensure, to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality". Quoted in van Schendel's Notes to Chapter 5, Securing the Territory, in *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 112.

the movement of people across the border. It was one of many "mechanisms of inter-state conflict resolution"[53] adopted at that time.

The 1950 Agreement notwithstanding, the steady flow of Hindu refugees into West Bengal and Assam continued through the 1950s. By implementing the Delhi Pact, about 600,000 "illegal migrants"[54] were sent back to East Pakistan, largely from Assam.

The cross-border movement of humans remained unrestricted till 1952 when the passport and visa regime was introduced between India and Pakistan. The new system was a "rather useful tool for securing the borderland" and allowed the two countries to "monitor (some) cross-border traffic but also to remove from their part of the borderland citizens from across the border who had entered the territory without authorisation".[55] By the mid-1950s, the migration from East Pakistan had become almost a trickle and with it the West Bengal government decided to close down all the relief, transit and refugee camps that existed in the state by March 31, 1958. Chakrabarti states that between October 1946 and March 1958, the total number of migrants, categorised as the "Old Migrants", was about 4.2 million (about 3.2 million of these stayed back in West Bengal and the rest dispersed to other Indian states) of whom only 792,000 had sought shelter in government camps.[56] Several thousand who emigrated between April 1958 and December 1963 were, however, not recognised as refugees to "discourage migration".[57]

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[53] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 93.
[54] Rajeshwar, T.V., Problem of Bangladeshi Migrants: Politico-Economic Study in the Historical Context, *The Tribune* (internet edition), February 17, 2003. Sourced from http://www.tribuneindia.com/2003/20030217/edit.htm#3
[55] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 95.
[56] Chakrabarti, Prafulla K. *The Marginal Men*, Naya Udyog, Calcutta, 1999, pg. 234-235.
[57] Ibid. pg. 235. Chakrabarti quotes an official figure of 55,000 such migrants.

PHOTO 3: A group of Hindu immigrants in conversation with the author near Machhlandapur in West Bengal's border district of North 24 Parganas.

But a fresh spate of communal violence in the 1960s in East Pakistan, coupled with atrocities and persecution by the army in that country drove more and more Hindus to flee India. "They continued to come endlessly"[58] and "from January 1964 the migration assumed formidable proportions",[59] forcing the West Bengal government to "reopen the camps and reactivate its rehabilitation machinery with newer responsibilities".[60] In fact, the then Indian Intelligence Bureau Director B.N.Mallick proposed a Prevention of Infiltration Programme whose implementation by the Government of India effected the repatriation of about 150,000 "illegal migrants" to East Pakistan between 1963-65. Following the communal disturbances in 1964, there was another round of exchange of properties between Hindus leaving East Pakistan and Muslims leaving West Bengal. Says one such Hindu migrant who crossed over in 1964:

> I moved from Jessore in Bangladesh to Kanupur village under Baduria police station of
> North 24 Parganas district in West Bengal after my father exchanged our property in our
> ancenstral village across the border with a Muslim family living here. That was in 1964.
> But my condition has not changed for the better. I now share this dilapidated house with a
> Muslim family that has Bangladeshi relatives coming over regularly, and illegally, for

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[58] Ibid, pg. 234.
[59] Ibid. Pg. 235.
[60] Das, Samir Kumar, State Response to the Refugee Crisis: Relief and Rehabilitation in the East, in Ranabir Samaddar ed. *Refugees and the State: Practices of Asylum and Care in India, 1947-2000*, Sage Publications, New Delhi, 2003, pg. 108.

any number of visits. I had thought I had seen the last of the *mians*[61] when I left the land

of my birth 40 years ago. But it seems that is not to be. I have as neighbours whose co-

religionists drove us out. I married Molly who, along with her parents, moved to India 13

years ago from her village in Rajshahi district of Bangladesh when she was barely 12.[62]

After the military take-over in Pakistan in 1958, the "opening up" of the Chittagong Hill

Tracts (CHT) was accelerated, and the construction of the Kaptai dam on the Karnaphuli

river caused the first batch of about 60,000 ethnic Buddhist Chakmas to flee to India.

After 1964, the resettling of Muslims from the plains in the CHT displaced thousands of

other Chakmas. The figures of Hindu refugees accounted for those who crossed over the

border at assigned checkposts. Tens of thousands crossed over at unmanned points and

did not register themselves as refugees. As early as 1952-53, one scholar points out,

"travel documents were forged to enter into West Bengal".[63] He sites a speech by the then

Governor of West Bengal claiming that no less than "25,000 persons had false migration

certificates" and that the "government was also aware of the attempts made by 'Pakistani

citizens' at illegally sneaking into Indian territory without valid documents."[64] That trend

was to continue well into the creation of Bangladesh and continues unabated to this day.

One of the principal reasons for the fresh flow of migrants, then dubbed by the Indian

government as "New Migrants",[65] was the 1965 Indo-Pak war and subsequently large

scale atrocities committed by the Pakistani army on Hindus, especially women, between

1968-69 which drove tens of thousands into India. A second more significant reason was

the incorporation and implementation by the East Pakistani regime of the Enemy

Property Act, 1965 which sought to dispossess Hindus of that country by branding them

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[61] The word *mian* is a derogatory term used by Hindus to describe a Muslim. This term is not only used by Hindus in West Bengal, but also by the ethnic Assamese and Bengali Hindus living in Assam to perjoratively describe Bengali-speaking Muslims from Bangladesh or those whom they consider as Bangladeshi illegal immigrants.

[62] Author's interview with Mihir Ranjan Kar, South Chatra, North 24 Parganas district, West Bengal, on July 13, 2005.

[63] Das, Samir Kumar, State Response to the Refugee Crisis: Relief and Rehabilitation in the East, in Ranabir Samaddar ed. *Refugees and the State: Practices of Asylum and Care in India, 1947-2000*, Sage Publications, New Delhi, 2003, pg. 121.

[64] Ibid. pg. 122.

[65] Chakrabarti, Prafulla K. *The Marginal Men*, Naya Udyog, Calcutta, 1999, pg. 236.

as enemies because Pakistan was at war with India. I deal with the subject in greater detail in chapter 3 where I refer to the operation of this discriminatory legislation even after the creation of a secular, multi-ethnic Bangladesh where the "consequences of being the enemy of Pakistan remained unchanged in the sovereign state".[66] A third important factor behind the massive in-flow of migrants was the civil war in leading up to the Bangladesh liberation struggle that was heavily cracked down upon by the Pakistani military and the war between the Indian and Pakistani armed forces that followed in December 1971 displacing millions. Though there is no official record of the number of migrants who crossed over immediately before and in the wake of the third Indo-Pak war, scholars are unanimous on the number: their estimate is 10 million! Inter-state and intra-state conflicts not only caused refugees, but as we will see in the next few chapters, refugees/migrants also caused conflicts.

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[66] Barakat, Abul (ed). *An Inquiry into the Causes and Consequences of Deprivation of the Hindu Minorities in Bangladesh Through the Vested Property Act: Framework for a Realistic Solution*, Prip Trust, Dhaka, July 2000.

<u>Chapter 3</u>

Bangladesh Liberation
War: Exodus of Millions

The 1947 Partition and the subsequent political and social reality of an international border had served to create not only two antagonistic states, but also peoples with "new identities" occupying a "divided landscape" where "relatives, friends, neighbours, colleagues and acquaintances simply disappeared, leaving the social fabric in tatters."[1] This process of separating peoples by creating boundaries around them where none existed before was hardened, but the border and attempts to secure it failed to deter migration into India from a state which was perpetually in the throes of political and social conflict.

The secession of East Pakistan as a new entity -- Bangladesh -- in December 1971 and the events that led up to the civil war added to the insecurity among both Hindus and Muslims, forcing millions of them to seek refuge in India – this time in West Bengal, Assam and Tripura – and millions more to escape the economic hardships that the already economically marginalised began to experience in Bangladesh. The Hindus of East Pakistan were the hardest hit. They had already been labeled as "enemies", their land had been appropriated by the execution of the Enemy Property Act and untold atrocities were committed against them, mainly on women by the Pakistan army. To top it all, the civil war between the nationalist forces fighting for secession and the Pakistani political elite and the military establishment, Pakistan's insistence on incorporating Islamic principles in governance, followed by political uncertainty in Bangladesh after the assassination of

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[1] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 118-119.

its founder Sheikh Mujibur Rehman[2] and the countrywide famine of 1974 made the social upheaval near-permanent, creating conditions for large scale displacement and migration of the dwindling minority Hindus as well as Muslims.

In the absence of democracy and prolonged period of martial law administration in Pakistan the military elite engineered communal riots as a means to manage crisis situations. The people of East Pakistan, aggrieved by the perceived ethnic discrimination against them by the Central government, wanted to get rid of the military rule that sharpened the crisis of identity among the Bengali masses who joined forces with Sheikh Mujib's Awami League and the "Six Point" autonomy movement[3] soon escalated into a full scale civil war. As the major power in the region, burdened by the influx of millions into its territory, India got involved in the intra-state conflict. It accelerated the civil war and Indian intervention in the circumstances described above. Pakistan's decision to force a military solution to the civil war resulted in a genocidal attack by the Pakistani army on the Bangladesh civilian population that "killed between 1 and 2 million Bengalis and raped some 200,000 girls and women"[4] and forced no fewer than 10 million people to cross over to India for shelter.

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[2] Sheikh Mujib is also referred to in Bangladesh as Banga Bandhu or friend of the Bengalis or friend of the nation.

[3] The Six-Point autonomy demand of the Awami League were: a) The Constitution should provide for a Federation of Pakistan and for a parliamentary system of government based on the supremacy of a directly elected legislature on the basis of universal adult franchise; b) The federal government shall be responsible only for defence and foreign affairs and currency; c) There shall be two separate currencies mutually or freely convertible in each wing of each region, or in the alternative, a single currency, subject to the establishment of a federal reserve system; d) Fiscal policy shall be the responsibility of the federating units; e) Constitutional provisions shall be made to enable separate accounts to be maintained of the foreign exchange earnings of each of the federating units, under the control of the respective governments of the federating units; and f) The government of the federating units shall be empowered to maintain a militia or para-military force in order to contribute effectively towards national security.

[4] Power, Samantha, *'A Problem from Hell': America and the Age of Genocide*, Perrenial, 2003, pg. 82. Power has characterised the 1971 carnage as a genocide. She quotes the then United States consul general in Dhaka, Archer Blood, as having said: "…We have chosen not to intevene, even morally, on the grounds that the Awami conflict, in which unfortunately the overworked term genocide is applicable, is purely and internal matter of a sovereign state."

PHOTO 4: A Hindu migrant from Bangladesh, Nanigopal Burman, in his cramped hut near Krishnanagar, Nadia district, West Bengal.

However, one of the principal structural – as also a psycho-cultural, psycho-social – causes of the massive out-migration was the adoption, under the military regime of General Agha Mohammad Yahya Khan, of a Legal Framework Order (LFO)[5] which "stipulated that the new constitution would have to provide for an Islamic republic in which laws repugnant to the Quran and Sunnah would not be admissible, though guarantees of religious freedom would be extended to minorities."[6] The LFO also determined that there would be no separate electorates for the religious minorities. But at the core of the proposed constitution was integrating political activity and the constitution to honour the Islamic nature of the state.[7] In fact, in the campaign for the December 1970 elections, after General Yahya Khan decided to restore civilian rule, "all the major (political) parties in the east accepted the principle of Pakistan as an Islamic republic with provisions for the impermissibility of laws repugnant to the Quran or Sunnah"[8] – a suggestion that even the secular party of Sheikh Mujib, the Awami League, did not shy away from claiming that the party's six-point autonomy demand would not jeopardise Islam. Indeed, Sheikh Mujib made his political moves in a calculated, rational manner: he played the secular card before coming to power; and although the first constitution of the

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[5] The LFO of 1970 set forth a number of basic principles and arrangements that would have to be honoured in the new constitution that would be drawn up after the general elections of December 1970.

[6] Sisson, Richard and Leo E. Rose, *War and Secession: Pakistan, India and the Creation of Bangladesh*, University of California Press, California, 1990, pg. 2.

[7] Ibid. pg. 24.

[8] Ibid. pg. 29.

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People's Republic of Bangladesh was nationalist, secular, democratic and socialist, Sheikh Mujib often played the communal card. Soon after the birth of Pakistan, he attended the meeting of the Organisation of Islamic Conference (OIC) in Lahore in 1973. Once Bangladesh was created, Sheikh Mujib's political duality did nothing to build confidence among members of the religious minorities.

After civil war erupted on March 25, 1971 and tens of thousands were displaced in East Pakistan, the most critical issue that the government of India was faced with was "not security but the flow of refugees".[9] Sisson and Rose write that:

> New Delhi had decided by early April to attempt to concentrate the refugees in camps close to the East Pakistani border rather than, as in the past, allowing them to move into India as *citizens* of India.[10]

The first streams of refugees/migrants, according to Sisson and Rose, were "Bengali Muslims of diverse backgrounds".[11] They comprised Awami League leaders and their supporters, Bengali Muslims in Pakistani army or police in East Pakistan, a substantial number of Bihari Muslims and a few West Pakistani civil and army officials fleeing from Awami League-controlled areas near the border. This flow of humans into India thus differed from previous migratory movements, which consisted almost exclusively of Bengali Hindus. It later consisted overwhelmingly of Hindus from the border districts of East Pakistan. Table 1 gives an indication of the extent, nature of the refugee crisis and the religious composition of the migrants:

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[9] Ibid. pg. 146.
[10] Ibid.
[11] Ibid.

TABLE - 1

1. **Total Influx**
   (as on April 31, 1971): 8,281,220
   In Camps: 5,737,264
   Outside Camps: 2,543,956

2. **Progressive Influx**

Date	Influx	Total
Week ending 17.4.71	119,566	119,566
24.4.71	536,308	655,874
1.5.71	211,554	867,428
8.5.71	704,792	1,572,220
15.5.71	827,447	2,399,667
22.5.71	972,264	3,371,931
29.5.71	316,419	3,688,350
5.6.71	1,294,442	4,982,792
12.6.71	784,380	5,767,172
19.6.71	136,267	5,923,439
26.6.71	372,559	6,325,998
3.7.71	215,448	6,541,446
10.7.71	288,414	6,733,076
17.7.71	37,336	7,021,490
24.7.71	74,178	7,058,826
31.7.71	231,975	7,133,004
7.8.71	202,278	7,364,979
14.8.71	451,486	7,567,257
21.8.71	238,061	8,018,743
28.7.71	---	8,256,804

3. **Communal composition**
   (as on August 16, 1971)
   Hindus: 6.971 millions
   Muslims: 541,000
   Others: 44,000

4. **Total Estimated Expenditure**
   For 8 million refugees for
   Six months @ Rs. 3 per day
   Per person Rs. 432 Crores (US $ 576 million)

5. **Total amount of assistance**
   Received/promised from
   Abroad as on August 30, 1971 US $ 146.85 million[12]

The Indian government's response was to stem the tide and stop the in-flow of refugees. "The government was not prepared to accept such a massive migration…and it considered essential to demonstrate to Pakistan that it was not even prepared to accept a large number of Hindu refugees again".[13] The enormity of the refugee crisis became obvious to then Indian Prime Minister Indira Gandhi when she toured the states of West Bengal, Assam, Tripura and Meghalaya where 330 camps had been established to care for the nearly 4 million refugees who had arrived by mid-May 1971. The estimated daily rate of arrival was 60,000. By June, the government reported to Parliament that about 4.7

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[12] Refugees from Bangladesh: Facts of the Refugee Problem, *Bangladesh Documents*, Ministry of External Affairs, Government of India, Printed at B.N.K. Press, Madras (Chennai), 1971, pg. 446.
[13] Sisson, Richard and Leo E. Rose, *War and Secession: Pakistan, India and the Creation of Bangladesh*, University of California Press, California, 1990, pg. 147.

million refugees had crossed over to India. And by the middle of July, the figure had swelled to 6.9 million spread over 1000 camps. The small state of Tripura, with an indigenous population of 1.5 million, had initially taken in 900,000 refugees.[14] Subsequently, as tension mounted and war became a distinct possibility, an estimated two to three million refugees poured into the state, threatening the internal stability of complex tribal political systems by seriously distorting the tribal-non-tribal population ratio".[15] Articulating her desire to put a stop to the refugee movement, hinting even at the possible use of force to prevent the massive human flow, the Indian Prime Minister told Parliament:

> So massive a migration, in so short a time, is unprecedented in recorded history. About three and a half million people have come into India from Bangladesh during the last eight weeks. They belong to every religious persuasion – Hindu, Muslim, Buddhist and Christian…Conditions must be created to stop any further influx of refugees and to ensure their early return under credible guarantees for their safety and well-being. I say with all sense of responsibility that unless this happens, there can be no lasting stability or peace on this subcontinent…We shall be constrained to take all measures necessary to ensure our own security and the preservation and development of our social and economic life.[16]

The refugee crisis had begun to take a toll on the country's economy, especially on West Bengal, Assam, Tripura. The tardy and slow response of the international community to Indian appeals for preventing a human tragedy shaped the Indian government's stand to use force to stop the migration of East Pakistanis and the fundamental objective of the return of all refugees. Such a stand was accompanied by the Indian government's diplomatic offensive, "charging that Pakistan's suppressive policies in East Pakistan constituted 'indirect aggression' against India by pushing millions of refugees into its territory".[17] At the same time, there was persistent refusal on the part of the Indians to

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[14] Lok Sabha Debates, Government of India, May 24, 1971.
[15] Sisson, Richard and Leo E. Rose, *War and Secession: Pakistan, India and the Creation of Bangladesh*, University of California Press, California, 1990, pg. 181.
[16] Lok Sabha Debates, Government of India, May 24, 1971.
[17] Sisson, Richard and Leo E. Rose, *War and Secession: Pakistan, India and the Creation of Bangladesh*, University of California Press, California, 1990, pg. 188.

allow representatives of the United Nations High Commission for Refugees (UNHCR) to inspect the refugee camps. After four months of endless debate at the international level on achieving a political solution to the civil war in East Pakistan, the Indian establishment and the military, acting in concert with the Mukti Bahini,[18] launched military campaigns toward the middle of November in all of the key border regions of East Pakistan. The Indo-Pak war began formally on December 3 and lasted till December 16 when Dhaka fell and the Pakistani army led by General A.A.K.Niazi surrendered to the Indian armed forces. Following the dismemberment of Pakistan, an Awami League-led government with Sheikh Mujib as president was installed in Dhaka following elections in April 1973.

By the time the war ended, an estimated 10 million of East Pakistan's population of 75 million had crossed over to India as refugees and forced migrants. In West Bengal for instance, the "influx of refugees was mostly in the border districts of Nadia, 24 Parganas (later to be divided into two districts, North and South), Murshidabad, Malda, West Dinajpur, Jalpaiguri and Cooch Behar."[19] As we will see later, these districts attracted large number of migrants – mostly illegal – from the adjoining border districts in Bangladesh, from the Seventies till present. In Cooch Behar, "against the total population of 700,000, the total influx was about 750,000" and they "came from Rangpur district of Bangladesh. The refugees entered the (West Bengal) district through Gitaldaha, Sitalkuchi, Haldibari, Mekhliganj and Sitai areas"[20] – traditional migration routes followed by Bangladeshi immigrants to cross over to Cooch Behar even now. The total distribution of refugees in various Indian states between March 1971 and December 1971 are shown in Table 2:

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[18] An approximately 60,000-strong guerrilla force drawn from among the East Pakistani army, Bengali youth, students. Mukti Bahini literally translates to 'Freedom Force'. It was led by a retired East Pakistani army colonel M.A.G.Osmani who was later given the rank of General.
[19] Saha, K.C. The Genocide of 1971 and the Refugee Influx in the East, in Ranabir Samaddar (ed), *Refugees and the State: Practices of Asylum and Care in India, 1947-2000*, Sage Publications, New Delhi, 2003, pg. 214.
[20] Ibid. pg. 218.

TABLE - 2

State	No. of Camps	No. of Refugees	No. of Refugees on their own	Total
West Bengal	492	4,849,786	2,386,130	7,235,916
Tripura	276	834,098	547,151	1,381,249
Meghalaya	17	591,520	76,466	667,986
Assam	28	255,642	91,913	347,555
Bihar	8	36,732	--------	36,732
Madhya Pradesh	3	219,218	--------	219,218
Uttar Pradesh	1	10,619	--------	10,619
Total	**825**	**6,797,615**	**3,101,660**	**9,899,275**[21]

Repatriation of Migrants

After the emergence of Bangladesh, the Indira-Mujib Pact of 1972 provided that all migrants who had entered India prior to March 25, 1971, the day the Pakistani crackdown on civilians and the Bangladeshi resistance fighters began, would be allowed to remain in the country while the rest would have to return to Bangladesh. Accordingly, as many as seven million refugees returned to Bangladesh once the dust of the war had settled. The Indira-Mujib Pact, like the Nehru-Liaquat Agreement of 1950, was evidence that mechanisms were evolved at that time to amicably settle through negotiated settlements the return of East Pakistani/Bangladeshi migrants from India. In fact, long before the war ended, the main thrust of Indian foreign policy objective was the repatriation of the refugees/migrants, regardless of their religious composition, as they would place an unacceptable burden on the economy and exacerbate social tension.

> The first and most fundamental objective was the return of all refugees, including Bengali Hindus; any "peaceful solution" that did not provide this – either directly or indirectly – would not be acceptable to New Delhi…In a proposal submitted to the UNESCO on May 17, India had noted what it considered the minimum requirements for a peaceful solution: the restoration of human rights and the introduction of rehabilitation measures in "East Bengal"; the creation of a situation there that would allow for the return of the refugees as long as they were in India…[22]

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[21] *Bangladesh Documents*, Ministry of External Affairs, Government of India, Printed at B.N.K. Press, Madras (Chennai), 1972, pg. 81.
[22] Sisson, Richard and Leo E. Rose, *War and Secession: Pakistan, India and the Creation of Bangladesh*, University of California Press, California, 1990, pg. 188.

Once the war ended and an Awami League government was installed in Dhaka, most of the refugees (about 80 per cent) returned to their respective districts. "Some of the refugees who returned to Bangladesh after its liberation found to their dismay that their properties had been occupied, forcing them to return to India yet again as illegal migrants to begin their lives anew".[23] But it was not long before a steady in-flow into India resumed. This time, however, for reasons other than war or social conflict.

1974 Famine: Beginning of Large-Scale Influx of Muslims

The first real deluge of humans from an independent Bangladesh, still reeling under the impact of the devastation wrought by the civil war and the Indo-Pak war, took place during and after the monsoon of 1974. Earlier, "unprecedented"[24] floods in July of 1970 had displaced thousands of Bengali Muslims and Hindus living in the border districts of East Pakistan, forcing them to move to parts of West Bengal, Assam and Tripura. But it was the 1974 drought, caused by lack of rainfall in the northern parts of the country and compounded by the poor management of the food distribution system, the resulting damage to agricultural potential of a largely agrarian society and not to speak of the colossal economic downslide caused by the war led to famine conditions. Three districts, Rangpur, Mymensingh and Sylhet were severely affected. The 1974 famine was a rural phenomenon and people traveled miles from rural to urban areas in search of food. In this process many families were separated, while many others were totally uprooted. A large number of rural households were compelled to sell their all of their assets. Distress sale of land became the common practice. According to some estimates, more than one million people died during the period from July 1974 to January 1975. The government estimate of mortality was, not surprisingly, only 26,000. One account depicts the scale and magnitude of the disaster thus:

> The food supply had progressively deteriorated due to smuggling, market manipulation
> and corruption at all stages of the import and distribution network. Rice prices were

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[23] De, Amalendu, *Bangladesher Dharmiya Shankyalaghu Janabinnyash Manchitra Paribartan* (*Changing Profile of Religious Minorities in Bangladesh*), Parichay, Calcutta, May-July 1991, pg. 87.
[24] *The Dawn*, Karachi, August 16, 1970.

soaring beyond the Taka 300 crisis mark. Then the floods came, engulfing 21,000 square miles or two-fifths of the total land area of the delta country during July, August and part of September. Famine and crisis stalked the land…People in the countryside began to die like flies.

Sheikh Mujib himself publicly admitted later that 27,000 people died of starvation. In the circumstances this was a very conservative estimate…Since at least 3,000,000 people were living below the starvation line, by that reckoning the death toll as a result of famine was well into six figures.[25]

Scholars of famines in East Bengal/Bangladesh have suggested that the 1974 famine "occurred in a year of *greater* food availability per head than in any other year between 1971 and 1976."[26] The explanation offered is that the floods that year hit rural landless labourers indirectly. Because they had no land, all their income came from transplanting rice for others. The floods prevented them from earning the meagre amount that kept their families alive in most years. There did turn out to be enough food in Bangladesh that year, and the rural poor could not afford to purchase food grains.[27] Yet another factor that contributed to the famine and the resulting migration was the withholding of 2.2 million tones of food aid to Bangladesh.[28]

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[25] Mascarenhas, Anthony, *Bangladesh: A Legacy of Blood*, Hodder and Saughton: London, 1986, pg. 43.
[26] Sen, Amartya, *Development as Freedom*, Oxford University Press: Oxford, 1999, pp. 366.
[27] North, James, Sen's Sensibility, Review of Amartya Sen's book *Development as Freedom*, *The Nation*, December 6, 1999. Sourced from http://www.thenation.com/docprint.mhtml?i=19991206&s=north
[28] Sharma, Devender, Famine as Commerce, *indiatoegther.org*, August 2002. Sourced from http://www.indiatogether.org/agriculture/opinions/dsharma/faminecommerce.htm

PHOTO 5: The lady on the left has a distinctly Bangladeshi style of covering her head with the end of her saree I was told. Picture taken in a border village in Bousmari, Nadia district, West Bengal.

August 1975 and after

The brutal assassination of Bangabandhu on August 15, 1975 by a clique of military officers further heightened the sense of insecurity among the Hindus of Bangladesh. It was felt that under the new military dispensation of Major General Zia-ur-Rehman, who carried out the Islamisation of the constitution and the polity by substituting secularism for the cardinal principles of State Policy by Allah and incorporating the Quranic invocation of *Bismillah-I-Rehman-I-Rahim*[29] in the Constitution, the lot of the Hindu and ethnic minorities of the Chittagong Hills Tracts would worsen. The ban on communal parties like the Jamaat-e-Islami was lifted, rendering the Hindus vulnerable to their religio-political machinations. During the period 1974-1981, the Hindus population declined from 13.5 per cent to 12.8 per cent,[30] a decrease attributable mainly to the 1976-1981 quinquenium. The economic, political and social changes that swept through Bangladesh in the Seventies and Eighties would be at the core of the "push" and "pull" factors that would determine the pattern of emigration from that country, a subject which we will focus on in the following chapters.

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[29] *Bismillah-I-Rehman-I-Rahim* would translate to "In the name of Allah, the Beneficent, the Merciful".
[30] Bangladesh Population Census, 1981. No census was held in 1971 because of the Bangladesh liberation war.

Chapter 4

Push Them Out, Pull Them In

Migration occurs when conditions of life, considered right by the people, become endangered or difficult and large sections move out from their homeland to a foreign territory that hold the promise for better living prospects. A meaningful analysis of any specific migration situation, legal or illegal, pre-supposes identification of the "push" and "pull" factors at work and determination of their relative significance for taking an ethical or realistic political stand. In the context of the sub-continent, if the post-Partition years was the story of the "cruelty and violence of nation-building" that was "epitomised by the intense suffering of millions of uprooted people"[1] crossing the border to save their lives, the years following 1971 have been the narrative of "infiltration", "illegal immigration" and "demographic invasion" from Bangladesh to India. The language of infiltration, *anuprabesh*, is invariably used to describe the ingress of Bangladeshi Muslims. Hindus, who also enter clandestinely, are more generally referred to as *sharanarthi* (refugees), although they enjoy no official recognition, status or benefits which those who had arrived after Partition or Bangladesh liberation war did.

The language of infiltration is also inextricably linked to the play and inter-play of the push and pull factors. The Bangladesh liberation war, which led to the demise of the state of Pakistan, now ushered in a new immigration discourse. There is no doubt that immigration from Bangladesh continues unabated – of Muslims in far greater numbers than Hindus, whose numbers had begun to dwindle since 1951, and also of other ethnic minorities, primarily the Chakmas of the Chittagong Hills Tracts (CHT). But this continuous process has its genesis in what has come to be known as the "push" and "pull" factors which may be broadly categorised into socio-political and economic. While socio-

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[1] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 194.

political push forces include war, persecution, discrimination and expulsion of unwanted populations, the economic push forces are high unemployment, low wage, high population density, economic decline, under-development and environmental degradation. On the other hand, socio-political pull forces include peace, family and cultural unification and preferential treatment. The economic pull factors are high wage, attractive jobs, prosperity and a high level of development. This chapter will discuss, mostly through the narratives of the migrants, Hindus and Muslims, what forced them to abandon their homes and hearths in their land of birth to seek shelter in a foreign country.

Minorities and Majorities

Before we move on to discuss the push and pull forces behind the migration of Hindus, other ethnic minorities and Muslims, it will be pertinent to define the term "minorities". One definition of "minority peoples" is that they are "culturally distinct groups in plural societies who seek equal rights, opportunities, and access to power within existing political communities".[2] They could be ethnic or religious minorities. Elsewhere, it has been held that "minority is a construction of the modern state. The latter, being predicated on the idea of 'nation', marginalises and alienates the communities that for one reason or another cannot identify themselves with the nation. The state of being marginalised, alienated and, to a large extent, derogated is inherent within the very etymology of 'minority'."[3] According to the Minorities at Risk (MAR) research, political and economic discrimination against the Hindus is largely the result of prevailing social practice… Hindus and other minorities in Bangladesh are disadvantaged in terms of access to government jobs and political office…"[4] In a pluralist society, a majority group is one which is not only dominant numerically but is also dominant in terms of the power it enjoys and exercises over the minority group. Majority groups are, therefore, those which determine the character of the society's economic, political and cultural institutions.

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[2] Gurr, Ted Robert, Minorities and Nationalists: Managing Ethnopolitical Conflict in the New Century, in Chester Crocker, F.O.Hampson and Pamella Aall (eds), *Turbulent Peace*, United States Institute of Peace Press: Washington DC, 2001, pg. 164.
[3] *The State of Minority Rights in Bangladesh*, International Centre for Ethnic Studies, Printed by Unie Arts, Colombo, 2001, pg. 1.
[4] Assessment for Hindus in Bangladesh, Minorities at Risk Project, Centre for International Development and Conflict Management, University of Maryland. Sourced from
http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=77102

Since Muslims constitute a brute majority of over 88 per cent, religion, which is a "strong source of group cohesion",[5] takes on greater salience and takes recourse to exclusionary policies.

In Bangladesh, it is the extent of power exercised by the majority over the minority that determines how the Hindus are placed in the social strata. First, the communal divide is sharpened by the use of "eptithets" members of both groups use to label each other in prejudicial terms.[6] While the Muslims use such derisive terms ("epithets") as *malayun*, *haanud*, *kafir*, *maalu* and *deda* to represent the Hindus, members of the minority community also use eptithets like *mosla* and *yavan* to represent those professing Islam. The use of epithets, it is argued, is "one of several discourses that the majority (Muslim) constructs to represent the minority" in the prevailing power structure. A second form of cultural construction to represent the Hindus is by creating and using stereotypical images of the minority as Hindus are pro-India and consider it their motherland.[7]

Religious persecution

The narrative of infiltration and the fact that it was not to be the same as the migration of Hindus to a Hindu-majority country (India) or the out-flow of Muslims to a Muslim-majority state (Pakistan) during and immediately after Partition, "first developed in Assam and Tripura".[8] I will return to the immigration and migrant settlement patterns in the two North-eastern states of India later. For now, a look at the situation in West Bengal merits attention because migrants – Hindus and Muslims -- continue to arrive even as this report is authored. Van Schendel says that both Hindus and Muslims are subjects of the narrative of infiltration. While that is true in all cases, since those who entered India after March 25, 1971 are labeled as illegal migrants, the Hindus themselves challenge this official stand.

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[5] Gurr, Ted Robert, Minorities and Nationalists: Managing Ethnopolitical Conflict in the New Century, in Chester Crocker, F.O.Hampson and Pamella Aall (eds), *Turbulent Peace*, United States Institute of Peace Press: Washington DC, 2001, pg. 168.
[6] Goswami, Haridhan and Zobaida Nasreen, Hindu Religious Minority in Bangladesh, *Himalayan and Central Asian Studies*, Vol. 7, Nos. 3-4, July-December 2003, pg. 83.
[7] Ibid. pg. 90.
[8] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 194.

PHOTO 6: Barbed wire fencing in good condition in the Nadia sector of South Bengal. Alongside runs the border road used by the Indian BSF for patrolling.

Although their immigration to India is not sanctioned by the Indian state, all the Hindu migrants interviewed for this project feel that their arrival in India, without valid travel documents, is part of the post-Partition narrative of "home-coming".[9] This reasoning is based on their understanding that they are victims of religious persecution, violence on Hindu women, including mass rape, dispossession of their movable and immovable assets, forcible eviction, killings, insults and communal prejudices in the face of administrative silence and inaction to punish the culprits and perpetrators amount to state sponsored expulsion of the minorities. As victims of religious bigotry and intolerance, human rights violations, violence, inequality and repression, that have their roots in the Partition and the "two nation theory", they are entitled to the status of refugees in Hindu India. The Hindu migrants interviewed in the border districts of West Bengal have no qualms in admitting that they entered India illegally, without valid papers, by taking the help of border *dalals* and by bribing the border guarding forces of Bangladesh and India. That thinking has hardened primarily because as victimised Hindus they feel a natural affinity towards India where, they believe, "no harm" will come to them and where they rightfully belong.

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[9] Ibid. pg. 192.

Almost, to the man, every Hindu had a common refrain: how long could we watch and endure the atrocities committed on our women, the insults heaped on us and the murder of our fellow religionists? In the small village of South Chatra in West Bengal's North 24 Parganas district, where thousands of Hindu migrants have settled since the early Nineties, the choice between living in their country of birth as citizens enjoying equal rights with the majority Muslims and living in "Hindu India" as "second class citizens" was difficult.

> West Bengal was the most favoured destination for me when my the plot of land I owned in Chintergarh village of Bagerhat district in Bangladesh was fraudulently grabbed by one Siddique. My five-member family survived on the produce from the agricultural land and my small business as an oil dealer. And, because I was an Awami League supporter, the police would not register any criminal case that I tried to lodge against Siddique and his gang. Once my land was forcibly grabbed and there was no hope of getting justice, I decided it was time to move. So, during the winter of 2000, I contacted Nitai Bairagi, a Hindu *dalal*[10] from our village, and struck a deal to send over my aged mother first, followed by my brothers, sisters, my wife and children. I was the last to leave Chintergarh. We crossed the border at Jhaudanga in West Bengal with no possessions except some cash and our clothings.[11]

While forcibly dispossessing immovable property of Hindus is rampant in many parts of Bangladesh, another common means to corner and marginalise members of the minority community, so as to push them out of their villages, is discrimination.

> After obtaining a Bachelor's degree from Braja Mohan college in Barisal district of Bangladesh, I took a Master's degree from Dhaka University. Subsequently, I worked in the Bangladesh Rural Development Board for four-and-a-half years. However, my

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[10] A *dalal* is a middleman or a broker who, in borderland parlance, is one who "helps" migrants cross over to India. For a price of course. By current "market" rate, along the West Bengal border, a *dalal* charges anywhere between Rs 500 to Rs 800 per migrant to cross over to India. Part of the money is given in bribes to personnel of the Bangladesh Rifles (BDR) and a certain percentage goes to Border Security Force troops manning the border observation posts (BOPs). A *dalal* is understood to have "contacts" among personnel of both forces. A visit to Machhlandapur station, barely 60 kilometres from Kolkata, the West Bengal capital, would make obvious the extent of the racket in human trafficking from Bangladesh to India. The *dalals* have their "syndicates" in the border districts of both Bangladesh and India and operate quite openly.
[11] Author's interview with Chittaranjan Kundu, a Hindu migrant, on July 7, 2002 at Dakshin Chatra village near Machhlandapur of North 24 Parganas district that borders the Bangladesh districts of Jessore and Khulna.

application for the job of a teacher at Sher-e-Bangla University in Barisal was turned down although I was perfectly well qualified for the post. The discrimination was all too obvious. That is when I decided that it was time to quit Bangladesh. Since moving to Dakshin Chatra in 1991 without any travel documents, I have set up a small press that takes care of my economic needs. What I feel is that we were not only treated badly in Bangladesh, but we are being treated as poorly in India which refuses to accord us refugee status. As victims of Partition we are not leading normal lives. I keep visiting my parents in our Barisal village annually. I last went there in December 2004.[12]

But how did the situation come to such a pass in Bangladesh where democracy, self-rule, autonomy, secularism, nationalism and socialism were the avowed goals for which the separatist struggle was waged against Pakistan? What were the sources of Hindu insecurity and their gradual emigration? Following their return to an independent Bangladesh, established in accordance with the high principles of democracy and secularism, the Hindus felt they would be safe under the rule of the Awami League. But their hopes were soon belied by the tragic events that followed no sooner had Mujibur Rehman become president.

The Bengali aspiration for sovereignty and self-governance finally bore fruit in December 1972 with the framing of Bangladesh's first Constitution. Just a little over two years later, these hopes were dashed. Parliament, acting at the behest of Mujibur Rehman, abandoned parliamentary multi-partism in favour of single-party, presidential rule in January 1975. Soon democracy had been broken down completely as an August army putsch was followed by the assassination of Mujibur Rehman and 22 others, including members of his immediate family.[13] Three months later, Major General Ziaur Rehman (Begum Khaleda Zia's husband) took power after a series of coups and counter-coups and declared martial law.[14]

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[12] Author's interview with Sukumar Sikdar, a Hindu migrant, on July 7, 2005 at Dakshin Chatra village near Machhlandapur, North 24 Parganas district, West Bengal.

[13] Only two of his daughters, Sheikh Hasina and Rehana survived. Both were not present at the Sheikh's Dhanmondi residence the night the killings took place. Sheikh Hasina would later lead the Awami League and became Prime Minister of Bangladesh in 1996. She lost the general elections in 2001 when the BNP's Begum Khaleda Zia came to power with the help of Islamist political parties like the Jamaat-e-Islami and the Islami Oikkyo Jot (Islamic United Front). The Jamaat is alleged to be "anti-Hindu".

[14] Murshed, Yasmeen and Nazim Kamran Choudhury, Bangladesh's Second Chance, *Journal of Democracy*, Vol. 8. No. 1 (January 1997), pg. 76.

Notwithstanding Sheikh Mujib's proclaimed ideal of secularism, he "could not vigorously pursue the secular principles though Awami League stood for them"[15] and, although "professing its commitment to the ideology of secular democracy, it failed to bring about any qualitative improvement in the lives of the minorities".[16] Indeed, "secularism in Bangladesh did not reflect Bangladesh's societal spirit and history. It arose as a utilitarian expediency in the political field".[17] After his assassination, a break away group from the Awami League formed the Islamic Democratic League (IDL) whose manifesto said: "One of our goals is to amend and improve upon the present constitution so that it can reflect the establishment of just society in the light of social, economic and political goals enunciated in the Quran and Sunnah".[18] The Enemy Property Act of 1965, then re-christened the Vested Property Act, 1974, continued to operate and continued to dispossess Hindus of their landed assets. "Manipulation of the Vested Property Act by members of the majority community with the connivance of the administration is an open secret".[19] A study of the operation and implementation of this legislation and its adverse impact on the Hindus and other ethnic minorities across Bangladesh has come up with the following startling facts:

> According to the 1991 Population Census, the total size of the Hindus population in Bangladesh was 11.2 million. Assuming the 1961 population share of the Hindu population (18.4 per cent), the absolute size of the Hindu population in 1991 would have been 18.4 million instead of 11.2 million as reported in the census, i.e., the actual current (1991) size is 7.2 million less than the expected size. This estimate substantiates the earlier findings regarding the missing Hindu population, which states that "the estimated total missing Hindu population during 1964-1991 was 5.3 million, i.e., 196,296 Hindus missing every year since 1964. In other words, if out-migration of Hindu population is caused mainly by communal disharmony resulting from the Enemy/Vested Property Acts, the approximate size of the missing Hindu population would be 538 persons each

[15] De, Amalendu, *Religious Fundamentalism and Secularism in Bangladesh Politics: A Case Study of the Process of Islamisation*, 1991, pg. 4.
[16] De, Amalendu, *Bangladesher Dharmiya Shankyalaghu Janabinnyash Manchitra Paribartan* (*Changing Profile of Religious Minorities in Bangladesh*), Parichay, Calcutta, May-July 1991, pg. 87-88.
[17] Maniruzzaman, Talukder, Bangladesh Politics: Secular and Islamic Trends, in Rafiddun Ahmed (ed) *Islam in Bangladesh: Society, Culture and Politics*, Bangladesh Itihas Samiti, 1983, pg. 192.
[18] Quoted in Talukder Maniruzzaman, Bangladesh Politics: Secular and Islamic Trends, in Rafiuddin Ahmed (ed) *Islam in Bangladesh: Society, Culture and Politics*, Bangladesh Itihas Samiti, 1983, pg. 209.
[19] Nandy, Chandan, The Unending Refugee Influx, *The Weekend Observer*, New Delhi, October 3, 1992, pg. 4.

day, since 1964. Thus, if the estimates presented in this section regarding the absolute declining trends in the shares of the Hindu population are close to reality, then the inference emerges that the Enemy and Vested Property Acts acted as an (sic) effective mechanism (sic) for the extermination of Hindu minorities from their motherland…[20]

The study went on to conclude that the Enemy/Vested Property Act had dispossessed from Hindus over 1 million acres of land "most of which are agro-land or homesteads."[21] The study also exposed an interesting link between the "beneficiaries" of the Vested Property Act and the forcible eviction of Hindus. It has shown persons with affiliation to the political party in power in Dhaka reaped the benefits by the implementation of the Act. Thus, "whereas the highest proportion of the beneficiaries used to belong to Muslim League (44 per cent) in the past, (the) highest proportion of such individuals (44 per cent) in 1996-1997 belong to the Awami League (the ruling party), followed by BNP (32 per cent)".[22] The study goes further to point out that in 1995, when the BNP was in power, about 72 per cent of the beneficiaries were from that party. See Table 3 for details:

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[20] Barakat, Abul, Evaluation of Vested Property Act: Causal Dimensions, in Abul Barakat (ed), *An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh Through the Vested Property Act: Framework for a Realistic Solution*, Prip Trust: Dhaka, 2000, pg. 31. The study by Barakat et al was undertaken in two phases – 1995 and 1997 – and was carried out in 16 districts of Bangladesh: Chittagong, Chandpur, Feni, Sunamganj, Faridpur, Jamalpur, Kishoreganj, Narayanganj, Barisal, Khulna, Jhenaidah, Kushtia, Dinajpur, Rangpur, Rajshahi and Pabna.

