

Issue of Bangladeshi Immigrants and the Importance of NRC in Assam

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Abstract

Illegal Bangladeshi Immigration is one of the biggest problems in Assam, as it has led to the serious demographic changes. Census data shows the rapid increase of Muslim population (30.9 % in 2001 to 34.2% in 2011). In 2001 six (6) districts were Muslim dominated but in 2011 it increased to Nine (9) districts. Due to illegal immigration, Indigenous people are facing existential threat. All Assam Students Union (AASU) and many other organizations have been demanding the National Register of Citizens (NRC) upgradation to identify genuine Indian citizens so that action can be taken against illegal immigrants. From the last four (4) decades politics of Assam revolves around the Bangladeshi issue. All the above factors have made speedy upgradation of NRC a vital issue. Further it has been assumed by many as a major way to solve the problem. Accordingly with the direction of Honourable Supreme Court the first draft of NRC was published on 31st December 2017 by covering almost 1.9 crore people of Assam out of 3.29 crore applicants. It has been expected that final draft will also be published within a year. Therefore the process of NRC upgradation and its consequences has assumed as an importance topic of discussion at various levels. The basic objective of this paper is to discuss the importance of NRC up gradation in resolving the issue of Bangladeshi immigrants.

Key Words: NRC, Illegal Immigration, Bangladeshi, Assam

Introduction

Illegal immigration, particularly from Bangladesh, is a major issue in the society and politics of Assam from the last four decades. The Bangladeshi immigration in Assam started in 19th century itself with direct or indirect patronage of the colonial rulers. If we trace back to the historical facts it can be seen that farmer migrants

from Bengal districts of Mymensingh, Pabna, Bogra and Rangpur continued to come in small numbers. But with due course of time this migration took the form of large scale influx into the Brahmaputra Valley. The intensity of the issue can be realized from the government reports like the 42-page Report sent by former Assam

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Governor, Lt. Gen. (Retd.) S.K. Sinha to President K. R. Narayanan in 1998 which created a sense of insecurity in Assam as it firmly stated that-

“the influx of illegal migrants is turning the lower Assam districts into a Muslim-majority region. It will only be a matter of time when a demand for their merger with Bangladesh may be made.... The loss of lower Assam will sever the entire land mass of the Northeast from the rest of India and the rich natural resources of that region will be lost to the nation.”(Namrata Goswami, ²⁰¹⁰)

Census of India data shows the abnormal rise of East Bengal origin Muslim population in various districts of Assam. This population explosion of Bengali speaking Muslims also led to the rapid demographic change in Assam which creates existential threat to the local inhabitants of Assam. For example in 2001, six (6) districts were Muslim dominated but in 2011 it increased to Nine (9) districts. Census data shows the rapid increase of Muslim population from 30.9 % in 2001 to 34.2% in 2011(Times of India, January 22, 2015). It is pertinent to view that the Bengal immigrants and their descendant furnish about seventy seven percent of Assam’s Muslim population. They were termed as *Mymensinghias* which later became synonymous with immigrant as eighty five percent of them came from Mymensingh. However Muslims who settled in Assam in the 13th century itself are regarded as Assamese Muslims. Here, we need to mention that

this illegal Bangladeshi includes Hindu Bangladeshis also.

Here, it is important to note that there is no official statistics on the exact number of illegal Bangladeshis in India in general, although some unofficial estimates put the number at 20 million. Similarly, there is no concrete data on the number of Bangladeshi migrants in Assam specifically, although in 2005, former Assam Governor, Lt. Gen. Ajai Singh reported that almost 6,000 Bangladeshis enter Assam every day. According to the United Nations Department of Economic and Social Affairs (UNDES) Report (,) around 3.2 million (32 lakhs) Bangladeshis entered and settled in India. The UN termed this phenomenon as a single largest stock of international migrants in the Eastern Hemisphere.

