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**“ANALYTICAL DECONSTRUCTION OF IMMIGRATION AND
CRIMMIGRATION SCENARIOS IN THE INDIAN SUB-CONTINENT.”**

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I. INTRODUCTION:

According to the latest census in 2011 data the total foreign-born population in India is pegged as 0.4% i.e., every fourth person born out of thousand births is born outside India. Of these 2.3 Million are from Bangladesh, 0.7 Million from Pakistan and a mere 6596 are from Afghanistan. The numbers show that about 55 percent of the total immigrants belonged to Pakistan and Bangladesh alone. These numbers help us estimate the flow of immigrants into India.¹ The Merriam Webster dictionary defines Emigrants as people who leave a particular country while Immigrants as people who arrive at a particular country. There is very little difference between immigrants and emigrants semantically; both words refer to a person who leaves one country in order to move to another (*generally for a permanent or significant stay*).

The main difference is that immigrant is used in reference to the country moved to, and emigrant is used in reference to the country moved from. Migration might be voluntarily where the process is planned and orderly or involuntarily when faced with some kind of adversity and these might range from a Hurricane that ruined entire neighbourhoods into rubble like hurricane sandy that hit USA couple of years ago or the case of Syrians fleeing because of civil war, terrorism and constant fighting wanting a dignified and productive life

¹ <https://www.livemint.com/news/india/india-is-not-being-overrun-by-immigrants-1564334407925.html>
(visited on March 15th 2020)

for oneself and family or simply just moving somewhere because the destination country has an overall better standard of living than your homeland. In 2017, The International Organisation for Migration report stated that 3.4% of the world's population was residing in a country other than their country of Birth i.e., were migrants, this includes both temporary and permanent migrants out of which 68.5 Million are displaced individuals meaning those fleeing some kind of persecution in their country of origin, 25 Million were victims of Human Trafficking and Modern Slavery and 25.4 Million were refugees registered with UNHCR etc. The Below given chart was given by UN DESA in 2015 estimating the numbers of International Migrants by Region of Residence.²

II. IMMIGRATION IN PRE-INDEPENDENCE ERA:

In the Pre Independence Era, the first wave of migrants arrived from present Bangladesh and West Bengal into Assam after the British started encouraging peasant settlers from the densely populated provinces of undivided Bengal, especially Mymensingh, Bogra, Rangpur and Pabna, to migrate and settle in Goalpara in lower Assam due to availability of abundant rich cultivable land in the region and for this purpose they even exempted these settlers from paying any rent for the first three or so years to enable them to settle conveniently. The whole trend started in 1826 after the British discovered Assam and in order to establish control over large swathes on land and exploit its vast natural resources brought in educated Bengalis to work as clerks in Bureaucracy. Later this was followed by import of more labour mostly tribals who had lost and surrendered their land to the British into the Assam region when Tea was discovered here, and Labour was required to work in these swathing Tea Estates. The prospect of tilling their own land without paying any taxes coupled with improved connectivity due to extension of Railway Line from Bengal into Assam and eventual merger of Goalpara district into East Bengal was lucrative and led to the mass migration of peasant settlers into this region.³ Successive Census Data from the region taken in 1911, 1921, 1931 and 1943 clearly show the exponential increase in migrant population in the region. The

² <https://www.globaldetentionproject.org/wp-content/uploads/2019/08/GDP-Working-Paper-25-The-Contours-of-Crimmigration-Control-in-India.pdf> (visited on March 15th 2020)

³ Uddipana Goswami, "Miya or Axamiya? Migration and Politics of Assimilation in Assam", Journal of Social and Policy Sciences, Vol. 1, No. 1, December 16, 2010, pp. 7–8.