[21] Quoted in *The Daily Star*, Dhaka, April 14, 1996. pg. 1

[22] Barakat, Abul, Evaluation of Vested Property Act: Causal Dimensions, in Abul Barakat (ed), *An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh Through the Vested Property Act: Framework for a Realistic Solution*, Prip Trust: Dhaka, 2000, pg. 62.

TABLE - 3

Political Affiliation	Past (at the time Of occupying Property)	1995 Study	1997 Study
Muslim League (ML)	43.8% (91)	1.2% (1)	1.9% (4)
Awami League (AL)	16.8% (35)	11.1% (9)	44.2% (92)
Bangladesh Nationalist Party (BNP)	19.7% (41)	71.6% (58)	31.7% (66)
Jatiyo Party (JP)	4.8% (10)	4.9% (4)	5.8% (12)
Jamaat-e-Islami (JI)	1.0% (2)	3.7% (3)	4.8% (10)
Other parties	2.4% (5)	1.2% (1)	1.0% (2)
Affiliation difficult To ascertain	11.5% (24)	6.2% (5)	10.6% (22)
Total	100% (208)	100% (81)	100% (208)[23]

Note: Figures in the parentheses indicate number of respondents

Democratic fragility, as experienced by West Pakistan, where "the absence of a cohesive national leadership and a consensus on constitutional norms made the political system susceptible to incursions of administrative and military power in decision making and government instability",[24] would likewise dog Bangladesh. General Ziaur Rehman, thanks to whom Islamisation of the constitution was carried out, was slain in a coup in Chittagong on May 30, 1981. In 1982, the country was again placed under martial law when Lieutenant General Hussein Mohammad Ershad took over power and one of his first acts was to make Islam the state religion.

> We had become enemies and were treated as such. The situation was such that I could not even sell my land in my village under Kaliapur police station of Gazipur district. The Muslims in the village managed to procure fake registration deeds and dispossessed me of my land. I had to leave behind everything when I fled here in 1984. Around that time, about 18-20 others, including two of my brothers and their family members, also left the village for India. Of course, we had to conceal our plans of leaving the village from the

[23] Ibid. pg. 63.
[24] Sisson, Richard and Leo E. Rose, *War and Secession: Pakistan, India and the Creation of Bangladesh*, University of California Press, California, 1990, pg. 16.

Muslim residents. In Bangladesh, I worked as a *daftari* in the local high school. The salary from the job and the produce from my land helped me lead a modest life. Once here I had to unlearn everything and picked up the skill of making print designs for sarees. I make about Rs 250 per saree (12 to 14 sarees a month). We live in extreme penury here but it is better than being dead. The last I visited my village, illegally of course, was eight years back, to meet with relatives and friends. I am afraid not too many of them are left there now, their land occupied by Muslims.[25]

General Ershad's martial law regime was marked by efforts to establish conservative Islamic traditions with the sole purpose of legitimising his authority in a country that was moving towards a form of Bangladeshi nationalism in which "religion was an essential component".[26] General Ershad's most controversial, if not audacious, act was to effect the infamous Eighth Amendment to the constitution which declared Islam as the state religion. "The net result of the government initiative for 'Islamisation' increased social and political pressure against the minorities: the Hindus, the Christians, the Buddhists and the tribals. They were relegated to the status of second class citizens in their own homeland"[27] and "reinforced their already powerful compulsions about migrating to India".[28]

Years before the Awami League was returned to power in 1991, the ban on Islamist parties like the Jamaat-e-Islami and the Nizam-I-Islami had been lifted. In the 1991 general elections, the Jamaat recorded significant electoral gains, mopping up 18 seats, occupied the second position in 24 constituencies and secured 11.73 per cent of the total votes cast. Simultaneously, anti-Liberation forces, like the *Razakars*, the *Al-Badr* and the *Al-Shams*, described as "collaborators" with the Pakistani regime, were given a free run. In the run-up to the February 1991 general elections, as one source said:

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[25] Author's interview with Nanigopal Burman, who settled in Basakpara near Krishnanagar, which is the district headquarters of Nadia in West Bengal. A *daftari* is a petty office worker. Nanigopal's elder brother, Phanindramohan, became a farm labour and his younger brother, Nepal, a mason after migrating to Nadia. Most of Nanigopal's Hindu villagers have migrated to Nadia. Some have moved to Assam and Tripura.
[26] Adhikari, Abanti, Fundamentalism in Bangladesh: Currents and Cross-Currents (1972-1999), *Himalayan and Central Asian Studies*, Vol. 4. Nos. 3-4, July-December 2000, pg,. 132.
[27] Ibid. pg. 134.
[28] Pramanik, Bimal, *Nature and Impact of Demographic Changes in West Bengal, 1951-2001*, Published by Bimal Pramanik, Director, Centre for Research in Ind-Bangladesh Relations, Calcutta, June 2008, pg. 7.

The rabid communal propaganda indulged in by senior leaders of the BNP whipped up mass anti-Hindu and anti-India hysteria. At election rallies, some BNP leaders provoked the crowd, saying that if the Awami League came to power, Bangladesh would be turned into an Indian colony. The *azan*[29] from mosques will be replaced by ululating of Hindu women. Muslim women would have to don conch bangles and vermillion.[30]

Although during the eight-year rule of General Ershad several communal riots were engineered, the worst outbreak of communal violence, targeted against the Hindus, took place after the December 6, 1992 demolition of the Babri Mosque at Ayodhya in India's Uttar Pradesh province, when Sheikh Hasina's Awami League was in power. "The Muslim backlash in Bangladesh was massive."[31] Mobs destroyed Hindu temples, religious shrines, and damaged and desecrated idols all over the country. About 3,000[32] temples and idols of Hindu deities were destroyed. The Jamaat and a few other Islamist parties were believed to have orchestrated the violence, including arson, loot, murder and rape, against the Hindus in 40 of the 64 districts of the country, especially in Bhola, which was the worst hit, Comilla, Chittagong, Cox's Bazar, Manikganj, Noakhali, Feni, Barisal, Sirajganj, Pabna, Rajshahi, Natore, Khulna, Kushtia, Bagerhat and Jessore districts where the minorities had some presence. The country did not witness riots or pogroms against Hindus during the 1996 general elections primarily because the BNP, which had been in power for the last five years, was politically isolated. The Awami League won the elections, bagging 165 of the 300 parliament seats. But the old tactic of anti-India and anti-Hindu propaganda, that made Islam salient in the politics of Bangladesh,[33] was effectively used for mass mobilisation during the 2001 elections in which the Jamaat captured 17 parliamentary seats. Thousands of Hindus, most of them Awami League supporters, hailing from the border districts of Bangladesh, fled to West

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[29] *Azan* is the prayer of the faithfuls played over public address systems from mosques.
[30] Author's interview with a senior Indian intelligence officer of the Research and Analysis Wing (RAW), who handled Bangladesh affairs at the time, on October 14, 2005, in Calcutta.
[31] Author's interview with a senior Indian intelligence officer of the Research and Analysis Wing (RAW), who handled Bangladesh affairs at the time, on October 14, 2005, in Calcutta.
[32] Pramanik, Bimal, *Decline of Hindu Population in Bangladesh – An Overview*, Published by Bimal Pramanik, Director, Centre for Research in Indo-Bangladesh Relations, Calcutta, January 2005, pg. 5.
[33] Maniruzzaman, Talukder, Bangladesh Politics: Secular and Islamic Trends, in Rafiddun Ahmed (ed) *Islam in Bangladesh: Society, Culture and Politics*, Bangladesh Itihas Samiti: Dhaka, 1983, pg. 216.

Bengal and Tripura. "Concerned" about the condition of members of the Hindu community, an Amnesty International report said:

> Following the general elections on 1, October which were won by a coalition led by Bangladesh Nationalist Party (BNP) with a large majority, BNP supporters reportedly attacked Hindus because of their perceived support for the rival Awami League party during elections. Hundreds of Hindu families were reportedly driven of their land by groups affiliated to the BNP-led coalition who, in some cases, allegedly burnt their homes and raped Hindu women. Several Hindus were reportedly killed. Reports indicate that the worst affected areas have been in Barisal, Bhola, parts of Pirojpur, Khulna, Satkhira, Gopalganj, Bagerhat, Jessore, Comilla and Narsingdi...Hundreds of Hindu families have fled across the border into India in fear of their lives.[34]

One Awami League activist, a Hindu, who was among those who crossed over to India illegally four years back, said:

> As an Awami Leaguer, I was a member of the local union[35] while living in Chitalmari in Bagerhat district. I was forced to leave my village in December 2001 after large scale electoral violence, carried out by supporters of the BNP-Jamaat combine, left many Hindus homeless. My house was burned down and I was called an Indian agent. Although my three sons, a daughter and my wife are with me here, I still have other family members, including my mother, living in Chitalmari. I am planning to get them out too.[36]

There are others whose lives have become uncertain after crossing over to India. Without jobs or any steady source of income, a number of Hindu migrants interviewed in Nadia and North 24 Parganas districts are caught between the devil and the deep sea. Some have their parents and relatives back in their villages in Bangladesh, some have nothing to go back to, not even their land or family members who have been killed. There are some who have turned *dalals*, helping only Hindu men and women to cross over to the safety of India. Hundreds of women migrants work as couriers in smuggling out salt, sugar and

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[34] Bangladesh: Attacks on Members of the Hindu Minority, Amnesty International, *Annual Report*, 2004.
[35] In Bangladesh, a "union" is a local elected body of members drawn from a group of villages.
[36] Author's interview with Rakhal Haldar, who now lives in Shaktinagar village of West Bengal's North 24 Parganas, on July 10, 2005. Haldar said he keeps visiting Chitalmari village clandestinely.

rice from the Gede border in Nadia district right under the noses of Indian Border Security Force (BSF) guards. Yet others, who consider themselves political asyles, although they are all illegal migrants, do odd jobs and cross over to Bangladesh once in a while to look up on their family members or to make arrangements to sell off their property to move to India lock, stock and barrel. In several cases, "kin and friendship networks shape and sustain migration":[37]

> Hounded out of my village of Kamarkathi under Swaroopkathi police station of Perozepur district for being an Awami League supporter, I first took refuge in Dhaka in October 2001. The next month, there was no other way out for me but to make a getaway to the Khulna border from where I crossed over with the help of Hindus who had arrived here earlier. Some Hindus suggested that border villages of North 24 Parganas would be ideal for me to settle down considering that thousands of my co-religionists live here. I would not be a foreigner and the Hindus would protect me. From the border, along with my wife and our two-year-old son, we boarded a bus and then took a train to Machhlandapur before we were helped by two of my brothers, who had come over years back, in settling down in a rented house in South Chatra. Subsequently, I moved to a thatched-roof tenement which I could afford to construct with the money I got after selling off some of my property to Muslims in Kamarkathi. I am still worried about my aged parents with whom I can rarely make contact.[38]

Since the last general elections, Bangladesh seems to have come into the grips of Islamic fundamentalism. Though the government denies it, Muslim fundamentalism/militancy is "widening its network…day by day through various acts of sustained propaganda, acts of terrorism and intimidation and discernible government apathy and, on occasions, outright neutrality, fundamentalist forces are gaining ground and elbowing secularists out".[39] The developments in Bangladesh did not go unnoticed by the western media. One report by an American newspaper had this to say of Bangladesh:

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[37] Samaddar, Ranabir, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999, pg. 83.
[38] Author's interview with Babul Boral, at Dakshin Chatra on July 12, 2005. Babul Boral is a staunch Awami League cadre. Babul has no steady job and does odd jobs for the Indian Border Security Force. He has three other brothers and a sister who live in Kamarkathi along with their parents.
[39] Mukherji, Apratim, Rise of Religious Radicalism in Bangladesh, *Himalayan and Central Asian Studies*, Vol. 7, Nos. 3-4, July-December, 2003, pg. 57-58.

Islamic fundamentalism, religious intolerance, militant Muslim groups with links to international terrorists, a powerful military with ties to the militants, Islamic schools churning out radical students, middle class apathy, poverty and lawlessness – all are working to transform the nation.[40]

The conflict in Bangladesh prior to its liberation fits in with Belanger's and Pinard's reformulation of the ethnic competition model. "*Ethnic competition leads to ethnic conflict and ethnic movements if, and only if, the competition is perceived to be unfair.*"[41] Prior to ceding from Pakistan, Bangladesh's Bengali political elite had launched an autonomy movement whose objective was attaining greater devolution and decentralisation as well as due recognition of the Bengali language, which the Urdu-speaking West Pakistani regime had denied to the people of East Pakistan. "Group competition was formed along ethnic lines".[42]

Clearly, the competition for political power among the West Pakistani and East Pakistani elites was "unfair" because, as the ruling segment, the West Pakistani elites enjoyed greater political power and dominance in almost all spheres even though East Pakistan was more populous and its political elites had won a majority in the National Assembly in the December 1970 elections. Therefore, for East Pakistan's Awami League, ethnic competition was perceived to be unfair as it was seen as violating the accepted norms (e.g. when discriminatory practices prevail), when it was seen as involving unjustified threats to claimed rights and possessions or when the rules of the game themselves were contested or the outcomes of the competition were seen as uduly unbalanced.[43] As an ethno-political group, Bangladesh's Muslims have organised around their "shared identity" and sought gains for members of their group.[44] Scholars have argued that the

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[40] Lintner, Bertil, In Bangladesh, as in Pakistan, a Worrisome Rise in Islamic Extremism, *The Wall Street Journal*, April 2, 2005. See also Alex Perry, Deadly Cargo, *TIME*, October 14, 2002.
[41] Belanger, Sarah and Maurice Pinard, Ethnic Movements and Competition Model: Some Missing Links, *American Sociological Review*, Vol. 56, No. 4 (Aug, 1991), pg. 448. Italics in the original.
[42] Lake, David A. and Donald Rothchild, Containing Fear: The Origins and Mangement of Ethnic Conflict, *International Security*, Vol. 21, No. 2 (Autumn 1996), pg. 45.
[43] Belanger, Sarah and Maurice Pinard, Ethnic Movements and Competition Model: Some Missing Links, *American Sociological Review*, Vol. 56, No. 4 (Aug, 1991), pg. 448-449.
[44] Gurr, Ted Robert, Minorities and Nationalists: Managing Ethnopolitical Conflict in the New Century, in Chester Crocker, F.O.Hampson and Pamella Aall (eds), *Turbulent Peace*, United States Institute of Peace Press: Washington DC, 2001, pg. 163.

"global process of modernisation", from which Bangladesh is not exempt, has "vastly increased interaction and competition among cultural groups, and contention between cultural groups and the state".[45] It has been observed that the "net effect of state building", even in Bangladesh, "has been to substantially increase grievances (as in the case of Hindus and ethnic minorities like the Chakmas) of most culturally distinct groups, those that have been unable to protect their autonomy or to participate meaningfully in power at the centre".[46]

But does Belanger's and Pinard's model fit in with the Muslim-Hindu conflict in post-1971 Bangladesh? In this case, the Hindus as a threatened religious group have been silent sufferers with the majority Muslims "getting away with murder", so to say. As the majority group what are the Muslims competing for vis-à-vis the chastened Hindus? Are they competing for scare resources like jobs or collective goods like political power? That is not so considering the fact that a Bangladesh National Party-Jamaat-e-Islami coalition has been in power since 2001 and the Hindus are a marginalised lot with little representation in public or private sector jobs, not to speak of in politics.

One explanation could be that the Hindus seem to have been caught up in the competition for political power, a collective good, between the BNP-Jamaat and the Awami League which commands a substantial number of Hindu votes for its avowedly secular principles. There is no doubt that there is "low interdependence"[47] between the Muslims and the Hindus. Belanger and Pinard recognise that "as ethnic disparities increase, the likelihood of competition and conflict decreases because of shortages in the disadvantaged group of resources, especially leadership, and motivational factors like incentives and expectations of success".[48] Yet, violence persists and Hindus are often made the targets of violence which, in the explanation offered above, does "make

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[45] Ibid. pg. 166.
[46] Ibid.
[47] Belanger, Sarah and Maurice Pinard, Ethnic Movements and Competition Model: Some Missing Links, *American Sociological Review*, Vol. 56, No. 4 (Aug, 1991), pg. 449.
[48] Ibid.

sense".[49] Land grab of Hindus by Muslims is a common feature in the villages of Bangladesh. Considering that land is a scarce good in an increasingly land-hungry Bangladesh, this aspect of the competition theory holds true partially. Land is a collective good and for conflict to be "widespread and intense, it must be social rather than interpersonal and the competition must be inter-group rather than inter-individual. Above all, the objects of competition must involve collective goods rather than individual goods".[50] Muslims constitute the dominant group in Bangladesh where the "majority has both the power to exploit the minority and an interest in doing so".[51] The Hindus, and as we shall see below, the ethnic minorities of Bangladesh, became "political misfits"[52] or unwanted peoples.

The Ethnic Minorities

One of the root causes of the crisis in the CHT -- the ethnic conflict in South-eastern Bangladesh – and the consequent emigration from there to India of the ethnic Chakmas, the Hajongs and the Garos could be traced back to the Radcliffe award which initially gave the overwhelmingly non-Muslim region comprising the three districts of Rangamati, Kharachari and Banderban to India. Going by the basis on which the Partition border was drawn, the CHT, where "neither Islam nor Hinduism were important religions",[53] it should have remained with India only to be "transferred to Pakistani administration a few days later".[54] Briefly:

> On 15 August 1947, people in this district with a 98 per cent non-Muslim population
> raised the Indian flag, believing that their district had joined that country. A few days
> later Pakistani forces removed flags. In the Pakistani nationalist discourse these events
> were construed as the core symbol of the district's treason to the state of Pakistan,

[49] Brubaker, Rogers and David D. Laitin, Ethnic and Nationalist Violence, Annual Review of Sociology, Vol. 24, 1998, pg. 441.
[50] Belanger, Sarah and Maurice Pinard, Ethnic Movements and Competition Model: Some Missing Links, *American Sociological Review*, Vol. 56, No. 4 (Aug, 1991), pg. 450.
[51] Collier, Paul, *Economic Causes for Civil Conflict and their Implications for Policy*, Development Research Group, World Bank, June 15, 2000. pg. 155.
[52] Samaddar, Ranabir, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999, pg. 66.
[53] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 47.
[54] Ibid. pg.48.

literally *avant la lettre*. It was the beginning of a historical development that would lead the Chittagong Hills Tracts down the road to marginalisation, repression, armed rebellion and protracted war.[55]

MAP 5: The shaded portion in the inset is the Chittagong Hill Tracts region of Bangladesh. The CHT is bounded by India's north-eastern states of Mizoram and Tripura to the East and North, respectively.
Source: www.cwis.org/fwj/51/emran_map.jpg

The building of the Kaptai dam on the Karnaphuli river between 1957 and 1963 by the East Pakistani authorities, which "marked the beginning of resource appropriation from the CHT",[56] inundated 54,000 acres of settled cultivable land, which was about 40 per cent of the district's total cultivable land, and displaced over 100,000, an overwhelming

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[55] Ibid. pg. 48-49.
[56] Singh, Sudhir Kumar and Davindar S. Kakkar, Chakmas and Human Rights in Bangladesh, in Dipankar Sengupta and Sudhir Kumar Singh (eds), *Minorities and Human Rights in Bangladesh*, Authorspress: Delhi, 2003, pg. 220.

majority of them Buddhist Chakmas, about 30,000 of them taking refuge in Mizoram and Tripura.[57] In other words, the displaced Chakmas who migrated to India in the 1960s may be described as the first "environmental refugees/environmental migrants"[58] of the region. Furthermore, not only before its liberation, but after the creation of Bangladesh, the state "moved towards an Islamisation process" which was followed by "planned population transfers"[59], or "ethnic colonisation",[60] from the plains to the autonomous CHT:

> The population transfers were initiated during Pakistani administration when the Pakistani government announced its intention to open up the area for economic development and encouraged poor Bengali (Muslim) families to settle there. After independence, in violation of the CHT, 1900 Regulation, the government of Bangladesh sponsored a planned population transfer policy of non-indigenous people. The government viewed these transfers as necessary for the overall development of the country in view of the problem of population pressure and land resources...In 1979 and 1980, around 100,000 Bengalis were settled in the CHT. Further, in 1981, another 100,000 people entered the area, while an additional 200,000 went between 1982 and 1983.[61]

The CHT (see map above) is inhabited by 13 ethnic tribes of whom the Chakmas form the largest group.[62] The Chakmas had launched a struggle for self-determination in 1973, but the movement turned into a violent conflict when the Bangladesh state, which had

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[57] Rajya Sabha Committee on Petitions, Government of India, August 14, 1997. The petitioners to the Upper House of the Indian Parliament claimed in 1997 that about 80,000 Chakmas and members of the Hajong tribe of the CHT lived in Mizoram and Tripura. Some of them had moved to another Northeast Indian state, Arunachal Pradesh. The Chakmas who migrated to India before 1966 have been accorded Indian citizenship, but those who cross over to India after March 1971 were not. Between 1964 and 1969, 140,000 moved to Assam.
[58] Reuveny, Rafael, Environmental Change, Migration and Conflict: Theoretical Analysis and Empirical Explorations, Human Security and Climate Change, An Internal Workshop, Oslo, June 23-25, 2005, pg. 3.
[59] Joshi, Ruchira, Situation of Minorities in Bangladesh, *Himalayan and Central Asian Studies*, Vol. 7, Nos.3-4, July-December 2003, pg. 113. See also Binalakshmi Nepram, Accord into Discord: Conflict and the 1997 Peace Accord of Chittagong Hill Tracts, *Himalayan and Central Asian Studies*, Vol. 7, Nos.3-4, July-December 2003, pp. 146-168.
[60] Sahadevan, P, Ethnic Conflict and Militarism in South Asia, *Kroc Institute Occasional Paper*, No. 16, Joan B Kroc Institute of International Peace Studies, University of Notre Dame, June 1999, pg. 10. Sourced from http://www.nd.edu/~krocinst/ocpapers/op_16_4.pdf
[61] Joshi, Ruchira, Situation of Minorities in Bangladesh, *Himalayan and Central Asian Studies*, Vol. 7, Nos.3-4, July-December 2003, pg. 113.
[62] Bangladesh Bureau of Statistics, 1992.

earlier rejected demands for greater autonomy and self-rule, decided to adopt military means to settle the issue in March 1980 when army operations were begun to crush the Shanti Bahini, the armed wing of the Parbattya Chattagram Jana Sanghati Samiti (PCJSS) or the Chittagong Hill Tracts People's Solidarity Association, supported and backed by the Indian state. The military operations were followed by "human rights violations, including massacres of tribal civilians, burning of their homes, arbitrary arrests, torture, extra-judicial executions".[63]

The non-Muslim indigenous peoples also faced political, economic and cultural discrimination which, along with the violent conflict, forced at least 60,000 of them to India's Mizoram and Tripura states in the Northeast[64], leaving the CHT with a total indigenous population of about 52 per cent.[65] The conflict between the Chakmas and the Bangladesh state is a classic example of ethnic conflict that followed the course of Zartman's four-phased conflict dynamic: "articulation (of grievances), mobilisation, insurgency and warfare"[66] followed by negotiations and signing of a peace accord in December 1997 which, among other things, guaranteed the safe repatriation of the Chakmas from India and terminating the conflict which has claimed 25,000 lives.[67] The peace, at best, is tenuous. As one account claims, the CHT, which had witnessed a "silent genocide", continues to be under the control of military and para-military forces and, therefore, in gross violation of the terms of the peace agreement.[68]

Gendered Analysis of Immigration

Murderous violence was experienced not only by Hindu and Chakma men. Violence of the scale perpetrated on women, especially those belonging to the ethnic and religious

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[63] Joshi, Ruchira, Situation of Minorities in Bangladesh, *Himalayan and Central Asian Studies*, Vol. 7, Nos.3-4, July-December 2003, pg. 119.
[64] Rajya Sabha Committee on Petitions, Government of India, August 14, 1997.
[65] Bangladesh Bureau of Statistics, 1991.
[66] Zartman, I.William, Dynamics and Constraints in Negotiation in Internal Conflicts, in I.William Zartman (ed), *Elusive Peace: Negotiating an End to Civil Wars*, The Brookings Institution: Washington DC, 1995, pg. 13.
[67] Assessment for Chittagong Hill Tribes in Bangladesh, *Minorities at Risk Project*, Centre for International Development and Conflict Management, University of Maryland. Sourced from http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=77101
[68] Pramanik, Bimal, Parbattya Chhatagrame Nirob Ganahattya (Silent Genocide in the Chittaging Hill Tracts), *Dainik Statesman*, Calcutta, October 19, 2004.

minorities, has been well documented by sections of the Bangladesh media and human rights organisations. Incidents of rape, gang-rape, abductions by force, and public humiliations are rampant and an every day fact of life. One of Bangladesh's celebrated feminist writers, Taslima Nasreen, has chronicled these atrocities in her book *Lajja* (*Shame*).[69] While Nasreen's accounts of the violence on do not say in explicitly that violence on women is one of the prime reasons for Hindu emigration, other accounts indicate that the physical safety and security of the womenfolk was a principal concern of individual Hindu families for migrating to India. As one Hindu woman immigrant settled in South Chatra village of West Bengal's North 24 Parganas said:

> There was not a day in my village of Mukhsitpur in Gopalganj district of Bangladesh which did not pass without some nasty atrocities committed against Hindu women. One local Muslim man had the temerity to offer me Taka 5,000 for my daughter. The threat to abduct my daughter was implicit in the proposal itself: if I did not accept the money, the girl would be abducted. It was then that my husband and I decided to shift to West Bengal where we would not be in the midst of men lusting for Hindu girls.[70]

The virulence of the attack on the minorities following the October 2001 general elections has been such that it moved United States House of Representatives member Carolyn B. Maloney to write to Bangladesh Prime Minister Begam Khaleda Zia, requesting her to "look into" reports of women having been "victims of gang rape", men having been "maimed" and a "significant number of Hindus" having been murdered.[71] Writing on the repression of Hindus, human rights activist Shahriar Kabir says:

> The torture and repression the Hindus faced surrounding the 2001 elections were unprecedented in the country's history. The Hindus were intimidated, their homes and

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[69] Nasreen, Taslima, *Lajja* (*Shame*), Pal Publications: Dhaka, 1993, pp. 75. Lajja was banned in Bangladesh after the Muslim clergy issued an edict, *fatwa*, calling for her death.

[70] Haldar, Nirmala, in an interview with the author at South Chatra village, North 24 Parganas district, West Bengal, on July 10, 2005. Nirmala Haldar had reached South Chatra from her native village in Bangladesh two days prior to the interview. He husband still lives in Mukhsitpur and travels to South Chatra once in a while to visit her. He also sends her money through unofficial money-transfer channels called *hundi*.

[71] Maloney, Carolyn B., Letter to Bangladesh Prime Minister Khaleda Zia, Washington DC, April 25, 2002. Produced from a compilation by Dwijen Bhattacharya, Sitangshu Guha, Subrata Biswas and Rup Kumar Bhowmick (eds), *Bangladesh: A Portrait of Covert Genocide*, Bangladesh Hindu, Buddhist and Christian Unity Council, Woodhaven, New York, January 2004, pg. 126.

businesses looted and burned, they were victims of extortion and rape – just to ensure they stayed away from voting and the left the area…Victims of rape rarely report it to the police not only fearing further torture, but also because of social conservativeness. In many countries in Asia, including Bangladesh, the rape victim is more ostracised by the society than the rapist.[72]

PHOTO 7: Sacks of salt and sugar piled up on the platform at Majhdia station, Nadia district, West Bengal. Notice the women couriers.

Although Bangladesh is a signatory to International Convention on Elimination of All Forms of Discrimination Against Women, the government and the police "failed to take effective steps to protect the monorities."[73] Hindu women, who fled to India in the wake of the election violence, recounted witnessing rapes of "young or middle-aged" who "fell at the attackers' feet, sobbing, pleading, but in vain."[74] Once losing their source of income in Bangladesh, Hindu women arriving in India are often forced to take illegal means to sustain themselves and their families. They act as couriers of smuggled items like salt. Every day, hundreds of such women, originally from Bangladesh as also natives, load sacks of salt and sugar onto trains that carry the goods to the terminating

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[72] Kabir, Shahriar, *Human Rights in Bangladesh: Focus on Communal Persecution*, Paper presented for the conference on Human Rights in Bangladesh, Concordia University, Montreal, Canada, August 17, 2002. Kabir was arrested in Dhaka in 2001 after his arrival from India for the alleged seditious act of filming a documentary on illegal immigrants in India.

[73] Amnesty International Report, 2002, Quoted in Haroon Habib, Minorities Persecuted in Bangladesh, *The Hindu*, New Delhi, May 31, 2002.

[74] Trishna, a Hindu woman who escaped to West Bengal in her account to G. Vinayak, Out of Bangladesh, *India Abroad*, November 23, 2001, pg. 20.

station at Gede (North 24 Parganas district, West Bengal), right on the border, before crossing the border into Darshana on the Bangladesh side where the merchandise is handed over to smugglers. All the while, the Indian "employers" maintain a close watch on the women – from the point where the sacks are loaded onto trains to their destination in Bangladesh. Each of the women earn anywhere between Rs 10-20 for each sack delivered in Bangladesh. Of this meager amount, a certain percentage is taken by the BSF and the BDR, leaving the woman with half or at times less than half her gross earnings.

The porous border, corruption among the border guarding forces in Bangladesh and India, and an organised network of human traffickers, have given a fillip to trafficking in women. "The prospect of employment or marriage was commonly used to entice women (from Bangladesh) to cross the border…Such groups were often taken by train to Calcutta, accompanied by local women who might themselves be migrants…and sold to sweatshops and brothels," writes van Schendel.[75] Another report by Anindita Dasgupta says that "once in the hands of the procurers, the women are controlled through threats of violence and solitary confinement. Some hotels and even godowns are used to keep the women brought in from different parts of the country through land or river routes. Later, they are smuggled out across the border…Those traded by unorganised traffickers are sold…for petty sums"[76] into "prostitution, domestic work, and labour particularly in textile factories".[77] A report of the United Nations Economic and Social Council revealed the following:

> NGO activists estimate that 10,000-15,000 girls and women are trafficked across the border to India per year…Trafficking of girls and women often follows the same routes legitimate migration…The lack of effective implementation of laws and policies aimed at ending trafficking is reflected in the low conviction rates for perpetrators of crimes of violence against women. In Bangladesh, according to figures provided by the police, of about 7,000 cases of violence against women registered during the past year, there were

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[75] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005, pg. 229.

[76] Dasgupta, Anindita, Bangladesh: Dream and Hunger Drive Trafficking into India, *Inter Press Service*, December 9, 2003. Sourced from http://www.aegis.com/news/ips/2003/IP031212.html

[77] USAID Bangladesh, *Current Conditions: Anti-Trafficking, USAID/Bangladesh's Anti-Trafficking Program*, July-December 2000. Sourced from http://www.usaid.gov/bd/files/anti_trafficking.pdf

only 21 convictions, while 2000 cases were being processed. The perpetrators on the rest – the vast majority – of the cases were set free.[78]

Poverty and unemployment are the two prime reasons for the trafficking of women from Bangladesh to India. In almost all the cases, unlike the economic migrants who decide to emigrate after taking into consideration cost-benefit calculations and contiguity, the girls and women have no choice. They are forced into it: either their parents sell them off to traffickers to get rid of an additional mouth to feed, or the girls leave their homes to escape poverty. Not only extreme poverty, the "ubiquitous threat of violence"[79] looms large over Bangladeshi women not only in Bangladesh, but also on the border and even after their forced migration to India.

Economic Push Forces

Thirteen years ago I had the opportunity to interview scores of Muslim migrants from Bangladesh who had moved to Delhi and settled in various parts of the Indian capital: in Yamuna Pushta along the banks of the stagnant Yamuna river near Seempuri and in Nizamuddin. When asked what was the prime factor that led them to take the decision to move to an alien land, the one word answer invariably was "*bhaater laiggya*" – for food.[80] Economic reasons no doubt also drive out Hindus, but the volume of out-migration from Bangladesh – often in waves -- is primarily that of Muslims belonging to the economically lean areas.

The situation has not changed much in either of the migrant receiving states of India: Assam, West Bengal, Tripura, and over the last 10 years or so in ethnically different states like Nagaland, Arunachal Pradesh, and Meghalaya continue to attract illegal migrants from Bangladesh. Moreover, over the same period, hundreds of thousands, who

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[78] Coomaraswamy, Radhika, *Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women, Report of the Special Rapporteur on Violence Against Women and their Causes and Consequences*, Mission to Bangladesh, India and Nepal on the Issue of Trafficking of Women and Girls, Commission on Human Rights, February 6, 2001. Sourced from http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/4cb26594f04a53a4c1256a1b0055e5df?Opendocument
[79] Macklin, Audrey, Like Oil and Water, with a Match: Militarised Commerce, Armed Conflict and Human Security in Sudan, in Wenona Giles and Jennifer Hyndman (eds), *Sites of Violence: Gender and Conflict Zones*, University of California Press: Berkeley, 2004, pg. 87.
[80] Nandy, Chandan, Fleeing for Food, *The Weekend Observer*, October 3, 1992, New Delhi, pg. 4.

had earlier settled in border states have moved deep into the interior regions and urban areas of India like Delhi, Bombay, Ahmedabad and Baroda in Gujarat, and Jaipur and Ajmer in Rajasthan. Guwahati in Assam and Calcutta or other small urban towns in West Bengal, which were the most favoured destinations 15 or 20 years back, is no longer so. Indeed, most Muslims who cross the border now use the border states as transit points to move to other Indian cities or travel beyond the country's northern borders to Pakistan and further west to the oil-rich Gulf sheikhdoms. In van Schendel's words, "for most Bangladeshi citizens on the move, the search for a better life was now no longer oriented primarily towards finding a plot of land. Increasingly, Bangladeshi immigrants in India and beyond were looking for cash incomes."[81]

Increasingly, differentials in wages and employment opportunities stimulate the movement of labour and, as Myron Weiner explains, "individuals will emigrate if the expected benefits exceed the cost, with the result that the propensity to migrate from one region or country to another is viewed as being determined by average wages, the cost of travel and labour market conditions…Uneven economic development among states and a severe maldistribution of income within states may induce individuals and families to move across international boundaries to take advantage of greater opportunities."[82]

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[81] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 227.
[82] Weiner, Myron, Security, Stability and International Migration, *International Security*, Vol. 17, No. 3, Winter 1992-1993, pg. 96.

PHOTO 8: Portion of a flooded Bangladesh village. Source: www.dfidbangladesh.org/images/Flood03.jpg

Bangladesh is considered to be one of the poorest countries in the world.[83] It is also the "eighth-most populated country in the world with the highest population density – nearly 950 persons per square kilometer".[84] Nearly 85 per cent of Bangladesh's total population of 144,319,628, with a growth rate of nearly 2.2 per cent,[85] lives in rural areas and three-fifths of the country's total workforce (about 60 per cent) is engaged in agriculture and related occupation like fishery. Pestilential cyclones, floods and rivers eroding large tracts of inhabited areas are common recurrent phenomena leaving a trail of destruction and destitutes every year. The pressure on land is easily gauged from the fact that over 140 million people inhabit 143,998 square kilometer of territory of which cultivable land stands at 59 per cent of the total land area. The remaining area is covered by water bodies, human settlements, forests and roads. In 2000, the land-man ratio was 1:18 decimal[86] and is understood to have narrowed further in the past five years.

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[83] Ahmed, A.I.Mahbub Uddin, Socio-Demographic Correlates of Rural Poverty in Bangladesh: A Case Study of Gaibandha Sadar and Tanore Upazilas, *Bangladesh e-Journal of Sociology*, Vol. 1. No. 2, July 2004, pg. 1.

[84] Poverty in Bangladesh: Building on Progress, The World Bank Group, November 2003.

[85] United Nations Development HDI Report, 2005.

[86] Ahsan, Mohammad Nazmul and Mohammad Nuruddin Ahmed, Impact of Land Utilisation Systems on Agricultural Productivity, Report of the Asian Productivity Organisation Seminar on Agricultural Productivity, Published by the *Asian Productivity Organisation*, Japan, November 2000, pg. 131. 1 decimal = 0.01 acres.

Bangladesh is ranked at 139 out of 177 countries in the United Nations' human development index (HDI).[87] Its annual per capita income is $390 and a GDP per capita of $1,770 per annum with an annual growth rate of 3.1 per cent. Over 80 per cent of the population depends completely on agriculture. Out of a total population of over 140 million, 36 per cent earn less than a dollar per day and 82.8 per cent earn less than $2 a day.[88] Fifty per cent of the population lives below the national poverty line.[89]

Land is a major source of conflict in Bangladesh. With increasing population pressure, there has been considerable land fragmentation leading to pauperisation of the rural poor. Migrants interviewed in West Bengal's thickly populated Murshidabad district said one of their prime motives for emigrating to India was the availability of land. One such illegal migrant, Hossein Sheikh, who refused to divulge much about his background, though he did acknowledge his Bangladeshi origin rather reluctantly, said:

> I moved to Chak Mathura village under Jalangi police station about 10 years ago. I used to own only two *bighas*[90] of land in my village in Rajshahi district, but I lost that when the Padma river changed course in 1994. Left with no source of income or work, I migrated along with my wife Razia Bibi. After arriving in Chak Mathura, I stayed with some local Muslims, one of whom asked me to help him out as a farm labour on his land. Gradually, I saved enough money to purchase one *bigha* of land here.[91]

Sheikh clamped up without disclosing further details: the name of his village in Rajshahi, the names of the people who had dispossessed him of his holding, what his monthly earnings are in the Indian village he settled in, the number of other Bangladeshi nationals in Chak Mathura. A local villager, Lokman Daktar, identified two others, Lalu Sheikh and Ekram Hossein, living close to Sheikh's house. Both of them refused to talk.

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[87] United Nations Development HDI Report, 2005.
[88] Ibid.
[89] Ibid.
[90] A *bigha* of land is equivalent to one-third of an acre.
[91] Author's interview with Hossein Sheikh at Chak Mathura village under Jalangi police station of Murshidabad district on July 6, 2005.

