

## **Immigration in Assam: A Historical Perspective**

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**ABSTRACT :** Assam, a state in the eastern part of India is full of ethnicity, cultural enrichment as well as natural resources. Since the annexation of the Iyandabu treaty between the British and the Burmese (Myanmarese) in 1826 the state went under the British rule till independence. The British rulers used Assam as a land frontier and for their colonial interests encouraged immigration in large scale from different parts of India, particularly from then East Bengal. This was the beginning as found historically proved and since then the state has been facing the menace of immigration from this bordering area (now, Bangladesh) which has posed now even as a challenge of protecting 'self-identity' for the Assamese people. The six year long famous 'Assam Agitation' is the outcome of this crisis, as a result of which 855 youths of Assam had to become 'martyr' and finally, the 'Assam Accord' was signed between the 'All Assam Students' Union' (AASU) and the Centre on August 14, 1985. But, even after 29 years of the accord, nothing has been fruitful as expected. The Supreme Court of India by a recent judgment has brought a new ray of hope to the mind of the people of Assam in particular and India in general that this time with proper update of 'National Registrar of Citizens' (NRC) and proper sealing of border the issue will be solved forever and the Assamese people as well as culture will be protected.

**KEYWORDS:** Immigration, Bangladesh, NRC, Assam Accord, Assamese, AASU.

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### **I. INTRODUCTION**

Assam, a state in the eastern part of India is full of ethnicity, culture as well as natural resources. The people here are considered to be simple in nature, broad minded and guest-friendly. But, these people now have to think about protection of their own 'identity' due to illegal immigration particularly from bordering Bangladesh.

**Immigration In Assam : The Beginning Era :** Immigration in Assam began only after the annexation of Assam in 1826 as per Iyandabu treaty between the British and the Burmese (now, the Myanmarese) as a result of which Assam went under the British Rule. The British rulers treated the then Assam as a land frontier and encouraged large scale immigration from the other parts of India, particularly from East Bengal to suit their colonial interests. During Saadullah Government (1937-46) too immigration from East Bengal was continued. This illegal immigration and the Line system, also the land settlement issues were raised in the assembly during 1920-1940. Unfortunately, the immigration still has remained in the state as a serious problem. After British's departure, Jawaharlal Nehru's liberal policy for the East Pakistan immigrants created a continuous havoc for the state. The situation became worse after formation of Pakistan. Unlike the western border, eastern border was not guarded by Indian force properly, in stead left open. The then Assam's premier Gopinath Bordoloi's demand for inner line permit system for the state was rejected by the centre, instead Assam government was told to allow the East Pakistanis to enter the state. The state government was warned about non-sanctioning of central funds if centre's 'decision' was not obeyed. Later in 1964, the state Congress Parliamentary party though demanded complete sealing of the Indo-Pak borders, but it was to no avail. Assam Border Police was replaced with the Border Security Force along the Eastern border in 1965 in the aftermath of Indo-Pak war. Yet, large scale migration from populous East Pakistan continued. As a result, during 1951-1971 Assam's population increased 34.95% against normal rate of 19.93%. However, Nepal and other parts of India also added to the woes of immigration.

Bangladesh was born out of East Pakistan as the aftermath of Bangladesh Liberation War, 1971 with the help of Indian Army. Millions of East Pakistani refugees those entered Assam during the Liberation war were not repatriated by the Indian Government after the war. Muzibur Rohman, the first prime minister of Bangladesh refused to take back the pre-war infiltrators. And still infiltration continues, still Bangladesh border is not completely sealed.