Muslim population in Goalpara increased from 51,000 in 1911 to 1,41,000 in 1921 and 1,17,000 in rest of Assam during the same time. Peasants from Bengal also moved into Tripura in large droves to point that their numbers rose from 40,000 in 1901 to close to 1 lakh in 1931. This large-scale migration resulted in a staggering 103.51 percent increase in population in Assam and 195.28 percent in Tripura against the national average of 33.67 percent between 1901 and 1941.⁴

III. IMMIGRATION IN POST-INDEPENDENCE ERA:

The Independence of the country in 1947 led to the partition of the country into Secular India and Islamic Pakistan on communal lines. By late 1946 and early 1947 communal riots had reached humongous proportions. Outbreaks happened all over India but especially in Punjab, Bihar and Bengal provinces with Punjab being the worst hit of all. The attempt by Muslim League in 1947 to seize control of the provincial government of the region they were claiming cessation to from India to form present-day Pakistan was one of the main triggers of Bloody Riots and mass movement of people across the borderlines with Hindus fleeing current Pakistan and moving into India while Muslims were moving out of India into newly created Pakistan.

Millions were displaced during the riots on our Borders. Non-Muslims from West Pakistan particularly from the provinces of North-West Frontier, Baluchistan and Karachi evacuated these areas in huge numbers and fled towards India. Most of these refugees settled in the Northern Parts of the country. Within 3 months of Partition, it was estimated that some 8 million refugees had crossed the India – West Pakistan Border and by the First anniversary that number had hit an unprecedented 12 million people. Countless towns and villages enroute were gutted and streets were stained with the blood of people slaughtered mercilessly in the communal carnage.⁵ On the North-eastern Border, the newly Independent India faced similar challenges in dealing with the sizeable exodus of Hindu Refugees out of East Bengal.

⁴ Amalendu Guha, *Planter Raj to Swaraj: Freedom Struggle & Electoral Politics in Assam 1826– 1947*, New Delhi: Tulika Books, 2006, p. 209.

⁵ Pushpita Das “Illegal Migration From Bangladesh Deportation, Border Fences and Work Permit” monograph pg-12-26

Communal riots and Religious Persecution forced them to flee their homes and pour into Assam and other bordering states and this sudden population growth was clearly reflected in the census data of the following years which registered an overall population growth of around 35–36 per cent that was way ahead of the national average of around 21–25 per cent. The Registrar General of Census in his report of 1963 pegged the number of outsiders in Assam at roughly 2,20,691. Following this after the War of 1971 between India and Pakistan and the consequential liberation of Bangladesh triggered a massive inflow of refugees into India whose numbers were estimated at roughly 10 million.⁶ The largely unchecked Illegal influx of Bangladeshi Migrants led to an explosive increase in the population of bordering states in the Northeast and Apart from Assam, Tripura, Meghalaya, Nagaland, Mizoram and Arunachal Pradesh which registered a substantial population growth in the last three decades of the 20th century which was well above the National Average. West Bengal also has taken in its fair share of refugees from present-day Bangladesh. 4.5 lakh Hindu migrants had entered the state from East Pakistan after the War of 1971 and as a result, the total Hindu population in the state jumped from 78.45 percent in 1951 to 78.8 in 1961.

During the post-war era, the immediate exponential increase in the Muslim population in all the North-Eastern states except Manipur clearly indicates the illegal immigration from Bangladesh through relatively unchecked porous borders. In the 1971 Census for Assam, the Muslim population of the state almost doubled. In Mizoram, between 1981 and 1991, the Muslim population grew by 105.8 per cent as compared to 42.89 per cent for the Christians. Similarly, Muslim population registered a growth of 135.01 per cent during the same decade in Arunachal Pradesh. In the subsequent decade, the Muslim population grew by 122.54 per cent in Mizoram and 73.40 per cent in Arunachal Pradesh. Meghalaya also registered 61.35 per cent growth in its Muslim population compared to 42.31 per cent for Christians.⁷

⁶ White Paper on Foreigners' Issue, n. 1, p. 45. The district-wise census data on religion have not been released. Assam, however, registered an increase of 34.22 per cent. "Assam Population 2011", available at <http://www.census2011.co.in/census/state/assam.html>, accessed on January 27, 2016.

⁷ Government of Assam, "Infiltration and Deportation of Pakistanis", Directorate of Information and Public Relations Press Note No. 137, July 27, 1965, Shillong, available at <http://online.assam.gov.in/documents/218410/316853/Annexure-2-17A-except-9- and-12.pdf>, accessed on January 28, 2015

The Demand for low skilled labour kept these illegal migrants coming mainly from Bangladesh and Nepal. After saturation in the North-Eastern states, the flow was now diverted towards metropolitan cities like Delhi NCR, Mumbai, Bangalore and others. This unprecedented flow filled these markets with Bangladeshi cheap labour and in turn took away the jobs of citizens which created largescale unrest in these cities and forced the law enforcement to act. These Aliens were rounded up and deported by various law enforcement agencies and the numbers largely depended on the state and the seriousness of the issues with these migrants. For example, the Gujarat Police identified and deported 440 Bangladeshis who were illegally staying in Ahmedabad since 2009.

