

Religion and Influx, Indian Immigration Policies

Prateek Srivastava.

UNIVERSITY OF CINCINNATI
CINCINNATI, OHIO, USA 45220

Corresponding Author: Prateek Srivastava

ABSTRACT: Someone said “movement is a way towards a new world”, these movements are indeed a source of new infusion of power, energy and also a sense of world togetherness. But movement is not always of good kind, or in a way originates from a good reason. What if a person's identity leads to his movement, this is not a very uncommon thing as this particular identity aspects is there since the birth of mankind, but what if the similar identity becomes the biggest hurdle in one's movement and also acceptance, to survival, to rights, to development. What may happen to these people who are moving from one place because of a traumatic reason and the host-land is as unsafe and unaccepting as the homeland. When this very identity is a person religion it is indeed a hard way to survive any movement as this mark of religion never leaves. This paper will discuss the effects of religion on Immigration and Immigration policies in India, Pakistan and Bangladesh. How religion drives the initial movement from one nation to another and how does the host-nation reacts on accepting them. In this paper the main focus is to discuss religion related immigration from countries Bangladesh and Pakistan into India and how Indian Politics and Policies react upon the incoming people. The main aim of the discussion is to figure out the existence of religion and religious preference in Immigration Policies and Politics and can there be a solution drawn.

KEY WORDS: Bangladeshis, Illegal Immigration, Indian Immigration Policies, Assam, Religion in Immigration.

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Someone said “movement is a way towards a new world”, these movements are indeed a source of a new infusion of power, energy and also a sense of world togetherness. But the movement is not always of a good kind, or in a way originates from a good reason. What if a person's identity leads to his movement, this is not a very uncommon thing as this particular identity aspects is there since the birth of mankind, but what if the similar identity becomes the biggest hurdle in one's movement and also acceptance, to survival, to rights, to development. What may happen to these people who are moving from one place because of a traumatic reason and the host and is as unsafe and unaccepting as the homeland? When this very identity is a personal religion it is indeed a hard way to survive any movement as this mark of religion never leaves. This paper will discuss the effects of religion on immigration and Immigration policies of India, and how religion drives the initial movement from one nation to another and how does the host-nation react on accepting them. In this paper, the main focus is to discuss religion-related immigration from countries Bangladesh and Pakistan into India and how Indian Politics and policies react upon the incoming people. The main aim of the discussion is to figure out the existence of religion and religious preference in Immigration Policies and Politics and what can be done for the future of these people.

India has always been a destination for immigrants from all around the world, according to the last recorded count there are about 5.2 million immigrants live in India, making India 12th-largest immigrant population in the world. Most of India's immigrants come from neighboring countries of Bangladesh (3.2 million), Pakistan (1.1 million), Nepal (540,000) and Sri Lanka (160,000). (1) This amount of influx which has substantially increased in the past couple years as the religious violence has also increased which is more or less undocumented. This amount of influx indeed creates a political environment in the regions where the number of immigrants is maximum. As per the documentation did after the census in India in 2011, most of the migrants from Pakistan immigrate in India from borders of Kashmir, Rajasthan and Punjab and a very few from Gujarat, whereas immigrants from Bangladesh mostly come and live in states of West Bengal, Assam, Meghalaya, Orissa. There are 2 different cases and scenarios which can give a sense of how immigrants from countries, Bangladesh and Pakistan, are affected by the politics and mainly the religion they belong to, in India.

CASE 1: BANGLADESHIS IN INDIA

Since the Partition of India and Pakistan in 1947, when Bangladesh was just East Pakistan there has been an influx of people of all kind and of all kinds of needs like shelter to employment to marriage, Hence counting the East Pakistani migrants is very hard as no documents recognize them. Later in 1971 when East Pakistan finally got independence and became Bangladesh, these people who were migrants legal or illegal started getting recognized as Bangladeshis living in India. The census was done by the government of India in 2001 estimated that there were 3.1 million Bangladeshis residing in India, and by 2009 elections the number increased to 15 million Bangladeshis. In 2007 the Indian government claimed that there are nearly 20 million Bangladeshis living in India illegally. Today after almost 9 years of the last documented statistics, there is no count how many Bangladeshis are residing in India.