With land increasingly becoming scarce in Bangladesh, the proportion of landless people has been increasing with nearly 50 per cent of rural households functionally landless. One Non-governmental organisation believes that the figure could be as high 57 per cent among which are 2.8 million peasant households.[92] Yet another report says that:

> A pattern of land ownership structure has evolved accelerating fragmentation of landholdings and intensifying the process of concentration with few large landowners. The share of landless households has increased from 19 per cent in 1960 to 56 per cent in 1996. On the other hand, while in 1960, 1 per cent large land owning household had command over 4.7 per cent of (the) land, in 1996 it has gone up to 8.2 per cent…During the last four decades, the number of landless people has increased threefold.[93]

Furthermore, about 16 million acres of land, or 43 per cent, is privately owned and nearly 10 million acres is under government use.[94] In 1983-84, not less than 7,806,970 families in rural Bangladesh were landless as against 6,673,806 such families in 1977-1978. In the mid-1980s, 40 per cent of the rural population at the bottom own barely 3 per cent, whereas the top 5 per cent own 30 per cent of the total land.[95] This is borne out by a Government of Bangladesh document which reveals that:

> A steady increase in the number of landless households, which had reached over 50 per cent in 1994, is alarming, particularly in the context of alternative employment opportunities in the rural farm and non-farm sectors. Landlessness has increased at almost the same rate of growth as the population in Bangladesh in the recent past. Between 1960 and 1984, the population of Bangladesh increased by about 84 per cent. Farm households increased by about 64 per cent, from 6.14 million in 1960 to 10.05 million in 1983-1984. It has been estimated that in 1960 there were 2.10 million landless households, while in 1983-1984 it was 3.77 million. The number of rural households increased from 8.24 million to 13.82 million within the same period. Therefore, while the number of rural households increased at 2.2 per cent per year, the number of rural

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[92] Samata, a landless peoples organisation established in 1976 and now functioning in Pabna, Sirajgonj, Faridpur, Rajbari, Nator, Bogra, Kustia, Naogoan, Chapai Nawabganj, Kurigram, and Meherpur districts. The reference was sourced from its website http://www.samata-bd.org/intro.html on October 19, 2005.
[93] Barakat, Abul, Agrarian and Land Reforms in Bangladesh: An Inescapable Hurdle, Keynote Paper prepared for presentation at Seminar on the Occasion of Land Rights Day, June 9, 2004, Dhaka. Sourced from
[94] Ibid.
[95] Nandy, Chandan, Fleeing for Food, *The Weekend Observer*, New Delhi, October 3, 1992, pg. 4.

landless households increased at 2.5 per cent per year. A close correlation was found between landlessness and poverty.[96]

Landlessness and rural unemployment has, therefore, contributed to growing poverty which, in turn, has forced out millions of Bangladesh's poor to India where, despite its own population pressure, there are still some opportunities, "at least something to do make a living". Van Schendel describes this as "self-rescue migration"[97]: fleeing from poverty, hunger, state repression, governmental apathy and their own dark future. As another scholar writes: "In bad times, the only alternative to starvation was emigration".[98] Against this backdrop, when scores of illegal immigrants interviewed complained of chronic unemployment, low wages and high prices of food and other essential items back home in Bangladesh, the compulsion for their unending exodus become evident. What is also evident is that crossing borders is a rational choice based on cost and benefit. In the last two decades, Muslims in far larger numbers have immigrated to India than Hindus. This is but natural. Since Muslims constitute nearly 90 per cent of the total population, it is natural that immigrants from this category are several times larger than those from the minority Hindu community.

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[96] Farid, S.M, Rural Poverty Alleviation Under Changing Economic Conditions: Bangladesh Perspective. Not dated. The document, prepared by Farid, who was secretary of Bangladesh's Ministry of Planning, has been sourced from http://www.unescap.org/rural/doc/beijing_march97/bangladesh.PDF

[97] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 211.

[98] Samaddar, Ranabir, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999, pg. 67.

PHOTO 9: Bangladeshi Muslim women cooking lunch in their hut along the railways tracks in Bhagawangola, Murshidabad district, West Bengal.

The migration of Muslims since Bangladesh's creation suggests that like the "unwanted minorities and political dissidents",[99] the Muslim emigrants, viewed in their own country as poor and wretched, were eminently disposable. As illegal immigrants in India they lead the shadowy lives of a huge, expanding "floating underclass who are in India but not of it,"[100] working as agricultural and industrial labourers, as masons for the minimum wage of Rs 99 ($2) per day (West Bengal state's minimum wage), weavers, rickshaw pullers, domestic helps, rag pickers and scavengers and hawkers. A good number of them take to smuggling or trafficking in humans, bootlegging, drug-peddling prostitution and other netherworld activities. In the Indian metropolises and their suburbia, the illegal migrants live in sprawling slums of shanties on government or any vacant land, along railway tracks, as in the Sealdah North division in West Bengal, and along polluted and stagnant canals amidst rotting filth and garbage.

The present migration, therefore, appears to be a defiance against all odds of the state system in many terms: defiance of the border, defiance of the citizenship laws of the sending country and defiance of the laws of the receiving country. But how do

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[99] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins College Publishers: New York, 1995, pg. 19.
[100] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 200.

immigrants in huge numbers manage to cross the Indo-Bangla border? What strategies do they adopt to risk their lives to cross over without authorisation? Despite the Indian state's "strategy of territorialising state power and sovereignty",[101] is there little control that it exercises over the long and evidently porous border that it shares with Bangladesh, the migrant-sending country? Is the lack of control on the part of Indian authorities a sufficiently strong pull force that the Bangladeshi migrants successfully exploit?

Ineffective Border Control

Every significant migration problem has two aspects: First, prevention of migration. Second, repatriation of the migrants to their homeland. On both counts, the Indian state has miserably failed in relation to neighbouring Bangladesh which is the main source of illegal migrants in the country. Emigration from Bangladesh is facilitated by poor border management on the Indian side. Part of the problem is inherent in the very unscientific nature of the Indo-Bangladesh border. It is long (4095.7 kilometres), artificial and porous in the absence of any natural barrier. At innumerable points of the land border the human habitats on both sides can hardly be differentiated, making it perfectly natural and almost legitimate to access each other's territory without any let or hindrance. The Government of India had taken a decision to fence off the entire stretch of the Indo-Bangla border, 150 yards from the Zero Line in Indian territory, decades ago. But implementation of the two-phased project has been woefully tardy and incomplete. A total of 1,712.224 kilometers of the border in West Bengal, Assam, Tripura, Meghalaya and Mizoram have been fenced, but at innumerable points the fencing has given to natural ravages, wear and tear or human vandalism. Cutting through the barbed wire fencing for smuggling men and merchandise is quite rampant. The border racketeers on both sides do this in connivance with the border guards. In this context, a Government of India document has this to say (see also Table 4):

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[101] Ibid. pg. 5.

The Indo-Bangladesh border is marked by a high degree of porosity and checking illegal cross-border activities has been a challenging proposition. This main problem is of illegal migration from Bangladesh to India.[102]

Considering that checking illegal immigration is a "challenging proposition", by the Indian government's own admission, the same authorities displayed laxity when it came to expediting fencing along the border. This was in stark contrast to the speed and alacrity with which fencing came up along the Indo-Pakistan border in the Punjab sector or along the Line of Control in Jammu and Kashmir. The reasons for the slow progress of work on fencing along the Indo-Bangladesh are:

The progress of work of fencing and border roads was slow because of the BSF had certain operational difficulties with the existing design in low-lying areas in (the) West Bengal sector as some portion of the fencing remained submerged under water for better part of the year. In (the) Tripura sector road alignment was presenting operational difficulties due its distance from the border.[103]

The fact, however, is that powerful vested interests in the border districts of West Bengal, acting in collusion with borderlanders, held up work on fencing by filing various cases which continue to drag on in courts. In 1998, a meeting in the Government of India's Ministry of Home Affairs deliberated the "problems" of construction of fencing at a distance 150 yards from the Zero Line and identified that:

- 458 villages falling in nine districts will be affected. Total number of families/persons to be affected is yet to be assessed for all the villages. In Nadia district alone, 39 villages with more than 4,000 families and important installations fall within 150 yards.
- Expenditure on their rehabilitation would be huge.
- Loss of agricultural land falling between the '0' Line and 150 yards can in no way be compensated.
- Apprehension of being alienated from the mainland prevails among the villagers.

[102] *Emerging Concerns and New Initiatives*, Annual Report, Ministry of Home Affairs, Government of India, 2004-2005, pg. 73.
[103] Note for Circulation for the Meeting of the Consultative Committee for the Ministry of Home Affairs, December 16, 2002, pg. 11, *Ministry of Home Affairs*, Government of India. The Consultative Committee referred to is a Parliamentary Committee of Members of Parliament drawn from various political parties.

• ☐ Serious dissatisfaction/tension among villagers would be generated.[104]

In several border villages in Nadia, Murshidabad, and North 24 Parganas districts in West Bengal, and in Karimganj and Dhubri districts in Assam, there are gaping holes in the fences, either because of natural wear and tear or because they have been vandalised by smugglers, Bangladeshi criminal gangs who cross the border to commit dacoity in Indian villages or Bangladeshi migrants attempting to cross over to Indian territory. At other locations in the same districts, fencing does not exist. Neither the BSF nor the state administration has shown any urgency to get the fences repaired or put up fresh ones where old ones they stood many years ago.

PHOTO 10: Barbed wire fencing and a BSF watch tower within 150 yards from the 'Zero Line'. Beyond the watch tower is Bangladesh territory. Picture taken in the Nadia sector of South Bengal.

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[104] Status Paper on the Issue of Indo-Bangladesh Border Fencing taken up for discussion at the Ministry of Home Affairs, North Block, Government of India, New Delhi, on June 17, 1998.

TABLE - 4

Name of State	Border length	Fencing Phase 1 (completed)	Fencing Phase 2 (sanctioned)	Border length in kms Achievements (Till January 2005)
West Bengal	2216.7	507	1021	545.27
Assam	262	149.294	71.5	4
Meghalaya	443	198.06	201	37.36
Tripura	856	--------	736	271.24
Mizoram	318	--------	400	--------
TOTAL	**4095.7**	**854.354**	**2429.5**	**857.87**[105]

From the accounts of the migrants interviewed, it would seem that crossing the 4096-kilometre-long border, long stretches of which are still undemarcated, is remarkably easy. There are not too many Indian Border Security Force (BSF) personnel to challenge them. And even if they are interdicted at the border, then the exchange of a few hundred Rupees takes care of minor issues of being stopped or turned back. The Bangladesh Rifles (BDR) troops, whose presence on the Bangladesh side of the border is thinner than that of the BSF, do not object to their nationals crossing over to India. One 65-year-old *dalal*, who I interacted with for four days and lived and dined with him as we had intense discussions about his trade, borderland politics, society and the future, said:

> You want to go to Khulna and meet some of my villagers there? We can leave tomorrow morning at 7, reach Khulna by 1 in the afternoon. We can stay there for a couple of days and return here. No questions asked, no answers to be given. The only thing that needs to be given on both sides of the border is Rs 400-Rs500 to BDR and BSF personnel. Trust me, no one will bother to stop you or me.[106]

"The state system is being subverted at will along the Indo-Bangladesh,"[107] writes one Indian scholar. But, for the man I interviewed, being a borderland broker was a means of

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[105] Emerging Concerns and New Initiatives, Annual Report, Ministry of Home Affairs, Government of India, 2004-2005, *Appendix-IX*, pg. 176
[106] Author's interview with Nimai Mandal, at Dakshin Chatra, North 24 Parganas, West Bengal, on July 10, 2005.
[107] Samaddar, Ranabir, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999, pg. 63.

survival in the face of poor business in his Indian village. In South Chatra he runs a small, poorly-stocked clothing store that hardly attracts customers. However, the day after I spoke to the *dalal*, he informed me that he had a "client", a 70-year-old Bangladeshi Hindu who had come over to meet his married daughter in North 24 Parganas and who wanted to "go across" to his village in Khulna.

> The deal is that I will take him across *oi paar*[108] and it will cost him Rs 500. I usually charge Hindus less. Part of the money will go to the BSF and some of it to the BDR. I will be left with barely Rs 200. But that is okay. In our trade we have to consider several things one being religious commonalities. I would do anything to help a Hindu sneak into Bangladesh or one wanting to quit that country of Hindu-baiters.[109]

As announced earlier, he left for Khulna along with his client on July 12. After reaching Dumuria, his native village in Bangladesh's Khulna district, he had lunch with a jeweller friend. Two days later, he returned with Panchanan Joardar, his classmate of yore, in tow and a local Khulna newspaper to prove that he had actually gone across to Bangladesh. He also told me how Muslim women, disguised as Hindus, had taken to the work of *dalals*, by adopting Hindu names: Rita, Manju, Kalidasi, Kamala and Shefali. But Panchnan Joardar had another story to tell:

> I have come over for good. This is it. There is no going back to a *desh* (country) where day in and day out Hindus are killed, hurled abuses at, beaten up, their wives and daughters raped and harassed, our lands forcibly occupied and where there is no scope for any job because of discrimination. This is the second third that I have been uprooted. The first time was in 1974 when I crossed over to Cachar in Assam. I went back to my village at Taltala under Dumuria police station of Khulna at the height of the anti-Bengali and anti-foreigner riots in Assam in the early Eighties. Now I am having to move again. I will bring over my family later. I will work here as a farm hand. That is what I have come here to negotiate, thanks to Nimai who helped me across the border without being accosted by either the BDR or the BSF.[110]

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[108] *Oi paar* in Bengali means "the other side" or across the border.
[109] Author's interview with Nimai Mandal, at Dakshin Chatra, North 24 Parganas, West Bengal, on July 10, 2005.
[110] Author's interview with Panchanan Joardar at Dakshin Chatra, North 24 Parganas, West Bengal, on July 13, 2005.

Clearly, the border is porous and passage extremely easy. Even 15 years back, when the issue of illegal immigration had not burst forth into the Indian political discourse, the border was as lax as it is now. At that time, there were vast stretches where no fencing had come up. The presence of the BSF was thin. It was easy come, easy go.

> After communal riots erupted as news of the destruction of the Babri Mosque in Ayodhya reached Milgopalpur village in Kushtia district of Bangladesh on December 8, 1992, my wife and I left. We took a train from Azimnagar to Bheramara station from where we took bus to Mohishkund. It was night time and we had to make our way through *paat*[111] fields. At the border, a *dalal* charged Rs 300 each for my wife and me. They took us across the zero line and left us at Kacharipara near the Nasaripara border observation post in Nadia district. Once we were on this side, no one stopped or questioned us.[112]

PHOTO11: Damaged fencing with no barbed wire. A Bangladeshi man in the background tries to cross over, but seeing the author, swims back in the cover of the water hyacinth. Picture taken in the Dhubri sector of Assam.

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[111] *Paat* in Bengali is jute crop
[112] Author's interview with Haren Sarkar at Govindapur village under Hogalberia police station, Nadia district, West Bengal, on July July 5, 2005.

For guarding the long border the number of BSF personnel is extremely inadequate. In the South Bengal frontier for instance, where the BSF has to guard 1150.62 kilometers (of which 501. 780 kilometers have been fenced) of the border, 15 battalions[113] have been deployed for border guarding duties. There are 290 border observation posts (BoP) spread over the districts of North 24 Parganas, South 24 Parganas, Nadia, Murshidabad and Malda (these belong to the South Bengal sector). The BoPs are at a distance of several kilometers from each other. Each BoP is under the jurisdiction of a company whose strength is approximately 110 troops of whom only about 37 (a platoon) are on patrol duty to cover 4-to-5 kilometer stretch of the border. But not all of these troops are on patrolling duty at any given point of time, leaving "gaps of 1 to 2 kilometers between two observation posts".[114] The BSF's field intelligence unit, called mysteriously called the 'G' Branch is also under-staffed. Besides, "the standard authorised strength of the 'G' teams cannot be expected to cope up with the intensity of crime and other border problems".[115] Consequently, border patrols are few and far between and the number of observation towers are located at considerable distance from each other.

PHOTO 12: A Border Security Force soldier in the
South Bengal sector.
Source: www.tribuneindia.com

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[113] The strength of one battalion approximates to about 700-720 personnel, including cooks, gardeners, and those who are not engaged in actual border-guarding duties.
[114] Population Growth, Demographic Profile of West Bengal and Bangladesh and Illegal Immigration from Bangladesh to India, Part 1, Classified BSF document procured from a BSF source on June 29, 2005, pg. 7.
[115] Ibid.

PHOTO 13: A Bangladesh Rifles soldier forcing back Bangladeshis who India wanted to 'push back'. Source: www.telepgraphindia.com.

The problem of inadequacy of border guards is vastly compounded by pervasive corruption among them. The collusion and "commercial alliance"[116] of the border guards with touts and racketeers on both sides is legendary. Each group of touts, or *linemen* in borderland parlance, and racketeers is assigned specific border stretches and points, locally called *ghats*, to facilitate border crossings by prospective immigrants and smugglers. At times, the *ghats* are auctioned off to the highest bidder among smugglers and *linemen*, who in turn hired the services of couriers locally known as *dhur*, operating in each border village or a cluster of villages close to the zero line. Van Schendel argues that smuggling or "illegal trade" exist because of the "policies of state territoriality".[117] He insists that "it is only when states forbid – or fail to sanction – certain transnational trade flows that these come to be defined as illegal, illicit, black, underground, contraband, clandestine, smuggling and so on".[118]

Smuggling is easily the dominant form of trade on both sides of the Indo-Bangladesh border and this could happen because first India and Pakistan and since 1971 India and Bangladesh, "in pursuit of their territorial control, destroyed many pre-existing trade networks and systems of exchange".[119] But, since the "dominance of illegal trade was predicated on restrictive official policies, combined with insufficient state surveillance", a nexus developed between members of the law enforcement agencies, private

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[116] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 160.
[117] Ibid. pg. 156.
[118] Ibid.
[119] Ibid. pg. 157.

entrepreneurs and local-level politicians to finance, facilitate and encourage illegal trade. But the "expansion of illegal cross-border trade was partly a result of sheer demographic growth" and the economic pressure felt by borderlanders on both sides of the border. Even in Indian border villages, smuggling became an alternative and attractive income-generating proposition in the face of unemployment. This came across to me as a harsh truth when a young man hailed down the BSF Company Commander's motorcycle (with I as the pillion) on the border road in Amudia village:

> Sir, I have a prayer. I am a BA graduate from Vidyasagar College in Calcutta. After graduating, I returned to my village of Nityanandakati to find that there is no job fit for me. I am also disabled. Sir, with your kind persmission can I take across 20 kilograms of sugar to the other side (of the border) every day? Please sir, I have no job. This could be the only means for my survival.[120]

The BSF officer was taken aback. This was the first time that a villager had walked up to him and made such an open and bold proposal. He turned around and told me:

> Do you now see for yourself what the situation in the border area is? Now what do you do with this fellow? He is making a clean admission of his willingness to take to smuggling because as in Bangladesh, there are no job opportunities on this side of the border either. Things are not all that hunky-dory here.[121]

An idealist, the young BSF officer said he was disgusted by the situation prevailing on the Indian side of the border:

> It is extremely difficult to work under trying conditions. We face pressures from local politicians when we apprehend Bangladeshi illegal immigrants attempting to cross over to India, the local police and the Customs unit do not co-operate with us when we make seizures of contraband. The whole thing is a joke. The BSF might not as well be deployed on the border. I agree that there are some rotten apples in the BSF, but the over all

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[120] Adiyta Pal, a resident of Nitaynandakati, in his prayer to the BSF Company Commander of Amudia BoP on July 12, 2005.
[121] Conversation between the BSF Company Commander and the author at Amudia, North 24 Parganas, on July 12, 2005.

situation makes working and guarding the border properly a nightmare, not to speak of frustrating and depressing.[122]

The nexus between the law enforcement agencies, the heads of the smuggling rings and the local politicians runs deep. For them, self-interest came before state interest. The state police contingents, including the border task force units are either used for duties other than for which they are meant or they have no real desire and incentive to go about preventing illegal migration. For example, in Assam's border district of Dhubri, heavily populated by Bangladeshi "infiltrators" and prone to "infiltration", the strength of the sanctioned task force is 288 men who have to cover an area of 2,838 square kilometers with a border stretch of 135.22 kilometers.[123] Some of the officers, as I found out in the course of my travel in Dhubri and elsewhere in the state, have never ever visited or patrolled the border. In West Bengal, the situation is similar and work of the task force, funded by the Central government in Delhi, is hampered by political interference or ineffective because of lack of initiative, not to speak of corruption, and politicisation of the state police force from which it is drawn.

We have thus seen that the statist policy of territorial control and restrictive border policies backfired on both the Indian and Bangladesh states: it created two hostile peoples on either side of the border, it did not limit or restrict illegal immigration of several millions, who continue to arrive in droves, it gave a fillip to illegal trade and it planted the seeds of communal conflict. But all this could not have been possible without another pull force – political patronage to the illegal immigrants, which had disastrous consequences on the Indian polity, economy, society and security. This deservedly requires a separate chapter for discussion for in it lies the potential for violent conflict in the region.

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[122] Ibid.

[123] Dutta, P.K, *A Brief Note on Dhubri District*, Prepared by compiled by P.K.Dutta, Superintendent of Police, Dhubri, August 2005, pp. 2-18.

Chapter 5

Politics of Immigration

In February 2001, the Government of India published a report on Reforming the National Security System. The report was prepared by a high-powered group of ministers (GoM) headed by then Indian Deputy Prime Minister L.K.Advani, a top leader of the Bharatiya Janata Party (BJP), otherwise referred to as the Hindu Nationalist Party. The GoM was concerned over poor management of the country's borders and appeared to have set its sight on correcting the anomalies and shortcomings, not to speak of stopping illegal immigration from Bangladesh for all times to come. Below is one entry from the document that underscores the then government's concerns:

> Illegal immigration from across our borders has continued unabated for over five decades. We have yet to fully wake up to the implications of the unchecked immigration for the national security. Today, we have about 15 million Bangladeshis, 2.2 million Nepalese, 70,000 Sri Lankan Tamils and about 1 lakh (100,000) Tibetan migrants living in India. Demographic changes have been brought about in the border belts of West Bengal, several districts in Bihar, Assam, Tripura and Meghalaya as a result of large-scale illegal migration. Even states like Delhi, Maharashtra and Rajasthan have been affected. Such large-scale migration has obvious social, economic, political and security implications. There is an all-round failure in India to come to grips with the problem of illegal immigration. Unfortunately, action on this subject invariably assumes communal overtones with political parties taking positions to suit the interest of their vote banks. The massive illegal immigration poses a grave danger to our security, social harmony and economic well being.[1]

I shall return to the Indian discourse on how illegal immigration adversely affects national security and examine how this particularly statist view was linked to the

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[1] Border Management, Chapter 5, *Report of the Group of Ministers on National Security*, Government of India, February 2001, pg. 60.

"narrative of infiltration" and the "hyperbole of demographic attack".[2] At the moment, let me focus on how political patronage as a strong pull factor contributed to what can be termed as subversion of the polity from within and outside. The process of that subversion is not new. In fact, it emerged during the years immediately preceding the Partition and after. It will then become clear whether there is any truth in the view that illegal immigration from East Pakistan/Bangladesh was actually an invasion of India's national space by the people of a neighbouring state.

Assam's Anti-Foreigner Movement

Colonial commercial considerations brought in the first wave of immigrants to Assam in India's Northeast. The British discovery that there could be "large-scale commercial production of tea in Assam" and the consequent "economic transformation of Assam caused an enormous demographic shift. Colonial officials actively encouraged immigration into Assam,"[3] whose political boundaries at that time included parts of Bengal, including Sylhet which, after the Partition of India, went to East Pakistan. Tea planters brought in several thousand *santhals* or indigenous people from southern Bihar (present day Jharkhand state) to work as immigrant labour on the sprawling tea plantations. Besides the tea plantations, other enterprises engaged in the modernisation and economic transformation also encouraged migration not only of labour but also of professionals, especially from other parts of East Bengal. These also included educated Bengali Hindus to run the administrative system. At the same time, the growing demand for labour on agricultural land attracted peasants from Bengal. By 1891, it was estimated that "one-fourth of the population of the Brahmaputra Valley (within which much of Assam is nestled) was of migrant origin".[4] But it was "the colonisation of land by settlers from East Bengal (that) began in a big way in the second decade of the twentieth century,

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[2] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 195.

[3] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pp. 45-46.

[4] Weiner, Myron, The Political Demography of Assam's Anti-Immigrant Movement, *Population and Development Review*, Vol. 9, No. 2 (June 1983), pg. 283.

and on a reduced scale continued well beyond the partition of the sub-continent in 1947,"[5] that transformed the ethnic, social, religious and linguistic fabric of the province.

Multi-ethnic Assam witnessed a population boom and a demographic shift in the first and second decades of the 20th century primarily because of immigration. The largest influx took place after 1900 when Bengali-speaking Muslims moved into the Brahmaputra Valley from East Bengal. They reclaimed land, cleared vast tracts of dense forests along the south bank of the Brahmaputra river and occupied flooded lowlands all along the river. Mymensingh, one of the largest districts of undivided Bengal, was the source of the largest influx into Assam. Gradually, more immigrants started moving into Assam and:

> In the 1930s and 1940s when electoral politics was introduced, the more numerous Bengali Muslims won control over the state government and then attempted to use their position to facilitate further migration of Bengali Muslims from East Bengal, to strengthen their political position, and then to press for the incorporation of Assam into the proposed Muslim majority state of Pakistan.[6]

The compulsions of electoral politics was, perhaps, the main factor behind the influx of Muslim migrants from East Bengal in the 1930s and 1940s. And the man credited with welcoming migrants into Assam was Sir Syed Mohammad Saadullah, of the Muslim, who twice became Prime Minister of the province before the Partition of India. In tracing the origins of the anti-migrant violence that engulfed Assam in the late 1970s and early 1980s, Sanjoy Hazarika writes:

> Saadullah had announced, in July 1941, a Land Settlement Policy that opened the floodgates to immigrants, allowing them to settle on government land anywhere in Assam and enabling them to seize as much as thirty *bighas* of land and more for each homestead.
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> This was a step that was to bring both prosperity and ruin to Assam.

[5] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 47.
[6] Weiner, Myron, The Political Demography of Assam's Anti-Immigrant Movement, *Population and Development Review*, Vol. 9, No. 2 (June 1983), pp. 283-284.

In a 1945 letter, Saadullah boasted to Liaquat Ali Khan, later Prime Minister of Pakistan and then M.A.Jinnah's second-in-command in the Muslim League, that 'In the four lower districts of Assam Valley, these Bengali Muslims have quadrupled the Muslim population during the last 20 years'…

And (in 1942) in a bid to strengthen his tenuous hold on Assam's politics, he openly encouraged immigration from East Bengal…[7]

Saadullah's open call to East Bengali migrants to settle in Assam, especially in the four districts of Goalpara (including Dhubri), Kamrup and Nowgong (or Nowgaon), is borne out by the spectacular growth in population when he was Prime Minister of the province between 1937 and 1946. In the first five decades of the 20th century, Assam's population growth was higher than the rest of India's and the trend would continue till well into the 21st century. (See Table 5):

TABLE - 5[8]

Year	Growth rate (in per cent)	All-India growth rate (in per cent)	Variation (in percent)
1901-11	16.99	5.73	11.26
1911-21	20.48	-0.31	20.78
1921-31	19.91	11.22	8.91
1931-41	20.40	14.22	6.17
1941-51	19.93	13.31	6.62

Note: I have reproduced only part of the table. The rest of the table is shown in the next chapter.

After Partition, when a Congress government led by Gopinath Bordoloi as Chief Minister was installed in Assam, immigration from East Pakistan continued. "The creation of an international border separating Assam and East Bengal did not halt the movement of people".[9] Legislations like the Immigrants (Expulsion from Assam) Act of 1950, which

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[7] Hazarika, Sanjoy, *Strangers of the Mist: Tales of War and Peace in India's Northeast*, Penguin: New Delhi, 1994, pp. 58-57.
[8] Population Census of India 1971. Reproduced from Sanjib Baruah, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 51.
[9] Weiner, Myron, The Political Demography of Assam's Anti-Immigrant Movement, *Population and Development Review*, Vol. 9, No. 2 (June 1983), pp. 285.

distinguished between Hindu and Muslim migrants, were enacted but could do little to effectively stop migration from across the border. The "Statement of Objects and Reasons" for the Act said:

> During the last few months a serious situation had arisen from the immigration of a very large number of East Bengal residents into Assam. Such large migration is disturbing the economy of the Province, besides giving rise to a serious law and order problem.[10]

In the wake of Partition, the Constitution of India fixed July 19, 1948 as the deadline for migrants to apply for and claim Indian citizenship. But after the Liaquat-Nehru Delhi Pact of 1950, this deadline was extended till the end of the same year to accommodate the Hindu migrants leaving East Pakistan following the outbreak of communal riots there. Although the Immigrants (Expulsion from Assam) Act of 1950 which, as one scholar says, "implicitly distinguished between Hindu refugees and Muslim illegal aliens",[11] was repealed. This was followed in 1965, after the riots in East Pakistan in 1964 and the 1965 Indo-Pakistan war, by a "secret administrative order" which declared that Hindu migrants settled in India for more than six months could be granted Indian citizenship by a district magistrate. This too was withdrawn subsequently.

However, the Prevention of Infiltration from Pakistan (PIP) Act of 1964, enacted when Bimala Prasad Chaliha was the Assam Chief Minister, tried to "battle the influx", forcing even the then Prime Minister Jawaharlal Nehru to ask Chaliha to "go easy on the deportations and even stop them". But Chaliha refused, arguing that the "problem was so critical that Assam's demography and culture would be permanently changed".[12] The PIP, however, went into "cold storage" when the Chaliha government realised that it was becoming difficult for it to survive without the Muslim vote.[13] Meanwhile, the Bengali-

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[10] From the Supreme Court Judgment of Justices R.C.Lahoti, G.P.Mathur and P.K.Balasubramanyan, Case no. Writ Petition (civil) 131 of 2000, Petitioner Sarbananda Sonowal, Respondent, Union of India, Date of Judgment: July 12, 2005. This judgment declared the Illegal Migrants (Determination by Tribunals) Act of 1983 as *ultra vires* of the Constitution and struck it down.

[11] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 119.

[12] Hazarika, Sanjoy, *Strangers of the Mist: Tales of War and Peace in India's Northeast*, Penguin: New Delhi, 1994, pp. 60-61.

[13] Ibid. pg. 63.

speaking Muslims, those who had been settled in Assam for long and even the migrants, "sided with the Assamese, declaring their mother tongue as Assamese, accepting the establishment of primary and secondary schools in Assamese, supporting the government against Bengali Hindus on the controversial issue of an official language for the state and the university and casting their votes for Congress".[14]

Weiner is of the opinion that the Bengali Muslims gravitated toward the Congress – the party in power in Assam – as control over the state apparatus and political power would give them greater access to jobs and other benefits and access to resources that come with association with the party in power. "The Bengali Muslims had much to gain and little to lose by siding with the Assamese".[15] But all this would change when, "after the 1977 parliamentary elections the Assamese turned against the Bengali Muslims. There were both demographic and political reasons".[16] On the political front, for the first time after independence, the Congress lost power in the state in 1977 after then Prime Minister Indira Gandhi imposed a country-wide state of Emergency. The Congress split and with it the Bengali Muslims shifted their support to other parties in Assam. But Gandhi returned to power in 1980. In 1979, when the Indian Election Commission discovered in the course of a revision of the electoral rolls of the Mangaldoi Lok Sabha constituency that there was an unexpectedly large increase of voters, alarm bells began to ring. These excess voters could not prove their Indian identity and had registered themselves recently. They were later found to be Bengali Muslims. This was enough to launch a sustained movement against all "foreigners", including illegal migrants from Bangladesh. The movement for the deletion of the names of illegal migrants from the electoral roll was spearheaded by the All Assam Students Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) whose slogan "Save Assam to Save India" drew large supporters from a wide cross-section of people and was based on the "successful mobilisation of Assamese subnationalism"[17]. As B.G.Verghese writes:

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[14] Weiner, Myron, The Political Demography of Assam's Anti-Immigrant Movement, *Population and Development Review*, Vol. 9, No. 2 (June 1983), pg. 285.
[15] Ibid.
[16] Ibid.
[17] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 117.

At the local level, the influx was facilitated by vested interests. Indolent Assamese landlords were not averse to their lands being brought under the plough or improved by hardy peasants skilled in new crop techniques such as deep water paddy and jute cultivation. Others provided cheap labour, and still do. Politicians were willing to regularise matters by arranging ration cards or other certification or by securing electoral registration to create potential vote banks.[18]

The agitation, which was a "campaign protesting what was alleged to be a *de facto* Indian government policy of admitting and enfranchising 'foreigners'",[19] quickly spread through Assam, much in the form of civil disobedience, paralysed the state. The goal of the agitation was "detection, deletion, deportation" – detection of illegal migrants, deletion of their names from the voters' list and finally their deportation to Bangladesh. Although some scholars like Baruah believe that the "focus on illegal immigration by the Assam movement illustrates a contradiction"[20] – acceptance of some immigrants (Hindus) and the non-acceptance of others (Muslims) -- the students had raised some very fundamental questions: who is an Indian citizen and whether anyone other than an Indian citizen had the right to exercise his/her vote. They called for a boycott of elections to the 126-member state legislature as well as eight of the 14 parliamentary constituencies. But elections were held nevertheless, bringing the Congress, led by Hiteshwar Saikia as Chief Minister (in his second term as Chief Minister in the early Nineties, Saikia said on the floor of the Assembly that there were an estimated 3 million Bangladeshis in his state), back to power in Assam.

Weiner's analysis of Indian population census figures of 1951, 1961 and 1971 (no census operations were held in Assam in 1981 because of the agitation) to establish a causal relationship between illegal immigration and the students' agitation is noteworthy. He says that to many the Election Commission's discovery of "unexpected large increase" in the electoral rolls appeared:

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[18] Verghese, B.G, *India's Northeast Resurgent: Ethnicity, Insurgency, Governance, Development*, Konark Publishers: New Delhi, 1997, pg. 294.
[19] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 115.
[20] Ibid. pg. 118.

…as if the Bengali Hindus and Bengali Muslims together were now in a position to undermine Assamese rule. Many feared that the census would show a sharp decline in the number of Assamese speakers as Bengalis who had previously declared their language (as) Assamese would now officially revert to Bengali.

According to the 1951 census, 56.7 per cent of the population was Assamese speaking, in 1961 62.4 per cent and in 1971 61 per cent. The Bengalis were 16.5 per cent, 18 per cent and 19.7 per cent, and the Hindis-speaking population was 3.8 per cent, 4.8 per cent and 5.4 per cent. Between 1951 and 1961 the population of Assam increased from 8 million to 10.6 million (a 35 per cent increase), but the number of Assamese speakers rose from 4.6 million to 6.7 million, a 48.5 per cent increase, suggesting the magnitude of language "switching". In the 1931 census only 1.7 million people reported Assamese as their mother tongue.

Between 1961 and 1971 the proportion of Assamese declined for the first time, as the proportion of Bengali speakers increased. This shift, though small, was in a direction that aroused the anxieties of many Assamese. If a large proportion of the Muslim population (24.6 per cent of the population in 1971), most of whom are of Bengali origin, declared themselves Bengali, the position of the Assamese and Bengalis could be reversed.[21]

Weiner concludes that the ethnic composition in the urban areas had also changed: about 38 per cent were recorded as Bengali speakers and 33 per cent Assamese. "For the Assamese, the towns of Assam had become centres of alien life and cultures",[22] leading the students and their supporters to proclaim that Assam was being swamped by foreigners and infiltrators and soon Assam's culture would be threatened with extinction.

But the Central government in Delhi was forced to negotiate with the AASU and AAGSP. The result, after four years of talks, was the August 15, 1985 tripartite Assam Accord one of whose crucial terms of agreement was the Illegal Migrants (Determination by Tribunals) Act of 1983, a tool that would identify, disenfranchise and deport illegal aliens. The IMDT Act would prove to be one of the most controversial pieces of

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[21] Weiner, Myron, The Political Demography of Assam's Anti-Immigrant Movement, *Population and Development Review*, Vol. 9, No. 2 (June 1983), pg. 286.
[22] Ibid.

legislation for it not only encouraged immigration but also sought to protect migrants from detection, deletion and deportation. The IMDT Act was a hindrance rather than a help to detect and determine the foreign nationality of migrants. An examination of the toothless law would show that it did more harm than good and points to how political actors themselves subverted the law, put their self and party before state interest and plunged Assam into chaos and turmoil which has resurfaced again after the Supreme Court struck down the law, calling it *ultra vires* of the Constitution. Suffice it to say that previously the BJP-led National Democratic Alliance government had introduced a Bill in Parliament to repeal the legislation. But the task had remained unfinished when the Supreme Court took up a public interest litigation filed by Asom Gana Parishad (AGP)[23] Member of Parliament Sarbananda Sonowal in 2000. The respondents were the Government of India and the State of Assam.[24]

Expressing his main grievance against the IMDT Act, Sonowal says in his petition that the Act is "wholly arbitrary, unreasonable and discriminates against a class of citizens of India, making it impossible for citizens who are residents of Assam to secure the detection and deportation of foreigners from Indian soil".[25] Some of his other contentions, in brief, are as follows:

- The result of the IMDT Act has been that a number of non-Indians who surreptitiously entered into (sic) Assam after March 25, 1971 without possession of valid passport, travel documents or other lawful authority to do so, continue to reside in Assam.
- Their presence has changed the whole character, cultural and ethnic composition of the area. Besides, a huge number of Bangladeshi nationals, who have crossed

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[23] Following the signing of the Assam Accord on August 15, 1985, the AGP, led by the student leaders of the AASU, was formed as a political party. It came to power in the elections to the Assam Legislative Assembly in 1986. One of the student leaders during the Assam movement, Prafulla Mahanta, became the Chief Minister of Assam in 1986.

[24] See footnote 10. Prior to becoming a Member of Parliament, Sonowal was a former president of the AASU.

[25] Quoted in the Supreme Court Judgment of Justices R.C.Lahoti, G.P.Mathur and P.K.Balasubramanyan, Case No. Writ Petition (civil) 131 of 2000, Petitioner Sarbananda Sonowal, Respondents, Union of India and the Government of Assam, Date of Judgment: July 12, 2005, pg. 1of the certified copy of the judgment.

over to India, have occupied vast tracts of land in (the) sensitive international border that has very serious implications for national security.

- The IMDT Act creates a situation where it has become virtually impossible to challenge the presence of a foreigner and to secure his detection, deportation or even deletion of his name from the electoral list as they get protection on account of the provisions of the Act.
- Determination and detection of a foreigner should be governed by the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1964.
- Declaration of the IMDT Act as unconstitutional and *ultra vires* of the Constitution.

But what is the IMDT Act, which is said to have cut asunder Assam's social, religious and linguistic fabric and brought into question the very concept of citizenship and the rights and benefits associated with it? Also, what makes the Foreigners Act, 1946 a more effective legislation in detecting and deporting foreign nationals who might have entered illegally? The Preamble to the Act states that it is "an Act to provide for the establishment of Tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant to enable the Central Government to expel illegal migrants from India for matters connected therewith or incidental thereto". Under this law, especially enacted for the state of Assam alone, tribunals were set up for dealing with the cases of illegal immigration and after determining their real status, to deport those who were found to be foreigners. The main weakness of this law was that it put the onus on the informant to prove that a suspect immigrant is a foreigner whereas under the Foreigners Act, applicable to the rest of India, it is the suspect migrant who has to establish his Indian citizenship for the purpose of accepting as such.

Long before the Supreme Court struck down the IMDT Act, successive governments at the Centre and in Assam gave assurances – between January 1990 and July 2000 -- that repealing the Act was under their "active consideration". But nothing happened, nothing moved. Even the BJP-led NDA government, which introduced a Bill in Parliament to repeal the law, did so before the 2001 Assam Assembly elections. Most national political

parties, led by the NDA coalition, admitted that the IMDT Act was discriminatory and had not yielded the desired results. It was, by all accounts, and by government statistics, an ostentatious fraud that tied the hands of the law enforcement authorities and actually enabled illegal migration to take place. (See Table 6 for a break-up of the number of cases screened and examined under the IMDT Act and the number of Bangladeshis deported). An interlocutory application of the Government India filed in the Supreme Court had this to say on the issue:

> Large-scale illegal migrants from Bangladesh have not only threatened the demographic structure of the area but have seriously impaired the security of the nation, particularly in the present circumstances. The need for expeditious identification of illegal migrants is more pressing now than ever. It is not a matter of dealing with a religious or linguistic group. It is a question of identifying those who illegally crossed over the border and continue to live in India contrary to the Indian law and the Constitution…It is the existence of the IMDT Act which has been the single factor responsible for dismal detection and expulsion of illegal migrants in Assam…The application of the IMDT Act, 1983 in Assam virtually gives the illegal migrants in the state preferential protection in a matter relating to the citizenship of India.[26]

TABLE - 6[27]

Statement of progress achieved under IMDT Act

Years 1985-2005 (up to Feb)	No. of Inquiries initiated	No. of Expulsion orders served	No. of persons expelled
	434,793	**6,557**	**1,538**

Another counter-affidavit by the Government of India identified the "push" factors as "steep and continuous increase in population (in Bangladesh), sharp deterioration in land-man ratio (in Bangladesh), low rates of economic growth particularly poor performance in agriculture". The "pull" factors were identified as: "Ethnic proximity and kinship

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[26] Singh, Jatinder Bir, Interlocutory Application, in Writ Petition (Civil) No. 131 of 2000, In the matter of *Sarbananda Sonowal vs Union of India and Others*, In the Supreme Court of India, Civil Jurisdiction, pp. 2-3.
[27] Ministry of Home Affairs, Government of India, New Delhi.

enabling easy shelter to the immigrants, porous and easily negotiable border with Bangladesh, better economic opportunities, interested religious and political elements encouraging immigration".[28] In the same counter-affidavit, the Government of India pointed out that "it is difficult to make a realistic estimate of illegal immigrants from Bangladesh because they enter surreptitiously and are able to mingle easily with the local population due to ethnic and linguistic similarities. The demographic composition in the districts bordering Bangladesh has altered with the illegal immigration from Bangladesh".[29]

The AGP-led Assam government, which at the time had maintained a political interest in the deportation of "hundreds of thousands" illegal immigrants from Bangladesh, in its counter-affidavit reiterated its commitment to the repeal of the IMDT Act, adding that the three districts of Karimganj, Dhubri and Cachar had become Muslim-majority because of the presence of Bangladeshi migrants.[30]

But with the change of government in the state, in 2001, the new Congress-led government led by Chief Minister Tarun Gogoi, moved an interlocutory application in the Supreme Court, permitting the withdrawal of the AGP-led government's counter-affidavit which claimed that:

> The State Government is of the opinion that the IMDT Act is constitutional and there is
> no question of either repeal or striking down the Act.[31]

As soon as the new Congress government of Tarun Gogoi was sworn in in May 2004, a complete somersault had been made over the issue of repealing the IMDT Act. The

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[28] Singh, Jatinder Bir, Counter Affidavit, in Writ Petition (Civil) No. 131 of 2000, July 18, 2000, In the matter of *Sarbananda Sonowal vs Union of India and Others*, In the Supreme Court of India, Civil Jurisdiction. Reproduced from the Supreme Court judgment of July 12, 2005, pg. 3.
[29] Ibid. pp. 3-4.
[30] Counter Affidavit of the State Government of Assam, in Writ Petition (Civil) No. 131 of 2000, August 28, 2000, In the matter of *Sarbananda Sonowal vs Union of India and Others*, In the Supreme Court of India, Civil Jurisdiction. Reproduced from the Supreme Court judgment of July 12, 2005, pp. 5-6.
[31] Commissioner and Secretary, Home Department, Government of Assam, Interlocutory Application No. 5 of 2001, in Writ Petition (Civil) No. 131 of 2000, August 8, 2001, In the matter of *Sarbananda Sonowal vs Union of India and Others*, In the Supreme Court of India, Civil Jurisdiction. Reproduced from the Supreme Court judgment of July 12, 2005, pg. 6.