The Delhi Police claimed to have deported more than 45,000 Bangladeshis who were illegally staying in the national capital since 1991. The Mumbai Police, in 1998, tried to deport illegal Bangladeshi migrants but met with resistance in Kolkata. According to the media quoting Uttar Pradesh officials, in 2010, approximately 8,500 Bangladeshis were illegally staying in the state, of which 6,000 were living in Meerut, 1,800 in Lucknow and 350 in NOIDA.⁸ Katihar, Kishanganj and Purnea districts of Bihar have also recorded the illegal presence of Bangladeshis. In July 2013, 6,000 persons were accused of being Bangladeshis in the state and were handed over notices to prove their Indian citizenship or leave India. In the same year, the Odisha government identified nearly 4,000 Bangladeshis in the state.⁹

IV. REASONS FOR ILLEGAL MIGRATION:

A person migrates either voluntarily or otherwise and, in most cases, it is the last resort to an immigrant as no one prefers to leave their homeland abruptly and start afresh in a foreign unknown nation. Often certain general broad factors such as social, political, economic and

⁸ “Nearly 8500 Bangladeshis Living Illegally in Uttar Pradesh”, dna, Lucknow, June 11, 2010, available at <http://www.dnaindia.com/india/report-nearly-8500-bangladeshisliving-illegally-in-uttar-pradesh-1395139>, accessed on April 23, 2015. & Ibid.5

⁹ “We are in Denial, but Bangladeshis are still Flooding India’s Northeast”, rediff.com, March 12, 2014, available at <http://www.rediff.com/news/column/bangladeshis-arestill-flooding-indias-northeast/20140321.htm>, accessed on April 24, 2015 & Ibid.5

environmental factors act as compulsions in the lives of these immigrants. Citizens of Bangladesh and Pakistan constitute the bulk of illegal immigrants who enter India in any given year. In case of minorities factors such as Religious Persecution, Institutional discrimination and general apathy that makes their day to day lives impossible. In the case of Bangladesh constant environmental crisis in the form of floods and earthquakes also displace a lot of residents in the vulnerable areas. The prospect of Better opportunities available in a foreign land such as better job opportunities, Religious freedoms, a higher standard of living, education, health facilities etc makes a good case for these migrants to leave their homeland. Moreover, similar cultures act as further incentives for these migrants to move.

V. POLITICAL FACTORS:

V.I PAKISTAN:

In 1947, the partition triggered a mass exodus of minorities out of Pakistan mainly consisting of Hindus and Sikhs into India. Although most left but some decided to stay back and call Pakistan their home. This section of Pakistani population has been constantly targeted and marginalised by every successive regime that governed Pakistan since 1947, constantly reminding them that Pakistan is an intolerant Islamic State home to Muslims only and everyone else is an intruder on its soil who shall be subject to constant subjugation and marginalisation by the majority at all times.

The state of Pakistan as a policy has adopted the policy of indoctrinating hate and intolerance in its population right from childhood by way of issuing textbooks containing material that is hateful towards minorities, has falsified narratives to perpetuate fake stories of subjugation of Muslims at the hands of Hindus and other minorities. Pakistani identity is enforced through perpetuating religious biases in the minds of young pupils against religious minorities thereby sowing the seeds of bigotry and communal hate when other useful things should have been taught. Hindus form 1.6% of the total Pakistani population with the majority living in the Sindh province yet they are the primary victims of bigotry induced violence and discrimination in the region. The state has worked tirelessly throughout the years to erase