Discussing this issue further, Firstly, there are multiple reasons Bangladeshis migrate to India, Economic conditions are not that good in Bangladesh as it is not only under huge poverty but also lacks in completing basic requirements of the citizens. Violence, few of these incoming Bangladeshis are either Hindu who suffer discrimination and violence against the religion. These are the primary reasons, where there might be some more in-deep reason which is lesser known to the outside world. As far as their survival is concerned, Bangladeshis are culturally and linguistically very similar to Bengalis in India. They speak the same language, dress accordingly same, and also there can pass as any Indian and Bengali and in future might get into another state or part of India other than West Bengal and Bihar where they mostly enter. Most importantly the trip to India from Bangladesh is one of the cheapest in the world, costing around Rs. 2000 (around \$30 US), which includes the fee for the "Tour Operator". This tour operator is the person who brings the Bangladeshis in India and settles them up equally in different regions of West Bengal state. (2)

Today the position of these incoming Bangladeshis, it is very critical to say as, on one hand, the Indian government is trying to seek out land and border disputes with Bangladesh, and on one hand, they do not recognize these people as victims of ethnic violence.

“Illegal Bangladeshi immigration has grown manifold over the years. Police estimates – and there are few to come by – peg the total number of illegal immigrants in India at over a crore. Ideally, a strict vigil at the borders is called for to ward off infiltration and nip the problem in the bud” (3)

CASE II: PAKISTANIS IN INDIA

The Islamic Republic of Pakistan comprises of about 2% of Hindus which is the second largest religion in Pakistan after Islam, according to the 1998 Census. As of 2010, Pakistan had the fifth largest Hindu population in the world. “The region became predominantly Muslim during the rule of Delhi Sultanate and later Mughal Empire. In general, religious conversion was a gradual process, with many converting to Islam to get rid of the caste system of Hinduism, with some converts attracted to pious Muslim saints, while others converted to Islam to gain tax relief, land grant, marriage partners, social and economic advancement.” (4)

One more relevant but very lesser known example is of Pakistani Hindus, In this example, we can clearly see that how religion affects the immigration from other countries. In the May of 2014, a member of the ruling Pakistan Muslim League-Nawaz (PML-N), Dr. Ramesh Kumar Vankwani, claimed that that around 5,000 Hindus are migrating from Pakistan to India every year. These Pakistani Hindus migrate because their girls are sexually harassed in Pakistani schools, adding that Hindu students are made to read the Quran and their religious practices are mocked. Most of the violence against increased in the aftermath of Babri Masjid demolition in 1992 (in UP, India, Claimed to be a Hindu temple but turned into a mosque by Babur, the Mughal emperor) when mobs started attacking Hindu temples across Pakistan and then shops and homes owned by Hindus were attacked in Sukkur and Quetta. Later in 2005, 32 Hindus were killed by firing near Nawab Akbar Bugti's residence during bloody clashes between Bugti tribesmen and paramilitary forces in Baluchistan. In July 2010, around 60 members of the minority Hindu community in Karachi were attacked and evicted from their homes following an incident of a Dalit Hindu youth drinking water from a tap near an Islamic Mosque. (5)

Following all of these events the current government in India is planning to issue Aadhaar cards and PAN cards to Pakistani Hindu refugees, and also simplifying the process by which they can acquire Indian citizenship. The question arises that what about the Muslim refugees who are suffering violence in POK (Pakistan occupied Kashmir) and usually migrate in Indian Kashmir and Punjab. These Muslims are prosecuted and jailed under the militant claims and acts of terrorism. There are no rules or policies for these suffering Muslim by the Indian government. Pakistan, on the other hand, claims that there are only 761 Pakistanis who have migrated to India. Hence these refugees are it Hindu or Muslim go unrecognized by Pakistan and India only recognizes Hindus. (5)