Therefore it is very crucial to identify the number of illegal Bangladeshi immigrants not only to take action against the present illegal Bangladeshi immigrants but also to restrain further infiltration. Hence upgradation of National Register of Citizenship (NRC) is an immediate need. Thus the basic objective of this paper is to study the issue of Bangladeshi immigrants and the NRC upgradation in Assam. This area of study has been chosen because because of its significance in the contemporary time.

Genesis

If we go back to the historical roots of immigration, it is pertinent to mention here that the colonial rulers patronized migration

at the earlier stage and they termed it as “farmer migration.” Assam, which had a lot of waste and fallow land, began attracting Muslim peasants and cultivators from the East Bengal districts of the Bengal Presidency as early as 1891 (Bose, 1989). It is noted that despite the long-standing congestion of population and scarcity of land, the mass migration of Bengalis to the Assam valley was first reported in the 1911 Census (Davis 1951). Further the number of Muslims in Assam, except Sylhet, was 5, 03,670 in 1901 and it raised up to 18, 46,457 on the eve of partition. Thus the data shows the rapid decadal growth of Muslim population in Assam in fifty years which, of course, included natural growth of population also.

Here it is also necessary to refer to the role of Muslim League in post 1937 in the politics of Assam after the United Muslim Party under the leadership of Saadullah formed a government in Assam. This government pursued a policy of patronizing Muslims immigrants throughout the period between 1939-41. The Saadullah government allotted one lack bighas of land in the Assam Valley for the settlement of East Bengal immigrants to uphold that the immigrants were mostly landless and the only solution was to provide them with available lands.

The influx of immigrants didn't stop at that time but further continued even after independence. After 1971 the religious and linguistic profile of Assam underwent a marked change. The Muslim population grew steadily from 24.56% in

1971 to 28.43% in 1991 to 34% in 2011. Number wise from 1951 to 1971 the Muslim population grew by 16 lacks or 80,000 per year; from 1971 to 1991 by 27.81 lacks or 1, 39,000 per year; from 1991 to 2001 by 18.67 lacks or 1, 87,000 per year; from 2001 to 2011 by 26 lacks or 2, 60,000 per year, the highest rate of increase in India (Pranjit Agarwala, 2018). Here it is important to mention that according to a report the 1996 Bangladesh population census report found 8 million (80 lacks) persons missing or unaccounted for in the country.

It is often accused by the people of Assam that politicians in Assam are not taking adequate measures to resolve influx of the illegal migration as some political parties are incline towards such activities for “vote bank” politics. Here we can cite the examples like the first voter list discrepancy in Assam which was noticed way back in 1979 when 45,000 illegal migrant names were found in the Mangaldoi Assembly election voters' list. From 1994 to 1997, 57 out of 126 constituencies in Assam showed an increase of 20 per cent in the number of voters whereas the all India average was 7.4 per cent for the same period. This rather unnatural increase in the number of voters in Assam is perhaps due to the addition of names to the voters' list through dubious means.

Demand for NRC

The demand for NRC upgradation for the first time came from All Assam Student

Union (AASU). Assam movement (1979-85), the longest student movements in the history of India, led by AASU on the demand of identification and deportation of Illegal Immigrants (Aboidha Bideshi) and particularly against the Illegal Immigrants from Bangladesh. AASU and other organizations were in favour of deporting the immigrants irrespective of religion (Hindu or Muslim). As an upshot in 1985 Assam Accord was signed between the leaders of Assam movement and the then Prime Minister of India Rajiv Gandhi. Their key demands were- detection of foreigners and their deportation, NRC upgradation in Assam and sealing the Indo Bangla borders. The Assam Accord of 1985 stated that anybody settled in Assam from Bangladesh after March 25, 1971 is not a citizen, but an illegal migrant. This provision of the Accord has not been implemented properly and has therefore failed to change the nature of Bangladeshi immigration into Assam. Though after Assam Accord, Asom Gano Parishad was formed under the leadership of AASU leaders and came to power in 1985 Assam Assembly elections, but they failed to tackle the issue of Bangladeshis. It is because of the lack of interest and will of the State as well as Centre governments. However AASU and other organizations like Asom Jatiyatabadi Yuva Chatra Parishad (AJYCP) were demanding the full implementation of Assam Accord and the deportation of Illegal Bangladeshi Immigrants and in several times they sat for meeting with respective state and union governments after 1985.