Identity of Hindus in the region either by force, threat coercion or some other measure.¹⁰ The controversial Blasphemy Law which is very vaguely worded and often is misused by Islamic fundamentalists and other miscreants to harass, threaten and persecute religious minorities in the country. Businesses and Places of worship centres belonging to minority communities are constantly torched and bombed on allegations of blasphemy by fundamentalist mobs and terrorists. Hindu women of all ages' sometimes even kids are kidnapped in broad daylight from their homes, forcefully converted and married of two older Muslim men against their wishes and unless and until the said case gets media attention the local police is just silently complicit to such acts through absolute inaction. Attacks on temples, Blasphemy allegations, and forced conversions have become regularised to the point where Hindus of Pakistan have accepted it as their fate due to constant feeling of helplessness which has engulfed them.¹¹

Sikhs in Pakistan have also faced their fair share of bigotry, violence and discrimination at the hands of Majority. In the official census of 2017 in Pakistan, they were excluded officially as a matter of policy so there are no official numbers to go by but unofficially their numbers have been estimated to be down when the last census was taken 19 years ago in 2002 from 40000 then to a mere 8000 in 2017. Systemic conversions are said to be the main culprits behind these numbers apart from emigration. Both factors are the results of state apathy towards the exceedingly deteriorating state of the Sikh community in the country who have been constantly facing subjugation at the hands of the Muslim majority. Their Gurudwaras are desecrated and ransacked frequently, women kidnapped, abducted, raped and forcefully reconverted and married. Sikhs along with every other minority are systematically discriminated against in society. Government jobs are denied, their agricultural lands are forcefully occupied upon and are constantly marginalised through constant institutional bias i.e., the police, judiciary and the government are all biased and are in favour of these heinous acts and therefore justice is often denied to minorities in cases of injustice.¹²

¹⁰ Pakistan Bureau of Statistics, Population by Religion www.pbs.gov.pk/content/population-religion

¹¹ Express Tribune, 'Police register blasphemy case over Hindu temple attack in Thatta', 28 April 2017 <https://tribune.com.pk/story/1396116/police-register-blasphemy-terrorism-cases-thatta-temple-attack> (visited March 10th 2020)

¹² <https://www.indiatoday.in/india/story/sikhs-on-verge-of-extinction-in-pakistan-campaigner-1593674-2019-08-30>(visited March 10th 2020)

V.II BANGLADESH:

Political factors are the major triggers of the exodus of migrants from Bangladesh particularly Hindus. East Pakistan later Bangladesh has always been hostile to the presence of Hindus in the region and they've always been threatened, harassed, maltreated and shown their place in the society by the Muslim majority in the country. Hindus have always fled in waves meaning thereby some major event at a point of time has always triggered a mass exodus of Hindu refugees from the country into India. The First Wave was triggered by the communal riots that happened in 1950s through to 1964 and within 3 months an estimated 3.5 lakh Hindus had fled Bangladesh and had taken refuge in West Bengal and by 1964 that number had shot up to 41.17 lakh migrants. The second wave of refugees left Bangladesh after the India Pakistan war that happened in 1965 and later in the War of 1971 which liberated Bangladesh from Pakistani Occupation. The estimated number of migrants at the end of these two wars who landed up in India was at around 10 million persons according to the data released by the Ministry of Home Affairs, out of which 6 million were Hindus.¹³

Besides riots and wars, Discriminatory legislations passed from time to time by the Administration controlling the region whether it was pre or post-1971. Acts such as the East Bengal Requisition of Property Act of 1948, the East Bengal Evacuees (Administration of Immovable Property) Act of 1951 and the East Pakistan Disturbed Persons Rehabilitation Ordinance of 1964 were Acts that were supposedly passed by the East Pakistan Administration for the welfare of war-displaced individuals but in reality, it was a ruse to control the minority of its land by rampant unchecked misuse by groups with vested interests and corrupt bigoted officials in the government and thereby erase their existence and identity. After the liberation of Bangladesh in 1971 from Pakistan, a new constitution was enacted in the country which imbibed secularism as one of its pillars. Despite that, every successive regime has been turning more and more hostile to the minorities in the country. The government promulgated the Bangladesh Vesting of Property and Assets Order in March 1972, which stated that the property left by the Pakistanis and other displaced people should

¹³ Bimal Pramanik, "Illegal Migration from Bangladesh: A Case Study of West Bengal", in Kumar (ed.), *Illegal Migration from Bangladesh*, n. 11, p. 140.