After analyzing these cases and examples, it just leaves us with one question, what is the main reason of religion being a hurdle in these people who migrate for neighboring countries due to persecution and violence and lack of opportunity. The reason comes down to Politics. Political Party and Political benefits are what drives religion into immigration. Where people find their own benefit, they recognize the immigrants and

that too according to the majority of the religion existing in the constituency. There are two explanations and analysis of where and how the religion exists and affects these people and also the politics of India.

SECTION 1. USING PEOPLE AS VOTE BANKS.

Discussing the politics behind the influx of these Bangladeshis. Bangladeshis mostly get a false identity, with false documentation available for as little as Rs. 200 (\$3 US). These people are registered with false details obtain a Voter's ID card very easily during the time of elections in the states of West Bengal, Bihar, Assam, and others. These so-called false voters make huge vote banks for Political Parties. There is often a confusion that voter's ID has a biometric identification code (retinal scan, fingerprint, which is in Aadhaar Card) but Indian voter's ID is just a simple piece of paper with a signature of the voter and a black and white photo. Hence it is incredibly easy to go and vote on a false identity. (6)

In 1978, observers noticed the names of an estimated 45,000 Bengali illegal immigrants on the electoral rolls in Assam. Political Parties use these illegal migrants as voters to win an election and also as participants in their rallies who act like party's supporters. After the election, these people go back to no identification and illegal. Unfortunately, there are no documents which provide the actual number of these illegal voters and hence further identification is close to impossible.

Most vulnerable these Bangladeshis have suffered a lot of anti-sentimental and anti-settlement violence from the government and people of India. Mainly after the mass participation in Assam 1978 election, a popular movement called as The Assam Movement which was "which insisted on striking the names of illegal immigrants from the electoral register and advocated for their deportation from the state." Later in 1982 during the time of central government election, the Assamese people called a boycott of the election to ask for deportation of the Bangladeshis. This movement also resulted in 1983 Nellie massacre which is described as one of the largest and most severe pogroms since the Second World War. "Nellie massacre, a result of a buildup of resentment over immigration, claimed the lives of at least 2,191 people, though unofficial figures run to more than 5,000."- Antara Dutta. (7)

The Government did not take any action until the death of 5000 people, in 1983 then Prime Minister Indira Gandhi introduced a bill in the parliament called IMDT Act (1983) which described the procedures to detect illegal immigrants (from Bangladesh) and expel them from Assam. But silently this bill made deportation of any illegal immigrant from Assam very difficult due to the rising population of Muslims, which could be used as vote banks, but no investigation of any message or violence against these Bangladeshi Muslims. On 26 April 2015 at a rally in Guwahati BJP National president Amit Shah said that BJP government will give citizenship to all Hindu immigrants who had to flee from Bangladesh due to religious persecution. Hence what do these government bills and steps tell us, the immigrants are been used for their religion if Hindus citizenship did if Muslims use them as vote banks and leave them. (8)