It is also essential to state the central government's decision to set up the Illegal Migration (Determination by Tribunals) Act, 1983 (IMDT) on December 12, 1983 under an act of Parliament in order to tackle the issue of illegal migration into Assam which was applicable only to the state of Assam. According to the IMDT Act anybody settled in Assam before March 25, 1971 was a legal citizen. Whereas, for the rest of India, the cut-off date for acquiring Indian citizenship is July 19, 1948. Apart from that the IMDT Act provided for some discriminatory status for the state of Assam. Such as the Act laid the obligation on the complainant rather than on the accused to prove the latter's citizenship status. In contrary to that the Foreigner's Act, 1946, lays the responsibility on the accused. This led to the failure of the IMDT Act to effectively identify and deport illegal migrants.

Later on, a three Judge Bench of the Supreme Court on July 12, 2005, ruled that the IMDT Act "created the biggest hurdle and is the main impediment or barrier in identification and deportation of illegal migrants." The Bench also pointed that despite the fact that out of 310,759 cases under the IMDT Act, only 10,015 persons were declared illegal migrants and among these, only 1,481 were physically expelled as of April 30, 2000. In contrast, under the Foreigners Act, 1946, West Bengal, which also has a huge influx of illegal Bangladeshi migrants, has deported nearly half a million till date. The Bench held the Act unconstitutional and stated

that it contravened Article 355 of the Constitution. It can be referred that Article 355 of the Indian Constitution entrusts upon the Union of India the duty to protect every state against “external aggression and internal disturbances”. Further the Supreme Court also directed the setting up of fresh tribunals under the Foreigners Act, 1946 and Foreigners (Tribunal Order) 1964.

The effectiveness of these legal mechanisms to deal with the issue is however under suspicion. It has been reported that about 12 lakh Bangladeshi nationals have entered India legally with visas till the date but have subsequently vanished without trace. This reflects the inability on the part of law enforcement agencies to perform the tasks of detecting and deporting these Bangladeshi citizens.

In 2005 Assam government announce its decision to update NRC. In the year 2010 pilot project was launched by covering Barpeta and Chhaygaon Assembly constituencies. The project was successfully completed in Chhayogaon, but in Barpeta it had to be called off after the violent protest of All Assam Minority Student Union. While organizations like AASU were demanding the NRC update at the earliest. Till Supreme Court intervened, the performance of ruling government is always reported to be slow. Only with the involvement of the honorable Supreme Court the process of NRC upgradation picked up little pace in recent days.

Recent Development:

The first draft of NRC was published on 31st December 2017 with the direction of Honourable Supreme Court by covering almost 1.9 crore people of Assam out of 3.29 crore applicants. It is also expected that the next and final draft will also be published within a year. But a sense of fear is seen among the both Bengali speaking Hindu and Muslim community in Assam regarding NRC. In Barrak valley which is a Bengali dominated region, even various political and non-political organizations are protesting against NRC. It may be because of failure of government to convey to the people that legal Indian citizens have nothing to worry about it. So there was a panic among the people. Despite the Supreme Court intervention vested political interest attempts to delay the NRC to protect their respective vote banks continue as evident from the misleading statements of the first draft of NRC on 31st Dec, 2017. There also false propaganda among Muslims and the Hindu Bengalis that it was a ploy against them.