be considered as one segment and in 1976 repealed the previous Act only to consolidate it even more by taking over all rights to administer, manage, dispose and transfer such properties and combined with the Enemy/ Vested Property Act the Bangladeshi government effectively legally alienated 2.6 million acres of land that earlier belonged to minorities unto itself affecting an estimated 1.2 to 6 million minority households between 1965 and 2006.¹⁴

After going through multiple military coups after 1975, these regimes caused the Islamization of the country by declaring Islam as the official state religion and incorporating more and more conservative anti-minority fundamentalist policies into the country's constitution. Post this historic shift mob violence against minorities increased multifold.¹⁵ Minorities like the scenario in Pakistan were attacked, injured harassed or even lynched on accusations of blasphemy and the regime in similarity with the one in Pakistan showed its silent support by being a mute spectator to this horrifying debacle. This led to the phenomenon of Missing Hindus in which an entire generation of Hindus are said to be missing from the country when analysis of the multiple official censuses taken between 1971 and 2001 is undertaken.¹⁶

VI. ECONOMIC FACTORS:

VI.1 PAKISTAN:

In post-1947 Pakistan, the successive regimes have continuously moulded the society in such a manner to inculcate hate and Enmity against the minorities in the country. Textbooks are filled with material that shows the minorities as oppressors of Islam and the reason for the creation of Pakistan as supposedly a haven for Muslims in the region. Hate is openly spewed on the streets through derogatory speeches by various fundamentalist Islamic groups which are often fronts for terrorist organisations. A lethal combination of Hostile successive governments and skewed perception of the Muslim majority has ensured absolute marginalisation of Hindus and Sikhs particularly. Most Hindus reside in the Sindh region. Constant subjugation through discriminatory policies of the government and exploitation by

¹⁴ Barkat, "Political Economy of Deprivation of Hindu Minority in Bangladesh", n. 42, p. 104.

¹⁵ <https://www.hudson.org/research/9781-cleansing-pakistan-of-minorities> (visited March 14th 2020)

¹⁶ Lintner, "Religious Extremism and Nationalism in Bangladesh", n. 45, p. 416

the majority has ensured and abject state of poverty of the majority of Hindus in the region. Even the ones who are doing well in the minority communities are constantly harassed and terrorised through the abduction of their family members (often women) either for ransom or for forceful conversions and remarriages. Vandalism and looting of businesses owned by minorities have now become a common scene in cities and coupled with institutional bias from the authorities at every level ensure denial of justice to these poor individuals. Pakistan after going through multiple coups in the last couple of decades has gone through a phase of illumination.¹⁷ Although unlike Bangladesh secularism wasn't a pillar of the constitution of Pakistan but it's founding fathers including Muhammed Ali Jinnah intended to create a peaceful society which tolerated and didn't harass minorities within the supposed safe haven for Muslims which Pakistan was but ironically all these principles went right out of the window along with the death of these Founders and with every consequent regime the laws were amended to be more and more discriminatory and hostile to the minorities and from this the infamous Law penalising Blasphemy was born. In sections 295(a), 295(b), 295(c) the crime of blasphemy and its punishments are defined which states that outraging religious feeling or defiling Prophet Muhammad would attract long terms of imprisonment that can extend up to life or even death penalty.¹⁸

Moreover, this offence is a non-bailable one with vague requirements of evidence for prosecutions thus making its misuse against Muslims and non-rampant by people. However, prosecutions of non-Muslims are disproportionately high under this piece of legislation and therefore they end up getting exploited under it the most. On September 2017, Nadeem Masih, a 24-year-old Christian from Gujrat, Punjab Province, is sentenced to death for allegedly sending messages which defamed the Prophet Mohammed via WhatsApp to a Muslim friend. He was initially accused of blasphemy on 10 July 2016.¹⁹

¹⁷ CSW (2018), Faith and a Future: Discrimination on the basis of religion or belief in education http://faithandafuture.com/wp-content/uploads/2018/02/Faith_and_a_Future_HR.pdf (visited 11th March 2020)

¹⁸ 8 BBC, 'What are Pakistan's blasphemy laws?', 6 November 2014 www.bbc.co.uk/news/world-asia-48204815 (visited 11th March 2020)