Discussing the issue further, if we analyze the use of religion as a political tool. The very recent elections in the state of UP in India, tells how exactly the religious sentiments are used for political purposes and how these immigrants just get held between the gigs. The ruling party in the country is seen as a Hindu oriented party, during the last election in 2017, the ruling party lost 2 major constituencies Gorakhpur and Phulpur. These two are very important constituencies when talking about the state politics or Indian politics call it Garh (Fort). The very factor to introduce here is the strategy of counter polarization. This means divergence of political attitudes to ideological counterpart extremes. In the constituency of Araria, the population of Muslims is around 14%. The very strategy which is used here to win elections is to campaign against the growing Muslim population and trying to collect and collaborate all the non-Muslim population. This strategy has perfectly worked for the ruling party for about last 4 elections which they won. The reason to bring this strategy here with an example of Araria constituency is, this idea of Counter- polarization works perfectly for any party/electoral-representative in any one-religion majority constituency. (9). During the election, the ruling party and/or other party use this very idea in several places. Here is where the idea of illegal immigrants come in the picture, as there is no count of undocumented and Fake voter-ID holders, a majority of Bangladeshis are Muslims hence they count for Muslim population during the election campaigning time. This very identity of fake voter helps a party to use these as vote banks in two ways, one, as just voting in the election with fake IDs, second, during a campaign the idea of counter polarization of Muslims against Hindus in Muslim majority constituencies. An Indian critic mentions the existence of the fake identities of these so-called illegal Bangladeshis "A disturbing feature of the current situation is the virtual silence and even complicity of the Indian government. No official effort has been made to demystify the greatly exaggerated figures of Bangladeshi migration. Instead, alleged Bangladeshis have been summarily deprived of ration cards, struck of electoral rolls, and threatened with deportation, apart from harassment by the police and communal elements in the lower level of the bureaucracy" -(Navlakha 1997: 357-358) (10)

The second part of this story is the recognition of these illegal immigrants. Sometimes India does not even agree that there are any immigrants crossing the border illegally and coming to India. Samir Guha Roy of

the Indian Statistical Institute, Kolkata, however, finds the estimates of 'illegal' Bangladeshis in India "motivated exaggerated. Roy and says Hannan Mollah, the CPI (Marxist) member says, - "most of the Bengali-speaking people being deported from Maharashtra had gone to Maharashtra from Howrah and other districts of West Bengal"... "usually police demanded rupees 2000 to 2500 from each of the detained Bengali-speaking people for their release. If they failed to give that amount the police kept them behind the bar for 10 to 15 days following which they were taken to the border and pushed into Bangladesh" (11).

The problem here is, if these illegal immigrants are not even counted to be entering in India, this not only opens up a clear gate for politicians and officials to use the fake identity of these people the way they want, but also any kind of ethnic and religious violence happening with these people. Here the matter might not appear of religion but it is, with no recognition these people might go on being used as any kind of vote-bank and/or religious political tool. No document, no official record, no problem.

SECTION 2: CITIZENSHIP, POLICIES AND FEAR OF EXISTENCE.

Discussing further with both of these cases as examples of illegal immigration to India, it is very important to discuss the Constitutional aspects of Indian Immigration Policies. Articles 5 to 11 in Part-II of the Constitution of India contains description and laws related to immigration in India. As for Citizenship, India follows the *jus sanguine* (citizenship by right of blood) as opposed to the *jus soil* (citizenship by right of birth within the territory). There are no very specific mentions of refugees or Illegal immigrants in the constitution, these articles in the constitution mainly consist of rights of Indian Passport holders and different status of Indians (PIO, OCI, NRI). Hence referring to the Bureau of Immigration which falls under the Ministry of Home Affairs, there are different types of visas and conditions listed under which a foreign-born person will enter and live in India. The main purpose of searching within these policies was to find any mention or specification of religion. As a matter of fact, there is no mention of any religion or minority or division within these policies. Indeed, there is a mention of Pakistani nationals in these policies, "Pakistan nationals other than those on Diplomatic Visa (For Assignment), Non-Diplomatic Visa, SAARC Visa Exemption Sticker and SAU Visa are required to carry a Visa application form (duplicate copies) which will be issued in addition to regular Visa on their passport by the Indian Mission concerned. On presentation at Immigration check post, they are issued Regular Residential Permit and are required to report at the FRRO/FRO or concerned Police Station in their places of stay within 24 hours unless and until they are officially Exempted from Police Reporting." (12)