In this process the role of the West Bengal Chief Minister, Mamata Banerjee is vital to state here as on January 2nd, 2018 she accused the BJP led central Government of hatching a conspiracy to drive out Bengalis from Assam by excluding their names in the first draft of NRC. She also added that this is a conspiracy of the Central Government to drive out around 1.80 crore people from the state. Through this statement she

conveyed deceptive messages to the people as stated by many. Further on 4th Jan, 2018, the MPs of Trinomool Congress in support of Mamata Benarjee's statement, raised protests in both inside and outside the parliament. As a consequence in Assam also, particularly in Barrak Valley, various political and non political organizations (The Citizens Rights) raised protest against NRC.

In this regard it is also keen to observe the reactions of political leaders of various political parties. On 7th January, Assam Pradesh Congress President Ripun Borah said, the statement of Mamata Benarji on NRC upgradation in Assam is immature, unwanted and not based on fact. He further added that they never support her on this issue. However on 8th Jan, 2018, the Cachar District Committee of INC (Indian National Congress) protested against the absence of 70 percent names of the people of Barrak Valley in the first draft of NRC. Further the Silchar Congress MP Sushmita Deb said that the list had around 60-70 percent names of Brahmaputra Valley citizens whereas only 30- 35 percent names of Barrak Valley citizens which clearly reveals the step motherly attitude of the State government.

Asom Gana Parishad, present ruling coalition party which was formed on the demands of deportation of Bangladeshis, is in favour of NRC update on the basis of 25th March 1971 as a deadline (According to Assam Accord). They even threatened their ruling alliance partner BJP to snap ties with the Government if the

Centre pushes for passage of the Citizenship (Amendment) Bill, 2016 which seeks to grant citizenship to Hindu Bangladeshis, who have entered Assam illegally post 1971 period.

Opposing the Citizenship (Amendment) Bill, 2016, former Chief Minister Prafulla Kumar Mahanta has said that Assam will suffer the most if the Bill is passed. Mahanta conveyed this to Prime Minister Narendra Modi and he explained that the root cause of the problem in Assam is non-implementation of the Assam Accord. He opined that updating of the NRC will solve the foreigner's problem to a great extent. For him, steps should be taken to prepare a correct NRC, though he also highlighted the fact that in this regard a major problem is that neighbouring countries refuse to take back those who are declared as illegal migrants. For that reason it is necessary that India should sign bilateral agreements with neighbouring countries to take back those who are identified as their citizens, he stressed. Mahanta also dismissed as insignificant the missing of names from the draft NRC. He also argued that seen in case of voter's list, sometimes names are dropped or misspelt which can be certified.

Apart from political parties it is important to discuss the role student organizations like AASU who has been fighting for the long standing demand for NRC upgradation. They are always in the forefront of the demand for an error-free NRC. The AASU chief adviser

Dr. Samujjal Kumar Bhattacharya in an interview, clearly stated that no Bangladeshis whether Hindu or Muslim, who came to Assam after 1971 will be allowed to stay in the state. He also showed his disappointment on the Citizenship Amendment Bill and added that they strongly condemn this bill as the Central government is framing for the interest of settlement of Hindu from Bangladesh in the state and it is purely unacceptable to the people of Assam. Instead Dr. Bhattacharya urged the government to deal the ongoing NRC upgradation process sincerely and not to allow anyone to include the names of illegal foreigners in the NRC. Similarly the AASU general secretary, Lurinjyoti Gogoi, commented on the statement of Mamata Banerjee on NRC issue as 'disrespectful' and 'unfortunate' and said that being the chief minister of a state she should not have made such politically motivated statements to create division between the Assamese and Bengalis of the state.

The statement of Akhil Gogoi, the leader of Krishak Mukti Sangram Samiti (KMSS) is also significant. He is strongly opposing the Citizenship (Amendment) Bill, 2016 which is for giving all the rights of the citizens to Hindu Bangladeshi immigrants," accordingly Gogoi also announced the launch of a movement for a peaceful completion of a "true" National Register of Citizens (NRC), so that no untoward incident took place after publication of the final list.