¹⁹ New York Times, 'Hindu Veterinarian Is Latest to Face Blasphemy Charges in Pakistan', 30 May 2019 www.nytimes.com/2019/05/30/world/asia/pakistan-blasphemy-law.html (visited 11th March 2020)

VI.II BANGLADESH:

Historically Bangladesh has always followed in the footsteps of Pakistan for always being hostile to its minorities comprising mostly of Hindus. Soon after its liberation in 1971 Bangladesh enacted the Vested Property Act which dispossessed a large section of Hindus of their ancestral property. Moreover, minorities like in Pakistan are poached, harassed, threatened and even mercilessly killed for allegations of blasphemy against them. Bangladesh is one of the fastest-growing economies in the world population-wise and being largely agrarian (precisely 17% of its GDP) most of its population is engaged in it. The Industrial sector contributing to about 29.61 percent of GDP is the largest employer sector-wise and has largely started to saturate and cannot accommodate any more workers and since there isn't much scope of employment in other sectors other than agriculture and Industries the economic opportunities are dismal.

Bangladesh's population has doubled from 70.88 million in 1974 to 159.80 million in 2011 and such pressure on resources its limited resources combined with the fact that most of its resources are controlled by the few rich and influential in the country leaving crumbs for the majority of its population. This inequality has led to a majority living in abject poverty mostly living below the global poverty line of \$1 a day set by the WHO. Faced with all these challenges the masses are left with no other option than to migrate to nearby states of India to survive and feed their families. Bangladesh's population has a higher proportion of working-age population when compared to its neighbouring South East Asian neighbours growing at a healthy rate of 3.39 percent per annum not having enough opportunities in homeland tend to migrate to make a living and utilise their skills elsewhere. Most of this migrant inflow has been absorbed by the North-Eastern states and West Bengal in particular.²⁰

The Border Security Force regularly intercepts these migrants and sends them back if they don't have the requisite papers to be in the country but since the numbers are ever-increasing and they are getting increasingly creative in figuring out ways to defeat BSF. Between July

²⁰ Population and Housing Census of 2011, , available at http://203.112.218.66/WebTestApplication/userfiles/Image/Census2011/Bangladesh_glance.pdf, accessed on December 18, 2015.

1974 and March 1975, approximately 39,000 Bangladeshis who were trying to enter India were intercepted at the border by the Border Security Force (BSF)²¹. Most Immigrants chose to cross illegally not because there are some strict restrictions imposed by India but rather its cheaper than getting a visa and ensures a longer stay to them since technically they are not bound by any restrictions like that of a visa.²²

VII. CRIMINALIZATION AND SECURITISATION OF IMMIGRATION:

Immigration has its advantages and disadvantages to the receiving country, and it should only be encouraged when former supersedes the latter and when it's the other way around it can have disastrous consequences for the receiving nation. India faces multiple challenges when it comes to receiving Immigrants being surrounded by Bangladesh, Pakistan and China on either side in North. United Nations Department of Economic Affairs (UN-DESA) in its report of September 2011 stated that "Bangladeshis form the single largest stock of International migrants in South East Asia".²³

Legal Immigration can be controlled and manipulated according to requirements, but the real problem is Illegal one which creates challenges for nations across the globe. India particularly faces the bulk of its illegal immigration from Bangladesh on its eastern Borders. This strip of Border with Bangladesh is very difficult to comb and monitor as it contains various natural terrains and thick forests that act as natural shields for immigrants crossing through and since most doing so prefer the illegal route due to its cost-effectiveness and combined with the paucity of equipment, funds and personnel with the Indian border security forces results in

²¹ "Reported Recent Influx of Refugees from Bangladesh into the Eastern Parts of the Country", Rajya Sabha, New Delhi, May 9, 195, in Avtar Singh Bhasin, India-Bangladesh Relations, Vol. I, New Delhi: Geetika Publications, 2005

²² "Reported Recent Influx of Refugees from Bangladesh into the Eastern Parts of the Country", Rajya Sabha, New Delhi, May 9, 195, in Avtar Singh Bhasin, India-Bangladesh Relations, Vol. I, New Delhi: Geetika Publications, 2005, p. 2390

²³] Manoharan, N. (2013). Illegal Migration from Bangladesh: Threat to India's Internal Security. Retrieved from <http://www.maritimeindia.org/article/illegal-migration-bangladesh-threat-india%E2%80%99s-internal-security.html>. (visited 12th march 2020)

the undocumented entry of a large number of Illegal Bangladeshi Immigrants into the country. Most of the incoming flow is received by the 7 North-Eastern states in the country irrespective of the fact whether they share a border or not. West Bengal is also not doing far behind in numbers when it comes to the receipt of illegal migrants.