Assam government was represented in the Supreme Court by "learned senior counsel" Kapil Sibal, an advocate, who was also a Cabinet Minister at the Center. By this time, a Congress-led coalition United Progressive Government (UPA) had come to power at the Centre. It's affidavit to the Supreme Court conveyed the government's preposterous decision to retain the IMDT Act:

> …though in the earlier affidavit (July 18, 2000) a prayer was made to examine the constitutional validity of the IMDT Act, but on reconsideration the Central Government has taken a decision to retain the IMDT Act in (its) present form...[32]

Clearly, power politics was being played out in the hallowed portals of India's apex court which is the guardian of the Constitution. The Congress government in Assam and the Congress-led coalition government at the Centre acted in concert over retaining the IMDT Act. The aim was to subvert the law, with the sole objective of retaining the Congress' Muslim vote bank in Assam. Writing years before the Supreme Court delivered its judgment, Baruah says: "…the government undermined the ability of laws to constitute and sustain a normative universe about the rules of closure that define the political community. Had the Indian State been more effective in making and implementing immigration policy, much of the immigration-related tension in Assam and the north-east could have been better managed."[33]

But the political chicanery that was to go on. On July 14, 2004, a Rajya Sabha Member of Parliament put an "unstarred question" to the Government of India on:

a) whether an Action Plan was prepared which visualised deportations of at least 100 illegal Bangladeshi migrants per day;

b) if so, the details in regard thereto;

c) the state-wise details of the likely number of illegal Bangladeshi migrants in the country;

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[32] Interlocutory Application of the Government of India, in Writ Petition (Civil) No. 131 of 2000, November 24, 2004, In the matter of *Sarbananda Sonowal vs Union of India and Others*, In the Supreme Court of India, Civil Jurisdiction. Reproduced from the Supreme Court judgment of July 12, 2005, pp. 8-9.

[33] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 142.

d) how many such illegal Bangladeshi migrants have been deported during (the) last three years, year-wise and

e) the efforts made to identify and deport 100 illegal Bangladeshi migrants per day, as visualised in the Action Plan in this regard?[34]

In his reply, the Congress Minister of State for Home Affairs Sri Prakash Jaiswal laid a statement on the floor of the House that said:

As per the direction of the Hon'ble High Court, Delhi, in a Public Interest Litigation, the Government of NCT (National Capital Territory) of Delhi launched a special drive to detect and deport Bangladeshi nationals staying illegally in Delhi. Accordingly, the following Action Plan was drawn up:

The Commissioner of Police, Delhi, to set up 10 Task Forces to detect and deport illegal migrants.

The Task Force was to identify at least 100 illegal Bangladeshis staying in Delhi everyday, which was later revised to 600 per month by the Nodal Authority set up under the chairmanship of the Union Home Secretary to monitor the same.

The progress made by the Special Task Forces is to be reviewed by the Nodal Authority.

The state-wise details on the number of illegal Bangladeshi migrants is given in Annexure. (See Table 7).

The Nodal Authority monitors the progress of the Action Plan. The year-wise break-up of deportations of illegal Bangladeshi migrants for the country as a whole during the last three years are:

2001   7,854
2002   5,652
2003   26,796

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[34] Meghe Datta, Member of Parliament, *Unstarred Question No. 332, Rajya Sabha*, On the Deportation of Illegal Bangladeshi Migrants, *Parliament of India*, Government of India, New Delhi, July 14, 2004.

The above figures include deportations from Delhi as visualised in the Action Plan which pertains to Delhi only.[35]

TABLE - 7

Sl. No.	Name of the State/Union Territory	Estimated Numbers
1	Andhra Pradesh	----
2	Arunachal Pradesh	800
3	Assam	5,000,000
4	Bihar	4,79,00
5	Goa	----
6	Gujarat	100
7	Haryana	550
8	Himachal Pradesh	----
9	Jammu and Kashmir	----
10	Karnataka	----
11	Kerala	----
12	Madhya Pradesh	700
13	Maharashtra	20,400
14	Manipur	----
15	Meghalaya	30,000
16	Mizoram	----
17	Nagaland	59,500
18	Orissa	30,850
19	Punjab	150
20	Rajasthan	2,500
21	Sikkim	----
22	Tamil Nadu	----
23	Tripura	3,25,400
24	Uttar Pradesh	26,000
25	West Bengal	57,00,000
26	Andaman and Nicobar Islands	3,000
27	Chandigarh	----
28	Dadar and Nagar Haveli	----
29	Daman and Diu	----
30	Delhi	3,75,000
31	Lakshdweep	----
32	Pondicherry	----
	TOTAL	**1,20,53,950**

When the media reported this figure (Table 6 above), Jaiswal, a junior minister at the Ministry of Home Affairs, made a sudden and complete turnaround. Having realised that a huge blunder had been committed, the government used the services of the junior minister to deny in Parliament that it had any idea about the estimated number of illegal immigrants from Bangladesh in India. Jaiswal said in his statement:

In reply to part 'c' of the Rajya Sabha Unstarred Question No. 332, answered on 14th July, 2004, the state-wise details on the number of illegal Bangladeshi migrants was given as an Annexure. The estimated number of illegal immigrants reported by the field

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[35] Jaiswal, Sri Prakash, Minister of State for Home Affairs, Government of India, Answer to Rajya Sabha Unstarred Question No. 332, *Parliament of India*, New Delhi, July 14, 2004.

organisation had a clarificatory note, which was inadvertently not seen. The clarificatory note made it clear that the reported figures were not based on any comprehensive or sample study but were based on hearsay and that too from interested parties. Therefore, no realistic figures can be given for illegal Bangladeshi migrants in Assam. In the case of West Bengal also the figures are based on unreliable estimates and are incorrect.[36]

What Jaiswal had done was simple: he was only protecting the Muslim vote banks of the Congress government in Assam and that of his government's alliance partner, the Communist Party of India (Marxist) [CPI-M] in West Bengal, which by most accounts, had taken the brunt of the influx from Bangladesh over the last 35 years. This was done as an imperative since Assam and West Bengal go to the polls in 2006. As one commentator wrote:

> If the CPI-M has systematically supported infiltration to enlarge its electoral support base in West Bengal, there is no denying that the Congress has been equally guilty of committing the same sin in Assam…The UPA government's policy of soft-pedalling the infiltration issue is evident from statements made by Union home minister Shivraj Patil and his minister of state Sri Prakash Jaiswal.[37]

While the Congress-led UPA government came up with a figure of 1,20,53,950 illegal Bangladeshi immigrants living in various parts of India, the previous BJP-led NDA government had estimated that there were an estimated "15 million Bangladeshi migrants living in India illegally."[38] It went on to say that the illegal immigration from Bangladesh "has resulted in demographic changes in the border belts of West Bengal, several districts in Bihar, Assam, Tripura and Meghalaya. Even states like Delhi, Maharashtra and Rajasthan have been affected. Such large-scale migration has obvious social, economic, political and security implications. The massive illegal immigration poses a grave danger

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[36] Jaiswal, Sri Prakash, Minister of State for Home Affairs, Government of India, In a statement on the floor of the Lok Sabha, *Parliament of India*, New Delhi, July 15, 2004.
[37] Nandy, Bibhuti Bhushan, Infiltration Menace: Fear of Socio-Political Tensions in the Northeast, *The Statesman*, Kolkata, June 23, 2005.
[38] Advani, L.K, Deputy Prime Minister and Union Home Minister, Government of India, In his statement before the *Parliamentary Consultative Committee on Home Affairs*, New Delhi, December 16, 2003, pg. 10.

to our security, social harmony and economic well-being."[39] As B.G.Verghese notes: "While some of the figures of ingress may be discounted, it is equally not possible to accept that there is no influx at all or that it is at best a mere trickle. The truth would seem to lie in between these two extremes and has kept alive political tensions, especially as migrants are now not merely moving into the Assam hills but the neighbouring states of Manipur, Nagaland and even Mizoram".[40]

The BJP-led NDA government's view is strikingly similar to the one expressed by a former Governor of Assam who in 1998 added used the language of infiltration to draw the attention of the Government of India to the issue of demographic "aggression" which was upheld by the Supreme Court in its judgment when it commented that "there can be no manner of doubt that the state of Assam is facing 'external aggression' and internal disturbance".[41] This had come in the form of a lengthy secret report to the Union Home Ministry in Delhi by Lieutenant General (retired) S.K.Sinha, the Assam Governor when the AGP government was in power. The report, described by certain government quarters in Assam as "alarmist", stated, among other things:

> The unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the State has been a matter of grave concern. It threatens to reduce the Assamese people to a minority in their own State, as happened in Tripura and Sikkim.
>
> There is a tendency to view illegal immigration into Assam as a regional matter affecting only the people of Assam. Its more dangerous dimensions of greatly undermining our national security is ignored. The long-cherished design of Greater East Pakistan/Bangladesh, making in-roads into (the) strategic land link of Assam with the rest of the country, can lead to severing the entire land mass of the North-east, with all its rich

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[39] Ibid.
[40] Verghese, B.G. *India's Northeast Resurgent: Ethnicity, Insurgency, Governance, Development*, Konark Publishers: New Delhi, 1996, pg. 55.
[41] From the Supreme Court Judgment of Justices R.C.Lahoti, G.P.Mathur and P.K.Balasubramanyan, Case No. Writ Petition (Civil) 131 of 2000, Petitioner Sarbananda Sonowal, Respondent, Union of India, Date of Judgment: July 12, 2005, pg. 31.

resources from the rest of the country. They will have disastrous strategic and economic consequences.[42]

The "politics of resistance to immigration"[43] was constructed around the fears of Assam being swamped by foreigners, of large-scale infiltration of Bangladeshis, of the Assamese being reduced to a minority in their own state and of losing the Assamese culture to an alien culture. The resistance gathered force in the face of arguments that the Assamese would also lose out politically too and, therefore, such arguments may be viewed as a challenge to "immigrant power". It was posited that "since Muslims are in good numbers in Assam, it is inevitable that they would matter significantly in the politics of the state. Out of the 126 Assembly constituencies, Muslims are in majority in 23 constituencies and in another seven they are more than 40 per cent of the population. Thus the political fates of 30 candidates are dependant upon the attitude of Muslim voters".[44] Another report by a retired Indian intelligence officer says that "by virtue of their numerical strength they (Muslims) decide the electoral outcome in 56 of the total 126 state Assembly constituencies".[45]

Post-IMDT Assam

In Assam, the effect of the Supreme Court's judgment, declaring the IMDT Act as unconstitutional, has queered the Congress' electoral pitch, drawing a considerable chunk of the Muslim vote bank away from it. It has also brought back the issue of illegal immigration from Bangladesh to India on Assam's public agenda, if not the national agenda. Above all, it has opened a Pandora's Box: likely intensification of the ethnic conflict, widening of the ethno-religious, ethno-linguistic and ethno-political chasm, of realignment of political forces, Bengali Muslims' alienation and fears of being hunted down and deported, even if they are Bengali-speaking Indian Muslims, and the flight of

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[42] Sinha, Lt. Gen. (retd) S.K, Illegal Immigration into Assam, Report to the Union Home Ministry, Government of India, November 8, 1998.

[43] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 91.

[44] Ghosh, Partha S, *Demographic Trends of Muslim Population in India: Implications for National Security*, Unpublished Paper, pg. 17.

[45] Nandy, Bibhuti Bhushan, Infiltration Menace: Fear of Socio-Political Tensions in the Northeast, *The Statesman*, Kolkata, June 2005.

illegal Bangladeshis, pejoratively referred to as *mians*[46] all across Assam. The border is in a state of disquiet; suspected illegal immigrants have begun to resort to the "narrative of denial",[47] which we will see in Chapter --- became the main discourse in Bangladesh. State government officials, serving the Congress regime of Tarun Gogoi, continue to defend the indefensible – illegal immigration has not reached crisis proportions.

The AASU and other groups and social organisations that have been championing the cause of Assamese "subnationalism"[48] are evidently satisfied and happy (there was jubilation all across Assam[49])at the possible positive political fallout, in its favour, of the Supreme Court judgment and a return to the Foreigners Act, 1946 regime. Says AASU Advisor Samujjal Bhattacharyya:

> Our stand has been vindicated. When we started the Assam movement, we were branded as xenophobic and parochial. But the fact remains that it was a question of saving Assamese identity in the face of alien-dumping in Assam. At that time, and even now, the Assamese are a minority in their own state and it is the Assamese who need protection. However, if there is any attempt to bring in the IMDT Act through the backdoor, Assam will burn. All we demand now is implementation of the agreed terms of the Assam Accord. At the same time, we, the Assamese, will try to build bridges with the Bengali Hindus. There is no way out. We have to work together.[50]

That comment appears to hold the promise of a realignment and reconfiguration of political and social forces. On the other hand, political boundaries are being reshaped in other quarters. The Muslims of Bengali descent are split between the Congress and the United Minorities Front (UMF),[51] a conglomeration of religious and linguistic minorities,

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[46] See footnote 61 in Chapter 2.
[47] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 198.
[48] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 86.
[49] See The Northeast Page in *The Statesman*, Kolkata, July 16, 2005, pg. 7
[50] Author's interview with Samujjal Bhattacharyya, AASU General Secretary, in Guwahati, Assam, on August 26, 2005.
[51] In 1985, the United Minorities Front commanded a strength of 17 members in the Assam Legislative Assembly and one Member of Parliament. They have no presence in either the state legislature or Parliament now. However, they are trying to make a political comeback ahead of the forthcoming elections to the Assam Legislative Assembly in 2006.

which wants to attract the votes of the Muslims as well as Bengali Hindus ahead of the elections to the state Assembly some time next year. There is, however, a complete denial by the Bengali Muslim elites that migration from Bangladesh continues. Couched in ambiguity, a Bengali Muslim leader refuted the claims and fears of "Bangladeshisation" of Assam:

> Migration is a worldwide phenomenon. But the manner in which the anti-immigrant forces are putting it is not right. Yes, there is an economic problem in Assam. Yes, the districts of Dhubri, Barpeta, Goalpara, Karimganj, Hailakandi, and Lakhimpur are Muslim-majority districts. But historically and traditionally they have been Muslim-dominated. They are not infested with Bangladeshi Muslims. All the figures which are being bandied about are estimates. There is no reason for Bangladeshi Muslims to come to Assam. In fact, persecuted Hindus from Bangladesh are settling in Assam. Muslims here are not providing any shelter to foreigners. If at all Bangladeshis are coming to Assam, it is not to settle down. They do come here to work and then they return.[52]

Assam government officials, the civil bureaucracy and the police administration are equally ambiguous. If statements by the present state Governor Ajai Singh, another former retired Lieutenant General, who was given the gubernatorial job when the BJP-led NDA government was in power, that close to 6,000 Bangladeshis illegally enter Assam every day should be taken with a pinch of salt, the arguments and interpretations of senior state governments officials are equally unreliable. The attempt, it seems, is to defend their Congress political masters' position that if at all illegal immigration is taking place, it is not as alarming as made out to be. "It is a normal flow of people from one country to another," observed a ranking police officer.[53] Another top police officer who oversees policing operations in the Assam borderlands and is responsible for checking the illegal entry of aliens doubts the veracity of General Sinha's 1998 report, saying:

> That report and its contention that illegal immigrants from Bangladesh number over four million in Assam is highly speculative. His conclusions are drawn from intelligence and

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[52] Author's interview with UMF chief and general secretary Hafiz Rashid Ahmed Choudhury, in Guwahati, on August 27, 2005.
[53] Author's telephonic interview with Khagen Sarma, Inspector General of Police (Special Branch), Government of Assam, in Guwahati, on August 31, 2005.

are also alarmist. If at all any immigration has taken place, the number of such aliens should be in the region of slightly over 100,000. An application of the Malthusian theory would suggest that the growth of population in Assam is normal. I agree that immigration is a continuous process and it migrants are able to cross over because the border is not tightly controlled, fencing is not there in the entire stretch and in some stretches the fencing has broken down. I would say that the in-flow of illegal migrants has reduced because Assam is now saturated. A railway compartment syndrome appears to have taken place where nobody is prepared to share land anymore. On the other hand, labour rates elsewhere, as in Delhi, Bombay and other large cities, are more attractive.[54]

Academics and social scientists hold a similar view, arguing that "pressures on land over the years has reduced the flow of immigrants from Bangladesh to Assam which is no longer considered to be a lucrative destination by aliens with a predominantly peasant background".[55] Far-flung metropolises in other parts of the country offer better "economic opportunities"[56] especially because of higher labour wages there, an indication that the "economics of migrating"[57] is shifting from a search for land to search for wage earnings. However, it is also averred that recent immigration trends and the composition of the migrants suggests that "only poorer" Bangladeshi Muslims are making Assam their destination.[58] But the contention that there is "no space"[59] in Assam is belied by facts. According to census data, the population density in Assam is 340 persons per square kilometer as compared to 286 a decade back. Assam ranks fourteenth among all the states of India in terms of its population density, where as West Bengal, which has also been affected by illegal immigration from Bangladesh, ranks sixth with a

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[54] Author's interview with Additonal Director General of Police (Border), Government of Assam, in Guwahati on August 31, 2005.

[55] Ghosh, Partha, In conversation with the author, in Guwahati on August 31, 2005. Ghosh, a Director at the Indian Council of Social Science Research in New Delhi, is currently heading the Centre for North East India, South and Southeast Asia Studies (CENISEAS) at Omeo Kumar Das Institute of Social Change and Development, Guwahati.

[56] Ghosh, Partha S, *Demographic Trends of Muslim Population in India: Implications for National Security*, Unpublished Paper, pg. 16.

[57] Samaddar, Ranabir, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999, pg. 86.

[58] Ghosh, Partha S, *Demographic Trends of Muslim Population in India: Implications for National Security*, Unpublished Paper, pg. 16.

[59] Ahmed, Abu Nasar Saied, In conversation with the author in Guwahati on August 26, 2005. Dr. Ahmed is Professor and Director at the Omeo Kumar Das Institute of Social Change and Development, Guwahati, Assam.

population density of 904 persons per square kilometer as compared to 767 persons per square kilometer in 1991.[60]

Some scholars believe that "Bangladeshis are there, but in the absence of empirical date it is difficult to estimate what their numbers are".[61] A study by a three-member team of Guwahati-based economists and social scientists has suggested that "those foreign migrants who have directly entered Assam illegally would never disclose their actual place of birth to avoid possible punitive actions."[62] Although the study claims that census birth place statistics are inaccurate, considering that persons enumerated truthfully reported their place of birth outside India, the "total foreign migrants estimated for each period (1951-1961, 1961-1971 and 1971-91) stood at 314,183 (39.49 per cent of the population), 330,015 (41.24 per cent) and 40,803 (6.5 per cent). Even if we assume that these foreign migrants reporting their place of birth correctly were legal foreign migrants in Assam in the respective period, then the total number of illegal foreign migrants entering into Assam during 1951-1961, 1961-1971 and 1971-1991 would be 493,027, 165,446 and 645,293, (total 1,303,766) respectively."[63] However, if the offsprings of the migrants, along with birth and death rates are taken into account, then the total number of migrants during the same period comes to 2,068,363,[64] which is nearly double the figure arrived at after calculating the number of migrants based on their census place of birth statistics. (See Tables 8, 9 and 10). I will deal in greater detail the extent of immigration from Bangladesh to India, in both Assam and West Bengal, in the next chapter.

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[60] Census of India, Chapter 5, 2001.
[61] Ahmed, Abu Nasar Saied, In conversation with the author in Guwahati on August 26, 2005.
[62] Saikia, Anil, Homeshwar Goswami and Atul Goswami, *Population Growth in Assam, 1951-1991, With Focus on Migration*, Akansha Publishing House: New Delhi, 2003, pg. 113.
[63] Ibid. pp. 113-114.
[64] Ibid. pg. 115.

TABLE - 8

Decade	Migrants and their offspring (cumulative)	Births	Deaths	No. of migrants
(1)	(2)	(3)	(4)	(5)
1951-1961	1067846	484802	287251	197551
1961-1971	2067277	911669	405186	506483
1971-1981	3062245	1012072	455968	556104
1981-1991	4106833	1361415	553190	808225
Total	4915058*	3769958	1701595	2068363[65]

Note: Figures in column 2 from 1961-1971 decade onwards include (i) the offspring of migrants of the preceding decade (ii) migrants of the preceding decade and (iii) migrants of the decade concerned.
* Total of column 2 includes number of migrants of column 5 of the decade 1981-1991 and the migrants and their offspring (cumulative) of column 2 of the same decade.

In the backdrop of the uncertainties created by the Supreme Court judgment, there seems to be a conspiracy of silence in the Assam borderlands. My BSF and Assam police sources, a few social scientists and a host of contacts in Guwahati had fore-warned me that no Bangladeshi living illegally in any part of Assam would ever admit to his Bangladeshi nationality. That is understandable because any admission of his/her Bangladeshi nationality would mean deportation or worse. In post-IMDT Assam, even a hint of being a Bangladeshi, or worse a Bangladeshi Muslim, could mean not only being pushed back across the border, but the loss of several benefits that come with "citizenship acquired illegally." So the best option under the circumstances is to maintain a stony silence and to quietly work on local politicians and corrupt lower level civil administration bureaucrats and police officers to issue them fresh and incontrovertible proof of their Indian citizenship – certifications, often fake, proclaiming their Indian citizenship since 1951, copies of electoral rolls with their names registered as voters, land deeds, even cash receipts of purchases made several years back – you name it.

I got a glimpse of the fear in the eyes of the residents of Nellie and some of its surrounding villages, about 65 kilomteres from Guwahati in Muslim-majority Morigaon district. Nellie and some of the adjoining villages had hit the headlines in 1983 for the

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[65] Ibid. pg. 115.

mindless butchering of Bengali-speaking Muslims, suspected to be Bangladeshi nationals by that local Assamese and the ethnic Tiwas and Lalungs. On February 18, 1983, more than 3,000 Muslim men, women and children were shot or butchered with machetes in an orgy of violence that lasted just five hours. Thousands were injured and at least 25,000 fled. The violence was perpetrated as part of the larger campaign in favour of the detection, disenfranchisement and deportation of Bangladeshi nationals during the Assam movement. Another 1,000 suspected Bangladeshis were massacred in Gohpur in Darrang district in Upper Assam the same day.

At first, an angry Abdul Khaleque, the chairman of the local co-operative society would not even talk to me on anything concerning the IMDT Act. But when I "dropped" the name of Assam's Minister for Char Development, Wajed Ali Choudhury, he relaxed a little and then, suddenly, unexpectedly, he exploded in rage:

> Hafiz Rashid Choudhury is out to break the unity of the Muslims, even destroy them. The Congress is the only party in Assam that can protect the *quaum*.[66] I have been pleading with local-level Muslim leaders that in the name of Allah they should remain united and not get swayed by what Hafiz Rashid says or does. I will not disagree that there are no Bangladeshis…[67]

PHOTO 14: Abdul Khaleque, Congress supporter and
chairman of the cooperative society
in Nellie, Morigaon district, Assam

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[66] *Quaum*, an Arabic term, means the world community of Muslims.
[67] Author's interview with Abdul Khaleque, at Nellie, Morigaon district, Assam, on September 4, 2005.

Khaleque excused himself and left the room, complaining that he was in no position to talk further because he was suffering from acute dysentery. So I turned to some other survivors of Nellie, carefully broaching the twin issues of the IMDT Act and illegal immigration from Bangladesh. I had been informed by my sources in Guwahati that most residents of Nellie and its surrounding villages were and are from Mymensingh district of Bangladeshis who had managed to procure fake certifications to prove their Indian citizenship after the carnage. Alongside recollections of the gory events of Febraury 2, 1983, villagers spoke of their Indian-ness. All claimed to have migrated to Nellie from Nowgong because there was no longer any land available there. And all of them were far too eager to show me the certifications that said they were Indian citizens. One of the more vocal of the lot, 70-year-old Abdul Mottaleb, whose mother and wife were killed, took me to Shilbeta, his village a few kilometers away from Nellie, to show me his *kaagoz-potro*.[68] He said that prior to moving to Nellie, he lived in Amlokhi vllage under Dhing police station in Nowgong district. Once in his village, however, Mottaleb changed his mind on showing me his citizenship proof and instead asked a neighbour, 73-year-old Aptar Ali, to furnish his.

PHOTO 15: Two survivors of Nellie, Abdul Haque (left) and Abdul Mottaleb (right), in Nellie, Morigaon district, Assam, weeping and narrating the massacre of February 18, 1983.

One of the documents that Aptar produced is a court stamp paper of 75 paise value that had the following hand-written on it:

> Certified that I have checked the original NRC (National Register of Citizens) 1951 and found the following:
>
> House No 92

---

[68] *Kaagoz-potro* in the dialect spoken in most parts of Bangladesh would translate to documents and papers. In Abdul Mottaleb's case, they meant his "citizenship" proof.

House No 94

Sl. No.   1. Mohammad Saptar Ali, s/o Umerob Ali

2. Mirjan Bibi, w/o Saptar

3. Md. Aptar Ali, s/o Saptar

4. Falasi Nasser   (Aptar Ali)

5. Sarjan Bibi, w/o 'do'

6. Murta Mia, s/o Saptar

7. Sundarinessa, d/o Saptar

8. Ameena Khatun, d/o Saptar

9. Sonebam Bewa, w/o Kasem

Sl. No. 1 to 9

Village -- Amlokhi

Mouza – Batadoora

P.S. – Dhing

Dist. – Nagaon

Signed

14.9.85

Dy. Supdt. Of Police

Nowgong, Assam[69]

The most crucial part of the certification is the date it was signed by the Deputy Superintendent of Police of Nowgong district – two years after the Nellie massacre. The residents of Nellie felt it a matter of life and death to procure citizenship certificates once their nationality and their legality as Indian citizens had come to be questioned in the wake of the carnage. What was mysterious was that Aptar told me at his village in Shilbeta that his first wife's name is Hazara Khatun, although the document showed the name of his first wife as Sarjan Bibi. His first wife had died in the 1983 massacre, he said. When I showed the "document" to a senior police officer in Guwahati, he took a look and returned it to me with just one terse comment: "fake". When I asked why he thought the document is a fake, the police officer explained that a Deputy Superintendent of Police was "not authorised" to sign such a document. The official seal of the Deputy

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[69] Photocopy of the document is in possession of the author.

Superintendent of Police had also not been signed and dated. Besides, he asked a counter-question to me which was more a response than a question: "How is it that the Deputy Superintendent of Police found even the names of Saptar Ali's sons and daughters and grandchildren in the 1951 National Register of Citizens?" This was a suggestion that such certificates had been given to those who needed it (illegal Bangladeshi migrants?) for "monetary consideration".[70]

PHOTO 16: Aptar Ali and his second wife Asiya Khatun at their village in Shilbeta, Morigaon district, Assam.

I came across a second document, also hand-written (photocopy of a so-called "true certified copy"), that shows the inclusion of the names of 34-year-old Mamud Ali and his 28-year-old wife Shajeda Khatun, of Salahkuthi village under Lahorighat police station of Nowgong district in the 1966 voters list. Signed by A.C.Baruah, the Electoral Registration Officer, at the office of the Nowgong Deputy Commissioner, on a 75 paise-value court stamp paper that carried the number 20854/87, indicating that the stamp paper was purchased (and, by all means, faked) in 1987 and was not an original declaration/registration of the applicants' names in the 1966 electoral roll. Interestingly enough, Mamud Ali registered himself as a voter at the age of 38 although he was free to do so even when he was 21. It was yet another indication that after the Nellie killings,

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[70] Author's conversation with a senior Assam police officer of the Special Branch, in Guwahati, on September 4, 2005. On the request of the officer, his identity cannot be disclosed.

alleged illegal Bangladeshi migrants found it expedient to procure any document that would "certify" that they are Indian citizens.

In Guwahati city, auto-rickhaw driver Zakir Hussein, who spoke the perfect Bangal dialect that Mymensinghias of Bangladesh speak, is anxious that in the post-IMDT phase, he will now have to "organize fresh documents". Claiming to be from Pal Haji village in Barpeta district of Assam, Zakir said he got himself registered as a voter just before the elections to the Assam Legislative Assembly in 2001, but believes that he will have to reinforce that status with some other proof. All Zakir would disclose was that his grandparents and parents "had come over to Assam many years back".[71] From which district of Bangladesh? Zakir would not answer that.

A common refrain in Assam in general and Dhubri, an overwhelmingly Muslim-dominated district along the southern bank of the Brahmaputra river, in particular is that Bangladeshis who cross over to settle in various districts of the state receive shelter and protection from local Muslims or those who had migrated and settled in Assam year ago. A police officer in Dhubri, a Muslim himself, explained how Bangladeshis "infiltrate" into Assam:

> Dhubri is highly prone to infiltration of Bangladeshis. It is also highly communally surcharged because of the presence of Muslim immigrants and Hindus. Muslims are in a brute majority in this district and their clout is evident in the *char* lands on the Brahmaputra. They are a world apart from ours. There is hardly any presence of administration in the *chars* where *matabbars* and *lathials*, employed by *diwanis*, hold the sway and call the shots. So when landless and land-hungry Bangladeshis migrate, the chars are the first places that they move to. Here they get the protection of their co-religionists. In time, they manage to get employment as agricultural hands and some even manage to purchase some land. The Bangladeshis are hardy and tough and they can survive the inhospitable conditions on the *chars*.[72]

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[71] Author's conversation with auto-rickshaw driver Zakir Hussein, in Guwahati, on August 31, 2005.
[72] Author's interview with Musleh Uddin Ahmed, Deputy Superintendent of Police (Headquarters), Dhubri district, Assam, on September 2, 2005. A *char* is a silt bank or silt-laden island that is inherently unstable. New *chars* emerge as rapidly on the Brahmaputra as old ones are eroded or get submerged. *Char* or *chor* is pronounced in Assamese as *sor*. It is also pronounced as *sor* in the 'Bangal' dialect spoken in Bangladesh.

BSF commanders at BoP after BoP in the border districts of Assam – from Dhubri to Karimganj, cutting through the Western Garo Hills of Meghalaya where too Bangladeshis have settled in large numbers -- insisted that compared to the situation five to six years back, the daily rate of "infiltration" had reduced perceptibly. Of course, they would not know or put any figure on the number of illegal immigrants because "all that happens behind our backs". Their estimate is based on the fewer apprehensions BSF troops now make on the border that stretches to a total length of 262 kilometers in Assam. Part of the explanation, that fewer Bangladeshis are crossing over to India, is based on a security-angle perspective. Compared to what its presence on the land-border was a few years ago, the BSF's "area domination" has certainly improved. Large numbers of troops have been moved to the country's eastern and north-eastern frontier from Jammu and Kashmir where the force has been relieved of internal security duties. Though still not adequate, the increased BSF presence has acted as a deterrent, though the same cannot be said of the deterrence capability of the barbed-wire fencing which are in a state of disrepair in Karimganj and Dhubri, two of the most porous sectors of the international border in Assam: Says an officer of the BSF's 'G' (intelligence) branch:

> The border in the Karimganj sector, that runs to a length of 92.35 kilometers, is now guarded by three battalions. Six to seven years ago there used to be heavy influx of Bangladeshis because there were no border roads, which could help us patrol the border more aggressively, or fencing. The border was open. But even though our strength has increased substantially, it is still inadequate. Bangladeshis manage to cross the Kushiara river, (the international border runs through the middle), and sneak into Karimganj town.[73]

Lathials are an army of *lathi* or stick-wielding men privately employed by powerful and influential *diwanis* or *zamindars*. *Matabbars* are usually wize old men or village chiefs who take important political, economic, social decisions and have traditionally exercised that powers even in inter-personal disputes. For a better understanding of the chars and why and how Bangladeshis move to these silt-laden, highly fertile islands, see also Sanjoy Hazarika's *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books: New Delhi, 2000, pp. 113-117.
[73] Author's interview with a BSF officer of the force's 'G' (Intelligence) Branch, at Karimganj town, on August 28, 2005.

Such sneak-ins are not merely limited to persecuted Hindus and ethnic minorities fleeing state repression, landless Bangladeshi peasants and the poor leaving behind their homeland for a better future in India, rickshaw pullers and porters or daily wage earners crossing over to earn their bread and then return. There are numerous cross-border settlers, for example, women who prefer to get married on the Indian side of the border. On August 14 this year, the BSF apprehended 22-year-old Reena Begum of Naseempur village under Zakiganj police station in Bangladesh's Sylhet district which faces Karimganj. Daughter of Ali Ahmed, Reena had managed to cross the Kushiara river on boat to Karimganj two days before she was arrested to meet Tajuddin Ali, who had taken fancy to her some time back. She had last come over to meet Tajuddin in July. They fell in love and decided to get married in August. A *qazi*[74] solemnised the wedding at Hailakandi. For the newly-wed, staying together was to be short-lived because Reena was nabbed by the BSF when she attempted to cross back to Naseempur. She produced a birth certificate to prove her Indian nationality, but subsequent inquiries revealed it was a fake. (See a copy of the birth certificate below). The BSF Company Commander said:

> Her story was that she is 18-years-old, that she is fatherless and is married to 26-year-old Tajuddin who lives in Trilokchand Road in Karimganj town. She gave us the name of the school she went to and the name of the principal of that school. However, when we verified that all the information she provided us was fictitious, we confronted her with our findings. She broke down to disclose her Bangladeshi antecedents. We handed her over to the police, but strangely enough she was released on August 16 when she went back to her native village in Bangladesh.[75]

Reena Begum's story was a reminder of how the Partition border had been drawn through the hearts and minds of a people for whom an international border and the state system associated with it only destroyed familial ties and relationships. The BSF officer testified to this, saying that though Muslims on the Indian side "give shelter" to Muslims crossing over from Bangladesh, there have been numerous instances of Muslim women from

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[74] A *qazi* is a Muslim cleric who presides over weddings and solemnises them in accordance with the Islamic Shariat law.
[75] Narrated to the author by H.P.Satyanandan, BSF's 45th Battalion Company Commander at Karimganj Steamerghat BoP, Karimganj, on August 28, 2005.

Bangladesh marrying into Indian Muslim families or vice versa. Motorised boats, locally called steamers, laden with commuters, ply on both sides of the watery divide, each flying their respective national colours to avoid confusion and BSF/BDR bullets, but careful not to cross the "border". (See pic). The Kushiara river is no barrier when it comes to establishing linkages on either side of the border that runs between the river. But the riverine border has also led to familial partings for all times to come. A vegetable vendor, Mohammad Ali of Deopur village, on the banks of the Kushiara from where I could observe Bangladeshi children walking their way to school or women washing utensils, and men cycling idly by on the other bank across the river, fondly recollects the days six to seven years back when his maternal grandparents would take a boat from Sadarpur village north of Zakiganj to visit Deopur.

> Even we would visit our grandparents at times. We did not require passports. We would hop onto a country boat and row down the river to Sadarpur. It was simple. And now we hardly have guests coming over from across the border. My ties with my grandparents have been severed forever. We will get to know by post when they pass away.[76]

Twelve kilometers east of Karimganj and an additional three kilometers off the road that leads to Sylhet in Bangladesh is the hamlet of Gobindopur under Latu BoP. Gobindopur has 13 Muslim and five Hindu households. It is a sleepy hamlet in the midst of quaint surroundings – verdant paddy and jute-cane fields, tall betel nut trees, pools of rain-harvested water gathered in the fields and serpentine dirt tracks. The only thing odd about it – and it strikes the eye – is that it lies on the other side of the weak fencing built 150 yards from the Zero Line in Indian territory. My entry through the gates[77] of the fence was facilitated by two BSF men from the 'G' Branch. Two armed BSF soldiers guarding the gate asked no questions. When I reached the hamlet, the absurdity of the border-on-

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[76] Author's interview with Mohammad Ali of Deopur village under Karimganj police station, Assam, on August 28, 2005.
[77] The fences have gates which facilitate the entry of Indian villagers to cultivate their lands that lie in the 150 yards stretch between the fence and the Zero Line. The gates are opened at regular four-hourly intervals till 6 pm in the evening when all Indians have to return. Before being allowed to enter their land, the villagers' names and other particulars are noted in registers. At several border locations, especially in West Bengal, any form of proof of Indian identity, mainly photo identity cards like the Election Commission's photo identity cards, are deposited with the BSF personnel before the villagers are allowed to till their lands or graze their cattle beyond the fencing.

paper came into sharp focus. Next to 32-year-old Abul Kalam's house was a pyramidal construction no more than two feet high. This is Pillar No. 1363 MP7S that demarcates the border and separates Bangladesh from India. On the Indian side of the pillar is enscribed INDIA and on the Bangladesh side the inscription read PAKISTAN. No one in that country had bothered to change the name to BANGLADESH.

PHOTO 17: The border goes through Abdul Kalam's house in Gobindopur hamlet in Assam's Karimganj district.

"That side is Bangladesh," said Kalam with a casual wave of his hand. "My portion of the house is in Bangladesh but my courtyard is in India. My uncle's cowshed is in Bangladesh but his bedroom is in India," he said matter-of-factly. It was obvious that Kalam, his father, 65-year-old Mojahed Ali, his uncle, 60-year-old Tuta Mian, his mother and his aunt "violate" the sanctity of the border any number of times each day. With each crossing over from Kakordi village under Biyani police station of Sylhet in "Bangladesh" to "India" he transgresses the laws of both countries. Is he then an illegal immigrant when he walks on to his courtyard or carries his sturdy bullock for grazing in India? He does not give much thought to such trivialities.

Not surprisingly, he casts his vote in Bangladesh as well as in India. "During election times in Bangladesh, as in 2001, I vote for Begum Khaleda Zia's Bangladesh Nationalist Party (BNP) and during Indian elections, I cast my vote in favour of the Congress. My vote will go to the *panja* (the Palm, which is Congress' election symbol) next year,

IMDT or no IMDT," said Kalam, pointing out quite candidly that although he does not have a birth certificate his name is registered in the voters' list in Bangladesh and in India. His Hindu neighbour, Adhir Namasudra, exercises his franchise in the same manner as any Hindu in Bangladesh traditionally does: he votes for the Awami League in Bangladesh and the Asom Gana Parishad (AGP) in India. All the other adult members of Adhir's joint family vote in the same manner. Is he then a citizen of Bangladesh or of India? Answers to such questions for me are, needless to say, fuzzy.[78] Hamlets like Gobindopur abound along the border in Dhubri.

According to Government of India statistics, there are 14 villages in Assam that are on the "Bangladesh side of the fence".[79] Two more, at Phaksarkuthi and Bhogdanga, in Dhubri district jut into Bangladesh. They are Indian villages at a distance of 3 kilometers on the other side of the fencing across the BSF's Kedar BoP. "If Bangladeshis enter India through those two points we never get to know," said one Assam police inspector of the border wing. Fencing, and at times the lack of it, has not deterred Bangladeshis from crossing over to India illegally. Neither have other federal government administrative measures like a pilot project in Muslim-Karimganj district to ascertain the feasibility of launching Multi-Purpose National Identity Cards (MPNIC) for citizens. The pilot project is to be carried out in several Indian border states. But the one in Karimganj had to be suspended "due to the opposition of certain organisations".[80] These are, needless to say, Muslim "organisations". Apart from the MPNIC scheme, other measures, like the registration of births and deaths in Assam, to check infiltration have made little progress. In 1999-2000, 31.5 per cent of the population was covered, in the 2000-2001, 38 per cent, in 2001-2002, 44.2 per cent, in 2002-2003, 55 per cent and in 2003-2004, 54 per cent of the population could be covered. A similar exercise to update the National Register of Citizens (NRC) in Assam has been "pending".[81]

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[78] Based on a conversation between the author and Abul Kalam and Adhir Namasudra of Gobindopur village under Latu police station in Karimganj district, Assam, on August 29, 2005.
[79] Regupathy, S. Minister of State for Home Affairs, In reply to *Rajya Sabha Unstarred Question No. 617*, Rajya Sabha, *Parliament of India*, December 8, 2004.
[80] Sworn Affidavit in the Supreme Court of India, Ministry of Home Affairs, Government of India, In Writ Petition (Civil) No. 125 of 1998, In the Matter of *All India Lawyers Forum for Civil Liberties and Another vs Union of India Others*, March 25, 2005, Annexure A-1.
[81] Ibid.