Bharatiya Janata Party's stand on NRC is rather interesting to discuss. Expressing dissatisfaction at Mamata Banerjee's comment, Irrigation Minister of Assam Ranjit Dutta today said that NRC officials in Assam have put a lot of hard work in making NRC a success. He further added that Mamata Banerjee being an outsider should not comment on NRC as she is not aware of the prevailing situation in Assam. For Bharatiya Janata Party, Mamata Banerjee's statement is an insult to the Constitution and the Supreme Court. In this regard Kailash Vijayvargiya, the BJP national general secretary in charge of West Bengal said that Mamata's comment was part of her 'sinister political motive.

On the other hand Tarun Gogoi, the former Chief Minister of Assam said that instead of installing confidence in people, the first draft of the National Register of Citizens (NRC) has created confusion and doubts and divisions among people of Assam. He also added that unless voters' lists are corrected, the NRC update alone cannot solve the problem of illegal immigrants. He called it a part of BJP's divisive policies.

It is important to cite here the views of political parties like All India United Democratic Front (AIUDF) on NRC whose support base is basically dependent on Bengali Muslims. The AIUDF president and Lok Sabha MP from Dhubri, Badruddin Ajmal, stated that his party wants all the Bangladeshis, who came into India illegally after 1971, to be deported.

He urged to all the people to maintain peace as the genuine citizens would definitely find their names in the second list. Ajmal further added that even if some people do not find their names in the second list too, there are other legal recourses available. For that he asked people not to get panic as the entire process is being monitored by the Supreme Court impartially. However, he didn't forget to highlight the fact that if the local officials get biased, it is a different thing. Thus, he requested the apex court to direct the officials concerned to expedite the process for the second list.

Apart from all the above discussion the role of present Assam Government is very crucial. Referring to the issue Assam Chief Minister Sarbananda Sonowal said that all those excluded in the first National Register of Citizens draft should not worry as no one will be discriminated against on the basis of caste, community and will be given opportunities to prove citizenship. In additionally, Sonowal also said that a mechanism has to be devised "humanely" by the central government on what to do with those who are found to be illegal immigrants after finalization of the National Register of Citizens (NRC), a list of the state's citizens. He clearly stated that there is no question of discriminating against anyone whether he or she is a Hindu, Muslim, Bengali or Nepali and no one will be victimized on the basis of caste and community. He also asserted that the government will give opportunities to everyone to prove their citizenship so that

their names could be incorporated in the subsequent drafts of the NRC. Instead the chief minister stressed that NRC has given an opportunity to segregate the bona fide citizens from illegal immigrants and it is a "win-win situation" for those who have been living under the stigma of "suspected illegal immigrants" for the last four decades. Therefore the statement of the chief minister carries significant importance to all the misunderstandings and confusions.

Conclusion

From the discussions above we can summaries that the whole issue NRC upgradation bears significance to the society and politics of Assam. The first thing which can be highlighted through this paper is that undoubtedly the people of Assam are facing serious problems from immigrated people basically from Bangladesh which led to massive demographic changes. Because of political motives this issue never been addressed properly to bring a conclusion to this problem. Therefore suffering of people still continues. Secondly a major portion of the state of Assam is demanding the identification of illegal immigrants so that real citizens can enjoy their due rights and the illegal immigrants can be prevented to get any kind of facilities and further encouragement to any such kind of activities. All political parties along with the student organizations are demanding error free NRC upgradation. Fortunately with the involvement of the honorable Supreme Court this is about to

become the reality in coming days which has assumed as a ray of hope for all the people of Assam. Whereas there is dissatisfaction among people regarding to Citizens Amendment Bill (2016) as it favours Hindu Bangladeshis. NRC is for identification of all illegal immigrants to facilitate legal citizens with better living conditions. But any bilateral talk on Illegal Bangladeshi Immigrants between India and Bangladesh is yet to take place. Therefore deportation of immigrants is still a distance dream and may even continue after the complete of NRC upgradation.

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