This unexpected mass immigration starting from the colonial times has taken its toll on the economy and other facets of life in these states. Assam has undergone various rounds of violence over the century. During British era, Bengali Hindu Migrants had a monopoly in the region by controlling administrative and other professional jobs as well as their successive persuasion to the British to declare Bengali as an official language was resented by the Assamese as they saw it as the marginalisation of their culture, language and people in their own state so soon after Independence when native Assamese elite politicians came into power they declared Assamese as the official language removing Bengali and asserted their cultural dominance in the state by preferring Natives to Hindu Bengalis for Government Jobs, this created a rift between the two communities.²⁴

The former governor-general of Assam S.K. Sinha in his report submitted to the president of India in 1998 highlighted that Mass Immigration from Bangladesh was a threat not only to Assam but the entire Northeast Region. He stated that these Aliens were changing the demographic of the region and thereby there was a considerable chance that the natives of Assam and the other North Eastern States may be reduced to a minority in their own state. Moreover, infiltration by Muslim immigrants in the region was the chief cause of insurgency sprouting up in the region. These migrants were also putting a lot of stress on the already limited resources in the jobs along with increased competition with locals for low-end jobs in the region. Another consider threat looming over the country is that these migrants were settling in the Lower Assam region of the state increasingly and if not controlled insurgency would prop up and demand the separation of such region from India and its merger into

²⁴ Myron Weiner, "The Political Demography of Assam's Anti-immigrant Movement", Population and Development Review, Vol. 9, No. 2, June 1983, pp. 283-84.

Bangladesh and Bangladesh being an Islamic state having no regard for democratic values might aid these insurgents in their dubious actions.²⁵

The Supreme Court while hearing a Public Interest Litigation in 2001 expressed its concern on this issue and stated that Bangladeshi Migrants are eating “are eating into the economy of the country, and to a large extent, have become a security threat”. The bench also criticized the Union Government for being indifferent to resolve the issue and recommended that the government take exemplary steps to tackle the illegal migration, including deportation. In the petition, it was alleged that over one crore (10 million) Bangladeshi migrants had illegally crossed over to India and were causing a severe strain on the resources of West Bengal as well as the North-eastern states. The case sought a direction from the apex Court to the Union Government to identify these Bangladeshis and deport them with the help of agencies such as the National Human Rights Commission (NHRC).”²⁶

The Government of India realised the gravity of the situation after the Chinese Aggression of 1962 where The Indian Army retreated in some regions without even firing a shot and Assam was left unprotected. In some districts of Assam, a large number of Muslim migrants from then East Pakistan showed White and Pakistani Flags and successfully averted Air Strikes over them. This is when India realised the gravity of the threat Immigration of these Muslim Immigrants In the region and then prime Minister had to issue a public apology on AIR before resigning from his position in a bid to win back some of the lost trust of people of the region in India and its government after the disastrous turn of events in the region. After this rude wake upcall, the government initiated many measures to curb this menace by detection and deportation of these Aliens with varying degrees of success.²⁷ Initially, the government implemented PIP and PIF which stood for Prevention of Infiltration of Pakistanis and Prevention of Infiltration of Foreigners respectively soon after the creation of Bangladesh in

²⁵ South Asia Terrorism Portal. (n.d.). Retrieved from http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/illegal_migration_in_assam.htm.