The mention of Pakistani nationals in these Indian immigration policies is not a surprising thing, due to the 70 years old disputes, but surprisingly there is no mention of any religious preference in the citizenship act or refugee act or any such policy. Referring back to the examples, in both case one and two there are mentions of Hinds receiving citizenship and other aids, hence it should have been mentioned in the constitution. Like in the Sri Lankan Constitution which itself grants preference to Buddhism. (13) According to Article 9 (Chapter 2) "Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana." Also referring to the Pakistani immigration amendments, Anyone born in Pakistan after this Act is a Pakistani Citizen (Except if the father is considered an enemy of the state or the father has immunity from legal process) Subjects of the State of Jammu and Kashmir, Those persons who have migrated to Pakistan with the intention of residing therein until such time as the relationship between Pakistan and that State is finally determined, shall, without prejudice to his status as such subject, be a citizen of Pakistan. As a matter of mentioning India, all foreigners are exempted from registration with the Police except the nationals of following countries; as well as such other foreign nationals who are directed by the immigration authorities to report to FRO for registration and a stamp is affixed to this effect, on their passports. Bangladesh, Libya, Sudan, Kyrgyzstan, Bhutan, Nigeria, Syria, Tajikistan, India. Pakistan does mention religion, Pilgrimage Visa specifies one, which is not Islam. Sikhs of foreign passport holders (other than the Indian passports) are granted entry visa by the Missions for a fortnight for places: Lahore: Sheikhpura (Nankana Sahib): Rawalpindi/Hasan Abdal (Panja Sahib). (14)

Talking about the policies behind the religion being a matter in citizenship policy, the government introduced a new bill in the Parliament in 2016 which is called "Citizenship Amendment Bill"-15th July 2016. This very new bill describes new standards of giving citizenship or more-over easing the process of applying for citizenship of India for people who have migrated to the country without any documents. The most surprising part is, the word RELIGIOUS PREFERENCE cannot be seen more clearly in any other document or policy of the government. The Bill says- "Under the existing provisions of the Act, persons belonging to the minority communities, such as Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have either entered into India without valid travel documents or the validity of their documents have expired are regarded as illegal migrants and hence ineligible to apply for Indian citizenship. It is proposed to make them eligible for applying for Indian citizenship." (15)

The above-listed religion who have migrated to the country without document can easily apply for the citizenship. The only thing missing in the description is mention of one religion "Islam". The reason which

government says, Islam is not one of the religions mentioned is, as these religious minorities are the one suffering from violence, not Muslims.

The question arises, what about minorities within the Muslim community, is the ongoing terrorist activities in Muslim countries not an example of minorities of Muslim denomination being victims of violence? There are indeed the so many Muslim minorities in Pakistan itself which migrate to India.

Discussing this further, between 0.02%-2.2% of Pakistan's population is Ahmadi. The Ahmadiyya population in Pakistan has often come under persecution and discrimination by the Sunni. A massive persecution was launched by Anti-Ahmadiyya groups in 1953 to persecute the Ahmadiyya Muslim Community by Islamists including Jamaat-e-Islami. The Government of Pakistan put down the unrest. The Ahrar sect was banned shortly after. (16). Country-wise list in 2009 pointed out that there were about 7,700 from Pakistan. Were they only Hindus? They might not be Muslim or might be, but the reason is why the citizenship amendment acts only talks about minorities of the listed religion known the fact there are other Muslim minorities too that get persecuted and are victims of ethnic violence. Moreover, the so-called preservation of Hindus and allotting them re-settlements and citizens who have suffered persecutions and violence in Pakistan and Bangladesh always work for any Party as 70% population is still Hindu. (19)

Furthermore, there is another policy which showcases religion as a huge part of the whole settlement and development process. The policy of the National register for Citizen. National Register of Citizens (NRC) as the government claims, this register will be used to identify and deport illegal immigrants in the state of Assam. But activists warn that hundreds of thousands of Muslims in Assam could be rendered stateless in the process. The criteria for registering in this policy is:

- Persons included in the 1951 census
- Persons on the Electoral Rolls up to midnight 24 March 1971
- Descendants of the above-mentioned persons
- Persons who came to Assam on or after 1 January 1966 but before 25 March 1971 and registered themselves in accordance to the rules made by the Central Government with the Foreigners Registration Regional Officer (FRRO) and those who have not been declared as illegal migrants or foreigners by the authority
- 'D' voters can apply to be included if the appropriate Foreigner Tribunal declares them as non-foreigners
- Persons who can provide any one of the documents issued up to midnight of 24th March 1971 as mentioned in the list of documents admissible for citizenship. (17)

The interesting part is that the religious preferences and favoring of politicians and officials already began while the policy was in its initial stages. The officials [associated with the NRC project] visited many homes in our village but skipped ours. I am scared about my family being kept off the list. I am an Indian citizen. My father teaches in a school here; my grandfather has a national voter identity card too, [but I] am still petrified; there is an atmosphere of fear in the village, in our community here. Who knows who will be thrown out as Bangladeshi." 25-year-old Husain Ahmed Madani, who lives in the remote Baladnari Char village in lower Assam, told Al Jazeera. (18)

Talking more about the very recognition within these policies, "Comprising an estimated 40 percent of the state's population, Muslims have continued to battle the tag of "infiltrator" - and amid such strident rhetoric, many are anxious about the citizen list."

A human rights lawyer spoke to Aljazeera "he is the same government which rode to power spewing venom against Muslims, alleging that 35 electoral constituencies are dominated by Bangladeshi Muslims. People are apprehensive that this government might try to manipulate the list and drop legal citizens from the updated list." (18)

On the other hand, the government just sees these police as a notification of an increasing Muslim illegal influx. "Demographic changes in Assam owing to illegal immigration of Bangladeshis is alarming to the extent that many districts have become Muslim-majority areas," Without any offense the very idea of Muslim Majority clear intentions of the policy itself. The Lawyer also says "Indian citizens are being branded as foreigners, harassed and targeted," "But this is not new. Massacres against Muslims branded as Bangladeshis in Assam are cyclic. There is a new form of segregation growing." (18)

CONCLUSION

More importantly, not to have any movement of people or migration across the Indo-Bangladesh border would be unnatural. India and, for that matter, also Bangladesh would turn sterile and die if the flow of people between these two countries ever stopped. And since the door of legality is practically shut off the only option for is none other than criminal elements." (19)

The challenging part is, how can we find a solution for this? How can we make sure that there is no religious preference initiated in any immigration or refugee/illegal migrants rights? According to the world

bank's report, India is one of the most famous destinations for Illegal immigrants coming from countries, and also India receives more remittances from migrants than any other country. About \$69 billion was sent by Indian migrants to family and friends in India in 2015, amounting to roughly 3% of the country's gross domestic product. Hence recognition of Indian Immigration is indeed not a problem. (20)

Normally a solution is drawn with respect to constitution and laws, but here Indian Constitution and Laws don't discriminate between any religion and so is in the case of Indian Refugee Settlement fund but the so-called yojanas (Policies issued by the government) are slowly creating a stir in the theory of these migration trails. This act is particularly political and can only be stopped if politics and political parties stop using religion as a tool to win an election over the lives of millions of immigrants. The problem is not only limited to Election, there are so many cases where people of Bangladeshi origin and Pakistani origin get murdered, raped, publicly killed and no one takes any action or issue any investigation.

The main solution is not to just allow illegal immigrants to barge into the country and get mixed in the country. The issue is if there are policies made for resettlements for these illegal or legal immigrants who are facing discrimination and religious/ethnic violence in their own country and who come to India for shelter, there should be no discrimination or preference of religion. If there is a policy of settlement or citizenship or some other thing, it should be above the tiny line of religious discrimination. India and Indian constitution has been an example for the new countries as a mark of Equality and non-discrimination but it is the politics which is making this image tarnish. We are humans people who are coming are humans, let's just see it that way.

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