Less than 200 yards from Gobindopur is a sprawling 101-acre field that has remained uncultivated for years because it is officially recognised by both Bangladesh and India as a "disputed area". Both Bangladesh and India lay claim over the patch of land. That explains why I did not see farmers plouging shares or sowing seeds. But across the field, in Bangladesh, facing Kurikhal BSF BoP, I could see farmers working on their fields. "It is not humanly possible to keep an alert eye 24 hours. Sneaking in is easy and it hardly takes an effort for someone who is determined enough to do so," explained one of the BSF men accompanying me in the "sensitive" border zone.[82]

It is as simple for passport-holding Bangladeshi visitors who use the land route to travel to Karimganj and nearby Badarpur and Hailakandi to meet relatives. Many do not return. A black bag slung across his shoulder and clutching his passport in his left hand, Mohammad Abdur Rauf walked confidently across the 'no-man's land' into Sutarkandi, 15 kilometers east of Karimganj, when I stopped him near Border Pillar No. 1360, to ask him a few questions. Although in a hurry, Rauf obliged:

> I hail from Manikpur village of Zakiganj. I will be here for a month and visit some of my relatives living in Karimganj, Badarpur and Hailakandi. Ten to 12 years back I would not have needed this passport to travel to India. I would simply take a bus to any part of the border, walk across and take a bus to where ever I wanted to visit in Karimganj and adjoining districts of Assam. The thought of settling down in India has crossed my mind time and again, but I think it is way too late for my family and me to do so. I have grown used to Bangladesh and the ways of life in my village. Besides, I have land on which I cultivate rice.[83]

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[82] Conversation with a BSF officer whose identity cannot be disclosed, on August 29, 2005.
[83] Auhtor's interview with Mohammad Abdur Rauf, son of Sonoar Ali, of Bakhor Sha, Manikpur village, Zakiganj, Sylhet, at Sutarkandi BoP, Karimganj district, Assam, on August 28, 2005. His passport, No. U0710166, is valid for travel between Bangladesh and India only.

PHOTO 18: Bangladeshi national Mohammad Abdur Rauf getting his passport details entered by a BSF soldier at Sutarkandi, Karimganj district, Assam

The political settlement that was sought to be made by the Assam Accord of 1985 – which were "unenforceable"[84] and, therefore, unimplemented – has returned to centrestage ahead of the 2006 elections. The primary objective of the accord – safeguarding Assam's culture and Assamese identity, checking the flow of aliens into the state by sealing the international border, the detection and deportation of illegal immigrants, updating the NRC and economic development of the state to name a few – have not been achieved. The IMDT Act does not exist anymore and there is little hope that the Foreigners Act, 1946 would be able to do a better job. The legal status of the millions of Bangladeshis residing in Assam will remain undecided and "this is where the problem does not go away".[85] The salutary effect of the Supreme Court's judgment, however, has been the entombing of the debate on illegal immigration. In Assam, illegal immigration and the politics surrounding the issue transformed the demographic reality. In West Bengal, thanks to political shortsightedness, a similar process has been underway for long and there are fears that the state might go the Assam way. Let me now turn to West Bengal and discuss how the cynical politics of vote bank expansion attracted millions of Bangladeshis into the state.

West Bengal: No-Holds-Barred Entry

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[84] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second impression 2003, pg. 144.

[85] Hazarika, Sanjoy, To the Dustbin of History, *The Statesman*, Kolkata, July 16, 2005, pg. 7.

Two days after the Indian Supreme Court pronounced its verdict – trashing the IMDT Act, 1983 to the "dustbin of history"[86] – one of Calcutta's prestigious newspapers, *The Statesman*, carried a most interesting story on its front page. Splashed over seven columns, the story revealed how Left Front[87] politicians on the national delimitation commission, set up to create new West Bengal Assembly and Lok Sabha constituencies, had proposed creation of new constituencies in the state's seven border districts which are strongly believed to be heavily populated by illegal immigrants of Bangladeshi origin. The following extract from the story makes it abundantly clear the plans afoot among the political big wigs of the Marxist parties to increase their vote share and how they want to push their agenda through:

> …on the plea of delimiting constituencies, Kolkata (Calcutta) has been sought to be punished by axing 11 of its existing 22 Assembly constituencies. Not only Kolkata, but seven "interior" districts – Purulia, Bankura, Burdwan and Hoogly – too have been targeted for seat reduction. Their combined tally of Assembly seats, according to the proposal, has to come down from the existing 102 to 94.

> Intelligence agencies are said to have pointed out the "sinister implications" of the proposal which, according to them, amounts to putting a premium on infiltration. "If the proposal goes through, more power will be wielded by foreigners in the bordering districts than by Indian citizens of Kolkata and the interior districts. This shift in power will have huge political and security ramifications," a senior home ministry official said…The justification that's been provided for increasing seats in the bordering districts – the rise in population there – has apparently overlooked causes other than the purely biological for this increase in numbers…But the point that's been omitted is that infiltration from Bangladesh – encouraged by local *panchayats*[88] and abetted by corrupt

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[86] Ibid.

[87] For the past 28 years, a Left Front government, comprising the Communist Party of India-Marxist (CPI-M), the Communist Party of India (CPI), the Revolutionary Socialist Party (RSP) and the Forward Bloc, has been ruling over West Bengal. The CPI-M is the strongest and the most powerful among all the constituent parties.

[88] In West Bengal, as in other states of India, *panchayats* are grass-roots level elected local bodies. Most *panchayats* in West Bengal are controlled by the CPI-M.

local administrations – has played a major role in this growth of population (contributed by illegal immigration), an official pointed out.[89]

The Marxists' proposal has been hotly challenged by some political parties, especially the Trinamool Congress (TMC) whose efforts to raise the issue for a debate in Parliament in August 2005 were quashed – by none other than the Speaker, Somnath Mukherjee, who belongs to the CPI-M. The West Bengal unit of the Congress has, understandably, maintained a silence on the issue because the Congress-led UPA government in Delhi is supported by 64 Left Members of Parliament at the Centre. The survival of the UPA coalition is dependant on the support of the Marxists. A spate of newspaper articles denounced the Marxists' move at creating more constituencies encompassing the border districts as well as the Speaker's "motivated" initiative to deny Trinamool Congress chief Mamata Banerjee to initiate a debate over an issue of national importance. The main idea behind blocking an opposition party from raking up the subject was not only to preempt avoidable embarrassment, for it is an open secret that the CPI-M has indeed abetted and encouraged illegal immigration from Bangladesh to swell its vote bank, but also to nip the issue in the bud so as to prevent any political/electoral inconvenience less than a year before the state goes to the polls.

The other purpose that was sought to be served by muffling an opposition party from performing its democratic right to debate was that it would have exposed the apparent contradictions between what the state Chief Minister Buddhadev Bhattacharya says and does on illegal immigration, and what the CPI-M *apparatchiks* say and do on the issue. The following pages will argue that like the Congress in Assam, it is primarily the CPI-M and at least one of its partners in the ruling Left Front in West Bengal, that have encouraged and continue to encourage the entry of Bangladeshi nationals into its territory even though the state's Chief Minister hems and haws that the issues of illegal immigration from Bangladesh and Muslim fundamentalism are inextricably linked and have serious implications for national security. I will also try to show that no matter what public positions are taken by the executive, the law enforcement machinery continues to

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[89] Ghosh, Manash, Home is Where the Unlimited Worry is: Delimitation Panel Proposal to Increase Seats Along Porous Border Sparks Concern in Delhi, *The Statesman*, Kolkata, July 15, 2005, pg. 1

be inert, not to mention incapable of or in collusion with the political party in power, in dealing with the influx of millions that has the potential of causing widespread conflict, the kind that Assam witnessed in the early Eighties. A discussion of the link that the Left, particularly the undivided Communist Party of India (CPI), had forged with the refugees after the Partition of India and through the 1950s, 1960s and 1970s is appropriate and would put the matter in the right perspective.

Left Penetration Among Refugees

In his Foreword to Prafulla Kumar Chakravarti's book, Triguna Sen says that the refugees' "resurrection through a deft interaction with Left political parties seeking to seize political power" was demonstrative of their struggle in West Bengal.[90] Chakrabarti says that the after arriving in West Bengal, the Partition refugees embraced the Congress party. "It was fear as well as hope that transformed them suddenly into staunch supporters of the Congress as soon as they reached West Bengal… The knew that the Congress could save them, lift them from their degraded state and give them new homes. They hoped that the Congress would resurrect them from the life-in-death which they found themselves at Sealdah station and in different government camp."[91] But it was from the middle of 1948 that the Communists began to work among them refugees by infiltrating themselves in their ranks as Congressmen.

Towards the end of 1948, the CPI had been able to establish the Nikhil Banga Bastuhara Karma Parishad or the All Bengal Refugee Council of Action (ABRCA) which was the first refugee group that the refugees organised themselves into. The avowed aim of the CPI was the "economic rehabilitation of the refugees".[92] So a central body, the United Central Refugee Council (UCRC) was launched in August 1950. Under the banner of the UCRC, refugees housed in inhuman conditions in camps occupied government land, converted them into squatters' colonies and then moved on to occupy other government property in parts of South Calcutta to rehabilitate themselves. After the CPI split in 1962, the CPI-M established "complete control" over the UCRC reducing it to its

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[90] Sen, Triguna, In Prafulla Kumar Chakrabarti's *The Marginal Men*, Naya Udyog: Calcutta, 1999, pg. xvii.
[91] Chakrabarti, Prafulla Kumar, *The Marginal Men*, Naya Udyog: Calcutta, 1999, pg. 45.
[92] Ibid. pg. 75.

"appendage".[93] The UCRC became the "striking arm", first of the CPI and subsequently of the CPI-M and propelled the Left to power in 1967. The refugees have remained the solid vote bank of the CPI-M ever since the Left Front came to power in 1977. Since then, the migrants have joined the ranks of the Partition refugees.

1977 and After

Since 1977 when the CPI-M led Left Front coalition assumed power in West Bengal, political patronage for the illegal immigrants from Bangladesh has fitted in perfectly well with the strategies of millions of migrants. Most scholars and social scientists writing on the Bengal borderlands or on illegal immigration from Bangladesh have remained mysteriously silent on how political patronage acts as a pull force in attracting migrants from across the border. Van Schendel comes close to stating it but shies away from dealing with it at considerable length. He quotes a news story saying: "I found Congress and CPI(M) politicians joining hands to bring Bangladeshis in Matador vans from the border and then putting them on to the Teesta-Torsa Express (a train) bound for Nizamuddin railway station in New Delhi."[94] Van Schendel further writes:

> Identification of Bangladeshi immigrants was further hampered by the fact that Indian borderlanders often protected them. Unauthorised migration took place within an extended community that transcended the border. Economic and political actors on either side were mutually dependent: earlier immigrants offered newcomers shelter and support, Indian employers were keen to exploit cheap labour, and Indian politicians were interested in expanding their electorate…Unauthorised immigrants with political patronage and armed with voters' identity cards could not be sent away from the polling booths…The Indian state…failed to check Indian citizens who encouraged illegal immigration and registration.[95]

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[93] Ibid. pg. 350.
[94] The Little Bangladeshes, Indian Express, August 6, 1998. Quoted in Willem van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pp. 232.
[95] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pp. 220-222.

As far back as 1989, then West Bengal Chief Minister Jyoti Basu had made a statement that "infiltration" from Bangladesh was limited to barely 10,000.[96] That was in response to then Election Commissioner T.N.Seshan's drive to issue voters' photo identity cards to the electorate which he thought would isolate illegal aliens and check unauthorised immigration from Bangladesh since only citizens eligible to vote would be issued the identity cards. From the late Eighties and early Nineties, when the "infiltration" of Bangladeshis hit the headlines in 1992 with the Delhi government's Operation Pushback, till 1999 the CPI-M consistently "underplayed the gravity of the problem".[97] A former bureaucrat who attended a crucial meeting of chief ministers of eastern and northeastern states affected by illegal immigration in September 1992, said:

> I recollect the meeting was held on September 28, 1992, at the initiative of the Union Home Ministry. Mr Basu simply pooh-pooed Intelligence Bureau reports of heavy infiltration in his state. He indirectly minimised the problem by rattling out figures of infiltrators detected and deported, omitting altogether to mention the massive presence of Bangladeshi infiltrators allover West Bengal. This was all the more surprising because he was armed with a factual report given by his state intelligence branch that over 3 million infiltrators, who are Hindus, were staying in clusters of shanties in some of the districts of South West Bengal alone. If you were to add the estimated number of Muslim infiltrators settled in the border districts of the state as well as Calcutta at that time, the total number of illegal immigrants would have exceeded 6 million. He petulantly put the blame for this problem squarely on the Centre.[98]

Around the same time that Jyoti Basu was allegedly "minimising the gravity of the problem", his Cabinet colleague and then Information Minister Buddhadev Bhattacharya berated the state police's intelligence branch for its efforts to "survey and identify areas and places where the infiltrators have settled".[99] Surveys carried out by federal intelligence agencies came up with a "list of around 130,000" people who had been

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[96] Nandy, Chandan The Unending Refugee Flow, *The Weekend Observer*, New Delhi, October 3, 1992, pg. 4.

[97] Ibid.

[98] Author's interview with a retired Indian Home Ministry official, in New Delhi, on September 8, 2005. The identity of the former bureaucrat cannot be disclosed on his request of anonymity. The meeting referred to above was held in New Delhi.

[99] Nandy, Chandan, The Unending Refugee Flow, *The Weekend Observer*, New Delhi, October 3, 1992, pg. 4.

identified as Bangladeshi nationals living illegally in India.[100] One of the decisions arrived at at the meeting was to conduct a "follow-up enquiry to identify the people who are responsible for recommending ration cards and inclusion of Bangladeshis in the voters' list" would be carried out and "appropriate legal action taken against them".[101] The subsequent enquiry identified and listed the names of at least 12,000 Wet Bengal borderlanders, including local level CPI-M politicians, who not only provided citizenship documents to illegal immigrants, but were also engaged in smuggling or benefited from the proceeds of illegal trade. In his work on illegal immigration from Bangladesh to West Bengal, Samaddar makes only a passing reference to how CPI-M cadres are engaged in helping migrants.[102]

PHOTO 19: Laltu Mian, an 18-year-old Bangladeshi had walked right up to this Indian village outside the fencing. The elderly man is an Indian. On request, Laltu ran back to his native village in Bangladesh and bought me two packs of Bangladeshi cigarettes with the Indian currency I had given him. Picture taken at Brajanathpur in Nadia district, West Bengal.

'Operation Pushback', which was begun in 1992-1993 by the Delhi government of BJP Chief Minister Madan Lal Khurana (not the federal government) and the right-wing Shiv Sena government in Maharashtra state, was aimed at rounding up hundreds of people

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[100] Classified minutes of a meeting held at the Union Home Ministry on February 28, 1992, pg. 3. The meeting, chaired by the Home Secretary, was attended by representatives from the BSF, IB and RAW among other bureaucrats.

[101] Ibid, pg. 2.

[102] Samaddar, Ranabir, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999, pg. 116

suspected to be Bangladeshis and shipping them to the border to be physically pushed back across the border to Bangladesh. The first batch of 132 persons – 87 men, 23 women and 22 children – were identified as Bangladeshis, removed from their settlements in New Delhi's Seemapuri area and herded into trains for West Bengal. A statist action, that often involved inhuman treatment – tonsuring of heads and use of ropes to tie up the suspects – Operation Pushback brought the West Bengal government and the law enforcement agencies into confrontation with each. The Marxists denounced it as violation of human rights, even of foreigners, and denied that there were any Bangladeshi immigrants in West Bengal.

The police and intelligence agencies justified the actions, seeking to link immigration from Bangladesh with the planned subversion of India.[103] There were instances when CPI-M politicians of West Bengal, along with their supporters, detrained some of the suspects being brought from Bombay claiming that they were Bengali-speaking Muslims who were being harassed by the police.[104] Such actions served two purposes: first, it sent the message to the immigrants that they would be safe only in the hands of the CPI-M; second, they served as a veiled warning that only *the* Party could guarantee their protection; any deviation would mean withdrawal of that protective shield. Nevertheless, the "exclusionary and highly rancorous exercises…exemplified a hasty yet haphazard attempt by the long and dominant, and then ruling Congress (government of P.V.Narasimha Rao), at salvaging its own authority in the face of a rising tide of Hindu nationalism."[105] Another commentator described the action of the forcible deportation of 132 migrants as "irresponsible impetuosity".[106] The Bangladesh government refused to take back the deportees, alleging that the people being pushed into its territory were Indian citizens. (See also Chapter 6). The pushback operation continues even now, with almost all states where Bangladeshis are settled reporting thousands of men and women being deported.

[103] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 198.
[104] Chanda, Arup, Electoral Pressures Force Basu to Take BJP Line on Illegal Immigration Issue, *Rediff on the Net*, February 6, 1999. Sourced from http://www.rediff.com/news/1999/feb/06wb.htm
[105] Ramachandran, Sujata, Operation Pushback: Sangh Parivar, State, Slums and Surreptitious Bangladeshis in New Delhi, *Economic and Political Weekly*, Bombay, February 15, 2003.
[106] Chakravartty, Nikhil, Neighbouring on Inhospitality, *The Telegraph*, Calcutta, October 19, 1992.

The narrative of infiltration that surfaced in the Indian government's statements and actions had started bringing to light the role played by CPI-M politicians, at the village, district and state levels, in helping Bangladeshi migrants to settle down as de facto citizens. At the that time, "fearing that the BJP was exploiting the issue, the CPI-M Politburo, in a resolution accepted the seriousness of the situation posed by illegal immigration, but demanded that the Centre should effectively tackle it."[107] On the ground, the distribution of ration cards, birth or school certificates, inclusion of names of illegal immigrants in voters' lists and the ultimate proof of Indian citizenship – the Election Commission's voters' photo identity -- did not cease.

> Within days of our arrival in Kachirapara, near the Nasaripara BSF BoP from Milgopalpur village in Kushtia district of Bangladesh, we got our ration cards. The local CPI-M *neta*[108] arranged the document for us. We felt much relieved as the ration card was to be our basic citizenship document. Gradually our names were also included in the voters' list. I did not even have to try to hard to procure it. In fact, it was arranged for us by the Party. We knew we would be used politically, but we had no choice. We had to decide whether to go with the CPI-M or with the BJP. We chose the CPI-M because it was the dominant party at that time and would cater to our needs. Our transition from illegal immigrants to Indian citizens has been smooth.[109]

Invariably, for Bangladeshi migrants, ration cards or registering as voters are arranged far quicker than ordinary citizens. "It took me over six months to get a ration card when I was posted in North Bengal," said a BSF officer. "And it took me another six months to get it transferred when I moved to South Bengal. But the Bangladeshis arrange their ration and voter identity cards in no time."[110]

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[107] Nandy, Chandan The Unending Refugee Flow, *The Weekend Observer*, New Delhi, October 3, 1992, pg. 4.
[108] *Neta* in Bengali means a leader usually from some political party.
[109] Author's interview with Amulya Sarkar at Gobindopur under Hogalberia police station of Nadia district, West Bengal, on July 5, 2005.
[110] A BSF officer, Quoted in Tapash Ganguly, Tearful Return Home: Deportation of Bangladeshi Immigrants Begins, *The Week*, Cochin, April 20, 2003.

When illegal migrants do not fall in line or decide to flock to other political parties, the BJP for instance, they have to face the wrath of the CPI-M as some at Basakpara, on the outskirts of Krishnanagar in Nadia district did. A few years after emigrating from Kaliapur in Gazipur district of Bangladesh and settling in Basakpara in 1984, Nanigopal Burman and two of his borthers, Phanindrachandra and Nepalchandra, along with their families were approached by BJP activists who helped them get their names registered in the electoral roll. Their names were duly printed in the voters' list for Bhatjanla village *panchayat* under Krishnanagar sub-division. As Hindus they voted for the BJP in all the elections following their arrival in India. However, in the 1995 Assembly elections when a CPI-M candidate was elected the local legislator, their names, along with 165 other Hindu Bangladeshis, were struck off from the electoral roll.

> We applied several times to enroll ourselves as voters. But each time our applications have been rejected. We approached the CPI-M and the Congress, but they turned us away, saying we are not trustworthy. Besides, we do not have ration cards. We are in dire economic condition. A ration card at least would help us get subsidised essential commodities. We are Hindus. Won't you give shelter to Hindus who desperately need it?[111]

A similar exercise – deletion of the names of Bangladeshi migrants who did not vote for the CPI-M, took place in Jalangi of Murshidabad district. In Jalangi, I came across at least five Hindu households, originally from Natore in Bangladesh, who were either not registered as voters or who did not possess ration cards. So Haripada Pal has a ration card, but his name does not figure in the electoral roll; Dhirendranath Pal has no ration card, but he is a registered voter. In her attempts to "regularise" her family's uncertain status, Khukurani Pal attends CPI-M "classes" in Marxism and how to help the needy in the villages surrounding Jalangi. "This is the only way I can ingratiate myself to the CPI-M bosses so that my family's condition improves," she said.[112] Hindu Bangladeshis like

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[111] Author's interview with Nanigopal Burman at Basakpara, near Krishnanaga, Nadia district, West Bengal, on July 3, 2005. Nanigopal Burman's neighbour, 61-year-old Akshay Mandal, originally from Mubarakpur village in Magura district of Bangladesh, also lost his vote in 1995.
[112] Author's interview with Khukurani Pal, at Jalangi, Murshidabad district, West Bengal, on July 4, 2005.

the Pal family mentioned above are settled in Muradpur, Gauripur, Joykrishnapur, Kirtaniyapara, Biswaspara, Palpara and Sarkarpara around Jalangi.

The Marxists' "mantra of negation"[113] continued for the next four years. But in 1996, intelligence agencies made another attempt to get their political masters to address the situation. A meeting of directors-general of police of all states, convened in New Delhi, discussed the issue of illegal immigration, concluding that "illegal migration of Bangladesh nationals into India has led to some serious problems apart from affecting the demographic balance in the bordering districts of India."[114]

In 1997, the penny dropped. On May 6, 1997, then Union Home Minister, Indrajit Gupta, who belonged to the Communist Party of India, a partner in the Left Front government in West Bengal but a partner in the United Front government at the Centre, stated in Parliament that there were 10 million illegal migrants residing in India.[115] Coming as it did from the country's Home Minister, who was also the general secretary of the CPI, the CPI-M's coalition partner in West Bengal, it was a stunning disclosure that forced the CPI-M to admit to the wanton illegal migration from Bangladesh to India in general and West Bengal in particular. In 1998, the media reported that the West Bengal election department had evidence that the "state was sheltering lakhs (hundreds of thousands) of illegal immigrants with active help from the left Front government."[116] One such report, reproduced below, is telling:

> The department has taken away the voting rights of nearly 2 lakh (200,000) people because they could not prove they were Indians. Their names were deleted from the voters' list that came into effect from January 1, 1998, after the summary revision of electoral rolls.

[113] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 199.
[114] Classified Agenda and Notes, Directors-General/Inspectors-General of Police Conference, July 22-24, 1996, *Intelligence Bureau*, Government of India, pg, 31.
[115] Advani, L.K, Illegal Migration from Bangladesh, Adjournment Motion, Lok Sabha, *Parliament of India*, July 26, 2005.
[116] Special Correspondent, Refuge for Flushed out Voters, *The Telegraph*, Calcutta, August 6, 1998.

A majority of the disenfranchised voters had enlisted their names by giving wrong or false information. Most of the disenfranchised voters live in the districts that border Bangladesh.

The process of enlisting a person's name in the voters' list or its deletion is controlled by local party functionaries. With an organisational network that covers every block in West Bengal, it is the CPM that has ensured that its cadre monitor and orchestrate the preparation of the list.

Our experience is that cases of enrolment are brought when the leaders are banking on their support. Appeals for disenfranchising voters come particularly when their loyalty is in doubt, said an electoral registration officer.

The Left Front's patronage of illegal immigration came into sharp focus in 1995. That year the district authorities detected and disenfranchised at least 70,000 foreign nationals. But, say home department officials, they could not be pushed back because of pressure from the government.

The home department did not respond to the proposal from the district officials to deport the infiltrators. Instead, it directed the district authorities to maintain a watch on the population. Ever since, the matter has been kept under the wraps.

State home secretary Leena Chakraborty avoided a comment on the issue saying: "I will not be able to throw any light on the episode because I was not there when it occurred."

A senior official of North 24-Parganas district who had executed the special drive in 1995, recounted that the exercise was prompted by a directive of the Election Commission.

"We launched a thorough search and verification drive in one area after the other on a stretch between Barasat and Calcutta airport." A 70,000 strong population which had fraudulently enlisted their names on the electoral rolls could be detected on such a small strip, said the official, referring to a tract that could be covered by a dot on a map of the region.[117]

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[117] Ibid.

By 1999 the West Bengal government, which had so far been sticking to the "homecoming line", "caved in and adopted the language of infiltration."[118] This was primarily because of the fear of punitive action against it by the BJP-led NDA government at Centre which had intended to raise a federal law enforcement agency that would deal with federal crimes[119] like illegal immigration, trafficking in human beings, cross-border smuggling and other forms of organised crime. Understandably, the West Bengal government publicly contested and disagreed to the need for a federal law enforcement agency. What van Schendel perhaps suggests is that the West Bengal government would admit to the influx of Hindu refugees, whose entry into India since the creation of Bangladesh was considered as part of the Partition homecoming narrative. Infiltration, in the narrative of the Hindutva parties like the BJP and its parent organisation, the Rashtriya Swayamsevak Sangh (RSS), was equated with the migration to India of Bangladeshi Muslims out to destablise India and force a second partition on the country. "Infiltrator bashing", van Schendel reflects, not only helped "nationalist Indian politicians" from building their careers, it also served as a vote getter, kept Bangladeshi labour immigrants "stigmatised and vulnerable and therefore cheap and pliable".[120]

Since 1999, the West Bengal government has been highlighting the dangers of illegal immigration. The then Chief Minister Jyoti Basu had raised the issue with visiting Bangladesh Prime Minister Sheikh Hasina Wazed, pointing out to her that his government was "aware that people cross over daily from Bangladesh to Malda and Murshidabad districts to earn wages and go back".[121] But his government was keen to complete the fencing of the border "in order to protect the state's economy which was being threatened by the abnormally high migration continuing for years from across the

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[118] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 212.

[119] Pande, Kamal, *Presentation by Union Home Secretary Before the Department-Related Parliamentary Standing Committee on Home Affairs*, Ministry of Home Affairs, Government of India, March 23, 2000, pg. 31.

[120] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 231.

[121] Chanda, Arup, Electoral Pressures Force Basu to Take BJP Line on Illegal Immigration Issue, *Rediff on the Net*, February 6, 1999. Sourced from http://www.rediff.com/news/1999/feb/06wb.htm

border".[122] It was not yet an admission that millions of Bangladeshis had actually settled in the state. That was to come when Basu was succeeded by Buddhadeb Bhattacharya who publicly admitted to illegal immigration having "surpassed all limits" and linked it up with alleged anti-India activities of the Pakistani intelligence agency, Inter-Services Intelligence (ISI), the United Liberation Force of Asom (ULFA) and the Kamtapur Liberation Organisation (KLO), all of whom operated from bases in Bangladesh, especially its border districts.[123]

The West Bengal Chief Minister, however, had to contend with growing opposition from CPI-M party bosses because "it was not it is not considered politically correct in India to go after illegal immigrants because that could end up hurting vote-banks."[124] In 2002, when he announced that the mushrooming of *madrassas[125]* and mosques in the border districts of the state were a threat to the security and integrity of the country, he had to eat crow. Forced by his party, the Chief Minister took back his words. More recently, Bhattacharya has been decrying illegal immigration, but has not taken any effective steps to stem the flow of migrants, let alone deport them or come up with more humane means to check further influx. A move to empower district magistrates of border districts as the sole authorities for issuing ration cards – to prevent illegal immigrants from settling down – has not had the desired effect because the racket in fake documents is far wider and the nexus at the ground level far deeper. In some cases, citizenship documents were found to have been issued by men working in the district magistrates' offices. The former Registrar of the IMDT Act, in Guwahati, recollected one case in which the fake documents had been issued by an assistant Swapan Kumar who worked in the office of the district magistrate of Cooch Behar, a border district of West Bengal.

> We came across thousands of citizenship documents that bore the seal and signature of
> the district magistrate. Hundreds were found to have been issued on the same date.
> Almost all of the papers were given to Bangladeshi Hindu migrants bearing surnames

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[122] Bengal to Take up Border Fencing, United News of India, Rediff on the Net, January 5, 1999. Sourced from http://www.rediff.com/news/1999/jan/05border.htm
[123] Singh, Onkar, KLO-ULFA-ISI Axis Worries Buddhadeb, *Rediff on the Net*, June 1, 2001. Sourced from http://www.rediff.com/news/2001/jun/01onkar.htm
[124] Gupta, Kanchan, India Makes Another Brave Attempt at Peace, *Rediff on the Net*, June 19, 1999. Sourced from http://www.rediff.com/news/1999/jun/19bus3.htm
[125] Islamic religious seminaries.

like Mondal, Burman and Namasudra. These migrants would procure the documents in West Bengal and come to Assam and settle down on the basis of those papers.[126]

A visit to Bhagwangola-II block development office made it abundantly clear. Even as he admitted to "lots of Bangladeshis having settled on *Char* Nirmal under Akheriganj *gram panchayat*[127] for several years" and how the area "is prone to cattle smuggling",[128] the block development officer (BDO) Prasanta Kumar Das continued to blindly sign a bunch of papers which certified some locals as "unemployed". In Akheriganj, where the presence of the state administration is minimal and its writ even less so, Bangladeshis are believed to have occupied the fertile *chars* that have formed on the Padma river, a process similar to that on the *chars* on the Brahmaputra river in Assam's Dhubri district. Inquiries revealed that a large swathe of land known as Uttar Purba Nirmal *Char* (Northeatsern Nirmal *Char*) on *Char* Nirmal, which India claims to be its territory, was recently "occupied" by the Bangladesh Rifles which allowed Bangladeshis to settle there and begin cultivation. Last heard, the BSF was trying to organize a flag meeting with the BDR to convince the Bangladeshi border guarding force to vacate the Indian territory by producing the *pattas* or land deeds of Indian inhabitants and Geological Survey of India maps of *Char* Nirmal.

BSF officers in Nadia complained about local politicians "routinely coming to the rescue" of illegal migrants whenever they were apprehended or during their push back into Bangladesh. At other times, there would be "non-cooperation" from the state police who would promptly release the "intruders" after they are handed over to be proceeded against legally.[129] At the Ghojadanga BoP, the BSF had apprehended five women and a man suspected to be Bangladeshis, trying to cross back into Satkhira district in Bangladesh. I was not allowed to interview the women, but one BSF soldier manning the check post said: "The moment we hand them over to the local police, they will be

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[126] Author's interview with Amarendra Sarma, in Guwahati, Assam, on September 5, 2005.
[127] A *gram panchayat* is a local village council.
[128] Author's conversation with Prasanta Kumar Das, at Bhogobangolo-II block development office, Murshidabad district, West Bengal, on July 7, 2005.
[129] Author's interview with Subhas Ganglik, BSF Company Commander, Haridaspur BoP, North 24 Parganas district, West Bengal, on July 11, 2005.

released."[130] I met a Hindu Bangladeshi, Deepak Chatterjee, of Dumuria in Khulna district of Bangladesh who was on his way to Mallickpur in South 24 Parganas district to meet his maternal uncle. And there was a couple, 52-year-old Nimai Sarkar and his wife, Krishna Sarkar, of Kaliganj village in Satkhira in Bangladesh, crossing over – with passports and valid visas – to meet the lady's parents who live in Barrackpore in West Bengal's North 24 Parganas district.

Ghojadanga is one of three points on the border in West Bengal which are officially recognised immigration check points. But contrary to regulations, it is the BSF which does the job of immigration officials, taking down details of passport-holding Bangladeshis visiting India on their crude registers. Small wonder that between 1972 and now, over 1.3 million Bangladeshis entered India with valid travel documents but never returned to their country.[131] A senior police officer from West Bengal said "Kashmir will appear to be a like a picnic compared to the long-term consequences of illegal immigration from Bangladesh and that is why the Chief Minister has given us strict instructions that they should be identified and sent back."[132] But how? By whom? The officer had few answers. He quickly terminated the interview.

The fact that West Bengal has been and continues to be a favourite destination for Bangladeshi migrants is testified by the results of a pilot project that the Government of India launched in 2003 in the Murshidabad-Jiaganj belt of Muslim-majority Murshidabad district, believed to be home to hundreds of thousands of Bangladeshi migrants, as part of its larger scheme to issue multi-purpose national identity cards to citizens. The work on the ground was to be executed by the district administration. The Murshidabad-Jiaganj belt was chosen along with a few other areas in some of the border states of India as a feasibility project whose objective was "quick identification and deportation of illegal migrants in the country as also a credible identification system for multifarious socio-economic use…that would involve a massive exercise of compulsory registration of all

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[130] Author's conversation with a BSF *jawan*, or a private, at Ghojadanga BoP, North 24 district, West Bengal, on July 12, 2005.
[131] Author's interview with Dilip Mitra, Inspector-General of Police (Border), West Bengal police, in Calcutta, on August 16, 2005.
[132] Ibid.

citizens and non-citizens".[133] Although the final report is yet to be submitted to the government, the provisional findings of the Murshidabad-Jiaganj project came up with startling results: Of the 255,000 people covered under the project, only 9.4 per cent or 24,000, could produce "at least one supporting document" of their Indian nationality; 90.6 per cent or 231,000 could not produce even one of the 19 prescribed documents. The newspaper that broke the story had this to say:

> At first glance, the revelation seems to confirm what critics of the Left Front government have been alleging – that the state machinery has papered over the existence of a huge mass of populace which does not belong to the country but has been allowed to stay on as captive vote bank.[134]

Those who could not produce any of the prescribed documents – land deeds, ration card, drivers' licence, voters' identity card to name a few – have been put under the category of "citizenship in suspense". One junior bureaucrat said that over the years, Lalgola, Bhagwangola-I, Jalangi and Raninagar blocks I and II (all in Murshidabad district) have also attracted hundreds of thousands of illegal migrants.[135] The West Bengal government, understandably embarrassed by the findings of the project, is yet to take any decision on those who could be illegal immigrants. "They might be given further chances to prove their nationality."[136] The government, however, acknowledged that: "There is no denying that illegal migrants are entering the Indian state through Bengal's district borders…The issue is real and cannot be wished away."[137] Despite this, both the government and the CPI-M stuck to their ostrich-like stand, passing the buck on to the Centre. The state chief secretary reacted by saying:

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[133] Pande, Kamal, *Presentation by Union Home Secretary Before the Department-Related Parliamentary Standing Committee on Home Affairs*, Ministry of Home Affairs, Government of India, March 23, 2000, pg. 18.
[134] Purohit, Devdeep, Bengal's Masses Without an Identity, *The Telegraph*, Calcutta, August 11, 2005, pg. 1
[135] Author's interview with Lalbagh sub-divisional officer (SDO) Avanindra Singh, at Lalbagh, Murshidabad district, West Bengal, on July 7, 2005.
[136] Purohit, Devdeep, Bengal's Masses Without an Identity, *The Telegraph*, Calcutta, August 11, 2005, pg. 1
[137] Our Bureau, Government, Party Shed Influx Blinkers, *The Telegraph*, Calcutta, August 12, 2005.

"We have brought the matter to the Centre and sought its help. We as a state government cannot do anything unilaterally because it involves India's relations with another country. The issue has international implications…"[138]

The reaction of the CPI-M was, not surprisingly, similar: "It is a sensitive issue and not possible for the state alone to combat it…But your figures are absurd."[139] Another CPI-M dismissed there has been any "infiltration", claiming: "Since it is a border district, people presume infiltration is high in Murshidabad. But we are not aware of such infiltration".[140] Neither the West Bengal government nor the CPI-M agrees that the estimated number of Bangladeshi illegal immigrants in the state is "no fewer than 10 million."[141] In 1998, when the then Assam Governor Lieutenant General (retired) S.K.Sinha sent his controversial report to the federal government, he had quoted a figure (based on estimates by Indian intelligence agencies) of 5.4 million illegal Bangladeshi migrants settled in West Bengal.[142]

Even as illegal migration continues with the border "turned into a whistle stop on the outward journey of millions of Bangladeshi migrants,"[143] smuggling, except when Bangladesh and India sound the occasional "red alert" for situations arising out of terrorist strikes or serial blasts, goes on unimpeded. With the blessings of sections within the BSF and the West Bengal police, smuggling of agricultural produce, sugar, salt, animal hides, medicines, and most crucial of all items – cattle, which always in high demand in Bangladesh – continues with village smugglers, locally known as *dhurs*, used as couriers. In the last five years, in the South Bengal sector alone 225,863 cattle heads were intercepted at the border by the BSF. In 2001, the total cattleheads seized was

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[138] Deb, Amit Kiran, West Bengal state chief secretary, Quoted in Our Bureau, Government, Party Shed Influx Blinkers, *The Telegraph*, Calcutta, August 12, 2005.
[139] Biswas, Anil, West Bengal CPI-M Secretary and Politburo Member, Quoted in Our Bureau, Government, Party Shed Influx Blinkers, *The Telegraph*, Calcutta, August 12, 2005.
[140] Hossain, Mannan, Quoted in Devdeep Purohit, Report Taking Shape Amid Infiltration Buzz, *The Telegraph*, Calcutta, August 23, 2005, pg. 8.
[141] Nandy, Bibhuti Bhushan, Illegal Immigration: Need for Good Policy and Timely Action, *The Statesman*, Kolkata, May 11, 2004.
[142] Sinha, Lt. Gen. S.K, Illegal Immigration into Assam, Report to the Union Home Ministry, Government of India, Quoted in the Supreme Court Judgment of Justices R.C.Lahoti, G.P.Mathur and P.K.Balasubramanyan, *Case No. Writ Petition (Civil) 131 of 2000*, Petitioner Sarbananda Sonowal, Respondent, Union of India and Government of Assam, Date of Judgment: July 12, 2005, pg. 11.
[143] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 231.

29,764. The seizures went up to 44,469 in 2002, increased to 58,810 the next year, 58,965 in 2004 and by July 2005 it had reached 33,855. Cattle from other parts of the country – Haryana, Punjab, Bihar and Uttar Pradesh – are brought over in trucks to select locations in the nine border districts of West Bengal from where they are pushed into Bangladesh in the cover of darkness. So elaborate and lucrative is the system that one "trader" in Islampur, in Murshidabad district, operates 256 trucks to transport cattle from the other Indian states to the border points. The roots of the smugglers' cartels run strong and deep.

In Ghojadanga, young boys and girls and men and women of all ages can be seen carrying sacks of salt on their heads heading on foot towards the border, away from the sight of BSF soldiers. Even tricycle vans are used to reach the merchandise to pre-determined points on the border from where *dhurs* take them across to their counterparts across the border. At Majhdia, two stations away from the Gede border in Nadia district, women load huge sacks of salt on trains that are unloaded at the Gede station platform from where the same women carry them across the border right under the gaze of BSF soldiers. Along the border road that runs close to the BSF camp, smugglers' networks use their own forms of signals, for instance bursting of crackers, to inform their colleagues elsewhere in the area about the presence of "aliens" and "intruders" like me. When the "interloper" leaves, the activities resume. As in the case of illegal immigrants whose numbers in India are at best "guesstimates", the volume of illegal trade cannot be quantified in money terms. However, "official estimates of illegal trade were staggering. For example, the Indian Department of Commerce estimated in 2002 that the value of goods annually smuggled to Bangladesh from Northeast India alone was Rs. 20 billion (or about $450 million). A few months later, the Foreign Minister of Bangladesh stated that the illegal trade between Bangladesh and India was worth $3 billion, or twice the value of legal trade."[144] One serving Indian Home Ministry official said that "if smuggling and other forms of trafficking of contraband goods from India to Bangladesh is stopped for a week, the government in Dhaka would fall."[145]

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[144] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 168.
[145] Author's conversation with a senior Indian Home Ministry official, in New Delhi, on September 12, 2005. His identity cannot be disclosed on request of anonymity.

Bangladesh's Denial

Deporting Bangladeshis has soured relations between India and Bangladesh which has consistently refused to recognise the deportees or those pushed back as its nationals. This is what van Schendel describes as the "narrative of denial" or a counter-discourse to the Indian narrative of infiltration.[146] Terming the counter-discourse as "bizarre",[147] van Schendel says that long before the liberation of Bangladesh, the East Pakistani regime had said "it was inconceivable that hundreds of thousands of Muslims…would surrender their safety and security of their homeland in [East] Pakistan to migrate with their women and children to the uncertainty and perils awaiting them in a hostile land beyond the border".[148] The tone and tenor of Bangladesh's denial that there is any illegal immigration, much less any Bangladeshi national living in India, remained the same since the issue first surfaced in the late Eighties.