²⁶ Shamshad, Rizwana. (2012). Politics and Origin of the India-Bangladesh Border Fence. Retrieved from <http://artsonline.monash.edu.au/mai/files/2012/07/rizwanashamshad.pdf>

²⁷S.s. Das “ AN INQUIRY INTO THE PROBLEM OF ILLEGAL MIGRATION FROM BANGLADESH AND ITS IMPACT ON THE SECURITY OF INDIA”, (IJRSSH) 2013, Vol. No. 2, Issue No. IV, Oct-Dec,Pg 5

1971 and established a dedicated Border Protection Force to Aid the implementation of these schemes. Meanwhile, Islamic radical groups were being formed and operated from the region as well as Bangladesh for the sole purpose of Islamification of the Districts bordering Bangladesh and eventual cessation of the same through Jihad. These militant groups receive training and arms in Bangladesh and operate out of Bangladesh, Muslim Majority Areas in the North-eastern States and Bhutan. There were even reports of Madrassas in the region brainwashing and training young Muslims minds to fight for the cause. The funding for these outfits either came from hawala transactions from Pakistan and Bangladesh and support from Rich influential Muslim Traders in the region.²⁸

The National Register for citizens was first formulated and implanted in 1951 right after Independence but it was further updated after the Assam Accord was signed by the governments of Assam and India, and the All Assam Students' Union (AASU) and the All Assam Gana Sangram Parishad in 1985, after a six-year mass movement made such move mandatory for identification and deportation of all illegal Bangladeshi migrants from the state of Assam. In pursuance, the Accord the foreigner's tribunal was set up in 1985 and it declared 29000 people as illegal migrants in its first year of operation alone. The Assam Accord essentially declared that a resident of Assam is an Indian citizen if she could prove her presence, or an ancestor's presence, in Assam before March 25, 1971. That is the cut-off date for NRC.²⁹

The Updating and implementation of NRC were taken over by a supreme court-appointed committee in 2013. The latest updation exercise mandated the state's 33 million residents to prove their citizenship through the required documents by verifying their residence in the state and Nationality prior to March 24, 1971. The updated final NRC was released on August 31, 2019, where over 1.9 million applicants failed to make the cut³⁰.

²⁸ Ibid 26 , Pg 6

²⁹ <https://indianexpress.com/article/explained/explained-citizenship-amendment-act-nrc-cao-means-6180033/>

³⁰ <https://www.business-standard.com/about/what-is-nrc>

The Government apart from Administrative measures also implemented stringent military measure in the regions to root out militancy all through the 1980s and 1990s. The government has continuously raided villages of Assam in the bordering districts and recovered seditious speeches and other material along with ammunition for guns and other supplies. The government has also used its diplomatic channels to pressurise Bangladesh into stemming this menace from its side and it has worked to an extent as Bangladesh has cleared a large number of terrorist launchpads that were in its soil in order to improve relations with India. The Indian Government also made strides by preventing an area between Assam and West Bengal that is basically the link between the North East and the rest of the country from being taken over by these terrorists.³¹

VIII. CONCLUSION:

India as a nation is very liberal in its approach towards immigrants. We as a nation historically have been very welcoming towards anyone who seeks refuge and comes in peace and good faith. These principles were also imbibed in our constitution when we adopted it in 1950 after Independence. But in this modern globalised world, every sovereign country has the authority to do whatever possible to work for the welfare of its citizens and protect its economy. Even after independence in our nascent stage, we were often exploited by the citizens of neighbouring states for their own benefits working absolutely against the interest of our own ones. Our Borders have been relatively porous and our attitudes easy-going towards these migrants.

We don't follow the harsh practices that other developed economies of the world follow in similar scenarios but its high time we enforce some stringent measures in place to stem and control the irregular flow of these Aliens The fencing along the entire India-Bangladesh border should be completed as early as possible and a very high-security alert should be maintained along the entire border. People must be made aware of the ill-effects of the illegal migration to arrive at a national consensus. The same can be done through better

³¹ Ibid 26, pg 7

infrastructure investments, State of the Art Equipment, developing humane but effective measures to deal with illegal irregular migrants etc the registration of citizens should be made compulsory by law.

But above all, there must be a strong political will of the Union Government, the State Governments and all the political parties to save the country from the menace of the illegal migrants, otherwise, it will completely destroy the political, economic and social stability of not only the North-east, but of the whole country. Global Islamophobia should be avoided at all costs and deserving candidates should be welcomed into the society.

Moreover, better supervision to check corruption and morale-boosting sessions as well as ensuring that our soldier's who protect our borders needs are well taken care of can-do wonders to the situation.