**Assam Agitation, Assam Accord Etc. :** During 1971-1991 Assam's population increased at the rate of 52.44% . As the future of the Assamese people was seemed dark due to increasing immigration, the All Assam Students Union (AASU) undertook an anti-foreigners movement better known as ' Assam Movement' during 1979-1985 to pressure the centre to detect and deport the foreign nationals. During this movement a total of 855 Assamese youths became 'martyr'. It is believed, primarily for the same reason i.e to outster these illegal immigrants 'United Liberation Front of Asom'(ULFA), an armed organization later known for fighting sovereign Assam was formed. However, due to an erstwhile 'Treaty of Peace and Friendship' between India and Nepal allowing free movement of citizens between both the countries along with the right to settle, the less numbered Nepali nationals were ignored. As per 6 and 7 clause of Treaty of Peace and Friendship between the Government of India and the Government of Nepal signed in Kathmandu on July 31, 1950 free movement of people and goods between the two nations is allowed . It would also be worth mentioning here that as per Treaty of Friendship between Bhutan and India on August 8, 1949 free trade and extradition protocols among the two nations were established for which Bhutanese nationals coming for trade purposes are not treated as immigrants.

The centre enforced the 'Illegal Migrants (Determination by Tribunals)/IM(DT) ACT' in 1983 which in turn helped the illegal foreigners. More than 855 Assamese youths became martyrs in the name of protecting Assamese nation and the movement came to an end with 'Assam Accord' in 1985. There was no any fixed time period for implementation of the Assam Accord. The then AASU leaders drafted the accord and signed in the night of 14th August, 1985; but it left many drawbacks. The Assam Accord set 25th March,1971 as the deadline for detection as well as deportation of the illegal immigrants. The Accord had legalized the immigrant entering Assam during January 1, 1966--25th March 1971.To legalize the immigration to India on or after January 1966 but before March 25, 1971; Citizenship Act, 1985 was also amended. Surprisingly, the Constitution of the country has not been amended yet to subscribe 25th March 1971 as the cutoff date to evaluate the citizenship of India and Bangladesh. However, a few 'Hindu Bangladeshis' are treated as 'refugees' in the state by the centre and as per latest rule by centre these refugees will be issued long term Visa initially for five years allowing study, even doing private company job.

**Steps taken by Government :** Two Prime Minister level meetings with AASU and the state govt. in the last 29 years after signing the accord in search of a permanent solution of the immigrants problem. Only in 2005 the IM(DT) Act was scrapped by the Supreme Court .On the other hand, after 1951 till date the National Registrar of Citizenship(NRC) has not been updated in Assam. Only 33 out of 36 Foreigners Tribunals constituted in the state under the Foreigners (Tribunals) order,1964 are functioning to dispose off more than 2, 37,000 registered cases. During 1985-2012 the Foreigners Tribunals have disposed 73062 cases. Out of these cases, only 61,774 persons have been found foreigners and interestingly just after identification they 'disappeared'. Finally, till December, 2012 a total of 2,242 foreigners only were deported. The Centre asked the State Government to dispose off the pending 2.37 lakh cases within a span of two months and for this the state government demanded setting up of 64 more tribunals.

After Gopinath Bordoloi, Bimala Prasad Chaliha's ministry also took a strong stand against the immigrants. The Chaliha's ministry during the period 1964-1967 implemented the Prevention of Infiltrators (from Pakistan) programme (PIP) and succeeded in identification of 2, 40,000 immigrants as well as deportation of 1, 90,000. However, the governments in Assam after Chaliha's ministry are seemed somehow 'weak' in regard of solving the illegal migrants issue and have been seen just lingering the process as part of politics. Late Hiteshwar Saikia, former chief minister of the state once stated in 1983, that that number of illegal immigrants in Assam was 3 million, but surprisingly later denied. On the other hand, former Union Home Minister Indrajit Gupta in 1997 stated in Parliament the number as 4 million while in 2004 Sri Prakash Jaiswal, the then Union Minister of State of Home Affairs informed the number as 5 million. Infiltration still continues from the poverty striven and populous Bangladesh, along the border, adding woes to Assam. As per 2011 census data, Assam's population is 31.1 million ; no doubt with the increasing infiltration which is surely a serious matter regarding protection of identity of the indigenous people here and their economy.