During a visit to India in November 1992, two months after 132 alleged Bangladeshi nationals suspected to be illegal migrants were pushed back into Bangladesh, the then foreign Minister of Bangladesh, Mustafizur Rahman, took umbrage at "India's attempts at unilateral pushback of illegal immigrants, amid fanfare and publicity, that had generated strong adverse reactions in Bangladesh".[149] It was not only the then Bangladesh Nationalist Party (BNP) government of Begum Khaleda Zia that was on the denial mode. Even the Awami League, perceived to be "friendly" towards the Indian establishment, took up the discourse of denial, when Sheikh Hasina Wazed, on a visit to India in 1999 said there was not a single illegal Bangladeshi in India.[150] In her second term as Prime Minister (2001-present), Khaleda Zia echoed Bhutto's words of 34 years back, stating that "we do not accept that there is any Bangladeshi national living in India."

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[146] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 198.
[147] Ibid.
[148] Bhutto, Z.A, Foreign Minister of Pakistan in 1964. Quoted in Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 198.
[149] Nandy, Chandan, Bangla Minister's Ire Over Deportation, *The Observer of Business and Politics*, New Delhi, November 26, 1992.
[150] Editorial, Bangladesh-Assam Border Needs Monitoring, *The Statesman*, Kolkata, November 6, 2002. Also see Hasina Denies India's Infiltration Report, *The Assam Tribune*, Guwahat, June 11, 2000 and No Bangladeshi Immigrant in India, Hasina Tells CNN, *The Independent*, Dhaka, September 7, 2000.

In early 2003, Bangladesh foreign secretary Shamsher Mobin Chowdhury, clinging to the official line, made a blanket statement claiming that "there are no Bangladeshis residing illegally in India, nor had there been any in the past… We have always denied that any Bangladeshi lives in India unlawfully and we will continue saying so unless they (the Indians) can prove their claim."[151] The claims and counter-claims continued to follow in the course of ministerial and official level meetings held both in New Delhi and Dhaka. But Bangladesh seemed to be relentless in pursuing its line of negation. Predictably, the Bangladesh stand was viewed in India as part of that country's foreign policy objective vis-à-vis its huge neighbour and stemmed, in van Schendel's words, from "India's adoption of the discourse of infiltration".[152] A series of bloody border skirmishes between the BDR and the BSF did not do help much to improve relations. Some Bangladeshi observers in India argue that Dhaka's "narrative of denial" was constructed in part by the persistent denial of illegal immigration by Indian political actors and the ambivalence of the state machinery in dealing with the problem. "The Left and the Left-of-Centre political elites minimised and underplayed the extent of the problem for years. Even the Rightist BJP made occasional noises and the NDA government took knee-jerk actions to "throw out" Bangladeshi immigrants from India. This gave successive Bangladesh governments the handle to rubbish Indian claims. Indian foreign policy obviously had the teeth, but it lacked the bite."[153]

Van Schendel is of the opinion that "to the Bangladeshi state elite, acknowledging the unauthorised movement of Bangladeshi citizens across the border would reveal the inability of their state to control this movement, or worse, suggest its complicity. In their anxiety to avoid owning up to the failure of their state's strategy of territoriality – and hence it claim to full statehood – the Bangladeshi authorities chose to disown their citizens in Indian territory".[154] Perhaps it was this failure and/or complicity of the Bangladesh state that dictated compulsions of Bangladeshi scholars to address the

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[151] Staff Correspondent, Dhaka Dubs Delhi's Alien Claims Absurd, *The Daily Star*, Dhaka, January 9, 2003.

[152] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 199.

[153] Author's conversation with Bibhuti Bhushan Nandy in Calcutta on September 15, 2005.

[154] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 199.

problem and suggest ways and means for its amicable resolution. Barring the works of a few scholars, who exclusively dealt with Hindu out-migration, and some occasional newspaper reports, little, if any, work has been done to show the extent of the total out-migration of Bangladesh's rural poor to India in the course of the last 35 years.

The Bangladeshi view had disastrous consequences for the people who India claimed to be illegal migrants. On the one hand its policy of denial, if not complicity, encouraged more and more to emigrate. On the other, its refusal to take back its own citizens being routinely pushed back by the BSF forced the hapless people to be caught in the rancorous diplomatic stand off between the two states. To the Indians, the migrants are "infiltrators" and, therefore, have to be pushed back into Bangladesh territory; to the BDR, the deportees were Indian citizens whom India is trying to get rid off. For both states, the human rights of the virtually stateless people is the last thing on their minds. In most cases, as a number of BSF officers testified, those being pushed into Bangladesh manage to sneak back in from other weakly guarded stretches of the border. The stand offs often had terrible consequences for individual migrants. One such case was that of 213 snake charmers who were stranded on no-man's for a week in the January winter of 2003 when BDR personnel refused to take them back in. The following Indian newspaper editorial summed up the situation:

> The latest crisis has been caused by a group of 200-odd men, women and children stranded in the no-man's land between India and Bangladesh near the Satgachi outpost in Coochbehar. For nearly a week, the group, virtually abandoned without food and water, has been confronted by border guards from both sides of the border. India claims that the group — mostly snake charmers and their families from Bangladesh — attempted to sneak into West Bengal and were prevented from doing so by the border security force. Dhaka, of course, has the opposite view. It believes that New Delhi is pushing Indian Bengali Muslims into Bangladesh. Even a cursory examination of the issue suggests that the Indian viewpoint has merit. Reports indicate that most of the group is carrying proof of residence in Bangladesh like electricity bills. Moreover, once refused entry into India, the group has been trying to go back to Bangladesh. The Bangladesh Rifles have,

however, resisted all such efforts. The incident is only symptomatic of the larger problems of India-Bangladesh relations, including the issue of illegal immigration.[155]

An editorial in a Bangladeshi newspaper the same day had the following to say:

> The attempts by the BSF to push Bangla-speaking people into our territory are no longer a minor irritant. Latest reports say there was a heavy exchange of fire between the BDR and the BSF Sunday night along the Panchagarh border… The pressure tactic being applied on a neighbouring country might serve some domestic political purpose of the ruling BJP in view of the forthcoming state elections in India, but it will be at the cost of her bilateral ties with Bangladesh. It's a settled fact in terms of Indira-Mujib agreement that all those who had taken refuge in India following genocide by Pakistan occupation Army in 1971 returned to Bangladesh after its emergence as an independent country. So there is no question of any Bangladeshi illegally living in India. Those who are sought to be deported are learnt to be Bangla-speaking Indian Muslims.[156]

The two editorials reflected two different perspectives – on the Indian side and the Bangladesh side. And each was a reflection of the nationalist agendas and anxieties of the political elites of the two neighbouring countries. One state tried to forcefully define its territoriality and the other refused to own up its citizens. The end game of the stand off was that the poor snake charmers, who were Muslims but worshipped the Hindu snake goddess, Manasha, were finally taken back by Bangladesh. The incident also exposed that while Bangladesh would do nothing to prevent its citizens – its excess and unwanted population -- from crossing over to a neighbouring country – illegally – it would also not reclaim them. As van Schendel puts it: "From the point of view of the Bangladesh state, a porous border was clearly not a welcome device to export labour. Bangladesh authorities did not try to stop labour migrants from crossing into India but they vehemently opposed their forced return."[157]

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[155] Editorial, Borderline Case, *The Telegraph*, Calcutta, February 5, 2003.
[156] Editorial, Continuing Push-in Attempts: Let the Problem be Resolved on a Durable Basis, *The Daily Star*, Dhaka, February 5, 2003.
[157] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 200.

This was in stark contrast to the position Bangladesh took when faced with the in-flow of Rohingya refugees from Myanmar. In the early 1990s, more than 250,000 Rohingya minority Muslims fled Myanmar for to cross over into Bangladesh's south-eastern district of Cox's Bazar following persecution by the military junta. They were initially housed in 20 camps. Since then 236,000 Rohingya Muslims have been repatriated, leaving about 21,000 in two existing camps in Cox's Bazar. Although not a signatory to the 1951 UN Convention on Refugees, Bangladesh had first allowed the entry of the Rohingyas, only to insist later that they be repatriated under the auspices of the UNHCR. Some of the repatriations have been forced.[158] In fact, in 1999, Bangladeshi authorities reportedly "expelled" 250,000 undocumented Rohingya families from St. Martin's Island after villagers there claimed that the families were taking their jobs.[159] A separate batch of "new arrivals", who crossed over into Bangladesh both to escape human rights abuses in Myanmar and for economic reasons, have been categorised by Bangladeshi authorties as "illegal migrant labourers".[160] In van Schendel's words, therefore, in the case of the Rohingya migrants Bangladesh displayed the same statist "pursuit of territoriality"[161] as India has done in the case of illegal immigrants from Bangladesh on its soil.

In the context of Bangladesh's relations with India, however, there appears to have been a change in Dhaka's stand on illegal immigration. In February 2003, Bangladesh recognised the problem of illegal emigration from its soil to India after its foreign minister Mohammad Morshed Khan and his Indian counterpart Yashwant Sinha agreed to take the process of cooperation to prevent authorised cross border movement of people in accordance with the "1992 joint communiqué" for handling illegal immigration.[162] But it also sought to protect the integrity of its borders from illegal trade. Two years later, the two countries have decided that its border guarding forces would jointly patrol certain

[158] Shukla, Kavita and Larry Thompson, Bangladesh: Burmese Rohingya Refugees Virtual Hostages, *refugeesinternational.org*, Refugees International, September 5, 2005. Sourced from http://www.refugeesinternational.org/content/article/detail/5752
[159] Abrar, C.R, Human Rights Condition of the Rohingya Refugees, *The Daily Star*, Dhaka, May 16, 1999.
[160] Human Rights Watch, The Rohingya Muslims: Ending a Cycle of Exodus?, Human Rights Watch Publications, Vol. 8, No. 9, September 1996, Sourced from http://www.hrw.org/summaries/s.burma969.html
[161] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 3.
[162] Sharma, Pranay, Bangla Admits Border Breach, *The Telegraph*, Calcutta, February 16, 2003, pg. 1

stretches of the 4096-kilometer-long border.[163] But, with Dhaka showing little inclination to stem the out-migration of its rural poor, how far such a step would contain illegal immigration is anybody's guess. Till such time that happens, "the Bangladeshi discourse on migration to India is likely to be marked by denial, disdain and disinformation".[164]

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[163] Chhaya, M, India, Bangladesh Begin Joint Border Patrol, *Rediff on the Net*, May 25, 2005. Sourced from http://in.rediff.com/news/2005/may/25bangla.htm
[164] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pg. 200.

Chapter 6

Extent of Migration

Notwithstanding the claims of demographic aggression and invasion on the one hand and counter-claims of denial of emigration, the plain truth is that illegal immigration from Bangladesh to India is real. Besides the Indian statist narrative of infiltration, there is a parallel debate – one side vehemently asserting and the other challenging that assertion – on the precise number of Bangladeshi migrants living illegally in India. It is a debate that one Indian scholar has described as the "numbers game" which "do not tell everything clearly, though they certainly point to a phenomenon".[1]

The quantum of migration from one country to another can never be ascertained with mathematical precision, and this is more so in the case of Bangladesh and India which, prior to Partition was a composite social, economic and political entity inhabited by people with shared ethnicity and language, but belonging to different religious denominations and cultures. The shared markers of ethnicity and contiguity were common for West Bengal and East Bengal, though the same cannot be said of certain parts of East Bengal and Assam. This entailed a natural flow of people within the composite geographical structure. After Partition and the formation of two separate state systems, an imposed border disrupted the compositeness and compactness of that structure, with the border defining the identity of who occupied the territories on either side of the "divide" and who controlled and regulated not only the flow and movement of people, but who also defined who or who should not reside in which half of the border.

However, as we have seen in the previous two chapters, Indian attempts and measures to contain immigration from East-Pakistan first and then from Bangladesh failed. The situation was worsened by the fact that India never developed an effective and fool-proof

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[1] Samaddar, Ranabir, *The Marginal Nation: Transnational Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999, pg. 199.

system of registering the births and deaths of its citizens. These instruments of documenting Indian identity had been subverted by vested interests, making the task of maintaining a record on Indian citizens a nightmare for the state. Consequently, this lacunae gave rise to speculative figures of illegal Bangladeshi migrants in the country. Ten million people sought refugee in West Bengal, Assam, Tripura and Meghalaya during the Bangladesh war of liberation. Barring an estimated 20 per cent, all of the refugees returned to an independent Bangladesh. Since then, on the Indian discourse on infiltration any number of Bangladeshis have been thought to have migrated to India.

The Indian debate on illegal immigration has bee constructed around the estimated number of Bangladeshis living illegally in India. Over the past two decades when "infiltration" came to be viewed as a threat to the country's national security and an erosion of national sovereignty and raised Indian anxieties of Bangladeshis not only taking up living space in an already over-populated country, but also causing a burden on the economy, not to speak of the strain on state's welfare measures, the loss of jobs to aliens in an over-stretched labour market. The additional argument such a statist paradigm pointed to was the perceived danger to the culture and identity of not only the Assamese but also the marginalisation of Hindus in West Bengal and other places. Myron Weiner is of the opinion that the demographic consequences of migration is "generally felt more by the receiving than the sending country" and in the case of Bangladesh and India the population movement has taken place "from one high-population-growth country to another".[2] Not only that, the population movement from Bangladesh to India has been overwhelmingly of Muslims because they form the majority of the population that country, resulting in a change in the demographic profile of India's border districts.

The former Assam Governor, moved to action by "the dangerous consequences of large scale illegal migration from Bangladesh, both the for the people of Assam and more for the Nation as a whole,"[3] quoted a figure of 12 million Bangladeshi illegal migrants

[2] Weiner, Myron, *The Global Migration Crisis: Challenges to States and to Human Rights*, HarperCollins College Publishers: New York, 1995, pp. 25-27.
[3] Sinha, Lt. Gen (retd) S, K. Illegal Immigartion into Assam, Report to the President of India, November 8, 1998, Quoted in the Supreme Court Judgment of Justices R.C.Lahoti, G.P.Mathur and

settled in various parts of the country to emphasise his contention. Culled out from the August 10, 1998 edition of a news magazine, which had come up with the total figure of 12 million Bangladeshi immigrants from "Home Ministry/Intelligence Bureau sources", the state-wise break-up of 12 million Bangladeshi immigrants are: West Bengal (5.4 million), Assam (4 million), Tripura (0.8 million), Bihar (0.5 million), Maharashtra (0.5 million), Rajasthan (0.5 million) and Delhi (0.3 million). The former Assam Governor's figure was not new for the times. As far back as 1992, the Indian security establishment was under the impression that between 12 to 15 million Bangladeshi immigrants had entered India illegally since 1971. Over the last 35 years, this "estimated" figure, based on assessments and crude surveys, has been revised on several occasions. The "estimated" number of Bangladeshi illegal immigrants in India now stands anywhere between 15 million to 20 million, with some suggesting that the number could be as high as 20 million. Just how flawed and misleading such numbers could be can be gauged by the following extract of a classified file of one intelligence agency:

> The estimate by the BSF that only 10 lakh (1 million) Bangladesh nationals had migrated clandestinely into India during 1981-91 period was unrealistically low. The MHA (Ministry of Home Affairs) paper had put the figure at around 66 lakh (6.6 million), basing their assessment on the statistics provided by the BSF. It was pointed out that a comprehensive analysis of the statistics of the latest census held in both countries in 1991 clearly established that the magnitude of infiltration was much more serious.[4]

Political parties, especially the Bharatiya Janata Party (BJP), made merry of such figures, using them to its own advantage when distinguishing between "Hindu refugees" and "Muslim infiltrators". Such distinction fitted in well with the party's Hindu nationalist agenda that was hinged on mobilising its constituency at crucial moments in India's electoral history. When out of power, the BJP and its saffron cohorts made effective use of a Hindu India being under threat from Muslim infiltrators from Bangladesh out to

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P.K.Balasubramanyan, *Case No. Writ Petition (Civil) 131 of 2000*, Petitioner Sarbananda Sonowal, Respondent, Union of India and Government of Assam, Date of Judgment: July 12, 2005, pg. 10.
[4] Classified documents of an Indian intelligence agency following a meeting of officials held at the Ministry of Home Affairs, Government of India, New Delhi, on February 2, 1992, pg. 1.

destablise and break up the country and to "damage the country's identity".[5] Likewise, the former Deputy Prime Minister of India and present BJP chief L.K.Advani described the "grave danger" to the "internal security of the country" arising out of "illegal infiltration" that "has been continuing since we won our independence".[6] When in power, the BJP and its "front organisations have maintained an enigmatic silence on the matter".[7] The political context over the issue assumed the form of a battle between those who proclaimed themselves to be "secular", whom the BJP charged as "pseudo-secular", forces and the "communal" forces whom the BJP defended by as "nationalists".

It is argued that the "deltaic region of Bengal had long been known for its remarkably mobile inhabitants" within a composite geographic area. After Partition and the imposition of the border, "the fairly unobtrusive movement of settlers out of Bengal suddenly became *international* migration".[8] One way to find out the out-migration of people from East Bengal, East Pakistan and then Bangladesh is by analysing the absolute population and the percentage of population of Hindus and Muslims since 1901. In the absence of detailed religion-wise data in the 2001 Bangladesh census, I am having to fall back on census data for 1901-1991. It is clear that while the Muslim population increased at a phenomenal pace, the Hindu population declined considerably. Till 1941, the Muslim population grew at about 1 per cent every decade and the Hindu population decreased by 1 per cent. After 1951, the Muslim population grew rapidly, registering growths of 4 per cent between 1951 and 1961 and 5 per cent between 1961 and 1974. No population census was held in 1971 because of the war of liberation. During the two decades, the proportion of Hindus decreased by about 3 per cent and 5 per cent. As per the 2001 census, the Hindus' share in the total population of Bangladesh has come down to 9.2 per cent. The increase in the Muslim population and the decrease in Hindu population

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[5] Mahajan, Pramod, Rajya Sabha Debate on the Supreme Court's judgment striking down the Illegal Migrants (Determination by Tribunals) Act, 1983, on August 23, 2005. Mahajan is a general secretary of the BJP in charge of Assam and a Rajya Sabha Member of Parliament. His speech in Parliament, made in the Monsoon Session, was reproduced in a party leaflet published by the BJP Central Office, New Delhi.
[6] Advani, L.K, Speech in the Lok Sabha after moving an Adjournment Motion on the issue, *Lok Sabha, Parliament of India*, New Delhi, July 26, 2005. Apart from being the BJP president, Advani is also the Leader of Opposition in the 14th Lok Sabha.
[7] Nandy, Bibhuti Bhushan, No Easy Way Back, *The Statesman*, Kolkata, February 2003, pg. 9
[8] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005, pp. 210-211. Italics in the original.

between 1951-1961 and 1961-1974 was primarily because of Partition and the subsequent cross-border migration of people from East Pakistan/Bangladesh to India and from India to East Pakistan/Bangladesh. (See Table 11).

TABLE - 9

Census Year	Total population	Muslims	Hindus	Percentage distribution Muslims	Hindus
1901	28927000	19113000	9545000	66.1%	33.0%
1911	31555000	21202000	9952000	67.2%	31.5%
1921	33254000	22646000	10166000	68.1%	30.6%
1931	35604000	24731000	10453000	69.5%	29.4%
1941	41999000	29509000	11747000	70.3%	28.0%
1951	41933000	32227000	9239000	76.9%	22.0%
1961	50840000	40890000	9380000	80.4%	18.5%
1974	71478000	61039000	9673000	85.4%	13.5%
1981	87120000	75487000	10570000	86.6%	12.1%
1991	106315000	93881000	11179000	88.3%	10.5%[9]

Note: No population census was held in Bangladesh in 1971.

A calculation of the decadal growth rates of the population of Hindus and Muslims would "suggest (how) such figures defy demographic and common sense".[10] That apart, it points to the inescapable reality of large scale Hindu migration to India since Bangladesh's independence. The decadal growth rate of Muslims in 1911 was 10.9 per cent against 4.26 per cent for Hindus. In the next decade, while the growth rate for Muslims was 6.81 per cent, it was 2.15 per cent for the Hindus. Between 1921 and 1931, the growth rate of Muslims was 9.20 per cent as against 2.82 per cent for Hindus. During 1931-1941, the Muslims registered a growth of 19.31 per cent against the Hindu growth of 12.37 per cent. In the following decade, the figures for Muslims and Hindus were 9.2 per cent and – 25.0 per cent (or negative growth), respectively. Between 1951 and 1961, the growth rate of Muslims was 26.88 per cent, whereas for the Hindus it was 1.52 per cent.

The most spectacular growth of Muslims was during the period 1961-1974 (in 1971, no population census took place in Bangladesh because of the war of liberation) when their growth rate touched 49.27 per cent. On the other hand, the decadal growth rate of Hindus

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[9] Bangladesh Population Census, 1991.

[10] Hazarika, Sanjoy, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books: New Delhi, 2000, pg. 215.

was 3.12 per cent. During 1974-1981, the Muslim growth was 23.67 per cent and that of the Hindus was an inexplicable 9.27 per cent. For the decade 1981-1991, the Muslim growth rate was 24.36 per cent as against 5.76 per cent, a fall by nearly 4 per cent compared to the previous decade.[11] The population figures for Hindus for the period 1951-1991 shows that it has grown from 9.2 million to 11.1 million. In other words, the absolute growth is as low as 1.9 million only. It is even less – 1.6 million – if the Hindu population figures of 1901 and 1991 are taken into account. On the other hand, the absolute growth of Muslims between 1951 and 1991 has been almost 62 million or a 300 per cent increase. The stark difference in the "demographic scene" is obvious,[12] making it safe to assume that several million Hindus crossed over to India since 1947 and the pace of that movement accelerated after 1974 the year Bangladesh was struck by one of the worst droughts and famines in its history that also drove out Muslims in huge numbers.

In the absence of a reality check of the extent of migration from Bangladesh through a comprehensive census of the migrant population spread over not only the border states but also in far flung places like Delhi, Mumbai, Jaipur, one has to fall back upon indirect data to construct the immigration landscape. The variation in relative population growth between the border districts of Bangladesh and those of the bordering states of India provides a fairly accurate picture of the range of migration. The total population of Bangladesh was estimated in 1991 at 104.76 million which worked out to annual growth rate of 2.2 per cent against 3.13 per cent growth indicated by the 1981 census. The total population for 1991 was earlier projected by the Bangladesh government between 112 and 114 million. The United Nations Development Programme (UNDP) projection was 116 million for 1990 and 117-118 million for 1991. The net shortfall reflected in the 1991 Bangladesh population census, according to Bangladesh government projections, was between 7.24 and 9.24 million, and according to UNDP estimates, between 12.24 and 14.24 million. In other words, pitted against the UNDP projection and the Bangladesh government projection, the population census of 1991 was a clear under-estimation

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[11] Bangladesh Population Census, 1991.
[12] Hazarika, Sanjoy, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books: New Delhi, 2000, pg. 215.

ranging between 7.24 million and 14.24 million. These missing millions represent the quantum of migration from Bangladesh into India in the decade 1981-1991.

The extent of illegal immigration into West Bengal during the same decade can also be estimated from the 2.45 per cent growth in the Indian border state against the Indian national growth rate of 2.35 per cent and Bangladesh's national growth rate of 2.02 per cent. The higher growth rate in this border state compared to Bangladesh and the rest of India can be explained in terms of migration from Bangladesh. A comparison of the growth rates in some contiguous border districts of the two countries (see Table 12) gives an idea of the extent of illegal immigration.

TABLE - 10

Bangladesh	Growth rate	India	Growth rate
(Growth rate 2.02%)		**(Growth rate 2.35%)**	
Bangladesh border districts		**West Bengal border districts**	
Greater Jessore	1.97%	North 24 Parganas	3.16%
Greater Khulna	1.58%		
Greater Rajshahi	2.11%	Malda	2.96%
		Murshidabad	2.80%
Greater Rangpur	1.95%	Cooch Behar	2.18%
Greater Dinajpur		West Dinajpur	3.25%
Greater Kushtia	2.015%	Nadia	2.98%
		Meghalaya state border districts	
Greater Mymensingh	1.81%	Eastern Garo Hills	3.84%
		Western Garo Hills	2.91%
Greater Sylhet	1.82%	Jaintia Hills	4.1%
Greater Comilla	1.89%	Tripura state	3.36%[13]

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[13] Population Censuses, Bangladesh and India 1991.

The 1991 Bangladesh Census figures also reveal extremely low growth rate of population in the Hindu-concentrated districts of Bangladesh, namely Barisal (1.2%), Manikganj (1%), Khulna (1.6%), Faridpur (1.2%), Madaripur (1.3%), Munshiganj (1.1%), Chandpur (1.2%) and Lakhimpur (1.7%). Some of the towns and urban conglomerates in West Bengal registered explosive annual growth rates during the decade 1981-1991. These are: Barasat (5.4%), Khardah (9.5%), Gobordanga (8.64%) [all three in North 24 Parganas district], Raiganj in South Dinajpur district (8.93%), Englishbazar in Murshidabad district (8.98%) and Toofanganj in North Dinajpur district (22.4%).

In the absence of detailed district-level religion-specific data in the Bangladesh Census 2001, I will analyse India's population census for 2001 to show the growth of Muslim population in the border states at the macro- and micro-levels. In 1991, the Muslim population was 16,075,836 and in 2001 it was 20,240, 543. The decadal growth rate works out to 26 per cent or 2.6 per cent per annum. At the micro-level, in the border districts of West Bengal – Cooch Behar, Malda, Murshidabad, North 24 Parganas, Nadia, North Dinajpur and South Dinajpur, the decadal growth and the annual growth of Muslims has been 18.59 per cent and 1.85 per cent, 30.65 per cent and 3.6 per cent, 28.35 per cent and 2.8 per cent, 22.97 per cent and 2.29 per cent, 21.90 per cent and 2.19 per cent, 34.43 per cent and 3.44 per cent, and 24.81 per cent and 2.48 per cent, respectively. In 1991, the decadal growth rates of Muslims in the same border districts were 37.63 per cent, 36.13 per cent, 34.17 per cent, 41.47 per cent, 34.50 per cent, 33.55 per cent and 33.55 per cent, respectively.[14] Barring Dinajpur, the growth rate of Muslims in all the other districts decreased. If we go back another decade, the decadal growth rate for the seven border districts were 22.52 per cent, 32.27 per cent, 30.95 per cent, 31.84 per cent, 37.11 per cent, 28.95 per cent and 28.95 per cent.[15] Barring Nadia, the growth rate of Muslims of all the other districts increased substantially, leading one to believe that the migration from Bangladesh to these districts was heavy. But the same cannot be said of 2001 in which the growth rates for Muslims of the seven districts is lower than the

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[14] In 1991, there was only one West Dinajpur district which was later split up into North and South Dinajpur districts. In 1981-1991, the growth rate of North and South Dinajpur was estimated on the basis of undivided West Dinajpur population data.
[15] Population Census of India, 2001.

previous decade, suggesting that, for a variety of reasons, including land scarcity, saturation and population density forced migrants from Bangladesh to look for greener pastures in the interior districts or even in other parts of India.

According to the 2001 census, Murshidabad and Malda are the two border districts with Muslim-majority population. The share of Muslims in the population of Murshidabad is 63.67 per cent, followed closely by Malda at 49.72 per cent, North Dinajpur 47.07 per cent, Nadia 25.41 per cent, Cooch Behar 24.24 per cent, North 24 Parganas 24.22 per cent and South Dinajpur 24.02 per cent. But what about the share of population of Muslims in some of the interior border districts? In Burdwan, the Muslims constitute 19.78 per cent, in Jalpaiguri their population is 10.85 per cent, in Hooghly it is 15.14 per cent, in Bankura it is 7.51 per cent, in Midnapore it is 11.33 per cent, in Howrah it is 24.44 per cent and in Kolkata it is 20.27 per cent. Only in Birbhum, which is adjacent to Murshidabad, the Muslims are present in substantial numbers with their share being 35.08 per cent. By no stretch of imagination can it be deduced that the Muslims living in the border districts of West Bengal are more fertile than those living in the interior districts. The conclusion that can be drawn is that the growth of Muslim population in the border districts is attributable to illegal immigration from Bangladesh.

Let us now move to Assam and try to analyse the demographic picture in the Indian North-eastern state which shares a border with West Bengal. Writing in 1978, Weiner wrote of Assam that it was the "fastest growing area in the sub-continent for the past seventy years"[16] much of which, in his view, was because of the state's very high "in-migration rate" in the entire country.[17] Baruah points out that on the issue of illegal immigration in Assam the parties – migrants and native population -- "relied on census data on population growth rates to make their case".[18] While the native population argued that Assam's population increase has been because of illegal migration from Bangladesh, the migrants' stand was that Assam had always had a substantial population of Bengali-

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[16] Weiner, Myron, *Sons of the Soil: Migration and Ethnic Conflict in India*, Princeton University Press: Princeton, New Jersey, 1978, pg. 79.
[17] Ibid. pg. 81.
[18] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford India Press: New Delhi, Second impression 2003, pg. 49.

speaking Muslims, not denying that there was no illegal immigration from Bangladesh at all. "The disagreements are mainly on who came when and from where and the citizenship status of relatively recent immigration and their descendants".[19]

In the decade 1951-1961, the growth rate of population in the state was 34.98 per cent as against the national growth rate of 21.51 per cent. During 1961-1971, it was 34.95 per cent for Assam as against the national growth rate of 24.80 per cent and in 1971-1991, it was 52.44 per cent for the state and 48.24 at the national level. In the decade 1991-2001,[20] the population of Assam grew by 18.92 per cent, whereas the growth rate for the country was 22.66 per cent, decreasing for the first time since 1921-1931. It will now be interesting to see how the Muslim population grew between 1951-1961 and 1991-2001. The decadal growth of Muslims between 1961 and 1971 was 29.89 per cent. Since no census was held in the state in 1981, the growth between 1971 and 1981 was 77.42 per cent and it was 29.30 per cent which is over 7 per cent more than the national average.[21] On the other hand, the rate of growth of Hindus since 1961 has been 34.49 per cent, 41.89 per cent and 14.94 per cent which, for the period 1991-2001, is half that of the Muslims.[22]

Again, since the 2001 census did not come out with religion-specific data on Assam's border districts, I will have to reply on statistics culled from the 1991 census to analyse the demographic picture at the micro level. The 1991 census reported that Muslims were in a majority in Dhubri, Barpeta, Goalpara, Hailakandi and Karimganj districts with their share of the population being 70.45 per cent, 56.07 per cent, 50.18 per cent, 54.79 per cent and 49.17 per cent, respectively. The Muslim population in the districts of Nagaon and Morigaon were 47.19 per cent and 45.31 per cent, respectively. Considering the rate of growth of Muslim population, surely, these two districts would have become Muslim majority in the 2001 census. Of these seven districts, only two – Dhubri, which has a long riverine stretch because of the Brahmaputra river, and Karimganj, are on the border with

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[19] Ibid. pg. 50.
[20] No census was held in Assam in 1981 on account of the statewide anti-foreigners agitation.
[21] Census of India, 2001.
[22] Ibid.

Bangladesh. The decadal growth rate of population in Dhubri since 1941-1951 has been 9.25 per cent, 27.62 per cent (1951-1961), 40.51 per cent (1961-1971), 56.57 per cent (1971-1991) and the provisional growth rate between 1991 and 2001 has been 23.42 per cent.[23] The Bangladeshi district opposite Dhubri is Kurigram whose population in 1991 was 16,030,34 and the share of Muslims was 14,69,161 or 91.65 per cent. In 1981, Kurigram's total population was 12,98,636 of which 11,91,472 were Muslims or 91.75 per cent. The decadal growth for the period 1981-1991 was 23.43 per cent.[24]

In Karimganj, the decadal growth rate since 1941-1951 has been 29.87 per cent, 22.96 per cent (1951-1961), 25.13 per cent (1961-1971), 42.08 per cent (1971-1991) and the provisional growth rate for 1991-2001 has been 21.35.[25] The Bangladesh district facing Karimganj is Sylhet whose population in 1991 was 21,53,301 of which Muslims were 19,80,175 or 91.96 per cent. In 1981, Sylhet's total population was 17,77,784 of which 16,19,937 were Muslims or 91.12 per cent. The decadal growth rate between 1981-1991 was 21.12 per cent.[26]

Thus we see that not only has the growth rate of the population of both Dhubri and Karimganj been higher than Assam's, but they have also been higher than that of Kurigram and Sylhet, especially during 1971-1991, suggesting lare scale migration to Assam, especially into the *chars* on the Brahmaputra river in Dhubri. Now look at what Hazarika has to say of the population growth of Kurigram:

> Take Kurigram district which was a humble sub-division until the early 1980s. Its population has grown in a rather novel way. After registering a growth of nearly 80 per cent for the years 1961 to 1974, when its population soared from 480,903 to 12,91,325, it went up to 13,07,824, or a rate of barely 9 per cent for the period 1974 to 1981. Between 1981 and 1991, the numbers rose to 16,03,304 or a healthier 22.57 per cent.
>
> If Kurigram had continued to grow at the rate of the 1960s, it should have had, in 1991, not less than 24,00,000 people or about 800,000 people more than reported in 1991. Of

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[23] Census of India, 1991 and 2001.
[24] Bangladesh Population Census, 1991.
[25] Census of India, 1991 and 2001.
[26] Bangladesh Population Census, 1991.

course it lost substantial numbers to Lalmonirhat and Gaibandha which were hived off as separate districts. These statistics are not available to me, but interviews in Kurigram confirmed the view that many people migrated out of the area, into India and to other parts of Bangladesh, during the 1974 famine which was felt most severely there.[27]

Illegal immigration into Dhubri is further confirmed by a police report that the district Superintendent of Police sent to his superiors in Guwahati in August 2005. The report notes that "Bangladeshi infiltrators take shelter in some of the char areas…The main problem of this district is infiltration from Bangladesh, which may lead to threat to the demographic pattern of this district in the future…Except some portion of the Mancachar police station on the south bank of the river Brahmaputra, there is barbed wire fencing on the international border with Bangladesh on either bank of the river Brahmaputra. There is no barbed wire fencing on the bridges and culverts and various places of the border roads and thus possibility of infiltration from Bangladesh though such open spaces cannot be ruled out."[28] Another Assam police officer said that "illegal immigration continues unabated in the through the border area along the Dhubri-Cooch Behar land border as also in Mancachar and along the plains region of the West Garo Hills in Meghalaya state where the population of Bengali-speaking Muslims all the way from Phulbari on the North bank of the Brahmaputra river to Mancachar is extremely striking".[29]

Although the Bangladesh state has consistently denied that there has been large scale emigration, a few Bangladeshi scholars have suggested that out-migration from that country has occurred over the past few decades. Sharifa Begum, one of Bangladesh's foremost demographers, suggested that her country had lost substantial numbers of people because of migration. She says:

> …A comparison of the intercensal growth rates of population for major religious groups
> and sexes obtained from enumerated census populations of 1974 and 1981 clearly bears

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[27] Hazarika, Sanjoy, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books: New Delhi, 2000, pg. 218.
[28] Dutta, P.K, *A Brief Note on Dhubri District*, Prepared and Compiled by P.K.Dutta, Assam Police Service, Superintendent of Police, Dhubri, Assam, August 2005, pp. 2-16.
[29] Author's interview with Musleh Uddin Ahmed, Additional Superintendent of Police, Dhubri, Assam Police, on September 2, 2005.

the indication that migration had caused a net loss of population in the country during the 1974-1981 intercensal period…The inevitable suggestion that follows is that Bangladesh had lost population on balance through migration during 1974-1981 and the out-migration flows was male-biased.[30]

Begum claims that during the 1970s Bangladesh had lost population because of the cyclone of 1970 in which half-a-million died, the liberation war which claimed the lives of 1.5 million people and the 1974 famine in which another 1.5 million perished. But in an earlier essay, Begum pointed out that during the period 1951 and 1961, 3.5 million people left East Pakistan for India and 1.5 million during 1961-1974.[31] What Begum perhaps wants to suggest is that although 10 million people sought shelter as refugees during the war of liberation, a net 1.5 million stayed back in India after Bangladesh's independence when a majority of them returned to the new country.

Hazarika quotes a Bangladeshi scholar as having said that while there is "virtually no reliable data on the number and characteristics of all international migrants from (and to) Bangladesh", there is enough statistics to point to "a periodic exodus of the Hindu community to India in the past 40 years…Furthermore, cross-border out-migration of both Hindus and Muslims to India and Pakistan are reported to have taken place in recent decades from areas where poverty and landlessness have increased".[32] Hazarika quotes another Bangladeshi academic as having estimated that "the number of those crossing into India as substantial, no matter what the government at Dhaka says…1.72 million people crossed illegally into India between 1961 and 1971, another half-a-million between 1971 and 1981 while not less than 600,000 crossed into Assam between 1981-1991."[33]

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[30] Begum, Sharifa, Population Birth, Death and Growth Rate in Bangladesh: Census Estimates, *The Bangladesh Development Studies*, Vol. XVIII, No. 2, June 1990, pg. 56.
[31] Begum, Sharifa, Birth Rate and Death Rate in Bangladesh, 1951-74, *Bangladesh Institute of Development Studies*, New Series No. 28, August 1979, pg. 5.
[32] Adnan, Shapan, Fertility Decline Under Absolute Poverty: Paradoxical Aspects of Demographic Change in Bangladesh, *Economic and Political Weekly*, Bombay, May 30, 1998. Cited in Sanjoy Hazarika Hazarika, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books: New Delhi, 2000, pg. 232.
[33] Hazarika, Sanjoy, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books: New Delhi, 2000, pp. 218-219. Hazarika quotes the figures from Imtiaz

We get yet another glimpse of the extent of illegal immigration from Bangladesh to India, even if it is but an approximation, in what a Bangladeshi journal wrote on the issue in 1991. Even though an understatement, the journal estimated the number of illegal immigrants at 150,000. They quoted a senior officer of the Bangladesh High Commission in New Delhi as having stated that "there is no way of checking this exodus as people just walk across the border and board trains which bring them straight here" and that "we do not have the exact figure".[34]

There is yet one more way – a crude approximation at best -- to determine the extent of illegal immigration from Bangladesh to India. Every year, the BSF, although it allows more Bangladeshis to get in rather than prevent, apprehends illegal migrants at the point of crossing over at the border. One reply by the Union Home Minister to Parliament in August 2005 is revealing. Quoting official statistics, the Minister pointed that "there has been illegal migration of Bangladeshi nationals into India…During the years 2002, 2003 and 2004, 21,539 Bangladeshi nationals were intercepted/apprehended and 62,458 were deported to Bangladesh in this period."[35]

In 1999, the West Bengal government, which had by this time recognised, albeit belatedly, the problem of illegal immigration, filed a supplementary affidavit/status report in the Supreme Court, pointing out the measures it had taken to contain the influx of people from Bangladesh. The status report revealed that 1.02 million Bangladeshis, including 667,500 Hindus and 349,738 Muslims had entered West Bengal between 1972 and 1998 on valid passports and visas never to return to their country. A second revelation made in the status report was that over 500,000 Bangladeshis, of whom more than 400,000 were Muslims and 161,077 Hindus, had been expelled as they had entered

Ahmed's study *Environmental Refugees: Reinventing Indo-Bangladesh Relations*, Conference Paper, December 1995.
[34] *Dhaka Courier*, September 6-12, 1991.
[35] Jaiswal, Sri Prakash, Answer to an Unstarred Question No. 1015 in the Rajya Sabha, *Parliament of India*, August 5, 2005.

the country without valid travel documents.[36] These figures suggest that the number of Hindus who entered the country legally and then disappeared was more than the Muslims. On the other hand, the figures also point to the fact that more Muslims enter India illegally than Hindus. The figures of suspected Bangladeshi nationals screened by the tribunals under the IMDT Act, 1983 and those who have been deported to Bangladesh, though pitiably low and unreliable, also provide a glimpse of the extent of the influx. (See Table 6 in Chapter 4 for details). Among the migrants are a good number of Urdu-speaking Bihari Muslims who clandestinely came over to India after the liberation of Bangladesh. About 850,000 Bihari Muslims, who at the time of liberation had decided to retain their Pakistani citizenship, have found their way into Calcutta and its suburbs and the Katihar-Purnea-Samastipur belt of the state of Bihar and eastern Uttar Pradesh districts.

The migration of people from Bangladesh to India has continued on an enormous scale for nearly six decades and the process shows no signs of abetment. Considering its social, economic and political implications, different authors have described the problem as demographic invasion. Even the Indian Supreme Court has characterised it as "foreign aggression". The Indian federal government as well as the state administrations of West Bengal and Assam have been purposely remiss in not addressing the problem for all these long years primarily because the migrants serve the electoral interests of some of the ruling political parties as their captive vote banks.

In Assam, for example, the state government in the mid-1980s enacted a special law called the IMDT Act apparently for expediting the process of detection and deportation of the aliens livings in the state illegally. But by putting the onus of proving the foreign origin of any migrant on the complainant the purpose of the law itself was defeated. In effect, the IMDT Act actually provided undue protection to the migrants against their deportation. Similarly, in West Bengal the ruling Left Front has encouraged migration from Bangladesh and to that end provided migrants ration cards and enlisted them as

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[36] Rakshit, S.S, Supplemenatry Affidavit/Status Report in the Supreme Court of India, Government of West Bengal, Home Department, In Writ Petition (Civil) No. 125 of 1998, In the Matter of *All India Lawyers Forum for Civil Liberties and Another vs Union of India Others*, January 1999.

voters, having thus given strong inducements for the Bangladeshis to come in droves. It is impossible for the Left Front government to "throw them out" now. If any serious attempt is made to send them back, there will be strong resentment and resistance against any such move not only from the migrants but also from their political patrons and there will be endless time-consuming litigations. As the migrants are in possession of the documentary trappings of Indian citizenship, it is going to be a Herculean task to send them back to their country of origin. The attitude of the Bangladesh government – its consistent stand of denial – to the problem will also stand in the way of deporting any significant number of migrants.

At the same time, the fast changing demography of the borderland and growing imbalance in the religious composition of the population as a result of unceasing migration from Bangladesh, the Government of India can ignore the problem at its own peril. In the next chapter, the study will focus on the conflict potential in the likely move to repatriate the migrants and to prevent the flow of migration by improving border management and border control regimes by the Indian government.

Chapter 7

Ancient Hatreds or Conflict
Over Resources?

The demographic consequences of illegal immigration from Bangladesh to India has led to a distinct communal polarisation and resulted in what may be termed as an emerging conflict that has the potential of plunging the region into a bloody battlefield. The conflict, fueled by the anxieties of the people of the receiving state that they will lose their land and their jobs to people who are prepared to work at lower wages, is most intense in the Bengal and Assam borderlands.

The growing hostility of the local population towards millions of aliens, most palpable in the border districts of the two Indian states, is characterised by the "us" and "them" and "we" and "they" syndrome in which the migrant Bangladeshi Muslim is demonised and dehumanised as the "other"[1] with the discourse assuming Samuel Huntington's clash of civilizations overtones. In a 2004 essay, Huntington, writing in the context of the "persistent inflow of Hispanic immigrants" to the United States, expounds on the "expanding number of immigrants with dual nationalities and dual loyalties" and singles out Mexican immigrants as "the single most immediate and most serious challenge to America's traditional identity".[2] Although some scholars have dismissed Huntington's essay as bordering on xenophobia and paranoia, contemporary Indian history indicates that there is potential for conflict along religious lines, especially with the emergence of hypernationalism, including Hindutva and Islamism. Even Weiner says quite clearly that "the flow of illegal migrants in search of land and employment has often led to

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[1] Note that while in Bangladesh, the Hindus were for the Muslims the "other" for being *kafirs* or non-believers and for their perceived loyalty toward India.

[2] Huntington, Samuel P, The Hispanic Challenge, *Foreign Policy*, March/April 2004, Sourced from http://www.foreignpolicy.com/story/cms.php?story_id=2495&popup_delayed=1

violence."[3] Therefore, the revival of hostilities among existing groups or between existing and new groups with a history of conflict is not surprising. Added to this is the "readiness of the human psyche to fear strangers and seek comfort with the familiar. Under duress, stranger anxiety and fear of the other mount, and the paranoid capacity to project hatred is mobilised."[4]

Minority Formation and Identity

Immigration leads to minority formation, and in India illegal immigration from Bangladesh has taken on two distinct courses. First, the persecuted Hindu minorities who fled to India and settled in the border states have tended to identify themselves as part of the larger Indian Hindu community, although large clusters of such people have not been assimilated and integrated into the Indian society. They are Hindus and have a shared ethnicity with the native Hindus, but they are still considered to be "foreign" and "different" in the sense that they were not born in India and, therefore, not members of the in-group.

The other factor that has prevented the integration of Bangladeshi Hindus is that most of the migrants since 1971 have belonged to lower castes, for example the Namasudras, and their absorption into the hierarchical Indian caste structure is no where near as close as that of the upper caste, middle class Hindus who migrated to India between the Partition of India in 1947 and 1964. By their own admission, the Hindu migrants said their acceptance into the Hindu society, once they moved to India, has not been without resistance. There have been few inter-marriages between local caste Hindus and the lower caste Hindus from Bangladesh. This does not mean that their exclusion borders on social ostracism, but some of the Bangladeshi Hindus interviewed indicated that they are "looked down upon" by their fellow upper caste co-religionists in West Bengal. The experience of the Chakma ethnic minorties of the Chittagong Hill Tracts, who had settled in Mizoram, Assam and Tripura, has been similar. So much so that despite seeking

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[3] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, HarperCollins College Publishers: New York, 1995, pg. 4.

[4] Post, Jerrold M, *Leaders and Their Followers in a Dangerous World: The Psychology of Political Behavior*, Cornell University Press: New York, 2004, pg. 162.

refugee status and applying for citizenship the authorities in the three state governments resented granting them Indian citizenship.

In the case of the Bangladeshi Muslim immigrants, however, the experience has been different. Their assimilation into the larger multi-cultural Indian society has happened only to the extent that they have been accepted into the fold of the Indian Muslim community and not part of the larger multi-cultural, multi-ethnic and pluralist milieu. That is based on the members' shared religion, traditions, experiences, culture and to some extent even language (especially in the West Bengal border regions; but the same cannot be said of the Bengali-speaking Bangladeshi Muslims in other immigrant-receiving states and cities in India).

Their relationship with the majority Hindus has been antagonistic and, in keeping with the broader relationship between the two religions, marked by historical enmities and violent conflict. While being ascribed their own distinct Muslim immigrant identity, that distinguishes them from the Hindu immigrants, the Bangladeshi Muslims are also members of the minority Muslim community in the larger Indian society. The relative salience of these two identities can not only change from time to time, but also from situation to situation and how other groups perceive and define that group.[5] The same applies to the Hindu immigrants who perceive themselves to be vulnerable vis-à-vis the Muslims or Bangladeshi Muslim migrants living in greater numbers in the West Bengal and Assam borderlands. The situation of the Hindus thus leads them to define themselves in relation to the Muslim immigrants who they had labeled as their tormentors and enemies in Bangladesh. The borderland as well as other places in the country where illegal immigrants settled became battlegrounds of "identity politics" which shaped new identities and created "categories of inclusion and exclusion in terms of citizenship, ethnicity, gender, generation, religion, lifestyle and phenotype" and even created "majorities and minorities".[6]

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[5] Huntington, Samuel P, *Who are We?*, Penguin Books: New Delhi, 2004, pg. 23.
[6] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005, pg. 232.

Identity is also constructed around the relative deprivation of an individual or a group. Although "Need alone is not sufficient to cause conflict", it is when groups identify and mobilise around "perceived collective need that is denied" that forms the "basic condition for conflict".[7] As I will show in the following pages, the Hindu immigrants from Bangladesh, settled in India illegally, perceive deprivation and discrimination vis-à-vis their numerically superior Muslim counterparts who, they feel, enjoy the political, economic and social benefits for being the captive vote banks of Indian political parties. Such sentiments and grievances become cause for conflict and "collective needs for identity turn deprivation into discrimination"[8] which are then channelised by political entrepreneurs (the RSS or the BJP) "who articulate demands, and organise and mobilise demand-bearing groups to carry out the conflict".[9]

The Conflict Explained

The widespread communal violence during Partition left hundreds of thousands dead and turned several millions into refugees. Hindu-Muslim violence continued till well after the creation of Bangladesh and in India it manifested itself most gruesomely in the early Eighties in the masscare of Bengali-speaking Muslims, suspected to be illegal Bangladeshi settlers in Nellie and Gohpur in Assam and in the clashes between Bengali Hindu settlers and indigenous peoples in Tripura, another Indian north-eastern state. These conflicts were over identity and changing ethnic or demographic composition: in Assam, the concern was that the indigenous population, the Assamese speaking "sons of the soil",[10] had become a minority or "second class citizens on our own soil".[11] Sanjib Baruah states that "given…the impact of immigration on Assam's demographic, cultural and political balance, it should not be surprising that Assam's demographic transformation…would be resented by those who see themselves as 'indigenous' to

[7] Zartman, I. William, Sources and Settlements of Ethnic Conflicts, in Andreas Wimmer, Richard J. Goldstone, Donald L. Horowitz, Ulrike Joras and Conrad Schetter (eds) *Facing Ethnic Conflicts: Toward a New Realism*, Rowman & Littlefield Publishers: New York, 2005, pg. 141.
[8] Ibid. pg. 143.
[9] Ibid. pg. 144.
[10] Weiner, Myron, *Sons of the Soil: Migration and Ethnic Conflict in India*, Princeton University Press: Princeton, New Jersey, 1978, pp. 383.
[11] Bhattacharyya, Samujjal, Interview with the author in Guwahati, Assam, August 26, 2005. Bhattacharyya is advisor to the All Assam Students Union, the students organisation that led the Assam anti-immigrant agitation in the late Seventies and Eighties.

Assam."[12] He goes on to argue that the roots of Assam's problem of illegal immigration lie, first, in "the treatment of India's Muslim minority population" and, second, in the "unavoidable legacy of India's Partition in 1947" in which there was an "implicit acceptance of Hindu political refugees"[13] and exclusion of Muslim economic migrants. That distinction is made in other parts of India, for example West Bengal, where Muslim immigrants from Bangladesh have settled in millions.

The visceral anxieties of the local population in West Bengal which, since the Partition of 1947, has not witnessed any major Hindu-Muslim violence, is now beginning to emerge not only in the political discourse (which I have focused on in the last chapter), but also among the narratives and experiences of borderlanders. In Murshidabad district, for instance, Hindu fears find expression in how the district has become Muslim majority (historically, Mushidabad was the capital of the Bengal of the Muslim Nawabs in the 17th, 18th and 19th centuries. Also see last chapter). The cultural and social construction of fears of being swamped by an alien people "who speak other languages, worship other gods, belong to other cultures"[14] – the same fears around which there was identity formation in Assam – is gradually coming to the fore in the border districts of West Bengal. At the level of Hindu borderlanders, an invasion by Muslim foreigners would mean being driven away from their homes and hearths a second time (the first time was during Partition). Says one Hindu district administration official:

> Village after village in Murshidabad, which were earlier Hindu dominated, are now
> Muslim dominated. Take *Char* Nirmal as an example. It has been completely taken over
> by Bangladeshis. Elsewhere in Bhagawangola block, Hindus have either sold off their
> property and left the villages for small towns and urban agglomerates or they have been
> pushed to the fringes of the villages. Barring the towns, where they have some presence,
> the Hindus are in a minority in practically all the villages of Murshidabad. The writ of the
> immigrants runs strong, especially in the border villages. The local administration is
> practically run by them. They are more vocal in their demands. On the other hand, the

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[12] Baruah, Sanjib, *India Against Itself: Assam and the Politics of Nationality*, Oxford University Press: New Delhi, Second Impression, 2003, pp. 14-15.
[13] Ibid. pg.15.
[14] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, HarperCollins College Publishers: New York, 1995, pg. 2.

Hindus seem to have meekly given in. A section of them, though, is seething at the sudden assertiveness of the Muslim immigrants.[15]

On the face of it, there is an element of self-defeat laced in such comments. But it was quite apparent that though the Hindus are suffering from the "majority with a minority complex",[16] such comments also help to engender group compactness and develop a sense of perceived deprivation that is then projected as a grievance. Muslim migrants in Murshidabad, as also elsewhere in the West Bengal border districts, shy away from entering into any discussion on their foreign origin. They were guarded and defensive when I tried to strike up a conversation, steadfastly claiming that they are ration card- and voters' identity-card-holding Indian citizens who were forced to move from the riverine tracts in the border states to more interiors regions.

Most "suspected" immigrants in Akheriganj, Jalangi and Bhagawangola said they had moved from the *chars* and other villages along the bank of the Padma river when ever the river changed course. In the context of the Muslim immigrants' silence, an Indian intelligence officer in Lalgola said: "They are extremely secretive about their antecedents. If they have any communal feelings against the Hindus, they usually do not find open expression. But the increasing number of mosques and *madrassas* in the border districts is testimony to the growing clout of the Muslims, a good number of whom are Bangladeshis. I would also add that because the Muslims of Bangladesh and those of the border districts of West Bengal belong to the same ethnic stock it is extremely difficult to distinguish between the two."[17] South Asian scholars on Islam, however, assert that though the approach of *madrassa* education to Islam is "ultra-conservative, literalist, legalist, and sectarian, but definitely not revolutionary, radical or militant".[18] One spin-off of the problem posed by illegal immigration from Bangladesh to the border villages

[15] Interview with a district administration official in Lalgola, Murshidabad district, on July 6, 2005. His identity cannot be disclosed on request of anonymity.
[16] Sarvanamuttu, Paikiasothy, Sri Lanka – Intractability of Ethnic Conflict, in John Darby and Roger Mac Ginty (eds) *The Management of Peace Processes*, Palgrave: Basingstoke (Hampshire), 2000, pg. 196.
[17] Author's interview with an Indian Intelligence Bureau officer in Lalgola, Murshidabad district, July 7, 2005. The officer's identity cannot be disclosed on request of anonymity.
[18] Ahmad, Mumtaz, *Madrassa Education in Pakistan and Bangladesh*, Preliminary draft of a paper presented at the conference on Religion and Security in South Asia, Honolulu, Hawaii, August 19-22, 2002, pg. 16.

and towns of West Bengal is that it has become a convenient tool in the hands of both Hindus and local Muslims to "settle scores". If you have to "take revenge" against a business rival, the best trick is to stigmatise and brand him a "Bangladeshi". That is what Niyamat Mandal, a 45-year-old local "Indian" Muslim from Jalangi in Murshidabad district, did to Mizanur Rahman, owner of small cloth store. Niyamat's story is:

> Mizanur is a Bangladeshi. He committed murder and dacoity in Bangladesh and is an escaped convict. He came here about 10 years ago, the handcuffs till on his wrists, and then managed to do odd jobs before setting up this store (Rana Cloth Store) in Jalangi. I did business with him but now he refuses to return me the money I had loaned him. I will do anything to see him behind bars.[19]

While Mizanur Rahman appeared to be a victim of malice, there are instances of Bangladeshis crossing over into Indian territory to commit crimes. Sunil Mondal of Nasaripara under Hogalberia police station in Nadia district recounted how on the night of May 30, 2005, Mao, Famad, Faisal and Akali, who he claimed were Bangladeshis from Jamalpur village in Kushtia district, cut the fencing on the border, entered his village and murdered his 18-year-old son, Amit, before committing dacoity and attempted to rape his wife.[20] The suspected dacoits had allegedly committed a similar crime in the nearby village of Rajapur later the same night. A 2005 study of the demographic and other consequences of illegal immigration in four border districts of West Bengal – North Dinajpur, Murshidabad, Nadia and North 24 Parganas – showed a rising crime graph during the period 1997-2001. While North Dinajpur recorded a total of 9,822 cases of murder, dacoity, robbery, burglary, rioting, theft, offences against women and other minor crimes, a total of 16,836 such cases were registered in Murshidabad, 20,654 cases in Nadia and 16,693 cases were reported to the police in North 24 Parganas.[21] This study assumes that the rise in crimes in the four border districts is a result of depredations by Bangladeshi Muslims acting in tandem with their Indian co-religionists to commit transborder crimes and "damaging the secular fabric of our civil

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[19] Author's interview with Niyamat Mandal, in Jalangi, Murshidabad district in July 8, 2005.
[20] Author's interview with Sunil Mondal of Nasaripara village in Nadia district, on July 5, 2005.
[21] Pramanik, Bimal, Nature and Impact of Demographic Changes in West Bengal, 1951-2001, Unpublished paper, June 2005, pp. 58-94.

society".[22] In Delhi and Mumbai too public opinion was moulded by depicting Bangladeshi immigrants as a security risk…a law and order problem and a burden on Indian society".[23] Trans-border crimes are not alien to the border districts of Assam either, with dacoity and intrusion of criminals and armed extremists having become a "common phenomenon" in Dhubri.

The criminalisation and "lumpenisation"[24] of the Bangladeshi migrants is then part of the social/cultural construction of the "other"[25] that helps to define group membership of the Hindus, even among Hindu immigrants from Bangladesh who, in the borderlands, segregate themselves from the Muslims socially, economically and politically, thereby reducing "strategic interactions"[26] between themselves. The Hindus, especially those who migrated from Bangladesh and settled in Assam and West Bengal illegally, view the Muslim immigrants and the Indian Muslims as members of an out-group. Members of both communities may live in the same village, but "there is little social relationship among them".[27] The Hindus are more vocal in their outbursts against the Muslims than the Muslims are against the Hindus. Says one villager in North 24 Parganas district:

> We were forced to leave behind our homes and hearths. But we are being treated as badly here. The Muslims have the ration cards and the voters' identity cards and we have nothing. They are being treated much better than us. We are being forced to reach a stage where we might turn militant.[28]

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[22] Ibid. pg. 64.

[23] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005, pg. 223.

[24] Samaddar, Ranabir, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage Publications: New Delhi, 1999, pg. 141.

[25] Brubaker, Rogers and David D. Laitin, Ethnic and Nationalist Violence, *Annual Review of Sociology*, Vol. 24, 1998, pg. 442.

[26] Lake, David A and Donald Rothchild, Containing Fear: The Origins and Management of Ethnic Conflict, *International Security*, Vol. 21, No. 2, Autumn 1996, pg. 44-45.

[27] Shabdakar, Gopal, Interview with the author at Deopur village, Karimganj district, Assam, on August 28, 2005.

[28] Author's interview with Sukumar Sikdar at South Chatra village, North 24 Parganas district, on July 10, 2005.

This is reflective of "the group frustrations that underlie communal antagonisms".[29] In several border villages in Murshidabad, Nadia, North 24 Parganas, Hindus in general and Hindu immigrants from Bangladesh in particular complained of the "increasing clout of the *mians*" who have migrated to West Bengal and Assam "to carve out a Greater Bangladesh" by their sheer numbers. This belief is given shape by also complaining about the large number of mosques and *madrassas* from where it is alleged anti-Hindu and anti-India hate campaigns and "anti-national" activities are conducted by Bangladeshi Jamaat-e-Islami members who "clandestinely visit the bordering areas in India to propagate fundamentalist views".[30] Often times, Hindus, including Hindu immigrants, construct their insecurity around "fearful Hindu beliefs"[31] that Muslims produce more children with the purpose of "becoming a numerical majority to drive us out of our villages."[32]

The Hindu reaction to Muslim group cohesiveness, the increasing population and religious advancement gets "linked with acute social uncertainty, a history of conflict and a fear of what the future might bring" which, David Lake and Donald Rothchild, quoting Vesna Pesic, characterise as "fear of the future, lived through the past".[33] In my travel in the West Bengal and Assam borderlands, the "considerable" mushrooming of mosques and Islamic seminaries, funded by money funneled from Saudi Arabia and other Gulf countries in West Asia, Iran, Kuwait, Pakistan and Bangladesh,[34] was evident and backed up by government documentation which claim that these places of worship and learning have become hot-beds of fundamentalism and anti-India propaganda. When I met an 18-

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[29] Melson, Robert and Howard Wolpe, Modernisation and the Politics of Communalism: A Theoretical Perspective, *The American Political Science Review*, Vol. 64, No. 4, December 1970, pg. 1113.

[30] Classified Agenda and Notes, Director-General and Inspectors-General of Police Conference, New Delhi, July 22-24, 1996, *Intelligence Bureau*, Ministry of Home Affairs, Government of India, pg. 31.

[31] Brubaker, Rogers and David D. Laitin, Ethnic and Nationalist Violence, *Annual Review of Sociology*, Vol. 24, 1998, pg. 442.

[32] Mondal, Haren, Interview with author at Gobindopur village, Nadia district, West Bengal, on July 7, 2005.

[33] Lake, David A and Donald Rothchild, Containing Fear: The Origins and Management of Ethnic Conflict, *International Security*, Vol. 21, No. 2, Autumn 1996, pg. 43.

[34] Growth of Mosques and Madrassas Along Borders of India (Within 10 kms Stretch), Classified Indian Intelligence Bureau document, Intelligence Bureau, Ministry of Home Affairs, Government of India, 2000, pg. 1

year-old *maulana*[35] at Fakirerbazar in Assam's border district of Karimganj, who carried a book titled *How Sweet and Beautiful it is to Embrace Death*, it was evident how easy it is to label Muslims as fundamentalists ready to die in the cause of *jihad*. The easy availability of audio cassette tapes of Bangladeshi Jamaat-e-Islami clerics like Delawar Hussein Saidi, preaching anti-Hindu and anti-India sermons, and taped eulogies of Osama bin Laden, only reinforce Hindu and official belief of growing Islamic fundamentalism in Bangladesh out to create a *Brihot Bangladesh* or a Greater Bangladesh carved out of the territory settled by its Muslim population. As one Indian writer explains: "Some of the Islamic militant groups of Bangladesh like the Harkat-ul-Jihad-e-Islami, Shahadat-al-Hikma, Jamait-ul-Mujahideen and the Islami Manch make no secret of their aim to establish a transnational Islamic state comprising Bangladesh, Muslim majority districts of West Bengal, Assam, Tripura and the Rohingya Hills of Myanmar."[36]

There is then "social mobilisation", defined by Karl W Deutsch as "the process in which major clusters of old social, economic and psychological commitments are eroded or broken and people become available for new patterns or socialisation and behaviour",[37] between Hindus and Muslims. In the borderlands, their perceptions of each other have changed to the extent that each views the other through a "communal prism" and become "responsive to communal appeals".[38] The Hindu view of heightened Muslim religious activity, marked by the spectacular growth of mosques and seminaries, greater economic and political advancement, and political patronage and protection is akin to "the blocking of new communal aspirations to wealth, status and power" which "tend to intensify group frustrations and radicalise political response".[39]

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[35] A *maulana* is a Muslim cleric who preaches and also leads prayers at mosques.
[36] Nandy, Bibhuti Bhushan, The Role of Intelligence Community in India's National Security, in Purushottam Bhattacharya, Tridib Chakraborti and Shibashis Chatterjee (eds) *Anatomy of Fear: Essays on India's Internal Security*, Lancer's Books: New Delhi, 2004, pg. 146.
[37] Deutsch, Karl W, Quoted in Robert Melson and Howard Wolpe, Modernisation and the Politics of Communalism: A Theoretical Perspective, *The American Political Science Review*, Vol. 64, No. 4, December 1970, pg. 1114.
[38] Melson, Robert and Howard Wolpe, Modernisation and the Politics of Communalism: A Theoretical Perspective, *The American Political Science Review*, Vol. 64, No. 4, December 1970, pg. 1115.
[39] Ibid. pg. 1117.

In the perception of the Hindu immigrants, the migration of Muslims from Bangladesh has not qualitatively improved their conditions in India. Most of the Hindu immigrants interviewed in West Bengal and Assam complained that their "situation is no better than what it was in Bangladesh" where the exclusionary policies led to their forced migration in the first place. This is what a Hindu migrant had to say of the Muslim migrants:

> I had thought that my family and I had seen the last of Islamic fundamentalism in my village in Pirojpur in Bangladesh. But I can't say the same now that I am here. When we moved here, we had felt we had come to a secure place. Now I find the same Muslims, who raped our daughters and sisters, grabbed our land and homesteads, stole our cattle and agriculture produce, and persecuted us as my neighbour. We find the mosques blaring the same prayers that we had hated. We are told these mosques have now become the centres of fundamentalist activity in India. We are being overwhelmed again, by greater numbers of Muslims. Where will this all lead to? A time will come when we will no longer be as meek and timid as we were in Bangladesh.[40]

Such "passionate expression of inter-group antipathies"[41] has only contributed in sharpening the communal divide. As a consequence of the "communal compartmentalisation"[42] the right-wing RSS and the BJP has begun to make inroads among the Hindu migrants and wooing them as not only refugees who deserve to be given protection and Indian citizenship but also its voters on the promise of making India a Hindu nation. The CPI-M, the Congress and the United Minorties Front (in Assam) which, as we have seen in Chapter 4, profess secularism but are viewed as parties that protect the interests of Muslim migrants who in turn have considerable "leverage"[43] with the political parties. These political parties are "institutions which divide groups from each other at the same time as they encourage political competition and participation can only exacerbate communal conflict."[44]

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[40] Author's interview with Babul Boral, at Dakshin Chatra, North 24 Parganas, West Bengal, on July 10, 2005.
[41] Brubaker, Rogers and David D. Laitin, Ethnic and Nationalist Violence, *Annual Review of Sociology*, Vol. 24, 1998, pg. 432.
[42] Melson, Robert and Howard Wolpe, Modernisation and the Politics of Communalism: A Theoretical Perspective, *The American Political Science Review*, Vol. 64, No. 4, December 1970, pg. 1126.
[43] Chandranathan, R.K, Interview with author in Guwahati, Assam, on August 27, 2005.
[44] Melson, Robert and Howard Wolpe, Modernisation and the Politics of Communalism: A Theoretical Perspective, *The American Political Science Review*, Vol. 64, No. 4, December 1970, pg. 1118.

The flip side of demographic consequence of Muslim immigration is the growing assertiveness of aliens, because of their sheer numbers, in a pluralist and multi-cultural Indian society. In the border districts, Muslim assertiveness, or in the words of a Sri Lankan scholar, "a minority with a majority complex",[45] has brought about group cohesiveness and a degree of segregation which, in the words of Gordon Allport, "markedly enhances the visibility of a group; it makes it seem larger and more menacing than it is".[46] The clout of the Muslims finds expressions in cultural and religious symbols such as the construction of mosques and *madrassas* (located very close to the international border) that Hindus resent as the symbols of Islamic fundamentalism "spreading its tentacles into Hindu India at the behest of pan-Islamic organisations".[47]

As has been pointed out above, the growth of mosques and Islamic seminaries is cause for a concern, at least as far as the Indian security establishment is concerned, for it views the rise of political Islam in India as threat to its national security. Indian scholars have gone along with this view, claiming that "those crossing over to India were never exposed to secular democratic ideas…Bangladesh is a mosque-based society today. Education is controlled primarily by the clerics and liberal values are not inculcated into professionals such as doctors and engineers."[48] This view has percolated down among the borderlanders, especially the Hindus. Along with the flow of migrants has come the flow of extremist Islamist ideologies. One such example is the "social and economic boycott" that "*mullahs* in Murshidabad district have imposed against Sufi *bauls* who sing paeans of humanism", the illegal import into the border districts of West Bengal and Assam's Barak Valley of video and audio cassettes "containing inflammable communal propaganda"[49] and the alleged links that Muslim immigrants have forged with the

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[45] Sarvanamuttu, Paikiasothy, Sri Lanka – Intractability of Ethnic Conflict, in John Darby and Roger Mac Ginty (eds) *The Management of Peace Processes*, Palgrave: Basingstoke (Hampshire), 2000, pg. 196.
[46] Allport, Gordon W, Quoted Robert Melson and Howard Wolpe, Modernisation and the Politics of Communalism: A Theoretical Perspective, *The American Political Science Review*, Vol. 64, No. 4, December 1970, pg. 1119.
[47] Chandranathan, R.K, Interview with author in Guwahati, Assam, on August 27, 2005.
[48] De, Amalendu, Quoted in Jayanta Gupta, Passage to India: Sitting on a Powderkeg, *Sunday Times of India*, Kolkata, November 6, 2005, pg. 2.
[49] Nandy, Bibhuti Bhushan, Infiltration Menace: Fear of Socio-Political Tensions in the North-East, *The Statesman*, June 23, 2005.

Muslim Liberation Tigers of Assam (MULTA) or with *jihadi* militant/terrorist groups in Bangladesh.[50] The state's reluctance to curb fundamentalist activities has produced a backlash in the districts of Upper Assam with a hitherto unknown organisation called the Chiring Chapori Yuva Morcha in Dibrugarh district imposing economic sanctions, including denial of employment, against migrants.

As the economic boycott began to bite, thousands of Bangladeshi immigrants and workers fled from the Upper Assam districts to immigrant-dominated districts of Dhubri, Goalpara, Morigaon and Nowgong, aggravating in the process the existing communal imbalance in the Lower Assam region.[51] What we, therefore, notice is a "mobilisation spiral that can lead to violence",[52] or, to borrow the words of David Lake and Donald Rothchild, inter-group friction "produce a toxic brew of distrust and suspicion that can explode into murderous violence".[53] In Nellie and some of its surrounding villages, in Assam's Muslim-dominated Morigaon district, the memories of the February 18, 1983 massacre still rankle the minds of the Bengali-speaking Muslims. Although his calm demeanour does not betray any hatred for the ethnic Assamese who killed his daughter and father, Abdul Haque of Bansantalijola village, near Nellie, said the "butchery and blood bath of 1983 is like a heavy weight on my heart". Haque, who was hit by a bullet in his left knee, recollected some in the mob instructing others to "kill slowly, kill with ease".[54] In the case of Assam, "non-rational factors such as emotions, historical memories, and myths can exacerbate the violent implications of these intra-group interactions. Together, these inter-group and intra-group interactions combine…to create a vicious cycle that threatens to pull multi-ethnic societies into violence."[55]

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[50] Dutta, P.K, *A Brief Note on Dhubri District*, Prepared and Compiled by P.K.Dutta, Superintendent of Police, Dhubri, Assam, August, 2005, pg. 16.
[51] Ibid.
[52] Brubaker, Rogers and David D. Laitin, Ethnic and Nationalist Violence, *Annual Review of Sociology*, Vol. 24, 1998, pp. 437-438.
[53] Lake, David A and Donald Rothchild, Containing Fear: The Origins and Management of Ethnic Conflict, *International Security*, Vol. 21, No. 2, Autumn 1996, pg. 42.
[54] Haque, Abdul. One of the survivors of the Nellie carnage, in an interview with the author, at Nellie, Morigaon district, Assam, on September 4, 2005.
[55] Lake, David A and Donald Rothchild, Containing Fear: The Origins and Management of Ethnic Conflict, *International Security*, Vol. 21, No. 2, Autumn 1996, pg. 44.

The emerging conflict is further internalised and gradually deepened by the discourse on *lebensraum*, or living space, a concept that originated in Bangladesh but was accepted on the Indian side to justify fears of a demographic invasion. The concept of living space for the growing Bangladeshi population found expression within a few months of Bangladesh's liberation in 1971. At that time, a minister in the Sheikh Mujib cabinet, speaking to a British writer, said: "The problem is that Bangladesh is a small country, so we need to expand eastwards to gain more living space for our people."[56] These thoughts were articulated by Bangladeshi intellectuals and journalists 20 years later in the following words:

> All demographic projections clearly indicate that by the next decade, that is to say, by the first decade of the 21st century, Bangladesh will face serious crisis of *lebensraum*. No possible performance of population planning, actual or hypothetical, significantly alters that prediction…Religious bias aside, the culture of poverty, historically developed from colonial differentiation and neglect, is an infection inducing population explosion that the country may take a long time yet to be cured of…It is also doubtful that Bangladesh may develop sufficient sustainable urbanisation or can engineer sufficient reclamation of habitable land from its own offshore to settle its projected population growth in the next decade. A natural overflow of population pressure is, therefore, very much on the cards and will not be restrainable by barbed wire or border patrol measures. The natural trend of population overflow from Bangladesh is towards the sparsely populated lands of the south-east in the Arakan side and in the north-east in the 'Seven Sisters' side of the Indian sub-continent.[57]

The Bangladeshi *lebensraum* theory found a ready audience and acceptability among Indian officials who used it to propound their statist perspective of demographic invasion by an alien population – "demographic front soldiers",[58] as van Schendel says -- who would finally lay claim to swathes of Indian territory in India's north-east. Such views were popularised and internalised among Hindu borderlanders by political Hinduism

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[56] Ali, Mir Shawkat, Quoted in Patrick French, *Liberty or Death: India's Journey to Independence and Division,* HarperCollins Publishers: London, 1997, pg. 410.
[57] Khan, Sadeq, Quoted in Chandan Nandy, The Bangla Lebensraum…But Can India Cope?, *The Weekend Observer*, New Delhi, October 3, 1992, pg. 4. The 'Seven Sisters' are the seven states of India's north-east.
[58] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005, pg. 197.

which depicted the immigrants as infiltrators, law breakers, criminals, "destroyers of social harmony"[59] and of communal peace, and as a burden on the economy and the welfare system, contributing to the widening chasm between the Muslims and Hindus in the borderland. Citizens or even those who claim Indian citizenship fear that the Muslim immigrants have taken away their jobs, occupied their land, are living off their welfare system, threatening their way of life, their environment and even their polity.[60] The articulation and popularisation of such views has contributed to strengthening a degree of solidarity among the Hindus, leading to communal polarisation and making problem solving more difficult.

Although the Bengal borderland is "usually portrayed as a peaceful meeting point of friendly states",[61] it is at the same time a "landscape of fear" and violence in which both state and non-state actors engage in. Beneath the surface tranquility and calm, "the high levels of border violence are an everyday fact of life".[62] Violent confrontations between the border guards of India and Bangladesh, for a variety of unresolved issues, including illegal cross-border movements of people and goods, between border guards and civilians and between civilians and civilians, is a common feature along the length of the Indo-Bangladesh border. Smugglers, criminals, insurgents and political refugees seeking to flee for the safety of a neighbouring state and migrants seeking cross-border shelter and employment not only fall victims to the coercive methods restrictive measures employed by the border guards. Often times, they themselves contribute to the violence and the conflict.

The need, therefore, is to contain and prevent the conflict. Political scientists favour various approaches toward preventing emerging conflicts from escalating into violent conflicts. Some have advocated a more just and fair redistribution of the "differentially distributed Need" or by "taking care of grievances and expectations" at the initial stages

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[59] Ibid.
[60] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, HarperCollins College Publishers: New York, 1995, pg. 2.
[61] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005, pg. 296.
[62] Ibid. pg. 297.

of the conflict.[63] To ameliorate the problems posed by illegal immigration from Bangladesh to India, observers of India-Bangladesh relations and the immigrants themselves have propounded solutions that border on the realist interpretation of international relations and equitable and just distribution of benefits, respectively. It is to these wide range of possible solutions and policy recommendations that we now turn to in the next chapter.

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[63] Zartman, I. William, Sources and Settlements of Ethnic Conflicts, in Andreas Wimmer, Richard J. Goldstone, Donald L. Horowitz, Ulrike Joras and Conrad Schetter (eds) *Facing Ethnic Conflicts: Toward a New Realism*, Rowman & Littlefield Publishers: New York, 2005, pg. 142-143.

Chapter 8

In Crying Need: An Effective Immigration Policy

Illegal immigration to India has flourished because in the last six decades since independence the country has not formulated a sound and comprehensive immigration policy, nor has it set up a separate immigration service as in the United States or the United Kingdom. In India, no one has a clear vision about how to change the conditions within Bangladesh and India that induce people to leave their homes and continue to live as illegals. The closest that the Indian state came to framing a policy was to entrust border management to the federal Ministry of Home Affairs, implying, as van Schendel would describe it, a statist and territorialist approach toward resolving the country's outstanding border issues and to curb illegal immigration from its eastern neighbour. The policy proposed "co-ordination and concerted action by political leadership and administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country to secure our frontiers and subserve the best interests of the country".[1]

It is clear that the issue of illegal immigration became subsumed under the rubric of national security and India's policy makers evoked the holy cow of national security to deal with the problem, ignoring altogether the anxieties of borderlanders who continue to offer resistance to the border and the rules that come with it[2] and of the human rights of several million migrants living in an Indian liberal democratic political set up. Enforcement efforts have not been effective in deterring unlawful immigration.

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[1] Advani, L.K, George Fernandes, Jaswant Singh and Yashwant Sinha, Border Management, *Reforming the National Security System, Report of the Group of Ministers on National Security*, Government of India, New Delhi, February 2001, pg. 58.
[2] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005, pg. 375.

In the past, the measures taken by the Government of India, and more recently by the state governments of Assam and West Bengal, to contain illegal immigration from Bangladesh – border fences, laws to detect, disenfranchise and deport illegal migrants, identity cards, forced expulsion drives, joint border patrolling and other coercive methods -- were not effective enough in "disrupting the flow of Bangladeshi migrants across the border." They were, at best, "crucial as rhetorical elements in the dramaturgy of Indian sovereignty…and it is likely that they (the restrictive measures) were not really intended" to check the in-flow of migrants.[3] Despite state and local level anxieties, India's immigration debate has remained grounded in inertia and there is no indication that the federal government has formulated any comprehensive immigration policy or has the political will to resolve the problem or the emerging conflict within a given time frame. The unregulated and illegal nature of border crossings bespeaks a loss of control and challenges the capacity of the government and its agencies to uphold basic sovereignty, in this case the choice of who resides in one's own country. Reforming the immigration system or establishing a full-fledged policy will require recognising that "it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest."[4] However, for a liberal democratic political order in India, care will also need to be taken to pursue a policy based on involving the international community to draw its attention to one of history's worst immigration crisis and to develop a robust foreign policy vis-à-vis Bangladesh so that the problem is mitigated by inter-state cooperation.

On the other hand, the Bangladesh state's official narrative of denial that its citizens emigrated illegally to India and its refusal to take back its own citizens when Indian authorities tried to push back the immigrants across the border, did not help in problem-solving. Although there are mechanisms in place between India and Bangladesh to resolve disputes bilaterally, the persistent denial by Dhaka served to heighten New Delhi's fears and anxieties that illegal immigration from across the border is part of Bangladesh's deliberate design to settle its citizens over Indian soil to claim territory in

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[3] Ibid. pg. 226.
[4] United States Commission on Immigration Reform, Executive Summary, 1994, pg. i.

India's east and north-east. This gave the problem, if not the emerging conflict that I have discussed and analysed in the previous chapter, a certain degree of intractability. Meetings after meetings at various levels of Indian and Bangladeshi officialdom have failed to break the impasse, hardening the Indian position that the "nation was vulnerable to hostile demographic invasion"[5] and Bangladesh's fears that any acceptance of the fact that its citizens illegally migrated to India would mean admission that it had "completely failed to address (the) central issues of citizenship and governance."[6] The border, and the attendant issues of illegal cross-border movement of people and goods, were and continue to remain a zone and subjects of conflict. Both Bangladesh and India viewed the problem from their respective statist perspectives, doing little to involve non-state actors in mitigating the problem. Confrontation, and not cooperation, became the byword for short-term diplomatic gains. Indian responses to illegal immigration from Bangladesh must be viewed not only from the security/stability framework but also from the political economy perspective.[7]

For the Indian state, which claims to want to combat illegal immigration, there is no comprehensive policy decision on a quota system: how many refugees, asylum seekers or migrants the country will accept, accommodate, assimilate and integrate into India's mainstream society. Nor is there any definite and consistent guideline regarding what the "rules of entry"[8] should be, how the illegal immigrants are to be treated and disposed off. There have been patchy and often controversial attempts at curbing the flow of immigrants. Government proposals for issuing multi-purpose identity cards for all its citizens, temporary work permits for migrants and regulating the flow of daily commuters continue to be bogged down by bureaucratic red tapism and lack of political will on the part of both the executive and the legislature.

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[5] Schendel, Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005, pg. 231.
[6] Ibid. pg. 234.
[7] Weiner, Myron, Security, Stability and International Migration, *International Security*, Vol. 17, No. 3, Winter 1992-1993, pg. 103.
[8] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins Publishers: New York, 1995, pg. 114.

Recommendations: Checking the Crisis

To the extent that India has an immigration policy, it is focused on narrow, particularistic functions. Therefore, the questions that it needs to answer are what can and ought to be done to meet the immigration crisis and what options are available to the Indian government, which claims to be confronted by growing immigration pressures. Three broad possibilities for containing the massive in-flow are open to the Indian state: "accommodation, control and intervention."[9] In other words, the Indian state can "reduce the cost of its immigration policy by employing a mixture of border and domestic measures rather than relying on just one type of enforcement."[10]

Any immigration policy in India will have to recognise that it will be impossible to physically deport what many claim to be 15-20 million Bangladeshi immigrants to their country of origin. India would incur a heavy cost, economically, politically, socially and, importantly, internationally, if it embarks on such an adventurous exercise. It will be a logistical nightmare to identify and detect Bangladeshi migrants for deportation. Even if they are identified through surveys and other similar means, there will undoubtedly be tremendous physical resistance to expulsion by the immigrants.