### **How to Protect Assamese People, Culture ?**

Assam Accord's clause 6 deals about constitutional safeguard to the Assamese people and culture but, forget about 'safeguard'; even the definition of 'Assamese people' has not yet been finalized after formation of a ministerial committee in the state way back in 2006.. The char-chaporis of the state, other government land, tribal people's area as well as lands of National Wildlife Sanctuaries/ forest reserves, and satras have been seen widely encroached by these immigrants. Only Assam has to face such a situation in the country except an amount by

Tripura. The immigration has affected a lot on agricultural lands. Also, high growth of migrated population has affected the state economic resources very badly. Against national average of 382, according to 2011 census Assam's population density is 397 which proves that still the indigenous people are losing their land in the hands of these illegal migrants. The second phase of the anti-Foreigners movement got mobilized in Assam after the BTAD clashes in September, 2012. AASU with active support of all the ethnic student bodies of Assam, also with support from NESO (North East Students Organization) had started the Anti-Foreigners agitation again and demanded expulsion of all illegal immigrants from the entire North Eastern region. But, this time too centre has not hold any diplomatic talks with Dhaka in this regard.

**Supreme Court Judgment: A new hope :** On December 17, 2014 a two-judge bench comprising Justice Ranjan Gogoi and Justice RF Nariman Supreme Court of India passed a 70-page judgment referred Clause 6A of the Citizenship Act to the Constitution Bench besides giving a slew of directions to the centre as well as the state for immediate implementation of certain aspects of Assam Accord concerning a bunch of writ petitions filed under Article 32 of the constitution, by the Assam Sanmilita Mahasangha, All Assam Ahom Association and others, relating to the issue of illegal Bangladeshi migrants in Assam. The SC also has set the deadline for finalization of final updated 'National Register of Citizenship'(NRC) by January, 2016. The bench also observed that while almost 1,50,000 people were deported between 1961 and 1965, under the Immigrants(Expulsion of Assam) Act, 1950, the number of deportation from 1985 till date is stated to be a mere 2,000 odd.

Earlier, on September 24, 2014 the SC directed the Assam government to revise its earlier proposed time limit of three years i.e December, 2016 for updating the NRC and wanted complete update within February/March, 2016. Of late, Preparatory works are directed to be completed by January, 2015. The SC has also given instruction for identifying immigrants entering during 1966-1971 and also to deport the post 1971 immigrants. A total fund of Rs. 288 crores, at the instruction of the SC has already been sanctioned by the centre for the purpose. The update will be based on NRC, 1951 and all the voters' list upto 1971 as demanded by organizations like Assam Public Works and Asom Sanmilita Mahasangha, AASU etc and the SC will strictly monitor it. The SC has also directed the centre to hold talk with Bangladesh to initiate steps for deporting the immigrants identified by the tribunals. If everything happens as expected, to some extent the people of Assam will be able to get relief from the menace of long-standing menace of immigration. The centre has initiated steps for fulfilling the Indo-Bangla Land Swap Agreement for settling of altogether 665 acres of land under adverse possession of both the countries with a 'hope' to curb further infiltration from Bangladesh. With this pact, Assam will regain 397.5 acres and Bangladesh will get 267.5 acres of land. It is stated by the centre that this agreement will also help in ensuring erection of fencing works on the Indo-Bangla southern border along Karimganj district. As Assam shares a total of 263 km border area(143.9 km land, 119.1km river line) with Bangladesh of which only a part has been fenced and floodlight system has been initiated; fencing of the remaining areas along with floodlight system is seemed as the need of the hour. However, as a full proof process the boundaries of Bangladesh with Tripura, West Bengal as well as Meghalaya, Mizoram are also to be sealed soon completely.

## II. CONCLUSION

Sealing of the border completely and strict vigilance therein, updating of NRC based on 1951(according to AASU and some other bodies 1971), a treaty between Bangladesh and India regarding the issue will surely help to solve the issue. However, both Centre as well as State Government's political goodwill will be of utmost importance in this regard. Otherwise, the centre have to redistribute the illegal migrants of Assam to other parts of the country too to safeguard the Assamese people and their indigenous identity as well as economical interest.

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