> We fear that Bengali-speaking Muslims we will be harassed as they were in the late Seventies and early Eighties. That is precisely why religious and linguistic minorities in Assam have come together under the banner of the United Minorties Front (UMF). The UMF will contest elections and use political means to thwart any attempts at unfair deportation of Bengali-speaking Indian Muslims of Assam. If the government persists with its detection and deportation drive or other strong-arm methods there is likely to be trouble.[11]

Bangladesh observers in India believe that "repatriating the entire lot of illegal migrants to their native land would be the ideal solution, but any serious attempt at moving out

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[9] Ibid. pg. 199.
[10] Ethier, Wilfred J, Illegal Immigration: The Host-Country Problem, *The American Economic Review*, Vol. 76, No. 1, March 1986, pg. 70.
[11] Chowdhury, Hafiz Rashid Ahmed, In an interview with the author, in Guwahati, Assam, on August 27, 2005.

such a huge number of people who have acquired all the trappings of Indian citizenship is bound to run into innumerable and endless litigations and violent resistance from the migrants, their political patrons and Bangladesh."[12] Such observers also suggest "relocating" the migrants from the border belts to less sensitive interior regions in the country and migrant-friendly host countries.[13] This is backed up by the argument that although the Indian constitution guarantees certain limited rights to foreigners, an alien "does not have the right to move freely throughout and to reside and stay in any part of the territory of India…The Supreme Court also held that the Government's right to deport a foreigner is absolute."[14]

Resistance to state coercion or resorting to violence will undoubtedly draw the attention of human rights organisations and other international institutions who would insist on protection and safeguarding the rights that migrants have tended to enjoy for years after settling themselves in India, howsoever illegal that process might have been. Such arguments have a moral reasoning and indeed states also have a moral obligation, not only about whom to admit, but also on the question of how to frame and implement an exit policy. There is also a "fundamental moral contradiction between the notion that emigration is widely regarded as a matter of human rights, while immigration is regarded as a matter of national sovereignty."[15] A far more morally sound approach for the Indian state would be to try to integrate the migrants – both Hindus and Muslims – into the mainstream by granting them Indian citizenship. However, since there is a "widespread recognition that international population movements create major problems for states and that states have a legitimate right to limit these flows when their interests are affected", efforts should be made to "balance state interests with moral considerations in the formulation of migration policies".[16]

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[12] Nandy, Bibhuti Bhushan, Infiltration Menace: Diplomacy Needed to Enlighten World Community, *The Statesman*, Kolkata, June 24, 2005.
[13] Ibid.
[14] Chimni, B.S, Status of Refugees in India: Strategic Ambiguity, in Ranabir Samaddar (ed) *Refugees and the State: Practices of Asylum and Care in India, 1947-2000*, Sage Publications: New Delhi, 2003, pg. 450.
[15] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins Publishers: New York, 1995, pg. 171.
[16] Ibid. pg. 172.

At the same time, the Indian government should prepare a comprehensive immigration policy whose principal goal would be to prevent future migration. Work on the remainder of the fencing and border roads project should be taken up expeditiously and completed within a stipulated time frame. A fence along the entire stretch of the 4096-kilometer-long border will no doubt be a physical barrier that will deter undesirable and unauthorised cross-border movements of people and goods. It will protect the receiving state from what it regards as threats to its security, economic well-being, political stability and cultural identity. But in keeping with the moral justification for freedom of movement between countries, the Indian state could extend that justification for movement of people from Bangladesh to India by regulating the flow of labour that will benefit both the sending as well as the receiving states. Fencing, however, is "not the panacea for all the problems afflicting efficient and effective management of the border".[17]

Sealing the border will considerably reduce the pressure on India's border guarding force, the Border Security Force, which has often displayed a cavalier attitude towards guarding the frontier states while dealing with the inhabitants of the Assam and West Bengal borderlands, not to mention the inhuman treatment meted out to people trying to cross over to India. Urgent and immediate efforts need to be made to make the BSF sensitive towards the borderlanders, their culture, religion, traditions and customs. Special emphasis should be given to make the force gender sensitive. Building relationships between the border policing authorities and the borderlanders could be taken up by hiring the services of non-governmental organisations (NGOs) involved in coexistence work. Increased professional training could be imparted to the border guarding force to deal with potentially violent situations. Another way to make the BSF more efficient and accountable is not by increasing its numerical strength, but by taking tough and uncompromising measures at making it corruption-free. Toward this end, submission of statements of income of all ranks must be made mandatory; its compliance should be strictly and uniformly enforced. A similar exercise involving the police forces of the

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[17] Advani, L.K, George Fernandes, Jaswant Singh and Yashwant Sinha, Border Management, *Reforming the National Security System, Report of the Group of Ministers on National Security*, Government of India, New Delhi, February 2001, pg. 83.

states of Assam, West Bengal and other border states must be put into immediate effect in consultation with the two state governments.

The Indian federal government must, however, consider creating a separate, dedicated immigration service, on the lines of the US Immigration and Naturalisation Service, which would be solely responsible for all immigration issues with regard to border. Such a service would not only formulate and oversee broad policy issues but would also have to be invested with legal powers to police, identify and deport illegal immigrants. It could also be empowered to take punitive action against employers of illegal migrants. Because credibility is a problem given the ease with which illegal entry takes place, prevention is far more effective and cost-efficient than the apprehension and removal of illegal aliens after entry. It eliminates the cycle of voluntary return and re-entry. To achieve this objective, there should be increased resources available to the border guarding force and the proposed immigration service, formation of mobile, rapid response teams to improve border patrolling, improved procedures for adjudicating complaints of border abuses, mechanisms to provide redress or relief to those subjected to improper actions as also more effective protection of border guarding soldiers from violence directed at them.[18]

In this context, it is pertinent also to note that the difficulties in obtaining passport and visa by people residing in the outlying districts of Bangladesh is an incentive for them to come to India without travel documents. Once they reach India, the very fact that their entry goes undocumented is encouragement for the migrants to stay on in the country. To overcome this aspect of the problem, while the Bangladesh government needs to simplify the grant of passport, preferably at the district level, and allow the Government of India to open and run regional consular offices in that country.

Needless to say that for effective border management there needs to be greater cooperation and coordination between all the state agencies, including the BSF, the proposed immigration service, the police, intelligence agencies and the concerned state administrations. There is also an urgent need to augment the strength of the wholly

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[18] United States Commission on Immigration Reform, Executive Summary, 1994, pp. v-x

inadequate immigration and customs facilities. Alongside these control measures, the Indian government must expedite the scheme for issuing multi-purpose national identity cards to all citizens and work permits for non-citizens and identified migrant labour for their movement in specified areas of the country. A thorough and honest revision of electoral rolls should be carried out on a yearly basis and not after every five years. The names of foreigners found to have registered their names by illegal means should be struck off and the offenders and their harbourers meted out stringent p

unishment.

But the migration policy must not be decided simply on the basis that the government need only control its borders. Political and popular considerations, arising out of concerns and fears of citizens and of those who are being persecuted and repressed, will also have to addressed, though the "confluence of *markets* and *rights*"[19] brings about difficulty in immigration control.

Perhaps the most effective migration prevention strategy would be to arrest a "migration rationale and mentality form taking hold"[20] in Bangladesh. Here intervention could come in two forms. Any serious effort to tackle the ruinous immigration process in the region must focus on prevention of emigration by "removing or reducing the factors which force displacement".[21] In the case of Bangladesh, it would presuppose making that country create conditions in which people will have no compulsions to emigrate. Economic development could help bridge the income gap between the rich and poor and generate employment in an otherwise depressed economy. Although there are some who fear that "development stimulates, rather than slows, migration…because development is inherently disruptive",[22] over-all economic reforms, population control and poverty reduction measures, coupled with "development and the availability of new and better

[19] Cornelius, Wayne A, Philip L. Martin and James F. Hollifield, Quoted in Douglas S. Massey, International Migration at the Dawn of the Twenty-First Century: The Role of the State, *Population and Development Review*, Vol. 25, No. 2. June 1999, pg. 314. Italics in the original.
[20] Meissner, Doris, Managing Migrations, *Foreign Policy*, Vol. 86, Spring 1992, pg. 73.
[21] Ogata, Sadako, Statement to the 41st session of the Executive Committee of the UNHCR, October 1991, Quoted in Myron Weiner, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins Publishers: New York, 1995, pg. 164.
[22] Meissner, Doris, Managing Migrations, *Foreign Policy*, Vol. 86, Spring 1992, pg. 79.

jobs at home...is the only way to diminish migratory pressures over time".[23] As one American writer has said: "Job creating economic growth ultimately may be the only way to reduce migratory pressures".[24]

Myron Weiner identifies five determinants of the strategy of prevention. These are: International efforts to settle disputes peacefully within and among states, including any preventive diplomacy to forestall potential refugee-generating situations; creation of early-warning mechanisms for situations likely to generate refugee flights – especially on violation of human rights within countries; humanitarian assistance to internally displaced populations disturbed by human or natural disasters; establishment under international protection of "safety zones" within countries for IDPs or for communities threatened by violence; and improved observance of human rights standards in countries of origin so as to enable refugees to return home safely.[25] Each of these applies to Bangladesh. Under international law and practice, when a state mistreats its citizens or the political and economic condition in the country force its citizens to leave, the receiving country acquires a morally and legally justifiable right to intervene to compel that state to improve the situation, especially of the dwindling Hindu population and the ethnic minorities of the Chittagong Hill Tracts, who continue to be victims of violence, including on women, state repression, discrimination and religious persecution.

Most Hindu migrants interviewed do not want to return to their homes and hearths in Bangladesh under any circumstance because of the want of any credible guarantees of their safety. Some like Rakhal Haldar, an Awami League supporter, said his return to Bangladesh would be contingent upon a "change in the political climate" in which Islamist parties like the Jamaat-I-Islami are banned and political freedom safeguarded.[26] And yet others demand "guarantees of protection of not only their lives and property but

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[23] Report of the United States Committee on Immigration Reform, Quoted in Doris Meissner, Managing Migrations, *Foreign Policy*, Vol. 86, Spring 1992, pg. 80.
[24] Clad, James C, Slowing the Wave, *Foreign Policy*, Vol. 95, Summer 1994, pg. 145.
[25] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins Publishers: New York, 1995, pg. 165.
[26] Haldar, Rakhal, Interview with author in South Chatra, North 24 Parganas district, West Bengal, on July 10, 2005.

also their religious and cultural identity" backed by structural changes in Bangladesh's constitution and legal systems.[27]

Since India is receiving refugee-like migrants, it should forthwith sign the 1951 UN Convention on Refugees and the 1967 Protocol on Status of Refugees and thereafter involve international institutions like the United Nations High Commission for Refugees (UNHCR) and the International Organisation for Migration (IOM) for drawing their attention to the plight of the religious and ethnic minorities in Bangladesh and for intervention against human rights violations in that country. Backed by proactive Indian diplomacy, the international agencies would need to firmly take up with the Bangladesh government for improving the human rights situation and contain violence and discrimination against the religious and ethnic minorities, especially after the "growing global crisis in international population movements has led the UNHCR to expand its focus from refugees to a wider range of migration issues."[28] The efforts of the UN agencies will bear fruit if only major powers throw their weight behind them.

The same agencies would need to be seriously involved in identifying and organising repatriation of the illegal migrants, most notably the economic migrants who are not considered morally and legally entitled to stay in the receiving country under international law and practice. In the western countries this principle is strictly followed. Since it may not be possible to repatriate the several millions of migrants in India within any reasonable time frame, the UNHCR and other international agencies should also persuade traditional migrant-receiving developed countries to share the burden by taking and settling a percentage of the migrants in India. The countries concerned may, in fact, be persuaded to fix an annual quota of the Bangladeshi migrants in India for settlement there. The UNHCR will have to be influenced into performing not only the task of assistance and protection of minorities within Bangladesh, but it should be prevailed

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[27] Adhikari, Purnananda, Interview with author in South Chatra, North 24 Parganas district, West Bengal, on July 10, 2005.
[28] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins Publishers: New York, 1995, pg. 155.

upon to take on a humanitarian role while repatriating Bangladeshi migrants to their country of origin.

International and regional agencies and institutions, in coordination with donor countries and India, should work for modifying their aid policies for earmarking as much foreign economic aid as possible for setting up employment generating development projects, especially in the economically lean and poverty-stricken districts in Bangladesh from where the vast majority of the migrants hail. The utilisation of such aid would need to be strictly monitored to ensure that it is not misused or diverted to other areas and projects, especially because "all too frequently international aid can do 'harm' in the sense that it can aggravate the political, social and economic factors producing conflict",[29] besides exacerbating and prolonging conflicts in aid-recipient societies[30] like Bangladesh.

The role of the international community and institutions would become paramount if India adopted a policy to relocate a substantial number of illegal migrants living in the border areas to other interior areas or camps. They would have to bear a portion of the logistical and financial costs for resettling the migrants in camps prior to their repatriation to Bangladesh. To that end, India will need to inform and educate the international community about the magnitude and complexity of the problem. It would not be out of place to recall that in the mid-Nineties when Bangladesh faced a migration crisis with half-a-million Rohingya Muslims from the Arakan Hills of Myanmar crossing over to its territory, the UNHCR stepped in and organised the repatriation of a majority of the migrants in a matter of few months.

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[29] Jackson, Stephen, *The Challenges and Contradictions of Development and Conflict*, A Background Paper for the INCORE Summer School, June 10-14, 2001, pg. 1.

[30] Anderson, Mary B, *The Implications of Do No Harm for Donors and Aid Agency Headquarters*, The Collaborative for Development Action, Inc., 1999, Sourced from http://www.cdainc.com/publications/dnh/the_implications_of_do_no_harm_for_donors_and_aid_agency_headquarters.php. For a detailed discussion of development aid in conflict also see David Nyheim, Manuela Leonhardt and Cynthia Gaigals, Development in Conflict: A Seven Step Tool for Planners, Version 1, Forum on Early Warning and Early Response (FEWER), *International Alert*, 2001.

India could "harmonise migration abatement strategies"[31] with Bangladesh and, "in its own self-interest India must learn to accept asymmetry in evolving its Bangladesh policy."[32] But Indian observers of Bangladesh affairs are of the opinion that a more result-oriented "carrot and stick" policy by New Delhi toward Dhaka could be based on:

- Use of economic assistance, loans, most-favoured nation trade arrangements, supply of technology and other positive incentives to induce Bangladesh to treat its citizens in accordance with international human rights norms.
- Use of economic sanctions involving withholding of trade and investment to end persecution of minorities and political dissidents. Sanctions may include the impounding of overseas bank accounts of individuals and the government departments, halting air and sea traffic, the breaking of diplomatic relations and expulsion from regional and international institutions.
- Use of coercive diplomacy, including plausible threat of economic sanctions and other political and military leverages involving use of force, if unacceptable behaviour is not ended within a reasonable time.
- Use of armed intervention that can take the form of providing arms to the people under attack within the country, arming refugees, engaging in air and sea strikes and full-scale military intervention.[33]

However, in the case of Bangladesh, which has consistently refused to be reasonable and acknowledge the fact of immigration, it is open to serious doubt if a deterrent strategy will work. The nature of intervention need not always be in the form of diplomacy or militaristic. Economic intervention could also be one of the policy choices before the Indian state. Will economic integration initiatives between Bangladesh and India work? Or can economic/business initiatives by India in Bangladesh be the answer to checking emigration? Assuming that much of the people who migrate to India are labour migrants in a globalised economy – which it is not considering that those who cross over to India are the poorest of the poor in Bangladesh and do not possess the necessary skills to

[31] Clad, James C, Slowing the Wave, *Foreign Policy*, Vol. 95, Summer 1994, pg. 139.
[32] Sinha, J.K., Smoking Gun in the East: India Should Redefine its Ties with Bangladesh, *The Times of India*, Kolkata, September 12.
[33] Nandy, Bibhuti Bhushan, Infiltration Menace: Diplomacy Needed To Enlighten World Community, *The Statesman*, Kolkata, June 24, 2005. For a list of wide-ranging policy tools, see also Michael Lund, A Toolbox for Responding to Conflicts and Building Peace, in Luc Reychler and Thania Paffenholz (eds), *Peace Building: A Field Guide,* Lynne Reinner: Boulder, Colorado, 2001, pp. 16-20.

qualify them as members of a globalised workforce – both India and Bangladesh would gain by the free movement of labour. India would benefit from the cheap labour and Bangladesh from the remittances made by its India-based labour force. But in a region where there are unregulated borders, the free movement of people "would damage" India because migrant labour would displace some of the host-country labour, besides being a burden on "housing, education, and social services and depress wages".[34]

Although some western migration analysts believe that free trade does not mean that migration pressures will diminish,[35] a free movement of capital and goods would benefit Bangladesh enormously and considerably help easing the out-flow. If Indian business houses are encouraged to set up industry in Bangladesh, especially in the economically leaner districts of that country from where the bulk of the immigrants originate, it will stem the out-flow of the rural unemployed. At the same, such a move will contribute to poverty reduction and employment generation in several border districts of Bangladesh that have traditionally been the source areas of immigrants.

A few years back, the governments of Bangladesh and India decided to open up the border to cross-border trade that had the laudatory effect of curbing, though not completely eliminating, illegal trade on which a majority of the borderlanders on either side of the border depend for their survival. Renewed efforts should, therefore, be made by the authorities of both Bangladesh and India to formalise cross-border trade. "A beginning that has the promise of improving conditions for a larger group of people on either side of the border", says Sanjoy Hazarika, must be made by "legalisation of trade in specific items which are currently major income generators for both sides – cattle, fish, medicines and electrical goods as well as textiles",[36] items that will fetch revenue for both sides. As in the United States, where the North American Free Trade Agreement (NAFTA) is designed to advance the Mexican economy and thereby check immigration to the US, the proposed South Asian Free Trade Area (SAFTA), which is scheduled to be

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[34] Weiner, Myron, *The Global Migration Crisis: Challenge to States and to Human Rights*, Harper Collins College Publishers: New York, 1995, pg. 204.
[35] Meissner, Doris, Managing Migrations, *Foreign Policy*, Vol. 86, Spring 1992, pg. 82.
[36] Hazarika, Sanjoy, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books: New Delhi, 2000, pg. 254.

launched from January 2006, has a similar objective. Although SAFTA, comprising member states of South Asia, has been structured in a manner that will benefit all member states, Bangladesh is losing out. An Indian industry report says the following:

> Bangladesh's share (of trade with India) has slipped from 41 per cent of the official exports to India to the whole of the South Asian Association for Regional Cooperation (SAARC) region during 2003-2004, to 30 per cent during the first five months of 2005-2006. Likewise, Bangladesh's exports to India constituted hardly six per cent of India's imports from the whole of the SAARC region.[37]

Such economic slugglishness in Bangladesh will do little to slow illegal immigration because "rapid economic growth weakens an individual's attachment to traditional ways, making it more likely that he or she will cross international borders".[38] However, India and Bangladesh could make a beginning towards making SAFTA a success whose rewards, from the point of view of preventing migration, could be felt in the long-run.

For an immigrant-receiving country like India, to have an acceptable immigration policy it must be able to effectively control illegal immigration by a mix of humane and moral considerations, restrictive policies and economic intervention programmes with a sending-country like Bangladesh. If India fails or is unwilling to undertake measures to halt an unwanted influx of foreigners, it can erode immigration and refugee policies, strengthen right-wing parties, and generate xenophobic fears and violent behaviour that may put democratic societies at risk of violent conflicts. A new set of tools will then be required to prevent the outbreak of inter-communal conflicts.

Conflict Prevention and Inter-Community Peacebuilding

The emerging conflict that I focused on in the previous chapter has not yet reached crisis proportions and far from having become a humanitarian disaster. However, it is still in

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[37] Indo-Asian News Service, India's Trade With Saarc Rises, *The Statesman*, Kolkata, November 7, 2005, pg. 9.
[38] Clad, James C, Slowing the Wave, *Foreign Policy*, Vol. 95, Summer 1994, pg. 145.

the "latent stage" or the "critical transformative period"[39] when it can take a turn toward armed confrontation. Since it has the over-riding function of maintaining peace and order on its territory, the Indian government should aim at "institutionalising a system for conflict prevention and mitigation" that would "track national transitions, set goals, assess national needs and tasks, choose tools, identify implementing partners, time interventions, coordinate responses and plan an exit strategy".[40]

A key component of any peace-building initiative would be involving the two principles protagonists of the developing conflict in West Bengal and Assam – the Hindus and the Muslims. As such, a "critical first step is developing preconditions which convince competing groups that there are opponents to whom it is worth talking, that it is possible to create structural changes conducive to a stable peace and that an agreement is possible which meet each side's basic concerns and needs".[41]

To achieve these objectives, it is essential to identify "internal measures of success", for example, changes in attitudes and behaviour, which could "range from dramatic political steps by leaders to shifts in the daily routine of ordinary citizens", and "external criteria of success" which envisages linking the "specific effects of an intervention to the wider conflict in which it is embedded."[42] Some scholars have argued that for effective conflict resolution, the "empowerment and active participation of the parties to the conflict" is required and, therefore, the primary focus of practitioners, including agencies of government, should be to effect "significant changes in how people from different communities (in this case Hindus and Muslims as also immigrants from these two communities) interact with each other at the local level."[43] In this context, Mari Fitzduff points out that the aim should be to increase "understanding…respect, and cooperation

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[39] Lederach, John Paul, An Integrated Framework for Peacebuilding, in *Building Peace: Sustainable Reconciliation in Divided Societies*, United States Institute of Peace: Washington DC, 1997, pg. 73.
[40] Developing Effective Conflict Prevention Strategies, Conflict Prevention: A Guide, Sourced from http://www.caii.com/CAIIStaff/Dashboard_GIROAdminCAIIStaff/Dashboard_CAIIAdminDatabase/resources/ghai/strategies.htm
[41] Ross, Marc Howard, Creating Conditions for Peacemaking: Theories of Practice in Ethnic Conflict Resolution, *Ethnic and Racial Studies,* Vol. 23, No. 6, November 2000, pg. 1002.
[42] Ibid. pg. 1005.
[43] Ibid. pg. 1009.

between communities…in the belief that such development can assist communities in working together to develop a solution…to conflict that is both just and sustainable".[44] Fitzduff's "meta-conflict approach" could be a useful tool to "address the many facets" of the conflict – structural, (political and constitutional arrangements, legislation, economic and aid factors) or psycho-cultural (e.g. attitudes, relationships, divided histories) in a comprehensive and complementary manner".[45]

At the local level, i.e. the borderland where the conflict appears to have reached a point where there is little inter-community relationship, building organisations within single communities, which could work on promoting tolerance between the communities, would be most helpful in overcoming mutual suspicions and hatred. The key, however, would be to remove the different cultural beliefs, practices, prejudices and negative stereotypes Hindus and Muslims hold about each other by introducing intercultural communication systems for better understanding among the two groups. Alternatively, "interactive conflict resolution", which Fitzduff defines as "small group discussions whose aim is to address and where possible resolve contentious issues of political, cultural and religious nature at a local, institutional or regional level,"[46] could be part of the repertoire of conflict prevention and conflict resolution approaches in a pluralistic society like India as well as in Bangladesh.

A second way for conflict prevention would be adoption of the technique of "principled negotiations" which would "separate the people from the problem, focus on interests, not positions"; and "once each side can articulate its core interests and understands those of the other parties, a creative solution to bridging differences can be generated".[47] On the other hand, the "human needs" approach could be utilised to satisfy the aspirations of all the parties. These needs have been identified by John Burton as "recognition, valued

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[44] Fitzduff, Mari, *Approaches to Community Relations Work*, CRC Pamphlet No. 1, Second Edition, Community Relations Council: Belfast, 1993, pg. 34.
[45] Fitzduff, Mari, Meta-Conflict Resolution, Unpublished paper, Undated.
[46] Fitzduff, Mari, Turning the Tide: Interactive Conflict Resolution in Northern Ireland, Draft for Interactive Conflict Resolution – A Tool in Peacemaking (ed) David Bargal, Undated.
[47] Ross, Marc Howard, Creating Conditions for Peacemaking: Theories of Practice in Ethnic Conflict Resolution, *Ethnic and Racial Studies,* Vol. 23, No. 6, November 2000, pg. 1011.

relations, distributive justice, identity, autonomy, dignity, belonging, security, physical needs and perhaps personal development."[48]

But for sustainable and lasting peace and cooperation between the Hindus and Muslims of West Bengal and Assam, there is a need to alter relationships among groups through engagement. John Paul Lederach believes that conflict transformation leads to justice, forgiveness and reconciliation.[49] For Lederach, there are no "quick fix" solutions and conflict transformation should ideally go beyond the "resolution of issues" to address the "personal, relational, structural and cultural".[50] At the post-conflict stage, Lederach identifies three layers of people, leaders, institutions and organisations who could redefine and restore broken relationships. In the context of the conflict between Hindus and Muslims, especially migrants belonging to both the communities, these are community groups, women's groups, reconciliation workers, statutory bodies, security forces, public bodies, educational institutions, cultural institutions, the business sector, politicians, security leaders and members of armed groups.[51]

Since the salience of religion and religiously motivated tensions are important elements of the conflict between Hindus and Muslims in India, the "social and moral resources" of religious organisations of the two communities can act as "potential resources for conflict resolution…reconciliation and healing…in order to arrest the recurring cycles of violence and revenge and restore the torn fabric of human relationships and community."[52] The potential inherent in a more systematic and coordinated mobilisation of the resources and capacities of religious organisations and institutions could prove to be immensely beneficial for peacebuilding processes and coexistence initiatives between the majority Muslims and the minority Hindus, in Bangladesh. Cross-border inter-faith organisations

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[48] Burton, John, Quoted in Ross, Marc Howard, Creating Conditions for Peacemaking: Theories of Practice in Ethnic Conflict Resolution, *Ethnic and Racial Studies,* Vol. 23, No. 6, November 2000, pg. 10013.
[49] Lederach, John Paul, *Preparing for Peace: Conflict Transformation Across Cultures*, Syracuse University Press: Syracuse, New York, 1995, pg. 23.
[50] Lederach, John Paul, An Integrated Framework for Peacebuilding, in *Building Peace: Sustainable Reconciliation in Divided Societies*, United States Institute of Peace: Washington DC, 1997, pg. 82.
[51] Ibid.
[52] Sampson, Cynthia, Religion and Peacebuilding, in I. William Zartman and J.Lewis Rasmussen (eds) *Peacemaking in International Conflict: Methods and Techniques*, United Institute of Peace Press: Washington DC, 1996, pg. 275.

could also play a big role as bridge builders and in bringing about reconciliation and thereby stem the flight of Hindus from Bangladesh to India.

One of the more important areas where conflict prevention and coexistence initiatives can be initiated is among the Indian political parties who have traditionally encouraged and patronised illegal immigration and in turn contributed to communalism and differing inter-community perceptions. Fitzduff's meta-conflict resolution approach could be a good starting point among "political groups that favour a particular ethnic, cultural or religious group."[53] As for political parties in Bangladesh, conflict resolution practioners can encourage the development of more amenable and inclusionary politics by assisting the emergence of new politics and by assisting the widening perspectives by exiting parties. In certain cases and situations, assisting the entry of new parties into the system can improve the possibilities for conflict prevention and resolution. According to Fitzduff, "such parties may be able to break old monopolies and provide space for increasingly numerous and powerful voices of those who wish to adopt a more inclusionary approach."[54] Depending on the type of political organisation (usually political parties have Apollo-like culture and are "ordered and structured, operating within clearly defined and well-known rules and hierarchies[55]), organisational/policy change could be brought about by identifying key leaders or key influencers on the leaders, by finding out who they listen to at internal/external levels, by finding 'champions' with an organisation, by searching for their reasons to change and by letting them think it is all their idea.

On the Indian political landscape, in which the Congress in Assam and the CPI-M in West Bengal engage in the politics of immigrant vote banks, what is needed is changing their perceptions and drawing their attention to the social, economic and political dangers of illegal immigration. This can be done targeting the leadership of the two parties so that they turn from protagonists to pragmatists. But "political change involves risks and

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[53] Fitzduff, Mari, Meta-Conflict Resolution, Unpublished paper, Undated.
[54] Ibid.
[55] Handy, Charles. *The Gods of Management: The Changing Work of Organisations*, Oxford University Press: Oxford, 1996. pp. 272.

leaders may be reticent to admit to changes in their own position lest it be interpreted as weakness among their core support."[56] There will be resistance to change, but resistance will be less if the leaders "join in diagnostic efforts leading them to agree on what the basic problem is and to feel its importance," if a "consensual group decision" is adopted, if the leaders experience "acceptance, support, trust and confidence in their relations with one another."[57]

Working with the political leaders of the Congress and CPI-M in India is important because they are ideally suited to explain to their grass-roots level workers to eschew the inherently divisive politics of immigrant vote banks. In this case, not only political parties but also local elected bodies at the district and village level could be crucial vehicles of change. They will have to be told that there are alternatives other than enlisting the support of illegal immigrants to win elections. Additionally, the political executive of the country could organise all-party problem solving sessions at regular intervals and on a sustained basis to seek cooperation from all the concerned political parties in combating illegal immigration. This will be in line with the fundamental assumption that "a change is proposed by some person or a group which knows of a situation that is desirable, effective, and in line with the self-interest of the person, group, organisation, or community which will be affected by the change."[58] Such individuals could be the "driving forces"[59] for change.

Non-governmental organisations (NGOs), civil society and the media have often played a pioneering and constructive role in conflict prevention. Bangladesh and India have both witnessed a phenomenal growth in the number of NGOs, "free from state and political

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[56] Gormley-Heenan, Cathy, *From Protagonist to Pragmatist: Political Leadership in Societies in Transition*, Research Summary, Initiative on Conflict Resolution and Ethnicity, February 2001, pg. 1.
[57] Watson G., Resistance to Change, in Warren G. Bennis, Benne and Robert Chin (eds) *The Planning of Change*, Holt Rinehart: New York, 1969, pg. 497.
[58] Chin, Robert and Kenneth D. Benne, General Strategies for Effecting Changes in Human Systems, in Warren G. Bennis, Kenneth D. Benne and Robert Chin (eds) *The Planning of Change*, Holt Rinehart: New York, 1969, pg. 34.
[59] Benne, Kenneth D. and Max Birnbaum, Principles of Changing, in Warren G. Bennis, Kenneth D. Benne and Robert Chin (eds) *The Planning of Change*, Holt Rinehart: New York, 1969, pg. 328.

control",[60] in the last decade. But very few have involved themselves in resolving conflicts arising out migration issues. To deepen understanding between the Hindu and Muslim communities, both in Bangladesh and India, a new kind of partnership between NGOs, civil society, the governments and business could not only "give a voice to stakeholders at the grassroots level" but also act as "independent monitors and watchdogs to prevent conflict, increase the constituencies for peace, include women in conflict prevention and peacebuilding and assist in dialogue between politicians."[61]

We have seen in Chapter 4 how the attention given to the failure to stop illegal immigration from Bangladesh to India and New Delhi's deportation drive led the media in Bangladesh and India to take opposing views of the issue. The two divergent stands is indicative of the statist perception of illegal immigration that has permeated the media on both sides of the border and contributed to the inflexibility of not only the government and its various agencies but also of the people. On the Indian side, the language of infiltration was adopted by the media and in Bangladesh journalists adopted the narrative of denial, thus creating not only an atmosphere of distrust and suspicion, but also "disinformation, confusion and misrepresentation".[62]

The result has been selective and fragmented reporting of the issue. Disinformation and confusion has been compounded by governmental restrictions on accessing the borderlands and other restrictions on the ground of secrecy and national security. Under such circumstances, the positive contribution of the media cannot be overstressed. Besides playing a positive participation in the dissemination of facts about migration, the conditions that force migration and how a receiving state can cope with the dangers of unchecked entry of migrants, the media – print as well electronic – "can strongly influence how the parties, both inside and outside, relate to a conflict and the 'players'

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[60] Fitzduff, Mari, *Civil Society and Peacebuilding – the New Fifth Estate*, Speech delivered at European Conference on the Role of Civil Society and NGOs in the Prevention of Armed Conflict, Dublin, March 30-April 2, 2004, pg. 1.
[61] Ibid. pp. 5-18.
[62] Schendel Willem van, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London, 2005, pg. 14.

within it by the choice of stories that are covered or omitted."[63] The media in both countries should launch awareness campaigns and not take a narrow view of immigration, both either and illegal. Laws should be promoted to "monitor and ensure that the media are not used to undermine democracy and individual freedoms, violate human rights or incite violent conflicts."[64] At the same time, the governments of both Bangladesh and India should provide free access to journalists to the border and sites of immigration. The success of the media's positive contribution will depend not only on the media doing a better job of analysing and utilising information but also on the ability of governments, international agencies and humanitarian agencies to react swiftly to call on the full scope of available preventive and reactive measures.

In the next chapter I will deal with how the recommendations made above would contribute to improving the practice of coexistence work between Bangladesh and India on the one hand and Hindus and Muslims, particularly immigrants from these two communities, on the other. The chapter will also focus on how the policy interventions discussed above and its desired effect on the relations between Dhaka and New Delhi and members of the two religious communities are to be assessed, evaluated and monitored.

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[63] Gardner, Ellen, The Role of Media in Conflicts, In Luc Reychler and Thania Paffenholz (eds) *Peacebuilding: A Field Guide*, Lynne-Reinner Publishers: Boulder, Colorado, 2001, pg. 301.
[64] Ibid. pg. 310.

Conclusion: Towards a Broad-Based, Nuanced Evaluation and Time-Bound Monitoring

The evaluation and monitoring of the proposed recommendations/intervention programme discussed in Chapter 7 will be done in conjunction with the South Asia Research Society (SARS) and one other agency in Bangladesh, preferably the Bangladesh Rural Advancement Committee (BRAC). The issue of illegal immigration is both controversial and contentious and impinges on the foreign policies of two neighbouring countries and, therefore, extreme care and caution will have to be exercised to proceed with the evaluation process in which SARS will have to seek the cooperation of the two governments, especially the Government of India that sees the twin subjects of the border and illegal immigration through the national security prism. An evaluation system aimed at making the intervention strategy effective will have to be long-term so that its intended impact, at various levels, including the federal governments, the two state governments of Assam and West Bengal, as well as in the border districts of Bangladesh and India, can be assessed in the light of the progress that can be made towards achieving a peaceful solution of the problem posed by illegal immigration to the receiving country and the factors that cause migration.

The evaluation approach will have to be "participatory, culturally sensitive, committed to building capacity, honest and productively critical, designed to lead to action and focused on information that can inform decision making"[1] at all levels, particularly the governments of Bangladesh and India. Accordingly, the evaluation will focus on several

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[1] Search For Common Ground, Institutional Learning and Research, Sourced from
http://www.sfcg.org/sfcg/sfcg_evaluations.html

tiers at the macro and micro levels: intensive interaction with key decision-makers, bureaucrats, politicians, officers of the BDR and the BSF, academics and migration experts in Bangladesh and India, inhabitants of the borderlands on either side of the border, and migrants settled in the border belts and other places within India.

Participatory evaluation will thus provide "for active involvement in the evaluation process of those with a stake in the programme: providers, partners, beneficiaries and/or any other interested parties".[2] In participatory evaluation, all research material, published literature on historical and contemporary trends in legal and illegal immigration, transcripts of interviews with the interviewees in India and Bangladesh, and the actual steps taken by the two governments toward implementing the policy recommendations will be made available to the evaluating agency, in this case SARS in collaboration with a Bangladeshi NGO, for instance BRAC which "works with people whose lives are dominated by extreme poverty, illiteracy, disease and other handicaps"[3] which are the main determinants of emigration. A SARS-BRAC partnership is crucial for any evaluation of the intervention programme because it would provide the necessary balance to the work and also be committed to conducting programmatic evaluation among all the parties, across the two governments, the two border guarding forces, and more importantly the official departments in Bangladesh which have so far staunchly held on to the narrative of denial. Above all, SARS-BRAC would be partners who are "actively trusted"[4] by all the sides.

Besides participatory evaluation, "formative evaluation" would also be particularly useful[5] for evaluating long-term conflict resolution work in deeply divided societies, especially on such broad issues like reconciliation in which intangible aspects like truth

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[2] USAID, *Conducting a Participatory Evaluation: Performance Monitoring and Evaluation*, USAID Centre for Development Information and Evaluation, 1996, No. 1.
[3] BRAC, Mission Statement, Sourced from http://www.brac.net/mission.htm.
[4] Fitzduff, Mari: A View from Northern Ireland, in John Paul Lederach and Janice Moomaw Jenner (eds) *A Handbook of International Peacebuilding: Into the Eye of the Storm*, Jossey-Bass: New York, 2002, pg. 135.
[5] Nan, Susan Allen. Formative Evaluation, Sourced from www.beyondintractability.org, Accessed on April 12, 2005.

and perceptions are difficult to assess or quantify. This tool can help conflict resolution organisations better respond to changes emerging in the conflict dynamics.

Jay Rothman's "action research" that envisages "practical integration" of evaluation work into the process of conflict resolution or intervention programmes "through a conceptual and applied focus on goal-setting and goal-seeking[6] will also be appropriate for measuring and promoting success on the chosen issues of reconciliation between Hindus and Muslims in the border districts of Assam and West Bengal and in Bangladesh, humanitarian aid for ameliorating the condition of Bangladeshi migrants in India, promoting gender equality, and sensitising borderlanders and political party leaders who have a stake in promoting and safeguarding their immigrant vote banks, and the media.

However, what needs to be kept in mind at all times of the evaluation work are the "project and time dilemmas".[7] John Paul Lederach argues that while "project-oriented thinking may well limit rather than facilitate peace-building", time-bound evaluation may inhibit the "process-structure".[8] Lederach goes on to suggest that the need, therefore, should be to "view evaluation less in terms of the realisation of particular tasks and more in terms of creating the platform from which it is possible to respond creatively to evolving situations".[9] Before beginning its evaluation work, the SARS-BRAC combination would perform an objective analysis of the conflict not only at the inter-state but also at the intra-state levels. By mapping the conflict, SARS-BRAC will be able to focus on the needs and interests of all the parties involved.

One of the means of determining the success and effectiveness of interventions, "not only within their own spheres but also in contributing to the goal of a larger 'peace'",[10] is by taking into account five "criteria of effectiveness". Conflict prevention and peace

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[6] Rothman, Jay, *Action Evaluation: Integrating Evaluation into the Intervention Process*, The Action Evaluation Research Institute, sourced from http://www.aepro.org/inprint/conference/rothman.html.
[7] Lederach, John Paul, *Building Peace: Sustainable Reconciliation in Divided Societies*, United Institute of Peace Press: Washington DC, 2004 (sixth printing), pg. 130-131.
[8] Ibid. pg. 131.
[9] Ibid.
[10] Church, Cheyannne and Julie Shouldice, *The Evaluation of Conflict Resolution Interventions: Framing the State of Play*, INCORE International Conflict Research: Derry/Londonderry, 2002, pg. 24.

programmes, as in the recommendations/intervention programmes identified for both Bangladesh and India, will be considered effective, or in other words, are able to make an impact on "peace writ large", if:

a) The effort is marked by participants' sustained engagement over time.
b) The effort has a linking dynamic. In other words, it links upwards (to bring in people with influence on the political process or support new alternative leaders) and/or downwards (to bring in larger number of people and build public support at the grassroots level).
c) The effort tries to find solutions to the root and proximate causes of the conflict.
d) The effort is geared towards creating enduring institutional solutions.
e) The effort causes people to respond differently (from before) in relation to the conflict.[11]

Yet another basic way by which an evaluating organisation can gauge success is by asking itself questions like "why and how is the agency conducting any particular interventions?", or "how were the interventions operationalised?" and "what are the short and long term results of the interventions?"[12] Church and Shouldice believe that issues like "*what* an intervention is seeking to achieve"[13] and "who an intervention is targeting"[14] are central to measuring their success. The organisation's "goals and assumptions,"[15] backed up by an understanding whether the interventions are contributing in the most significant way and the appropriateness of the interventions, could also be indicators of success, in as much as "indicators that provide a feedback on

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[11] Ibid. pg. 24-25. The five criteria for effectiveness were established by the Reflecting on Peace Practice project, an international collaboration of agencies seeking to gather experience from their conflict-focused programmes. Also see Mary B. Anderson and Lara Olsen, *Confronting War: Critical Lessons for Peace Practitioners*, The Collaborative for Development Action, 2003, pp. 97.
[12] Church, Cheyannne and Julie Shouldice: *The Evaluation of Conflict Resolution Interventions: Framing the State of Play*, INCORE International Conflict Research: Derry/Londonderry, 2002, pg. 26.
[13] Ibid. pg. 27.
[14] Ibid. pg. 28.
[15] Ibid.

the strategic impact of the activities from the perspective of peacebuilding framework"[16] could be pointers to success.

Monitoring as part of a project cycle would be an internal process within the SARS-BRAC team that would involving observing, listening, finding out, recording, clarifying and reporting on the life of an intervention programme. Monitoring is done to ensure that all the stakeholders who need to know about an intervention or other development activity are adequately aware and properly informed about the project cycle in general and the success or failure of the intervention's impacts.

In the proposed intervention, monitoring the programme would require to be carried out at regular intervals in a time-bound manner. For the specific intervention programmes outlined above, monitoring needs to have agreed purposes and communication channels if it is to be something more than a routine process, and it must be designed at the early stages with emphasis on the specific results it is expected to produce. For effective and time-specific monitoring, several smaller SARS-BRAC teams will be required to closely follow the progress made by the main evaluating team assessing the impact of each of the proposed recommendations. Details of the monitoring, including the time to be taken and the manpower that will be required, will need to be written into the planning for any intervention programme at the start, and the plans should not be concerned only with the inputs, outputs and the goals but also the manner in which resources and opportunities will be managed and targets achieved.

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[16] Lederach, John Paul. *Building Peace: Sustainable Reconciliation in Divided Societies*, United Institute of Peace Press: Washington DC, 2004
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